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NATO and its Immediate Challenges in the Context of Current Geopolitical Tensions
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NATO in Europe: Between Weak European Allies and Strong Influence of Russian Federation

Lidija Čehulić Vukadinović, Monika Begović, Luka Jušić

Abstract

After the collapse of the bipolar international order, NATO has been focused on its desire to eradicate Cold War divisions and to build good relations with Russia. However, the security environment, especially in Europe, is still dramatically changing. The NATO Warsaw Summit was focused especially on NATO’s deteriorated relations with Russia that affect Europe’s security. At the same time, it looked at bolstering deterrence and defence due to many concerns coming from eastern European allies about Russia’s new attitude in international relations. The Allies agreed that a dialogue with Russia rebuilding mutual trust needs to start. In the times when Europe faces major crisis from its southern and south-eastern neighbourhood - Western Balkan countries, Syria, Libya and Iraq - and other threats, such as terrorism, coming from the so-called Islamic State, causing migration crises, it is necessary to calm down relations with Russia. The article brings out the main purpose of NATO in a transformed world, with the accent on Europe, that is constantly developing new security conditions while tackling new challenges and threats.

KEY WORDS:
NATO, EU, Russia, security and stability
Introduction

The NATO summit in Warsaw, the second meeting on a high level since the Russian annexation of Crimea in 2014, represents a cornerstone in the adaptation of the alliance to that new complex security scenario in international relations. NATO’s essential mission has stayed the same: to ensure that the alliance remains a community of freedom, peace, security and shared values, including individual liberty, human rights, democracy and the rule of law, with the accent on Europe keeping transatlantic ties strong and important for NATO’s global role. The alliance will continue effectively fulfilling all three core tasks as set out in its Strategic Concept agreed at the summit in Lisbon in 2010: collective defence, crisis management and cooperative security. These tasks remain fully relevant and complementary, and contribute to safeguarding the freedom and security of all NATO members. In Warsaw, NATO focused strongly on the mutual commitment to defend the territorial integrity and sovereignty of all its members, while deterring attacks with its full range of capabilities, including nuclear ones (Corvaja 2016: 5).

Although it could be noted that in the development of all main theories of international relations (neorealism, liberal institutionalism and social constructivism) after the end of the Cold War it was predicted that NATO would cease to exist after the bipolar world collapsed, as its purpose of defending the Western world and Europe against threats coming from the East would not be needed any more, NATO went through a transformation and showed its new purpose in a changed world. NATO was no longer regarded only as an alliance and, as neorealists claim, if this transformation never happened, the alliance would have no purpose without the opposite side. By adjusting to the national interests of the member states, it attracts new countries to become members and justifies its role of transformed alliance.¹

Defending the territorial integrity and sovereignty of all its members

¹ The neorealist perspective of NATO’s transformation and reasons for it are presented in Waltz (1993, 2000). International institutions adjust to the needs of the states and their national interests, so NATO stopped being an ordinary alliance. On the definition of the alliance, see more in Walt (1997).
became again, in the new context, one of the main tasks of a transformed NATO. Together with recently aggravated relations with Russia, ongoing instabilities in the Middle East and new challenges in the Western Balkans, NATO is again met with new challenges and is at the crossroads of further adapting its enlargement policy, while Europe is facing a major refugee crisis, a crisis in Ukraine that started with Russian military intervention in Crimea, the rise of radical Islam and terrorism, constant instabilities in the Western Balkans, an accelerating proliferation of weapons of mass destruction and missile technology, the growing threat of cyberattacks, climate change, risks of disruption to energy supplies, more and more unemployed and poor people, all kinds of international criminal activities, etc. All of these ‘obstacles’ are today challenging Euro-Atlantic security and the international order.

The persistence of NATO after the Cold War was very important for Euro-Atlantic stability and security, and Waltz, as a neorealist, sees it as a possibility for allies to control each other in many ways, while having collective defence as a main task that still specifies NATO as an alliance.\(^2\) This essay will bring out the reasons Europe needs NATO, despite its creation of the Common Security and Defence Policy. While tackling the main research question, the theory of neorealism will be used in describing how NATO is transforming, especially in regard to decisions reached during the Warsaw Summit, where it began to be clear that defence and deterrence are the bedrock of NATO and an indispensable foundation for any activities undertaken by NATO.

The research concentrates on presenting a perspective of NATO from the view of Euro-Atlantic security, highlighting the importance of cooperation among members and partner states. The essay will show an inevitable role of NATO in the perseverance of European security, due to new threats and challenges, from the perspective of the conclusions and decisions reached at the Warsaw Summit.

\(^2\) It can be said, looking from the perspective of neorealism, that states join alliances to ensure the behaviour of other allies, advancing the interests of their foreign policy and trying to reduce the uncertainty of the international system, which neorealists define as international anarchy. Neorealists see states and great powers as central to world politics, characterized as anarchy, which additionally causes them to be within an alliance (Waltz 1979; Waltz 1993: 44–79).
Warsaw Summit: theoretical and practical framework

Theoretical framework

There is a distinction between alliances as a response to power and as a response to threat, according to neorealists. If we look at how Stephen Walt explains it, we can see that the distribution of power is an extremely important factor, and “the level of threat is affected by geographic proximity, offensive capabilities, and perceived intentions” (Walt 1997: 5). Looking from this perspective, it could be noted that new Russia poses more of a threat than a power, so with the new security environment in the contemporary international community in mind, NATO’s strategy presented in Warsaw was mainly directed towards Russia’s action in Crimea and what kind of a threat it presents. There is a suggestion by Glen Snyder that “alliances cannot be understood apart from their context in the international system” (Snyder 1997: 16). The nature of NATO, therefore, varies with the changes that occur in the international arena, and with the new role of Russia, global security and stability goes through a shifting of power. Multipolarity is described with a lack of clarity in international politics, and NATO stands to reduce the uncertainty; however, in the absence of a single point of danger, “alliance collapse is a far more imminent possibility” (Snyder 1990: 121) The reason for NATO’s survival is that the alliance has managed to stay relevant as a tool for managing modern conflicts while being open and inclusive, not only for new members, but also for different kinds of partnership.

When entering an alliance, states may either balance (ally in opposition to the principal source of danger) or bandwagon (ally with the state that poses the major threat) (Walt 1985: 4). Balancing is alignment with the weaker side; bandwagoning means to choose the stronger. Walt’s conclusion is that the threat determines the choice of ally and how long the alliance will last. The balance of threat theory is based on balancing behaviour and the proposition that states will join alliances in order to avoid domination by stronger powers. States join alliances to protect themselves from states or coalitions whose superior resources could pose
a threat (Walt 1985: 5). That is what Walt offers as the reason that NATO has begun transformation, having the goal to position itself strongly in the international order. Neorealism offers an insight into reasons why states choose to be under the NATO umbrella, as it offers them a possibility to achieve their goals and feel safe in the international arena.

The Warsaw Summit was a summit that showed the need for a high level of unity among member states. It showed the importance of a Euro-Atlantic partnership that becomes real through NATO and brings the anarchy in the international arena more under control. NATO, as an intergovernmental organization with a core competence of security, has developed additional diverse institutions for conducting its actions. Therefore, NATO is always more than just an alliance, but primarily an alliance. The European Union has developed a defence dimension, with military forces as part of its Common Foreign and Security Policy and Common Security and Defence Policy, but its process in building a common military force, or ‘EU Army’, has been rather too slow to guarantee security and stability on the old continent.

**Warsaw Summit in decisions**

There is an arc of insecurity and instability along NATO’s periphery (challenges and threats originate both from the eastern and the southern flanks of NATO) and beyond, so NATO’s Warsaw Summit offered a vision of the future of the alliance in 3D: deterrence, defence and dialogue (Luciolli 2016: 21). NATO decided in Warsaw to establish an enhanced forward presence in its eastern flank (Baltic, Poland) to demonstrate its determination, solidarity and ability to act by triggering an immediate allied response to any aggression. Beginning in early 2017, an enhanced forward presence will comprise a multinational force provided by framework nations (USA, Canada, Germany and the United Kingdom) and other contributing allies on a voluntary, sustainable and rotational basis. They will be based on four battalion-sized battle groups. At the same time, after the Warsaw Summit, the alliance should remain open for dialogue even with those who do not share the Euro-Atlantic democratic norms and
values. NATO should develop cooperative arrangements (with both state and non-state actors) with all partners willing to work and cooperate with the alliance. In response to asymmetrical and non-military threats, NATO should offer its unique capabilities and experience to other organizations or formats that may be better suited to solve multi-dimensional crises.

Besides all the other challenges to stability and security in the contemporary world, the Russian Federation is seen by NATO as the main destabiliser of the European security architecture. The international community should not have been surprised by Russian action in Crimea and its subsequent influence in Donbas, eastern Ukraine. The December 2014 Military Doctrine and the December 2015 National Security Strategy of the Russian Federation state that Russia sees the United States and NATO as adversaries and Russia as the leader of a new anti-NATO alliance in a multipolar world. In Ukraine, the Russian Federation used military force and other forms of warfare to acquire territory, decisively breaking international law and reneging on its commitment to international agreements. Russia’s action rang alarm bells in those NATO members who border the Russian Federation. The main publicly declared pretext for Russia’s actions in Ukraine and Crimea was protection of a Russian-speaking minority in those regions. Some NATO members are now afraid that such behaviour might be used as a pretext for further Russian action against some other countries among its neighbours (Baltic states, Poland), because Moscow has made no secret of its belief that its neighbours should be firmly within its sphere of influence (Hill and Gaddy 2013: 312–314). Thus, the Russian annexation of Crimea effectively ended a 25-year effort by NATO to build a strategic partnership with that country (Čehulić Vukadinović 2010: 190–210).

Also, this was a showcase for Russia’s new hybrid warfare tactics. Russia’s

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3 In 1991, NATO established the North Atlantic Cooperation Council (NACC) as a forum for dialogue and cooperation with former members of the Warsaw Pact. In May 1997, the NATO-Russia Founding Act, the landmark document which laid the foundation of the post-Cold War NATO-Russia relationship, was signed. That document affirmed the shared commitment of both parties to build a stable, peaceful and undivided Europe, whole and free, for the benefit of all its people. In 2002, the NATO-Russia Council was established. This is a joint decision-making body bringing together the 28 allies and Russia. NATO even went so far as to suggest that Russia could have a role in supporting the missile defence system put in place to defend allies against a potential ballistic missile attack from the Middle East (Turner 2016: 8).

4 Russian General Valery Garasimov, Chief of the General Staff, described in February 2013 the new Russian hybrid warfare techniques, stating that “the very rules of war have changed. The role of non-military means of achieving political and strategic goals has gone, in many cases, they have exceeded the power of force of weapons in their effectiveness. The focus of applied methods of conflict has altered in the direction of the broad use of political, economic, informational, humanitarian and other non-military measures, applied in coordination with the protest potential of the population. All this is supplemented by military means of a concealed character, including carrying out actions of informational conflict and the action of special operations forces. The open use of force, often under the guise of peacekeeping and crisis regulation, is resorted to only at a certain stage, primarily for the achievement of final success in the conflict” (Gerasimov 2013: 2).
rhetoric against NATO, including threats of a nuclear attack, is backed by Russia conducting both ground military exercises and air activities close to the borders of some NATO members. Furthermore, Moscow has accelerated the deployment of conventional capabilities along NATO’s borders. Deployment of Russia’s air defence system, coastal defence system and anti-access area denial (A2/D2) capabilities in Kaliningrad and Crimea have the aim of intimidating the alliance and turning the balance of forces to Moscow’s advantage. Also, any ground reinforcement would have to transit through the narrow land corridor of Suwalki linking Poland and Lithuania between Kaliningrad and Belarus. For all those reasons, NATO member states bordering the Russian Federation with a substantial ethnic Russian population feel very vulnerable, especially in the case of a Russian military attack on one of the eastern NATO allies (Andzans 2016: 14–20). The new democracies in central and eastern Europe were invited to join the alliance but Article 5 security guarantees were not supported by the new NATO command and force structure necessary to secure the defence of these new NATO members. Russian capabilities, patterns of behaviour and political-military messaging make it clear that Russia perceives the post-Soviet space as its sphere of influence, wants to maintain a buffer zone extending into European Union and NATO territory, and is attempting to enforce the creation of a new security architecture that would allow it to weigh in on the defence and security choices of sovereign states. For Russia, the best way to achieve this could be by undermining the credibility of the alliance, making it irrelevant as a collective defence organization. This would represent a significant strategic victory for the Russian Federation (Lorenz 2016: 10).

There is no doubt that the extraordinary engagement and commitment of the United States is crucial for Euro-Atlantic and European security. However, at the Warsaw Summit, real progress in cooperation between NATO and the European Union was achieved. The joint declaration (NATO 2016b) signifies that NATO and the European Union should work closely to address security challenges such as the migration crisis, terrorism, hybrid threats, cyber defence or energy security. But do the Europeans have a united political voice? Or, more importantly, are they capable of fulfilling such tasks together with the United States and Canada? The European Union is still facing the consequences of its institutional, financial and migrant crises (Fata 2011: 33–39) and, with the rise of populism, isolationism
and extremism, the majority of members are not willing to increase the defence budget. Besides the external threats (Russia the main one), NATO is facing many internal challenges today, mostly connected with its European member states or its relations with the European Union. The very popular trend of building an EU Army, which would lead to greater autonomy of the European Union in defence matters, is proving insufficient for European security and stability: “Military operations will occur in ad hoc coalitions that rely on both NATO and EU means, thus resulting in a type of institutional interdependence, but US superiority and European weakness will in the context of coercion create a new type of military dependency” (Rynning 2002).

**Russian influence on NATO’s Eastern members**

The July 2016 Warsaw Summit marked a turbulent time for NATO. Eastern members of NATO, led by Poland, were calling upon NATO to bring a bigger armed presence to their countries. After long and difficult negotiations, the member states concluded that a bigger military presence in Poland and the Baltic states was needed and that four multinational brigades would be sent to those countries under the command of officers from the USA, Great Britain, Germany and Canada. Also, NATO would continue to build its anti-rocket shield in Romania and increase the presence of NATO navies in the Black Sea (Public Diplomacy Division 2016: 1). The goal of these measures is to let the Russian Federation know that any further unilateral decisions made by Russia (such as in Ukraine) will not be tolerated, which is also a message of support to the Eastern European member states.

The Warsaw Summit had the aim of showing Russia that a homogeneous group of alliance members was determined to maintain liberal democracy and human rights. The same group equally condemned the unilateral actions of the Russian Federation in Ukraine and would condemn Russian actions in Syria. However, the Russian Federation, with its diplomatic channels, managed to make a division between some member states and NATO: if this situation persists, some of them could
become advocates for its policies within NATO. Countries like Hungary have traditionally had turbulent relations with Russia, but those relations have significantly improved in the last decade due to economic ties and dependence on Russian oil and gas, and because of a dependence on Russian military equipment. On the other side, there is Poland, regarded as the forefront of the anti-Russian bloc in NATO, and the challenges arising from within. Some experts in international relations say that if Poland continues to feel marginalized and unsafe, it could even spark its turning to the Russian Federation. Russia has increased its military spending, further developed its missile and nuclear arsenal, and holds military exercises in the neighbourhood of NATO member states. That could be defined as an outward challenge and could explain the convergence of these countries in the past few years, especially in the case of Hungary, as a new friend of the Russian Federation.

The Russian military started its process of modernization and reformation in 2012 with a complete overhaul of its doctrine, which gave birth to a new armed force. Until then, Russia had held the doctrine from the former Soviet military which had defined its armed forces as a “mass army based on a general draft” (Kacprzyk 2016: 10), and that doctrine shifted towards a modern and professional armed force. Russia has also transferred the majority of its armed forces to the European part of Russia, or more precisely to its Western military district which is located on the border with four NATO member states. The importance of this district can also be seen in the decision made by Russian joint staff to give this district top priority in education, equipment and modernization (Kacprzyk 2016: 10). Russia has also completed the integration of Belarus in its Air and Missile Defence System, and with that it has completed its goal to create a solid front towards NATO (Kacprzyk 2016: 10). Another big issue for the Baltic states and Poland is the region of Kaliningrad, which is considered to be the most militarized region in Europe. A new problem emerged when the 152nd Missile Brigade was transferred to the town of Chernyakhovsk in Kaliningrad Oblast. The brigade is armed with the newest Iskander

5 The Russian military budget has been rising since the start of the modernization and reformation of its military. The 2015 budget was 54.5 billion US dollars and the 2016 stands at 49.2 billion US dollars, which makes it one of the highest in the world. For more, see Chance (2016).

6 Russia has developed the world’s most formidable nuclear missile, Satan 2. For more, see Shukla and Smith-Spark (2016).

7 Kaliningrad Oblast is a Russian enclave located between Poland and Lithuania. It is of very high strategic value for Russia, because it is located between NATO member states and missiles in that region can successfully target NATO member states in that region.
missiles which can effectively hit targets in the Baltic states and in Poland\textsuperscript{8} (Kacprzyk 2016: 11).

At the moment, there is no imminent threat of conflict between Russia and NATO, but the military exercises which were conducted in Western Russia, such as Union Shield, Ladoga and West, have had the goal of rapid deployment and transportation of troops across the Western district. These exercises have shown a high level of readiness within the Russian armed forces and should be seen as a provocation towards the alliance (Kacprzyk 2016: 11). The countries that are closest to Russia are already viewing it as such, so Lithuania, Estonia and Latvia, for example, are going to triple their military budget in fear of a Russian attack.\textsuperscript{9} Russian President Putin is opposing NATO enlargement to the east and, with invasions in Ukraine and Georgia, where Russia created disputed territories (South Ossetia, Abkhazia, Crimea), Putin made it clear that no country will join NATO. These two countries were very close to getting a Membership Action Plan for their membership in 2008, but Russia clearly opposed this and proceeded to invade them. “Putin now has the most favorable international environment since the end of the Cold War to continue Russian expansion. European unity is fractured. Alliance members are questioning the value of the mutual security pact. And the next American president seems openly favorable to Russia and ready to excuse Russia’s irresponsible behavior” (Miller 2016). The Times (22 Nov 2016) reported that Putin is moving his missiles to its western European enclave as a threat to Europe, which shows that the Baltic states have a special place in Russian foreign policy. Lithuania has already introduced compulsory military conscription, concerned about the geopolitical environment and its proximity to Kaliningrad.

Feeling threatened, Poland still believes that it is not getting enough help from NATO for protection against a possible Russian attack. Poland has a very interesting internal and external political situation. If we take a closer look to the internal political factors, Poland is a liberal democracy that has entered into a phase of crisis. The crisis began last year when parliamentary elections were won by the coalition led by the Law and Justice and

\begin{footnotesize}
\textsuperscript{8} The full range of the Iskander missile system is 700 km. From Kaliningrad Oblast, it can effectively target even Berlin. For more, see BBC (2016).

\textsuperscript{9} In 2020, the combined military budget of Lithuania, Estonia and Latvia will be an estimated 2.1 billion US dollars, which is double the value in 2004. For more, see Reuters (2016).
\end{footnotesize}
Civic Platform. Their win saw a major shift in Polish politics from liberal to conservative, which criticizes the foundation of liberal democracy. Polish President Jaroslaw Kaczynski openly claimed in his speeches that Poland should dismiss the weight of liberal democracy and that it must pave its own way (Buras and Balcer 2016). The external political situation of Poland is conditioned by its environment. Since its democratic transition, Poland has positioned itself as a leader of the anti-Russian coalition in Eastern Europe, and it holds this role until today. Because of fear of a Russian invasion, Poland is one of the few countries in the region that had its army completely modernized and reformed according to current NATO standards (ibid.). Similarly, Poland’s external political situation is affected by the situation in the region, where it borders Ukraine. Until 2014, Poland had a stable economic partner in Ukraine, but since the beginning of the aggression Ukraine has no capacity to be Poland’s partner. With the victory of the coalition of the Party of Law and Justice and Civic Platform, Polish official rhetoric became markedly anti-Western and anti-European (ibid.).

Poland would be affected the most were we to see a continuation of an aggressive Russian foreign policy. Also, we can notice a similarity between the two countries. Putin continues to use the uncertain domestic and foreign situation as an excuse to tighten the grip on his people, and in the past year the Polish political elite has started doing the same thing. Russia’s aggressive foreign policy has strengthened the anti-democratic forces within Poland and, if not dealt with properly, this situation will only continue to deteriorate (ibid.).

These political developments are extremely problematic for Poland, and if these problems are not resolved, NATO could face a new situation if Poland chooses to depart from NATO. The alliance has so far had a faithful and stable partner in Poland, but Poland is starting to feel more and more marginalized and ignored by Brussels. Poland feels that not all NATO member states realize its situation, as the focus is Mediterranean member states with Syria and the refugee crisis. NATO must find a way to return a sense of security and sense of importance within the alliance to Poland, because at this point further cooling of relations between Brussels and Warsaw would only go in favour of the Russian Federation.
Another Eastern European country that worries the NATO administration is Hungary. It maintains excellent political relations with Russia and traditionally leans economically to the East and the Russian Federation. Hungarian turning to Russia began in 2010, when Fidesz rose to power in Hungary and Viktor Orban became the new Prime Minister. One of his first official visits to a foreign country was a visit to Russia in November of the same year (Hegedus 2016: 1). Before the sanctions against the Russian Federation were imposed, imports from Russia amounted to 6.89 per cent of total imports to Hungary. This may seem a small figure, but this percentage includes most Hungarian gas, oil and other fuel imports, and comprises an important part of its economy (ibidem.). From this arose the first fear that Hungary could fall under Russian influence, if Russia were to threaten Hungary with higher gas prices. NATO leaders were worried that this price could be the result of an agreement according to which the Hungarians will protect Russian interests within the alliance, but at the time of the adoption of sanctions against Russia, the Hungarians did not veto the decision (ibidem.). However, the suspicion and fear that the Hungarians might veto the decision is actually Orban’s favour to Putin, because it has been shown that the Russians can influence a country that is a member of NATO.

A new, far heavier worsening of relations between Hungary and the countries in the NATO alliance, and between Hungary and other countries of the Visegrad Group, happened at the very beginning of the Ukrainian crisis when Orban called for the establishment of the autonomous region of Transcarpathia in Ukraine. In this historical region, Hungarians form a large minority and this statement was interpreted as an attempt to destabilize Ukraine and attempt to further tear apart Western allies, leading to the short-term isolation of Hungary from its neighbours (ibidem.).

Author Daniel Hegedus called Hungarian foreign policy a “peacock dance” (ibidem.) in which Hungary took two steps forward and then one back. An example of this is when Hungary introduced sanctions to the Russian Federation and accepted an agreement made at the NATO summit in Cardiff in 2015, but subsequently stopped the return of gas to Ukraine (ibidem.). This influence does not stop only at Fidesz, but

10 That would not be possible, because Gazprom and the Hungarian government have signed a contract that guarantees Hungary a low price for about 22 billion m3 of gas.
is probably a lot stronger in the Hungarian ultra-right party Jobbik. Jobbik has become the third political option in the country in the past few years and, unlike Fidesz, which is connected to Moscow by certain dirty jobs,\(^\text{11}\) Jobbik is directly funded by the Kremlin (ibid.). But their connection does not stop there. Jobbik representative in the European Parliament, Bela Kovacs, finished college in Moscow at MGIMO University in 1986 and lived in Moscow until 2003. In 2010, Bela Kovacs became Jobbik’s representative in the European Parliament, and in 2014 he was accused of espionage for the Russian Federation by the Hungarian high state prosecutor; however, the case never came to trial because of his immunity as an MEP (ibidem.).

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**NATO alliance and new relations with the European Union**

Many European and transatlantic NATO allies have become rather nervous over the new Russian role in international security, and NATO has started to insist upon and ask its European allies for a harsher tone in communications with Russia. However, Europeans still hesitate in sending Russia robust responses or harsh messages, especially given that the strongest EU member state is about to leave the Union — Great Britain after Brexit — but also being aware of the status of European defence capabilities.

The NATO summit in Warsaw was also, in a way, a reminder of Western sanctions against Russia; however, Germany showed no firm position on the strategy towards Russia or on NATO’s presence in the Baltics and Poland, which very clearly showed how German politicians, especially Angela Merkel, are very cautious about the stand on Russia. According to a survey conducted by the Körber Foundation in March 2016,\(^\text{12}\) 81 per cent of Germans favour closer ties with Russia and see Russia as an equal power with a rich culture and history. This kind of position towards Russia among Germans is also driven by economic interest, especially in relation

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\(^{11}\) We can see these connections in three jobs in particular: the Paks nuclear power plant, the MET gas supply scheme and the modernization of the subway cars on Budapest underground line 3.

\(^{12}\) The survey was conducted among 1,000 individuals in Germany and 1,024 in Russia (Körber Stiftung Survey 2016).
to gas pipelines. With better business ties between Russia and Germany, German politicians could have in mind that they will contribute to lessen the threat Moscow poses, and therefore are very mild towards Russia. In a ‘Frayed Partnership’ survey (2016) carried out by the German Bertelsmann Foundation and the Polish Institute for Public Affairs, a high percentage of Germans — 57 per cent — replied ‘no’ to the question should German soldiers stand in defence of NATO members Poland and the Baltic states if they are attacked by Russia, and 49 per cent of respondents do not believe that a permanent NATO military presence will increase their sense of security and therefore NATO should not create permanent bases in Eastern Europe and the Baltic states. These perceptions have security implications, especially for NATO, because the eastern alliance (Poland and Baltic states) wants NATO to do more to defend them, feeling threatened by Russia. For European security and unity of allies within NATO, it is very important how Germany perceives Russia, but also how it perceives NATO and its role within the alliance.

The Warsaw Summit was also characterized by NATO officials trying to seek confirmation on continued unity among allies concerned about a post-Brexit European Union, while Great Britain has one of the alliance’s most capable militaries in Europe. Even countries that are not NATO members, such as Sweden, were and are concerned over Russian behaviour and would like to strengthen ties with NATO. “At this point of time we cannot afford to disagree on defence concerns,” said Swedish Defence Minister Peter Hultqvist during the Summit (Champion 2016). If Britain really leaves the European Union, it loses the influence it has had so far within the Union, and that could be a trigger for Britain to become more committed to the alliance. Losing one of the strongest military powers within the European Union could be dangerous for the rise of populist parties that very often aim at the rebirth of nationalism. Without a united Europe, not only could Russia present a problem, but Germany, too. Alan Posener in The Guardian thinks that Brexit is irresponsible and that the European Union, as well as liberal Germans, needs Britain (Posener 2016). Different crises are striking Europe, especially economic and migrant crises, but also a fear of terrorism, so there is a trend for right-wing populists to gain greater power in European countries such as Austria, Finland, Hungary, Latvia, Lithuania, Norway, even Germany and Great Britain with UKIP.

\[^{13}\] ‘Frayed Partnership’ German public opinion on Russia (2016) gives an overview of reasons of declining German-Russian relations since 2014.
presenting challenges both to European democracies and to the process of European integration, which results in growing scepticism towards the EU. The rise of populist parties is dangerous for further integration of the EU and for its enlargement process, as they reject what the EU stands for and how it works. European values such as human rights, rule of law, human dignity, freedom, democracy and equality, which are shared by the NATO alliance, should not be given up on, as that would weaken the EU’s credibility, and endanger transatlantic ties. Referring to the utility of being a NATO member state and a partner country, Edström, Matlary and Petersson (2011) claim that a fundamental question is whether the utility of the partnerships is mutual, and if not, that is a problem. The answer seems to be that the partners seem to gain more utility from NATO than NATO gains from its partners. Only a united and unfractured Europe can be a security guarantor. During this fragile time for European unity, Russia is testing the transatlantic alliance, and the strongest EU ally, the United Kingdom, by enforcing Brexit, will lose the opportunity to have an influence from within, therefore making Europe more divided. “Without Britain, there won’t be anybody in the EU to defend sanctions against us so zealously,” wrote Sergey Sobyanin, the Mayor of Moscow, on Twitter in relation to Foreign Policy (De Luce and McLeary 2016).

It seems that Brexit contributed to fracturing the European Union and endangered the transatlantic community’s future of staying united. After the Presidential elections in the US, it is a question of what will be the future role of America, which has the most important position in NATO and which contributes most to the NATO alliance budget. After the win of Donald Trump, the world, and especially Europe, became worried about the US leaving the alliance. NATO General Secretary Jens Stoltenberg said that the West faces its greatest security challenges in a generation, and that ‘going it alone’ is not an option for Europe or the United States (Stoltenberg 2016). One problem that the alliance faces is the budget, considering that the US currently contributes almost 70 per cent of NATO spending. Although it is in the utmost strategic interest of the US to have a stable and secure Europe, it could happen, with Trump as American President and his announcements, that the US reduces its financial contribution to NATO, which could make some European countries more fragile in the

14 What is undeniably happening, however, is that the continent’s traditional mainstream parties are in full retreat. Across Europe, the centre-left social democrats and centre-right Christian democrats who have dominated national politics for 60 years are in decline. For more on this issue, see Goodwin (2011), Bröning (2016) and Henley et al. (2016).
face of new threats and create unstable new relations in the international order. “It is all too easy to take the freedoms, security and prosperity we enjoy for granted. In these uncertain times we need strong American leadership, and we need Europeans to shoulder their fair share of the burden”, said Stoltenberg in Britain’s Observer newspaper (Stoltenberg 2016). Stoltenberg also expressed his concern over Trump’s admiration for Russian President Vladimir Putin, who wants Russia to withdraw its forces from Russia’s borders. In such a constellation of new conditions, the European Union also faces challenges coming from within.

Almost ten years ago, NATO member countries agreed to commit a minimum of two per cent of their gross domestic product (GDP) to spending on defence. This guideline principally serves as an indicator of a country’s political will to contribute to the alliance’s common defence efforts. However, even some of the rich EU countries, like Germany as the biggest EU economy, spend less than two per cent of their GDP on defence (for more on defence expenditure, see www.nato.int or www.worldbank.org).
Table 1: NATO military expenditure as percentage of GDP in 2016

<table>
<thead>
<tr>
<th>Country</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States</td>
<td>3.61%</td>
</tr>
<tr>
<td>Greece</td>
<td>2.38%</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>2.21%</td>
</tr>
<tr>
<td>Estonia</td>
<td>2.16%</td>
</tr>
<tr>
<td>Poland</td>
<td>2%</td>
</tr>
<tr>
<td>France</td>
<td>1.78%</td>
</tr>
<tr>
<td>Turkey</td>
<td>1.56%</td>
</tr>
<tr>
<td>Norway</td>
<td>1.54%</td>
</tr>
<tr>
<td>Lithuania</td>
<td>1.49%</td>
</tr>
<tr>
<td>Romania</td>
<td>1.48%</td>
</tr>
<tr>
<td>Latvia</td>
<td>1.45%</td>
</tr>
<tr>
<td>Portugal</td>
<td>1.38%</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>1.35%</td>
</tr>
<tr>
<td>Croatia</td>
<td>1.23%</td>
</tr>
<tr>
<td>Albania</td>
<td>1.21%</td>
</tr>
<tr>
<td>Germany</td>
<td>1.19%</td>
</tr>
<tr>
<td>Netherlands</td>
<td>1.17%</td>
</tr>
<tr>
<td>Denmark</td>
<td>1.17%</td>
</tr>
<tr>
<td>Slovakia</td>
<td>1.16%</td>
</tr>
<tr>
<td>Italy</td>
<td>1.11%</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>1.04%</td>
</tr>
<tr>
<td>Hungary</td>
<td>1.01%</td>
</tr>
<tr>
<td>Canada</td>
<td>0.99%</td>
</tr>
<tr>
<td>Slovenia</td>
<td>0.94%</td>
</tr>
<tr>
<td>Spain</td>
<td>0.91%</td>
</tr>
<tr>
<td>Belgium</td>
<td>0.85%</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>0.44%</td>
</tr>
</tbody>
</table>

Source: Wright (2016)

It is only Greece, the United Kingdom, Estonia and Poland that spend more than two per cent of their GDP on defence. The effects of the financial crisis deeply affected European defence budgets, which resulted in stressing the ‘pooling and sharing’ mechanism within the EU (pooling and sharing of military capabilities) and the ‘smart defence’ agenda within NATO, which was presented by former NATO Secretary General Rasmussen during the NATO summit in Chicago. This multilateral cooperation shows the importance of countries working together and thus increasing efficiency. The approach is not new, but the member countries have still not developed a satisfactory level of trust to be able
to create more projects based on this agenda. “Defence establishments focusing on maintaining national structures and stepping on the brakes to protect what they have, risk to lose the chance of getting more, and will probably end up with less” (Biscop and Coelmont 2011: 2). Therefore, due to the inability of the European Union to be a more influential player on the security scene, it is obvious that European defence depends on NATO, and the importance of transatlantic ties is also shown in the new European global strategy, where, among other things, it says: “The EU needs to be strengthened as a security community: European security and defence efforts should enable the EU to act autonomously while also contributing to and undertaking actions in cooperation with NATO” (European Union 2016: 20).

The European Union, especially after the Lisbon Treaty, is working on strengthening its defence capabilities under the Common Security and Defence Policy. Without the UK, EU military defence capabilities are reduced, with Germany wondering whether to fully commit to EU common defence and France, on the other side, becomes the only bigger EU member country that has the political will and power to act. However, European defence depends on NATO and is still within NATO. “There is also the EU’s relationship with NATO to keep in mind. It has always been a challenge to avoid duplication and inefficiency between the EU and NATO. But the potential for divergence between the two entities could be magnified now that the United Kingdom is no longer around to bridge the breach” (Cilluffo and Cardash 2016). The two organizations share a majority of members and common values, and therefore share the same strategic interests and face the same challenges and threats. The European Union is an essential partner for NATO, and its effort in building its own defence is not taken as a duplication of roles with NATO. European security requires American engagement and presence on European territory.

The former Secretary of State Henry Kissinger may have been right when he told CBS News in December 2016 that Trump’s presidency could present an extraordinary opportunity for US foreign policy, especially for US-Europe relations (Kroenig 2017: 2). On the other hand, one hundred days into his presidency, Europe is still struggling to make sense of newly elected American president Donald Trump. There is much consternation and vacillation in European capitals about what the Trump administration’s foreign policy will
entail. Europeans are not sure what Trump’s phrase ‘America First’ means for Europe and the traditional transatlantic relationship.

During the presidential campaign, Donald Trump repeatedly spoke disparagingly of America’s allies. Accusing European partners in NATO of not paying enough for defence, Trump even went so far at that time as to entertain the option of pulling back US forces from Europe, even withdrawing the US from NATO and conditioning American security and military protection of Europe, unless European allies fulfil their obligations and increase their defence spending (Brattberg 2017). During his presidential campaign, Donald Trump even called NATO an ‘obsolete’ organization (Kroenig 2017: 4), but since taking office he has repeatedly voiced his support for the alliance.

The fear that American president Donald Trump would weaken US commitment to NATO has not materialized. Whether coming from President Trump himself, his Vice President Mike Pence at the Munich Security Conference in February 2017, or Secretary of Defence Jim Mattis, the Trump administration has repeatedly offered reassurance that it intends to continue to honour the almost seven-decade long US commitment to the transatlantic partnership and NATO. President Trump has even started to praise NATO’s growing defence spending and efforts to boost intelligence sharing and combat terrorism, remarking that NATO is no longer an obsolete organization.

Concerning the European Union, during his presidential campaign Donald Trump showed scepticism about the multilateral institution. He has snubbed an invitation from European Council President Donald Tusk to attend the EU-US summit, advocated the exit of the United Kingdom from the EU and endorsed Eurosceptic candidate Marine Le Pen in the 2017 French presidential election. Despite of all that, Donald Trump has sent a signal that he and his administration are going to cooperate with the EU. During a press conference with the Italian Prime Minister in the White House on 20 April 2017, Trump stated that a strong Europe is very important for him. Also, during his visit to Brussels, Vice President Mike Pence pledged strong American commitment to the European Union. European concerns that Donald Trump would lift some of the sanctions imposed on the Russian Federation after the crisis in Ukraine and Crimea
have not materialized.

However, the US administration is still sending mixed signals to the European allies, NATO members. Certainly it will take time to reassure and to repair the reservations many Europeans have about Donald Trump and his vision of Europe and the transatlantic relationship in general. The next NATO summit in Brussels in May 2017, and Donald Trump’s first visit to Europe during that summit, may be crucial.

**Conclusion**

Lots of new challenges and threats are appearing in contemporary international relations — Russian annexation of Crimea, deeper crisis in the Middle East, the threat of the so-called Islamic state — and therefore NATO at the Warsaw Summit renewed its focus on collective defence and deterrence, showing NATO’s commitment to Europe but also projecting stability beyond NATO. Warsaw was the last NATO summit for former American President Obama. It is striking how strongly he spoke about the solidarity of the United States with its European allies. In Warsaw, the United States, still with Obama as president, strongly determined to fill the military gaps existing between the country and European members of NATO, which for a decade European members were unable or unwilling to fill. The European Union, especially after the withdrawal of the United Kingdom, with the rise of populism in some European members of NATO and the new approach of new American President Trump towards NATO and its importance, poses a big problem for the unity of NATO. There is a potential danger of a strategic distancing of part of the European continent from the United States. For that reason, a way to preserve a stronger Euro-Atlantic bridge between the United States and the European members of NATO has to be found.

By inviting Montenegro to participate in the Warsaw Summit, the Alliance confirmed that it is on its way to fully-fledged membership. However, little was said about the future of NATO’s ‘open door’ policy. The summit gave
a cautious nod in the direction of Ukraine and Georgia’s aspirations of membership, as well as those of Bosnia and Herzegovina and Macedonia. “Although the military contributions provided by the newest allies are understandably limited, there is sufficient evidence to indicate that expansion had an immediate impact in stabilizing democratic civil-military relations in these new member states. The first positive impact of NATO’s expansion is evident in the democratic stability that the enlargement policy helped foster in NATO’s newest members” (Hendrickson 2007: 106).

The Warsaw Summit served as a confirmation of NATO’s decision to enhance military capabilities, especially on its eastern border, with Russia being active in the international arena again. It is important to stress that it was repeatedly stated in Warsaw that the alliance does not seek any confrontation and poses no threat to Russia if the safety and security of Europe and North America are not endangered.

The main problem is, therefore, whether and how the Warsaw Summit commitments will be implemented in the future. NATO’s credibility as a value-based alliance will depend not just on more effective defence spending and other security measures, but also on the quality of the democratic systems of its member states. The main focus is still on outlining NATO’s enduring purpose in the new security environment, its influence on European stability and the nature of its fundamental security tasks: collective defence, crisis management and cooperative security.
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UNsatisfied? The Rocky Path to NATO Membership – Bosnia and Herzegovina: A New Approach in Understanding the Challenges

Hamza Preljević

Abstract

NATO’s enlargement in the Western Balkans (WB) has been the focus of a number of debates for almost two decades. Opinions and positions regarding this question range from serious doubts, criticisms and opportunistic press releases to enthusiastic support for membership. This paper assesses Bosnian reforms and policy changes, as well as the country’s efforts to join NATO. Bosnia and Herzegovina (BiH) has made significant steps in moving towards NATO’s military and political standards, but not sufficiently. Although BiH is viewed by some observers as a country approaching the point of joining the Membership Action Plan (MAP), this prospect remains uncertain. The findings of this research suggest that BiH is different from other WB countries and that it is not suitable for understanding the NATO integration challenges in the WB. In order to understand Bosnian ‘specifics’, it is necessary not only to view the challenges through the prism of technical and other domestic issues in BiH. A wider approach must be adopted. Through understanding the Bosnian specifics, the dilemmas related to the NATO membership of BiH become more obvious and clear. Bosnian specifics illustrate why BiH is not able to take significant steps towards long-term stabilization and NATO membership.

KEY WORDS:
Bosnia and Herzegovina, NATO, challenges, specifics, regional influence
Introduction

Since the end of the Bosnian war, Bosnia and Herzegovina (BiH) has accomplished several essential changes for successful transition into a more democratic society. The fundamental issues of this process of democratization are related to EU and NATO integration. In the Balkan context, “the promise of closer ties to the European Union and, to a lesser extent, to NATO have been key drivers for reform in the Western Balkans” (Benyon 2017: 5) following the dissolution of Yugoslavia.

BiH is a country aspiring to join NATO (NATO 2017c: i). It bases such an ambition on the progress it has achieved so far, as well as on its determination to implement essential reforms and to contribute to NATO-led missions. In addition, BiH is located in a geographically important region — the military can easily be deployed to the Middle East, Northern Africa, the Black Sea region, Eastern Europe and Western Europe from this region (Milinkovich 2016: ii) — and has proved itself a worthy NATO partner.

However, BiH is faced with a number of concerns and challenges regarding NATO membership. Its integration process is marked with continued difficulties, though a significant number of positive successes have been achieved. NATO membership by BiH could be understood in terms of ‘for better or for worse’, depending on which ethnic group (Bosniak, Serb or Croat) one belongs to. The country has serious difficulties overcoming internal disputes in order to reach clear agreement on the key issues regarding vital national interests.

This paper analyses the issues that hinder the Bosnian NATO integration process. By analysing the Bosnian specifics, it is possible to understand that even NATO membership by BiH cannot be viewed in terms of its domestic issues, as it encompasses regional actors and issues. These specifics prevent BiH from taking faster steps towards long-term stabilization and NATO membership. The paper aims to explain the importance of domestic politics for the WB state’s foreign policies. Also, the paper includes an analysis of the influence of neighbouring countries on Bosnian NATO integration.
Theoretical framework and discussion

This paper first refers to some theoretical propositions as to reasons for alignment and the necessity for states to join an alliance. Most of the theories which define alliances and their nature are based on realist propositions. These assumptions explain the basic reason for alignment as the clear intention of two or more countries to aggregate their capabilities and powers because of fear of another country. Alliances are often regarded as the reaction to a threatening power. Alliances are sometimes created not only as a reaction to a power threatening their security, but as a reaction to the perceived threat. “States ally to balance against threats rather than against power alone. Although the distribution of power is an extremely important factor, the level of threat is also affected by geographic proximity, offensive capabilities, and perceived intentions” (Walt 1987: 5). This approach seems to be more applicable to understand the reasons why BiH should become a NATO member state. But joining an alliance does not have to deal only with power balancing or perceived threat. George Liska (1962: 30) in Nations in alliance: the limits of interdependence, identified three main reasons for alignment: “internal and international security, stability and status of states and regimes”. Tatsuya Nishida suggests that “in general, the existence of a threat or hostile power is a necessary condition for developing a security alliance” (in Warren 2010: 11).

After the post-Cold War period, the number of countries that wanted to become NATO members increased. In some of the cases, the “theories of balance of power or balance of threat cannot adequately explain reasons for such behaviour” (Grizold and Vegic 2001: 127). The reasons to become a NATO member state became more complex, while NATO changed its raison d’être. On the other hand, the threats that remained part of the countries’ history were for some states serious enough to encourage them to join NATO.

In order to understand the Bosnian NATO integration process, two other factors need to be included in the analysis: (i) the history of conflicts in BiH and its people; and (ii) substantial violation of some of the provisions of the Dayton Peace Agreement (DPA) — specifically, Annex 1-B: regional
stabilization. Firstly, through analysing some of the key events in the history of BiH, it can be concluded that the country has passed through many ethno-religious conflicts at both the inter-state and intra-state levels. Bosniaks, Croats and Serbs in BiH have fought against each other and all of the conflicts led to massive human and capital losses. In addition, Croatia and Serbia both laid claim to the territory of BiH. The territorial pretension is demonstrated by the four strategic documents written by prestigious Serbian leaders and institutions: (i) *Načertanije* (1844) by Ilija Garašanin; (ii) *Serbs All and Everywhere* (1849) by Vuk Karadžić; (iii) *Homogeneous Serbia* (1941) by Stevan Moljević; and (iv) *Memorandum* (1986) by the Serbian Academy of Arts and Sciences (SANU) (see more: Croatian Information Centre 1993). All of these documents propose the spread of Serbian influence, mainly by propaganda and through a network of pro-Serbian rebels, the major goal being to create a favourable situation for Serbian national interests in BiH. There is a lack of clear distancing from these tendencies among the political elites in Serbia. In addition, condemnation of the above-mentioned historical documents would play a significant role in establishing sustainable and peaceful relations with the neighbouring countries.

In addition, the Karadorđevo meeting of 25 March 1991 was a meeting on the issue to redistribute BiH between Croatia and Serbia. The meeting was attended by Croatian President Franjo Tuđman and Serbian President Slobodan Milošević, and their delegations. Judge Mark Brian Harmon, on 16 March 1998, announced witness Stjepan Mesić before the Hague Tribunal in the case of General Tihomir Blaškić as follows:

"He [Stjepan Mesić] will testify about President Tuđman’s dual policy towards Bosnia, one which was a public policy of recognition of the independence of Bosnia, and a clandestine policy to divide Bosnia between Croatia and Serbia. He will testify in that regard about a meeting that took place in 1991 between Slobodan Milošević and President Tuđman at Karadorđevo, after which President Tuđman’s clandestine policy to divide Bosnia was implemented" (Case No IT-95-14-A1998a).

Prosecutor Gregory W. Kehoe accepted the assumption of the

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1 Former Croatian politician. He served as Croatian President from 2000 to 2010.
Karadžorđevo meeting as a secret one (Case No IT-95-14-A1998b). Serbia aimed to secure the lands in eastern and western Bosnia. Croatia wanted to secure lands in BiH in which Croats were the majority. This plan was magnified when Milošević supported Serbs in Croatia to commit horrible war crimes against Croats, including ethnic cleansing. On the other hand, other interpretations of this meeting [Karađorđevo] say that it is not convincing to make a secret agreement during a public meeting (Tuđman 2015).

Secondly, although the WB region remains unstable and there have been many instances of DPA violation, the possibility of a new war in BiH was substantially reduced with the implementation of the DPA. However, since it was signed, the world has witnessed continuous infringements of the DPA in many domains: in this study, only the military aspects are presented. Taking into account a history of ethno-religious conflicts and disputes, the international negotiators and mediators blueprinted long-term regional peace through Annex 1 (the military aspect) of the DPA. Signatories of the DPA agreed to authorize the Organization for Security and Co-operation in Europe (OSCE) to organize and conduct negotiations in order to establish regional — military capability (equipment) — balance in and around the former Yugoslavia “based on the approximate ratio of populations of the Parties” (United Nations 1995). This has been partially changed, but not annulled.

On 4 December 2014, BiH, Montenegro, Croatia and Serbia signed the Amendment to the Agreement on Sub-Regional Arms Control (Annex 1B, Article IV of DPA) at the 21st OSCE Ministerial Council in Basel. The aim of this amendment was to introduce new measures for regional stabilization and arms control, wherein the Sub-Regional Arms Control Agreement was assigned to the four parties of the agreement: BiH, Serbia, Croatia and Montenegro. The transfer of this ownership was strongly supported by the OSCE, the EU and the Contact Group countries.2 “The transfer of ownership is not a withdrawal of the International Community or an attempt to leave the countries alone in the process to come. Co-operation in all matters of arms control will remain with the OSCE, shifting from hands on assistance to a more supportive role,” said Major General Michele Torres3 (OSCE

2 The United States, United Kingdom, France, Germany, Italy and Russia.
3 Personal Representative of the OSCE Chairperson-in-Office for Article IV, Annex 1-B.
Additionally, Didier Burkhalter, the OSCE Chairperson-in-Office and Foreign Minister of Switzerland, argued that “the Dayton Article IV Agreement has been—and remains—highly relevant for stability in the region and for the entire OSCE area. It serves as a model for other OSCE regions in order to enhance security and stability” (OSCE 2014b: vii). Article IV of the DPA provides legal methods and instructive inspections of the armaments in the Balkans.\(^4\) However, there is a significant gap between policy and practice of arms control.

Annex 1 of the DPA (even after the amendment) has been violated and not many studies have directly addressed this issue. The rivalry fuelling the ongoing arms race in the Balkans is a part of current politics, but it dates back to the collapse of Yugoslavia in the early 1990s. “Croatia would like to buy US artillery systems, while Serbia has put Russian missile defence systems on its wish list” (Deutsche Welle 2016: i). Also, Vučić agreed with Russian Defence Minister Sergey Shoygu that Russia would give to Serbia “six MiG-29 jets, 30 T-72 tanks and 30 BRDM 2 reconnaissance vehicles” (Pantovic 2016: iv). Additionally, Serbia received sophisticated military equipment from Belarus. Interestingly, Serbia also received “16 rubber boats with outboard engines, five snowmobiles and 10 portable devices for detecting explosives and narcotics” (Sputnik 2017: i) from China as a military donation. All of these donations are powerful weapons that significantly change the military balance and destabilize the WB region. In the sense of military alliances and foreign support, BiH is lagging behind its neighbours. Moreover, the best indicator that Annex 1 — ‘regional stability’— is reshaped in the Balkans is the military strength rankings. For instance, Global Firepower ranked the armed forces of BiH 121st (Global Firepower 2017a), Serbia 83rd (Global Firepower 2017c) and Croatia 68th (Global Firepower 2017b) out of 133 countries.\(^5\) This clearly shows that Annex 1 did not provide regional stability and/or balance among the signatories of DPA, because BiH lags many places behind Serbia and Croatia. The differences are not so small as to be considered insignificant, but rather they are worrisome, since they have been clearly defined by the DPA.

Additionally, Serbia is the only state in the WB region that has no clear

\(^4\) It established control of conventional armaments in five separate categories: attack helicopters, armored combat vehicles, combat aircraft, battle tanks and artillery pieces.

\(^5\) Important note: Montenegro is not listed among the 133 countries.
desire to join NATO and with a significant pro-Russian attitude. All the other countries have either been member states for a long time or are in the process of becoming members. The Croatian case is much different because it is a NATO member state, an organization with a friendly attitude towards BiH. In other words, in case of Croatia, the regional stability has been reshaped with NATO membership because, as a NATO member, Croatia was requested to follow NATO standards in order to participate alongside other forces in NATO-led missions and later in EU-led missions. Being asked about the arms rivalry between Serbia and Croatia, Boris Jernić, the deputy defence minister of BiH, stated: “When Croatia purchased new weapons, no one from Serbia commented on it; now, when Serbia is doing so [buying new weapons], they comment [referring to Croatian media]”, adding, and “when it comes to the modernization, the Armed Forces of Bosnia and Herzegovina (AFBiH) have a very limited budget, because significant amounts of resources are being spent on the maintenance of existing [military] capacities. We do not have demands, and in the upcoming period, I think that it [the modernization] will not come and with the current budget that we have, we surely cannot follow Serbia and Croatia” (BN 2015: vii, author’s translation). Nevertheless, the budget is not the main challenge. Milorad Dodik, President of Republika Srpska (RS), stated that he would ask the National Assembly of RS (NARS) to withdraw the deceleration of RS’s commitment to Euro-Atlantic integration and accept a new deceleration for military neutrality, and for NARS to make a decision on further steps for the demilitarization of BiH (for more, see BN 2017: vi–ix; Faktor 2017: iii–iv). Such a policy is presented in the willingness of RS to follow the military status of Serbia (Radio Slobodna Europa 2016: iii). In addition, the policy of demilitarization directly conflicts with the DPA and Annex 1, because if BiH were left without military forces, it would be difficult to measure the regional stability among the signatories of DPA.

However, although from the above it can be concluded that BiH, in order to secure its borders, should become a NATO member state, the ethnic groups (Bosniaks, Croats and Serbs) have divergent attitudes towards NATO. The geopolitical rivalry between Serbia and Croatia and the NATO membership of BiH could be understood in terms of which ethnic group one belongs to. Therefore, the NATO membership of BiH cannot be viewed only as a reaction to threatening power, but rather as a reaction
to perceived threat, too. With membership of NATO, the balance of power promised under Annex 1-B of DPA would return to the region, and especially to BiH. Additionally, James D. Fearon (1998: 1) suggests that “a significant amount of recent research in the international relations (IR) field advances the proposition that domestic politics is typically a crucial part of the explanation for states’ foreign policies”. Scholars of comparative politics argue that the foreign orientation of a country cannot be understood without understanding the domestic politics. When it comes to BiH, one could ask whether the domestic politics area product of the foreign policy, or the foreign policy a product of the domestic politics. This paper defines four specifics of BiH — created by both internal and external factors — that shape the country’s NATO integration process. Understanding the country’s specifics will provide a better insight into the way the domestic politics influence the NATO integration process, as well as into the foreign policy choice of BiH that seems to depend mostly on the issues of domestic politics.

Status and issues of the Bosnian NATO integration process

BiH joined the Partnership for Peace programme (PfP) in 2006. The PfP is a programme of practical bilateral cooperation, a platform for individual Euro-Atlantic partner states interested in cooperating with NATO and making use of different NATO programmes (NATO 2017a: 1). It is a mechanism that leads to an opportunity to develop official cooperation with NATO. The focal points of the cooperation are democratic, institutional and defence reforms. In order to proceed with the process of becoming a member state, the relations of a country with NATO must keep expanding into new fields. In September 2008, the political elites in BiH agreed to launch the Individual Partnership Action Plan (IPAP). IPAP introduced new forms of cooperation between BiH and NATO. This led to a shift from purely defence to political issues. It is designed to “bring together all the various cooperation mechanisms through which a partner country interacts with the Alliance, sharpening the focus of activities to better support their domestic reform efforts” (NATO 2017a: 1), as well as
to “develop affordable capabilities for their own security needs” (Pond 2004: x). Also, cooperation under the IPAP includes implementation of the reform processes necessary for creating preconditions for NATO membership. BiH moved through IPAP evaluation cycles from 2008 to 2010 (Ministry of Defence of BiH 2011). The first IPAP was agreed between NATO and BiH in September 2008 (NATO 2017a: vi) and an updated IPAP version was agreed in September 2014 (NATO 2017c: xxii).

BiH has also been participating in the PfP Planning and Review Process (PARP) since May 2007. The participation of partner countries in PARP is a precondition for joining the Membership Action Plan (MAP). This is a tool used to identify “capabilities that could be available to the Alliance for multinational training, exercises and operations” (NATO 2014b: xxiv). Based on the Euro-Atlantic Partnership Work Plan (EAPWP), all members of the NATO PfP are required to develop their Individual Partnership Programme (IPP): it covers a period of two years, but revision and updates are made annually (Defence Reform Commission 2003). The IPP is approved by the Political-Military Steering Committee on Partnership for Peace (PMSC) and is proposed by the PfP member countries. According to the Defence White Paper of BiH (2005), the country expressed the priorities for cooperation in its IPP “in the areas that will enhance the establishment of command, control, communication and information systems, planning and budgeting, resource management and training and equipping; these will facilitate internal and external interoperability, and thus enhance the operational capabilities of the Armed Forces of BiH (AFBiH), particularly with respect to peace support and humanitarian operations” (p. 17). Beyond participation in these mechanisms, BiH has signed and ratified the PfP Status of Forces Agreement (SOFA) with NATO. This multilateral agreement deals with the status of foreign forces while present on the territory of another state (NATO 2014a: i). Through the NATO PfP programmes, BiH enables the country’s AFBiH to participate in NATO’s military activities and trainings in the country (e.g. the military exercise Combined Endeavour 2009, Banja Luka, BiH) and abroad, through a series of activities contained in the Individual Partnership Programme. Also, since 2009, members of AFBiH have deployed and contributed to the International Security Assistance Force (ISAF) mission in Afghanistan.

In June 2009, the Presidency of BiH decided to apply for MAP. Soon
after, on 2 October 2009, the BiH delegation, led by the Chairman of the Presidency of BiH, Željko Komšić, submitted an application to join MAP. NATO welcomed the progress and reforms in BiH and in April 2010 the Alliance invited BiH to join MAP. During the Tallinn Summit, NATO Foreign Ministers authorized the North Atlantic Council (NAC) in Permanent Session to accept BiH’s Annual National Programme once a key remaining issue of immovable defence property had been resolved.

Unlike the other mechanisms, mostly technical in their nature, MAP is purely political, and that is one of the main reasons for the Bosnian failure to join MAP. Many political failures resulting from political disagreement and lack of cooperation between political elites regarding the requirement that all immovable defence properties be registered as state property prevent BiH from joining MAP. In his speech delivered on 29 June 2011, NATO Secretary General Anders Fogh Rasmussen called on the political leaders of BiH “to demonstrate vision, leadership and the ability to compromise, and to continue on the path of political and economic reform. A solution to the property issue would demonstrate that BiH functions like one state. That it is capable to interact with NATO and to fulfil its commitments within the Membership Action Plan” (NATO 2011: xix–xx). Once BiH meets these conditions, ANP could be immediately activated as a mechanism and document under MAP.

Under strong pressure from the international community in BiH, six main ruling party leaders6 finally agreed on 9 March 2012 on the “registration and use of military and state property, long-running disputes which had held up Bosnia’s Membership Action Plan (MAP) with NATO” (International Crisis Group 2012: 10). At the NATO Chicago Summit in May 2012, Alliance leaders welcomed the political consensus in BiH (NATO 2012: xxviii), but the agreement was delayed soon after. Furthermore, in order to meet the conditions defined under NAC, the Presidency of BiH identified sixty-three prospective military locations and the Ministry of Defence of BiH prepared two strategic documents — The Agreement on the Implementation of Agreed Principles of Distribution of Property and The Decision to Use Immovable Defence Property — for the Council of Ministers to initiate the process. In addition, the Council of Ministers established a working group

6 The six included the Croatian Democratic Union (HDZ), the Croatian Democratic Union 1990 (HDZ 1990), the Alliance of Independent Social Democrats (SNSD), the Serb Democratic Party (SDS), the Party of Democratic Action (SDA) and the Social Democratic Party of Bosnia and Herzegovina (SDP BiH).
whose main task was to design a proposal to overcome disputes related to the registration of defence and/or state property. The leader of the Party of Democratic Progress, Mladen Ivanić (current Serb member of the Presidency), pointed out that the unsolved issue of defence property is an instrument to freeze the process of Bosnian integration into NATO, adding that “it is easier for [politicians from the Republika Srpska] to talk about a dispute over property than a dispute over membership in NATO” (Bećirević, Ćurak and Turčalo 2014: 34). Although BiH has made progress in many technical aspects and mechanisms, the state is still stagnating regarding the NATO membership process because every Law on State Property has been ignored by the political elite in the Republika Srpska. Also, according to the Ministry of Defence of BiH (2011: 21), “due to the failure to meet the condition attached with regard to immovable prospective defence property, the ANP document was put on ice and the implementation of the IPAP, as the previous mechanism of cooperation with NATO, was reactivated”. This state of affairs regarding MAP will therefore remain unchanged until the authorities of BiH meet a consensus for the registration of the immovable defence property. Lastly, once joined, MAP will outline preparations for possible future membership, but activation of MAP does not prejudge any decision by the Alliance on future membership. Once MAP is activated, the Alliance will still expect BiH to continue with reforms.

Specifics of the Bosnian NATO integration process

With its entrance into the NATO integration process, BiH identified its membership of NATO as one of the priorities of its foreign policy. Various declarations of parliaments, decisions of the Presidency of BiH, General Direction and Priorities for Implementation of Foreign Policy of Bosnia and Herzegovina\(^\text{7}\), ‘Defence White Paper of Bosnia and Herzegovina’\(^\text{8}\), as well as other documents defined NATO membership of BiH as a strategic goal. However, the official state-level NATO policy is shaped by both external

\(^{7}\) For more, see: Presidency of Bosnia and Herzegovina (2003).

\(^{8}\) For more, see: Defence White Paper of Bosnia and Herzegovina (2005: 5, 12, 14, 15 and other).
and internal factors which at the moment prevent BiH from joining MAP. In fact, with the internal and external factors that prevail, even the state official documents are indicators that show that the NATO integration process of BiH differs from the process in other Western Balkan and East European countries.

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Ideology of consociationalism

The majority of Balkan and East European countries are NATO member states. Those countries built their political systems on the tradition of parliamentary or semi-presidential political systems. These two political systems enabled the above-mentioned countries to pass more easily through the reforms to become member states of the EU and/or NATO. On the other hand, BiH’s political system is built on the foundations of the federal parliamentary republic, encompassing the tradition of the consociational democracy defined by the Dayton Peace Agreement in 1995. With such a political system, BiH is unable to reach a consensus on the internal reforms needed for membership of the EU and NATO.

In order to prevent a relapse into violence in BiH, the international community outlined a comprehensive agreement for BiH and all the warring sides. It meant that post-war BiH would be based on four traditional consociational institutions. However, it did not end there. The new political system went into further ‘complex consociationalism’ “in the sense that it also outlines the institutional structure of the state, autonomy provisions for the state’s entities and cantons, the judicial system, the role of the international community within the state, the economy, issues of security sector reform, and the right of the return of refugees and displaced persons” (Fleet 2014: 19). The constitutional system is based on the pattern of a power-sharing model in which the collective rights of three dominant ethnic groups in BiH take superiority over the rights of the individual/citizen. In addition, the national political parties are seen as the only legitimate representatives of each ethnic group, which results in ethno-political ‘elites’.
A key condition for the functioning of any democratic society is the existence of minimum political consensus about accepting the community in which they live (Balic and Izmirlija 2013). In the case of BiH, it is hard even to talk about the minimum consensus, since the Bosnian Constitution has never been ratified in the State Parliament. Also, the ethno-religious political representatives in BiH still have difficulty agreeing on the reform policy/agenda which could accelerate the Euro-Atlantic integration process. There are many reasons for their disagreement: different interpretations of the country’s history by the constituent peoples, the role of the international community, and the influence of the foreign policy of neighbouring countries — particularly Serbia and Croatia — on the foreign policy of BiH. In addition, complex decision-making procedures grounded in the consociational democracy affect the NATO integration process of BiH in many negative ways.

The Dayton Peace Accord in BiH serves as an example of the formal institutionalization of mutual vetoes: it devised a formula that at least one-third support from each of the three constituent groups is required for all decisions in the House of Representatives. The same works for the House of Peoples at the state level. The proportionality principle in BiH is required in nearly every aspect of government and civil services. Additionally, BiH has a three-person presidency with one seat reserved for each of the three constituent peoples (Bosniaks, Bosnian Serbs and Bosnian Croats). Each member of the presidency is elected by the members of the community he is to represent (McCulloch 2009). As for the veto, each of the three presidents can invoke a veto on policies that they view as ‘dangerous’ to the ‘vital interest’ of the ethnic group they represent in the presidency of BiH. However, when this happens, the National Assembly of the Republika Srpska or the BiH parliament (House of Peoples) can override a presidential veto by a two-thirds majority vote. The Bosnian multi-ethnic diversity and the ethnic-based representation in state-level institutions (and the entity level), as well as the aggravating political circumstances in BiH, often do not allow BiH to progress towards Euro-Atlantic integration. It is hard, and it is getting harder, to satisfy all the sides in BiH, and BiH therefore faces many challenges in the integration process and the fulfilment of indispensable reforms. Ostrom (1990) suggests that collaborative decision-making and reforms work best in countries when the population is small and homogenous.
NATO involvement in a non-member state: the Bosnian War 1992-1995

When it comes to NATO membership, the Bosnian experience of NATO shapes its decision-making process regarding integration, and it is often used for public justification of a decision not to become a NATO member state, particularly in Republika Srpska. The relationship between BiH and NATO is in many ways unique and the NATO intervention in BiH is described as a ‘milestone’ of the relationship (Kivimaki, Kramer and Pasch 2012).

The NATO alliance intervened in BiH in 1995 as a consequence of war crimes and the suspension of the Geneva Convention (NATO 2005). BiH became the first non-NATO member state in which the Western Alliance conducted military operations. In addition, military operations led by NATO during the 1990s in BiH, Serbia and Kosovo have had a significant influence on the NATO integration process, as well as on the population in these Western Balkan countries. For instance, the president of Republika Srpska, Milorad Dodik, said that Republika Srpska formed its view towards NATO (a negative tendency towards the membership), and pointed out that the NATO bombing of Serbs in Republika Srpska influenced the formation of such an attitude, especially because the NATO bombings determined the outcomes of the (Bosnian)war (Nezavisne novine 2016).

However, NATO’s intervention in 1995 and NATO’s post-war reconciliation role in BiH minimized the likelihood of repeated large-scale hostilities among the ethnic groups. The NATO membership of BIH depends on the political elites and their ability to harmonize their divided approach towards NATO membership. The 1995 NATO intervention in BiH targeted the Bosnian Serbs who refused to comply with the Geneva Convention, which created a favourable situation for the Bosniaks and Bosnian Croats: this is why it is difficult for the Bosnian government to get the support of the Bosnian Serbs for NATO membership.
The role of the international community: protector of social order and the statehood

The end of the Bosnian war and enforcement of the Dayton Peace Accords in 1995 defined the role of the international community (IC) in the country. The IC is obliged to monitor the accords from the peace agreement and help the warring parties overcome various challenges. BiH, because of the presence of the IC, could have been classified as a country with (semi-) protectorate status in international relations. The presence of the IC is perhaps the key difference between BiH and other countries in Eastern Europe and Western Balkan.

The OHR, as the main institution of the IC in BiH, is responsible for monitoring the Dayton Peace Accords in the country. It is also the only interpreter of the DPA in case of any major political disputes between the conflicting parties. The OHR “is working with the people and institutions of Bosnia and Herzegovina and the international community to ensure that Bosnia and Herzegovina evolves into a peaceful and viable democracy on course for integration in Euro-Atlantic institutions” (OHR n.d.: i). The period of the OHR intervention in the politics of BiH can be divided into several phases: (1) the period of interest of the IC without direct interference; (2) the period of interest of the IC by strengthening the role of the OHR in domestic politics in BiH; (3) the period of withdrawal of the IC and the policy of silence of the OHR in BiH; and (4) the period of shutting down the OHR in BiH once the country fulfils the required criteria (Borić 2012).

Most of the reforms that supported the Euro-Atlantic integration process emerged out of the active involvement of OHR and other international institutions in BiH, such as the EU Delegation and NATO. At the moment, the OHR policy is in its third stage, the period of withdrawal of the IC and silence of the OHR in BiH. This stage of the OHR policy is a test for the domestic institutions which perhaps failed to show the results that the OHR policy-makers desired. The failure of the political leaders to meet the criteria specified by the third OHR stage was clearly demonstrated...
with the illegal referendum organized by the Republika Srpska (RS) on 25 September 2016. The referendum was held in spite of the ban imposed by the High Court of BiH and the outcry of the OHR. According to a statement by Valentin Incko, the High Representative, the purpose of the hands-off approach by the OHR was to provide the institutions in BiH with the opportunity to strengthen and mature (BBC 2016b). However, this policy proved itself non-functional, and it seems that the third stage of the OHR policy will succeed only when the entities demonstrate mature politics and start paying respect to the state institutions.

The aggravating political circumstances in BiH prevent the OHR from entering into the fourth stage, the period of shutting down the OHR in BiH. This stage of the OHR requires more analysis than the previous stages, as it could lead the country to new political instability. Therefore, the OHR is delaying its withdrawal from BiH until the required criteria are met by the political elites in both entities. Very often BiH has only functioned because of the presence of the ‘protector’ — that is, the IC and OHR as the executive body. The OHR is very clear regarding its presence in BiH: if BiH wants to free itself from the OHR presence, the country must establish a different political system (International Crisis Group 2014). Also, without the support of all the member states of the Peace Implementation Council (PIC), the OHR is currently in a sort of geopolitical vacuum and as such it is unable to exert more influence over the Bosnian political decision-makers.

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The influence of neighbouring countries in the NATO integration policy

In terms of external actors, the influence of the neighbouring countries of BiH — called guarantors of the DPA — affects the attitude of Serbs and Croats in BiH to a significant extent. In the geopolitical context, the alleged Serbian foreign policy influence failed in preventing Montenegro from NATO integration. Unlike their status in BiH, the Serbian population could not use the institutional mechanism, asking for protection of ‘vital national interest’ in order to block the Montenegrin NATO membership. The membership of Montenegro is a historic turn towards the West and
away from its traditional ally, Russia. Janusz Bugajski, a Senior Fellow at the Centre for European Policy Analysis, stated that “Montenegro’s membership in NATO could change the way Serbians view the alliance” (B92 2017: i). However, this might be difficult to achieve in reality as a large part of the population and political elites in Serbia consider Russia as a reliable ally.9 Serbia is balanced between EU membership, partnership with NATO and cooperation with Russia.

BiH’s NATO membership could contribute to an upgrade of the Western Balkans’ security situation, as the NATO member states do not fight against each other and jointly contribute to common security. Analysing the security policy of BiH, it can be argued that NATO membership would play a significant role in the security of the entire region. The NATO Secretary General Anders Fogh Rasmussen said “NATO’s vision for the Western Balkans region is clear: Euro-Atlantic integration is the best guarantee for peace, progress and prosperity” (NATO 2011). Regardless of this statement and many international NATO documents that guarantee Bosnia security under the Alliance, BiH still needs to do a lot in order to meet NATO requirements for integration. In short, Bosnian NATO integration conflicts with the influence of regional actors and their attitudes and interests.

Serbia and Croatia have substantial political influence on BiH because of the significant Serbian and/or Croatian population in BiH and due to the fact that both of these countries were signatories of the DPA. Based on contextual analysis of the available statements by some of the top politicians, it can be concluded that Croatia and Montenegro support BiH’s NATO membership. Croatian President Kolinda Grabar-Kitarovic expressed Croatia’s willingness to support BiH in the EU and NATO integration process. “Personally, I advocate and I will advocate for Bosnia and Herzegovina’s European integration, because I see Bosnia and Herzegovina as a member of the EU and NATO as soon as possible, because it is a prerequisite for a lasting peace and a better life for all citizens in Bosnia and Herzegovina” (Hrvatski medijski servis 2015, author’s translation). The idea behind Grabar-Kitarović attitude is to ensure and improve security in the Western Balkans. NATO membership would help BiH become a stable and reliable regional player.

9 The Survey of Serbian Public Opinion, 24 November 2015–3 December 2015, conducted by Centre for Insight in Survey Research, showed that 94 per cent of interviewees think that Serbia’s interests are best served by maintaining strong relations with Russia, while only six per cent of interviewees disagreed with this statement.
Actual interference of regional countries that has an unfavourable effect on BiH’s NATO integration is seen in Serbia. It is demonstrated in the political statements and decisions by both Serbs in BiH and Serbia. The President of Republika Srpska, Milorad Dodik, said that public opinion in the RS is overwhelmingly against joining NATO, adding that “it is a dangerous situation for Serbia to remain neutral, and the RS goes to membership in the military organization” (Nova srpska politička misao 2015, author’s translation). In addition, Serbia accepted the Declaration of military neutrality in 2007, the effects of which are visible in the BiH integration process. The Serbian decision not to become a NATO member state from 24 March 2017 was confirmed by Aleksandar Vučić, the President of Serbia, who said that “Serbia will never look for NATO membership, and [Serbia] will not allow the suffering of Serbs to be repeated” (Nezavisne novine 2017: xvi, author’s translation). This has had a negative impact on the NATO integration of BiH because political leaders in RS stated that they would align with Serbia regarding NATO cooperation. The Serb member of the Presidency of BiH, Mladen Ivanić, stated: “I can only repeat that in NATO we can enter only if and when the Alliance enters Serbia. The position cannot be clearer position than this. Any other option would include the division of the Serbian people. We do not need referendums. The subject does not even need to be opened because of Bosnia and Herzegovina’s membership in NATO; there is no requirement as long as Serbia is not in the Alliance” (Politika 2015: vii, author’s translation). Such a policy is also included in the political programmes of the Serbian political parties in BiH. For instance, the political platform of the Serbian Democratic Party (SDS) promotes the military neutrality of BiH and adherence to the [military] status of Serbia, while the “Serbian Democratic Party fully opposes the idea of the Republic of Srpska being a part of NATO” (Serb Democratic Party of Bosnia and Herzegovina n.d.: 72).

10 The “Serbian Democratic Party sees military neutrality and demilitarization of the Republic of Srpska and BiH as the only realistic policy in this region. It is a genuine interest of the Republic of Srpska to have identical status as that of the Republic of Serbia in order to prevent some situations that had occurred in a relatively recent past period that Serbs from two sides of Drina River find themselves on two opposed military sides against each other” (Political Programme of SDS n.d.:71).
Conclusion

The NATO security matrix in the Western Balkans contains elements of peace, stability and security from the perspective of one group, Bosniaks and Bosnian Croats, and elements of instability, insecurity and danger from the perspective of another, Bosnian Serbs. Such a security environment thus produces positive and negative effects on the security of the Western Balkan countries. Both of the above-mentioned perspectives are the result of either internal or external factors. The divergent opinions on this question range from opportunistic press releases to enthusiastic support for the membership; or from NATO-centric to NATO-sceptic attitudes. These diverging attitudes would not be problematic if BiH had other alternatives. Other current NATO member states had similar attitudes prior to accession, but none of the current NATO member states in East Europe and the Western Balkans were faced with the internal and external factors with which BiH is faced at the moment. The idea of this paper is not to suggest that the current NATO member states passed through the NATO integration process easily, but rather that, due to its specificities, BiH has been maintaining a status quo over the last few years. It is important to emphasize that during this period BiH has not lost much, but the option to return to the status quo ante, or state of affairs that existed previously, is still a real threat.

A certain body of literature and media reports has failed to identify the ‘specifics’ of BiH and as a result many researchers interested in Bosnian NATO integration have not been able to grasp the whole picture of the Bosnian path to NATO. This study has identified four major specifics of BiH that make its integration process different from other countries. Because of the specifics analysed in this paper, this study aimed to address the following questions: (i) whether domestic politics influence the foreign policy of BiH; and (ii) to what extent the neighbouring countries determine the foreign policy of BiH regarding NATO. A clear-cut distinction between these two factors was not identified, firstly, because two of the specifics determine the ‘domestic political view’ on the NATO membership of BiH: (i) NATO involvement in the Bosnian war 1992–1995 and (ii) the country’s consociationalism. NATO involvement in the Bosnian war has created NATO-centric or NATO-sceptic approaches, depending on the ethnic
group, and Bosnian consociationalism is a mechanism which transforms these approaches into policies. Due to its current political system, the will of the 'opposition' prevails over others by using the mechanisms of the entity vote and protection of vital national interests. As noted above, Mladen Ivanić, the Serb member of the BiH Presidency, pointed out that the unsolved issue of property defence is an instrument freezing the process of BiH integration into NATO. He added that “it is easier for [politicians from the Republika Srpska] to talk about a dispute over property than a dispute over membership in NATO” (Bećirević, Ćurak and Turčalo 2014:34). This attitude has slowed down BiH’s NATO membership regardless of the other constituent peoples’ will to join. The attitude of the Bosnian Serbs is the result of war events, but mostly their sympathy towards Russia and Serbia. Secondly, Bosnian foreign policy and its attitude towards NATO membership are not only shaped by domestic factors, but rather jointly with external factors. Often, Bosnian foreign policy cannot avoid the influence of external factors — that is, interference by Serbia and Croatia. This leaves enough room for future research to address the question of the extent to which BiH creates its foreign policy independently. In addition, Serbian politicians in BiH sent a clear message on a number of occasions that the military status of BiH would be determined by the military status of Serbia — that is, if Serbia stays out of NATO, BiH will do the same. On the other hand, Croatia showed readiness to support the Euro-Atlantic integration of BiH, at least officially.

Lastly, because of all of the Bosnian specificities, this paper has advocated that the aspiration of BiH to become a NATO member state cannot be viewed through the prism of other NATO member states’ accession processes. The Bosnian challenges of NATO integration are much more complex than any other challenges that the existing NATO member states had to face. The external influence to prevent BiH from NATO integration remains the most challenging barrier in the process.
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The “New Cold Warriors” and the “Pragmatics”: The Differences in Foreign Policy Attitudes towards Russia and the Eastern Partnership States among the NATO Member States from Central and South-Eastern Europe

Petar Kurečić

Abstract

The post-communist NATO member states from Central and South-Eastern Europe (CSEE) comprise a group of 11 NATO/EU member states, from the Baltic to the Adriatic and Black Sea. The twelfth and thirteenth NATO member states from the region are Albania and Montenegro. The afore-mentioned NATO/EU member states have mostly shown a similar stance towards the Eastern Partnership Policy. However, since 2014, these states have shown more diverse stances, albeit declaratively supporting the anti-Russian sanctions. Due to the difference in stances towards Russia, the “New Cold Warriors” (Poland, Estonia, Latvia, Lithuania and Romania) and the “Pragmatics” (Hungary, Slovakia, Slovenia and Bulgaria), will maintain a mostly common course towards Russia and the Eastern Partnership states because they have to. The Czech Republic, although hosting a part of the US anti-ballistic missile shield, is not a genuine “New Cold Warrior”, while in 2016 Croatia effectively became one.

KEY WORDS:
Central and South-Eastern Europe (CSEE), NATO, European Union, foreign policy initiatives, Ukrainian crisis, Russia
Introduction and methodology

The post-communist NATO members studied here are located in Central Europe (also known as “New” Central Europe: hence, in this context, the term designates those post-communist states in the region, so it does not refer to Germany, Austria or Switzerland) and South-Eastern Europe, respectively. When discussing the communist past and the post-communist present day, these two regions can be perceived as a single, connected area, and referred to as Central and South-Eastern Europe (hereafter, CSEE), albeit they possess significant differences which mainly arise from the different paths that the CSEE states took in the 1990s. The present economic and institutional crisis has hit the European Union hard (and some of its member states in particular, especially the Baltic states and the Southern members plus Ireland, often referred to as the PIIGS — Portugal, Italy, Ireland, Greece and Spain — while Croatia has suffered the longest, with a six-year recession and/or stagnation). When the current migration crisis and the deterioration of relations with Russia, as well as Brexit and the terrorist threats hitting both NATO and the EU member states are added, this all points to a multi-fold crisis in the EU. Parts of the studied states from CSEE are showing commonalities in their attitude towards the migration crisis and the relations of national authorities towards the EU (particularly the states of the Visegrad Group). Concurrently, different states of the region are showing differences in their stance towards Russia and their interest/attitude towards the Eastern Partnership states in general. The group of post-communist NATO member states studied here is comprised of 13 states, of which two can be characterized as medium-sized European states (Poland and Romania) and the other eleven referred to as more or less small European states (of these states, only the Czech Republic has a population of more than 10 million, and the smallest studied state is Montenegro, with a population of about 600 thousand).

All of these states have some important features in common, which are referred to as common denominators:

- They are post-communist NATO member states.
- Eleven out of the thirteen studied states are both NATO and EU members.
• Most of the analysed states can be referred to as small. This affects their foreign and defence policy capabilities, as well as their behaviour in the international environment.¹

• None of these states joined the EU before 2004, with Romania and Bulgaria joining at the beginning of 2007 and Croatia in 2013 (so these are all still “newer” members).

• All of the studied states are more or less dependent on energy imports (and some of them are especially dependent on gas imports from Russia, mostly via transit states Ukraine and Belarus).²

• The region has, especially in the last decade, and more intensely since the Ukrainian crisis, become a theatre for testing of the Western response to the renewed Russian economic and political influence.

• The Visegrad Group represents the core states of “new” Central Europe, or Rumsfeld’s “New Europe”, whose members support a stronger role of national governments in the EU and oppose the acceptance of refugees as an example of the supranational authorities’ will imposed on national governments and societies, which neither uphold a tradition nor have a present willingness to accept refugees that are of different religions and cultures. Public opinion in the Baltic states shows similar attitudes (Lada 2015: 10). The gap between the “old” and “new” Europe can be seen in variety of issues — for example, the acceptance of refugees and respect for certain democratic standards. The so-called “illiberal democracy” pursued by the authorities of Hungary and the recent political developments in Poland are probably the best examples that confirm the tendencies in the most recent period.

• A (post-communist) history of certain initiatives and groupings of the studied states (see Table 1) has to be noted: the Visegrad Group, the Vilnius Group, “the coalition of the willing” and the Adriatic-Baltic-Black Sea Initiative. The initiatives either derive from the region itself or were/are sponsored from outside the region,

¹ Druláková and Přikryl (2016: 135) stated a similar claim for the Czech Republic and Slovakia. The two states’ compliance with EU sanctions was compared.

² In geographical terms, seven of the mentioned states are located in Central Europe. Estonia is located on the border between Central and Northern Europe, and Croatia is located on the border between Central and South-Eastern Europe. Some parts of Croatia (the Adriatic coast and the islands) geographically and culturally belong to Southern (Mediterranean) Europe. However, for the purposes of this paper, we consider Croatia a CSEE state. Four NATO post-communist member states are clearly located in South-Eastern Europe: Albania, Bulgaria, Montenegro and Romania.
showing bandwagoning (towards the USA) and cooperation based on their rational choices (the aspirations towards NATO and EU membership), and certain “shared values” such as anti-communism and, more recently, the defence of European and Christian values (against non-European migrants).

**Table 1:** Overlapping and differences regarding various initiatives and informal regional groupings among the post-communist NATO/EU member states (and neighbouring small states) in CSEE

<table>
<thead>
<tr>
<th>Visegrad Group</th>
<th>Vilnius Group (plus supporters of the attack on Iraq already in NATO)</th>
<th>Baltic-Adriatic and Black Sea Initiative (the ABC Initiative)</th>
<th>New Cold Warriors</th>
<th>Pragmatics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poland</td>
<td>Poland</td>
<td>Poland</td>
<td>Poland</td>
<td>Hungary</td>
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<tr>
<td>Czech Republic</td>
<td>Czech Republic</td>
<td>Czech Republic</td>
<td>Estonia</td>
<td>Slovakia</td>
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<tr>
<td>Hungary</td>
<td>Hungary</td>
<td>Hungary</td>
<td>Latvia</td>
<td>Slovenia</td>
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<tr>
<td>Slovakia</td>
<td>Slovakia</td>
<td>Slovakia</td>
<td>Lithuania</td>
<td>Bulgaria</td>
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<tr>
<td>Latvia</td>
<td>Latvia</td>
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<td>Croatia</td>
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<td>Lithuania</td>
<td>Lithuania</td>
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<tr>
<td>Slovenia</td>
<td>Croatia</td>
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<td></td>
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<tr>
<td>Romania</td>
<td>Slovenia</td>
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<tr>
<td>Bulgaria</td>
<td>Romania</td>
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<tr>
<td>Croatia</td>
<td>Bulgaria</td>
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<tr>
<td>Albania</td>
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<td></td>
</tr>
<tr>
<td>Macedonia</td>
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</tr>
</tbody>
</table>

Two informal groupings, made up of NATO/EU members in the region, can be differentiated for analytical purposes based on their stance towards Russia, for the purpose of this paper referred to as “New Cold Warriors” and “Pragmatics”. There are three main features that differentiate the two groups:
1. In the group of “New Cold Warriors”, not only is the political elite predominantly anti-Russian and vigorously supportive of the independence and territorial integrity of Ukraine, but the public holds a similar opinion, especially in Poland and the Baltic states. According to the German Marshall Fund’s Transatlantic Trends survey (2015), 78 per cent of Poles support economic aid to Ukraine, 77 per cent support sanctions against Russia and 67 per cent support helping Ukraine even if it heightens the risk of conflict with Russia (Fusiewicz and Łada 2015: 4–5).

2. The willingness to contribute more to defence spending (see Table 2), host the anti-ballistic missile shield and demand permanent stationing of NATO troops on their territory. Because of the difference in geostrategic position and the degree of negative views towards Russia, the “Pragmatics”, in comparison to the “New Cold Warriors”, although NATO members as well, would be expected to be less willing to make efforts to narrow the gap between their actual defence spending and recommendations (a euphemism for the requirements of NATO: two per cent of GDP). It is therefore interesting to observe the defence spending of studied states since 2013, a year before 2014, which already seems to be one of the landmark years in NATO’s history due to the events in Ukraine.

3. A staunch pursuit of the diversification of energy supply routes, with Poland and Croatia as forerunners and the Baltic states as supporters. The most important proposal in this initiative is that of a gas pipeline from the Adriatic to the Baltic Sea, which would originate at the proposed (planned) LNG terminal at the Croatian island of Krk, which could be supplied with gas from far away fields, primarily located in the USA and Qatar. Although it seems like a distant future, this plan shows the determination of some CSEE states to lower the dependence on Russian gas. However, the Pragmatics are concurrently still willing to develop the South Stream pipeline with Russia, which would be especially interesting to Bulgaria and Hungary (they are making efforts to diversify supply routes of Russian gas — hence they want to avoid transit through Ukraine as much as possible), while the New Cold Warriors are eager and very determined to radically decrease the level of dependence on Russian gas.
Table 2: Defence spending of studied NATO member states 2014–2016 (percentage of GDP, based on 2010 prices)

<table>
<thead>
<tr>
<th>NATO member states (ordered by the level of their contribution in 2016)</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estonia</td>
<td>1.90</td>
<td>1.94</td>
<td>2.07</td>
<td>2.16</td>
</tr>
<tr>
<td>Poland</td>
<td>1.72</td>
<td>1.85</td>
<td>2.23</td>
<td>2.00</td>
</tr>
<tr>
<td>Lithuania</td>
<td>0.76</td>
<td>0.88</td>
<td>1.14</td>
<td>1.49</td>
</tr>
<tr>
<td>Romania</td>
<td>1.28</td>
<td>1.35</td>
<td>1.45</td>
<td>1.48</td>
</tr>
<tr>
<td>Latvia</td>
<td>0.93</td>
<td>0.94</td>
<td>1.04</td>
<td>1.45</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>1.46</td>
<td>1.32</td>
<td>1.29</td>
<td>1.35</td>
</tr>
<tr>
<td>Croatia</td>
<td>1.47</td>
<td>1.41</td>
<td>1.37</td>
<td>1.23</td>
</tr>
<tr>
<td>Albania</td>
<td>1.41</td>
<td>1.34</td>
<td>1.16</td>
<td>1.21</td>
</tr>
<tr>
<td>Slovakia</td>
<td>0.99</td>
<td>0.99</td>
<td>1.14</td>
<td>1.16</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>1.03</td>
<td>0.96</td>
<td>1.06</td>
<td>1.04</td>
</tr>
<tr>
<td>Hungary</td>
<td>0.95</td>
<td>0.87</td>
<td>0.94</td>
<td>1.01</td>
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<tr>
<td>Slovenia</td>
<td>1.06</td>
<td>0.98</td>
<td>0.94</td>
<td>0.94</td>
</tr>
</tbody>
</table>


Table 2 clearly shows that the New Cold Warriors were willing to spend more on defence even before 2014 (Estonia, Poland and, to a lesser degree, Romania) or have, in relative terms, increased their defence spending far more than other studied states (Latvia and especially Lithuania). Compared to 2013 and 2014, by 2016, the Pragmatics had raised their defence spending much less than the New Cold Warriors, while some NATO members from the CSEE had even reduced it (Albania, Croatia and Slovenia).

Hence the focus of this paper is on the foreign policy initiatives and activities of NATO member states from CSEE regarding mainly their relations with Russia and the Eastern Partnership states. It is important to identify the most important issues that influence these activities:
1. The political relations with Russia;

2. Strategic military issues, such as the deployment of NATO troops and heavy weaponry, as well as the anti-ballistic missile shield;

3. The (geo)-economic relations with Russia, particularly energy (gas) supply issues, clearly tied to Russia: hence most of these states are dependent on Russian gas imports, which in some cases reaches almost 100 per cent of overall gas supply.

The main contribution of this paper is to study two groups of NATO/EU members from the CSEE in terms of their foreign policy initiatives and compliance with NATO and EU policy towards Russia in the last three years after the evolution of the Ukrainian crisis. Some of the “aberrations” in compliance of some of the studied states were visible earlier: analysis of data from the ECFR Scorecard for the 2012–2016 period and examination of data about the relevant economic indicators were used to study the influence of the most recent economic crisis and the dependence on gas supply from Russia on the studied states’ compliance with the EU’s Common Foreign and Security Policy.

The periodical document called the ECFR Scorecard (hereafter Scorecard) was used as a source of data and a pointer in analysis of foreign policy activities (initiatives, as well as non-compliance with ESDP) of the studied states that were NATO and EU members. The data on foreign policy leadership roles and “slackers” for each state were taken from the Scorecard and analysed for the years 2012–2016. The data from the 2016 Scorecard were analysed separately because for each area only two indicators were shown in the data sheet for the states, in contrast to four, five or even six indicators for each of the areas in the previous years analysed. The Scorecard should only be considered as an overview and a pointer that could direct us to certain conclusions. The intention of the paper is not to analyse the overall complexity of Russia-NATO or Russia-CSEE relations, or the relations between particular CSEE states and Russia and/or Eastern Partnership states.
Central and South-Eastern Europe: commonalities in the pre-1990s, differences in the 1990s, and similarities and differences in the present day

All of the states mentioned here, except Croatia, Montenegro and Slovenia, belonged to the Warsaw Treaty Organization until its dissolution in 1991, or were more isolated and communist than the members of this organization (Albania, which actually left the Treaty in 1968). Half of the states did not even possess formal independence (Slovenia, Montenegro and Croatia were parts of socialist Yugoslavia, the Czech Republic and Slovakia formed Czechoslovakia, and the Baltic states were part of the Soviet Union). Nevertheless, the independence of all these states, whether they formed formally independent states (Poland, Hungary and Bulgaria) or showed a significant level of foreign policy independence — whether nationalistic (Romania during Ceausescu, especially since 1968), or isolationist and Stalinist-style (Albania under Enver Hoxha) or were part of the multinational communist federations — was merely a fiction, which was particularly proved by military interventions in Hungary (1956), Czechoslovakia (1968) and Poland (1981).

Sztompka (2004) pointed out that the collapse of the Communist regime changed the boundaries. Nevertheless, this change only shifted the curtain to the East, strengthening the dividing line between the new Central Europe and the Western Balkans, and the Post-Soviet space in Europe (excluding the Baltic states).

In the 1990s, Central Europe was able to take a more stable and European integration-oriented path than the post-communist states of South-Eastern Europe, and especially post-Yugoslav states (except Slovenia). The states of the Visegrad Group plus the Baltic states and Slovenia managed to significantly increase their GDP, up to the level of middle-income states, and were accepted into NATO (1999 or 2004) and into the EU (2004).

Hamilton (2013: 303) pointed out the crucial role of NATO enlargement in the CSEE states: “During the 1990s and for most of the 2000s, US relations with Central and East European states advanced primarily through the prism
of NATO, with other elements playing a not so important part as strategic relations.” The expression of these relations was clear bandwagoning, to a greater or lesser degree, of the CSEE states towards the USA.

The Visegrad Four comprises the foremost and the oldest post-communist grouping of the four states from the region (initially three, before Czechoslovakia was dissolved). The Visegrad Four, comprised of the core states of the region, is the most homogenous grouping of the states from the region, with common interests and goals. Belkin et al. (2014: 289) emphasize that members of the Visegrad Four “generally consult closely with one another in attempting to present a unified regional stance within NATO and on issues related to the EU’s Common Security and Defence Policy (CSDP)”. However, as Fawn (2013: 340) points out, the group has not always been so homogeneous: “It has faced inordinate challenges, and, for varying reasons, has even been pronounced dead, and not once but several times”.

The Vilnius Group comprises ten (then) aspirant NATO and EU states, of which eight have been successful in fulfilling these goals (Albania has been a NATO member state since 2009; only Macedonia is not a member of either organization). Most of the Vilnius Group states (except Croatia and Slovenia) joined the “coalition of the willing”. This foreign policy strategy is a good example of bandwagoning, aligning with the most powerful state in NATO and thus acknowledging that the US vote is decisive when decisions on NATO enlargement are being made. This group of states displayed a strong pro-US and pro-NATO stance in 2003, but later not all of them decided to participate in the intervention against the Iraqi regime.

The most recent grouping comprising CSEE states is the Adriatic-Baltic and Black Sea (ABC) Initiative. The official main goals of the ABC Initiative, in the words of the Croatian Madam President, are cooperation in the fields of energy, transport and economy: “The Baltic-Adriatic and Black Sea Initiative would comprise states in the same geographical area, from Baltic to the Adriatic and Black Sea, most of which are small. With the inclusion of Austria, the Initiative is trying to overcome the ‘Iron Curtain’ and the gap between the ‘Old’ and ‘New’ Europe” (Newsletter 2015: 2).
Central and South-Eastern Europe: A revived “battlefront region” between NATO and Russia

The events in Ukraine, which evolved into a full-scale regime change, showed both deep divisions inside this state and the strategic importance of Ukraine to Russia, which has, in the last two decades, more than once noted which issues represent “red lines” for its vital strategic interests. As Ruehle (2014: 234) pointed out, the crisis in Ukraine marked a new low in NATO-Russia relations: “While this relationship had been deteriorating for quite some time, Moscow’s role in the Ukraine crisis revealed a geopolitical agenda that caught many observers by surprise.”

However, the events of 2014 in Ukraine could probably have been forecasted, as the NATO-Russia relationship had been deteriorating prior to 2014 for some time. The events from 2008 have to be remembered, when the Five-Day War in Georgia stalled the prospect of NATO enlargement to the East for some time. Russia clearly showed where the “red lines” were laid: “Since the Georgia-Russia war, NATO leaders have not been as quick or assertive to counter Russian anti-enlargement rhetoric as they were previously” (Wolff 2015: 1110).

Nevertheless, if we return a little further to the past, at the Munich Security Conference in 2005, Russian President Putin had already said that he considered the break-up of the USSR to be “the greatest geopolitical catastrophe of the twentieth century”. That statement opened the space for analysing what the realization of the so-called “Putin doctrine” might bring in the future (Kazantsev and Sakwa 2012: 290); as Bennett (2015: 1) pointed out, “Putin has repeatedly alleged that the West has maintained a containment policy toward Russia since the 18th century; the Western reaction to events in Ukraine is merely the present manifestation of this policy”.

Therefore, the present day hostility of Russia towards NATO, as well as mutual fears, distrust and pressures, have been building up for approximately a decade. Additionally, these trends can be perceived as a continuance of mutually distrustful relations from the second half of the 1990s, when the first NATO Post-Cold War enlargement was proposed and prepared. More
than two decades ago, at the end of 1994, the document titled *Study on NATO Enlargement* met with staunch opposition from Russia. Nevertheless, NATO pursued its own course of action until 2008, enlarging continuously, and inviting Croatia and Albania to join at the Bucharest Summit in April 2008, four months before the Five-Days War. Forsberg and Herd (2015: 42) conclude that the acknowledgement of difficulties in the Russia-NATO relationship prior to the Ukrainian crisis does not mean that the break-up of the institutional partnership between Russia and NATO was inevitable and was bound to happen. Drawing a conclusion on the nature of difficulties in NATO-Russia relations, Krickovic (2016: 176–177) pointed out: “Despite the opportunities presented by the end of the Cold War, Russia and the West have failed to establish binding institutional arrangements.”

It is true that NATO stalled its enlargement to post-communist states until 2017. However, it recently accepted Montenegro as its newest member, despite fierce opposition from Russia. Ukraine has recently changed its legal framework in order to be able to make initial steps towards NATO membership. This proves that the geopolitical ambitions of NATO have not been forestalled indefinitely — on the contrary, they have been revived.

Whether the claim about NATO’s promises after the German unification — the so-called no-expansion pledge — is true or not (Wolff 2015: 1104), the facts remain that NATO has spread to parts of the former geopolitical East and that Russia has had a problem with that ever since the developments started. Consequently, ever since the post-communist states of Central and Eastern Europe — and, a bit later, of South-Eastern Europe — joined NATO and then the EU, Russia has been searching for ways to re-establish its influence. This process has been parallel to the process of Russia’s economic, military and political rising, and evolved concurrently with the Putin era. Influence through investments into the energy sectors of the aforementioned states, economic ties, loans, political connections with some South-Eastern European states (Serbia particularly) etc. have been the means of Russia’s renewed geo-economic influence, which translates the attempts to reach a strategic parity with the USA in the region, although most of the states in the region are NATO and EU member states. It was obvious that once these states were accepted into NATO/the EU, their strategic and economic positions would be clearly defined, and although there can be slight deviations from the common policies, it is unlikely that a certain state would leave the NATO/EU bloc to join some Russia-led or sponsored association.
From the perspective of core NATO members, newer NATO members’ accession represents a spreading of the zone of security and stability, liberal norms and values, as well as the market economy, gaining strategic footholds in the former Soviet Eastern Europe. From a Russian perspective — and contrary to its fears about NATO expansion and aggression on its borders and its proximity — Russia is facing objectively weaker NATO member states (newer, and former Warsaw Treaty members or the former Soviet Republics) that can be more easily coerced. Without firm NATO support, these states (even Poland) do not stand a real chance in any kind of standoff with Russia. Their possibilities of action within NATO are also limited if their agenda is not important enough to the USA and the Europe’s Big Three in NATO (the United Kingdom, France and Germany): “The newer members of NATO—states that directly experienced both Russian and Soviet occupation and hegemonic policies—are apprehensive about this forceful new Russia that does not hesitate to advance neo-colonial claims and practise cyberattacks and energy cut-offs” (Rachwald 2011: 122–123).

The problem for NATO in its reactions towards Russia in the Georgian and Ukrainian crisis lies in the ambivalence of its goals and instruments used. NATO no longer bases its actions on realistic perceptions of international relations, in which the relations with Russia should be perceived as relations between two centres of military and political power. Prior to the Ukrainian crisis, NATO perceived international relations in a more functional sense, similar to the EU, and has itself become a functional component of international relations. Due to the Russian actions in Ukraine, NATO had to cancel its future proclaimed mission and return to its original mission/reason for existence (Teutmeyer 2014: 432).

Variety in responses to the Russian actions in Ukraine among NATO member states from CSEE

Regarding the strategic and political relations, the situation in Eastern Europe in mid-2017 is probably the worst since the end of the Cold War. Russian ambitions are realized, for now: “the Russian flag still flies over Simferopol, the
capital of Crimea; the conflict in Ukraine’s Donbas region is now Europe’s latest and greatest frozen conflict” (Conley 2015: 28). Forbrig (2015: 1) states that the Russian actions in Ukraine have challenged the architecture, rules and institutions of post-Cold War European security. The failure of European policy towards the Eastern neighbourhood was exposed.

However, the differences among NATO member states from the CSEE — even the members of the Visegrad Four — have started to blur after the events in Ukraine and the Russian annexation, despite the fact that the Visegrad Four have condemned the Russian aggression and stated their support for Ukraine. The Baltic states have also condemned Russian action in the Crimea and, later, in Eastern Ukraine. Despite the unanimity of NATO (and EU) member states about the illegality of Russian actions in Ukraine and withholding economic sanctions against Russia, exceptions and differences exist.

The group of New Cold Warriors is formed of a hard anti-Russian core, with strong anti-Russian and anti-communist rhetoric, comprised primarily of Poland and the Baltic states, whose public opinion is also strongly opposed to Russia and in favour of Ukraine. Balabán (2016: 96) pointed out that at the Welsh Summit, Poland and the Baltic states demanded the establishment of permanent military bases. On the other hand, Germany, Italy and France rejected the suggestion. Romania was included in the New Cold Warriors mostly because of its willingness to host the anti-ballistic missile shield, which Russia perceives as a threat to its national security, and its condemnation of the illegal annexation of Crimea and the revisionist policy of Russia. The Czech Republic, although hosting a part of the anti-ballistic missile shield, which Russia perceives as a strategic asset targeted against itself, has been sending mixed signals regarding the issue of Ukraine and, consequently, NATO-Russia relations. While the social-democratic government was pretty firm in its condemnation of Russia’s actions and its support of Ukraine and NATO, while respecting the importance of Russia as an important economic and political partner to the Czech Republic (of which Russia is a key non-EU economic partner) and the entire EU, President Zeman led a somewhat different policy (Groszkowski 2015a). Due to the policy of the Croatian Madam President, who initiated the ABC Initiative with the Polish President Duda, oriented
towards decreasing energy dependence on Russian gas, and recent statements made by the Croatian Prime Minister Plenković about the Ukraine issue, which Russia perceived as anti-Russian, as well as the US weapons that have recently been donated to the Croatian Armed Forces, Croatia has effectively become a part of the anti-Russian core. The Croatian position may likely be influenced by the recent Russian re-armament of Serbia. Croatia is not strategically as important to either Russia or NATO as the other aforementioned states of the hard anti-Russian core. Therefore, the current Croatian policy towards Russia is a policy of choice and compliance with the goals of NATO, and not of the utmost need for defence. Actually, it can be described as an example of anti-pragmatism and effective shattering of the possibilities for future economic cooperation with Russia, an important and specific market, where Croatian firms (construction firms, as well as exporters of industrial and agricultural products) have traditionally been present.

Besides demanding (on several occasions) more permanent NATO troop deployment (Sytas 2015) and reconnaissance flights, Poland and the Baltic states especially have even asked NATO to focus its missile shield on Russia (Euractiv 2014). Besides security issues, the Baltic states have problems with Russia that derive from the Soviet period and comprise significant Russian minorities, which opens room for irredentism and increases the chances for hybrid warfare, similar to the Crimea scenario in 2014. On various occasions, calls were made for additional military exercises in the region and additional military assistance to the Ukrainian government. The decision to deploy more troops on the eastern flank of NATO was finally approved at the Warsaw Summit (Warsaw Summit Communique 2016). As a response to the NATO summit decision, Russia adopted a new doctrine, marking NATO’s expansion as the primary threat to itself, and enabling the instalment of joint missile defence systems with allied states.

The group of Pragmatics, looser than the group of New Cold Warriors — hence these states are also pursuing their pragmatic national interest besides compliance with the official policy of NATO — is comprised of the post-communist NATO member states that are not so anti-Russian oriented and are not so worried by Russian policy. This
fact is a product of multiple factors. Slovenia never experienced a period of “Soviet occupation” (as the period of “socialist republics” is now usually referred to in Poland and in the Baltic states). Other Pragmatics (Hungary, Slovakia and Bulgaria), despite the fact that they were a part of the Warsaw Treaty, do not share a direct border with Russia and are not so strategically important in the possible NATO-Russia theatre of war, the Baltic. Therefore, the public opinion in these states is not so much anti-Russian and the pragmatism among the elite is more widespread. In addition, the sanctions are hurting these economies. It is quite clear that the Baltic states and those states that have agreed to host the anti-ballistic missile shield are the prime possible targets of Russian strategic and tactical capacities, simply because the military logic dictates this kind of reasoning and the possible actions. Different historical experience, and the difference in geopolitical positions, as well as the attitudes of the political elites shared among the Pragmatics, have influenced the development of their pragmatism.

Influence of the economic crisis and reliance on Russian gas supply on foreign policy of studied states towards Russia and Eastern Partnership states

In order to study the influence of the most recent economic crisis and the reliance on Russian gas supply of CSEE NATO/EU member states on pragmatism (or the absence of it) towards Russia in their foreign policies, the data on real GDP annual growth rate for the period 2008–2016 in percentage and unemployment in percentages for the period 2009–2014, October 2015 and May 2016 are shown below. The data on dependence of studied states on energy imports in percentages (2008–2012), data on the dependence of EU member states from the region on gas imports in percentages (2008–2012), and data on the percentage of gas imports from Russia in total gas imports for the studied EU member states (2012) are also shown.

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<th></th>
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</thead>
<tbody>
<tr>
<td>Albania</td>
<td>639</td>
<td>1,193</td>
<td>4,423</td>
<td>4,147</td>
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<td>370.7</td>
<td>649.0</td>
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<td>12,090</td>
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<td>302.7</td>
<td>322.8</td>
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<td>17,575</td>
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<td>12,665</td>
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<td>482.3</td>
<td>338.2</td>
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<tr>
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Table 4: GDP growth rate of Central and South-Eastern Europe NATO member states in percentages 2008–2016

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<th></th>
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<td>-0.9</td>
<td>-0.4</td>
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<td>-0.7</td>
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<td>2.5</td>
<td>8.3</td>
<td>4.7</td>
<td>1.6</td>
<td>2.1</td>
<td>1.4</td>
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<td>1.5</td>
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<td>3.1</td>
<td>2.0</td>
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<td>4.2</td>
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<td>2.7</td>
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</tr>
<tr>
<td>Lithuania</td>
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<td>-14.8</td>
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<td>6.1</td>
<td>3.8</td>
<td>3.3</td>
<td>2.9</td>
<td>1.8</td>
<td>2.3</td>
</tr>
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<td>3.7</td>
<td>4.8</td>
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<td>1.7</td>
<td>3.4</td>
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<td>1.6</td>
<td>3.4</td>
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<td>4.8</td>
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<td>Slovak Republic</td>
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<td>1.6</td>
<td>1.4</td>
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</tr>
</tbody>
</table>

Source: Eurostat, National Accounts and GDP (2016).

Figure 1: Unemployment in Central and South-Eastern Europe NATO member states in percentages, 2008–2014

Sources: Eurostat, Unemployment (2016); Trading Economics (2017).
Figure 2: The dependence of studied EU member states on energy imports in percentages, 2008–2012


Figure 3: Dependence of EU member states from the region on gas imports in percentages (2008–2012)

The Baltic states, Bulgaria and Slovakia are obviously most dependent on gas imports (overwhelmingly from Russia) and are therefore the most vulnerable. This position is especially delicate after the outbreak of the Ukrainian crisis and the consequent deterioration in relations between NATO and the EU on one side and Russia on the other. The security of gas supplies from Russia for most of these states (except Romania and, partly, Croatia) does not only represent an economic issue: it also represents a national security issue. However, due to the low prices of natural gas and oil, Russia cannot afford not to sell; hence these low prices and sanctions are hurting its economy and depleting its foreign currency reserves. Poland is still an important transit state for Russian gas, despite the Nord Stream pipeline and the fact that it is anti-Russian oriented. Additionally, most of the states are working, more or less actively, on diversification of its supply routes. So, the “gas card” for Russia is working only to a point and only in combination with the willingness of Pragmatics from the region.
Table 5: Common denominators for studied states: a level of relevance for all states (Y = yes; N = no)

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<th>Common denominator</th>
<th>Albania</th>
<th>Bulgaria</th>
<th>Croatia</th>
<th>Czech Republic</th>
<th>Estonia</th>
<th>Hungary</th>
<th>Latvia</th>
<th>Lithuania</th>
<th>Poland</th>
<th>Romania</th>
<th>Slovakia</th>
<th>Slovenia</th>
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</thead>
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<tr>
<td>EU member since 2004 or later</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Negative GDP growth rate in 2008</td>
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<td>Y</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
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<tr>
<td>Negative GDP growth rate split by annual positive GDP growth</td>
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<td>N</td>
<td>N</td>
<td>Y</td>
<td>N</td>
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<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Sustained annual negative GDP growth rate 2009–2014</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>N</td>
<td>N</td>
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<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Reliance on gas imports from Russia more than 50% in 2012</td>
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<td>Y</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
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<td>N</td>
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</table>

Table 6: CSEE NATO and EU member states’ leadership initiatives, recognized by ECFR Scorecard 2012–2015

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<th>Russia</th>
<th>USA</th>
<th>Wider Europe</th>
<th>MENA region</th>
<th>Multilateral issues and crisis man</th>
<th>Total</th>
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</thead>
<tbody>
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<td>0</td>
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<td>2</td>
<td>5</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
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<td>4</td>
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<td>13</td>
</tr>
<tr>
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<td>2</td>
<td>3</td>
<td>0</td>
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<td>16</td>
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<tr>
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<td>3</td>
<td>1</td>
<td>1</td>
<td>7</td>
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<td>1</td>
<td>3</td>
<td>0</td>
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<td>9</td>
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<td>12</td>
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<td>4</td>
<td>7</td>
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**Table 7: CSEE NATO and EU member states’ “slackers” received by the EU, recognized by ECFR Scorecard 2012–2015**

<table>
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<tr>
<th>Country</th>
<th>China</th>
<th>Russia</th>
<th>USA</th>
<th>Wider Europe</th>
<th>MENA region</th>
<th>Multilateral issues and crisis man.</th>
<th>Total</th>
</tr>
</thead>
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<td>0</td>
<td>0</td>
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<td>3</td>
<td>6</td>
</tr>
<tr>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Czech Republic</td>
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<td>0</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>5</td>
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<tr>
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<td>0</td>
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<td>1</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Hungary</td>
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<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Latvia</td>
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<td>0</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>Lithuania</td>
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<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
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<td>0</td>
<td>1</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>Romania</td>
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<td>2</td>
<td>1</td>
<td>8</td>
<td>13</td>
</tr>
<tr>
<td>Slovakia</td>
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<td>0</td>
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<td>2</td>
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<tr>
<td>Slovenia</td>
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<td>0</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>13</strong></td>
<td><strong>7</strong></td>
<td><strong>2</strong></td>
<td><strong>6</strong></td>
<td><strong>8</strong></td>
<td><strong>33</strong></td>
<td><strong>69</strong></td>
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</table>

*Albania and Montenegro were not included in the research; hence only the EU member states that are bound to comply with the CFSP of the EU were studied.

Analysis of “leaders” and “slackners” 2012–2015

Analysis has shown that all of the analysed states together had 107 recognized leadership initiatives in the 2012–2015 Scorecards. Almost 40 per cent of all activities were tied to the largest and the smallest states in the region (Poland, 37.9 million inhabitants, 24 activities; Estonia, 1.3 million inhabitants, 16 activities). A particular initiative noted by the Scorecard cannot be quantified — that is, “weighed”. Therefore, the number of initiatives is just an indicator of the initiatives’ frequency and their geographical orientation, and not of their political and strategic importance or economic value. The EU member states from CSEE were mainly concerned with their own energy dependence, mostly on gas imports from Russia. The 69 recognized leadership initiatives (from a total of 107) devoted to Russia and the wider Europe region shows the importance and connectedness of CSEE EU member states to Russia and the region that lies between the EU and Russia. This is also an indicator of the studied CSEE states’ vulnerability to potential problems, originating in their Eastern neighbourhood and Russia.

The reliance on gas imports from Russia influences the foreign policy of the Pragmatics group. Six out of seven “slackners” (a term officially used in the ECFR Scorecards for reprimands received by the state from the EU) noted in 2012–2015 Scorecards for the analysed states cited relations with Russia regarding energy issues (mostly gas supply). Gyarmati (2015: 22) emphasized that Hungary was a key supporter of the Russian-led South Stream pipeline project; hence it would avoid Ukraine as a problematic transit state and therefore increase the security of its gas supply. Hungary also questioned the rationale of EU sanctions against Russia and in November 2014 announced that it would stop the reverse flow of gas to Ukraine, which was dependent on it at the time.

Hungary’s leadership initiatives (“leaders”, five out of seven) were primarily oriented towards wider Europe and towards Russia. Hungary received “slackners” for pursuing its own “national interests” that did not necessarily coincide with the Common Foreign and Security Policy of the EU. The “slackners” are not so surprising if we consider the fact that Russia remains Hungary’s largest trading partner outside the EU, and Hungary’s Prime
Minister Orban maintains very good relations with Russia.

The situation on gas supply shows the importance of this issue for the aforementioned states, which were obviously willing to pursue their national security interests, even though they did not fully comply with the guidelines of CFSP. However, most “slackers” (13 out of 69) received by the CSEE NATO/EU states are not connected with Russia and wider Europe. The explanation can be found in the high level of solidarity among the states analysed when it comes to relations with Russia and their efforts to become less dependent on Russia. Russia cannot lose this market, especially since 2014, when the prices of oil have plummeted. On the other hand, these states did not receive “slackers” because they wanted to defy the CFSP. They were simply putting their national interests (gas supply) ahead of the particular EU policy. Almost half of the “slackers” received by the CSEE NATO/EU member states were in the area of multilateral issues and crisis management. The reluctance of these states concerning their (in)activity in the field of multilateral issues and crisis management can be explained by the lack of capability and financial constraints.

Poland has managed to diversify its foreign policy activities, although more than half of its activities, and the most important ones, were connected with wider Europe and Russia, respectively. Poland was actually the only analysed state that managed to have recognized leadership initiatives in all six areas. None of Poland’s “slackers” were received for the relations with Russia and the wider Europe region. Poland’s actions towards its eastern neighbours and Russia are heavily influenced by historical experiences and geography. Long borders with Ukraine, Belarus and Kaliningrad Oblast, respectively, make Poland the primary frontline state towards Russia.

Estonia, with a population of only 1.3 million, managed to have 16 leadership activities, mostly oriented towards the neighbouring states. Seven initiatives were recognized in the field of multilateral issues and crisis management. Two of Estonia’s initiatives were oriented towards the United States. It is a little surprising that such a small state managed to be so involved in multilateral issues far from its geographical proximity. Estonia’s “slackers” were received for those issues far away from its geographical proximity.
Lithuania devoted almost all of its leadership activities (11 of 12) in 2011–2014 to Russia and wider Europe. Therefore, we can conclude that Lithuania primarily focuses its foreign policy initiatives towards its neighbourhood. Lithuania received “slackers” only for activities that were not in its geographical proximity and of strategic importance.

Similar to Lithuania, Latvia had nine activities, of which five were oriented towards relations with Russia and the wider Europe region. Three were devoted to multilateral issues and crisis management, and one to the United States.

The Czech Republic showed 13 leadership roles during the analysed period. Four of these 13 leadership roles were oriented towards Russia. Another four initiatives were oriented towards wider Europe. The Czech Republic’s other leadership initiatives were oriented towards China, the United States, and multilateral issues and crisis management, respectively. The Czech Republic did not receive a single “slacker” for its relations with Russia or the wider Europe region. Kratochvil (2015: 15) emphasized that Czechs have become increasingly critical of Russia with the intensification of conflict in Ukraine: “In October 2014, two-thirds of the population said that Russia posed a security threat to the country, twice as many as a year earlier. As far as sanctions are concerned, however, the Czech public remains divided.”

Slovakia also oriented most of its (seven out of 12) initiatives towards the wider Europe region. Other initiatives were oriented towards Russia, and taken in the field of multilateral issues and crisis management, respectively. Despite its pragmatism, it is making efforts to diversify its gas supply and lower its dependence on Russian gas and its transit through Ukraine. It has also allowed reverse gas supply to Ukraine (Groszkowski 2015b). It has shown an incentive for gas integration with the Czech Republic and Austria. It is clearly led by its national interests.

Romania had nine recognized leadership activities, according to the ECFR Scorecard. Five of its activities were devoted to its relations with Russia. Two were devoted to the wider Europe region. Romania also managed to “collect” 13 “slackers”.


Bulgaria showed five leadership activities, and its activities were tied to Russia, multilateral issues and crisis management, and the USA. Despite its pragmatism and interest in the South Stream pipeline, Bulgaria has already introduced an interconnector with Hungary, and should by 2019 introduce one with Poland (Groszkowski 2015b).

Croatia received two “slacklers”, first for relations with Russia on energy issues in 2014, the second for the issue of development aid and humanitarian aid. The period being analysed is one of the toughest economic periods faced by Croatia was since achieving its statehood, which is also the case with Slovenia. However, Slovenia managed to “collect” seven “slacklers” from the EU. Slovenia has two main problems concerning its contribution and following the CFSP. It has its own national interests regarding energy supply (gas from Russia) (Russia Today 2015) and did not want to (or could not) spend more financial and material means to comply with the goals of the CFSP in the field of multilateral issues and crisis management.

Analysis of “leaders” and “slacklers” from the ECFR 2016 Scorecard

Table 8: CSEE NATO and EU member states leadership initiatives, recognized by ECFR Scorecard 2016

<table>
<thead>
<tr>
<th>State</th>
<th>Asia and China</th>
<th>Russia</th>
<th>USA</th>
<th>Wider Europe</th>
<th>MENA region</th>
<th>Multilateral issues and crisis management</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TIS</td>
<td>HRS</td>
<td>SP</td>
<td>EP</td>
<td>TTIP</td>
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<td>USA</td>
<td>Wider Europe</td>
<td>MENA region</td>
<td>Multilateral issues and crisis management</td>
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Source: ECFR Scorecard (2016).

Table 9: CSEE NATO and EU member states “slackers” received by the EU, recognized by ECFR Scorecard 2016
The year 2015 was the most critical year so far of the present migrant crisis and saw continuation of heavily deteriorated relations with Russia due to the situation in Eastern Ukraine and Crimea. The activities in which “leaders” were recognized were mostly focused on Russia, in a positive sense for complying with the policies and decisions of the EU, and in a negative sense towards the official Russian policy and strategic interests of Russia. The states that were mostly engaged in these activities overlap with the group of New Cold Warriors. The second main area of activities in which the states from the region showed recognized leadership initiatives is wider Europe, here mostly meaning support for Ukraine (Lithuania, Poland and Slovakia).

When “slackers” received in 2015 by the CSEE NATO/EU member states are analysed, they are grouped around two areas: the MENA region, and multilateral issues and crisis management. Nine of eleven states received a “slacker” for handling the refugee crisis. The second issue on which the majority of the analysed EU states (except Estonia, Hungary, Latvia and Slovenia) from the region received a “slacker” was overseas troop deployment — i.e. contribution to multi-national operations. In the areas in which relations with Russia, wider Europe and the USA were analysed, no “slackners” were received.

The results from the Scorecard, though they should be taken with caution, show a continuance of the combination of determinants (geographical position, strategic situation, historical experience, as well as the overall size and capabilities of a particular state) and interests of a particular state.
that define policies. The response to the migrant crisis of 2015 was certainly more a product of the latter than the former. Overseas troop deployment is a product of both. All of the studied states that showed leadership activity have confirmed the hypothesis that, regarding leadership activity, these were primarily oriented towards Russia and wider Europe. The results, among other conclusions, confirm that the Ukrainian crisis and its evolution, as well as future developments, hold a particular importance for the Visegrad Four. As Fawn (2013: 346) pointed out: “Ukraine is, by population and geography, larger than any single Visegrad country, and is also a lynchpin in future European security”.

The Scorecard also shows a connection between negative economic results and the number of “slackers” received for particular states. States that have experienced long periods of negative economic growth have not been able (or willing) to participate in multilateral issues and crisis management actions (such as peacekeeping missions, humanitarian and development aid, etc.). If seven more “slackers” received for handling the refugee crisis are added (treated as the MENA region issue, albeit this is actually primarily a multilateral and crisis management issue), it shows even more clearly an inability and/or unwillingness to deal with certain issues.

Analysis of the Scorecard has also shown a difference between Slovenia, Croatia and Bulgaria, and the other studied states. The three mentioned had fewer than half of their leadership initiatives recognized (for Slovenia and Croatia, there were no recognized leadership initiatives at all) oriented towards Russia, contrary to the other NATO/EU members from the CSEE. We can conclude that the small number of “slackers” received for relations with Russia and the wider Europe, despite the dependence on gas imports from Russia, shows that the NATO/EU member states from the region are, with some modest exceptions, following the guidelines of the CFSP.
Conclusions

Some NATO member states from the CSEE, because of their geographical location and position that causes proximity and intense relations with wider Europe and Russia, as well as their reliance on gas imports from Russia, are in a sensitive position. If a state is almost totally dependent on gas imports from Russia, it has to consider its relations with Russia as a primary foreign policy and national security issue, despite the fact that it may have to follow official NATO and EU policies towards Russia. The pragmatism of the Pragmatics is born of need and opportunity, respectively, as is the hard anti-Russian stance of the New Cold Warriors, which are willing to expose themselves to possible Russian “gas blackmail”; hence they feel the most threatened by Russia, significantly more than the Pragmatics. Relations with Russia are still an important factor for all CSEE NATO/EU states because of Russia’s geographical proximity and historical connections, despite the fact that most of the studied states are trying to reduce their vulnerability towards Russia. In these efforts, the Pragmatics are the ones who are trying to maintain good relations with Russia, to pursue their economic interests and ensure their better position for the increase of trade with Russia once the EU abolishes the sanctions. At present, the dependence on gas supply from Russia does not represent a key issue that is making the most dependent states most willing to comply, and vice versa. The answer to this aberration lies in the determinants of their geographical position and heritage, which cannot be changed or even slightly modified. Therefore, the Baltic states, despite being heavily dependent on gas supplies from Russia, are the ones (together with Poland) that are supporting the firmest stance towards Russia because of the situation in Ukraine, as well as against its provocations and possible hybrid warfare in the Baltic region. The Baltic states are also actively working on reducing their dependence on gas supply from Russia, by developing a floating LNG terminal, Independence, in Lithuania (Teffer 2014), while a site in Latvia (Skulte) is also being developed. These investments are promoted as activities that are in accordance with the Third European Energy Package. The development of LNG terminals (like the floating one in Lithuania, the terminal in Poland and a prospective on the island of Krk in Croatia) is one possible way to reduce CSEE states’ dependence on Russian gas (Dickel et al. 2014: 27–39). It is also one of the most important prospective endeavours of
the ABC Initiative. Additionally, oil and consequently natural gas have been relatively cheap in the last three years, driving Russia into serious economic problems. Therefore, Russia at present cannot use gas supply as a means for waging “gas wars”. Bulgaria is in a slightly different position, particularly due to its geographical location. It does not possess significant gas reserves. Bulgaria could profit from the South Stream project if it were ever to become functional. Historical relations with Russia and historical recollection are also not negative in Bulgaria as they are in Poland and the Baltic states.

It is obvious that differences in the stance towards Russia and the Eastern Partnership states exist among the studied states, which are demarcated in two groups. Differences can be observed in the orientation and the “toughness” of the stance towards Russia, as well as the relative importance that these issues have for particular states. The present refugee crisis and issues related to the role of national authorities in the EU are at the moment creating a wider gap than the stance towards Russia between the states of the Visegrad Group particularly and some other states from the region and the EU authorities. The Baltic states and Slovenia are also showing discontent when it comes to the EU authorities dealing with the refugees and quotas. Some NATO/EU member states from the region are simply not very interested in containing Russia and protecting their national borders with troops, and would probably want the sanctions to be lifted. This does not mean that NATO’s unity and resolve to act are jeopardized, especially because the real military capabilities of the aforementioned states, compared to those of Russia, are almost negligible, thereby increasing the homogeneity of these states’ positions and their reliance on NATO (primarily the USA) in security issues.
Bibliography


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Development of the Croatian National Security Strategy in the Hybrid Threats Context

Drazen Smiljanic

Abstract

The development of the new National Security Strategy (NSS) of the Republic of Croatia, begun in November 2016, takes place in a radically different security environment compared to the first (and current) Croatian NSS published in 2002. This paper aims to provide incentives for potential adaptations to the approach and methodology used in Croatia’s NSS development, particularly in relation to hybrid warfare. Assuming that the hybrid adversary tends heavily to exploit the vulnerabilities of the targeted state and society, the paper addresses some of Croatia’s widely recognized weaknesses that should be taken into consideration in a threat assessment. As a conclusion, the paper proposes some recommendations, including the concept of societal resilience, related to ways to counter hybrid threats.

KEY WORDS:

national security strategy, hybrid warfare, hybrid threats, Croatia, Russia, vulnerabilities, societal resilience

1 Disclaimer: the views expressed here are solely those of the author in his private capacity, based on public information, and do not in any way represent the views of the Croatian Ministry of Defence or any other entity of the Croatian government.
Introduction

The first, and current, National Security Strategy (NSS) of the Republic of Croatia was endorsed and published in 2002, as “a conceptual document in which the Croatian Parliament, as the highest political and legislative institution, determines and accepts political views on fundamental national security issues” (Croatian Parliament 2002). Since then, a handful of efforts have been made (MoD Croatia 2010) to develop a new strategy but none of them was finalized with an endorsed document. The latest effort, begun in November 2016, calls for “redefining the concept of national security and the related institutions” and defining a security system that is in line with recent internal and external political and economic changes (HINA 2016).

The need for a redefinition of the concept of national security and related institutions arguably stems from changes in how the very notion of security is perceived in Croatia, as well as from the changed security environment. The period since the end of the Homeland War², and the 2000s in particular, has been marked by relative complacency regarding risks related to direct conventional threats against the Republic of Croatia. To a great extent, membership of NATO, and of the EU to a lesser degree, has represented an important guarantee that Croatian security would also be defended by multinational defence capabilities. Most importantly, the Alliance’s capacities have provided, and still provide, a robust deterrent capability. However, NATO’s military and technological superiority has been challenged with the outbreak of the Ukraine crisis and the emergence of hybrid threats and concepts, commonly known as hybrid warfare. While in terms of political, military and economic power, NATO’s superiority has remained unchanged, the new operating concepts, clearly recognized in Russian foreign policy behaviour since 2014, appeared as an unexpected challenge for several NATO members, especially those on the Eastern flank.

Russian politics towards and against Ukraine, especially since 2014, have shown that disturbances of the vital societal functions and violation of

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² According to the Act on the Rights of Croatian Defenders of the Homeland War and Members of their Families (Zakon o pravima hrvatskih branitelja iz Domovinskog rata i članova njihovih obitelji), the Croatian Homeland War lasted from 5 August 1990 until 30 June 1996 (Croatian Parliament 2004).
the infrastructure capability to perform its functions were among the most important instruments of their operating concept. Apparently, the Russian objectives were directed at undermining the country’s ability to resist the potential aggressor. The Ukrainian example also demonstrated that malicious acts against the key societal functions and critical infrastructure could become a very powerful tool of the state actor, not only the non-state actors, as was the case before. Damage to the critical infrastructure aimed at deteriorating living conditions may, under favourable conditions, force the attacked country to submit to the aggressor, allowing it to achieve its political goals. The Ukraine crisis revealed that the time for complacency, even for NATO members, is over and that the political and military power of the Alliance is being challenged by behaviour that sneak under the threshold of activation of collective defence mechanisms (e.g. North Atlantic Treaty Article 5), primarily exploiting state and societal vulnerabilities.

Being a complex phenomenon, hybrid warfare and related concepts represent the types of threat that require a holistic approach in conceptualization, planning, organizing and exercising the response to them. The developers of a national security strategy, in designing their models, should recognize the paradigmatic changes in the security environment and the objects of what should be protected (i.e. secured) and how. We also propose use of the systems approach (systems thinking), which is useful in handling the complexity that Croatia’s national security is facing and will face in the coming period. Systems thinking may help in approaching national security holistically, focusing more on reducing one’s own vulnerabilities.

While the traditional elements of state power remain relevant, the smaller states, like Croatia, even under the umbrella of NATO or as a member of the EU, have to increase their immunity. We argue that, no matter who the adversary could be, revisionist or rival state(s), state or non-state actors, the most efficient national defence measures should include a reduction of societal vulnerabilities. Societal resilience arguably represents one of the most efficient ways to prevent hybrid threats from being effective. Societal resilience has recently been recognized in many countries (Cederberg and Eronen 2015a), as well in NATO and the EU, as the key factor for mitigating societal vulnerabilities.
Theoretical framework

In the following sections, we analyse the notion of national security and the hybrid warfare concept with related terms. After that, we examine implications of the hybrid threat environment for Croatia’s national security. We also address some of Croatia’s widely recognized weaknesses that should be taken into consideration in any key security and defence strategy threat assessment. Finally, we propose ways to counter hybrid threats, including an expanded approach to strategic planning and the concept of societal resilience.

The national security

Alan Stolberg (2012: 12) found that different nations have different perspectives on what national security is, which are largely inherent in the respective strategic culture of each nation state. Stolberg explains that “the combination of national interests with strategic culture, and a country’s understanding of what its security concerns should be, leads to the identification of what the idea of national security will mean for an individual nation-state member of the international system”. Finally, the association of the terms “national” and “security” with the concept of strategy will give the national security most of its relevance.

According to George Kennan\(^3\) (1948), as cited in Ikenberry and Slaughter (2006: 14), national security is “the continued ability of the country to pursue the development of its internal life without serious interference, or threat of interference, from foreign powers.” This kind of perspective was very influential, particularly among the real politics scholars, until the end of the Cold War period, more precisely until the end of the 1990s. The state and its defence from external threats was amongst the highest priorities (or “ends”) of most national security strategies at the time. In general,

\(^3\) The definition by George Kennan refers to his Comments on the General Trend of U.S. Foreign Policy, George F. Kennan Papers, Princeton University, dated 20 August 1948.
it may be said that national security strategies substantially represented a “nation’s plan for the coordinated use of all the instruments of state power—non-military as well as military—to pursue objectives that defend and advance its national interest” (Doyle 2007: 624). Arnold Wolfers (1952) makes a distinction between security in an “objective sense”, as the absence of threats, and in a “subjective sense”, as the absence of fear. He argues that security is achieved once both components exist. Some scholars in Croatia argue that the most important aspect of national security is that it represents a precondition for social and economic development (Bilandžić 2015, 2017).

Besides the state security, national security encompasses functions and institutions. In general, security institutions have to evolve and to be transformed to be able to ensure the state’s function to provide security. In the USA, for instance, the most obvious paradigm change related to the security apparatus after the Cold War happened with the 11 September 2001 terrorist attack and the subsequent anthrax mailings on US soil. These events changed the United States’ calculus of national interests and led to the establishment of the Department of Homeland Security (Newmann 2002). The changed post-Cold War security environment, with new threats and challenges, necessitated an additional focus on internal security, consequently involving the crisis management concept. As the threats became more challenging, the response model started to evolve from the departmental towards the interagency model.

Threats and challenges recognized recently as “hybrid” represent an additional challenge in the approach to national security, expanding it to societal (MoD Finland 2010) and human security.

The hybrid warfare concept

Hybrid threats, hybrid operations, hybrid warfare, ambiguous warfare,
non-linear warfare, shadow war or grey-zone wars are just some of the recently formulated expressions related to the hybrid warfare topic. In the broader literature, the concept of hybrid warfare is often the subject of semantic debate. We will employ the term “hybrid” and the ordinary warfare-related derivative for convenience, to align with the common use of the term. Additionally, without intending to reargue the debate existing in open source literature on an adequate name for this topic, we will consider it as a concept. Namely, as the recently finished NATO STO’s (2017: 2) research SAS-127 Hybrid warfare: a case study, NATO implications suggests, hybrid warfare can be seen as “a concept of operations, or perhaps, an operational concept, rather than a strategy or a theory of warfare.” We also adopt the term “hybrid adversary” for an actor applying the hybrid warfare concept and “hybrid threats” as potential actors and trends that exist in the security environment before the hybrid warfare concept is applied (which is more an act).

We dedicate the following sections to discussing some important questions related to the hybrid warfare concept.

**Does the hybrid warfare concept represent a new type of warfare?**

Contrary to some claims (Barbo 2013, 2014; Cederberg and Eronen 2015b), so-called Russian hybrid warfare does not seem to represent anything new or revolutionary in the history of warfare. Most of the elements, such as the use of “fronts” or proxies, were present in earlier conflicts, even during the Cold War (Mansoor 2012; NATO STO 2017). What has been recognized as new, however, is the use of digital media for information operations at local, regional and even international levels. Janis Berzins (2014: 5), for instance, argues that, from the Russian perspective, “the main battle-space is the mind and, as a result, new-generation wars are to be dominated by information and psychological warfare.” This approach intends to create a sense of moral and psychological pressure on enemy’s armed forces personnel and civil population. In that context,
information may be disseminated by means of television stations, websites/web portals or social media groups and may even include leafleting to the home address.

Another characteristic that represents novelty is the coordinated use of all instruments of state power at low levels, which also accounts for a general improvement. In the case of Russia, the instruments of state power have been used comprehensively, focusing on different domains, sequentially or at the same time.

**What is the role of Russia in relation to the hybrid warfare concept?**

Hybrid warfare does not exist as an institutionalized concept in either Russia or the West. We adopt the thesis that hybrid warfare is not a Russian-generated theory of warfare and it is worth mentioning that Russian decision-makers claim that they adapted their capabilities to Western behaviour in international relations (Gerasimov 2013; Bartles 2016).

Even though a discernible pattern of its characteristics exist, the hybrid warfare concept should rather be seen as a set of principles, methods and tools, prioritized and, when possible, integrated, skilfully applied to achieve political objectives without escalating into armed conflict. We argue that our (i.e. Western) struggle to describe the hybrid warfare concept lies in the fact that Russian foreign policy behaviour since 2014 represents a certain strategic surprise to our legal norms and capabilities. This surprise also stems from a complacency in our (i.e. the Euro-Atlantic region) economic and military power which, arguably, has not had the desired deterrent effect.

Therefore, when we talk about the hybrid warfare concept, we must be tolerant and willing to cope with a very fluid, changing and transformative theme. The concept, of course, challenges our judgement and perception and should not be underestimated just because, once emerged, it looks similar to what we have seen before. It is particularly important to approach assessment of the hybrid warfare threat properly in the national security strategy as it has a profound impact on ways (usually the need
for an integrated, whole of the government approach) and means (that also go beyond the purely military but affect armed forces in terms of their agility, responsiveness and level of integration with other instruments of state power).

To properly approach the hybrid warfare concept, it is extremely important to assess a threat actor within that actor’s own context. To this end, it is critical that the analysis of hybrid warfare’s characteristics in the context of the Russo-Ukraine conflict and Russia’s foreign policy behaviour in general is grounded on a deep understanding of the historical context (NATO STO 2017).

Nevertheless, a strategic foresight analysis, which is a part of NSS development, must consider hybrid warfare in a more general perspective. A good example of this is the report by the Center for Strategic and International Studies (Conley et al. 2016) which provides key findings on Russia’s influence in Central and Eastern Europe. Their findings may be used as the basic elements to describe Russia’s foreign policy behaviour related to the use of hybrid warfare methods.

- “Russia has cultivated an opaque network of patronage across the region that it uses to influence and direct decision-making”, a web that “resembles a network flow model”, which the authors call an “unvirtuous cycle of the Russian influence”.

- “Corruption is the lubricant […] concentrating on the exploitation of state resources to further Russia’s networks of influence”.

- The networks constitute the vital element of Russia’s doctrine which is primarily a “strategy of influence, not of brute force,” aimed at “breaking the internal coherence of the enemy system—and not about its integral annihilation” (Conley et al. 2016: X).

Obviously, the methods described above focus primarily on societal vulnerabilities (e.g. governance, internal conflicts, socially divided society, lack of political consensus on the future of the society, corruption, inefficient law enforcement, lack of natural resources and energy dependency on foreign states, etc.). This aspect seems to be the most important element in distinguishing this type of warfare from the more traditional, where
a territory and a battle (i.e. war fighting) are the main paradigm. The Ukraine crisis therefore brought a new dimension to understanding the hybrid warfare concept: during the crisis, the non-coercive dimension of the concept emerged as preponderant while the hard (kinetic) power (i.e. armed forces) was used primarily as a means of threat.

It has to be emphasized that Russia is not the only actor in contemporary international relations that uses hybrid warfare methods. Similar examples, to a certain extent, may be seen in China’s behaviour in the South China Sea or ISIL’s ability to mobilize people with a fractured identity. However, Russian foreign policy behaviour comprises most of what the broadest understanding of the hybrid warfare concept contains.

**How to define the hybrid warfare concept?**

Even though we agree that any attempt to create a strict definition of hybrid warfare may create a risk of not encompassing it comprehensively, doing that is still useful, at least to ensure that the concept is comprehended beyond its purely military or defence dimension.

The NATO STO (2017) Research Specialist Team6 (RST) determined that there was little value in looking at the definition of hybrid warfare as part of its work. The RST rather decided that the greatest value would come from focusing on understanding the modalities of Russian and Russian-sponsored activities against Ukraine.

The fact is that the definitions and our understanding of the concept evolve as we reveal its characteristics. Before the Ukraine crisis, hybrid warfare was mostly described as conflict comprising a combination of conventional and asymmetric means of violence. This approach apparently did not go beyond the tactical and operational perspective, let alone include society and its economy, critical infrastructure and other instruments of the state power. Peter R. Mansoor describes hybrid warfare as “conflict involving military forces and irregulars (guerrillas, insurgents and terrorists), which could include both state and non-state actors aimed at achieving a common political goal” (Mansoor 2012: 2). The primary trigger for a

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6 The RST comprised researchers from nine NATO and partners’ nations and the research was conducted in partnership with the Ukraine National Institute for Strategic Studies (NISS).
renewed discussion on the character of this concept was actually Russia’s engagement in the Ukraine crisis (Giles et al. 2015).

In 2010, NATO developed the document *Bi-SC input to a new NATO capstone concept for the military contribution to countering hybrid threats*. The document aimed to articulate the parameters of hybrid threats facing NATO and recognize areas that might determine the future capability development in NATO. The intention was also to inform higher-level political authorities and lower-level military commanders of the potential implications within their own domains. The document defines hybrid threats as “those posed by adversaries, with the ability to simultaneously employ conventional and non-conventional means adaptively in pursuit of their objectives” (NATO 2010: 2).

The perception of hybrid warfare’s definition evolved over time and was mainly understood as being applied by “any adversary that simultaneously employs a tailored mix of conventional weapons, irregular tactics, terrorism, and criminal behaviour at the same time and battlespace to obtain their political objectives” (Hoffman 2014).

The EU has developed several policy documents that describe hybrid threats, initially to support its Stratcom and EU Military Staff (MS), and later to provide for the Joint Framework on countering hybrid threats. Some of the definitions are:

“Hybrid warfare can be more easily characterized than defined as a centrally designed and controlled use of various covert and overt tactics, enacted by military and/or non-military means, ranging from intelligence and cyber operations through economic pressure to the use of conventional forces. By employing hybrid tactics, the attacker seeks to undermine and destabilize an opponent by applying both coercive and subversive methods” (EEAS 2015: 2).

“Hybrid threats can be characterized as a mixture of coercive and subversive activity, conventional and unconventional methods (i.e. diplomatic, military, economic, technological, information),
which can be used in a coordinated manner by state or non-state actors to achieve specific objectives while remaining below the threshold of open organized hostilities. There is usually an emphasis on exploiting the vulnerabilities of the target and on generating ambiguity with the intention to hinder decision-making processes. Massive disinformation campaigns, using social media to control the political narrative or to radicalize, recruit and direct proxy actors can be vehicles for hybrid threats” (EC 2016: 4).

Definitions of the hybrid warfare concept related to the Ukraine crisis are not the only ones that exist. One of the most comprehensive descriptions of such warfare in the age of globalization was made by two Chinese senior colonels, Qiao Liang and Wang Xiangsui, in 1999. Their main argument was that warfare in the modern world would no longer be primarily a struggle defined by military means; even more, it may not involve the military at all. Liang and Xiangsui (1999: 7) acknowledged the new principles of war that were no longer about “using armed force to compel the enemy to submit to one’s will” but rather were “using all means, including armed force or non-armed force, military and non-military, and lethal and non-lethal means to compel the enemy to accept one’s interests”.

The concept labelled as hybrid warfare is therefore neither entirely new nor as old or known as some authors claim. However, many of the existing definitions, especially those articulated before 2014, lack comprehensiveness that goes beyond the military domain (i.e. beyond an attempt to describe it as warfare).

Implications of hybrid threat context for Croatia’s national security

Arguably, hybrid warfare methods are a reality and are in use by adversaries in shaping the contemporary security environment. From the NATO members’ perspective, they are closely connected to Russian
foreign policy behaviour (NATO 2016). Consequently, the question worth answering is how does the fact that hybrid warfare is a reality affects Croatia’s national security?

Croatia’s regional security environment and the role of Russia

Although we are not able to produce a reliable intelligence report related to potential or specific activities of Russia against the Republic of Croatia, some information from open sources may help to create a relatively sound perspective on it.

In an interview with Defense News (Judson 2016), during the Halifax National Security Forum, the Croatian President Mrs Kolinda Grabar Kitarović expressed her views on current threats in Croatia’s immediate neighbourhood, explicitly labelling Russian involvement:

“Russia has been very much in hybrid warfare [...] and we see these strong connections between [Republic of Srpska’s president Milorad] Dodik and Russia [...] that there would be Russian interference through weapons, through tactics, through intelligence, through information and disinformation campaign.”

Apparently, Croatia is not perceived by its highest political levels, at least officially, as a target itself but is rather seen as part of a bigger puzzle in which regional instability may have significant implications for Croatia’s national security. We assume that it is reasonable to believe that the main issues in relations between the West and Russia are not only developments in Ukraine but lie in “the international status and socio-political system of Russia” (Kreutz 2015: 67). The Russian President Putin often stresses that his country has no aspirations to global leadership and does not want to follow the Soviet example to represent a kind of “saviour to the world”. One

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7 NATO’s Warsaw Summit communiqué (para. 5) explicitly describes hybrid attacks as one of the security challenges for the Alliance. Furthermore, it recognizes Russia’s aggressive actions and its demonstrated willingness to attain political goals by the threat and use of force as “a source of regional instability [that] fundamentally challenge the Alliance, have damaged Euro-Atlantic security, and threaten our long-standing goal of a Europe whole, free, and at peace.”
example is his speech at the plenary meeting of the Valdai International Discussion Club in October 2014:

“We do not have any claims to world leadership. The idea that Russia is seeking some sort of exclusivity is false [...] we are simply proceeding from the premise that all participants in international relations should respect each other’s interests” (President of Russia 2014).

On the other hand, it is evident that Russia positions itself as a Eurasian power, trying to increase its influence in the regions of North Africa and Middle Asia, and intends to block the enlargement of NATO and EU to its “near abroad”. It is therefore reasonable to expect that Russia’s primary interests lie in countries like Belarus, Georgia, Armenia, Azerbaijan and, apparently, Ukraine.

Russia’s far reaching agenda of “corralling as many former vassals as possible” (Besemeres 2016: 15) back into its sphere of influence through coercive means has become more evident since Mr Vladimir Putin returned to the presidency in 2012. On the other hand, Russia is aware of its weaknesses in terms of power and capabilities compared to the West and is not expected to deteriorate relations with it to escalate these relations militarily. On the contrary, Russia may and does focus on destabilizing the unity of NATO and the EU.

Although the countries in Eastern, Central and North Europe expressed their concerns and worries about Russian foreign policy behaviour after 2014 more loudly, the region of South-Eastern Europe and the Western Balkans, in particular, is even more susceptible to Russian influence. Some politicians in that area of Europe openly warned about Russian objectives and the need for NATO to respond more forcefully. One example is the views expressed by the former Bulgarian President Mr. Pleveneliev, who demanded that the EU and NATO do more to respond to the Russian “hybrid warfare” approach and to counter the rising threat of Russian aggression (Holmes 2015). Recent events in Macedonia where, according to Janusz Bugajski (2017), the Russian’s goal is “not only to diminish prospects for Macedonia’s entry into NATO and the EU, but even more

8 The direct result of that is NATO’s Readiness Action Plan which, among other things, comprises “assurance measures” for NATO member countries in Central and Eastern Europe (NATO 2017).
menacingly to turn the Balkans into a conflict zone that illustrates Western weakness and intensifies Russia’s influence”, might be a good example of that influence in place. The case of Macedonia is just an extension of the influence Russia already has in place in Serbia and Republika Srpska (Kirillova 2017).

Current developments in the Western Balkans show a growing trajectory of instability. Unfortunately, the EU has lacked an enlargement strategy for Western Balkan countries since 2007. Nevertheless, the EU is still believed to be a major factor in the regional stability. This is confirmed by Mr Jean Claude Juncker’s blunt warning to Donald Trump (Barber 2017) against encouraging countries to copy Brexit, arguing that a break-up of the EU could trigger a war in the Western Balkans.

A more subtle way of influencing political and economic dynamics in the region is the financial domain, where the fragility of banking systems may be used for bargaining via pressures (e.g. threatening to pull large deposits), controlled crisis, etc. As argued by Ivan Krastev (2015), the Financial Times journalist, the banking systems in the region are fragile and a controlled crisis in the Balkans would give Russia bargaining chips, and deniability.

### A generalized assessment of strengths, weaknesses, opportunities and threats (SWOT analysis) of the Republic of Croatia

One of the conclusions of NATO STO’s (2017) activity SAS-127 Hybrid warfare: a case study, NATO implications was that it is imperative to understand ourselves, since every weakness and vulnerability may be exploited. The results of the analysis that follows represent a generalized and illustrative assessment of the strengths, weaknesses, opportunities and threats (SWOT analysis) of the Republic of Croatia related to its national security. A particular emphasis in this assessment was given to societal vulnerabilities in Croatia that are usually not taken seriously into
consideration during the development of a threat assessment.

**Strengths**

- Membership of NATO and EU
- Relatively high level of national cohesion (no ethnic/separatists, extremists or other tensions)
- Capable armed forces and law enforcement system

**Weaknesses**

- Lack of appropriate interagency (inter-sectorial) cooperation at national level (including crisis management)
- Lack of legal and political means for addressing hybrid warfare
- Armed forces entirely dependent on professionals (reserve forces not adequately maintained for force augmentation in terms of personnel and capability)
- Inadequate and insufficient legal and doctrinal basis to counter hybrid strategies
- Negative demographic trends (ageing, depopulation, emigration of the active working population of Croatia to other, more prosperous EU countries)
- Low national economic performance\(^9\) resulting in growing social inequalities
- Unsustainable public finances, including excessive dependence of the population on state transfers, which consequently exaggerate government spending (Bunic and Stulhofer 2016; Lausic 2017)
- Low effectiveness of the legal system\(^10\)
- Political clientelism (crony capitalism) and systemic political corruption (Bilandžić 2015)

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\(^9\) The Bloomberg prediction “Meet 2016’s Worst Economic Performers”, puts Croatia in a group of the ten worst performing economies in 2016 (Tartar et al. 2016). The fact that Japan, Finland and Switzerland are in the same group may sound soothing but doesn’t change the fact that the Croatian economy is far from being exemplary.

\(^10\) Ibid.
Opportunities

- Existing national consensus (political parties in the Parliament) about the need to develop a comprehensive government approach to national security
- Besides countries in transition, the Croatian neighbourhood consists of consolidated democracies

Threats (Challenges)

- Clash of geopolitical interests of the outer states in the Western Balkans, with a potential spill-over\(^1\) of conflict over the borders
- Negative security trends in the neighbourhood (potential for violent extremism/radicalism, organized crime, illegal/uncontrolled migrations, possible terrorism)
- Political and societal tensions in the neighbourhood (Serbia, Bosnia and Herzegovina): weak states, unfinished processes of political and economic transition

The above assessment shows that, aside from external conditions (the global and regional security environment), Croatia’s internal challenges also give cause for concern. Although NATO membership provides an essential deterrent capability against conventional threats, NATO’s Warsaw Summit Declaration states that “the primary responsibility to respond to hybrid threats or attacks rests with the targeted nation” (NATO 2016: para.72). However, the Declaration promises that “NATO is prepared to assist an Ally at any stage of a hybrid campaign”. The hybrid threats and attacks apparently do not fit automatically under NATO’s collective defence umbrella. This kind of uncertainty has led many small

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\(^1\) Croatia imports 72 per cent of its energy consumption; most of it (91 per cent) refers to fossil fuels (Matutinovic 2014).

\(^2\) NATO uses this term in describing the strategic military perspectives, including the impact of geopolitical trends on security environment, referring to “Spill over of conflict from neighbouring countries along NATO borders, interstate conflict over access to resources, state-on-state conflict including Article V situations, resource wars, frozen conflict, new spheres of influence” (NATO ACT 2015: 15).
NATO countries, particularly those at the northern and southern “vignette” of the European continent, closer to Russia geographically, to put an additional focus on deterrence measures. The issue is, and it is generally acknowledged, that neither all adversaries nor all types of threat may be deterred by employing traditional deterrence strategies. This is particularly the case with non-state actors (Clarke, Gearson and Shaud 2009: 295–297). Deterrence depends upon psychological effects and must fulfil three criteria: capability, commitment and communication (Lonsdale 2008: 50). Considering Russia as a potential threat, some Scandinavian countries (e.g. Norway, Sweden and Finland), joined by Estonia, started developing the threshold concept, which is conceptualized under the premise of denying the aggressor the ability to achieve its goals swiftly and at low cost (i.e. before NATO’s Article V has been activated). In a multinational alliance context, the threshold is considered the deterrence which the national armed forces in place provide. In this view, the sum of the allied forces provides the deterrence while the national forces provide the threshold. The threshold concept and deterrence arguably deserve an independent study, and are currently the topic of the NATO Science and Technology Organization project SAS-131 The threshold concept for and by smaller forces. Besides capable and relevant armed forces, it is very important to identify and assess the vital functions of the society, safeguarding and building resilience in them. Resilience in that case works as a means of dissuading the deterred from aggression, since the costs for the aggressor of creating harm increase with the straightforwardness of security measures used to protect the essentials of the society of the deterrer.

Ways to counter hybrid threats

The organization of a robust national defence to cope with hybrid threats requires a different approach from the current traditional one to deal with more or less conventional and asymmetric threats that comprise an armed attack or/and armed conflict. The instabilities in which hybrid warfare principles are implemented show the inadequacy of the military as a particular instrument of national power able to respond to them.
“In hybrid conflicts, armed forces are not a primary tool to exert military force: they rather serve as a means to create a scenario of intimidation. The idea of war as a struggle between two armies does not apply here. Consequently, military responses exercised by NATO forces are not the first or most appropriate security policy tool” (Major and Mölling 2015: 1).

Military organization as an instrument of the national power should, therefore, be seen more and more as a means that has to be integrated with other instruments of power to respond adequately to challenges stemming from the hybrid warfare concept.

As already described, hybrid warfare may affect various spheres of the life of a state or society. Countering such threats and challenges should be integrated, based on effective interaction among the various state bodies (i.e. ministries, governmental agencies and institutions, security agencies, and armed and law enforcement forces). Even more, “the multi-pronged hybrid threat demands that defence planners engage all parts of society in defensive efforts. Intergovernmental or interagency efforts are not enough any more” (Cederberg and Eronen 2015a: 2).

Prevention of hybrid threats requires a comprehensive understanding of the nature of the conflict in the contemporary international environment, including an awareness of the factors that affect its emergence and escalation, recognition of the stages of its development and conceptualization of potential ways towards conflict resolution. In Croatia, this capacity does not yet exist and is expected to be developed, to a certain degree, with the Homeland Security System Act (MoD Croatia 2016).

We argue that the concept of ways of responding to hybrid threats should comprise, at least, a continuous process of assessment of the vulnerability of national security (including the vulnerability of the vital societal functions):

Design of the processes and systems of the early warning, its setup and maintenance, based on an integrated (i.e. an inter-sectorial, a whole of government) approach.

Sustainability principles and practices in all three aspects
(economic, social and environmental) implemented in the state’s key policy and strategic documents to provide societal “immunity”.

Societal resilience developed and supported as a higher level of defence to ensure effective and efficient response to hybrid threats, as well as threats and challenges that usually belong to the scope of crisis management.

An integrated model of using/sharing all national capabilities—all available forces and the means to employ them efficiently and rationally.

The recommendations above require careful strategic planning and coordinated efforts on a societal level to be implemented successfully.

**Strategic planning in the contemporary security environment**

The traditional approach to strategic planning considers an organization through a set of fixed interests (goals, objectives) juxtaposed against a fixed environment (the world or a set of external conditions). This approach then assumes the development of a strategy for attaining the interests subject to the constraints of the fixed environment (Ascher and Overholt 1983: 6). In international politics, strategy is usually perceived as “a comprehensive way to try to pursue political ends, including the threat or actual use of force, in a dialectic of wills” (Heuser 2010: 27). This approach, however, orients the focus of strategy planning exclusively outwards and assumes the use of force as the exclusive means. The changing trends have already been recognized and some new approaches proposed: see, for example, Buzan, Wæver and de Wilde (1998) regarding securitization and the concept of extended sectors of security.

In the complex security environment (Wijkman 2015), neither the environment itself nor the internal state of an organization (a nation) is fixed
and static. More importantly—and this specifically matters in the hybrid threat context—the internal state (the strength, cohesion vs vulnerabilities, etc.) directly relates to the ability to affect the environment, either in shaping it or in countering threats and dealing with disturbances.

As the NATO STO (2017: 20) RST’s final report suggests, “it can be argued that when facing a competent hybrid threat actor, once the problem is recognized it is too late.” Therefore, it is important to be able to recognize the signs of hostile activities and combine data from many different sources to raise awareness, recognize, pre-empt, mitigate and respond to what may be very subtle activities. Moreover, although not the sole actor in the process, highly capable conventional military forces (including Special Operations Forces) remain a core component of national deterrence in a hybrid threat context.

This approach to strategic planning requires highly competent expertise and a highly developed strategic culture, which is another challenge, as well as an opportunity, for Croatia’s national defence. The fact that there is a gap of 15 years (i.e. 2002–2017) between the two national security strategies suggests that an advanced strategic culture, as well as strategy and policy development capacity, has yet to be built.

**Systems approach**

The more complex our environment is, the more indicators we have to watch to ensure we can have an appropriate answer to disturbances. Indicators link us to the world, since only by reading the right indicators can we cope with our dynamic environment (that is, be situationally aware). Indicators are also helpful in constructing an image of the state of our environment on which we can make a reliable decision to protect and promote what we hold dear.

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13 In its most basic definition, a systems approach is “a line of thought in the management field which stresses the interactive nature and interdependence of external and internal factors in an organization” (WebFinance Inc. 2017).
Hartmut Bossel (1996) argues that there are two basic sets of indicators needed for the system to cope with the challenges from the environment, determined by:

1. The system itself (the current state of the system).
2. The interests, needs, or objectives of the operator or observer.

Arguably, the majority of national security strategies are focused on the second set (pursuing political ends), while the first (the system itself) is usually considered and analysed only regarding its capacity to achieve the ends described in the second. In fact, the first set should also comprise an assessment of the system itself, through the perspective of addressing vulnerabilities and weaknesses. We therefore propose the systems approach in designing and executing national strategic planning, which should encompass both sets of indicators. The systems approach (systems thinking) may arguably be very useful in handling the complexity facing nations and the world in the coming decades (Arnold and Wade 2015). The systems approach, in this context, enables the integration of ways and means, as well as internal and external environment of a state and society.

The role of society and societal resilience in defending against hybrid threats

In the hybrid threat environment, a society is, at the same time, an object of aggression and a force that counters aggression. As an object of aggression, it may be exposed to powerful informational, psychological, cultural and other aggressor influences. The aggressor can pursue its goals through influences, manipulation of public perception and destructive processes (supporting identity projects of a particular part of the population, inciting separatism and extremism, and/or provoking political and social destabilization) in the country attacked. Besides the cognitive and affective domain, an adversary may well intend to exploit existing socio-economic inequalities that lead to further social disruptions. Corruption of dependencies on the import of commodities and energy-
generating products may also be a source of societal vulnerability. It is therefore critical to identify the causes of the state’s weaknesses and to implement policies to improve the situation to decrease negative impacts and develop ways to enhance resistance of such influences in various fields. This contributes to societal resilience against threats and challenges coming from the security environment, particularly against hybrid threats.

In general, as defined by Markus Keck and Patrick Sakdapolrak (2013), societal resilience comprises three capacities: coping, adaptive and transformative. Societal resilience tends to ensure that society can face and quickly recover from any disturbance and crisis.

Most definitions of resilience outline one or more perspectives, but comprise in general reactive recovery (e.g. the cyber-attack) and/or stability after traumatic events (e.g. natural disaster). We chose the description from Zebrowski (2016: 4) as the starting point:

“At its most general level, resilience is understood as the capacity to absorb, withstand and ‘bounce back’ quickly and efficiently from a perturbation. It is considered to be both a natural property and quality which can be improved within a broad array of complex adaptive systems including critical infrastructures, ecosystems, societies and economies through good governance.”

Societal resilience is not only a dynamic and relational concept but also a profoundly political one. It is a focus of the EU and, as stated in its Global Strategy (2016: 23), the resilience deals with “the ability of states and societies to reform, thus withstanding and recovering from internal and external crises”. Moreover, in the same document, building the “state and societal resilience to our East and South” is defined as one of the top five priorities for the EU’s external action. Besides references to resilience in the context of resilient societies, states and democracies, the EU Global Strategy (2016) also comprises the resilience of critical infrastructure, networks and services and the resilience of the EU’s democracies.

One important aspect of resilience is that it acknowledges uncertainty and complexity as a contemporary condition. However, it emphasizes internal capacities and capabilities as the way to deal with these
problems rather than external intervention (Juncos 2017). Resilience therefore encompasses more actors (e.g. civil preparedness, as is the case in NATO’s approach) and a broader spectrum of resources than a traditional, defence-related approach to national security. Some of the threats and challenges that should be taken care of in the societal resilience framework, relevant for Croatia, may be found in the following list adapted from MoD Finland’s Security Strategy for Society (2010) and Stoykov (2016):

- Political, economic and military pressure (from an external actor)
- Disturbances in critical government services
- Terrorism, radicalism and other criminality that endangers social order
- Severe disturbances in border security (including uncontrolled people movement)
- Major accidents and extreme natural phenomena
- Serious disturbances in health and welfare of the population
- Disturbances in energy supply
- Disturbances in power supply
- Disruptions in public utilities
- Disruptions in civil transportation systems and transport logistics
- Disturbances in financial and payment systems
- Disruptions in availability of public financing
- Disruptions in availability of food and water resources
- Disturbances in public information and communication systems
- Dealing with mass casualties

The list above comprises some of the most vital functions to society and is focused on contingencies. However, it does not contain all the challenges mentioned in the list of Croatia’s vulnerabilities, as some of them belong to cultural (e.g. structural corruption), legal (e.g. effectiveness of the legal
system) or economic (e.g. energy security) aspects. These issues are of particular importance as they may provide an exploitation opportunity for the hybrid adversary.

It is therefore important to define how societal resilience may become a means to counter hybrid threats. Some proposals, adapted from Yanakiev (2016) are given below.

- Dealing with unknown unknowns (“black swans”). This comprises the necessity to anticipate future circumstances, events or effects that are impossible to predict and plan for.

- Development of proactive government-led comprehensive approaches progressively accompanied by whole-of-society strategies aimed at managing risks and building a resilient society.

- Concentration of the resources and capabilities of different stakeholders (primarily the state’s instrument of power but also that of the society, the private sector and individual citizens) to counter hybrid threats. This includes improved public-private cooperation on security and development and modernization of civilian and military capabilities.

- Development of innovative legal concepts and frameworks to address hybrid threats adequately.

- Expanding the missions of existing state institutions in the security sector (i.e. new authorities for intelligence and counterintelligence agencies and armed forces, boosting strategic communication) or creating new organizations.

**Conclusion and recommendations**

A hybrid adversary seeks to exploit the weaknesses of society. It is therefore important to analyse vulnerabilities across all domains that might be exploited by an opponent, including legal, policy, diplomatic, information, military, economic, financial, intelligence, socio-cultural
and law enforcement. Such a gap analysis should also include legal vulnerabilities that could prevent the creation of an appropriate response to hybrid threats. A follow-up step is to reduce (societal) vulnerabilities and to develop joint contingency plans. Besides that, any relevant (grand) strategy should incorporate measures to reduce vulnerabilities that may be exploited by a potential hybrid adversary. The presented approach often requires political (e.g. policy) measures as well as some paradigm changes (e.g. cultural and structural adaptations). Therefore, awareness among decision-makers on the policy/strategic level should be raised thatcountering this type of threat and challenge requires not only different ways (strategies and concepts) and means (structures and organization), but also different qualities of an organization, be it a company (e.g. related to cyber threats), a community or a state.

Hybrid threat, as a potential, or hybrid warfare, as an act, is a complex phenomenon. It is complex as it results from the convergence and interconnection of different components which together form a more multifaceted and multidimensional threat. Complexity thus makes the traditional approach to strategic planning - which focuses exclusively on organizational interests (e.g. national values and interests) and the environment (e.g. global and regional security environment) - inadequate.

With regard to means to respond to hybrid threats, while the traditional means (conventional armed forces) may still be valid as an instrument for ensuring territorial defence, protection of sovereignty and deterrence, they need to be used in conjunction with other state instruments of power to respond adequately to hybrid threats. Besides the state instruments of power, the resilience of the whole society (e.g. societal immunity) is needed to ensure deterrence against and response to hybrid threats.

This paper analyses hybrid warfare almost exclusively through the Western perspective since the scope of the research was to enlighten the relevance and approaches to the topic for the Croatian national security strategy.
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International Security Presence in Kosovo and its Human Rights Implications

Remzije Istrefi

Abstract

In this article I will examine the powers and activities of NATO-led Kosovo forces (KFOR) and their impact on human rights protection in Kosovo. Through this examination, I seek to answer the following questions: which KFOR actions affected the human rights of Kosovars? Does KFOR carry out responsibilities and abide by the obligations normally imposed upon nation-states? And is there a solution available when the alleged violator is KFOR? KFOR is responsible for carrying out military tasks and for ‘shouldering’ UNMIK and local security forces in some civilian peace-building tasks. In the course of the exercise of its mandate, there were alleged complaints of human rights violations by KFOR. The legal implications of these alleged complaints against KFOR (in)actions will also be discussed.

KEY WORDS:
Kosovo forces, KFOR, human rights, accountability, security, NATO, UNMIK
Introduction

In June 1999, after a 78-day NATO military campaign over Yugoslavia, the United Nations established the United Nations Mission in Kosovo (UNMIK). Under the vast authorities of the Special Representative of the Secretary General (SRSG), UNMIK remains unprecedented in both its scope and its structural complexity (Murphy 2005: 9). Unlike many other previous UN missions, UNMIK was formally divided into civilian and military components. The international civil component was mandated “to provide an interim administration for Kosovo under which the people of Kosovo could enjoy substantial autonomy” (United Nations Security Council Resolution 1244 1999: 10). The NATO-led Kosovo security forces, known as KFOR, were responsible for “carrying out military tasks” and “shouldering” UNMIK in civilian peace-building tasks (United Nations Security Council Resolution 1244 1999: 9). Initially, the establishment of an international security force in Kosovo was discussed during the NATO air campaign over the Federal Republic of Yugoslavia (FRY) by the G8 foreign ministers (CNN 1999; Youngs et al. 1999: 61). Its establishment was legalized through adoption of the so-called peace plan by the FRY authorities on 3 June 1999 (United Nations Security Council Peace Plan 1999). The peace plan provided for the establishment of an “international security force under UN auspices with substantial NATO participation under unified command and control” (United Nations Security Council Peace Plan 1999: 3–4). The peace plan was reaffirmed in the Military Technical Agreement (MTA) concluded between the FRY and the International Security Force on 9 June 1999 (Military Technical Agreement 1999).

The scope of KFOR authorities included “the authority to take all necessary action to establish and maintain a secure environment for all citizens of Kosovo and otherwise carry out its mission” (Military Technical Agreement 1999: sec. 2). The KFOR mission and its broad authority were vested in the Commander of the International Security Force (COMCFOR). COMCFOR had the authority “without interference or permission to do all that he judges necessary and proper including the use of military force, to protect the international security force, the international civil presence and to carry out the responsibilities as provided in MTA” (Military Technical Agreement 1999: Appendix B). Even though the MTA provided that “the parties to the
agreement will agree on a Status of Forces Agreement (SOFA) through a bilateral agreement” (Military Technical Agreement 1999: Appendix B, sec. 3), the legal status of KFOR was regulated unilaterally. KFOR did not negotiate with the FRY on a SOFA because it wanted “politically to isolate the Belgrade regime” and “it did not want to conclude international agreements with the FRY which if concluded would have inhibited the competence of the UN-led civil mission” (Zwanenburg 2005: 46). Instead, the principles under which KFOR would function (i.e. its rights and duties) were regulated by the Interim Status of Forces Policy promulgated by the Commander of KFOR in 1999, which was replaced by a common declaration by KFOR and UNMIK and promulgated as UNMIK Regulation 2000/47. In essence, UNMIK Regulation 2000/47 substituted a SOFA as the necessary legal instrument to provide special freedoms, privileges and duties and enable KFOR to carry out its mandate. Although UN SCR 1244 made the civilian and military components equal partners (United Nations Security Council Resolution 1244 1999: 17), KFOR was not subject to oversight by the UN Secretary General or his Special Representative (SRSG) in Kosovo. MTA provided that KFOR would “deploy and operate without hindrance within Kosovo and with the authority to take all necessary action to establish and maintain a secure environment for all citizens of Kosovo including arrest and detention of persons who might interfere with mission accomplishments” (Military Technical Agreement 1999: Annex B. 1). This KFOR mandate, combined with broad authorities vested in its Commander, the specific measures taken on the ground and KFOR’s lack of liability, is in contravention of international human rights standards. With the declaration of Kosovo’s independence on 17 February 2008, UNMIK authorities were reconfigured (United Nations Security Council Secretary General’s Report on the United Nations’ Interim Administration Mission in Kosovo 2008). KFOR was still mandated with securing peace and security in Kosovo under UNSC Resolution 1244. Since June 2008, NATO has implemented additional tasks in Kosovo: it has assisted in the standing down of the Kosovo Protection Corps (KPC), and supported the establishment of the Kosovo Security Forces (KSF) and the civilian structure to oversee the KSF.

Despite the changes to the political status of Kosovo, KFOR actions that have affected human rights still remain a debated issue. In the following sections, I will analyse KFOR command and control as a structural matter
and its impact on KFOR performance in realizing its mandate as provided in UN SCR 1244. Then I will discuss certain actions undertaken by KFOR in accordance with its mandate and their human rights implications. The issue of attribution of wrongful conduct as it is defined by the International Law Commission (ILC) and application of international human rights standards to KFOR based on the concept of extraterritoriality will be analysed in order to identify a possible mechanism with jurisdiction over KFOR member states. Finally, I will discuss the reasoning of the European Court of Human Rights on two applications brought by Kosovars against the nation states of troop contributing forces, *Behrami v. France* and *Saramati v. France, Germany and Norway*, and examine how all the mentioned issues have been considered by the Court. The paper will conclude with a recommendation for the necessity to establish a mechanism for remedying the human rights violations resulting from KFOR (in)actions.

### Command and control of KFOR

Although UN SC Resolution 1244 was the legal base for its establishment, KFOR was not subject to the UN Secretary General or to UNMIK Special Representative of Secretary General (SRSG). The cooperation between UNMIK and KFOR on the ground is very interrelated, but never reflected on the issue of command and control, UNMIK apparently “coordinates” with but does not control KFOR (Amnesty International 2004a: 9). The first SRSG Bernard Kouchner presented the “relationship as the head of the UNMIK administration and the KFOR commander as being twin brothers” (Kouchner 2001). KFOR specific command and control was described as a state that “does not amount to the required democratic control over the armed forces” and there were calls for UN SCR 1244 “to be interpreted in conformity with the essential requirement of democracy according to which the military is subject to civilian control” (Council of Europe 2002: 21). Traditionally, command is defined as “the legal authority to issue orders and to compel to obedience” (Eccles 1965: 118–119). Control is “the process through which a commander, assisted by staff, organizes, directs and co-ordinates activities of the assigned force in a given territory” (Murphy 2005: 121). In operational
terms, command and control processes provide for “organization and management of daily operations to implement the given mandate” (Murphy 2005: 121–22). In the case of KFOR, daily operations would be activities for ensuring public safety and, with it, protection of human rights as assigned to by UN SCR 1244. KFOR forces operated under the KFOR Commander, who was appointed by NATO through a “unified control and command” (United Nations Department of Peacekeeping Operations 2008: Chapter 7). The “unified control and command” is in line with all other UN authorized peacekeeping forces that have different components — civil, military and police — and that comprise different military contingents provided by the troop-contributing states (ibid.). KFOR forces were to be “responsible to the Commander-in-Chief of the Allied Forces, Southern Europe” (CINCSOUTH) (Zwanenburg 2005). On the ground, “the multinational command did not extend to the administrative control over contingents or to personnel management” (European Commission for Democracy through Law 2004). The administrative control was instead “regulated with the national laws and policies of each contingent, which differed widely from one state to the other” (Murphy 2007: 158–173). This actual control is known as the “red card procedure”, giving the contingents “the right not to take orders if such orders would contradict their national policy” (Cerone 2001: 486) or, as is the case with some forces (i.e. Canadian forces), where the national command cannot be handed over to a foreign commander at any time (Murphy 2005: 106–107). In the case of KFOR operations, this form of command posed challenges, as KFOR was composed of military contingents contributed by 35 NATO members and non-NATO members (European Commission for Democracy through Law 2004: 5). On the ground, this meant that each contingent in the course of exercising their daily operations applied its own rules of engagement (ROE) and standard operating procedures (SOP) (Spillmann et. al. 2001: 148). During waves of ethnic violence in Kosovo, “KFOR response to crowd and riot control operations was thus chaotic and the protection of the minority communities was catastrophic” (International Crisis Group 2004). In general, crowd and riot control operations aim to suppress outbreaks of violence, in particular ethnically and religiously motivated violence, and thus ultimately aim to prevent upheavals from crossing the threshold into internal armed conflict. These operations play a particular role in the protection of designated people and the defence of property with designated special status (PDSS). In Kosovo, the designated people
referred to minority communities like the Albanians or Serbs in a given area, and PDSS referred to their property and their cultural heritage. It has been stated that several times “KFOR failed to respond to the security problems in Kosovo and with it failed to protect minorities because of the lack of a unified command for all KFOR sectors in implementing KFOR unified policy on responding to public order situations” (Human Rights Watch 2004).

KFOR activities in Kosovo and human rights implications

In the first years of administration, UNMIK and KFOR were faced with a volatile security situation that required a quick response. KFOR had to undertake policing activities over the entire territory of Kosovo until the international civilian police established capacities to take on full responsibilities. On the ground, KFOR had not only the role of civilian police, arresting and detaining ex- and would-be belligerents suspected of committing war crimes, murder, attempted murder, rape, weapon offences and other serious crimes, but also conducted so-called operational detentions, ran local prisons, controlled traffic and assisted refugees in Kosovo. KFOR had to engage daily in riot control operations in order to keep hostile ethnic groups from clashing violently. KFOR still continued to shoulder the Kosovo Police Service (KPS) during interethnic unrests, particularly in the ethnically divided town of Mitrovica. While carrying out its duties, KFOR was criticized for failure to ensure security for minorities, failure to secure peaceful enjoyment of property, arbitrary arrests and unlawful detention, ill treatment of detainees, denial of detainee rights and lack of KFOR accountability (Amnesty International 2000; Human Rights Watch 2004; International Crises Group 2004). It is beyond the scope of this article to analyse in detail all the mentioned allegations. The following section will discuss the so-called COMCFOR detentions and their effects on the individual’s rights.
COMKFOR detentions

International organizations and advisory bodies (European Commission for Democracy through Law 2004; Organization for Security and Cooperation in Europe 2002), international NGOs (Amnesty International 2004a, Amnesty International 2004b, Human Rights Watch 2004) and scholars (Cerone 2000; Marshall and Inglis 2003; De Wet 2004; Zwanenburg 2005; Direk 2015) have discussed the legality and human rights implications of KFOR detentions under KFOR command. These detentions were based on Detention Directive 42, which allowed “the head of KFOR to authorize detentions for long periods without judicial authorization or any recourse to judicial review” (European Parliament DG Information 2001). In 2002, the Organization for Security and Cooperation in Europe mission in Kosovo (OMIK) reported “on the basis of information received from KFOR that an average of 10 persons each month were held under the Multinational Brigade Commander’s authority, based on Directive 42” (Organization for Security and Cooperation in Europe 2002). The detainees under Directive 42 involved “criminal offenders; individuals that pose threat to peace and security; persons suspected for different offences; and persons under judicial detention” (Organization for Security and Cooperation in Europe 2002; Joseph 2003; Marshall and Inglis 2003: 15). The main human rights implications of COMCFOR detentions by order of the KFOR Commander involve the exercise of authority without judicial review and adverse effects on the right of access to court. COMCFOR detentions also affected the liberty of the person and freedom of movement. OSCE, as the UNMIK human rights component, and international human rights groups have heavily criticized COMKFOR detentions for “being in contravention of international laws and the applicable law in Kosovo” (Organization for Security and Cooperation in Europe 2002; United Nations Human Rights Committee 2004). “These detentions are being carried out by military forces and are not based on a decision by a competent judiciary, and they do not allow for judicial or any civilian oversight” (Organization for Security and Cooperation in Europe 2002; United Nations Human Rights Committee 2004). Moreover, there was no possibility for detainees to challenge the legality of their detention (UNMIK Reg. 2000/47 2000). Promotion and protection of human rights was one of the main tasks of UNMIK (United Nations Security Council Resolution 1244 1999: sec.j).

Scholars infer that KFOR was bound to respect the applicable law of Kosovo while exercising law enforcement activities, since this obligation stems from the Charter itself and binds UN organizations when undertaking the civil administration of a territory regardless of a resolution or regulation to this effect (Cerone 2000; Marshall and Inglis 2003; De Wet 2004; Benedek 2005; Zwanenburg 2005; Direk 2015). In addition, it has been argued that human rights obligations apply to KFOR (and UNMIK) based on territorial control of KFOR-contributing states over the beneficiaries of rights (Cerone 2001: 418). The relevant NATO operation plans (OPLANs), directives, and standing operating procedures (SOPs) for the peacekeeping forces in the Balkans required “compliance either explicitly or implicitly with the spirit of International Humanitarian Law (IHL) and respect for Human Rights Law (HRL) in the course of the operations they govern” (European Commission for Democracy through Law 2004). Also, the authorization granted to KFOR in Resolution 1244 to participate in the civil administration implies that the countries acting on behalf of the SC would act in accordance with human rights norms (United Nations Security Council Report Secretary General’s Report on the United Nations’ Interim Administration Mission in Kosovo 1999; UNMIK Reg. 1999/24 1999: Art. 1). KFOR would therefore be required “to act in accordance with the basic human rights norms when engaged in policing and other civil activities, as opposed to military combat” (De Wet 2004: 321). However, UNMIK provided that “KFOR shall respect applicable law that provides for international human rights norms and UNMIK
Regulations only insofar as they do not conflict with the fulfilment of the mandate given under SC Resolution 1244” (UNMIK Reg. 2000/47 2000: sec. 2, para. 2). Moreover, UNMIK Regulation 200/47 granted immunity from jurisdiction to UNMIK and KFOR, and “thus from the very beginning there were no mechanisms to challenge KFOR's activities that were in breach of human rights standards in Kosovo” (De Wet 2004: 321).

**Attribution of KFOR actions to NATO, UNMIK or contributing states?**

There is a general acceptance of the stance that international organizations possess legal personality (International Court of Justice 1949). However, there is no common consensus on the legal personality of peacekeeping operations. In its commentary on the draft Article 13 concerning the responsibility for atrocities of international organizations, the International Law Commission (ILC) presented the KFOR and UNMIK relationship as an “example of two international organizations allegedly exercising direction and control in the commission of a wrongful act” (United Nations International Law Commission 2005: para. 27). The ILC further reinforced its presentation on KFOR by quoting the French Government’s Preliminary Objections to the Legality of Use of Force, which submitted that “NATO is responsible for the direction of KFOR and the United Nations for ‘control’ of it” (Serbia and Montenegro v. France 2004). However, the fact that UNMIK had no operational authority over KFOR is evident from UN SCR 1244, from UNMIK Regulation 2000/47, and from the assertions of NATO authorities. KFOR General Reinhardt stated categorically that “UNMIK has neither legal jurisdiction nor mandate to conduct investigations into KFOR activities” (Amnesty International 2000). The UN authority over KFOR is limited only to the requirement of receiving and evaluating reports by “the leaderships of the international civil and security presences”, as provided in UN SC Resolution 1244 (United Nations Security Council Resolution 1244 1999: para. 20). It has been submitted that international peacekeeping operations are not subjects of international law in their own right; rather, “they form part of the organizational framework of their lead organizations” (Clapham 2006: 148–151). From the consolidated United
Nations practice, UN peacekeeping operations are subsidiary organs to the organization. Although NATO has not made an express statement of a similar nature, by the fact that NATO de facto integrated respective force headquarters into its headquarters structure, it is acceptable to assume that NATO peacekeeping operations have been considered subsidiary organs of NATO. On this basis, the conduct of KFOR could be attributed to NATO as the leading organization. However, the issue of attribution of wrongful conduct has not been explicitly clarified in the legal documents establishing KFOR and UNMIK. Therefore, for quite a long time the issue of jurisdiction over the wrongful acts committed by KFOR troops has remained in interplay between the attribution of conduct to NATO as the lead organization and the jurisdiction of the troop-contributing state contingents of KFOR. The issue of attribution of acts to UNMIK and KFOR was interpreted only in 2007 by the European Court in two cases brought by Kosovo citizens, to be discussed in the sections below.

The principle of extraterritorial application of international human rights and its applicability to KFOR

Scholars and practitioners have presented different modalities of the application of human rights and humanitarian law to KFOR. The most supportive modality remains the extraterritorial application of human rights standards to KFOR activities in Kosovo based on relevant states’ extraterritorial conduct (Cerone 2001; Knoll 2006; Stahn 2001). In international law, it is hard to identify a clear rule that provides for invoking the extraterritorial criteria. Also, there are no clear legal provisions for defining the state’s human rights obligations when it acts abroad on its own initiative or as a peacekeeping force under the UN umbrella. In discussing the discomfort of the “powers of international technocrats”, Hafner points out that “international organizations could be used by the states as a device to avoid responsibility and accountability by transferring the decision-making competencies to the organization and question the extent of international organizations being bound by the rule of law” (Hafner 2005: 36).
The notion of ‘applicability’ of human rights standards over international military troops is to a certain extent codified and interpreted by international supervisory mechanisms. However, the issue of “effective implementation of the human rights standards and supervision by an international supervisory mechanism remains very incoherent in the absence of a coherent analytical framework” (Cerone 2006). All major human rights treaties to which NATO member states are parties require states not only to secure but also to establish mechanisms for human rights protection of individuals within their territory and subject to their jurisdiction. The UN Human Rights Committee has consistently held that “a state’s jurisdiction extends beyond territorial boundaries interpreting the scope of Article 2(1)” and that it “does not imply that the State party concerned cannot be held accountable for violations of rights under the Covenant which its agents commit upon the territory of another State, whether the acquiescence of the Government of that State or in opposition to it” (Burgos/Delia Saldias de Lopez v. Uruguay 1981). Also, in its General Comment No. 3.1, the UN Human Rights Committee stated that “a State party must respect and ensure the rights laid down in the [1966 UN] Covenant [on Civil and Political Rights] to anyone within the power of effective control of that State Party, even if not situated within the territory of the State Party” (United Nations Human Rights Committee 2004). Furthermore, the Human Rights Committee affirmed that “enjoyment of the Covenant Rights is not necessarily limited to citizens of State parties but must also be available to all individuals, regardless of nationality or statelessness, such as asylum seekers, refugees, migrant workers and other persons who may find themselves in the territory or subject to the jurisdiction of the state Party.” The Human Rights Committee affirmed that “this principle also covers the subjects of the State Party that exercise power or effective control while acting outside its territory, despite circumstances in which such power and effective control is established, such as forces constituting a national contingent of a state Party assigned to an international peace-keeping or peace enforcement operation” (United Nations Human Rights Committee 2004). Application of the rights contained in ICCPR in the contexts of military occupation has been confirmed also by the International Court of Justice (ICJ). In its Advisory Opinion in 2004 on Legal Consequences on the Construction of a Wall in the Occupied Palestinian Territory, the ICJ established that “the ICCPR, the International Covenant on Economic Social and Cultural Rights (ICESCR), and the Convention on the Rights of the Child (CRC) applied to the conduct of the Israeli forces in the
Occupied Territories” (International Court of Justice 2004: paras. 100–109). However, in this opinion the ICJ narrowed application of the ICCPR to the “acts done [...] in the exercise of its jurisdiction by the occupation forces” (International Court of Justice 2004: paras. 109–111).

The European Convention, in its Article 1, provides that a state is “responsible for securing the enjoyment of the rights contained in the ECHR for everyone within that state’s jurisdiction” (Council of Europe 1950: Article 1). The case law of the European Court for Human Rights has interpreted ‘state jurisdiction’ through different standards when assessing whether individuals alleging human rights violations actually fell within the state jurisdiction. The concept of state jurisdiction has been interpreted by the European Court to include cases where representatives of a state have exercised effective control (Cyprus v. Turkey 2001). Also, it may include activities of state agents in territories outside the normal borders of a state party (Abdullah Öcalan v. Turkey 2005) or/and when state representatives are operating internationally (Bankovic v. Belgium 2001).

As such, in order for an individual to enjoy the human rights protections that the Convention guarantees, “a victim of a violation must be found to have been at the relevant time within the jurisdiction of the State Party” allegedly violating his or her rights (Al-Skeini and Others v. Secretary of State for Defence 2007). This is a very high standard to meet considering the authorization of current and past peace-keeping international missions, their troop deployment and their operation on the ground. The composition of the peace-keeping forces — the civilian or military forces — is usually multinational, operating jointly (joint operation is provided at least in the legal documents establishing them); their operation on the ground is also linked with the national rules of engagement (ROE). Often territories where they operate are not legally defined (i.e. refugee camps, territories between borders) which render the peace-keeping forces’ (in) actions unaccountable.

**Behrami v. France and Saramati v. France, Germany and Norway**

The two cases **Behrami v. France** and **Saramati v. France, Germany and Norway** brought by two Kosovars to the European Court have drawn wide-reaching attention to the laws of international responsibility and to the
issue of delegation of powers and attribution of conduct over states when they act jointly in peace-keeping missions. Due to the lack of jurisdiction of national courts based on KFOR privileges and immunities (UNMIK Reg. 2000/47 2000), the two cases were directed to the European Court in 2000. The two applicants complained about the “failure of the troop contributing states to act in accordance with the human rights standards contained in the European Convention” (Saramati v. France, Germany and Norway 2007). On 15 November 2006, the Grand Chamber jointly heard the two applications, even though the two cases dealt with different alleged violations arising from different KFOR responsibilities. The applicant — the father of the victims — in Behrami v. France was complaining about the violation of the right to life (Article 2 of the ECHR) due to the death of his twelve-year son and injury of his other ten-year son by the undetonated cluster bombs dropped during the NATO air campaign. The incident took place in the Mitrovica region, which was under KFOR multinational brigades under French authority. It is relevant here to mention that NATO divided KFOR into four multinational brigades (MNB): France, Germany, USA and United Kingdom brigades, each responsible for ensuring the security of a specific region of Kosovo. In Saramati v. France, Germany and Norway the applicant, Mr. Saramati, challenged the legality of his detention under COMKFOR Directive 42, basing his application on violation of the right to liberty and security (Article 5 ECHR). Mr. Saramati was also complaining that he had no effective remedy available against KFOR (Article 13 ECHR), and that his right to a fair trial had been violated (Article 6, para. 1 ECHR). In Behrami v. France, the applicant argued that the only authority in the region of Mitrovica mandated to secure the safety of the inhabitants, who were actually refugees returning after the 1999 conflict, were French troops. Despite notification by the local inhabitants about the existence of cluster bombs, the French KFOR took no steps to remove them; they did not notify the local inhabitants on the dangers of the cluster bombs, or fence off or mark the area (Behrami v. France 2007, para. 6).

In the case of Saramati v. France, German, and Norway, the applicant was one of many Kosovars detained on the order of the KFOR Commanders (first Norwegian and then French). It is to be noted here that the applicant latter withdrew the complaint against Germany. He was held for six months without any legal basis or judicial oversight (Saramati v. France, Germany and Norway 2007). Mr. Saramati was a Commander of a Kosovo Protection
Corps Brigade operating under UNMIK police authority. He was held in detention based on grounded allegations of committing criminal acts from 17 September 2001 to 23 January 2002, although the Supreme Court of Kosovo had ordered his release in June 2001. In the Behrami case, the French authorities submitted their rebuttal, arguing that KFOR was an international structure established under and only responsible to the United Nations (Behrami v. France 2007: para. 68): as such, it was the UN and not France that had effective authority over the territory of Kosovo. French authorities also submitted that the case did not fall within the jurisdiction of Article 1 of the ECHR since the incident did not occur in the territory of France (ibid.: para. 67). In the case of Saramati v. France, Germany and Norway, the three governments and the UN provided comments. Six other European countries provided their standing to the European Court opposing the application of the European Convention standards to military operations out of the country (Behrami v. France 2007; Saramati v. France, Germany and Norway 2007: paras. 91–120).

The reasoning of the European Court on Behrami v. France and Saramati v. France, Germany and Norway

Since its foundation, the European Court has succeeded in establishing itself as a leader in international mechanisms for human rights protection. Through its case law, the European Court guides states in the protection and promotion of individuals' rights, and through its reasoning and interpretations has enhanced and reshaped international human rights law. The applications in Behrami v. France and Saramati v. France, Germany and Norway provided the Court with a unique opportunity to further contribute to the already much debated issue of the accountability of international organizations and their troop-contributing states (United Nations International Law Commission 2004; United Nations International Law Commission 2011). However, the reasoning of the Court on the admissibility decision of both cases came as a surprise to the legal community in Kosovo, to international scholars and above all to the citizens of Kosovo. Contrary to its previous interpretations of “territorial jurisdiction” (ECHR Article 1), and “effective control” (Loizidou v. Turkey 1995), the Court focused on analysing its jurisdictional ratione personae over the cases. Here the Court undertook to “review the acts of the respondent States carried out on behalf of the UN and, more generally, as to the
relationship between the Convention and the UN acting under Chapter VII of its Charter” (Behrami v. France and Saramati v. France, Germany and Norway 2007: para. 146). In doing so, the Court also considered the mandate and legality of the delegation of powers between the two international presences, UNMIK and KFOR. In analysing “whether the actions and inactions undertaken by KFOR can be attributed to troop contributing states”, the European Court “decided by majority that those (in)actions derive from UN SR 1244 and with it are attributable to the UN and not to members states comprising KFOR” (ibid.: paras. 140–141).

UNMIK was authorized by the UNSC based on Chapter VII powers and it did delegate powers to the KFOR.

From here, the Court turned to determine the legality of the delegation of powers from UNMIK to KFOR. The Court analysed in detail the UNMIK chain of command based on its constituent documents and stated that “The UNSC was to retain ultimate authority and control over the security mission and it delegated to NATO, in consultation with non-NATO member states, the power to establish and maintain operational command of KFOR” (ibid.: para. 129). The Court maintained that “even though the troop-contributing nations had some authority over their troops (for reasons, inter alia, of safety, discipline and accountability) and certain obligations in their regard (for example, material provision), the SC retained ultimate authority and control and […] effective command of the relevant operation matters was retained by NATO” (ibid. 2007: paras. 138–140). This Court’s reasoning might sound convincing in light of the SC political decision establishing an UN-mandated security force for Kosovo as “an equal international presence” with UNMIK, but NATO-led and de facto NATO-commanded operations involved no strategic direction from any UN body. Moreover, the MTA that allowed KFOR establishment was signed before UN SCR 1244, and SC authorities over KFOR were only limited to the regular reports by the officials of the international presence to the UNSC.

In its further analyses of the responsibilities of UNMIK and KFOR, the Court found that “issuing detention orders fell within the security mandate of KFOR and that the supervision of de-mining fell within UNMIK’s mandate” (ibid.: paras. 122–126). In so doing, with respect to the Behrami case, the Court found that it was “KFOR’s failure to secure the site [where the detonation had taken place] and provide information thereon to UNMIK”
Despite KFOR's responsibility in relation to demining, KFOR was not acting independently in this task; KFOR undertook this task on behalf of UNMIK. As such, UNMIK was mandated with demining tasks and KFOR's inaction was attributable to the UN (ibid.: para. 163). The Court firmly stated that "given that UNMIK was a subsidiary organ of the United Nations and that KFOR was exercising powers lawfully delegated under Chapter VII, their actions were directly attributable to the UN, an organization of universal jurisdiction fulfilling its imperative collective security objective" (ibid.: para. 151). The Court concluded that "in these circumstances, the applicants' complaints were incompatible ratione personae with the provisions of the Convention and declared both applications inadmissible" (ibid.: para. 152).

From the above discussion, it is evident that the European Court's holding that human rights violations resulting from KFOR's (in)actions were attributable to the UN and not to the troop contributing states deviated from its own developed standards for attribution of wrongful acts. Considering the circumstances of the case, in particular in Behrami v. France, if the 'effective control' test and territorial jurisdiction had been applied as established in its case law, the Court would have come to the finding that the failure to demine in the Mitrovica region (detention in Saramati) would be attributable to France (Germany and Norway). Similarly, if the delegation of the tasks by UNMIK to KFOR combined with the 'effective control' test had been considered by the Court, KFOR's (in)actions could have been qualified with dual or multiple attribution to NATO, the UN and France. Certainly, the reasoning of the Court when rejecting the applications on admissibility grounds negatively impacted the overall complex human rights situation in Kosovo (European Commission for Democracy through Law 2004). By concentrating in its analyses on ultimate authority and the control test, the legality of transfer of powers and responsibilities from UNMIK to KFOR — through interpreting UN SC Resolution 1244 and the UN Charter — the Court limited the possibilities for redress of individuals under international peace-keeping authorities.
Conclusion

The measures undertaken by KFOR to implement its mandate and authority as provided in UN SCR 1244 had adverse effects on nearly all of the rights guaranteed in international human rights law and applicable in Kosovo. NATO policy and state intervention in its troops’ command and control caused an inconsistency in operations which resulted in a failure to protect human rights in Kosovo, in particular during KFOR operations to ensure security and quash interethnic violence. Infringement of individual rights through COMCFOR detention not only affected the individual’s right to liberty and security of the person, but also affected the enjoyment of the right to a remedy and the right to compensation when the defendant was found not guilty. KFOR activities, due to its military strategy and operational level, were covered by broader immunities and privileges that practically rendered KFOR unaccountable for its actions. KFOR was not operating in a legal vacuum; however, the nonexistence of a specific legal framework that provided for the application of human rights standards to specific actions of KFOR made Kosovars consider the general principles of international law, mainly the extraterritorial application of human rights standards. However, the reasoning of the Court on the admissibility decision on Behrami v. France and Saramati v. France, Germany and Norway showed that the court relied on the formal hierarchy concerning the establishment of KFOR to escape an unfriendly precedent for future peacekeeping actions; otherwise, in the future, countries would hesitate to contribute their troops to international security operations. These two decisions showed again that peace-keeping is an essentially political institution and confirmed that Kosovars’ right to an effective remedy was compromised when KFOR failed to protect human rights in Kosovo.

It is the standing of this paper that the conflicting issues related to the legal bases that establish the international peacekeeping structures and the internal operational rules of the troop-contributing forces need to be reconsidered. The legal bases for establishing future international security forces in international administrations need to allow for the establishment of a (non-)judicial mechanism as an integral part of the mission with the jurisdiction to handle human rights violations alleged by the inhabitants under their authority and provide for a reparation modality mechanism in order to respect the right to be compensated.


*Delia Saldias de Lopez v. Uruguay*, 1981. CCPR/C/13/D/52/1979 (United
Nations Human Rights Committee).


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The Phenomenon of Journalism-related Crimes Under the Circumstances of Hybrid War in Ukraine

Yevhen Pysmenskyy

Abstract

The article covers journalism-related crimes as a relatively distinct category of offences. The importance and purpose of isolating the concept of journalistic criminality under conditions of globalization in the modern theory of legal thought, the rapid development of the information society, and the embodied increase of the role of information and knowledge in human life are emphasized. Attention is paid to the factors affecting the dynamics and development of crimes in the area of professional activities of journalists, which primarily includes the environment of hybrid war. The destructive impact of the social consequences of journalistic crimes on society is evident in the case of Ukraine, which has suffered in the past and to this day experiences the latest information manifestations of hybrid war. The proposition to criminalize the intentional spreading of false information in the media by journalists is discussed. The reasons, basis and conditions for such criminalization are analysed. The existence of criminalization grounds for such an offence is substantiated in the article. However, conclusions are drawn on the inappropriateness of such criminalization due to its non-correspondence with certain conditions associated with difficulties in adjudication and with the problem of proving this type of behaviour. Other means of counteracting the deliberate dissemination of false information are considered.

KEY WORDS:
hybrid war, mass media, journalist, journalism-related crimes
Introduction

The theoretical importance of the concept of hybrid war has been increasing within the modern political and legal discourse. The term is usually used to refer to a specific phenomenon that has become common in the world over the past decades. This phenomenon covers a complexity of classical methods of warfare, the exercise of military aggression (involving regular and irregular military formations), and new technologies, especially those related to the powerful information influence of the enemy and its allies.

Countries that face hybrid war often become vulnerable in various areas of social and political life. Special attention should be drawn, among other things, to the implementation of policies against crime, which, under such circumstances, are forced to undergo transformation due to the influence of some uncommon factors. The issue is about the appearance of new types of criminal behaviour and their proper legal analyses, about the issue of strengthening the repressive component of criminal law without violating its basic principles, and about the search for new and more effective or adequate criminal law measures.

It seems that the global scientific community should concentrate its efforts on finding successful ways to counter hybrid war by using the positive and negative experiences of those countries that have faced a similar phenomenon before. Ukraine is one of them: it has experienced all modern forms and methods of fighting a hybrid war with the Russian Federation. As is known, the active (open) phase of the war began in March 2014 with the annexation of Crimea, then continued with the seizure of parts of the territory of Donetsk and Luhansk regions. It is still going on.

The Ukrainian experience of combatting some of the modern manifestations of hybrid warfare might be interesting in different ways, but among those that are key is the emergence and development of new types of socially dangerous behaviour, and the acquisition of atypical features through such crimes. These include criminality in the area of journalism, which requires independent scientific review, thus allowing us
to thoroughly analyse the status of a journalist within the focus of criminal law theory and practice.

In Ukraine, the status of a journalist is determined by Art. 1 of the Law of Ukraine on State Support to Mass Media and Social Protection of Journalists from 23 September 1997, according to which a journalist is a creative worker who professionally collects, receives, creates and engages in the preparation of information for the media, and performs editorial and official duties in the media (within the staff or on a freelance basis). A similar approach is reflected in Recommendation No. R (2000) 7, On the Right of Journalists not to Disclose their Sources of Information, adopted by the Committee of Ministers on 8 March 2000 at the 701st Meeting of Deputy Ministers, which states that the term “journalist” means any natural or legal person who is regularly or professionally involved in collecting and publicly disseminating information through any medium (CE 2000).

Thus, a journalist is someone who regularly works with information for the media, and whose main function is to work on collecting, processing and creating information for the media. The criminal law aspects of such activity are emphasized in this article.

In view of all the above, the purpose of this article is to study the phenomenon of crimes committed by journalists in the course of their professional activities, as well as crimes committed against journalists (when the journalist becomes a crime victim). One of the manifestations of this phenomenon is found in Ukraine, which remains in the hybrid war environment to this day.

The structure of the article allows primary consideration of the specifics in modern manifestations of hybrid war with an emphasis on its information component. Furthermore, the place of journalistic crime among other types of crime is demonstrated and its ability to be enforced under the influence of modern hybrid war factors is underlined. The following section refers to the criminal law limitations on the freedom of speech, followed by those issues surrounding a journalist as a potential crime perpetrator associated with the dissemination of knowingly false information. The last section accumulates key aspects of the discussed issues, forms conclusions and outlines potential directions for further research.
Hybrid war and its information component

Recently, issues arising from hybrid war have been penetrating deeper into the scientific matter of political and legal studies. Study of its components, new types and means of warfare, and analysis of the gained experience in combating contemporary manifestations of hybrid warfare naturally form the agenda for many scientists in law and politics.

Understanding this phenomenon remains ambiguous in modern international law; however, experts agree that hybrid war is the newest type of war, in which the conflict involves various means of attack and defence going beyond the conventionally defined options and types of warfare. Researchers provide a list of possible real weapons that can be used by the parties. The definition of weapons in this case includes not only traditional types of weapon, but also model organizational and information types of weapons (Vlasiuk and Karman 2015: 232).

Political scientists also refer to the significance of the information component of hybrid war. They argue that the specifics of the armed conflict—the place and role of the military argument in politics—are largely determined by the degree of societal development and technological advancement. Simultaneously, the informative society creates essential forms of resistance, and such resistance does not necessarily have to be armed or open (Mahda 2014).

Hybrid war usually involves a combination of classic warfare and the use of irregular armed groups. According to the former security adviser to the UN and NATO General Frank van Kappen, “the state, which leads hybrid war, making a deal with non-state performers by the militants, local groups, organizations, the relationship is formally denied. These performers can do things that the state itself cannot do, because any state is obliged to follow the Geneva Convention and the Hague Convention on the laws of war on land, the agreements with other countries. All the dirty work can be shifted on shoulders of non-state groups” (CSAF 2014).

A bright example of such a hybrid course of war, in which a more militarily
powerful aggressor state negotiates with non-government performers - groups of local people and militants with whom it denies any formal affiliation - is the Russian activity in Ukraine from 2014 to the present. At the beginning of the conflict, certain groups of Russian soldiers organized and coordinated armed volunteer detachments with the local population members in Eastern Ukraine, thus avoiding, to a certain point, direct entry of its troops over the Ukrainian border. Such a move allowed Russia to partially bypass international law related to warfare principles. Yevhen Mahda points out that hybrid warfare in Ukraine has not only revealed weak parts of the Ukrainian army and society, but has also articulated a new challenge to the world in general and to Eastern European countries in particular. The absence of open confrontation, the use of new tactics, misinformation, creating an atmosphere of panic and threats for a short period of time, and the use of human shields have all demonstrated the army’s helplessness in this new type of war (Mahda 2014).

New information tactics in Ukraine related to the aggressive use of the media to manipulate public opinion have become particularly threatening. There is no doubt that appropriate conditions for further military confrontation and for masking external manifestations of aggression have been created with their help. According to Horbulin, there was not just enemy propaganda taking place in the Ukrainian scenario, but also a “war of meanings/senses” (the beginning of which could be related to the period of 2006–2007). The whole multiplicity of information channels has been involved to retransmit these senses. The main structural elements in such war are simulacra-images of something that does not exist in reality. The strategic goal of exploiting simulacra is to replace objective perceptions of target groups about the nature of conflict with the “information phantoms” that the aggressor needs (Horbulin 2014: 9).

For the time being, despite the fact that the Russian leadership has officially denied any involvement in the crimes committed in Ukraine, the intervention of the Russian Federation in Ukrainian politics, as well as its aggressive actions on Ukrainian territory, have received adequate legal assessment both at the highest levels of Ukrainian government as well as in the arenas of foreign and international policy. Positioning Russian armed forces in the territory of Ukraine in violation of national and international
legal acts has been correctly recognized as partial occupation of the sovereign Ukrainian territory (UP 2014; UP 2015; PA 2015; UN 2014).

Russia uses many techniques in its hybrid war against Ukraine, but the major one is its information war (NR 2014). The roots of Russia’s hybrid methods go back to the Soviet era, although the label is more recent. “Active measures”, as hybrid warfare was called back then—such as spreading disinformation—was an integral part of Soviet foreign policy. Today, some of Russia’s tactics are surprisingly similar, but the current information environment makes their use both more efficient and complex (NR 2017).

For example, “Russia’s use of broadcasting tools for propaganda and psychological operations, part of a broader information campaign to support the Crimean annexation, caught both Ukraine and the West by surprise. … The information warfare campaign in Ukraine entailed concerted use of Russian state-controlled media” (Kofman and Rojansky 2015: 5).

The aggressor carried out the same activities in the separate districts of Donetsk and Luhansk. However, due to the difficulties of implementing the Crimean scenario in Donbass, the occupational forces resorted to stricter and more violent counterattacks in the pro-Ukrainian information sphere. Kidnappings and arrests of journalists, activists, streamers and bloggers took place in order to prevent the circulation of an alternative media picture from the occupied territories. In addition, like in Crimea, there were numerous examples of changing sides by employees of TV and radio companies that were seized by Russians. Later on, the same employees started working for the new media created by the Russian terrorist forces. Starting in summer 2014, the “Donetsk People’s Republic” and “Luhansk People’s Republic” (with the participation of Russian advisors) began converting the media space of the territories into an “information ghetto” where there was no chance of seeing or hearing an alternative perspective or receiving true coverage of events (Horbulin 2017a: 42).

As the researchers rightly point out, the use of misinformation could be the most effective means of hybrid warfare: “misinformation and propaganda are being used to complement the overall Russian-integrated approach to hybrid warfare. Russia uses the media, for example, Russia Today, Sputnik News, and members of the public sympathetic to Russia who write to
newspapers, to spread misinformation in a highly persuasive and credible way. In the present conflict in Eastern Ukraine, Russia has effectively used the information sphere as an integral tool in its hybrid war against the people of Ukraine" (Bachmann and Paphiti 2016: 37); “past experience in Ukraine and theory evaluation indicate that the new-generation war includes multi-level efforts aimed at destabilizing the state functions and changing the internal order. The information space will provide a range of opportunities to reduce the opponent’s potential, especially through the use of new technologies and information networking. A non-standard approach to the fight will be crucial in the new-generation wars” (Banasik 2016: 177).

Against this background, the European community pays more and more attention to the issues of negative information’s influence in the context of contemporary hybrid war manifestations. The comprehensive analysis of the EU Strategic Communications with a View to Counteracting Propaganda (EP 2016), prepared by the European Union Institute for Security Studies and commissioned by the European Parliament, might serve as a relevant example here. Its authors emphasize that Russia and ISIL have been engaged in aggressive messaging and deceptive media campaigns, though using distinct narratives and aiming at different targets and audiences. Accordingly, the analysis draws attention to the strategic communications efforts undertaken by the EU, which are channelled into both defensive (react and respond) and offensive (probe and push) dimensions. Such understanding of the present context will hopefully allow an evaluation of what exact actions can be taken to improve the effectiveness of strategic communications within the EU itself (EP 2016).

**Journalism-related crimes as the new form of criminality**

The information-related component of a hybrid war, as demonstrated above, is implemented under a wide range of vectors, the media being one of them. Mass media and social networks are used extensively for the
realization of political goals of the aggression which are usually achieved by regular war. Taking into account the necessity of preventing such hybrid war manifestations and effectively resisting them, there is a strong demand for the scientific exploration of journalistic work in the context of legal regulation.

The key concept of criminal law and criminology is the category of criminality. Today there is no doubt that criminality is a phenomenon attributable to any society. In its general form, it can be described as the commission of acts by a fraction of general public members that cause significant harm to a person, society, state or Commonwealth, thus constituting the most egregious type of human behaviour.

Legal features of criminality should be recognized as its important feature, and therefore crimes include only acts which are directly mentioned in criminal law and which can trigger penalties under this law. The theory of criminal law provides that, based on this feature, crimes are distinguished from other dangerous offences, particularly those that can potentially cause significant damage but are not identified as such in criminal law. Criminalization or decriminalization in law is the only legal means of changing the list of acts that are recognized as criminal.

As put by Yakov Gilinskiy, “criminality is a complex social phenomenon without ‘natural’ boundaries (as distinct from drug-addiction, drunkenness and suicide) and definable with the help of two multi-faceted criteria: 1) its danger or real harmfulness to society and 2) its designation in the penal code (nullum crimen sine lege) - there is no crime without its designation in the penal code” (Gilinskiy 2001: 74).

Criminality is extremely sensitive about social and political change and clearly reflects this. Changes in social relations under the influence of various factors (including the information component of hybrid war — the information war) can transform perceptions of criminality by affecting the emergence of new types of crime. As noted by Natalia Savinova, media space that is not regulated by law under conditions of an information society leads to a state of anomie in the latter: this is embodied in the change of social ideals and morals. When certain social groups no longer feel their involvement in the society, which brings about their exclusion,
new social norms and values are denied by members of these groups, including declared patterns of behaviour; at the same time, their own (particularly an illegal pattern of) behaviour is put forward as a means to achieve social and individual goals (Savinova 2013: 209).

Professional, economic, environmental, organized, corrupt, recidivist, unintentional and other types of criminality are traditionally distinguished. Such classification helps, first of all, to specify the study of many issues; secondly, it is important for meeting practical goals in combating crime in general and its individual variations in particular (Danshyn 2009). Nowadays, taking into account the intensification of informational technologies development as inherent in a globalized society, there are even more reasons to believe in the emergence of a new type of criminality - that is, journalism-related criminality.

Firstly, journalistic crime may be crimes committed against journalists and their professional activities. Generally, any democratic state at the appropriate legal level protects the legitimate professional activities of journalists and their life, health and property, which may be harmed in connection with the implementation of such activities. Different means - including, in some cases, criminal ones - can be used for this purpose. Ukraine is among those countries whose Criminal Codes provide for liability for interference with the legitimate professional activities of journalists (Article 171). Thus, the following acts are recognized as criminal: 1) illegal taking of materials and technical means, prepared by a journalist in connection with his professional activity; 2) illegal denial of access to information by a journalist; 3) illicit prohibition on coverage of certain topics, display of individuals, criticism of the public official; 4) any other intentional interference with the legitimate professional activity of the journalist, 5) any form of influence on the journalist in order to prevent him from executing his professional duties or prosecution of a journalist based on his legitimate professional activities. In addition, due to the need to establish additional security guarantees for the legitimate professional activities of journalists, special criminal law provisions on liability for attacks on journalists’ lives, health, freedom and property (Articles 345-1, 347-1, 348-1, 349-1 and part 2 of Article 375 of the Criminal Code of Ukraine) were introduced in 2015. These acknowledge not only that journalists may become victims of these crimes, but so too may their close relatives and family members.
Pavlykivskyi notes that, unlike in post-Soviet countries, the legislation of European countries and the United States does not contain criminal law prohibition of violations of journalists' rights, which is, in his opinion, to some extent conditioned by the effectiveness of the regulatory norms in the area of ensuring freedom of speech and the activities of journalists in these countries. At the same time, the introduction of norms of criminal liability for interference with journalistic activities in Ukraine is broadly in line with the generally accepted principles of criminal law and principles of the criminalization of socially dangerous acts (Pavlykivskyi 2017: 6, 26).

Firstly, it is possible to concede that the legitimate professional activity of journalists gets protection at the highest legal level in Ukraine. The existing criminal law base is sufficient to protect journalists from almost all forms of influence, including obstruction of their activities. In recent years, there has been a trend towards expanding the range of criminalized acts connected with the obstruction of such activities, increasing the punishment for crimes against journalists and improving criminal legislation in this area. This does not exclude another component of the issue: the effectiveness of the relevant criminal law norms and the need to improve the mechanism of detection of this category of crimes, including their proof in court and a fair response to them from the state, because under the condition of Ukraine being in a state of hybrid war, the issue of exercising aggression against journalists is exacerbated.

Secondly, journalism-related criminality refers to journalists who, under appropriate circumstances, may be recognized as crime perpetrators in the area of their professional activities. This component of journalistic criminality is of higher interest, since it is much less studied and organized while relevant data on it remain mostly unstructured. In addition, the issue of crimes against journalists — i.e. those associated with the violation of their rights — is primarily the focus of the global legal discourse. As for the improper performance of professional functions by journalists, their abuse and unlawful acts of behaviour in the area of information relations, so far there is no adequate understanding of this complex criminal law phenomenon.

When describing journalists as potential crime perpetrators, one should take into account that journalistic activity consists of two types of action: that related to obtaining information (as well as its separate or related
symptoms in the form of collection and creation) and that related to the usage of information (including its distribution and storage). There is no doubt that a journalist has the right to receive and use information in any way, except those prohibited by law and/or which violate the ethical principles of journalism. Some of these methods of unlawful procurement (use) of information by a journalist through their embodied high level of public danger can quite naturally create grounds for legal liability.

Therefore, it would make sense to divide all crimes that might be committed by a journalist in the course of his or her professional activities into the following two groups: 1) crimes committed when collecting, receiving and creating information; and 2) crimes committed when storing, distributing or otherwise using information.

The content of each of these groups will be further disclosed schematically. Based on the acts that are criminalized in Ukraine, subgroups of crimes that cover various forms of journalist violation of the legally regulated framework for collecting, receiving, creating, distributing, storing and otherwise using information will be pointed out.

1. **Crimes that can be committed by a journalist in the course of collecting, receiving and creating information under the Criminal Code of Ukraine**

These include:

1.1. *Encroachment on the right to privacy*: violation of home inviolability; violation of the secrecy of correspondence, telephone conversations, telegraph and other correspondence which is transmitted through means of communication or computer; violation of privacy.

1.2. *Encroachment on the right to confidentiality*: illegal gathering of information that constitutes commercial or banking secrecy with the purpose of using it.

1.3. *Encroachment on the order of access to information*: forgery of documents, seals, stamps and forms; sale or use of forged documents, seals, stamps; illegal use of special technical means to obtain information; unauthorized interference
in the operation of electronic calculating machines (computers), automated systems, computer networks or telecommunication networks; illegal use of the symbols of Red Cross, Red Crescent and Red Crystal.

All the crimes mentioned are united by the fact that they are committed by a journalist with the purpose of obtaining access to certain information or facilitating such access. For example, these include cases when a journalist forges a specific document which gives him the right to obtain information that interests him.

2. **Crimes that can be committed by a journalist while storing, distributing or otherwise using information under the Criminal Code of Ukraine**

These include:

2.1. **Interference with activities of a certain person or public body:** interfering with activities of the law enforcement agent, state executive service employee; interference with activities of a statesman; interference with the judiciary; interference with activities of defence attorney or legal representative.

2.2. **Disclosure or other use of a certain type of information:** illegal disclosure of a medical secret; illegal use of information that constitutes a commercial or banking secret; disclosure of commercial or banking secrecy; illegal use of insider information.

2.3. **Calls to commit crimes:** public calls to commit a terrorist act; calls for actions that threaten public order; war propaganda; public calls for violent change or overthrow of the constitutional order or the seizure of state power; public calls for actions aimed at changing the territory or the state border of Ukraine.

2.4. **Other violations associated with the use of information:** treason; violation of citizenship equality based on race, nationality, religious beliefs, disability and other grounds; infringement of copyright and related rights; knowingly false report of a threat to the safety of citizens, destruction or damage of
property; importation, manufacture or distribution of works that propagandize violence and cruelty, racial, national or religious intolerance and discrimination; desecration of state symbols; propaganda of Communist and National Socialist (Nazi) totalitarian regimes, extortion.

Current law enforcement practice does not yield many examples where a journalist would be prosecuted for these types of crime. One reason for this is the reluctance of law enforcement officers to enter into conflict with media representatives, since any accusation of a journalist committing an offence may end with a reciprocal allegation of violation of freedom of speech (there is no doubt that criminal prosecution as such is capable of having a “cooling effect” on a journalist). Sometimes this is true, since law enforcement pressure on a journalist may be related to his activity in the absence of necessary grounds for it. In other cases, though, a prominent statement about violation of freedom of speech can be nothing more than a cover to justify a criminal act committed by a journalist.

In Ukraine, the most well-known examples are the case against Gerus (Ukrainska pravda 2005) and the case against Kotsaba (Ipress 2016). We start with the most recent: the case against Guzhva. According to the report of the Prosecutor General’s Office on 22 June 2017, the head of the internet resource Strana.UA and his accomplice were arrested on suspicion of extortion (Criminal Code of Ukraine Article 189: part 3). The pre-trial investigation revealed that the detained person (a journalist) demanded from the Member of Parliament of Ukraine money to the amount of $20,000 for not disclosing information about his personal life and political activities in the media (PGO 2017).

A promising direction for current scientific studies is related to the expediency of criminalization of certain acts committed by a journalist as a special actor of crime, particularly that related to the dissemination of deliberately false information. As correctly mentioned in the legal literature,

“the newest challenge for those in crime control and prevention is to keep up with new innovations in crime and their impact. As well, policy makers must attempt to anticipate the risks and pitfalls that result from rapid change. This will require future
research activities encompassing the effects of globalization, demography and its trends, technology, economics and social and organizational structures amongst others. Investment in all such research activities can yield significant benefits for the reduction of crime and the development of crime control in the future. We all have a role to play in preventing crime. If anything can be learned from the past, it is that appropriate expenditure on crime prevention planning can be more cost effective than seeking to solve the problem after it has become entrenched” (Graycar 2001).

**Criminal law limits on the freedom of speech**

One of the key issues arising in the context of journalistic crimes is the question of the line where freedom of expression ends and a certain criminal act begins. What limits should freedom of speech have in a democratic civilized society? Is it not true that establishing criminal liability for the commission of socially dangerous acts by a journalist in the course of his professional activities constitutes violation of freedom of speech?

The Ukrainian Constitution guarantees everyone the right to freedom of thought and speech, to free expression of one’s views and beliefs. The right to freely collect, store, use and disseminate information orally, in writing or by any other means is granted to every person based on their own choice (UP 1996).

The relevant constitutional provision establishes the common civilizational rule that is completely consistent with the principles produced by international practice and clearly enshrined in many international legal documents.

At the same time, just like any other rule, it has a number of exceptions. We are talking here about the legally provided limitations on the exercise of freedom of speech. Indeed, exercise of the rights mentioned in Article 34 of the Constitution of Ukraine can be restricted by law for the benefit
of national security, territorial integrity or public safety, for the prevention of disorders or crimes, for the protection of public health, protection of reputation or rights of other people, for preventing disclosure of information received in confidence, or for maintaining authority and impartiality of the judiciary. In the furtherance of this provision, Ukrainian legislation (along with that of most other countries) rightly prohibits the dissemination of information, which includes, among other parts, calls for the commission of certain socially dangerous acts, which conflicts with public morality norms, includes confidential information and establishes a set of measures of legal influence on people who violate such prohibitions.

Restrictions on the rights of an individual to collect, store, use and disseminate information are also provided in Part 2 of Article 29 of the Universal Declaration of Human Rights of 1948, according to which “in the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society” (UDHR 1948).

Thus, the right to freedom of expression has certain limits in its implementation which are clearly defined at the level of legal regulations. Exercise of this right should be carried out in such a way that the rights, freedoms and lawful interests of other citizens and the rights and interests of legal entities should not be violated.

A special case of exercising the right to freedom of speech guaranteed by the Constitution of Ukraine is the professional activity of journalists. Such activity must have a lawful character. When collecting, creating and disseminating information, a journalist should act within the legally defined rules. He is obliged to adhere to the principles of information relations among which one should pay particular attention to the accuracy and completeness of information as well as the legitimacy of receipt, use, distribution, storage and protection (Article 5 of the Law of Ukraine on Information). These principles are an important foundation in the work of journalists on realizing the right to freedom of opinion and speech; they are designed to prevent abuse of this right and to exclude the possibility of illegal and/or manipulative information influence.
The aforementioned provision (to the principles of information relations), while having a general character is, however, of an imperative nature and imposes a duty on the journalist to use only true information in the course of his professional activity and not to abuse the rights given to him by the law. It is not accidental that breach of such principles by a journalist can form the basis for bringing him to legal (disciplinary, civil, administrative or criminal) liability.

Regarding the latter, the issue here is with the journalist committing the above mentioned offences related to unlawful means of receiving, using and disseminating information of certain content. In case of spreading false information — that is, fictional information (on events, things or facts that never occurred) or presented in a false manner (with distortion of information about certain events, occurrences or facts) — a journalist may be subjected for certain actions only to disciplinary liability or, in case of breach of civil rights and interests of a certain person, civil liability. A more severe form of legal liability for disseminating false information by a journalist is not prohibited by Ukrainian law.

The main question that arises in the absence of criminal liability for the dissemination of deliberately false information is related to the alleged contradiction between the criminalization of such actions and provisions on freedom of thought and speech under the Constitution of Ukraine and international legal acts. Realizing the complexity and ambiguity of the raised issue, I will try to assume the absence of such a contradiction. Part 1 of Article 34 of the Constitution of Ukraine sets the general rule for freedom of opinion and expression. There are quite justified exceptions from this rule related to the abuse of this right. Indeed, one of them is directly provided in part 3 of Article 34 of the Constitution of Ukraine and is implemented in a number of criminal statutes. Another is reflected in international law provisions (the previously mentioned part 2 of Article 29 of the Universal Declaration of Human Rights of 1948).

Therefore, there is reason to assert that dissemination by a journalist of deliberately false information does not contradict the mentioned constitutional and international legal provisions. Committing certain acts can naturally result in legal liability.
Journalists as potential perpetrators of crimes related to dissemination of deliberately false information: issue outline

As previously established, the legitimacy of receipt, use, distribution, storage and protection is correctly recognized as one of the principles of information relations. Legal protection covers only such journalistic activity as is undertaken in accordance with statutory established requirements. However, illegal professional activities of journalists are not acceptable and, depending on the type of violation, require a proper response from both the socio-moral and legal aspects (i.e. within the implementation of all kinds of legal liability).

At the same time, legal professionals are increasingly often addressing the fact that the current group of crimes that can be committed by a journalist in the course of his or her professional activity is not able to ensure the completeness of criminal law provisions in this area. After all, some acts of journalism conduct remain not punishable despite the inherent nature of their social danger. This is particularly the case with spreading deliberately false information by the mass media aimed at discrediting a natural person or entity in order to obtain illegal benefits (Busol 2015: 26), manipulating the consciousness of the population through media and information expansion (Savinova 2014: 111) and others. Some lawyers go even further, by offering to believe that there is a crime of “blatant lie, which causes serious harm”, regardless of whether or not the person who disseminates false information is a professional journalist. It is reasonably emphasized that “if the function of criminal law is to prevent harm by deterring individuals from engaging in certain forms of conduct, then our laws would be remiss to not make lying subject to criminal sanction in certain egregious cases” (Druzin and Li 2011: 572–573).

In June of 2017, the head of the Security Service of Ukraine made a significant statement on the need to provide for an adequate legal

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1 International principles of professional ethics in journalism provide that “information in journalism is understood as a social good and not as a commodity, which means that journalist shares responsibility for the information transmitted and is thus accountable not only to those controlling the media but ultimately to the public at large, including various social interests” (EthicNet 2008).
treatment for all forms and methods of hybrid war in the Criminal Code of Ukraine. In his opinion, the adequate response to an enemy requires absolute joint actions, the integration of law enforcement and the force of public opinion as a weapon against Russian aggression in the information space (SCU 2017). There is no doubt that the deliberate dissemination of false information by journalists can be considered one of the manifestations of the hybrid war.

How justified is it to pose the question in such a way?

The current legal approach to the dissemination of deliberately false information by using mass media cannot indeed be considered sufficient; such actions are capable of causing significant damage to areas of criminal law protection. One argument is that neither disciplinary nor civil liability for the dissemination of false information by a journalist, as opposed to a criminal, can serve as an effective safeguard against serious violations in the area of information relations.

Considering all of the above, the issue of such acts’ criminalization is quite interesting as a research perspective.

Any process of criminalization has to be conditioned by certain factors, among which the theory of criminal law names reasons, grounds and conditions of criminalization that should be applied systematically (Dudorov and Khavroniuk 2014: 65–67).

Having examined the likely range of reasons for criminalizing the dissemination of deliberately false information, one can prove the existence of at least two of them:

• The need to ensure the implementation of legal provisions that regulate the area of information relations (for instance, in Ukraine these are the laws on Information, on the Print Media (Press) in Ukraine and on Television and Radio) when determining journalists’ obligation to disseminate accurate and objective information.

• The dynamics and prevalence of the mentioned act. As experts convincingly argue, spreading false information in Ukraine
today is systemic, provided that there is still no effective measure of combating it (Savinova 2014: 100). Indeed, recent trends demonstrate that the abuse of rights by journalists, their deliberate use of false information that increasingly finds objective proof, has happened quite often. Against such a background, the issue of determining the mental approach of journalists to their own actions seems to be more complicated. Nevertheless, the nature of some information — its obvious and sometimes undeniable falsity — leads to the idea of high probability of intentional conduct.

The only reason for the criminalization of acts is in accordance with the appropriate level and nature of their social danger, which is characterized by the ability to cause significant damage to areas of criminal law protection (Dudorov and Khavroniuk 2014: 66).

With this in mind, dissemination of knowingly false information by a journalist, due to its nature, is first of all able in some cases to harm the interests of the society, the state, the commonwealth and even humanity. We are talking here about the intentional use of inaccurate data in mass media. Such actions can be committed in order to create a controlled impact on a particular group of people or humanity in general with a goal of inciting enmity and hatred, artificially creating a conflict situation or its escalation, and so on. As aptly noted by Ganna Yudkivska, a judge in the European Court of Human Rights, “false speech” can be no less dangerous than the classic “hate speech”. The falsification of facts, even without explicit calls for violence, easily creates an atmosphere of hatred. The question of how modern mechanisms of human rights protection provide an adequate response to these challenges remains unanswered. Obviously, under the circumstances of today’s media space, fake information is disseminated very easily (Yudkivska 2016) and therefore “open societies remain surprisingly susceptible to misinformation that instigates intimidation, discrimination and violence against vulnerable groups. Untruths doled out in hate campaigns find ready buyers even in a free marketplace of ideas” (Cherian 2016).

Modern Ukrainian practice covers some cases when a journalist uses inaccurate information, which ultimately leads to the breakdown of mobilization, disturbance of public order, spread of panic, loss of government or public institution authority, loss of business reputation and
so on. However, journalistic crimes do not recognize borders and become international, thus creating a global problem. According to Victoriya Romanyuk, deputy chief editor of the StopFake project, the methods used in Russian propaganda are universal and can be employed against any opponent and any country. In 2015, the developers of this project analysed numerous obviously false reports in the context of the conflicts in Syria and Turkey, which allowed them to openly comment on the trends and universal approaches of the Russian propaganda machine (GU 2016). In Germany, the criminal case of Lisa F. attracted high publicity. On 16 January 2016, the Russian First Channel featured a story about a 13-year-old Russian-speaking resident of Berlin, Lisa, who had been allegedly kidnapped and raped by three men appearing to be migrants from the Middle East. The Berlin prosecutor’s office, after conducting an investigation, concluded that the girl had never been raped or abducted. After that, a criminal case was filed against a journalist of the First Channel, Ivan Blagoy, who filmed a fake report on the “raped” 13-year-old Russian-speaking girl. Later, the criminal case against the journalist was closed due to a lack of evidence that Ivan Blagoy was aware that information about the commission of the crime was not true (DW 2016).

As for Ukraine, one of the most striking examples of coordinated media lies was the media report mentioning that Americans and Poles are fighting on the side of Ukrainian army. The fake topic of territorial claims on Ukraine from other neighbouring countries, including Poland, Romania and Hungary, has also intensified recently (GU 2016). Reports by Russian journalists on the crucifixion of a boy by Ukrainian soldiers in front of his mother and the supposed striking down of a Malaysian Boeing by a Ukrainian fighter in July 2014 have become almost textbook examples. Commenting on them, Taranenko correctly notes that during the coverage of Ukrainian news, journalists of the Russian media created false informational efforts aimed at exciting hatred towards the Ukrainian military and officials (Taranenko 2017).

One of the most dangerous facts is that the journalistic environment in Ukraine particularly has been influenced by the Russian special service.

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2 This project has been created by professional journalists in order to counter the information war in Ukraine and is aimed at exposing outright false information about Ukraine, which is disseminated in the media. Nowadays ‘StopFake’ has gone beyond an investigative journalism project and has turned into an international analytical platform which specializes in studying and recording instances of media influence and also remains an important center of media education in Ukraine.
According to Roman Zaitsev, the executive director of Mirotvorets, the centre for the study of crimes against the national security of Ukraine, human security and international order, some Ukrainian media are used as instruments of propaganda in the hands of the enemy. They work directly or indirectly for the enemy, thus influencing the minds of Ukrainian citizens. However, he notes that the Ukrainian audience possesses much stronger immunity compared with the Russian (Faktyi 2016).

The discussed actions are also characterized by the creation of a real threat of causing substantial harm to public relations with regard to public order, public security, the authority of government agencies, the peace and security of humanity, and so on. We should not forget that the public danger of an act can vary under the influence of certain factors, hybrid warfare being one of them. Natalia Savinova’s position draws attention in this respect. She proves that such circumstances fully demonstrate the need to identify the fact that the issue of criminalizing such acts as manipulation of the population’s consciousness through the media and informational expansion has to be addressed as soon as possible (Savinova 2014: 111).

The criminalization of dissemination of deliberately false information complies with social and psychological features, according to which the act should be criminalized if such act is caused by its immorality or awareness of the population, based on the legal culture and sense of justice within the population. Almost all codes of ethics in journalism determine truthfulness and objectivity as the basis for professional virtues. According to experts on journalism ethics, a journalist must be sure of the veracity of the information he disseminates and be sure of the information source’s trustworthiness. Journalists must be particularly vigilant in order not to harm anybody by unveiling incomplete or inaccurate information. Willful distortion of facts, their biased selection, disseminating false information or obtaining material incentives from third parties for a biased publication constitute a gross violation of ethical standards (Ivanov and Serdiuk 2007: 135; Prystupenko 2008: 228–229; Vymětal et al. 2008).

As for the conditions of criminal law and the criminal procedural nature, then, first of all, the criminalization of dissemination by a journalist of deliberately false information has some ability to complicate the process
of criminal law analyses in the area of establishing intentional fault as an essential element of the crime’s *mens rea* and separating, based on this element, the instances of negligent dissemination of false information by a journalist. Secondly, the emergence of difficulties in proving the fact of committing such violation is quite possible, including proof of wilfulness when committing relevant acts. A striking example of this is the aforementioned criminal case of Lisa F., in which law enforcement agencies in Germany failed to prove the intention of disseminating inaccurate information by the journalist (unfortunately, the impossibility of proving this does not exclude the fact that the journalist could actually perceive the complete untrustworthiness of the disseminated information).

One of the perceived drawbacks of criminalization of the dissemination of knowingly false information by a journalist should be recognized as a currently existing threat of abuse by law enforcement agencies and by court of their positions when employing the discussed criminal law provision to pressure journalists, attack freedom of speech, and so on.

Thus, all necessary grounds for criminalizing the dissemination of knowingly false information by journalists are present, but not all preconditions. Accordingly, such a criminalization, in case of its potential implementation, may become very risky. The mentioned risks are perceived, and I am not, therefore, a supporter of implementing this scenario. At the same time, this does not mean that counteracting journalists’ activities mentioned in this article is worthless. Obviously, this should be done in a way that does not involve a repressive character, which is inherent in criminal law.

Institutes of civil society, and the journalistic environment itself that has to demonstrate intolerance of malicious media practices, recognize and cover them, come to the foreground here. As for Ukraine, which remains in a state of hybrid war, it is equally important to formulate the appropriate information policy strategy at the state level, which would include a set of measures to detect fake news and its timely denial. In particular, the Ministry of Information Policy of Ukraine has recently created the internet project Information Troops of Ukraine, the slogan of which is “Do not let yourself be fooled — spread the truth!” With this resource, anyone who wishes can contribute to the search and refutation of false information in the context of the Ukrainian-Russian confrontation. To date a lot of
relevant material has been accumulated on this web resource.

We should not exclude the expediency of application and other non-standard methods of protecting the country’s information space, even though they can be perceived inconsistently. As the well-known Ukrainian researcher Horbulin rightly points out, in order to respond to hybrid aggression and protect its values, the state is forced to resort to the same grey methods of hybrid response. Unfortunately, very often those methods that the state should use to protect the values of society are contrary to the society’s ideas about the correct system of state, the correct reality and their interrelation with the values of this society itself. Therefore, Ukraine today applies a whole arsenal of methods that seem to be undemocratic or ambiguous to an outsider. The prohibition of Russian channels and Russian social networks is a hybrid response to a hybrid threat. Horbulin proposes the following example to this observation. After the 11 September 2001 attacks, the Patriotic Act was enacted in the United States, a radical extension of the rights of intelligence and counterintelligence criticized by all human rights activists. The transformation of the United States into a dictatorship and the country of lost democratic freedoms has been drawn with vivid colours, especially by the Russian media. However, we still consider the United States one of the most demonstrative democracies, with a free political system. Having survived several transformations, this Act still exists, ensuring US security (Horbulin 2017b).

Conclusion

Modern manifestations of hybrid war serve as a powerful challenge for the countries that face them. One of the key features of hybridity is increasingly becoming the influence of negative information based on the implementation of mass media, the internet (including social networks) and other advanced computer technologies to achieve military and political objectives. The advantage of an informational and psychological impact on minds is becoming a prerequisite for the successful implementation of military goals, as has been convincingly proved by the current experience of Ukraine.
One way of influencing negative information under the conditions of hybrid warfare is providing knowingly false information to the object of influence with the purpose of its disorientation. In Ukraine, such a method has gained wide application and was used long before the active phase of the military conflict. Media outlets have often been the source of misinformation with journalists being its carriers. Unfortunately, journalists are called to be true guarantors of the use of truthful information and to ensure the freedom of speech in any democratic society, and are able to use their status to the detriment of national and human security. The modern history of Ukrainian-Russian conflict convincingly proves this. It also clearly demonstrates the vulnerability of the state to the influence of active and aggressive information exercised in the course of professional journalism. Abuse of journalistic rights, a conscious disregard for the basic principles of information relations, violation of high ethical standards of journalism and legally regulated rules of receipt and use of information remain without legal response.

At the same time, it must be emphasized that the outlined specificity of hybrid warfare determines a special approach to journalists who deliberately participate in it through the media. The position of the state and society in respect of journalistic activities under such conditions may differ substantially from that established in many democratic countries of the world, where journalists carry out their mission beyond the context of inter-state conflict relations. Under any circumstances, it is impossible to unequivocally identify a journalist as a bearer of an information weapon, since the majority of journalists continue to perform their work in good faith, even within hybrid and open confrontation. On the other hand, to pretend that the phenomenon does not exist would seem a big mistake.

This article raises the question of isolating a separate category of criminality, which it is proposed be called offences in the area of professional journalistic activities. Such a type of criminality should be considered a system of criminal acts where a journalist can be either a victim or an offender.

It has been proved that offences in the area of professional journalistic activities constitute a combination of intentional acts committed by and against a journalist and are also related to his activities surrounding
the collection, receipt, creation, dissemination, storage or other use of information. As a potential crime perpetrator, a journalist may be held criminally liable for the commission in the course of his professional activities of crimes related to: a) violation of the rules for collecting, receiving and creating information and b) distribution, storage and other use of information with certain content.

Instead, according to Ukrainian laws, under the conditions of information warfare, the criminal liability of a journalist is excluded for one of the most serious violations of professional journalistic activity, namely the dissemination of knowingly false information through mass media. Different aspects of the relevant question are discussed in the circle of expert lawyers. This article examines the possibility of establishing criminal liability for the commission of the said act, and concludes that despite the existence of reasons and grounds for its criminalization, it does not meet some of the conditions of criminalization (the issues of legal assessment and procedural proof of this type of behaviour), which in its complexity allows us to assert the inappropriateness of the adoption of such a legislative decision. Journalists' resistance of the dissemination of knowingly false information should be resolute, alongside the development of an appropriate strategy that will involve the employment of anti-fake technologies at both the state and civil society levels to protect their rights and interests.
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Stability, Ambiguity and Change in the Discourses of NATO allies in the Black Sea region: The Cases of Romania, Bulgaria and Turkey

Valentin Naumescu

Abstract

Shortly after the Crimea crisis of March 2014, NATO started a process of strategic reflection and a series of actions under the umbrella of the ‘Pivot to East’. On the South of its Eastern flank, the Black Sea region looms as one of the most unstable areas, with a number of frozen conflicts in non-NATO countries as well as an increasing unrest overall. This article explores the political discourses, commitments and attitudes towards NATO of the three allies at the Black Sea, namely Romania, Bulgaria and Turkey, as well as exploring their role in regional security. The purpose of the research is to compare NATO’s representation in the mainstream politics of these countries. Based on discourse analysis and the comparative method, the paper examines to what extent stability, ambiguity and change are present in the Southeast allies’ discourses on NATO.

KEY WORDS:
NATO, political discourse, Black Sea region, Romania, Bulgaria, Turkey
Introduction

The Black Sea region was, for a long time, a confusing and heterogeneous area of mixed cultures, influences and interests. At the periphery of all ancient and modern empires from the West, North-East or South, the basin of the Black Sea represented for centuries a meeting place, but also a fault line for various civilisations, religions, ethnicities, nations and minorities. It is already commonplace to say that the Black Sea works as a crossroads for the main West-East and North-South strategic corridors connecting the European peninsula with the Eurasian bloc, as well as with the Middle East. Neal Ascherson even names the region “the birthplace of civilisation and barbarism” but, coming to recent tensions between Russia and the West, he also observes that “because of this rivalry, the Black Sea is no longer considered ‘peripheral’ by European and American leaders. Increasingly, the region is ‘courted’ by conferences, ‘action plans’ and ‘neighbourhood policies’” (Ascherson 2007: xii).

The role of this geopolitical pivot is somehow valid even today. Articulating the eastern neighbourhood with the southern neighbourhood of the western world, represented mainly by the North Atlantic Alliance and the European Union, the Black Sea region keeps its strategic significance in contemporary international politics. The shocking annexation of Crimea in March 2014 brought back into international attention the strategic and geopolitical value of this once considered peripheral region.

In the narrow sense of having Black Sea coasts, only six countries can be considered as part of the region: Turkey, Bulgaria, Romania, Ukraine, Russia and Georgia. Nevertheless, the Organization of the Black Sea Economic Cooperation (BSEC), established in 1992 in Istanbul, has 12 member states: the six already mentioned plus Albania, Armenia, Azerbaijan, Greece, the Republic of Moldova and Serbia. Wondering if the Black Sea region, in its narrow or broad conceptualization, is really a coherent region, Charles King remarks that it is extremely difficult to identify a common Black Sea regional identity, as “political trajectories and political realities across the wider south-eastern Europe are varied: democratic and authoritarian, reformist and reactionary, real states and imagined ones” (King 2004: 8).
The Black Sea is surrounded today by a ‘belt’ of frozen conflicts and instability, on the North, East and South. Looking at Crimea, East of Ukraine, Russia, Georgia and its separatist regions, the South Caucasus, and even a turbulent and confused Turkey, we understand how much potential for conflict and instability there is in the region. On the western shore, Romania and Bulgaria are both EU and NATO member states, the presumption being that simultaneous membership to these two essential political, economic and military structures of the Western order is an indication for more predictability and stability in national politics. However, the election of the new Bulgarian president in November 2016, the socialist retired general Rumen Radev, considered by local and European mass-media an ambiguous if not a real ‘pro-Russian leader’ (Euronews 2016), places Bulgaria in a new and rather unclear light.

Although united by a pro-West strategic option, the three NATO member states in the Black Sea region have different political and cultural backgrounds. Turkey, the only Muslim-majority country in the Euro-Atlantic system, with a strong Kemalist and secular orientation in government until recently, joined the Alliance in 1952, together with Greece, in light of the Truman Doctrine concerned mainly on the strategic need to avoid an imminent confrontation between the two rival, neighbouring, non-communist states. The failed coup attempt in the summer of 2016 prompted a period of uncertainty in Turkey-US bilateral relations as well as Turkey’s NATO commitment (Emmott 2016).

Romania and Bulgaria, both post-communist democracies, joined NATO in 2004 with the second wave of eastern enlargement after the Cold War. Traditionally, Bulgaria has had more substantial relations and sympathy for Russia due to its Slavic cultural roots, and this is still valid today. In Romania, maybe more than everywhere else in the Southeast Europe and the Black Sea region, a political, elitist and popular Russophobia feeling is present (Tsygankov 2009) that was evident even before 1989. This feeling manifested as a deep anti-Soviet attitude, making Bucharest one of the most fervent Anti-Soviet capitals on the European continent in the past two decades.

Based on a comparative qualitative research method, specifically discourse theory, this article examines the political discourses on NATO
of the three allies with Black Sea coasts: Romania, Bulgaria and Turkey. High-ranking officials but also significant opposition leaders will be taken into consideration. The research question is whether recent international developments with the ascension of nationalist and populist parties, the crisis of the European Union, the failed coup attempt in Turkey or the weakening of transatlantic relations have prompted changes in these states’ orientation and perspectives with regard to NATO. Political elites are taken into consideration, both from the government and opposition side, in order to foreshadow possible developments in the coming years and explore NATO perspectives in the region.

The article is structured in five sections. After the introduction and the theoretical framework, the analysis approaches the Black Sea NATO allies into two distinct sections/categories: Romania and Bulgaria are treated together as EU member states, then Turkey, a non-EU country with a Muslim majority, having a vast part of its territory on the Asian continent and massive connections with the Middle East. The last section contains the conclusions.

**Conceptual framework, strategic approaches and doctrines of security in the Black Sea region**

Being a region of confluence with very different historic, political and cultural traditions, the basin of the Black Sea used to bring together Western oriented and Eastern oriented regimes. Russia and Turkey were always the two most important powers at the Black Sea, so it was essential for the United States to get a strategic ally in the region during the Cold War. That steady ally was, for almost a half-century, Turkey.

Robert Kaplan connects the second NATO extension to the East with the Kosovo war. In 1999 Romania allowed American bombers to use its airspace in order to strike at the targets of the Milosevich regime and that political attitude of Bucharest gave strategic value to the entire sub-region of Southeast Europe: “the war of Kosovo in 1999, like the attacks
of 9/11, legitimated the subsequent extension of the NATO area as far as the Black Sea” (Kaplan 2014: 55). Even after the second wave of the Alliance’s eastern enlargement, diversity remained the most relevant characteristic of the region in terms of security approaches. In 2004, Romania and Bulgaria raised to three, the number of the NATO allies having Black Sea coasts, and consolidated the south of the so-called Eastern Flank of the Atlantic Alliance. Georgia behaved politically as a pro-West country and so did Ukraine in its foreign policy, the latter with on and off periods during the tenure of presidents Yushchenko, Yanukovych and Poroshenko. Nevertheless, a NATO accession invitation for the two post-Soviet republics, proposed by the United States at the Bucharest NATO Summit of April 2008, was refused by the western European powers (Erlanger and Lee Meyers 2008).

The region was and still is also relevant for US security strategy, being part and parcel of the peripheral ‘belt’ of the former Soviet Union. In his famous People, States and Fear, Barry Buzan explained that the US-European founded a ‘win-win game’ with NATO, and indirectly predicted the deployment of the American anti-missile shield in Romania, 25 years later:

“In Europe, the NATO structure symbolized the inability of individual states to defend themselves. But American involvement all along the periphery of the Soviet sphere merely staked out the boundaries for the forward defence of the United States” (Buzan 1991: 283).

Various definitions of security give an image of what interests the Black Sea states may have in joining NATO. Some of these conceptualizations see the issue of national security in its basic, realist perspectives: “national security may be defined as the ability to withstand aggression from aboard” (Luciani 1989: 151). Other approaches speak about national values and adversities:

“national security is that part of government policy having as its object the creation of national and international political conditions favourable to the protection or extension of vital national values against existing and potential adversaries” (Trager and Simonie 1973: 36).
The most comprehensive definitions take into consideration both external and internal threats:

“national security is the preservation of a way of life acceptable to the ... people and compatible with the needs and legitimate aspirations of others. It includes freedom from military attack or coercion, freedom from internal subversion and freedom from the erosion of the political, economic and social values which are essential to quality of life” (National Defence College of Canada 1989).

What do all of these conceptual clarifications mean for the new Black Sea allies? It simply gives a strong indication of the way in which most of the post-communist countries in the region projected their national security, starting in the 1990s. The North-Atlantic Alliance was largely perceived in the new democracies as the most credible guarantee for their future security in the post-Cold War order. Only two post-Soviet republics, Ukraine and the Republic of Moldova, opted for the principle of neutrality in their new constitutions, even though the governments in Kyiv and Chişinău usually moved for political and economic integration with the West. Georgia tried hard to get access to NATO but the Russian-Georgian war of August 2008 and the frozen conflict that followed in the separatist regions of South Ossetia and Abkhazia placed Tbilisi on a non-elective position for full membership.

With regard to the Alliance’s members in the region, a comparative analysis of the official documents of security policy of the three capitals is useful. Romania adopted from the first moment of its membership a very ‘orthodox’ doctrine of security in relation to NATO. A full commitment looms in the five point goals of Romania as a NATO member:

1. “A robust and relevant alliance based on a solid transatlantic partnership capable to respond effectively to new security threats. A robust and dynamic transatlantic partnership is a crucial factor in addressing new security risks facing the transatlantic community.

2. Fulfilling the commitments as a NATO member regarding the participation in NATO operations and missions.
3. Supporting NATO’s role in providing stability, as a promoter of reforms and regional cooperation in the immediate vicinity of Romania (Balkans and the Black Sea area).

4. Development of partnerships between NATO-EU and NATO-UN.

5. Supporting the transformation process of NATO” (Ministry of Foreign Affairs of Romania 2017).

An almost similar perspective is apparent in Bulgaria’s official security doctrine. The same implication and engagement to NATO values and policies is assumed in Sofia, with a specific mention related to the development of cooperation between NATO and Russia. This cooperation involves political dialogue and practical cooperation, somehow surprising given the well-known context of frozen relations between the North Atlantic Alliance and the Russian Federation:

“Bulgaria’s accession to NATO was a key priority of the foreign policy of our country in the last decade of the 20th century. [...] Implementation of allied commitments stemming from NATO membership is a core element of the defence policy of our country. NATO remains the key guarantor of security of Bulgaria and renders more effective the successful response to possible threats to the country. In turn, Bulgaria is an active and predictable Member of the Alliance and seeks to contribute its maximum to its successful activities in various spheres. The ongoing process of transformation in the Alliance is essential to NATO’s successful adaptation to the changing security environment and the performance of emerging operational tasks. Bulgaria supports the various initiatives aimed at meeting new security challenges and at development of military capabilities, as launched at NATO summits in Prague (2002), Istanbul (2004), Riga (2006) and Lisbon (2010). [...] Bulgaria supports the development of cooperation between NATO and Russia as essential for security in the Euro-Atlantic area in two interrelated aspects: that of the political dialogue and that of practical cooperation” (Ministry of Defence of the Republic of Bulgaria 2017).

As former members of the defunct Warsaw Pact with rather medium/
small military power, both Romania and Bulgaria developed in the 1990s and 2000s, before and after their accession to NATO, a pro-West policy which was intended to ensure that the United States and NATO umbrella of security will fully cover them in the future.

Turkey has a different experience with NATO and to some extent a different approach, which is reflected in its focus on regional affairs, including Ankara’s strategic interests in some NATO neighbourhoods such as the Western Balkans but also an interest in the Mediterranean Dialogue and even enhancing relations with the Gulf countries. It is not a surprise, after the Erdogan-Putin rapprochement of 2016-2017, to find mention in the Turkish doctrine about the need for NATO-Russia cooperation and good relationships:

“Ever since our NATO membership in 1952, the North Atlantic Alliance has played a central role in Turkey’s security and contributed to its integration with the Euro-Atlantic community. Turkey, in return, has successfully assumed its responsibilities in defending the common values of the Alliance [...] Turkey also supports NATO’s transformation efforts, which are crucial for NATO’s success. It is therefore making substantial contributions to the NATO Response Force. A Force Command at high readiness level is established in Istanbul. Within the new NATO command structure, the air command in Izmir will be replaced by a land command. [...] Turkey also strongly supports NATO’s partnerships. Turkey also believes that a constructive relationship based on mutual understanding, transparency and cooperation between NATO and Russia is important for Euro-Atlantic peace and stability and that the NATO-Russia Council provides the necessary forum for such a relationship.

Turkey believes that the integration of all Western Balkan countries in Euro-Atlantic structures is the key to lasting peace and stability in the region. Turkey therefore supports the membership of interested countries, in particular Macedonia and Bosnia and Herzegovina in NATO, the irreversible strengthening of security in Kosovo and the normalization of relations between Serbia and Kosovo.
With the understanding that European security cannot be dissociated from Mediterranean security, Turkey shares the belief that the Mediterranean Dialogue should be strengthened in areas where NATO can bring an added value. Turkey also supports further enhancing the relations with Gulf countries through the Istanbul Cooperation Initiative" (Ministry of Foreign Affairs of the Republic of Turkey 2017).

The official NATO doctrines of the three allies do not differ significantly, as the government statements clearly show. However, there are some differences. Bulgaria and Turkey have included cooperation with Russia as a goal, while Turkey mentions a much broader region of interest, covering the Western Balkans, Mediterranean and the Gulf. Recently, Turkey adopted a different position than the United States, Saudi Arabia and the other Arab countries in the Gulf, by supporting the otherwise isolated Qatar and rejecting the allegations of Doha in financing Islamic terrorism.

In the words of Gustav Schmidt, “NATO is often said to be the child or twin of the Cold War [...] but NATO was something more, which allowed it to survive the end of the East-West conflict: it institutionalized political consultation and cooperation” (Schmidt 2014: 46). The switch of the great powers’ focus from the concept of hard power to the concept of soft power after the end of the Cold War, corresponded to a parallel shift of NATO from a military focus to a new political and normative focus. This is a significant change for the Black Sea region and its NATO member states, where two out of the three allies (Romania and Bulgaria) were accepted in the frame of the new democratic and liberal paradigm, while the third member state (Turkey) owes its membership to the old Truman Doctrine and the strategies of the Cold War.

In the post-Cold War era, NATO has faced critical questions and sometimes seemed outdated in relation to new security challenges. The idea that NATO in the 21st century is obsolete and suffering a decline in political support from its member states, is rejected by several authors. According to Sebastian Mayer, “declinists forecasting NATO’s demise have been proven wrong. The related crisis rhetoric (‘NATO is in its worst crisis ever’) with its often vague terminology has somewhat subsided” (Mayer 2014: 316). On the same side of the optimists is Wallace Thies, who claims that NATO “endures” and will stay resilient in spite of “superficial comparisons and exaggerate claims” (Thies 2009: 1-10).
The topic of NATO in Romanian and Bulgarian politics

The two NATO allies in the region, which also obtained EU membership in 2007, represent the most stable part of the Black Sea area. It is not only about being ‘younger’ than Turkey as member states, with a fresher view on the partnership with the United States, but, because of internal political, cultural and societal characteristics, making them feeling part and parcel of Europe.

Romania and Bulgaria started a much more difficult and slower post-communist transition in the early 1990s, in comparison with the Central European countries regrouped in the so-called Visegrad format. Many cleavages and internal disagreements divided these two vulnerable democracies, shaping the turbulent political, economic and social contexts of the first post-communist decade. However pro-West consensus loomed quickly both in parliament and in civil society, and was probably the only issue of real national consensus in the two countries.

In Romania, it is indicative that even the fierce nationalist and extremist Great Romania Party of the 1990s and 2000s (now a non-parliamentarian party), was not against European and Euro-Atlantic integration, and was part of the ‘Snagov consensus’ in 1995. There was actually no political or civic platform denying the ‘spirit of Snagov’. Basically, in the resort of Snagov, not far from Bucharest, under the patronage of the Romanian Academy, the intellectual, political and civic Romanian elites of the mid-90s gathered for three months in a forum of strategic debate, concluding that the future of Romania has to be connected with the West and with European integration, including EU and NATO values (Snagov Commission Report 1995).

Ion Iliescu, a former moderate communist leader of the 1970s who studied in Moscow in the 1950s, became the first President of Romania, after the Revolution of December 1989. It is therefore surprising to find Iliescu adapting so quickly to the new pro-West orientation of the country.

1 Poland, Hungary and Czechoslovakia (since 1993 the Czech Republic and Slovakia).
and even supporting Romania’s integration into the European Union and NATO. In January 1994, Romania was the first post-communist country to join NATO’s Partnership for Peace programme. The next President of Romania, Emil Constantinescu, elected in the autumn of 1996, a representative of the centre-right liberal and West-oriented opposition, continued and pushed hard for both of these fundamental objectives of Romania: membership to the North Atlantic Alliance and membership of the European Union.

Although Romania was not among the first three Central European countries invited at the June 1997 Madrid Summit\(^2\) to join NATO, then US President Bill Clinton visited Romania one month later and launched the idea of a bilateral Strategic Partnership between the United States and Romania. From that moment, Washington-Bucharest relations have continuously increased, especially on the issue of security. In 2001 and 2003, Bucharest decided to send troops to Afghanistan and Iraq, to support NATO/international coalition forces led by the US. Romania and another six countries\(^3\) from the former socialist bloc were invited to prepare for accession to the North Atlantic Alliance at the Prague Summit of November 2002, eventually achieving membership on 29 March 2004.

Since the Ukrainian crisis started, as Magnus Petersson remarked, “economic and political sanctions have been imposed on Russia by the West, and NATO has reinforced its military readiness in general, and in the Baltic States, Poland, and Romania in particular” (Petersson 2015: 115). It is not by mistake that Bulgaria or Turkey is omission from the above mentioned ‘priority list’. While Bulgaria was rather soft and doubtful in its discourse related to international sanctions against Russia, and did not ask for more NATO presence on its territory, Turkey was not treated as part of the Eastern Flank in the way that the post-communist countries were treated at the Wales and Warsaw NATO summits, in 2014 and 2016. There were also no special mentions for Hungary and Slovakia, two countries on NATO’s eastern frontier, having fairly good relations with Russia.

In February 2017, a surprising poll conducted by WIN/Gallup International found “Bulgaria, Greece, Slovenia and Turkey picking Russia as a defence

\(^2\) The first wave of NATO Eastern enlargement included Poland, Hungary and the Czech Republic.

\(^3\) Bulgaria, Slovakia, Slovenia, Lithuania, Latvia and Estonia.
partner if a threat emerged” (Novinite 2017), while the vast majority of NATO member states prefer the United States as their main partner in terms of national defence. The same survey confirmed that Bulgaria and Greece see their biggest security threat coming from Turkey, an ally within NATO.

The observation that four NATO member states, that is a large part of the region of Southeast Europe, ‘rely’ more on Russia than on the US for their defence, is obviously surprising and somehow illogical for the Alliance. However, this is explained by the finding that two of them, Bulgaria and Greece, consider another NATO member state, that is, neighbouring Turkey, as the biggest threat to their national security. The decline of traditional US based collective security consensus in the North Atlantic area, a decline which peaks in the region of Southeast Europe but is also manifest in the new Franco-German project of the European Defence, could be relevant for the perspectives of the changing political discourses on NATO in Europe.

Between the presidential and the parliamentary elections in Bulgaria, in February 2017, then former Prime Minister Boyko Borissov made a ‘title of glory’ in resisting Bulgaria’s participation in a projected NATO Black Sea flotilla with Romania and Turkey, pretending that he was thus defending the fundamental interests of Bulgaria. Criticising the new President Radev for the implementation of older agreements with NATO, actually decided during his term as head of the government until 2016, Borissov remarked in an electoral speech:

“Now we are being included, we had air policing, now we have a flotilla, foreign ships... Now we are being put in a very delicate situation, he said, recalling his stated dream of ‘seeing only sailboats, yachts and a gas pipeline in the Black Sea’. In response, the Bulgarian Socialist Party leader Kornelyia Ninova accused Borissov of changing positions. ‘Yesterday’s hawk Borissov is trying to turn into a sparrow today, but it is not working’, she said” (Cheresheva 2017).

But the maneuver actually worked, as Boyko Borissov and his centre-right wing party GERB won the parliamentary election on 26 March 2017, with 32 percent of the vote, and Borissov returned as Prime Minister of Bulgaria,
leading a coalition government with the nationalist party, United Patriots. Now the confusion of strategic thinking is even deeper in Bulgarian politics, with a socialist “pro-Russian” president in favour of lifting sanctions against Russia while formally being a NATO supporter, and with a centre-right wing prime minister who is considered to capitalize politically from opposing to NATO naval cooperation in the Black Sea.

Political and military support of the US administration and the idea of NATO Black Sea naval cooperation (flotilla), regardless of whether it originated in Romania or not, was suggested in February 2016 by the US Ambassador to Romania, in a public debate organized by the think tank Citadel at Babes-Bolyai University Cluj-Napoca:

“We will continue to rotate U.S. naval vessels into the Black Sea, but it will not be on a level that can rival Russia’s naval presence in the Black Sea. While we will continue to provide credible deterrence in other realms to our three NATO Black Sea Allies, it will be dependent on these three nations to work even closer together to bolster common security, especially in the naval realm. There are many things these three states can and should be doing to improve NATO military capabilities in and around the Black Sea. The first step would be to meet often at high and working levels to discuss the security picture, their capabilities, and how they can work together. The U.S. is happy to play a supporting role in this” (Hans Klemm 2017: 65).

It is not a surprise to observe that the US government chose to make clear this intention to strengthen military cooperation in the Black Sea region only in Romania. Launching this ambitious strategic idea in a very pro-NATO country and waiting for echoes in the region was like testing the three Black Sea allies. Bucharest has been, for the last decade, the most fervent supporter of the North-Atlantic Alliance in South East Europe as well as in the Black Sea region, and the project was very well received not only by Romanian political and military elites, but also by civil society and academia.

The changing discourses on NATO in Bulgaria, combined with massive electoral speculations on this topic, reveal that popular support for the North-Atlantic Alliance and its strategic policies is more or less weakening
in this country, and different leaders think they can gain some political capital from this change. The fact that Boyko Borissov opposed in the summer of 2016, just before the Warsaw NATO Summit, the idea of a Black Sea flotilla with the participation of Turkey and Romania, and with the support of the United States, was a real political surprise for Bucharest and maybe for other NATO capitals. The Romanian President Klaus Iohannis, who learned about the Bulgarian “veto” during an official visit to Sofia in June 2016, after having obtained the support of the outgoing President Rosen Plevniev, insisted that the “Black Sea initiative of naval cooperation is a very good idea, intending to make compatible and to coordinate the actions of the three Black Sea allies” (Iohannis quoted by Elena Mitrovici and Diac 2016), at least common training and military drills. As possible justification of this odd Bulgarian attitude, the traditional cold relationship between Bulgaria and Turkey could be invoked, but its negative reflection on NATO is not a good sign for the effectiveness of the Alliance in the south of the Eastern Flank.

The West, NATO and Turkey

While change and ambiguity seem the characteristics of the main Bulgarian political actors (the new president, the new government and opposition) in NATO related discourses, Turkey faces other types of problems. Specifically, Turkey faces domestic turbulence and declining relations with Western democracies. Political cleansing after the attempted coup of July 2016, the abuses of the Erdoğan regime against mass-media/independent journalists, civil society, academia and also against the independence of the judiciary, as well as the controversial referendum for switching to an autocratic presidential regime in April 2017, questioned even Turkey’s candidacy to the European Union and membership to NATO. The EU Commissioner Iohannes Hahn concluded that “Turkey’s EU dream is over, for now” (Emmot 2017).

Not only is Turkey’s European integration called into question, but also Ankara’s membership to the North Atlantic Alliance is now seen in a different light. Although the democratic, rule of law and human rights
criteria do not have the same crucial role in NATO as in the European Union, recent political developments in Turkey overshadow even the key geostrategic position of this country, between the West and the Middle East. The odd rapprochement between Turkey, Russia and Iran, and the numerous meetings between presidents Erdoğan and Putin after 2016, amidst the deterioration of both countries’ relations with the West, raised suspicions of how much NATO could rely on Turkey during a crisis in international relations.

The most radical opinions say “it’s time to kick Erdoğan’s Turkey out of NATO”, as Stanley Weiss wrote for Huffington Post in 2016. As for the argument, Weiss appreciates that Turkey is:

“Defiantly supporting the Islamic State and its war against the West […] Erdogan, who is Islamist to the core, who once famously declared that ‘the mosques are our barracks, the domes our helmets, the minarets our bayonets, and the faithful our soldiers’— seems to see himself as the Islamic leader of a post-Arab-Spring Muslim world. He has spent the past 13 years dismantling every part of Turkish society that made it secular and democratic, remodelling the country” (Weiss 2016).

Whether radical opinions are largely embraced or not, moderate critics in the United States and Europe would like to see Turkey more politically and militarily engaged in compliance with Western values and interests, according to the status of a NATO member state. In 2016, Turkey participated in only four out of the 18 major NATO drills, in spite of being the fourth largest military power of the Alliance. According to Bloomberg:

“The US and its top European allies tolerate this because a Turkish departure would, in effect, put the Black Sea and the Balkans officially in play as parts of the world where Russia and Turkey openly vie for influence. The West would also lose a key Middle Eastern foothold” (Bershidsky 2017).

Turkey’s position itself differs substantially when it comes to the European Union and NATO. President Erdoğan became much more assertive in relation to the European Union in the past two years, even threatening a referendum for cancelling negotiations for joining the EU, while the topic
of NATO membership is kept in silence. The most reasonable explanation for this different attitude is that Ankara realizes it has no chances of joining the European Union, but NATO membership could be useful for its security one day, in the turbulent region of the Middle East.

The cancelation of Turkey’s participation to many NATO exercises could be explained by the worsening relations with some European allies, such as the Netherlands, France and Germany. Erdoğan even named some Western European governments as “Nazis”, after the interdictions on Turkish officials attending electoral meetings with Turkish communities in these countries, for the constitution referendum of 16 April 2017. Things became even clearer with Angela Merkel’s firm statement on Europe Day that Germany rules out any electoral process and vote on German soil in a potential Turkish referendum for reintroducing the death penalty in Turkey (Hurriyet Daily News 2017). Just a few days before the Hamburg G20 Summit of July 2017, the German government also announced that President Erdoğan will not be allowed to address the Turkish community living in Germany.

Criticism of Turkey’s relations with NATO is not limited to Ankara’s non-participation in the Alliance’s exercises. The assessments go deeper in the hard-core of the new Turkish political ethos. In an analysis for Foreign Policy, John Hannah concludes that:

“Erdogan is a failure. But he is also a growing threat to U.S. interests. His policies are certainly endangering the well-being and stability of Turkey, a vital member of NATO. But they are also fanning the flames of extremism and terrorism beyond Turkey’s borders — in Syria and the Middle East for sure, but increasingly in Europe as well. The country that is supposed to be a reliable bulwark for security and stability on NATO’s southern flank is fast becoming a major source of risk to both the alliance’s democratic values and, and more importantly, its interests” (Hannah 2016).

For his part, President Erdoğan does not seem to be very happy with the current NATO programmes and would like to see the Alliance more involved in “fighting global terrorism”. To some extent, it makes sense that any of NATO’s member states would like to attract more of the Alliance’s
interest in their regions and to their specific problems, but any “out of area operation” should be evaluated and prepared with much caution, especially in a sensitive region such as the Middle East. The Turkish leader considers that:

“As we have seen from the terrorist attacks first in Istanbul and then in Iraq and Saudi Arabia, international security is becoming more fragile [...] The concept of a security threat is undergoing a serious change. In this process, NATO needs to be more active and has to update itself against the new security threats. As a NATO country, we want fellow members not to forget about Turkey” (Pamuk 2016).

The implication of NATO in Middle East conflicts is not something that western allies are ready to decide, despite Turkey’s insistence. Moreover, Germany announced in June 2017 the withdrawal of its troops from the strategic NATO base in Incirlik, in the south of Turkey, close to the Syrian border. The decision of the government in Berlin was largely understood as a new and clear form of distancing from the Erdoğan regime.

Conclusions: growing differences in political discourses on NATO

Starting from the question of stability or change in NATO’s discursive representations in the Black Sea region, in the context of very dynamic contemporary international politics, the article reviewed the main recent approaches with regard to the political and military North Atlantic Alliance, in Romanian, Bulgarian and Turkish politics.

We do not claim that this article can reveal the whole picture/truth of politics and society. Looking exclusively at the tip of the iceberg could probably represent a limitation of this scientific demarche. For instance, we do not have enough or equal information from what the civil societies believe about NATO in the region. Whether independent authors and experts’ voices are stronger and can be easily identified in Romania,
there are only a few signals from the Turkish civil society so that Turkey is identified here with Erdoğan, which is probably not reflecting the whole truth for such a big country. The WIN/Gallup International poll of February 2017 gives interesting and surprising indicators for Southeast Europe and further research would be probably meaningful. However, elected political leaders have democratic legitimacy to speak on behalf of their countries and we may assume that, in such regimes, a majority of the citizens agree with their presidents or prime ministers. The analysis clearly reveals that the “turbulences” in global and European politics in the past years prompted changes of attitude in some NATO member states in the region. While Romania remained steady in its pro-Atlanticist foreign policy and a very close ally of the United States, Bulgaria and Turkey suffered smaller or bigger changes in their political discourses on NATO.

Nowadays the three NATO member states in the Black Sea region have different political attitudes with regards to the North-Atlantic Alliance. It is not only the fact that there are different political attitudes in relation to NATO in Bucharest, Sofia and Ankara, but these differences are actually growing. The divergent trend is mainly based on quite different domestic political and cultural conditions. This aspect is to some extent concerning, since the three allies represent the geopolitical “gates” of NATO to the sensitive and unstable region of the Black Sea. Romania, Bulgaria and Turkey are also parts of the Montreux Convention of 1936, regulating the regime of the straits between the Black Sea and the Mediterranean Sea and the transit of the warships on the Black Sea.

Among the three allies of the Black Sea region, Romania is by far the most NATO and US-politically oriented country in Southeast Europe. Based on the Strategic Partnership with the United States established in 1997, in the past 20 years Romania has developed several agreements with the US in the field of security, including two American military bases and components of the US anti-missile shield. The visit of Romanian President Klaus Iohannis to Washington, in June 2017, fully reconfirmed the importance of bilateral relations. President Iohannis was the fourth EU leader to visit the White House after the inauguration of the Trump

4 A multilateral Treaty signed on 20 July 1936, in Montreux (Switzerland), originally by Australia, Bulgaria, Greece, France, Japan, Romania, Turkey, Yugoslavía, the UK, the USSR (in alphabetical order) in which Turkey received internationally recognized control over the Straits of Bosporus and Dardanelles. The Treaty was then submitted to the League of Nations. The Montreux Convention is still in force, with some minor amendments.
administration and the first president or prime minister from Central and Eastern Europe to be received by the US President. As Iohannis declared in Washington, “my country is the most pro-American out of the EU. Over 70 percent of Romanians have a positive sentiment towards the US [...] Romania supports a tight cooperation between NATO and the EU. There is no alternative to the strongest and most successful alliance in the history” (Iohannis quoted by Posirca 2017).

The southern neighbour, Bulgaria, balances between the West and Russia. With a socialist president advocating for lifting Russian sanctions and a right wing prime minister opposing the idea of the NATO Black Sea flotilla, Bulgaria would actually like to be in “two boats”, with western political guaranties, but also with some economic benefits from Russia. Culturally, Bulgarians feel closer to Russia and, as polls revealed, rely more on Russia for their national security than on any other great power, which is absolutely surprising for a NATO member state.

Turkey is undergoing a complex and confusing political and societal transformation towards a post-Kemalist model of Islamic state. After the failed coup of July 2016, Turkey’s relations with the United States have seriously deteriorated, based on Ankara’s allegations with regards to the implication of Turkish American resident Fetulah Gullen in the coup attempt. Not only did relations with the US worsen, but so did relations with Germany, the Netherlands and other Western European allies, making Turkey a rather politically isolated country within NATO.

This article shows that the traditional heterogeneity of the Black Sea region is reflected today even between the three NATO member states, influencing their commitment to the Alliance’s purposes and strategies. From the north/Romania to the south/Turkey of the Black Sea region, with some ambiguity in-between/Bulgaria, the previously pro-West attitude is visibly decreasing. Romania, Bulgaria and Turkey fully represent the three different nuances depicted in this paper: stability, ambiguity and change. In comparison with the north of NATO’s Eastern Flank, which seems more united in its strategic options and a more coherent region, articulated between Poland and the Baltic States, the south of the Eastern Flank looks weaker, heterogeneous and increasingly divergent. This reality should be treated seriously by NATO strategists and decision-makers.
Bibliography


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A Relationship in Limbo: Challenges, Dynamics and Perspectives of Kosovo’s Integration into NATO

Besfort T. Recaj

Abstract

Since its declaration of independence Kosovo has clearly postured itself towards Euro-Atlantic integration with NATO, keeping its door open towards Western Balkan states. This integration process faces major challenges stemming from different dimensions: NATO’s internal unity and its stance towards Kosovo’s political status having direct impact in consensual decision making processes; current geopolitical tensions from a global perspective, particularly between the West and Russia; and Kosovo’s ability to fulfil NATO’s standards and criteria. These challenges might prove very difficult to overcome at least in the current global political and security environment. The objective of this paper is to discuss from legal and geopolitical perspectives the relations between Kosovo and NATO and the challenges, dynamics and perspective of NATO opening a formal integration process for Kosovo.

KEY WORDS:

NATO and UN, NATO and KFOR, Kosovo Armed Forces, Kosovo and NATO non-recognizers, security generator.
Introduction

NATO’s official integration policy for the Western Balkan countries remains open, leaving a glimpse of hope for countries like Kosovo to join the alliance in the future. Kosovo declared its independence on 17 February 2008 and has since clearly postured itself towards Euro-Atlantic integration. However, with four member states still refusing to recognize Kosovo as a sovereign and independent state, NATO is a divided organization where decisions are taken on a consensual basis. Aside from internal issues, another obstacle for Kosovo may lie in the fact that the United Nations Security Council (UNSC) Resolution 1244 is still in force, with Russia’s stance to veto any decision to abrogate it. This may have a crucial impact on the ability of NATO to take a decision, even in the absence of internal divisions. This becomes evident due to the primary role of, and enhanced relations between, the UNSC and NATO regarding global peace and security. Any negligence towards the UNSC may trigger negative reactions by Russia which in turn might jeopardize NATO’s relations with the UN and thus its position in the world, especially outside of NATO’s area. To make matters more complex, current deteriorating relations between Russia and the West over several issues, perhaps the most important of which is Ukraine and Crimea, will make the UNSC even more incapable of taking any decision to replace or modify UNSC Resolution 1244, which in turn reflects negatively on Kosovo. Ultimately, the integration process will depend on the ability of Kosovo to prove itself to be a genuine democratic state, upholding the basic fundamental principles of rule of law, respect for human rights and development of a free market economy. Good neighborly relations and internal stability would place Kosovo in the list of security generators, a key category for a country wishing to join NATO. In this regard, normalization of relations between Serbia and Kosovo is seen as an important step in improving regional peace and security. Inherent in this analysis is the future of the Kosovo Army, which is supported by Kosovo’s main allies, while being fiercely opposed by Serbia and Russia.

1 The four NATO member states that still refuse to recognize Kosovo are Spain, Slovakia, Greece and Romania.
NATO’s mission, enlargement policy and partnerships

NATO is a state based organization founded around the idea of collective defence\(^2\) (Kenan 1947; Dudziak 2012). Its international legitimacy derives from article 51 of the UN Charter, allowing for individual or collective self-defence of states in a world of no supranational state like institution that can subsume the will of individual states (UN Charter 1945, Art 2(4)). The primary objective of NATO still remains the preservation of security and peace of all its members using necessary and available diplomatic and non-diplomatic means. According to the preamble of the treaty:

“They [state parties] are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law”... and ... “to unite their efforts for collective defence and for the preservation of peace and security” (North Atlantic Treaty 1949, Preamble).

The cornerstone of the North Atlantic Treaty is Article 5 stating the principle of collective defence:

“... an armed attack against one or more of them in Europe and North America shall be considered and attack against them all and consequently they..., will assist the Party or Parties so attacked by taking forthwith, individually and in concert ..., such actions as it deems necessary, including the use of armed force, to restore and maintain the security ....”\(^3\) (North Atlantic Treaty, Art. 5).

In more than 60 years of existence, NATO has invoked Article 5 only once,

\(^2\) The NATO founding document was signed on 4 April 1949 in Washington D.C. by 12 states from Western Europe and North America and is referred to as the Washington Treaty or the North Atlantic Treaty (Treaty). It required US reassurance in the region at times of wider global challenges. A crucial factor in designing this new American foreign policy was played by the US Ambassador to Moscow, George Kennan, who, after seeing the USSR’s tendencies and actions in Europe, insisted on a more proactive policy by the US if it wants to save Europe from Stalin. Kennan appealed to the President of the US to use all necessary economic and military force to save the Western World from Stalin. Kennan’s appeal prompted the development of the so called Truman Doctrine, resting on two pillars: support for free peoples resisting attempted subjugation by armed minorities or outside pressure; and to preserve the political integrity of democratic nations.

\(^3\) For more on Article 5 in a contemporary perspective see Botticelli (2002).
a powerful indicator showing that NATO managed to deter any possible attack by its mere existence, its real capabilities and its determination. In fact, it was the terrorist attack by Al Qaeda of 9/11 which prompted NATO to trigger Article 5 by calling all NATO member states to help the US in repelling any attack, in defence of NATO territory (NATO 2015a). In another case, after the Paris attacks in 2015, the French President fell short of triggering Article 5, even though France acknowledged the terrorist attack as an act of war, leading to a state of war between France and ISIL (Stavridis 2016). Today, Article 5 is interpreted much wider, in response to contemporary challenges such as cyber-attacks as the fifth domain of warfare (NATO 2016; Todd 2009; Augustine 2014).

From its inception in 1949, NATO has grown to become an organization of 29 fully-fledged member states.\(^4\) Article 10 is the core Article of the Treaty, guiding NATO’s enlargement, and keeping the door open to any:

> “European State in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area” (NATO 2016, Art.10).

On a more technical note, the 1995 Study on Enlargement remains a key document laying down basic principles for future enlargement. These principles require prospective member states to adhere to basic UN Charter principles, uphold NATO values, internal stability, strengthen trans-Atlantic partnership, show an ability and willingness to commit military and political support to NATO’s future operations, and the ability to become a security generator (NATO 2008). To facilitate this process for prospective members, NATO designed the Membership Action Plan (MAP) to assist aspirant partner countries in their preparations by providing advice, assistance and practical support. It enables states to be able to provide for security within the alliance and outside of it\(^5\) (NATO 2015b; NATO Handbook 2006).

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\(^4\) Today NATO counts 29 member states: Albania, Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Turkey, the United Kingdom and the United States.

\(^5\) Facilitated by the MAP, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia became fully fledged NATO members in 2004. Albania, Croatia (2009) and Montenegro (2017) also went through the same process. A special Individual Membership Action Plan was designed for Serbia. The MAP still remains out of reach for Kosovo.
Furthermore, the current Strategic Concept guides NATO to keep its door open for future prospective members:

"The door to NATO membership remains fully open to all European democracies which share the values of our Alliance, which are willing and able to assume the responsibilities and obligations of membership, and whose inclusion can contribute to common security and stability." (NATO 2016)

Enlargement is backed by a consensual decision making process, requiring that no state opposes the inclusion of a new NATO member. On the positive side this decision making process has a crucial impact on the ability to implement any decisions taken and also preserves NATO’s cohesion. However, on the negative side, a decision making process based on consensus might prove difficult to achieve, especially as membership enlarges. This may harm the unity, ability and reputation of NATO to react in complex political situations (NATO 2015c).

NATO’s membership was expanded in seven main rounds during the Cold War and after. Greece, Turkey, West Germany and Spain became NATO members during the Cold War, in 1952, 1955 and 1982 respectively. Other states from the East of Europe became members in the last four rounds in 1999, 2004, 2009 and 2016. As the Cold War ended, states belonging to the Warsaw Pact, faced with political, economic and military difficulties, became eager to join NATO in order to preserve their freedom; thus, these states came knocking on the doors of NATO for membership. The reunification of West and East Germany marked a particular feature which saw a former state of the Warsaw Pact becoming part of NATO (Walker 2015). Montenegro was asked to join the alliance in the Warsaw Summit of 2016 and became full-fledged member in 2017 (NATO 2017), placing the whole of the Adriatic’s shores under NATO’s control and finally encircling the remaining Western Balkan states within NATO’s area.6

From a broader perspective, in 1997 NATO established the Euro-Atlantic Partnership Council (EAPC), representing today a partnership of 50 states including 29 current members and 21 partner states. The EAPC’s aim is to facilitate enhanced political and security communication between

6 NATO member states Croatia, Romania, Bulgaria, Greece, Albania and Montenegro encircle the Western Balkans states Kosovo, Serbia, Macedonia and Bosnia and Herzegovina.
NATO and its partners. The partnership focuses on different important issues such as management of crisis situations, armament control, safety of nuclear facilities, the fight against terrorism, proliferation of weapons of mass destruction (WMD) etc. The Partnership for Peace (PfP) does not entail any guarantees for future membership; however, it is based on core NATO values (NATO 2014a). In 2011, NATO approved a new partnership policy in line with the new Strategic Concept which conceptualizes key areas of cooperation to enhance political consultation and cooperation in NATO missions, reform of the defence sector, the fight against terrorism, and countering WMD and related issues (NATO 2014a).

In line with the open door policy and NATO’s willingness to enlarge its partnerships, in early 2016 Kosovo’s Prime Minister sent an official letter to the NATO Secretary General, asking for enhancement of relations and possibly including Kosovo in a PfP program. In his rather vague response letter, Mr. Secretary Stoltenberg stated that NATO’s mission in Kosovo will remain under its current mandate (meaning under UNSC Resolution 1244), but they will seek new opportunities to cooperate with the Kosovo Security Forces (KSF). These opportunities include more exchange visits from Brussels to Prishtina and vice versa, boosting dialogue and practical cooperation, building the integrity of relevant institutions, and partial participation in the “Science for Peace and Security” programme (Office of the Prime Minister of Kosovo 2017). As good as it may sound, this letter avoids mentioning any fundamental and formal enhancement of relations and as such it does not give a clear perspective regarding any NATO-Kosovo partnership. Also, the letter fails to address any transformation of the KSF into a new, formal military structure.

**Challenges, opportunities and perspectives for Kosovo to join NATO in the current geopolitical context**

From the formal legal point of view, The Republic of Kosovo has aligned itself clearly towards Euro-Atlantic integration. This stance is cemented in
the Declaration of Independence and the Constitution of Kosovo. The
Declaration of Independence in its preamble states Kosovo’s reaffirmation
and wish to

“become fully integrated into the Euro-Atlantic family of
democracies.” (Kosovo Declaration of Independence 2008)

It commits Kosovo to embrace values which are intrinsic to NATO. In this
perspective, paragraph 2 of this declaration states that:

“We [the people of Kosovo] declare Kosovo to be a democratic,
secular and multiethnic republic, guided by the principles of
non-discrimination and equal protection under the law.” (Kosovo Declaration of Independence 2008)

Further it commits Kosovo to:

“abide by the principles of the United Nations Charter, the
Helsinki Final Act, other acts of the Organization on Security and
Cooperation in Europe and the international legal obligations
and principles of international comity” (Kosovo Declaration of Independence 2008).

The principles stated in the Declaration of Independence are further
elaborated in the Constitution of Kosovo. In its preamble the Constitution
states the intention of:

“having the state of Kosovo fully participating in the processes
of Euro-Atlantic integration.” (Constitution of Kosovo, Preamble
2008)

The constitution declares Kosovo a free, democratic and peace-loving
country, promising to be a state of free citizens, guaranteeing basic rights
and equality of all citizens before the law. Article 7 of the Constitution
stipulates:

“1. The constitutional order of the Republic of Kosovo is based
on the principles of freedom, peace, democracy, equality,
respect for human rights and freedoms and the rule of law, non-
discrimination, the right to property, the protection of environment, social justice, pluralism, separation of state powers, and a market economy." (Constitution of Kosovo, Art. 7)

Furthermore, Article 10 establishes Kosovo’s economic system:

“A market economy with free competition is the basis of the economic order of the Republic of Kosovo.” (Constitution of Kosovo, Art. 10)

Article 17 of the Constitution opens the way for Kosovo to enter into international agreements that include agreements for the purpose of protection of peace security and human rights.

1. “The Republic of Kosovo concludes international agreements and becomes a member of international organizations.
2. The Republic of Kosovo participates in international cooperation for promotion and protection of peace, security and human rights.” (Constitution of Kosovo 2008, Art 17)

Article 125.4 of the Constitution guarantees:

“Civilian and democratic control over security institution…” (Constitution of Kosovo 2008, Art 125.4)

Kosovo embraces liberal-democratic values and has taken maximum guarantees for the protection of human rights, minority rights and a functioning market economy. These values have to be enforced in reality; however, formal posture is the first step in the process. Kosovo has a peculiar relation with NATO, particularly due to NATO’s intervention in 1999 (NATO 1999). Since then, NATO has been involved in Kosovo as a peacekeeper, however, as a state Kosovo does not yet have any formal relations with NATO (NATO n.d.a). Nevertheless, Kosovo has developed itself in many areas which might help it fulfil the standards stipulated by NATO. This is partially due to KFOR’s presence in Kosovo and its role in the development of the Kosovo Security Forces (KSF), and also due to its relations with the European Union (EU) (NATO n.d.b). Kosovo is monitored on a regular basis by the European Commission (EC), through its yearly published Progress Report which analyses the progress made by Kosovo.
on three main criteria: political, economic and European standards deriving from the EU Copenhagen Summit (European Commission n.d.a). The Kosovo-EU relationship culminated with the signing of the Stabilization and Association Agreement (European Commission n.d.b). Therefore the EU, while monitoring fulfilment of standards for its own agenda, indirectly impacts the improvement of values falling within the scope of NATO integration and which will be very useful in the future when the formal integration process begins.

From the point of view of security, NATO’s KFOR mission has been a key player in Kosovo, managing the security situation after the end of the war in Kosovo in 1999. NATO’s peacekeeping operation in Kosovo followed the 78-day air campaign against military targets of the Federal Republic of Yugoslavia, mainly throughout Serbia and Kosovo, in order to stop ethnic cleansing and other human rights atrocities against Kosovan Albanians7 (NATO Handbook 2006: 149-152). On 9 June 1999 diplomatic efforts managed to broker a Military Technical Agreement signed by NATO and the Federal Republic of Yugoslavia. Following this, UNSC Resolution 1244, promulgated on 10 June 1999, under chapter VII, established UN Administration in Kosovo pending final status settlement. The Military Technical Agreement was annexed to Resolution 1244 and KFOR started operating under a UN mandate (UNMIK 2017). The main tasks of KFOR in Kosovo have not changed a lot since then, and include the following:

- “Contribute to a safe and secure environment;
- Support and coordinate the international humanitarian effort and civil presence;
- Support the development of a stable, democratic, multi-ethnic and peaceful Kosovo;
- Support the development of Kosovo Security Force.” (NATO 2017)

Today, KFOR’s mission in Kosovo involves approximately 5,000 troops, down from more than 50,000 troops in 1999, still operating under UNSC Resolution 1244. These troops assist the UN, the EU and national authorities in developing a stable, democratic, multi-ethnic and peaceful Kosovo.

7 The conflict in Kosovo resulted with close to 1 million refugees who found refuge mainly in Albania, Macedonia, Montenegro and Bosnia and Herzegovina. In Kosovo it was estimated that around 580,000 people were left homeless.
A key task for KFOR was to assist in the transformation of the Kosovo Liberation Army (KLA). KFOR was the main actor in overseeing this process, with the help of national authorities in Kosovo. In 1999, the KLA was transformed into the Kosovo Protection Corps (KPC) taking on civilian duties. Later, in June 2008, NATO agreed to transform the KPC into the lightly armed KSF again, with civilian duties such as response to crisis situations, assisting responsible authorities to manage natural and other emergencies, civil protection and explosive ordinance disposal (Wiseman 2001; Clewlow 2010). The KSF works under civilian control by the Ministry for Kosovo Security forces, which is also vested with the powers of management and administration of the KSF. The KSF is accountable to the Assembly of Kosovo and reports through the Prime Minister. The Commander in Chief of the KSF is the President of Kosovo (Constitution of Kosovo 2008, Art. 84 (12)). A marked feature in the development of its operational capabilities was a declaration by NATO on 9 July 2013, which determined that “the KSF is now capable of performing the missions and tasks assigned to it” (NATO 2013). This may be a crucial moment for the next decision to start the final transition, which is the decision to establish a Kosovan Army with military responsibilities.

However, Kosovo’s integration into NATO seems to be a very complex process with no clear signs of beginning and certainly not ending. This is due to many factors but the factors below might play a crucial role:

1. NATO internal division regarding the political status of Kosovo;

2. NATO relations with the UN and the UNSC; and

3. Kosovo’s ability to rise to NATO standards and generate security.

With regards to the first factor, NATO is facing internal division regarding the international political status of Kosovo, as 4 out of 28 members do not recognize Kosovo as a sovereign and independent state. These states are Spain, Romania, Slovakia and Greece. Any of the four non-recognizers may block any decision to start a formal integration process. The NATO integration process is first and foremost a political process and political disagreements over the international political status of Kosovo have direct impact on decisions taken by NATO. The case of Macedonia shows how one NATO member state, in this case Greece, may block membership
of one country due to political disagreements, which in this case was the dispute over the official name of Macedonia⁸ (The Former Yugoslav Republic of Macedonia v. Greece (2011) ICJ General List no. 142).

Nevertheless, a positive comparison case may be drawn in Kosovo’s relations with the EU. The EU managed to overcome similar issues with its 5 non-recognizing states (all of the four NATO non-recognizers above, plus Cyprus), after an agreement between Kosovo and Serbia for regional representation of Kosovo was achieved (Office of the Prime Minister of Kosovo 2012). This agreement and the whole process of normalization of relations between Kosovo and Serbia, facilitated by the EU, had a profound effect for this organization to proceed with the signing of the Stabilization and Association Agreement (European Council 2011) with Kosovo, the first contractual relationship between Kosovo and the EU (Office of the Prime Minister of Kosovo n.d.). The question may naturally arise as to the use of the same precedent by NATO to enhance and possibly formalize the integration process for Kosovo. However, the glitch here is that the agreement between Kosovo and Serbia is limited to regional representation for Kosovo. The EU is a regional European organization, while NATO is not a typical regional organization because it is composed of members from both sides of the Atlantic. This broader geographical scope lessens the importance of regional agreements, and may give an opportunity for NATO non-recognizers to stay their course towards Kosovo.

The second challenge arises from the very nature of NATO as a security organization and its relations with the UN and one of its main organs in particular, the UNSC. NATO, in a broader sense, operates within the framework of the UN Charter. The UN Charter identifies the UNSC as the principal organ with primary responsibility over peace and security in the world (UN Charter 1945, Art. 24).

To the same effect, Article 7 of the North Atlantic Treaty stipulates that NATO member states have undertaken to not affect:

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⁸ Macedonia’s official and formal reference by its constitution is The Republic of Macedonia while Greece recognizes it with the name Former Yugoslav Republic of Macedonia which is part of the interim accord signed by the parties on 13 September 1995. Macedonia sued Greece at the International Court of Justice which came to the conclusion that Greece did not have the right to block Macedonia’s bid for NATO membership on the basis of the name dispute.
“In any way the rights and obligations under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security.” (North Atlantic Treaty, Art. 7)

The relationship between the UNSC and NATO is multifold. NATO operates under the UNSC’s mandate in many countries, such as Bosnia and Herzegovina, Afghanistan, Libya and Iraq. NATO is also involved in supporting UN operations in different parts of Africa, Pakistan and Somalia. In 2008, NATO and the UN moved to sign a declaration of cooperation in what may be seen as the first step in the formalization of this relationship (NATO 2014b).

In this regards, NATO is involved in Kosovo under the umbrella of UNSC Resolution 1244, which still remains in force. This resolution sees Kosovo as a territory under UN administration, leaving the issue of final status open for future discussion (UNSC Resolution 1244 1999). After Kosovo’s Declaration of Independence⁹ (ICJ 2008), the UNSC did not move to abrogate Resolution 1244, due to its internal divisions and Russia’s threat to veto such a move. In these circumstances, NATO reaffirmed its stance that its KFOR mission shall remain in Kosovo based on UNSC Resolution 1244 until the approving organ of the resolution decides otherwise (NATO n.d.c). Hence, should NATO decide to enter into any formal relationship with Kosovo it might raise tensions with particular members of the UNSC, such as Russia and possibly China, which in turn may jeopardize relations between NATO and the UN in general. The situation becomes more complicated in cases when relations between the UNSC permanent members deteriorate. Such deterioration might exist today between the West and Russia over the crisis in Ukraine and Syria, i.e. from this perspective, Kosovo might become collateral damage in a clash of titans over global issues. As the current global standing persists, it seems that, in the near future, the UNSC will find it very difficult to change its stance and reflect on the reality of independent Kosovo having direct impact on NATO’s stance on Kosovo, and possibly prolong the current format.

The third important challenge relates to rising to NATO standards and Kosovo’s ability to generate security. These are two crucial factors to be

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⁹ Kosovo declared its independence on 17 February 2008, and the ICJ confirmed that this declaration does not violate any provision of international written or customary law, nor UNSC Resolution 1244.
considered for NATO membership. Paragraph 3 and 5 of the 1995 Study on NATO Enlargement stipulate the concept of stability and security and how they see a member state at the time they join; new member states must commit themselves to democratic development, good neighbourly relations, contribute to international security etc.\(^\text{10}\) (NATO 1995 Study on Enlargement 2008, Para. 3 and 5).

Kosovo still has the KFOR presence as peacekeepers to guarantee the peace between Serbia and Kosovo, and also Kosovo’s internal security. The Kosovo-Serbia agreements on normalization of relations have improved the security situation. Among other things, these agreements have particular provisions related to the integration of Kosovan Serbs within Kosovo (Office of the Prime Minister of Kosovo n.d.). The end of this process is supposed to bring a situation to the point when relations between Kosovo and Serbia would be conducted at the level of a normal bilateral relationship with full integration of Kosovan Serbs in Kosovan institutions and in daily public life. In turn, this would create a situation where the presence of KFOR in Kosovo is no longer necessary. This might be Kosovo’s first step towards pulling off its veil of ‘security consumer’ and start to make its first steps towards generating security. This would involve being ready to participate actively in the region and elsewhere when needed, and being capable in this regard.

\(^{10}\) Paragraph 3 of the 1995 Study states:

“Therefore, enlargement will contribute to enhanced stability and security for all countries in the Euro-Atlantic area by:

- Encouraging and supporting democratic reforms, including civilian and democratic control over the military;
- Fostering in new members of the Alliance the patterns and habits of cooperation, consultation and consensus building which characterize relations among current Allies;
- Promoting good-neighbourly relations, which would benefit all countries in the Euro-Atlantic area, both members and non-members of NATO;
- Emphasizing common defence and extending its benefits and increasing transparency in defence planning and military budgets, thereby reducing the likelihood of instability that might be engendered by an exclusively national approach to defence policies;
- Reinforcing the tendency toward integration and cooperation in Europe based on shared democratic values and thereby curbing the countervailing tendency towards disintegration along ethnic and territorial lines;
- Strengthening the Alliance’s ability to contribute to European and international security, including through peacekeeping activities under the responsibility of the OSCE and peacekeeping operations under the authority of the UN Security Council as well as other new missions;
- Strengthening and broadening the Trans-Atlantic partnership.”

Paragraph 5 of the 1995 Study:

“New members, at the time that they join, must commit themselves, as all current Allies do on the basis of the Washington Treaty, to:

- Unite their efforts for collective defence and for the preservation of peace and security; settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations;
- Contribute to the development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being; Maintain the effectiveness of the Alliance by sharing roles, risks, responsibilities, costs and benefits of assuring common security goals and objectives.”
Another issue which may come to our attention has to do with the status of the Kosovo Security Forces and its transformation into a Kosovan Army. This transformation process, considered to be one of the most important steps in consolidating Kosovo’s independence, has gathered steam recently with Kosovo’s government pushing for the necessary legal changes for this process. Constitutional changes, preferred by Kosovo’s allies and NATO, require so called ‘double majority voting’, which means that the constitutional amendment will only be considered as approved if 2/3 of all 120 deputies vote in favour, including 2/3 of all deputies holding non-Albanian guaranteed seats (Constitution of Kosovo, Art. 144). Non-Albanian communities hold 20 seats out of which 10 belong to the Serbian community. This basically gives the Serbian community the right to veto any such process (Hopkins 2017). From a broader perspective, Serbia and Russia remain heavily opposed to this idea, considering it as a threat to regional security and cooperation (Sputnik 2013). On the other hand, Kosovo’s main ally, the US, and NATO, oppose any move without exhausting proper constitutional amendment procedures, therefore halting the whole idea until the Serbian community agrees (Bytyci 2017). Therefore, the creation of Kosovo’s Armed Forces remains at a halt until a common solution is found within constitutional requirements.

Within these circumstances a question arises as to whether a state needs to have a standing army in order to become a NATO member. Article 10 of the NATO Treaty does not require per se a prospective member country to have a standing army. Article 10 reads as follows:

“The Parties may, by unanimous agreement, invite any other European State in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this Treaty…” (North Atlantic Treaty 1949, Art. 10)

In this regard, an explanatory example may be drawn from the case of Iceland, which does not have a standing army but is a fully fledged NATO member (Ministry of Foreign Affairs of Iceland n.d.). Along the same lines, the 1995 Study does not require any future member to have a standing army while reaffirming the conditions stipulated in Article 10. Paragraph 43 of this study states that new member states “may” be asked to contribute appropriately to the “Alliance’s military force and command and structure and infrastructure” (NATO 1995 Study on Enlargement 2008, Para
As to the concept of giving appropriate contributions to the Alliance, this may also include logistical support and other supporting activities to the Alliance’s military forces, without the need to have a standing army. Nevertheless, establishing a standing army from the foundations of the KSF, based on NATO standards, would consolidate the state of Kosovo and give it an additional ability to generate security within the NATO area and elsewhere in its missions.

In the midst of these challenges Kosovo would benefit a lot if given the chance to participate in the PfP programme. This would help Kosovo to further realise NATO’s criteria for entry. The next step would be the establishment of a Membership Action Plan for Kosovo, which ought to be designed according to the needs of NATO and Kosovo. The MAP would have a direct and profound impact in preparing Kosovo for membership talks. Pending successful and positive results while in the MAP programme, the final step would be the extension of an official invitation to start membership talks between NATO and Kosovo.

Conclusion

NATO remains the only organization of its kind in the world which continues to abide by its original purpose and mission of upholding the values of democracy, human rights, the market economy and peaceful solutions for international disagreements. In its more than 60 years of existence, NATO has managed to preserve the security and freedom of its members. It has only once occurred that a member state invoked Article 5 of the Treaty, which was related to the 9/11 attacks. This shows that NATO’s cohesion, capabilities and determination of its members to abide by their commitments has served as an effective deterrent force against any possible attacker. Today, NATO is a much larger and stronger alliance facing a multitude of challenges. NATO adopts its mission according to new security environments and challenges it faces, such as the expansion of the interpretation of Article 5 and its role beyond its geographical boundaries (Borawski and Young 2001). NATO’s open door policy is still active and the case of Montenegro sends an
important signal for the countries of the region about future accession in the organization.

Kosovo is still a state in transition, struggling to consolidate its democracy amidst the processes of normalization of relations with Serbia and full integration of Kosovan Serbs into state institutions and daily life. Kosovo struggles to overcome its transition period and become a fully functional democratic state. Facing these challenges, Kosovo still needs the help of international organizations and NATO. In particular, integration of Kosovan Serbs is directly dependent on the state of relations between Kosovo and Serbia. Until these issues are resolved, Kosovo remains a consumer of security.

There remain three issues that prima facie seem to prevent Kosovo in furthering its integration into NATO. The four non-recognizing NATO members continue to keep their oppositional stance towards the political status of Kosovo, thus blocking any formal steps towards a formal relationship. Furthermore, UNSC Resolution 1244 is a serious obstacle. It seems complicated for NATO to overcome this resolution to boost the integration process. NATO and the UN have enhanced their relations recently and NATO might be reluctant to take any action that would trigger negative reaction by any permanent member of the UNSC. In the end it is important for Kosovo to overcome its internal political instability and its relations with its neighbours, especially Serbia, enabling it to become a security generator and thus prove to be an added value to NATO. Having these challenges in mind, Kosovo might find it very difficult to move forward with an integration process we have so far seen applied to other states. Nevertheless, NATO might design a sui generis mechanism which would not jeopardize its internal unity and also its stance in global relations, in particular its relations with the UN. The EU example, by entering into a contractual relationship with Kosovo, might just be one example of how NATO can overcome its internal division and move forward to place Kosovo in its PfP programme. In the meantime, Kosovo should make use of its integration process with the EU to also meet standards which are compatible to NATO. This would help to speed up the process when the formal integration process starts.
On a positive note, Kosovo has made formal guarantees to uphold the highest standards related to democracy, human and minority rights and the functioning of the market economy. The Constitution of Kosovo sets the stage for Kosovo to abide by the values embraced by NATO. It is of paramount importance for Kosovo to continue consolidation of its state, normalization of relations with Serbia and the development of good neighbourhood relations. The role of the KSF might be very crucial in consolidating the state, in particular due to its high standards which are a result of close monitoring of its development by KFOR. Transformation of the KSF into a Kosovan Army would play a significant role in the concept of generating security and helping to preserve the security of NATO as a future member.
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NATO’s ‘Out of Area’ Operations: A Two-Track Approach. The Normative Side of a Military Alliance

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Abstract

Even though many would have bet on NATO’s demise after the Cold War and consider it now to be an archaic, antiquated alliance — as the reality that led to its formation no longer exists to justify its purpose — the need for collective defence in an increasingly complicated security environment stands as grounds for its ever-growing importance and its need to adapt to a spectrum of challenges that is becoming more diversified. NATO has long surpassed its military defensive role and has adapted to new challenges and new threats, while it has broadened its security agenda accordingly. The ‘out of area’ missions that dragged the Alliance out of its borders brought more meaning to the community of shared values, whilst allowing it to become both a security exporter, and a values and norms exporter. The International Security Assistance Force (ISAF) mission in Afghanistan comprises NATO’s transformation and adaptation to the new security challenges and its diffusion of norms in the ‘near abroad’.

KEY WORDS:
NATO, normative power, military alliance, collective security, NATO operations
Introduction

For more than six decades, NATO has been the leading actor in terms of collective defence in the Euro-Atlantic space. Part of a framework that was tributary to the bipolar logic that shaped the entire Cold War period, the military alliance — whose basis was laid in April 1949 in Washington DC — was then counterbalanced by the Warsaw Pact created in 1955 as a competing alliance. The division on the West-East axis was also exerted in terms of political propensities, the security umbrella provided by NATO representing an important stability factor that allowed post-war European political integration, one of the three main purposes assumed by the military alliance. In fact, the assumption that the only purpose of NATO was to stand as an opposing pole to the Soviet threat was the main reason for deeming it obsolete and antiquated once the Soviet Union was dismantled. Still, the US was from the beginning disposed to keep its military presence on European soil, even though the Soviet threat would disappear. The American officials intended to keep their commitment towards Europe long term, as NATO was seen as an instrument of the US hegemonic strategy on the Old Continent. Indeed, Christopher Layne, one the proponents of the offshore balancing strategy, noted that the behaviour towards Europe was not indicative of such a strategy, with no intent to retire militarily once the Cold War logic lost its meaning (2011: 148–149). In accordance with the stated purpose of this paper, the strategy of offshore balancing does not explain the redesign of NATO’s strategic purpose, nor the US and EU burden sharing, nor the former’s leading role in some of the missions, as will be discussed later.

In a multipolar world, threats, too, have diversified and now the main crises in which the US and Europe are involved have their roots outside the Euro-Atlantic space. Even if the only time the famous Article 5 was invoked was after the attack on 9/11, the main concentration of effort in terms of ensuring security has been seen in the eastern border of the Alliance or in its ‘near abroad’, which conveys the image of a regional alliance with global ambitions.

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1 This strategy is explained as follows: due to the blocking power of water, the US cannot seek to become an extraregional or global hegemon, and thus it adopts a behaviour of offshore balancing in order to make sure that no strategic rival will rise (for example, in Europe or East Asia). According to Mearsheimer, in an offshore balancing behaviour, the preferred strategy is that of passing the buck of responsibility to regional powers. See: Mearsheimer (2001: 42).
Recent crises that have threatened security on European soil — namely the annexation of Crimea by the Russian Federation and the terrorist attacks that saw hundreds of victims in 2015 alone, to which we can add the proliferation of non-state actors and non-conventional weapons, the nationalist contagion that threatens the EU from the inside, and the unresolved crisis in the Middle East with spill-over effects — have all challenged the role of NATO in ensuring security on its eastern flank.

NATO's continuous efforts to adapt its strategy and capabilities to the new regional and global security environment are of paramount importance for both the allies and the regions outside its perimeter which can become targets for an 'out of area' operation. While some argue that collective defence should remain the core task of the alliance, others press for a holistic approach towards new threats and a widening of the security agenda, thus adding a normative aspect into the security melting pot. This would imply a different strategic calculus for each different security situation, as the balancing behaviour vis-à-vis a single threat — the USSR — is no longer applicable to the new security environment. The formation of alliances is, in the view of Hans Morgenthau, “the most important manifestation of the balance of power” (1948: 137). In a realist vein, he explains the balance of power as a behaviour aimed either to decrease the power of the stronger or to increase the power of the weaker. Apart from alliance formation, other methods to achieve it are divide and rule, compensations or armaments (1948: 134–137). This provides an explanation for why the United States and the states of Western Europe formed an alliance at the end of the 1940s, namely in order to prevent an invasion from the Soviet Union. However, realist theories that deal with great power behaviour in the case of decline — called power transition theories — failed to predict the end of the Cold War, and thus realists tried to adapt their theories to the post-Cold War environment (Lebow 1994: 251).

This paper contends that in this new security paradigm, the behaviour of NATO is based on model promotion, norms diffusion and a soft balancing behaviour, as a new Strategic Concept proved and as will be detailed.

In 2014, the Wales Summit Declaration reinforced one of the ‘3Cs’ defining the three core tasks of the Alliance since the 2010 Strategic Concept, namely collective defence, as the most important task of the Alliance.
(Major 2015: 2). “The greatest responsibility of the Alliance is to protect and defend our territories and our populations against attack, as set out in Article 5 of the Washington Treaty” (NATO 2014). The other two Cs are crisis management and cooperative security, the former being the main security framework comprising strategic tools for NATO operations outside its borders. According to Cohen, the broad concept of crisis management includes both conflict prevention and crisis response (Cohen and Mihalka 2015: 17–18), with a shift in focus from reactive defence to prevention and diplomacy. We can therefore argue that NATO has become a promoter of stability outside its borders and therefore an active diffuser of norms, values and security, while trying to define its proper role between that of a regional alliance and a global one.

One of the purposes of this paper is to unfold the idea that the missions in which NATO engaged on its periphery, starting with Bosnia and Kosovo and then Iraq, Afghanistan and Libya, to name but the most important and large-scale ones, highlight the normative scope of this military alliance, while at the same time marking a shift in the key priorities of the Alliance. In order to achieve the stated purpose, one idea of departure is that the ‘out of area’ missions in which NATO has engaged can be approached from a two-track perspective: a normative one with regard to enlarging the scope of engagement and a role of agenda setting for NATO, as these conflicts have contributed to better shaping the role of the Alliance in the light of new threats and challenges.

From a methodological point of view, this paper will be based on qualitative research, namely analysis of the content of documents, employing comparative analysis in order to highlight the change in role for NATO. The argument will start from the assumption that the security agenda of the Alliance was widened as a response to the numerous crises — in number and the variety of threats involved — that loomed over its periphery, requiring answers distinct from a sole military aspect. The second part of the argument will focus on the idea that NATO has surpassed its regional role, demonstrating a strategic pendulum that situates it between a regional and a global focus. This part of the paper will involve employing some theoretical aspects that were first developed in the study of Europeanization to explain the diffusion of norms and values. Before concluding, the focus will shift between the two sides of the coin
when it comes to “out of area” operations, arguing that the lessons from each intervention were sometimes incorporated into success in the next one, while at other times they were dismissed and led to a loss of legitimacy within the Alliance. This loss of legitimacy can also be explained through the lack of credibility for an intervention in the first place, as was the case in Iraq, after the coalition forces did not manage to find the weapons of mass destruction allegedly developed by the Saddam regime on which the intervention was initially based (Mahnken and Keaney 2007: 246).

NATO 2.0: ‘out of area’, towards a normative community

This part will develop the argument that successive interventions abroad sparked the need for a redefining of purpose in terms of both terms of engagement and a departure from a strategy of path dependency. This implied taking steps towards the creation of a normative community and leaning towards a strategy of norms balancing, namely a strategic framework devised to counteract diverse threats by model promotion. Unlike the balance of threats approach imposed by the structural conditions during the Cold War, this paper argues that the ‘out of area’ operations pushed NATO to adopt a model of response to threats that is preventive in scope rather than reactionary, as previously indicated with regard to the 2010 Strategic Concept.

Initially based on a membership of 12 states when it was founded in 1949 with the signing of the Washington Treaty, NATO now comprises 28 states, bound by, some argue, a transatlantic security community of shared values and common interests (Kroenig 2015: 50–52). After the Soviet threat no longer posed the greatest danger to Western security, and the threat looming from Russia was one in a basket of threats different in nature and scope, NATO’s security agenda began to focus on its ‘near abroad’, whether it was about the ex-communist spheres of influence or the area outside the traditional sphere of influence as defined by Article 6 of the founding Treaty. The process of ‘uploading’ stability outside its
perimeter began just after the Cold War ended, with the enlargement policy and the intervention in Bosnia Herzegovina to resolve an ethnically motivated conflict. After a decade, NATO raised worries about “leaving the continent” by expanding its missions, undertaking counterinsurgency efforts in Afghanistan and Iraq, and fighting against piracy threats far in the Gulf of Aden and Horn of Africa. In many of the conflicts in which NATO undertook reconstruction or stabilization missions — Somalia, Bosnia, and Kosovo, Afghanistan — the emerging vacuum of power in the conflicts’ aftermath was replenished with extremist forces. This made the deployment of troops for post-conflict stabilization not only an institutional inertia or an undertaking to justify NATO’s post-Cold War scope, but a necessity. The modelling of the new NATO role thus arose from the need to construct a counter-narrative for different threats that loomed in areas of strategic interest. The concept of normative power was used by Ian Manners with relation to EU’s foreign policy, and in this regard he mentions many factors that influence the process of norm diffusion, being contagion, informational diffusion, procedural diffusion, transference, overt diffusion and the cultural filter (2002: 244–245). He also mentions that the process of norm diffusion took place with almost no physical force. In the case of NATO, a shift in strategy that accompanied the campaigns in both Iraq and Afghanistan marked the leaning towards a normative and civilian rather than purely military-based approach. More precisely, the Commander of ISAF troops in Afghanistan, General Stanley McChrystal, advised reducing the level of violence (NATO Headquarters 2009). This led to the creation of the Provincial Reconstruction Teams aimed at providing security for the civilian population and promoting a certain approach towards quelling the violence (Marston 2008: 231).

Starting from the dichotomy outlined by Barry Buzan (1997) regarding the security agenda — that between traditionalists, who argue in favour of keeping the focus on military threats, and wideners, fervent supporters of keeping the security framework open to threats in the economic, environmental or societal realms — we can move on to assess the expanding NATO agenda. In this regard, the analysis will focus on a change in the Alliance’s purpose from that of military defence to peace-keeping and humanitarian interventions, thus comprising the diffusion of norms and values with a Western imprint. Drawing on the experience in Libya, we can say that ‘out of area’ operations have long moved ahead of strict
military interventions that keep the state as a referent object for security. The intervention in Libya (authorized by the UN Security Council in 2011 as per Resolution 1973) can be viewed as an example of a humanitarian intervention driven by the NATO principle of “responsibility to protect” (R2P) (Kuperman 2013: 105), with a focus on protecting civilians, and so on human security. In fact, this reorientation of purpose was initiated in the 1990s, as the end of the Cold War pushed for a shift in the strategic development towards non-Article 5 crisis management (Webber 2009: 1).

However, this change in focus cannot be approached in isolation from other developments, such as the advanced techniques and changing nature of military affairs, as the greater mechanization of war also brought greater civilian damage and increased difficulty in protecting the population — hence the efforts for rehabilitation that followed. On top of that, two interventions, namely Vietnam (on the part of US mainly) and Iraq, marked a shift in public support for wars, as the atrocities against the civilian population horrified public opinion in the member countries. In the case of the Iraq war, for example, public support waned between 2003 and 2006, with 80 per cent of the US population supporting the war initially and 60 per cent claiming that things were going in the wrong direction in 2006 (Pirnie and O’Connel 2008: 17). The need for humanitarian intervention was looming. The literature supporting the idea that the mechanization of war made the great powers like the United States less effective in small wars — due to factors like the great burden for the population and difficulty in intelligence gathering (Caverley 2010: 122) — seemed to support the idea that a counterbalancing effort was needed, on humanitarian and moral grounds, to further justify the interventions and counterinsurgency actions of a military alliance. We can thus argue that the evolution in military affairs also acted as a catalyst with regard to a new approach towards crisis for NATO. Due to the increasingly asymmetrical nature of the conflicts in which NATO was involved during out of area operations, the development of its normative nature and humanitarian assistance arm can be considered a complementary toolkit meant to address challenges in a holistic way. In the case of Kosovo, for example, the air campaign brought a new perspective for looking at this kind of intervention. More precisely, it showed the impossibility of inflicting casualties on NATO and a new type of coercion brought by the massively asymmetrical nature of the cost and benefit balance: NATO had zero casualties during the
air campaign and air power proved to be an important factor in the capitulation of Belgrade (Byman and Waxman 2000). On the one hand, in order for an alliance to survive, the benefits shared among its members must exceed the costs: in the case of the air campaign in Kosovo, the benefit of winning was not adumbrated by the cost in casualties. Indeed, “securing assistance from others is less expensive than providing its own forces at the margin”, as Morrow (1993: 214) notes, but benefits became less and less quantifiable in the new strategic approach of NATO.

In the paradigm of the normative approach discussed in this paper, the case is that assistance for nation building and humanitarian assistance goals is harder to quantify than pure military tasks with a clear ‘mandate’ to destroy an enemy. With the new approach, the enemy becomes an abstraction more than a target. With the air campaign conducted by NATO in Kosovo, the capitulation came after less than two months, but still was not able to prevent slaughter. This impotence acted again as a nemesis in Syria, when the long-expected NATO humanitarian intervention, modelled on that in Libya, did not occur. The anticipated high costs of a presumed intervention, which would have outweighed the benefits, means that all NATO could achieve in Syria was a pyrrhic victory. Moreover, the intervention of Russia, long expected from Milošević in Serbia, in order to be able to reach a settlement before capitulating, took the lead in this conflict. However, the US was not absent from this conflict, and it did not stand by: a military strike was conducted as a response to a deadly chemical attack unleashed upon the civilian population in Syria on 4 April (Humud, Blanchard and Nikitin 2017: 2). Even though many cite the reluctance of NATO to get involved as a failure — more so when compared to the situation in Libya, where it did not hesitate to intervene in order to topple the Qaddafí regime (Renner 2015) — this absence can be justified through the ‘lessons learned’ approach. That is to say, the more complicated security environment in Syria and the risk of repeating past failures from other interventions rendered the decision to let the US take the lead a rational one.

According to Goldgeier, in order to face the emerging threats in the global security landscape, “NATO must expand its traditional understanding of collective defence to confront the twenty-first century threats of terrorism, proliferation of weapons of mass destruction (WMD) to both states and
non-state actors, and cyber-warfare” (2010: 4). The author further states that this broadening in scope is also congruent with the aim of keeping the US bound to the Alliance, given its more interventionist approach to areas like Africa and the Middle East, from where many of the emerging threats seem to arise.

In the light of recent threats and crises that have destabilized the EU, we can further state that the congruency mentioned also involves keeping other allies bound to the Alliance. Given the pressure to expand the contribution in order to reach or surpass the two per cent national target (from GDP) allocated to collective defence — a target that very few of the members now reach or surpass — NATO was forced to move from its path of dependency on collective defence in the military realm. Formulated solely in terms of power relations, the osmosis between the EU and the US as part of NATO can be explained in terms of allying to balance the threat (Walt 1985: 8) presented by the Soviet Union during the Cold War, as already explained. However, threats have multiplied both in number and in nature, and the members now lack a common enemy. That is why we argue that we are now dealing with a balance of norms, as it is no longer a matter of balancing a threat, but of competing for the legitimacy of public opinion and imposing a security model. This view will be further sustained later in this paper by employing the theoretical framework on Europeanization. However, the idea of balancing norms can also be tracked in the case of the Afghanistan campaign, where NATO troops worked with the local security forces and the civilian population as a means of counteracting the enemy by offering a peace narrative based on certain values. In practice, this was made through the Provincial Reconstruction Teams, which consisted of 50 to 300 troops, including NATO troops (U.S. Army and Marine Corps 2006: 2–11). In fact, this approach was inspired by what the counterinsurgency literature has called the “hearts and minds” approach, a strategy aimed at winning the support of the population in a military struggle (Stubbs 1989). In short, the strategy’s idea was to “extend the central government’s reach and create zones of stability that will win over the local people and then expand” (Egnell 2010: 289). The fact that military troops became engaged with the local population and the central government, as well as with local security forces, is an indication that the idea of norms diffusion was ensured by transferring NATO’s modus operandi with regard to security building into
many different structures. On the other hand, the balancing behaviour of the Alliance was more focused on norms than on purely military actions, and in this sense it engaged in a process of balancing norms: it did so by providing a counter-narrative to security, different from that of the enemy and from that of the subject of the intervention itself.

In fact, NATO developed many frameworks that helped sustain the idea of a widening approach towards security and diversifying the agenda of commitments. The alliance expanded not only in reach, but also in purpose. Apart from the enlargement process, which was de facto enacted in 1952 — even though the first three rounds of enlargement are rather regarded through a rationalist lens, drawing their logic from a strategic purpose and interest — NATO also launched initiatives like the Partnership for Peace and policies on weapons of mass destruction, arms control and non-proliferation, which show that NATO’s ‘theatre of operation’ is no longer (only) Europe’s and the USA’s backyard.

NATO as a post-regional normative power

The theoretical analysis will further focus on the analogy with studies related to Europeanization to show that the diffusion of values and norms in the out of area operations of NATO stand as the background for a normative approach. Moreover, this comparative approach is employed to show that the balancing behaviour is now model-based rather than a response to threats from a purely military point of view.

NATO is a military power *suis generis*, but the broadening of its security agenda and its crisis management framework have consolidated its image as a normative power as well, shaping a “NATO exceptionalism” — the belief that NATO could use its security instruments to export democratic values and institutions in post-conflict frameworks. Indeed, we can argue that in terms of normative influence, NATO has emulated the United States, as the latter long promoted civil rights activism domestically and with the neoconservative stance of bringing the military complex to the forefront.
(with a visible influence on foreign policy, especially post-9/11); this activism was incorporated into NATO’s mechanism and imprinted with an outer reach capability. This step was not undertaken for its own sake, but, as Mary Kaldor argues, it is “not merely intervention to protect human rights but the creation of a moral community” (1999, cited in Harvey 2005: 84).

Indeed, the ISAF mission in Afghanistan, for example, was focused not only on exogenous reconstruction on the part of NATO, but on an endogenous process of transitioning security from ISAF to local forces and thus a development of a local security force that would represent that same “moral community” that Mary Kaldor mentions. If Manners described the EU as a post-national normative power, we can say that NATO has become a post-regional one. Defined by Manners as an “ability to shape conceptions of ‘normal’,” and describing the EU’s normative basis as comprising norms such as peace, liberty, democracy, rule of law and human rights, he also highlights that a normative power asserts itself through the diffusion of norms (2001: 10–13).

Schimmelfennig uses the normative theory of enlargement to explain that, after the dismantling of the Warsaw Pact and the Soviet Union, “the Russian threat has so strongly diminished and the position of NATO in the international power structure has so vastly improved that enlargement is unnecessary as a balancing strategy” (2000: 5–6). This changed after the Russian invasion of Georgia in 2008 and the annexation of the Crimean peninsula in 2014, the former showing a response to Kosovo and the latter a response to the enlargement rounds that broke the US promise not to expand NATO in the former Soviet space. A revisionist Russia started to use hybrid warfare techniques to disguise its overtly shaped mission to regain power in its former sphere of influence. This was the case in Crimea, where the ‘hybrid tactics’ employed by Russia came as a surprise to the West, as this unconventional type of war marked a stark contrast with the previous Chechen and Georgian war, in which Russia relied on extensive use of force (Renz and Smith 2016).

A closer look at the case of Crimea shows that what began as a strictly military operation was then mingled with a propaganda campaign, electronic warfare techniques and other “non-military tools” (Kofman and Rojanksy 2015). The balancing logic was thus not fully abandoned
by Russia, which sought to undermine NATO’s influence in its vicinity, first of all through coercive means, such as the deployment of troops at the borders. Nevertheless, Russia represents a single threat in a melting pot of a myriad others: thus NATO cannot afford to follow the logic of a threat balancing behaviour. Instead, by keeping its agenda open and getting involved in ‘humanitarian’ practices along with those of militarization, NATO is indeed pursuing a model balancing approach — that is, competing within the realm of normative discourses regarding security and how to best achieve it, what types of norms and values are more likely to lead to security. This view is consistent with Robert Keohane’s definition of legitimacy as a normative concept. He argues that “normatively, an institution is legitimate when its practices meet a set of standards that have been stated and defended” (Keohane 2006: 2). This can be interpreted, in the case of NATO, in terms of advancing its normative security discourse and implementing its ideas. So far, at least in the most oft-cited campaigns, the stated goals when it comes to ensuring security have been defended on the ground.

If the enlargement strategy was adopted to counterbalance the Soviet threat, the current interventions carry multiple approaches. They can be seen rather as an effort to counter both the tendencies of some regions to become laboratories of extremism which is exported on the back of NATO and NATO’s own hard power posture, the latter needing a counter-narrative for its allies. From a strategic point of view, we can argue that most times interventions in the near abroad were founded on a pre-emption rationale, in order to install stability in certain areas before embryos of extremism and instability flourished and threatened the very core of the Alliance. Ultimately, these threats could threaten the Alliance’s very existence if the inability to adapt to a current crisis was shown to be a cause of these crises. Furthermore, using the debate between rationalist institutionalism and sociological institutionalism (Sedelmeier 2011: 11), we can draw on the latter to explain the enlargement instrument. On the other hand, opponents have argued that NATO’s enlargement does not support the claim of the spread of democracy (Reiter 2001).

Simón mentions, as part of the security export mission undertaken by NATO, the “expeditionary operations and state-building enterprises in the western Balkans and Afghanistan”, thus highlighting the diffusion of values
from which third parties benefited, while also mentioning the “lessons learned” from the ISAF mission in terms of gaining operational experience, expanding its logistical toolkit and developing a more well-developed conceptual approach (2014: 14–15). In light of this assessment, we can argue that the two-track approach is empirically sustained by the mission in Afghanistan — a decade long one. Another mission must be recalled to show that the influential role of out of area operations was two-sided. The first operation that saw NATO acting outside its borders, that in Bosnia, was described by Sperling and Webber as “a key driver for NATO’s development” (2009: 494). In fact, after this peacekeeping operation, the conflict management dimension was recalled at the Madrid summit in 1997 as being among the important tasks of the Alliance. Nonetheless, this campaign was also a test for NATO to prove its utility and relevance on the global scene after the Cold War, as many academics claim, shaping its new raison d’être. Another benefit of the Bosnia campaign on NATO’s side was the collaboration with Russia in this mission, a neighbour that many would have predicted would join NATO after the Soviet Union collapsed, a vision strongly contested after the 2014 events in eastern Ukraine, including the annexation of Crimea. This action was a sign to the allies that Russia was becoming, once again, a threat to the collective Western security. This position, however — namely, the collaboration with Russia during the campaign in Bosnia — shows that NATO did not seek to assert itself as the dominant security provider in the European region, a position which would have collided with the normative stance and led instead to a Realpolitik position. Instead, NATO was left alone in ensuring security in the European region, as well as in other parts of the globe, hence broadening its scope. However, this expansion in purpose came, as stated, out of necessity, not as a firmly advanced purpose of NATO.

First of all, the image of an Alliance that was subject to the United States’ instrumentalism and caprice would have discouraged the rest of the allies. Nevertheless, to all intents and purposes, the US was still leading from behind in most of the aforementioned missions and it pushed and inspired its transformation agenda as well (Webber 2009: 46–47). Secondly, the EU proved that diverging interests and national preferences could delay collective action on its side in some cases, and the wars in the Balkans proved conclusive in this regard. Still, a new gear in terms of security cooperation was also fostered between the European states following
the Lisbon Treaty through the introduction of the Solidarity Clause (Art. 222) and the mutual defence clause (Art. 42.7), which is similar, *mutatis mutandis*, to NATO’s Article 5. This shows a convergence in purpose which was visible in the orientation towards the concept of pooling and sharing at the NATO-EU level, as non-Article 5 missions are similar to those defined by the Petersberg tasks in 1992, referring to peace-keeping and peace-making roles, humanitarian help and conflict management. This ‘socialization’ led to a shift in approach, starting with the Libya campaign when the US encouraged Britain and France to take the lead. This can be considered a hallmark towards a ‘post-American’ alliance (Hallams and Schreer 2012: 1).

The projection of norms through systematic interactions and the tailor-made missions for each crisis situation — Afghanistan, Libya and Iraq interventions on behalf of NATO had different approaches on the ground — show that the norms diffusion process was not static, nor based on persuasion only. Recalling Manners’ (2001) list of factors influencing normative power, we can assert that at least the overt factor, described as physical presence in third states, informational (clearly stated positions) and transference — defined as an exchange of benefits — were clearly common to the aforementioned interventions. Gheciu (2005: 4) brings a valuable insight by claiming that the term ‘alliance’ leads, from a conceptual point of view, to “coalitions that respond to threats” and that NATO has surpassed this stage, becoming a “security management institution”, thus a more reactive than passive force. This claim will further be developed, to state that this conceptualization applies to both intra-crisis and outer crisis approaches. The same author also mentions “processes through which the alliance has acted to shape state identities around norms perceived as a source of peace and progress” (Gheciu 2005: 4). Indeed, important and centric values and norms of the EU — namely democracy, rule of law and human rights — have been incorporated into NATO’s practice when it comes to peacekeeping operations and, extensively, crisis management operations. According to Kroenig (2015: 51–52), NATO’s interventions outside its immediate neighbourhood and scope were also possible because the Alliance was “freed from dealing with a proximate military threat”, a fact that allowed it to go past its “narrow security interests”. This is also an explanation for why NATO seemed to have left Europe and gone beyond its borders: once the perimeter delimited by its borders was
considered secure, the Alliance went on to address the root cause of challenges before they bounced back and reached the West. This way of reacting is based on a preventive rather than a reactionary model. This pre-emption points towards the idea that NATO seeks to balance operationally, through soft means, by exporting its norms in certain regions in order to prevent a situation from escalating militarily and requiring hard power intervention.

Nevertheless, the threats that have emerged within NATO’s sphere of action — namely the unlawful annexation of Crimea by the Russian Federation, the terrorist attacks that have hit the heart of Europe during 2015 and the refugee crisis — have definitely widened the spectrum of challenges and brought closer the previously mentioned proximate military threat. If, in 2009, the mission in Afghanistan was made a priority for the American administration, with plans announcing an extra deployment of 30,000 US military forces in the region (Morelli and Belkin 2009: 2), domestic pressure has made further similar interventions, lasting over ten years, less and less probable. In fact, in January 2015, NATO forces left a security vacuum to be filled by national forces (Smělá 2013: 2). Given the fact that very few European allies have reached the goal of spending two per cent of their GDP on defence, with the US contributing roughly 73 per cent to the Alliance budget, the scope of the commitments abroad may decrease and thus the spectrum of ensuring stability through normative diffusion be brought to a halt. In fact, the lion’s share of the US contribution has already been at odds with the domestic economic situation as well as with public and political opinions that called for a “separation” from far-reaching theatres of operation. After a long series of out of area operations, many allies are pressing for NATO to return home and provide credible security insurance for the perimeter it is bound to protect, in a growingly unstable security environment.

With the main threats coming from Russia and from the radiating instability in the Middle East now looming more over Europe than over the US, the latter has become more and more willing to disengage from its role of ‘peace guardian’ with relation to European stability. If political cohesion proved vital for missions like Libya, the absence of it may deem the interventionist side of NATO indeed antiquated and too costly for its main security arm, the US, although the cost in Libya was reduced in comparison
to Afghanistan and Iraq. Still, the reluctance of many alliance members to engage in the bombing of Libya seems to indicate that the decline in support for interventions in the near abroad is indeed past the stage of merely garnering momentum. In fact, the big absentee from the Libyan intervention and de facto absent from the Iraq mission — Germany — is now increasingly assuming the role of the gendarme of European security. As Wood notes in a report assessing the five big European roles involved in the Iraq War, the participation of Germany involved, by and large, providing “flyover rights for allied aircraft, security for US bases, stationing of Tornadoes in Turkey for protection of NATO allies and Israel, and wounded Americans were flown back to Germany” (Wood 2003: 8). The debate over Iraq and the different degrees of involvement of different allies shows that diverging views towards a certain NATO engagement can lead to role specialization or limited intervention, as was the case with Germany in Iraq, but rarely total disengagement. This indicates that allies focus on a common agenda and towards the same goals, but differences may appear in practice. On top of that, in the case of the war in Afghanistan, the US representatives stated from the beginning that “every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists. From this day forward, any nation that continues to harbour or support terrorism will be regarded by the United States as a hostile regime” (Rynning 2005: 123). The same rhetoric applied to NATO allies, as their involvement as an alliance was in fact seen as assistance provided to the US in its fight against terrorism. Again, this binary positioning in terms of security shows that NATO represents a counter-narrative for certain threats and its aim is to balance through norms.

There is now more or less general acknowledgement of the fact that the military interventions of NATO in the Western Balkans, the Gulf of Aden and the Middle East have failed to meet their purpose of bringing stability. This can be seen in tandem with an announced intention of the United States to diminish its undertaking of a guardian role and the fact that at least two major threats are deemed long-term issues for Europe: the Russian new revanchist posture and the spillover effects of the Middle East conflicts (such as the refugee crisis and the terrorist attacks on European soil). All the above have highlighted the need for reassessment from within for the Alliance as an institutional structure, leading Germany to assume the role of Europe’s guardian in terms of defence. Before the British referendum
on European Union membership was held, Germany issued the Defence White Paper ("Weissbuch"), in which it more or less stated the intention to “lead the way” towards an EU army (Kern 2016).

Acquiescing to a view with regard to the propensity of US foreign policy to assume a global responsibility and the reluctance of the EU to follow in the steps of its bigger military ally (Valasek 2012), we can say that the normative power will decrease once the cluster-based approach takes the lead. Indeed, NATO now promotes a more cluster-based approach towards security in order to engage allies more and make their expected rising levels of contribution justifiable domestically. This type of approach, referring to countries pooling capabilities and benefiting from shared knowledge, was initiated by Germany with the concept of “framework nations” consisting of groups of countries for specific issues (Techau 2014). One example of this kind of collaboration is the military cooperation between Germany and the Netherlands, which was strengthened by the two countries signing an agreement at the beginning of 2016, thus enhancing their leading role in European defence cooperation. Neither this relationship nor the Franco-German initial push for European integration was born out of strategic considerations. First of all, even if weakened by war, Great Britain, France and Germany emerged as great powers following the Second World War. The rapprochement between the latter two and the denial of an important military role for Italy and Spain, for example, was based on their WWII behaviour. In the case of Spain, collaboration with Nazi Germany and a neutral status during the war condemned the country to diplomatic isolation afterwards (Bowen 2006: 62), which only added to the economic problems that denied Spain big power status within the European security arrangement. With regard to Italy, its poor military performance during the war and the Pact of Steel that obliged it to assist Germany during the war contributed to its image as a pariah after the Second World War. On the other hand, against the background of wartime distrust that continued in post-War times, the cooperation between Germany and the Netherlands can be explained first and foremost by the strong advocacy that The Hague conducted in favour of European integration and of including in it the German Federal Republic. Relations between the two countries after Nazi Germany had invaded the Netherlands were also based on economic interdependence, but the reason previously mentioned prevails: the bid
for European integration and the common security agendas of the two countries after the Dutch renounced their initial punitive agenda and post-War reparations demands (Lak 2011).

The lack of a holistic approach towards security, with an integrated rationale to be followed by the transatlantic community, will turn the normative aspect into a diffuse conceptual mechanism that will prove harder to implement and even harder to relate to security.

The Janus Bifrons of ‘out of area’ operations: lessons learned and legitimacy lost

Every intervention assumed by NATO outside its perimeter brought responsibility from at least two points of view: to ensure stability through nation-building efforts in war-torn regions affected by turmoil to which, willingly or not, NATO contributed (either by an inability to prevent ethnic cleansing in Kosovo or by the vacuum power created in some countries following the toppling of authoritarian leaders) and to maintain the legitimacy of interventions in a good light and ensure that support for this kind of effort remains high. Should nation-building efforts fail, undertaking new stabilizing missions would prove difficult, especially in light of the reluctance shown by many allies before the Iraq intervention.

From Somalia to Bosnia and to Kosovo, NATO has certainly improved its methods of ensuring stability and its sustainability, as the results showed. The coordination between military stabilization and civilian reconstruction efforts was improved after the Bosnia experience and, indeed, in Kosovo this lesson proved to be far more effective on the ground than in Bosnia. However, a line can be drawn between the interventions in Bosnia and Kosovo and those in Somalia, Afghanistan or Iraq in terms both of applying the lessons learned previously and their internalization in the Alliance’s practices and the outcome of the mission. Considering the latter aspect, James Dobbins (2003: 23) argues that the main distinction between the aforementioned interventions is the “level of effort that the United
States and the international community have put into the democratic transformation”. He claims that more money and more troops have been deployed for post-conflict Afghanistan than in Kosovo, to take but one line of distinction.

Both Afghanistan and Iraq missions had a disruptive effect on the normative aspect of the Alliance, and this can be seen through the soft balancing posture that other powers have taken towards the US as a hegemon with a diluting legitimacy. First of all, if the Afghanistan invasion was considered justified — though not unanimously — under the UN Charter (Article 51 deems acceptable, as an exception to using force or threat of use of force against the territorial integrity of a state, military actions that are either authorized by the Security Council or undertaken in self-defence), this was not the case for Iraq. It is also important to mention that if the Afghanistan invasion was started following the 9/11 attacks in the USA, when Article 5 of the Washington Treaty was invoked — basically comprising the nexus of collective defence — the US intervention in Iraq had other institutional grounds in order to garner legitimacy in the face of international public opinion. Nonetheless, the invasion of Iraq took the pre-emption doctrine of the Bush administration too far, and support from other powers was lacking. The US seemed to break a principle of international law that since the Peace of Westphalia in 1648 had proved central to the existence of states: that of the mutually recognized sovereignty of states. Moreover, the initiative for preventive war in Iraq was taken outside the framework of NATO. Still, both ISAF and Resolute Support (launched in 2015 to provide support to security forces and institutions) in Afghanistan and the NATO Training Mission-Iraq (NTM-I) were established and set up in accordance with United Nations support and a UN resolution was issued for both. Nevertheless, when the training mission in Iraq expired in 2011, a new accord could not be reached to prolong it and thus the transition phase towards the national authorities, like in Afghanistan, could not be initiated, for the process of nation-building under NATO auspices was stalled. The focus in Iraq was on training and mentoring, thus highlighting the consolidation of the normative side of NATO. Still, both parties committed to a partnership with NATO, an aspect that can alone be considered a successful diffusion of norms, the initiation of partnerships symbolizing an acceptance from the two parties of NATO’s legitimate source of values and norms beyond its military scope.
Even if the number of troops and the overall effort undertaken in Afghanistan were, according to arithmetical considerations, below the level of those committed in previous NATO missions (at least in the initial phase of the intervention), Iraq proved to be a case of “lessons learned” at the beginning of the operation in terms of troops committed on the ground to support the stabilization and post-conflict reconstruction effort.

However justifiable on security grounds and in terms of ideological and economic reasons, the moral legitimacy of out of area engagement may stall further actions of this type in the future. The wars in Afghanistan and Iraq were both wars of choice and the subsequent stabilization and reconstruction missions, based on pre-emptive action rather than retaliatory force, were possible precisely because the defensive and reactive posture typical for the Alliance during the Cold War was replaced by a more initiative-led and proactive one. This also favoured the emergence of its normative side, proactive and initiatory by nature, as the diffusion of norms and values through stabilization mechanisms is a unilateral process, coming as a projective initiative and not as part of retaliation tools.

The normative aspect of the Alliance was also visible in the crisis management exercises that involved collaboration on the part of the Allies. David Yost (2007: 64) draws on the differing strategic cultures of the Allies due to “their distinct national historical experiences with the results of employing military force”, and it can similarly be argued that crisis management experiences have contributed to shared know-how and improved techniques for conflict management on the part of the allies.
Conclusion

As experiences in Afghanistan, Kosovo and the Gulf of Aden, from which NATO decided to partially withdraw in the 2015–2016 timeframe, proved, post-conflict reconstruction was a vital part of these operations. It is also worth highlighting that mechanisms of both soft power and hard power are now part of NATO’s interventionist arsenal. As Jamie Shea (2015: 7) mentions, there is no realistic way for NATO to engage in security frameworks outside its borders with no troops on the ground, thus criticizing the aforementioned withdrawal perspectives. At the same time, the interventions are built around certain security-specific norms in lieu of a certain soft balancing approach. As has been discussed, EU-NATO collaboration principles and binary security clusters (such as that between Germany and the Netherlands) are built on the same principle: allies that contribute to the same normative framework entrust their allegiance to an alliance that seeks to balance a security model.

In a more interconnected global security environment, NATO has to adapt both its capacities and its strategies. To this end, recent innovations like pooling and sharing resources, clusters determined according to capabilities and rapid reaction forces (the Very High Readiness Joint Task Force), the Alliance stays well connected to the emerging security environment. Nonetheless, the recent annexation of Crimea and the assertiveness of Russia have once again shifted the focus from crisis management predominating in the 3C paradigm to the dominance of collective security, with more contenders asking for NATO to ‘come back from abroad’. Given its involvement in peace-keeping and post-conflict reconstruction, with a focus on democracy, rule of law and human rights approaches, we thus contend that NATO’s interventions in out of area operations had a strong normative toolkit and were important for highlighting, too, the Alliance’s continual redefinition of purpose in order to maintain its scope and relevance in the security environment.
Bibliography


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Russia and the Ukrainian Crisis: A Multiperspective Analysis of Russian Behaviour, by Taking into Account NATO’s and the EU’s Enlargement

Maximilian Klotz

Abstract

This article will explain why Russia annexed Crimea and is destabilizing eastern Ukraine. To do this, three different theoretical approaches on various levels of analysis will be used. It will be examined how far the expansion of NATO, as well as that of the European Union (Theory of Neorealism), was a motive for Russia’s action. NATO’s enlargement is analysed predominantly. In addition, political-psychological motivations of the Russian leadership are considered. But it is also analysed whether Russia’s pure power interests have played a role (Theory of Realism). The focus here is on the Russian naval base in Crimea. It is necessary to examine whether preserving its fleet in the Black Sea was a motive for Moscow to annex the Crimean peninsula.

KEY WORDS:
Ukrainian crisis, Russia, NATO, EU, annexation of Crimea
Introduction and current state of research

“Unilateral and frequently illegitimate actions have not resolved any problems. [...] [T]hey have caused new human tragedies and created new centers of tension” (Putin 2007). The Russian course of action in eastern Ukraine and in the Crimean peninsula, since spring 2014, seems to comply with this “unilateral,” “illegitimate” manner (Engelberg 2016: 61; McFaul 2014: 170), whereby Vladimir Putin, back in 2007, criticized the “unipolar” US world order as “not only unacceptable but also impossible in today’s world” (Putin 2007; Ehlers 2014: 26).

This article tries to explain Russian behaviour in the course of the Ukrainian crisis. Russia transformed “eastern Ukraine into a permanent trouble spot” (Portnov 2014: 8) – the area around “Donezk and Luhansk” (Ehrhart 2014: 28) – as well as previously annexing the “Crimean peninsula in the Black Sea” (Portnov 2014: 6). Thus it was Russia that “unleashed” the Ukrainian crisis (Maćków 2015: 18). However: Why did Russia annex Crimea and why is it still destabilizing eastern Ukraine? This research question guides this article and has to be answered. Answering the question seems to be relevant for clarifying whether further steps of this kind have to be expected from Russia (Treisman 2016: 47). Because the Russian state “is usually equated with the president” (Maćków 2015: 63), I use (among others) speeches made by Russian President Putin, before and within the Ukrainian crisis, as primary sources.

The research literature has already pointed out possible explanations for Russia’s behaviour: Jerzy Maćków (2015: 18) understands the Ukrainian crisis “as a permanent conflict of European cultural and political worlds,” which became “acute in 2014,” though the conflict has “become historical.” For John J. Mearsheimer² the Ukrainian crisis is thus far – especially in the opinion of the West – a result of the aggressive Russian behaviour (Mearsheimer 2014: 77). However, this is a miscalculation, because he has the following thesis: “[T]he United States and its European allies share most of the responsibility for the crisis” (ibid.). More precisely, three developments are

1 An end to this destabilization by Russia, even within 2017, and beyond, is not to be expected (Beddoes 2016: 13).
2 Mearsheimer ranks as an exponent of neorealism or structural realism (Schörnig 2010: 65).
relevant: NATO expansion, as the “taproot of the trouble,” the expansion of the European Union in eastern Europe, and “the West’s backing of the pro-democracy movement in Ukraine” (ibid.). By annexing Crimea, Putin did not implement a long-planned strategy, argues Mearsheimer, but rather it was “a spontaneous reaction to Yanukovich’s ousting” (ibid.: 85). Likewise, Daniel Treisman has doubts about a long-time-planned strategy of Putin, which illustrates “the chaotic manner” of Russia’s course of action in Crimea (Treisman 2016: 48). Treisman traces Russian behavior in the Ukraine to two other possibilities: the imperialistic ambitions of Putin within the post-Soviet area and “a hastily conceived response to the unforeseen fall of […] Yanukovich” (ibid.: 2016: 47). The Russian action in Crimea also depends on its Black Sea fleet in Sevastopol, which has great significance for Russia (ibid.: 50). Vittorio Hösle does not interpret Russia’s action “as a spontaneous reaction,” because Hösle assumes that “schemes for annexation of Ukrainian territory” have already existed “for a long time” (Hösle 2015: 106). Hösle emphasizes domestic challenges, which forced Putin to achieve “foreign policy successes” (ibid.: 107).

Michael McFaul also looks at the difficulties into which the Putin regime got in its own country, and therewith can the Russian action be explained (McFaul 2014: 169). Similarly, Stefan Meister reads the “legitimacy deficit of the Putin system” as the “main reason” for the intensifying “conflict between Russia and the West” (Meister 2015: 2). According to Wolfgang Zellner, the Ukrainian Maidan and the protests in Russia are a threat to “Putin’s system of rule” (Zellner 2015: 91). Analyzing Russia’s new military doctrine, Margarete Klein analogically recognizes the worry about a “Maidan scenario” existing in Russia (Klein 2015a: 4). Klaus von Beyme notices a transformation of the Russian “security concept […] from being based on NATO, to a rejection of Western institutions” (Beyme 2016: 43). Nadia Alexandrova-Arbatova calls the Ukrainian crisis “the first direct conflict between the differing regional strategies of Russia and the EU” (Alexandrova-Arbatova 2017: 13). Ukrainian membership of the EU, and NATO, seems to be unlikely (Ehrhart 2014: 30). Nevertheless, there has already been a “rapprochement” of Ukraine to these Western institutions, which still continues to move forward (ibid.).

The data basis for this work is profound. As the previously mentioned state of research suggests, the approach for the leading question could be quite
revealing if theoretical approaches on different levels of analysis are used. That is why Russia’s behaviour will be analysed from multiple perspectives in section four, by using the following three theoretical approaches. First, the theory of realism by Hans Joachim Morgenthau (Morgenthau 1963), which focuses on the state as the prime level of analysis. Second, the theory of structural realism (also called neorealism) by Kenneth Waltz (Waltz 1979), looking at a systemic level of analysis, namely international politics. And third, a political-psychological theory will be used, written by Stavros Mentzos (Mentzos 1995), which concentrates on a human-psychological dimension. The hypotheses, which are deduced from these three theories, will be verified in the empirical part of this work. In testing the hypotheses in the analytical part, the focus will be mainly on NATO’s expansion (Section 4.2.1.) as a possible explanation for Russian behaviour. Finally, the results of the analysis will be listed in the conclusion. But first of all, the issue must be described by collecting the most important facts.

Basic description of the issue

Since the end of Cold War, the US has been a military hegemon (Müller 2015: 309; Menzel 2016: 37; Nye 2017: 16). NATO has spread to the former Soviet sphere of influence and borders the Russian Federation (Giegerich 2012: 45–46). NATO’s missile defence system, agreed upon in 2010 at the Lisbon summit and predominantly financed by the USA, has been “provisionally” ready for action since 2016 and will be completed in 2018 (Dickow et al. 2016: 1–2; NATO 2016a). Likewise, the European Union, simultaneously, accommodated new members from Eastern Europe (Wessels 2009: 960). In 2003, the European Neighbourhood Policy was established by the EU (Lippert 2014: 2), which Ukraine joined and “received the status of a neighboring state without membership prospects” (Bos 2010: 574; Maćków 2015: 108-110). Thus the West, used here in the sense of NATO and the EU states, is superior to Russia both in military and economic terms. Accordingly an imbalance of power can

3 Cf. Kenneth Waltz’s three analytical levels (Krell 2009: 156); compare this also with the following statements.

4 The current global order must be seen as multipolar (Mazarr 2017: 25–32).
be assumed to the disadvantage of Russia.\(^5\)

In 2010, Russian President Medvedev and the President of Ukraine Yanukovich signed a contract about maintaining the Russian Black Sea fleet on Ukrainian territory for a further 25 years, with an option for a further 5 years, provided “neither party chooses to terminate the agreement” (Kremlin 2010; Cross 2017: 45). In 2011 and 2012, a domestic crisis became manifest in Russia (Schröder 2012: 27–28). To the end of Medvedev’s term his approval rates declined\(^6\) and discontent in the population increased (ibid.: 27). Hence “the political elite manipulated in a number of the regions” the results of the Duma elections (ibid.).\(^7\) These “evident manipulations” led to “mass demonstrations” in the Russian capital and other cities (ibid.). Putin himself achieved in the following presidential elections (just) 63.6 percent\(^8\) (ibid.). At Putin’s inauguration there were, once more, (some huge) demonstrations (ibid.).

The immediate causes of the Ukraine crisis were “developments” in Ukraine itself (Maćków 2015: 11, 17): From the end of 2013 to the beginning of 2014, the Ukrainian population partly protested in the Ukrainian capital “and at other places in the country […] against the […] regime of President Viktor Yanukovich and for an association agreement with” the EU (Maćków 2015: 16–17; Quiring 2014: 14). Previously, the Ukrainian government chose “not to sign” the agreement with the EU (Göler 2015: 300; Maćków 2015: 86);\(^9\) before this, Russia put “massive pressure” on the Ukrainian governance (Göler 2015: 300; Maćków 2015: 86). The protests, also called “Euromajdan,” evolved into a “national movement” (Maćków 2015: 87). The use of force against the demonstrators culminated in “shooting” them (20–21 February);\(^10\) shortly afterwards the pro-Russian President Yanukovich fled (“unexpectedly”) “to Russia” (ibid.: 88–89). According

\(^{5}\) In 2011, the GDP of the EU states [in million US dollars] was nearly ten times that of Russia’s; there is a similar factor by comparing the military expenditures [in billion US dollars]; GDP p.c. in Russia ranks at 10.119 US dollars, while that of the US is at 59.391 US dollars; the EU has about 3.5 times as many inhabitants as Russia (Weidenfeld 2015: 205; The Economist 2016: 96, 99). Of course it is not the intention to create the impression that Europe and the US do not have weak points themselves (Niblett 2017: 19–21; 24).

\(^{6}\) Even Putin’s approval rates declined.

\(^{7}\) In 2012, the election results for the United Russia party were about 49.3 percent, yet in 2007 the party won 64.3 percent (Schröder 2012: 27).

\(^{8}\) In 2004, Putin reached 75.03 percent; in 2008, Medvedev obtained 70.28 percent (Schröder 2012: 27).

\(^{9}\) Until then the Ukrainian government tried, even while Yanukovich was president, “to work towards the agreement” (Göler 2015: 299). When the new government came to power, the agreement was signed on 27 June 2014 (Ehrhart 2014: 30).

\(^{10}\) Within two days, 98 people were killed (Maćków 2015: 88).
to Russian President Putin, this overthrow of Yanukovich was a “coup” (Putin 2014a). Russia moved on to a so-called “hybrid warfare,” where “military means” are combined with “nonmilitary ones” (Klein 2015b: 48). For this, Moscow used “regular Russian troops, which, however, acted as disguised ‘separatists’” (Maćków 2015: 11). “Separatist movements” in eastern Ukraine were supported by Russia (Maćków 2015: 90–91; Portnov 2014: 6). There, “the political conflict” evolved “into a war” (Portnov 2014: 6; Maćków 2015: 11, 90–91). The annexation of Crimea to Russian territory succeeded only through the use of Russian soldiers (Maćków 2015: 90). In March 2014, “a referendum on Crimea” was held, “whereby the residents of the peninsula […] [would have] expressed their wish” – “more than 96%” – “to unite with Russia” (Putin 2014b; Putin 2014a). On 18 March 2014, “Crimea and Sevastopol” were integrated “into the Russian Federation” (Eitelhuber 2015: 310). Officially Putin justified Russia’s behaviour by referring to history. Thus the “spiritual origins” of the Russian nation would come from Crimea (Putin 2014b).

Theoretical approach

*Macht und Frieden. Grundlegung einer Theorie der internationalen Politik* (Power and peace. Foundation of an international politics theory)

– Realism by Hans J. Morgenthau: theoretical foundations

The fundamental assumption of Hans J. Morgenthau’s theory is that politicians “think and act […] in terms of power, understood as interest” (Morgenthau 1963: 51). A politician has to analyse “what is possible in the concrete circumstances of time and place” and favourable “for the national power” (ibid.: 52, 73). Insofar as politics in the international system is “a struggle for power,” its “immediate aim is constantly power” (ibid.: 69, 74–77). The “military strength” of a state is “the most important material factor […] of its political power” (ibid.: 71). Further “elements of coincidence” also affect the foreign policy of a state (ibid.: 53). Politics is about maintenance of power, an increase of power or a demonstration
of power; at the international level, this results in “three typical forms of international politics”: a “policy of status quo,” an imperialistic policy or a policy of prestige (ibid.: 81).

Operationalization and derivation of the hypotheses

Now, hypotheses must be deduced from these theoretical basics. The hypotheses will be tested in the analytical part of this paper. Realism ascribes the foreign policy behaviour of a state (dependent variable) to its “interest understood in the sense of power” (independent variable). The current state of research already refers to a potential strategic importance of its naval base in the Black Sea to Russia (Treisman 2016: 50; Cross 2017: 44–46). By annexing Crimea, and with it also the port city of Sevastopol, Russia could follow an (international) “policy of status quo”. With the escape of the pro-Russian President Yanukovich, an “element of coincidence,” Russia could have feared a loss of its military base: To maintain its military power, Russia ought to have tried to preserve its naval base in Crimea (independent variable). This is on the assumption that the base is of particular strategic importance for Russia. With the overthrow of Yanukovich (intervening variable), Russia could have feared a termination of the contract for the continuity of the Russian naval base in Ukrainian territory (intervening variable), which would have meant a loss of the naval base. Therefore, Russia decided to annex Crimea (dependent variable). To test the hypothesis, this causal chain has to be verified empirically.¹¹

H1: In order to maintain its naval base in the Black Sea, Russia annexed Crimea.

Theory of international politics

– Neorealism by Kenneth Waltz: theoretical foundations

According to Kenneth Waltz, “states” are “the units” in the international

system and their “interactions” form the “structure” of the system (Waltz 1979: 95). More precisely, that means that if the “distribution of capabilities” among the states changes, the structure of the system changes too (Waltz 1979: 97, 98). This structure in turn affects “the behavior of the states” (Schörnig 2010: 75; Waltz 1979: 92–93). The status of states in the international politics system depends on “all” of the states’ “capabilities” (Waltz 1979: 131): on the “population,” the size of a state’s territory, and on economic and military power (ibid.). The anarchic ordering principle of the international politics system, which is characterized by an absence of “agents with system-wide authority” (ibid.: 88–89), implies that states ascribe their “security” the highest priority (ibid.: 126). All such states, which cannot help themselves, “will fail to prosper, will lie […] open to dangers, will suffer” (ibid.: 118). Consequently, the states’ primary goal is to survive – it is their “ground of action in a world where the security of states is not assured” (ibid.: 91–92). To ensure their survival, all states strive for an enlargement of their means (ibid.: 118, 125). Only a balance in the distribution of these means among the states guarantees a high degree of security (Schörnig 2010: 74). In doing so, the states apply both “economic means for military and political ends” and “military and political means for the achievement of economic interests” (Waltz 1979: 94).

Operationalization and derivation of hypotheses

The theory of structural realism ascribes the states’ behaviour in the international system (dependent variable) to the structure of this system (independent variable). The distribution of power among the states affects the structure of the international system as well as the states’ status in the system. Because of the anarchy in the international system, all states must care for their security on their own. The states’ survival depends on the development of their means; on the other hand, this has an effect on the other states’ behaviour. These means include military, as well as economic, strength.

By expanding its institutions, NATO and the EU, the West extended its military, economic and political means and this resulted in an imbalance
of power.\textsuperscript{12} In the “anarchic” system of international politics, Russia could have reacted to the expansion of the Western sphere of influence and Moscow could have tried to guarantee its own security. With regard to NATO’s expansion, the state of research, mentioned in the introduction of this paper, refers to NATO’s eastward expansion, to NATO’s missile defence system (Eitelhuber 2015: 220) and a (possible) Ukrainian NATO membership. Russia ought to have reacted to NATO’s expansion, in terms of its eastward enlargement and its missile defence system (\textit{independent variable}), as thereby Moscow saw its security endangered (\textit{intervening variable}). This would have motivated Russia to prevent a further increase of the West’s military power, in the form of a NATO membership of the Ukraine (\textit{intervening variable}), by annexing Crimea and (still) destabilizing eastern Ukraine (\textit{dependent variable}). This causal chain must also be examined.

\textbf{H2: By annexing Crimea and destabilizing eastern Ukraine, Russia reacted to NATO’s expansion.}

As regards the expansion of the European Union, the EU eastern enlargement, the \textit{European Neighborhood Policy} and a further rapprochement, in the form of an association agreement between the EU and Ukraine, must be examined.\textsuperscript{13} Russia ought to have reacted to the EU’s expansion, in terms of its eastward enlargement, to the \textit{European Neighborhood Policy} and to the association agreement between the EU and Ukraine (\textit{independent variable}), as because of this, Russia could have feared a weakening of its own economic and political sphere of influence (\textit{intervening variable}). This must have motivated Russia to prevent a further increase of the West’s power, in the form of a rapprochement between the Ukraine and the EU (\textit{intervening variable}), by annexing Crimea and (still) destabilizing eastern Ukraine (\textit{dependent variable}). This causal chain also needs to be analysed, in order to test the hypothesis.

\textbf{H3: By annexing Crimea and destabilizing eastern Ukraine, Russia reacted to the expansion of the EU.}

\textsuperscript{12} This will be assumed as a given fact; cf. bullet point two.

\textsuperscript{13} Cf. the introduction of this paper.
Stavros Mentzos explains that “national distinction and […] self-definition” are often created “through a degradation and humiliation of other nations” (Mentzos 1995: 71). It is the result of a “creation of an enemy stereotype and intolerance” regarding “all that is not [part] of the own nation” (ibid.: 76). The “process of an enemy differentiation” “promotes the integration and the identity” and strengthens “the own inner cohesion” (ibid.: 74). At this creation of an enemy stereotype, “own inner conflicts” are fended off “projectively” (ibid.: 74): “Clashes of interests” of a “nation” and resultant “tensions” are “projected externally” (ibid.). Such a “creation of a we-feeling” could be “imposed from top to bottom,” or can be achieved by “externalization of the conflicts,” therefore by “projecting to an actual existing or ad hoc created outer enemy” (ibid.: 75). If such a “pseudo-stabilization” is missing, this can cause an “insecurity and confusion within the self-definition,” as the abrupt end of “the East-West conflict” illustrates, as well as the end of this particular “enemy stereotype” (ibid.: 73). The internal “integration” of a nation is thus acquired for a “stabilization of the conflict with an external enemy” (ibid.: 75). Or in other words: The “garbage […] of the unsolved conflicts in reality gets disposed” “by externalization” (ibid. 1995: 76).

Operationalization and derivation of the hypothesis

The “self-definition” and an inner coherence of a nation (dependent variable) can be achieved by the “creation of an enemy image” (independent variable). By the end of the East-West conflict, Russia’s “pseudo-stabilization,” though, could have been lost. It seems possible that Putin wanted to blame the West for Russia’s “growing economic and political contradictions” (Ostrovsky 2016: 35), to cast the West as the villain in Russia’s domestic policy crisis. Consequently Putin would distract from…

14 Such “creations of an enemy stereotype” can also “result immediately in wars” (Mentzos 1995: 80).
his “vulnerability at home” with “foreign aggressions” (Beddoes 2016: 13).15

In the course of the obvious domestic crisis in Russia (in 2011 and 2012), the political leadership could have tried to externalize this crisis with the use of an enemy image, in order to whitewash the “internal tensions.” Assuming that Russia’s political leadership considered an externalization of domestic policy mischiefs necessary, they ought to have established an enemy stereotype of the West (independent variable), which should be fought against within the Ukraine (intervening variable). Therewith the Russian political leadership ought to have tried to reach an inner cohesion in Russia itself, in order to strengthen the legitimization of its regime domestically (intervening variable). As a result, Russia ought to have taken military action in Crimea and destabilized eastern Ukraine with the aid of troops (dependent variable).

H4: In order to strengthen its legitimization within Russia, the political leadership created an enemy image of the West, which must be fought against on Ukrainian territory.

Analysis

Russia: maintaining military power - the Russian Black Sea fleet in Crimea

The following section will analyse whether maintaining the Russian Black Sea fleet in Sevastopol and hence preserving its military power can possibly explain the Russian annexation of Crimea. It will be shown that Russia feared a termination of the contract on the maintenance of the Russian naval base on Ukrainian territory, because of Yanukovich’s

15 Even with Russia’s new military doctrine, a “connection between foreign and domestic policy risks” can be noticed (Klein 2015a: 4).
overthrow, and as a consequence annexed Crimea. For that, first, the assumption must be examined as to whether the naval base in Crimea is actually central to Russia. The Russian fleet in the Black Sea has “the worst strategic location” of the “four Russian fleets,” and is also relevant for NATO and the “Euro-Atlantic security” (Alexandrova-Arbatova 2017: 17, 46). As early as 2003, Putin spoke about a “strategic interest” that the Black Sea region has for Russia: “The Black Sea gives Russia direct access to the world’s major transport routes, including its economic routes” (Kremlin/Putin 2003). Also, after the “referendum” on Crimea, Putin emphasized several times in his speeches the importance of the port city of Sevastopol to Russia; Putin characterized this city as “the birthplace of the Russian Black Sea fleet” and as “the main base of the Black Sea fleet” (Putin 2014a). In this sense, the port city of Sevastopol is both of military and of economic relevance to Russia’s power: “Sevastopol provides Russia ice-free port access year round, and the means to project maritime and other military and commercial assets into the Balkans, the Mediterranean and the Middle East” (Cross 2017: 44). Admittedly Putin officially rationalized the annexation of Crimea by pointing to an interpretation of history (Putin 2014b), and yet the war between Russia and Georgia in 2008 visualized the “new [military] relevance” of the Black Sea to Russia, “with clashes between the two states at sea” (Seidler 2015: 104). The fact that the Russian naval base in Crimea is of particular (military) importance for Russia has been shown.

The relation between NATO and Ukraine was always stressed because of “the Russian naval base in Crimea” (Seidler 2015: 218–219). Due to this cooperation, Russia assessed its naval base on Ukrainian territory as being “endangered” (ibid.: 266). Especially because of the overthrow of the pro-Russian President Yanukovich, it seemed to be possible that a new, Western-orientated government would “probably” speak against a Russian naval base on Ukrainian territory (Mearsheimer 2014: 77; Treisman 2016: 48, 50). The treaty arranged in 2010 can be terminated by both sides, whereby Russia would have lost its “sole” naval base in the Black Sea (O’Hanlon/Petraeus 2016: 16). Having “control” over its Black Sea fleet and maintaining its naval base in Sevastopol seems to have been a crucial motive for annexing Crimea and the port city of Sevastopol, located therein (Cross 2017: 45). Thereby the conflict between Ukraine

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16 In the case of a “hypothetical” conflict with NATO (Alexandrova-Arbatova 2017: 17).
and Russia can be mainly explained as follows: “Maintaining access to the port city of Sevastopol and the security of the Black Sea fleet constitute the primary strategic source of the current conflict between Ukraine and Russia” (ibid.: 46). Since Russia has planned to further enlarge its Black Sea fleet, the strategic importance of the naval base has become clearer. So a further increase of “80 new warships” is planned up to 2020 (ibid.). Although Stephen Sestanovich (2014: 172) sees no risk to the Russian naval base in Crimea, this analysis illustrates the opposite: By annexing Crimea and the city of Sevastopol, Russia seems to be preventing damage to its (military) power. It may be assumed that Russia has followed a policy of maintaining the status quo. Hypothesis H1 seems to be verified empirically.

Distribution of capabilities in the system of international politics

Western military dominance: expansion of NATO

Now it must be examined whether Russian behaviour can be explained by the West’s military gain in power, in this case the expansion of NATO. The Russian “forces” are, “in all categories [,] inferior to NATO” (Eitelhuber 2015: 217). A military imbalance of power to the disadvantage of Russia may be taken for granted. NATO’s expansion seems to be aimed at pursuing power and the ensuing “consequences” for “non-NATO members” did attract some attention (Müller 2015: 311–312).

Whether Russia did regard NATO’s eastward expansion as a significant threat to its security must be analysed. For Putin, this expansion of NATO to Russia’s borders – especially the enlargement of the “military infrastructure"

17 Besides, economic factors are likely to have mattered.

18 Cf. bullet point two. Between the US and the Soviet Union there was, however, a certain balance of power (Nye 2017: 12).
is not connected in any way “with the democratic choices of individual states” (Putin 2007). Putin even speaks about a “containment” of Russia by the West: “They are constantly trying to sweep us into a corner” (Putin 2014a; Putin 2014b). The eastward enlargement of NATO seems to be understood by Russia as a “serious provocation” (Putin 2007). Against these official statements by Putin – and thus against the thesis that Russia classes NATO as the “main threat” – reorganization of Russian forces is argued (Eitelhuber 2015: 218): Russia did not prefer a “large mobilization army” and the “Western military district” was not “strengthened,” but Moscow enhanced its “special forces,” which are “specialized in asymmetric warfare and fighting against terrorism” (ibid.). Yes, Russia did indeed reject NATO’s eastward enlargement. The significance of this (bygone) expansion, however, has, in reference to the Russian behaviour in Ukraine since 2014, little relevance. If Moscow had rated its security at such risk because of NATO’s eastward expansion, Russia would have adjusted its military power according to this threat. That seems not to be the case. Moreover, there are five years between NATO’s latest enlargement and Russia’s course of action in the Ukrainian crisis (NATO 2015). McFaul’s conclusions illustrate this: “[F]or the previous several years” NATO did not expand towards the East (McFaul 2014: 169; Dunay 2014: 59).

The following section will evaluate how endangered Russia judged its security in relation to NATO’s missile defence system: Back in 2007, Putin had cautioned against an “arms race” initiated by the Western missile defence shield (Putin 2007). This missile defence shield poses a threat to Russian security, because it “neutralizes” entirely “the possible threat” of Moscow’s “nuclear forces” (Putin 2007; Putin 2014b). As Russia’s “second-strike capability” is nullified by this system (Dickow et al. 2016: 6), accordingly “the ultimate guarantee” of Russian “sovereignty” is in danger (Eitelhuber 2015: 220). As a consequence, NATO’s missile defence system can be rated as the actual “main threat” to Russia (Eitelhuber 2015: 220). What’s more, Russia feels “cheated” by NATO, because NATO had “lied” “many times” to Moscow.

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19 Although the termination of the “ABM treaty” by the “USA in 2002” increased the Russian “security concerns”, the aim of the contract was to limit “missile defense systems” (Hacke 2014: 41).

20 In this regard, Putin refers to NATO’s eastward enlargement and to the missile defense system. Harald Müller speaks about “vocal promises” that have been “broken” (Müller 2015: 310). Klaus von Beyme, on the other hand, doubts “such a commitment” (Beyme 2016: 56, 73). NATO also denies this: “No such pledge was made […]” (NATO 2014).
Because Russia rejects NATO’s eastward enlargement, this could also be the case concerning membership of Ukraine in the Western defensive alliance, which Russia might have tried to prevent. In fact, Russia clearly rejected such an extension of NATO to Ukraine: “[W]e are against having a military alliance making itself at home right in our backyard or in our historic territory” (Putin 2014a). Ukraine’s accession to NATO is generally regarded as “unacceptable” by the Russian elite (Mearsheimer 2014: 82). Above all, Putin feared the consequences of NATO’s accession to Ukraine, in reference to Crimea and the port city of Sevastopol (Putin 2014a): “NATO’s navy would be right there in this city of Russia’s military glory, and this would create not an illusory but a perfectly real threat to the whole of southern Russia” (Putin 2014a). In addition, it is possible that Putin expected, with regard to the accession of Ukraine to NATO, the arrival of a NATO naval base in Crimea (Mearsheimer 2014: 77). Russia seemed to try to counter a further expansion of the Western military power. This had already been demonstrated by the Russian-Georgian war in 2008, in which it was Russia’s intention to terminate “Georgia’s progress towards NATO membership” (Kriendler 2014: 90; Zellner 2015: 92–93, 96). This can be transferred to Ukraine, because it is unlikely that a state “which is involved in military conflicts” can join NATO (Maćków 2015: 109). It could be alleged that Russia has adopted a strategy in which it pursues “nonintegration” into the West and a destabilization of “territories, which […] [it] can directly or indirectly control” (Meister 2015: 4).

In spite of all this, it is necessary to check whether the accession of Ukraine to NATO was (at all) probable. In the period from 2002 to 2008, Ukraine “tried four times to be included in the action plan for NATO membership,” but this was prevented by the Germans and French (Göler 2015: 294; Umbach 2004: 309–310). Nevertheless, Michael McFaul notes: “For the last several years, neither the Ukrainian government nor NATO members wanted Kiev to join the alliance anytime soon” (McFaul 2014: 169; Sestanovich 2014: 172). And even before Yanukovich’s reign, this was the case (McFaul 2014: 169; Dunay 2014: 59). An admittance of Ukraine into NATO is thus to be regarded as unlikely (Eitelhuber 2015: 315). On the basis of a NATO document from the year 2015, however, the NATO summit in Bucharest in

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21 This is illustrated by the examples of “Syria, North Korea and Iran,” where it is not certain “to what extent Russia” is interested “in a final solution of conflicts at all” (Klein 2015b: 46).

22 McFaul confirms that during his legislature under US President Obama, he “cannot remember” that NATO expansion was ever on the political agenda (McFaul 2014: 168–169).
2008 officially announced different resolutions:

Allied leaders [...] agreed at Bucharest that Georgia and Ukraine, which were already engaged in intensified dialogues with NATO, will one day become members. In December 2008, Allied foreign ministers decided to enhance opportunities for assisting the two countries in efforts to meet membership requirements [...] (NATO 2015).

In 2008, the members of NATO formulated clearly their will “that these countries will become members of NATO” (NATO 2008). Although no specific timetable for the accession of Ukraine has been established, this may not be impossible. On the contrary, a bulk of NATO members wanted it. And also Ukraine’s relations with NATO were further intensified (NATO 2008; NATO 2016b). Nevertheless, the “chaotic” manner of Russia points more to a “spontaneous reaction” to Yanukovich’s fall and not to a long-planned strategy for the avoidance of NATO’s expansion to Ukraine (Treisman 2016: 48).

It could be worked out that the Russian behaviour (probably) was not a reaction to “NATO’s long-ago expansion” (McFaul 2014: 170). Indeed, there is no doubt that the eastward expansion of NATO was “a key and persistent irritant in NATO-Russia relations” and that the Russian leadership regarded it as a threat to its security (Kriendler 2014: 89; Beyme 2016: 56; Putin 2007). However, with regard to the Ukrainian crisis, NATO’s eastward enlargement cannot be called the “taproot of the trouble.” Nevertheless, Russia clearly saw (and sees) its security threatened by the NATO missile defence system. It is possible to prove Moscow’s goal of preventing Ukrainian membership in NATO, and thereby a further gain of military power by the West. Still, Russian behaviour can only be partially justified by a preventive necessity of Russia in order to “prevent a possible further expansion of NATO” (Beyme 2016: 56),23 because an accession of Ukraine, although desired by NATO, did not occur in the foreseeable future. Overall, Russia seems to have targeted a “marginal position improvement and [...] symbolic-emotional satisfaction” (Müller 2015: 312). The Russian elite still felt “betrayed” by NATO (Putin 2014a). In particular, NATO’s missile defence has further strengthened the “Russian feeling of

23 And yet Beyme speaks about an “escape [of Russia] into an expansion policy to prevent NATO from spreading to Crimea” (Beyme 2016: 90).
encirclement” (Eitelhuber 2015: 222). Hypothesis H2 can be partially, but not clearly, verified by empiricism.

Western economic and political dominance: expansion of the European Union

This section analyses whether Russia reacted to the extension of the European Union by annexing Crimea and destabilizing eastern Ukraine. As NATO is militarily superior to Russia, the EU outclasses Russia in economic respects (Weidenfeld 2015: 205; Maćków 2015: 13–14): Through its enlargement, the EU has steadily expanded its economic power and its population. It should be stated that Russia has feared a weakening of its own economic and political power, because of the expansion of the EU.

However, the eastward enlargement of the EU seems not to have been criticized by Russia “for years” (Maćków 2015: 18; Zellner 2015: 93). However, in 2004, Putin said about the EU’s eastward enlargement that it contributed to a rapprochement between the EU and Russia, “not only geographically but also economically and mentally” (Wipperfürth 2011: 41). And also at the security conference in 2007, Putin spoke of “spheres in which we cooperate” with regard to the EU, which he altogether appreciated as “very important and very interesting” (Putin 2007). Moscow’s worry about a weakening of its own economic and political power, as a result of the eastward enlargement of the EU, cannot be demonstrated in this respect. In general, Russia seems to regard the European Union as “a politically acceptable, stabilizing and mediating force” (Ehrhart 2010: 121).

This could also be true about the European Neighbourhood Policy, which cannot be said to “prepare the countries in between [...] for membership in the Union,” since there is “no incentive” for this (Maćków 2015: 108). However, with its European Neighbourhood Policy, the EU is striving to strengthen “civil society organizations” and thus a democratic civil society (European Commission 2013: 19–21). “Democratic development,” and thus “constitutionality,” “human rights” and “civil society,” have top priority
(ibid.). The spread of these norms can be regarded as a (political) threat to Putin’s regime in Russia, because Putin is fighting precisely against these elements in his own country (Chodorkowskij 2016: 8). Moreover, it is in the interest of Moscow to keep Ukraine in its “political and cultural influence,” which seems to be incompatible with “system reforms” or accession to the EU (Maćków 2015: 10).

The EU-Ukraine Association Agreement was, in fact, opposed by Russia as it threatened “the integration interests” of Russia’s Eurasian Economic Union (Maćków 2015: 68). In this respect, “there would have been no dialogue” with Russia at all (Putin 2014b). The “massive pressure” of Russia against the agreement, which finally prevented the signing (Göler 2015: 300), demonstrates the Russian ambition to prevent a rapprochement between Ukraine and the EU. Russia’s concern for its economy is clear: “[It] is not about Ukraine’s sovereign choice but about the consequences it will have on the Russian economy if it is signed” (Putin 2014c). While Putin emphasized cooperation with the EU at the EU-Russia meeting in January 2014, he simultaneously demanded,

to link the European and Eurasian integration processes. I am convinced that there are no contradictions between the two models [...] they could effectively complement each other and contribute to the growth of mutual trade turnover (Putin 2014c).

Nevertheless, it has been the EU that has delayed a “rapid integration” of Ukraine (into the EU) (Göler 2015: 294). The signing of the agreement has already been postponed by the European side as the “human rights situation” in Ukraine deteriorated (Göler 2015: 298). It was therefore not possible to expect an accession of Ukraine to the EU within the near future (Zellner 2015: 97). A further political and economic approach, on the other hand, took place, and Russia tried to prevent this. The Russian perspective on the EU has changed, especially in the last few years. Russia’s own economic motives may be viewed as the (main) motive. Russia saw its own economic power increasingly endangered. Hypothesis H3 can, for the most part (though not clearly), be confirmed.
Russian crisis on the domestic front: creation of a foreign policy enemy stereotype

Now it is necessary to investigate whether the Russian leadership, centred around Putin, tried to strengthen its legitimacy in its own country. This can be achieved by the externalization of the domestic political crisis. It is therefore necessary to prove if an enemy image was created – which Russia claims to fight (militarily) in Ukraine. The fact that it was necessary for the political leadership of Russia to divert internal political grievances through an externalization of an enemy stereotype can be substantiated. Putin has “feared” protests in Russia, particularly against the background of the “Orange Revolution in 2004” in Ukraine and the “Arab Spring” (McFaul 2014: 170). The Ukrainian Maidan was also “highly dangerous” for Putin’s regime (Quiring 2014: 16). That the domestic political crisis was viewed by the Russian leadership as a serious threat has been proven.

Michael McFaul considers this domestic “attack” on “Putin and his regime” to be decisive for the change in Russian foreign policy (McFaul 2014: 169). Consequently, Putin seemed to have established an enemy stereotype of the West, especially with regard to the United States, in order to mobilize his “electoral base” in Russia (McFaul 2014: 170; Schröder 2014: 9). In fact, Putin and his foreign minister, Sergey Lavrov, at the end of 2014, accused the West of refusing a “dialogue,” and both blamed the West for being co-responsible for the “coup” in Ukraine (Putin 2014b; Lawrow 2014). The Western sanctions against Russia Putin labels as a “containment,” which would have taken place even without the events in Ukraine (Putin 2014b). Moreover, “some Western politicians” “threaten” Russia “not only with sanctions” but also with “the prospect of increasingly serious problems on the domestic front” (Putin 2014a). In his speech, Putin further asks: “[A]re they hoping to put us in a worsening social and economic situation so as to provoke public discontent?” (Putin 2014a). This seems to reflect the fact that Putin blames the West for the domestic political problems of Russia. Putin also criticizes the West: “Our Western partners, led by the

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24 In the course of the so-called “color revolutions,” Russia preferred “stability and the status quo” in the states – in contrast to the West (Cross 2017: 39).

25 Putin’s words from 2014 can be interpreted as a warning to the Russian people: The “series of controlled “color” revolutions” ultimately led to “chaos” and “violent outbreaks,” and not to “democracy and freedom” (Putin 2014a). And a similar picture is emerging in Ukraine (Putin 2014a).
United States of America, prefer not to be guided by international law in their practical policies, but by the rule of the gun” (Putin 2014a). The construction of an enemy image of the West becomes particularly clear in this speech by Putin:

And all this while Russia strived to engage in dialogue with our colleagues in the West. [...] [T]here is a limit to everything. [...] [T]hey were fully aware that there are millions of Russians living in Ukraine and in Crimea. They must have really lacked political instinct [...] not to foresee all the consequences of their actions. Russia found itself in a position it could not retreat from (Putin 2014a).

Thus, Putin accuses the Western states of influencing Ukraine: “[W]ith Ukraine, our Western partners have crossed the line, playing the bear and acting irresponsibly” (Putin 2014a). Accordingly, the West would support a “well-equipped army of militants” in Ukraine, and such actions would be “against Ukraine and Russia and against Eurasian integration” (Putin 2014a).

It is now necessary to prove whether Putin achieved an internal cohesion in Russia through this externalization of the domestic political crisis in Russia. In fact, the literature points out that Putin has regained “legitimacy among the [Russian] population” by annexing Crimea (Meister 2015: 2; Schröder 2014: 9). By defying the West in Ukraine, Putin’s “support” seems to have risen in Russia (Cross 2017: 41). This is also confirmed by Putin’s approval ratings. The ratings were “at least under 50 per cent” at the beginning of 2012, and actually since the annexation of Crimea they seem to have “increased to 80 per cent” (Maćków 2015: 66). Other sources point out that Putin’s approval ratings have already stabilized since the (domestic) crisis in Russia at the end of 2011 and early 2012, and reached almost 70 percent in December 2012 (BpB 2014). However, by January 2014, the approval had fallen to about 60 percent, before it increased continuously from February 2014 onwards to more than 75 percent (ibid.).

Thus, it can be assumed that the Putin regime had a stabilizing effect on the domestic front, because of the annexation of Crimea and the destabilization of eastern Ukraine. “Own internal cohesion” in Russia seems
to have been achieved, at least for the time being, and the formation of the enemy stereotype can be regarded as successful. While “38 percent” of Russians had a “negative” picture of the US in 2013, it was “71 percent” in 2014 (Sputnik 2014). It could be shown that Russia claims to fight the Western enemy in Ukraine, which is blamed by the Russian leadership for the bad domestic situation in Russia. Russia seems to combat militarily the enemy image of the West in Ukraine, both in the east of the country and in Crimea. Overall, Hypothesis H4 was confirmed.

Conclusions

The analysis shows that with the Russian naval base in Crimea, at least the annexation of this – and the port city of Sevastopol – by Russia can be explained. The analysis of Russia maintaining its military strength, at the analytical level of the state, was particularly revealing.

On the other hand, the expansion of NATO and the EU appears to (partly) explain Russian behaviour. In both cases, the Russian course of action was not clearly explained by the eastward enlargement of both Western institutions. In addition, Ukrainian membership of NATO, in the near future, may be considered unlikely. With regard to the EU, it has only been in the last few years that Russia has worried more about its own economy and about its Eurasian Union. Accordingly, Russia tried to prevent further economic and political rapprochement between Ukraine and the EU. Overall, the results of the analysis at the level of the system were less clear.

The construction of an enemy image of the West could be demonstrated. This, in fact, seems to serve to project domestic mischief to the outside. For the time being, this attempt by the Russian leadership may be described as successful. The hypothesis can be confirmed quite clearly.

Further steps by Russia, in the sense of an extension of its territory, cannot be ruled out, but they seem to be unlikely. With its aggressive behaviour, Russia has first of all certainly achieved one thing: The West has also
experienced an increased “internal cohesion” (Maćkow 2015: 98). The European states, although faced with internal political challenges, are increasing their military spending – and NATO is experiencing a “new right to exist” (Lukjanow 2016).
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