



## GLOBAL PROBLEMS FOR GLOBAL GOVERNANCE

Valdai Discussion Club Grantees Report



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# Global Problems for Global Governance

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*Valdai Discussion Club  
Grantees Report*

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# Introduction

It's been a long time the international community has been thinking to establish an effective system of international agreements that could meet the needs of each member of the world community, but so far such a system does not exist.

Such a question, of course, would not stand out should we live in the world of UN Charter, where all conflicts, international trade relations, as well as issues of development, international cooperation and others alike would be solvable within the frameworks of the UN and its affiliated bodies. Unfortunately, that has never been the case ever since 1945. Obviously, all the regional arrangements, criminal tribunals, trade organisations and economic unions were established to complement the pitfalls of the UN system with its ups and downs. Over time these organisations have been interacting and improving multilaterally, the whole of it reminding a self-cooking pot, where ingredients (i.e. the organisations) are adjusted with no ready-to-go recipe. While

conflicts among nations or within societies emerge to once more testify our inability to prescribe the right recipe for resolution or management.

The world has been changing faster, than it could have been predicted at the moment, when the Berlin Wall fell and the Soviet Union faded away. With the demise of the Iron Curtain, the last physical barrier for the world 'to get connected' was overcome. This said, nevertheless, the early 1990s was a strange period: the war – cold or hot – ended without a formal peace treaty. There could be nothing new in this situation – after all the World War II was ended without a formal peace treaty between Soviet Union and Japan – if not its global scale.

The balance of power with old institutions was broken, and the new one was not created. The broad international coalition against Iraqi aggression in Kuwait, and most importantly – the consensus in the UN Security Council to act under Chapter VII measures – created the



euphoria, which unfortunately did not live for long. The breakup of Yugoslavia, as well as the ethnic conflicts in the territory of former Soviet Union – exposed the major disagreements between the Kremlin and the NATO alliance. Quite unsurprisingly, the countries of Far East – the ‘Asian tigers’ – chose to remain by-standers as long as their vital national interests remained unchallenged, and continue unhindered economic growth.

The UN-sponsored Commission on Global Governance published its report in 1995, where

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it described the global governance phenomena as a ‘continuing process’, rather than merely an interaction of already established networks and institutions. An often observed misperception between global governance and global government is a casual mistake to avoid. The report provided that the term of ‘global governance’ “[shall] not imply world government or world federalism».<sup>1</sup> Generally speaking, Global Governance is an outgrowth of the UN system with its numerous affiliated bodies and other international organizations, that is here to provide more public good – from environmental protection to human rights – to the independent states and nations across the globe.

The present research maintains the lines of arguments, that global governance does not imply any top-down hierarchy, based on some sort of agreement(s), but is a microcosm of arrangements aimed at building peace, stability and development through legitimate control or regulation over issues of international concern, such as nuclear non-proliferation regime or accountability for international crimes – in essence, a “continuing process”.<sup>2</sup>

It is true, that the system of global governance – based on inviolability of post-war borders, United Nations legitimacy and UN Security Council responsibility for conflict settlement – was not seriously threatened after the collapse of bipolar system. The challenges to post-war world order appeared to be more active since the beginning of the XXI century, and they have facilitated a hot pursuit of new models of cooperation through a system of global governance. Some actors would interpret those as substitutes, others would consider them as complementary, and none of them would likely to come out with the final solution. But the beginning of the century could be definitely characterized with a boom of emerging regional and trans-regional cooperation initiatives. Global economic crisis has certainly fueled the process.

If previously waves of instability that shook the global security system outflow from autocratic and failed states like Iraq, Afghanistan or post-Yugoslavian and post-Soviet breakaway territories (which have dramati-





## Russia has chosen the avenue of no-or-little political confrontation but all possible economic cooperation to bring in innovations and technological advancement

cally influenced indeed), in the modern period the non-state actors emerged on the global agenda. Threats or the practice of terrorism and extremism penetrated in many regions and countries, thus revealing the fragility of international state-centric security architecture. Illegal arms trade and drug trafficking have created uncontrolled, shadow economies, which grew sufficiently strong in financial terms to support global ambitions of networks competing with official, state institutions.

Conflicts between states had been less observed, whereas domestic trends challenged the peace and stability of nations. As such, popular demonstrations and self-organized movements made it possible to overthrow governments during the 'Arab Spring', and 'color revolutions' shook some post-Soviet states. 'Occupy' movements conquered people's minds in developed countries, along with the economic crisis deepening. And the social media revolution is only part of the answer here. When Time magazine announced 'The Protester' to be the Person of the 2011 Year<sup>3</sup>, it was just a perfect definition of the trend of preceding decade.

Stripped off its imperial might and looking around for a new strategy of engagement in

unipolar world, Russia hesitated, and was actually not ready to join the globalizing international community. It was not satisfied with the change of its geopolitical role to be 'one of many'. Years later present-day Russia has almost come into terms with continuing degradation (for the lack of a better word) of its

image internationally and, despite rather phlegmatic stance against it, considers those soft-power threats as deliberately hostile policy of its international partners aimed at enforcing conformity and loyalty to the new, liberal hierarchic, 'status quo' order. Traditionally Russia tries to be symmetric vis-à-vis those accusations by the Western powers, e.g. human rights or rule of law 'lecturing' (like publishing reports on human rights<sup>4</sup> and the 'Dima Yakovlev Law'<sup>5</sup>), but recently it gets likely to build a clear-cut long-term strategy in the wider sense as well. Such a strategy is based on long-term objectives posed by the national political leadership and growing number of different sectoral plans (programs) for 5–10 years<sup>6</sup>.

Taking a look at Russian strategy of coping with global challenges, it obviously has chosen the avenue of no-or-little political confrontation but all possible economic cooperation to bring in innovations and technological advancement. Along with the economic modernization – a top declared priority – Russia has been too pragmatic in foreign policy domain either. The energized pursuit of alliances and manufacturing partnerships with emerging economies (e.g. BRICS) have become more

appealing rather than traditional Western dimensions. The flexibility and bargaining power on global agenda are replaced with international law arguments, active investment in post-Soviet groupings through economic integration and with only those ready and willing to have legally-binding ties.

The post-crisis economic turbulence makes global actors to change lenses of sustainable development. The crises divide nations on the bases of 'whom to blame' for economic troubles and how other governments shall behave for damage control. The populations in advanced liberal economies (e.g. in Germany) are getting increasingly aware of bills to be paid for others' mistakes due to mutual dependence.

Political challenges are also becoming more influential due to their globalization and universalization. Local political conflicts and national approaches to their resolution are

zoomed and scaled for a global agenda with no regard to the conflict sides or mediators. The conflict hotspots on the map bring the big powers to hold heated disputes that often lead to pretty chilly relations. The never-ending transformations make societies to long for stability and more global tolerance. There is a philosophical and comprehensive need to clarify globalization in order to limit it to some cognitive directions before it destroys itself absorbing all the emerging problems and challenges of the present day. This report elaborates about the situation in which Russia operates in the international affairs, and scales its avenues of reaching do-no-harm relations, or cooperation and 'entente cordiale'. The likely Russian strategy for the global agenda would be identified both from the side of internal priorities and from the side of external challenges it faces. Special attention would be paid to the modern trends in the international affairs and the world order that encircle Russia and its national interests.

# 1. Russia in Global World

Global world order has been evolving dramatically for the past decade. And that dramatics though changing permanently and shocking sometimes tends to be considered as casual and prosy for applied politics and the science of it. Global actors and observers are getting used to chaos and unpredictability of 'tomorrow' according, for example, to the S. Mann's 'chaos theory'<sup>7</sup>. The main challenge, as it turns out, requires readiness and adaptation for the transforming environment, and earlier than your competitors achieved it on their own. The sooner you are accommodated and well-balanced, the more you can profit from the change. Still in 1986 Joseph Nye was arguing that 'the international politics is the realm of self-help...' (we will discuss it in Chapter Two).<sup>8</sup>

For Russia its involvement into the system of global governance implied threefold meaning. First, as an important way of influencing the emerging environment and making it more supportive for the economic development. It should be underlined that the point is not

about imposing any values or norms but about the capability to predict changes and minimize any negative consequences for the internal policy.

Second, international groupings and organizations for Russia are a meaningful source for the institutional transfer including best practices and advanced technologies in different spheres – especially in terms of economic modernization.

And last but not least, while taking part in key international institutions, Russia realizes itself as a fully legitimate actor of global governance building a new financial, economic and political order in the international affairs.

That threefold view is based on a range of factors which could be summarized in post-World War II model of global regulating and post-Cold war traditions of confrontation and friendship. The era of transnational corporations and social networks is challenging both the



traditional Russian approach to international relations as a world of professional diplomacy and its capability to influence and manage the global environment. Knowledgeable about the pitfalls and disadvantages of the past foreign policy techniques in the new international realities, Russia has been in a search of new tool-sets for self-defense against emerging chaotic framework around. Looking for alternatives to globalization, which it did not consider to be user-friendly, Russia demonstrates the demand for a shift in its external policy which is getting aimed to be as more efficient as it can.

to measure Russia according to some general unbiased standards. Andrew Kuchins and Igor Zevelev fairly indicate that ‘...when Westerners emphasize values such as human rights and democracy, the default Russian reaction is deep concern that their interlocutors are being disingenuous’<sup>9</sup>. Nobody credits the western world to treat Russia as an equal even as a result of some improvement or normalization of values: more Russians think their country is considered on the West as a resource base, and less of them perceive relations with Brussels as friendly<sup>10</sup>.

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### The main challenge requires readiness and adaptation for the transforming environment, and earlier than your competitors achieved it on their own

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The emergence of such a ‘Russian Shift’ could be identified in four basic dimensions: values, institutions, geographic area and purposeful area.

The realpolitik has been squeezing any alternative motives from the political scene all over the world, and values are getting more likely to be considered as the means rather than the end. The last illusions on common pattern of thoughts between Moscow and the West in terms of global policing in conflicts have been running away from the Russian elite. Both decision-makers and the increasingly the society in Russia do not believe anymore in sincerity of efforts from neither the U.S. nor the EU

Perhaps we may blame the domestic propaganda and some pitfalls in governance institutions for popular disappointment in liberal values (as Russian writer Michael Weller poetically observed in his ‘The Great Last Chance’)<sup>11</sup>, but the performance of liberal democracies through-

out the globe has not been too attractive as well – at least since the beginning of the present century. For example, post-communist Russia turned back to traditional religious values, which has deterred it from a rapprochement with ‘post-Christian world’<sup>12</sup> of modern Europe, where the absolute of press freedom is enough to afford any mockery in terms of traditional values one could sacre. But the most prosaic is that adherence to some declared ethos is less and less often displayed by those who officially regard it as of paramount importance. Former British ambassador to Russia Andrew Wood warns the West ‘to remember that its own behavior and adherence to the values it proclaims will be judged among Rus-





sians by what it does. Russians have an attentive and educated ear for hypocrisy<sup>13</sup>.

Endless discussions on different levels on “European” or “Western” nature of Russia have eventually given birth to some demand for traditional Russian values display. But values themselves shall not remain a stumbling block for the dialogue between Russia and the West. Eventually liberal democracies do demonstrate effective compromising skills with different axiological aliens ranging from absolute monarchies to fundamentalist regimes (e.g. some Persian Gulf countries). The problem with Russia seems to stay internal for western societies themselves: they cannot fix their position on how to identify Russia. Christopher Coker argues that ‘Russia’s values are not very different from those of the European Union; but their respective norms are not the same’<sup>14</sup>. Bobo Lo looking retrospectively wrote that ‘over the past four centuries it is the West that has established the external standards of reference against which Russians – elite and public – have measured themselves’<sup>15</sup>. That is, at least indirectly western values have been an essential source for the Russian development.

The only evidence of values which can be demonstrated by the official leadership as its immediate contribution is a number of official norms in act reflecting those values. If values themselves are quite the same and acceptable for western attitude to Russia, norms themselves do not concern Russian leadership as it consequently demonstrates its readiness to apply any internationally accepted standards (however long the process of application could last). The point is norms are of low importance

for Russian real life which is reflected in a popular proverb: the severity of Russian laws is offset by their poor enforcement. Former president Medvedev’s call to overcome ‘legal nihilism’ is a good example of normative formalism<sup>16</sup>: norms are in act, but they are not effective, they are not practiced.

It is hard to deny that the Russian system of governance indeed has a series of weaknesses and setbacks, meanwhile it is obviously able to mobilize and support the discipline to achieve prompt results in a short-term perspective. Russian government has demonstrated good performance indeed in cheering and adopting different recommendations<sup>17</sup> concerning various best practice models of different countries and institutions since the beginning of the post-Soviet democratization in the 1990s. That performance has led to market economy, modern and vibrant system of legislation, distinct democratic procedures. Vladislav Zubok has noticed about that, ‘In contrast to political stagnation, the Russian leadership, state bureaucracies, and the entrepreneurial young Russians moved quickly in adapting to the global market economy. The winners in the “survival of the fittest” games, they became ruthless “users” of the international economic system created by Western liberal policies during the previous century’<sup>18</sup>. At the same time country is challenged with the exacting and usually considered as prejudiced attitude from its western counterparts.

There is no need to look for cases when Russia experienced treatment of double standards. All those permanent talks on visa-free regime between EU and Russia when the latter

applies all the conditioned recommendations and the former puts forward new ones have already turned into Catch 22<sup>19</sup>. The problem relieves particularly when compared with visa-free regimes between the EU and other countries with more complex and multiple valued backgrounds. Another example is about the American Jackson-Vanik amendment which used to limit free trade between Russia and the US due to archaic soviet restrictions on emigration freedom to Israel and was recently replaced with the unfriendly and exceptionally targeted to Russia Magnitsky Act.

### Endless discussions on different levels on “European” or “Western” nature of Russia have eventually given birth to some demand for traditional Russian values display

Russian companies are also derogated when their business bids previously agreed and admitted as economically effective are suddenly declined in western companies with strained arguments<sup>20</sup>. All those implications attract attention of observers and do not put the wind in liberal values’ defenders. Russian foreign policy has been pushed and even forced to become pragmatic, result-oriented and totally unromantic.

As for the institutional dimension, Russia gets more active in new regional frameworks, but without any erosion of faith to traditional global formats. While the reliable and bal-

anced, but debilitating and too slow for present days system of post-war collective responsibility is challenged with intensive horizontal ties between key actors, Russia still tries to keep a foot in both worlds. It does not ignore any of the existing long-living institutions (like to OSCE) but its support for those differs from case to case. At the same time it is quite active in new ones like BRICS or G20 and more flexible regional frameworks.

BRICS, comprised of emerging economies like Brazil, Russia, India, China and South Africa, has in the beginning been treated like an artificial union of non-like-minded states in the different parts of the world, albeit with similar economic trends, is now in an obvious active search for establishing political identity. The Russian interest is clear: it gets an attractive multiparty alternative to the Western model of emerging post-crisis (2008–09) system of global governance<sup>21</sup>.

Russian vision promotes the BRICS to be more independent in many terms of, e.g. national currencies for mutual trade, human development and macroeconomic regulation.

A week before the 5th BRICS Summit in Durban Russian President Vladimir Putin signed the decree on the Concept of Participation of the Russian Federation in BRICS<sup>22</sup>, a first document of its kind. It outlines long-term objectives and mechanisms to achieve them in a particular global institution. According to the Concept: “For the Russian Federation, the cooperation in the BRICS format is a key long-





term foreign policy vector”. Russia is seeking to achieve somehow determined objectives through its participation in BRICS, including providing a more favorable international environment for the development of Russian economy and financial system, support for

make it more decentralized and changing. That is an example of a traditional round table with many participants burdened with all possible backgrounds where it is much more difficult to reach compromise.

### The Russian interest in BRICS union is clear: to create an attractive multiparty alternative to the Western model of global governance

peace and security, strengthening international positions of the country, widening Russian linguistic, cultural and informational presence in the world.

The economies which have not rooted too much into the existing derivative system, but managed to acquire sufficient mutual dependence, could succeed in building a new approach up. BRICS countries which are still not members of OECD at the same time have a good chance to launch a new market assessment as a first ‘brick’ of the future world order.

BRICS is different from other global frameworks due to its “start-up” nature, when participating countries try to shape new reality just dealing with common challenges to be overcome with minimum regard to collected tensions and existing blocks. That is not applied to G20 where Russia is presiding in 2013 and tries to relief its negotiating strengths to reload the global agenda and

G20 plays a specific role in global governance either. First of all this is the first international endeavour to unite the leading advanced and developing countries for an annual multilateral forum. They represent up to 85% of world GDP and two thirds of world population. G20 includes both traditional economic powers (G7) and

emerging actors (BRICS). At the same time participating countries could invite for their meetings other countries and organizations. That is why G20 has a real chance to intrench itself as a leading forum for discussing topical issues of global economic agenda and reforming global governance institutions. Second, G20 is the newest international endeavor built on an umbrella-type basis, because it involves institutional opportunities of Bretton Woods system, OECD, International Labor Organization, WTO and other sources of information and expertise. Third, G20 is a number of forums, conferences, working groups which form an integral network of all year information liaison and discussions among finance authorities and sherpas as well as experts and researchers.

Russian inputs for the G20 agenda proposed during its presidency go in line with previous forums’ topics. It declared three priorities drilling down into different areas: growth



through quality jobs and investment, growth through trust and transparency and growth through effective regulation<sup>23</sup>.

In geographical sense Russia is more likely to look east and south even though some crossroads in those directions get more topical for the nation. The vast Euro-Atlantic area is usually considered of primary interest of Russian foreign policy. It might be easily identified both in public opinion and in tangible elements like the foreign languages taught at schools or allocation of Russian trade missions in different parts of the world<sup>24</sup>. Russian academician Alexander Dynkin notes that ‘...with either tempo of geographical diversification of Russian foreign economic ties EU countries will stay major trade partners of Russia at least until 2020 and will be key suppliers of direct foreign investments into national economy’<sup>25</sup>. Nevertheless, he agrees that ‘cooperation with Pacific Asia up to 2020 is a key priority of geographical diversification’<sup>26</sup> for Russia. In terms of global crisis influence the primary focus of nations goes along with economic growth rates, and the highest figures are now demonstrated in Asia.

In the study “The EU Foreign Policy towards the BRICS and Other Emerging Powers: Objectives and Strategies” prepared for the European Parliament’s Committee on Foreign Affairs the authors conclude that ‘...the European population and European politicians have to adapt to a world order in which Western countries do not systematically dominate anymore, but which is characterized by an ‘irresistible shift of global power to the East’ and to the South’<sup>27</sup>. But Europe is not unique

in such a vision – the Pentagon is strengthening its ‘pivot to Asia’<sup>28</sup>, and that was repeatedly articulated by President Obama<sup>29</sup>.

If the ‘primary interest’ (as it was mentioned) itself is eager to accept such a shift of global power, Russia should not be concentrated on its Western vector. It has also declared its intention to be more Eastern-leaning too. Moscow looks for strategic positions in the Asian-Pacific macro-region and has been activating its participation in different trans-regional formats with eastern anchorage like APEC, ASEM, ASEAN etc. Russia develops its relations with China, South Korea, Vietnam, Japan and the others. The region is considered as the source for new global economic growth and Russia is likely to claim its ambitions to benefit that. It is not seriously regarded as a rival in the region once China and the U.S., two smoothly competing global powers, are in open rivalry for leadership. Neither is interested in the counterpart’s dominance in the Asia-Pacific, so in case of accurate balancing Russia has a good opportunity to benefit from such an arrangement.

Once foreign observers are likely to look at Russian ‘energy and military resources to project its influence into Southeast Asia and “its abuse” as a wedge onto states where it lacked clout’<sup>30</sup>, Russia itself puts ahead the importance of Asian-Pacific opportunities when it ‘implement[s] programs meant to boost Siberian and Far Eastern economy, creating a transparent and equitable security architecture in the Asian-Pacific region and cooperation on a collective basis’<sup>31</sup>. A 2011 report of CSIS Russia-Eurasia program on the energy

markets and geopolitics of North-East Asia, the authors identify four main motives for Russia's as they name 'so-called Eastern vector', and all four are stemmed from energy exporting issues<sup>32</sup>. Russian former foreign minister Igor Ivanov considers such a shift in terms of internal modernization – the main priority he finds in development of Russian eastern regions: 'Development of international cooperation has to, on the one hand, respond to needs of regional modernization and, on the other hand, to specify its vector'<sup>33</sup>.

### G20 has a real chance to intrench itself as a leading forum for discussing topical issues of global economic agenda and reforming global governance institutions

As for the fourth dimension of the shift, Russian foreign policy is now more aimed at economic purposes (trade, exports, innovations and alike) rather than political ends, and this is a clear trend in its content layer, which has been crystallized since Putin's first term in 2000–04. Some authors have even referred to this trend as a threat for the West and indicated it as a 'Pragmatic re-imperialization'<sup>34</sup>.

Russia is likely to continue the promotion of its interest in innovations and technological development instead of old-fashioned categories like friendship 'against' in 'white-or-black' dichotomy, albeit all of those stereotypes are still circulating in public discourse due to

internal reasons and deeply-rooted memories of Soviet propaganda. Andrei Tsygankov describes 'Pragmatic Cooperation' between Russia and the West as quite effective and points out that Russians 'appreciate the foreign policy shift toward state pragmatism and economic modernization'<sup>35</sup>. Business and households push diplomatic stakeholders to produce more economic effects and profit from more developed technologies abroad.

The 'Russian Shift' in the described four dimensions is not a series of actions, but a number of requests and intentions evolving within the general search of Russian society for identity and civilizational strategy. Development of the political system, national economy and diplomatic tools contribute to the process in particular. That is a kind of generalized trend which might be capable to lead the country to more competitive positions.

The 'Shift' along with the general search for identity reflects traditional Russian need for a global mission, and foreign policy needs it to the fullest extent. In the XVIII – XIX century it was global protection for Orthodoxy which defined aspirations of Russian foreign affairs (perhaps ever since the Treaty of Küçük Kaynarca, 1774), later in the XX century it was promotion of socialistic models of governance. In terms of growing challenges for the post-war global order modern post-soviet Russia has tried to stay a coherent defendant of the international law and UN basic role. Once it lacks any global goal Russia seems to be lost





## Russian foreign policy is now more aimed at economic purposes rather than political ends

in insularity and inactivity on the global scene. Society is not enough competent still for short-term and flexible sprinter projects, but quite oriented at strategic objectives and stayer, long-distance initiatives.

Quite comprehensive brief description of Russian vision for global governance was made by Bobo Lo in his Ten Key Questions of Russian Foreign Policy: 'Moscow sees global governance as primarily the prerogative of the great powers. Although it is keen for Russia to be a member of as many international bodies as possible, it has no desire to see multilateral institutions take over global governance. Its commitment is to 'great power internationalism', embodied in the notion of a multipolar order. Moscow believes in the primacy of national sovereignty and prerogatives. It dislikes notions such as the 'responsibility to protect', and is ill-disposed towards popular democracy movements (e.g., Arab Spring).'<sup>36</sup> Two years later after various dramatic events took place within the society in Russia, we could observe whether those points are of the same applicability or tend to transform into some new undertakings.

The wave of protest movement occurred in Russia after parliamentary elections of December 2011 was a noticeable reason to give a shake to the country and the political system. Collective

demand for fair elections pushed Russian society (mostly in major cities) to express discontent with the Kremlin policy and actively articulate its needs through manifestations and street riots. The effects of 'Arab Spring' inspired

some leaders in opposition to promote popular anti-government movement. Carnegie Center characterized the protest activity as 'Russian awakening', which however "should not be misconstrued as eventually leading Russia into the fold of the political West"<sup>37</sup>. After presidential election, when Vladimir Putin won his third (non-consecutive) presidency with unprecedented move of putting web-cameras on the polls, the wave of 'awakening' began cooling down. Nevertheless, a liberal opposition movement got a new start as a result of that, and political leadership has launched some political reforms including electing governors and easing for political parties registration. In general, Russian government learnt the lessons and reloaded most of its policies including the approach to foreign one – officials got more suspicious about political influence from abroad which might affect global cooperation as well.

What could be proposed for the global government by the present Russian leadership? With no regard to prompt or comprehensive nature of possible projects it is easier to identify more or less the agenda for internal policy which is rather widely discussed in civil society institutions and considered in different public bodies and agencies. It was clearly reflected in the Valdai Club's report on Russia's economy that 'Joining the group of advanced democratic mar-

ket economies will require tremendous effort from Russia, both material and institutional – the modernization of society and the state, even though by authoritarian methods at first<sup>38</sup>.

The series of 11 first-day decrees signed by Vladimir Putin just after his latest inauguration 7 May 2012 has concluded talks on where Russia is (or must be) going this decade and defined the anticipated results of government policy until the next electoral cycle. If on social policy, health and education and even military issues the consecutive acts imply certain

their demands for external inputs. Such a feature appears again in the new Foreign Policy Concept which was signed by the President on 12 February 2013<sup>40</sup>.

Strategic development of Russia is defined in a complex system of long-term acts. All the implied goals would be achieved effectively in case of non-contradictory and corresponding integration of the acts and coherent and task-oriented work of the executive. Russian government has been building the system of strategic goal-setting step by step since the beginning of the global economic crisis. The process is still evolving and the paradigm of results-driven and performance-based management is still being implemented in Russian public administration.

### In terms of growing challenges for the post-war global order modern post-soviet Russia has tried to stay a coherent defendant of the international law and UN basic role

indicators, foreign policy (executive order # 605) is described in terms of priorities, not expected figures<sup>39</sup>.

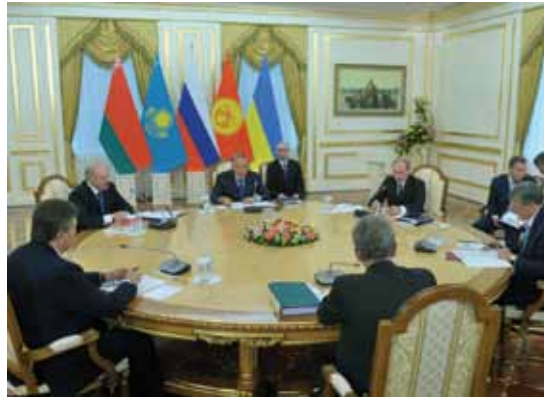
Obviously, expectations and achievements in global policy of a nation are more difficult to express and measure rather than in social and economic policy. Foreign relations require specific professional approaches which usually put them aside, but Russian leaders have once and again underlined that foreign policy is to extend and reflect the domestic one. A wide range of objectives on modernization and innovative development of Russian economy have implied foreign activities and resulted in some international initiatives.

On the other hand it should be acknowledged that Russian foreign policy has always been positioned as quite detached and autonomous within general government administration, in some sense too prestigious to deal with tangible and daily issues. In some degree Russian foreign policy got used to be a thing-in-itself aimed at closely-defined and ideologically-motivated corporate needs. Russian diplomacy is likely to have no doubts on backing support from different domestic bodies, but does not seem enough minded on

Influential and specific decisions are considered to be taken according to a structured range of documents. Among them there

are first of all the National Security Strategy to 2020<sup>41</sup>, the Long-term Socio-economic Development Concept to 2020, the mentioned 11 presidential decrees of 7 May 2012, which have brought into focus those depreciating documents and reloaded actual priorities for the nation. The logical drill down of the stated goals is the Policy Priorities of the Government of the Russian Federation to 2018<sup>42</sup> and more specific state programs of the Russian Federation which are to be, on the one hand, the main tool for implementing all those guidelines, and on the other hand, determine up to 97% of all budget spending (i.e. all ministries and government agencies activities).

Though Foreign Policy Concept is a fundamental and comprehensive document designed to define all the aspects of Russian activity abroad, it still stands apart the overall system of strategic goal-setting. The new version was worked out by the foreign ministry only with no regard to approaches and priorities shared by other bodies including social and economic agencies which bear the main burden of responsibility for achieving the declared political obligations. Among the mentioned acts the Concept refers to the National Security Strategy and the President's executive order # 605 on measures to



implement foreign policy only. Foreign Policy Concept pulls its subject out of the intensive economy-developing and innovations-oriented context. That seems too arrogant and out-of-date at least, and not contributing to the effectiveness of the foreign policy as it is.

Another important point concerning the Foreign Policy Concept is about its discontinuity and 'blind alley' in terms of planning: it does not imply direct documents to elaborate its principles. Of course all the activity of the corresponding agencies and offices is to and would be preconditioned with the content and spirit of the Concept (especially when we bear in mind that a state program on foreign policy is to be formed as well). But the problem is that such a preconditioning could be just an issue of corporate loyalty, but not formally and logically prerequisite for putting into effect the generalized conceptual vision. What Russian diplomacy (and government in general sense) needs is to acquire the results-oriented logical framework approach when the superior strategy is not only a sacral base of knowledge for subordinates, but also an input for their own strategies drilling down the given key tasks into immediate actions to be realized through the forthcoming long-, medium- or short-term period. Most government bodies, regional authorities and even local municipalities have been practicing that for the last decade.

Even though some of those strategies and plans could be closed for public, they should be designed according to some general principles like correspondence with the superior ones and measurability of the expected results through clear indicators. At least there must

be a set of rules configuring the succession of objectives and feasibility of aspirations. Strategies should be agreed with the political or/and hierarchical stakeholders, and head officers are to be responsible for the implementation of their unit strategies.

However, in terms of the global boom of public diplomacy and soft-power including growing impact of business, culture, expert cooperation on foreign relations the issue of information openness/closeness in this sphere is to get clear criteria as well. When public diplomacy performance appears better and more effective, those who do it are worth at least being involved into strategic goal-setting if not leading the process. The problem is not even about non-state actors because some government agencies dealing with global issues are in fact excluded from the agenda-setting procedures in this sphere. Ministry of Economic Development which is in charge of foreign trade issues and supervises the network of Russian trade missions abroad (and above all coordinates performance-based governance) does not take part in Foreign Policy Concepts drafting and adjusting. But this Ministry has its own number of goals and actions to do. In particular it has suggested to reload the system of trade missions and worked out its own Trade Missions 'New Image' Concept<sup>43</sup>. If different departments follow independent lines, why should they promote the same global initiatives? This is a puzzle which is quite tricky to piece together.

The most apparent example of need for long-term thinking is Russian membership in international organizations. Relations with some of



### Russian foreign policy got used to be a thing-in-itself aimed at closely-defined and ideologically-motivated corporate needs

them are of permanent relevance and intensive performance like UN and its bodies, Commonwealth of Independent States, APEC, etc. Relations with some other ones never appear in the news and could be identified due to antique treaties. In general sense it is very hard to define even the number of such organizations as the relations have been established at different levels, by different bodies and for different reasons. Not all of them are moderated by the Foreign Ministry.

According to federal budget reports more than 60 bln. rubles<sup>44</sup> (\$ 2 bln.) is spent annually as membership fees to different international organizations, which is around 1% of overall spending and 0,001 of GDP. Command of that money is distributed between around 40 ministries and state agencies including Russian Academy of Sciences and Rosatom Corporation. There are no grounds to evaluate whether it is too much or too less, but there are grounds to say that it is to be spent efficiently. Today it is unlikely known if anybody monitors and directs all the activities held due to Russian memberships in such a wide range of global institutions. At most each ministry does it separately towards their foreign counterparts, and Foreign Ministry seems to be the most active in that as it is its major tool and responsibility. Due to the obvious character of 'great power' Russia acting

by its public bodies used to join as many global frameworks as it could. But nowadays this strategy might be considered as misleading. In the age of networks presence everywhere would be at least exhausting if possible in fact.

Foreign relations of Russia if not limited to Foreign Ministry activity but involving more and more contributors require flexibility in techniques and resources in order to get more effective. When public sector of the economy gradually reduces and global networks dramatically multiply, governments fund directly only those which they are interested the most, for others there should be found indirect forms of support.

Thus, we think, Russia needs a thorough and scrutinized review of all its memberships in international endeavours aimed at determining whether each contributes to the 'grand strategy' or not, and what opportunities of a membership are still underused to profit from for the strategy. Such a review would give an exact answer where Russia is presented and launch some discussion on strategic thinking towards all the frameworks involved. One of the options could be when a ministry or an agency representing Russia in some global institution would have to develop its own foreign strategy (action plan) according to the Foreign Policy Concept and defend it at stakeholders or peer-review meeting including government officials, diplomats, public council members, etc.

The example of the Foreign Policy Concept illustrates how detached and inconsequential

decision-making on internal agenda could be in Russia. On the one hand it is not firmly based on domestic priorities as it is not subordinate to them, on the other hand it does not cause regular task-oriented contributing engagement from the involved participants as it does not encourage or bind them with common tasks.

The lack of long-term strategic cohesion between many official and public stakeholders (including the Ministry of Foreign Relations among them) within Russia seems to be the

put all in implementing the political commitments declared. Again and again Russia demonstrates its artistic ability to blunt the diplomatic attack from any side on any point, but is totally unconsolidated on its own endeavors.

Fugacity and frustration dominating in Russian bureaucracy are likely to restrain most ideas for global government articulated by Russian minds and give them up along with the flow of domestic politics. The continuing monopoly on foreign relations by official red tape diplomacy which has to be cautious keeps

Russia with no interest to search for new breakthrough solutions within the global government.

### Foreign Policy Concept pulls its subject out of the intensive economy-developing and innovations-oriented context

crucial obstacle for influential achievements on the global scene. Over the last 5–10 years there have been a lot of projects launched by Russia at different international tables with regards to public interest, but most of them have either already disappeared or still been fusing in endless and senseless talks. European security treaty, world financial center in Moscow, oil exchange for rubles in Russia – all those projects for the global agenda, even though considered as too ambitious exactly when declared, have got hung up unrealized and almost forgotten because the contractors who should deal with them were by default hard of belief. Nobody tried to bring them round and moreover to oblige them to ensure the result intended. There was no direct responsibility to

Two years after the end of the electoral campaign in Russia we see rather few projects to pretend the global government agenda.

The character of ‘globalism’ in its aspirations tends to get more pragmatic and task-oriented, but again some break between the objective and its execution might be more or less remarkable.

Russian Federation has completed its first APEC presidency in 2012 which was widely considered as quite promising and encouraging. Russia has claimed its ambitions as an important Pacific power and demonstrated its turn to the East ‘in the interests of developing Siberia, the Far East and Russia at large, as well as forming a new architecture of security and cooperation in the Asia-Pacific’<sup>45</sup>.

The leaders’ meeting in September 2012 was fruitful both in all-round and bilateral com-



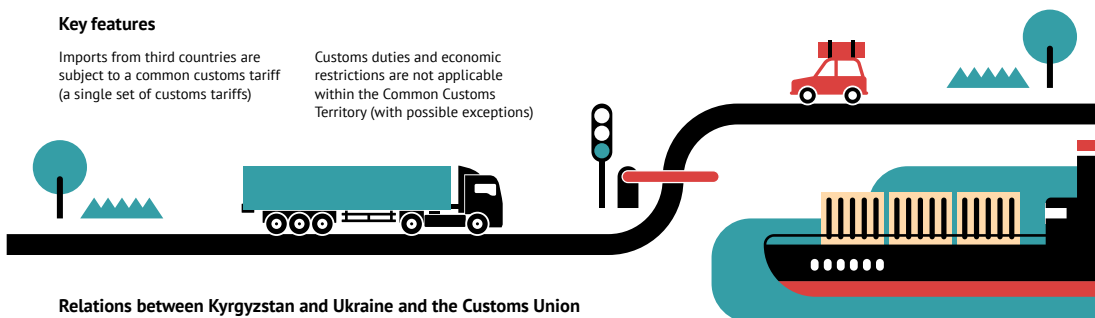
# The Customs Union of Belarus, Kazakhstan and Russia

The Customs Union is a form of economic integration in the post-Soviet space

## Key features

Imports from third countries are subject to a common customs tariff (a single set of customs tariffs)

Customs duties and economic restrictions are not applicable within the Common Customs Territory (with possible exceptions)



## Relations between Kyrgyzstan and Ukraine and the Customs Union



### 2010

Talks on Ukraine joining the Customs Union are held. Kyrgyzstan also plans to join

### 2011

Ukraine proposes cooperation with the Customs Union in a 3+1 format, while Russia offered full membership to Ukraine

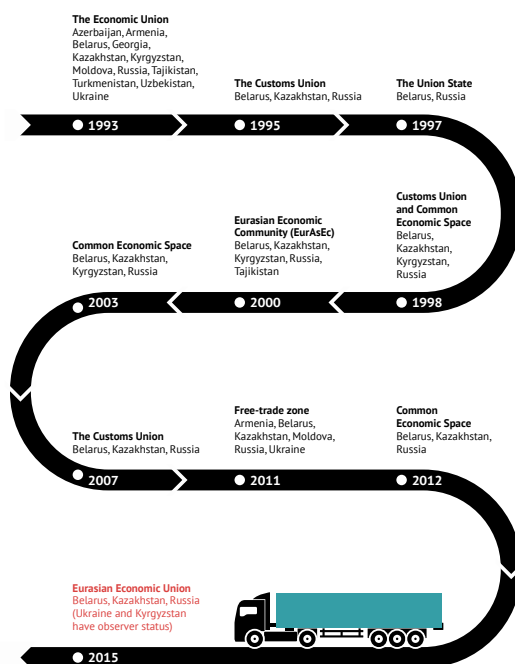
### April 2011

An interdepartmental government commission is established to oversee talks on the accession of Kyrgyzstan to the Customs Union and the Common Economic Space

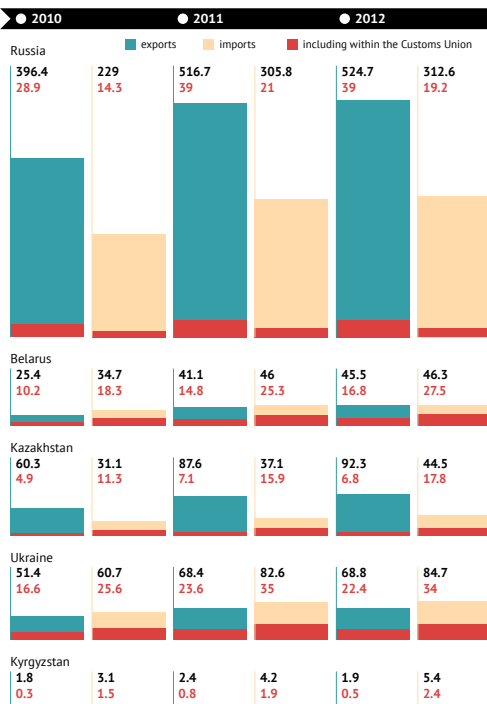
### May 2013

Ukraine and Kyrgyzstan signed a memorandum of cooperation with the Customs Union and the Eurasian Economic Commission

## Economic integration attempts and plans within the CIS involving Russia



## External trade, USD blns.



munications. Prime Minister of New Zealand John Key invited Russian business enterprises into his country, which still remains underutilized by Russia<sup>46</sup>. Japan came forward to important Russian economic cooperation initiatives<sup>47</sup> and all the leaders agreed to refrain from raising new barriers to investments or to trade<sup>48</sup>. Nevertheless half-year later after the summit Russian Far East has not got any pre-echo of economic boom yet and the intensive growth in this part is still awaited. A number of recommendations to push the regional economy of this part of Russia by

Western partners pay quite much attention to Eurasian integration activities, and sometimes even seem to be nervous about those. Leaving her office in December 2012 former US secretary of state Hillary Clinton made her loud statement on 're-Sovietization' to be slowed down or prevented<sup>50</sup> which reminded immediately about Cold war times. Leon Aron in his *The Putin Doctrine* promotes and strengthens such an impression and invents another cliché: '«Finlandization» of the post-Soviet states, harkening back to the Soviet Union's control over Finland's foreign policy during the Cold War'<sup>51</sup>. Such a reaction could only put Putin on his mettle and harden to his strategic mission in post-Soviet states.

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### Russian diplomacy (and government in general sense) needs is to acquire the results-oriented logical framework approach when the superior strategy is not only a sacral base of knowledge

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means of Asian-Pacific wave are dying on the vine once APEC-2012 reaches back.

The most identifiable foreign endeavor of present-day Russia in act is Eurasian Union forming. Declared in autumn 2011 on the start of presidential campaign in his newspaper article<sup>49</sup> and documented in the inaugural executive order # 605 on measures to implement foreign policy the idea of integrating post-soviet countries into an up-to-date economic cooperative union seems to be the core international project for the third term by President Putin. An experienced global leader with two terms behind full of distressful dialogues with friends and foes and four years of prime-ministership in hard struggle with the global economic crisis, after all those terrorist attacks and human rights critics, Munich speech and the Time's Person of the Year, 'color' revolutions and NATO expansion – after all of that Vladimir Putin compared to the new generation of his colleagues is fairly unillusioned. And he is no more quick off the mark to agree with anything his foreign counterparts are eager to propose or intend. The most effective venture for Russia he probably finds in joint projects with traditional allies who are linked to Moscow with historical economic and cultural ties, however usual it could be.

Once Belarus, Armenia, and Kazakhstan which are members of acting Customs Union and United Economic Area give support to the endeavor, other potential members are still in

doubts on that and the expansion prospects are therefore clouded. Shall the reluctant states wish to join – remains to be seen, as it correlates with the masterfulness of Russian elite provided the diplomatic sticks and economic carrots that the new arrangement may bring. This is a very thin tightrope, which will afford only a careful runner both for the safety of the 'performer' and the 'rope', i.e. Russia and its links to post-soviet republics.

There is another foreign project which is not very global in terms of Russian status but quite illustrative as far as it concerns Russian sense of global problems and how it treats them. The case is the country's bid to join the Open Government Partnership. Leaving his presidency for Prime Ministership, Dmitry Medvedev introduced last year an initiative on Open Government to make the executive branch more transparent and "user-friendly". As a part of it in April 2012 Russia declared its intention to join the global Open Government Partnership (OGP) and the full membership was expected to commence in 2013.

In fact the Open Government initiative is a very modern and quite topical issue for the global agenda. That was one of the initial projects of the first Obama administration

# History and functions of the World Trade Organization

The WTO is an international non-profit association dealing with global rules of trade between nations

## WTO functions

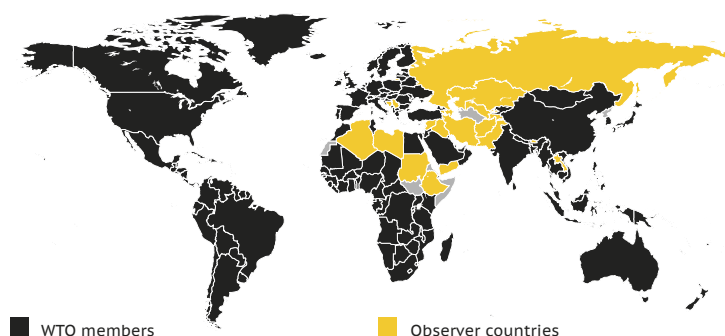
Control trade agreements between member states

Organize and ensure trade talks between member states

Monitor the trade policies of member states, resolve trade disputes between them

## Terms of accession

Candidates must adjust their legislation and the practice of their foreign economic regulation to the Uruguay Round agreements

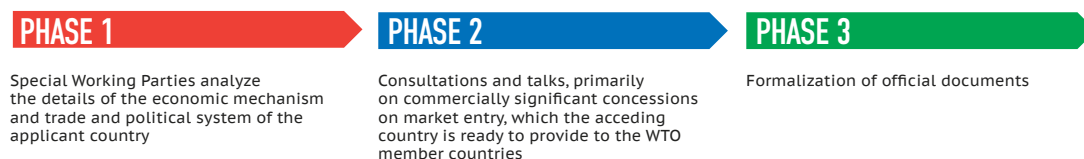


Established on January 1, 1995, as the legal successor of the General Agreement on Tariffs and Trade (GATT), which commenced in 1947

Members: 154 states + the EU (as of July 2012)

Russia negotiated its accession to the WTO for 18 years and ratified the accession protocol on July 21, 2012. It will become a full member of the WTO 30 days after ratification

## WTO accession procedure



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four years ago<sup>52</sup>. Then it goes externally: in 2011 the OGP is formed<sup>53</sup> and in 2013 open governments are one of the pillars of the UK presidency in G8 along with open economies and open societies<sup>54</sup>. That is the case when Russia does not seem falling too behind but promotes this trend very actively. In global sense this is a handy subject for Russia to push the dialogue, particularly when the reset policy with the USA is over in fact and the overall relations with the West are lacking any positive passion.

The problem is that people of Russia who are indeed essential prospective beneficiaries of the open government do not seem too enthusiastic or at least enough aware of the idea. Unfortunately it is still the discourse for the

elite which is not sensibly adherent on that as well. And that is why Russian public did not seem quite interested when the bid for membership was withheld.

Russian bid to join the OGP is not very media-attractive, and it could never compete with WTO or OECD ones. Instead, it is likely to result in a nice two-fold news hook: externally it keeps the dialogue with the West, and internally at least it legitimizes the Open Government activity held in the country with some objective check-points. That is quite in keeping with the political context and short-term character of many Russian global intentions.

Aspiration to OGP is a glaring example of vagueness within Russian elites concerning

political choices at some usually internal and sometimes external crossroads. The general line due to a described above hierarchy of strategic documents adopted for the past months seems to be more or less determined, and foreign policy in a wider sense is not likely to encourage disagreements as it usually unites views of different Russian political parties and movements. Nevertheless, sometimes foreign issues divide elites whether publicly or not, and that does not contribute to effective global inputs by Russia. One of the most vibrant examples happened late 2012 when Russian State Duma looking for an adequate answer to the American 'Magnitsky Act' introduced its own 'Dima Yakovlev Law' which was to forbid American adoption of Russian orphans.

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### The most identifiable foreign endeavor of present-day Russia in act is Eurasian Union forming

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But the first case of dividing Russian view on global agenda happened a year and half before, when then president Dmitry Medvedev and then prime-minister Vladimir Putin have publicly expressed different views on Libya resolution discussed at that time at the UN Security Council. Finally Russia abstained on the resolution 1973, which made it possible for other UNSC permanent members to adopt it and in fact to give the go-ahead for defeating Gaddafi regime. When the Syrian case was brought to the Security Council, Russia did not repeat its non-voting line and has been one of the most consecutive defendants of peaceful measures by global community in Syria.

Some politicians and officials in Russia have interpreted the 'clash over Libya'<sup>55</sup> as a signal for joining 'a camp' and hurried to express their loyalty to one of the two leaders. Since that was a loyalty to a person, not to a global option for Russia, those bustlers have failed; no less than country itself, which has not got a clear strategy towards a new type of regional conflicts and an emerging milestone for the global governance agenda.

All analyzed examples of recent steps forward to global governance by Moscow might be characterized as uncoordinated jogging tugs from side to side reflecting incoherence of decision-making and irresponsible execution of strategic priorities which lie in the sphere of technological modernization and intensive and innovative economic development. Instability of the internal conviction staggers the external on surge.

Now a full member to the WTO and an aspirant to the OECD, Russia seems sending flawed signals to the world. There are two tracks which seem more and more determined. A first one, which President Vladimir Putin comfortably champions, arguably leads

to new sovereignist or, for the lack of a better word, isolationist approach towards the economy and portraying the surrounding world as inherently a challenge, and not a partner. This track suggests that Russia must remain an absolutist sovereign country that

does not exist in any dependency from 'the West' until it finds local strength to modernize from inside : a group of economists, led by famous academicians is expected to suggest to the President to impose further restrictions to keep the strategic segments of economy under government supervision or control. The second track, led by modernist Prime-Minister Dmitry Medvedev, says that Russia may only become stronger once it embraces technology and other patterns of development, available in the West, by recognizing that the new model of post-crisis economic regulation internationally "will be a supra-national"<sup>56</sup>. These two narratives of Russian national and international politics are yet not reinforcing each other, but more like competing in a win/lose domain. The fear of being abducted by 'the West' still shepherds some beautiful minds elsewhere, including academic circles in Russia<sup>57</sup>. For the time being, there is some tangle to be unraveled in terms of Russian ambitions over global government: whether Moscow fits a key or sets its own lock. The case is that the latter option risks to go unnoticed and to pull the country out of the table.

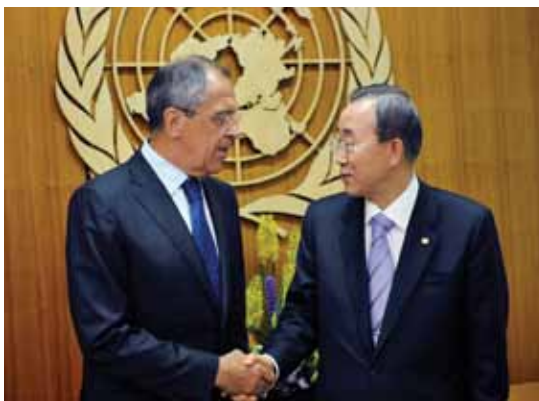
## 2. Global Trends of Global Governance

### 2.1. Institutions for international order

Central to the system of post-WW2 global governance, nominally, is the United Nations and affiliated organizations, with the extraordinary powers of the UN Security Council, which is a reflection of Yalta-Potsdam regime, or world order. The only organizations affecting international security regime that shifted after the ‘geopolitical catastrophe’ of 1989–1991 have been the NATO, CSCE/OSCE, EU and the African Union – all others remaining either in status quo or continuing, e.g. the Gulf States Cooperation Council, to have no remarkable say in international affairs in any remarkable way. Some new non-formal groupings also emerged in this period, such as G-20 (outgrowth of G-7/8), BRICS, the treaty-based Shanghai Cooperation Organization and others, which are important platforms for discussions, but essentially do not yet provide with institutionalized mechanisms of decision-making with regards to the international peace and security matters. The consensus

reached in these groupings materializes in treaty-based organizations, such as UNSC, NATO or others.

The UN-based international regime presents four layers of organizational bodies responsible for the chief mission of ‘saving the succeeding generations from the scourge of war’ through the ‘maintenance of international peace and security’ and the rule of law. Those are the [1] UNSC and the General Assembly (in exceptional circumstances, noted below), [2] International Court of Justice, [3] regional and sub-regional inter-governmental organizations; and since 2002 [4] International Criminal Court, which has emerged as an alternative institution of prosecuting high-level individuals for *erga omnes* crimes, i.e. those committed against the international community as a whole. If the UNSC and regional organizations employ political and economic means of achieving peace and order, the ICJ and the ICC retrieve only legal instruments,



again bound on UNSC to enforce those rulings.

The absolute international legitimacy, politically speaking, to evaluate situations of intra-state character, which are ‘essentially within the domestic jurisdiction of any state’ (Art 2(7) of UN Charter), lies on the UNSC in cases when it considers enforcement actions under the Chapter VII. It is noteworthy, that the UN Secretary General is also entitled to bring to the UNSC any situation which “in his opinion may threaten the maintenance of international peace and security” (Art 99). The UN Charter Article 24 clearly mentions that the UNSC holds “primary responsibility” (however, not unique or exceptional) for the ‘maintenance of interna-

always been an inherently political act<sup>58</sup>, and the available practice does not allow to extract any certain pattern of institutional behavior in intra-state conflicts with mass atrocity crimes, which might theoretically have mobilized the Council so far. Even belligerent aggression by one state against another (e.g. Iraqi invasion in Kuwait, 1990) has more often been described with substitute glossary— as a sign of political tradeoffs and conflicting interests among the P5 States.

Whenever the UNSC fails to discharge its primary responsibility, the UN General Assembly may take the scene invoking the ‘Uniting for Peace’ procedure, which was established during the Cold War as a measure to overcome

UNSC stalemate (Korean war, Israel/Egypt peacekeeping, etc) and the threat of veto under UN Charter Art 27.

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### Central to the system of post-WW2 global governance is the United Nations and affiliated organizations, with the extraordinary powers of the UN Security Council

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tional peace and security’ (emphasis added); whereas the Art. 39 rules that the UNSC itself shall “determine the existence of any threat to the peace” (emphasis added), without mentioning whether the threat should be to domestic or international peace and order.

The distinction between local and international matters was totally blurred in post-Cold War era, as the Council adopted several resolutions on conflicts of intra-state character, equaling them to threats to the international community as a whole (e.g. S/Res/780 on Bosnia and Herzegovina in 1992, or S/Res/2085 on Mali in 2012) //UNSC Resolution 2085 (2012): “...Emphasizing that the situation and entrenchment of terrorist groups and criminal networks in the north of Mali continue to pose a serious and urgent threat to the population throughout Mali, and to the stability in the Sahel region, the wider African region and the international community as a whole...”/. The determination and labeling of an existing crisis and the role of local government in it by the UNSC has

As a chamber of state-to-state disputes and therefore constrained with political considerations, the ICJ nevertheless executes a pivotal role in the maintenance of international peace and rule of law. Of course, the chief weakness of the ICJ is that mostly it operates on the

basis of consent among the parties concerned as part of reservations that states make at the time of accession to relevant treaties.

A latest ground-breaking judgment (in the scope of present study) with regards to rights and responsibilities of states has been the ICJ landmark decision in *Bosnia v Serbia* (2007). In this crucial ruling the ICJ concluded that the obligation to prevent genocide lies on neighboring countries as well as those States who have special political and other links with the target-state, and thereby Serbia “violated the obligation to prevent genocide” during the massacres in Srebrenica in 1995.<sup>59</sup> To translate this into political meaning, the modern state of international law obligates states to do whatever they are able to, in a good faith, in order to prevent and punish crimes of genocide in countries where they might have influence; however this erga omnes obligation not being of a binding character, since states as such cannot be held criminally accountable for wrongful acts.

In his Nobel Peace Prize acceptance speech in 1929 the U.S. State Secretary Frank Kellogg argued that after the abolition of wars, «the adjustment of international questions by pacific means will come through the force of public opinion, which controls nations and peoples», to the contrary of those who had been advocating that «peace will not be attained until some super-tribunal is established to punish the violators of ... treaties»<sup>60</sup>. In the next decades only ad hoc tribunals had been commenced to try and punish major war criminals, chief of them the tribunals in Nuremberg<sup>61</sup> and Tokyo. As Michael Struett argues (to the shame of political scientists), «no political scientist predicted that the world would witness the establishment of an Inter-

*this universal jurisdiction, some states, including the US, have not only declined to ratify the Rome Statute, but entered into parallel treaty relations with third states to prevent its nationals from being surrendered to ICC*//<sup>65</sup>, when UNSC referred the situational in Libya to the ICC, even though Colonel Qadhafi rescinded from the Rome Statute years before. The unprecedented move proved the Rome Statute to have truly universal jurisdiction upon erga omnes crimes – with the political support of the UNSC.

The ICC is not a self-sufficient institution, as its operational effectiveness fully depends on the cooperation of states and support of the UNSC. Therefore, sometimes the efficiency

of ICC performance is hindered by the unwillingness of Member-States to cooperate, present available evidences and enforce arrest warrants<sup>66</sup> – which is most often a matter of political calculations and self-interest. Naturally, another hindrance to the efficient delivery of international criminal justice is the role of great powers in alleged crimes, as they may protect their own nationals by

political means, giving rise to criticism against ICC as delivering only ‘victor’s justice’. For instance, the U.S. have concluded bilateral non-surrender agreements with most of the states<sup>67</sup>. However, due to the development of the international law, and particularly in the domain of state responsibility, enshrined in the ILC’s Draft Articles of State Responsibility, individual State’s relations with the institutions delivering law, peace and order cannot remain as ‘voluntary cooperation’<sup>68</sup>, as there is always the responsibility entailing absence of due diligence.

The UN itself and its agencies show steady tendency of decline and eventual marginalization in a world of conflicts and new emerging yet excluded powers. First, the UNSC does no more represent the balance of power in the world, whereas the Yalta-Potsdam system declined with the demise of the Berlin Wall and host of other factors. A forward-looking “World around Russia: 2017” report authored by influential Russian Foreign and Defense Policy Council admitted that the UN-

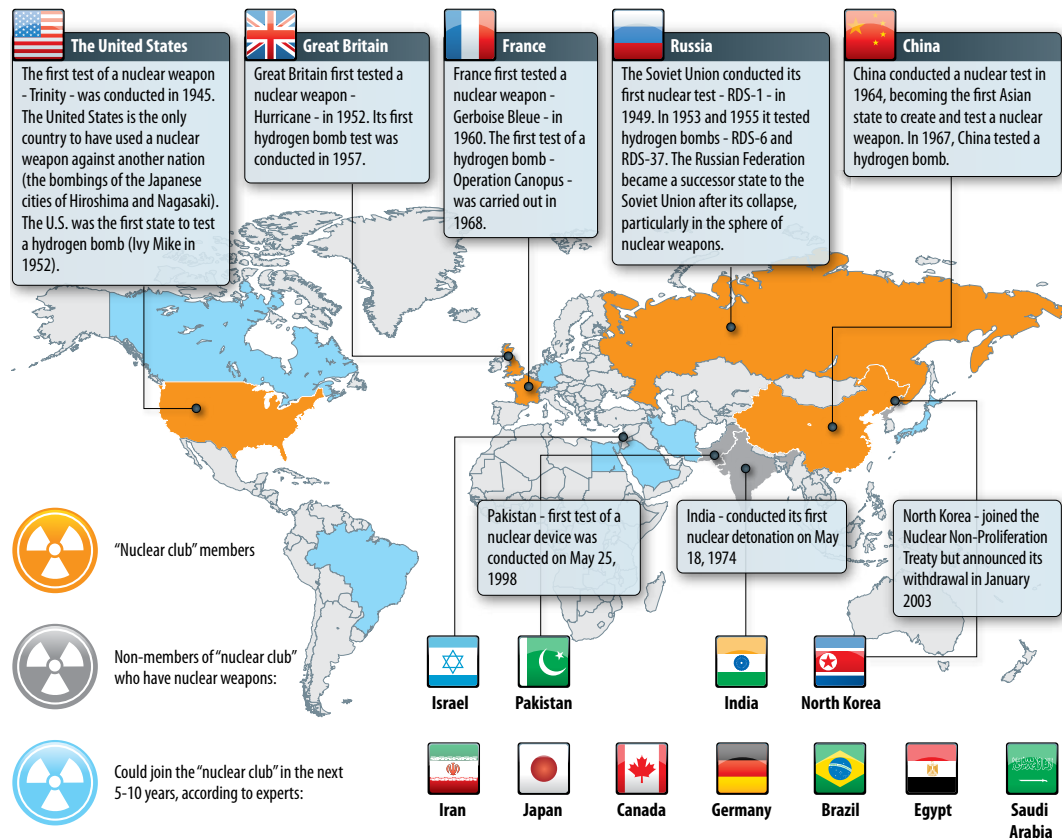
### The decision-making mechanisms, both in the UNSC and other related agencies proved to be slow and inefficient when national interests of P5 members are engaged

national Criminal Court”<sup>62</sup>. However, since 2002 the Rome Statute of ICC has become the most objective framework to punish – as former Chief Prosecutor of ICTY Carla Del Ponte pointed – “humanity’s worst criminals”<sup>63</sup>.

Entered into force in June 2002, this Statute has established a universal jurisdiction to prosecute crimes against international community as a whole, whenever there is «sufficient gravity» (Art 17/1/d) // *As such, the ICC Prosecutor Moreno-Ocampo declined calls to start prosecution of British soldiers in Iraq in February 2006, who had allegedly committed war crimes, on the basis of the lack of ‘sufficient gravity’, comparing the situation in Iraq with Northern Uganda, DRC and Darfur. Above legal opinions, this has also shown the political limitations of the Court*//<sup>64</sup>. Articles 5–8 give the overall and detailed framework of those crimes with international character, which are crimes against the international community as a whole. It has been an extraordinary development for the system of universal criminal justice // *Despite*

## World's nuclear states map

Under the Nuclear Non-Proliferation Treaty (NPT), a nuclear state is defined as one that detonated a nuclear device prior to January 1, 1967.



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based system of international security with the UN, NATO and OSCE, were 'inadequate to the challenges and threats' of XXI century<sup>69</sup>. The decision-making mechanisms, both in the UNSC and other related agencies proved to be slow and inefficient when national interests of P5 members are engaged (e.g. Iraq war 2003, August war 2008, Syrian crisis since March 2011, etc), and only on rare occasions the decisions come on time (Libyan situation in 2011, Mali in 2013). Such a profound challenge to the international peace and stability as the regime of nuclear non-proliferation, which has been a sacrosanct multilateral treaty almost unconditionally observed by P5 States during the whole Cold War period, has been breached since the 1990s – with India, Pakistan and North Korea acquiring nuclear weapons,

whereas the similar threat by Iraq appeared to be exaggerated and employed as a pretext for unilateral military intervention (2003) and Iranian issue remains far from consensus either. Unilateral sanctions (on top of UNSC sanctions) imposed by the United States and the EU further marginalized the UNSC as a platform for global security matters. On the other side, the peacekeeping mechanisms under either Chapters VI and VII (respectively, consent-based and enforcement actions) are in decline either, as most of them are stuck in Cold War era mechanisms of freezing conflicts, rather than solving them. In such a complex and troubled international situation the UNSC has largely remained incapable of doing its homework. The reform of UN, and primarily of the Security Council, has been



on the agenda for a decade, and no progress has been achieved or is anticipated in mid-term due to same great power rivalry among the P5 states. Therefore, particular attention shall be attached to additional routes to the issue of international peace and security governance, with due consideration of the UNSC and its central role. We are of belief that the alternative avenues may actually enhance the cooperation among the P5 nations, since none of them would risk losing the veto power and unique stand to the world affairs. Of course, the issues of climate change or international aviation are important domains of global partnership, but it is essentially the issues of conflict and peace management that occupy top lines in the global agenda. For the sake of this report, we limit our global governance research to the security governance issue.

## 2.2. The regional arrangements

The regional organizations and arrangements bear a certainly special role in the international affairs to enhance cooperation among states, as well as to contribute to the lasting peace and order through various mechanisms of monitoring missions, best practices sharing, collective sanctions and peacekeeping. The UNSC discharges its obligations for the maintenance of the international peace and security through regional arrangements, which have gone essential transformations since the 1990s. As the threats to the international regime and status quo were emerging in the 1990s and 2000s, the (trans-)regional organizations – both treaty-based (OSCE, NATO, African Union, EU,

Shanghai Cooperation Organisation, WTO, etc) and non-formal groupings (G8, G20, BRICS, etc) were either established or more strengthened, acquiring to have a firm say in global affairs and governance. Eventually, all the major powers, and primarily the disadvantaged party of the Cold War – Russia – entered the race of increasing their influence through those organizations as force multipliers.

Only few organizations have contributed to the maintenance of the international peace and security in the past two decades.

The CSCE, merely a Conference, transformed into an Organisation in 1994 Budapest Summit, and acquired to engage into conflict resolution and human rights protection activities ‘from Vancouver to Vladivostok’ through conflict mediation efforts (Transnistria, Nagorno Karabakh, Abkhazia and South Ossetia, Kosovo/Serbia) and election monitoring missions throughout the vast region. The capacities of the organisation allowed it to handle conflict prevention initiatives and enhance confidence building among former Warsaw Pact member-states and NATO countries through mutual inspections. Nevertheless, all ended up with a suspension to the major achievement of the organisation – the Treaty on Conventional Armed Forces in Europe (CFE) – in 2007 by Russia, removing reasonable limits of arms race between such periphery countries as Armenia and Azerbaijan; and a largely failed Summit in Astana (2010), leaving the Organisation in unpredictable future.

The African Union was re-established and re-energized in 2001/02, to provide ‘African

solutions to African problems', though it was not able to solve any major problem of the continent in a decade.

The European Union underwent three major enlargements in the past two decades (1995, 2004 and 2007), incorporating 27 countries with 'European identity' into a major political and economic Union. It also introduced projects of strategic dialogue and cooperation with non-member post-Soviet and periphery countries to create a circle of well-being nations across its vast borders. The EU role as a single foreign policy actor has been shaped during the crisis in and around Yugoslavia, and particularly the Kosovo conflict. Introduction of EULEX mission in Kosovo and the EU Monitoring Mission after the August war of 2008 in Georgia, as well as some aid programs to Africa signaled a firm willingness of Franco-German alliance to seek international leadership on all aspects. Nevertheless, not everything is peaceful inside the EU either. The bailout assistance to Cyprus in March 2013 and financial assistance to Italy may bring anti-German sentiments in the Union<sup>70</sup>, decreasing its capabilities and outreach. The EU also has a remarkable role in assisting conflict resolution and transformation issues in the wider region<sup>71</sup>.

The NATO, perhaps, has been the only treaty-based organization that gained momentum since the collapse of the Soviet bloc, accumulating assets for the maintenance of international peace and security in all corners of the world – previously unheard of to humankind. The past two decades saw unauthorized use of force by the alliance (e.g. Kosovo, 1999), as well as enforcement of UNSC decisions (e.g.

Libya, 2011). Nevertheless, the 2008 financial crisis hit the Trans-Atlantic alliance greatly, as the new Democratic Administration in the White House (since 2009) was forced to reconsider its share in European security, whereas the Europeans showed unwillingness to commit. As the talks of separate (from NATO) EU forces unfold, the United States plans building 'American' missile defense system relying on its Eastern European partners, allegedly against 'rogue' states like Iran.

The Shanghai Cooperation Organisation, initiated by Russia and China in late 1990s and institutionalized in 2001 to fight drug trafficking and illegal cross-border activities in the Central Asia still lacks the coherence and voice on important challenges in the international affairs, serving only in its anti-Western incarnation on demand.

The Russia-powered Collective Security Treaty Organisation, or CSTO, (currently comprised of Armenia, Russia, Belarus, Kazakhstan, Tajikistan and Kyrgyz Republic) plays insignificant role in regional security matters. Militarily the most vulnerable nation in the bloc – Armenia – successfully initiated Collective Rapid Reaction Force (KSOR) agreement in 2009, during its rotating chairmanship, but in fact it even failed to reach consensus regarding the engagement in domestic conflicts in member-states during the crisis in Kyrgyzstan in April 2010 – a major concern for other authoritarian rulers in Belarus and Central Asia.

Two other important international informal groupings have certain influence to the global



governance, though none of them has institutionalized mechanism of decision-making or enforcement. Initially established in 1975 as a Group of Seven among most industrialized nations (France, Germany, Italy, Canada, and Japan, US and UK) to discuss economy and global finance, it later absorbed Russia in 1997 and emerged as an important, but yet informal club of discussions on global political matters. Likely under the influence of global financial crisis, the US and Canada proposed to include other big industrialized economies in the group, creating G-20 in 2008. Though the group meets annually since 2011, it has still remained as informal discussions club and no immediate plans have been announced to institutionalize it.

Nearly the same story is with the BRICS (Brazil, Russia, India, China and South Africa)<sup>72</sup>, another informal grouping of emerging economies, which meets regularly without formal track of decision-making. Russia is reportedly much interested in the maintenance of both chambers, as in the words of long-serving Foreign Minister Sergei Lavrov, “Russia constantly tries to put economy in the foundations of its relations with the world”<sup>73</sup>.

### 2.3. The role of Russia in the face of global challenges

A myriad of problems require international cooperation – from atrocity crimes prevention to state failure, from countering international terrorism to the nuclear and other WMD proliferation issues, climate change, global food security // *The World Bank projects the global demand food to increase by 50 per cent by 2030 (in comparison to 2005/06), as a result of growing world population*//<sup>74</sup>, pandemic threats // *The U.S. National Intelligence Council scenario forecast for 2025 projected that a potential emergence of a global pandemic may cause “...internal and cross-border tension and conflict ... as nations struggle—with degraded capabilities—to control the movement of populations seeking to avoid infection or maintain access to resources...”*//<sup>75</sup> and others – all of which may cause major international conflicts. The acquisition of nuclear weapon by such troubled states as Pakistan and North Korea (through now-dismantled A.Q.Khan’s

nuclear ‘black market’ in Pakistan) breached the non-proliferation regime, which, concluded in 1968, was a second to UN Charter universally recognized and observed regime. The enduring conflict in Korean peninsula may trigger a larger, global conflict should the United States and China fail in showing ownership to negotiating the crisis management with their partner states. State failure and associated conflicts, including international terrorism (Afghanistan, Pakistan, Yemen, etc) and atrocity crimes are the other hotspots to keep an eye on.

The present-day global institutions, and chief of them the UNSC, all failed in discharging their international responsibilities in a systematic way. As of today, no viable institution is there to fulfill the maintenance of international peace and security in a long run, due to existential disagreements and inherent competition among P5 powers. The attempts of BRICS countries to construct a balance of power with the Euro-Atlantic alliance thus far have been still emerging since BRICS essentially lacks common vision to the global challenges as well as different relations with the Euro-Atlantic community. Nevertheless, all relevant discussions of the more cohesive global governance share a consensus of UN reform and UNSC expansion.

Russia, as well as other emerging powers – China, India, Brazil and the like – opposed the American unilateralism of 1990s and early 2000s, regarding it as a breach to the international law and orderly status quo. Though it hardly stopped any of the actions – Kosovo intervention, war in Iraq, unilateral sanctions against Iran, Syria and others – a high-voltage tension in the world has been created. The need of international cooperation on global problems was felt also in the Euro-Atlantic community. The aftermath of war in Afghanistan and Iraq, as well as fight against global terrorism proved to be unwinnable without true international cooperation. When the leaders of the U.S. and Russia hit the ‘Reset’ button in bilateral relations in March 2009, two other important developments hit the ground, which demonstrated the whole bankruptcy of unilateralism and self-admiration: the international financial crisis that started in 2008 and the sweeping protests in the Arab Street have both politically and economically shaken the foundations of the

world order. Neither the political institutions of regional or global character (NATO, OSCE, African Union, Arab League, etc.), nor the institutions of global financial regulation (World Bank, IMF, WTO or others) were capable of coping with the unexpected developments. Particularly, if the West hoped to see positive changes and repressive regime change in the Arab world by initially supporting the uprisings either calling for resignations (Presidents of Egypt, Tunisia, Yemen) or through military engagement (Libya) – the emergence of radical Islamist groupings in those countries leadership altered many initial hopes of positive transformation. Little discussed so far, the radical Islamist regimes in Egypt, Libya and ongoing violence in Syria amended previously popular ‘democratic peace

tolerate any optimism towards current regime of status quo. International cooperation to prevent genocide and other atrocity crimes and punish their perpetrators could have been better fulfilled should the ICC unite the global powers. The establishment of ICC since 2002 has been the only visible acknowledgement of the change of ‘cuius regio, eius religio’ principle, enshrined in UN Charter Art 2(4).

#### 2.4. The Responsibility to Protect

Essentially, the establishment of the ICC and entry into force of its Rome Statute in 2002 amended the Westphalia-style state sov-

ereignty doctrine, which many regarded as a last shield of protection towards great power interference in domestic affairs. It ruled in a powerful way that erga omnes crimes against the humankind, as well as the crime of aggression, shall be prosecuted internationally and high-ranking individuals shall stand trials whenever the parent states

are ‘unwilling or unable’ to guarantee accountability.

The NATO intervention in Kosovo (1999) and U.S. and allied intervention in Iraq (2003) tested the U.S.-led international system. It appeared that even though the United States and its allies can achieve military victory on the ground, they cannot build the peace on their own. Missionary policies of ‘democracy promotion’ appeared to be dysfunctional in societies where such a demand had not been locally brewed. While all the international (media) attention was hi-jacked by the Kosovo operation and its aftermath, the humanitarian problems in Africa were aired and discussed less and less.

In this situation, the UN Secretary General convened several expert commissions consisting of eminent persons, tasked to explore global threats and challenges, and work out scenarios of international response. Bound to place the values of human rights and sovereignty in one basket, the International Commission on Intervention and State Sover-

### All relevant discussions of the more cohesive global governance share a consensus of UN reform and UNSC expansion

theory’, which was the foreign policy doctrine of the U.S. until at least 2008. ‘Free’ elections and designed market economy did not bring peace to Kosovo (alleged center for «black» transplant surgery and organ trafficking)<sup>76</sup>, Georgia (provoked Five Day war in August, 2008), Palestine, Iraq or Afghanistan. Regime change did not bring joy of safety and democracy to Egypt, Libya and others either. At the end, prominent social scientist Francis Fukuyama summarized, though much had been spoken and done for regime change in troubled states, the international community lacked good knowledge of effective state/nation building<sup>77</sup>.

With the changing nature of conflicts, most of them being of intra-state nature, the international institutions for maintaining peace and order failed to adjust. Neither ‘soft’ reactions of the UNSC in the form of peacekeeping operations, nor enforcement actions either unilaterally or through UNSC mandate fulfilled the promise “to save succeeding generations from the scourge of war”, in the words of the Charter. More than that – continuing atrocity crimes in Darfur/Sudan, Syria and DRC don’t



eignty (ICISS), chaired by former Australian foreign minister Gareth Evans, came out with an eye-catching recommendation to re-evaluate state sovereignty – not as a given and uncompromised value, but entailing a responsibility for the governments to prevent deadly conflicts and mass atrocity crimes in their territory, and actively cooperate with each other with a view to end human suffering whenever the local authorities are ‘manifestly failing’.

The doctrine of the “Responsibility to protect”, or R2P, authored by Evans Commission in 2001<sup>78</sup>, proposed “a reorientation of the international debate”<sup>79</sup> and resulted in reconsideration of existing framework of international law and policy applicable to the prevention, punishment and prosecution of internationally wrongful, *erga omnes* crimes, such as genocide, crimes against humanity, war crimes and ethnic cleansing (hereinafter – ‘R2P crimes’) // *As observed by Jennifer Welsh, the UN World Summit Outcome Document of 2005, in fact, established the list of ‘R2P crimes’, whereas the original ICISS report was making the case solely for crimes incurring ‘large scale loss of life’*//<sup>80</sup>. The concept of R2P encapsulates the acknowledgement of global change in world order in favor of human rights versus Westphalia style sovereignty. Essentially, this changed an important aspect of the use of force doctrine in favor of international regime of human rights protection from grave crimes against humankind, and, with the help of the ICC, for reasonable punishment to high-level perpetrators.

The R2P Doctrine entered the international glossary as a reconsideration of then-nega-

tively loaded ‘humanitarian interventions’<sup>81</sup>. Overall, this contributed to the political and academic discussions over complex relationships between two values enshrined in UN Charter: state sovereignty and human rights, giving the priority to the latter in the event governments fail to protect their populations from genocide and other mass atrocity crimes. The novel concept successfully bridged former unilateral endeavours of the U.S. and its allies in 1990s and early 2000s, suggesting a more universal application of human rights protection issues – that is why, in our view, it received large support in 2005 UN Summit.

Before the ICISS was convened by the generous support of the Canadian Government in 2000, three most notable scholars of international law – Michael Glennon<sup>82</sup>, Thomas Franck<sup>83</sup> and Antonio Cassese<sup>84</sup> came out with their evaluations of ‘illegal, but legitimate’<sup>85</sup> Kosovo intervention by NATO allies. Glennon’s suggestion to ‘rethink collectively and comprehensively when intervention ought to be expected’<sup>86</sup> was materialized with the ICISS in their study. The R2P did not emerge as a binding legal norm (and it never may become) // *The ICJ acknowledged in Bosnia v Serbia [para. 430], that R2P obligations cannot be imposed as ‘binding obligation’ on states. Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro); Judgment of 26 February 2007*//<sup>87</sup>, but a ‘political concept, albeit based on well-established legal principles and norms’<sup>88</sup>. Its ultimate political force is that the R2P Doctrine

has been acknowledged by the Heads of States in 2005 UN World Summit Outcome Document, whereas the UNSC unanimously confirmed it in Res 1674 (2006). The UNGA yet again attested the doctrine in resolution 63/308 in 2009, by consensus<sup>89</sup>.

To some scholars, the R2P Doctrine “...in many ways exemplifies this post-Cold War idealism”<sup>90</sup>, that humanitarianism shall prevail in the world and values of liberal democracy are universally recognized. It shall be highlighted, that the 2005 UN World Sum-

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**The United States and its allies cannot build the peace on their own as its missionary policies of ‘democracy promotion’ appeared to be dysfunctional in societies where such a demand had not been locally brewed**

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mit Outcome Document did not create any law or additional international obligation for states (legally speaking), but it reinforced and legitimized the state practice of humanitarian interventions in cases “not explicitly provided in the UN Charter”<sup>91</sup>.

The 2005 Outcome Document in paragraphs 138 and 139 dwelled upon the study and recommendations of ICISS and other UN High Level panel reports in naming the four crimes which should have international significance and prosecution (war crimes, ethnic cleansing, genocide and crime against humanity, hereinafter – ‘R2P crimes’), but failed to draw a common pattern of failed governments.

It is quite remarkable, that the language of the R2P concept, with or without quoting Res 1674 (2006), has been reaffirmed in relevant resolutions on intra-state conflicts ever since, such as UNSC Res. 1706 (2006) on Darfur/Sudan, Res 1807 (2008) on DRC, Res 1970 and 1973 (2011) on Libya, Res 1975 (2011) on post-election violence in Ivory Coast, Res 2014(2011) on civilian unrests in Yemen, Res 2085 (2012) on Mali, et cetera.

## **2.5. Discussing the Arab awakening and its impact on global governance**

The set of revolutionary developments and political transformations in the Middle East and North Africa region, popularly coined Arab Spring, offers a unique prism to look at the changing status quo in the world affairs.

It is especially relevant to our study given the additional tensions it has brought to the UN Security Council and its role in global governance. The broad international consensus on

the threat of atrocity crimes in Libya allowed, for a short period, to further the Responsibility to Protect doctrine in applied international politics, by referring the situation to the ICC and enforcing Chapter VII resolution on Libya. However, the aftermath of Libyan campaign, as well as continuing civil war and atrocities in Syria since March 2011 calmed down the optimism of idealists, facing another deadlock in the UNSC. Essentially, this opened

up ‘why-not-Rwanda-but-Kosovo’ type of a question, borrowed from the 1990s, which then caused great deal of tensions between great powers, and blocked the UNSC. In no way it’s possible today to assess the impact of uprisings to the future of the region, especially after the second wave in Egypt since July 2013, but the rise of political in the region creates an even more turbulent dynamics in the region of vast hydrocarbon reserves, huge conflict potential and indispensable geopolitical importance. Much also depends whether Russia and ‘the West’ will be able to bridge their positions if not for stopping the bloodshed in Syria, but merely the WMD proliferation to the hands of terrorist groups operating in the larger region. The consequences of both success and failure, thereby, may be felt worldwide.

The accelerated development of information technologies has become a major blow to the age-old autocracies in the MENA region and created preconditions for political transformations from within the society. Their suppressed populations, deprived of their rights and freedoms for decades, as a matter of fact,

have become more empowered by the speed and ease of networking. The underdeveloped and underperforming capacities of regional governments were another domain predicting revolutionary transformations<sup>92</sup> in cases when the unemployment, corruption and other social ills hit the society at large.

The popular opinion holds that the self-sacrifice of Tunisian fruit vendor Mohamed Bouazizi sparked massive wave of uprisings first in Tunisia,<sup>93</sup> and later on “became literally the torch that lit the Arab Spring revolution that spread quickly throughout the Middle East”<sup>94</sup>. Perhaps the social media revolution, that made networking among organized groups of people much easier and cheaper, could have

of Arab Awakening, which swept the entire region in protests: Egypt, Libya, Jordan, Morocco, Algeria, Bahrain and Syria.

The U.S. and partially the EU, reportedly had high hopes to see more security, stability, peace, and democracy as a result of transformations in Middle East and the Magreb. Some authors, indeed, offered ‘undue optimism’, reading the Arab Awakening as an extended arm of ‘third wave’ of democratization that Samuel Huntington observed with regards to Latin America and Eastern Europe in 1970s and 1980s<sup>96</sup>. Immanuel Wallerstein of Yale University saw the Awakening as ‘heir’ to 1968 European and American protest movements<sup>97</sup>. Some others, like Francis Fukuyama, argued that the

“Arab Spring has shown that Arab publics can be mobilized against dictatorship just as readily as those in Eastern Europe and Latin America were [during the ‘third wave’]”<sup>98</sup>. On the other end, Joseph Nye underlined the misleading expectations

that were born thanks to the term of “Arab Spring”, whereas the continuing unrests and violence all across the region is more likely to be named a “revolution” which might bring qualitative transformation to the region, but ‘over decades, not seasons or years’<sup>99</sup>. The removal of Hosni Mubarak of Egypt, Tunisia’s Zine el-Abidine Ben Ali, Libya’s Muammar al-Qaddafi and others from power did bring neither more democracy nor security. In fact, the movements and parties that won in internationally observed elections in these countries brought more trouble to domestic

### The Arab awakening brought the additional tensions to the UN Security Council and its role in global governance

had its impact on the speed that Bouazizi’s selfless act attracted attention and sympathy //American University’s Center for Social Media “War Beyond the Box” project looked into the informal media publications (blogs, websites) and made a general conclusion that even though there is interaction between two levels of mass-media outlets, there is a general suspicion and mistrust towards traditional mainstream media and people tend to trust “the email they receive rather than the network television newscast”//<sup>95</sup>. However, that could hardly be the only cause



and international security, than the former corrupt regimes had posed. Looking at Libya and Egypt today will suffice to arrive at this conclusion.

The continuing instability in Libya and the rise of Islamist-oriented governments across the region did pose a bigger threat to international security, than the corrupt regime of old-friend dictators. For instance, the terrorist insurgency in Northern Mali (January 2013) is believed to be armed through the foreign arms deliveries to the Libyan rebel movement in 2011. These threats to international security, as well as disagreements about the nature and origins of Arab Spring did shake the international status quo – where P5 countries yet again adopted diametrically opposing positions, resulting in a new paralysis of the UN Security Council.

While a swift cooperation among P5 nations was critical to executing R2P intervention in Libya, Russia and the West still hold diverging positions on the situation in Syria – in best traditions of Cold War, exposing quite a visible difference in strategic worldview. If the West, at times visibly, breached the UN Charter's ban of interference into domestic affairs (Article 2(4)), the Russian elite chose not to interfere in Central Asia, resting assured of tangible alliance by governing national elites // *The popular protests in Egypt were greatly encouraged by the United States – a longtime ally of former President Mubarak, the power transition in Ivory Coast was enforced by French military intervention and the referral of the Ivorian president Gbagbo's illegitimate use of force*

*to the International Criminal Court, whereas unrest in Kazakhstan and Kyrgyzstan was left by regional pivotal power – Russia – at the discretion of national governments//.*

In the eyes of the West, the Arab Awakening seemed to be rather 'legitimate' violence against the age-old tyrannies that had been holding the people under iron fist of their dictators. However, the rest in the world, including Russia and China, argue that the present international order, reinforced by UN Charter Art 2(4), imposes comprehensive ban onto foreign interventions for regime change purposes // *However, this didn't stop U.S. President George W Bush to declare war against Iraq, claiming "The United States of America has the sovereign authority to use force in assuring its own national security" (emphasis added). Of course, this has been done contrary to the international law, where ICJ ruled in the Corfu Channel case that "right of intervention is a manifestation of policy of force"//<sup>100</sup>. Russia has reiterated in many occasions that it opposes the policy of 'regime change' and regards it as contrary to international law.*

Thus, the strategic disagreements among P5 nations, and others aligned with their respective positions, represent an outgrowth of diverging normative views on the nature of governance and the governments.

The debates on human rights primacy over state sovereignty illustrate the core disagreements among P5 nations around the Arab Spring and its impact on the international peace and security. The cornerstone of



this debate is evolving around the possibility of R2P Pillar Three operations (updated 'humanitarian interventions' language of the 1990s), whenever the incumbent governments are recognized as 'manifestly failing' to protect their own populations. It is noteworthy, that even though in all relevant discussions, the UNSC Member-States did not disagree on the gravity of the situation in Libya and the role of incumbent regime in atrocity crimes, the Res 1973 authorizing the use of 'all necessary means' yet refrained from citing R2P motives of the forthcoming operation. Jennifer Welsh observed, that mentioning only "responsibility of the Libyan authorities to protect the Libyan population" (R2P Pillar One) without also underlining the

state conflicts. To give a rise to R2P situation requiring an urgent prevention measure, from the legal point of view, the ICC Pre-Trial Chamber II adopted that approach of looking at the 'situation as a whole' in authorizing Prosecutor's application to investigate 'Kenya situation' against possible charges of crimes against humanity<sup>103</sup>. As such, the statement of Libyan leader Muammar Qadhafi to "cleanse Libya house by house" until the "cockroaches" (i.e. the protesters)<sup>104</sup> surrender for many, including the UNSC Member-States, meant an obvious plan of masterminding atrocity crimes, making it easier for the proponents of R2P to argue 'just cause threshold had been reached'<sup>105</sup>. To that end, the UNSC adopted Res 1970 to remind the Libyan authorities of their responsibility to protect

own people, also referring the situation to the ICC. It was due to the unwillingness of the Qadhafi regime to abide by international rules and norms of civilian protection, that a month later enabled the UNSC to rule on enforcement action (UNSC Res 1973).

### The movements and parties that won in elections in Egypt, Tunisia, Libya brought more trouble to domestic and international security, than the former corrupt regimes had posed

relevant responsibilities of the international community following the manifest failure of incumbent regime "suggest[ed] that the latter notion was still contested by some members of the Security Council as an appropriate rationale for military action"<sup>101</sup>. The vote explanations and Sino-Russian abstention on Res 1973 are self-explanatory to this end<sup>102</sup>.

The international community has established several avenues of testifying the failure of governments to fulfill R2P obligations. Among them, we shall single out: (1) the establishment of inquiry commissions through the UNSC, UN HRC or the regional pivotal organization; (2) statements and declarations by incumbent local governments unveiling 'plans' or organization of mass atrocities; as well as (3) strict extraction of respective acts and policies of the government and the opposition in the conflict.

The incumbent government statements and the apparent state plans of dealing with popular protests in the course of Arab Awakening have been crucial to qualify the trans-boundary threats that may be emerging out of intra-

The gravity of humanitarian situation in Syria, which did not rise any meaningful objections in the UNSC either, was not enough to permit P5 states to adopt a Chapter VII resolution, since some Member-States suggested the Syrian government was 'able and willing' to ensure its responsibilities before its own population. In general, the Sino-Russian resistance to the demands of Assad's departure has been based on the 'Westphalia sovereignty' (most often quoted through UN Charter Art 2(4)) //Russian Permanent Representative to the UN Vitaliy Churkin argued in the UNSC deliberations that "...calculations to use the UN Security Council to further [...] plans to put pressure on sovereign states will not pass"//<sup>106</sup> and 'no more Libya'<sup>107</sup> objections. Additionally, both Russia and China invite attention to the participation of fundamentalist and terrorist networks in the Syrian uprising, to which the rest have either tolerance or ignorance, giving rise to hot debates in the Council<sup>108,109</sup>.

In both Syrian and Libyan situations the UN HRC was prompt in establishing ad hoc inquiry commissions.



In March 2011 the UN HRC established the International Commission of Inquiry on Libya, which alleged that war crimes and crimes against humanity had been perpetrated in Libya against civilian population<sup>110</sup>. This served as ultimate warrant to secure consensus for UNSC Resolution 1970 (February 2011) to refer the situation to ICC. The ICC Prosecutor's Office has undertaken speedy investigation and issued arrest warrants for Colonel Qadhafi and other prominent figures of his regime, overcoming opposition from the African Union<sup>111</sup>.

The affirmative stance towards enforcement action held by the Arab League and the AU appeared to be a major factor to have concurring votes of Russia and China in Res 1973, too.

Along with the gross humanitarian situation in Syria unfolding, as in the case of Libya, the UN HRC established ad hoc Commission of Inquiry on Syria to investigate violations of internationally recognized human rights in the territory of Syria since March 2011<sup>112,113</sup>. The Commission issued few reports ever since, which did not bring to any definitive action by the UNSC (unlike the case of Libya). Already in November 2011 report, the ad hoc Commission argued that crimes against humanity had been committed in the territory of Syria<sup>114</sup>, and called upon the Government to bring those responsible to justice in domestic courts<sup>115</sup>. The Government of Syria didn't show any goodwill to cooperate with the Commission. The Arab League supported the opposition in the Syrian crisis, and after some hesitation in 2012<sup>116</sup>, invited the president of

the National Coalition for Syrian Revolutionary and Opposition Forces to take Syria's seat during the summit in Doha in March 2013<sup>117</sup>. Worth mentioning, that by December 2012 the U.S., France, U.K. and Turkey, too, recognized the Syrian coalition bloc as the 'legitimate representative of the Syrian people in opposition to the Assad regime'<sup>118</sup>.

Along with the work of respective UN HRC ad hoc commissions on Syria and Libya, the UNSC had been trying to exercise its primary responsibility of the maintenance of international peace and security with regards to both situations, albeit with different scores of success. The verbatim records of respective Libyan and Syrian situation discussions in the UNSC suggest that political disagreements are paramount on the matter of the role of respective governments in intra-state violence.

In an affirmative vote explanation before the Council on Resolution 1970, Russia held the view that "a settlement of the situation in Libya is possible only through political means"<sup>119</sup>. The Representative of France advocated for the R2P to be exercised in the Libyan situation, by saying that the Res 1970, adopted unanimously, "...recalls the responsibility of each State to protect its own population and of the international community to intervene when States fail in their duty". Interestingly, the BRIC countries, namely Brazil, India, China and Russia, explained their affirmative vote based on the support of pivotal regional groupings – Arab League and African Union. Same group of states (plus Germany) abstained favouring more robust measures, offered in Res 1973, requested by the Arab

League and the African Union. While the UK, France and U.S. advocated for strong measures to stop apparent atrocity crimes, falling short of foreign occupation of Libya, the non-formal group of BRIC countries (South Africa voted in favor of resolution) united in a view that the situation in Libya may and shall be resolved through ‘diplomacy and dialogue’, as expressed in Brazil’s position<sup>120</sup>. India, China and Russia openly expressed reservations on how the non-fly zone should be enforced, given the unspoken details in the resolution, “... including who will participate and with what

and France, on the crisis in Syria. Earlier in October 2011 the Russian Ambassador hinted that “...the situation in Syria cannot be considered in the Council separately from the Libyan experience”, claiming the Euro-Atlantic approach towards Syrian situation was based on “philosophy of confrontation”<sup>122</sup>. The Russian and Chinese common position on Syria reflects their worldview: rejection of the use of force in international relations, unconditional respect for state sovereignty, and primary and unchallenged role of incumbent governments in restoring domestic peace and order.

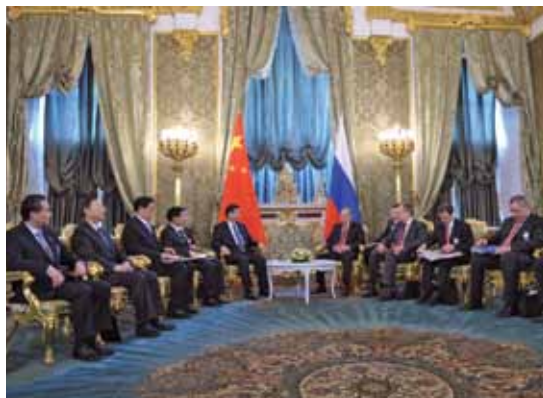
### The incumbent government statements and the apparent state plans of dealing with popular protests in the course of Arab Awakening have been crucial to qualify the trans-boundary threats that may be emerging out of intra-state conflicts

assets, and how these measures will exactly be carried out”, mentioned the Indian Ambassador, underlining the need of “full respect for the sovereignty, unity and territorial integrity of Libya”. Chinese Ambassador highlighted that “China is always against the use of force in international relations”<sup>121</sup>.

Perhaps it was the alleged abuse of the Res 1973 that the group of BRIC countries reconsidered their cooperative position with the Euro-Atlantic group, namely the U.S., UK

Russia, blaming the NATO forces for abusing the UNSC Res 1973 in Libya and in fact engaging into ‘regime change’ operation through a support to the rebels forces, adopted a policy of blank rejection to any similar scenario in Syria, a long-standing ally, where Russian Mediterranean fleet is harbored. To counter Russian position and overrun blocked UNSC, in March 2013 the EU and U.S. started advocating

for arms transfer to Syrian opposition groups to enhance their fight against sitting regime of Bashar Assad. Russia and China opposed this measure fiercely, bringing some legal and political arguments. “We are not in a regime-change game”, said Russian FM Lavrov in an interview in March 2013<sup>123</sup>. In Russian political discourse, which is utterly conservative in terms of global status quo, ‘regime change’ operations are unacceptable under any circumstances; and that is Lavrov’s pronounced official reason for vetoing UNSC draft reso-





lutions, containing list of new sanctions and more<sup>124</sup>. And China, another P5 nation, calmly aligns with the Russian position. The Arab Awakening and associated threats to international peace and security yet again exposed incompetency of the UNSC, locked in political, strategic and normative disagreements among P5 nations<sup>125</sup>.

Upon consideration of the whole parallels brought above, the core difference of Syrian situation, which, to our mind, prevents the consensus in the UNSC, remains the active engagement of terrorist organizations siding with armed opposition fractions in Syria<sup>126,127</sup>, and the belief of some states, including Russia and China, that the incumbent regime has not lost the legitimacy to engage the political opposition and negotiate peace; as well as did not commit crimes of *erga omnes* nature itself, as opposed to Qadhafi regime in Libya. It is quite noteworthy, that BRICS countries mostly hold the same position regarding Syrian crisis. Overall, the international efforts concerning the situation in Syria evolve around two predispositions towards the 'resolution' as such. For some, including the radical segments in Syria, partially manufactured into Syrian National Council, 'regime change' is of primary concern and importance, almost as a precondition, allegedly aiming at qualitative changes to the domestic situation and national reconciliation in the aftermath.

The 'regime change first' approach had been tested in Libya, but the results we witness today are troubling at least. True, even though the Qadhafi regime was effectively removed after multilateral efforts in Libya, the situation

has not changed for the better ever since<sup>128</sup>. The successor regime and the Islamist forces behind it even rejected cooperation with the ICC, which issued arrest warrants for prominent leaders of the ousted regime. Even more, allegedly the radical organizations and Islamist networks, flourishing in Libya, are behind the assassination of U.S. Ambassador and three other diplomats on September 11, 2012. Regarding the likely decision of the US and the EU to arm the rebels in Syria, the lesson of Northern Mali shall be minded. Namely, France has been fighting the terrorist insurgency in the North of Mali since January 2013, which was greatly nurtured by inflow of weapons from Libya, provided by the same Europeans and Americans.

Even more complex than in Libya, is the situation in the Syrian Arab Republic which caused heated debate in the UN Security Council. However, due to the fact that this conflict is far from being resolved and it is constantly being complicated by additional factors such as the use of chemical weapons against civilians in August, 2013 or emergence of the Islamic State, it deserves a separate and detailed consideration.

The situation with Libya and Syria in the UNSC demonstrate the depth of fundamental value-based disagreements of the BRICS and Euro-Atlantic members of the Council, that so far happened to be impossible to bridge. On a larger international scene, it also caused amnesia about the 'reset' agenda between Russia and the U.S., which should have been brought back to life after re-election of U.S. President Barack Obama in 2012 //During an international



*nuclear disarmament summit in Seoul in March 2012 U.S. President Barack Obama whispered to outgoing Russian President Dmitry Medvedev: "This is my last election... After my election I have more flexibility..." Obama said, according to Financial Times, referring to the planned deployment of an anti-ballistic missile system in Europe, to which Russia has strongly objected. "I understand," Medvedev said, reaching out a sympathetic arm. "I will transmit this information to Vladimir."/>*

## 2.6. How many poles in a modern world?

The 2008 Presidential campaign in the United States brought victory to the Democrats under the banner of pledging speedy withdrawal from Iraq and Afghanistan. The housewarming for Administration of Barack Obama in the White House in 2009 run in parallel to a severing economic and financial crisis, which quickly spread off the shores of the States, and eventually caused reconsideration of the past foreign policy endeavours of outvoted Bush Administration, particularly with regards to 'costly' unilateralism in international security matters. The neoconservatives were sidelined from the White House and State Department, which allowed more flexibility in U.S. foreign policy. The relative failure of peacebuilding in Iraq, as well as in Afghanistan, the challenge of international terrorism and other ills encouraged the new administration to mend the broken partnerships, particularly with Russia and China. The U.S. leadership acknowledged that, still remaining an eminent power in the world,

they cannot manage all unilaterally, whereas pretending to do so may even hit back – e.g. evaporating Iraqi coalition or problems with supplies to Afghanistan.

The American 'Reset' policy with Russia became one of the most visible domains of this change in handling the multilateral agenda. In the coming years the NATO Summits in Lisbon (November 2010) and Chicago (May 2012) illustrated the determination to seek international cooperation, and not confrontation on security matters (though Chicago decision of lifting regional barriers for NATO engagement may bring more agenda items to negotiate with other rising powers) // *The Russian Military Doctrine provides (Chapter Two, Art 8a), that in trying to play global role NATO endangers the international security, and Russia may consider that as a threat to its national security*//<sup>129</sup>, partly also caused by world economic crisis and shifting balance of power in the world.

Overall, the hegemonic system of global governance has not been credited for success in two important domains: prevention of mass-scale atrocity crimes and enhancing nuclear non-proliferation regime – both state-centric evils (this is why we don't put international counter-terrorism efforts in this line). During the hey-days of liberal hegemonic order, the U.S. engaged in selective humanitarian interventions, chosen not for scale of human casualties, but geographic importance. The whole expert and academic discussions of 1990s of 'right cases to intervene' resulted in 'standby' policies during the Rwanda genocide (1994), and over-reaction in Kosovo (1999). More

than that, Pakistan – essentially a military regime lacking proper governance of its own territory – and India acquired nuclear capabilities in late 1990s (which did bring to some equilibrium in Kashmir conflict) // *We will discuss this equilibrium model further in next chapter, regarding the Iranian nuclear crisis*//; the 2003 intervention in Iraq (beyond UNSC authorization) proved to be justified under ‘fixed’ intelligence reports of Saddam Hussein’s WMD capabilities, whereas another bellicose and irrational regime in North Korea tested its nuclear bomb in 2006, and now threatens the region.

In January/February 2013 volume of Foreign Affairs Barry Posen and John Ikenberry et

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### The hegemonic system of global governance has not been credited for success in two important domains: prevention of mass-scale atrocity crimes and enhancing nuclear non-proliferation regime

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al presented opposing views on the consequences of American withdrawal from the forefront of overseas operations and international engagement<sup>130,131</sup>. Posen defended the view that decades of United States’ hegemonic strategy has provided its partners in Europe and Asia with such a high level of insurance that they have outsourced their defense to Washington, whereas at times of economic downturn that became a high price the US shall no more afford. Ikenberry et al spoke of likely disadvantages of US ‘withdrawal’ from activist international politics and argued that possible financial relief on the US budget after that withdrawal would hardly pay off, i.e. would decrease US influence in the world. This discussion did not only remain inside universities and think tanks, but in fact embraced the critical thinking in the American establishment. While Democrats are in power, this transformed into US policy in NATO summits of Lisbon and Chicago, where Americans invited the rest to pool and share resources and not rely on American security umbrella by default.

There are many other reliable indicators that one-State-show in international security governance, i.e. the hegemonic control over the international security, has not proven to be effective, and thereby its legitimacy has been challenged by emerging countries. So, if we acknowledge that the liberal hegemonic order will become a history, we shall perhaps also need to understand whether the existing regional arrangements or other bilateral/multilateral alliances are capable of fulfilling the challenges to international peace and security. This is especially paramount with regards to international, state-centric threats, like nuclear non-proliferation regime and atrocity crimes, leave aside international terrorism. True, the prerogatives of the UNSC have not

been cancelled or amended, but the Council still may need certain resources at its disposal to react beyond rhetorics to different crises in the world.

The U.S.-led liberal hegemonic order, where NATO and other bilateral alliances (with Japan, South Korea, Pakistan, etc) have long been the center of gravitation for the regional states around, can no more afford uni-

lateral endeavours in managing conflicts in the world. Johan Galtung has observed that the collapse of the Soviet Union did not necessarily mean a triumph of the other challenger, but actually started a transitional period in the world from one order to another<sup>132</sup>. The ‘rise of China’ is among the common observations of the scholars and the expert community, writing about the emerging system of global governance. Without any considerable exaggeration it must be acknowledged that “... the future of international affairs will depend on what kind of power will China be...”<sup>133</sup>. In the ‘transitional period’ other emerging economies and their alliances matter too. The Arab Awakening, namely the international responses to Libyan and Syrian situations – have exposed this clearly. The ‘axis of convenience’ between Russia and China<sup>134</sup>, among other cases also in Syria (discussed above), as well as India and Brazil siding with this axis, have effectively challenged the Euro-Atlantic desire to further R2P doctrine and manage one more ‘regime change’ in the region. If



### One-State-show in international security governance , has not proven to be effective

the enforcement action beyond the UNSC-approved non-fly zone was still possible under the heavy critics from the BRIC countries, the latter grouping adopted blanket rejection of any such scenario in Syria – not because of ignorant attitude towards civilian calamity, but more like ideological (for the lack of a better wording for it) reasons behind it. The relevant UNSC discussions and Sino-Russian vote explanations, discussed in previous paragraph, are very telling.

Overall, it is purely Russian academic and political obsession to name the emerging global order ‘polycentric’, ‘multipolar’ or ‘no-polar’<sup>135</sup> (Alexei Arbatov<sup>136</sup> and patriarch of Russian foreign policy Yevgenij Primakov – the ‘Apostle of realism’<sup>137</sup> – seem to be chief advocates of it) in a pursuit of finding and allocating Russia among other key states *apene* // *We may also mention other non-Russian publications, operating the ‘polarity’ language and terms to the analysis of the international system, and one of most authoritative of them – the periodic review of global trends, carried out by the U.S. National Intelligence Council, which released its latest report in November 2008//*<sup>138</sup>. It can even be argued that these discussions around the concept of multipolarity (mnogopolyarnost) are somewhat ‘central to Russian thinking about the world and Russia’s place in it’<sup>139</sup>. What seems missing in this debate is the distinction between economy

and politics. Of course, in a long run the two factors converge and produce greater political assets, multiplying the actor’s strength. But in the short term those two do not bring quality changes. Richard

Haas briefly mentions why, for example, economically powerful Japan will not become a major power hub in realpolitik terms<sup>140</sup>. Another example, either among states or academics there is no doubt about the rise of China and India, but their relative power in the international political affairs does not correlate with that economic power in this period, since either of them would be unable to engage and settle any international crisis – Kosovo, Libya, Syria, conflicts in Africa (presence of China in Sudan under UNSC mandate is another story). Still, their cooperative stance towards those challenges is an important precondition for effective international crisis management. Of course, each of them can question the power of other political actors with economic tradeoffs, but that’s not yet producing any independent political asset for truly global affair in real terms. Therefore, it is relatively objective to speak about the multipolarity of the world in economic terms, where the rise of China, India, Brazil, Japan, post-Soviet Russia has been extraordinary and still developing. Though some strong voices in international academic community predict a downfall of the Euro-Atlantic community<sup>141</sup>, it is still capable of maintaining the present system of global governance, though can no more afford acting unilaterally without viable legitimacy and wider international cooperation. The international cooperation around Iranian and North Korean issues are the most visible examples.



This shift in international affairs and the rise of BRICS economies is not all-embracing answer to what the future global governance may look like. Even though, e.g., India and China may have common interest in supporting incumbent regimes in Iran and Syria, they still have unresolved conflicts inbetween (such as border demarcation problem in the Himalayas, altogether around 4,000km of the boundary<sup>142</sup>). The same is true about bilateral economic interests of India and China with the United States, which continue to have huge trade turnover and fundamental bilateral economic interests. Similarly, the disagreements between the US and Russia on a number of issues (Syria, European missile defense, Iran, etc.) hardly keep them away from robust cooperation against common threats, such as international terrorism. The Boston Marathon bombings in April 2013, arguably orchestrated by Chechen immigrants, revealed important layers of intelligence sharing and other anti-terrorism collaboration between the U.S. and Russia. On a more global scale, the nuclear threat of North Korea unites all the UNSC States, regardless of their other disagreements.

Dividing the world into ‘poles’, or the other extreme – naming the world order as based on one-power hegemonic structure – seems quite misleading, given the complex nature of trends and threats the international community faces. For example, neither the non-proliferation regime, nor the issues of mass atrocity crimes can be tackled by a single power – be that superpower or an emerging regional power. The turbulence around North Korean nuclear capabilities or the consequences of Arab Spring in Syria – are unsolvable without

true institutions and effective international cooperation.

Hence, the big question is how the new emerging powers will amend the international mechanisms of preventing or stopping mass atrocity crimes, controlling the non-proliferation regime and enforcing sanctions over the ‘rogue’ governments. By and large, the system of global governance will depend on how effective these layers are managed. One of few options to deal with this challenge is to apply regional approach.

### ***2.7. Rule-based order, regionalism and balance of power***

The emerging system of global governance, where four institutions of peace and justice will perform the life-sustaining duties, will no more be based on hierarchy and the domination of liberal hegemony – the United States. The truth is, that the U.S. can no more afford the self-assigned role – both financially and politically. New centers of gravitation in regions – China, Russia, Brazil, India and others will come to effect. Ikenberry concludes that ‘liberal international order’ will evolve after the US-led liberal hegemonic order. So long as the institutions of the liberal hegemonic order do not disappear (because of total war, economic calamity, etc), the new emerging system will depend on reformulated rules of multilateral institutions with more cooperation than it was in hegemonic period. The system, Ikenberry implied, will be changing not because of its failure, but ‘success’ – as the



The global balance of power, necessary precondition for the effective system of global governance, is neither anarchy among many strong centers of power (or gravitation), nor hierarchy with the eminent power on top of the pyramid

success of U.S.-led liberal order overwhelmed itself with many obligations that it can no more fulfill alone. The crisis that drives the change has not emerged out of the system per se, but the sophisticated governance of it<sup>143</sup>.

Since U.S.-led hegemony itself is no more legitimate, and none of other global power can enforce peace based on values all of key states share (like non-proliferation, atrocity prevention and fight against global terrorism), the new balance of power shall be based on certain rules that all consent – voluntarily or not.

The global balance of power, necessary precondition for the effective system of global governance, is neither anarchy among many strong centers of power (or gravitation), nor hierarchy with the eminent power on top of the pyramid. True, balance of power is hard to imagine when there are no two powers with equal assets, whether political, strategic or economic, but if the powers big and small abide by all-embracing rules of behavior inside already established or emerging regional arrangements – that order will most probably prevail. Almost all states on the record pledge to follow the various norms and principles of

international law in their bilateral and multilateral relations, as well as in domestic affairs (ban of erga omnes crimes, for example), but if we only count how many times the most basic principle of UN Charter – comprehensive ban on aggressive use of force – has been breached since 1945, or even since 1991, we will immediately acknowledge the simple tru-

ism that states only follow those rules and laws to which they consent in the given case, and not in the time of joining the treaty. Of course, the international community has developed a set of international judicial institutions to punish violations of international law, such as the crime of genocide or other mass atrocities, but prosecution in such situations and eventual punishment often used to remain in the domain of politics, not law. This has long been the case, until the ad hoc tribunals for Yugoslavia, Rwanda, Sierra Leone, as well as the International Criminal Court were initiated to take ownership of the most egregious violations of the international law, assigning criminal accountability for those most guilty for human sufferings.

So, who will enforce the norms and laws, adopted internationally, once a state or group of states breach them? Especially in cases, when a P5 nation is leading the breach, the UNSC stays paralyzed to fulfill its responsibilities. The 'Uniting for Peace' procedure of the UNGA, even if implemented, still may need appropriate resources to restore the breach and adjust international order. The previous experience does not remind of any significant

implementation of this option since the end of the Cold War.

Seems like deadlock?

Well, it fully might be so, unless states agree to be bound by obligations inside regional arrangements; and enforce individual criminal prosecution of those masterminding grave breaches to internationally accepted norms of behavior, implemented through state institutions – such as crime of aggression, genocide or other mass atrocity crimes.

Of course, new wave of regionalism may encourage «...leading states or centers of power – for example, China, the United States and the European Union – establish their own economic and security spheres....»<sup>144</sup>, same way as Russia is trying applying «re-Sovietization» of its neighborhood through economic ‘sticks and carrots’. The EU may even widen its regional market though association agreements with immediate neighbors, and shall the ‘Eastern Partnership’ countries fall in this union, it may become an area of cooperation between the EU-27 and Russia.

If the cooperation among regions like this is not encouraged by the leading countries or groups, this may well lead us back to a century of geopolitical competition, which resulted in both World Wars. The history lectures that the leading power-based closed systems are not sustainable since they always wish to expand whereas the peripheries are not always satisfied with their subjected role. Therefore, only the cooperative model of regionalization may be effective and establish positive balance of power among the regions and nations. The balance may only be achieved by beneficial trade, and not military competition, as security threats are no more linear or conventional. Today this is very much possible because the world economy is no more evolving around regions, but emerged to be widely international. The only question is – if the US fades away as a guarantor of liberal international trade regime, will the WTO and other products of Bretton Woods system, like the IMF and WB be canceled or improved? The most

likely change will be that newly emerging states of BRICS will demand and gain more voice in the management of those institutions; and the G20 will become a surveillance of that regime.

To sustain order inside the regions, ‘soft power’ needs to be reinvented for lesser evils than *erga omnes* crimes. The EU so far has been the most successful body juggling with ‘soft power’, as Joseph Nye described it in 1990<sup>145</sup>. The ‘Eastern Partnership’ project, inaugurated in 2009, with six former Soviet republics (Armenia, Georgia, Azerbaijan, Ukraine, Moldova and Belarus) has been among few initiatives that the EU endorsed to build up predictable neighborhood and partnership. The historic deal between Serbia and breakaway Republic of Kosovo in April 2013 proved its soft power capabilities yet again. Russia and China may learn the best practices here.

Of course, ‘soft power’, cooperation, development and mutual benefit are values that all states share, but the trick is that they not always act in that belief. A simple truism tells that states are inherently egoistic and their national interests do not necessarily coincide with the public good for all. Russian foreign policy doctrine, while criticizing all and everything for seeding international crisis, cites the Russian ‘national interests’ over 20 times in the text *//The National Security Strategy of 2009 gives the full understanding of Russian national interests, maintaining that those are “the aggregate of domestic and external needs of the state in securing protection and sustainable development of people, the society and the statehood”//*<sup>146</sup>. The U.S. national security strategies, under rhetorical banner for public international good, also advanced their national interests, which are traditionally believed to encompass interests of the international community as a whole<sup>147</sup>.

Concluding, the one million dollar question in this paragraph is how to make the leading powers to acknowledge the common threats to international security, identify them as such, and cooperate against their elimination and in the name of harmonious development.

### 3. Future System of Global Governance: Neutralize Threats

Central challenge in any system of global governance, before it turns to the global economy and multilateral trade relations, is whether or not the actors in the system, primarily the sovereign states, will be able to step out of their core national interests and achieve a rule-based international regime of peace and security through cooperation and job-sharing.

The top uncertainty, as we briefly discussed in Chapter Two, is whether the system after U.S. hegemonic leadership will still be based on liberal order, or will a new (regional) hegemonic system emerge with its own rules of the great game. And will that order of global governance be rule-based at all? Of course, the trans-national corporations, illegal networks (such as terrorist groups) and other non-state-centric challenges will effectively threaten the community of states and their ability to keep their international standing as they do today, and yet it is highly uncertain if the non-state actors will be able to create their own rules in the mid-term future. Naturally, the international corporations will raise their profile in the world economy, but all the available data and research suggests they will still play under state-regulated and enforced treaties and other rules. But still, how states or groups of states will respond to these challenges?

We argue, that the P5 nations, as well as already established and yet emerging treaty-based (e.g. SCO) or non-formal groupings (such as BRICS) will continue to cooperate for the sake of collective security in the face of global challenges, such as (but not limited to) comprehensive economic crises, nuclear proliferation, global terrorism and transnational

crime, cyber threats, genocide and other mass atrocity prevention, piracy, environment and climate change, post-conflict reconstruction and nation-building, and – finally – regional security. All these are challenges not only to a single state or a group thereof, however big or small, but to the international community as a whole. The piracy in the Gulf of Aden did not threaten only nearby states, but all those who do business in through that route. Arguably, the League of Nations collapsed because it did not bind the nations, beyond the Covenant, in any instrumental way, that aggression against one state or an erga omnes crime should be considered as against all, based on the nature of the act. The threat of international terrorism, piracy and human trafficking are perhaps the most sensible such challenges in the present world, where majority of states don't hesitate to cooperate beyond ideological divide.

However, both before and after 9/11 the primary challenge to the collective security system has remained the unilateralism – use of force beyond the UNSC mandate which significantly weakened the UN system.

Given the rise of new global powers, like China, India and others in the row, a new multilateralism shall be reinvented in order to bring more cooperation among nations for the common benefit.

As this research primarily concentrated on the issue of the use of force and international security governance, we hereby singled out three major challenges for the global governance, that need to be tackled cooperatively for the system of global governance to function

effectively. Let us discuss them in turn, and provide conclusions of what Russia may do to contribute best, as well as increase its presence in the international agenda.

### 3.1. The regime of nuclear (and other WMD) non-proliferation

As we know, the key components of international non-proliferation regime are the Treaty on the Non-Proliferation of Nuclear Weapons

non-proliferation framework were concluded in the form of bilateral agreements between Soviet Union (later – Russia) and the United States, such as the 1972 Anti-Ballistic Missile Treaty (which the U.S. unilaterally withdrew in December 2001), the START treaty of 1991 and its follow-ups in 1993 and 2010, as well as many others. Though these treaties well performed in securing the rest of the world from nuclear arms race between the two superpowers, it nevertheless did not keep more states from acquiring nuclear capabilities, or reportedly having the pursuit of it.

In fact, the NPT Art 9.3 limited the acquisition of the nuclear weapons for those states which had not carried out nuclear tests before January 1, 1967 (those were the P5 states only) // *The People's Republic of China did carry out nuclear weapon test in 1964, but it acquired 'China seat' in the UNSC only in 1971*//, which de jure limited the legal avenues of non-nuclear states to seek nuclear weapons, but that

limitation never worked.

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Central challenge in system of global governance is the possibility of its participants to step out of their core national interests and achieve a rule-based international regime of peace and security through cooperation and job-sharing

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(NPT) of 1968 (entered into force in 1970); and the key international watchdog to observe the fulfillment of all three pillars (non-proliferation, disarmament, peaceful nukes) is the International Atomic Energy Agency, established as an autonomous organisation in 1957 to report to the UNGA and the UNSC, which under its own Statute has international mandate to conclude inspections of existing nuclear facilities to ensure their peaceful use in NPT Member-States, and in non-member states by consent or UNSC Chapter VII resolution. The main international treaties of

The very recent nuclear crisis following North Korean threats to the South and Japan, as well as to the United States<sup>148</sup> clearly showed, the non-proliferation regime and associated threats are more than just for scholarly debates among 'deterrence optimists' and pessimists. Still in 2002 Scott Sagan and Kenneth Waltz published their book on this debate, trying to advance both paradigms<sup>149</sup>. The debate has been developing, whereas the diplomatic progress towards the 'nuclear zero' has been





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One of the most important challenges for system of global governance is the fact that future conflicts will be of intra-state level and will be associated with state failure and dissolution

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stalled. Today's problems with Syrian WMD proliferation to the hands of terrorist groups, North Korean threats, Iranian ambitions and Israeli policy, as well as underestimated, yet muted fears of possible state collapse in Pakistan are among the top challenges to mention.

It is true, that there is substantial evidence "to support the idea that states in threatening security environments are more likely to build nuclear weapons than their neighbors in more pacific regions" (if they have comparable technological advancement and capacity)<sup>150</sup>. This is partly because 'nuclear deterrence' has always worked and in fact cancelled any chance of conventional war against nuclear armed state, as foreign powers – strong or weak – had been fearful of nuclear retaliation. That has been the case in all conflicts ever since Cuban Missile Crisis of 1962, stopping U.S. invasion into Cuba. Pakistan and India are still able to maintain relatively low level of tensions in Kashmir, because both of them are nuclear powers; the U.S. does not consider conventional warfare against the regime in North Korea because the latter demonstrated nuclear capabilities.

This is why Iran most likely will not abandon its ambitions, and will acquire nuclear weap-

on in the mid-term future, given how persistently it moves in this direction for the past decade; and how fragile and ineffective has been the international regime of non-proliferation. And that is not necessarily any bad news for the larger region of Middle East. Of course, it may give rise to some arms race, particularly by Tur-

key, but more or less the bigger region will be covered by multilateral shield of protection, provided by NATO and the United States through bilateral treaties. Nuclear Iran will inevitably contain the policy of Israel, and will keep its immense military power checked. As Kenneth Waltz argues, the nuclear deterrence has always worked in favor of more stability and predictability in the present system of international affairs<sup>151</sup>, which Scott Sagan calls 'deterrence optimism'<sup>152</sup>. On a larger scale, the question is whether nuclear Iran will provoke Saudi Arabia or Turkey to work towards acquiring nuclear arsenal as a matter of their own deterrence policies, or simply for prestige. This again gives rise to discussions about the effectiveness of non-proliferation regime, as well as chiefly Russo-American negotiations on arms reduction and nuclear-free world. So long as these talks are stalled and Non-Proliferation Treaty obligations neglected by states like Israel, Pakistan or North Korea, there can be no effective non-military solution to those who desire the same power either. Those Qadhafi-like authoritarian regimes in the world might have taken a note that Colonel's concessions on his nuclear ambitions<sup>153</sup> did not bring to more support in the world of realpolitik (his Cold War-era

deterrent, leader of Chad – Hissene Habre – undergoes prosecution in Senegal) and at the end he was overthrown in 2011 and killed, which could not be feasible should Libya have gone nuclear (see Pakistan or North Korea as examples).

The arguments against nuclear proliferation are also fed with references to the type of regimes and unstable (leave aside undemocratic) governments, that may lose civilian oversight of WMD arsenals under domestic circumstances. Here we shall be reminded of one

mechanisms, when regimes like North Korean may keep its people under despotic rule, forced starvation and other gross violation of human rights, and also threat the whole international security with nuclear warfare.

The issue of nuclear disarmament shall be brought back to international agenda and Russia has a strong role to play, as a responsible big power that has long been advocating for the strengthening of international mechanisms providing for legally-binding obligations upon all states.

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### The issue of nuclear disarmament shall be brought back to international agenda and Russia has a strong role to play advocating for the strengthening of international mechanisms providing for legally-binding obligations

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most important challenges for any system of global governance, given that nature of future conflicts will be of intra-state nature, and will be associated with state failure and dissolution. The threat of state collapse may especially bring global challenges, if that state had possessed nuclear or other WMD capabilities, which may eventually end up at the hands of faceless and stateless terrorist or non-state groups. One example under the magnifying glass today is Syria, though such a threat in Pakistan might be much more robust and devastating, given the nuclear arsenals of this country, its neighborhood and the conflict with India – another nuclear power. The lack of good governance and due oversight upon nuclear technologies in Pakistan has already armed the regime in North Korea through the ‘black market’ of A.Q.Khan.

Along with Syrian and Pakistani challenges, the escalation of North Korean nuclear threat, bellicose rhetorics of its young dictator Kim Jong-un, as well as the removal of ballistic missile units from their launching positions all of a sudden shall renew the whole debate about the sustainability of the current non-proliferation and other control and oversight

There are two key issues closely associated with this. First, the now-paused Russia-U.S. (NATO) negotiations of having legally-binding security treaty for the mega-region ‘from Vancouver to Vladivostok’, which may eventually become a prototype of other regional mechanisms of missile defense shields, on top of nuclear-free zones (such as the Latin America). And second –

the development of ‘defensive shields’ against nuclear proliferation is not a viable solution with regards to this comprehensive threat. Leading P5 powers shall work out mechanisms of international sanctions regime, and enforce it against all states equally not to waste the moral grounds of the non-proliferation ideology. So far the sanctions have been all but effective tool of coercive diplomacy (e.g. in North Korea).

In the course of non-proliferation discussions, the issue of arms trade comes to the fore.

### 3.2. Establishment of international regime on arms trade

The trade of conventional arms to war torn societies has long been a cause for the international human rights watchdog organizations to fight for. Finally, after twenty years of multilateral negotiations, the process has come to a logical end and in late March 2013 the UNGA adopted the Arms Trade Treaty by nearly consensual vote (Syria, Iran and North Korea voted against)<sup>154</sup>. As New

York Times observed, the Treaty “...for the first time link[ed] sales to the human rights records of the buyers” – a significant breakthrough for the cause of international peace and security. The Art 6.3 perhaps shall be considered as encapsulating and furthering the R2P obligations of states (discussed in Chapter Two of this report) //Article 6.3: “A State Party shall not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians

The ATT may enter into force by 2017 (upon 50 ratifications reached), which is also the time when the ICC will finally receive unconditional jurisdiction over the crime of aggression, agreed upon in ICC Kampala Review Conference in 2010. Indirectly, and not in all corners of the world, but the ICC jurisdiction over the crime of aggression, as well as ILC’s Draft Articles of State Responsibility (disputes on DASR resolved through the ICJ) may become the mantra to strengthen the ATT regime internationally, despite the pressure from non-ICC member states.

Russia (as well as China, India) has abstained in the ATT vote, but nevertheless it can contribute to the strengthening of the international arms

trade regime, given it’s a big conventional arms exporter, including to troubled regions. Syria is apparently top-news in the media headlines still in April 2013, where interests of P5 nations clash. This is precisely why participants in the second multilateral UN conference

on Syria in Montreux, Switzerland, (whose convocation was announced during the May 7, 2013 visit of US Secretary of State John Kerry to Moscow) failed to achieve a breakthrough. The United States and the Syrian opposition insisted on the resignation of Bashar al-Assad without any pre-conditions and on launching a transitional period without delay<sup>155</sup>. At the same time, Russia and the incumbent Syrian government called for expanded international cooperation for the sake of stopping terrorist activity in Syria and for establishing a transitional government “without al-Assad” only after this objective is accomplished<sup>156</sup>. However, in order to achieve a breakthrough, it is necessary to focus on those interests that are shared by all initial parties to this conflict. And Russia, one of the main allies of the Syrian government, boasts certain advantages here. During the next multilateral UN conference on Syria, Russia could agree to declare an embargo on arms supplies to the Syrian regime and the opposition and to allow the International Criminal Court (ICC) to try all erga omnes criminal cases, or crimes perpetrated against the entire international community. These actions could help strengthen the role of Russia among the Arab states at a time when it mostly competes against them in hydrocarbon exports.

## The effectiveness of economic sanctions being questionable

protected as such, or other war crimes as defined by international agreements to which it is a Party”//, developed since 2005 UN Summit Outcome Document, ‘prohibiting’ states to cite their sovereign rights to unrestricted international trade in case of likelihood of erga omnes crimes upon the arms transfer. The Art 7 provided that arms exporter countries shall independently assess the legitimacy of aims of the buyer. This came as a final acknowledgement of the nature of modern conflicts – their intra-state character. Of course, for non-democracies there will hardly be any ‘public pressure to abide by its provisions’ and the lack of enforcement mechanisms in the treaty make it exclusively a soft law. So, a key disadvantage that was impossible to bridge in negotiations remains the implementation and control mechanisms of ATT obligations. The Treaty left issues of enforcement in the national domain of the exporters and international cooperation among them, including ‘judicial settlement’ (Art 19), which can give rise to ICJ applications after the treaty enters into force.

Nonetheless, the ICJ or sanctions policy are not the only avenues of international control mechanisms towards ATT implementation.




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Coupled with the rise of cyber terrorism, unmanned, high-efficiency 'killing machines' may be hacked by non-state groups, thus posing a greater threat to the peace and stability of nations

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In order to enforce the ATT frameworks, the regime of international sanctions shall be strengthened as well. The UNSC has the power under Art 41 of the Charter to place and enforce sanctions against such states. The performance of the UNSC is often half-effective and with the UN overall being criticized more and more, individual states or groups of states exert their policies through adopting sanctions beyond the authorization of UNSC. Unilateral sanctions of key states, like the United States, have hardly ever produced sustainable results to be proud of (e.g. the food crisis in Iraq since 1990, or in North Korea, which eventually acquired the nuclear weaponry).

Since breaches to erga omnes obligations are also against the interests of the international community as a whole, the regional organizations and individual states widely practice the policy of sanctions (trade, banking, economic, military, etc.) against 'rogue states' and regimes, as a measure short of the use of force, to fundamentally affect their policies or behavior, often claiming to act in (anticipatory) self-defense. Such sanctions are either linked to human rights record of the affected state or other breaches of international obligations, e.g. sponsoring international terrorism or threatening with WMD capabilities. The effec-

tiveness of economic sanctions being questionable<sup>157</sup>, those are also time-consuming when the violence or other breach of law is in progress. Politically, there are no conflicts that have been solved, no governments/leaders' behavior amended by sanctions in a long-run (e.g. Colonel Qadhafi stopped nuclear program in 2003, but continued brutal rule), instead – only the populations have suffered greatly (e.g. UN-backed "oil for food" program in Iraq)<sup>158</sup>. The other facet of the policy of unilateral sanctions or other measures of coercion beyond UNSC authorization or UN GA mandate (adopted in accordance to 'Uniting for Peace' procedure) is the questionable lawfulness in international law. The issue of sanctions is governed by the 1970 Declaration on Friendly Relations and Co-operation among States<sup>159</sup> and the 1974 Definition of Aggression<sup>160</sup>, whenever mass atrocity crimes are imminent or actually happening in the target-state. Now enriched with the ATT Art 6 considerations regarding the conventional arms transfers to troubled regions, the ILC's Draft Articles on Responsibility of States and its Article 16 may get a fresh meaning, as such assistance to governments which are acknowledged in manifest failure of R2P obligations ("with knowledge of the circumstances of the internationally wrongful act") can give rise to complicity in R2P crimes<sup>161</sup>. Logical interpretation of this rule can be that foreign states and especially those being in a same regional arrangement with the violator, shall not assist the latter (with means necessary to prolong the violations, such as money, trade or ammu-

dition) in the commission of internationally wrongful acts, such as ethnic cleansing or war crimes.

Overall, a 'Kimberley process' for the international arms trade regime is needed. As the weapons from Libya were infiltrated to Northern Mali, provoking French intervention (consent-based), arms transfers to troubled regions shall be considered against their possible threats to larger international security, including for the supplier states. The ATT provides the framework for the international community, but must be strengthened by the efforts of key exporter

attacks and drone strikes are the two phenomena of the age we are living in. It can easily be observed, that conventional wars are fought among the poor and the disadvantaged (Africa and other less developed regions), and the ATT obligations, upon implementation, will make a difference to those nations faith only. More developed nations employ either small mobile combat units, or rather a strategy of surgical strikes on suspected targets and "contactless wars". For example, in 2004–2014, the authorities (CIA) have given permission for 390 UAV strikes in Pakistan, out of which 339 were endorsed by President Obama in 2009<sup>163</sup>.

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### With its all disadvantages the current system of international order had numerous proved the need of preservation of the UN-based system of international collective security

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states, as the troubled importers would hardly ever reasonably limit their appetite of warfare. This is true for all the regions – from Syria to Azerbaijan, and from DRC to Sudan.

If the conventional arms trade feeds conflicts in the disadvantaged regions, there are other challenges that are coming exclusively from the advanced countries, such as the drone program and targeted killings of terrorist suspects not only without UNSC authorization, but also proper judicial ruling against suspects. Coupled with the rise of cyber terrorism, these unmanned, high-efficiency 'killing machines' may be hacked by non-state groups, thus posing a greater threat to the peace and stability of nations.

#### **3.3. Elaboration of the general approaches to drone wars and cyber aggression**

The technological advancement also hits the way modern conflicts are fought, and changes the military personnel that are becoming celebrated heroes of new wars<sup>162</sup>. The cyber

Given the veil of secrecy around the U.S. drone strike policy – it is not known whether there had been secret agreement(s) among U.S. and Pakistani (Yemeni, or other) governments for those instances of the use of force against targets that are not recognized as criminals under the applicable law<sup>164</sup>. In the American case, those operations are yet majorly undertaken by the CIA and are classified under so-called "Title 50", defined as «activities of the United States Government . . . where it is intended that the role . . . will not be apparent or acknowledged publicly, but does not include traditional . . . military activities»<sup>165</sup>. In a world, where hackers may use Android devices to hi-jack airplanes or crash super-secret intelligence networks, hacking systems of drone control may just be a matter of time. So long as this undeclared warfare remains unchecked by states' international obligations under relevant treaties banning the use of force, drones may hit back badly. The often heard arguments, that the U.S. drone strikes "[would] not violate Pakistani sovereignty" even if the local government did not consent to those, as "...it constitutes anticipatory self-defense"<sup>166</sup> are void in international law, since the international law recognizes the primacy of negotiations and other non-military measures of solving disputes, such as judicial and law enforcement mechanisms, which may lie in the domain of international cooperation in case of non-state actors.

Today not only the U.S. does, but also other states like China, Russia, Israel, U.K., Ger-



many, and even economically disadvantaged Armenia, sandwiched by conflict with neighboring Azerbaijan and Turkey<sup>167</sup>, develop drone programs, as well as sell to third countries. Should these faceless arms, controlled by satellites, be hi-jacked by cyber-warriors, it can lead to unpredictable consequences to the rest of the world. So long as this is kept as 'special case' and not embraced under existing international law – the dangers of its usage may well overrun the benefits of contactless elimination of the worst criminals and their networks across the globe. Therefore, one of the key challenges to the emerging system of global governance is to bring the drone strike policies of different states bound to the existing international law, and especially under Geneva Conventions, the 1977 Additional Protocols and other key documents of international humanitarian law, as the human casualties (let aside sovereignty and other issues) of double-strikes are paramount.

In short, the 'drone wars' shall become checked under international law and states operating the unmanned vehicles in foreign countries shall get more than target-state permission to use force, since they can hi-jacked in the air and hit other targets in third countries – becoming a major threat to international peace and security.

The UNSC still has to have its say on the drone strike policy, and maybe the ICJ may issue an Advisory Opinion to clear the situation from the legal perspective. Being strictly against unilateralism and abuse of UNSC role in matters of international security, Russia (and maybe the whole group of BRICS countries) may

champion the application to the ICJ, asking for the Advisory Opinion of the prominent Court on the legality of drone strikes in foreign countries, without declaration of war or implicit acknowledgement of the existing conflict.

#### ***3.4. The reform of the UNSC and system of global governance of international peace and security***

All these issues raised above manifest the need of UN reform. Over decades the organization has become too bureaucratic, too slow and too inefficient with regards to the challenges the humankind faces today.

The current system of international order, with its all disadvantages, had numerously proved through the past seven decades that although we did not live in the world of UN Charter, all the P5 nations still cared to preserve the UN-based system of international collective security, even when it produced only few per cents of its initial promise.

As we all know, the UN Charter provides that the unlawful use of force, or the threat thereof, shall be punished collectively through the Security Council and authorized regional arrangements and coalitions. However, the wide and inclusive interpretation of the Art 51 (self-defense), as well as unilateral endeavours of some states in questionable protection of international peace and security beyond the UNSC mandate, for a host of reasons, have depreciated the initial promise of 'saving succeeding generations from the scourge of war'.

All this has shifted the Yalta-Potsdam status quo in the almost seven decades since the conference in San Francisco.

The current system of decision-making in the UNSC does no more correspond to the needs of international peace and security. The veto-power allows any of P5 states to block a decision, which the majority would otherwise consent. There may be better ideas of how to improve the procedures in the newly-renovated Room Number One to enable, in the words of Secretary General Ban Ki-moon, 'dignified and serious' solutions to the worst challenges the humankind faces today<sup>168</sup>.

One of the solutions might be 'consensus minus one' procedure, where the P5 member which is indirectly affected by the crisis, would not obstruct a solution which every other nation would consent to. This is perhaps the least possible avenue, which requires amendment of the UN Charter, a measure all P5 states may object to. A somewhat similar idea was tabled in the UN Atomic Energy Commission on 30 December 1946 (Baruch Plan), but failed due to Soviet Union and Poland abstention, where the Kremlin objected to (among else) eliminating the P5 veto power over sanctions for prohibited activities. The other avenue may be created if P5 nations agree upon the 'constructive abstention' measure to keep the right of the indirectly affected state to persuade other Member States by negotiations and other peaceful means to affect the voting results. Of course, in no ways the P5 Members may or shall be stripped off their veto rights whenever they are directly attacked, or there is imminent threat of such an attack, because that would affect their rights under the Art 51 of the Charter.

The 'constructive abstention' of BRIC countries in UNSC Res 1973 (2011) allowed the enforcement of non-fly zone in Libya using 'all necessary means', though as we discussed in Chapter Two, the current stalemate in Syrian situation is partly explained by the belief of Russia and China that their abstention in Res 1973 was 'abused' by NATO powers.

As a key power, member of the Permanent Five, Russia matters very much indeed. For instance, if regionalism is to prevail, together

with the EU, Russia may build prosperous and developing neighborhood, where conflicts may be resolved to the benefit of cooperation, and not coercion. To make this happen, Russia shall perhaps amend its policies to become more reliable partner to the international community. Prof. Dr Andrei Melvil echoes many others in his conclusion that 'Russia indeed has a significant influence in the international affairs', but that potential today is only achieved by nation's P5 status, nuclear weaponry and hydrocarbon resources<sup>169</sup>. It is obvious, that all these resources are questionable in a long-run, if not to say indecisive with regards to the emerging system of international affairs, where UNSC and nuclear weapons, for example, play a marginal role of deterrence and not development. With regards to hydrocarbons, well, Russia may keep some states of former Soviet Union, like Armenia or Ukraine, and part of Europe 'on the needle', but the policy of 'sticks' most of the time is not efficient in a long-run, whereas 'carrots' are the ingredient that increases the influence of states in the modern era.

So, Russia must increase its 'soft power', become stronger economically and project cultural diplomacy to gain more friends in the international community. Essentially Russian-fueled grouping of BRIC(S), the idea of Eurasian Union, cooperation in Asia-Pacific and in Latin America, while gaining more good governance lessons (and not lectures) from institutionally advanced EU and the U.S. may become a key of Russia's revival in the world scene. No doubt, that Russian active role in conflict resolution in post-Soviet area, as well as mediation with Iran and Syria will increase Russia's soft power in the world.

If Russia wants a more effective UN Security Council and more benefits of its permanent membership and veto power, it shall advocate for an increase of the permanent membership to include newly emerging states, like India, Germany, Brazil and South Africa; and work actively with those states to win more friends there. Otherwise, the current setting of the Council has exhausted itself, and the longer it lives in stalemate, the more Russia loses its advantage of permanent membership, as simply blocking resolutions does not contribute to more stability in the world.

# Conclusions

Intensive world turbulence challenges global governance which drops guard and ability to respond promptly and relevantly to all those troubles people and peoples refer to. Chaos-based approaches entailed by the unipolar and frivolous system left after the collapse of the post-Yalta-Potsdam world order along with irresponsibility for crises and wars dissolved control and predictability. Global actors are getting more bound with common challenges, which makes them less determined about their future. Traditional global institutions deal with reproducing existing frameworks and supporting international stability as much as possible, but cannot provide with relevant solutions and strategies. A good example is cybersecurity, which is a perspective priority due to real global nature of IT networks, but where it is very difficult to find a common approach because of different attitude and legal regulation to internet freedom in different states.

Russia is currently in process of projecting its vision on up-to-date global governance,

trying not only to embed into reshaping institutions, but also to supply its contribute to their reload. Well-known features of Russian decision-making like centralization and poor competition of ideas lead to more or less clarity with what Russia would not admit in global governance, but shrinking lack of liable statements on positive agenda and what new world order should be like. Deficiency of global mission (like global Orthodoxy defending or communism promoting previously) and ideological vacuum inside the country deteriorates Russian sense of global power, sterilizes its achievements internationally and scatters its strategic goals both external and internal.

All those attempts of the past decade by Russia to launch global initiatives like energy security cooperation or European security treaty were flubbed, and obvious impunity for the national defeat in promoting Russian endeavors has not been developing policy effectiveness. Strategic discipline in defining and drilling down into national priorities which has been evol-





ing with long-term planning and measuring performance for the last time is not enough at the moment due to the crisis of ideas and conceptual thinking. Neither government nor the expert communities in Russia are capable to produce both enough ambitious and quite feasible projects for the global agenda. The decadence in creativity is a predictable consequence of degradation in bilateral relationships. Most Russian initiatives are still of some interest, but they are likely to be less competitive since Russia has lost most of its friends and raised up some more foes. Non-conformism in defending and conserving existing norms is not the same as pushing new frameworks for global community when single-handed.

The West though keeping its keys to the world order regulation cannot act unilaterally and be a legitimate arbiter. United States and Europe might have alternative opinions on economic issues which are likely to widen. Europe itself is no more consolidated and needs more and more time to make political decisions which as a result of endless disputes more and more often tend to be tardy and ineffective. European Union due to permanent crises and search for self-reforming gets less perceptive to responsive global missions. Western projects cannot afford being purely western or American or European. Even if they could be pushed through global institutions and accepted by a number of governments, the resistance of non-state actors is nowadays a factor not to be ignored and there is no certain means to overcome that.

United Nations and its Security Council are still the only legitimate framework to maintain

some basic stability in international relations, conflict resolutions and common risks settlement. All the problems of efficiency faced by the UN seem to multiply in the future, and the organization is reasonably able to cope with those – the level of global responsibility is the only influential factor for that. But for UN it becomes more and more difficult to lead modern global governance and define the post-crisis world order.

G8, which unexpectedly became G7 again, tends to be a club of leaders which is a nice forum for discussions, but not for decisions. It could increase its legitimacy in case of widening, but nobody seems to be eager to join it – what for if there is G20? As for the latter, it played an important role during the first wave of economic crisis for launching the search for new models and cooperation on post-crisis development, but still has not provided with credible vision and strategy.

Last G20 summits in Cannes and Los Cabos have demonstrated diffusion of ambitious goals and emotional expectations into new convolutions of the financial crisis. The present phase is directly linked to crisis political processes both on the levels of individual states and intrastate frameworks, first of all in the EU. G20 still has potential to grow into the most influential global governance institution, which would lead at least the economic power from the trans-Atlantic zone to the Pacific region, but in case core members would be ready to share their dominance.

Macroeconomic issues are, no doubt, the primary driver for the prospective, or emerging

system of global governance. The agenda on how to cope with relevant threats seems to be the only to unite most global actors and nudge them to find new approaches to traditional challenges thoroughly discussed in this research. Precisely the problems of credit defaults and financial market dislocation were not drilled down in this report as their nature is not so essential and determinative as their negotiability for the global governance. But what matters is that macroeconomic global dialogue is likely to squeeze traditional geopolitical dialogue and to become the most effective opportunity for chronic and never-ending conflicts resolution.

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### Macroeconomic global dialogue is likely to squeeze traditional geopolitical dialogue and to become the most effective opportunity for chronic and never-ending conflicts resolution

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The long-living efficiency of the UN with all the problems and limitations identified is based on clear principles agreed just by the end of WWII. First of all, of course, is the veto right for five permanent members of the Security Council who used to be winners in the war. But of no less importance is in fact the devolution of sovereignty by all the members of international community, which legitimizes all the decisions taken within the UN. Does any country devolve its sovereignty to G8 or G20? Is anybody ready for such devolution even in case of responsive initiatives? That is the fundamental question for the future of global governance.

State sovereignty used to be a basic element and an effective instrument for the existing world order which backed members of the international community in their talks and obligations. Absolutization of human rights and especially accomplished attempts to manipulate them in geopolitics have undermined instrumental character of state sovereignty and turned it rather into formal prize for non-state actors. As for state actors they

are not likely to sacrifice their last resort to any 'legitimate violence' and feel distrust to global regulation. New order of trust is an institutional demand for today.

Alternative system to be designed should be oriented not only at balancing international relations, but also at effective responding to 'natural' challenges which get more influential in terms of global policing and include demographic changes and migration growth, ecological threats and food and water supply security, diseases and even infall of meteorites. Problems of the real life are of no less concern for most people on the globe rather than financial bubbles and information wars.

The existing global institutions are likely to deal with derivative problems in all senses, but they are quite thresholded with accumulated normative ideologically-biased conditions.

The need for multifaceted diplomacy is shared by Russia which identifies itself to bear an 'increased responsibility for setting the international agenda and shaping the system of international relations' // Concept of the Foreign Policy of the Russian Federation. Approved by President of the Russian Federation V. Putin on 12 February 2013//. BRICS is considered as a step forward to an ad hoc global framework which tries to build a new system of relations on the basis of topical common challenges and 'green field' projects to cope with those. All over the world they try to find any grounds for such a gathering, but perhaps the most advantage for BRICS which would contribute to the new order of trust is that it does not look for common grounds to unite, but unites to overcome common challenges. It looks for solutions with no regard to dividing norms, but with sharing value of mutual support.

The important point for Russia is how to develop its global vision and how to differentiate between different endeavors in multifaceted diplomacy. And here the key point seems to be some clear inputs to increase Russian foreign policy effectiveness, to enhance general output of the government foreign activity. There are two options which could be balanced to each

other in fact. The first is to devolve foreign policy itself from the only ministry to other ministries, business and NGOs. Once diplomacy gets more technological and communicative, and involves more stakeholders and non-state actors, official institutions should give support to and count on more competent and competitive 'soft power' representatives who might be interestedly bound to economic and social priorities nationwide. The second option is to measure success in foreign policy which could be based on key performance indicators for strategic goals and tasks stated for officials and institutions involved. The level achieved is to be measured and compared to resources spent. Russian foreign policy needs to be more performance-oriented and less institutionally secluded.

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### The important point for Russia is how to develop its global vision and how to differentiate between different endeavors in multifaceted diplomacy

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The other point is those departments which deal with foreign relations on behalf of Russia (that is not only foreign ministry, but up to 40 ministries and agencies) should have more ties with public diplomacy. A proper instrument seems to be public councils to ministries which have been reloaded since the launch of 'Open government' initiative, but still are lacking in ministries of foreign affairs and economic development, for instance.

In terms of selecting global frameworks to promote Russian vision in there should be composed long-term draft agendas for all the institutions Russia is member of. This task might be distributed again between the agencies acting on behalf of Russian Federation in those frameworks. This is a perspective entry point for public diplomacy where it would be quite welcome by the official one, and where the expert community would have a great opportunity to give inputs and get an influential impact on Russian global policing.

Modern system of (trans-)regional and universal bodies is a multidivisional network of

organizations and forums established in different time in response to specific challenges and problems of global development. Each of them functions according to its mandate and at the same time is linked to others with different social, analytical and expert networks. Today it gets more and more obvious that effective global governance cannot be based only on official agendas. Expert discussion is of no less importance. Global government is likely to support new expert networks and follow their discourse. At least in the frameworks of the United Nations, this has been the case in several instances since early 2000s, which has proved to be effective, though not yet incorporated into official agendas in any legitimate way. Thus, those countries which are able

to persuade expert stakeholders and increase their adherents in relevant networks would be able to optimize their performance in global governance systems. Decisions tend to be taken not at official summits of leaders but in early pre-echo discussions of "users". And if the former hold their own, the latter turn into "The Protester", who has already

been recognized as a person of the year<sup>170</sup>. None of responsible globalists would like to get him recognized as a person of the century.

The range of global problems is countless, and all of them are important for more or less number of stakeholders. There is no obvious global government and would not be at least upcoming years to be responsible for resolution of long-lasting conflicts and global crisis-management. But what the world does have to regulate itself with and to feel responsible for is the agenda which in fact defines what global governance is. Who goes through such an agenda – that is another question. The crucial point is those issues put on that. The 2010s is still a period of few agendas, and once they bargain and compete, the ineffectiveness continues to challenge global governance on different levels and in different spheres. Lessons learnt are not enough to stick together, but that is all about states. The global public strengthens its voice to define the agenda, and those endeavors that would be ready to hear non-state actors, could definitely say the final word.

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