

Cold War or New World Order

by Jürgen Rüttgers

I. The year 2014 has been, above all, a year of recollections. The beginning of the First World War was commemorated in numerous events and ceremonies, held all over Europe in the past year 2014. Another important date of remembrance was the German invasion of Poland which marked the beginning of the Second World War. But there were also positive events to be commemorated such as the year 1989 with the Fall of the Berlin Wall, followed by the German reunification and the European integration. However, 2014 was also a year of radical change. With Russian soldiers invading Ukraine and the subsequent annexation of the peninsula Crimea, war returned to Europe. The aggression against a sovereign nation constituting a breach against international law and the destabilization of Eastern Ukraine by separatists and Russian troops put an end to all fantasies in which Russia formed an integral part of a common European security system.¹

Hence, the issue of a European system of states and what its future structure shall be is back again on the agenda. In the past and up to date, the European Union and its members proved to be capable of coordinated joint action in this crisis. Sanctions against Russia

¹ Hans-Peter Schwarz, Helmut Kohl – Eine politische Biographie, Pantheon-Edition 2014, p. 930 et seq.; Hans-Dieter Heumann, Hans-Dietrich Genscher, Die Biographie, Paderborn 2012, p. 314 et seq.

and the Russian President showed their impact. The strategic combination of economic sanctions and political willingness to communicate proved right. Russia really cannot afford to go for an annexation of Eastern Ukraine.² The delivery of heavy weapons to the separatists in Eastern Ukraine, however, demonstrates that it wants to win the war it has begun at all costs. That is why Russian military experts already are warning of a "Third World War".³

The European Union made a big mistake when entering into a struggle with Russia for zones of influence in Europe's East⁴. In the aftermath of the Maidan revolution, the attempts of the Foreign Ministers of the Weimar Triangle - France, Poland and Germany - to find a peaceful solution was, after all, not successful. Due to the economic sanctions Russia was forced to seek assistance from China. The People's Republic of China agreed to buy gas and raw materials from Russia on a large scale. Furthermore, China granted monetary assistance to help stabilize the Russian ruble.

By invading Ukraine, Russia has demonstrated its intention to build a new empire. And the Eurasian Economic Community shall serve as the platform for this objective, as Russia considers this union to be an integral part of its sphere of influence. In his State-of-the-Nation address, delivered on December 4, 2014, Putin emphasized the special significance of Crimea for the Russian people. Let me quote - "...the [Crimean] peninsula is of strategic importance for Russia as the spiritual source of [...] a solid Russian nation...". Putin said that Crimea was of "even sacral importance for Russia, like the Temple Mount in Jerusalem for the followers of Islam and Juda-

² Julian Hans, Teurer Fehlstart, in: Süddeutsche Zeitung (South-German daily newspaper) 14 January 2015

³ Jewgeni Buschinski, „Dann müsste man den Dritten Weltkrieg beginnen“, Interview in: Süddeutsche Zeitung (South-German daily newspaper 31.09.2015, S. 13

⁴ Christiane Hoffmann u. a., Gipfel des Scheiterns, in: Der Spiegel (weekly publication) 48/2014, p. 28

ism."⁵ For many Russians, Kiev even is the "origin of the Eastern Slavic statehood"⁶. It becomes very clear how President Putin has used his speech to whip up nationalistic feelings in this situation. Putin wants to unite his people under a "Russian idea based on Christianity, the people seen as one united nation, abandonment of the West and the rule of a strong leader".⁷

In this situation the attempts of President Obama to assign Russia the role of a "regional power" failed, or were at least counterproductive.

As you are all aware, it became apparent at the beginning of 2015 that a new European security architecture must be developed and negotiated between Russia and the West in order to ensure peace and security in Europe.

A new European security architecture can, however, only be established if the United States of America remain part of this solution, just like it has been in the past decades. The attempt of President Obama to gradually withdraw the United States from Europe has turned out to be the wrong signal. Moreover, the efforts to build up a new Asian-Pacific balance together with Japan, South Korea and Australia on the one and China on the other side have proven to be successful only to a certain extent. The global race to win the world's markets has begun.⁸

Unimpressed by the American efforts, China has set out to enhance its global power and influence in the world. The People's Republic has intensified its military presence in the South China sea and, at the same time, it has consistently increased its economic presence

⁵ <http://eng.kremlin.ru/news/23341>, see as well: <http://www.spiegel.de/politik/ausland/russland-putin-haelt-rede-an-die-nation-a-1006527.html>

⁶ Reinhard Vesper, Die Erfindung des Tempelbergs, in: FAZ (German newspaper) 20 December 2014, p. 8

⁷ Michael Thumann, Iwan, der halb so Schreckliche, in: Die Zeit (weekly German newspaper) 8 January 2015, p. 17

⁸ Wieland Wagner, Der Wettlauf um die Märkte, in: Der Spiegel (weekly publication) 2/2015, p. 58 et seq.

in Europe and Russia. It was only possible with China's support to cushion the negative impact of Western sanctions on the Russian ruble and the Russian revenues which are primarily based on resources and raw materials, and to limit their adverse effects to the local recession.

To his own people, Russia's President Putin presents the aggression against Ukraine and the resulting economic difficulties of his country as being part of the fight against the tide of Western decadence.⁹ In the light of the international isolation perceived more and more intensely, Putin draws back to nationalist positions while trying to split the so far unified stance of the West. Heinrich August Winkler even sees the danger of a "new German *Sonderweg*", a special path, if those succeed who intend to take up the traditional "old German-Russian commonalities".¹⁰ Putin defends the attacks on the Ukrainian sovereignty and the right of the Ukrainian people to self-determination by arguing that Russian minorities living there had to be protected. But such minorities can also be found in other European states. This line of argumentation constitutes a relapse to the time before the Second World War. Back then, the argument that national minorities presumably needed protection was misused in order to legitimate aggression, attacks and wars against neighbor states. The lessons of the twentieth century include the insight that unanswered aggression will trigger new aggression.¹¹ The annexation of Crimea has shown that the threat posed to the Eastern member states of the European Union - and thus of the entire united Europe - is not only of a hypothetical nature.¹²

⁹ www.spiegel.de/politik/ausland/1006527.html

¹⁰ Heinrich-August Winkler, "Ein neuer Sonderweg", in: Der Spiegel (weekly publication) 01/2015, p. 28

¹¹ Jonas Grätz, Edward Hunter Christie, Wie Kante zeigen, in: Die politische Meinung, No. 528, Sept./Oct. 2014, p. 39

¹² Johannes Mimm, Herausforderungen für das transatlantische Bündnis: Die Ukrainekrise und die NSA-Affäre, in: Aus Politik und Zeitgeschichte (supplement of the weekly newspaper 'Das Parlament') 50-51/2014, p. 3

- II.** Up to date, the US government has not presented a convincing plan how it intends to respond to the political changes that Europe and Asia are facing.

This is all the more urgent in that the end of the ISAF mission also gives rise to the question of responsibility the world power USA is willing to assume in the future. The termination of military operations carried out by NATO and other allied armed forces was, in fact, put to an honorable end, yet it was not a successful one.

Germany is very sure at least that its security will not "be defended at the Hindu Kush", as the former Defense Minister Peter Struck pointed out when justifying the operation.¹³ Germany's peace and security is being determined in Europe. After the Second World War and the Nazi barbarism, Germany has made the decision to closely tie its security to the Western Alliance. This decision resulted in Germany's NATO membership, our Western defense alliance, and the establishment of a united Europe.

In the past years, the United States of America - as the central power of the Western Alliance - has massively lost confidence which is the result of its role in the "War on Terror". Tapping your friends because you suspect all your fellow citizens as well as the citizens of your allies to be potential terrorists, and building up a total interception of telephone traffic and digital communication does not put you in a position to claim trust and confidence.

More and more people get the impression that the United States pursue their economic interests without consideration of their allies' concerns. Whoever promotes free trade on the one hand but at the same time strives for predominance of digital communication

¹³ Governmental Declaration, Berlin, 11 March 2004, bmvg.de

through enterprises such as Google, Facebook, Amazon etc. on the other hand, sets an extremely bad example for a free trade partnership. The same applies to the monitoring of enterprises from allied partner countries by the American stock exchange supervision.

In addition, the superpower USA has suffered a comparable loss of reputation due to the fact that it is no longer able to enforce its position and prevail in the Middle East. Although the American Secretary of State Kerry made amazing, even admirable efforts to resume the peace talks between Israel and the Palestinian National Authority, it seems that the civil wars in Syria, Lebanon and Iraq, as well as the fight for regional predominance in the Middle East between Turkey, Iran and Saudi Arabia took priority for the countries concerned. The power vacuum - a result of the military intervention in Iraq - was filled, at least in part, by the radical IS rebel group and the Islamic Caliphate it announced in June last year. The United States' reputation as defender of human and civil rights has been seriously damaged because of state-sanctioned torture and secret prisons. Not even the United States may call into question the indispensable human and civil rights. And the Western Alliance will only remain capable of acting if all partners meet on an equal footing.

As much as it is necessary to clearly point out the mistakes our American friends have made, the consequence of these findings cannot be to declare a "German path" as the former German Chancellor Gerhard Schröder did in 2002. And it is also not true that "times are dawning when America no longer serves as a role model".¹⁴ Germany and Europe made mistakes as well by giving rise to doubt their loyalty to the Alliance.

¹⁴ cf. Helmut Kohl, *Aus Sorge um Europa, Ein Appell*, Munich 2014, p. 86

Friends and allied partners will always be role models. Peace and security will only be guaranteed in the future if Germany remains an integral part of the Western community of values and of the united Europe and of the NATO.

III. The United Europe is not a superpower. Yet it is also not the "old Europe" whose time is gone.¹⁵ Europe - united and common in its position - will be one of the future powers of the twentyfirst century.

Helmut Kohl, former German Chancellor and Honorary Citizen of Europe, recently characterized Europe's situation as follows: "The venture Europe was no longer actively promoted with the seriousness that had become familiar; once more greater emphasis was placed on national interests, Europe was again made a scapegoat for necessary national reform efforts, the close transatlantic partnership started cracking and the budding partnership with Russia was neglected and sensitivities misinterpreted."¹⁶ These statements relate to the period after the change of government in 1998.

But fortunately it has happened that in an era of European and Western disintegration, we have experienced a year of deepened integration of Europe in 2014. The establishment of the European Banking Union has led to a strengthening of the European Single Market due to the implementation of common economic and financial policies. The respective institutions required for this purpose have been established. In the summer of 2014, Europe's citizens made the unexpected experience that the election of the new European Parliament and the new President of the European Commission led to an increase in democracy in Europe. Considered in an

¹⁵ Zeit-Online, www.zeit.de/politik/ausland/2011-02/usa-rumsfeld-memoiren, p. 2

¹⁶ cf. Helmut Kohl, *Aus Sorge um Europa, Ein Appell*, Munich 2014, p. 50 et seq.

overall context, the nomination of top candidates in the run-up to the European elections and the election of Jean-Claude Juncker as President of the European Commission, along with the appointment of seven Vice-Presidents and the forming of a viable coalition in the European Parliament was a revolutionary democratic act.¹⁷ The "viable majority" to which Social Democrat Chairman Sigmar Gabriel referred on election night gave rise to a democratic legitimation of the Commission's President, equivalent to the legitimation of the German Chancellor Angela Merkel. Now, all Commissioners have to answer to the European Parliament. The unfortunate conflict between the member states on the issue whether Europe should pursue a savings or a growth policy has been strongly attenuated by the adoption of a 300 billion Euro investment package suggested by the Commission's President Juncker. The effects of the victory of Syriza on the Greek 2015 parliamentary elections remain to be seen.

The European Institutions are now democratically legitimized in just the same way as their counterparts in the member states. The European people are now represented by a democratically elected European Parliament and led by a democratically elected Head of Government and a European Council which serves as the member states' representation. The decisions of the European Court of Justice are directly applicable in all member states. The European citizens may assert their human and civil rights, as set forth in the Constitutional Treaty of Lisbon¹⁸, before the European Court of Justice in Luxembourg. Borders within the Schengen area have ceased to exist, external borders are protected jointly. Europe has a single common currency, its own diplomatic external representation and a citizenship of its own, co-existing beside the national citizenships of

¹⁷ Jürgen Rüttgers, Eine kleine Geschichte von Europas Zukunft, in: Bonner Perspektiven 9/2014, p. 16

¹⁸ ECJ, Decision of 15 July 1964, marginal 6-64, ECJ Reports of Judgements and Decisions 1964.1141-Costal E.N.E.L.

the member states and conveyed by these. The latter corresponds more or less to the German citizenship as it was adopted by the Reichstag of the then German Reich for the first time in 1913.¹⁹ With a few exceptions, German nationality at the time of the German Reich was conveyed via the citizenship in the German states of that time.²⁰

There is no way away from this new, democratically legitimized legal position. Of course, we have not yet reached the end of all constitutional developments within the European Union. Europe still needs more democracy. The application of the fundamentally democratic principle of "One-Man-One-Vote" should be regulated more effectively. What the European Parliament in fact needs is a right of initiative. And Europe needs a common electoral law. Furthermore, the separation between the European legislative power and the related executive power in the member states must be further clarified and regulated under consideration of the principle of subsidiarity. Moreover, the executive power should be subject to judicial control. It is unacceptable that member states fail in observing and implementing the European legal order. It should not be possible that the European constitutional state can be invalidated by political decisions made by Heads of State and Government. The so-called "Copenhagen Criteria" are the prerequisite for any country to become member of the European Union, and no country should fall behind these criteria after having become member. This is the only way for the entire European Union to be a truly constitutional state, a genuine active democracy and a community of citizens who can rely on their human and civil rights.

¹⁹ Johan Schloemann, *Magische Mischung*, in: *SZ* (South-German newspaper) 31.12.14, p. 28.

²⁰ Ingo von Münch, *Die deutsche Staatsangehörigkeit, Vergangenheit – Gegenwart – Zukunft*, Berlin 2007, p. 60; It was only after the Nazis' seizure of power that under sec. 1 der Verordnung über die deutsche Staatsangehörigkeit (German nationality law) a single German nationality was introduced and the citizenship in the German states was abolished.

The current debate on the policy of Hungary - let me just mention the catchword **Illiberal State** - the non-compliance with Maastricht criteria by France, Italy, Greece and the widespread problem of corruption in some other countries - all these issues show the need to protect the rule of law in Europe. And this consequently implies that neither Ukraine nor Moldova or Georgia will be able to become full members of the European Union. Turkey, in fact, does no longer comply with the European criteria of applied rules of law and freedom of the press. As a consequence, we need a new concept of the European Neighbor Policy (ENP). Full membership is not achieved by mere contractual cooperation or association.

The European Union not only needs inward-oriented reforms to further and consolidate democracy, the rule of law and respect for human rights, but also an improved and clear comprehensive foreign and security policy strategy that is supported by all EU member states. In this context, relations with Russia and other states of the former Soviet Union must be redefined. The biggest error not only Europe but also Russia made was to enter into a struggle for zones of influence, just as was customary at the European Royal Courts of the nineteenth century. But not even Germany has found its role in a new Europe yet. Something is amiss here due to the fact that the rest of Europe considers the economic strength of Germany a threat, while Germany itself does not understand it as a "factor of power" but rather as the result of hard work.²¹

IV. Germany is the "most positively viewed nation in the world". This is the result of a BBC poll which was conducted last year.²² According to its rating, Germany is popular. However, "being popular" is not

²¹ Adam Soboczynski, Bernd Ulrich, Zufrieden, aber verdammt allein, in: Die Zeit (weekly German newspaper) 27.11.2014, p. 53

²² Johann Schloemann, Magische Mischung, in: Süddeutsche Zeitung (daily German newspaper) 31.12.2014, p.2

exactly a key criterion applied in international politics. What counts here is power, are allies, are trade interests, and perhaps culture. Unfortunately, Germany has forgotten how to deal with power. The so-called "Culture of Restraint", derived from our own history as a German learning success is often interpreted as a sign of uncertainty and unpredictability rather than a clear strategic orientation in periods of transition. Former senior policy makers demand that Germany should step out of the line the Western Community pursues and take a different approach to resolve the Russia-Ukraine conflict.²³ However, if the Federal Republic of Germany would slide back into this type of national politics, it would represent a breach of the European reason of state.

After the Second World War, Konrad Adenauer has led Germany to join the community of free European peoples of the West. It was only this revolutionary break with Bismarck's old "see-saw policy" - a policy of alliances - between East and West which allowed for reconstruction and reunification in the first place. This clear and obvious choice of Western values, a choice for a state governed by the rule of law, for universal human and civil rights and for a social market economy is jeopardized by an observable current tendency towards a re-nationalization in Germany and Europe.

The United Kingdom rejects the federalization of Europe and plans to hold a referendum for the British people to vote on the UK's remaining in the European Union. But it seems to be simply incompatible to refuse Europe's development towards a federal Europe on the one hand, and to discuss a stronger federal structure between the four nations England, Scotland, Wales and Northern Ireland on the other hand - that does not match!

²³ Heinrich August Winkler, Ein neuer Sonderweg, in: Der Spiegel (weekly publication) 1/2015, p. 26

Member states such as Italy, Greece and sometimes even France weaken the basics of the stability pact, which they themselves agreed to. But the Euro as currency cannot replace own reforms in their home countries.

Cordial Franco-German relations are of particular importance for Germany. The so-called Élysée Treaty - the Agreement on Franco-German cooperation - was highly controversial in 1963. Yet this Treaty was a milestone in history because it helped to overcome the centuries of Franco-German hostilities, also referred to as the Franco-German hereditary enmity, and to establish what is nowadays called the Franco-German engine which promotes the European integration. Please let me quote: "Franco-German relations have been getting on in years; they have aged and are worn. France and Germany have misjudged one fact: The subject and passion of bilateral relations cannot perpetually be the bilateral relation itself. Indulging in self-contemplation [...] has led to a paralysis of the Franco-German tandem." This quotation was made by Wolf Lepenies on the occasion of the Adenauer lecture 2014, held at the so-called House of the History of the Federal Republic of Germany, and he added: "It is time for a Franco-German reunification."²⁴ For the time being, the Franco-German friendship does not actively engage in any project that could have a revitalizing effect on it. Already in 2013, the opportunity was missed to revive and update the Elysée Treaty on the occasion of the celebrations of its fiftieth anniversary. Why is there no common Africa policy? Why is there no plan to combine the structural reforms that are a must for Europe with the stability and growth pact, now presented by the Commission's President Juncker? And an issue deemed just as important: When will

²⁴ Wolf Lepenies, Folgen einer unerhörten Begebenheit, Außenpolitische Konsequenzen der deutschen Wiedervereinigung mit besonderem Blick auf die deutsch-französischen Beziehungen, unpublished manuscript dated 5.11.2014, see as well: Frankreichs Furcht vor dem Fünften Reich, in: Die Welt, 10.12.2014, www.welt.de/134200796

the smaller Member states be again included more intensely in the joint European decision-making and policy-forming process?

The problem of European disintegration is neither rooted in the European Parliament nor the European Commission. It is rather rooted in the overstraining of the European Council. Also, it is deeply undemocratic that many decisions taken by the European Council are, in fact, prepared and negotiated by national EU ambassadors and are waved through by the European Council in closed meetings.

The Council's top priority is to draw up a new common foreign and security policy. Even if the United States will primarily focus on the Asia-Pacific region under their next President, the question frequently asked today will then arise even more emphatically: When will we see Europe assume the responsibility for its own security at last? At the same time, we must provide a clear response for the Eastern member states of the European Union who ever more frequently raise the issue of whether the Principle of Collective Defense will still remain applicable in the future? Does the concept of deterrence still work?²⁵

What we actually need is a strategic concept, a new security architecture. The European Union and its member states are and will remain part of the Western community of values. With regard to global issues, the European Union will continue to cooperate with the United States and the NATO in a close and trusting relationship. The European Union will also assume more responsibility for tasks in Europe and the European neighborhood. As an active participant in a new multipolar world order, the European Union promotes democracy and the rules of law. And it fights for fundamental human and civil rights, always in consideration of the international legal

²⁵ Ulrike Esther Franke, Vom Gewicht des Schreckens, in: Politische Meinung (magazine issued in two-months double editions) No. 528 Sept./Oct. 2014, p. 59 et seq.

bases, governing the international community of nations.²⁶ Such a successful re-organization of the Western community of values makes it necessary to develop and expand the European Community.²⁷ What must not happen is, that Europe is uncoupled while still in search for a new world order.²⁸ And yet, globalization cannot be vested with a democratic, constitutional and fair order through application of given national interests.

The European integration was the response of the peoples of Europe after the Second World War in the first half of the twentieth century. In order to reliably ensure peace and freedom in Europe in the twenty-first century, the European Union and its member states may not revert to old, traditional ways of conduct which are driven by national interests. The United Europe - the challenge we are facing in the twenty-first century - is and remains the major task for Germany, the entire Europe and not least the United States of America. This way a new Cold War can be prevented - and a new World Order can be established.

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²⁶ Jürgen Rüttgers, *Die Marktwirtschaft muss sozial bleiben*, Köln, 2007, p. 96 et seq.

²⁷ Das prekäre Projekt, in: *Der Spiegel* (weekly publication) 1/2015, p. 16

²⁸ Henry Kissinger, *Weltordnung*, Munich 2014, p. 111