Prof. Dr. Hans Köchler
University of Innsbruck, Austria
President, International Progress Organization

GEOPOLITICS AND THE LAW OF UNINTENDED CONSEQUENCES
The Risks of Unilateralism in the Emerging Multipolar Order

REPORT

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(I)

It is conventional wisdom that, upon the end of the 20th century, world order has entered a phase of profound instability due to the *lack of counterbalance* to the power of the self-declared winner of the Cold War.[1] What still needs to be assessed, however, are the long-term consequences of this development for a rule-based system of international relations such as the one advocated by the United Nations Organization. The unrestrained exercise of power by a global hegemon may well trigger a *chain reaction* of assertions of sovereignty and national interests by a constantly increasing number of states that are not prepared to pay the price for one country's "unipolar moment."[2] What some have even celebrated as the "End of History"[3] has become a factor of systemic *volatility*, with the risk of global anarchy instead of the perpetual peace and prosperity promised by the apologists of a "New World Order."[4]

In this geopolitical context, power politics has meant a virtually total effort by the hegemon to preserve and perpetuate its dominance vis-à-vis potential competitors, and in all regions of the globe. It was bolstered, in the period after 9/11, by a doctrine according to which no constellation must arise where another power would be able to reach strategic parity with the dominant player.[5] Unlike traditional realpolitik, with sovereign states acting in a concert of powers,[6] hegemonial strategy in today's *global* environment means *total mobilization* of a country's potential in all domains, military, political, economic, diplomatic, and cultural.[7] Accordingly, geopolitics cannot be envisaged as a cooperative

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[1] Cf. the author's analysis: "The State of Peace under the Conditions of a Unipolar World Order," in: *Enlightenment on the Order of Coexistence: Collection of Records of the 9th International Forum on Lifelong Integrated Education*. (Edited by Nomura Center for Lifelong Integrated Education.) Tokyo: Ichiyosha Co., 2009, pp. 233-242.

[2] For an elaboration of this notion cf. the essay of one of the most outspoken advocates of the "unipolar" mission of the U.S.: Charles Krauthammer, "The Unipolar Moment Revisited," in: *The National Interest*, 1 December 2002, at https://nationalinterest.org/article/the-unipolar-moment-revisited-391, last visited 01 March 2019.

[3] Francis Fukuyama, "The End of History?" in: *The National Interest* (Summer 1989), pp. 3-18, and: *The End of History and the Last Man*. New York: The Free Press, 1992.

[4] Cf. the references to a "new world order" in President George H. W. Bush's speech at the beginning of the 1991 Gulf War: *Public Papers of the Presidents of the United States: George Bush 1991, Book I – January 1 to June 30, 1991*. United States Government Printing Office: Washington, 1992, pp. 42-45.

[5] George W. Bush, *The National Security Strategy of the United States of America*, *September 2002*. Washington, D.C.: The White House, 2002.

[6] This was the case with the post-Westphalian order of sovereign nation-states. For an analysis of the concept in the context of contemporary world order debates see Henry Kissinger, *World Order*. New York: Penguin Books, 2014, Chapter 1: "The Operation of the Westphalian System."

[7] Joseph Nye's notion of "soft power," coined in the period of the "unipolar moment," testifies to this approach: *Soft Power: The Means to Success in World Politics*. New York: Public Affairs, 2004.

effort along the lines of "peaceful co-existence"; under these conditions, it is *per se* power politics without constraints.[8] As has become evident in the paralysis of the United Nations Security Council – a body intended, by the organization's founders, to be the guarantor, and enforcer, of the law between states, the *law of force* has not only undermined, but also, to a considerable extent, replaced the *force of law* in relations between states.[9]

More than a quarter century after the shift from bipolarity to unipolarity, i.e. after the systemic change from *balance of power* to its *absence*, we are beginning to witness an increasing disparity between unilateral action and multipolar rearrangement of global order. This is the result of an attitude characteristic of the politics of hegemonial powers through all of history: namely a "denial of reality" in situations of triumph. The hegemon bases its strategy on the false hope that the dominant position, once achieved, will last forever if only appropriate measures are taken to stem the rise of other powers as soon as such developments are detected.[10] However, arresting history has always been a Sisyphus effort in a world in constant flux; it is an actual impossibility. The hegemon who is determined to perpetuate the *status quo* in fact triggers his own demise. The self-defeating effect of politics blinded by the desire for the perpetuation of power is nowhere more obvious than in this strategic calculus.

Through all of history, hegemonial powers have not only underestimated, but also ignored, the "blowback effect" of their assertion of primacy[11] (that was, in most cases, ideologically backed up by claims as to their indispensability).[12] According to the *actio-reactio* scheme that determines human behavior, whether individual or collective, an assertion of hegemony – i.e. an insistence, by a particular state, on the perpetuation of a unipolar constellation that is beneficial only for that state – unavoidably nurtures an attitude of rejection and resistance by those who are expected to accept subordination to the

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[8] Cf. Hans Köchler, "The Politics of Global Powers," in: *The Global Community. Yearbook of International Law and Jurisprudence*, 2009, Vol. I, pp. 173-201.

[9] On the underlying contradictions cf. the author's analysis: "The United Nations and Global Power Politics: The Antagonism between Power and Law and the Future of World Order," in: *Chinese Journal of International Law*, Vol. 5, No. 2 (2006), pp. 323-340.

[10] A case in point was President George W. Bush's security doctrine. Cf. *The National Security Strategy of the United States of America. September* 2002, *loc. cit.*, Chapter IX: "We must build and maintain our defenses beyond challenge"; our military must "dissuade future military competition."

[11] For a case study regarding the United States, see Chalmers Johnson, *Blowback: The Cost and Consequences of American Empire*. New York: Metropolitan Books, 2000.

[12] In a debate on the consequences of the 1991 Gulf War, U.S. Secretary of State Madeleine Albright famously said about the United States that "what we are doing is serving the role of the indispensable nation …" (*Secretary of State Madeleine K. Albright, Secretary of Defense William S. Cohen, and National Security Advisor Samuel R. Berger – Remarks at Town Hall Meeting, Ohio State University, Columbus, Ohio, February 18, 1998. As released by the Office of the Spokesman, February 20, 1998. U.S. Department of State.*)

hegemon. Thus, a position of primacy, aggressively asserted through intervention, whether military or by other means of unilateral coercion such as sanctions,[13] may eventually trigger a development towards a *new balance of power*, whether bipolar or multipolar. Under the post-Cold War circumstances of today, the latter will be the more likely outcome, albeit at the price of long-term instability.

(II)

At the beginning of the 21st century, *unipolarity* of the global power structure is gradually being transformed into a *multipolar* constellation. The exclusively *unilateral* strategy of the predominant power, refusing to integrate into a multilateral framework, has further undermined the very viability of its privileged position.[14] Once again, in our era, imperial power is confronted with the "law of unintended consequences," which has been an accompaniment of the above-described *denial of reality* that has afflicted all great powers in different historical circumstances.

Since the 1990s, after the sudden end of global bipolarity, the United States' strategy to preserve the status quo produced events that *destabilized* geopolitically sensitive regions and *undermined* the precarious consensus, embodied in the UN Charter, on which the post-World War II order of collective security was built. However, the *unilateralism* of military interventions, often branded – and justified – as "humanitarian,"[15] of aggressively enforced extraterritorial sanctions and large-scale operations aimed at "régime change," including methods of hybrid warfare, eventually backfired. The conflicts in countries such as Afghanistan, Iraq, Libya, or Syria created a *power vacuum* in the targeted and neighboring regions. These developments eventually convinced regional and other global actors of the necessity to enter into new alliances – a challenge to hegemony that might otherwise not have arisen, at least not in the same intensity.

The imperial (or, more precisely, imperialist) strategy of *disruption* was not only shortsighted, but also ultimately self-defeating. From chaos did not emerge a new order:

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[13] On the scope of U.S. sanctions policy and its destabilizing impact on world order cf. the author's analysis, "Sanctions and International Law," in: *Economic Sanctions, Global Governance and the Future of World Order*. International Organizations Research Journal. Special Issue 2019. (Forthcoming)

[14] On the conceptual distinction between unipolar (versus bi- or multipolar) power constellation and unilateral (versus bi- or multilateral) action (or strategy) see the author's analysis, "Internationale Beziehungen in einer multipolaren Welt," in: *Zeit-Fragen*, 26th Year, No. 24, Zurich, 23 October 2018, pp. 1-2.

[15] For details cf. the author's analysis: *The Concept of Humanitarian Intervention in the Context of Modern Power Politics: Is the Revival of the Doctrine of "Just War" Compatible with the International Rule of Law?* Studies in International Relations, Vol. XXVI. Vienna: International Progress Organization, 2001.

new fault lines of conflicts were created, Huntington's "clash of civilizations"[16] became a self-fulfilling prophecy, and existing multilateral mechanisms to manage instability, such as the UN, were largely rendered dysfunctional.[17] Aimed at preserving unipolarity, unilateral policies have also endangered existing disarmament and non-proliferation regimes such as the Treaty on the Non-proliferation of Nuclear Weapons (NPT). Long-term volatility and the risk of major military confrontation, whether direct between major powers or indirect in the form of proxy wars, has been the obvious price of hegemonial rule.

The contrast between the *intended* results and the *unintended* consequences of the unilateral and interventionist policies could not be greater. What was intended was the bolstering of U.S. supremacy – achieved upon the end of the Cold War – by means of destabilizing the regional order in different parts of the world. It was hoped that this would result in a kind of "creative chaos" out of which the hegemon might be able to shape an order to his liking, a system of "global governance" that would, first and foremost, reflect the interests of its creator. However, as with so many empires in history, the essentially irrational drive for power produced the opposite result. It created new focal points of resistance in the targeted regions and strengthened the determination of countries and peoples not only in those regions, but also at the global level, to join forces against a not-so-benign domination. The unintended consequence was a strategic weakening of the United States' self-attributed position of global leadership in tandem with an ever more robust challenge of its insistence on ideological supremacy, including the claim to set the global agenda in terms of *democracy*, *human rights* and the *rule of law*. Zbigniew Brzezinski, one of the leading strategic minds of several U.S. administrations since the Carter era, acknowledged the new reality and suggested that the United States, in the name of realpolitik, should consider a kind of "global realignment." He proposed that the U.S. should join other powers such as China and Russia – on an equal basis – to preserve global stability through a new multipolar architecture.[18]

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[16] Samuel Huntington, "The Clash of Civilizations?" in: *Foreign Affairs*, Vol. 72, No. 3 (Summer 1993), pp. 22-49. – For a general assessment in terms of world order cf. Hans Köchler, "Clash of Civilizations," in: Bryan S. Turner, Kyung-Sup Chang, Cynthia F. Epstein, Peter Kivisto, J. Michael Ryan, William Outhwaite (eds.), *The Wiley-Blackwell Encyclopedia of Social Theory* (Vol. I). 1-3. Chichester, West Sussex (UK): Wiley-Blackwell, 2017.

[17] On the predicament of the Security Council as enforcer of peace see the author's analysis: *The United Nations Organization and International Legitimacy: Reflections on the Role of the Security Council*. I.P.O. Online Papers. Vienna: International Progress Organization, 2011, http://www.i-p-o.org/Koechler-Security_Council-int_legitimacy-IPO-OP-2011.htm.

[18] Zbigniew Brzezinski, "Toward a Global Realignment," in: *The American Interest*, Vol. 11, No. 6 (July/August 2016), pp. 1-3, online at https://www.the-american-interest.com/2016/04/17/toward-a-global-realignment/. Considering the threats of arms of mass destruction in the possession of an increasing number of

The diagnosis that is the basis of this proposal has comprehensively been made in Stephen M. Walt's analysis of U.S. strategic policy in the post-Cold War period in particular.[19] He convincingly demonstrates that and how the U.S. imperial strategy of "liberal hegemony" has failed,[20] acknowledging that the country's policy of interventionism (in the name of what the U.S. defines as "freedom")[21] has "multiplied enemies" and "destabilized key regions of the world,"[22] a diagnosis the author of this paper has made earlier.[23] In an analysis of the "deep power" structure in the United States, Michael J. Glennon explains that this approach of U.S. foreign policy has persisted irrespective of the ideological orientation of the administration.[24]

In our assessment of developments in the period after the Cold War, the United States, determined to "seize the mantle of global leadership,"[25] indeed embarked on an arrogant and ideologically flawed[26] project of nation-building that, in hindsight, effectively amounted to "nation-destroying" – with the unintended consequence of a "strategic blowback."

In the name of a "new world order" the elements of which were defined in lofty humanitarian language,[27] U.S. foreign policy violated fundamental principles of international law, undermining the very order on which the system of norms of the United Nations Organization is founded. A self-contradictory interpretation of national sovereignty, which is at variance with the UN Charter's principle of "sovereign equality" of

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states, he argues: "it behooves the United States to fashion a policy in which at least one of the two potentially threatening states [China, Russia / H.K.] becomes a partner in the quest for regional and then wider global stability …"

[19] Stephen M. Walt, *The Hell of Good Intentions: America's Foreign Policy Elite and the Decline of U.S. Primacy*. New York: Farar, Straus and Giroux, 2018.

[20] *Op. cit.*, p. xi.

[21] On the underlying doctrine, or ideology, of "humanitarian intervention" see the author's analysis, *The Concept of Humanitarian Intervention in the Context of Modern Power Politics*, *loc. cit*.

[22] Walt, *op. cit*., p. 255.

[23] As regards the strategy in the Middle East in particular cf. Hans Köchler, "Introduction," in: *The Iraq Crisis and the United Nations: Power Politics vs. the International Rule of Law*. Vienna: International Progress Organization, 2004, pp. 7-14.

[24] Michael J. Glennon, *National Security and Double Government*. Oxford etc.: Oxford University, Press, 2015.

[25] Walt, *op. cit*., p. 137.

[26] The essentially ideological notion of "liberalism" is nowhere precisely defined. Against the background of an excessive use of military force (euphemistically branded as "hard power" in distinction from "soft power"), the meaning of "freedom" remains ambiguous and prone to misuse in favor of a rather crude agenda of power politics.

[27] "We have before us the opportunity to forge for ourselves and for future generations a new world order – a world where the rule of law, not the law of the jungle, governs the conduct of nations." President George H. W. Bush, "Address to the Nation Announcing Allied Military Action in the Persian Gulf, January 16, 1991," in: *Public Papers of the Presidents of the United States: George Bush 1991, loc. cit.*, p. 44. – Cf. also Hans Köchler, *Democracy and the New World Order*. Studies in International Relations, Vol. XIX. Vienna: International Progress Organization, 1993.

states (Article 2[1]),[28] was used to justify repeated military interventions and other forms of interference into the internal affairs of UN member states. This has rendered the concept of "international rule of law" virtually meaningless.

Stephen Walt convincingly, and in great detail, describes the failure of U.S. strategies in the period after 9/11. It was, however, not "good intentions" that failed (as the title of the book appears to suggest), but a meticulously planned grand strategy of destabilization and destruction of political and social order in key regions such as the Middle East[29] that eventually led to the "unintended consequence" of an erosion of the hegemonial position of the United States. The self-proclaimed hegemon proved incapable to *contain* the consequences of these interventionist policies.

As a kind of "superior alternative" to the self-defeating liberal interventionism, Walt suggests what others have earlier described as the strategy of "offshore balancing."[30] This, in fact, appears as contemporary version of an ancient maxim of imperial politics, *divide et impera* (divide and rule). The rationale of this strategy is that the U.S. should, short of intervening militarily, i.e. without its troops "going onshore," use all other available tools (political, diplomatic, economic, etc.) in order to prevent other states "from projecting power in ways that might threaten the United States."[31] For the country's policy in geopolitically sensitive regions, this means that it should aim "to maintain the local balance of power so that the strongest state in these regions has to worry about one or more of its neighbors and is not free to roam into the Western hemisphere, or any other area deemed vital to the United States."[32]

This supposed alternative to the hard power approach of "liberal hegemony"[33] is based on an *interventionist ideology* nonetheless, albeit without ideological excuse (claiming a purported obligation, or responsibility, to protect human rights or promote democracy). In structural terms, the strategy – though more *realistic* in terms of being

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[28] On the problem of contradictions between basic norms of the UN Charter see the author's analysis: "Normative Inconsistencies in the State System with Special Emphasis on International Law," in: *The Global Community - Yearbook of International Law and Jurisprudence 2016*. Ed. Giuliana Ziccardi Capaldo. Oxford: Oxford University Press, 2017, pp. 175-190.

[29] For a critical analysis see, *inter alia*, Trudy J. Kuehner, "A New Middle East? A Report of FPRI's History Institute for Teachers," in: *The Newsletter of FPRI's Marvin Wachman Fund for International Education,* Vol. 10, No. 1 (January 2005), Foreign Policy Research Institute, USA, at www.fpri.org/footnotes/101.200501.kuehner.newmiddleeast.html.

[30] Christopher Layne, "From Preponderance to Offshore Balancing: America's Future Grand Strategy," in: *International Security*, Vol. 22, No. 1 (Summer 1997), pp. 86-124.

[31] Walt, *op. cit.*, p. 261.

[32] *Op. cit.*, p. 262.

[33] Cf. also John J. Mearsheimer and Stephen M. Walt, "The Case for Offshore Balancing: A Superior U.S. Grand Strategy," in: *Foreign Affairs*, July/August 2016, pp. 70-83.

cautious about the use of armed force – is still an expression of an *unrestrained assertion of sovereignty* and of a *claim to supremacy* over the rest of the world. The rationale of domination does not change. It is not the *strategy*, only the *tactic*, that changes. In effect, the logic of "offshore balancing" is not much different from the approach of George W. Bush's 2002 National Security Strategy.[34] A "preventive" approach aimed at excluding – whether by the tactic of *divide et impera* or other methods – any possibility of adaptation of the global power constellation is in and of itself *interventionist*.

(III)

In spite of the hegemonial power's insistence on the preservation of the status quo, the number of those who challenge the unipolar order has steadily increased. According to the dynamics of power relations, an ever more complex framework of *multilateral cooperation* has been the reaction to what, against a wider historical background, may be seen as rearguard battles of the empire. Whether it is the global cooperation framework of BRICS (Brazil, Russia, India, China, South Africa), the New Development Bank (NDB) established by those countries, or the region-oriented Shanghai Cooperation Organization (SCO),[35] or also the Eurasian Union: those newly established *multilateral* frameworks are evidence of a gradually emerging *multipolar* balance of power.

In terms of realpolitik, the obvious strategy of the dominant global player has been to "neutralize" the effect of developments that point into the direction of a multipolar system which will be considerably more complex than similar such constellations in earlier epochs. In spite of the current U.S. administration's solemnly stated priority of national interests over all other foreign policy considerations (under the slogan "America first!"),[36] the hegemon nonetheless seems prepared to engage in new, rival forms of multilateral cooperation where it suits its interests. This ideological flexibility is evident in what could

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[34] See fn. 5 above.

[35] For details see, *inter alia*, Eduardo Palma da Seixas, Higor Herbert França da Cunha, Octavio Ribeiro, Carlos Federico Pereira da Silva Gama, *The Shanghai Cooperation Organization and BRICS: The Roles of China, Russia (and India)*. BCP Monitor, Policy Brief, Vol. 4, No. 11, October 2014. Rio de Janeiro: BPC, 2014. – Evandro Menezes de Carvalho, "SCO and BRICS: Bridges to a Shared Future," in: *Beijing Review*, March 2, 2019.

[36] For an explanation of the slogan on the basis of mutuality cf. President Donald Trump's first speech at the UN General Assembly: "As President of the United States, I will always put America first, just like you, as the leaders of your countries will always, and should always, put your countries first." (*Remarks by President Trump to the 72nd Session of the United Nations General Assembly, September 19, 2017*. The White House, https://www.whitehouse.gov/briefings-statements/remarks-president-trump-72nd-session-united-nations-general-assembly)

be seen as yet another version of *divide et impera*, namely the cooperation format described as "quadrilateral alliance" (also referred to by the acronym "Quad") between the United States, India, Japan and Australia.[37] Obviously, the paramount purpose of this "realignment" is to stem the rise of China.[38] The maxim that underlies this strategy of containment appears to be, "the enemy of my enemy is my friend" – conventional wisdom not only of power politics, but also of all social struggle in history. Commenting on this third option of realpolitik (between "liberal" interventionism and isolationism), Robert Kagan has suggested to categorize the United States as "rogue superpower," under a President who is "willing to throw off the moral, ideological and strategic constraints" for the sake of advancing the national interest.[39]

Apart from the rearguard battles of the empire, committing itself to a quasi-multilateral engagement[40] when it serves the overriding strategic goal of maintaining preponderance,[41] ad hoc alliances are constantly being formed by states at *regional* levels. Their aim always is to preserve or gain influence by *restraining* the power of other states. This complex parallelogram of forces – and the interdependence between regional and global developments – further has added to the volatility and, subsequently, unpredictability of global order.

In conclusion: The tensions and conflicts resulting from the pursuit of an essentially *unilateral* strategy in an increasingly *multipolar* constellation will determine the fate of world order in the 21st century and, more immediately, the prospects of the United Nations Organization. Mobilizing all resources – of "hard" and "soft" power – to deter potential competitors from challenging the existing order (that is beneficial only to them) has always been the priority of major players, at the regional as well as at the global level.[42] Such is the very nature of *power* as expression and organization of the *collective will* in the concert of

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[37] Axel Berkofsky, Sergio Miracola (eds.), *Geopolitics by Other Means: The Indo-Pacific Reality*. ISPI. Milan: Ledizioni LediPublishing, 2019. – It remains to be seen whether the U.S. President's announcement to terminate preferential tariffs, among others, for India ("Trump targets India and Turkey in trade crackdown," *BBC Business*, 5 March 2019, https://www.bbc.com/news/business-47450224) has any effect on this strategic cooperation.

[38] Cf. the analysis of Paolo Magri: "How will China respond at both the geo-economic and strategic levels to what it perceives to be a US-driven policy of encirclement and/or containment?" (*Op. cit.*, p. 12)

[39] Robert Kagan, "Trump's America does not care," in: *The Washington Post*, June 14, 2018.

[40] At the level of international relations, "multilateral," in the strict sense, as opposed to "unilateral," relates to joint action of all members of the international community. This is also the basis of "collective security" within the United Nations Organization. In the UN context, any action conducted by a single state or a group (alliance) of states is "unilateral."

[41] In Christopher Layne's analysis, preponderance has been the grand strategy of the United States, all along since the end of World War II: "From Preponderance to Offshore Balancing," *loc. cit.*, p. 86.

[42] Cf. Hans Köchler, *The Politics of Global Powers*, *loc. cit.*

sovereign nation-states. However, trying to arrest history, the hegemon of the moment risks to defeat the stated purpose and to destroy the foundation on which he and all other members of the international community are able to negotiate their interests, on the basis of mutuality.[43] This is the predicament the world is faced with today, in this period of transition from bipolar to multipolar order – via a unipolar interlude that may be shorter than those who predicted the "End of History"[44] could have imagined.

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[43] This is the very idea underlying the United Nations system of collective security. Cf., *inter alia*, Gary Wilson, *The United Nations and Collective Security*. Abingdon (UK) / New York: Routledge, 2014.
[44] Francis Fukuyama, *op. cit.*