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Cold War I, Post-Cold War, and Cold War II: The Overarching Contexts for Peacekeeping, Human Rights, and NATO

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CHALLENGES AND PROSPECTS FOR INTERNATIONAL PEACE AND SECURITY: UN PEACEKEEPING, NATO, AND THE UDHR AT 70

This panel was convened at 9:00 a.m. on Thursday, March 28, 2019, by its moderator Diane Marie Amann of the University of Georgia School of Law, who introduced the panelists: Steven Hill of the NATO Office of Legal Affairs; Michael Doyle of Columbia University; Bruce Oswald of the University of Melbourne Law School; and Rita Siemion of Human Rights First.

COLD WAR I, POST-COLD WAR, AND COLD WAR II: THE OVERARCHING CONTEXTS FOR PEACEKEEPING, HUMAN RIGHTS, AND NATO

*By Michael Doyle**

Peacekeeping, human rights, and the North Atlantic Treaty Organization (NATO) have flourished in complementary contrast with each other. Their relationship has reflected the constraints and opportunities provided by three geopolitical eras since World War II. The first (the first Cold War) began in about 1948 and lasted until 1988; the second (the Post-Cold War Liberal Primacy) ran from 1989 to around 2012; finally, since 2012 the world has been threatened with the emergence of a second Cold War.

During the first geopolitical era, NATO was the centerpiece of the Western Cold War alliance. However, its importance declined when the Cold War waned. Thereafter, during the Post-Cold War liberal primacy, human rights and peacekeeping flourished. In our current geopolitical era, both human rights and peacekeeping are under stress, yet it is not clear that these new forces are strengthening NATO.

COLD WAR I

Human rights as established in the Universal Declaration of Human Rights (UDHR), peacekeeping, and NATO were all born between 1948 and 1949. The first two preceded, and the last directly reflected, an escalating Cold War.

The Cold War was a warlike conflict aiming at defeat, “burial,” but not by military conquest. Hot war between the U.S.-led West and Soviet-led East was deterred first by the power of conventional arsenals and subsequently by the weight of nuclear deterrence. Instead, the United States and USSR competed with each other through proxy wars in East Asia, the Middle East, Africa, and Latin America and through industrial rivalry, covert action, propaganda campaigns, and cultural struggle. The Cold War was comprised of a threefold, multidimensional, mutually reinforcing rivalry: first, a bipolar international system; second, competition between capitalist and communist economic systems; and third, contestation between two political ideologies—liberal democracy and communist dictatorship.

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The UDHR was endorsed in 1948, just as the era of the World War II “United Nations” alliance was fading and Cold War tensions were rising. It reflected many ideologies: Western liberalism and social democracy; Global Southern developmentalism; and Soviet Communism. Eleanor Roosevelt’s social democracy, John Peters Humphrey’s liberalism, and Charles Malik and Rene Cassin’s cultural humanism kept these ideologies together enough to produce the UDHR amalgam. The UDHR passed in 1948 with no negative votes, forty-eight positive, but with nine abstentions (including the USSR, Byelorussia, Ukraine, Poland, Yugoslavia, Czechoslovakia, and—for obvious reasons—South Africa and Saudi Arabia). This soon produced divisions on human rights, with the West sponsoring civic and political rights and the East social and economic rights—all of which had been united in the UDHR.

A multilateral stalemate between East and West at the United Nations Security Council (UNSC) also limited the scope of peacekeeping. “First generation” peacekeeping emerged in 1948, designed to launch interpositions between warring parties. However, its reach was limited to the few conflicts that both the United States and the USSR wanted to isolate, and its functions were limited to monitoring truces—with the notable exceptions of the UN Operation in the Congo (ONUC) and the UN Interim Force in Lebanon (UNIFIL).

On the other hand, NATO, created in 1949, directly reflected and flourished in the Cold War. It was not merely a military alliance, as suggested by its preamble, which stipulated that:

The Parties to this Treaty ... reaffirm their faith in the purposes and principles of the Charter of the United Nations and are determined to safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and the rule of law.

The Cold War stimulated, reinforced, and gave shape to NATO’s confrontation with the Warsaw Pact across Europe, which was replicated and mirrored in numerous regional conflicts and in the alphabet soup of alliances including the Central Treaty Organization (CENTO) and the Southeast Asia Treaty Organization (SEATO).

POST-COLD WAR

The Cold War ended with Gorbachev’s loosening of the restraints on Eastern Europe: the famous “Sinatra Doctrine” (each country could now do it “my way”); his announcement that open democracy was the crucial foundation of genuine socialism (1985 Party Congress Speech); and, most strikingly, his announcement that human rights were not Western, but were rather “human values,” owned and acknowledged by all human beings.¹ The end of the Cold War was reinforced by movement toward glasnost and perestroika in the USSR and ultimately secured with its collapse in 1991.

After the Cold War, human rights doctrines flourished; with the highpoint being the Vienna Declaration’s consensus that human rights are “universal, indivisible, interdependent, and interrelated”—rhetorically amalgamating civic and political rights with their economic and social counterparts. Similarly, with the Agenda for Peace (1992), peacekeeping flourished with a rapid escalation in the number and depth of missions. This included the move from First Generation ceasefire monitoring to Second Generation multidimensional peacebuilding and Third Generation peace enforcement (including the protection of civilians). Before 1988, there were thirteen Peacekeeping Operations (an average of just over three per decade), and between 1988 to 2010 there were fifty-three (twenty-six per decade).

¹ Gorbachev Address to the United Nations General Assembly (Dec. 7, 1988), available at <https://www.c-span.org/video/?5292-1/gorbachev-united-nations>.

While human rights and peacekeeping operations blossomed, NATO entered a period of identity crisis. It had been designed to deter the Soviet Union and the Warsaw Pact and to stop the spread of communism. What should it do once these threats were gone? Indeed, many scholars of international relations predicted its rapid demise.

NATO, however, did not die. Rather it expanded in numbers and evolved by undertaking new roles, including peacekeeping in the Balkans and then peace enforcement in Afghanistan. Institutions rarely do die. The United States still has two powerful regiments called cavalry, though now they ride helicopters and armoured personnel carriers. But NATO budgets did decline and readiness slipped.

NEW COLD WAR?

Since 2012—the year of Vladimir Putin’s return to the Russian presidency and Xi Jinping’s ascendancy in China, both of which sparked alarm in the United States and Europe—we have seen the reemergence of global rivalry. These phenomena can be understood as the potential development of a second Cold War.²

The West is alarmed by cyberthreats. U.S., UK, and French intelligence services all agree that Putin waged a concerted campaign to intervene in U.S., French, and British elections and referenda in 2016. It is widely assumed that this cyberwarfare was undertaken with the intention of tilting elections toward right-wing candidates or with the purpose of discrediting democracy itself. China is seen as a geostrategic power rival by the United States—one that might replace it—and is deeply engaged in industrial espionage and technology theft. This new level of tension is characteristic of a revolutionary, legitimacy conflict.

Russia has acted aggressively because it resents its eclipse since the 1990s and because it is fearful of democratic upheavals encouraged from abroad, tilting former allies toward NATO and impinging upon its sphere of influence. In particular, it has been concerned by the “color” revolutions, which have toppled pro-Russian oligarchies in Ukraine and Georgia. China feels that it is being contained by the United States.

Both China and Russia have experienced the emergence of autocracy and hypernationalism which put an internal premium on external conflict (whether focused on Ukraine or the South China Sea) as a way to gin up nationalist support and reinforce autocracy by discrediting local internationalist voices.

Moreover, the tension between Russia and China, on the one hand, and the United States, on the other, are also the result of deep institutional differences between them. Russia and China are Corporatist Nationalist Autocracies (CNAs) which are aligned with remaining communist states—North Korea and Cuba—and clients such as Venezuela. Conversely, the United States (as well as other allies, such as the United Kingdom, Western Europe, and Japan) are liberal capitalist democracies. (By “liberal,” I do not mean that they are left-leaning politically but rather classically liberal, ranging from social democracy to libertarian: in the U.S. case, from Bernie Sanders to Paul Ryan.)

Importantly, this burgeoning second Cold War is not as extreme as its predecessor. Neither Russia nor China is as implacably hostile as the USSR or PRC were during the Cold War. There are areas of common interest between current actors. The United States and China both worry about the nuclearization of North Korea; the European Union and China are both troubled by climate change; the United States, European Union, and Russia are connected in efforts

² I plan to address these themes in my forthcoming book: *COLD PEACE*. What follows in this section draws from arguments that are more thoroughly developed there.

against Islamic State terrorism. Moreover, all these actors are much more economically interdependent than during the original Cold War, and tensions between them are thus much more costly.

An odd dynamic of the second Cold War is that the United States is a liberal capitalist democracy, but current U.S. President Donald Trump is not a liberal in the usual sense of that word. Although its government is democratic and capitalist, Trump endorses torture and traffics in the rhetoric of violence and white nationalism.³ He is much closer to the views of Putin (and many other hyper-nationalists such as Victor Orbán, Rodrigo Duterte, and Jair Bolsonaro) than previous or current liberal leaders.

Human rights have come under attack by all sides. The combination of rising Cold War style tensions and Trump's illiberalism have greatly harmed the human rights project. The United States has withdrawn from the United Nations Human Rights Council. China's recent action against the Uighurs and Putin's attack against freedom of speech (criticism of state and government is now illegal) have been both condemned by the European Union Parliament.

A commitment to peacekeeping has also been collateral damage of escalating tensions. There have been only five peacekeeping operations launched since 2012, and because of Russian and Chinese vetoes, the UNSC has been AWOL on Syria.

One might thus expect that NATO, as during the first Cold War, should now be reviving. However, although European and Canadian defense expenditure, after falling during the Great Recession, sharply revived in 2014, NATO too may be in crisis. NATO is now subject to deep divisions between its Western European members and the United States. To quote two prominent diplomats, Nicholas Burns and Douglas Lute:

The single greatest challenge NATO faces today is the critical need for reviving strong, reliable American leadership.... At the most basic level, the next American president must reaffirm U.S. commitment to the Alliance, especially the Article 5 collective defense pledge, in both words and deeds. Given the opportunity to do so within months of his inauguration in May 2017, President Trump refused to honor the U.S. commitment to Article 5, even while unveiling a memorial at the new NATO headquarters commemorating its historic invocation after 9/11.⁴

Ironically, then, the New Cold War seems to be producing problematic prospects for all three pillars of post-World War II international order. Peacekeeping operations and human rights are harmed by the new Cold War rivalry, while NATO is damaged by Trump's presidency.

³ Previous U.S. administrations sometimes engaged in torture while denying that what they were doing was "torture." See, e.g., Kim Lane Scheppele, *Law in a Time of Emergency: States of Exception and the Temptations of 9/11*, 6 U. PENN. J. CONST. L. 1001 (2004).

⁴ Nicholas Burns & Douglas Lute, *NATO at Seventy: An Alliance in Crisis* 13 (Belfer Center for Science and International Affairs, Harvard Kennedy School Report, Feb. 2019).