

The Given

The Crumbling Edifice of Global Peace

Michael Reiterer

“World peace cannot be safeguarded without the making of creative efforts proportionate to the dangers which threaten it.”

(Robert Schuman)

Introduction

Writing about peace in times of war signals that preventive diplomacy, early warning systems and deterrence failed – disappointing as it is for diplomacy, it has to change gear to crisis management and peace building. It will be a new peace – a peace presumably built of power, having gone through the cycle of end of history, détente, appeasement, back to military might and deterrence.

In working on this chapter, I have come across three particularly staggering multilateral efforts which confirm that the heydays of the rule of law, the Liberal International Order (LIO), are under duress or even over:

- the 1994 Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the Non-proliferation of Nuclear Weapons¹,
- the 2022 Joint Declaration on the International Relations Entering a New Era and the Global Sustainable Development² by Russia and China,
- the 1990 Paris Charta for a New Europe³ which outlined the post-Soviet order in Europe based on the respect for human rights and the rule of law.

1 <https://treaties.un.org/doc/Publication/UNTS/Volume%203007/Part/volume-3007-I-52241.pdf>, accessed 15 June 2022.

2 <http://en.kremlin.ru/supplement/5770>, accessed 15 June 2022.

3 <https://www.osce.org/files/f/documents/0/6/39516.pdf>, accessed 15 June 2022.

All these documents can be read in conjunction with the Versailles Declaration of the European Council of 10–11 March 2022⁴ outlining the position of the EU's heads of state and government in response to Russia's aggression.

First, to recall that in light of the ongoing war in the Ukraine, that in 1994, Russia, the UK and the US, gave a (soft) guarantee of the Ukraine's sovereignty and independence in order to motivate the Ukraine to surrender the Soviet nuclear arms which happened to be on its territory and to accede to the Treaty of Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon state.

In particular, they confirmed:

- to respect the independence and sovereignty and the existing borders of Ukraine,
- to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine, and that none of their weapons will ever be used against Ukraine except in self-defence or otherwise in accordance with the Charter of the United Nations,
- to refrain from economic coercion designed to subordinate to their own interest the exercise by Ukraine of the rights inherent in its sovereignty and thus to secure advantages of any kind,
- to provide assistance to Ukraine, as a non-nuclear-weapon state party to the Treaty of Non-Proliferation of Nuclear Weapons, if Ukraine should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used,
- reaffirm their commitment not to use nuclear weapons against any non-nuclear-weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an attack on themselves, their territories or dependent territories, their armed forces, or their allies, by such a state in association or alliance with a nuclear weapons state.

Twenty-eight years later, these elaborate guarantees were not worth the paper written on. At the time, they were an incentive for the Ukraine to hand-over the stock of nuclear weapons it had "inherited" from the Soviet Union. Apparently, they were not really meant to be a hard security guarantee with one of the guarantors turning into an aggressor who even does not exclude the use of nuclear arms against a non-nuclear state amounting to a double breach of the guarantee. At the time, the Ukraine reluctantly acquiesced recognising the distribution of real power. It also sold its only aircraft carrier to China which went into service after adaptations and modifications as China's first carrier Liaoning. However, this did not give rise to any favours by China which refused to condemn the Russian invasion although it abstained in the UN Security Council.

4 <https://www.consilium.europa.eu/media/54773/20220311-versailles-declaration-en.pdf>, accessed 15 June 2022.

To add insult to injury, Russia had committed a few days before the invasion of the Ukraine started, at the eve of the 2022 Beijing Olympics, in a *Joint Declaration on the International Relations Entering a New Era and the Global Sustainable Development* with China to call upon – others only as it turned out – “to build dialogue and mutual trust, strengthen mutual understanding, champion such universal human values as peace, development, equality, justice, democracy and freedom, respect the rights of peoples to independently determine the development paths of their countries and the sovereignty and the security and development interests of States, to protect the United Nations-driven international architecture and the international law-based world order”.

“The sides (e.g., Russia and China) reaffirm their strong mutual support for the protection of *their* core interests, state sovereignty and territorial integrity, and oppose interference by external forces in their internal affairs.” Tragically, these interests seem to apply exclusively to the two sides only and not to “others”, like the Ukraine.

While the guarantee of the sovereignty of the Ukraine was given in the post-Helsinki context when trust in the LIO, treaties, rule of law and multilateralism was high, the tide has changed ever since: the “sides” are between them responsible for the 2014 annexation of the Crimea, the artificial island building in the South China Sea, disrespecting the United Nations Law of the Sea, disregard for the agreed status of Hongkong, the non-application of fundamental human rights instruments they are parties to – all that on top of the war of aggression against a sovereign member of the UN.

Unlike in the case of *Kuwait 1990* when the UN-Security Council authorised joint action to evict Iraqi troops, the nuclear power Russia even hinting at the use of its nuclear arms, demonstrated (again) the weakness of the UN system, when the interests of a veto-power are at stake.

The *Second Iraqi war in 2003* with the US and the UK as veto-powers involved, was also in breach of international law as not authorised by the UNSC. *Georgia* and *Syria* were further steppingstones in the unravelling of a law-based order to which the West contributed too.

Law Enforcement Remains the Weak Point Internationally

China chose to ignore the result of the arbitration on the South China Sea in 2016 based on the UN Convention on the Law of the Seas. The proceedings were initiated by the Philippine and confirmed the lack of any legal basis for most Chinese claims. Under political pressure from China the victorious complainant down-played its success – a policy the newly elected Philippine President Marcos Jr. most likely will continue. An attempt by the Ukraine to seize the International Court of Justice in 2017 because of the annexation of the Crimean Peninsula