The International Order

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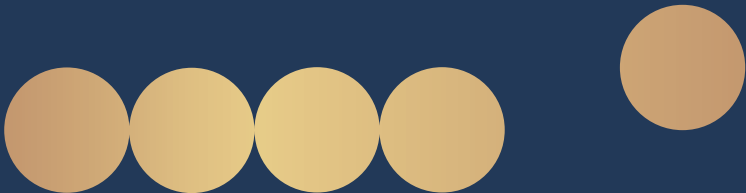
The International Order

IN SEARCH FOR NEW RULES

Adam Daniel Rotfeld

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PRELIMINARY REMARKS

A few years ago Zbigniew Brzeziński concluded his monograph *Strategic Vision. America and the Crisis of Global Power* as follows: "The world is now almost everywhere politically awakened—with millions stirring restlessly in pursuit of a better future. It is also experiencing the dispersal of global power—with several new aspirants rapidly rising in the East. Consequently, today's world is much less susceptible to domination by a single power, even by one as militarily powerful and politically influential as the United States"[1].

What is more, the foundations and main pillars of the international order based on respect for universal values are being undermined. Unlike in the past, when the international order was mainly determined by the correlation of forces and the balance

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[1] Zbigniew Brzezinski, *Strategic Vision: America and the Crisis of Global Power*. Basic Bodus—New York 2012, p. 192.

of power, the new world order following the end of the Cold War was supposed to have been based both on respecting the balance of interests and forces, as well as upholding the system of universal values and principles. Yet, it was not the case. This is the essence of the current dispute about the fundamental principles and, concurrently, this is the source of the present and future conflicts.

The collapse of the present international order is reflected in the infringement of the principles of inviolability of frontiers and non-use of force in the relations between Russia and Ukraine, in the return to the policy of force and in the threat to use it as well as in undermining the stabilizing role of such multilateral security institutions as NATO and the OSCE and in the weakening of the European Union. Such a tendency was also reflected in the outcome of the British referendum to leave the Union (Brexit), in the electoral victory of the U.S. President Donald Trump who announced the return of the United States to the policy of unilateralism and who questioned the organizing principle of the post-cold war international system based on the concepts of liberal democracy.

One of the primary causes of the rising threat, which is accompanied by a sense of uncertainty, ambiguity, instability and unpredictability, is the challenge to the values which include respect for democratic constitutions based on political pluralism, the rule of law, the market economy, freedom of speech, respect for rights and liberties, respect for human rights in all spheres of activity, tolerance, openness and shared responsibility.

60 years ago Karl Deutsch defined the main elements that allow us to discuss the *pluralistic security community*. These are: the

sovereignty and independence of states; the compatibility of the basic values upheld by common institutions, and a mutual willingness to cooperate, respect for identity and loyalty; and the integration of countries to such a degree that in practice it leads to 'dependable expectations of peaceful change'[2]. To this set of elements, we can also add information and communication links which bind the political security community together[3].

In any considerations concerning the fundamental significance of universal values reference should be made to the four rules of primacies which Pope Francis presented in his reflections on contemporary social life. These are the primacy of time over space; of reality over ideas; of peace over conflict; and of the whole over the part[4]. The adoption of such an interpretative perspective more aptly explains the complexity of contemporary problems, in which time and change play a much more important role than the simplified recourse to the so-called geopolitics and attempts to restore the *status quo ante* by the use of force.

Meanwhile, the debate on the international system of the future usually focuses on the search for the ideal balance of states'

2   Karl W Deutsch et al., *Political Community and the North Atlantic Area,* Princeton University Press, Princeton, NY, 1957, p. 5.

3   More on this topic in Adam D. Rotfeld, *Towards a pluralistic security system*, in the "SPIRI Yearbook 1996. Armaments, Disarmaments and International Security"*,* Oxford University Press, 1996, p. 1–14.

4   Apostolic exhortation of Pope Francis, *Evangelii gaudium*, published in Poland by WAM.

interests and potentials. In general, this applies to the economy, technology and military aspects of security. In any assessment of the position and role of the major powers, an important role is also played by factors of a demographic and territorial nature, as well as their raw material resources[5].

Rarely referred to in this context are the values which govern states in the implementation of their national strategies. However, it is the principles and values which play a key role in both bilateral and multilateral relations today. In the past, in international treaties European countries would sometimes directly draw on the system of Christian values which were formulated by both popes and prominent thinkers associated with the Church in individual states[6].

5   More on this subject in Henry Kissinger, *World Order.* Penguin Press, New York, 2014; Pierre Buhler, *O potędze w xxi wieku* [*On power in the 21st century*]. Dialog, Warsaw, Poland, 2014; Barry Buzan, Richard Little, *International systems in world history*. Remaking Study of International Relations. Oxford University Press 2000 (published in Poland by PWN, Warsaw 2011).

6   An example of references to the principles and values is the often stated position of Paweł Włodkowic (Paulus Vladimiri)—a priest and also an outstanding Polish scholar, rector of the Jagiellonian University —at the Council of Constance (between November 11, 1417 and April 22, 1418) in the defense of Polish interests in the dispute with the Teutonic Knights. *Tractatus de Ordine Cruciferorum et de bello Polonorum contra dicto fratres* (1416). See also the work of Ludwik Ehrlich, *Paweł Włodkowic i Stanisław ze Skarbimierza* [*Paweł Włodkowic and Stanisław*

VALUES AND THE LAW

In the contemporary international system, values are defined in the fundamental instruments of international law as agreed within the framework of the United Nations, as well as regional organizations such as the Council of Europe and the Organization for Security and Cooperation in Europe[7]. In the preamble to the

of Skarbimierz] (1950) and *Polski wykład prawa wojny xv wieku* [*Polish 15th century war law lecture*], published by Wydawnictwo Prawnicze (1955). The Treaty on the third partition of Poland between Russia and Prussia, signed in St. Petersburg on 13/24 October 1795, starts with the invocation: 'In the name of the Holy and Undivided Trinity', which is something of a blasphemy. Text in *Prawo międzynarodowe. Historia dyplomatyczna* [*International law. Diplomatic History*]. A selection of documents ed. by Ludwik Gelberg. pwn, Warszawa 1954, vol. i, p. 14.

7   The Charter of the United Nations and Statute of the International Court of Justice. un Publications Edition 2015. The English text of the csce Final Act is published in the collection edited by Arie Bloed, The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972–1993. Martinus Nyhoff Publishers —Kluwer Academic Publishers, Utrecht, 1993, pp. 141–218. Polish translation of the csce Final Act is attached as an Annex to the monograph by Adam D. Rotfeld, *Europejski system bezpieczeństwa in statu nascendi* [*The European security system in statu nascendi*]. Published by pism, Warszawa 1990, pp. 203–214.

Maastricht Treaty on the European Union (February 7, 1992) the member states confirmed their commitment to "the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law"[8]. This document also expressed their willingness to deepen "the solidarity between their peoples while respecting their histories, cultures and traditions"[9]. They referred to the principle of subsidiarity. Among the principles that the members of the Union determined to put into force, the signatories to the Treaty listed "ensuring the security of its peoples through the establishment of an area of freedom, security and justice (…)"[10]. In the Treaty, the member states adopted the commitment that decisions would be taken "with the greatest possible respect for the principle of openness, and as close as possible to the citizens themselves"[11]. Relations between states and peoples were to be shaped in a way that was consistent and unified.

These principles, and other values referenced in the EU Treaty, have a long history in international relations, and in Europe their origins can be traced back to both the Renaissance and the Enlight-

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8 The Treaty on the European Union (consolidated text) in the collection *Treaty establishing the European Community and the Treaty on European Union* (consolidated text). Published by the Office of the Committee For European Integration; Department of European Documentation and Publications, Warsaw, Poland 2005, pp. 379–381.

9 Ibid.

10 Ibid., p. 381.

11 Ibid., p. 387.

enment[12]. The new element which the Union introduced to the international order is that the ethical, moral and political dimension of the principles and values upon which the Union is founded became an international legal obligation. This applies in particular to the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law. Mandatory respect for the national identity of the member states also has the status of a legal obligation[13].

Procedures have also been stipulated for situations where it has been established that common values are not respected and the rules adopted are violated. This is worth recalling if only because no nation or society is immune to the phenomena of extreme

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12 It this context two original projects of Polish authors should be referred to: A Memorail of the Polish King Stanisław Leszczyński: *Memorial de l'Affermissement de la Paix Générale*, 1748. Introduction by Jerzy Życki. Preface by August Zaleski, Minister of Foreign Affairs, Warsaw 1932 (The original text is preceded by an overview of different historical Polish initiatives and projects). King Stanisław Leszczyński's *Memorial* mentioned the banishment of Adam and Eve from paradise and the partition of their descendants into families, tribes and states motivated in their relationships by "envies and hates", pp. 23–24. An impact on establishing the international system of peaceful settlement of disputes was exerted by the activity and the works of Jan G. Bloch, in particular by his *Is War Now Impossible? The Future of War in its Technical, Economic and Political Relations*. London and Boston 1899.

13 Article 6 of the Treaty, p. 391.

nationalism, xenophobia, populism, which in the second decade of the 21st century have once again become one of the main manifestations of the malady underlying the two World Wars of the 20th century. Combating and preventing populism and xenophobia have been acknowledged in the European Union not only as moral and political obligations, but have also gained the status of applicable law (as in articles 2 and 7 of the *Treaty on the European Union* and the *Charter of Fundamental Rights*)[14]. EU legislation defines the space in which respect for human dignity, human rights, freedom, democracy, equality, and respect for the standards of the rule of law all apply. There is no doubt that these commitments stem from the recollection of totalitarian regimes (fascist in Italy and Spain, the Nazi regime in Germany, and that of Stalin in Soviet Russia), which were based on lawlessness, fear, terror and the violation of human dignity.

The European Union has, in fact, created not only the legal but also the material conditions for effectively eliminating the likelihood of the outbreak of war between the member states and preventing armed conflicts between the countries of the Union. There is a common wisdom that the Union was primarily a form and structure for economic integration. The economic domain, in

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14 The Treaty on European Union. The Treaty on the Functioning of the European Union. The Charter of Fundamental Rights of the European Union. (Status: February 2013). Published in Poland by Lexis Nexis, Warsaw 2013.

fact, was covered by the Coal and Steel Community, the Common Market, the European Economic Community, and finally to a great extent the European Union as such. As a result, in the opinion of many EU nationals, the importance and effectiveness of this institution are determined by financial and economic affairs, while in fact the truly unique position of the EU in the history of Europe has been achieved not so much and not only due to finance and economy, but due to the fact that for the first time in the history of the continent, a union of countries was created which undertook to respect common values.

The strengths of the Union lie not so much and not only in its treaties, standards, procedures and mechanisms, but in the fact that all the instruments of this institution are focused on effectively implementing the obligations that apply to the citizens of the EU member states. The individual, and respect for the individual's rights and security, is at the heart of EU law[15]. This means that it is the duty of the Union and its member states to respect human dignity, equality and solidarity. For the first time in history, the countries of Europe have created an area of freedom and security, they guarantee justice for individuals and they uphold those values.

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[15] Jan Barcz, *Traktat z Lizbony. Wybrane aspekty prawne działań implementacyjnych* [*The Treaty of Lisbon. Selected legal aspects of implementation activities*]. Published in Poland by Lexis Nexis, Warsaw 2012, p. 329–380.

THE RULE OF LAW AND THE INDIVIDUAL

The human being has become a subject, and not an object. This is a new solution—not only in the context of politics and morality, but also of law. The security of the individual has gained a level of importance which poses a challenge to the current position of the state, which had hitherto been the only legal subject of international law. The individual has obtained the right to influence the course of European affairs. At the same time, the security of the state, which had been paramount in legal culture, has increasingly come into conflict with respect for the rights of the human being—with the rights of citizens to have their privacy, dignity and freedom respected.

This view was best confirmed by the shock and indignation with which Europe received the revelations by Edward Snowden—regardless of what his motives were—that the American security services had been listening in on the nationals of other states, including the leaders of friendly countries, in a systemic and institutional fashion. After all, these activities were in contradiction of the law, as they violated the sense of the individuals' dignity and their right to privacy, which in Europe can only be limited in exceptional, justified cases, at the request of the public prosecutor's office and with the consent of the courts. Certainly in no event can the foreign services act in this manner on the territory of other states without the consent and cooperation of the constitutional authorities of those countries whose citizens are suspected of terrorist or criminal activities. No powers have ever been authorized to such actions.

Such unlawful practices cannot be tolerated today, because—as one of the analysts aptly noted—"this new, subjective role of the individual in international politics is the most important factor in the transformation of international relations and their traditional paradigms. The tension between the individual and the state is probably the most important process undermining the existing international system."[16]

In fact, the problem is more extensive. It concerns the tension between the people and the state on the one hand, and between the community and society (including the international community) on the other[17].

THE RIGHT TO INFORMATION

Modern technologies have caused the state to permanently lose its control over the flow of information. It happened at a time when the world entered the age of information revolution, which today includes not just the service sector, but has become a productive force on which states exert less and less influence and is governed

16 Piotr A Świtalski, *Emocje, interesy, wartości. Przemiany paradygmatów polityki międzynarodowej* [*Emotions, interests, values. The transformation of paradigms of international policy*]. Published by Adam Marszałek, Torun 2013, p. 10.

17 Cf. Pierre Hassner, *Koniec pewników. Eseje o wojnie, pokoju i przemocy* [*The end of certainties. Essays on war, peace and violence*], Published in Poland by sic!, Warszawa 2002, p. 39.

by its own laws in cyberspace. In a clash with the new reality, we in the democratic states are confronted with questions the answers to which will not be provided by the experiences of the past. The question is: how can we—without limiting the freedoms of the individual and its right to live in a state which respects values such as dignity, freedom, equality, justice and solidarity—effectively stave off the new risks and threats of the modern world? Politics is faced with new dilemmas: how can we respect the subjectivity of individuals without prejudice to collective security? How can we, in the new reality, effectively combat organized crime and terrorism at the national and international levels, while still respecting the human being and its new role in the international community? These matters have long been at the center of public debate in the democratic countries[18].

Things are different in the undemocratic states. The governments of these countries take various measures to control the circulation of information, both within the territories under their sovereignty, as well as the cross-border flow of information. This is an area where the free world is confronted with the outdated image that whoever is able to control the circulation of information can in fact determine the mindset of their subjects. This was the

18 In this context, it is worth recalling the international conference organized in Warsaw with the participation of prominent intellectuals from around the world, whose materials were published in *Globalisation, Power and Democracy*, ed. by M F Plattner & A Smolar. John Hopkins University Press, Baltimore and London, 2000.

case in ancient Egypt, as described by Bolesław Prus in his novel *The Pharaoh*[19]. With great insight, Prus outlined the mechanisms of power and the Pharaoh's dependency on the priests who controlled access to information. This was also the case in the 20th century, when two totalitarian systems—Nazism in Germany and in Europe occupied by the Third Reich, and Stalinism in Russia and also the part of the world, which was under Soviet domination—considered information (on a par with state terror and the criminally repressive regime) to be the primary tool for the enslavement of the peoples. A rudimentary trace of this kind of 'information policy' —a characteristic fossil of the criminal past on a global scale—is to be found in the North Korean regime. Yet it does not mean that the freedom of access to information is universal in the rest of the world, nor that it is not curtailed.

THE RIGHT TO TRUTH AND FREEDOM

A particularly construed 'historical policy' is part of this selective approach to information. In an oversimplified version the said policy is intended to disregard any heinous acts which would not bring glory to any nation and display only those acts from the past which were glorious and which testify to the greatness of the nation. In fact, such 'fame and glory' education does not aid

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19 Bolesław Prus, *Faraon* [*The Pharaoh*]. Warsaw, Poland, 1897 (first edition).

the formation of a sense of civic responsibility and respect for the truth, or of fundamental principles and values.

None of the Russian leaders, either before or after the dissolution of the Soviet Union, summoned up the energy and civil courage to explain to their own people what Vasily Grossman had already noted in 1960 in his novel *Life and Fate*. He had the courage to reveal, bluntly and without reservations, the nature of the two, Nazi and Stalinist, totalitarian regimes. Grossman wrote: "The first half of the twentieth century (…) will go down in history as the time when—in accordance with philosophies of race and society—whole sections of the European population were exterminated. Understandably, the present day remains discretely silent about this"[20]. The Russian writer then posed the question: "Does human nature undergo a true change in the cauldron of totalitarian violence? Does man lose his innate yearning for freedom? The answer to that question—as Grossman concludes—will determine the fates of both man and the totalitarian State. If human nature does change, then the eternal and world-wide triumph of the dictatorial State is assured; if his yearning for freedom remains constant, then the totalitarian State is doomed[21].

Grossman's words were prophetic. The quest for dignity and the freedom of the individual did indeed become the underlying cause of the fall of both murderous totalitarian regimes.

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20 Translation of excerpts into English based on Vasily Grossman *Life and Fate* (trans. Robert Chandler), New York–NYRB Classics 2006).

21 Ibid.

THE RIGHT TO RESPECT
FOR ONE'S IDENTITY

The analysts in the 1990s quite rightly believed that under the conditions of accelerating globalization, universal global standards would become necessary for the international system to operate. The flaw of that reasoning, however, was the fact that they primarily sought solutions in the regulations between states, and failed to observe that the main problems of the modern world and their potential conflicts are generated within states, and not between them[22].

22 I first noted it in my essay *The fundamental change and the new security agenda*, in the "SIPRI Yearbook 1992", pp. 1–8). At the time I stated that the boundary between what determines internal and what external threats had become blurred. A year later, I wrote that the weakness of the emerging new international system results from the fact that "the international system and the means available to international security organizations have been tailored to resolving conflicts *between* states, not *within* them". *The new security environment*, "SIPRI Yearbook 1993", p. 2. More on this topic in A D Rotfeld, *Bezpieczeństwo Euro-Atlantyckie. Ciągłość i zmiana* [*Euro-Atlantic Security. Continuity and change*], Warsaw, Poland, 2013. See also A D Rotfeld, *Porządek międzynarodowy. Parametry zmiany* [*The international order. The parameters of change*] Quarterly "Sprawy Międzynarodowe" ["International Affairs"], Warszawa 2014, No 4, p. 31–54.

In Central and Eastern Europe, the main focus was on the issues related to forming a new political identity for those nations which gained independence and recovered their sovereignty. Their search for their own paths forward, for freedom of choice in the ways they organize political, economic and social development and guarantee their internal and external security, have encountered and continue to encounter various obstacles and difficulties. This is the result of both external interventions (as shown in the example of Russia's attitude towards Ukraine), as well as many internal factors (the absence of tradition of their own statehood and the related political culture, as well as the entrenched patterns of social behavior which Thorstein Veblen referred to as *trained incapacity*).

As a result, the exit of the nations of Central and Eastern Europe from totalitarian regimes was accompanied by a rise in the areas of the former Soviet Union and the former Socialist Federal Republic of Yugoslavia of a new category of dysfunctional states, whose constitutional bases are of a hybrid nature. Some of these states have declared themselves to be democracies, albeit superficial, while in practice their governments are based on structures of oligarchs, clans, and sometimes (especially in Central Asia) tribes, as well as obscure ties between various interest groups and special services.

On both the regional and global scale, a phenomenon occurred where the boundary between the external and what 'by its nature' falls within the competence of the internal is blurred, and thus may not formally be the subject of intervention by the United

Nations or any other member states[23]. The range of matters which belong to the discretionary power of the state has shrunk significantly over the last 25 years. Matters which in the past were 'by their nature' regarded as internal and outside of the external control and jurisdiction are currently subject to a number of international regulations, on the universal scale by the United Nations, and on the regional scale in Europe, within the framework of the political and legal commitments adopted in Euro-Atlantic structures such as the European Union, the Council of Europe and the OSCE.

As one of the leading American analysts rightly noted[24], the consequence of such a fundamental change is that the world entered into the qualitatively new age. After the victory of 1945 predominant was the conviction that the end of the Second World War opened the process aimed at the end of all wars. And after the end of the Cold War (1989) we are witnessing the wars that never end.

One of the important effects of the dissolution of the bipolar system was not—contrary to fairly common assumptions—the emergence of a new 'multi-polar' (read: the division of the world into 'spheres of influence'), or 'unipolar' system (i.e. the global

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23 Cf. article 2, paragraph 7, of the Charter of the United Nations.

24 David Rothkopf, *National Insecurity. American Leadership in an Age of Fear*. Public Affairs–New York 2014; "From the War to End All Wars to the War That Never Ends", p. 357.

hegemony of one superpower, for example the USA)[25]. This does not mean that various powers have not made, or do not continue to make attempts to establish such a system, which would impose a *de facto*, or even a *de jure* status of dependence upon the weaker states.

An example: in accordance with the Final Act of the CSCE Helsinki (August 1, 1975), the signatory states have the right "to belong or not to belong to international organizations, to be or not to be a party to bilateral or multilateral treaties including the right to be or not to be a party to treaties of alliance; they also have the right to neutrality."[26] However, some powers have considered that this is merely a declaratory standard form of expression, and in

25 This is the take heedlessly repeated by many authors. In passing, it should be noted that the concept of 'polarity', as acquired from the physical sciences, implies by its nature that there may be only two poles: plus and minus. Polish literature is dominated by the descriptive-analytical approach. An illustration of this research method is an otherwise valuable collection of works published under the auspices of ISP PAN, ed. J M Fiszer, entitled *System euroatlantycki i bezpieczeństwo międzynarodowe w multipolarnym świecie. Miejsce i rola Polski w euroatlantyckim systemie bezpieczeństwa* [*The Euro-Atlantic System and international security in a multipolar world. The place and role of Poland in the Euro-Atlantic security system*], Warsaw, Poland, 2013.

26 Quoted from the documentation annex in the monograph by Adam D. Rotfeld, *Europejski system bezpieczeństwa in statu nascendi* [*The European security system in statu nascendi*]. Published by PISM, Warsaw 1990, p. 205. English text in collection ed. by Arie Bloed (footnote 7).

practice they are guided by the political philosophy that the world has been, is, and will remain divided into spheres of influence[27].

Such reasoning is illustrated by an essay published in the Russian journal *Политический класс* [The Political Class], whose author 'recommended' that the strategists of Russia should adopt a long-term policy of 'Finlandization' with regard to Poland[28]. The author wrote: "For Russia the maximum program is the Finlandization of all Europe, but it should be started by reorganizing the

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27 With regard to the events on the Russian-Ukrainian border and the ongoing war, the view has been expressed that, once again in Europe since the end of World War II, there has been armed conflict with the direct participation of a global power (in this case, Russia). As a rule, it has been ignored that the Soviet Union has repeatedly resorted to the use of force in Europe to maintain its sphere of influence: in Berlin (1953), Hungary (1956), Czechoslovakia (1968). In all these countries, the fight for freedom was suppressed with the use of military force. The new phenomenon in this case is that Russia decided to incorporate Crimea and support the secession of the so-called *Novorossiya* region (the Donetsk and Luhansk oblasts)—despite stated commitments to international legal and political obligations (the UN Charter, the CSCE Final Act, the Paris Charter for a New Europe and the two tripartite agreements between Russia, the United States and Ukraine signed on January 15, 1994 in Moscow and December 5, 1994 in Budapest).

28 Юрий Солозобов, *Ответ на 'польский вопрос'* [*Response to the "Polish Question"*], *Политический класс* (*Political Class*), September 2009, #9 (57), p. 42–43.

space of the Great Limitrophe'."[29] He suggested that, as an analogy to the model of the association of Norway and Iceland to the European Union, Russia should propose a similar initiative to Poland and other Central and Eastern European countries, for example, under the name 'the Slavic dimension'. The Russian zone of influence would, in this sense, cover not only "Finland and Poland, but also Kazakhstan, Turkey, Iran, and unconditionally Ukraine"[30]. The implementation of such a project would be a stage in the strategic concept to transform the whole of Europe into a 'buffer zone' between Russia and the United States of America. Sociologists generally characterize this type of reasoning in the category of cognitive dissonance, because it is very loosely related to the realities of the modern world, and in particular to the potential and capabilities of Russia in the 21st century.

BETWEEN DISORDER AND A NEW ORDER

The search for an organizing principle to consider the foundations of a new political and legal order is not limited to the trans-Atlantic region or the sub-region of Eastern Europe, but encompasses

29 Ibid., p. 43–44. The term 'Limitrophe' (Лимитроф) often used in Russian political science refers to the border area of the Roman Empire, the neighbors of which were obliged to contribute towards the Roman army stationed along the borderline. Today this concept defines Russia's understanding of a sphere of influence.

30 Ibid., p. 44.

the entire world. This is due to the strategic reorientation of the United States, for which in the 21st century, South-East Asia and the Pacific, and not Europe and the Atlantic, have become the main areas posing a potential risk and immediate danger to US national interests.

The participants of the Valdai international discussion club organized in Russia, in 2014 focused on the question: *The world order: new rules of the game, or a game without rules?* During the meeting President Putin presented (October 24, 2014) a concept according to which the old security system, based on the balance of power, is no longer in place, while a new one has not yet been developed. This creates a kind of legal vacuum, in which Russia has a free hand and total liberty to act[31]. His speech has been compared by Russian commentators to Winston Churchill's address in Fulton[32].

A major challenge for the international order was posed by the awakening of the Arab world, where for many years the national and international political elites considered stagnation to be equivalent to stability. The revolts which swept through Egypt and the

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[31] Meeting of the Valdai International Discussion Club, http://eng. kremlin.ru; Putin said in Sochi: "Russia does not ask anyone about how to conduct its global policy."

[32] К. Ремчуков, *Валдайско-Фултонское выступление Владимира Путина подтвердило худшие ожидания* [*The Valdai-Fulton Vladimir Putin's Speech Confirmed the Worst Expectations*], "Независимая Газета", October 27, 2014.

countries of the Maghreb cleared away their political classes, but did not bring the expected economic and social solutions. Bloody fighting erupted in Libya and civil war broke out in Syria, where religious fanaticisms clashed with the interests of various groups which undermined the legitimacy of Assad's criminal misrule. The American interventions in Iraq and Afghanistan did not lead to stability or establish peace for their people who, after the withdrawal of the US, are now threatened with the return to the rule of the Taliban (Afghanistan) or the total disintegration of the country (Iraq). The removal of the dictators from power has not led to the establishment of the rule of law and democracy in any of these states, but has changed the political map around them. In the light of such developments, it cannot be ruled out that an independent Kurdistan will emerge, whose inhabitants—hitherto divided for centuries—are currently subject to the jurisdiction of different countries in the region (Syria, Turkey, Iraq and Iran).

The blind response to the wave of modernization that accompanies globalization is fragmentation, a return to traditionalisms and a defensive attitude, which are often expressed in Asia and Africa by religious fanatics and al-Qaeda-type organizations[33].

33 The self-proclaimed Islamic State of Iraq and the Levant (ISIL, ISIS etc.), proclaimed by a splinter group of al-Qaida, not only declared war against the government of Iraq, but also announced that after 100 years it would write off the secret Sykes-Picot agreement in 1916 between the UK and France, on the basis of which (after the collapse of the Ottoman Empire) both colonial powers established

A by-product of these conflicts and civil wars is the upsurge of international terrorism, and the displacement of a multi-million wave of refugees. Both these phenomena are destabilizing international governance on a global scale.

In the Western world, nationalists and racists are gaining popularity by drawing upon national selfishness and hostility to strangers, especially to the 'Other', who is distinguished by his culture, religion or skin color.

The effect of both these phenomena is a rise in fear and insecurity, which is paving the way to power for extreme conservative and ultra-nationalist groups. These were surprisingly broadly endorsed in the elections to the European Parliament (May 2014) in the 'old' European democracies, which had had a reputation as models of tolerance and political culture (such as France, the United Kingdom and the Netherlands). They have also become a breeding ground for those political circles in Britain which opted for the UK's exit from the European Union (Brexit).

These phenomena have an effect on the system of values, and although they have local roots, they have changed the political landscape of Europe and the world in recent years, and cannot be ignored when considering the main parameters of the emerging new international order.

their spheres of influence and established two states: Iraq, belonging to the British zone, and Syria in the French zone. In the 2010s, under the 'Sykes-Picot Over' slogan, ISIS created a new entity, based on the rules of the Koran, which covers part of Syria and part of Iraq.

THE NEW POLITICAL PHILOSOPHY

The foundation of the system which formed after the end of the Cold War, on the principle of opposition to an order based on mutual deterrence, appealed to common liberal-democratic values—to rules and standards such as a democratic constitution, the rule of law, political pluralism, market economy, freedom of speech, respect for rights and liberties, tolerance, and respect for dignity and human rights in all spheres of its activity. It was assumed that in place of a bipolar system based on the balance of power and the philosophy of 'exclusiveness', we would see a new order based on interdependence, the harmonization of interests and 'inclusiveness'. The determining factors were to be not so much military power and economic strength, but rather moral-ethical values and the rule of law. In other words, the new international order would be based—unlike in the bipolar period—not on the law of force, but on the force of law.

In the global strategy of the US, the concept of promoting democracy and regime change throughout the world—from dictatorial and oppressive regimes, to democratic regimes based on the standards and procedures for the rule of law—has become popular. The document adopted during the Warsaw meeting of 108 foreign ministers, under the agenda *Toward the community of democracies*, articulated the action plan of those states in which governments were held to respect the rules of democracy, as well as those who

had declared they were moving towards the democratic form of government[34].

However, the experience of over 15 years' operation of the institution covered by the *Community of Democracies*—a loose structure established during the founding Conference in Warsaw—gives rise to justified skepticism. This applies both to the idealistic assumptions of its initiators, and the real impact of this kind of multilateral meetings and debates on resolving the vital issues throughout the world. After Warsaw, the discussions were continued in Seoul (2002), Santiago de Chile (2005), Bamako (2007), Lisbon (2009), Cracow (2010), Vilnius (2011), Ulaanbaatar (2013) and San Salvador (2015).

Institutionalizing support for the development of democracy is of particular importance. However, its essence is based not so much on verbal declarations and successive agreements, as much

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34 The conference in Warsaw (May 2000), convened at the initiative of US Secretary of State Madeleine Albright and Polish Foreign Minister Bronislaw Geremek, was intended to document the desire to shape an international security system founded on democratic principles. Its results, in the form of the Warsaw Declaration adopted there and entitled *Towards a Community of Democracies*, were published in a special issue of the Polish magazine *Sprawy Międzynarodowe* (*International Affairs*) 2000, no. 2, and (in the original English version) in the "Polish Quarterly of International Affairs" 2000, vol. 9, no. 2 (Supplement).

as on applying the rules and standards in practice[35]. Among democratic-liberal thinkers and decision-makers, a belief sometimes predominates that agreements and normative regulations will suffice to build a new international order thereon.

However, this is not the case.

NEW IDEAS AND OLD POLITICS

The conflicts in Afghanistan and Iraq, as well as the revolt in the Arab world, clearly demonstrate that in many regions of the world the liberal Western values of democracy have not been accepted as the foundation of a global security system[36]. Hence the demands, in both research and practical terms, that—while taking into account the heterogeneous nature of the modern world—the Western states of the trans-Atlantic community (Europe, the United States and Canada) should make an effort and,

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35 One of the results of the Warsaw Declaration was the convening of the UN Democratic Club, during preparations for the ministerial conference in Santiago de Chile in September 2004. Later, the Non-Governmental Process for the Community of Democracies was formed, with an International Steering Committee consisting of 21 representatives of social organizations, representing all regions of the world, with an International Secretariat in Warsaw. An International Advisory Committee was also established.

36 Cf. T. Flockhart et al., *Liberal Order in a Post-Western World*, Washington, 2014.

together with other countries—including undemocratic ones —develop a normative consensus on which the new rules of the international order can be based.

This was the orientation of the initiatives taken by various groups of thinkers, researchers and former politicians, such as the Aspen Ministers Forum (AMF), chaired by Madeleine Albright; the Euro-Atlantic Security Initiative (EASI), whose reports were signed by former politicians from the United States, Russia and Germany (US Senator Sam Nunn; Igor Ivanov, a former foreign minister of the Russian Federation; and Wolfgang Ischinger, a former State Secretary of the German Foreign Ministry); and finally the European Leadership Network (ELN), an institution set up at the initiative of Desmond Browne, the former Defense Secretary of the United Kingdom, with the participation of scholars and experts from EU countries, Russia and Turkey[37].

In intellectual debates, the thinkers of the West are slowly becoming aware that the foundations of the new global system and world order must account for the fact that liberal democracy, its values and principles are recognized only by some of the developed countries, and particularly by the trans-Atlantic community.

[37] Although the joint reports and demands of these groups gained certain publicity and stimulated international debate, they did not affect the position adopted by the States. Cf. e.g. the joint letter entitled *Building a Wider Europe*, whose authors were Des Browne, Igor Ivanov and Adam D. Rotfeld, published by "Gazeta Wyborcza" on November 28, 2013.

All in all, out of a total of 193 UN member states, only one-third acknowledges and practices a liberal democratic way of governance. In other words, the demand to negotiate new rules and a code of conduct for the states in matters of international security is entirely justified. However, it must be assumed that not all the members of such a system will be guided by the values of the liberal democratic community.

A desirable cooperative security system, which would take into account the complexity and interdependence of the modern world, should assume the necessity for uninterrupted peaceful transformation. This means, in practice, adapting to new circumstances and coming to terms with diminishing importance of the old powers, as well as an acceptance of the growing role of 'emerging powers'.

"The changeability of power itself is one of its constant features; what really changes is the rhythm of those changes," maintains the French political scientist and diplomat, Pierre Buhler. "Violent ruptures with the past contrast with gradual evolution, a semblance of stability, in accordance with the classic scheme of periods of peace broken up by war, after which peace treaties sanction a new distribution of power"[38].

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38 Pierre Buhler, *O potędze w XXI wieku* [*On power in the 21st century*], translated from French into Polish by G Majcher, Warszawa, 2014, p. 494. Original title: *La puissance au XXI siècle. Les nouvelles définitions du monde*. CNRS Editions, Paris 2011.

We are witnesses to and participants in such a historical stage. We live in a world which does not correspond to the concepts of polarity often referenced by both politicians and researchers. We live in a world in which international governance is not managed by a single hegemon (the unipolar model). Nor is this an order the rules of which recognize the right of global powers to have their own 'zones of influence' or 'zones of privileged interests' (the multipolar model). The collapse of the bipolar system has led to a situation where a new type of order is being formed, to wit—strength and power are distributed polycentrically. Meanwhile, the rules and standards agreed upon in the past are being partly adapted to a world which is already a thing of the past. And although this world is gone, and its rules and standards require urgent adaptation to the new reality and other circumstances, the attempts to agree on new standards and rules are encountering resistance. Some of the global players on the world stage are seeking to take advantage of the specific 'vacuum'. They are attempting to unilaterally impose their own rules of conduct. Such a 'new game with no rules' is illustrated by the attempt to subjugate Ukraine to the standards of the *russkiy mir*, or the 'Russian world'[39].

39 The concept of the *russkiy mir* [*русский мир*] assumes that it is a spiritual community of states, for whom language, religion and traditions are crucial. Its political dimension is demonstrated by the fact that Russia, for the *русский мир*, is the centre of gravity. In fact, the name originally refers to Kievan Rus, and not to Russia.

The priority task which the trans-Atlantic community of the democratic states is confronted with is to develop a new code and system of standards and procedures that could effectively protect the foundations of their liberal democratic system. Only an international order based on the values of democracy can guarantee peace, freedom and prosperity.

However, we cannot ignore the fact that a significant proportion of the actors on the global stage do not recognize the fundamental values of the Western world as universal. The governments of these countries refuse to respect the principles of political pluralism and the democratic legitimacy of exercised power. Nor do they fully acknowledge the rights and freedoms of the individual. They place greater importance on the collective rights than on individual human rights, as interpreted by the Euro-Atlantic community. The polycentric system so construed requires an assumption that the world is heterogeneous and not homogeneous. This in turn means there is a need to develop new rules arising from the political diversity of the international community in the second decade of the 21st century, and to achieve a consensus on these rules[40]. This new order is therefore more likely to be of a functional and dispersed nature, and to be based on many determinants of the

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40 Cf. C Kupchan, *No One's World: The West, the Rising Rest, and the Coming Global Turn*, Oxford; and *idem*, *Reordering Order: Global Change and the Need for a New Consensus of Fences*, in T Flockhart et al., *The Liberal Order...*, op. cit., pp. 3–12.

power of states in the 21st century, and not merely on economic and military strength, as was the case in the past.

NEW RULES — OR A WORLD WITHOUT RULES?

In his monograph *World Order* Henry Kissinger rightly noted: "Order (…) must be cultivated; it cannot be imposed. This is particularly so in an age of instantaneous communication and revolutionary political flux. Any system of world order, to be sustainable, must be accepted as just—not only by leaders, but also by citizens. It must reflect two truths: order without freedom, even if sustained by momentary exaltation, eventually creates its own counterpoise; yet freedom cannot be secured or sustained without a framework of order to keep the peace. Order and freedom, sometimes described as opposite poles on the spectrum of experience, should instead be understood as interdependent. (…)

Any one of these systems of order bases itself on two components: a set of commonly accepted rules that define the limits of permissible action and a balance of power that enforces restraint where rules break down, preventing one political unit from subjugating all others"[41].

At a meeting of the international Valdai club organized in Russia, Vladimir Putin posed the question: "What in fact is going on

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41 Henry Kissinger, *World Order*. Penguin Press–New York 2014, pp. 8–9.

in the world? Why is it becoming ever less secure and predictable, and why are risks increasing everywhere?"[42] In reference to the subject of the conference, *The World Order: new rules of the game or a world without rules?*, the Russian President responded in a way which can be narrowed down to a few key contentions:

1. Security systems—both global and regional—are weakened, fragmented and deformed. This also applies to multilateral institutions, and to cooperation in the political, economic and cultural spheres.

2. The mechanism of mutual checks and balances, which was shaped as a result of World War II and the post-war developments, helped to keep the international order under control. After the Cold War, it was necessary to implement a rational reconstruction and adaptation of this mechanism and the entire system to the new circumstances. However, the United States considered itself to be the victor of the Cold War, and resolved that the search for a new balance of power was unnecessary. They bear responsibility for the way in which the global and regional security system has become dysfunctional[43].

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42 http://news.kremlin.ru.

43 Vladimir Putin said in Sochi: "The Cold War has ended. However, peace has not been agreed in the form of clear and transparent arrangements which either respect the existing rules or develop new rules and standards." (*Valdai meeting*, *op. cit.*). In an article published in the New York Times on September 11, 2013, the Russian President commented on President Obama's statement as follows: "And I would

3. As a result of political pressure and legal nihilism, the rules and principles of international law have been weakened. They have been replaced by arbitrary assessments and discretionary interpretations. According to Putin, this has been accompanied by total American control over the global mass media, which deliberately distort the image of the world. The ambitions of the single superpower and its satellites are presented as representing 'the opinion of the international community as a whole', and loyalty to the 'sole center of influence' has become a measure of the legality and legitimatization of the regimes ruling various countries.

In short, President Putin has accused the United States of seeking to adapt the international system and global order to its interests—and of failing to take into account the other players on the world stage[44]. In conclusion, Vladimir Putin stated that Russia "is not asking anyone for permission in its conduct of world affairs."

The original interpretation of the new Russian strategy can be narrowed down to the following reasoning: since the old security system is exhausted and no longer applicable, and a new one has

rather disagree with the case he made on American exceptionalism, stating that the United States' policy is 'what makes America different. It's what makes us exceptional.' It is extremely dangerous to encourage people to see themselves as exceptional, whatever the motivation."

44 K Demirjian, M Birnbaum, *Russia's Putin Blames the U.S. for Destabilizing World Order*, "Washington Post", October 24, 2014.

not yet been agreed, Russia has a free hand in determining what is lawful and what is not; as the United States has infringed the rules of the game in Kosovo, Syria, Iraq and Afghanistan, Russia has the right to proceed alike against Ukraine or to intervene and defend president Assad and his governance in Syria.

There is no need to prove that such reasoning is intended to 'legitimize' illegal intervention and the imposition of Russia's own solutions. Such an approach finds no understanding either with the states directly bordering Russia (the Baltic countries and Poland) or with the Transatlantic community as a whole, that is, with the European Union and NATO.

In America and Europe some voices have blamed the West for the new "assertive strategy adopted by the leader of Russia"[45]. One American pundit—a representative of the so-called 'realists' school—wrote that the crisis in and around Ukraine is the responsibility of the West, and specifically "the liberal delusions that provoked Putin." This opinion has been countered by competent responses by many researchers and experts on the subject.[46]

45 J J Mearsheimer, *Why the Ukraine Crisis Is the West's Fault*: *The Liberal Delusions That Provoked Putin*, "Foreign Affairs", September-October, 2014.

46 M McFaul, S Sestanovich, Faulty Powers. Who Started the Ukraine Crisis?, "Foreign Affairs", November-December, 2014: J. Kornblum, Ukraine and the West. The West Never Intended to Humiliate Russia, "Frankfurter Allgemeine Zeitung", March 30, 2014, p. 11; J. Kornblum, Clowns Can't Save the Old World Order, "Welt am Sonntag", 7 September 2014.

This 'realistic' reasoning is a kind of *ex post factum* justification that the political decision to expand NATO—taken more than 20 years ago—is the source of the current crisis[47]. It suffices to imagine what the security situation in Central Europe and the whole of the democratic community would look like if the leaders of the Western world at that time had lacked political wisdom and acted in accordance with the recommendations of those 'realists' from Chicago or other centers of international relations theory.

Under the present circumstances, an important role can be played by independent groups of intellectuals, thinkers and experts, if they can show the politicians responsible for the decisions-taking process that it is time to re-evaluate the old concepts and consider the new ones that will be adequate to the needs and requirements of the time and the accelerated changes taking place[48]. The starting

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47 McFaul and Sestanovich rightly claim that this kind of *Realpolitik* "as a policy prescription 'can be irrational and dangerous'"; M McFaul, S Sestanovich, *Faulty Powers...*, op. cit.

48 Here I refer to the above-mentioned working groups, such as the Aspen Ministers Forum, EASI (the Euro-Atlantic Security Initiative), and the European Leadership Network. Implementation the "Greater Europe' concept proposed by the ELN, where security would be based on cooperation, requires innovative thinking among the leaders of both transAtlantic security institutions. This concept was discussed in Warsaw (May 30, 2014) based on *A Task Force Position Paper on Crisis Management in Europe in the Context of Events in Ukraine.* Polish text *Szersza Europa* [*A greater Europe*] published in "Gazeta Wyborcza", November 28, 2013.

point for the effective implementation of a common strategy for building lasting peace and security in Europe is to develop a similar perception and understanding of the risks among all the member states of the trans-Atlantic community.

The problems that led to the crisis in relations between Russia and the European Union & NATO are a reflection of the deep political, psychological and cultural differences in understanding the importance of values in defining each side's strategic goals and the ways of achieving them. Hence any rational solutions should aim to confirm the existing political and legal policy as well as the development of new rules in those matters and in those areas where it is necessary[49].

The post-Cold War order was based on the assumptions that all the states would respect the arrangements agreed in the international legal and political documents. This order was to have been founded on a community of both values and interests. However, these assumptions were inherently illusory.

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49 The Final Report and Recommendations of the Panel of Eminent Persons on European Security as a Common Project, published as *Back to Diplomacy*, Vienna, November 2015, represents sui generis protocol of dissent and divergent views. The members of the Panel were personalities from the 15 OSCE states invited by the President of Switzerland in his capacity as the OSCE Chairman in Office to draw up joint recommendations under the auspices of the OSCE. They did not manage to reach agreement on the most important matters when preparing this document; the dissenting opinions were presented in the Annexes.

There were divergent causes of the dysfunctionality of the post-Cold War order. First, some members of the Council of Europe and the OSCE are not really a part of the community of *States governed by Law*—even though they retain some forms of the rule of law. Treaties and political commitments serve in those countries merely as a façade and verbal declarations; the multilateral international institutions (including the OSCE and the Council of Europe) are seen as instruments and mechanisms aimed at changing undemocratic regimes and establishing rules and orders favorable to the United States and its allies. Second, new communication technologies render many past solutions obsolete in the modern world. One must be aware of the forms and ways of the policy effective in the past, however, there is an urgent need to find the new political instruments aimed at preventing the possible future war. And third, the new international order has to respond the expectations and needs of new generations who are neither motivated nor determined by the old factors which inspired the Founding Fathers of the present system.

FINAL REMARKS

On October 31, 1958, in his inaugural lecture at the University of Oxford, Isaiah Berlin recalled an opinion expressed one hundred years earlier, in which Heinrich Heine warned the French of failing to appreciate the power of the idea: "Philosophical concepts nurtured in the stillness of a professor's study could destroy a civilization". He spoke of Kant's *Critique of pure reason* as the sword

that beheaded European deism, and described the works of Rousseau as a blood-stained weapon that Robespierre used to destroy the old order; he predicted that the romantic faith of Fichte and Schelling would—**with terrible consequences, through their fanatical German students**—one day turn against the liberal culture of the West[50].

Berlin wryly and ironically summed up the argument by noting that "the facts have not wholly belied this prediction; but if professors can truly wield this fatal power, may it not be that only other professors, or, at least, other thinkers (and not governments or Congressional committees) can alone disarm them?"[51]

In Poland, without a doubt, Leszek Kołakowski, Bronisław Geremek and Zygmunt Bauman represented the thinkers who duly perceived the nature of the threat. They also undertook the efforts to develop the concept of 'human security' in both theory and practice. Their line of reasoning was far ahead of their time.

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Reflections on the question of principles and values leads us to a number of conclusions:

➢ Values and moral and ethical principles are of considerable importance in politics. The opinion and views of the people and

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50 Isaiah Berlin, *Cztery eseje o wolności* [*Fours Eassays on Liberty*]. Poznan, Zysk i Ska 2000, p. 184.

51 Ibid.

their beliefs are just as important as the way in which people behave and act[52]. Human emotions—and not just their views—have an impact on the decision-making processes of politicians.

→ We live in a time when the boundary between domestic and foreign policy has become blurred; the internal pervades the external. It is not only the concepts and strategies which count, but also the ways of governance within the states. One of the reasons for the weakness of the global order is the weakness of leadership in today's world. What is more, foreign policy is losing importance; it is ceasing to be a *function* of domestic policy, but is more and more commonly becoming its *instrument and tool*.

→ In the politics of democratic states, the values essential for human dignity and freedom are of key importance. This requires a re-evaluation of our way of thinking about the foreign policy, as well as changes to our approach both to formulating objectives, and to the means which may be used for achieving such objectives, in order to carry them out.

In this context, we must seek answers to the question: what should be the essence of the new international order?

The starting point for such new arrangements could be adopting the following common objectives.

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52 Cf. John Lewis Gaddis, *On Moral Equivalency and Cold War History,* "Ethics and International Affairs", 1996, vol. 10, p. 147–148.

1. The great powers would have to renounce their right to exclusivity in determining the new order. Indeed, the new order cannot be imposed; it should be negotiated or—more importantly and more likely—formed in the process of the mutual adaptations by those states which collectively face new regional challenges and risks.

2. The primary purpose and meaning of the desired international order in this period of accelerated changes is not simply to maintain the status quo and stability, but also *change management.* The agenda is defined by the question: How to manage the change? How to create the conditions for the effective prevention of a new Great War with the possible involvement of nuclear powers? Knowledge of history is useful in practical endeavors in order to avert a global catastrophe, but the desired new world order will not be functional if we accept the premise that it is the past—and not the present or the future—which will determine its framework and mechanisms.

3. The academia is not created with the aim to devise a political strategy. However, it can propose certain minimum boundary conditions. The conditions which could be used in negotiations among the main actors of the regional and global arena. The models proposed by scholars and thinkers are generally rational, consistent, logical and elegant in presentation. The problem is that the historical process is often contradictory, irrational, illogical and far from the elegant designs of the theorists. The new world order need not necessarily be enticing, yet it should be effective.

In the second decade of the 21st century, the main threats to international security are of an unconventional nature. They are born within states, not between them. The source of these threats is generated by social inequality on the global scale—not regional and local or within the State only. There are some problems related to the tensions between the impoverished South and the rich North. A serious challenge is posed by the unresolved issues of refugees from the territories of bloody conflicts and the migration of many millions generated by the change of climate, the lack of drinking water and the struggle for survival. The problems which breed national egoism, xenophobia and—last but not least—dictatorships, despotism and other undemocratic ways of governance as well as trampling on universal values are becoming prevalent again. Thus the search for an unconventional strategy should neither be aimed at creating a Paradise on Earth nor to follow the concept of Eternal Peace as elaborated by the philosopher from Königsberg. The new rules of the international order should be adequately suited to the needs and expectations of the present and coming generations.

Albrecht Dürer

Four Horsemen of the Apocalypse

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