MODIFYING THE INTERNATIONAL SYSTEM POST-FEBRUARY 2022: ABANDONING OR RETURNING TO WESTPHALIAN PRINCIPLES?

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Abstract
Russia's full-scale invasion of Ukraine on February 24, 2022, compelled a reappraisal of how world politics operates. The shock of this breach of international law neither merely ended the liberal order nor fully restored the classical logic of the balance of power. Instead, it catalysed two simultaneous—and often contradictory—trajectories: a partial return to Westphalian first principles (territorial integrity, juridical equality, non-intervention) and an acceleration of post-Westphalian practices (coalition sanctions, extraterritorial regulation, accountability mechanisms for aggression, mini-lateral security complexes). In this article, I treat this tension as a "problem-space" and develop a framework to assess whether reforming the international system after February 2022 should mean abandoning Westphalia, reverting to it, or - more plausibly - re-anchoring in a "Westphalian floor, post-Westphalian ceiling."

Keywords: post-Westphalian system; international order; United Nations; war; peace

INTRODUCTION: A HINGE EVENT, A DOUBLE MOVEMENT

Few dates carry the conceptual gravity of February 24, 2022. It marked a flagrant violation of *jus ad bellum* (i.e., the legal framework governing recourse to force) and of the sovereign equality of states, codified in Article 2(4) of the UN Charter—prohibitions that represent the modern juridical crystallisation of Westphalian ideas (United Nations, 1945/2024). The immediate reactions (UN General Assembly emergency resolutions condemning the aggression; an International Court of Justice (ICJ) order to cease hostilities; International Criminal Court (ICC) arrest warrants; and the most coordinated sanctions regime in the recent history of economic policy) were not mere episodes (ICJ, 2022; ICC, 2023; UNGA, 2022). They can be read as system-level signals.

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The post-2022 order cannot be reduced to a collapse narrative. It is, rather, a story of re-legitimation under pressure. In an initial phase, states and international institutions reaffirmed the rules "in the letter of the law" that protect borders and political independence. They were then forced to innovate around institutional paralysis (most visibly in the UN Security Council), leveraging coalitions broader than the UN, extraterritorial compliance tools, and novel accountability architectures (G7, 2023; NATO, 2024). The question is not whether Westphalia survives, but which version of Westphalia we want to preserve, and above all, how high we can extend the ceiling above it.

The feasible path is a calibrated return to Westphalian fundamentals as the "floor" (territorial integrity, non-recognition of the acquisition of territory by force, juridical equality), combined with a selective and context-bounded expansion of post-Westphalian instruments (especially legal accountability for aggression, interoperable mini-lateral security complexes, and disciplined economic coercion) that together constitute the "ceiling." The alternatives (abandoning Westphalia altogether in favour of spheres of influence, or a maximalist universalism that dissolves sovereignty) miss both the constraints of power politics and the lessons of 2022–2025.

Methodologically, I follow a staged process: (a) reconstruct the conceptual core of Westphalia and its modern critiques; (b) inventory the post-2022 institutional responses; (c) assess two strategic trajectories—abandonment versus return; (d) propose procedural reforms; and (e) sketch scenarios for 2025–2035.

I. THE CORE OF WESTPHALIA AND ITS DISCONTENTS

"Westphalia" names less a singular constitutional moment than a durable grammar of coexistence among political communities that do not share a common sovereign. The grammar is austere and, precisely for that reason, resilient. At its heart lie four propositions: (1) that the political authority of state actors is territorially organized; (2) that every state enjoys juridical equality regardless of size or regime; (3) that intervention in another state's domestic jurisdiction lacks warrant absent consent or law; and (4) that peace is sustained not by hierarchy but by mutually recognized restraints. Subsequent international law translated this political bargain into positive rules, most memorably Article 2(4) of the United Nations Charter, which prohibits the threat or use of force against the territorial integrity or political independence of any state (United Nations, 1945/2024; Popa, 2018). Yet what Hedley Bull called an "anarchical society" captures the paradox: the absence of an overarching lord is associated with patterned rule-observance, common institutions, and reciprocal expectations (Bull, 2012). Daniel Philpott's intellectual history likewise reads "sovereignty" as a

revolutionary idea that displaced older hierarchies by vesting final authority in territorially delimited polities (Philpott, 2001).

The conceptual power of this interstate settlement has always exceeded its historical particulars. Westphalia need not be taken as a description of seventeenth-century international practice, but rather as a template that subsequent eras have repeatedly appropriated and revised. Decolonisation universalised the template by extending juridical equality beyond Europe; the rise of multilateralism internalised the prudential intuition that restraint, reciprocity, and recognition can mitigate conflict among unlike regimes. In this sense, the Charter's rules "in the letter of the law" are better understood as modern vessels carrying the old wine of Westphalia: the categorical rejection of conquest and the insistence that borders—however unjust their origins—cannot be revised by force without destroying the very possibility of order (United Nations, 1945/2024). Kissinger's oft-cited juxtaposition—order and liberty as interdependent, not antagonistic—captures the normative modesty of this design. Westphalia promises not justice, but boundaries within which justice can be pursued locally; it constrains violence so that politics may continue (Kissinger, 2014).

Moreover, the core is more textured than the textbook triad of sovereignty–territoriality–non-intervention suggests. Sovereignty includes both external independence and internal authority; equality is juridical, not material; non-intervention is a principle, not pacifism, bounded by recognised exceptions; and the "society" dimension of the system presumes not harmony but shared interests in predictability and in protecting basic goods such as diplomatic immunity and *pacta sunt servanda* (Bull, 2012). The genius, and the limit, of the Westphalian grammar lies precisely in its minimalism: it tells us little about regime type, religion, or ideology, but enough about violence and authority to make coexistence among different political orders possible.

The discontents begin where minimalism meets moral ambition and interdependence. Realists have long charged that sovereignty discourse masks power politics - Krasner's "organised hypocrisy," in which states violate the norm when interests demand and rehabilitate it when convenient (Krasner, 1999). Constructivists complicate the picture by showing how legitimacy claims discipline even powerful states - not as absolute constraints, but as costs that shape strategies and narratives (Hurd, 1999). Liberal institutionalists, in turn, argue that the twentieth century layered a partial constitutionalism over Westphalia: human-rights regimes, economic interdependence, and institutions that socialise states into cooperative behaviour (Ikenberry, 2018). The aspiration to go "beyond sovereignty"—manifest in doctrines such as the Responsibility to Protect and in the juridification of humanitarian norms—signals a moral impatience with the evils non-intervention can shelter. At the same time, globalisation has generated forms of authority neither fully public nor strictly territorial:

supply-chain governance, financial regulation, and digital-platform rules that cross borders and enlist private compliance infrastructures as instruments of public policy. The resulting practice often appears post-Westphalian as a technique, even when it is Westphalian in its purpose.

Accordingly, the critique is double-edged. On one edge lies the charge of insufficiency: that Westphalia's silence on justice makes it complicit in oppression behind borders. On the other hand, the charge of obsolescence: that in a world of cross-border risks (climate, pandemics, cyber vulnerabilities), a state-centric grammar cannot deliver public goods without diluting sovereignty. Acharya's analysis of a "multiplex" order puts a point on it: diffuse power and plural civilizational claims mean no bloc can universalise its preferred norms; outcomes will be brokered in overlapping fora and partial coalitions (Acharya, 2014). In such an environment, juridical equality can seem either a shield for the weak or a veto on cosmopolitan ambition; non-intervention can look like prudence or abdication; and the ban on conquest becomes, paradoxically, both the most affirmed and the most vulnerable rule, precisely because so many others are contested.

Taken together, it is tempting to conclude that Westphalia has been outgrown. Yet the record counsels the opposite. The more interdependent and heterogeneous the system becomes, the more the minimal grammar matters. Not that post-Westphalian instruments (courts with individual criminal jurisdiction, extraterritorial financial controls, mini-lateral security complexes) are valueless. Instead, their legitimacy and stability depend on their relationship to the floor Westphalia provides. Without a strong presumption against territorial revision by force, regulatory geopolitics degenerates into weaponised interdependence; without juridical equality, mini-lateralism slides toward spheres of influence dressed up as law; without a baseline of non-intervention, the humanitarian vocabulary risks instrumentalisation by the powerful. The practical lesson is more methodological than doctrinal. The question is less whether to abandon or restore Westphalia than how to situate post-Westphalian techniques so that they reinforce, rather than erode, the core.

In sum, the *discontents* are real but not decisive. The grammar can be amended without being repealed. A disciplined reading of recent practice suggests that states remain willing to pay reputational costs to avoid openly abandoning the floor; that they will use post-Westphalian tools when universal organs are blocked; and that they will seek legitimacy for these instruments by anchoring them - even if imperfectly - in the Charter's prohibitions and in procedures that make power answerable to law (UNGA, 2022; ICJ, 2022; ICC, 2023; United Nations, 1945/2024). If Westphalia is thin, it is also load-bearing. The task, as the following sections show, is to keep this floor firm while designing a ceiling under which contemporary instruments can operate without bringing the house down.

II. The Post-2022 Response: Legal Fortification and Institutional Improvisation

Analytically, the first thing to observe about the period opened on February 24, 2022, is that it did not generate a clear rupture from the twentieth-century normative architecture, but rather a layered consolidation under fire. The consolidation was legal before it was military. Within days, the UN General Assembly (UNGA), in emergency session, adopted a condemnation of Russia's aggression, reaffirming with unusual amplitude the Charter's basic rules on sovereignty, territorial integrity, and the non-use of force (UNGA, 2022). Shortly thereafter, the International Court of Justice (ICJ) issued provisional measures ordering a suspension of hostilities - an institutional reminder that *jus ad bellum* remains a justiciable constraint even when great-power vetoes paralyse the Security Council (ICJ, 2022). Moreover, in March 2023, the International Criminal Court (ICC) moved from abstraction to individuation, issuing arrest warrants for senior Russian officials for the unlawful deportation of Ukrainian children (ICC, 2023). Thus, the most elementary thesis, the Westphalian minimum survives, requires no optimism; it requires only a careful reading of what states and courts actually did.

However, the pattern is not reducible to legal reaffirmation. At the same time, European and transatlantic security governance was rapidly "re-platformed." Finland's accession to NATO in April 2023 and Sweden's in March 2024 were not mere cartographic extensions; they functioned as strategic clarifications that the northern arc moved from ambiguity to alliance (NATO, 2023a; NATO, 2024a; Government of Sweden, 2024). The Washington Summit (2024) went further, codifying the formula "Ukraine's future is in NATO" and operationalising a NATO–Ukraine Council capable of integrating planning and resources without the formalities of membership (NATO, 2024b). In parallel, the G7 framework of long-horizon security arrangements with Kyiv translated declaratory solidarity into predictable packages of air defence, training, intelligence, and defence-industrial cooperation (G7, 2023; UK House of Commons Library, 2024; Reuters, 2024). Seen through a Westphalian lens, these moves preserve the prerogative of sovereign choice and collective defence; seen through a post-Westphalian lens, they illustrate how mini-lateral architectures now perform functions universalist organs cannot or will not perform. Both readings are correct.

External economic policy provided the most visible evidence of institutional improvisation. The oil price cap on seaborne Russian crude, anchored by the G7 and enforced through maritime insurance and shipping services, turned compliance infrastructures into the backbone of sanctions-regime effectiveness (U.S. Department of the Treasury, 2022; Reuters, 2022). Doctrinally, the

instrument is significant. It did not change the title to goods or close ports; instead, it re-regulated access to services to compress rents while keeping volumes on the market. In other words, it pursued coercion together with the management of systemic risk. The same period exposed the fragility of global public goods when Russia exited the Black Sea Grain Initiative in July 2023, re-weaponising interdependence and forcing Ukraine and its partners to build alternative corridors via the Danube and the EU's "solidarity lanes" (IFPRI, 2023; European Council, 2023; CFR, 2024). Here, the legal-political lesson points in two directions. First, maritime humanitarian corridors require clearer standard procedures and third-party monitoring if they are to withstand the shock of belligerents' vetoes. Second, sanctions regimes that aspire to legitimacy beyond the coalition must build in humanitarian carve-outs and verification mechanisms from the outset. Otherwise, the "collective punishment" narrative will continue to erode support among non-aligned states, even when the underlying measures are carefully targeted (Alexandrescu, 2024).

Accountability initiatives created a second, more discreet, layer of fortification. The Council of Europe's Register of Damage for Ukraine, headquartered in The Hague, began collecting and authenticating claims, turning individual and infrastructural losses into legal objects amenable to future settlement (Council of Europe, 2023–2025). The proposal for a special tribunal for the crime of aggression - advanced by Ukraine and its European partners and formalised in 2025 - addresses a design gap in the Rome Statute regime by externalising jurisdiction over aggression where the ICC's coverage is limited (European Commission, 2025). In this family of mechanisms, form follows function. Because we cannot rely on the Security Council to mandate coercive accountability against a permanent member, coalitions have returned to European intergovernmentalism, treaty innovation, and evidentiary registers. Critics will insist such architectures amount to "coalition law." However, when designed with respect for due-process safeguards and evidentiary rigour, they are ways of converting otherwise ephemeral harms into enforceable claims. Finally, they remain faithful to the Westphalian rule against conquest precisely by individualising responsibility for its violation (ICC, 2023).

In 2025, participating European states advanced a special tribunal for the crime of aggression through a Council of Europe treaty framework, with the possibility of accession by third states and designed to operate in complementarity with the International Criminal Court; jurisdiction and enforcement would rest on state consent and cooperation arrangements under public international law.

The countervailing movement is just as instructive. The 2023–2024 BRICS expansion, even with Argentina's late refusal, signalled the desire of several large states to diversify their institutional voice and hedge against the breadth of Western regulatory reach (Council on Foreign Relations, 2023; Associated

Press, 2023). The February 2022 Sino–Russian "no-limits" statement provided the ideational scaffolding for this diversification, advancing a sovereignty vocabulary that privileges regime immunity over legal constraint (Kremlin, 2022). None of these amounts to a coherent alternative order; instead, it yields a multiplex environment in which states practice forum shopping while maintaining transactional ties to both sides. The implication for our argument is direct. Suppose the post-1990 liberal thesis held that universalities would do most of the governance work. In that case, post-2022 evidence suggests that interoperable mini-lateral platforms must now buttress universalities—and the success of these platforms will be measured as much by their transparency and humanitarian performance as by their coercive bite (Acharya, 2014/2018).

Synthesising, the period after February 2022 restored the floor of order (i.e., the non-recognition of territorial acquisition by force, the juridical equality of states, the justiciability of aggression) while normalising a ceiling of instruments that are neither strictly Westphalian nor fully post-sovereign (Popa, 2022). General Assembly majorities, ICJ provisional measures, and ICC warrants keep the rule "in the letter of the law" alive (UNGA, 2022; ICJ, 2022; ICC, 2023). NATO enlargement and the NATO–Ukraine Council update the operational security system without dissolving sovereign choice (NATO, 2023a; NATO, 2024a; NATO, 2024b). The price cap and alternative grain corridors show that regulatory geopolitics can be disciplined by risk-management logics rather than by maximalist denial (U.S. Department of the Treasury, 2022; IFPRI, 2023; European Council, 2023). And the Register of Damage, together with the special-tribunal proposal, shows that accountability for the crime of aggression can be pursued through regional legal entrepreneurship when universal institutions are blocked (Council of Europe, 2023–2025; European Commission, 2025). Moreover, BRICS+ enlargement and the Sino–Russian alignment underscore that the legitimacy of this hybrid order will depend on the extent to which coalition instruments are perceived as principled and proportionate, not merely as the legalised power of a bloc (Council on Foreign Relations, 2023; Kremlin, 2022).

The conclusion is not triumphalist but procedural. The international system has responded to the invasion by doubling down on the legal minimum while experimenting with institutional forms capable of delivering security and accountability in the absence of Security Council unanimity. Whether this pattern becomes durable depends less on declaratory texts and more on three operational tests: (a) that coalition measures remain anchored in the Charter's basic prohibitions; (b) that their humanitarian externalities are mitigated ex ante; and (c) that their transparency is sufficient to limit the forum-shopping costs for non-aligned states. If these tests are met, the "Westphalian floor, post-Westphalian ceiling" formula can produce real effects. If not, the system will

slide toward guardrail-free competitive pluralism, a world in which sovereignty becomes a rhetorical shield rather than a legal commitment.

III. Two Strategic Trajectories: Abandonment or Return?

The debate that followed the invasion was framed, perhaps too hastily, as a binary choice between *abandoning* Westphalia and *returning* to it. The binomial clarifies the poles but blurs the practice. To speak of "abandonment" is not to imagine an explicit constitutional convention where states vote sovereignty out of existence; it is to record a drift in which blocs, compliance infrastructures, and regulatory instruments progressively mediate what sovereignty can, in fact, do. To speak of "return" is not to posit a reversible time machine; it is to argue that the post-1945 prohibitions, especially the ban on acquiring territory by force, have been validated and should be re-rooted as the minimal grammar of order (United Nations, 1945/2024; UNGA, 2022). The question, therefore, is not only descriptive but strategic: which trajectory better preserves peace under contemporary conditions of interdependence and contestation?

Abandonment is a diagnosis, not a program. On this reading, February 2022 accelerated an already-underway shift from universalist institutions to functionally efficient coalitions. The architecture of deterrence and assistance for Ukraine was built less through Security Council resolutions and more through NATO enlargement and political commitments, through the planning routines of the NATO–Ukraine Council, and through a network of long-horizon bilateral complexes initiated by the G7 (NATO, 2023; NATO, 2024a; NATO, 2024b; G7, 2023). Economic coercion was similarly decentralised. The maritime price cap on Russian oil did not declare a legal blockade; it reorganised access to private services (insurance, finance, shipping) so as to constrict revenues while managing systemic risk (U.S. Department of the Treasury, 2022; Reuters, 2022). In parallel, technology controls and supply-chain filtering turned market access into a foreign-policy instrument, further thickening the interface between public authority and private compliance. Evidently, this is not classical non-interference; rather, it is a form of regulatory geopolitics that operates across borders.

Arguments for the abandonment thesis rest on claims of efficacy. Where universal bodies stall, coalitions act. They mobilise resources quickly, iterate instruments, and sustain pressure over time. For proponents, the success criterion after 2022 is not doctrinal purity but harm-reduction and deterrence. If coalition tools impose costs on aggression, if NATO's northern enlargement clarifies red lines, if Ukraine's air defence and industrial base can be stabilised through minilateral complexes, then normative anxiety about a "post-Westphalian drift" is outweighed by the prudential imperative to defend peace (NATO, 2024b; UK

House of Commons Library, 2024). Moreover, the abandonment thesis insists on honesty about practice: states have always combined legal fidelity with *raison d'État*, as Krasner's "organised hypocrisy" reminds us; formal sovereignty has long coexisted with negotiated constraints (Krasner, 1999).

Still, the abandonment path carries risks that are not merely theoretical. First, normative fragmentation. If the meaning of territorial integrity is administered through blocs and enforced via extraterritorial regulation, universal rules risk appearing as a coalition's preferences rather than as *erga omnes* obligations. Second, erosion of legitimacy beyond the transatlantic core. BRICS expansion and the hedging behaviour of middle powers indicate a support base wary of Western normative entrepreneurship when it is not accompanied by predictable humanitarian clauses and transparent review mechanisms (Council on Foreign Relations, 2023; Reuters, 2023). Third, escalation channels. A world organized around sanctions, counter-sanctions, and technology denial can become a world of hardened bifurcation, where crisis management grows more difficult, especially when veto politics blocks deconfliction in the Security Council. Finally, abandonment solves the problem of speed but risks the universality that makes rules rather than mere instruments of the powerful.

The *return* thesis, by contrast, makes the opposite wager. It reads the post-2022 ledger as a reaffirmation of Westphalian legal minima. Overwhelming General Assembly votes against aggression, ICJ provisional measures, and ICC warrants together re-articulate *jus ad bellum* in positive institutional form (UNGA, 2022; ICJ, 2022; ICC, 2023). Finland's and Sweden's sovereign decisions to join NATO demonstrate that collective defence can be an expression, not a negation, of sovereignty; Ukraine's EU candidacy likewise reflects the European intuition that sovereignty can be exercised through voluntary aggregation, not only by retreat behind impermeable borders (NATO, 2023; NATO, 2024a; European Council, 2022). In this logic, return does not mean withdrawal from interdependence but the re-centring of the Charter's prohibition on conquest as the floor on which cooperation is built.

Critics of return may object that it underestimates the security dilemma dynamics that, in their view, produced the crisis in the first place. They may point, as Mearsheimer long has, to NATO enlargement as a provocation that ignored great-power spheres and contributed to escalation (Mearsheimer, 2014). The prudential warning deserves a hearing. But it cannot substitute for the legal proposition at stake. Whatever one's view of alliance choices, the rule that borders are not changed by force does not depend on prior agreement over NATO's map (United Nations, 1945/2024). Put differently, causal descriptions cannot become normative permissions for aggression. Properly formulated, the return thesis integrates prudence without yielding the rule.

If cast as purification, however, return courts its own blind spots. A nostalgic Westphalianism that imagines sovereignty as impermeable misses the features of the contemporary system that made February 2022 manageable: financial infrastructure that can be repurposed for sanctions; private compliance networks that can be mobilized for price caps; mini-lateral fora that can deliver public goods when universalist organs are paralyzed. A strict restoration would also leave unresolved accountability gaps that the Rome Statute regime still presents on aggression, particularly for non-party states. Precisely for this reason, the Europe-centred initiatives (i.e., the Register of Damage and the push toward a special tribunal) matter: they translate the ban on conquest into individualized responsibility and avenues of reparation when the Security Council cannot or will not act (Council of Europe, 2023–2025; European Commission, 2025). Accordingly, a credible return must be a qualified return that treats Westphalia as foundation, not as ceiling.

To be clearer, the two trajectories converge toward a pragmatic formula. Abandonment explains the *operational reality* that, at present, coalitions and regulatory instruments carry a disproportionate share of governance. Return explains the *normative reality* that, absent a hard legal floor, those instruments lose their claim to legitimacy. The sustainable synthesis may be a Westphalian floor and a post-Westphalian ceiling. The floor consists of the non-recognition of territorial acquisition by force, the juridical equality of states, and the justiciability of aggression through courts with credible procedures (UNGA, 2022; ICJ, 2022; ICC, 2023). At the same time, the ceiling consists of disciplined coercive economic policies with humanitarian guardrails; interoperable mini-lateral security complexes subject to transparency norms; and accountability through tribunals to close the leadership-level impunity gap (U.S. Department of the Treasury, 2022; NATO, 2024b; European Commission, 2025). This is not a convenient "middle way," but a method of institutional design under policy conditions that preserve the power and relevance of the veto and strategic rivalry.

On balance, the burden of proof now lies with those who would dissolve sovereignty into unbounded universalism or freeze sovereignty into impermeable silos. The former would ignore power; the latter would ignore interdependence. A system that returns to Westphalia as floor and permits carefully bounded innovation above it would do the opposite. It tethers power to law and disciplines interdependence through procedure. If the post-2022 period has taught us anything, it is that such a hybrid is not only imaginable; it is already how order survives.

IV. Institutions Under Stress: Where Westphalia Bent, Where It Held

The institutional story after February 2022 is not one of uniform failure or triumph, but of differentiated resilience. The United Nations system exemplifies the asymmetry. The Security Council, constrained by the logic of the veto, failed to deliver coercive measures proportionate to the aggression; the General Assembly, by contrast, became the site of re-legitimation, producing broad-majority resolutions that reaffirmed the Charter's basic prohibitions and the juridical equality of states (UNGA, 2022; United Nations, 1945/2024). This divergence matters conceptually. It reveals that Westphalia's legal minimum (i.e., non-recognition of territorial acquisition by force) could be preserved through majority signalling and judicialization even when collective enforcement faltered. The ICJ's provisional measures against the Russian Federation and the ICC's warrants, which individualized responsibility for grave crimes, showed that courts can convert abstract rules into operative constraints and reputational costs (ICJ, 2022; ICC, 2023). Put differently, the floor held because two UN organs not subject to the veto performed the functions the third could not: norm confirmation and legal specification.

Moreover, the Euro-Atlantic architecture showed that sovereignty can be exercised through institutions without eroding its essence. In this sense, Finland's and Sweden's successive accessions to NATO, followed by the Washington Summit's formula that "Ukraine's future is in NATO," were not departures from Westphalia but expressions of the voluntary alignment of democratic communities in the face of a concrete security externality (NATO, 2023; NATO, 2024a; NATO, 2024b). Here, the reconfiguration is procedural, not constitutional. Far from replacing sovereignty, collective defence includes it, showing that only sovereigns can aggregate capabilities, contract for mutual defence, and calibrate their exposure to risk. At the same time, the NATO–Ukraine Council and the network of long-horizon bilateral complexes built around it indicate a partial displacement from universalist fora toward interoperable mini-lateral platforms capable of planning, allocating resources, and learning at speed (G7, 2023; UK House of Commons Library, 2024). In this sense, Westphalia bent (in that coalitions performed governance functions the UN Security Council could not), but did not break: entry, exit, and policy direction remained matters of sovereign choice.

Even so, the European Union's moves on enlargement and external economic policy illustrate ambivalence. The decision to grant candidate status to Ukraine and Moldova reaffirmed a European understanding of sovereignty as strengthened by institutional anchoring, not weakened by it (European Council, 2022). Yet the EU's most consistent post-2022 innovations have occurred in the realm of extraterritorial

regulation, through export controls, anti-evasion measures, and coordination of sectoral sanctions with the G7. These instruments are post-Westphalian as technique, since they operate across borders via market access and private compliance, but Westphalian as purpose, since they seek to defend a rule against conquest by imposing costs on its violator (U.S. Department of the Treasury, 2022; Reuters, 2022). The EU's role in organising the "solidarity lanes" for Ukrainian grain after the collapse of the Black Sea Grain Initiative underscores the same point. A regional actor, operating through regulatory and logistical levers, preserved a global public good when a great power weaponised interdependence (IFPRI, 2023; European Council, 2023). Again, the floor (i.e., free navigation and humane management of food security externalities) was defended through a combination of law, logistics, and market governance.

Looking East, the Organisation for Security and Co-operation in Europe (OSCE) appears as the institution that bent the most and performed the weakest. Designed for cooperative security and confidence-building in a pan-European frame, it confronted a mission crisis when one participating state pursued revisionism by force. Even in contraction, OSCE mechanisms remained useful as repositories of fact and as narrow channels for crisis management: production of evidence and transparency being, in wartime, anything but trivial goods; they are the premises of accountability and de-escalation. By contrast, the Council of Europe offers a different counterpoint: it expanded legal entrepreneurship precisely when other bodies stagnated. The Register of Damage for Ukraine institutionalised claims, and the European push for a special tribunal for aggression targeted the Rome Statute's gap on jurisdiction over the leadership crime (Council of Europe, 2023–2025; European Commission, 2025). Regionalising accountability does not mean abandoning universals; it is their salvaging by other means when universal organs are blocked. Evidently, this is a bet that procedural rigour and due process can confer broader legitimacy on coalition law.

Trade and finance governance reveal the deepest structural stress. The World Trade Organisation's judicial arm entered a period of paralysis well before 2022; the war accelerated trends toward industrial policy, security-filtered trade, and the "weaponisation" (or, less polemically, securitisation) of interdependence. The oil price-cap coalition did not rewrite multilateral trade rules; it rewired the infrastructure through which energy revenues are realised, shifting emphasis from goods to services (i.e., shipping, insurance, finance) and innovating in the interstices of existing regimes (U.S. Department of the Treasury, 2022). The technique's significance is twofold. First, it reduces the "trade or blockade" binomial to a spectrum of calibrated pressure, enabling systemic-risk management (i.e., continued flows at lower rents) when the global economy cannot absorb massive shocks. Second, it implicates private actors as compliance nodes, effectively "deputising" them into foreign policy. That move preserved aggregate stability but bent the

classical Westphalian separation between public authority and private compliance. The analytical challenge going forward is to discipline such instruments—through humanitarian carve-outs, review clauses, and transparent criteria, so that they appear as legal tools in defence of a peremptory norm, not as discretionary levers of bloc power (Acharya, 2014; Krasner, 1999).

In the maritime domain, we see an adjacent site of "bending without breaking." The short life and abrupt end of the Black Sea Grain Initiative exposed the fragility of corridor arrangements without robust third-party guarantees. Yet the rapid redirection of exports along the Danube and via EU logistics, combined with legal work distinguishing blockade, visit-and-search, and humanitarian passage, showed that the law of the sea still offers a vocabulary and set of practices within which actors can contest and coordinate (IFPRI, 2023; European Council, 2023). What is missing is a doctrinal refit: clearer criteria for protected corridors under mixed war/peace conditions, standardised inspection protocols, and pre-agreed monitoring modalities. None of this overturns Westphalia; it updates it, recognising that maritime security today depends as much on risk-managed corridors as on flag-state control.

Against this backdrop, the rise of BRICS+ and the Sino–Russian rhetorical coalition can be read as an institutional counter-offer. BRICS enlargement signalled that a set of significant economies want more voice in agenda-setting, financial infrastructure, and standards—a hedging posture as much as an alternative (Council on Foreign Relations, 2023; Reuters, 2023). The Beijing–Moscow sovereignty vocabulary, emphasising regime immunity and non-intervention, reaffirms a Westphalian cliché while minimising the Charter's post-1945 constraint on conquest (Kremlin, 2022). The irony is obvious. In the name of sovereignty, one partner violated the basic sovereign rule. The institutional implication is not that a rival order has cohered, but that multiplexity will persist: overlapping fora, forum shopping, and selective norm uptake. Under these conditions, the durability of the Westphalian floor will depend on the extent to which the institutions that defend it can demonstrate procedural fairness, proportionality in economic coercion, and transparency in mini-lateral security governance (NATO, 2024b; European Commission, 2025).

What we can observe thus far yields four propositions about institutional stress. First, legalization without enforcement can still matter when backed by majority politics and reputational costs; the GA–ICJ–ICC triangle held the line the Security Council could not (UNGA, 2022; ICJ, 2022; ICC, 2023). Second, regional organisations with deep administrative capacity—NATO and the EU—managed to convert sovereignty into collective action without erasing its prerogatives; the bending here was functional, not constitutional (NATO, 2023; European Council, 2022). Third, regulatory geopolitics stretched the boundary between public authority and private compliance; unless disciplined, this stretching will invite

backlash from non-aligned states for whom process, carve-outs, and predictability are the coin of legitimacy (U.S. Department of the Treasury, 2022; Acharya, 2014). Fourth, institutional pluralism is now a structural feature of the system; the test is not to restore a single hierarchy, but to ensure that plural fora cumulatively reinforce—rather than erode—the basic prohibition on conquest (Council of Europe, 2023–2025; European Commission, 2025).

Westphalia bent where twentieth-century forms no longer deliver twenty-first-century functions: enforcement through a veto-bound council, trade rules abstracted from security, and corridor arrangements without robust monitoring. It held where law could be expressed by majorities and specified by courts; where sovereignty was operationalised through voluntary aggregation; and where coalitions constrained aggression while managing systemic risk. Therefore, the reform task is not to choose between institutional nostalgia and revolutionary redesign, but to continue the quiet engineering already under way: re-empowering the UN's majoritarian and judicial arms, codifying standards for economic coercion and protected corridors, and requiring mini-lateral security platforms to live under transparency disciplines. If this engineering advances, the floor remains load-bearing even as the ceiling rises.

V. Normative Engineering: A Westphalian Floor, a Post-Westphalian Ceiling

At the outset, I should caution that by "normative engineering" I do not mean the invention of a new constitutional settlement for world politics. It refers to tuning procedures so that the system's minimal rules survive under conditions the Charter's founders did not anticipate. The floor/ceiling metaphor is useful precisely because it avoids the false heroism of a total refoundation. As noted in Section II, the *floor* is the irreducible Westphalian minimum: territorial integrity, non-recognition of territorial acquisition by force, juridical equality, and justiciability before recognised courts (United Nations, 1945/2024; UNGA, 2022; ICJ, 2022). The *ceiling* consists of techniques and architectures that are not classically Westphalian in form, specifically, coalition-based economic measures, mini-lateral security arrangements, registers and tribunals for leadership crimes, but which can be disciplined so as to serve the floor rather than erode it (U.S. Department of the Treasury, 2022; Council of Europe, 2023–2025; European Commission, 2025). What follows sets out the procedural grammar that keeps this relationship intelligible and legitimate: necessity, proportionality, reversibility, humanitarian carve-outs, transparency, and reviewability. I also project these standards onto three domains where post-2022 practice has most visibly innovated: economic coercion, accountability for aggression, and mini-lateral

security governance, with adjacent refits for maritime corridors and cyber thresholds.

The first domain - economic coercion - requires a shift from proliferating instruments to standards of use. The price cap on seaborne Russian crude showed that coalitions can mobilise a services-centred lever to compress rents while managing systemic risk (U.S. Department of the Treasury, 2022; Reuters, 2022). But what made this innovation tolerable to third parties was not only efficacy; it was the implicit prudence of avoiding supply shocks. More generally, the normative claim is that sanctions now function as a form of regulatory geopolitics in which private compliance infrastructures are deputised as enforcement nodes. This is a post-Westphalian technique that must be domesticated by Westphalian ends. Accordingly, a credible "due diligence" frame would codify, preferably via a General Assembly principles resolution rather than a treaty destined to drag, four commitments: first, a public statement of necessity and proportionality calibrated to a clearly identified *jus ad bellum* violation (UNGA, 2022); second, humanitarian carve-outs with automatic updating tied to independent monitoring; third, sunset clauses with mandatory impact assessments that distinguish between coercive intent and collateral harm; and fourth, non-discrimination in secondary enforcement, so the appearance of bloc favouritism is minimized (Acharya, 2014; Krasner, 1999). Critics will argue that such standards tie policy's hands. The response is methodological: standards do not preclude pressure; they sequence it, documenting purpose and effects so that non-aligned states have reason to see discipline, not discretionary punishment.

My position on the use of frozen sovereign assets is tightly circumscribed: a remedy tied to an *erga omnes* violation, administered through a judicialized or treaty-based mechanism, and expressly without precedent beyond the specific context, thus preserving the integrity of the state-immunity doctrine while allowing lawful reparation.

The second domain - accountability for aggression - has moved from aspiration to architecture. The ICC warrants regarding unlawful deportations hold individualised responsibility for international crimes; however, the Rome Statute's design leaves gaps in the crime of aggression vis-à-vis non-party states (ICC, 2023). European legal entrepreneurship filled part of this space by instituting a Register of Damage in The Hague and advancing a special tribunal capable of trying leadership responsibility for the purest form of sovereignty violation (Council of Europe, 2023–2025; European Commission, 2025). Evidently, this is coalition law. However, the coalition is not the point; the point is whether procedure can make law travel. If it can - through rigorous evidentiary standards, defence rights, appellate review, and a tight link between the register and any future reparations fund - it converts otherwise ephemeral harms into enforceable claims without pretending to a universality it does not possess. The matter of frozen sovereign assets sits

uncomfortably at the intersection of law and politics. Here, the floor/ceiling heuristic is clarified again. The floor bans conquest and contemplates reparation; the ceiling designs instruments that deliver restitution without cracking financial stability or property protections beyond the case at hand. A narrowly drawn path—limited to *erga omnes* violations recognised by the General Assembly, overseen by a judicialized body, and subject to review in domestic courts—offers a better answer than doctrinal leaps that would undermine trust in the monetary order. Moreover, pursuing accountability through regional fora does not preclude universalisation: ICJ advisory opinions, cross-references by UN organs, and cooperation agreements with the ICC can embed coalition-built institutions within a wider legal ecology (ICJ, 2022; ICC, 2023).

Mini-lateral security governance is the third domain and the most likely to be accused of "abandonment." The charge misses mini-lateralism's internal diversity. Some compacts are opaque, improvised, and escalation-prone; others are structured, transparent, and oriented to deconfliction. The NATO–Ukraine Council and the network of decade-long bilateral arrangements opened by G7 members illustrate the latter possibility: predictable packages of training, air defence, intelligence, and industrial cooperation that stabilise a victim of aggression without hard-wiring immediate alliance entry (NATO, 2024b; UK House of Commons Library, 2024; G7, 2023). The normative engineering here is straightforward. If mini-lateralism is to function as a ceiling that protects the floor, it must accept three disciplines. First, *publicity*: standardised notifications filed in an open registry—scope, triggers, duration, consultative mechanisms—so that other states can anticipate effects and calibrate their own risk assessments. Second, *deconfliction*: embedded procedures for incident management and escalation control, including "hotline" protocols and third-party facilitation. Third, *complementarity*: an explicit link to Charter principles and, where possible, to GA resolutions condemning aggression, so that these complexes are legible as instruments that reinforce law rather than as discretionary bloc policy (United Nations, 1945/2024; UNGA, 2022). In short, transparency is not ornament; it is the currency with which mini-lateralism buys legitimacy beyond its members.

Two adjacent refurbishments complete the picture and, though technical, are decisive for keeping the floor intact in a world of hybrid threats. The first concerns maritime corridors. The short life of the Black Sea Grain Initiative and the subsequent redirection via the Danube and the EU's "solidarity lanes" exposed both the practicability and fragility of corridor law under fire (IFPRI, 2023; European Council, 2023; CFR, 2024). A San Remo–type process, endorsed by the General Assembly, could produce an interpretive declaration clarifying three issues: when and how maritime humanitarian corridors under mixed war/peace conditions should be notified and recognised; which standardised inspection regimes and monitoring technologies are acceptable; and what remedies are

available when a belligerent withdraws consent. Nothing in any of this replaces the Charter's prohibitions; it specifies them in a domain where the line between blockade, visit-and-search, and protected passage is easily clouded by political rhetoric and operational necessity.

The second refurbishment concerns cyber thresholds. Peacetime and wartime cyber activity around the conflict has reinforced the idea that Article 2(4) remains conceptually solid yet operationally under-specified for digital means. State practice and the literature already offer materials for a gravity-based threshold that distinguishes between uses of force and hostile but sub-threshold operations (Lieber Institute, 2024; Waxman, 2011). A nonbinding yet politically weighty General Assembly interpretive declaration could consolidate this practice into rebuttable presumptions calibrated by scale, effects, and foreseeability: disabling a hospital network, degrading air-traffic control, or causing extensive damage to critical infrastructure would presumptively count; espionage and short-lived service disruptions would presumptively not count absent cascading effects. The ambition here is modest: to reduce miscalculation risk by articulating a shared vocabulary that keeps deterrence and attribution within a legal frame.

All this invites a concern that once the ceiling is raised, it will keep rising until it overshadows the floor. The answer is as moral as it is institutional. The Westphalian minimum endures because it is the only general grammar that makes coexistence among plural political orders tolerable. Engineering above that minimum must therefore internalise three democratic virtues: public justification, contestability, and revisability. Public justification is present when coalitions publish the legal rationales, humanitarian carve-outs, and avenues of review. Contestability is achieved when affected states and private actors can challenge listings, licensing decisions, or corridor inspections before independent bodies. Revisability occurs when sunset clauses and mandatory reviews are structured to invite recalibration rather than to turn instruments into fetishes of "resolve" (Acharya, 2014). The irony—no small one—is that these virtues are also the operational keys to winning legitimacy in the "multiplex" beyond the transatlantic core.

To synthesize, a "floor-and-ceiling" design yields six concrete commitments already latent in post-2022 practice and worth articulating as norms: (a) reaffirmation, in General Assembly language, that the acquisition of territory by force is null and void, together with a standing request that the ICJ and ICC report annually on jurisprudential developments (UNGA, 2022; ICJ, 2022; ICC, 2023); (b) a due-diligence code for sanctions that formalizes necessity, proportionality, carve-outs, and review, with an independent monitoring panel that publishes quarterly assessments (U.S. Department of the Treasury, 2022); (c) an accountability track linking the Register of Damage, a tightly circumscribed use of immobilized sovereign assets under judicial oversight, and the procedures of the special tribunal, with defence rights guaranteed at every stage (Council of

Europe, 2023–2025; European Commission, 2025); (d) a transparency compact for mini-lateral security arrangements that standardizes notifications, deconfliction protocols, and linkages to the Charter (United Nations, 1945/2024; NATO, 2024b); (e) a GA-endorsed interpretive declaration on maritime humanitarian corridors specifying standards for notification, inspection, and monitoring (IFPRI, 2023; European Council, 2023); and (f) a GA interpretive declaration that operationalizes cyber thresholds under Article 2(4), consolidating emergent state practice into rebuttable presumptions (Lieber Institute, 2024). None of these steps requires constitutional heroics; each is achievable through existing organs and coalitions, and each would lower the temperature between power and law.

In this logic, the virtue of normative engineering is the refusal of maximalism. It does not claim to end rivalry or to install a universal authority with capacities that states will not concede. Rather, it insists the system can defend its basic rule (i.e., no conquest, juridical equality, justiciability) while disciplining the very instruments that have made defence possible in the era of a paralysed Security Council. The political question thus reduces to craft and resilience: can coalitions keep publishing reasons, build carve-outs, accept review, and insert their innovations into a broader legal ecology? If the answer is yes, the ceiling will remain a ceiling, not a replacement "roof," and the floor—the stubborn minimum of Westphalia—will continue to bear the weight.

VI. Scenario Set, 2025–2035: Conditions, Indicators, Implications

Scenarios are not predictions. They are structured thought experiments that stress-test institutions and norms against plausible trajectories. The 2025–2035 horizon matters because it is long enough for legal innovations to sediment - or be hollowed out - and short enough for today's choices to plausibly determine outcomes. I proceed with four stylized futures that have already appeared, in outline, in the post-2022 record: Re-Westphalian Restoration, Competitive Pluralism (Multiplex), Ordered Bifurcation, and Patchwork Legalism.

Re-Westphalian Restoration names a future in which the war in Ukraine ends on terms that refuse territorial transfer, the accountability track matures institutionally, and a limited great-power negotiation reopens channels of procedural cooperation without rewriting the Charter. The enabling conditions are clear: an agreement or armistice supervised through verifiable withdrawal and demilitarization clauses; a reparations path that moves from claim registration to a supervised fund; and limited détente in the Security Council on files unrelated to Ukraine that lowers the temperature of veto politics without legitimizing aggression. You would know this scenario is materializing if General

Assembly majorities stabilize rather than erode; if the ICJ and ICC begin, as a matter of routine practice, to pronounce annually on the legal consequences of aggression; if the Register of Damage becomes not merely a register but a financing vehicle; and if the special-tribunal process moves from design to trial with robust defence rights (UNGA, 2022; ICJ, 2022; ICC, 2023; Council of Europe, 2023–2025; European Commission, 2025). Security indicators would include transforming the NATO–Ukraine scaffolding into a staged accession roadmap, with air defence and industrial cooperation recalibrated from crisis response to long-term integration (NATO, 2024b). Economic indicators would be a gradual normalization of energy markets within a compliance architecture no longer reliant on emergency derogations but on codified due-diligence standards for sanctions and carve-outs (U.S. Department of the Treasury, 2022). The implications are twofold. Normatively, the floor is re-rooted: borders are again treated as rigid legal facts and courts gain agenda salience. Practically, the ceiling is disciplined: coalition tools persist but are folded into a published "rulebook" that reduces collateral harms and invites non-aligned support. The risk, however, is complacency. A restored floor can become an alibi for under-investing in procedures—transparency, humanitarian exceptions, periodic review—without which the ceiling will drift back toward discretionary power (Acharya, 2014; Krasner, 1999).

Competitive Pluralism (Multiplex) describes a future that is neither détente nor rupture, but a crowded, overlapping ecology of fora, standards, and coalitions. The war continues at a lower yet persistent level, sanctions expand and mutate, and BRICS+ institutions consolidate their own agendas without cohering into an alternative order. The enabling conditions are the easiest to imagine: continued Security Council paralysis on enforcement, sustained yet uneven coalition coordination, and a steady appetite among middle powers to hedge by belonging to multiple platforms. Indicators would be visible in the system's "plumbing": proliferation of parallel payment arrangements and compliance consortia; expansion of targeted export controls and sorting regimes that differ subtly from coalition to coalition; maritime corridor arrangements negotiated, withdrawn, and renegotiated as risk conditions shift; and a General Assembly capable of moral majorities but not operational follow-through (UNGA, 2022; European Council, 2023). In such a world, the floor holds rhetorically - the Charter's prohibitions remain the lingua franca of diplomacy - but the burden of enforcement shifts to mini-lateral instruments whose legitimacy varies by region. The implication is a governance style based on redundancy and interoperability rather than hierarchy: ad-hoc yet improving standards for humanitarian carve-outs; template deconfliction language in bilateral security agreements; and iterative, empirical adjustments to the price cap and listing criteria as evasion patterns evolve (U.S. Department of the Treasury, 2022). The cost is

coordination fatigue—especially for the Global South—and a chronic legitimacy deficit if coalitions fail to invest in public justification, third-party monitoring, and revisability as public goods rather than afterthoughts (Acharya, 2014).

Ordered Bifurcation is the cooler, more regimented cousin of pluralism. Here, two partially decoupled blocs crystallise with distinct technology "stacks," payment networks, and export-control philosophies; crisis channels exist and sometimes work; and law's salience bifurcates with politics. The enabling conditions would be a hardened Sino-Russian strategic alignment alongside long-horizon Western industrial and technology policies that treat resilience as a security imperative; supporting institutions would be formalised export-control regimes, cross-licensing protections within blocs, and military-industrial complexes that tie procurement to alliance commitments. Indicators would include routinised cross-bloc licensing denials, growth of "shadow" logistics followed by systemic enforcement campaigns, a steady decline in the WTO's capacity to arbitrate security-tinged trade disputes, and normalisation of "hotline" protocols for managing maritime and cyber incidents (Lieber Institute, 2024). In this scenario, the Westphalian floor is relatively solid within blocs (i.e., borders are respected where mutual deterrence is tight) but thin across blocs, where legal discourse competes with security imperatives. Ceiling instruments are bloc-specific: sanctions, controls, and security complexes aligned with alliance boundaries rather than universal fora. The benefit is predictability; the cost is efficiency loss and the constant risk that tactical incidents trigger strategic spirals where legal vocabularies do not match. The policy demand is precise: insulate humanitarian and scientific cooperation from the worst effects of bifurcation through pre-negotiated exceptions, and codify rules for maritime corridors and cyber thresholds that both blocs can accept even if they do not agree on first principles (European Council, 2023; Lieber Institute, 2024).

Patchwork Legalism names the world that most resembles the present stretched over time: high-salience judicial and quasi-judicial initiatives advance without universal uptake; damage registers multiply and interconnect; immobilized sovereign assets are touched by some jurisdictions—under cautious legal theories—and left untouched by others; sanctions architectures remain complex, with variable geometry and contested humanitarian performance; and security assistance is captured in a dense frame of bilateral and small-group arrangements. The enabling conditions are straightforward: no decisive outcome in Ukraine; sustained political will in Europe to continue the accountability track; and domestic legal systems willing to internalise parts of coalition legal innovations. Indicators would include mutual-recognition agreements among a subset of states for tribunal decisions; regularized reporting by the Register of Damage and first payouts from a tightly circumscribed fund; a General Assembly text on "due-diligence principles for sanctions" that, though nonbinding, standardizes

practices of necessity, proportionality, and carve-outs; and the emergence of a public registry of mini-lateral security commitments that, through naming and shaming, pulls opaque arrangements toward transparency (Council of Europe, 2023–2025; European Commission, 2025; UNGA, 2022). The implication is incrementalism by accretion. Norms accumulate not through a single constitutional act but through interoperable pieces: advisory opinions, coalition practice notes, monitoring reports, and standardised notification templates. The vulnerability is unevenness: legitimacy will track procedure, so poorly reasoned measures and badly executed carve-outs will invite backlash and erode the very floor they are meant to defend (Krasner, 1999).

To be clear, the four scenarios do not cancel one another; they sketch a constrained possibility space in which the "floor-and-ceiling" formula is variably strained. Restoration maximises floor entrenchment and demands the least of the ceiling; pluralism requires the ceiling for more coordination and legitimacy work; bifurcation narrows the floor's reach across blocs and raises the stakes of technical, apolitical cooperation corridors (Popa, 2019); patchwork legalism brings procedure to the fore as the medium through which norms survive contested politics. Across all four, three families of early-warning indicators merit close reading. First, legal-institutional signals: the density and regularity of ICJ/ICC outputs, the GA's ability to sustain large majorities, the maturation of the tribunal-reparations architecture, and the textual evolution of "due-diligence" declarations for sanctions (UNGA, 2022; ICJ, 2022; ICC, 2023; Council of Europe, 2023–2025). Second, economic-compliance signals: the share of energy trade routed through services subject to the price cap, measured humanitarian performance of carve-outs, the emergence of parallel payment systems, and the frequency and credibility of independent monitoring reports (U.S. Department of the Treasury, 2022). Third, operational-security signals: institutionalisation of deconfliction protocols in mini-lateral compacts, regularity of NATO–Ukraine planning cycles, and the emergence of public registries or standardised notifications that render security cooperation legible rather than opaque (NATO, 2024b).

Accordingly, the policy test for 2025–2035 is less about choosing a scenario and more about keeping the Westphalian floor "load-bearing" across them all. The tools are already at hand. General Assembly practice can be consolidated in interpretive declarations addressing standards for economic coercion, maritime corridors, and cyber thresholds; accountability can be advanced through a tribunal–register–reparations triangle with jurisdictional safeguards; mini-lateralism can be domesticated through transparency and deconfliction disciplines; and sanctions can be governed by published criteria of necessity, proportionality, and review that reduce collateral harms and widen coalition legitimacy (UNGA, 2022; European Council, 2023; European Commission, 2025; Lieber Institute, 2024; U.S. Department of the Treasury, 2022). In private, coalitions will

keep negotiating; in public, they must explain. If explanation becomes habit—public justification, contestability, revisability—then whatever stylised future dominates, the system can defend the rule that matters most: borders are not changed by force, and violating that rule produces credible legal, political, and economic consequences because they are procedurally disciplined. Finally, the scenarios underscore a pragmatic conclusion already implicit in the post-2022 record: survival, not transcendence, is the virtue of an order that keeps its floor and learns to tune its ceiling.

Conclusion: Floor, Then Ceiling

The February 2022 invasion did not shatter the international order; it forced that order to declare what, precisely, it intends to preserve. Out of that declaration emerged something conceptually modest yet structurally decisive: a Westphalian floor (i.e., non-recognition of territorial acquisition by force, juridical equality, and the justiciability of aggression) paired with a post-Westphalian ceiling (enforcement through coalitions, regulatory geopolitics, and mini-lateral security architectures, disciplined by standards of transparency, proportionality, and review). The choice is not between past and future; it is between a minimal grammar capable of carrying politics forward in plural and a rhetoric of rupture that confuses improvisation with abandonment.

Accordingly, the thesis advanced throughout this article is neither romantic nor nihilist. It is oriented to institutional craft. The floor survives because it is the only set of rules broad enough to command assent across different regime types, and the ceiling is necessary because universal organs, under veto politics, cannot do all the enforcement work alone. If we refuse this pair, we either wallow in constitutional nostalgia, hoping statements without instruments will deter, or embrace law-free functionalism, celebrating efficacy while burning the legitimacy on which efficacy ultimately depends. Neither path is stable. Both invite backlash.

At the same time, the post-2022 record counsels' procedural modesty rather than grand projects. Majority resolutions and judicial measures re-articulated the rule against conquest; NATO enlargement and the NATO–Ukraine Council converted sovereign choices into collective capabilities; price caps and targeted controls showed that coercion can be calibrated around systemic risk; registers and tribunal design translated diffuse harm into legal claims. None of these moves required a new constitution. All required public reasons, humanitarian carve-outs, deconfliction protocols, and auditability of effects. That is the normative engineering we can, in fact, do.

In sum, three tests determine whether the "floor-and-ceiling" formula will endure. First, public justification must become routine, not episodic: coalitions

publish the legal basis, the necessity–proportionality calculus, the carve-outs, and the review horizons. Second, contestability must be real, not ornamental: listings, licensing decisions, and corridor inspections can be challenged before bodies with independence and remedial power. Third, revisability must be wired into the architecture: sunset clauses and periodic evaluations that force empirical learning, not merely rhetorical reaffirmation. Where these tests are met, the ceiling protects rather than shadows the floor. Where they are evaded, the instruments slide toward bloc preference, and the very states whose assent is needed to sustain coalitions will hedge or defect.

Taken together, the scenarios analysed do not alter this basic logic; they modulate the burdens placed on institutions. Restoration lightens the ceiling's work and deepens the floor's entrenchment. Pluralism and patchwork legalism shift the legitimacy work onto procedure, more monitoring, more transparency, and more routinised review. Bifurcation narrows the floor's span across blocs and raises the importance of technical, apolitical corridors - maritime passage, humanitarian financing, cyber thresholds - where mutual restraint can survive strategic rivalry. In every case, the same message returns: in the absence of a load-bearing floor, the ceiling becomes architecture without foundations.

Finally, the resulting research and public-policy agenda is concrete. Consolidate General Assembly practice into interpretive declarations on due diligence for sanctions, protected maritime corridors, and cyber thresholds. Stabilise the accountability triangle—register, tribunal, reparations—under rigorous due process and narrow but "portable" legal theories. Domesticate mini-lateral security complexes through notification, deconfliction, and explicit linkages to the Charter. And treat private compliance infrastructures not as invisible extensions of state power, but as regulated spaces where humanitarian performance and proportionality can be independently audited. These are not heroic ambitions. They are the small cumulative acts by which an order proves its rules are more than statements.

If the last three years have a single lesson, it is this: survival, not transcendence, is the virtue of a world of states. The floor - the stubborn minimum of Westphalia - is the condition of that survival. The ceiling - our contemporary repertoire of disciplined innovations - is the condition of enforcement under constraint. Keep the floor firm. Raise the ceiling with care. And never forget that in a plural world, legitimacy is built the slow way: through reasons offered in public, through procedures that can be contested, and through decisions that can be revised when the facts change.

References

Acharya, A. (2018). *The end of American world order* (2nd ed.). Polity.

Alexandrescu, M. (2024). Beyond geopolitics: Unraveling public support for economic sanctions in the B9 states at the beginning of the Ukrainian war (2022). SAGE Open, 14(3), 1–17. https://doi.org/10.1177/21582440241268319

Atlantic Council. (2024, July 10). *Our experts read between the lines of NATO's Washington Summit communiqué*. Atlantic Council.

Blackwill, R. D., & Fontaine, R. N. (2024). *No limits? The China–Russia relationship and U.S. foreign policy* (Council Special Report). Council on Foreign Relations.

Bull, H. (2012). *The anarchical society: A study of order in world politics* (3rd ed.). Palgrave Macmillan. (Original work published 1977)

Council of Europe. (2023–2025). *Register of Damage for Ukraine (RD4U)*. Council of Europe.

Council on Foreign Relations (Council of Councils). (2023, August 31). *The BRICS Summit 2023: Seeking an alternate world order?* Council on Foreign Relations. https://www.cfr.org/councilofcouncils/global-memos/brics-summit-2023-seeking-alternate-world-order

Ferragamo, M. (2025, June 26). *What is the BRICS group, and why is it expanding?* Council on Foreign Relations. https://www.cfr.org/backgrounder/what-brics-group-and-why-it-expanding

European Commission. (2025, May 9). *International coalition agrees on the establishment of the Special Tribunal for the Crime of Aggression against Ukraine*. European Commission.

European Council. (2022, June 23). *European Council conclusions on the membership applications of Ukraine and the Republic of Moldova*. Council of the European Union.

European Council. (2023, July). *Ukrainian grain exports explained*. Council of the European Union.

Government Offices of Sweden. (2024, March 7). *Sweden joins NATO* [Prime Minister's address].

Hurd, I. (1999). Legitimacy and authority in international politics. *International Organization, 53*(2), 379–408. https://doi.org/10.1162/002081899550913

IFPRI. (2023, July 20). *Russia terminates the Black Sea Grain Initiative: What's next?* International Food Policy Research Institute.

Ikenberry, G. J. (2018). The once and future liberal order. *Foreign Affairs, 97*(1), 133–144.

International Court of Justice. (2022, March 16). *Allegations of genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation): Order on provisional measures*. International Court of Justice.

International Criminal Court. (2023, March 17). *Situation in Ukraine: ICC judges issue arrest warrants for Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova* [Press release]. International Criminal Court.

Kissinger, H. (2014). *World order*. Penguin Press.

Krasner, S. D. (1999). *Sovereignty: Organized hypocrisy*. Princeton University Press.

Kremlin. (2022, February 4). *Joint statement of the Russian Federation and the People's Republic of China on international relations entering a new era*. President of Russia (Kremlin).

Lieber Institute at West Point. (2024, March 1). *The meaning of prohibited "use of force" in Article 2(4) of the UN Charter*. Lieber Institute.

Mearsheimer, J. J. (2014). Why the Ukraine crisis is the West's fault: The liberal delusions that provoked Putin. *Foreign Affairs, 93*(5), 77–89.

NATO. (2023, April 4). *Finland joins NATO as 31st Ally*. North Atlantic Treaty Organization.

NATO. (2024, March 11). *Swedish flag raised at NATO Headquarters*. North Atlantic Treaty Organization.

NATO. (2024, July 15). *Washington Summit Declaration*. North Atlantic Treaty Organization.

OSW—Centre for Eastern Studies. (2024, July 12). *Washington summit: NATO's anniversary in the shadow of war*. Ośrodek Studiów Wschodnich.

Philpott, D. (2001). *Revolutions in sovereignty: How ideas shaped modern international relations*. Princeton University Press.

Popa, P. (2018). The preventive and anticipatory dimension of the right to self-defense of states. *Acta Universitatis Danubius. Juridica, 14*(3), 23–44. https://journals.univ-danubius.ro/index.php/juridica/article/view/5287

Popa, P. (2022). Applying international law on frozen conflicts: Case study: Nagorno-Karabakh. *Journal of Global Politics and Current Diplomacy, 10*(1), 57–64. https://www.ceeol.com/search/article-detail?id=1072947

Popa, P. (2019). The Commonwealth of Independent States: A constructivist approach to a neorealist construct. *Journal of Global Politics and Current Diplomacy, 7*(2), 45–53. https://journal.centruldedic.ro/archives/2019-2/no-7-issue-2/popa/

Reuters. (2022, December 3). G7 coalition agrees $60 per barrel price cap for Russian oil. *Reuters*.

Reuters. (2023, August 24). BRICS welcomes new members in push to reshuffle world order. *Reuters*.

Reuters. (2024, February 23). What are the security deals Ukraine is signing with allies? *Reuters*.

UK House of Commons Library. (2024, July 22). *Security guarantees to Ukraine* (CBP-9837). House of Commons Library.

United Nations. (1945/2024). *Charter of the United Nations*, Article 2(4). United Nations.

United Nations General Assembly. (2022, March 2). *Aggression against Ukraine (A/RES/ES-11/1)*. United Nations.

U.S. Department of the Treasury. (2022, December 2). *Fact sheet: Limiting Kremlin revenues and stabilizing global energy markets (Price Cap Coalition)*. U.S. Department of the Treasury.

Xinhua / Ministry of Foreign Affairs of the PRC. (2023, February 21). *Global Security Initiative Concept Paper*. Ministry of Foreign Affairs of the People's Republic of China.