

The Reminiscence of the Cold War: A contemporary perspective on security issues in Europe and relations between the West and Russia

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Abstract

As the relations between the West and Russia seem to spill-over into worst, a dilemma comes into one's mind: is the world facing resurgence of the Cold War? The fear has become realistic since the annexation of Crimea by Russia in 2014 and worsening of the situation in east Ukraine. The article analyzes the European security and its prospects in the light of the growing tensions between the West and Russia. Particular emphasis is given to the key international treaties such that the Conventional Forces Treaty and Intermediate Range Ballistic Missile Treaty. The author argues that although the relations between the West and Russia are to its lowest point and possibly heading for worse, one can hardly talk about a new Cold War. There is military buildup, and strong rhetoric accompanied by some measures towards condemnation of another party's moves - yet there is still certain level of communication and consent over some issues such as the Iranian nuclear program or fight against terrorism. For a New Cold War to resurge it would be necessary to see the adversaries more or less on equal footing, which does not seem to be the case. The West (NATO) has enlarged since the end of the Cold War but also has become stronger, while Russia does not even remotely resemble the USSR, and its alternatives in Asia cannot compensate for it.

Keywords: New Cold War; Security in Europe; Ukraine; Crimea; West-East Relations

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1. An overview of relations between the West and Russia after the end of Cold War

The spiraling deterioration of the mutual relations between the West and Russia has started as soon as Putin took over the power from his predecessor Boris Yeltsin in 2000 (Shevtsova 2005). After the dissolution of the USSR (Kenez 2006), the world saw a much restrained Russia. It was a state more willing to cooperate at political, security and economic level, mainly with the Western countries.²

During 1990s Russia was undergoing a huge social and political transition followed with internal turmoil which influenced its standing at international level (Ahdieh 1997). It had difficulties to maintain its internal stability due to the financial and economic crisis; and it needed the money from the West in order to overcome the hardships of transition (Dabrowski 1995). Particularly grave concern was the safety of the nuclear weapons and materials, which were managed safely with the help of the US (Mirsky 1996; Kraska 2005).³ The new global environment incited cooperation at different levels under more relaxing climate. Russia refrained from strong reaction against NATO expansion in the East, so the former Warsaw Pact countries eventually have become fully fledged NATO members. Cooperation went even further when NATO and Russia established a cooperation council as a mechanism for consultation, consensus-building, cooperation, joint decision and joint action (Ponsard 2007), in which the individual NATO member states and Russia work as equal partners on a wide spectrum of security issues of common interest.⁴

² The best example of this cooperation was the unanimous decision of the Security Council (SC) to approve collective measures against Iraq following annexation of Kuwait in 1991. This was the first time in its history that the SC approved collective action under Chapter VII of the UN Charter.

³ The US designed specific programs to protect nuclear materials during 1990s in Russia which continued its work well in the new millennium. These programs include Nuclear Threat Initiative; Global Threat Reduction Initiative; and Defense Threat Reduction Agency. See Nuclear Threat Initiative, accessed 10 October 20125, <http://www.nti.org/threats/nuclear/>; Global Threat Reduction Initiative, accessed 10 October 2015, <http://nnsa.energy.gov/aboutus/ourprograms/dnn/gtri>; and Defense Threat Reduction Agency, accessed 10 October 2015, <http://www.dtra.mil/> among others.

⁴ On 27 May 1997 Russia and NATO signed the Founding Act on Mutual Relations, Cooperation and Security which established the NATO-Russia Joint Permanent Council. In 2002 the parties in the Summit of Europe established the NATO Russia Council. For more see "NATO-Russia Council" last modified 10 November 2015, <http://www.nato-russia-council.info/en/>.

As Yeltsin was becoming unable to lead the country mainly due to his health issues, he resigned and appointed Vladimir Putin as his successor (Brown and Shevtsova 2001). A former KGB agent, Putin came with the specific intention to take out Russia of its international standing and restore its pride. He saw military and security forces at the center of his policies of restoring the pride that Russia once had (Gomart 2008, p. 22-23). At the beginning of the Putin era, Russia continued to cooperate with the West and NATO. For instance, she helped NATO and the US by allowing limited use of her territory to the purpose of fighting the Taliban regime after the 9/11 (Roy 2013, p. 85-86; Baker 2009).⁵ Russia became a member of WTO in 2011. NATO-Russian relations continued in the format of NATO-Russian Council. The biggest one time NATO enlargement towards the East took place in 2004.

However, while Putin was harvesting on its relations with the West, he pursued steadily his agenda to reestablish Russia in international scene. In order to establish his authority, Putin determinatively acted with military force in Chechnya which enabled him full control over it by May 2000 (Oliker 2001; Evangelista 2002).⁶ In 2008, Russia entered into war with Georgia in backing up two separatist movements there in Abkhazia and South Ossetia with the West merely condemning the move but unable to take a more decisive action (Asmus 2010). In 2014 Russia annexed Crimea⁷ which was seen in the West as

⁵ With security concerns over its convoys using Pakistani territory to supply NATO troops in Afghanistan, Russia agreed to allow its territory to be used for this purpose for non-lethal supplies first and later in 2009 Russia agreed to allow even weapons and troops to fly over Russian territory. http://www.nytimes.com/2009/07/04/world/europe/04russia.html?_r=0.

⁶ After the elections, President Dzhokar Dudayev declared the independence of the Chechen Republic of Ichkeria in 1993. The move was condemned by Russia. The First Chechen War was fought between 1994-1996 between the Chechen guerillas and Russian military. In 1996, after it failed to win militarily over Chechnya, Russia agreed to sign a Peace Agreement with the Chechen leadership.

⁷ On 18 March 2014 Putin signed the bill on ratification of the treaty "On the Admission of the Republic of Crimea into the Russian Federation and creation of new sub-federal entities", which three days later on 21 March 2014 was ratified by the Russian Federation Council which represents the upper house of the Russian parliament. See "Putin signs laws on reunification of Republic of Crimea and Sevastopol with Russia", *TASS Russian News Agency*, 18 march 2014, accessed 10 October 2015, <http://en.itar-tass.com/russia/724785> and "Russian Federation Council ratifies treaty on Crimea's entry to Russia", *TASS Russian News Agency*, 21 March 2014, accessed 10 October 2015, <http://en.itar-tass.com/russia/724749>.

violation of the international law. Also it is believed that she backs separatist forces in east Ukraine.⁸

Gradually Russia started to complain about political and military moves coming from the West. Of particular concern from the Russian perspective is NATO expansion in Eastern Europe and its open door policy. The US missile shield program in Poland and the Czech Republic adds to the frustration of Russia (Futter 2013). Since NATO expansion in 2004, Russia has toughened its stance toward this process particularly in the case of Ukraine and Georgia. In December 2014, Russia adopted its new military doctrine where NATO-related issues stand on top of the table including NATO enlargement, its improved capabilities and global reach (Trenin 2014). Russia's new military doctrine refers to the US Ballistic Missile Shield program as one of the most important threats against Russian national security.⁹

From a legal point of view, attention is drawn on two important treaties which are considered the main pillars of security architecture in Europe i.e. Treaty on Conventional Armed Forces in Europe (CFE) which entered into force on 17 July 1992¹⁰ and The Treaty Between the United States of America and the Union of Soviet Socialist Republics on the

⁸ Russia's support for separatists in Eastern Ukraine sparked western condemnation. See "NATO Wales Summit Declaration", NATO, accessed 10 June 2015, http://www.nato.int/cps/en/natohq/official_texts_112964.htm. The declaration in paragraph 1 stated that "Russia's aggressive actions against Ukraine have fundamentally challenged our vision of a Europe whole, free and at peace." See also "Kerry: Russia must withdraw support for pro-Russia separatists in Ukraine", *the Guardian*, 3 May 2014, accessed 23 October 2015, <http://www.theguardian.com/world/2014/may/03/john-kerry-sergei-lavrov-ukraine-crisis-russia-separatists>.

⁹ However, the US under Obama Administration might have changed its plans regarding missile shield in Europe program after recent review of its program. This move would follow recent Iranian nuclear deal and to please Russia which strongly opposes installing this missile shield program. See also "Is Obama Throwing Eastern Europe Under the Bus", *Center for Strategic and International Studies*, 6 August 2015.

¹⁰ Text of the treaty available at "Treaty on Conventional Armed Forces in Europe" United Nations Office for Disarmament Affairs, accessed 2 October 2015, <http://disarmament.un.org/treaties/t/cfe>. CFE States-Parties: Armenia, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Czech Republic, Denmark, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Kazakhstan, Luxembourg, Moldova, the Netherlands, Norway, Poland, Portugal, Romania, Russia, Slovakia, Spain, Turkey, Ukraine, the United Kingdom, and the United States.

Elimination of Their Intermediate-Range and Shorter-Range Missiles, known as the Intermediate-Range Nuclear Forces Treaty (INF) which entered into force on 1 June 1988 (Samuels 2005, p. 356-357).

The CFE Treaty is a complex instrument which establishes a military balance between the two groups of States by providing equal ceilings for major weapons and equipment systems, namely for each group in the whole area from the Atlantic to the Urals.¹¹ It also establishes within the Treaty area several sub regions where both groups would be allowed to keep equal numbers of the mentioned weapons systems, with further provisions on how many items could be kept in active units. Furthermore, the Treaty limits the proportion of armaments to be held by a single country to one third of the total numbers, the so-called "sufficiency rule".¹² The INF Treaty is the first nuclear arms control agreement to actually reduce nuclear arms, rather than establish ceilings that could not be exceeded. Altogether, it resulted in the elimination by May 1991 of 846 longer-and shorter-range U.S. INF missile systems and 1846 Soviet INF missile systems, including the

¹¹ The agreement limited NATO and the Warsaw Pact each to 20,000 tanks, 30,000 armored combat vehicles, 20,000 artillery pieces, 6,800 combat aircraft, and 2,000 attack helicopters. However, the treaty did not address naval forces. For more see the "Conventional Armed Forces Treaty in Europe (CFE) and the Adapted CFE Treaty at a Glance", *Arms Control Association*, August 2012, accessed 15 September 2015, <http://www.armscontrol.org/factsheet/cfe>.

¹² The Treaty stipulates that arms or equipment beyond the agreed limits have to be destroyed so that within 40 months from entering into force the limits will have been reached. It also includes a thorough notification and verification regime of on-site inspections for the notified holdings, challenge inspections, and the monitoring of destruction of treaty-limited items. The Treaty established a body composed of all Treaty members in Vienna, the Joint Consultative Group (JCG), as a forum for further consultations. The Treaty limits the number of heavy conventional weapon systems (tanks, armored combat vehicles, artillery systems, combat aircraft and attack helicopters). It also fosters mutual trust by having states notify one another in detail of their relevant holdings and host on-site inspections so that notifications can be verified. By the mid-nineties, the reductions required by the Treaty had resulted in the destruction of some 60,000 heavy weapons systems. Greater transparency and enhanced cooperation between the armed forces also increased mutual trust. See "Treaty on Conventional Armed Forces in Europe", *Federation of American Scientists*, accessed 15 September 2015, <http://fas.org/nuke/control/cfe/index.html>.

modernized U.S. Pershing II and Soviet SS-20 missiles (Arnold and Wiener 2012; Hoffman 2009).¹³

Putin issued a decree expressing Russia intent to suspend the observance of the CFE treaty and its additional documents in 2007 due to “extraordinary circumstances”, in accordance with Art. XIX para 2 of the treaty.¹⁴ Putin justified it with the US plans to build its missile shield, although they repeatedly assured Russia that its purpose is not directed against Russia but against other states, potentially Iran. Among other things, Putin justified this act as NATO expansion in the east and its reinvented interest in Georgia and Moldova at the time (Witkowsky 2010). With regard to her obligations stipulated in the INF Treaty, Russia recently moved to test its new ballistic missiles capable of carrying nuclear heads which was considered by the west as being clear violation with the treaty (Gordon 2014).

The question naturally arises as what possible options remain for other contracting parties of the two treaties. From a legal point of view, the Vienna Convention on the Law of Treaties (VCLT) may give some answers. The VCLT with regards to multilateral treaties foresees that a “...a multilateral treaty does not terminate by reason only of the fact that the number of the parties falls below the number necessary for its entrance into force” (Art. 55 of the Vienna Convention on the Law of Treaties). Accordingly, the CFE Treaty may still be in force except for Russia. However, the position of Russia is so important to the treaty that its makes it meaningless and defunct without it. With regards to the INF Treaty, Russia did not denounce it formally, however its actions with testing of the ballistic missiles was regarded by the West as violation of the treaty. If so, it would pose a serious material violation of the treaty according to Art. 60 of the VCLT¹⁵, which gives the other parties the

¹³ “Intermediate-Range Nuclear Force (INF)”, *American Federation of Scientists*, accessed 10 September 2015, <http://fas.org/nuke/control/inf/>. At the height of the Cold War in the late 1970 the US and USSR alone had more than 70,000 nuclear weapons including tactical and strategic ones.

¹⁴ See supra note 27, Art. XIX para 2 of the Treaty, “Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. A State Party intending to withdraw shall give notice of its decision to do so to the Depositary and to all other States Parties. Such notice shall be given at least 150 days prior to the intended withdrawal from this Treaty. It shall include a statement of the extraordinary events the State Party regards as having jeopardized its supreme interests.”

¹⁵ See Supra note 45 Art. 60 para. 1 “A material breach of bilateral treaty by one of the parties entitles the other to invoke the breach as a ground for terminating the treaty or suspending its operation in

right to decide to remain within the treaty or to leave it, because of the position Russia has *vis a vis* other contracting parties.¹⁶ The INF Treaty expressly states cruise missiles to fall under the term of Ground Launched Cruise Missile (GLCM) as a weapons delivery vehicle¹⁷ for which parties took obligations to eliminate within three year of entry into force of the treaty and that no such weapons shall be possessed in the future by state parties.¹⁸

2. Russia's quest for alliances to re-establish its political and military influence in the world

Under Yeltsin Administration, Russia had incited signing of bilateral Collective Security Treaties with states formerly belonging to USSR and the creation of the Shanghai Cooperation Organization with Asian states in a bid to bring in together states under Russian influence and create military cooperation which some see it as potentially future military organizations, reflecting Warsaw pact in countering NATO expansion and force (Frost 2009). However, Russia quest for military partnerships in the form of Collective Security Treaty Organization (CSTO) and Shanghai Cooperation Council Organization (SCCO) may not be well founded to counterbalance the West.

The CSTO founded on the grounds of Collective Security Treaties, which was signed between Russia and some states from the territory of former USSR contains vague language in its main collective defense provisions *"In case of a threat to security, territorial*

whole or in part" and para. 3 (b) *"the violation of a provision essential to the accomplishment of the object or purpose of the treaty."*

¹⁶ *Id* Art.60, para, 2. *"A material breach of a multilateral treaty by one of the parties entitles: (a) the other parties by unanimous agreement to suspend the operation of the treaty in whole or in part or to terminate it either: (i) in the relations between themselves and the defaulting State, or (ii) as between all the parties;*

(b) a party specially affected by the breach to invoke it as a ground for suspending the operation of the treaty in whole or in part in the relations between itself and the defaulting State".

¹⁷ *Supra* note 38 Art. II para. 2.

¹⁸ *Id*, Art. IV para 1. *"Each Party shall eliminate all its intermediate-range missiles and launchers of such missiles, and all support structures and support equipment of the categories listed in the Memorandum of Understanding associated with such missiles and launchers, so that no later than three years after entry into force of this Treaty and thereafter no such missiles, launchers, support structures or support equipment shall be possessed by either Party"*.

integrity and sovereignty of one or several Member States or a threat to international peace and security Member States will immediately put into action the mechanism of joined consultations with the aim to coordinate their positions and take measures to eliminate the threat that has emerged.” Further it states that “In case an act of aggression is committed against any of the Member States all other Member States will provide it with necessary assistance, including military one...”²⁰ Compare it with a strong language used by the North Atlantic Treaty where Art. 5 states that an “armed attack against one or more of them in Europe or North America shall be considered an attack against them all.” In the former case the language is vague, while NATO uses a very clear language which does not leave much room for interpretation: attack on one state is regarded as an “attack against them all”. On the other hand, the SCCO seems to employ even more vague language revolving around some basic goals and principles to guide their relationship such as “to strengthen mutual trust, friendship and good neighborliness between the member States”.

At the Wales Summit NATO has revived its original *raison d’être* that can be seen through the creation of the Rapid Reaction Force (Spearhead).²⁰ Among other things, the West responded with strong condemnation and economic sanctions.²¹ NATO also suspended the NATO-Russia Council and G8 has now returned to its G7 format.²² The West also issued

¹⁹ See Article 4 of the Charter of the Collective Security Treaty Organization, 2235 U.N.T.S. 79, 7 October 2002. Members of this organization are: Russia, Belarus, Armenia, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. See official webpage of the CSTO, accessed 10 October 2015, http://www.odkb.gov.ru/start/index_aengl.htm.

²⁰ “The Wales Summit Declaration issued by the Heads of State and Government Participating in the Meeting of the North Atlantic Council in Wales”, *NATO Press Release (2014) 120*, 5 September 2014, para. 8 and 67.

²¹ “The Council of the European Union Decision no. 2014/512/CFSP” of 31 July 2014, concerning restrictive measures in view of Russia’s actions destabilizing the situation in Ukraine, Official Journal of the European Union L 229/13, 31 July 2014. See also different level of sanctions decided by the US against Russia over its actions in Ukraine at US Department of State, “Ukraine and Russia Sanctions,” U.S. Department of State, accessed 10 October 2015, <http://www.state.gov/e/eb/tfs/spi/ukrainerrussia/>.

²² “Statement by NATO Foreign Ministers”, 1 April 2014, *NATO Press Release (2014) 062*. See also the Brussels G7 Summit Declaration 2014, European Council, accessed 10 October 2015 http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/143078.pdf.

strong condemning statements opposing Russian involvement in Ukraine and approved some rounds of targeted sanctions.²³

3. Conclusion

All recent developments in Europe as well as the strong rhetoric used recently may point in the direction that an early first phase of a new Cold War is ahead, and that if not treated correctly it may spiral well into a real Cold War. However, there are some arguments that contradict this thesis. First of all, although Russia became the sole successor state of the USSR, it does not reflect its might as to counterweight the military, political and economic strength of the West. The actors are much different now with many former USSR republics now being part of NATO and EU. Without them, Russia cannot pretend to be the USSR. Although Russia is the sole successor of the USSR's nuclear weapons, it would take more than that to project specific amount of influence and force to counterbalance the West.

In today's world it takes more than military hard power to be able to influence global developments. Nuclear capabilities would help Russia to deter any firm Western approach; however it may not help it to establish itself in international scene the same way as the former USSR. Current Russia's reactions may be showing its limitation in projecting its policies beyond its immediate neighborhood. In the globalized world of interdependence and flow of information, Russia would increasingly face internal pressure to not engage in Cold War politics, although some polls suggest that Putin received good support for its late actions against Ukraine. Russia would find it very hard to replace its economic relations with the EU in particular, elsewhere in the world. Russia is the third trading partner of the EU while the EU is the first trading partner of Russia. On the other hand, Russia's quest for a possible political/military alliance with states from Asia seems to be futile either because of the weak bonds among those states and reflected in their founding documents or due to other more objective elements that seem to be beyond Russia's control, or to any state for

²³ There is a growing concern that Russia might eventually embark openly its troops in Eastern Ukraine while NATO seem to be watching from afar and employing only economic sanctions and condemnation words. In September 2014 a deal was reached between the government of Ukraine and the pro-Russian separatists in Eastern Ukraine establishing a ceasefire, a military buffer zone and expulsion of foreign fighters among others. Earlier the Ukrainian Parliament passed an act giving this region more autonomy termed as a "self-rule" to be lasting for three years.

that matter, pushed by globalization and interconnectedness of people making policies of confrontation between people and return of another Cold War much more remote and less realistic.

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