

# Chapter 2

## Redefining Sovereignty: From Post-Cold War to Post-Westphalia

**Abstract** This chapter sketches the historical evolution of the concept of national sovereignty. It traces in particular the emergence of non-state actors in the international system as full members of a community for systemic management that had been previously open only to states and international organizations. The emergence of unconventional threats, such as terrorism, has required a substantial rethinking of the international agenda and of the security risks that threaten the national and international systems. There have been attempts to implement some universal principles relating to human rights standards. This chapter’s conclusion points to a need to re-think the nation-state and its functions. The Cold War witnessed the first attempts to surpass Westphalian constraints, in the context of nuclear weapons and certain human rights which came to the fore toward the end of the communist bloc. The processes of regional integration that sublimate the classical political order based on nation-states are also a modality to surpass these constraints. The post-Cold War security environment is characterized by fluidity and unpredictability. The optimism associated with the end of the Cold War led to the vision of a moral and legal international order, with no military violence involved but states eventually resorted to armed force in various situations vaguely described as “self-defense”.

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## 2.1 Early Challenges to the Westphalian Order

Is the Westphalian logic of national sovereignty an old-fashioned one? Have new important and urgent elements emerged, which re-shape the concept of sovereignty on coordinates other than those agreed 364 years ago? What are, in fact, the main coordinates of the post-Westphalian sovereignty and how do they relate to the present? This is not, of course, the first time when such trenchant questions are raised. But answers are not as clear because sovereignty is not a simple concept but a dynamic construction that remains fundamental to the existence of states, the international system based on these states (to the extent that we can speak of the system) and, consequently, international relations.

In the history of international relations, one can hardly identify a less cited historic event, less associated with certain meanings, concepts, and future contextual developments, as the Thirty Years War and the peace that ended it—the Peace of Westphalia in 1648. The bloody conflagration that marked the history of the European continent of unparalleled destructions in the world history until World War II, the Thirty Years War was the culmination of a religious-based confrontation that tore Europe apart, a conflict that has its origins in the Reformation and extended long after the Peace of Westphalia.<sup>1</sup>

The non-acceptance of difference, change, and plurality were the major triggers of this armed confrontation.<sup>2</sup> In this context, the Peace of Westphalia introduces the idea of multipolarity in a pyramidal international system, with defined structures and hierarchy according to the principle of divine legitimacy and religious unity. The fundamental significance and importance of the Peace of Westphalia in international relations' history is that of equality between religions and states, regardless of the place and role they held in the system.

Beyond the specific significance of a historical event, developments recorded in the international relations system are procedural, having their origins long before the event in question and exceeding in terms of consequences its exact date. The origin of this international re-codification process of interstate relations can be identified as being the Augsburg Peace (1555),<sup>3</sup> when the *cuius regio eius religio* principle was inserted in the practice of international relations—a principle that entitled the rulers to decide the religion of their main subjects and issue regulations of religion identity between rulers and ruled.<sup>4</sup> Its consequences and changes of practice and concept extend until today.

This is the historical context in which the concept of sovereignty enters the international practice and in which the concept in question is linked to the state. In theory, the concept of sovereignty pre-dates this moment.

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<sup>1</sup> Parker 1997, p. 192.

<sup>2</sup> Ibidem, pp. 16–17. See also Pages 1970, p. 37.

<sup>3</sup> Blaney 2000, p. 35.

<sup>4</sup> Oțetea 1968, p. 256 and next.

As stated in the previous chapter, the classical image of the state and sovereignty in international relations was changed by the French Revolution by moving the holder of sovereignty from the monarch to the people. In an international environment in which reason and state interests had already entered the current practice, the French Revolution introduced the nation as the ultimate and fundamental principle. Under these circumstances, the state is an expression of national will—will and support that sustain and legitimize its main attributes, including sovereignty.<sup>5</sup> The operation of this state body is governed and structured by its obligation to protect and promote the rights of its citizens. The result is a fundamental conceptual change of the state. The nation was conceived as a free community of language, culture, civilization, and interest that gave the state a coherent territorial configuration and a centralized organization; conceived state authority as being based on national will; and introduced powers, rights, and freedoms of citizens as regulators and insurers of the good governance principle. Placing the nation at the core of the organization of a state, the French Revolution provides the foundation for the modern image of the nation-state and national sovereignty.

A direct consequence of the systemic disturbance caused by the French Revolution and by the later revolutions, the Vienna Congress (1815) is the event that shaped the international relations system into its modern form, with only very minor changes made up until the First World War.<sup>6</sup>

Named by the victorious powers of the French empire, the Congress aimed at reorganizing the system of international relations and the containment of the French Revolution's consequences. The central principles that have governed the action of representatives of major powers were those of preventing the recurrence of an imbalance such as the one induced in the system by France and maintaining the balance between continental powers.<sup>7</sup> The result was a robust international system, centered on the idea of a balance of forces and a concert of powers, which would maintain the European map almost unchanged for a century. Guarantees of the functioning of this system were provided by two alliances—the Quadruple Alliance (the United Kingdom, Austria, Prussia and Russia) and the Holy Alliance.

The first structure was originally meant to create a guarantee against a revival of the French aggression. It became, with the admission of France, a true governing body of European affairs and, consequently, of the whole system, given the dominant position held by the European continent in the system of international relations. The last of the meetings of these powers meant to regulate the balance of power is the Congress of Berlin in 1878.

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<sup>5</sup> Furet 1985. See also Badie 1999, p. 93.

<sup>6</sup> Schroeder 1994, pp. 575–582.

<sup>7</sup> The literature available on the Congress of Vienna and its consequences is truly impressive. See, in this respect, two recent works of historiographical production: Schroeder 1994, pp. 517–575; Gildea 2003, pp. 57–66.

The second alliance is represented by the attempt of victorious forces in the Napoleonic wars to overcome the two dangers that threatened the national and international political order—liberalism and nationalism. Its declared role, in accordance with the ideas promoted by its initiator, Czar Alexander I, was to conserve the existing status quo, to preserve the monarchical legitimacy and fight against revolution. It was the first time in modern European history when an alliance was based not on a particular interest, but on an idea shared by the signatories.<sup>8</sup>

Finally, one last idea implemented by the decisions adopted in the Congress of Vienna is the principle of neutral states. Recognition and regulation of Belgian and Swiss neutrality are concrete expressions of this development.

With the Congress of Vienna operating rules and principles of international relations system established by the Peace of Westphalia became basic fundamental rules of the international relations system. In this context, the fundamental actor of the international scene became the state with its defining attributes—*independence, integrity, and sovereignty*. The principle of equality between state actors became a norm, and the old claims for supremacy based on hierarchical orders that transcend state sovereignty were fully abolished. Also, states were given the right to use force in their foreign policy as a legitimate element in promoting national interests without constraints exercised by a supranational forum. Only states were permitted to enter into treaties, or to create or integrate international organizations.

The time period between the Congress of Vienna and the First World War is a classical one in terms of the functioning of the international relations system and state sovereignty. From the standpoint of our subject of interest, national sovereignty, and its developments that became known in history, we can say that the time period in question has several significant developments. First, the logic of balance of power and of the concert of powers, by the institution of international conferences (the Congress of Paris in 1856 and Congress of Berlin in 1878) intervened in the absolute exercise of state sovereignty.<sup>9</sup> Regulating the conflicts between powers was not an exclusive affair between the countries involved in a conflict, but a European affair for the entire concert of powers dominating the international relations system. At the same time, during this period, in the name of stability and balance, the Holy Alliance legitimated intervention aimed at maintaining a political order that had been considered acceptable (Russia's intervention in support of the Habsburg monarchy in the spring of 1849 is illustrative in this

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<sup>8</sup> Kissinger 1998, pp. 55–56. According to him, the Holy Alliance is an original result of the Congress of Vienna, because it introduced a “brake” in the major powers’ interaction, namely the moral dimension.

<sup>9</sup> For the conferences of Paris and Berlin, see Bernstein 1992.

respect).<sup>10</sup> Intervention was considered acceptable also to protect the interests and rights to free exercise of religion.

The case of Christians in the Ottoman Empire and the long series of diplomatic interventions and wars justified by the disrespect of their fundamental human rights are one example.<sup>11</sup> In addition, the conditioning of the international recognition and acceptance as a full rights member of the international community of states like Romania, subject to complying on one hand, to some determinations on national interests of some Member States of the hegemonic concert of powers, and also, on the other hand, to satisfy some requirements on how the rights of citizens of the state in question were to be regulated.

In conclusion, we can say that although this period is that of the classical conception and exercise of the state sovereignty, in practice this exercise is limited and uneven, its conception and pursuit being subject to a Brezhnev doctrine *avant la lettre* that conditions the admission and operation of the states and the free exercise of their sovereignty to the observance of a minimum of external and internal operating rules and to the compliance of a behavior considered to be acceptable by the states dominating the international relations system.

The system itself functioned until the late nineteenth century when the concert of powers that had ensured consistency and robustness of the system broke apart because of disputes and conflicts with multiple causes.

The Franco-Prussian War, the deteriorating oriental issue, the competition for power and for providing extra-European colonies, etc., contributed to the polarization of the international system into politico-military alliances with opposing interests. The First World War brought substantive changes in the existing political order, by the “proliferation” of sovereignty and power centers (implosion of the Russian, the Austro-Hungarian, the German and the Ottoman empires) and alliances’ interventions on the territory of certain states (the case of the Franco-British intervention in Russia during the Civil War).

The First World War and its consequences in the international relations produced substantive changes concerning the concept of sovereignty, both in practice and in its conceptual framework. The Industrial age, which changed the nature of war and enhanced globalization, increased the prospect of a conflict becoming a global war. The consequences of this mutation are reflected internally by rethinking and restructuring the relationships between state and citizens, by imposing a definitive idea of nation-state.

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<sup>10</sup> Involving compliance with the principle of monarchical legitimacy and defence of the rule of law, the intervention is not only justified but imperative. For a discussion on the implications of the principles that led to the creation of the Holy Alliance and their impact on the exercise of national sovereignty, see Badie 1999, pp. 90–93.

<sup>11</sup> Duroselle 1967.

In this context, the need to change the nature of the international relations system and of the instruments governing its operation led to the idea of creating a permanent supranational institution<sup>12</sup>—a forum for interaction and regulation of the international relations system. In the same context, we witness what will be called in historiography “the Spring of Nations”,<sup>13</sup> the empires from the past disappearing under the impact of national liberation movements and economic and social consequences of the World War.

Relevant documents that contribute to changing sovereignty in practice as well as theory include, on the one hand, the Wilsonian “14 points” and, on the other hand, the Peace Treaty of Versailles.

It is difficult to point to a document with a greater impact on public opinion and action of the international players than the speech given by the U.S. President Woodrow Wilson before the Congress on January 8, 1918.<sup>14</sup> Presenting the U.S. view on the conditions of peace and on the functioning of the post-war system of international relations, the Wilsonian Fourteen Points were quickly adopted, quoted, raised, and processed in a real political program of national liberation movements and not only. The German peace demand was in fact an acceptance of the Wilsonian Fourteen Points,<sup>15</sup> and the document was extensively quoted and relied upon during peace talks, with a direct impact on the shape and content of the peace treaties. The impact of this document may be explained by its provisions and the consequences resulting from them. The most important is the proclamation of the right of self-determination. Others that were later added to the regulatory principles of the future system of international relations include transparency in foreign policy and interstate relations, or the creation of a permanent supranational institution for managing international relations system and preventing the recurrence of the traumatic experience of the World War.

The conceptual and practical impact that the Wilsonian Fourteen Points had on the sovereignty was decisive, resulting in the current concept of sovereignty and the inextricable relationship which is created between the state, nation and sovereignty. At the same time, the idea of self-determination, together with the uncertainties and the indeterminacy associated to the invoked concepts, opened a Pandora’s Box<sup>16</sup> in international relations, whose consequences extended until today.<sup>17</sup>

The other important idea of the Wilsonian document, that of creating a moderating body for management of international relations was later to be found in the

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<sup>12</sup> It is not about a supranational institution, but an international institution—an institution of nations which is required to prevent the recurrence of a world war disaster.

<sup>13</sup> Santamaria 1996.

<sup>14</sup> Goldstein 2002, pp. 101–106.

<sup>15</sup> Halperin 1971, pp. 107–112.

<sup>16</sup> According to Michael Burns, Burns 1996, p. 42, quoting Secretary of State Robert Lansing speaking about the impact of the document on the international relations system.

<sup>17</sup> Conflicts in the former Yugoslavia whose last chapter is the crisis in Kosovo—all developments in this space and its fragmentation are an example to support this assertion.

peace treaty with Germany signed at Versailles, by the victorious powers on June 28, 1919. Beyond the terms of the peace treaty itself, an entire section of this document was dedicated to the rights of minorities and the status of the League of Nations. Similar sections were included in the peace treaties signed with all other defeated nations.

Designed to solve many problems raised by the new reconfiguration of borders, especially in Eastern Europe, the minority rights section was the first attempt to regulate some key issues that later dominated the international political environment and domestic politics of states until the present day.<sup>18</sup> Those questions are still valid, and the answers unclear. What is the boundary that separates a nation from a national minority? What are the limits in which to exercise their right to claim self-determination and creation of a sovereign national state? What are the limits in which the state may exercise sovereignty over its citizens and under what conditions the identity of the state, its borders, and nation can be ensured? These are just a few examples of plausible questions.

The first attempt to answer these questions and to protect the members of various ethnic and religious minority communities in the new nation-states emerged on the ruins of empires were the provisions concerning the protection of national minorities rights included in the peace treaties signed with the defeated powers of the First World War. These provisions introduced a new variable in terms of domestic relations—that of minority rights conceived as collective rights. And this remains until today a hot issue and a point of conflict in the system. Its impact on the national sovereignty issue is one of substance, introducing an important limitation on its exercise.

Designed as a supranational body for managing international relations and the international security environment, the League of Nations was a bold attempt to lay out the functioning of international relations on new, innovative basis. The main provisions of the founder pact provided the preservation of the territorial status quo, the obligation to resolve conflicts and intrastate disputes by peaceful means, the possibility to change interstate borders through peaceful means, and collective punitive measures against states that would have contravened this code of conduct and international assumed obligations.<sup>19</sup> Beyond these initial provisions, the League of Nations developed an intense activity in the field of international law codification and mediation of international treaties and conventions governing the functioning of international relations system. Among the most notorious were the Kellogg-Briand Pact<sup>20</sup> and the Disarmament Conference.<sup>21</sup> However, under the auspices of the League, an ample process to clarify rules

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<sup>18</sup> Steven Wheatley 2005.

<sup>19</sup> Knipping and Dietl 1997, p. 560 and next.

<sup>20</sup> Also known as the Paris Pact, the document signed on 27 August 1928 established the waiver by its signatories to promote war as an instrument of national policy. Colombos 1928, pp. 87–101. The pact has been applied in advance by a protocol signed between the Soviet Union and neighboring states in Moscow in 1929. Iacobescu 1988, pp. 212–220.

<sup>21</sup> Campus 1975, pp. 56–57.

governing the conduct of the war was pursued, an effort due to the impact that the horrors of World War I had on international public opinion and the implications of technology trends and their military technology had on the nature of military conflict and its consequences for the civilian population. Finally, the last of the essential contributions to shape the international relations system and its operation in the field of international relations was the introduction of the concept of collective security, a concept and system that were designed to overcome shortcomings of the “concert of power” that had dominated international relations of the nineteenth century and of the politics of military-political blocs that led to World War I.

Overall reform with significant implications on the international relations system, the League suffered from serious shortcomings that ultimately seriously affected its operation and made irrelevant the international covenant it was based on. The first of these was that of lack of unity of the victorious powers in its adoption and support. The most notable is the conduct of the United States, with their refusal to ratify the peace treaty system and opening the isolationist policy that presented a serious sabotage of the League’s authority.<sup>22</sup> Then, we should note the initial exclusion and late admission of the great powers defeated to the establishment and operation of the League of Nations.<sup>23</sup> There was also the lack of any credible coercive means available to the League of Nations to enforce its decisions, especially in case of armed aggression against member states (the case of Abyssinia is illustrative, the Spanish civil war, also). Poorly framed and governed by the international bodies for its management, the international relations system rapidly polarized in opposing political and military blocs which undermined the system of Versailles and its instruments, among which the most important was that of the collective security.

The end of the interwar period notes the failure of the Versailles system and its crisis management tools—the League of Nations and collective security.

Under these conditions, the balance is one that, far from detracting from sovereignty, finds an increasing trend to codification and instrumentalization of national sovereignty. In the inter-war context described by the peace treaty system, sovereignty is closely linked to nation which necessarily involves the creation of a state as its beneficiary. The right to self-determination provides this, in principle, but the conceptual uncertainties and indeterminacy to the reality to which they address make them one of the biggest breeding ground of conflicts in the international relations system, especially in relation with a notorious added component—the rights of minorities.

Also, the idea of creating a supranational body to manage and regulate interstate relations, the initiatives regarding containment and settlement on the use of force or threat to use force, those regarding the increase of interstate confidence and systemic stability, collective security, together ensure a positive

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<sup>22</sup> Steiner 2005, p. 45 and next.

<sup>23</sup> 1926 (Germany) and 1934 (USSR).

balance of the epoch. From this perspective, the picture that emerges is one of national sovereignty regulated in its exercise by rules and norms of conduct indicating acceptable behaviors.

Designed as the ultimate form to structure the nation and in close connection with its territorial, cultural, and linguistic limits, the state, with its defining attributes—independence, territorial integrity and national sovereignty—remains the exclusive actor of the international relations system.

Another essential component in completion of conceptual picture and of national sovereignty's way of conception is the institution of territories under mandate. A minimum acceptable level of compliance with the international norm and a capacity of self-governance are necessary for accession to independence and full exercise of national sovereignty within a given state body. Beyond the racist or imperialist connotations that we can associate with this concept and with the institution itself, it remains to be noted that the idea of sovereignty is regulated and circumscribed by a series of indicators intended to allow a good functioning of the state body.

The failure of the inter-war League of Nations experience is recorded in the early years of the First World War when its last act was to exclude the Soviet Union for aggression. The reasons that can be invoked are many.<sup>24</sup> Essentially, however, in determination of the Versailles system failure we believe that it was its initiators' inability to provide powerful means in order to support and impose it. These methods, however, could not have been super-state, since there were no authorities situated above the states, but interstate ones; they have all the necessary means to promote, validate, support, and impose, by consensus, some decisions aimed at conflict management and conflict prevention. Such a system, if it had been created would not have affected the sovereignty of states, but it would have only created and imposed rules for exercising it safely. After the First World War, despite Wilson's Fourteen Points, the states were not prepared for such a construction in international relations. And the great powers were prepared even less, especially those who lost the war.

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Having as a conventional triggering point the 1st of September 1939, the World War II recorded, as we have already noted, the failure of the Versailles system. The commencement of armed hostilities was the last act of a whole series of crises that undermined the international relations system. From the Rhineland crisis to Anschluss, from the German rearmament to the annexation of cadet region, from Locarno to Munich, the pressure of revisionist powers gathered in a bloc of common political and military interests was irresistible, and the response of the Western powers guaranteeing the Versailles system to repeated violations of the peace treaties provisions, beyond diplomatic protests and press statements, was

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<sup>24</sup> Calvocoressi 1989; Gilbert and Gott 1966; for this issue, seen from the Romanian perspective, Moisiuc 1991.

almost inexistent. The peace myth obtained by slaughtering the territorial integrity of Czechoslovakia that animated the British Prime Minister Neville Chamberlain proved to be as illusory as the guarantees based on collective security offered by the League of Nations.

The impact that World War II had on the concept of national sovereignty and on the international relations system lies in the shape and intensity of the conflict, in its ideological dimension, and in the consequences pushed to the extreme of the political options dominating the conflicting parties. Anti-Semitism, as the defining feature of European fascist regimes, Japanese militarism, and especially the size of the repression and the violation of any rules of the war, and genocide, also play a crucial role in structuring the image of national sovereignty and the post-war system of international relations. The image of the post-war world was that of a system of international relations which is framed and regulated much above the interwar elements of the previous League of Nations.<sup>25</sup> Within this international system, states continued to retain their character of primordial actors, generating legitimacy for created or integrated international bodies and for the whole system. But an increasing tendency of codification and regulation in the field of normative international law regarding the states and their international actions is evident and very important, in terms of internal affairs. The Universal Declaration of Human Rights adopted in December 1948 in Paris,<sup>26</sup> the Atlantic Charter, the newly established United Nations (1945, San Francisco), served to frame the exercise of national sovereignty with the stated purpose of avoiding repetition of the abuse experience operated by the states of the Axis coalition in the years preceding and during World War II. Moreover, the emergence of the idea of universal jurisdiction for crimes against humanity, war crimes, and genocide, as well as the creation of the institution of international tribunals should be noted.<sup>27</sup>

In this context, transforming factors of the national sovereignty concept in the post-war years are asserted—non-governmental organizations with international influence and the human rights issues. We believe that these national or international non-governmental organizations and human rights issues will not influence substantially the change of the sovereignty concept, but they will impose certain rules of conduct to be respected by all states. Non-governmental organizations will release the governments from the aura of an obsolete and inefficient absolutism,

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<sup>25</sup> During the war, there was organized a series of international conferences intended to the coordination of the Allies' action in the war, but also to shape the defining frameworks of the post-war international relations system. The most important, from the point of view of the consequences for the political map and the post-war shape of the international relations systems, are the Atlantic Conference (1941), Teheran (1943), Moscow (1944), Yalta (1944) and Potsdam (1945). For a large presentation of these conferences, see Loghin 1989.

<sup>26</sup> For the context and manner in which the Universal Declaration of the Human Rights was adopted, see Waltz 2002, pp. 437–448.

<sup>27</sup> On the international trials for war crimes at the end of the Second World War and the international jurisdiction applicable to war crimes, crimes against humanity and genocide as well as their consequent evolution see Meron 1995.

but generator of tensions and conflicts, and will force them to adopt a new morality in international relations, less arbitrary and less proactive. This does not diminish the sovereignty of nations, but it simply defends the individual and the community against state's abuses. But the state remains sovereign.

### ***2.1.1 The Post-War System of International Relations***

The post-war international relations system is characterized by political, military, economic, and ideological rivalry of the two great powers dominating the United Nations coalition which won the World War II—the United States and the Soviet Union. Maintaining the logic of equilibrium and balance of power (dominant in the earlier period of the international relations system), the situation created within the first post-war years which actually dominated the entire period was that of a bipolar security environment and international relations system.<sup>28</sup> The end result was one of the greatest periods of peace in the international system, by peace meaning the absence of a conventional military confrontation between the great powers.

During this period, the system of international relations went through several significant stages of organization and reorganization around the relations between the two poles competing for supremacy. Depending on the way of ensuring the military balance between the two dominant poles of the system, this competition goes through phases like that of “massive retaliation”, “gradual escalation” and that of the “balance of terror”.<sup>29</sup>

The post-war system of international relations had several characteristic features resulting from the particular way of ensuring a balance of power and the logic of action that dominated it. The main feature, which gave its name, was the polarization into two opposing political-military blocs. The great powers dominating the system had the ability to support materially, scientifically, and humanly, the arms race, especially in the nuclear domain. Consequently, international relations reinforced and reorganized around these two great powers that developed specific doctrine for theorizing the way of functioning and structured the relations between members of blocs which they dominated—the Brezhnev and the Sonnenfeldt doctrines.<sup>30</sup>

Another defining feature of international relations system was that of the apparent sense voiding of the Clausewitzian classical postulate that transformed the war in a continuation of the foreign politics of states with other means, because a confrontation between the hegemonic powers would have meant the destruction

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<sup>28</sup> Quétel 2008, pp. 23–24.

<sup>29</sup> The names of the US nuclear weapons doctrines. For the detailed subject see Ryavec 1989. Calvocoressi 2000.

<sup>30</sup> Quétel 2008, pp. 57–68.

of human civilization. This effect of human civilization destruction was only an assumed final effect. It did not mean that war could not be a continuation of politics by violent military means, but that the effect would be disastrous for all belligerents. Because of this alleged effect, the world would have had to stop wars and military confrontations. But this did not happen. The major powers continued to improve their nuclear arsenals (even if limited them), new weapon systems appeared and the military resources continued to be used as policy instruments, and not only as force policy ones. However, it appears that nuclear weapons were not necessarily produced to be used, but to discourage the opponent to trigger an armed conflict.<sup>31</sup> The glaciis at the central level of the system is not seen in the absence of any armed confrontation, but rather the contrary. The Cold War was characterized by a multitude of armed confrontations, but these wars were peripheral and the intervention and confrontation between hegemonic powers was done by and against third parties (*proxy wars*).<sup>32</sup>

There were still controversies among historians on the Cold War division of the “guilt” for its out breaking. On the one hand, the supporters of the traditional school of thoughts believed that the USSR bore the main responsibility, by its aggressive behavior, which generated the U.S. defensive response. On the other hand, the revisionist vision insists on giving responsibility to U.S which wanted to impose its institutional preferences to the countries recently emerging from war (a good example was the Marshall Plan, and the obsession to reintroduce Western Germany into the defence architecture of the free Europe). In addition, there was also a post-revisionist vision which argued that both players had equal share of blame.<sup>33</sup> A remarkable voice was that of the “dean” of studies devoted to the Cold War, John Lewis Gaddis, who considered that starting the war between East and West was mainly the result of Stalin’s deliberate and systematic policy to spread communism in the world, and not the legitimate defensive response of a key player as the USSR that won the war was extremely weak materially and humanly. In supporting this hypothesis, the moment of April 1945 is often invoked, when in a discussion with the Yugoslav delegation that included the famous Milovan Djilas, Stalin said: “This war is not as in the past. Whoever occupies a territory imposes his own social system as far as his army can reach”.<sup>34</sup> In Gaddis’ terms: “Would there have been a Cold War without Stalin? Perhaps. Nobody in history is indispensable. But Stalin had certain characteristics that set him off from all others in authority at the time the Cold War began. He alone pursued personal security by depriving everyone else of it: no Western leader relied on terror to the extent that he did. He alone had transformed his country into an extension of himself: no Western leader could have succeeded at such a feat, and none attempted it. He alone saw war and revolution as

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<sup>31</sup> On the issue of the nuclear equilibrium and the stages that this equilibrium went through during the Cold War, from doctrinary and material points of view see Gaddis et al. 1999.

<sup>32</sup> Calvocoressi 1989, pp. 25–30.

<sup>33</sup> Nye 2005, pp. 107–110.

<sup>34</sup> Djilas 1980, p. 437.

acceptable means with which to pursue ultimate ends: no Western leader associated violence with progress to the extent that he did. (...)Did Stalin therefore seek a Cold War? The question is a little like asking: “does a fish seek water?” Suspicion, distrust, and an abiding cynicism were not only his preferred but his necessary environment; he could not function apart from it.”<sup>35</sup>

There are other views according to which the Soviet officials would not have had a long-term strategy for Central and Eastern Europe communization, all resulting from conjuncture reactions and counterreactions.<sup>36</sup>

An important feature of the post-war international system was that of the collapse of colonial empires and the formation, under the doctrine of self-determination of new states in Africa and Asia. Dominating the first two decades of the Cold War, the process was at the origin of the emergence of the non-alignment movement, bringing together countries not directly linked to the political-military blocs dominating the international relations system. Constituted under the *uti possidetis* doctrine, the new states emerged on the international scene are within the territorial limits of the former colonies that do not respect the ethnic, linguistic, and local civilization configuration. Two inherent problems resulting from this reality (ethnic conflicts, territorial disputes, etc.), inherent weaknesses of the administrative, and authority infrastructure of the new states were to be added, the causes being various, from lack of trained staff to support it to corruption. The result was the outbreak of endemic conflicts and confrontations that were perpetuated throughout the period.<sup>37</sup>

Another feature of the period was the institutionalization and jurisdiction of human rights issues. Going through two major phases of development (1945–1966, “norm emergence” and 1965–1989, “norm cascade”) this process of institutionalization of human rights in international relations became a decisive factor in restructuring concepts such as national sovereignty or national security.<sup>38</sup> In parallel to this line of evolution and related to it, we were witness to the emergence and establishment as actors with influence and weight in international relations system of international bodies which do not derive their legitimacy from the support of states (NGOs).<sup>39</sup>

Created at the end of World War II, the UN integrated the will of the United Nations coalition powers to create a coherent and stable post-war international system, equipped with bodies and mechanisms capable of ensuring the systemic management and to avoid repeating the experience of the interwar League of Nations. Its main decision-making bodies were the Security Council and the General Assembly. Particularly significant were the institutions of the UN High

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<sup>35</sup> Gaddis 1998, pp. 1–25.

<sup>36</sup> Leffler 1996, p. 122.

<sup>37</sup> N'Dimina-Mougala 2007, pp. 121–131.

<sup>38</sup> According to Koenig 2007, pp. 673–694.

<sup>39</sup> For the manner in which they constitute and the mechanisms by which these NGOs impose themselves, see two studies on one of the most known and influential non-governmental organisms in the field of human rights—Amnesty International: Thakur 1994 and Buchanan 2002, pp. 575–597.

Commissioner for Refugees and UN agencies with responsibilities in humanitarian aid and peacekeeping.<sup>40</sup>

Through its constitutive Charter, the UN was invested with the quality of sole depositary of the right to use armed force in the international relations system. In addition to regulated frameworks, the use of military force was justified and accepted only in the case of rejecting an external aggression against the concerned state. However, as a consequence of past experience of the League of Nations and in direct connection with the quality of depositary of the right to use the armed force in the systemic level, the UN had the political and military tools necessary to impose its decisions and ensure its attributes. A whole jurisprudence emerged, related to the interstate armed conflicts in the field of peacekeeping.<sup>41</sup>

The regional organization was becoming visible, in the reference period, as a defining element of overcoming the Westphalian type systemic constraints. The EU organization with currency, foreign and common security and defence policy, represented from an institutional perspective a positive and eloquent example of the dilution of the Westphalian system's anarchic nature.<sup>42</sup>

Sovereignty gained the cumulative sense of competences which states delegated to international bodies, thus undermining traditional political order based on nation-state, the latter having its ability to act in a broader political framework.

During the Cold War, national sovereignty was reviewed and reconsidered, with an important impact on how it was designed both practically and theoretically. The logic of bloc policy, international law and regional integration processes limit and frame national sovereignty which, although remains the defining attribute of the states, may be exercised, both externally and, an important fact, internally, only to certain limits determined by generally acceptable rules of behavior. It does not follow that there was no national sovereignty, but that it was exercised within limits agreed and managed by the UN. In the equation defining the emerging security environment, besides the ideological or political limitations imposed by the logic of the bipolar world order,<sup>43</sup> those required by the issue of fundamental human rights and regional integration processes arise.

Subject to a comprehensive process of coding in international relations in the post-war period, human rights and fundamental freedoms became some of the decisive factors in the reassessment of the national sovereignty in the international relations system. The compliance of human rights abuses and their violations

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<sup>40</sup> International Migration Review, Special Issue *UNCHR at 50. Past, Present and Future of Refugee Assistance*, vol. 35, no. 1, 2001.

<sup>41</sup> Siekmann 1985.

<sup>42</sup> Ionescu 2005, p. 17.

<sup>43</sup> The case of Brejnev doctrine that connects the free exercise of national sovereignty of member states of the socialist *gulas* to the obeisance of the marxist-leninist doctrinary orthodoxy. For the analysis of this doctrine and its implications in the field of relations within the socialist *gulas* see Meissner 1970.

became, especially after the creation of the OSCE,<sup>44</sup> a legitimate topic of discussion and legal intervention of the international community in the internal affairs of states.

Therefore, the nation-state and its defining attributes were experiencing a substance evolution during the post-war period. The exercise of national sovereignty and the accession to it were both regulated and restricted by factors specific to the configuration of the international relations system and the hegemonic power relations of the Cold War period, but also by some systemic developments.

In the case of the latter, the human rights issues experienced, at this time, a spectacular evolution from the declarative aspect to the international law norm and functional condition in relation to the sovereign nation-state part of the international relations system.

Integrated in the national and international practice of states, the issue proved decisive in determining the political and ideological collapse of the communist bloc and the end of the Cold War.

### *2.1.2 End of the Cold War*

The collapse of totalitarian political regimes in Eastern Europe and the whole communist system in 1989 was the result of gradual accumulation of key factors, among which the human rights issue, played a leading role.<sup>45</sup> This ranking does not mean other causes (economic, political, social) were not relevant, but the human rights issue played an important role in rebalancing and restructuring the security environment and the system of international relations since the end of the Cold War.

In the context described by these processes that dominated the end of the twentieth century and the beginning of the next, the issue of human rights transcended sovereignty and state actions, as to insert with full dominance in international relations.<sup>46</sup> In other words, this temporal threshold recorded the exceeding of the period opened by the French revolution when human rights, although subject to international regulation, had the state as the ultimate guarantor. Announced by the Universal Declaration of Human Rights in 1948, the reassessment and the imposing of this issue on the international stage was a gradual one. The turning point for this issue and its association with the free exercise of state sovereignty occurred on the occasion of the Conference for Security and Cooperation in Europe in Helsinki. The process of institutionalization that follows this moment has a dual nature. On the one hand, particularly in Western Europe,

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<sup>44</sup> Brett 1996, pp. 668–693.

<sup>45</sup> In support of this assertion there are numerous studies. Among them, we quote one of the analyses on the role and place that the issue of human rights' obeisance had in shaping, structuring and founding of the contestatory and vindictive movement in the East-European communist states, belonging to Molnar 1990.

<sup>46</sup> Koenig 2007.

the human rights issues and their compliance became an increasingly important factor in designing and building the national security strategy of the states. This process progressed to designing human rights and their observance as a defining and discriminatory component in assessing the stability and viability of a political regime, and enforcing these rights by other states as one of the remedies in ensuring a coherent and stable security regional, and international environment.<sup>47</sup> On the other hand, human rights issue and their compliance became one of the destabilizing factors of the communist regimes in Eastern Europe. Together with economic, social, and political factors, human rights played a decisive role in the collapse of Eastern European totalitarian political system.

The contradictory developments that the system of international relations and international security environment met in the post-Cold War years brought the issue of human rights and sovereignty into the heart of the debate on the future of the international community and the new world order. The crisis associated with the developments that we invoke; reactivation of security risks kept under control until then, or even considered to be outdated; inter- and intra-state armed conflicts that evolved in the ex-communist space and beyond; the problems associated with the transition from a totalitarian regime and a planned economy to a democratic political regime and a market economy; the phenomenon of “weak/failed” states; the dissolution of authority, etc., all these developments sparked a whole debate on the future of the international relations system and on the place and role of the states in its new configuration in the post-Cold War years. The international community’s tools and resources for managing the security environment and regulating the system of international relations have evolved themselves under the pressure of these developments; the most important changes being made in the field of crisis management—here we consider new concepts and action tools at the level of the community and international security organizations, such as “peace enforcement”<sup>48</sup> or “humanitarian intervention”.<sup>49</sup>

The image that resulted from these developments was that of a relativized national sovereignty. The state, being an instrument of lawful exercise of sovereignty by the nation, saw its actions as regulated and restricted. Moreover, the very place and role that the state had in the system of international relations were conditioned and surrounded by those obligations, particularly regarding the compliance with human rights. The logical consequence of this line of evolution and this conception of national sovereignty justified intervention in the internal affairs of states in order to ensure the compliance with specific international rules. Intervention to impose and enforce universal regulations such as human rights became a function and an objective to achieve in an effort to ensure national

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<sup>47</sup> On this veritable “diplomacy of human rights”, see Badie 2002.

<sup>48</sup> For a presentation of the conceptual evolution of the intervention mechanisms at the disposal of the international community in the post-Cold War period, from a practical point of view, see Lebovic 2004, pp. 910–936.

<sup>49</sup> For a debate on this issue from the human rights perspective, see Duke 1994, pp. 25–48.

security threatened by instability and crisis posed by the states that did not comply with these regulations.

## 2.2 International Security in the Post-Cold War Years

Looking back, two decades after the fall of Berlin Wall, images and events that have followed represent a substantial transformation in the structure and evolution of the security environment and the international relations system. One of the most used words in connection with the events that marked the history of mankind in 1989 is *revolution*.<sup>50</sup>

In developing the analysis of mutations experienced by sovereignty and by its modern depositary—the nation-state—it is necessary to analyze the interdependence between the changes in coverage and the conceptual content of the national sovereignty. In this context, we follow the evolution of the system of international relations in the post-Cold War period and its determinants, namely, the existing security risks and threats to nation-state security.

The fundamental premise is that of a direct interdependence between the different meanings of national sovereignty and the evolution of the system of international relations and the security risks and threats associated with it. Depending on the perceptions and theoretical and practical developments made in the analysis and quantification of the evolutions of international relations system and associated security environment, we have as a result a range of specific risks and threats that are identified as active in the given context. The performance of states, the main actors of the system to respond to identified threats in the security context in question, represents the extent to which we may consider that they continue to hold the leading position in the international relations system, or that they are about to lose it. Hence, in relation to direct determination, we can say that this measure of performance of states in the international political scene is also the measure with which the evolution and content of sovereignty concept are quantified. In other words, to understand and explain the variety of meanings and interpretations known by the concept of sovereignty, it is imperative to associate these variations with those met by the security environment and international relations system, as well as those recorded in the security risks and threats domain.

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<sup>50</sup> About the year 1989 and the events that marked European history and that of the world, about the fall of the Communist regimes and the disintegration of the Soviet political-military bloc, an important literature exists whose survey and review may constitute the subject of a large analysis demarche. The dimension and consequences of the transformations, in regard to what had been the bipolar political-military order of the Cold War, justified from the very beginning the utilization of the conceptual term of revolution. Ash 1990; Banac 1992; Dahrendorf 1997; Kenney 2002.

Far from covering the subject, we call on the main trends of opinion and theoretical debates that have marked the field of security studied in the last two decades in an attempt to outline the structure of these significant developments.

The rhythm of changes and the radicalism that marked the early years of the last decade of the twentieth century have made their mark in a significant manner on both the practice and the theoretical analysis of international relations and security studies. The main dominant of the new emerging security environment in this period of time was fluidity and unpredictability, characteristics attributed compared with an earlier period, that of the Cold War, to which, often, we witness a reporting as a period of lost coherence and stability.<sup>51</sup>

The collapse of communist regimes in Eastern Europe and the USSR, Yugoslavia's dissolution, the inter-ethnic and inter-state conflicts associated with this devolution processes, the major difficulties faced by the ex-communist states in the societal reconstruction started after the change of political and ideological regime (reconstruction aimed at building a market economy and a democratic political system and at re-imposing the values of state),<sup>52</sup> have contributed to the creation of a confusing picture of the emerging security environment and system of international relations. We add to these developments the related events associated with increased cross-border economic crime covering various fields of interest, from smuggling and arms trafficking, uncontrolled migration flows (especially waves of refugees that reached Western Europe from the direction of crisis or armed conflict areas), economic and political instability, etc.<sup>53</sup>

Also, beyond the deep and highly visible changes recorded in Eastern Europe, at the level of former strategic glacis of the political and military blocs of the Cold War, transformations in military-political strategic importance as well as reconsiderations of priorities in the economic and political action of all major actors of the international scene induce a realignment and a reconsideration of proportions in the operation of regional sub-systems and of individual states. Some of the defining characteristics of the new security environment and international relations system were enhanced; others developed as a result of these mutations. The phenomenon of

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<sup>51</sup> One of the first attempts to analyze this phenomenon, as well as to evaluate the coherence and validity of this perception in relation to the new security environment emerging during the post-Cold War period, belongs to Kegley and Raymond 1992, pp. 573–585. For a reiteration of the discussion at a higher level, a decade after the events, see Wohlforth 1999, pp. 5–41. The conclusions of the quoted authors indicate the existence of a reality contrary to the perceived one, the determining factors of such a perception being situated at the level of relative predictability and particularly simple conditions of an analysis/estimate of the security environment in the Cold War period, particularly deriving from the specific conditions of its structuring and evolution.

<sup>52</sup> For an analysis of significant evolutions of the security environment and system of international relations during the Cold War and later, analysis having as a central interest point the European continent see Judt 2008.

<sup>53</sup> One of the first undertakings envisaging the analysis of this evolution of the post-Cold War security environment, at the level of the European continent, belongs to the Institute for Security Studies (at that time operating under the aegis of the Western Europe Union). We can quote, from the *Chaillot Papers* series, edited by this institute, Mahncke 1993, and Gnesotto 1993.

weak states, the emergence and development of genuine non-law area characterized by non-action of the accepted international rules at the systemic level, are realities of the new international security environment in the direct lineage relationship with the above mentioned developments, with profound consequences in terms of induced systemic instability and insecurity.<sup>54</sup>

To these defining characteristics of the security environment of the period we add the problems resulting from the need of transformation and relocation in purpose, tasks and means of action, of international institutions required to regulate and mediate the functioning of international relations (UN, OSCE) or holding roles of first rank within the system (NATO, EU).

At a second level of analysis, we find that beyond the evolutionary-systemic unpredictability mentioned above that leaves its mark on successive transformations known by the security environment and international relations system in the first decade of post-Cold War period, there can be raised a few major lines of their evolution.

The first one is a major reconsideration of objectives and actionable ways to be recorded in the main components of the system of international relations—a gradual reconsideration upon time and determinations. We should emphasize, in this context, the remarkable development of the crucial the issue of human rights.<sup>55</sup> In line with this evolutionary line and responding to the endemic conflict that marks the time in question, a new vision on peace keeping and humanitarian intervention is developing.<sup>56</sup>

Related to these generic developments, there are institutional transformation processes redefining the relations between the main actors in international relations system.

In the UN case, the reference point of this process is *An Agenda for Peace* in 1992—a programmatic real manifesto of the institutional transformation process of the World Organization. The main coordinates of this transformation include changing the content and purpose of one of the most important functions of UN—that of peacekeeping, a function that develops in this period from the simple intervention with the parties' consent to active involvement for mediating and resolving the conflict situation, to the actual dimension of imposing the peace. That is, from a conceptual system and purely reactive implementation tools towards developing pre-emptive concepts and structures.<sup>57</sup> We note, however, the

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<sup>54</sup> For the debate on the phenomenon of weak states and the consequences that the proliferation of the phenomenon entails on the security environment and on the stability and coherence of the international relations system emerging during the post-Cold War period, see Sorensen 2007; Ehrenreich Brooks 2005, pp. 1159–1196.

<sup>55</sup> The importance that the issue of human rights' obeisance receives in the context of the post-Cold War security environment is huge, alike to the actional dimension developed in tight relation with it. For a debate on the issue see Duke 1994, pp. 25–48; Kofi Abiew 1998, pp. 61–90.

<sup>56</sup> For the problem of instrumentalization of humanitarian intervention as a war pretext see Goodman 2006, pp. 107–141.

<sup>57</sup> Badie 2004, pp. 191–215; Lebovic 2004, pp. 910–936.

enforcing of another UN practice which was later consecrated, that of the delegation of duties and responsibilities, in individual cases, from the UN (holder of the legal monopoly right to use force in the international system) toward third parties interested and involved in crisis management processes in given cases.<sup>58</sup> An example is that of NATO's involvement, under the UN mandate, in the crisis management process and peace enforcement in Bosnia and Herzegovina.

This first area of analysis, however, reveals an evolving inadequacy of the UN to the new security context, inadequacy which is obvious in crisis situations such as those associated to NATO's intervention in Kosovo (1999) or, after 2001, anti-Iraqi military actions undertaken by the international antiterrorist military coalition.

NATO is another international security organization, whose post-Cold War evolution is illustrative for the dynamic known by the security environment and international relations system. The substance dislocations occurring in the international security environment have forced NATO to rethink of the purpose, means, and working structures.<sup>59</sup> The process in question took place, in general, during the last decade of the twentieth century, but has continued up to today. We can describe NATO in the early decade of the twentieth century, as a political and military alliance with a limited perception on the security environment and its associated risks and threats. Still containing Cold War language, the strategic concept adopted in 1991 captures this NATO photogram evolving in functional structures and logics designed to counter specific military threats coming from clearly delineated areas and directions. In this context, the survival of the most successful political-military alliance in history seemed to be a matter of months under the dissolution of its main enemies—the Warsaw Pact and the USSR—in 1991.

Adapting the Alliance to new political, military and security realities, included a notable effort of military and strategic conceptual resize, a process backed by unprecedented openness to cooperation and collaboration on all fronts. Beyond the creation of institutions for collaboration and partnership with countries from outside the alliance (North-Atlantic Cooperation Council—1991, Partnership for Peace—1994, etc.) NATO genuinely reinvented the range of policy objectives and missions in line with the new data of the international security environment.<sup>60</sup> Reactive at the beginning, it became, with the operations in Kosovo (1999), more pro-active, a transformation marked within the strategic concept adopted at the anniversary summit in Washington.

In parallel with these processes, the North Atlantic Alliance proceeded to an expansion and openness to new members. Started in 1995 with the publication of the study on NATO enlargement, the process has already included three widening

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<sup>58</sup> For an analysis of the way in which this practice has developed from NATO's perspective and the undertaking by the Alliance of certain peacekeeping or peace enforcing missions under UN mandate, see Shimizu and Sandler 2002, pp. 651–668.

<sup>59</sup> For a survey of the evolutionary transformations of NATO, see d'Aboville 2008, pp. 91–104.

<sup>60</sup> Schake 1998, pp. 379–407.

major waves including, with the exception of some of the Yugoslav successor states, the whole Eastern European area.<sup>61</sup>

The year 2001 and the invocation of Article 5 of the Treaty by the member states in connection with the terrorist attacks against the United States, mark the passage of the North-Atlantic Alliance into a new era, that of global interests and action.<sup>62</sup> The presence of NATO troops in Afghanistan, the humanitarian operations in Pakistan or the U.S. (in combating the consequences of Hurricane Katrina) represent just some of the actions scoring this transformation, still in progress, and highlights the transition operated in the security concept and means of action of the Alliance towards a global approach on the international security.

The evolutionary processes recorded at two other bodies with responsibilities in the security field, major actors of the post-Cold War international relations system, namely the EU and the OSCE, complete the field of interest of our analysis. Following a similar path of reconfiguration and operational restructuring of objectives, missions and means of action, the two international organizations have registered conflicting developments in terms of results and methods. On the one hand, the EU has developed a process of institutional reform and enlargement of its operational structures, crowned by encouraging results. Despite the avatars that the configuration process of its foreign security and defense policy registered at the beginning of the new millennium, together with the ratification of the Lisbon Treaty and strengthening the integrative processes of the newly admitted in the post-Cold War years, the EU promises to be a competitive actor in the contemporary security market.<sup>63</sup> Having already carried out missions in the areas of conflict in the former Yugoslavia, the developments of *soft-security* in communitarian actions in crisis management and post-conflict situations are solid arguments in favor of such interpretations that transform EU in both a competition and complementary actor to NATO, in managing the contemporary security environment.<sup>64</sup>

On the other hand, OSCE, despite a better positioning and encouraging perspective, failed to meet expectations regarding its ability to adapt and respond to new challenges of the post-Cold War security environment and international relations. Mainly involved in conflict management in ex-Soviet space, the OSCE has failed to overcome operational frameworks of the Cold War within which it has actually appeared. Unable to obtain a substantial contribution from members for functional and coherent operation in the range of undertaken tasks, the OSCE found itself confronted with an inconvenient situation of a coverage for perpetuating the presence of Russian troops, or its re-imposing in the regions from which

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<sup>61</sup> Jacoby 2004.

<sup>62</sup> Hofmann 2008, pp. 105–118.

<sup>63</sup> McAllister 2010, p. 15 and following.

<sup>64</sup> Kupchan 2009, pp. 73–85.

it had been previously obliged to withdraw (we consider here OSCE management of the frozen conflicts in the ex-Soviet space).<sup>65</sup>

When asked what is and what will be the post-Cold War order, the answers are diverging, covering a wide range of options, from the “triumph of the liberalism and the end of history”,<sup>66</sup> to “emerging multi-polarity”,<sup>67</sup> “clash of civilizations”,<sup>68</sup> “Jihad versus McWorld”<sup>69</sup> or “the next anarchy”.<sup>70</sup> A natural need to quantify and analyze the developments in the post-Cold War security environment and international relations system, the views raised above are also an expression of confusion and structural failure of achieving a consensual view among the under debate.<sup>71</sup>

Depending on the period of time in which it develops, and the stage in the evolution of the system of international relations and of the security environment associated with it, one or another explanatory grid can prevail. In this context, the optimism associated with the end of the Cold War period and the early years of the following epoch, the main trends of ideas within academic debate are those which analyze in terms of systemic anarchy or multi-polarity, the present and future structure of the international relations system, as well as the main acting vectors that manifest inside.<sup>72</sup> Beyond the horizon of the years 1991–1992, in the context of dissolution of the USSR and the re-establishment on the international agenda of conventional intra and inter-state conflicts, we witness a prevalence of the explicative option that insists on the systemic multi-polarity as an ordering reason of the emerging international relations system, an option that works in conjunction with that of globalization. The dissolution in question is considered to be induced by the emergence of new non-state actors within the international relations system, an emergence coupled with what appeared to be a growing inability of adequacy of the national state to the challenges of the new security environment and its associated determinatives.<sup>73</sup>

Enlargement processes of NATO and the EU in the former Soviet security *hinterland*, the active involvement of these international organizations in managing the international security environment, together with other international organizations with traditional competencies in the field such as the UN and OSCE, the transition operated in the international community practice from peacekeeping

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<sup>65</sup> An illustrative point of view for this issue and for the way that Russian federation managed to instrumentalize OSCE for promoting its own foreign policy and security interests: Mackinlay and Cross 2003.

<sup>66</sup> Fukuyama 1994.

<sup>67</sup> Waltz 1993, pp. 44–79.

<sup>68</sup> Huntington 2007.

<sup>69</sup> Barber 1995.

<sup>70</sup> Kaplan 2000.

<sup>71</sup> For a discussion on these theoretical visions, see Sorensen 2006, pp. 343–363.

<sup>72</sup> Kegley and Raymond 1992.

<sup>73</sup> Krasner 1995, pp. 115–151.

and conflict mediation to peace enforcement and direct involvement in finding negotiated solutions to the ongoing crisis situations, all these lead, at the end of the twentieth century, to the prevalence of another conceptual-explicative image on the international relations system. Developed in direct connection with the intervention in Kosovo (1999) and, especially, with the events associated with the terrorist attacks against the United States in September 2001, this conceptual-explicative image on the international relations system requires its structuring in an unipolar manner, under the domination of a hegemonic power represented by the United States.<sup>74</sup> This vision on the international relations system is justified, first, in correlation with the changes occurring in American foreign policy action after the terrorist attacks in September 2001. Favoring unilateralism and coalitions of the willing, and introducing the idea of pre-emptive action<sup>75</sup> in the national strategy, the American administration has provided plenty of arguments for this line of conceptual and analytical debate on the nature and future evolution of the international relations system.<sup>76</sup>

This vision is not, of course, a prevalent one; it coexists with a variety of explanatory approaches that offer different understandings of the analytical and conceptual development, from multi-polarity and systemic anarchy to combinations of them. In this context, the conceptual image of the post-Cold War international relations system promoted by Barry Buzan and Ole Waever in 2003 deserves to be revealed. It proposes a reconsideration of the analysis for defining the international relations system and its classification. In short, the system of international relations of the last two decades is presented as an aggregate of regional assemblies that transforms the unipolar domination from the general system level into a functional multi-polarity at a sub-system level.<sup>77</sup>

### 2.3 Toward an Extended Version of the Security Agenda

At the end of the Cold War years, the picture of security risks associated with the security environment and international relations system had more than encouraging signs of development. The main security threat of the post-war period, the risk of a nuclear war induced by the nuclear arms proliferation and the arms race,

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<sup>74</sup> Ikenberry 1998–1999, pp. 43–78.

<sup>75</sup> In relation to the pre-emptive action doctrine a whole specialty literature has been developed that might constitute the subject of a standalone analysis undertaking. See Reisman and Armstrong 2006, pp. 525–550.

<sup>76</sup> On the issue relating to the preemptive action doctrine and the exceptionalism induced within the domestic and foreign policy of western states by the vision on terrorism, as a main risk factor in the post September 2001 years, see Camus 2006, pp. 9–24. Mythen and Walklate 2008, pp. 221–242.

<sup>77</sup> Buzan and Waever 2003.

was about to be removed from the probable sphere to the potential sphere.<sup>78</sup> Under these conditions and changes of substance amid the communist bloc, the optimism over international security seemed to be more than justified. With the relaxation and the decrease in virulence of the military factor in the range of security threats, there is a clear trend towards widening the concerns for other categories of threats and security risks, such as the environmental ones,<sup>79</sup> a trend that is conjugated with introducing in the theoretical debate and practical actions of some concepts such as individual or societal security. The overall picture is that of an enlargement of the area of interest in the risk and security threats analysis, resulting in an open process of transformation and restructuring of the way to define security itself.

The analysis of Barry Buzan<sup>80</sup> on national and international security, analysis which is contemporary with the period under discussion, is illustrative for the new analytical and practical agenda which is required in the debate on security and associated risk factors. Going beyond the traditional preponderance of the balance of force and the military threats to national security, the security concept and the perception of the associated risks becomes a global one, practically including all the possible fields of interest—military, political, economic, societal, ecological.

Beyond this first instance, the risk factors with high potentiality and an obvious manifestation within the systemic functional plan increase in an explosive way, as the determinant elements of the new international relations system are constituted. The risk factors and the conflict areas considered benign after a latent existence of more than half a century are strongly reaffirmed within the context of the collapse of the communist political regimes and the dissolution of USSR and Yugoslavia. The intra- and inter-state conflicts in the former Yugoslavia and the separatist movements and the inter-state wars in the former Soviet Union led to the outbreak of conflicts in the European and Euro-Atlantic security area which raised the regional security issue.<sup>81</sup> To these, we may add the security risks and threats associated with vulnerabilities induced within the former communist states, and not only, by the transition processes and societal reform.<sup>82</sup>

The picture is also completed by the instability hotbeds and the institutional dissolution which occur in many Third World states or developing countries, directly included up to that moment or in the sphere of influence of the opposing political and military blocs of the Cold War.

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<sup>78</sup> Bilgin 2003, pp. 203–222.

<sup>79</sup> For a discussion on the evolution of environmental factors in the dynamics of security risks and threats in the immediate period after the end of the Cold War, see Levy 1995, pp. 35–62.

<sup>80</sup> Buzan 2007.

<sup>81</sup> Koehler and Zurcher 2003.

<sup>82</sup> For an analysis on the issue of post-communist transition and the associated risks, see Holmes 2004.

Abandoned and facing serious problems of internal institutions and societal cohesion, these states create a new issue, particularly virulent in terms of insecurity and instability—the one of the “weak” or “failed” states.<sup>83</sup>

In this context, responding to the complex evolutionary data of the security environment and the international relations system, an inventory of active risk factors included, for the first decade of the post-Cold War period, two major categories of threats—conventional and non-conventional.

Within the conventional risk factors, the analyses within the period include military conflicts with an insistence on those resulting from the state dissolution, the re-emergence of nationalism, affirmation of different separatist and centrifugal movements in the context of the weakness of the state institutions and structures, and even inter-state confrontations within open armed conflicts.<sup>84</sup> We add to these factors those stemming from the consequences of the transition and societal transformation experienced by the former communist states, risks covering a variety of situations and vulnerabilities associated with these processes, ranging from the decline in the standard of living and the economic crisis to the weakening of the state institutions’ authority based on the inconsistencies associated with social, political, economic, and legislative reform.<sup>85</sup>

This list of factors is completed by religious or civilization factors.<sup>86</sup>

The category of non-conventional or “new” security threats includes: organized crime and transnationalization of this phenomenon; illicit trafficking of drugs, weapons, nuclear substances or chemical and biological armament; illegal migration; contraband; electronic crime; money laundering etc.<sup>87</sup>

The picture of these risk factors is complemented by threats and risks on the border separating the two categories above. Environmental risks, pollution, risk factors related to the emergence of new pandemics or the global expansion of those already identified, risks related to human activity and its results, fall into this third category, depending on the analysis grids used by various authors in their studies devoted to issues under discussion.<sup>88</sup>

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<sup>83</sup> Berger 2006, pp. 5–25.

<sup>84</sup> Haerpfer et al. 1999, pp. 989–1011.

<sup>85</sup> For an analysis on East-European post-communist transition and the associated vulnerabilities and risks, see Colas 2003.

<sup>86</sup> One of the most famous undertakings having at its core the issue of security risks in this category belongs to Huntington 2003.

<sup>87</sup> The specialty literature of the last two decades on this subject is an extremely vast one. We shall limit ourselves to quoting here a classical study applying this grid of reading and analysis of the European security belonging to Politi 1997, and a work extending this grid to the entire system of post-Cold War international relations by Robert Mandel, Mandel 1999.

<sup>88</sup> One of the works cataloging these risk factors under the label of new risk factors is the work of Elke Krahman, Krahman 2005.

The range of security risks cannot be complete without mentioning terrorism and its evolution to a universal security threat.<sup>89</sup> As for the security threats mentioned above, the classification of terrorism in one of the two typical categories mentioned initially varies, depending both on the criteria under discussion as well as on the time axis.

Once we pass this initial phase consisting in assessing and identifying the active or potential security risks and threats in the context of the emergence of the new security environment and post-Cold War system of international relations, an observation that is required is the evolution of the analysis grid and the hierarchy of the risk factors on two levels—national and international. Dependencies, interdependencies, and connections grow. One can only survive in a context, in solidarity and connection.

There are several major inflection points in reading the chart of security risks and threats. These are, within the two decades which separate us from the end of the Cold War, the period 1991–1992, intervention of NATO in Kosovo (1999) and the terrorist attacks against the United States of America (11 September 2001).

The first of these inflection points, the period 1991–1992, marks the separation of the so-called “classical” grid of reading the threats and security risks belonging to the Cold War era.<sup>90</sup> We take into consideration the transition from a state institution-centered vision and limited to areas such as the military or economic ones to a global vision on security and associated risk factors. The decisive factor in imposing this vision was the final separation from the Cold War era brought by the dissolution of the USSR and the politico-military bloc under its control. The associated conflict situations, the emergence of new security risks, the reactivation of ones considered as belonging to the past framed and determined the evolutionary process in question.

The second inflection point (Kosovo 1999) represents the triumphant imposition on the international scene of one of the major changes in the actionable philosophy governing the functioning of the international relations system—prevalence of the imperative of respecting human rights over national sovereignty. In particular, the fact that the deficit in providing respect for human rights in a given region or state can be interpreted as a security threat at a regional or international level, imposing the intervention on their behalf.

Finally, a dramatic reversal of hierarchy in the interpretative grid of the security risks was induced by the terrorist attacks against the U.S. in September 2001. The mutations that we find at the level of the international relations system both at the theoretical and practical levels are found within the risk analysis, in a disproportionate development from an analytical point of view and from the point of

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<sup>89</sup> For an analysis on terrorism and the evolution of its role in the contemporary security balance, see Enders and Sandler 1999, pp. 147–167.

<sup>90</sup> To exemplify these interpretative grids we shall refer to the NATO Strategic Concept adopted in 1991 with the occasion of the Alliance’s Summit in Rome, as well as to two studies by the Institute for Security Studies of the Western Europe Union of 1993: Mahncke 1993; Gnesotto 1993.

view of the importance they hold within the national and international security balance.<sup>91</sup>

At the end of this brief review of developments within the security environment and international relations system in the years following the end of the Cold War, of the reading grid of the inventory and security risks and threats hierarchy manifested in the international scene and the associated security balance, we can assert that the main systemic characteristics are evolutionary fluidity and unpredictability.

Beyond these general conclusions, the one that emerges is that of direct interdependence between the developments registered by the international relations system and the risk factors that are associated with these evolutionary stages, as well as between the analytical and conceptual grid used in interpreting these developments and the hierarchical preponderance of one or other of the risk factors and security threats manifested in the security environment and the international relations system.

As a fundamental attribute of the state, sovereignty shares these developments within a relationship of direct determination and the interpretation the analysts give to this phenomenon is directly dependent on the way one perceives and interprets the relationship between the state and the main evolutionary trends at international level. In this context, for an adept of globalization as an explicative principle of the developments within the international relations system within the post-Cold War period, and given the developments that a universal issue registers within the epoch (such as human rights), the relevance of sovereignty, and even of the state actor is decreasing, depending on developments such as humanitarian intervention and assertion of different non-state bodies as subjects with full rights within the international relations system.

The emergence of terrorism as a major risk factor in international relations leads to the analytical and conceptual reinterpretation of the evolutions in question, re-imposing the state sovereignty on a new analysis level in the security context established in the Western World faced with the recrudescence of this particular risk factor.

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In the years following the end of the Cold War, in the context of a substantial transformation of the security environment and international relations system, there were a number of developments likely to attract the interest of both those directly involved in the operation and management of the system as well as those specialized in its analysis and explanation. Among the most important changes that occurred, we can identify: the emergence of non-state actors within the international relations system; the emergence and affirmation of non-conventional security risks; the imposition of universal principles to regulate the international relations system, and its members' acceptable behavior.

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<sup>91</sup> Enders and Sandler 1999; Mythen and Walklate 2008; Camus 2006.

The implications of these changes have created an image of the international relations system which is about to undergo more than a re-arrangement of relations and rules of the game at an internal level. The consequences of these developments lead, and the specialty literature accurately reflects this conceptual line, to the idea of a real revolution within the system that is focused on the dimensional rethinking of one of the system's component considered immutable: the nation-state and its attributes—the territorial integrity, independence, and national sovereignty. Moreover, the multiplication of the actor-members of the system, as well as the evolution of the risks and threats to national security and international security environment question the role and place of the state—nation within the international system.

While at the level of international practice one can easily notice that the decision makers face real problems in managing the international relations system, at the level of specialized analysis, the developments in question cause a debate that even two decades after its opening, is far from being complete. The next section aims to create an inventory of the main debate lines present within the contemporary academic world regarding the main *vectors of remodeling the state and international relations system*.

### ***2.3.1 Non-State Actors in World Politics***

Throughout history, the actors within the international system, were, in turn, human communities, the Greek city-states, ancient empires, atomized territorial structures and Middle Ages towns, pre-state formations specific to the Renaissance, and, finally, the nation-state. The attributes of the latter are currently affected by the joint action of different factors and processes which some authors claim could lead to the end of the state and transition to a universal citizenship of the individual.<sup>92</sup>

The socio-economic development led to strengthening of the nation-state as the main actor within the international system, as well as to the diversification of the typology of the dominant actors in the international arena. Currently, the actors within the international system are state actors—nation-states and international governmental organizations, as well as non-state actors—international non-governmental organizations (NGOs), transnational corporations, network actors—mafia-type and terrorist groups acting on a global scale.

The multiplication of actors, in general, is the logical consequence of the substance loss registered by the nation-state, through delegation of sovereignty to international and regional organizations and its concentration at the level of other actors, especially transnational corporations. The range of arguments is diverse, starting from the multiplication of the authority and power centers, reduction of

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<sup>92</sup> Buzan et al. 1998.

states' capacity to control national economies as a result of globalization and interdependence, the inability to fully control the information and ideas due to technological and scientific revolution, and finishing with states' increased dependence on foreign natural resources.

This view is counterbalanced by the belief in the state's potential to preserve the dominant position within the international system, based on the monopoly on the legitimate use of force in order to control the internal disturbances or to respond to international crises. Obviously, only the "strong" states in the sense used by followers of the Copenhagen School, i.e., those in which societal cohesion, economic base, and administrative capacity of the institutions are at high levels, manage to ensure this monopoly, while weak states or the failed ones involuntarily transfer it to sub-state or transnational groups.

The American political scientist James Rosenau in his work "*Turbulence in world politics*" classifies the actors on the world stage into sovereignty-bound (State) actors and sovereignty-free (non-state) actors.<sup>93</sup> The state sovereignty principle is controversial and experts frequently discuss limited or assisted sovereignty. Intergovernmental institutions such as the EU, UN, NATO adopt new regulations imposed by the new socio-economic and security realities that are generated by the overall involvement of the non-state actors. The rules are imposed on nation-states which, consequently, lose their sovereignty, while being marginalized by the influences of non-state actors and globalization.

The geostrategic and geopolitical coordinates underwent substantial changes, the bipolar world making room to a fragmented universe within which antagonisms of all categories manifest. In the above mentioned work, Rosenau defines the impact of globalization by the structural transformation of the international system, from a model centered on interstate relations to a multi-centered one in the sense of distributing the authority and power relations on several levels. Rosenau points out that the globalization process involves simultaneity and inter-causality of contradictory processes—integration versus fragmentation, centralization versus decentralization and regionalization. These biases are generating inherent tensions within the contemporary security environment. The main non-state actors of the international system (UN, NATO or the EU) have recorded progresses and failures in carrying out their missions, depending on the economic and institutional interests and capacities of the state actors. The international intergovernmental organizations have a derivative-type legal personality, not a primary one as the states do, because they result from the will of the member states. More recently, they have been in the process of reformation and adaptation to the new requirements of the post-Cold War era.

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<sup>93</sup> Rosenau 1990.

Later, we will focus on the international organizations, the ethnic minorities and the terrorist organizations, phenomena that the geographical communities and nation-states are forced to coexist with, complicating the meaning of contemporary sovereignty.<sup>94</sup>

Beginning with the last decade of the twentieth century, non-governmental organizations have substantially proliferated the international relations system. A new category of transnational actors emerged on the scene of international relations that included *Freedom House* in the USA and *Médecins sans Frontières* in France, as well as international non-governmental organizations such as *Amnesty International*, *Greenpeace*, or *Human Rights Watch*. The motivations that have led to the development of this trend are political-diplomatic (NGO representation to the UN), academic (debates on the concept of global civil society), and technical (the Internet and the communications systems that favor the rapid dissemination of the information).

If the number of inter-state NGOs amounts to millions, the trans-national variant is also increasing, the goals being well defined since these entities are clearly specialized (for example human rights, minority rights, medical assistance, refugees, environmental protection, etc.). The majority aims to indirectly influence the decisions of the state actors or international organizations, by means of demonstrations, media pressure, recruitment of political leaders and opinion formers. Examples of successful involvement in global issues of public importance are those related to the conclusion of the Anti-Personnel Mine Ban Treaty and the Kyoto Protocol.<sup>95</sup>

There is also some concern regarding the fictitious NGOs or better said, false NGOs, funded by totalitarian regimes<sup>96</sup> or by groups having illegal interests, being established as elements of logistics support, recruitment of members, fund raising for organized crime, or terrorist organizations.<sup>97</sup>

Against a background of an unfavorable economic environment and the proliferation of international and cross-border crime, most often, among the determinant conflict factors we include the existence of mutual territorial claims both from states, as well as from different non-state actors, ethnic and religious cleavages, leaders' purposes and ambitions, or the access of the state and non-state

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<sup>94</sup> There are, of course, other important non-state actors such as the transnational religious groups, the transnational economic societies, trans-border organized crime groups, etc. See Strange 1996.

<sup>95</sup> See Nye 2009.

<sup>96</sup> Since the NGOs are associations created without the involvement of governments, it is clear that those established behind the scene by elements of the political power are not really what they claim to be.

<sup>97</sup> In the specialized literature, there is a difference between legal non-state actors and the illegal ones (terrorists, organized crime, and so on) is made. A highly raised question, for which no clear answer is given yet, is whether we can name such a group with criminal intentions as a "criminal ONG". Through its way of formation and interests which it defends, the group has the majority of the elements of an ONG. See Derek Lutterbeck, "The New Security Agenda. Transnational Organized Crime and International Security", GCSP, [http://se2.dcaf.ch/.../ev\\_geneva\\_051030114\\_lutterbeck.ppt](http://se2.dcaf.ch/.../ev_geneva_051030114_lutterbeck.ppt).

actors to military equipment. An important issue remains the peoples' right to self-determination as stipulated in the UN Charter and invoked by the compact ethnic groups engaged in the struggle for autonomy.

The example of Kosovo, together with the current realities of the areas in the southern and the northern Caucasus characterized by a complex system of ethnic stratification (in Abkhazia and South Ossetia), is more than relevant, on the background of the struggle for political and economic independence of the states, which generate tensions. The current system of international law does not allow the secession to ethnic minorities; it only allows cultural rights, because ethno-religious minority cannot be equated with a nation; only the latter can establish a new state by decolonization, in territories separated by seas and oceans from the former colonial metropolises.

Another type of non-state actor that is becoming increasingly important is transnational terrorism. The number of terrorist organizations and the target countries is continuously growing, and the violence of the used techniques became rife.<sup>98</sup> The terrorists and other armed groups have perfected a sophisticated way of exploiting the so-called "grey areas" where governments have little authority, where there are large quantities of arms, poor populations, corruption is widespread, and the state principles are almost non-existent (West Africa, Afghanistan, Sudan, Pakistan). Weak or even failed states become real *safe havens* for terrorist groups and organized crime. There are enough cases in which the two types of groups cooperate quite well, for example, those who sell drugs for funding terrorism. For Al-Qaeda and other terrorist organizations, the "grey areas" are real heavens to finance their activities, believing that the Western intelligence services do not have the capacity, resources or interest to track their actions in such regions.<sup>99</sup>

On the background of the trends manifested at the level of the state and international organizations to address the causes of terrorism proliferation and its support components (trafficking, organized crime, *safe havens*), unfortunately, prevention of different terrorist actions remains a goal. The state's means of action cannot be adapted to the dynamics of the terrorist strategies.<sup>100</sup>

Finally, it is important to refer to the impact of the transnational corporations on the new world order. The transnational corporation is an economic phenomenon in full dynamics representing the modern form of the multinational company, enriched with a wide range of markets and diversified strategies to conquer them. It is an economic entity consisting of a parent company and its subsidiaries in several countries, characterized by the internationalization of production, based on an international "pool" of human, material and financial resources, and promoting on a global scale a certain set of values.

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<sup>98</sup> Corum 2007.

<sup>99</sup> Butiri and Roşu 2010.

<sup>100</sup> Hersh 2006.

As the main agent of the contemporary economic globalization, the multinational corporations have become an economic force which is superior to many nation-states. They can create very high pressures on the states, through their financial means and the client-type inter-human network; they may corrupt politicians, and even collaborate in order to remove a hostile government (as in the famous case of Salvador Allende), and most often they lobby to change the pricing policies and to impose customs barriers to competing products.

The regional and international institutions, non-state actors (especially transnational corporations and non-governmental organizations) and even local governments use different instruments of globalization in order to reduce the monopoly power of the nation-state. A part of the power is transferred to the international stage, another part to the local level, and the rest is used by NGOs and corporations to influence national policies.

With regard to non-state actors, the dialog referring to international institutions and political, military, or economic alliances has become an integral part of the security culture. The themes refer both to the influences of the changes within the security environment on alliances and their members, as well as to the evolution scenarios of the existing alliances or to create new forms of partnerships and international cooperation. The extent of the debates was particularly determined by the military interventions in Afghanistan and the second war in the Gulf which have reinforced the view according to which there is a strong transatlantic split, with different views on the use of force still existing. The establishment of a coalition led by the US, entering into a phase of waiting for the European Security and Defence Policy, the difficulties in adopting the European Constitution are aspects that bring up the issue concerning the end of the classical alliances.

All these trends take place in conditions of globalization, a very dynamic process characterized by the increase of the interdependences between nation-states, due to the expansion and deepening of the transnational linkages into broad and diverse spheres of the economic, political, social, and cultural life. We should not eliminate the military dimension from the definition of globalization. In recent times it has particularly manifested through the fight against terrorism. For these reasons, the security of a particular area, whether it is South-East Europe or the Middle East, is inseparable from global security. Although they represent traditional forms of fighting against risks and threats to international security coming from the outside, the military alliances are still needed to eliminate the factors and sources of insecurity which are globalizing, but they seem not to be sufficient. There are required new formats of cooperation within the security community, along with traditional alliances.

Considering the fact that the transnational threats are in a continuous increase and diversification, the states question the Westphalia regulations which clearly distinguish between what is internal and what is international, finding themselves in the situation to expand their conceptions on security and defence. The new non-classical asymmetric threats to security cannot be annihilated by initiating large armed conflicts, as it is necessary to initiate international cooperation measures within the field of intelligence, in congruence with facility protection services

carried out by the private sector. The unitary approach of the new security challenges and the containment of international terrorism could lead to a return to traditional realities of the inter-state order. The evolution of new world order beyond the Westphalian system is a long-term reality which may even take centuries, since the traditional definitions of power in purely military terms are no longer valid, and the changes that occur in a world of global communications and transnational relations are practically unpredictable.

### 2.3.2 *Pre-Emption and Prevention: A Fatal Dichotomy?*

The Bush Doctrine, having its origins in the national security strategy of the United States of America of 2002, continues to produce multiple controversies, while the states' inherent right to individual or collective defence in case of an attack, stipulated in Article 51 of the United Nations Charter, takes the valences of a presumptive right to unilateral preventive and offensive military action. The new philosophy of the US foreign policy emphasizes the increasingly slight distinction between *pre-emption* and *prevention*. In practice one can hardly notice a strategic or moral difference between the two terms. A fundamental debate on the subject should not omit the humanitarian crises and the attempts to breach the states' sovereignty.

The Kosovo episode, for example, showed that there may be circumstances to safeguard the legitimacy of a military action for the sake and benefit of mankind, from this perspective, the implicit moral logic representing a genuine basis for analysis and reflection. And yet, at present, the arbitrary application of international regulations leads to debates and tendency to universalize the argumentation of the states' sovereignty according to the precedent model of Kosovo, convenient to different secessionist regions.

First, the security strategy of the European Union<sup>101</sup>—"A secure Europe in a better world"—identifies risks and threats similar to those within Bush doctrine,<sup>102</sup> namely terrorism, proliferation of weapons of mass destruction, regional conflicts, failed states, and organized crime.

Going through the two documents, we will find, in addition to similar concepts referring to asymmetric security risks and threats, the response instrument of *pre-emption*, which involves reconsidering the dichotomy between EU soft power–US hard power.<sup>103</sup> In fact, the concept used in the final version of the EU strategy is that of *preventive engagement* introduced mainly as a result of the insistence of

<sup>101</sup> *A Secure Europe in a Better World. European Security Strategy*, Brussels, 12 December 2003, <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>.

<sup>102</sup> Colloquial name for the National Security Strategy of the United States promoted by the George W. Bush administration.

<sup>103</sup> By the concepts of "soft" and "hard" power, it is intended both the explanation of the complex approach of international relations as well as the understanding of the domestic politics.

German diplomacy. It should be mentioned, however, that the original version of the Solana Strategy, validated by the European Council of Thessaloniki in June 2003, uses the phrase *pre-emptive engagement*.<sup>104</sup>

Errors of interpretation abound, as there is not an official document to provide a rigorous definition of “preventive engagement”; its military connotations significantly differ from the diplomatic ones.

It is well known that the European Union is based more on international institutions than on its own military capacity to act, emphasizing international law and ethics. However, the management of asymmetric risks and threats binds the European Union to transit from *soft* to *hard power*.

Legality and legitimacy of pre-emption is a controversial subject, to which the *security dilemma* is added—a mechanism generated by the uncertainty regarding the offensive/defensive intentions of the actors which guide themselves by this doctrine. And the pre-emption-prevention dichotomy is the very core in order to clarify the dilemma.

In the specialized literature, the most popular option is the one of acceptability of pre-emption and vehement denial of prevention.<sup>105</sup> If the justification of both types of military actions is based on self-defence, the substance argumentation presents distinct approaches. In short, a pre-emptive attack is carried out in order to try to reject an imminent offensive, or to gain a strategic advantage in an inevitable war, while the argumentation of the preventive war is based on a so-called prevention of a possible attack, when there is no military provocation. The attempts to separate the two concepts often relate to the strategic context and not to the purely conceptual one (academic).

Starting from the value of precedent of the *Caroline* Affair (1837), it is considered that the imminence of the aggression justifies an anticipative action, respectively, the pre-emption. It is about attacking and sinking the steamship *SS Caroline* by the British army in the waters of the United States (Niagara Falls area) because it was supplying money, food and weapons to the anti-British rebellious movement led by William Lyon Mackenzie. The negotiation of the Anglo-American bilateral treaty Webster—Ashburton (1843) established the *anticipatory self-defence* principle.<sup>106</sup>

A similar action carried out by the Israeli army which bombed the increments of the Iraqi nuclear plant on the outskirts of Baghdad in June 1981 represents a manifestation which is against international law. A number of eight Israeli F-16 fighter planes backed by six F-15 planes bombed the Iraqi reactor *Tammuz 1/Osirak* (French manufacturing) on the 7th of June 1981—*Operation Opera*.<sup>107</sup> It should be pointed

<sup>104</sup> The assertion “Pre-emptive engagement can avoid more serious problems in the future...” will be replaced in the final text of the EU Security Strategy with “Preventive engagement can avoid more serious problems in the future...”—see Yost 2003.

<sup>105</sup> Duncan 2003; Shah 2007; Schmitt 2003.

<sup>106</sup> See correspondence between the American State Secretary Dan Webster and Lord Ashburton [Enclosure 1-Extract from note of April 24, 1841] in Miller 1934.

<sup>107</sup> Grinspan 2006; Ford 2004.

out that there are authors who consider this action to be a pre-emptive one, instead of preventive. This is a proof of the uncertainty caused by the inappropriate definition and use of the two concepts.

Referring to the post September 11, 2001 international practice, we notice that the American interventions in Afghanistan and Iraq are at the boundary between pre-emption and prevention.

In the case of Afghanistan before 2001, sovereignty was rather fictitious (legal) instead of *de facto*. The intervention of the coalition troops was to support a recognized government against an insurgency movement, aiming to prevent the recurrence of terrorist attacks. This is the reason why it had the characteristics of a pre-emptive and punitive action.

The situation in Iraq differs from the perspective of the analysis of the state sovereignty, since the state was centralized, dictatorial and without institutionalized internal opposition. The attack against Iraq is classified within the typology of preventive actions, if we take into consideration the fact that there is no clear evidence to motivate the intervention of the antiterrorist coalition. On the contrary, from the point of view of the U.S., there are undeniable elements of pre-emption, the threat caused by Iraq being seen as a short-term tangible one.

Both actions can be regarded as typical for the Cold War, respectively, intervention to change the political regime hostile to the U.S. interests.

In the case of the war between Russia and Georgia in August 2008, there are numerous interpretations regarding the responsibility of initiating the hostilities; it is practically impossible to hold responsible a single party. Commission constituted by the EU with the purpose to elucidate the causes of conflict, led by the Swiss diplomat Heidi Tagliavini, divides responsibility between the two parties<sup>108</sup>. Georgia initiated the conflict in an aggressive and reckless way the cycle of hostilities, while the Russian Federation breached at least two fundamental rules of international law—the prohibition on the use of force and the prohibition on providing weapons to different rebellious groups located in other states.<sup>109</sup>

The Georgian intervention aimed for territorial reunification in the name of state integrity and sovereignty. On the other hand, Russia invoked what later would be called *Medvedev Doctrine*—the so-called right of Russia to intervene, including by military means, to defend its own citizens in vulnerable situations in neighboring countries. In other words, Russia invoked a humanitarian disaster situation, similar to that which was raised in Kosovo.

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<sup>108</sup> The three volumes of the European Commission report on the causes of the Russian-Georgian war are available online since the 30th of September 2009: [www.ceiig.ch/Report.html](http://www.ceiig.ch/Report.html).

<sup>109</sup> See the provisions of Article 2, para 4 of the UN Charter, later developed through the adoption of more General Assembly Resolutions (e.g.: Resolution 3314 of 14th of December 1974 with the definition of aggression annexed to it). According to international law norms, states do not have the right to resort to armed force with an aggressive purpose, this being an imperative *erga omnes* norm of *jus cogens* type considered as being superior to the sovereign capacity of states to make their own justice.

It is clear that Russia claimed a sovereignty doctrine of quasi-imperial type, which includes the neighborhoods, affected populations that often benefited from Russian citizenship despite the will of the states they belonged to (with reference to the scandal of Russian passports granted to citizens from South Ossetia and Abkhazia).

The Russian aggressive doctrine and practice have generated from Georgia the temptation of a pre-emptive action to eliminate the harmful effects of the actions ordered by Moscow. From the Russian perspective, keeping South Ossetia and Abkhazia in its own sphere of influence, is an organic and predictable element of the famous *near neighbourhood* policy.<sup>110</sup> The Russian intervention was mainly defensive and punitive. The two visions (Russian and Georgian) on sovereignty and security seem to be incompatible, of zero-sum game type.

According to Ronald Asmus, former assistant to the Secretary of State Madeleine Albright during Bill Clinton's administration, the EU report is relevant to the extent to which it shows that the Russian–Georgian war is a failure of the European security system set up after the fall of the Iron Curtain, aimed at prohibiting the influence of spheres, to prevent predatory behavior of the large states and to guarantee the safety of the smaller states. The analysis believes that the object of dispute has not been overcome and that the peacekeeping mechanisms deployed in the region (EU observers) are still inadequate. Moreover, the rapid defeat of Georgia revived Russia's aspiration to the title of "superpower" after two decades of continuous decline.<sup>111</sup>

***Anti-missile Shield: from collective defence and peaceful and defensive purposes to the green light for pre-emptive nuclear attacks***

We would like to draw attention to the new orientation of the military and nuclear policy of the Russian Federation, generated by the installation of the anti-missile shield and NATO's approach to its borders. On 5th February 2010, former President Dmitry Medvedev approved the new military doctrine of the Russian Federation, according to which pre-emptive attacks against states considered to be threatening Russia's security by means of nuclear or conventional weapons are authorized.<sup>112</sup>

A detailed analysis of the content of the document indicates that, despite the doctrine extending the threshold of using nuclear weapons and allowing pre-emptive and even preventive attacks, the final version of the text is reasonable.<sup>113</sup> The Russian Federation reserves the right to use nuclear weapons only in *response* to an attack against it or its allies, with nuclear weapons or other weapons of mass destruction, or in response to an assault with conventional weapons that could

<sup>110</sup> The strategists at Moscow use the phrases "close proximity" or "near neighbourhood" meaning a part of Russia's sphere of influence wished to be maintained in the new world order.

<sup>111</sup> Asmus 2009. More details on the Russian-Georgian war are contained in the work of the same author Asmus 2010.

<sup>112</sup> The text of the new doctrine of the Kremlin administration is available online: [http://news.kremlin.ru/ref\\_notes/461](http://news.kremlin.ru/ref_notes/461).

<sup>113</sup> See the analysis of Sokov 2010.

threaten state security. Consequently, since the military arsenal is to be used against an aggressor, the attack against the Russian state is deductible, the military reactive actions being implicitly limited to pre-emption and thus eliminating prevention. We must admit however that the situation in the field, during crisis, can radically change the declarative equation. It is clear that Moscow still relies upon its nuclear arsenal, while the conventional army is poorly equipped and upgraded. A positive aspect of the new version of the military doctrine is that the documents do not provide the use of nuclear weapons in regional conflicts, especially since this issue had been seriously discussed within the Russian political-military circles.<sup>114</sup>

It is difficult to predict the countermeasures that Russia might take in response to the implementation of some elements of the U.S. antimissile shield in Romania. The interpretation, according to which Romania is threatened to become the target of pre-emptive missile attacks launched by Russia, is far-fetched, given the political realities that lead logically to the exclusion of the offensive purpose of the American project and the stability benefits from the perspective of the democratic development of our country. And yet, the fact that pre-emption becomes more and more obvious within the military strategies of the major international actors, the absence of clear criteria for legitimizing the interventions leads to the desuetude of its exceptional character.

The practice and custom have not created the law. Ambiguous boundaries between pre-emption and prevention will no longer be relevant in the scenario of a nuclear attack and its disastrous outcomes. It's up to history to decide whether this hypothesis should be checked in order to clarify once and for all what is an imminent attack and what can legitimately be considered as an act of self-defence in international relations.

The preliminary version of Romania's national security strategy, released in late February 2006, contained the phrase *pre-emptive action*, but eventually it was excluded from the final text, being considered an unclear formulation from the point of view of concept and terminology, as the term "pre-emptive" is not a Romanian neologism.

In May 2010, the Obama Administration launched a new U.S. national security strategy which restricts the concept of pre-emptive war of former President Bush. The document, available on the White House website,<sup>115</sup> is the echo of the appetency for the use of the phrase "smart power"<sup>116</sup> in the U.S. election race and makes official the intention of President Barack Obama to insist on multilateral diplomacy rather than on military force.

In conclusion, the philosophy of preventive/pre-emptive actions, although controversial, suggests the need to conceptualize again classical sovereignty

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<sup>114</sup> According to the interview granted in October 2009 by Nikolai Patrushev, chief of the Security Council of the Russian Federation; see Sokov 2010.

<sup>115</sup> [http://www.whitehouse.gov/sites/default/files/rss\\_viewer/national\\_security\\_strategy.pdf](http://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf)

<sup>116</sup> See Nye 2006.

defined according to the Westphalia coordinates, designing a strategic vision molded on the structural constants of the new strategic environment (weapons of mass destruction, terrorism, weak and failed states). Beyond the notional dispute, what is relevant is the use of pre-emption and prevention, specifically the practice of legality, legitimacy and effectiveness of intervention. Today, the maintenance of international security requires states to prevent crises by acting, sometimes anticipatory, and not just reacting in the aftermath of the events.

### *2.3.3 Traditional Alliances Versus Coalitions of the Willing*

The attention paid to alliances over time derives from the complexity of the phenomenon itself, as they are the most common and conventional means of defence of the state in an anarchic society.

Defining the alliances led to a series of disputes between various authors and analysts in International Relations. In general, the alliance is defined as a promise of mutual military assistance between two or more sovereign states,<sup>117</sup> in other words a formal or informal agreement that provides the security/defence cooperation between two or more states. Without exhausting the descriptive analysis tools, we retain the definition proposed by Glenn Snyder, who considers an alliance as a formal association of states which provides the use of military force or preventing this use, in specified conditions and against some countries which are not part of the alliance.<sup>118</sup>

Alliances, especially military ones, are usually the result of the conclusion of a treaty containing specific terms of engagement, an aspect that clearly differentiates them from collective security organizations, which despite the formal character, do not specify in their constitutive act the obligation to intervene of all participants in case of an aggression and, often, their actual contributions. The fundamental difference between an alliance and a collective security pact is that the treaty of alliance is motivated by the presence of a common enemy (rival), well identified by the states that accomplice, while collective security concerns the potential opponents of the status quo and requires the solidarity of the whole group against military threats from some states which are not members.

Alliances can be defensive or offensive, but collective security pacts are strictly defensive. Also, alliances may be informal, tacit, even secret, while the security pact should be institutionalized. The UN-NATO parallel is relevant in this context, NATO being a classic example of an alliance with fundamental military purposes trying to maximize security, and the UN being the main global collective security organization. However, NATO is also considered a collective defence pact among

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<sup>117</sup> Wolfers 1968, p. 268.

<sup>118</sup> Snyder 1997, p. 36.

its members. All NATO's official statements reaffirm the need to strengthen the collective defence and security.<sup>119</sup>

The mutuality and political character, shown at least at a secondary level, are the defining characteristics of an alliance defined on its classic coordinates.

The theorization of the policy of alliances has three central pillars: the balance of power (classical realism)<sup>120</sup>; the balance of threats, developed by Stephen Walt in *The Origins of Alliances*<sup>121</sup>; and the balance of interests promoted by Randall Schweller in his paper entitled *Deadly Imbalances*.<sup>122</sup> Each model focuses on the element considered pivotal in the process of creating the alliance, along with other defining factors such as the relative powers of the states or the compatibility degree of their interests.

The typology is extremely broad. In the specialized literature we find a lot of classifications, according to the character of the alliance (formal vs. informal), directions in which the allies assume their commitments (unilateral, bilateral or multilateral), the power of the states (symmetric and asymmetric), purpose (offensive or defensive), duration (permanent or ad hoc), the moment of establishment (during peace or war time), etc.<sup>123</sup>

The evolution of alliances over time is fascinating, intimately linked to the balance of power as a multi-polar system. Alliances are forged and dissolved for similar reasons. In general, states have ceased allying due to considerations related to their national security. The change of ideology and political system is a crucial motivation in the process.

For example, the alliance system created by Bismarck, resisted for a long time due to the stability of the emerged balance of power system and an appropriate management of occasional crises and conflicts. The successive leaders proved unable to keep conflicts away from Germany (as Bismarck had done by encouraging French colonial adventures on the African continent), so that the system of alliances could not be saved. The German policymakers before 1914 allowed alliances to decline and tensions to increase. The Kaiser allowed Russia to form an alliance with France and, later with Britain, which led to the transformation of a fluid and multi-polar system of alliances, into two blocs of alliances with dangerous consequences for the European security.<sup>124</sup>

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<sup>119</sup> Anastasios Valvis, "NATO: From collective defence to collective security. And the debate goes on." <http://www.worldsecuritynetwork.com/special/anastasios14153.pdf>.

<sup>120</sup> Hans Morgenthau is a representative of this approach. See Morgenthau 1967.

<sup>121</sup> Walt 1990.

<sup>122</sup> Schweller 1998.

<sup>123</sup> Snyder 1991, p. 130.

<sup>124</sup> Nye 2009, pp. 71–72.

In order to define alliances we need to make an appeal to theory. A theory is “a system of interconnected abstract ideas that resizes and organizes the knowledge about the social world”,<sup>125</sup> and explains from a certain point of view the way world works.

There is a clear opposition between the realist and institutional theory about the role of international organizations on the world scene and, implicitly, that of alliances.

Realists argue that institutions play a marginal role, as they rather reflect the manner in which the power is internationally divided; they are a projection of the decisions taken by the most important state actors. Institutionalists argue that organizations can influence the behavior of the state actors and reduce the propensity for states to go to war. According to realists, states use institutions to act globally. The states set up and take part in institutions in order to maintain or increase their power.

Mearsheimer considers that institutions have little influence over state actors and their ability to ensure peace is reduced.<sup>126</sup>

According to the realist vision, states are in a constant state of competition and the break out of conflict is always possible. The anarchical system of states does not mean disorder, but competition for security and power. States cannot trust the intentions of others countries, they act rationally to preserve their sovereignty, but because the information they possess is inaccurate, they may make mistakes. Thus, states may have a defensive attitude, but the structure of the international system and the fact that they intend to survive determine them to adopt an offensive position.<sup>127</sup> According to realists, there is no higher authority able to protect states from dangers.<sup>128</sup> Each state aspires to possess the most feared military power because in this way they ensure their survival in an international system fraught with danger. Cooperation in a realistic world is even less possible if the countries think of the benefit of others, as they will no longer have absolute gains, but relative ones. Also, cooperation is inhibited by states’ fear of being cheated. All realists argue that institutions are created by the most influential states in order to maintain or increase their power, and the logic of balance of power determines the states to cooperate with each other, forming alliances in order to face common enemies.<sup>129</sup> Unlike the collective security pact, the members of an alliance are obliged to intervene if one of the signatory states of the treaty is attacked by a “designated” enemy, by providing military support. Collective security refers to a hypothetical enemy.

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<sup>125</sup> Galtung 1970, p. 37.

<sup>126</sup> See Morgenthau 2007, p. 582.

<sup>127</sup> Ibidem, p. 585.

<sup>128</sup> Ibidem, p. 586.

<sup>129</sup> Ibidem, p. 588.

Also, alliances distinguish themselves from collective defence organizations, as within the scope of the latter, the states share a common set of values, while the alliance states generally have only common interests.

Compared to realists, liberal institutionalists defend human nature as being positive, the international policy development, its progress rather than the cyclical chain. All liberals support the development of international organizations as a means of strengthening global peace. Peace derives not from the logic of the balance of power, but from the observance of the law or of the principles promoted by international organizations. International liberalism emerged mainly as a reaction to the disasters of World War I.

The theory of collective security is an institutional theory which supports the renouncement of force as a means of preserving the status quo. If an actor of the international scene infringes the peace, he will have to cope with collective action of the other states that will interfere in order to punish him and restore peace. What the theory does not explain is the manner in which states overcome their fears when cooperating. Realists point to the distrust in others' intentions, precisely because states have offensive military capabilities.<sup>130</sup> In fact, offensive realists consider weapons to be ambivalent and the difference between "offensive versus defensive weapons" to be a very relative one. In one form or another, collective security accepts the existence of war, distrusts in others' intentions, and suggests for states to defend themselves when there is a potential aggressor.

Within the post September 11, 2001 security environment, one must carefully analyze the actions of NATO, as well as one of the most successful stories about the global war against terrorism—the "coalition of the willing". This coalition has acquired historic significance, being the most powerful coalition ever built up.

The Afghanistan and Iraq tests are the cornerstones of the Alliance's transformation and the obstacles explain drawing the attention of the international community by the coalitions of states phenomenon (generically called coalitions of the willing) able to perform stabilization and post-conflict management tasks. The George W. Bush administration preferred coalitions of willing since they provided flexibility, reduced time for training and decision making and reduced opposition from other countries against U.S. plans. Let us remember that France, Germany, Belgium, and Turkey opposed the U.S. plans to attack Iraq in 2003, although they are members of NATO.

President Barack Obama has a different view from that of his predecessors, by recognizing America's inability to cope and to manage alone the security challenges of this century. In his speeches, Obama insists on the need to strengthen old alliances and establish new partnerships, stronger international institutions and standards.

There are experts in strategic studies who have noticed a strong tendency towards the "end" of alliances worldwide. Despite its overwhelming military advantage (effect of the Revolution in Military Affairs), the U.S. realized that

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<sup>130</sup> Ibidem, p. 595.

they cannot dispense with allies (partners) in order to carry out highly complex tasks such as those in Iraq or Afghanistan. The decline of alliances at global level could be beneficial because it would decrease the possibility to form potentially wary rival alliances. Once formed, flexible and short-term coalitions will have to fight against new unconventional risks, manage asymmetrical conflicts which involve fighting terrorists, insurgencies (the so-called “fourth generation warfare”) and post-conflict consolidation of some failed states.<sup>131</sup>

The new National Security Strategy of the United States in May 2010 suggests entirely this approach, arguing that alliances are force multipliers, and through multinational cooperation and coordination, the impact of U.S. actions is always higher.<sup>132</sup> But current realities indicate a real impasse in the implementation of these stated intentions.

After World War I, the alliances formed by the United States were designed to counter the expansion of Eurasia’s superpower in Western Europe, the Middle East and East Asia. All dealt with a real threat due to which states agreed to pool their security efforts, depending of course on the specific geographical areas of responsibility. Washington was the center of this system of regional alliances. Geographical limitations (for NATO) represented a weakness of the United States pledge to stop the expansion of pro-Soviet regimes in Asia and Africa.

Since the end of the Cold War, politicians in Washington have tried, with limited success, to transform Cold War alliances in the post-Cold War partnerships capable and willing to share the burden of global security missions. New members of NATO and aspiring ones have found that their direct involvement in supporting U.S. operations in Iraq or Afghanistan will be considered, in the long term, as an investment for the continuation of the U.S. interest in their own security.

NATO continues to operate with the concept of “out of area” missions and the new strategic concept seeks to preserve this status quo. In part, it achieves this by connecting global missions to defending vital Euro-Atlantic interests. The current U.S. security strategy retains the same semantic connotations stating that NATO should be able to address “the full range of twenty-first century challenges, while serving as a foundation of European security”.<sup>133</sup>

Unfortunately, in the past this approach has not led to a fair European commitment. For example, the troop contributions for the International Security Assistance Force (ISAF) in Afghanistan indicate major differences, the United States being by far the largest contributor with more than 60 %.

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<sup>131</sup> Menon 2003.

<sup>132</sup> See Section III *Advancing our Interests—Ensure Strong Alliances*; [http://www.whitehouse.gov/sites/default/files/rss\\_viewer/national\\_security\\_strategy.pdf](http://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf).

<sup>133</sup> Section III *Advancing our Interests—Ensure Strong Alliances*, [“We are committed to ensuring that NATO is able to address the full range of 21st century challenges, while serving as a foundation of European security.”].

In these circumstances, NATO can continue to serve as a viable compromise solution, but it is unlikely that the Alliance will ever cover the role wanted by Washington. However, as long as NATO continues to be regarded as the favorite U.S. alliance (alliance of choice), the establishment of a new global security-oriented organization is more difficult.

According to the American psycho-sociologist Amitai Etzioni, founder of the communitarian movement,<sup>134</sup> the parameters of such new global security authority should include aspects such as: commitment and interest of states to define global security, their desire to contribute proportionally, based on the size of the state and its economic potential and, last but not least, a simplified decision-making system for rapid deployment of troops.<sup>135</sup>

Amitai Etzioni presents the formation of international communities by taking into account the role of power and argues that “a new community is formed when a nation stronger than another potential member from the system guides the process of unification”.<sup>136</sup>

Currently, however, there are no signs of interest regarding the articulation of a new security treaty. Emerging powers such as India and Brazil could be interested in playing a global role, even being prepared to actively contribute, but not if the current international order is seen as being contrary to their national interests. Moreover, the United States is reluctant in sharing the decision-making process with other countries, especially after the military experience during the war in Kosovo, as well as after the frictions regarding the engagement rules between different allied forces in Afghanistan.

Ironically, given the stigma the democrats brought to the concept of “coalitions of the willing” promoted by the Bush administration, the way ahead may be just the development of this concept as a way to build up discreet partnerships with certain countries, taking into account the criteria clearly defined from a geographical and strategic point of view.

The likelihood of Brazil, France, India, and Nigeria meeting under the umbrella of a global NATO is virtually nil. But there is also the scenario of establishing some dedicated official organizations—designed, for instance, to combat the piracy in the Western Indian Ocean, instead of using an ad hoc coalition. These actions would have the advantage of enhanced working relationships and greater interoperability, without the involvement of participating members following the model of the famous Article V of the North Atlantic Treaty.

However, Washington’s policy still aims at a single organization willing and able to assume responsibility for the full range of security challenges. And, although President Obama calls for external support in overcoming the new global security challenges, his optimistic expectations contrast, disproportionately, with an offer increasingly lower.

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<sup>134</sup> Etzioni 1995.

<sup>135</sup> Etzioni 2004.

<sup>136</sup> Etzioni 1969, p. 348.

Therefore, NATO is considered the most successful and most powerful political-military alliance in history, but this happens in an era in which the alliances phenomenon is clearly declining. Nuclear weapons, regional or global ambitions of Russia, China, India, asymmetrical economic relations, political and military tensions between states, the proliferation of transnational non-state actors, globalization, transnational effects of global warming, pollution, pandemics, etc.—all these phenomena call into question the sovereignty of states and their actual effectiveness. On this background, it is likely that alliances become an increasingly rare phenomenon and even more marginal, especially since America, as already stated, clearly prefers coalitions of the willing, these informal alignments that do not involve so many costs, restrictions, and responsibilities to allies. Dominant alliance patterns have changed considerably in the years after the Cold War.

NATO remains an important actor on the scene, managing to successfully implement new types of missions (peacekeeping, post-conflict reconstruction, humanitarian intervention, counterterrorism operations, natural disaster prevention and management, etc.), but its role as a military alliance is seriously put into question since the interventions of the U.S. and their allies in Afghanistan and Iraq. U.S. preference for coalitions of the willing is easily explainable in terms of bureaucratic obstacles that have delayed the intervention—*sine qua non* consensus in the North Atlantic Council and the risk of rejecting votes from some European countries, without taking into account the gap between the European and American forces in terms of military equipment.

But it is clear that, despite the extraordinary military advantage enjoyed by the United States (effect of the Revolution in Military Affairs), they still need allies (partners) to manage difficult situations, and the US foreign and security policy guidelines clearly point to this conclusion.

The end of alliances has an optimistic interpretation too. If the U.S. does not need permanent allies, but only ad hoc partners bound by values, visions, common interests, and historical affinities, then the world could be more peaceful and more relaxed, because it will decrease the likelihood of rival alliances and extreme exacerbation of the security stakes. The established coalitions will have to fight against new unconventional risks and manage asymmetric conflicts. And yet, it has not excluded the possibility according to which, when the power of America is significantly reduced, moving toward multi-polarity, it will seek again firm and symmetrical political and military alliances to counter the rivals.

Given the above, the legitimate question one may ask is whether the statistical decrease in the number of global alliances and the tendency to prefer coalitions of the willing corresponds to the Westphalian system of sovereignty or the post-Westphalian one. Political-military alliances are, of course, a preferred formula for states to maximize their power and security, fitting perfectly into the Westphalian pattern—preserving the sovereignty as decisional autonomy, the defence of the nation and territory.

The current coalitions of the willing, more flexible and less durable forms of association between states, has purposes restricted by the interests of the hegemonic actor who promotes them and who does not want to be bound by specific rigid constraints of alliances.

When it comes to changing a political regime (the case of Iraq in 2003) or for humanitarian purposes, and the interventions do not aim clear political, economic, and strategic gains, but rather the triumph of principles and rules, we can say that we deal with the post-Westphalian logic; to be mentioned however that it is possible to identify certain strategic interests even behind the stated generous goals. In 2002–2003, the statement of former U.S. Secretary of Defence, Donald Rumsfeld, according to which Europe would be divided into an “old” and a “new” part in relation to the UN system to legitimize the military intervention in case of aggression, caused many conflicting debates.<sup>137</sup> On the one hand, the Westphalian sovereignty supporters are consistent to literally interpreting the UN Charter, while the “Bush Doctrine” supporters in the U.S. and “New Europe” consider that the classical interpretation is obsolete, and new non-traditional asymmetric threats require rapid intervention by a simplified agreement between the concerned states. In other words, the effectiveness of a coalition of the willing will prevail over the UN legality.

If we consider that the restrictions imposed by the UN Charter on Member States regarding the use of force (restrictions voluntarily accepted by states in the common benefit) is a post-Westphalian evolution, the current tendency to elude UN restrictions in the fight against asymmetric actors (implicitly against the states that support and shelter them) could be seen as a setback to the Westphalian era before the League of Nations.

The future does not seem predictable when it comes to alliances and state coalitions, so foreign policy and security decision makers must be able to operate the strategic planning, having at their disposal a wider range of alternative scenarios. When seeking to enforce policies that support certain values, such as the defence of liberal regimes or responsibility to protect, to act through international institutions and alliances must be a priority for the United States and other states. But a common position and a consensus are needed. The success will result from the ability to act through alliances and institutions, while ensuring that these organizations remain effective. The United States is now in a position to demand more from its allies and alliances, while sustaining a plea to reform and strengthen the existing institutions.

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<sup>137</sup> Levy et al. 2005, p. 31.

### 2.3.4 *The Sovereignty of Failed States*

In the 1990s, followers of the Copenhagen School promoted the broadening of the research agenda in the field of security by including themes regarding non-state actors or of psycho-sociological type items such as: identity, beliefs and values.<sup>138</sup>

Countries classified as “weak” and “failing” have gained primary strategic relevance in the context of the international system successor to the bipolar world. The events of 11 September 2001 have reinforced a new reality according to which, socio-political and identity cohesion, as well as the ability of governments to effectively control the territory and to impose the population to comply with the laws, become obsolete features of the nation-state in its modern Westphalian meaning.

The last security strategy of the United States of America, published in 2010, states that national security interests are still threatened by the so-called “failing states”.<sup>139</sup> Similarly, the European Union’s Security Strategy identifies the failing state as the primary threat to the international community’s security, together with international terrorism, proliferation of weapons of mass destruction, regional conflicts, and organized crime.

It is alarming that the number of these states is increasing, bringing them to control developments within their own national territory and threaten international peace and security, especially because of their potential operational base for international terrorist networks.

The export of instability in neighboring regions inevitably occurs through these endemic vectors, promoters of regional conflicts and international terrorist networks, hence the prevalent notion of *globalization of insecurity*.

The essential focus of the responsible international community has migrated gradually from areas where power was concentrated to areas characterized by a power vacuum. External interventions are often a clue to state bankruptcy, but the hypothesis of creating the premises of such a bankruptcy is not excluded either. The fact is that a failed state is generally subject to the limitation of its sovereignty,

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<sup>138</sup> The representatives of the Copenhagen School—Barry Buzan, Ole Waever, and Jaap de Wilde—are adepts of the enlargement of the sphere for defining security. In response to the accusations brought by traditionalists, who stated that this new model is incoherent, the representatives of the School offer a constructivist operational method, that implies, on one hand the incorporation of traditionalist principles and, on the other hand, the elimination of the artificial frontier between security and economy and the proposal of some new modes of studying the inter-relations of the domains of social life. Security is defined depending on the perception of threat to the existence of a reference object that is strongly valorised. It is part of a vast assemblage that may include: non-state actors, abstract principles and even nature itself. Also, the source of the threat can be identified in aggressive states, negative social tendencies or in cultural diversity. As a consequence, within the conception of the Copenhagen School, threats can manifest in a variety of political contexts or domains of life: political, economical, military, cultural, demographic, ecological, etc. See Weaver et al. 1993.

<sup>139</sup> See “*The Strategic Environment—The World as it is*”; [http://www.whitehouse.gov/sites/default/files/rss\\_viewer/national\\_security\\_strategy.pdf](http://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf).

by economic, political, or military sanctions including the presence of foreign military forces on its national territory.

World renowned institutions have identified the number of these states, depending on certain economic, social, political and military parameters. The World Bank has identified about 30 low-income countries, the UK Department for International Development 46 fragile states, and the CIA nominates 20 failed states. Also, using 12 economic, social, military and political indicators, the Fund for Peace, an independent research organization, and Foreign Policy drew up a list of 60 countries vulnerable to violent internal conflicts.<sup>140</sup> The figures show the disorder characteristic to the twenty-first Century and demonstrate that the problem posed by weak and failed states is much worse; about two billion people live in insecure states, countries with a high degree of vulnerability to the emergence of an extended civil conflict.

In the post-Cold War years, many Western countries have shown a willingness to actively intervene in order to stop internal conflicts in other states, civil wars, hunger, and the proliferation of weapons of mass destruction or terrorism. Humanitarian interventions, although controversial from a strategic and geopolitical point of view, are a crucial reality of the contemporary security environment. Insured protectorates, even temporarily, by the West, as the early colonialism model, find their echo in the hope of normalizing the critical situation that the weak states face.<sup>141</sup> This humanitarian intervention has been reinforced, despite numerous legal and ethical obstacles. We refer primarily to the legality of the use of force, especially when a sovereign state is concerned, but also the morality of fighting violence with violence.

World public opinion now see the Kosovo and South Ossetia episodes in the mirror, as examples of changing the Helsinki territorial status quo, even though the parallelism is exacerbated—NATO did not instigate separatism, nor provoked Serbia through actions performed at border, compared with Moscow's conduct in South Ossetia with Georgia.

Statehood's destiny is put to the test by the generalization of humanitarian intervention practices and related abuses. Legal and moral arguments lose their consistency on the "hard" force background, which does nothing else but to change the rules of the Westphalian game—sovereignty and non-interference in internal affairs of states.

A pessimistic scenario of evolution might be the proliferation of microstates which are nonviable from security and economic points of view, doubled by a greater intervention effort from the West.

The export of democracy and rule of law in countries from Africa or Asia through humanitarian reconstruction efforts supported by the West often leads to aggravation of ethnic tensions. Nation-state building networks did not produce

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<sup>140</sup> Petrescu 2008.

<sup>141</sup> In the specialized literature the phrase "neo-trusteeship" is used to designate these protectorates of the West: see Fearon and Laitin 2004, pp. 5–43.

miraculous changes, the division between theory and practice being conclusive for the setbacks in the state's attempt to preserve its borders and diverse ethno-religious identities of different populations. And the worst forms of conflict that burden the destiny of weak states are the ethnic ones, Slobodan Milošević being an example for the use of ethnic myths in the process of legitimating political power.

In light of humanitarian disasters from starvation to systematic policies of genocide and ethnic cleansing, the doctrine of the sovereign state based on Westphalian coordinates tends to erode. The “out-of-law” states continue to evade international control, avoiding showing that they are no imminent threat to global security. Lack of cooperation inevitably leads to concerted repressive actions by some states or coalitions of states to avoid crises that may threaten the entire international community, through their “spill over” effect.

At present, sovereignty is directly linked to the concept of responsibility, involving a series of obligations for the entire international community and defining a new principle of international relations' management, aimed at ensuring a security and welfare standard that is socially equitable.

International consensus on humanitarian intervention is met when two main criteria coexist: first, development or anticipation of a massive loss of human beings, as a result of deliberate state politics, state negligence, inability to act or state failure; and second, development or anticipation of systematic politics concerning ethnic cleansing through murder, terror, rape, or forced expulsion.<sup>142</sup>

The inability of the failing states to turn their nominal sovereignty into effective governance requires the involvement of international community through coercive means, so that the political control and regional stabilization are restored. It is desirable for the interfered measures to have anticipatory and preventive features, a philosophy based on the dynamic and uncontrollable nature of the new non-traditional asymmetric threats. “Preventive engagement”<sup>143</sup> under the EU Security Strategy can be considered a genuine review of the classical “self defence” concept, in the context of new security circumstances where defense is equivalent to the involvement in “out of area” international crisis management. State failing is spread by the negligence of international community, the case of West Africa being more than eloquent in this regard.

As a consequence, we have a new emerging principle in the system, namely the responsibility to prevent, aimed directly at the states lying outside the international normative framework and defying the rules of public international law. It is a collective responsibility with the international community itself as its subject—“*a collective duty to prevent nations without internal checks on their power from acquiring or using WMD*”.<sup>144</sup>

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<sup>142</sup> Evans and Sahnoun 2002, p. 103.

<sup>143</sup> European Security Strategy, 12 December 2003, <http://europa-en-un.org/articles/en/article-3085-en.htm>.

<sup>144</sup> Feinstein and Slaughter 2004, p. 26.

Reinventing sovereignty focuses on the coordinates of the idea of responsibility—responsibility to protect, doubled by the responsibility to prevent—both involving imputable commitments to the international community. Reconsidering classical sovereignty based on Westphalian values defines the actual policy making aimed at managing the current international system. To know and discover the appropriate policy-making capable of facing these developments and threats represents the major question that concerns the entire international community confronted with major security threats of no precedent in the world history.

It is obvious that the actual security challenges (endemic instability defining states such as the Balkans, Africa or Middle East) cannot be managed effectively without strategic partnerships with solid institutional basis. The general trend is to advocate an integration doctrine to support the creation of multilateral formats of cooperation focussed on the immediate threat of the failing states, the proliferation of weapons of mass destruction and international terrorism. The main pillar of this doctrine is to articulate a legal international framework able to define strict and clear rules, even core principles, as an attempt to regulate and rule for the mutual benefit of international society's members.

To respond effectively to the strategic environment after September, 11, 2001, international society should develop functional skills to interfere in the failed areas, aiming at dealing with severe insecurity conditions and, more importantly, at setting up "rule of law" temporary mechanisms able to control and manage these anarchic areas.

Tracing some efficient strategies of *institution building* is considered to be essential in building an international community capable of complex enforcement actions. To increase the potential of crisis management implies a planned effort of institutional engineering using soft power and hard power so as to create a balanced arrangement cored on *burden sharing* between actors capable to acting to stabilize the security environment.

Sovereignty is no longer a sanctuary; it is increasingly weak due to the need to respond to security threats. Both the U.S. and worldwide response to terrorism confirm this thesis. The Afghanistan's Taliban government, which supported Al-Qaeda, was removed from power. Similarly, the U.S. preventive war against Iraq—a country that ignored the UN and that was considered to possess weapons of mass destruction—proved that sovereignty no longer offers absolute protection. Reducing or even eliminating sovereignty becomes possible when a government is unable to meet its citizens' basic needs, even consciously. The states intervene not only because of their own ethical scruples and principles, but also because failed states and genocides lead to massive destabilizing waves of refugees and create new opportunities for terrorists.

While NATO's intervention in Kosovo to stop ethnic cleansing and genocide is an eloquent example of certain states choosing to "violate" the sovereignty of another state (Serbia), the genocide in Rwanda or Sudan demonstrate the cost of upholding the inviolability of sovereignty.<sup>145</sup>

Stephen Krasner's thesis according to which traditional sovereignty, defined as the mixture between international legal sovereignty (where states do recognize each other) and Westphalian sovereignty (states do not violate other states' territory and do not involve in other states' internal affairs), would stop functioning is becoming increasingly significant. And all of this happens because in many countries, the central authority is collapsing, as weapons of mass destruction have become more easily available, as there are non-governed areas (Pakistani-Afghan border or that of Brazil, Paraguay and Argentina), or furthermore, some governments operate inefficiently and tend to violate human rights.

The range of solutions adopted for solving the problems related to the weakening of traditional sovereignty and for the weak and failed states include multiple measures: political and economic support; the change by force of dangerous political regimes; reform of international institutions, etc. It is relevant to the strong relationship between sovereignty, autonomy and intervention, being reducible to the reformation of the international Westphalian system based on sovereign nation-states.

## 2.4 Conclusions

The break-up point marked by the years 1989–1991, the collapse of communist regimes and the post-world war order are reflected by the initiation of a huge debate about the emergence of a new political, economic, legal, and military structure inside a security environment system and international relations in full reorganization process.

The new political and military realities, the emergence of some security risks, and threats considered to be obsolete, the emergence of other new ones, the inexorable march of globalization with its peak point in the information revolution, problems such as terrorism or the observance of human rights, all led to an urgent need for information, conceptualization, and prediction. Trying to meet these challenges, the academic community has developed a series of concepts covering guidance and vision on the international relations system and its components, with prime focus on the nation-state and its avatars faced in the post-Cold War period.

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<sup>145</sup> From a post-Westphalian perspective, the bombing of Yugoslavia (of Serbia) does not represent a violation of sovereignty but an aerial attack to impose a certain behavior, as it happens in any war. But no one interfered within the internal affairs of Serbia, no one took over the attributes of Serbian state leadership, even though, in the end, this intervention led to the detachment of the Kosovo province from Serbia. To impose behavior is one thing and the deprivation of a state from its own sovereignty is a totally different thing.

One of the concepts focuses on globalization and its significant impact. Nation-state is considered to be an outdated reality, relevant only in the old Westphalian logic of structuring the international relations' system and its functioning. The opposite direction sees the nation-state as an immutable reality of the international relations system. Its followers frame the current developments of the nation-state, including those registered at the systemic level, within the classic lines of analysis regarding the balance of power, emergence and action aimed at satisfying the national interests of the system's constituent actors. Such an approach deplores the abuses committed in the system by the U.S. hegemonic power and theorizes on the state and its defining attributes.

Many interpretations and analyses are placed within these two directions. Recent developments in the Black Sea area, the military and political action of the Russian Federation directed against Georgia, the speech used by Moscow aimed to substantiate and justify this action, and also resultant events relied on short- and medium-term regional and international security, represent a final and relevant step in a long evolutionary process lasting more than a century and suggests a new action philosophy structuring the international relations system. Thus, the nation-state with its fundamental attributes—sovereignty, territorial integrity, and political independence—starts to lose its relevance in favor of different components of the system such as non-governmental organizations with a domestic, regional, or international orientation. The process is an accumulative one in the last two decades, including a gradual evolution throughout the twentieth century and the beginning of the next. It is far from completing the current security system and the international relations' system, still placing itself in a transitional phase.

In fact, we witness a change of content that the nation-state deals on conceptual and action levels, as direct result of altering its fundamental attributes. These mutations, the result of a long evolutionary process, can be found both at the intra-state level (relationship of state with its subjects) and at the inter-state level (relations between states and relations between states and other actors of the international system). In this context, the nation-state's defining attributes and the position it holds in the international relations system, are becoming relative. The constituted liabilities are translated into a gain for other components of the international relations' system. The origins of these evolutions are reflected in the reinterpretation of the key concepts that structure institutions and international relations. This reinterpretation is induced by the strong assertion of ideas, concepts and issues such as those described in this section of the book: globalization and recrudescence of some classical or non-conventional risks and threats, among which terrorism has a central place; weak and failed states; humanitarian intervention or human rights issues; the emergence of transnational actors (sovereignty-free actors); the phenomenon of alliances and coalitions of the willing.

However, beyond these visible developments, a less alarming state of affairs is to be postulated. In this sense, the phenomena in question exist, but it is based on a far more nuanced explanation. Their resultant is not automatically leading to the end of the nation-state and the transgression to a universal citizenship of the individual, as a result of the process of globalization.

The wars, interventions, forcing states to respect certain rules that they themselves have joined or which are absolutely necessary to coexist on the planet, the punishment of serious criminal offences such as genocide, crimes against humanity etc., do not diminish the principle of sovereignty, but require only a certain type of behavior seen by all the other states (including by the concerned state with the intervention), as absolutely necessary as part of the effective exercise of their sovereignty in new conditions and within new interdependencies.

The collapse of the communist regimes and of the entire political system established in the post-war strategic glacis of the Soviet Union in 1989 and its latter dissolution in 1991 marks the end of the Cold War.

At the end of this historical excursion seeking to observe the developments in the sovereignty concept and its relationship with the state and the nation, we can assert that this transformation is a conditioned one, and in close interdependence with the evolutions registered by the international relations system and also with the development of the entire human society.

A concept with multiple meanings, sovereignty evolves together with society and in close connection with its operational needs. The coding and conceptualization process follows directly the functioning of the state inside the international relations' system and the associated changes occurred in time. In this context, the "crisis" of sovereignty or its "dissolution" in the post-Cold War years does not represent an abandonment or obsolescence of the concept, but a readjustment to the new context and content induced by the transformations inside the international relations system and the international security environment. Far from losing its relevance, the sovereign state remains a constitutive actor of the international relations system. What have changed lately are the frameworks and the content of all concepts in question, in close connection with the need to adapt themselves to the new international social and political realities.



<http://www.springer.com/978-90-6704-890-3>

Towards Global Justice: Sovereignty in an  
Interdependent World

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2013, VI, 278 p., Hardcover

ISBN: 978-90-6704-890-3

A product of T.M.C. Asser Press