

The European Security Order At Risk

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When the former Conference for Security and Cooperation in Europe was expanded to become the Organisation for Security and Cooperation in Europe (OSCE) by the Paris Charter, some in Europe hoped – or dreamed – that the new organisation would bridge the gaps between the former camps of the Cold War: the Western (European) nations on the one side, and the Soviet Union (USSR) and the former Communist countries on the other side. Since then a lot has been written about whose fault it was that this dream never became reality. The truth is that the OSCE is unlikely to become a framework for a common European security architecture, as the consensus on how to interpret the new order fell apart over the disintegration of Yugoslavia in 1991, possibly never to be reached again. Since then, Europe is divided into a functioning economic and security system provided by the European Union (EU) and the North Atlantic Treaty Organisation (NATO) and the more or less dysfunctional and impractical hegemonic projects designed in Moscow.

It is important to stress that these differences emerged before the big international crises over Ukraine (2014), Georgia (2008), and Kosovo (1999) brought them to the surface. They are not just the making of the Putin regime and its attempts to improve its legitimacy by spinning reality in ethno-chauvinist and militarist terms (although it was of great use in stabilising the regime). The Russian interpretation of the Paris Charter is supported by large segments of the Soviet elite (which became the post-Soviet Russian elites) and the Russian Orthodox Church (the only new societal faction that rose to elite status after 1991). Hence these differences will most likely outlive Putin, and persist until the Russian elites are fundamentally renewed. Only revolutionary change, a traumatic defeat, or another failure may force them to adopt fundamentally different intellectual and ideological patterns in the future. But this is almost impossible to predict. Rather than elaborate on the legal provisions of the Paris Charter, I will try to highlight the most fundamental contradictions between the Russian and Western views on that Charter and elaborate why they are irreconcilable.

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WHAT THE CHARTER OF PARIS WAS ABOUT

To Western European statesmen signing the Charter of Paris on 21 November 1990, the signature not only meant the end of the Cold War, but the ideological victory of democracy, market economy, and open society. The latter was crucial. The Cold War could only end if the “evil empire” became less evil, and ultimately “one of us”. Only a successful democratic transition could render the bloc confrontation meaningless; however, this transition needed to be accomplished first. To facilitate and assist in this transition, the Office for Democratic Institutions and Human Rights (ODHIR) in Warsaw was founded amongst other sub-organisations under the umbrella of the OSCE. As the West believed that the transformation into democracies, market economies, and open societies were in the genuine interest of all states in Europe (including Russia), the predominant importance of human rights and their priority over the state’s sovereignty was seen as a logical consequence. States – particularly transformative states – were regarded as imperfect. Legitimacy was not the result of statehood, but the result of voluntary subjection of the state’s citizens. While legitimacy was understood as a bottom-up process, the prime aim of the OSCE as an organisation was to help the transitional states meet their citizens’ expectations.

To the West, the end of the bloc confrontation would also make competition between different security and trade organisations meaningless. No Western government called for disbanding the Warsaw Pact or the Council of Mutual Economic Assistance. Both organisations were disbanded at the behest of their member states in February and June of the same year, not due to Western interference. In the logic of democratic transition, maintaining them would add little value, so the West thought this would be a natural process. As the Soviet Union had subscribed to the right of each sovereign state to freely choose its alliance (both in the Helsinki Charter 1975 and the declaration of the 22 in 1990), the logic commanded that those states demanding that the Warsaw pact be disbanded had the right to choose another alliance if the need and wish arose. Hence the West never saw any contradiction between the Paris Charter and the enlargement of the EU (then the European Economic Community) and NATO. However, it did not actively promote it – rather, it passively hedged against it. Both organisations’ “enlargement policies” actually included a bundle of criteria any tentative member would have to fulfil before accession. Most established European Economic Community (EEC) and NATO members then feared that new members with unfinished or failed transition processes could overburden these institutions or insert their own territorial and domestic disputes into these organisations, as Greece and Turkey had done before.

Except for the few reform-minded people around Mikhail Gorbachev and Boris Yeltsin, Soviet cadres saw a very different purpose in the exercise. The bulk of the Soviet cadres – and especially the Komitet Gosudarstvennoy Bezopasnosti (KGB)

– paid little attention to the human rights- and democracy-promoting clauses already signed in the Helsinki Charter.¹ This rests on a long Soviet tradition. From its very foundation the Soviet Union had anchored very progressive human and labour rights in its legal system, which were all ignored and violated by the real existing (*real existierenden*) Socialism and governmental practices.² The Soviet Union signed the Helsinki Charter knowing that it would never allow human rights to be fulfilled or the Warsaw Pact’s members to freely choose their alliance (the question was academic anyway as a “people’s republic” would never raise the idea of leaving the bloc). In the Soviet Union, where almost all governmental communication was an outright lie and cynical obstruction of the truth,³ the true normative power rested with informal understandings and back-door agreements among the power elites. Hence, for them, most of the Paris Charter was an intentional lie, something to pay lip-service to in order to extract other concessions from the West.⁴ There never was much hesitation to break outright the very same rules and norms one had signed before. And more than that, most cadres in Moscow thought the West would act in the same way and that breaking norms was the true right of sovereign great powers – as opposed to meaningless small states which had to stick to rules.

So then what were the Soviet objectives that were carried over into the new Russia? If for Moscow the Paris declaration was only a tactical manoeuvre, what was the real purpose? For the reformists, getting on good terms with the West to support Russia’s own modernisation was one goal. But the liberal-minded reformists never fully claimed power in Russia and always had to settle for coexistence with the power elites inherited from the Soviet Union – particularly the Silovniki.

But even orthodox Soviets must have admitted that Russia was in trouble and could hardly sustain its hegemonic position in Eastern Europe. It could not afford to intervene in Poland in parallel with the war in Afghanistan. The Soviet Union in 1990 neither had the hard power to coerce its satellite states to remain obedient and to repress the independence movements on the rim of the USSR nor the soft power to act as a centre of attraction to them. Russia needed a break, time to reform,

¹ Christopher Andrew and Vasili Mitrokin, *The KGB in Europe and the West: The Mitrokhin Archive*, Penguin Books, Middlesex, 2000, pp. 400-438.

² See: Mark B. Smith, “Social Rights in the Soviet Dictatorship: The Constitutional Right to Welfare from Stalin to Brezhnev”, *Humanity*, Winter 2012, pp. 385-406.

³ Klaus von Beyme, *Die Sowjetunion in der Weltpolitik*, Piper & Co, München, Zürich, 1983, pp. 19-22; Vladimir Gelman, *Authoritarian Russia, Analyzing Post-Soviet Regime Changes*, University of Pittsburgh Press, 2015, p. 145ff.

⁴ The best example for the transactional and highly selective Russian reading of the Paris Charter and the purpose of the OSCE is Sergei Karaganov’s speech at the Friedrich Ebert Stiftung’s Moscow conference on 20 May 1999. Transcribed in: *Das Europäische Modell an der Schwelle zum 21. Jahrhundert*, Internationale Konferenz, 19. Bis 20. Mai 1999, in: Erich Reiter (Ed.), *Sicherheitspolitik in der GUS und im Baltikum, Ausgewählte aktuelle Aspekte, Studien und Berichte zur Sicherheitspolitik*, 1/2001, Wien, pp. 27-32.

regroup, and regain strength, and would accept any framework that would contain the West by diplomatic means until Russia was strong enough to be a centre on its own again.

The idea of a pan-European security order was not new to Soviet foreign policy. Initial plans date back to the 1950s, where similar formulas were proposed by Stalin and Molotov to prevent the rearmament of Germany and to Finlandise the country.⁵ The aim was to ensure a Russian veto regarding any move the West makes in Europe regarding security, while the Soviet/Russian moves would be prepared through “hybrid” campaigns followed by fast pre-emptive action to create a *fait accompli* on the ground – like the Soviet Union did in 1939 in the Baltic states and Finland and then from 1945 to 1948 in Eastern Europe. While in 1990 the Soviet Union was in a weak position to act offensively, the new Charter would give it an instrument to slow down or prevent the West from using this moment of Russian weakness to its own advantage.

Hence Russia never accepted the primacy of human rights over sovereignty. While Moscow recognised the need to reform and de-regulate, it thought it had a right to modernise and democratise “with Russian characteristics”, and that the rights of the sovereign (i.e., the holders of power) would always trump individual freedoms.⁶ Hence it would interpret the norms it had signed in a way that would suit the regime in whatever way (the principle stayed the same under Yeltsin and Putin; however, the discrepancies from the Western model became more apparent under the latter).⁷

While the West thought the bloc confrontation had ended on its own terms (liberal victory), most Soviet cadres thought the USSR had achieved a draw. While the factual independence of the Eastern European satellites could not be prevented, Moscow thought that the principle of “indivisible security” gave great powers a privileged right to derogate the will of smaller countries to join other alliances.

⁵ Molotov presented his idea of a neutral Germany embedded in a pan-European collective security organisation at the foreign ministers’ conference in Berlin, 1954. The proposal was rejected by the Federal Republic of Germany and the Western powers. The Soviet Union was serious about the reunification of Germany, but the West – especially West Germany – would not want to live with a finlandised Germany under Soviet influence as well as a collective security order that would strip the continent of the security provided by NATO in exchange for vague guarantees by the Soviet Union – guarantees for independence the USSR had already broken with regard to other Eastern European states after 1945. See: Hermann Josef Rupieper, “Die Berliner Außenministerkonferenz von 1954, Ein Höhepunkt der Ost-West Propaganda oder die letzte Möglichkeit der Schaffung der deutschen Einheit?” *Vierteljahreshefte für Zeitgeschichte*, Jahrgang 34, Heft 3, 1986, pp. 427-456.

⁶ Zbigniew Brzezinski and Samuel P. Huntington, *Political Power: USA/USSR*, The Viking Press, New York, 1965, p. 45ff and pp. 104-121.

⁷ Edward Lucas, *The New Cold War: Putin’s Russia and the threat to the West*, Palgrave, Macmillan, 2009, pp. 57-86; Gelmann, *Authoritarian Russia*, p. 71ff.

Indeed numerous generations of Russian diplomats claimed the West would violate this principle. However they never put Russia's own actions to debate. Russia also did not act only in "retaliation" or "reaction" against the West. Wherever feasible, Russia used and orchestrated inner societal or ethnic fissions to maintain an active operative foothold in countries at its periphery. It did so in the Nagorno-Karabakh War (1988 to 1992), in Georgia (Ossetian war 1991-1992 and Abkhazian war 1993-1994), and in Moldova (Transnistria War in 1992), disregarding the principle of indivisible security, non-interference, and the primacy of an OSCE settlement over unilateral action. However, as mentioned above, the Paris Charter was a placeholder, never to be taken too seriously. Wherever possible, Russia set fait accomplis the West would not dare to overturn. Even if the West had been more forthcoming towards Soviet or Russian interests and, especially, had refrained from accepting new members into NATO, Russia might still have resorted to similar wars in the Baltic countries, Poland, and others as soon as Russia felt strong enough to exploit them. Since the West did accept new members, such wars occurred only in countries outside of the alliance, particularly Ukraine.

WHO IS A PEOPLE?

The Paris Charter gives particular emphasis to the "people" in several instances. Sovereignty rests with the people; self-determination is a right of the people. Hence to determine who or what is a people is central when interpreting and applying the Paris Charter. In this matter, the most fundamental difference between the West and Russia came to the surface soon thereafter, which wrecked the Paris Charter and the OSCE as a whole. However it is worth noticing that there was no consolidated or generally accepted concept of what constitutes a people in the West in 1990. Rather, there were different concepts, several of which proved impractical during the wars of the dissolution of Yugoslavia (1991-1999) and were abandoned. This overview is a crude simplification; however, it illustrates the perception gap between Russia and the West.

Of all the Western concepts, the German concept was the most "liberal". German scholars defined "people" according to the Yiddish verdict "a language is a dialect with an army". Once a group of people developed not only a common "we-feeling" and national cohesion, but started to act as an independent social entity, capable of providing public services (including security) and taking the issue of their collective rights into their own hands, they constituted a people in the sense of the Paris Charter. Once the social mobilisation of that people had reached the point when they could rise in arms against their current state, independence was more or less inevitable. One may try to settle with extended autonomy, or moderate the transition towards independence (negotiating minorities' rights, transition government,

monitoring, etc.), but forcing them back under a rule they reject by arms is a fruitless endeavour. Of course this needs to be taken with a grain of “*realpolitik*”, not to atomise the international system from the outset. But it explains Berlin’s reactions to the many crises following the end of the Cold War. In Yugoslavia (also in Ethiopia-Eritrea and others), the recognition of Slovenia and Croatia was seen as accepting reality. Rather than try to prevent the dissolution of Yugoslavia (which was seen as inevitable), the international community should facilitate an orderly and peaceful disengagement and post-conflict reconciliation to ensure peaceful coexistence and cooperation of the different states after their formal independence.

The German doctrine would work in Russia’s favour at times. For example the West never endorsed Azerbaijan’s claims of Nagorno-Karabakh returning to Azerbaijan under Baku’s conditions. However, one precondition for the acceptance of secessionist movements is that they emerge on their own, or at least would have emerged even if help from outside was withdrawn. This was the case in Nagorno-Karabakh, Slovenia, Croatia, and Kosovo. But not in the case of Crimea or the Donbas.

But the German opinion was not shared by many Western states in 1990. With most states, the “French” doctrine that a people is the sum of citizens of a state prevailed. Sovereignty rests with the people, but that means with all citizens of a particular state. They can decide by majority to dissolve – like Czechoslovakia splitting in 1993 – but there is no right to secede from a state without the consensus of this state’s majority. Individual human rights and freedoms to be guaranteed by the state should prevent ethnic conflicts from turning violent. However, in general, the doctrine rather emphasises individual rather than collective human rights; hence, it is rather sceptical towards separatism. This doctrine explains the reaction of most Western states to the break-up of Yugoslavia – which they thought to prevent. France, the United Kingdom, Italy, Spain, the Netherlands, Belgium, and, initially, the United States (US) rejected recognising Slovenia and Croatia (declaring independence in 1991); instead, they tried to preserve Yugoslavia by offering it European Economic Community (EEC) membership on privileged terms. Well into the mid-1990s, sizeable parts of the French and British policy establishment still regarded the dissolution of Yugoslavia as a mistake. Yet, the doctrine proved impracticable. Slovenia and Croatia would under no circumstances go back under Serbian rule and had the means to defend independence. After Belgrade violated numerous United Nations (UN) resolutions, committed atrocities in Eastern Slavonia and Bosnia, took UN peacekeepers as hostages, and all but neglected the Vance-Owen and Owen-Stoltenberg plan for Bosnia, Washington tilted towards the German line and that basically decided the first round of secession wars in 1994/95. However, reluctance still dominated the negotiations in the Rambouillet and later

the Ahtisaari plan for Kosovo: independence should be prevented through an utmost autonomy for Kosovo, but preserving Serbia's territorial integrity.

When the Ahtisaari plan was brought to the UN Security Council, Russia issued a veto, but submitted no other alternative proposal or plan that would reconcile the two camps. The Russian veto was then exploited by Prishtina to declare independence – a fact that most European states accepted as unavoidable (German doctrine). But the Russian move was more telling about the Russian doctrine. Why did Moscow oppose the Ahtisaari plan? Why was Moscow ever inconsistent about separatism, supporting it in Georgia, Moldova, and Azerbaijan, but forcefully battling it in Yugoslavia?

The Russian doctrine on what is a sovereign “people” combines French etatism with the Soviet doctrine of limited sovereignty, according to which some states and peoples are truly sovereign, while others are not.⁸ By the virtue of history, culture, and power, some people are true subjects in international relations (master-people), forging the fate of their nation by themselves, while others (servant-people) are required to subordinate their own collective rights to the interests and preferences of the master-people. The ideological affinity of Russia's political elites towards Fascism greatly facilitated the acceptance of this paradigm in wider elite circles, including large parts of the contemporary “opposition”.⁹ In Yugoslavia the Serbs by virtue of their history and orthodox brotherhood were entitled to have a colonial empire, regardless of how they behaved or what means were necessary to maintain it. It was irrelevant what the Croats, Slovenes or Bosniaks thought of being part of that empire. The same paradigm explains Russia's actions against Ukraine and Georgia.

This pattern also explains why Russia throughout the decades was obsessed with preserving a “sphere of influence” or lambasting “NATO expansion”. In the Russian viewpoint, the will of the Baltic countries, Poland, and others was simply irrelevant. They ought to respect Russia's interest of being surrounded by dependent minions. Their admission into NATO was seen as “America's violation of Russia's interests” as if those states had no will at all. Unsurprisingly both sides never agreed on a coherent narrative.

In every crisis – for instance, Russia's invasion in the Donbas – or diplomatic overture – like the Meseberg memorandum – Russia tried to reach out diplomatically to Washington (or other strong European states) to find a common ground to

⁸ See: Martin Malek, “Integration in der GUS und die Politik Russlands”, in: Martin Malek (ed.), *Integration in der GUS*, Schriftenreihe der Landesverteidigungsakademie, 3/2010, p. 33ff.

⁹ Vladislav Inozemtsev, “Putin's Russia: A Moderate Fascist State”, *American Interest*, 23 January 2017, available at: <https://www.the-american-interest.com/2017/01/23/putins-russia-a-moderate-fascist-state/>; Anton Barbashin and Hannah Thoburn, “Putin's Brain, Alexander Dugin and the Philosophy Behind Putin's Invasion of Crimea”, *Foreign Affairs*, 31 March 2014, available at: <https://www.foreignaffairs.com/articles/russia-fsu/2014-03-31/putins-brain>.

“solve” the crisis, as if the affected states were non-existent. This reflects Moscow’s standard way of solving a crisis: identify the master-state of your regional opponent and negotiate with him on how to arrange a settlement between the servant states. All these efforts were in vain; first, because the West does not subscribe to the Russian concept of limited sovereignty and does not impose solutions without consulting the affected states. (Despite the victimhood narrative circulated in Belgrade, this was also true for Serbia; however, attempts proved futile.) Second, because the West does not possess puppet forces like the Donetsk People’s Republic (Донецкая Народная Республика – DNR) and Lugansk People’s Republic (Луганская Народная Республика – LNR) in any of the conflicts involved. Everyone who follows decision-making in NATO or the EU knows that it is by no means a game of orders and obeys.

While both the French and the German doctrines have their faults and in practice it is much more difficult to settle on who is to be regarded as sovereign in legal terms than on paper, the Russian interpretation of the European order is outright unacceptable to everyone but Russia. Moreover, Russia’s cynical adoption of the rhetoric of the German doctrine by creating uprisings and incidents through covert agents and special forces, to be exploited to legitimise an invasion before any settlement process starts, has destroyed any trust and predictability in the current system.

SACRED BORDERS?

The annexation of Crimea in 2014 came as a shock to the Europeans. Although state borders were declared sacrosanct with the Helsinki declaration in 1975, Europe’s borders have changed since, and in Eastern and Southeastern Europe they have changed quite dramatically. It was more the way how Russia changed the borders of Ukraine than the fact that they changed that shocked Europe.

The question of whether borders may be changed is strongly related to the issue described above. Who or what is a people, and under what circumstances would national self-determination overrule sovereignty? The problems of borders and people became pressing after 1918, when the victorious powers of the Entente imposed the French concept of the monolingual nation-state on Central and Eastern Europe. The problem was that east of the Rhine there were no mono-ethnic territories, and language was not in all instances the defining factor for social identity. The dissolution of the German, Austro-Hungarian, and Ottoman empires did not liberate people from cultural oppression, but rather created many successor states in which a respective majority repressed one or more minorities: Ukrainians were suppressed both in Poland and Soviet Russia, the Germans in Czechoslovakia or Italy, the Hungarians in Romania, everyone but Serbs in Yugoslavia, and so forth. Hence, instead of peace the region witnessed an unprecedented flaring up of civil

wars and ethnic riots.¹⁰ The first solution to the problem seemed to be ethnic cleansing: first practised between Greece and Turkey, then applied on a monstrous scale by Germany in Czechoslovakia, Poland, Yugoslavia, and the Soviet Union (today predominantly the territories Belarus and Ukraine). After the defeat of the Axis powers, the expulsion of German and Italian minorities from the new found Soviet Satellites and Yugoslavia was part of the new order in Eastern Europe. The human toll of adjusting people to borders was enormous – especially if the borders were moved by imperial conquest first.

For the West, the events of the Second World War were a never-to-be-repeated exercise. To preclude a repetition, human rights bills and the banning of crimes against humanity should ensure that states behave properly and that citizens can exercise their individual and collective rights without having to secede to form their own state or try for an *Anschluss* to another. Still the West was not perfect at this, as finding sustainable solutions for separatist conflicts took decades (Südtirol, Catalonia, the Basque countries, Corsica, Northern Ireland). Still they came about without war and ethnic cleansing.

When the communist order collapsed in 1989, numerous minority-majority tensions existed in various states. The fear that these tensions would turn violent (especially if transformation failed) explains the attention the Paris Charter pays to human rights and minority issues. Unfortunately, in the Western Balkans and the Southern Caucasus minority issues did turn violent. The reaction of Russia and the West to these contingencies is telling about their very different views on the matter of changing borders.

In the initial phase of the war in Yugoslavia,¹¹ the West attempted to prevent the disintegration of the country by pressing Belgrade to agree on serious reforms and by offering it membership to the European Economic Community (which became the EU after 1992). With the backing of Moscow, Milošević declined all compromises proposed by both European diplomats and representatives of other Yugoslav republics still willing to remain in Yugoslavia (by then Bosnia and Macedonia) and sent the army. Only after all diplomatic efforts had failed did Washington and the Europeans pave the way for the recognition of the independence of Slovenia, Croatia, and Bosnia. But the West still tried to be as predictable as possible and

¹⁰ See: Robert Gerwarth, *The Vanquished: Why the First World War Failed to End, 1917-1923*, Penguin, New York, 2017.

¹¹ See for the initial phase of the war and the EEC/EU reaction: Erich Rathfelder, “Der Krieg an seinen Schauplätzen”, in: Dunja Melčić (ed.), *Der Jugoslawienkrieg, Handbuch zu Vorgeschichte, Verlauf und Konsequenzen*, 2. Aktualisierte und erweiterte Auflage, VS Verlag für Sozialwissenschaften, Wiesbaden, 2007, pp. 334-361; Jaques Rupnik, “Die Welt im Balkanspiegel: das Agieren der Großmächte”, in: Dunja Melčić (ed.), *Der Jugoslawienkrieg, Handbuch zu Vorgeschichte, Verlauf und Konsequenzen*, 2. Aktualisierte und erweiterte Auflage, VS Verlag für Sozialwissenschaften, Wiesbaden, 2007, pp. 461-474.

worked out criteria under which one may recognise both former Yugoslav and former Soviet republics. Furthermore, the West insisted that the new states respected their minorities, and rejected any adjustments of the borders to ethnic situations on the ground – so as not to provide a pretext to cleanse areas under the control of one party. The West put pressure on Croatia to reintegrate the Serbian minority in the Krainia and Eastern Slavonia, despite the atrocities that were committed by them. Multi-ethnic coexistence remained a principle of all subsequent peace plans for the Balkans. At times this produced very clumsy agreements like the Dayton agreement in Bosnia and the Ohrid agreement for Macedonia. Both Bosnia and Macedonia are almost failed states by design, hardly capable of policing their realms. These ill-designed agreements are witnesses to the fact that the West only reluctantly accepts *realpolitik* when borders are to change.

Contrary to the Russian claim, Kosovo serves as a perfect example of the West's reluctance to change borders. When the fighting flared up in Kosovo in 1998, the West had already grown wary of Milošević violating numerous UN resolutions and recklessly backing ethnic cleansing and crimes against humanity. Nevertheless, the first negotiating attempts thought to achieve a compromise that preserved Serbia's territorial integrity. Despite Serbian-Russian propaganda claims about being tricked by NATO, the negotiations effectively failed because both parties on the ground would not agree to compromise. If Serbia had accepted the Rambouillet agreement, it would have had the right to deploy a limited number of army and police forces to patrol its then internationally recognised border with Albania. Still, Serbia declined. Even then Kosovo's independence was not a given fact, and negotiations to achieve a solution that would allow Kosovan self-governance while preserving Serbia's territorial integrity went on in multiple rounds of negotiations, culminating in Russia's veto against the Ahtisaari plan in 2007. But even until now, the West and particularly NATO have ensured that the Serbian minority in Kosovo and Orthodox cultural sites are secured. While the West's attempt to ensure multi-ethnic coexistence in places like Kosovo might be rather a reflection of normative demands than the realities on the ground, it illustrates the West's reluctance to change borders in the name of ethnic conflict.

When negotiating the Helsinki Charter, the Soviet Union had more pragmatic reasons for insisting on the inviolability of boundaries. The US had not formally recognised the Soviet gains under the Molotov-Ribbentrop accord (1939) and West Germany then had not formally assigned the claim to East Prussia, Pomerania and Silesia – although the Federal Republic of Germany (FRG) did nothing to regain these territories. Hence, when insisting on the inviolability of boundaries, the Soviet Union primarily thought of securing its own borders. Back then, Moscow was quite satisfied both with its imperial borders as well as its sphere of dominions. Critical reflections of Stalin's foreign policy, the Molotov-Ribbentrop pact

and its consequences for Europe, as well as the ethnic “redistribution” following the changes of borders in Central-Eastern Europe (CEE) were restricted to liberal circles under Yeltsin’s reign. They were never absorbed by Russian diplomacy or wider circles of the power elites¹². Putin quickly ordered patriotic education and a broader revision of historical education to prevent any future critical evaluation of this period of Soviet history.¹³

When ethnic tensions erupted in the Russian neighbourhood due to the collapse of the Soviet Union, Russia also perceived these conflicts under aspects of *realpolitik* first. Russian security personnel were a key force in escalating wars in the post-Soviet space or tilting the balance to a draw.¹⁴ The only exception was the Nagorno-Karabakh conflict, which would have flared up and been won by Armenia even without Russian interference.¹⁵ Ethnic tensions in Georgia (Abkhazia and South Ossetia) probably would have erupted without Russian help (as social mobilisation and nationalism had significantly increased during the last years of the Soviet Union), but it remains unclear whether they would have taken such a violent turn.¹⁶ In Moldova social mobilisation for war was low in 1992 and the conflict would most likely not have turned violent without Russia’s interference.¹⁷ As peaceful coexistence never was an objective in Russian foreign policy, ethnic cleansing was the result of all these conflicts but Transnistria. While in Georgia and Nagorno-Karabakh ethnic cleansing was practised by all sides, Russian security personnel did nothing to stop or mitigate the atrocities. In the 2008 Russian-Georgian war,

¹² See: Anna Sanina, *Patriotic Education in Contemporary Russia, Sociological Studies in the Making of the Post-Soviet Citizen*, Ibidem Press, Columbia, 2017; “Putin’s Distorted history”, *The Moscow Times*, 18 November 2014, available at: <https://themoscowtimes.com/articles/putins-distorted-history-29683>.

¹³ “Rewriting Russia’s History With ‘Iron Felix’”, *The Moscow Times*, 29 June 2015, available at: <https://themoscowtimes.com/articles/rewriting-russias-history-with-iron-felix-47754>.

¹⁴ Thomas Goltz, “Letter from Eurasia: The Hidden Russian Hand”, *Foreign Policy*, No. 92, Autumn, 1993, pp. 92-116; The most comprehensive summary: Fiona Hill and Pamela Jewett, “‘BACK IN THE USSR’: Russia’s Intervention in the Internal Affairs Of the Former Soviet Republics and the Implications for United States Policy Toward Russia”, January 1994, available at: <https://www.brookings.edu/wp-content/uploads/2016/06/Back-in-the-USSR-1994.pdf>.

¹⁵ See for the war: Erich Reiter (ed.), *Der Krieg um Bergkarabach, Krisen- und Konfliktmanagement in der Kaukasusregion*, Schriftenreihe zur Internationalen Politik, Band 2, Böhlau, Wien, Köln, Weimar, 2009.

¹⁶ See for the history of the first Abchasian and South-Ossetian war: Jürgen Schmidt, “Konfliktursachen, Abchasien und Südossetien”, in: Erich Reiter (ed.), *Die Sezessionskonflikte in Georgien*, Böhlau Verlag, Wien, Köln, Weimar, 2009, pp. 101-135.

¹⁷ See: Martin Malek, *Der Konflikt im Dnjestr-Gebiet (Moldova), Analyse und Dokumente*, Schriftenreihe der Landesverteidigungsakademie, 7/2006, p. 10ff; Stefan Wolff, “Ein lösbarer ‘eingefrorener Konflikt’?”, *Die Innen- und Außenpolitik der Selbstbestimmung in der Republik Moldau und Transnistrien*, in: Erich Reiter (ed.), *Problemlage und Lösungsansätze im Transnistrienkonflikt*, Böhlau, Wien, Köln, Weimar, 2012, p. 15ff.

Russian armed forces were the key facilitator for expelling around 30,000 Georgians from South Ossetia.¹⁸

While Russia allowed several negotiation frameworks to “solve” each frozen conflict under the umbrella of the OSCE, Russia’s own geopolitical preferences became the most important factor for their complete stalling (except for the Nagorno-Karabakh conflict, where local parties are unwilling to accept a compromise even without Moscow’s interference). In Moldova, both the 1997 Moscow memorandum and the 2003 Kozak memorandum presented by Russia foresaw the transformation of Moldova into a federation where Russian proxy forces had absolute veto positions, particularly regarding foreign and economic policies. The aim of this move was to prevent Moldova from associating itself with any Western organisation – be it NATO or the EU. Provisions that pre-determine foreign policy and economic alignment were never demanded by the West of any of the West Balkan states, and the West never thought to block any state from being politically close with Russia.

In Georgia, Russia’s tactical manoeuvring was even more obvious. When negotiations on the reintegration dragged on through the 1990s, even Shevardnadze’s government grew frustrated with Moscow’s demands. Particularly disturbing to Georgia was the vehement rejection and airing of direct threats against Georgia after the United States had deployed troops to the Pankisi valley in 2002. Those troops were deployed to hunt down Al-Qa’ida personnel and other Islamist fighters hiding in the valley. Those Islamist fighters had close contact with Chechen terrorists and Islamists on the Russian side of the border. To Shevardnadze the American assistance would be in the Russian interest as well, and Georgia was taken aback by the Russian reaction. When Saakashvili took power in 2003, Putin tested the possibilities of rapprochement with Georgia by facilitating the settlement of the conflict in Adcharia, where the Armenian minority demanded independence. However, Saakashvili was even less willing to bow to Moscow’s demands for a permanent alignment to Russia’s orbit and political tensions soon rose with Russia imposing sanctions on Georgia and reinforcing its military presence in the separatist provinces. When Saakashvili’s “soft rapprochement” policy towards South Ossetia posed a danger to Russian control of that province, Russia, in 2008, staged an armed escalation, exploited the Georgian reaction to invade the country,¹⁹ sized

¹⁸ “Georgia: UN continues to press for humanitarian access to victims”, *UN News*, 15 August 2008, available at: <https://news.un.org/en/story/2008/08/269582-georgia-un-continues-press-humanitarian-access-victims>; “Georgia: ‘He looked out of his window and they killed him’”, *The Guardian*, 19 August 2008, available: <https://www.theguardian.com/world/2008/aug/19/russia.georgia>; “Signs of Ethnic Attacks in Georgia Conflict”, *The New York Times*, 14 August 2008, available at: <https://www.nytimes.com/2008/08/15/world/europe/15ethnic.html>.

¹⁹ Gustav C. Gressel, “Der Krieg am Kaukasus, Geschehnisse und Konsequenzen”, in: Erich Reiter (ed.), *Die Sezessionskonflikte in Georgien*, Böhlau Verlag, Wien, Köln, Weimar, 2009, pp. 15-49.

definite control over all parts of South Ossetia and Abkhazia, expelled the remaining Georgian population, and hermetically sealed off these provinces from Georgia. Any post-conflict reconciliation was pre-empted by recognising the separatist republics, which are run as Russian dominions. Any form of independent civil or political action is curtailed by security forces and Russian security personnel keep a tight grip on all public and private affairs.

The Russian behaviour was a severe violation not only of the wording but also of the spirit of the Paris Charter and the OSCE. It should have given the West a warning about what would happen in Ukraine years later. Then Russia used the successful Maidan revolution to occupy and annex the Crimean peninsula without any warning. And subsequently infiltrated special operations soldiers into the Donbas to stage uprisings to provide a pretext for an armed aggression.²⁰ Europe has not seen such reckless aggressiveness since the autumn of 1939.

In short, Russia only agreed to the principle of the inviolability of borders as long as it was satisfied with its “sphere of influence”, but later abandoned the principle in favour of imperial revisionism. It did so covertly during the 1990s, but became increasingly bold and open when its military might allowed a more open challenge of the status quo.

RESORT TO WAR

The prohibition of the use of force anchored in the United Nations Charter was repeated in the Paris Charter. Nevertheless, Europe witnessed wars after 1990 and Western powers as well as Russia were involved in several of them. But there is a striking difference between the practices of when to resort to war, and how to conduct diplomacy before doing so.

For the West the first time the issue of the use of force appeared was in the Bosnian war. After forces of the Republica Srpska denied access to and occasionally shot at UN personnel in Bosnia, and reports about atrocities mounted, the Clinton administration started to evaluate the possibilities of using force to enforce UN resolutions calling for a ceasefire. This met resistance in Europe – particularly amongst former Entente powers – and Russia, and no resolution could be passed in the Security Council. The US threatened unilateral action, and therefore Russia reluctantly agreed to resolution 816 to allow the enforcement of a no-fly zone and resolution 836 to allow strikes on UN requests to protect safe zones (March 1993). But the authorisation mechanism for the strikes was clumsy and time-consuming. To Serbia, this was a deliberate tactic. Belgrade directly prepared, directed, and

²⁰ See: Andrew Wilson, *Ukraine Crisis: What it means for the West*, Yale University Press, 2014; Nikolay Mitrokhin, “Transnationale Provokation, Russische Nationalisten und Geheimdienstler in der Ukraine”, in: *Osteuropa*, 64. Jahrgang, Heft 5-6, Mai-Juni 2014, pp. 157-174.

supported the creation of an “ethnically pure Serbian state” executed through its proxy forces; while on the international arena Milošević maintained the image of a neutral party and denied any direct involvement in the war.²¹ Likewise Serbian commanders on the ground used stalemates in negotiations or diplomatic impasses to intrude into UN safe zones or expand their territorial control – while Belgrade and Moscow would ask NATO for restraint or veto strikes in the UN Security Council. Once Serbian “irregulars” reached their aims, negotiations on a possible ceasefire were resumed on the basis of new facts on the ground. However, by 1994, Washington had grown weary of these tactics and NATO considerably stepped up its air campaign, leading to Operation Deliberate Force. The Russian criticism that this operation overstepped the competences given to NATO through resolutions 816 and 836 ignored the fact that it was conducted on the immediate request of UN Secretary-General Boutros Boutros-Ghali, who would have had to withdraw UN peacekeepers from Bosnia had NATO not intervened militarily. Serbian offensives brought the UN safe zone concept to the verge of collapse. Still, in the subsequent peace negotiations that led to the Dayton agreement, Serbia and Russia were present as equal partners.

It is impossible to understand the dynamics of the Kosovo war (cited by Russia as the Western states’ prime violation of the Paris Charter) without taking the dynamics of the Bosnian war into account. During the run-up to the war, Western leaders particularly tried to avoid the Bosnian experience of being bogged down by negotiations that were nothing but a diversion in order to gain time to create a fait accompli on the ground. The West did not realise that in the case of Kosovo the Albanian side was acquainted with similar tactics, like using a ceasefire negotiated by Yeltsin in 1997 to unilaterally improve the situation on the ground. During the subsequent negotiations, both parties proved stubborn and unwilling to make concessions on maximalist demands. However Milošević had already wrecked his reputation as an honest broker and statesman previously: The hardening of nationalist politics in Serbia and particularly the appointment of Vojislav Šešelj – an outspoken advocate of the “greater Serbian” idea – as deputy prime minister did not quite ease the West’s reservations when dealing with Kosovo. Still when fighting in Kosovo flared up in 1998, international negotiations on ending hostilities were commenced and the OSCE was asked to monitor the situation on the ground. But as in Bosnia, OSCE monitoring proved unsuited to quelling the situation. The Serbian special police ramped up their reprisals right in front of the OSCE observers, leaving little doubt in the West that the Bosnian scenario was about to start all

²¹ See for the Serbian conduct of the war: James Gow, “Strategie und Kriegsziele”, in: Dunja Melčić (ed.), *Der Jugoslawienkrieg, Handbuch zu Vorgeschichte, Verlauf und Konsequenzen*, 2. Aktualisierte und erweiterte Auflage, VS Verlag für Sozialwissenschaften, Wiesbaden, 2007, pp. 363-371.

over again.²² This explains why NATO commenced its air strikes after the failure of the Rambouillet accords quicker than after the numerous failed peace initiatives in Bosnia. Nevertheless, the West continued its negotiating efforts to reach a compromise between the two parties even after the war – these efforts only came to an end with Russia walking away from the Ahtisaari plan and Kosovo declaring independence. Neither in Bosnia (SFOR) nor in Kosovo (KFOR) did the West exclude Russia from participating in the respective military missions or from being part of the administrative and economic recovery effort. None of the provisions proposed by the West in all the Balkan wars was meant to limit the country's further foreign policy choices. On the contrary, both the EU and NATO treated their former enemy Serbia as an equal and offered the same set of relations as with all other West Balkan member states (however, Serbia is only interested in EU membership).

Russia had a different approach to the use of force from the start. What remained from the Soviet Army in 1991 was by no means a match for the West's capabilities in terms of power projection. Hence, in the aftermath of the dissolution of the Soviet Union, military interventions had to be low cost, and were usually carried out through indirect support, volunteers, secret services, and other hidden channels. With the West lacking proper information about what was going on in these conflicts, and being distracted by the Gulf War, the prospects of an Israeli-Palestinian settlement, the outbreak of hostilities in Yugoslavia, and the political-economic transition in Eastern Europe, it had little capacity and will to react to these contingencies. Both the OSCE and the UN only slowly got involved towards the end of the war in Abkhazia in 1994, and later on also monitored the situation in South Ossetia. The wars in Abkhazia, South Ossetia, and Moldova were all frozen by bilateral ceasefire agreements in either Moscow or Sochi, in which Russia extracted the right to deploy peacekeepers either within a CIS framework or in a bilateral agreement. Hence Russia could de facto manage the new administrative boundaries, while the OSCE and the UN were only invited to monitor the situation later – when Russia had already created a *fait accompli* in its own favour. The deployment of Russian "peacekeepers" excluded any international military presence from the start, and made Russia the real arbiter of the situation on the ground. Moscow could escalate – or tolerate escalation – or de-escalate at will, and leverage this against the affected states when negotiating in Minsk or Geneva. The conflicts would remain frozen unless Georgia or Moldova bowed to Russian demands on their foreign-policy orientation. To underline the Russian position, Russia increased its support for all

²² Joscha Schmierer, "Der Kosovo-Krieg 1999", in: Dunja Melčić (ed.), *Der Jugoslawienkrieg, Handbuch zu Vorgeschichte, Verlauf und Konsequenzen*, 2. Aktualisierte und erweiterte Auflage, VS Verlag für Sozialwissenschaften, Wiesbaden, 2007, pp. 475-480.

separatist republics throughout the 1990s and 2000s.²³ However, Moscow achieved quite the contrary: the harder it tried to pressure Moldova and Georgia, the more they tended towards seeking shelter in the West.

The situation became even more dramatic in 2008 in Georgia. Political tensions between Russia and Georgia had increased; the more successful Saakashvili's reform programme became, the stronger Moscow feared to "lose" the country to Western influence. In 2006, Moscow imposed an embargo on Georgian wine and mineral water as well as restricted financial transactions by Georgians living in Russia. Then Russia reinforced its military presence in South Ossetia and Abkhazia, without having proper reasons to do so. The Russian-proclaimed "militarisation of Georgia with assistance from Washington" does not match the real intentions of the US. The limited military assistance Georgia received from the US before 2008 was aimed at transforming the Georgian armed forces for expeditionary warfare – in short, to be able to help the US in Iraq and Afghanistan. It did not enable the Georgian armed forces to better defend their country, let alone to pose a threat to Russia. Emboldened by the increased Russian presence, Abkhazian and Ossitian militias engaged in a series of provocations in 2008. When Russia staged manoeuvres north of the Caucasus and started diverging troops into South Ossetia on 7 August, Saakashvili ordered a preemptive attack on Tsinvali. The subsequent war proved to be disastrous for Georgia, both in military terms and in terms of public relations for the country.

Russia learned many lessons in the Georgian war: the two most important were that first, the West would not react to Russian aggression other than through diplomatic protest, and second, that it would be easy to impose the Russian narrative of the conflict (the "Georgian aggression") on the West. Russia overplayed both in 2014.

When the corrupt government of Wiktor Janukowycz was brought down by a popular uprising in February 2014,²⁴ none of the "fears" the Kremlin cited to legitimise its aggression was close to reality. NATO had not invited Ukraine to join the alliance, there were no plans to move troops to Ukraine (and even if there had been, it would have been the sovereign right of Ukraine to join any alliance), the "coup" was not supported by Western governments, and there was no "repression" or "discrimination" against the Russian-speaking "minority" (which, in fact, was the majority of the Ukrainian people). In fact, Ukraine had always been a bi-

²³ Martin Malek, "'Integration' in der GUS und die Politik Russlands", in: Martin Malek (ed.), *Integration in der GUS*, Schriftenreihe der Landesverteidigungsakademie, 3/2010, Wien, pp. 48-52.

²⁴ Andrew Wilson, *Ukraine Crisis, What it means for the West*, Yale University Press, 2014, p. 66ff; Igor Lyubashenko, "Euromaidan: From Students' protest to mass uprising", in: Klaus Bachmann and Igor Lyubashenko (eds.), *The Maidan Uprising, Separatism and Foreign Intervention*, Peter Lang, Frankfurt am Main, 2014, pp. 61-85.

lingual state,²⁵ and the few existing language issues concerned the Polish, Slovak, Hungarian, Romanian, Bulgarian, and German minorities in the very west of the country. Even if there were problems, Russia would have had the possibility to raise the issue within the OSCE (which runs an entire sub-organisation, the Bureau for National Minorities in Prague) or the United Nations before resorting to war. Instead, Russian armed forces denied OSCE monitors from entering Crimea²⁶ in March 2014 and banned independent international observers from its staged referendum.²⁷ In both Crimea and the Donbas the possibility of a peaceful resolution of the conflict was not even tried for a second. Only after international pressure on Russia mounted in 2014 and the war in the Donbas became much more costly than anticipated for Moscow, did Russia agree to negotiate a ceasefire agreement – which has been broken by Russia’s proxies almost every day since.

As shown, the West tried for years to solve the war in Yugoslavia through peaceful means and only resorted to war when it believed that the diplomatic process was exhausted (or used as a diversion to gain time for ethnic cleansing). The West always tried to use the OSCE and the UN framework first, before resorting to unilateral use of force. Russia, on the other hand, uses unilateral force first, whenever it sees an opportunity to achieve its goals, and tries multilateral diplomacy only when forced to do so by the West. Moscow never thought to bother the OSCE with the conflicts in the Southern Caucasus or Moldova unless it could prevent a broader Western engagement in the region through containing international involvement in futile discussion formats or meaningless observation missions. Whenever Russia believed that a war had a high probability of resulting in Russia winning and benefiting the interest of the restoration of a wider Russian empire, it did not hesitate.

OUTLOOK

Looking back to the 1990s and observing what has become of the Charter of Paris and the OSCE, the assessment is indeed sobering. The OSCE has by far not lived up to expectations, and it is hard not to blame Russian revisionism for that. While the West has indeed made mistakes in the past 27 years (the most consequential ones, however, happened outside of Europe and without the consent of most European

²⁵ See for the ethnic and linguistic situation in Ukraine: Adam Balcer, “Borders within Borderland: The ethnic and cultural diversity of Ukraine”, in: Klaus Bachmann and Igor Lyubashenko (eds.), *The Maidan Uprising, Separatism and Foreign Intervention*, Peter Lang, Frankfurt am Main, 2014, pp. 87-118.

²⁶ “Bewaffnete verweigern OSZE-Beobachtern Zugang zur Krim”, *Die Zeit*, 7 March 2014, available at: <http://www.zeit.de/politik/ausland/2014-03/krim-ukraine-putin-osze>.

²⁷ Christian Marxsen, “The Crimea Crisis, An International Law Perspective”, *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, Vol. 74 (2014), 367-391; available at: http://www.mpil.de/files/pdf4/Marxsen_2014_-_The_crimea_crisis_-_an_international_law_perspective.pdf.

states: Iraq in 2003, and Libya in 2011), it has always tried to act in the spirit of the Charter. It tried any peaceful solution first, refrained from the use of force for as long as possible, and did not change borders until all efforts to prevent it through consensual solutions were exhausted. Russia, on the other hand, tries to augment its empire by whatever means, and only resorts to the use of diplomacy and international law if it is helpful to contain the West.

Still, there is no need to abandon the organisation. Western nations are unwilling to live in any European order that is below the standards of the Charter of Paris. For the moment, one can only expect these standards to be met when living in the countries of the European Union, protected by NATO. Russia wants to restore its empire, and make the West concede parts of Europe through accepting a treaty on “Common European Security”. But to Europe, there is no need at all to accept Russian claims for supremacy. However, the OSCE neither has the means nor the instruments to contain Russia. This can only be done through determination and deterrence by the West – organised through NATO in military terms and the EU in diplomatic terms. There is no chance of building security “with Russia” as German diplomats sometimes claim.²⁸ One can only be secure from Russia.

There also is no need to further accommodate Russia, or find excuses for Moscow’s behaviour in the vain hope to limit confrontation and engage in a “constructive dialogue”. During the 1990s, Bill Clinton and Christopher Warren (later also Madeline Albright) were deliberately soft on Moscow regarding Russian infringement into the sovereignty and territorial integrity of its neighbouring countries – in their hope to remain on positive terms with Moscow and to not push the “moderates” to the edge. Twenty years later, Russia had not only clandestinely intervened in Moldova, Georgia, and Armenia, it has waged two open wars against Georgia and Ukraine, infringed the United Kingdom’s sovereignty with targeted associations, rehearsed offensive military actions against NATO, interfered in electoral processes in the West, spread propaganda and supported radical parties throughout Europe. Appeasement has failed – containment is needed.

Eventually Russian imperialism will run out of steam. When and how this will happen is hard to predict. History offers several examples of similar ideological systems like the current Russian system and of when they lost their imperial momentum. Franco’s Spain and Pinochet’s Chile never had a chance to expand, because the international environment never permitted an openly revisionist foreign policy (although initially expansionism was part of the ideological portfolio of both). Mussolini’s Italy, Horthy’s Hungary, and the Kingdom of Romania were defeated as German co-belligerents. Salazar’s Portugal and Gaitieri’s Argentina lost minor

²⁸ “Streit um Sanktionen, Nicht ohne und nicht gegen Russland”, *Tagespiegel*, 31 May 2016, available at: <https://www.tagesspiegel.de/politik/streit-um-sanktionen-nicht-ohne-und-nicht-gegen-russland/13664196.html>.

wars – Portugal, in the colonies, and Argentina, the Malvinas campaign – and were toppled. Hitler’s Germany was initially successful but defeated, destroyed, and divided in and after World War II. Taking history’s lessons into account, the most important task of European statesmen is not to appease Russia. But to make Russia lose its imperial lust through deterrence and by the maintenance of an international environment that does not allow territorial revisionism (the Spanish solution). If the West fails in that, history might repeat itself in more drastic and dramatic forms.

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