

The Cold Security World War: A New Approach to the Conflict in Ukraine and the Implications for the Security of the European Union

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SUMMARY

The study proposes that the current war in Ukraine represents a "Global Cold Security War", which goes beyond the conceptual and geographical boundaries of the conflict itself. The security of the European Union is directly influenced by this conflict, as the EU relies on regional stability and security to maintain its own security. The concept of a "Global War on Cold Security" is an attempt to recognise the complexity of the current conflict in Ukraine and the interdependence of international actors. This concept suggests that the problem is not limited to Ukraine, but also involves other states and international organisations such as the UN and the EU. This concept can help understand the global dimensions of the conflict and identify more comprehensive solutions to address international security challenges.

KEY WORDS: *Cold Security World War; Ukraine; European security; public international law.*

I. The concept of "cold security" refers to a strategy of maintaining peace and stability in a region or between states through the use of tactics and approaches that do not directly involve military confrontations or violence. Rather than relying on brute force, cold security focuses on diplomacy, economic sanctions, cultural influence, and international cooperation to achieve security goals. In this context, we can analyze the war in Ukraine and the meaning of the concept of cold security.

Prior to the 1990s and the breakup of the former USSR, the concept that defined power relations was that of the Cold War. The typology of that period, according to many authors, had as its objective a security problem³. Presently, the same idea was clearly affirmed and embraced by the main protagonist of the war, namely the Russian Federation, but also evoked in public speeches of other international actors⁴. Meanwhile, for several decades a controversial concept has been circulated, like all security concepts in international relations, namely the concept of collective security⁵ other than that based on various alliances between states, but which would presuppose a remodeling of the United Nations Organization, in order to ensure peace and stability in the world

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³ Jervis, Robert. "Was the Cold War a Security Dilemma?" *Journal of Cold War Studies*, vol. 3, no. 1, 2001, pp. 36–60. JSTOR, <https://www.jstor.org/stable/26925099>. Accessed 6 May 2023.

⁴ In an interview given by one of the close associates of President Vladimir Putin, it is clearly shown that the war in Ukraine is a war between Russia and NATO, especially America, which wants to remove Russia from the political map of the world - <https://www.reuters.com/world/europe/putin-ally-patrushev-says-russia-is-now-fighting-nato-ukraine-2023-01-10/>, accessed on 6.05.2023 ("The Westerners' plans are to continue to pull Russia apart, and eventually just erase it from the political map of the world," Patrushev said.)

⁵ *Collective Security beyond the Cold War*, George W. Downs, University of Michigan, 1994.

more effectively. The war in Ukraine turned this idea of reshaping and collective security into a chimera.

The conflict in Ukraine acquired the valences of a war both formal and factual, independent of the different formulas used by the protagonists to justify the typology of the war: special military operation, war of aggression, war of self-defense or liberation⁶. From the point of view of respect and concern for the human rights, this war/conflict is not much different from others that are going on now and that have been going on in the past decades: people are killed, maimed, families are torn apart, many leave their homes, propaganda and hatred settle like a necessary "sauce" to a "good steak".

The international community refuses, at this time, to understand the need for a radical reform of the current world security system. All official international declarations constantly insist on the need to respect international law, human rights and democracy as arguments for the justification of different opinions and positions towards the war in Ukraine. However, irrespective of this controversy, we consider that we can identify the following fact: the conflict is ongoing and the belligerents and the groups around them do not show that they would be willing to give in to their own ideologies. This generalized attitude highlights a reality: the current war in Ukraine is no longer just a fight for independence and territorial integrity for one side, or an armed approach necessary to preserve neighborhood influence for the other side, but it goes far beyond conceptual and geographical limitations. It is a World War of Cold Security, as it was defined so well at the end of World War II. The link between this concept and the current international legal order is defying: all the factual elements justify a possible intervention of the UN Security Council, because the current reference situation represents the most serious threat to international peace and security; however, the Security Council is unable to deal dissuasively and promptly with this situation, even though it is the hard core of the world legal order. *In conclusion, the persistence of the current de facto war situation amounts to a Cold Security war.*

II. A characteristic of cold security is that it can be interpreted, with particular reference to the situation in Ukraine, as a form of indirect involvement of the international community in the management of both the crisis until the start of the war, as well as in the management of the war. Obviously, any direct military involvement on the part of the Western states, especially the United States and the member countries of the European Union, would have led to the escalation of the conflict, creating the conditions for a third world war. This is indeed a threshold, which all interested parties have in mind, and which we believe none of them wants to cross. On the other hand, this highly visible threshold allows Ukraine's allies to directly engage in supporting the war effort by providing intelligence, logistics, weaponry, and many other facilities. Previously and currently, the European states have opted for the application of economic sanctions against Russia in order to try to influence its behavior. Efforts were made in order to ensure the effectiveness of the sanctions, especially by means of comparing the sanctions imposed on Russia to those imposed on other countries, making thus the Russian Federation a *radioactive country*⁷.

NATO is the most important vehicle in supporting the interests of Western states, because it is by far their "shield and sword", and the new strategic concept adopted at the NATO summit in Madrid on June 29, 2022, reflects extremely clearly the concept of cold security, even if its expression and intentions are specifically formulated. The indirect way of intervention results from the content of

⁶ All these nuances can be identified in the speeches of the representatives of the states within the Security Council at the meeting no. 8974 of February 23, 2022 (night)/SC/14803 - <https://press.un.org/en/2022/sc14803.doc.htm>

⁷ Jeff Stein & Jeanne Whalen; Biden Aides Explore Rarely Used Sanctions Weapon Against Russia, WASH. POST (Mar. 24, 2022), at <https://www.washingtonpost.com/us-policy/2022/03/24/russia-economy-sanctions>.

the strategy document because it insists on the element of deterrence: *"Our new Strategic Concept reaffirms that the essential purpose of NATO is to ensure our collective security, based on a 360-degree approach. It defines the Alliance's three core tasks: deterrence and defense; crisis prevention and management; and security through cooperation. We emphasize the need to significantly strengthen our deterrence and defense as the primary foundation of our mutual defense commitment under Article 5."* The heads of state and government of the NATO Allies declared that they have a⁸ *"clear vision of the world we want: we want to live in a world where sovereignty, territorial integrity, human rights and international law are respected and where every country can choose its own path, free from aggression, coercion or subversion. We work with everyone who shares these goals"*⁹

Diplomacy has also been used to facilitate dialogue between the parties involved and to seek political solutions to the Ukrainian crisis. This was manifested in the Minsk negotiations and subsequent efforts to implement ceasefire agreements and troop withdrawals¹⁰. In this regard, cold security played an important role in preventing the escalation of violence and limiting the impact of the conflict on the civilian population. It is very true that in the end, war could not be avoided.

The main ideology cold security is based on consists in the respect and strengthening of human rights. The phenomenon of human rights is extremely intensely ideologized and seen as a tornado above any peace negotiations, aimed at finding solutions to satisfy the interests of the parties through compromise. It must be said that cold security is currently characterized by carrying the banner of the defense of human rights on all possible fronts. The international assumption of this ideology of human rights, allowing a competition between the prioritization of values, respect for human rights vs international peace and security, is currently manifested through an unprecedented mobilization of international institutions with the aim of putting pressure on Russia¹¹. In this category, the effort to investigate, analyze and sanction in any form serious violations of human rights is more significant; such examples are: the measures to cease all hostilities and to refrain all entities from supporting Russia's military operations, ordered by the International Court of Justice in its judgment of 16 March 2022 in the case Charges of Genocide under the Convention on the Prevention and Punishment of the Crime of genocide¹²; the Court's decision of the European Court of Human Rights, delivered on 1 March 2022¹³, in the case of Provisional measures on Russia's military operations in Ukraine, obliging Russia to refrain from military attacks against civilians and civilian objects, including homes, residential premises, emergency vehicles and other specially protected civilian structures, such as schools and hospitals, and immediately ensure the safety of medical facilities, personnel and emergency vehicles in the territory attacked or besieged by Russian troops; the decision of the European Court of April 1, 2022¹⁴, regarding the extension of provisional measures, in the sense that Russia must ensure evacuation routes that allow civilians to take refuge to safer regions of

⁸ Romania's Ministry of Foreign Affairs official website, The NATO Strategic Concept, article visible on the following link <https://www.mae.ro/node/59117>, accessed on the 8th of May 2023.

⁹ *Ibidem*.

¹⁰ Negotiations between Ukraine and the pro-Russian separatists in the eastern regions were signed on two separate occasions, in September 2014 and February 2015, in the presence of representatives of the OSCE, Russia and some Western countries. Monitoring compliance with the agreements was the responsibility of the OSCE, but unfortunately they were violated very soon after their conclusion.

¹¹ International Institutions Mobilize to Impose Accountability on Russia and Individual Perpetrators of War Crimes and Other Abuses doi:10.1017/ajil.2022.29

¹² Allegations of Genocide Under the Convention on the Prevention and Punishment of the Crime of Genocide, (Ukr. v. Russ.), Provisional Measures, para. 30 (Int'l Ct. Just. Mar. 16, 2022)

¹³ Eur. Ct. Hum. Rts. Press Release, The European Court Grants Urgent Interim Measures in Application Concerning Russian Military Operations on Ukrainian Territory, ECHR 068 (Mar. 1, 2022)

¹⁴ Eur. Ct. Hum. Rts. Press Release, Expansion of Interim Measures in Relation to Russian Military Action in Ukraine, ECHR 116 (Apr. 1, 2022)

Ukraine; the decision of the prosecutor¹⁵ of the International Criminal Court to start investigations; the decision of 17 March 2023 of the Second Pre-Trial Chamber of the International Criminal Court to order the arrest of Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova, finding that there are reasonable grounds to believe that each suspect bears responsibility for the crime of war of illegal population deportation and for the illegal transfer of population from the occupied areas of Ukraine to the Russian Federation, to the detriment of Ukrainian children. Certainly, this level of pressure on Russia to respect human rights is a first in international relations and in the general international protection of human rights. Unique, because never before, in the recent history of public international law, has an arrest warrant been issued for the head of one of the victorious states in World War II. Unique also, because it is issued during an international armed conflict, without waiting for its end.

III. The reasons that were put forward by the Russian side at the outbreak of the war are dressed in the same clothes of the fight for the observance of international commitments and under the banner of the defense of human rights. The Russian ambassador to Romania declared in April 2022 that Russia's special military operation aims to end the genocide committed by Ukraine in the last 8 years, calculated since the conclusion of the Minsk agreements, committed against the population of the autonomous republics of Donbas and Lugansk. Very concretely, on February 23, 2022, Vassily Nebenzia, representative of Russia in the Security Council, *"expressed his regret that the calls to stop the provocations against the Luhansk and Donetsk People's Republics were not heeded. Ukraine, actively armed by a number of states, still harbors the illusion that it can achieve a military solution in Donbas with the help of Western sponsors. Otherwise, it is difficult to explain the significant intensification of bombings and acts of diversion on the territory of the two republics. The OSCE Special Monitoring Mission recorded nearly 2,000 ceasefire violations, including nearly 1,500 explosions. Residents of Donetsk and Luhansk continue to shelter in basements, and refugees continue to make their way to the Russian Federation. The nature of the challenges from the Ukrainian armed forces has not changed. Western colleagues repeat "a Ukrainian fairy tale" according to which the people of Donbas bomb themselves. In today's debate in the General Assembly, Western colleagues found not a single word of compassion or condolence for the suffering of the people of Donbas, as if these 4 million people simply do not exist."*¹⁶

The precedent of Kosovo expresses a certain line of secessionist practice of the states¹⁷. After the events in Kosovo in 1999, under the conditions of NATO's special military intervention, this province broke away from Serbia and declared its independence in 2008. A few months later, Russia invaded Georgia and recognized the independence of the province of South Ossetia. In the context generated by Kosovo's declaration of independence, the International Court of Justice judged that this declaration does not violate international law. In 2014, the province of Crimea unilaterally declared its independence, and in its declaration, it invokes, inter alia, the precedent of Kosovo. Later this region will be incorporated following a referendum into the Russian Federation. Next, on April 7, 2014, the "People's Republic" of Donetsk was proclaimed, followed, on April 24, 2014, by that of Luhansk. On the eve of the outbreak of war, on February 21, Putin signed decrees recognizing the independence of

¹⁵ The Declaration issued by the General Prosecutor of the ICC, Karim A.A. Khan QC, regarding the situation in Ukraine (Feb. 28, 2022), at <https://www.icc-cpi.int/Pages/item.aspx?name%420220228-prosecutor-statement-ukraine>

¹⁶ UN – Security Council, Press Release, 8974TH MEETING (NIGHT), SC/14803, 23 FEBRUARY 2022 Russian Federation Announces ‘Special Military Operation’ in Ukraine as Security Council Meets in Eleventh-Hour Effort to Avoid Full-Scale Conflict (press release available on <https://press.un.org/en/2022/sc14803.doc.htm>)

¹⁷ See Judge Dean B. Pineles' analytical opinion on this topic <https://balkaninsight.com/2022/03/09/how-the-kosovo-precedent-shaped-putins-plan-to-invade-ukraine/>

to the right to self-determination. In this cold security war, nowadays a harsh reality is foreshadowing: an amputated but strong Ukraine alongside its new allies with an ideology of respect for human rights, on the one hand, and a more geopolitically influential western alliance towards Russia, on the other hand, and a more extensive Russia with more concrete influence over regions such as Luhansk and Donetsk. This is as such, as long as the security competition does not cross the nuclear threshold.

Bibliography

- Jervis, Robert. "Was the Cold War a Security Dilemma?" *Journal of Cold War Studies*, vol. 3, no. 1, 2001. JSTOR, <https://www.jstor.org/stable/26925099>. Accessed 6 May 2023.
- [https:// www.reuters.com/world/europe/putin-ally-patrushev-says-russia-is-now-fighting-nato-ukraine-2023-01-10/](https://www.reuters.com/world/europe/putin-ally-patrushev-says-russia-is-now-fighting-nato-ukraine-2023-01-10/), accessed on 6.05.2023
- George W. Downs. *Collective Security beyond the Cold War*, University of Michigan, 1994. <https://press.un.org/en/2022/sc14803.doc.htm>
- Jeff Stein & Jeanne Whalen; Biden Aides Explore Rarely Used Sanctions Weapon Against Russia, WASH. POST (Mar. 24, 2022), at <https://www.washingtonpost.com/us-policy/2022/03/24/russia-economy-sanctions>.
- Romania`s Ministry of Foreign Affairs official website, The NATO Strategic Concept, article visible on the following link <https://www.mae.ro/node/59117>, accessed on the 8th of May 2023.
- International Institutions Mobilize to Impose Accountability on Russia and Individual Perpetrators of War Crimes and Other Abuses doi:10.1017/ajil.2022.29
- Allegations of Genocide Under the Convention on the Prevention and Punishment of the Crime of Genocide, (Ukr. v. Russ.), Provisional Measures, para. 30 (Int`l Ct. Just. Mar. 16, 2022)
- Eur. Ct. Hum. Rts. Press Release, The European Court Grants Urgent Interim Measures in Application Concerning Russian Military Operations on Ukrainian Territory, ECHR 068 (Mar. 1, 2022)
- Eur. Ct. Hum. Rts. Press Release, Expansion of Interim Measures in Relation to Russian Military Action in Ukraine, ECHR 116 (Apr. 1, 2022)
- The Declaration issued by the General Prosecutor of the ICC, Karim A.A. Khan QC, regarding the situation in Ukraine (Feb. 28, 2022), at <https://www.icc-cpi.int/Pages/item.aspx?name/420220228-prosecutor-statement-ukraine>
- UN – Security Council, Press Release, 8974TH MEETING (NIGHT), SC/14803, 23 FEBRUARY 2022
- Russian Federation Announces 'Special Military Operation' in Ukraine as Security Council Meets in Eleventh-Hour Effort to Avoid Full-Scale Conflict (press release available on <https://press.un.org/en/2022/sc14803.doc.htm>)
- <https://balkaninsight.com/2022/03/09/how-the-kosovo-precedent-shaped-putins-plan-to-invade-ukraine/>
- NATO Press Release, Enlargement and Article 10, full press release available on https://www.nato.int/cps/en/natohq/topics_49212.htm?
- CHINA ECONOMY, China and Russia affirm economic cooperation for the next several years, PUBLISHED WED, MAR 22 2023 2:19 AM EDT, Evelyn Cheng, @CHENGEVELYN online article available on <https://www.cnn.com/2023/03/22/china-and-russia-affirm-multi-year-economic-cooperation.html>

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