

## **A RETURN TO MULTIPOLARITY AND REALPOLITIK? HUMAN RIGHTS UNDER PRESSURE**

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*Pacem in terris* (PT) was written at the height of the Cold War, which is the only time in history marked by a bipolar world order. The US and the USSR “balanced” each other in what was referred to as the “terror balance”, based as it was on nuclear deterrence. The hot wars that were fought during these forty-five years were mostly proxy wars. This order of the international state system was truly an *order*, “frozen” for 40 odd years, and as such a *stable* order. Realist theorists in political science point out that bipolarity is very stable. But this was a dangerous time and a nervous order, and not the kind of order the Pope speaks about in the encyclical. Order in the Catholic vocabulary naturally refers to order based on truth, and stability is likewise of metaphysical origin. Peace is much more than the mere absence of war, therefore the order of the state system may seem to be rather irrelevant as a topic when we take our point of departure in PT and Catholic social teaching.

Yet it is not, as I shall try to show in this paper. The importance of the analysis below lies in the implication a shift in power towards old-fashioned Westphalian states and traditional sovereignty has for the promotion of liberal democracy, rule of law and most importantly, human rights. In short, if the West lacks the power to promote these norms, notably human rights, their role will be endangered. The less power the West has to promote and impose human rights in its political dialogues, diplomacy, aid and trade, the weaker the norms that PT embraces and advocates.

### **Power Shifts from the West**

As said, during the Cold War the two super-powers dominated the state system, and regions and individual states mattered much less than the systemic level, as we political scientists term the highest level of international politics. Security policy trumped all else, and the world was at the brink of war during the Cuba crisis. Deterrence however prevented this, as well as risky coercion.

Bipolarity is stable in the sense of being based on a balance of power, or balance of threat, between only two actors. After the USSR imploded, from 1990, we experienced the so-called “unipolar moment” of US hegemony.

Between 1990 and circa 2005 we can meaningfully speak of a unipolar system with no challenge to US power. There seemed to be no end to the march of liberal democracy in the world; this was, as Francis Fukuyama optimistically said, “the end of history”. The West, with the combined power of the US and Europe, would export the liberal-democratic model, and we find much evidence of this in the imposition of political conditionality in all aid and trade agreements (save humanitarian aid) from about 1995 onwards. Human rights, rule of law, and democracy become what I will term the “trinity” of international and national politics, the values on which the polity must rest and the basis for peace. The EU, Council of Europe, OSCE, NATO, and the UN all incorporate such conditionality in their admission criteria, partnership for peace policies, trade agreements, etc.

Also unipolarity is stable – states cater to the hegemonic power, which protects them and enjoys trade and political burden-sharing. And the unipolar power underpinned the many international organisations – multilateralism flourished ever since the inception of the Cold War, on the Western side – in Europe in particular, but also transatlantically and globally. The US upheld this multilateral system and was the major force behind its creation. Let us pause for a moment to remind ourselves that all the international organisations (IOs) we have today are the products of the victors of WWII – the UN and Bretton Woods system, NATO, the EU, the COE, the OEEC, etc. *Multilateralism ensures that small states have a say, that big states are bound by rules, and that international law is discussed and applied.* Realpolitik does not cease to exist, but it is tamed.

The UN Pact and the creation of all these IOs mark a true watershed in the world and the state system. The “trinity” is introduced as the only valid basis for politics (human rights are introduced in 1948 and become codified from 1966; the Genocide Convention is from 1948, etc.). The state system worked by the rules of Realpolitik before WWII – the League of Nations was a failure – but after the UN Pact, human rights conditioned old-fashioned state sovereignty.

This will be elaborated on below. Suffice it now to point to the co-existence of unipolarity and multilateralism.

But power changes again, and from about 2005 we can speak about emerging multipolarity in the world. This is not an unknown situation – in Europe balance of power has been the rule rather than the exception. But now the emerging powers are not European, but first of all China, then Russia, India, South Africa, Brazil. China stands out with economic growth per annum that is not rivalled by any other state. At the same time the West is in an economic crisis, the US as well as Europe.

Multipolarity is unstable, political scientists point out. There is competition and rivalry. This is economic, but most often also military. China increases its military expenditure by 12% this year whereas both the US and Europe decrease theirs by up to 15–20%. In 2012 Asian defence spending is larger than that of Europe for the first time.<sup>1</sup> US strategic thinking is directed towards Asia, and China has clear regional security interests.

The new great powers subscribe to a Realpolitik of old in terms of sovereignty. Human rights are not allowed to trump the non-intervention norm, elaborated on below. The use of force is not ruled out in pursuit of interests, as we saw in Georgia in 2008. The old and feared concept “sphere of interest” is back.

The new multipolarity is marked by a return to Realpolitik. This is what makes it so problematic from the point of view of the peace theme as developed in PT. The role of human rights as the basis for human dignity and freedom is denied by such Realpolitik.

### **States Should be Based on Human Rights**

Pope John XXIII says that only a society based on truth, i.e. on the natural rights and obligations of man, is true society. In line with classical political thought he underlines that only a just society is a real society: “Any human society that is established on relations of *force* must be considered *inhuman*” (my emphasis, 24) and continues, “human society is bound together by freedom, that is, in keeping with the dignity of its citizens, who accept the responsibility of their actions, precisely because they are by nature rational beings” (25). These are very clear and strong words: repressive regimes are illegitimate. When PT was written, there were many such states, as today – at that time Communist dictatorships, today dictatorships, theocracies, and other forms of totalitarian states.

This dignity gives rise to human rights, which are inborn and the mark of an ordered society. The Pope mentions all the key human rights (9–13) and states that they are “universal and inviolable so they cannot in any way be surrendered” (9). An ordered society is one where citizens recognize these rights and duties, for “the order that prevails in society is by nature moral” (37). Therefore an ordered society is always just.

Only when the common good is sought and human rights respected, will there be peace of a real kind. The absence of war is the first condition, albeit a superficial one. Real peace requires a society justly ordered, based on truth and virtue.

<sup>1</sup> *The Economist*, April 7<sup>th</sup>–13<sup>th</sup>, 2012, “China’s Military Rise”, cover story.

Concretely, the Pope speaks about the need for a world authority and mentions the UN. Specifically, he points to the importance of the Universal Declaration of Human Rights (UNHR) of 1948, “an act of the highest importance performed by the United Nations Organisation was the Universal Declaration of Human Rights (143) ... the documents represents an important step on the path towards the politico-juridical organization of all the peoples of the world (144)”. He goes on to underline the natural human rights of every person and hopes that the UN will safeguard human rights.

Clearly, the “trinity” of politics is democracy, rule of law and human rights, where the latter is the substance and basis. Multiparty democracy and rule of law follow directly from human rights, from the fundamental civil and political rights. There is thus a clear distinction between states founded on force, as the Pope puts it, and those founded on this “trinity”. In sum, liberal democracy, when truly respecting human rights, is the only legitimate form of government. A dictatorship or totalitarian government can per definition not respect human rights. I should add that when the UDHR was adopted by the General Assembly, the USSR and its satellite states in East-Central Europe abstained because they did not accept that human rights are apolitical and pre-political, natural law-based rights. In other words, they did not accept that state sovereignty is constrained by human rights and that there is anything that is above and beyond politics. The same issue is at stake now, when states deny the existence of universal human rights. Politicians are wont to try to maximise their power, in any regime, but in democratic states there is at least lip service paid to human rights.<sup>2</sup>

It follows from the above that the form of government is related to peace, a notion Immanuel Kant developed in *Zum ewigen Frieden* and which is known today as the “democratic peace” thesis. Extensive empirical studies conclude that the thesis that democracies do not fight each other is true, whereas democracies fight – but in non-democratic states. But as said, peace is not fulfilled as a condition only because there is an absence of war. If we take the Pope’s “deep” definition of peace seriously, we should investigate how well liberal democracy fares in today’s world.

<sup>2</sup> In 2009–2012 I was a member of an expert select committee of the Norwegian parliament tasked with proposing a chapter of human rights in the soon 200-year-old Norwegian constitution (“Lønning-Utvalget”). When discussing the concept of human rights with certain Socialist politicians, they seemed unable to understand that human rights are not political “products” that are given and can be revoked by governments. The notion that anything is not political was completely foreign to them.

This is what I propose to do below in asking whether we experience a return to a multipolar world where traditional sovereignty is asserted again – marked by a *rejection* of human rights as prepolitical, apolitical and beyond politics, therefore trumping sovereignty; and further, marked by a willingness on the part of states to again use military force in pursuit of interests, not only in self-defence or with a UN mandate. The rejection of human rights and the use of force in support of diplomacy are the two key characteristics of Realpolitik, in addition to great power claims for “spheres of interest”.

Realpolitik was rejected by the UN Pact in 1946 and the value put on sovereignty was balanced by human rights in the pact, which is the founding document of the post-WWII order.

The analysis proceeds as follows.

- First, I show how sovereignty has evolved from an absolute *rex imperator in regno suo* to the conditional sovereignty of today where human rights are not only to be recognised by states, but where governments are bound to implement them.
- Second, I ask whether we are now in a multipolar world order where states that pursue Realpolitik – basically China and Russia – are set to dominate. In short, this is the empirical question of how much power these states have and whether they are on the rise. In this section I use a couple of case studies as illustrations, one about human rights (China’s reaction to the Nobel Peace Prize to Liu Xiaobo in 2010) and one about the use of military force in support of state policy (the Russian invasion of Georgia in 2008). I also try to assess the relative importance of types of power – economic, military, diplomatic, the power of attraction and legitimacy – in order to assess how powerful the new “pole” is.
- Third, in a concluding section I assess the “signs of the times” with regard to the future of human rights and the liberal-democratic order.

### **From Absolute to Conditional Sovereignty**

State sovereignty has been changing away from the Westphalian concept of absolute power on the territory, particularly after 1990, towards the emergence of conditional sovereignty in the form of democracy/human rights of today. But as stated, the rules of Realpolitik are returning. The Russians and Chinese entertain a traditional, non-interventionist concept of sovereignty, something which is visible in how they vote in the UN Security Council (UNSC), frequently vetoing criticism of the so-called internal affairs of states, such as in the Syrian case recently. The concept of sovereignty that is conditional upon the acceptance and protection of human rights is today forcefully challenged.

Historically, sovereignty has many meanings. Mainly, however, it is associated with the 1648 Treaties of Westphalia, which ended the Thirty Years' War by laying down the principle that the ruler decides everything within his territory and no other ruler can intervene. In a Europe where feudalism had defined power structures non-territorially and where the Catholic Church had exercised spiritual power, there had not been any such thing as a territorial state. Power or authority had been defined along functional lines, not territorial ones. Finally, the long struggle between Emperor and Church on the one hand and the Protestant princes on the other was decided, in favour of the latter.

The Westphalia Treaty texts stated the principle of non-intervention thus:  
*to prevent for the future any differences arising in the politick state, all and everyone of the Electors, Princes and States of the Roman Empire, are so establish'd and confirm'd ... that, by virtue of this present Transaction: that they never can or ought to be molested therein by any whomsoever upon any manner of pretence (art. LXIV)*

In addition, it was stipulated that these principalities had the right to close agreements amongst themselves and with other states, thus making the *territorial border* the main political variable. Thus, it is hardly surprising that Pope Innocent X condemned the Treaties of Westphalia in his bull *Zelo domus Dei* as being “null, void, invalid, iniquitous, unjust, damnable, reprobate, inane, empty of meaning and effect for all time”. (!)

The theorists of the new order, such as Jean Bodin, referred to this as the fact that the sovereign or prince is not subject to any other's command. The classic concept of sovereignty was based on *substance* in terms of power: a state was recognized by other states only if it could rule itself, i.e. if the ruler possessed the military power to control his territory. This is a point of key importance: power first, legality afterwards. We find a succinct analysis of this in the scholarship of the international jurist G. Kreijen (See Kreijen 2002a, 2002b). He points out that international law adapted itself to empirical power politics: sovereigns preceded sovereignty – that is, power decided.

The *locus classicus* of the early doctrine of sovereignty is Bartolus de Saxoferato, a lawyer who lived from 1314 to 1357. His reasoning was based on the emerging philosophy of nominalism which competed with the metaphysical realism of the traditional Aristotelian and Thomistic paradigms. Nominalism, which came to predominate in legal philosophy, posited the *nomos* – the name – as the changeable quality of a thing. One could not hold on to an “old” name for a new thing (*res*) – it was the facts on the ground that made the state or not, so to speak. A ruler who possessed enough power to control a territory would be designated its sovereign.

Thus, legal recognition accrued to those states whose rulers were physically in control. This was of course the principle applied at Westphalia – the victors in the Thirty Years' War wrote the peace treaties and determined this new concept of sovereignty, in contrast to the older Catholic notion of divine right and papal jurisdiction.

This principle of concentration of power within a given territory was to become the cornerstone of the international system and still is. It had made “non-intervention” the central norm, as expressed in e.g. paragraphs 2(4) and 2(7) of the UN Charter: these state that the use of force against another state is impermissible, apart from those cases in which military power is used in self-defence or where “international peace and security” is threatened.

These “facts on the ground” approach to sovereignty was developed by the major thinkers of international law. In 1576 we find the first major exposition of the concept, in Jean Bodin's *De Republica*. Like Sassoferrato much earlier, Bodin observed the facts of real power, and deduced from them. He argued – in a logical but scholastic fashion – that since the ruler made the laws, then logically this same ruler could not be bound by the law that he made himself until after the fact of law-making: hence he was the sovereign, the head of the first and unprecedented authority from which all laws must logically flow (*primum ac praecipuum caput majestatis*). In a Machiavellian vein, Bodin observed that other institutions that competed for power were then automatically excluded from claiming sovereignty (Jennings 2002). Once a ruler had been designated the sovereign, there could be no other sovereign in the same territory. This move blessed physical, military power with authority, and made “power into law”, as Rousseau was to put it much later. *In our terms: power became legitimated through the concept of sovereignty* thus defined, and the state system as well, for the limits of sovereignty lay in the limits of territorial power.

Europe at that time was in danger of disintegration; and it was imperative to consolidate absolute rule in order to create order. Jean Bodin gave legitimacy to the absolutist ruler, unfettered by higher norms. We may argue that this power-based state system at least created order, but not peace. The states kept each other at bay, and this constituted a kind of stable order, albeit not one at all connected with peace in the sense of *Pacem in terris*.

However, only a century later, perhaps the greatest international lawyer of them all, Hugo Grotius, advanced a type of *conditional* sovereignty. Occasioned by a conflict in which Dutch subjects to the Spanish crown acted on behalf of Holland – Grotius' own cousin was involved in claiming prize money from the capture of a Portuguese vessel in 1602 – Grotius developed an argument

that derived sovereignty from the subjects and not from the power of the ruler. His *De Indiis* advanced another view of sovereignty, one in which the subjects transfer it to the ruler: any *respublica* is something formed by the people, and they can recall sovereignty – that was the radical implication.

This was a harbinger that has begun to re-emerge in our own time. The emergence of the Universal Declaration of Human Rights, the UN Charter, and the principles of the Nuremberg trials must all be seen as one major normative revamping. They also represent a *major breakthrough for the idea of rights-based sovereignty*. But before the human rights movement could become politically important, the older traditional notion of substantial sovereignty – based on empirical power – would have to yield to the rights-based notion of sovereignty to former colonies.

The principle of self-determination of peoples lay at the core of this new sovereignty. It dates back to Woodrow Wilson's Fourteen Points and the Treaty of Versailles in 1919, but also has older antecedents in nationalism itself. The idea that each nation should be the basis of statehood is the national idea; whereas the idea that the inhabitants in a territory should determine statehood, federation, or secession is the idea of self-determination. This was laid down as a key principle in both the American Declaration of Independence (1776) and the French Revolution (1789).

At the end of the First World War, the statement of this principle “set in motion a restructuring and redefinition of the world community's basic rules of the game”, as Cassese remarked (quoted in Kreijen 2002b: 59). The implication was crucial to the substantial concept of sovereignty: formerly the ruler could barter, conquer, or sell off territory together with its subjects; but if the subjects were the source of sovereignty, this would no longer be possible – quite the opposite. Woodrow Wilson drew the logical conclusion: no longer would it be acceptable that subjects “be bartered about from sovereignty to sovereignty as if they were mere chattel” (*Ibid.* 60) – yet that is what happened at Versailles...

Now new political ideas – the experience of the Second World War, the increased power of the USA in international affairs, the venue of the UN as the global forum of legitimate norm creation – all these factors turned the tables on the old norm of colonialism: “Anti-colonialism in retrospect looks more like a sea change in international legitimacy” (Jackson, quoted in Kreijen 2002: 66).

A series of resolutions followed, making self-determination into a right of peoples. Today this right has assumed the status of *jus cogens*, a peremptory norm of international law. In our perspective, this new right greatly aids the redefinition of sovereignty into a democratic entitlement.



Statehood was by now defined as a legal category of a right to be recognized, regardless of internal governability and external capacity for own defence. As Kreijen laments, “recognition merely became a cordial cognitive act which in turn implied a general failure on the part of the international community to question the viability of the entities destined for statehood” (2002b: 85). This evolution of “juridical statehood” has changed the “rules of the sovereignty game” completely, insofar as “weakness presently may serve as admission into the international community rather than as a bar to it” (*Ibid.* 93).

In conclusion, the de-colonial process resulted in new states, legally sovereign entities but in terms of classical Weberian terms of internal and external power, failed states. The “international community” – especially former colonial powers – then assumed some kind of responsibility towards creating order in these states, albeit with unclear implications. For the next step in this direction, we should look under the rubric of “democratic sovereignty”.

### **“Democratic” sovereignty and the “liberal peace”**

The school of legal thought and the political scientists who advance the “democratic entitlement” argue that the right of self-determination of peoples logically leads to the right to democracy within states. This concept is tied to security policy in two ways: One, democracy is argued to promote peace as such – the thesis of the “liberal peace”; and two, if democracy is an entitlement, should the international community also promote it with military means?

The “liberal peace” thesis is relevant because it posits democracies as the only legitimate governments – because they do not fight each other and because they are governments by the people. The main intellectual antecedent is Immanuel Kant’s *Zum ewigen Frieden* from 1795, where he stipulates three conditions for peace: that states that are republican (today: democratic); that states trade with each other; and that states are governed by law. Today we find this in the EU “security community” approach and in the liberal peace thesis in the literature of security studies.

As discussed above, the democracy entitlement started with right to self-determination of peoples after the First World War, which in turn led to plebiscites and popular consultations at Versailles. There developed a body of international norms for international supervision and the holding of plebiscites at this time. Symptomatically, the “League of Nations” was defined as one of peoples, not of states. Later, this norm was developed as the legal right to self-determination in the process of de-colonialization. Then came the Second World War, after that human rights and the UN Charter

developed. But the rights to democracy lay dormant during the Cold War; only *after 1990* do we see the right to democracy emerging as a right increasingly established through the election monitoring, etc. of international organizations.

Human rights instruments have proliferated, both as hard as well as soft law. The major change in international affairs in recent years is the growth in interdependence and complexity in interrelations, as well as the exposure made possible by the media. This amounts to no less than *a new type of sovereignty*, argue Chayes and Chayes:

*In all but a few self-isolated nations, sovereignty no longer consists in the freedom of states to act independently, in their perceived self-interest, but in membership in reasonably good standing in the regimes that make up the substance of international life. To be a player, the state must submit to the pressures that international regulations impose. Its behaviour in any single episode is likely to affect future relationships not only with the particular regime involved but in many others as well, and perhaps its position within the international system as a whole (1995: 27; emphasis added).*

Thus, the soft power tool of “shaming” is intimately tied to the “hard” power tool of “the shadow of the future”, where compliance is based on the long-term self-interest of each state. It is difficult to separate the effect of “shaming” from the cost/benefit analysis of the “shadow of the future”.

How is national sovereignty protected in such an interdependent international system? Chayes and Chayes argue that “the only way most states can realize and express their sovereignty is through participation in the various regimes that regulate and order the international system. Connection to the rest of the world and the political ability to be an actor within it are more important than any tangible benefits in explaining compliance within the international system ... Sovereignty, in the end, is status – the vindication of the state’s existence as a member of the international system” (*Ibid.*)

In sum, we can conclude that the concept of state sovereignty has undergone major changes – from its inception as a power-based validation of military rule from 1648 onwards, through a conditionality based on the self-government of peoples to the present-day emphasis on democratic government and observance of human rights as the qualifiers of legitimate sovereignty. There has been a strong political normative evolution in favour of “democratic entitlement”, but there has also been an evolution of legal thinking in this field. Sovereignty in a purely juridical form today does not convey legitimacy, which increasingly rests with acceptable internal decision-making – democracy, or “good governance”.

### *Human Security: The human right to state protection of the individual*

“Human security” refers to an emerging security agenda where the point of reference is the *individual* person and his or her right to personal security. The right to security is a human right enshrined in all relevant human rights documents. The term “human security” was first used by the UN in its UNDP Human development Index for 1994.

In 2004 a UN High-Level Panel on Security finished its report. The panel consisted of ex-politicians from various countries. The report, which was endorsed by Kofi Annan and which formed the basis for the UN summit of September 2005, is remarkable for its candid realism. Noting that “today’s threats recognize no national boundaries” (UN 2004: synopsis), the panel defines a threat to international peace and security – which is the basis for Chapter VII mandates of the Council – as “any event or process that leads to large-scale death or lessening of life chances and undermines States as the basic unit of the international system”. In this definition we find both state security and human security.

The report also discusses the concept of sovereignty, stating that it implies responsibilities which have become clearer over the years: “Whatever perceptions may have prevailed when the Westphalian system first gave rise to the notion of state sovereignty, *today it clearly carries with it the obligation of a state to protect the welfare of its own peoples and meet its obligations to the wider international community*” (*Ibid.* 22, my emphasis). The panel is equally clear on the implications of this: When a state is unable or unwilling to assume its responsibilities, “the principles of collective security mean that some portion of those responsibilities should be taken up by the international community ... to help build the necessary capacity or supply the necessary protection, as the case may be” (*Ibid.*). Here we witness a major change of principle in the intervention norm: sovereignty, based on conditionality, somehow reverts to the “international community” when the sovereign fails to meet the obligations of sovereignty. This can also imply “protection”, which in turn can mean the use of force. This has never before been spelt out so clearly in a UN setting. The panel continues: “The collective security we seek to build today asserts a shared responsibility on the part of all States and international institutions, and those who lead them, to do just that (fulfil the rights of citizens)” (*Ibid.*).

At the UNGA in 2005 there was a general endorsement of this report as a new norm of international politics, the “responsibility to protect” (R2P). The R2P principle was invoked in the run-up to the air operation in Libya, and logically means that sovereignty is subject to human rights: a state that breaks the right to human security of its citizens, risk intervention, and as in the Libyan case, removal.

In sum, modern sovereignty is a norm which is no longer absolute. Human rights are to be safeguarded by the sovereign, i.e. a government, and human rights and liberal democratic norms therefore present a form of conditionality. The protection of human rights has extended as far as to security policy – human security and the R2P are the logical conclusion: the security of the state's borders is no longer the only valid security policy. Sovereign states may today find themselves intervened into if their governments violate or permit gross violations of human rights.

The development of these “qualifiers” of sovereignty has particularly taken place after 1990, during the “unipolar moment” where the Western democracies have been the most powerful states in the world. What happens to human rights when the power to promote them fades?

### **Back to Multipolarity and Realpolitik?**

Joseph Nye has written much about contemporary power – types and levels (Nye, 2008, 2011, 2002). In his most recent book, *The Future of Power* (2011), he argues that “today, power in the world is distributed in a complex three-dimensional chess-game. On the top chessboard, military power is largely unipolar and the US is likely to remain supreme for some time. But on the middle chessboard, economic power has been multi-polar for more than a decade, with the US, Europe, Japan, and China as the major players” (*Ibid.*, p. XV).

How important are types of power in relation to each other? Can they be compared at all? Nye attempts to do so, and concludes thus: “Military force remains important because it helps to structure world politics ... markets and economic power rest upon political frameworks. In chaotic conditions of great uncertainty, markets fail. Political frameworks rest upon norms and institutions, but also upon management of coercive power” (*Ibid.*, p. 49). In other words, the ordering power of military force is indispensable, even if this source of power cannot be used to achieve gains as it could in previous centuries.

The systemic or global level of the state system is where the unipolar or hegemonic power “commands”. The US still “commands the commons” as it is usually called, at sea, in the air, in cyberspace, and below the sea. The superiority of the US, with allies like France and the UK, is not in question. These three states have the ability for global force projection, none other. The US is in a class by itself. The systemic level structures the state system and the regional level, and we can assume that this structural superiority will continue. The Chinese and the Russians do not (yet) aspire to global, structural security dominance – something which underpins the political system as a whole – but regional such. China has doubled its defence budget

twice over the last years, and clearly aims for regional security dominance in Asia (Le Miere, 2011, Jones, B., 2012). As Beckley points out, there are too many studies that assume that China rises quickly and is on a par with the US soon (Beckley, 2011). But it is also true that history knows no example of great powers that do not translate riches into guns. China has been rising peacefully for 30 years now, not even paying attention to its ageing nuclear weapons, but in the last decade a massive program of military modernisation has started. The same situation occurs in Russian defence. In need of major restructuring, it is not a global contender, but oil income allows for improvement and enlargement.

If we look at the deterring, structural aspects of military power, emphasized by Nye, US and Western hegemony is clear still. But the US has recently revised its strategic plans in the direction of Asia, and the Japanese-American ballistic deterrent has been upgraded. There have been incidents of brinkmanship in the South China Sea and the issue of Taiwan remains a “red line”. Exercises have been shows of force and belligerence, and there is no reticence in neither rhetoric nor willingness to use force: “the return of gun-boat diplomacy to East Asia might also imply that states are increasingly willing to utilise the more powerful militaries available to them. This could gradually undermine the norm against the use of military power to pursue foreign-policy objectives” (Le Miere, op. cit., p. 58).

In international affairs, much change occurs on the Nike shoes campaign slogan “Just do it”. If states start to use military power in support of their interests, the UN Pact’s norms may change quickly again, back towards the logic of *Realpolitik*. One example of such use of force was the Russian strategic attack on Georgia in 2008 (Asmus, 2010). Russian forces stayed in the country for several weeks to underline that they could and would do this, in contravention of the UN Pact, and the real reasons for this move was to prevent NATO from granting membership action status to Georgia. Recently then president Medvedev revealed to officers in Vladikavkaz that the real aim of the attack was to stop NATO expansion into what he regards as Russian spheres of interest.<sup>3</sup> While the official reason for the invasion at the time of attack was to protect Russian “peace-keepers” in Abkhazia, the real reason was to keep NATO out: “if we had faltered in 2008, geopolitical arrangements would be different now and a number of countries in respect of which artificial attempts were made to drag them into NATO would have probably been there now” (*Ibid.*). He added: “it was absolutely necessary ...

<sup>3</sup> “Medvedev gets caught telling the truth”, BBC, 29.11.2011.

the fact that Russia's actions at the time were so tough has eventually secured a situation for us ... we have simply calmed some of our neighbours down by showing them that they should behave correctly in respect of Russia ... for NATO it was a signal that before taking a decision on the expansion of the alliance, one should first think about the geopolitical stability" (*Ibid.*).

This fits the Realpolitik paradigm: Russia asserts a sphere of interest around its borders and demands that NATO keep out of it. The threat of military action had been made many times before it happened, coupled with the traditional Russian demand that it be consulted about expansion of NATO. NATO answers that each state decided itself whether to join and that admission is decided by NATO alone. This familiar standoff in European security politics ended in military invasion this time, and because NATO then faced a military conflict with Russia, it backed down in the sense of putting the whole Georgia-issue aside. Ever since the idea of Georgian membership has been shelved, something which underlines the power of military force if the adversary rules its out. In this sense the Russians had complete success in this case.

Thus, while the "global commons" are still commanded by US military assets, regional hegemony is sought established through "spheres of interests" in both the South China Sea and the Caucasus (Buzan and Wæver, 2004, Hart and Jones, 2011). Moreover, the use of force for state interests is demonstrated again. This development runs contrary to the ad bellum norms of the UN Pact and threatens a return to Realpolitik's rules of the game. The use of military force is dangerous in many ways, one of them is called the friction or fog of war by Clausewitz: one thing leads to another, unplanned. In their article "The Rubicon Theory of War" Johnson and Tierney offers an apt subtitle: "How the Path to Conflict Reaches the Point of No Return" (Johnson and Tierney, 2011).

In a multipolar state system we will see regional hegemons, and China and Russia are in the process of establishing themselves as such. The instability of such a system is marked by the power struggle of emerging powers, and the economic interdependence between them – say the US and China – may lead to more instability, not less. In a relationship of interdependence, even interlock, the most dependent party will suffer. When there is power asymmetry, there is power of one over the other, and also the possibility of acquiescence. We see this in US-China relations where the US is careful in its human rights criticism, as is the EU.

While it is too early and uncertain to conclude about how the US-China relationship will evolve, it is clear that human rights policies evidence the new power structure in the world. I mention the reticence on the part

of US leaders to criticize China on human rights – both president Obama and secretary Clinton were very quiet on this score when in Beijing the last few years – let me now discuss one case where the powerful role of China is clear and where the very notion of human right is rejected:

The Norwegian Nobel Committee grants the annual peace prize, which in 2010 went to the Chinese dissident Liu Xiaobo. He was in prison, and after the announcement of the prize, his wife and friends were also arrested. Neither Liu nor his family have been able to collect the prize. Prior to the announcement of the laureate, Chinese embassy staff were very active in Oslo, trying to stop the process. Once a fact, the Chinese embassy wrote to all ambassadors in town threatening to cut trade relations if they appeared at the ceremony. As the EU counts 24 embassies in Oslo which are obliged to act in unison, the EU delegation ensures orders from Brussels that all member states must be present, and they were (personal interview). Thus, only 16 other states in the end refrained from coming.

But after the ceremony the Chinese reaction towards Norway continues, despite efforts by the foreign minister to have a dialogue, even making public a letter to this effect. The reply from the Chinese was that the prize represents an intervention into the internal affairs of China and contempt for Chinese law and the judiciary which had sentenced Liu. In other words, there are no universal human rights that trump state sovereignty.

This policy is not unique to China, it is rather very consistent. Norway experiences trade cuts and political and economic boycott by China as a punishment for the Nobel Prize. The punishment is quite severe, continuing at present, and being a major economic disadvantage for Norway. The Norwegians are currently serving as a *Prügelknabe* in order to make the point to the rest of the world: Human rights criticism of China is banned and will lead to severe economic punishment. This is a smart move as it works as a deterrent; other states learn this lesson quickly.

In the scholarship on human rights we have much evidence that China acts like this when criticised over human rights. The effect has been a muting of the criticism by state leaders – only NGOs continue. State leaders criticize Zimbabwe and other states where not much is at stake instead. My point here is a structural one, regarding the “rules of the game”: If human rights are invoked less and less by major states in the world, the importance of human rights quickly subsides. Before 1990 human rights played a very little role in world politics despite being codified for fifty odds years and counting as *ius cogens*. The Nike slogan is relevant: “Just do it” – if states refuse to “do it”, to use human rights obligations as norms of international affairs and diplomacy, other norms will replace them.

I mentioned above that human rights conditionality was introduced in all foreign aid (save humanitarian) in the 1990s – IOs as well as states in the West applied the “trinity” of politics, especially human rights, to their programmes in the Third World. Today China is the contender for African development, and no such strings are attached. Many African states prefer the incumbent. Human rights are controversial, and the dependence on the West is no longer there.

In sum, through these examples I wished to illustrate that we are in the midst of a contestation of the liberal democratic regime, or “trinity” of norms where human rights are the core. The power behind human rights is weaker, and a new multipolarity is challenging the West. The central norm of conditional sovereignty is challenged, as is the non-use of military force for state interests.

### **Conclusion: *Pacem in terris* and the Current “Signs of the Times”**

PT was written in hard times, and we may be heading for hard times today as well. Disregarding the importance of power in the anarchic state system that makes up this world, the Pope courageously pointed out that states must be based on freedom and human rights and that states based on force are unjust. There were many states in the latter category then as there are today, yet today we count about 120 states as nominal democracies. In a way, the norms of the political “trinity” have become established as the only legitimate ones: Almost all states present themselves as democracies, and there are some cases of real progress in this direction.

The Pope mentioned the UN: it is still the only IO in the world with global membership. Today the majority of member states are non-Western, but they are developing countries, not great powers. It is still hard to get a UN Security Council (UNSC) mandate for humanitarian intervention, as it was in 1963 – powers like Russia and China use their veto. Throughout the Cold War, the UNSC was mired by the veto; then it became very important, the actor it should be in 1990, and now we again face the veto by great powers in protection of a traditional concept of sovereignty.

Is the new multipolarity – which is emerging quickly – like that of the past? This is perhaps the crucial question. One difference is the degree of interconnectedness and the inability to dominate and control one’s population, *vide* the Arab Spring; another is the large number of non-state actors that have important roles in international affairs. It is simply much harder today to maintain a national unity behind a territorial border. When inhabitants were subjects, they could be controlled, but once they are citizens, they have rights. In our time the rights of the social contract have been re-



defined as universal, inherent rights – not given by rulers, but inborn. In light of this it is to be hoped that a return to absolutist sovereignty is well nigh impossible.

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