Foundations and Crisis of the European Peace and Security Order

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- In 1990, the European Peace and Security Order of Paris overcame the Yalta order of 1945, replaced confrontation by cooperation. The new order was based on the cornerstones of international law principles, common values and a balance of security interests ensuring strategic restraint. The central objective and promise of the order of Paris was to establish a common space of cooperative security based on equality and reciprocity.

- By annexing Crimea and intervening in the civil war in Easter Ukraine, Russia has violated the principles of international law. It was the first annexation of territory of a neighboring country since 1945, which rattled the foundation of the European peace order. Nonetheless, the deeper roots of the conflict cannot be found in Russian action alone. Tensions between the United Stated, a number of other Western states and Russia have been growing since 2001.

- While Europe became more and more united under the umbrella of NATO and the EU, the role of the OSCE was ignored and a largely isolated Russia left aside. Such policies contradicted the objectives of the post-Cold War European peace and security order to create a common and undivided OSCE space of equal security without geopolitical rifts.

- Whether a return to a cooperative and rule-based peace and security order in Europe is possible will depend on the political will of all major stakeholders to understand mutual threat perceptions, exercise military restraint and seek a new and broad dialogue on all open questions with a focus on the pillars of the order of Paris. It will be crucial to renew mutual security reassurances and find an appropriate balance between the roles of the OSCE, NATO and the EU within the European security architecture.

Content

1. Introduction

The year 2015 marks the anniversaries of events that fundamentally changed the ideological paradigms, political arrangements and military postures governing the European security order – 70 years after World War II, 40 years after the Helsinki Final Act (Helsinki) and 25 years after the Charter of Paris for a New Europe (Paris). The current European crisis stimulates us to reflect on the foundations of Europe's peace and security, analyze the causes for renewed tensions, new or revived threat perceptions and violations of agreed norms and principles, as well as to search for ways out of the crisis.

Agreements made at the 1945 Yalta Conference (Yalta) enforced the partition of Europe with a divided Germany at its heart, established a bipolar world order with spheres of influence of two world powers, subdued national aspirations in the Soviet-dominated Eastern bloc and led to permanent confrontation between the two blocs – politically, ideologically and militarily. Despite the frozen political situation in Europe, repeated crises, the high concentration of armed forces in Central Europe and destabilizing conventional and nuclear arms races and proxy wars outside Europe demonstrated the fragility of the post-World-War-II order.

Helsinki attempted to manage the consequences of the divide, establish interpersonal contact and stabilize the political situation. It was based on mutual acceptance of the situation, respect for international law and the »peaceful coexistence« of ideologically conflicting and globally competing political systems. Although it did not alter the outcome of Yalta, it made the consequences bearable by permitting limited contacts. It also conditioned partial cooperation.

However, the »change through rapprochement« hoped for in Helsinki did not materialize quickly. Instead, it became clear that bold steps to halt the conventional and nuclear arms race were needed to increase stability: Arms control had to become a pillar of the European peace and security order. But before the Soviet government recognized its devastating consequences and changed paradigms, signaling the readiness to withdraw from its Central European glacis and adopt a new policy of non-intervention and cooperation, another decade of destabilizing arms race and crises had passed.

These developments finally allowed Europe to put an end to the order established at Yalta in 1945. On 21 November 1990, the Paris Charter, based on Helsinki, replaced confrontation with cooperation, reunited a divided continent and resolved the »German Question«. The new order was based on adherence to the principles of international law, common values and a balance of security interests as a way of ensuring mutual strategic restraint. Conventional arms control and the principles enshrined in the Two-Plus-Four Agreement on German unification that had been signed two months earlier were crucial prerequisites. The Treaty on Conventional Arms in Europe (CFE Treaty) set numerical limitations for NATO and the Warsaw Pact's successor states and established a geographical distance between NATO and Russia. The main aim and promise of the new order was to establish a space of cooperative security with a comprehensive approach to security within the framework of the Organization for Security and Cooperation in Europe (OSCE).

The 1999 enlargement of the North Atlantic Treaty Organization (NATO) changed the basic assumptions and parameters of the Paris Order, endangering OSCE objectives and rendering the limitations set forth in the CFE Treaty obsolete. However, a solution was devised at the OSCE's 1999 Istanbul Summit: NATO's first post-Cold-War enlargement was embedded in the Charter for European Security, a package of new assurances intended to restrain geo-strategy. In the Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation (the NATO–Russia Founding Act) of 27 May 1997, the signatories had pledged military restraint and close cooperation on security issues, and the Agreement on the Adaptation of the Treaty on Conventional Armed Forces in Europe (ACFE Agreement) replaced bipolar bloc limitations with concepts of sub-regional stability. With the 1999 Charter for European Security, OSCE participating States committed to strengthening the organization and creating a common space of equal security without dividing lines.

After 2001, adaptation agreements were either considered to be of less political interest or were deliberately blocked. NATO members made Russia's fulfillment of »all Istanbul commitments«, especially the withdrawal of Russian troops and peacekeepers from disputed territories in post-Soviet states, a precondition for ratification. With conventional arms control blocked, in 2004 NATO's second post-Cold-War enlargement to include the Baltic States and the

stationing of United States (US) troops in the Black Sea region created new military ambiguities. The OSCE lost relevance. The Bush administration's withdrawal from the ABM Treaty and buildup of strategic missile defense with advanced posts in the new NATO countries caused more contention. In 2007, after ratifying the ACFE Treaty, Russia suspended implementation of the CFE Treaty. With Western recognition of an independent Kosovo, the growing US military presence in Georgia and President Bush's campaign for NATO membership for Georgia and Ukraine, Russia adopted a more intransigent position toward (former Soviet) breakaway regions in the belief that the US was pursuing new geopolitics inimical to Russian security interests, particularly in the Black Sea region. In August 2008, Georgia attacked South Ossetia and Russian peacekeepers stationed there, seeming to prove Russia right. Ukrainian President Yushchenko's announcement to curtail the Russian Black Sea Fleet's harbor rights was taken as a warning by the Russian General Staff that another pro-Western movement in Kiev could endanger Russia's strategic positions in Crimea.

Although President Obama tried to »reset« US relations with Russia and did meet with some success in the field of strategic nuclear arms control (2009), no progress was made in Europe on the thorny issues of conventional arms control, missile defense, NATO enlargement or US stationing policies. The OSCE remained marginalized. Against this backdrop, the European Union's (EU) Eastern Neighborhood Policy (ENP) that was aimed at countries with strong political and economic ties to Russia or Russian involvement in territorial conflicts were confusing – although perhaps more by neglect than by intention. In Kiev, the Maidan movement interpreted President Yanukovych's decision to delay an Association and Free Trade Agreement with the EU as his choice »for Russia«, not Europe.

In February 2014, Yanukovych was forced from power and the opposition formed a revolutionary government. Then Russia annexed Crimea to secure its Black Sea Fleet's strategic position and supported rebels in Eastern Ukraine, a violation of international law that shook the foundations of the European order of peace and security. A way out of the crisis will only be found if all parties return to agreed norms and principles and commit themselves to strategic restraint.

2. The Foundations of the European Peace and Security Order

2.1 Yalta 1945

In 1945, history's most devastating war, which witnessed severe violations of international law, genocide and unspeakable mass atrocities, was ended. The founding of the United Nations (UN), the solemn declarations of the UN Charter and the Universal Declaration of Human Rights, as well as updated norms of international humanitarian law, were direct outcomes of World War II. The victors tried to establish a new world order that would not only ensure peace but also their dominance, particularly with regard to collective defense and conflict resolution. The role and veto power of the five permanent members of the UN Security Council (UNSC) reflects the winning coalition.

However, more significant in terms of the distribution of global power and the fate of Europe was the trilateral Yalta Conference of February 1945. That foresaw a new bipolar world order in which global security affairs would be dominated by the US and the Soviet Union while the »old« European powers and their colonial empires declined. For 45 years, Yalta did not just regulate the future political, military and economic status and occupation of the defeated Axis powers: it also acknowledged the Soviet Union's political and military equality and power-sharing role in Europe. However, the resulting condominium soon turned into a geostrategic confrontation that partitioned Europe into two zones of influence, with the dividing line running straight through Germany.

For all practical purposes, the areas occupied by Soviet forces at the end of the war (with some revisions in Germany) came under Soviet control – including Poland, whose defense was the reason why France and the United Kingdom entered the war. Such territories also included gains of Soviet aggressions between 1939 and 1941 against six neighboring countries. Though »democratic elections« had been agreed, by 1948 the Soviet Union had installed communist governments throughout Eastern Europe and again forcefully changed the borders. Mass expulsions, ethnic cleansing and humanitarian catastrophe accompanied the Polish territories' westward shift. After having been

liberated from one totalitarian regime, Eastern European aspirations for freedom and independence were subdued once again.[1]

To some, the Yalta plan for Europe may have appeared to be stable. However, the assumption that a stable and cooperative peace could be built on the principle of equality between different ideological systems with distinct zones of influence and politico-military power-sharing by the US and the USSR turned out to be an illusion. Yalta did not take into account people's aspirations or anticipate the dangerous consequences of competitions for strategic power between the two rivals and their allies. The USSR's brutal imposition of pro-Soviet governments in Eastern Europe, the numerous crises regarding divided Germany and the status of Berlin, ideological campaigns against and within the two camps (›socialist and proletarian internationalism‹ and ›rollback‹ strategies), and the arms race and military confrontation in the heart of Europe fostered enmity and created realistic threat perceptions. Western and Soviet allies' intervention in the Greek Civil War (1945–47) had foreshadowed the confrontation; the 1948/49 blockade of Berlin marked the start of the Cold War.

Western European states sought to ensure collective defense by concluding the Brussels Treaty on ›collective self-defense‹ in 1948 and founding NATO the following year. The Korean War (1950–53) demonstrated the explosive nature of the global strategic power struggle between two camps, although it was the recently founded People's Republic of China, not the Soviets, that fought on the side of Communist North Korea. The USSR only supplied armaments and logistical support (direct military clashes were similarly avoided throughout the Cold War) and the Korean War ended without territorial gains for either side. For Europe, the war's most significant implication was an increase in security efforts such as enlarging NATO (Greece and Turkey in 1952, and West Germany in 1955), founding the Western European Union (1954), West Germany's politico-military integration and rearmament, and the beginning of Europe's economic and political integration. The USSR responded in 1955 by establishing the Warsaw Pact (WP) with seven of its European satellites, including the German Democratic Republic (GDR).[2]

Western lack of support for uprisings in the East (in the GDR in 1953 and Hungary in 1956) and negligible reaction to the erection of the Berlin wall in 1961 showed that, aside from conducting political protests and psychological warfare, the West was unprepared to intervene in the Soviet zone of influence in Europe. This de facto acceptance was Realpolitik given the military stalemate in Europe, where political change appeared to be unthinkable for decades. Despite divided Europe's frozen political status, the steady increase of armed forces in Central Europe and the nuclear arms race harbored an element of unpredictability that became obvious during the 1962 Cuban missile crisis.[3]

At the same time, the competition for strategic power was shifted to Asia, Africa and the Middle East where former colonies sought to find their new roles in the global security order. Both camps tried to influence the developments and prevent the other from extending their zones of influence – by providing military, political and economic assistance in a series of brutal and exhausting proxy wars.

2.2 Helsinki 1975

In the mid-1960s, Europe's political landscape seemed to be more frozen than ever, with conventional and nuclear arms races, as well as far-away proxy wars, further destabilizing the situation. The serious political implications demanded a conceptual change.

1. Common Declaration of the three heads of government on the results of the Yalta Conference as published by the US State Department (German translation), in: Keesing's Archiv der Gegenwart [Keesing's Contemporary Archive], Vienna/Frauenfeld, XV. Jg. 1945, Dok 11. February 1945, p. 87 A, 88. See also Winston S. Churchill (1985): Der Zweite Weltkrieg. Memoiren [The Second World War], vol. 6., Triumph und Tragödie, 2. Buch, Der Eiserne Vorhang [Book 2, The Iron Curtain], Frankfurt/M.-Berlin-Wien: [Ullstein], , 7–62; Karl Dietrich Bracher, Zusammenbruch des Versailler Systems und Zweiter Weltkrieg [The Collapse of the System of Versailles and the Second World War], in: Propyläen Weltgeschichte. Eine Universalgeschichte [Propylaen World History. A Universal History]. Golo Mann (ed.) 1960: Das zwanzigste Jahrhundert [The Twentieth Century], vol. 9, Berlin–Frankfurt–Vienna: [Propyläen Verlag] 455 ff.; Freund, M. (1985): Deutsche Geschichte von den Anfängen bis zur Gegenwart [German History from the Beginnings to the Present]. Munich: [C. Bertelsmann], 1479–1486; Winkler, H. A. (2014): Geschichte des Westens [Western History]. Munich: [C.H.Beck], 23–44, 60–83.

2. Attempts to create a European Defense Community by establishing a unified European force command was first proposed in 1950 but failed in 1954 because of fears in the French Parliament. For an overview of the development of alliances, see Walpuski, G. (1975): Verteidigung + Entspannung = Sicherheit. Texte und Materialien zur Außen- und Sicherheitspolitik, 2. überarbeitete und ergänzte Auflage. [Defense + Détente = Security. Texts and Materials on Foreign and Security Policy, rev. and expanded 2nd edition]. Bonn–Bad Godesberg: [Verlag Neue Gesellschaft GmbH], 15–75; Geschichte des Westens, 184–214.

3. [Geschichte des Westens], 336–347, 377–393.

The Cuban missile crisis (1962) revealed the imminent danger of nuclear escalation and the need for a link between the Kremlin and the White House: a ›hotline‹ was established in 1963.[4] The geographically asymmetric balance had to be controlled: While the USSR had superior numbers in Europe, the US was quickly losing its intercontinental strategic advantage. Ongoing quantitative and qualitative nuclear arms production and fielding undermined existing strategic calculations. Unfettered weapons production could have been viewed as the two sides' attempts to acquire ›first-strike‹ capabilities, which could be triggered by misperceptions and early warning errors – devastating both opponents and Europe, and creating unpredictable consequences for the whole world.

In 1961, the GDR erected the Berlin wall and created a death strip along the inner-German border, cutting personal connections and tearing families apart. The populations on both sides of the wall threatened to become alienated for good. Elsewhere, too, the iron curtain was fortified, making direct communication between East and West Europeans almost impossible.

Finally, in 1966, the West German government was forced to realize that non-recognition and threats to break off relations with any state (except the Soviet Union) that established diplomatic ties with the GDR (the ›Hallstein doctrine‹)[5] had not influenced the USSR. In fact, those policies had kept Bonn from establishing full diplomatic links with Eastern European states, which could have brought about a thaw. At the same time, non-aligned countries in the Middle East were responding to West Germany's pro-Israel stance by establishing diplomatic relations with the GDR. A growing number of non-aligned states oscillated between East and West and West Germany risked losing the competition for exclusive recognition.

Against this backdrop, the West German government, in close coordination with the United States and other allies, concluded that a new approach toward the East bloc (›Neue Ostpolitik‹) was required to ease tensions, curtail the destabilizing effects of unregulated arms races and facilitate interpersonal contact. Such new thinking was also reflected in NATO's Harmel Report (December 1967), which shaped its policies toward the East. The report proposed a double-barreled approach based on the pillars of deterrence and détente and limited cooperation between the two camps.[6]

This novel approach required acknowledging the political and military realities and abandoning notions of change by force and mutual interference in the other's internal affairs. The concept of »rapprochement through (political) change« was replaced by »change through rapprochement«.[7] In order to make this new approach operational and fulfill the ambition of convening a high-level Conference on Security and Co-operation in Europe (CSCE), a number of political and military pre-conditions had to be met simultaneously.

Arms control treaties were urgently needed to address destabilizing arms races, especially in the strategic nuclear field. With the Strategic Arms Limitation Treaty (SALT) I/II (1972/1979), the US and USSR agreed to strategic parity based on »mutual assured destruction«.[8] The 1972 ABM Treaty[9] was indispensable for limiting the fielding of anti-ballistic missiles that could have undermined second-strike capabilities.

Bipolar strategic nuclear parity had significant consequences for NATO's military strategy, which had been based on limited conventional defense and early nuclear

4. Memorandum of Understanding between the USA and the USSR Regarding the Establishment of a Direct Communication Link. Signed at Geneva on 20 June 1963, in: Goldblat, J. (1983): Arms Control Agreements. A Handbook. London: [Taylor & Francis Ltd], 73–74, 141–142.

5. Cf. Entschließung des Deutschen Bundestages über die Nichtanerkennung der ›Souveränität‹ der Sowjetzonenregierung [The Decision of the German Parliament regarding non-recognition of the ›sovereignty‹ of the government of the Soviet Zone], 7 April 1954, in: Außenpolitik der Bundesrepublik Deutschland. Dokumente von 1949 bis 1994 [Foreign Policy of the Federal Republic of Germany. Documents from 1949 to 1994]. (1995). Bonn: [Auswärtiges Amt / Verlag Wissenschaft und Politik], 209; Prof. Dr. Grewe, Head of Political Department of the Foreign Office, Interview of 11 December 1955, loc. cit., 229–230.

6. Harmel Report: The Future Tasks of the Alliance. Annex to the Final Communiqué of the Meeting of Ministers of the North Atlantic Treaty Organization, Brussels, 13–14 December 1967. German translation in: Außenpolitik 1949 bis 1994, 311–313.

7. Cf. Willy Brandt, Federal Minister for Foreign Affairs, Speech at the Consultative Assembly of the Council of Europe in Strasbourg, 24 January 1967, in: Außenpolitik 1949 bis 1994, 305–306; Willy Brandt, Chancellor of the Federal Republic of Germany, Statement of Government of 28 October 1969, in: Außenpolitik 1949 bis 1994, 329–333.

8. Interim Agreement between the USA and the USSR on certain measures with respect to the limitation of strategic offensive arms (SALT I Agreement), 1972, in: Goldblat, J. (1983) SIPRI: Arms Control Agreements, 29–38, 172–174; Treaty between the USA and the USSR on the limitation of strategic offensive arms (SALT II Treaty), 1979, in: J. Goldblat, 212–228.

9. Treaty between the US and the USSR on the limitation of anti-ballistic missile systems (ABM Treaty) (1972), in: J. Goldblat, 30–31, 166–172, 177–178.

escalation to deter major aggression. The rising threshold for strategic nuclear escalation implied an increase of NATO's (inferior) conventional defense capabilities and greater reliance on tactical nuclear weapons deployed in Europe. Although West Germany insisted on a nuclear escalation doctrine that included the incalculable risks of a potential use of US strategic nuclear weapons it provided significant conventional forces and nuclear sharing arsenals in support of NATO's new strategy of »flexible response«.[10] France rejected the new NATO strategy, voicing suspicion that the two superpowers had agreed to limit the dangers of nuclear escalation to a nuclear battlefield in Europe.[11] Having acquired nuclear capabilities in the early 1960s, France quit NATO to pursue its independent strategy of nuclear deterrence in 1968.

Against this backdrop, NATO paid close attention to increasing disparities in conventional forces, particularly in Central Europe, which limited its military options of ›forward defense‹ and required resorting to »deliberate nuclear escalation« at an early stage of hostilities. NATO insisted on supplementing efforts toward détente with parallel talks on the conventional arms control that was necessary for stable East–West relations. The objective was to achieve conventional parity in Central Europe and rein in the arms race so as to ease threat perceptions and build confidence. In 1973, talks on Mutual and Balanced Force Reductions (MBFR) started in parallel to the Helsinki Conference.[12]

For West Germany, the new policy of rapprochement meant establishing diplomatic relations with the Soviet Union, Poland and the Czechoslovak Socialist Republic (CSSR), as well as official (»special«) ties to the GDR. The USSR and its allies insisted, however, that West Germany acknowledge the political realities in Europe, including the existence of a second German state and its borders, and pledging non-interference in the Soviet sphere of influence. Rapprochement seemed to only be attainable at the high cost of recognizing Europe's division and the sacrosanct nature of the two spheres of influence. Yet West Germany could not abandon the aspirations for reunification that were enshrined in its constitution: it had to maintain the option of peaceful change. Finally, both states agreed to renounce the use of force. In the compromise formula, the 'inviolability' of existing borders replaced the Soviet proposal about their 'invariability'. In 1966, the West German declaration of the non-use of force paved the way for diplomatic relations and treaties with the Soviet Union[13] and Poland in 1970,[14] the CSSR in 1973,[15] formal relations with the GDR (1971/72)[16] and the terms of reference for the Helsinki Conference.[17] On 18 September 1973, both German states were admitted to the UN.

The issue of the final settlement of the German question including the special status of Berlin had led the four occupying powers to retain their collective responsibilities since 1945. Although thus limited in its actions, the West German government wasn't forced to agree to any provisions that could preempt a final settlement regarding Germany's future status and territories. This became obvious when the time came to negotiate communications between East and West Berlin and the latter's links to West Germany. A modus vivendi to facilitate contacts between the populations was only attainable through a Four Power Agreement on Berlin (1971)[18] that improved communications and travel for all residents and confirmed the city's political status quo.

In sum, the Helsinki process could only begin after agreement had been reached on the preconditions – the initiation of nuclear and conventional arms control, the

10. Cf. Verteidigung,18–33; Presse- und Informationsamt der Bundesregierung (1970): Weißbuch 1970 Zur Sicherheit der Bundesrepublik Deutschland und zur Lage der Bundeswehr [Press and Information Office of the Federal Government, The 1970 White Book on the Security of the Federal Republic of Germany and the State of the Army], Bonn, 26–29.

11. Cf. Verteidigung, 47; Schwarz, J., Frankreichs Militärstrategie von 1958–1976 [France's Military Strategy from 1958–1976], in: Klaus-Dieter Schwarz (ed.) (1976): Sicherheitspolitik. Analysen zur politischen und militärischen Sicherheit [Security Policy. Analyses on political and military security], 2nd rev. edition, Bad Honnef: [Osang Verlag], 205–229.

12. Cf. Verteidigung, 48, 163–164; Presse- und Informationsamt der Bundesregierung (1974): Weißbuch 1973/1974 Zur Sicherheit der Bundesrepublik Deutschland und zur Entwicklung der Bundeswehr [Press and Information Office of the Federal Government, The 1973/1974 White Book on the Security of the Federal Republic of Germany and the Development of the Army], Bonn, 46–48.

13. Treaty between the Federal Republic of Germany and the Union of Socialist Soviet Republics of 7 December 1970, in: Außenpolitik 1949 bis 1994, 337–338.

14. Treaty between the Federal Republic of Germany and the People's Republic of Poland of 12 August 1970, in: Außenpolitik 1949 bis 1994, 340–342.

15. Treaty between the Federal Republic of Germany and the Czechoslovak Socialist Republic of 11 December 1973, in: Außenpolitik 1949 bis 1994, 398–399.

16. Treaty on the basis of the relations between the Federal Republic of Germany and the German Democratic Republic of 21 December 1972 (Grundlagenvertrag [Basic Treaty]), in: Außenpolitik 1949 bis 1994, 370–373.

17. Cf. Verteidigung, 145–159.

18. The Four Power Agreement on Berlin of 3 September 1971; http://www.verfassungen.de/de/de45-49/viermaechte71.htm (accessed on 2 May 2015)

acceptance of the status quo, including the renunciation of the use of force to change it and the establishment of diplomatic relations between West Germany and its neighbors to the east. That implied the recognition that Europe was divided into two camps and spheres of influence (see Soviet intervention during the ›Prague Spring‹ of 1968) and acceptance of the equality of antagonistic systems in inter-state relations. Such an accord had the potential to curtail the destabilizing consequences of repeated crises, create building blocks for greater stability and partial cooperation, ease the burdens of Germany's division on civil society and revive cultural, social and economic contacts throughout Europe.

The invitation for all European states to participate in the Helsinki process acknowledged the common European fate beyond the NATO–WP security dimension and showed that neutral and non-aligned states also wished to influence European affairs. Their role actually proved to be instrumental in bridging the ideological and political discussions held in the purely ›East–West‹ format. Since Finland had remained equidistant from both alliances, it was particularly suited as a venue for the conference.

After two years of negotiations, 33 European States, the United States and Canada signed the Helsinki Final Act (Helsinki)[19] in 1975, which required the Soviet Union to acknowledge the links between North America and Europe.

In its Decalogue, Helsinki confirmed the validity of basic principles of international law, such as the non-use of force, states' equality and sovereignty, territorial integrity, the inviolability of borders, peaceful settlement of disputes, non-interference in internal affairs, the equality of peoples and their right to self-determination, the good-faith fulfillment of international legal obligations and cooperation between states. Western states managed to add the principle of respect for human rights and basic freedoms including the individual freedoms of thought, conscience, religion and conviction.

Based on these principles, future cooperation was envisaged in three main ›baskets‹:

■ Confidence and Security-Building Measures (CSBM), such as prior notification of military exercises and references to arms control. Western states made clear that parallel arms control accords were crucial for a workable, effective and durable rapprochement.

■ Trade and scientific cooperation was of particular interest to the USSR and its allies, who sought to close the widening economic and technological gap between the two blocs. Helsinki facilitated the development of future trade and lines of communication between East and West.

■ Western objectives dominated the third basket, which emphasized humanitarian and other issues. States agreed to facilitate contacts across international borders based on family bonds or professional grounds and to promote tourism, and youth and sports meetings. Enhanced access to and exchange of information, improved accreditation and working conditions for journalists, as well as the promotion of cultural exchanges, science and education projects had the potential to increase political transparency and encourage civil society discussions.

Helsinki showed that a deal could be struck when the realities of a bipolar order are acknowledged and common denominators were accepted in compromise. However, its results were mixed, with implementation largely subject to interpretation. While the accord underscored »peaceful coexistence« between states with different systems, within states, political agitation for ideological dominance continued unabated. Likewise, within the socialist camp the principle of ›socialist internationalism‹ continued to dominate the relations between the USSR and its allies and was used to justify keeping evolutionary movements at bay during the Prague Spring.

As a result, Helsinki did not produce an essentially new peace and security order in Europe but rather confirmed the order imposed by Yalta: Europe's division into two antagonistic systems on the basis of the ›equality of states‹. Nevertheless, searching for a modus vivendi it did achieve three major improvements:

■ Regular cross-border contacts were permitted for divided populations.

■ Limited cooperation was promoted, which was particularly conducive to developing trade.

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19. Schlussakte von Helsinki v. 1.8.1975, in: Auswärtiges Amt (Hrsg.), 20 Jahre KSZE. 1973-1993. (2. überarb. Aufl. 1993), 18–81; cf. Presse- und Informationsamt der Bundesregierung (1976): Weißbuch 1975/1976 Zur Sicherheit der Bundesrepublik Deutschland und zur Entwicklung der Bundeswehr [The 1975/76 White Book on the Security of the Federal Republic of Germany], Bonn, 73–77.

■ It was geared to stabilize the politico-military situation and prevent the misperceptions that had fueled earlier major crises.

However, soon it became clear that only arms control would improve Europe's security situation. Despite treaties on bilateral nuclear strategic arms limitation, the nuclear and conventional arms race continued. MBFR did not produce any viable results until the late 1980s. Even worse, the USSR accelerated the fielding of new intermediate range ballistic missiles in Europe, which threatened to decouple North American and European deterrence postures. That led to the 1979 ›missile crisis‹ and NATO's ›double-track decision‹[20] that covered fielding its own counter-force potentials in Europe (108 Pershing II and 464 ground-launched cruise missiles or GLCM) and included an offer of reciprocal disarmament. Global developments such as Soviet-Sino tensions, the US retreat from Vietnam in 1973 and the Soviet intervention in Afghanistan in 1979 further influenced the European security equation.

2.3 Paris 1990

Although Helsinki did not immediately put an end to crises and tensions, its long-term implications should not be underestimated: Helsinki introduced the notions that cooperation between states belonging to different camps was possible and crises could be solved through non-military means. For civil societies in Eastern Europe, especially Principle VII of the Decalogue on human rights and basic freedoms offered an authoritative reference and the incentive to strive for greater political flexibility and individual freedoms.

However, only in the mid-1980s, when President Gorbachev recognized the devastating consequences that arms race and blockades of necessary reforms had on the Soviet economy and political stability in the East, did a historical window of opportunity open. NATO quickly welcomed Gorbachev's policies of perestroika and glasnost, and eventually the division of Europe was ended.

There were three major challenges to that aspiration. First, the nuclear and conventional arms race had to be replaced by a policy of mutual restraint. Second, a truly cooperative political framework had to be created that was based on common values and equal security and had no geopolitical zero-sum games. Finally, the future of Germany was to be decided by its people – in agreement with the Four Powers and the neighboring countries, particularly Poland. With the Intermediate-Range Nuclear Forces Treaty (INF Treaty 1987), the missile crisis was ended through the complete destruction of all such weapons.[21]

Between 1987 and 1989, NATO and WP member states agreed to a new mandate on conventional arms control between the Atlantic and the Urals, and the Soviet government announced its readiness to withdraw the forces that had occupied its Central European glacis since 1945.

The USSR also made clear that it would no longer use force against political demonstrations in the GDR and other Eastern bloc states or rescue governments that resisted reform. It would not intervene against its allies' reform policies, which were regarded as their internal affairs.

The Two-Plus-Four Treaty of 12 September 1990 on the German Question not only led to the reunification of the two German states but also established the basic principles for balancing mutual strategic interests between the USSR and Western powers. Its most important features were the measures to save face and create win-win situations: Germany would continue to belong to NATO, but its forces would be subject to ceilings which were later enshrined in the CFE Treaty, while the Soviet Union agreed to withdraw all its armed forces from the German territories by 1994. The Western allies would also leave Berlin. Furthermore, NATO forces would not occupy former Soviet positions, and no NATO forces or nuclear-weapons carriers would be stationed in the former GDR or Berlin. Germany renounced the manufacture, possession and

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20. Presse- und Informationsamt der Bundesregierung (1983): Weißbuch 1983 Zur Sicherheit der Bundesrepublik Deutschland [The 1983 White Book on the Security of the Federal Republic of Germany], Bonn, 192–202.

21. Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles, December 1987, Selected Documents No. 25, Department of State Publications 9555, published by the United States Department of State, Bureau of Public Affairs, Washington DC, December 1987 (reprint July 1990).

control of nuclear, biological and chemical weapons and recognized the German–Polish border.[22]

On 19 November 1990, two days before the Paris Charter was agreed, NATO and WP member states signed the CFE Treaty[23] which aimed to balance forces at significantly lower levels in order to eliminate the disparities and capabilities of launching large-scale offensive operations or regional surprise attacks . To that end, also regional sub-ceilings were agreed. Reduction obligations were to be fulfilled within four years, and more than 60,000 pieces of treaty-limited equipment (TLE) were reduced, mostly on time. The Soviet Union and, after 1991, the Russian Federation (Russia) bore – and fulfilled – the most obligations. The CFE Treaty also created a new standard of transparency through information exchange and on-site verification.

In parallel, confidence- and security-building measures (CSBMs) were concluded among all CSCE participating states and enshrined in the Vienna Document[24] which increased military transparency and established early-warning mechanisms for unusual military activities.

The Charter of Paris for a New Europe[25] – agreed upon in context with arms control agreements, settlement of the German Question and a solemn declaration of friendship between NATO and WP member states – was signed in Paris on 21 November 1990. This heralded a new age of democracy, peace, and freedom in Europe based on common values such as human rights, basic liberties, democratically elected governments, the rule

of law and the transformation to the market economy. Signatories reaffirmed their commitment to the norms of international law, including the right of states to join alliances, and emphasized the importance of arms control, promising to work together to unite Europe and create cooperative security. They also committed themselves to new permanent CSCE structures to promote cooperation and transformation in three ›dimensions‹ (in Helsinki, ›baskets‹).

Such an accord, however, could not anticipate the stormy events in Eastern Europe shortly thereafter: The WP's dissolution and the USSR's collapse changed basic assumptions, particularly regarding arms control: Successor states had to be convinced to continue to participate in such processes. Only when the partition of former Soviet conventional military equipment was agreed, did eight states (former Soviet republics) join the CFE Treaty[26] that entered into force on 19 November 1992. Russia accepted the CFE Treaty because it provided for group ceilings and geographical distance of NATO states.

To maintain the integrity of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the five nuclear powers and permanent members of the UNSC (with the Russian Federation acknowledged as the USSR's legal successor) insisted on the non-nuclear status of post-Soviet states. Nuclear arsenals stationed in Ukraine, Belarus and Kazakhstan were moved to the Russian Federation, the nuclear powers vowed to respect these states' sovereignty and territorial integrity, and ban the use of force in mutual relations.[27]

The START I Treaty negotiated between the US and the Soviet Union in 1991 entered into force in December 1994. START I was intended to further reduce strategic-nuclear potentials to 6,000 operational warheads and 1,600 delivery systems while maintaining the principles

22. Bundesrepublik Deutschland, Deutsche Demokratische Republik, Republik Frankreich, Union der Sozialistischen Sowjetrepubliken, Vereinigtes Königreich Großbritannien und Nordirland und die Vereinigten Staaten von Amerika [Federal Republic of Germany, German Democratic Republic, the French Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America]. Vertrag über die abschließende Regelung in Bezug auf Deutschland [Treaty on the Final Settlement with Respect to Germany] (12 September 1990). In: BGBl. Bundesgesetzblatt 1990 II, 1318, reprinted in: A. Randelzhofer (ed.) (2010): Völkerrechtliche Verträge [International treaties]. Munich: [Deutscher Taschenbuch Verlag / dtv], 95–99.

23. Vertrag über konventionelle Streitkräfte in Europa vom 19.11.1990 [Treaty on Conventional Forces in Europe of 19 November 1990], in: 20 Jahre KSZE, 369–392; English text: www.osce.org/library/14087 (accessed on 2 May 2015).

24. Wiener Dokument vom 17.11.1990 [The Vienna Document of 17 November 1990] (version of 4 March 1992), in: 20 Jahre KSZE, 393–430.

25. Charta von Paris für ein Neues Europa vom 21.11.1990 [The Charter of Paris for a New Europe of 21 November 1990], in: Foreign Office (ed.) (1998): Von der KSZE zur OSZE. Grundlagen, Dokumente und Texte zum deutschen Beitrag 1993–1997 [From the CSCE to the OSCE. Principles, Documents and Texts regarding the German Contribution 1993–1997]. Bonn, 103–133.

26. Agreement on the Principles and Procedures for the Implementation of the Treaty on Conventional Armed Forces in Europe, signed in Tashkent, 15 May 1992, in: Zentrum für Verifikationsaufgaben der Bundeswehr (ed.) (2006): Vertrag über Konventionelle Streitkräfte in Europa (KSE–Vertrag) – Textsammlung Band 2 [Federal Armed Forces Verification Center, ed., in: Treaty on Conventional Armed Forces in Europe (CFE Treaty), text collection, vol. 2], Geilenkirchen, 55–68 (German translation).

27. Memorandum on Security Assurances in Connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons, in: United Nations General Assembly/Security Council A/49/765 S/1994/1399 of 19 December 1994. Letter dated 7 December 1994 from the Permanent Representatives of the Russian Federation, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations addressed to the Secretary General, Annex I ("Budapest Memorandum").

of parity and assured mutual destruction.[28] The START II Treaty of January 1993 further lowered the ceilings to 3,000 to 3,500 operational warheads for each side – a reduction of two-thirds compared with Cold War holdings. However, the Russian Duma voiced suspicion that the US/NATO Theater Missile Defense (TMD) could undermine the 1972 ABM Treaty, endangering Russia's second-strike capabilities, and refused to ratify START II. In 1997, an additional agreement was concluded with technical parameters distinguishing TMD from ABM capabilities and providing for CSBMs. Eventually, both sides agreed to strictly abide by the ABM regime, postpone START II's entry into force until 2007 and deactivate, by late 2003, all the warheads scheduled for reduction. Moreover, they initiated soon negotiations for START III with the aim of making additional reductions to between 2,000 and 2,500 warheads for each side. Sea-launched cruise missiles and tactical nuclear weapons (that were significantly reduced through tacit understanding) were to become subject to CSBMs and transparency.[29]

Territorial disputes at the former Soviet Union' southern fringe had the potential to interfere with the fulfillment of political and arms controls concepts. However, with political attention concentrated on the withdrawal of Russian forces from Central Europe, the wars in Yugoslavia and the Iraq crisis, conflict management in the Caucasus was generally viewed as a Russian obligation. Local wars (1990–94) in Abkhazia, South Ossetia, the Transnistria region and Nagorno-Karabakh ended with cease-fire agreements that left the future status of these former autonomous areas and republics of the Soviet Union undecided. Russia assumed its role as facilitator and (except in the case of Nagorno-Karabakh) sent peace-keepers to secure the cease-fires – in the cases of South Ossetia and Transnistria, along with local peacekeepers provided by the parties to the conflict. Such operations were monitored until 2009 by unarmed UN observers in Abkhazia (the UN Observer Mission in Georgia, UNOMIG) and by OSCE observers in Transnistria and South Ossetia. There was – and is – no international monitoring in Nagorno-Karabakh.

In 1994 the CSCE was renamed the Organization for Security and Co-operation in Europe (OSCE) with permanent structures in Vienna, autonomous institutions and a large presence in post-Soviet states, including in Central Asia. The acquis was further elaborated in all three dimensions and the autonomous institutions – the Office for Democratic Institutions and Human Rights, the High Commissioner for National Minorities and the OSCE Representative on Freedom of the Media – began their work.

NATO's intervention, the OSCE's special support and the close cooperation of Russia, which was a fully integrated member of the six-country ›contact group‹ (with France, Germany, Italy, the United Kingdom and the United States), put an end to the war in former Yugoslavia. In 1995, the General Framework Agreement for Peace in Bosnia and Herzogovina (the Dayton Accords) and the Agreement on Sub-Regional Arms Control of 1996 are excellent examples of cooperative security efforts with interlocking institutions, agreements and cooperation between former adversaries.[30] Parallel cooperative actions in the UNSC and the General Assembly created new options for cooperating on global security challenges.

2.4 Istanbul 1999

NATO's first post-Cold-War enlargement changed the political landscape of Europe and the underlying assumptions of the Paris Accord. The 1999 accession to NATO by Poland, Hungary and the Czech Republic, and with the expectation that Slovakia would also join, raised Russian concerns.

Russia argued that an enlargement would undermine the 1990 security order agreed in Paris, which foresaw the OSCE as the dominant organization. Enlarging NATO would create new divisions by creating special status and obligations for just some countries. Russia held that in Europe's new cooperative order, which already had some elements of collective security in place and large arms reduction obligations had been fulfilled, European

28. Cf. Auswärtiges Amt (Hrsg.) (1998): Bericht zur Rüstungskontrolle, Abrüstung und Nichtverbreitung 1997 [1997 Report on arms control, disarmament and non-proliferation], Bonn, 29.

29. Rüstungskontrolle, 29–30.

30. The Dayton Peace Accords. General Framework Agreement for Peace in Bosnia and Herzegovina. As released on the U.S. Department of State Foreign Affairs Network on the WWW by the Office of Public Communication, Bureau of Public Affairs. U.S. Department of State (20 November 1995); http://dosfan.lib.uic.edu (accessed on 2 May 2015); Agreement on Sub-Regional Arms Control, Article IV, Annex 1-B, General Framework Agreement for Peace in Bosnia and Herzegovina, signed in Florence on 14 June 1996, as amended on 10 March 2006 and 14 October 2008; in: OSCE Handbook for Implementation, Version November 2008.

security was no longer threatened and there was no need to expand military alliances and extend defense concepts and commitments to Central and Eastern Europe far beyond the 1990 status quo. Russia was concerned about NATO troops being stationed closer to its borders in contravention of the principles laid down in the Two-Plus-Four Treaty on German unification. It pointed out that NATO's enlargement would destroy the concept of military balance and geographical limits for the CFE Treaty's two groups of states-parties.

NATO states responded by restating the principle that states are free to join alliances and repeating its aim to stabilize states in transformation and offered a compromise: NATO had »no reason, no intention and no plan« to station sub-strategic nuclear warheads in Europe beyond their current locations. NATO would not permanently station any additional substantial combat forces, but rather ensure its defense obligations by operational planning, logistical preparations, training and exercises. The CFE Treaty would be adapted to reflect the new situation, overcome the bipolar bloc-to-bloc concept and focus on sub-regional stability. A new NATO–Russia accord would reinforce security cooperation, with concrete commitments in light of each other's security concerns. The Founding Act on Mutual Relations, Co-operation and Security between NATO and the Russian Federation (the NATO–Russia Founding Act) of 1997 reflects these commitments.[31]

Negotiated simultaneously, the Adaptation Agreement to the Treaty on Conventional Armed Forces in Europe (ACFE Agreement)[32], reflecting Europe's politico-military reality, replaced the obsolete CFE bloc-to-bloc limitation regime with national and territorial ceilings for each state-party, regardless of existing alliances as proposed by NATO. The ACFE Agreement was open to all OSCE states between the Atlantic and the Urals. It had the potential to translate the OSCE aim of creating an undivided common security area into the practice of sharing arms-control obligations. The ACFE Treaty was

signed by all 30 states-parties on 19 November 1999 during the OSCE Summit in Istanbul – despite contention over Russia's internal war in the North Caucasus and NATO's military intervention in Kosovo.

In the accompanying document, the CFE Final Act[33], several states committed to additional stabilizing measures. New NATO members promised to reduce their force levels. Seven states including Germany, the four NATO candidate states, Belarus and Ukraine announced that they would not increase their force levels. Russia agreed not to station permanently additional substantial combat forces in the Kaliningrad and Pskov oblasts and to withdraw forces stationed in Moldova and Georgia once a detailed Georgian–Russian agreement had been achieved. Russia also promised to reduce treaty limited equipment (TLE) to agreed force levels in the ›flank areas‹ (North Caucasus and Leningrad Military Districts) despite the war in Chechnya.

Furthermore, in late 1999, OSCE states agreed to strengthen the 1990 Paris Charter by issuing the Charter for European Security[34], which aimed to create a »common and invisible security space« for all states between Vancouver and Vladivostok. States' freedom to choose their security arrangements was reaffirmed; signatories also committed to not strengthen their security at the others' expense. »No state, or group of states or alliance will have any pre-eminent responsibility to maintain peace and stability or consider any part of the OSCE area as its sphere of influence.« Instead, relations would be guided by the concepts of common and comprehensive security, equal partnership, solidarity and transparency, with each participating state's security linked to that of all others. Joint peacekeeping operations were envisaged. States also reaffirmed the three dimensions of security – human, economic and politico- military.

With its compromise embedded in an inclusive security approach and its balance of interests that enabled Russia to agree to NATO's first post-Cold-War enlargement, the Istanbul Accord could have adapted the peace and security order of Paris to a changing security environment.

31. NATO/Russian Federation. Founding Act on Mutual Relations, Co-operation and Security between NATO and the Russian Federation. Paris, 27 May 1997; www.nato.int/cps/en/natolive/official _texts_25468.htm (accessed on 2 May 2015); see also NATO, Statement on CFE. Adaptation of the Treaty on Conventional Forces in Europe (CFE): Restraint and flexibility, Brussels, 1998; www.nato.int/docu/pr/1998/p98-141e.htm (accessed on 2 May 2015).

32. Agreement on the Adaptation of the Treaty on Conventional Forces in Europe. In: OSCE (ed.) (2000): OSCE Istanbul Summit 1999. Istanbul Document 1999, PCOEW389. Istanbul: [OSCE], 118–234.

33. CFE Final Act of the Conference of the State Parties to the Treaty on Conventional Armed Forces in Europe (incl. Annex 1–14), 19 November 1999, in: OSCE (ed.), (2000) OSCE Istanbul Summit 1999, 235–251.

34. OSCE. Charter for European Security. Istanbul, November 1999, in: OSCE (ed.) (2000): OSCE Istanbul Summit 1999, 1–44.

3. The Crisis of the European Peace and Security Order

3.1. The New Geopolitics and the 2008 Georgia–Russia Conflict

Shortly after the ACFE Treaty was concluded in Istanbul, the European peace and security order experienced new crises. Many NATO members, including Germany, had intended to ratify the ACFE Treaty after Russia reduced its force levels in 2002. However, the United States – backed by some allies – insisted that ratification was contingent on Russia withdrawing from Georgia and Moldova, including the disputed areas in Abkhazia and Transnistria. In an attempt to avoid a split, NATO agreed that member states would only ratify the ACFE Treaty once Russia had fulfilled all its ›Istanbul Commitments‹.[35] However, even within NATO, exactly what that meant was unclear, particularly with regard to the Russian peacekeepers that were stationed in disputed areas in accordance with ceasefire agreements and missions related to the Commonwealth of Independent States (CIS) that had UN and OSCE support.[36]

However, even after Russia withdrew all heavy armaments from Moldova in 2002, emptied 50 percent of the ammunition site in Cobasna (Transnistria) in 2003, ratified the ACFE Treaty in 2004, concluded a withdrawal treaty with Georgia in 2005 and withdrew all stationed forces from Georgia in 2007, NATO remained inflexible. The issues had shrunk to the question of mandated Russian peacekeepers in Abkhazia and the ammunition and a few hundreds of lightly armed guards still in Cobasna. An agreement of strategic significance fell victim to local details which were politically loaded in terms of the principle of ›host-state consent‹ on the stationing of forces.[37]

In the meantime, NATO's second post-Cold-War enlargement in 2004 encompassed four states that were not bound by CFE limitations (the Baltic States and Slovenia) and two states (Romania and Bulgaria) in the flank of the Eastern Group of CFE States Parties. Strategic implications included the potential unrestricted stationing of NATO forces in territories close to St. Petersburg and their new presence on the Black Sea coast near Ukraine, the Russian Black Sea Fleet (based in Crimea) and disputed areas of Transnistria where Russian troops were located. In 2007, the United States put »unsubstantial« land and air combat groups in a permanent rotation mode in Romania and Bulgaria and rejected Russia's request for a more precise definition.

The question of strategic missile defense, which had burdened START II ratification and the beginning of the START III talks, was settled 1997 with an agreement to abide by the ABM Treaty. Then in 2001, US President George W. Bush decided to withdraw from both that agreement and the ABM Treaty.[38] Despite Russia's reluctance, the two sides agreed to the stabilizing measures of exchanging test data and observers and studying options to jointly develop missile defense. At the same time, President Bush halted START II/III, offering instead a new three-page agreement that replaced the detailed treaty regulations with general objectives and intentions of future cooperation. The Treaty between the United States of America and the Russian Federation on Strategic Offensive Reductions (SORT) of 24 May 2002 committed both parties to reduce strategic warheads in active service to between 1,700 and 2,200 by the end of 2012. In SORT, reduction procedures remained open; means of delivery were also not covered. The treaty contained no rules for counting or transparency, verification regulations or follow-up procedures; however, it was agreed that START I would remain in force.[39]

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35. These refer to the political commitments of a number of states enshrined in the CFE Final Act of the Conference of the State Parties to the Treaty on Conventional Armed Forces in Europe, including Annexes 1–14, 19 November 1999. It also contains a reference to paragraph 19 (on Moldova) of the Istanbul Summit Declaration, in: OSCE (ed.): OSCE Istanbul Summit 1999, 45–53, 235–251.

36. E.g. UN Security Council Resolution 1808 (2008) of 15 April 2008, op 7, stresses »the importance of close and effective cooperation between UNOMIG and the CIS peacekeeping force as they currently play an important role in the conflict zone, and recalling that a lasting and comprehensive settlement of the conflict will require appropriate security guarantees«. Referring to the conflict in Transnistria/Moldova, paragraph 18 of the Istanbul Summit Declaration states: »We take note of the positive role of the joint peacekeeping forces in securing stability in the region.«

37. For an overview on the CFE crisis, see Richter, W. (September 2011): Scheitert die konventionelle Rüstungskontrolle in Europe [Is conventional arms control failing in Europe]? SWP–Aktuell 44, 1 - 8 ; and Richter, W., Possibilities for Advancing Arms Controls in Europe, in: Geneva Centre for the Democratic Control of Armed Forces (DCAF), OSCE Focus Conference Proceedings 11–12 October 2013, Villa Moynier, Geneva, 65–95.

38. Auswärtiges Amt (Hrsg.) (2002): Rüstungskontrolle 2001, 18–19.

39. Cf. Auswärtiges Amt (Hrsg.) (2003): Rüstungskontrolle 2002, 21–22; Auswärtiges Amt (Hrsg.) (2004), Rüstungskontrolle 2003, 27–28.

In the SORT negotiations, Russia failed to meet its main objective of curtailing the development of US strategic missile defense, which it viewed as a potential danger to its second strike capabilities and the concept of nuclear parity. Any further development largely depended on interpretation, good will and voluntary cooperation – rather than treaty constraints. Bilateral agreements on the stationing of US strategic missile defense elements in Poland and the Czech Republic (2007) further aggravated the situation and raised Russian suspicions about US and NATO intentions.

The NATO–Russia Council (NRC, 2002) also did not – and could not – live up to Russian expectations and the agreed rules on important security issues such as missile defense and conventional arms control to be considered by all participants in their national capacities without bloc positions.[40]

At an extraordinary conference of states-parties to the CFE Treaty in June 2007, Russia threatened to suspend the treaty if six points were not implemented:

- Immediate ratification of the ACFE Treaty

- Immediate accession of the Baltic States to the AFCE Treaty

- Definition of the term ›substantial combat forces‹ with regard to stationing

- Deletion of Russia's »discriminatory« flank ceilings

- Notification of reductions promised by new NATO member states

- Reduction of NATO states' (collective) national ceilings in light of NATO's enlargement

NATO responded by proposing »parallel action« regarding Russia's fulfillment of remaining Istanbul commitments and NATO states' initiating ACFE Treaty ratification procedures. The US was entrusted with discussing the details with Russia. However, the few talks bore no fruit and petered out in spring 2008. Russia had suspended

the CFE Treaty in December 2007.[41] Linking the ACFE Treaty ratification procedures to territorial conflicts in Georgia and using an arms control treaty of strategic importance to further political ends caused the CFE Treaty – »the cornerstone of European security« – to collapse.

Russia was unsuccessful at counterbalancing NATO enlargement and preventing the OSCE from losing its predominance regarding cooperative security in Europe. In fact, major changes in the European security landscape were not decided in Vienna but rather in Brussels – where Russia had no right to participate. The US rejected Russian proposals to reform the OSCE, provide it with a legal nature and a legally binding charter (2006/07).[42] President Medvedev's proposal (2008/09) for a new European Security Treaty[43] also met with little enthusiasm in the West – outside of France. In sum, Russia failed in its objective of creating an undivided pan-European common security space and ensuring legally binding consultation obligations and consensus decisions on important political and military issues.

In contrast, the US and a number of new NATO members suggested that Russia was seeking to split NATO and undermine the European security architecture. Along with the EU, they sharply criticized Russia's performance in the OSCE's ›third ("human") dimension‹ and denounced its regressive policies with respect to democracy, free and fair elections, and the rule of law, particularly the restriction of fundamental freedoms for the opposition, independent journalists and NGOs. Within the OSCE, the US, which does not belong to the Council of Europe, focused almost exclusively on territorial conflicts and Russian deficiencies in the »human dimension«.

Russia angrily accused the West of having double standards and duplicating the work of the Council of Europe. It also condemned Western military interventions in Iraq in 2003 and Libya in 2011 as destabilizing

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40. NATO–Russia Council, Rome Declaration 28 May 2002, p. 4; www. nato-russia-council.info (accessed on 2 May 2015).

41. Cf. Auswärtiges Amt (Hrsg.) (2008): Rüstungskontrolle 2007, 43–44; see also Scheitert.

42. E.g. Attachment to MC.DEC/16/06, Interpretative statement by the Russian Federation on Decision No. 16/06 Legal status and immunities of the OSCE of 5 December 2006 at the 14th Meeting of the Ministerial Council, MC.DEC/16/06, in: Organization for Security and Co-operation in Europe, OSCE Decisions 2006, Reference Manual SEC.DOC/1/07, Prague, May 2007, 67; Draft Charter of the Organization for Security and Cooperation in Europe submitted to the OSCE Permanent Council by the Russian Federation, PC.DEL/444/07, 18 May 2007.

43. European Security Treaty. Draft of November 29, 2009, in: President of Russia. Official Web Portal; http://eng.kremlin.ru/text/docs/2009/11/223072.shtml (accessed on 3 December 2009).

breaches of international law and strongly opposed the recognition of Kosovo's independence from Serbia in early 2008. Then Russia upgraded its relations to Abkhazia and South Ossetia to just short of recognition.

In 2008, accumulated conflict potentials and escalatory actions in and around Georgia set off the first serious post-Cold-War crisis between Russia and the West. The US had established special relations with Georgia, supporting its pro-Western course and President Saakashvili's ambition to integrate disputed areas within the borders of the former Soviet Socialist Republic of Georgia into the post-Soviet state. The US demanded the withdrawal of Russian peacekeepers from Abkhazia and South Ossetia, and reinforced US–Georgian military relations through joint exercises, deploying military trainers in Georgia and 2,000 Georgian troops to Iraq. The US government had been urging NATO partners to invite Georgia and Ukraine to join since 2007. Finally, Russia warned allies about »crossing red lines«.

However, within NATO there was no unanimity about plans to expand to the Don River, the Crimean peninsula and the Nroth Caucasus border of Russia, with Germany, France and a number of Western European states particularly opposing them. At the April 2008 Bucharest Summit, a compromise was found: Georgia and the Ukraine were declared eligible for accession, but not offered a NATO Membership Action Plan.[44]

It is not clear why, shortly thereafter, President Saakashvili resorted to military action to »restore the integrity of Georgia«. Local clashes between South Ossetian militias and Georgian security forces were not unusual and did not justify breaching the ceasefire agreement, marching into the restricted security zone with regular forces and initiating a full-scale war. Georgia's subsequent statement that it had had to react to an earlier Russian incursion is unconvincing: the Russian peacekeeping battalion's presence was legal and the Russian intervention force arrived only 24 hours after Georgia attacked. Instead of appealing to an international crisis management mechanism, Georgia single-handedly undertook military action. The government probably did consult close allies, no details have been made public; it obviously – and mistakenly – believed that it was

acting under a strategic umbrella that would enable a military solution without a Russian response. However, the 7 August 2008 attack by four Georgian brigades on South Ossetian militias and Russian peacekeepers triggered a Russian military response the very next day.[45]

After five days of fighting, the Finnish OSCE chair and the French EU presidency managed to broker a ceasefire agreement, and the EU Monitoring Mission (EUMM) was established alongside OSCE observers along the lines of contact.[46] However, access to the Ossetian side was blocked. Georgia withdrew from its ceasefire agreements of 1992 and1994, canceling the Russian peacekeepers' mandates. Russia then recognized the two breakaway entities as independent states and stationed forces there, invoking »host-state consent«, in the face of Georgian and Western protests. No agreement was found regarding the status of the disputed territories, and in July 2009, both the OSCE mission to Georgia and the UNOMIG were withdrawn.

Two different narratives regarding the short war in 2008 foreshadowed the crisis six years later: The West condemned Russia's breach of international law and violation of Georgia's sovereignty and territorial integrity and broke off dialogue in the NRC. Russia held that the US military presence in Georgia and NATO's membership offer had encouraged the Georgian president to breach the 1992 ceasefire agreement, initiate full-scale aggression and attack Russian peacekeepers. It claimed that Saakashvili's attempt to unite the two breakaway regions with Georgia was unrealistic, while their recognition by Russia was justified by international law – like the West's recognition of Kosovo.

At the same time, Russia developed a new threat perception from what it saw as a US attempt to expand NATO deep into the heart of the Russian nation. Such

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44. NATO. Bucharest Summit Declaration. Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Bucharest on 3 April 2008 (NATO PR (2008) 049).

45. Independent International Fact-Finding Mission on the Conflict in Georgia (IIFFMCG/ EUSR) (2009): Report Volume I – III. Geneva; cf. Richter, W. (2009): Initial Military Operations during the War in Georgia in August 2008, in: Caucasus analytical digest 10/09 October 2009, 5–9.

46. Six Point Agreement of 12 August, signed by Georgia and the Russian Federation, in: Council of the European Union, Press Release 12453/08 (Presse 236): Extraordinary meeting on General Affairs and External Relations, Brussels, 13 August 2008; Agreement on Implementing Measures of 8 September 2008, in: Levon Isakhanyan (2011), EUMM – Georgia: the European Union monitoring mission. La revue géopolitique, 15 May; http://www.diploweb.com/EUMM-Georgia-the-European-Union.html (accessed on 2 May 2015); Council Joint Action 2008/736/CFSP of 12 September 2008 on the European Union Monitoring Mission in Georgia, EUMM Georgia. Official Journal of the European Union L 248/26 of 17 September 2008.

a move would not only divide the Russian populations on both sides of the Ukrainian–Russian border but also endanger the Russian Black Sea Fleet's strategic position in Crimea. When, to support Georgia, then-Ukrainian President Yushchenko threatened to curtail Russia's harbor rights and block the fleet's return from operations along the Georgian coast[47], the Russian »red line« loomed above the horizon. The Russian General Staff received such statements as warning signals and prepared for contingencies.

3.2 The failure of »reset« and the EU Eastern Partnership Policy

It is not clear why the Russian threat perception did not change after President Obama entered office in early 2009. At the very beginning of his tenure, Obama acknowledged that US relations with Russia needed to be »reset«. He relinquished his predecessor's geostrategic zero-sum games, put the project of further NATO enlargement on hold and declared new global objectives: nuclear disarmament and non-proliferation, along with creating global efforts to fight transnational threats. International cooperation was to be strengthened and US forces brought home from Iraq and Afghanistan.

The reset of US priorities quickly bore fruit in the field of strategic nuclear weapons. In April 2010, a year of negotiations ended with the US and Russia signing the »Measures for the Further Reduction and Limitation of Strategic Offensive Arms«, also known as the New START Treaty, which aims to reduce each side's strategic nuclear arsenals to a maximum of 1,550 operational warheads and 800 launchers. Within this margin it allows for a reserve of up to 100 intercontinental ballistic missiles, which could be used for conventional warfare. The US had insisted on this caveat in the context with its concept of »Prompt Global Strike (PGS)«, which seeks

to generate options for precision-guided long-range conventional attacks worldwide. In its ratification resolution of December 2010, the US Senate specified that the New START Treaty does not govern future conventional strategic PGS systems or restrict the development of strategic missile defense. In reaction, the Russian Duma's law on ratification warned that Russia would have to withdraw from the treaty if the US developed a strategic missile defense capability that significantly eroded Russia's nuclear deterrent.[48]

Such caveats show that despite the clear progress made toward nuclear disarmament, fundamental issues about balancing US and Russian strategic interests remain unresolved. In Lisbon in 2010, NATO decided to build a missile defense for Europe and North America. Phase IV of the so-called European Phased Adaptive Approach (EPAA) was geared to defend Europe, the United States and Canada against long-range strategic nuclear attacks with intermediate range or intercontinental ballistic missiles. Russia doubted NATO's official threat assessment, which referred to Iran's expected future capabilities. In view of the political agreement regarding Iran's nuclear program and its inability to produce and test such missiles, Russia's view seems reasonable.[49] Although the US recently cancelled technical developments for a future production of Phase IV-related missile defense systems Russia does not feel reassured.[50]

Russia also points to US naval missile defense capabilities, which offer global flexibility and could replace the EPAA

47. Cf. Der Fischer Weltalmanach 2009 [The Fischer World Almanac 2009] Zahlen-Daten-Fakten [Figures–Dates–Facts], Frankfurt on the Main. [Eva Berié et al., S. Fischer Verlag], 2008, Stichwort ›Ukraine‹ [Keyword: ›Ukraine‹]; Welt Online (2008): »Ukraine will Russland in die Grenzen weisen [Ukraine wants to show Russia the limits]«, Interview with President Victor Yushchenko, 11 September; http://www.welt.de/politik/article2429300/Ukraine-will-Russland-in-die-Grenzen-weisen.html (accessed on 2 May 2015); Bittner, J., (2008): »Vielleicht war der Weckruf noch nicht laut genug [Maybe the alarm wasn't loud enough]« – Interview mit dem stellvertretenden Ministerpräsidenten der Ukraine, Grigorij Nemryia [Interview with the Deputy Prime Minister President of Ukraine, Grigory Nemrya], in Zeit Online 20 August; http://blog.zeit.de/bittner-blog/page/11 (accessed on 2 May 2015).

48. Cf. Auswärtiges Amt (Hrsg.) (2014): Bericht der Bundesregierung zum Stand der Bemühungen um Rüstungskontrolle, Abrüstung und Nichtverbreitung sowie über die Entwicklung der Streitkräftepotenziale (Jahresabrüstungsbericht 2013) [The Federal Government Report on the State of Arms Control, Disarmament and Non-Proliferation as well as the Development of the Armed Forces (Annual Disarmament Report 2013], Berlin, 24–26.

49. The White House Office of the Press Secretary Fact Sheet: Implementing Missile Defense in Europe, September 15, 2011; https://www.whitehouse.gov/the-press-office/2011/09/15/fact-sheet-implementing-missile-defense-europe (accessed on 2 May 2015); Arms Control Association Fact Sheet. The European Phased Adaptive Approach at a Glance, May 2013; https://www.armscontrol.org/factsheets/Phasedadaptiveapproach (accessed on 2 May 2015); Evans, G., T. Ogilvie–White, R. Thakur (2015): Nuclear Weapons: The State of Play 2015. Canberra: Australian National University Centre for Nuclear Non-Proliferation and Disarmament), 63–69.

50. Cf. also M. Dickow et al. (2013): Kurz gesagt: Für eine Denkpause bei der NATO-Raketenabwehr [In short: Supporting a pause to think about NATO missile defense]. Berlin: Stiftung Wissenschaft und Politik, 5 November;
http://www.swp-berlin.org/publikationen/kurz-gesagt/fuer-eine-denkpause-bei-der-nato-raketenabwehr.html (accessed on 5 November 2013).

Phase IV. Russia believes that fielding Phase III missile defense systems (against medium-range ballistic missiles) in Poland and Romania could erode the effectiveness of portions of its second strike arsenals, and wants to secure them by stationing short-range attack missiles (e.g. in Kaliningrad) that could destroy missile defense systems before a second strike. However hypothetical, the creation of unregulated military options that are perceived as threats trigger most unwelcome reactions, and Poland, the Baltic States and Romania perceive such Russian announcements to be threats.

President Obama's reset policies have failed to bring about any new accord with Russia in terms of Europe. No progress has been made on the contentious issues of conventional arms control, the role and reform of the OSCE or the frozen territorial conflicts. The reasons for this include a deeply suspicious and increasingly intransigent Russian government that fears strategic encirclement, political exclusion and humiliation by the West; the blockading by the Republican-dominated US Congress and conservative tendencies in the State Department, particularly regarding European affairs; and growing anti-Russian resentment within NATO. For its part, Russia has realized that the West is by no means a unitary anti-Russian bloc, but remains fixated on the US and unsure about future policies of President Obama's successor.

Many European states, including Germany, France and others, have continued to favor cooperation with Russia while also strengthening the OSCE and arms control. NATO as a whole has remained committed to cooperating with Russia and revitalizing conventional arms control – »in principle«. However, NATO's Lisbon strategy of 2010[51] sent mixed signals by insisting that European stability would be best served by NATO enlargement – without mentioning the OSCE as the overarching framework for creating a common, undivided, security space. It takes just a few states to exercise de facto veto power in negotiations on substance: In spring 2011, informal talks among 36 NATO member states and states-parties to the CFE Treaty failed to revive conventional arms control. After a compromise had been found on a generic

formula about ›host-state consent‹ for stationing forces, the US delegation blocked further progress by insisting on a formulation that would require Russia to acknowledge the illegality of its presence in Abkhazia and South Ossetia. Conventional arms control was used to further political ends and such linkage thwarted the chance to reach a new accord.[52]

On the other hand, Russian concerns regarding Ukraine and Georgia joining NATO were overtaken by events in 2010 because of NATO's waning interest and the political changes in Ukraine: The pro-Western government of the Orange Revolution collapsed and Yanukovych was elected president in what the OSCE held to be generally fair and democratic elections. With Ukraine's course of leaning first to Russia and then to the West, Russia was able to extend the Black Sea Fleet Treaty of 1997 to 2042 with an option to further extend it to 2047.[53]

The new Ukrainian government sought economic cooperation with both the EU and Russia, which was in its best interest because its main trade streams were flowing almost equally westward and eastward with Russia being its single biggest trade partner (in 2013, 32 percent of total imports and 25 percent of all exports). When the EU offered Ukraine a Deep and Comprehensive Free Trade Area (DCFTA) within an Association Agreement in 2013, Russia expressed concern that Ukraine would be flooded with EU products that could negatively impact its free trade with the country and force Russia to impose protective duties and require prepayment for natural gas. Russia underscored its warnings by creating temporary obstacles for imports in the summer of 2013. In Vilnius several months later, the Ukrainian government balked at concluding the free trade agreement with the EU and demanded trilateral negotiations with Russia. The EU rejected its demand but did not break off the association process.[54]

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51. NATO. Active Engagement, Modern Defence. Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organisation. (Why highlighted? This is the title of the document!) Adopted by Heads of State and Government in Lisbon, 20 November 2010, No. 27; www.nato.int/cps/en/natolive/official _texts_68580.htm (accessed on 2 December 2010).

52. Cf. Scheitert.

53. Agreement between Ukraine and the Russian Federation concerning the stationing of the Black Sea Fleet of the Russian Federation in the Territory of Ukraine (28 May 1997) (unofficial English translation of the Russian text as published in The diplomatic bulletin. 1997. B"– 8. With. 2931.

54. Overview in: Der Neue Fischer Weltalmanach 2015. Zahlen–Daten–Fakten, Frankfurt on the Main 2014 , 472–475. The Association Agreement was signed on 21 March 2014 and the DCFTA on 27 June 2014. Association Agreement between the European Union and its Member States of the one part, and Ukraine, of the other part. Official Journal of the European Union L161/3 of 29.5.2014; http://eur-lex.europa.eu/legal-content/PL/TXT/HTML/?uri=CELEX:22014A0529(01)&from=EN (accessed on 2 May 2015).

Russia was clearly concerned that the EU Eastern Partnership Policy (EPP) competed with its Customs Union with Belarus and Kazakhstan and could thwart its plan to include Ukraine and transform the Customs Union into the Eurasian Economic Union. Russia also voiced suspicions that in addition to its trade dimension, the EPP contained a geopolitical element. Whether or not such geopolitical intentions did exist and the DCFTA's compatibility with Russia's Customs and Eurasian Economic Unions are still being hotly debated. A definitive answer is hard to find because of the many different assessments and intentions voiced by various EU actors.

The EPP was created by a number of Eastern and Central European EU and NATO allies after the Georgian crisis – in 2008/09 – after the US had shied away from intervening on Georgia's side in summer 2008, and in light of President Obama's reset policy toward Russia and disinterest in further expanding NATO. With support from the new NATO members, the foreign ministers of Poland and Sweden promoted the notion of associating six Eastern European countries with the EU. The EU generally embraced the policy but was loath to launch another geopolitical competition with Russia or even initiate yet another enlargement process. The EU Commission elaborated comprehensive technical and bureaucratic agreements, which do not suggest any geostrategic ends although they do include stipulations about potential military cooperation for stabilization missions abroad within the framework of the EU's Common Security and Defense Policy (CSDP).[55]

However, the EU neglected the potential implications of agreements that target countries with special ties to – or relevance for – Russia: With NATO's offer of membership and the Russia–Georgia War in August 2008, Ukraine and Georgia were still the focus of geopolitical competition between Russia and the West. Belarus and Armenia are formal allies of Russia in the Collective Security Treaty Organization (CSTO); Belarus belonged to the Customs Union and Ukraine was invited to join although it already enjoyed certain free trade conditions with Russia. The EU has failed to offer any convincing concepts to resolve the territorial conflicts between Azerbaijan and Armenia or in Moldova and Georgia in which Russia is directly or indirectly involved. Furthermore, in most of these countries, especially Belarus and Azerbaijan, governance

does not comply with common EU norms and standards regarding basic freedoms, human rights, democracy and the rule of law – which raises questions about the value orientation of and intentions behind association agreements. An EU Commission ›one-size-fits-all‹ agreement that ignores Russian interests cannot work.

How EU DCFTAs could be made compatible with the Russia's Customs Union was not clear. The High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, declared the EU Association Agreement and the Ukrainian–Russian free trade »compatible« in December 2013. Only three weeks earlier the EU had rejected Russian and Ukrainian proposals to undertake trilateral negotiations.[56] In summer 2013, when Armenia had chosen to join Russia's Customs Union, EU statesmen and the Lithuanian EU Presidency expressed regret that Armenia was deciding »for Russia« and »against Europe«.[57]

3.3 The Ukraine Crisis

Such polarizing statements indicate the geopolitical zero-sum thinking in the notion that EPP countries were forced to choose between Russia and Europe: exactly that interpretation prevailed on the Maidan from November 2013. President Yanukovych's delay in joining the DCFTA came to symbolize competition between Russia and the West; in late 2013, Western politicians did little to correct such an interpretation. In early December, at the OSCE Ministerial Council Meeting in Kiev, high-ranking EU and US diplomats and ministers publicly encouraged the protesters to continue demonstrating for a pro-Western course. On the Maidan, however, regime change was gaining popularity.

It was clear to Russia that for diplomats and politicians to spur on demonstrations against the government that had invited them to an international conference contravened the Vienna Convention on Diplomatic Relations

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55. Ibid., Art. 7, 10.

56. Cf. Der Neue Fischer Weltalmanach 2015, 473.

57. Cf. Ludwig, M. (2014): Ein hoher Preis. Weshalb Armenien Russland der EU vorzieht [A higher price. Why Armenia prefers Russia to the EU], in: Die Frankfurter Allgemeine Zeitung, 8 October, 8; Gotev, G. (2013): EU loses Armenia to Russia's Customs Union, 4 September; http://www.euractiv.com/europes-east/eu-loses-armenia-russia-customs-news-530224 (accessed on 2 May 2015); Radio Free Europe/Radio Liberty (2013): EU Officials Warn Yerevan Over U-Turn, 4 September; http://www.rferl.org/content/armenia-eu-customs-union/25095145. html (accessed on 2 May 2015).

of 1961 as well as the principle of non-interference in a state's internal affairs. These events fueled Russian suspicion that the West would stage another revolution to topple an elected government and drag the country into the Western camp.

Drawing as many as 100,000 participants to Sunday demonstrations, the Maidan protest probably did reflect the views of large parts of the population in Western and Central Ukraine. However, the much greater indifference, and even resistance, in the East and South of the country was largely ignored. With the erection of street blockades and occupation of government buildings, the demonstrations in Kiev became more violent. Security forces oscillated between restraint and brutal repression, such as on 30 November and on 11 December. More and more militarized organizations appeared in army gear among the protestors, carrying weapons and attacking security forces on 1 December 2013 and 19 January 2014. In Western Ukraine, such organizations blocked and occupied local administrations, police posts and barracks, and confiscated weapons.

Yanukovich vacillated: On 13 December he held »roundtable« discussions with the opposition, fired the head of the Kiev City Administration and deputy security chief but made no further concessions. Then on 17 January 2014, he signed rigorous anti-protest laws that provided a legal basis for a court decision prohibiting further demonstrations on the Maidan. In violent street riots on 19/20 January, the Maidan protesters demanded President Yanukovych leave office; on 22 January, the first demonstrators were killed in heavy street fighting. Yanukovych gave in, firing Prime Minister Azarov and his government on 28 January – and Parliament annulled the anti-demonstration laws. The next day, a new law granted amnesty for protesters who withdrew from occupied public buildings and places. However, Yanukovych refused to relinquish certain presidential powers and return to the 2010 constitution. Between 18 and 20 February, the heaviest street battles involving snipers left more than 80 people dead and hundreds injured.[58]

In this explosive situation, the German, French and Polish foreign ministers – in the presence of the Russian envoy, Lukin – sought to stop the violence and did manage to mediate a political compromise. On 21 February 2014, Yanukovych and the opposition agreed to establish a national unity government, disarm and break up illegal armed groups, return to the 2010 constitution, pardon the protesters, and hold presidential elections at latest by December 2014.[59] With its promise to prevent more violence and attain a peaceful solution to the conflict, the agreement was passed by Parliament, signed by President Yanukovych and the leaders of the three opposition parties – but was then rejected by a number of influential Maidan commanders, who threatened to storm Parliament and government buildings. Yanukovych hesitated to rely on the increasingly unmotivated security forces and left Kiev on 22 February.[60] That day, with the support of members of Yanukovych's Party of the Regions, Parliament deposed the president and elected Oleksandr Turchynov as interim president.

Such an outcome was not predictable. The street violence and parliamentary action were homemade. They were perhaps encouraged, but not staged, by either the West or Russia – despite mutual suspicions. However, Russia considers that the regime change in Kiev brought to power a pro-Western government that signaled a new geopolitical shift against Russian interests. Seeing the Black Sea Fleet's strategic position endangered, it reacted promptly and precisely, probably executing contingency plans that were drafted after President Yushchenko's warning about curtailing harbor rights in summer 2008. On 18 March 2014, after violent separatist actions, unfair local elections and a staged referendum that was protected by special forces and legally stationed Black Sea Fleet units, Russia annexed Crimea and Sevastopol.

Crimea had been part of the Russian Soviet Federative Socialist Republic until 1954, when it was transferred to the Ukrainian Soviet Socialist Republic. It is the only region in Ukraine with an ethnic Russian majority (60

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58. Police units also suffered heavy losses due to sniper fire, starting with 14 policemen killed and 86 injured in the night of 18/19 February. Neef, C., M. Schepp (2015): »Es war eine Provokation [It was a provocation]« – Interview with Vitali Sakharchenko, former Interior Minister, in: Spiegel Online, 22 February; http://www.spiegel.de/politik/ausland/ukraine-ex-innenminister-sachartschenko-ueber-den-maidan-aufstand-a-1018358-druck.html (accessed on 2 May 2015).

59. English text of the agreement published by The Guardian, Agreement on the Settlement of Crisis in Ukraine – full text. The full text of the deal signed by Ukraine's opposition leaders and President Viktor Yanukovych, released by Germany's foreign ministry, 21 February 2014; http://www.theguardian.com/world/2014/feb/21/agreement-on-the-settlement-of-crisis-in-Ukraine-full-text (accessed on 2 May 2015).

60. Cf. Gathmann, M. et al. (2015): Der rote Platz, in: Der Spiegel 8/2015, 90–98.

percent of the population was Russian, 25 percent Ukrainian, 12 percent Tatar). In 1992 and 1995, Crimean attempts to declare independence failed; instead, it was declared an autonomous region within Ukraine. Russia recognized Ukraine's sovereignty and territorial integrity in the Budapest Memorandum on Security Assurances (1994) and the Treaties on Friendship and the partition and stationing of the Black Sea Fleet (1997). In March 2014, the Russian population in Crimea was not in danger although on 23 February the revolutionary Ukrainian Parliament had annulled a 2012 law granting the Russian language official status in Eastern and South Ukraine. However, since Interim President Turchynov did not sign the document, there was no change. According to the OSCE, the revolutionary Parliament's action may have made Ukraine's Russian-speaking population feel insecure.

Russia's annexation of the Crimean peninsula and Sevastopol violated international law and the Helsinki principles. This was the first annexation of territories of a neighboring country in Europe since 1945. The EU, the United States and other Western states condemned the Russian action and imposed sanctions on Russian and separatist officials; NATO cut off regular dialogue and cooperation in the NATO–Russia-Council; and the G7 decided to exclude Russia from the G8.

While the Russian annexation of Crimea was clearly illegal, the political situation in Eastern Ukraine is more complicated. Despite Russia's evident logistical and military assistance to the separatists, the internal dimension of the ongoing war should not be ignored. Although in traditional strongholds in the Eastern and Southern provinces, support for Yanukovch's Party of the Regions had plummeted during the course of his presidency, it is naive to believe that the majority populations in these regions were sympathetic to the events on the Maidan, which were promoted by diverse national and liberal opposition groups mainly from Western and Central Ukraine. Earlier elections had already revealed deep political rifts along regional lines. The presidential elections on 25 May 2014 did not fundamentally change this picture although Crimea and large parts of the Donbas did not take part and overall voter turnout was just 55 percent. Nearly 55 percent voted in favor of President Poroshenko. The parliamentary elections of October 2014 had also confirmed regional rifts, whose boundaries seemed to

have moved east though.[61]

At least at the beginning, protests against the new government in Kiev and armed movements in the East that resembled those on the Maidan could count on sympathy among large parts of the eastern population. That support probably dropped after a year of violence. The war against pro-Russian separatists and Russia's intervention may well have fostered the sense of national unity which no Ukrainian government had been able to develop in 24 years of independence. However, the sense of a common national cause has not reached all regions – certainly not the Donbass, let alone Crimea. Here, the country's division is deeply felt and distrust of Kiev has reached new heights.

Political rifts were reflected in the streams of refugees arriving in Russia[62] and the low combat readiness of the regular Ukrainian armed forces in March 2014. The Ministry of Defense reported that of 140,000 troops with more than 11,000 heavy weapon systems (in accordance with CFE counting rules), only 6,000 regular soldiers were combat ready: The »old« Ukrainian army with its post-Soviet ethnically mixed personnel was not about to fight their relatives in the East for political objectives that many officers did not share. Some former security forces even changed sides to fight with pro-Russian rebels. It is worth noting that about 30,000 of the estimated 36 to 38,000 irregular forces of the Lugansk and Donetsk »People's Republics« are indigenous fighters who are supported by 6,000 to 8,000

61. Cf. Der Neue Fischer Weltalmanach 2015, 475; Veser, R. (2014): Ostwärts wandernde politische Grenzen. Poroschenko siegt in ganzer Ukraine, in: Die Frankfurter Allgemeine Zeitung 27 May, 7; Schuller, K. (2014): Wahl mit Überraschungssieger [Surprise election winner], in: Die Frankfurter Allgemeine Zeitung 28 October, 2; Stein, A. (2014): Ukraine: Parlamentswahlen im Zeichen des Krieges [Ukraine: Parliamentary elections in wartime]. Heinrich Böll Stiftung, 29 September; http://www.boell.de/de/2014/09/29/ukraine-parlamentswahlen-im-zeichen-des-krieges (accessed on 2 May 2015); With regard to electoral geography, cf. Klüsener, S. (2014): Ukraineanalysen [Ukraine analyses] 109, 9 (based on data of the Central Electoral Commission; http://www.electoralgeography.com/new/en/wp-content/gallery/ukraine2014l/Ukrainian_parliamentary_election._2014.png (accessed on 2 May 2015).

62. Caritas Ukraine believes that in addition to 1.3 million IDPs, about 700,000 people have taken refuge in Russia. See also Gefechte im Osten: 730.000 Ukrainer wandern nach Russland aus [Battles in the east: 730,000 Ukrainians immigrate to Russia]. Spiegel Online 5 August 2014.

»volunteers« from the Russian Federation.[63] Against this backdrop, the president's new National Guard largely replaced regular forces with doubtful loyalty. Separatist action in Eastern Ukraine became increasingly fierce when the Ukrainian government launched its »anti-terrorist operation« and the National Guard and volunteer battalions bore its brunt.

Furthermore, since armed groups and volunteer battalions gathered on both sides of the front line, a culture of violence has spread throughout Ukraine. Growing radicalism and hatred are accompanied by brutal attacks against political adversaries – and not just in separatist territories. The tragic events in Odessa in May 2014[64] and arbitrary acts in other regions reflect societal divisions, the state's fragility and difficulties in reconciling Ukrainian society.[65]

Russian action is crucial to the unfolding of the situation in Eastern Ukraine although the extent to which regular Russian units are involved in the fighting is unclear. It can be argued that the war would have been decided long ago if regular Russian forces had conducted vigorous combined arms operations on a permanent basis. There are conspicuous cases of decisive actions that were executed with a high degree of military professionalism and concentrated heavy weaponry when particular objectives had to be met, such as rescuing the separatists from defeat in summer 2014 or clearing the ›wedge‹ of Debaltseve in January/February

2015. Furthermore, the rebels' resources were much too limited to sustain high-intensity military operations for more than a year. Russian logistical and military support seems to be limited to preventing the rebels from losing ground. The rebels would need Russian support and consent to launch major offensive operations.

It is not clear what objectives Russia has for Ukraine. Western assessments range between two main possibilities: limited backing of the rebels to maintain the status quo or launching a new offensive to create a larger »Novorussia« in Eastern Ukraine, thereby gaining territorial links to Crimea. Such larger objectives entail serious strategic implications for Russia's future role in the European security order and beyond. In this context, two tendencies within the Russian establishment can be observed. One holds that a new split of Europe was unavoidable and that Russia had to fortify its strategic positions in Europe and seek strategic depth by forging new global alliances, particularly with China. The other believes that bridges to Western Europe should not be destroyed and there might still be a chance to return to a cooperative order of equal and undivided security in Europe.

Both elements are found in Russia's current policies. On one hand, Russia seems to be preparing for a longer period of confrontation, expanding its political, economic and military ties to China and demonstrating military strength. On the other, the Russian government was obviously surprised by the West's bold unitary response and is shying away from decisive military action in Eastern Ukraine. After annexing Crimea, Russia agreed to the OSCE Special Monitoring Mission (SMM) being dispatched to Ukraine on 21 March 2014.[66] With Germany, France and Ukraine it also brokered the Minsk ceasefire agreements of September 2014[67] and February 2015[68] that aim to halt all military action and seek political solutions to the conflict by reaffirming Ukraine's territorial

63. Cf. Daalder, I. et al. (February 2015): Preserving Ukraine's Independence, Resisting Russian Aggression: What the United States and NATO Must Do. Washington DC: Atlantic Council, Brookings, The Chicago Council on Global Affairs, 10, 12. The report notes that a »significant difference existed between the NATO and Ukrainian assessment on the questions of numbers of Russian troops and presence of organized Russian army units in Donetsk and Luhansk«. While »NATO believes that a large number of Russian military intelligence (GRU) and military officers – estimates ranged from 250 to 1000 – are in Eastern Ukraine as of about January 12« (2015) (p. 10), official Ukrainian sources believed that Russian forces accounted for 8,500 to 10,000 of the 36,000 separatist troops in the Donbass (p. 12). The unofficial figure was put at 5,000 to 6,000. Given the fluctuation of volunteers from the Russian Federation and the results of my informal talks with Ukrainian, Russian and NATO officials, a figure of 6,000 to 8,000 Russian Federation volunteers among as many as 40,000 separatist forces in Eastern Ukraine seems realistic. This figure includes Chechens, Cossacks, members of the Afghanistan Veteran Organization, other ethnic Russians, foreign volunteers – and »volunteers« of the Russian forces (soldiers »on leave«). Russian forces stationed on Crimea are not included.

64. Cf. Olearchyk, R. (2014): Shock and anger over deaths in Odessa, in: The Financial Times 5 May, 3; Boy, A.-D (2014): Niemand will Schuld gewesen sein, in: Die Frankfurter Allgemeine Zeitung 5 May, 2.

65. Cf. Halling, S., S. Stewart (2015): Identity and Violence in Ukraine. Societal Developments since the Maidan Protests, in: SWP Comments 19, March.

66. OSCE. Permanent Council. Draft Decision on the Deployment of an OSCE Special Monitoring Mission to Ukraine. PC.DD/7/14/Rev. 3 of 21 March 2014, adopted on 21 March 2014.

67. Minsk Protocol of 5 September 2014, Russian text: http://www.osce.org/home/123257 (accessed on 2 May 2015); unofficial German translation in: Wittkowsky, A. A. Kadar (2014): Die OSZE und der Waffenstillstand in der Ukraine: Vermitteln, Beobachten, Überwachen, in: Zentrum für Internationale Friedenseinsätze Analyse 24 October, Annex I.

68. Package of Measures for the Implementation of the Minsk Agreements, Minsk, 12 February 2015; English translation in: UN Security Council Res. 2202 (2015) of 17 February 2015, Annex I; http://www.un.org/press/en/2015/sc11785.doc.htm (accessed on 2 May 2015).

integrity and granting special status to the concerned regions. Russia also advocates a stronger role for the OSCE. On 12 March 2015, it agreed to extend the OSCE mandate and boost the SMM's personnel to 1,000 observers.[69] Although the Minsk agreements have undoubtedly been helpful, the ceasefire remains fragile and both parties to the conflict still have heavy weapons in the field. While Russia could certainly do more to convince rebels to implement their commitments and grant unimpeded access to OSCE observers, it criticizes the uncontrolled actions of Ukrainian government troops and volunteer battalions.

NATO allies, especially ›frontline countries‹ such as Poland, the Baltic States and Romania, are skeptical of the Minsk agreements. They assess Russian policies as revisionist and view its forced border changes and annexation of Crimea because of its »responsibility to protect« Russian and pro-Russian minorities, as a direct threat. At the Wales Summit in September 2014, NATO members decided to reassure its allies in the region by stationing small combat and air defense units, but did not suspend the NATO–Russia Founding Act of 1997.[70] The US and the UK have further provided »non-lethal« logistical assistance and dispatched military trainers to Ukraine. [71]Poland and other states might follow with similar actions. In addition, these countries are considering sending arms to Ukraine – a move that is being heatedly discussed within NATO.

3.4 Summary and Conclusions

In 1990, the European peace and security order elaborated in the Charter of Paris supplanted that established at the 1945 Yalta Conference, replacing confrontation with cooperation, uniting a divided continent and solving

the ›German Question‹. The new order was based on principles of international law, common values and a balance of security interests in order to ensure strategic restraint, particularly through arms control. The central objective and promise of Paris was to establish a common space of cooperative security based on equality and reciprocity.

Today, however, this order is endangered; according to the NATO ›front-line‹ states, it is obsolete. What went wrong? By annexing Crimea and intervening in the civil war in Eastern Ukraine on the side of anti-Maidan and pro-Russian forces, Russia clearly violated principles of international law. The first annexation of a neighboring country's territory since 1945 has shaken the foundations of the European peace and security order and triggered hefty reactions from Western countries. However, Russia's actions did not come out of the blue. Tensions between the US and a number of its allies and Russia had been growing since 2001, yet the countries that are now declaring the end of the Paris order did little to prevent the escalatory developments of the past decade.

The 1990 order of Paris was based on the assumption that a united Germany would continue to belong to NATO and Soviet (Russian) forces would withdraw from Central Europe – as long as NATO military structures were not pushed forward and NATO forces did not occupy the positions vacated by Russian forces. It was crucial to give up geopolitical zero sum-games and create a win-win situation in which all participants could save face and preserve their basic strategic interests. The equality and equal security of states and close cooperation on security issues of mutual interest were essential elements.

Basic assumptions of the Paris order were then challenged by the WP's dissolution and the collapse of the USSR. Nevertheless, from 1992, as the legal successor to the Soviet Union, Russia could still live with the acquis because the Two-Plus-Four Treaty and the Charter of Paris guaranteed strategic restraint, while the CFE Treaty assured NATO's concrete limitations and geographical distance.

In 1999, NATO's first post-Cold-War enlargement changed the status quo once again. Basic assumptions of the European order no longer held. Significant adaptation efforts were needed to calm Russia's concern that the practice of extending military alliances within a

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69. OSCE Permanent Council, Decision No. 1162 Extension of the Mandate of the OSCE Special Monitoring Mission to Ukraine. PC.DEC/1162 of 12 March 2015 (PCOEW5968).

70. NATO. Wales Summit Declaration. Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Wales. Press Release 120, Issued on 5 September 2014; No. 1, 16 – 23; http://www.nato.int/cps/en/natohq/official_texts_112964.htm?selectedLocale=en (accessed on 2 May 2015).

71. Cf. U.S. Congress, S. 2828 – Ukraine Freedom Support Act of 2014 (12/11/2014) 113 Congress (2013–2014), Sec. 6; https://www.congress.gov/bill/113th-congress/senate-bill/2828 (accessed on 2 May 2015); Congressional Record, 114th Congress, Providing Military Assistance to Ukraine. H. Res. 162 EH March 23, 2015. The Library of Congress, Page H1833); http://thomas.loc.gov/cgi-bin/query/D?r114:5:./temp/~r114z7lVFl (accessed on 2 May 2015).

system of a cooperative (and perceived collective) security order contradicted the objective of creating a common space of equal security without dividing lines or geopolitical competition. Such adaptation was successfully made from 1997 to 1999 with closer NATO–Russia ties in the NATO–Russia Founding Act, the adaptation of the CFE Treaty (ACFE Agreement) and reinforcement of the OSCE as the political framework for creating a common security space.

However, after 2001, the Bush administration objected to the AFCE Treaty because it sought to end Russian obligations and influence in disputed areas at the southern fringe of the former USSR. It wanted to include Georgia and Ukraine in NATO. By withdrawing from the ABM Treaty and building up a strategic missile defense system and advanced posts in NATO countries close to the Russian border, the US rescinded earlier agreements with Russia and provoked suspicions that the US was seeking to undermine Russia's second-strike capabilities. Not only was the AFCE's entry into force blocked, but NATO's second post-Cold-War enlargement also created potential deployment areas close to St. Petersburg without any arms controls. The US then stationed combat groups at the Black Sea coast, calling them »not substantial«, yet refusing Russia' request to define the term.

At the same time, the US blocked Russian proposals to reform and strengthen the OSCE by providing it with a legal status and legally binding charter and concluding a new security treaty. Instead, the US used the OSCE Permanent Council to confront Russia about its intransigency regarding the remaining territorial disputes and its democracy and human rights deficiencies while ignoring Russian interests in maintaining basic security arrangements and adapting its instruments to a changing security landscape. Angry Russian responses about Western »double standards« (12 to 15 percent of Russian-speaking ›non-state citizens‹ have no voting rights in two Baltic States, Western interventionism and the Guantanamo detention center contravene international law, etc.) poisoned the atmosphere. Strategic cooperation had reverted to confrontation.

With Western recognition of Kosovo and the Georgian crisis in 2008, relations between Russia and the US, NATO and EU plummeted to their post-Cold-War nadir. However, the reason why – in the presence of hundreds of US advisors and shortly after NATO's decision to offer

Georgia an option for future accession – the Georgian president began a full-fledged war on South Ossetia and attacked Russian peacekeepers is still unclear. These events taught Russia that a pro-Western turn by countries in its ›near abroad‹ is followed by US military presence, NATO's expansion even closer to Russian borders and military aggression.

One could argue that such Russian threat perceptions are not justified or are exaggerated and that each issue can be seen from a different perspective. This is true. One should also not overlook how democracy and basic freedoms are being undermined in Russia and its increasingly uncompromising positions on territorial conflicts in light of the growing US presence next door. Yet such arguments do not help to prevent misperceptions and destabilizing actions. Even exaggerated threat perceptions have their bases. Western states feel them, too. Political realities cannot be overcome by persuasion but only by open and sober dialogue, concrete assurances and the verified implementation of agreements ensuring strategic restraint with respect to the equality of states and reciprocity.

Under US leadership, Western states intentionally blocked Russian proposals while simultaneously altering Europe's political and military landscape without paying much attention to Russia's positions – sometimes in clear disregard of Russian interests and their own commitments. Such policies more closely unified Europe under the umbrella of NATO and the EU, but ignored the OSCE's role and isolated Russia. Decisions with far-reaching implications for the European security architecture were taken in Brussels, and Vienna declined in political significance. Whenever crisis occurred, discussion in established fora such as the NRC or the CFE Joint Consultative Group was suspended while the OSCE's Permanent Council and Forum for Security Co-operation became arenas for confrontational rhetoric rather than solution-oriented dialogue. Since Russia's suspension of the CFE Treaty, military-to-military contacts have significantly been reduced.[72] Policies like these directly contradict the post-Cold-War European peace and security order's objective of creating a common, undivided OSCE space with equal security and without geopolitical rifts.

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72. Since the beginning of the Ukraine crisis, bilateral military-to-military contacts, such as the German–Russian Armed Forces dialogue, traditionally organized by the German Institute for International and Security Affairs (SWP), have also been interrupted.

Things worsened as the agreed reassurances – closer ties between NATO and Russia, a greater role for the OSCE and the adaptation of arms control – were ditched. Russia viewed such actions as breaches of agreements, disregard for its historical role in replacing the Yalta order, even humiliation. Russian interests were ignored because of the changed narrative. In the Paris order, the US and NATO had regarded the USSR (later the Russian Federation) as an equal power and stressed win-win situations, face-saving and reciprocal security commitments. Now, however, the influential Western voices maintain that Russia »lost« the Cold War and its role and status is merely that of a »regional power«.

Russia feels that the West has neither heeded nor rewarded its obvious historical achievements, which include replacing confrontation with cooperation, withdrawing all its forces from Central and Eastern Europe, implementing huge disarmament obligations, successfully cooperating in Dayton to pacify the area of former Yugoslavia and accepting NATO's first post-Cold-War enlargement on the basis of adapted conditions. According to Moscow, NATO's push to the Russian borders endangered its crucial strategic positions and tried to split the Russian nation. As a result, the Russian government felt to be forced to attempt to regain its national pride and dignity and defensively protect its strategic interests: In consequence, Russia's defiance of international law is based on reasons of strategic defense, not on a master plan to restore Greater Russia in its historical borders.

If this analysis is correct, Russia's future role and political course within the European security order could still be influenced by the measured accommodation of Russian interests in exchange for Moscow's return to rule-based behavior. In such an undertaking, political psychology should not be underestimated. The specific details of potential compromises are less important than the indication that Russian interests are taken seriously and Russia is respected as a great power – on equal footing with the United States and the leading European powers. New win-win situations and face-saving solutions as demonstrated in 1990 could facilitate withdrawals from spheres of influence – provided that solutions are based on reciprocity, equality and mutual commitments to strategic restraint.

The role of the OSCE, with its inclusive, egalitarian approach to the security of all members and vision of an undivided security space, will be crucial for reviving a cooperative security order in Europe. The OSCE's reemergence in crisis management indicates Russia's interest in such an inclusive approach to European security.

4. Recommendations

Whether a return to a cooperative and rule-based peace and security order in Europe is possible depends on all major stakeholders' willingness to understand – but not necessarily share – mutual threat perceptions, to exercise military restraint and to seek new and broader dialogue regarding all the open questions. Such dialogue should focus on the pillars of the order of Paris: adherence to the principles of international law, common norms and standards, strategic reassurances through arms control and the OSCE's strengthened role in security cooperation. It is crucial to renew mutual security reassurances and create an appropriate balance between the roles of the OSCE, NATO and the EU regarding the European security architecture.

All states should recommit to the principles of the Charter for European Security of 1999. States, groups of states and alliances should not seek security gains at the expense of their partners' security nor should they establish new dividing lines and preferential zones of influence. Instead, they should respect mutual security interests, revive and implement agreed reassurances, such as arms control and non-stationing commitments on the basis of equality and reciprocity, and cooperate in creating a common and undivided security space. To that end, a structured dialogue should cover the following points.

4.1 Implementing the Minsk Ceasefire Agreements

Russia understands that any major military offensive operations mounted by rebels from Eastern Ukraine with its backing will trigger strong responses from NATO, including the permanent forward stationing of substantial combat forces and military support for the Ukrainian government. Such a development could cause the European peace and security order of Paris to collapse

and lead to permanent policies of confrontation and containment. Keeping the door open to a return to a cooperative order is only possible through implementation of the Minsk agreements. The OSCE's role in crisis management must be strengthened and observers granted free access.

Cooperation from all parties to the conflict is essential for the Minsk agreements to be implemented. While Russia has the best leverage on – and is responsible – for the actions of pro-Russian rebels, Western states should exercise their influence on the Ukrainian government to implement military provisions and start the agreed political processes. In light of nationalistic rhetoric and dissatisfaction with some of the Minsk provisions, Kiev might need additional backing from its European partners in order to resist domestic requests to withdraw from or undermine the agreements. All sides must be convinced that there is no military solution to the conflict. Government forces cannot win military operations in light of Russia's escalation dominance, nor can national unity and reconciliation be enforced through violence. Assistance to security sector reform in Ukraine should emphasize the control and accountability of volunteer battalions.

All parties to the conflict – whether directly or indirectly involved – should exercise restraint and avoid all actions, such as delivering arms, that could further destabilize the situation and escalate the situation at the cost of the civil population in the Lugansk and Donetsk regions. Given the large number of indigenous rebels, escalation would not change the calculus of the Russian government but instead increase domestic division in Ukraine and make reconciliation projects irrelevant.

4.2 Respect for the Principles of International Law

An open dialogue should not only aim at getting all the states to commit to the principles of international law but should also debate cases in which states have justified their breaches by invoking an ethical imperative (e.g. ›responsibility to protect‹) or the autonomy rights of secessionist regions – or by supporting secessionist processes for reasons of »stability«. The discussion should address reasons and thresholds which could justify exceptions from the principles of non-intervention in

another state's internal affairs, the non-use of force and the territorial integrity of states, as well as the national and international mechanisms which should be involved prior to taking action.

4.3 Strengthening the OSCE

The OSCE remains the central pillar of an inclusive approach to security cooperation that aims to create a common, undivided pan-European security space. Only when states recommit themselves to this concept can the OSCE maintain its pivotal role in cooperative crisis management. The role of the OSCE within the European security architecture must therefore be strengthened, perhaps through legal reforms and legally binding obligations for consultations. Its crisis management tools and CSBMs such as the Vienna Document provisions need to be enhanced. A balanced approach to implementing the OSCE's three dimensions is required, one which disregards neither security agreements nor commitments regarding the ›human dimension‹. While OSCE norms and standards must be respected, dialogue on implementation should not be used to confront but rather to frankly discuss deficiencies without bias and to focus on practical assistance.

4.4 Geopolitical Restraint

Russia must respect neighboring countries' territorial integrity and not seek to establish zones of preferential influence, and NATO must reconsider its enlargement toward Russia's borders and ensure that the geopolitical implications comply with the OSCE's inclusive security approach. No state or alliance should seek to improve its security at its partners' expense. States are free to join an alliance or remain non-aligned, and no alliance is compelled to accept accession requests. Any such request should be weighed against the implications for sub-regional and pan-European stability and not help to deepen national divides or hamper processes of national reconciliation.

NATO also should make sure that its defense commitments toward new allies are compatible with the OSCE concept of cooperative security and the commitments enshrined in the NATO–Russia Founding Act. These foresee restraint in the permanent stationing of additional substantial com-

bat forces. Definitions must be clear, and, unless otherwise agreed, restraint commitments should not be circumvented by permanent unit rotation in regions of special strategic relevance.

When addressing EPP countries, the EU should consider their economic and security ties to Russia, Russian interests in promoting its Customs and Eurasian Union and involvement in unresolved territorial conflicts. EPP countries, especially those with potentially conflictual tendencies toward Russia and the West, should not be forced to make mutually exclusive choices that could deepen national divisions. To ensure national coherence and stability in these countries, it is crucial to maintain equal relations with both sides. Such a policy could also help to bridge new lines of division in Europe and promote the OSCE concept of inclusion. The EU should therefore aim to make its association and free trade agreements compatible with Russia's Customs Union and develop a new approach to creating a free trade zone between Lisbon and Vladivostok. A forward-looking approach like this was envisaged in the Declaration of Minsk made by the leaders of the Russian Federation, Ukraine, France and Germany on 12 February 2015.[73]

4.5 Conventional Arms Control

Conventional arms control is particularly useful for reassuring partners of reciprocal strategic restraint through numerical ceilings and geographical stationing limitations. It used to be a pillar of the European security order of 1990, with the CFE Treaty, the »cornerstone of European security«. After a decade of neglect and deterioration, it now lies in ruins in the most serious post-Cold-War crisis of the European security order. Revitalizing conventional arms control is overdue. It could be useful to recall why the CFE Treaty unraveled and to analyze the lessons learned.

If arms control is to be politically relevant and militarily effective, it must reflect the reality of Europe's changed security landscape and take into account new threat perceptions. After NATO's first post-Cold-War enlarge-

ment, CFE bloc-to-bloc approaches lost relevance and concepts of group limitation became obsolete. This fact was acknowledged by all states-parties, who developed the ACFE to overcome bloc approaches and provide for sub-regional stability. However, efforts to use ratification for political ends prevented its entry into force. Limitations of the treaty of 1990 became irrelevant, and after Russia's suspension in 2007, even the remaining transparency functions stopped working.

Consensus on revitalizing conventional arms control will only be achieved if principles of international law, such as territorial integrity and host-nation consent to the stationing of foreign forces, are respected. Yet arms control cannot solve territorial conflicts and any concrete linkages to political objectives will spoil the process. The value of arms control lies in its potential to create a secure and stable environment for negotiating peaceful solutions. By providing mutual assurances of strategic restraint arms control can help to create a framework for separating local disputes from major strategic competition. Tactical concessions can only be made when a common understanding of strategic goals exists and no party fears strategic defeat or geopolitical losses by compromising on local disputes. New arms control initiatives should refrain from prejudging eventual political solutions and adopt status-neutral approaches to territorial conflict.

In order for conventional arms control to be militarily effective, measures to prevent the destabilizing accumulation of forces for offensive cross-border operations in geographic key zones such as NATO–Russia border areas or regions of conflict must be considered. Verified transparency is as indispensable as concrete limitations to the stationing of military forces. Where the military status quo poses no direct threat, it should be used as the baseline for concrete commitments in line with the NATO–Russia Founding Act. Any temporary exceedance of such thresholds should be subject to intrusive transparency and verification measures and limited in size and duration. While TLE as defined in the CFE Treaty remains relevant for European conflict scenarios, new military capabilities must also be considered. Pooling and sharing concepts, collective rapid reaction and net-centric warfare capabilities, including long-range precise strike potentials, must be taken into account.

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73. Foreign Office press release of 12 February 2015: »Erklärung des Präsidenten der Russischen Föderation, des Präsidenten der Ukraine, des Präsidenten der Französischen Republik und der Bundeskanzlerin der Bundesrepublik Deutschland zur Unterstützung des Maßnahmenpakets zur Umsetzung der Minsker Vereinbarungen, angenommen am 12. Februar 2015 in Minsk.«

4.6 Missile Defense

Realism is also needed regarding the development of missile defense capabilities to protect NATO territories. A cooperative and realistic US–NATO–Russia analysis of the threats created by the missile potential at the southern fringe of the Eurasian–Atlantic space is required to reach a common understanding and develop compatible countermeasures. Such a process should take into account the agreement regarding Iran's nuclear program and its technical limitations in developing long-range missiles, as well as the political implications and potential military effects of NATO and Russian deterrence postures. When determining the technical configuration of countermeasures, the potential ambiguities of regional missile defense systems must be acknowledged, particularly of systems to counter intermediate- and medium-range ballistic missiles. A compromise should be sought through harmonizing technical capabilities and geographical areas of stationing. The comprehensive exchange of test data, stationing personnel in operational headquarters and the observation of each party's exercises could help to enhance transparency and prevent misperceptions. A document that formalizes the renunciation of the EPAA Phase IV for building a regional missile defense system in Europe could help to create trust. Both sides should seek additional substantial reassurances and renew mutual commitments that do not undermine second strike capabilities which could be underpinned by appropriate technical protocols.

4.7 Global Cooperation

Against the backdrop of global security challenges for the US, Russia and Europe, it is obvious that cooperation is in everyone's interest. High on the agenda are: maintaining the nuclear non-proliferation acquis, which implies further nuclear disarmament; curtailing the nuclear programs of Iran and North Korea; combating transnational threats, terrorism, organized criminality, and narcotics and human trafficking; stabilizing failed or failing states, particularly Afghanistan, Yemen, Libya, Syria and Iraq with the new threats posed by the »Islamic State«. Although Western states have strongly opposed Russia's backing of the Assad regime, it was instrumental in eliminating chemical weapons in Syria and saved President Obama from defeat in the US Congress with respect to possible military intervention. Russia and the West share a common interest in reaching at least a sustainable equilibrium in Syria and Iraq and preventing further deterioration. Despite differences in details, Russian attitudes regarding the ›P5+1‹ talks on the Iranian nuclear program and the six-party talks on North Korea's nuclear proliferation were generally constructive. Russia will continue to play a major role in managing global security risks. Common interests could be used to foster a sense of shared fate and the imperative of finding cooperative solutions to open questions, in Europe, too.

4.8 Conclusion

Because such proposals might well meet with resistance from hawks in both camps, it is not clear whether they could be fully translated into political reality. However, there might be a chance since basic Cold War elements, such as ideological and large-scale military confrontation and the arms race between two political blocs, are (still) absent and common global security challenges call for cooperation. In any case, Europe's security cannot be assured nor can protracted and new territorial conflicts be resolved without Russia. Both sides will have to make significant – and painful – compromises.

Failure to compromise could lead the European peace and security order of Paris to an escalating spiral of military action and counteraction, with Europe lapsing into political divisions with new blocs, arms races and armed confrontations. This situation demands bold efforts and creates enormous responsibilities for Germany's chairmanship of the OSCE in 2016. While the obvious difficulties and possible blockades should not be underestimated, they should not discourage us from embarking on a vigorous attempt to change the current trends and restore stability to the European peace and security order.

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