



# Neutrality as a Model for the New Eastern Europe?

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## Abstract

Under some circumstances, the concept of neutrality could serve as a model for Central and Eastern European states. During the Cold War, neutral states managed to stay out of the spheres of influence created by the two military superpowers. There have been suggestions to create a “neutral belt” in the new Eastern Europe that has emerged between the EU/NATO and Russia. Neutrality could be a sustainable conceptual option also for the future. As a diplomatic solution, the Austrian model could be an interesting alternative for Ukraine. In its neutrality law of 1955, Austria agreed not to join a military alliance and not to allow any foreign military bases on its territory. Austria quickly adopted Western values and started a process of integration in the market economy, which eventually led to its accession to the European Union in the 1990s. This development was accepted by the Soviet Union, mainly because Austria did not become a member of NATO.

A guarantee that Ukraine will not join a military alliance based on international law might be acceptable for Russia and Ukraine and its neighbors. In addition to affirming Austrian neutrality, the Austrian State Treaty also guaranteed that Austria would not join a new union with Germany (*Anschluss*), as had happened in 1938. Such a prohibition for Ukraine or parts of it, together with neutrality, could guarantee the unity of Ukraine if subsequently no foreign troops or militias would be deployed or active on Ukrainian soil. The same model of neutrality could be an interesting solution for Georgia. It could result in the withdrawal of all Russian troops from Georgia, including the provinces of South Ossetia and Abkhazia, which declared independence from Georgia. Moldova, which declared itself neutral in its constitution, could also consider a neutral status based on international law.

## Introduction

After the collapse of the Warsaw Pact, its members joined NATO and the EU. They saw NATO as a protection against Russia and the EU as a return to Europe. After brief internal debate, they did not opt for neutrality. Other East and Central European states remained outside the alliance. NATO followed the “open door” policy, leaving the possibility of membership open without yet inviting them to join. Neutrality might be one alternative option to NATO membership for these Eastern and Central European states. Within some of these states, e. g. Ukraine, Georgia and Moldova, this option is controversial, since some domestic forces are

pursuing NATO membership.<sup>1</sup> Russia remains suspicious to the neutrality option because it does not trust that NATO would respect it. After a conversation between U.S. Secretary of State James Baker and Soviet President Michael Gorbachev in 1990, some Russian officials and related commentators developed the narrative that Russia believed that NATO would not expand to the East; they claimed that NATO enlargement was a broken promise.

The Final Report and Recommendations of the Panel of Eminent Persons on European Security as a Common Project of November 2015 formulated some practical lessons for the OSCE from the crisis in and around Ukraine. It sought to provide reassurance to Eastern European countries that find themselves “in-between” Russia and the West. The proposals include elements such as: a treaty on European security; alliance membership; military cooperation outside the alliance framework; permanent or time-limited neutrality; neutrality but with military links to NATO; and understandings on what neutrality means in the present context. Austria’s Chairmanship of the OSCE in 2017 could have raised the issue of neutrality for Ukraine. As a diplomatic solution, the Austrian model could be an interesting alternative for Ukraine and other in-between states.<sup>2</sup> The Austrian EU presidency in the second half of 2018 offers another opportunity to address the issue of neutrality for Eastern European States, including Moldova and Belarus.

This paper focuses on neutrality as a model for the new Eastern Europe. I apply lessons learned from Austria’s experience with neutrality to these countries. I examine options for the security architecture in the Eastern Partnership countries, including the role of NATO, the OSCE and neutrality/military non-alignment. I look at options for neutrality and military non-alignment, drawing on the experience of Austrian neutrality. This paper argues that most of the measures of the Minsk agreement of 2015 only can be implemented in the context of long term solution.

## **The Concept of Neutrality**

The concept of neutrality has proven time and again that it can adapt to new situations. The notion that the concept of neutrality is a phenomenon and a part of the Cold War is false in many ways. First, the history of neutrality is much older; the Swiss idea of neutrality dates back to the fifteenth and sixteenth century. It received its legal basis at the Hague convention of 1907. Second, neutrality was not constitutive of the Cold War but was its anomaly. The Cold War in Europe was about building blocs; neutrality was about staying out of them. Whereas the Cold War was the normal, neutrality was the exception. Michael Gehler<sup>3</sup> finds that Austria’s neutrality played an important role in the debate in the early 1950s as a potential model for Germany and other Central European states to stay out of the two military blocs.

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<sup>1</sup>Andrew Cottey, “Introduction: The European Neutral States,” in Andrew Cottey, (ed.), *The European Neutrals and NATO: Non-alignment, Partnership, Membership?* (Palgrave-Macmillan: London), 2017, pp. 1-20.

<sup>2</sup> Instead, Austria’s Chairmanship identified other priorities on how it would address the current threats and challenges in the OSCE area. First, since violent conflicts with numerous victims, displacements and destruction are becoming worse (or worsening), Austria intended to contribute to solve them. Second, radicalization and violent extremism was a major focus of the Chairmanship. Austria saw this as an imminent security risk in the entire OSCE area. A general goal was that Austria wanted to re-establish trust and confidence between states as well as citizens and facilitate confidence-building.

<sup>3</sup> Michael Gehler, “From an Offer for all Cases to a Model Case? Aspects of the Controversy about the Soviets’ Germany, Austria, and Neutrality Policy, 1952-1955, in Current and Recent Research,” in Heinz Gärtner, (ed.), *Engaged Neutrality: An evolved Approach to the Cold War* (Lexington/Rowman & Littlefield: Lanham, Maryland, 2017).

Terry Hopmann<sup>4</sup> reminds us that the neutral and non-aligned states of Europe heavily influenced the content of the Helsinki Final Act of 1975 as the outcome of negotiations within the Conference on Security and Cooperation in Europe (CSCE). Many of these states saw in the CSCE an opportunity to break down barriers between the two dominant alliance systems in Europe, NATO and the Warsaw Treaty Organization (WTO), and to try to override Cold War divisions with a new normative structure to enhance security in a divided Europe.

The most important features of any alliance are its mutual defense obligations. Neutrality and collective defense are negatively related. When the importance of collective defense obligations – which come into force in case of an attack on a member state's territory – increases, neutrality would acquire a different meaning. The consequence for neutrality would not be to engage, but to stay out again. Conversely, when alliance obligations are no longer necessary, the status of neutrality is no longer in question regarding this point. Neutrality means non-membership in an alliance based on political convention or on constitutional and international law.<sup>5</sup>

What are the big new challenges after the end of the Cold War? They are the proliferation of weapons of mass destruction; terrorism, which potentially holds new dangerous dimensions in combination with proliferation; fragile and dysfunctional states, which can be breeding grounds for terrorism, a source of uncontrolled immigration, and a source for the development and dissemination of organized crime. They also contribute to the loss of important economic areas. Neutral states are well suited (in many ways better than other states) for making an important contribution to the fight against these new dangers. European neutral states sometimes show higher acceptance than members of alliances. Assistance for reconstruction and humanitarian aid efforts in war-torn countries can happen within the framework of the UN, the EU, the OSCE, or NATO Partnerships. For those neutral states the possibility for participation in EU common foreign policy and in crisis management is explicitly permitted. Neutral states are also part of robust deployments such as these within the NATO Partnership for Peace (PfP).

### **NATO's new role**

Non-membership in an alliance, anchored in neutrality law or political convention, is a clear characteristic of neutrality. The most important features of an alliance are mutual obligations of assistance, which are incompatible with neutrality. As long as NATO sees itself as a military alliance, there can be no membership for neutral states in NATO. But within the framework of partnerships, crisis management and cooperative security they can provide capacities that are similar to those of the members of a transformed NATO.

After the end of the Cold War NATO redeveloped its basic structure. Preparing for collective defense was no longer the only or even primary item on its agenda. As a second core task its focus included crisis management and expeditionary missions, especially in regions outside defined alliance borders ("out of area"), like in the former Yugoslavia or Afghanistan ("out of continent"), and the inclusion of non-members within the framework of the Partnership for Peace and of the Euro-Atlantic Partnership Council (EAPC).

In addition to territorial defense (covered by Articles 5 and 6 of the Washington Treaty), the Alliance also started to take into account the global context. Alliance security interests could be affected by risks of a wider nature, including acts of terrorism, sabotage, organized crime,

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<sup>4</sup> Terrence Hopmann, "From Helsinki I to Helsinki II?: The Role of the Neutral and Nonaligned States in the OSCE," in Gärtner, *Ibid.*, pp. 143-160.

<sup>5</sup> See also Gärtner, *op. cit.*

and by the disruption of the flow of vital resources (arrangements and consultations as responses to risks of this kind can be made under Article 4).

In addition to the existing “collective defense” and “crisis management” core tasks, NATO introduced “cooperative security” as a third core task in its 2010 Strategic Concept, which was adopted at its Lisbon Summit. This core task was intended to coordinate the network of partner relationships with non-NATO countries and other international organizations around the globe. Cooperative security should contribute to arms control, non-proliferation and disarmament. It should provide a framework for political dialogue and regional cooperation, increase military interoperability, and prepare for operations and missions. Cooperative security is not limited to the European partners, but includes a wide range of partners globally.

It is worth mentioning at this stage that these initiatives need to be seen and assessed against the backdrop of two main developments. First, NATO completed its main combat mission in Afghanistan, which moved the Alliance and partners to look for ways to sustain and reinforce relations in general and interoperability in particular in the ensuing period. Second, uncertainty and insecurity began to increase, especially in Eastern Europe in the face of developments in Ukraine, and as well due to conflict and turmoil in the Middle East. The Alliance was confronted with a need to find ways and avenues to project security and stability and to assist partners and others in enhancing their defense capabilities.

For many Eastern European countries, partnerships acted as a stepping stone on the way to full membership and helped to prepare them for admission. As in Europe and elsewhere, partnerships have acted as a sort of transmission belt to project security and stability corresponding to the notion of cooperative security and have helped to foster compatibility between NATO forces and those of partner countries, consequently leading to the expansion of the pool of potential contributors to crisis management operations. Of course, the concept of partnership has not been static as such and has transformed over time.<sup>6</sup>

After the Russian annexation of part of Ukraine and intrusion by Russian forces across Ukrainian borders in the Donbas in 2014, it seemed that NATO reverted to traditional territorial and collective defense rather than concentrating on crisis management or cooperative security. Yet NATO never had given up collective defense. It is rather a question of priorities. The crisis prompted by Russia’s intervention refocused NATO’s priorities on Europe’s east. The threats and challenges from the South did not disappear, however. Human security, dysfunctional states, regional conflicts, refugee flows, natural disasters, terrorism and nuclear proliferation will stay with us for the foreseeable future. The emergence of the “Islamic State” is a case in point. It would be unfortunate for neutral states if crisis management were more and more replaced by collective defense. The unravelling of the Westphalian System in many states of the Middle East and in the Mediterranean will produce more dysfunctional states and more radical non-state actors. The monopoly of the use of force of the state is being dissolved, what leads to the privatization of violence and to a new medievalism. It will probably produce a much larger challenge than we know now.

In the wake of the continuous Russian-supported invasion in Ukraine, NATO’s core task of territorial and collective defense received priority attention. At the Wales Summit in 2014, NATO allies included the concept of a Very High Readiness Joint Task Force (VJTF) into the overall NATO Response Force (NRF) structure to enhance the capabilities of the NRF in order to respond to emerging security challenges posed by Russia. Although it should also counter the risks emanating from the Middle East and North Africa, it is mainly based on collective

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<sup>6</sup> Hakan Akbulut, Heinz Gärtner, “NATO, Cooperative Security, and the Middle East – Status and Prospects Experts Workshop,” Vienna, December 16, 2016.

defense. Partners cannot be part of collective defense operations, therefore their possibilities for participation are becoming more limited.

## Neutrals in the EU

Enshrined in Treaty of Lisbon of the European Union is a solidarity clause (Article 222), which requires member states to support other member states in case of natural and man-made disasters (e.g. terrorist attacks), should the state concerned request it. Contributions from member states are voluntary and happen upon request from the state concerned. European cooperation in the realms of police and justice take priority over military means. Behind the solidarity clause stands very much the idea of collective security. The concept of collective security aims to enhance the security among its member states, while the concept of collective defense is aimed against an outside enemy.

However, this clause is not part of the Common Security and Defense Policy (CSDP) and must not be confused with assistance obligations (Article 42.7). According to this clause, member states must provide each other with “aid and assistance by all means in their power” in case of armed aggression towards a member state. This includes the promise to use military force. The so-called Irish Formula in the Treaty of Lisbon makes an exception for neutral and non-aligned states. It states that this article “shall not prejudice the specific character of the security and defense policy of certain member states.” The formulation applies not only to the neutral and non-aligned states, but also to NATO members. They have to “be consistent with commitments under the North Atlantic Treaty Organization, which ... remains the foundation of their collective defence and the forum for its implementation.” The Treaty therefore allows both the neutral and the NATO allies of the EU to opt out. The Treaty of Lisbon indicates exceptions for these states resulting from their commitments to the NATO Treaty. Therefore, exception clauses regarding this part of the treaty are valid for all EU member states, which put its meaningfulness into question.

The principles of the EU’s neighborhood policy, the promotion of democracy, the rule of law and market economy are essential. The Eastern European countries (Ukraine, Moldova, Georgia, Armenia, Azerbaijan, and Belarus) are part of the European Neighborhood Policy (ENP), which focuses on relations with the EU in such areas as trade and investment, finance, energy, and transport, among others.

These states are caught in a “geopolitical dilemma”<sup>7</sup> in their foreign and security policy orientation towards Brussels and Moscow: closer political association and economic integration with the EU, on the one hand, versus improved partnership with Russia and the Eurasian Economic Union (EEU; comprised of Russia, Kazakhstan, Belarus, Armenia, and Kyrgyzstan), on the other hand. Neutrality of these countries could facilitate closer economic cooperation between the EU and the EEU and end their in-between-status, which is unsustainable and undesirable.<sup>8</sup>

In one scenario offered by the Scenario Group Ukraine 2027,<sup>9</sup> the continuous policy of détente between Russia and the West could result in new security agreements in which Ukraine is recognized as an internationally neutral country. This status might be acceptable to Brussels, Moscow, Washington, and Kyiv. It would guarantee that no side will use force to change its status. The neutrality would be armed.

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<sup>7</sup> Velina Tchakarova, “Competing geopolitical approaches towards Eastern Europe,” Austria Institute for European and Security Policy (AIES), Fokus 4/2017.

<sup>8</sup> Alexandra Vasileva, “Engage! Why the European Union Should Talk with the Eurasian Economic Union,” Friedrich Ebert Stiftung, Perspective, September 2017.

<sup>9</sup> Scenario Group Ukraine 2027, “Foresight Ukraine, Four Scenarios for the Development of Ukraine,” Friedrich Ebert Stiftung, 2017.

## The Austrian Model

In October 1955, the Austrian National Assembly adopted Austria's permanent neutrality. It was Austria's guarantee to the Great Powers that the country would not join any Eastern or Western military alliance. Ever since, neutrality has been at the center of Austria's foreign and security policy. In Austria's early, formative years, neutrality was synonymous with independence. It helped Austria to develop a strong identity for the first time since World War I, which is why Austrians cling to neutrality by more than a two-thirds majority. The core of Austria's neutrality depends on its military nature. Military neutrality is enshrined in the Declaration of Neutrality: Austria may not join any military alliances, nor may foreign troops be stationed on its territory. The legal principle that neutral states are not allowed to participate in a war, in the sense of international law, was not regulated directly in the Declaration of Neutrality, but resulted from the prevailing understanding of neutrality.

The Federal Chancellor of the Federal Republic of Germany, Konrad Adenauer, rejected the concept of neutrality out of hand. He suspected conspiratorial tactics.<sup>10</sup>

While Chancellor Adenauer saw the concept of "armed neutrality" in Austria as a put-to-sleep-tactic by the Kremlin, at that time, it had been supported by U.S. President Eisenhower.

At a press conference in May 1955 Eisenhower said:

"It seems that the idea has developed that one could build a number of neutralized states from North to South through Europe. Now, remember: The Treaty regarding the neutralization of Austria does not mean that Austria would be disarmed. It is not a void, not a military void, it is along the lines of Switzerland. ... This kind of neutrality is very different from a military vacuum."<sup>11</sup>

During the Hungarian uprising 1956 the Soviet Union suspected the rebels would use Austria's territory as their hinterland. The State Department of the newly re-elected Eisenhower Administration warned Moscow to respect Austria's neutrality and even stated that its violation would be a case for a Third World War.<sup>12</sup>

Austria's neutrality protected Austria from outside intervention by a bloc member. During the period of bipolarity in the Cold War, the blocs were least informally recognized by the leading powers of the other bloc. Therefore, Eisenhower did not come to the aid of the Hungarian insurgents although the United States supported them rhetorically; President Johnson was silent during the uprising of the Prague spring 1968; President Reagan only verbally supported the Polish protests in 1981. Using this analogy, Ukraine eventually cannot rely on the United States to go to war with a nuclear armed Russia.

## Disengagement and Nuclear Free Zone Central Europe

In spite of the negative reaction towards Stalin's notes on a "coalition free" Germany in 1952, there suggestions were made for a neutral Central Europe after Austria's neutrality (and after Stalin's death). George F. Kennan, the U.S. ambassador to Moscow after 1947 and the father of the policy of "containment," suggested in 1956 and 1957 to create a neutral Central Europe, because he did not believe there would be another way to unify Germany.<sup>13</sup> He called Central Europe the "in-between-zone."<sup>14</sup> German Chancellor Adenauer called this proposal

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<sup>10</sup> Konrad Adenauer, *Erinnerungen 1953-1955* (Deutsche Verlagsanstalt: Stuttgart, 1966), pp. 441-442.

<sup>11</sup> Dwight D. Eisenhower, press conference 18 May 1955, quoted in Adenauer, op. cit., p. 442.

<sup>12</sup> *Bild-Telegraph*, November 7, 1956.

<sup>13</sup> George F. Kennan, cited in Adenauer, op. cit., pp. 146-148.

<sup>14</sup> George F. Kennan, *Im Schatten der Atombombe: Eine Analyse der amerikanisch-sowjetischen Beziehungen von 1947 bis heute* (Cologne: Kiepenheuer & Witsch, 1982), p. 21.

“suicidal.”<sup>15</sup> Nevertheless, there were other attempts. U.S. Senators Hubert H. Humphrey and William F. Knowland started a bipartisan initiative. Their plan of 1956-1957 was to create a buffer zone and a simultaneous withdrawal of U.S. and Soviet troops from Germany and from the members of the Warsaw Pact. Eventually, such a buffer zone would be linked to the existing neutral states, Austria, Finland, Sweden and Switzerland. Similar ideas came from the chairman of the British Labour Party, Hugh Gaitskell.<sup>16</sup> U.S. Secretary of State John Foster Dulles said at a classified meeting of the National Security Council on February 6, 1958 that the United States and the Soviet Union agreed that a unified neutral Germany in the center of Europe could not be controlled and that unification should not be a goal of U.S. policy. Meanwhile the United States should do everything to “keep the Germans happy.”<sup>17</sup>

Some neutral countries—such as Sweden and Switzerland—did experiment with the development of nuclear weapons, even as they sought to stay out of the military blocs of the Cold War. Western-bloc nations such as Canada and Germany did the same. But Austria already provided in the mid-1950s a different model.<sup>18</sup> After declaring its neutrality in the second half of the 1950s, Austria became a model for the concept of a geographic zone without nuclear weapons in Central Europe—a concept known as the Rapacki Plan, after the Polish foreign minister who expanded upon the idea and formally introduced it to the world. It was a plan based on disengagement of the blocs and a nuclear-free status of the participating states. Austria’s State Treaty, which was adopted in the same year (1955) as the Treaty on Neutrality, requests a nuclear-free status for Austria: “Austria shall not possess, construct or experiment with—a) Any atomic weapon, b) any other major weapon adaptable now or in the future to mass destruction and defined as such by the appropriate organ of the United Nations ...”<sup>19</sup>

According to the Rapacki Plan, Poland, Czechoslovakia, the German Democratic Republic and the Federal Republic of Germany should become neutral, as was Austria. Because of the emerging concept of Mutual Assured Destruction, however, the plan was not implemented, although it never died.<sup>20</sup>

Non-nuclear weapon states renounced nuclear weapons entirely and joined the Nuclear Non-Proliferation Treaty (NPT) of 1969. Most of them thought that it would be one way to avoid becoming a primary target in the case of a nuclear war. By abandoning its nuclear weapons 1994, Ukraine created the precondition for a nuclear-free status.<sup>21</sup> With a potential membership in NATO Ukraine would lose this status because NATO considers itself as an alliance based on nuclear deterrence.

Neutrality has been increasingly supplemented with an active foreign policy. Contrary to the Swiss model of “sitting still,” Austria joined the United Nations the same year (1955), the Council of Europe in 1956, and the European Free Trade Association in 1960. Austria

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<sup>15</sup> Adenauer, op. cit., p. 474.

<sup>16</sup> Andreas Hillgruber, *Europa in der Weltpolitik der Nachkriegszeit 1945–1963*, (Munich/Vienna: Oldenbourg Verlag, 1979), pp. 60–61.

<sup>17</sup> National Security Council, 242. Memorandum, Discussion at the 354<sup>th</sup> Meeting of the National Security Council, February 6, 1958.

<sup>18</sup> See also Heinz Gartner, “A neutral state’s perspective on the ban—and a compromise,” *Bulletin of the Atomic Scientists*, August 15, 2017.

<sup>19</sup> State Treaty for the re-establishment of an independent and democratic Austria. Signed at Vienna, on 15 May 1955.

<sup>20</sup> On the website of the Austrian Foreign Ministry one can find a modernized plan for a nuclear-weapon-free zone in Europe.

<sup>21</sup> This was related to negative security guarantees provided to Ukraine by Russia, the U.S. and the UK, and those guarantees have been violated by Russia and ignored by the U.S. and UK.

presented itself as a meeting point, by hosting, for example, meetings between the Presidents of the United States and of the Soviet Union, John F. Kennedy and Nikita Khrushchev in 1961, and Richard Nixon and Leonid Brezhnev in 1973, both in Vienna. Last, but not least, thanks to this policy of neutrality, Vienna was chosen as the third UN capital and seat of the International Atomic Energy Agency (IAEA), UN specialized agencies (e.g. UNIDO) and the secretariats of OPEC and OSCE (formerly CSCE).

### **Austria's Neutrality as a Model for Finland**

In contrast to Finland's Treaty of Friendship, Cooperation and Mutual Assistance, (FCMA Treaty) of 1948, Austria's legally-based neutrality that was adopted by the Austrian parliament did not entail bilateral linkages to the Soviet Union.<sup>22</sup> According to the treaty, the Soviet Union could publicly raise the question of the need for mutual consultations. These obligations made Finland's neutrality inherently vulnerable to Cold War pressures.

Austria's neutrality treaty reinforced Finland's interpretation of neutrality vis-à-vis the FCMA. Finland's interpretation of neutrality according to the Austrian, but also Swiss and Swedish, model made the Soviet Union suspicious that Finland would not meet its commitments under the FCMA. As a result, the concept of neutrality was deleted from all bilateral Soviet-Finnish diplomatic documents in the latter half of the 1960s. After the Prague crisis in 1968, the Soviet disapproval of neutrality grew ever more explicit—not least because of the fear for a spillover effect of neutrality to the Eastern bloc countries (c. f. also Hungary 1956). The FCMA treaty was extended in 1973 and 1983, but Finland's neutrality was no longer mentioned in any official Soviet-Finnish documents or diplomatic connections until 1989.<sup>23</sup>

### **The Austrian Model in Asia**

Neutrality always played a role in the debate of Afghanistan's foreign and security policy. Throughout the nineteenth century, Afghanistan was considered a buffer state separating the territories of the rival British and Russian empires in the region. Since regaining full independence in 1919 — in particular independence in making its own foreign policy — almost all rulers of Afghanistan have advocated some form of neutrality in their official policy statements.<sup>24</sup>

In the immediate aftermath of the Soviet military invasion of Afghanistan the British Foreign Secretary, Lord Carrington, proposed Afghanistan's neutrality modelled after Austria's neutrality. U.S. President Jimmy Carter supported the idea and in a letter to Marshal Tito, then Yugoslav President, supported restoration of Afghan neutrality and offered "to help guarantee Afghanistan's true neutrality." Carter saw neutrality as means to end the Soviet military occupation. According to this proposal, Soviet forces would have to be withdrawn. Therefore, it was immediately rejected by Soviet Union and the communist regime in Kabul, which considered it an attempt by the West to undermine Soviet influence.<sup>25</sup>

### **Neutrality as a Problem-Solving Model?**

Under some circumstances, the concept of neutrality could serve as a model for Eastern and Central European states. The question is whether neutrality is a phased-out model of a former policy between military blocs or whether it is a sustainable conceptual option also for the

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<sup>22</sup> Johanna Rainio-Niemi, "Cold War Neutrality in Europe: Lessons to be Learned?" in Gärtner, (ed.), *Engaged Neutrality*, op., cit., pp. 15-36.

<sup>23</sup> Ibid.

<sup>24</sup> Nasir A. Andisha, "Neutrality in Afghanistan's Foreign Policy," Special Report, The United States Institute of Peace, (March 2015).

<sup>25</sup> After the failure of Lord Carrington's initiative in the early 1980s, U.S. expert Selig Harrison proposed the Finnish model. Andisha, op. cit.

future. Indeed, there are indications for the latter. The idea of neutrality—embedded in the debates about the “Finland Option” and the “Austrian model”—made a comeback especially in connection with the escalation of the Ukrainian question in the spring of 2014.

Johanna Rainio-Niemi stresses the importance of the Austrian model:

“According to the Austrian model of neutrality as proposed in Austria, a ‘self-chosen’, sovereignly-determined decision on ‘non-alignment and even neutrality’ would not prevent a country from adopting and developing (Western type of) the rule of law and strong democratic institutions. Further, it would not prevent a country from cultivating a free-market economy and cooperating on these terms with both West and East. Exactly this had been the case with Austria in 1955–1995, and the strategy brought economic prosperity, social equality, a stable political order and democracy. By adopting neutrality, Austria had grown into ‘a symbol of cooperation and not of conflict between the East and the West’ and had been able to find a niche as an internationally acknowledged bridge-builder and mediator across the divides in world politics and between the East and the West in the Cold War era.”<sup>26</sup>

Neutrality could be a sustainable conceptual option also for the future. Among others, both former security adviser of U.S. President Carter, Zbigniew Brzezinski,<sup>27</sup> and former U.S. Secretary of State Henry Kissinger have suggested that the Finland option could offer a model for Ukraine.<sup>28</sup> This analogy draws upon Finland’s long territorial border with Russia, its good relations with both East and West, and its military nonalignment.<sup>29</sup>

In a Brookings Marshall Paper, Michael O’Hanlon<sup>30</sup> argues that now is the time for Western nations to negotiate a new security architecture for neutral countries in Eastern Europe to stabilize the region and reduce the risks of war with Russia. He believes NATO expansion has gone far enough. The core concept of this new security architecture would be one of permanent neutrality.

O’Hanlon<sup>31</sup> argues that permanent neutrality could be the core concept of a new security architecture in Eastern Europe. NATO should not expand further. This concept would reduce the conflict with Russia. O’Hanlon includes Finland and Sweden, Ukraine, Moldova, and Belarus, Georgia, Armenia, and Azerbaijan, and finally Cyprus plus Serbia, as well as possibly several other Balkan states.

Interestingly, O’Hanlon does not mention Austria and Switzerland, which are the only countries with a permanent neutral status based on international law. Moscow might accept the neutrality of these states only if it is based on international law. Self-declared neutrality, like in Turkmenistan, Serbia or Moldova, which is not recognized by international law can easily be abandoned, like in Ukraine. 1955 Austria’s parliament adopted Austria’s neutrality which later has been notified by all states that had diplomatic relations with Austria. However, O’Hanlon is right that ideally, these nations would endorse and promote this concept themselves in the first place as a more practical way to ensure their security than the current situation or any other plausible alternative. It will have to be substantiated with legal provisions, however.

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<sup>26</sup> Rainio-Niemi, op cit.

<sup>27</sup> Zbigniew Brzezinski, “Russia needs a ‘Finland option’ for Ukraine,” *Financial Times* (February 24, 2014).

<sup>28</sup> Henry Kissinger, “How the Ukraine Crisis ends,” *Washington Post* (March 6, 2014).

<sup>29</sup> Rainio-Niemi, op. cit.

<sup>30</sup> Michael E. O’Hanlon, *Beyond NATO: A New Security Architecture for Eastern Europe*, Brookings, 2017.

<sup>31</sup> *Ibid.*

Like in the case of Austria, all foreign troops would be withdrawn from the territory of these states and these states would get their sovereignty and territorial integrity back. Austria's neutrality was not equidistant between blocs, but Austria adopted quickly Western values and became member of the EU as a neutral state.

Stephen Walt<sup>32</sup> argues that the solution to this crisis is Ukraine to be a permanent neutral buffer state that could sustain itself economically with the support of the EU and other international institutions.<sup>33</sup> Dimitri Trenin observes that the Kremlin wants Ukraine to serve as a buffer between Russia and NATO, which suggests that Russia might accept a neutral Ukraine, which does not exclude future EU membership, but would exclude NATO membership.<sup>34</sup>

Stephen Walt argues that arming Ukraine will only lead to escalation.<sup>35</sup> It will not enable Ukraine to defeat the far stronger Russian military. On top of it, Moscow will be willing to pay a higher price since Ukraine is strategically more important to Moscow than to Washington. Also, the local balance of power favors Russia. Moscow would not capitulate but escalate the conflict.

Ukraine should be armed with defensive weapons not before but after it adopted a status of neutrality to defend this status, its sovereignty, and territorial integrity. Austria adopted an "armed neutrality" in 1955. However, its State Treaty prohibits Austria to acquire offensive weapons, for the very same reason to prevent the abuse of its weapons for escalation in the case of conflict.

Graham Allison makes a more far-reaching suggestion of neutrality.<sup>36</sup> If all of the territory of Ukraine (minus Crimea) shall remain a sovereign, independent non-bloc state, Ukraine would have to "agree with all the parties that it would remain neutral for the next quarter century" in its military and economic relations. Allison thus does not define neutrality in military terms only. Ukraine therefore would neither become a member of NATO nor of the EU and also not of equivalent Russian-led institutions. Allison includes domestic affairs in his proposal. Ukraine would have to commit "to meet the highest EU standards for guaranteeing minority rights, including those of Russian speakers." For historical analogies, Allison refers to Belgium in the nineteenth century, Austria and Finland after World War II.

Allison argues that neutrality agreement should not be imposed on Ukraine; its government would have to be party to any resolution, but that neutrality is preferable to other feasible alternatives. He concludes that Ukraine's survival as an independent political entity cannot be achieved without Russian acceptance.

### **Neutrality for Ukraine?**

Since the 1990s, NATO and Ukraine developed several forms of military and political cooperation. Ukraine joined the PfP in 1994. In 1997 a NATO-Ukraine Commission was established. Ukraine contributed to NATO peace operations, e. g. in the Balkans. Debate on

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<sup>32</sup> Stephen M. Walt, "Why Arming Kiev Is a Really, Really Bad Idea," *Foreign Policy*, February 9, 2015. See also Charles Kupchan, "Why giving Ukraine lethal weapons would be a massive mistake," *The Washington Post*, August 7, 2017.

<sup>33</sup> Walt, *Ibid.* See also John J. Mearsheimer, "Getting Ukraine Wrong," *The New York Times*, March 24, 2014.

<sup>34</sup> Dimitri Trenin, "Avoiding U.S.-Russia Military Escalation During the Hybrid War," Carnegie Moscow Center, January 25, 2018.

<sup>35</sup> Walt, *op. cit.*, Kupchan, *op. cit.*

<sup>36</sup> Graham Allison, "Could the Ukraine Crisis Spark a World War?" *The National Interest*, May-June, 2014.

NATO membership of Ukraine continues.<sup>37</sup> When it comes to Ukraine, there is no military solution in sight.

As immediate and short term goals in the Belarusian capital Minsk the leaders of Germany, France, Ukraine and Russia agreed 2015 to a ceasefire. The package of measures for the implementation of the Minsk Agreements<sup>38</sup> includes:

Immediate and comprehensive ceasefire in certain areas of the Donetsk and Luhansk regions of Ukraine and its strict implementation as of 15 February 2015, withdrawal of all heavy weapons by both sides by equal distances in order to create a security zone, ensure effective monitoring and verification of the ceasefire regime and the withdrawal of heavy weapons by the OSCE, carrying out constitutional reform in Ukraine with a new constitution entering into force by the end of 2015 providing for decentralization as a key element. The deadlines could not be met.

For Russia it might not be sufficient that NATO promises not to invite Ukraine into the alliance as members. Those promises can be broken. Only under these conditions could the Minsk agreement be fully implemented, namely the “withdrawal of all foreign armed formations, military equipment, as well as mercenaries from the territory of Ukraine under monitoring of the OSCE.”<sup>39</sup> Engagement between the EU and the EEU could and should run in parallel to the political resolution of conflicts such as the Minsk process.<sup>40</sup>

On the one hand, in 2018 after years of conflict Russia has consolidated its military and political control over its proxies in the Donetsk and Luhansk regions. Ukraine is stripped of part of its territories.<sup>41</sup> On the other hand, most Ukrainian combat-ready troops are concentrated in the Donbas.<sup>42</sup> Sanctions will do little to stop Russia’s aggressive behavior. Therefore, the likelihood that the deployment of UN peacekeeping troops could stabilize the militarized conflict in Donbas suggested by Russia 2017 is not very high because Ukraine would not accept a ceasefire before a political solution is found.<sup>43</sup>

In addition to its neutrality law, a State Treaty separate of the neutrality laws also guaranteed that Austria would not join a new union with Germany (Anschluss), as it had happened in 1938. In the case of Ukraine, such a prohibition for the Ukraine to join Russia or parts of it together with neutrality could guarantee its unity. At the same time Russia has to recognize that an independent Ukraine, - also of the Russian Federation – is the result of the political process of forming a Ukrainian state.<sup>44</sup> In addition, in the Austrian State Treaty, minority rights were regulated and certain capabilities of Austria’s military were limited. In the case of Ukraine, such a State Treaty could expressly detail the Russian minorities within the country’s borders, as well as clarify the future status of Crimea with its different ethnic and language groups (Russians, Ukrainians and Crimean Tartars), whereby the unity of Ukraine should be guaranteed.

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<sup>37</sup> Andrew Cottey, “NATO’s Partnerships,” in Andrew Cottey, (ed.), *The European Neutrals and NATO: Non-alignment, Partnership, Membership?* (London: Palgrave-Macmillan: 2017), , pp. 45-72.

<sup>38</sup> Full text of the Minsk agreement, *Financial Times*, February 12, 2015.

<sup>39</sup> Full text of the Minsk agreement, *Financial Times*, February 12, 2015.

<sup>40</sup> Scenario Group Ukraine 2027, Foresight Ukraine, op. cit.

<sup>41</sup> Vladislav L Inozemtsev, “Can Ukraine Change Russia?” in Daniel S. Hamilton and Stefan Meister (eds.), *The Russia File: Russia and the West in an Unordered World* (Washington, DC: Center for Transatlantic Relations, The Johns Hopkins University, 2017).

<sup>42</sup> Olexiy Haran and Petro Burkovskiy, “Ukraine’s Foreign Policy and the Role of the West,” in Hamilton and Meister, *Ibid.*

<sup>43</sup> Trenin, op. cit.

<sup>44</sup> Dmitri Trenin, “To Understand Ukraine: A New Stage in the Russian State Project,” *Russia in Global Affairs*, December 27, 2017.

The basis for respect for minority rights could already be the Minsk agreement of 2015, which states that a new constitution should provide “for decentralization as a key element (including a reference to the specificities of certain areas in the Donetsk and Luhansk regions ...)”<sup>45</sup>

An analogy offers the provision of 1969 for the German-speaking minority in South Tyrol in Northern Italy. Once successfully implemented, separatist tendencies vanished gradually since the autonomy solution improved the situation of the minority tremendously within the Italian territory.

In the immediate aftermath of World War II, Austria was divided into four major zones and jointly occupied by the United States, Britain, France in the West and South and the Soviet Union in the East of the country. Therefore, there was a danger of partition similar to the one in Germany. The alternative for Ukraine would be a partition similar to the one in Germany. The non-government-controlled areas cover about 20,000 km<sup>2</sup> with 2.5 million inhabitants, the size of Slovenia.

The principles of the EU’s neighborhood policy, the promotion of democracy, the rule of law and market economy are essential for Ukraine. However, a solution without Russia will not be possible, as EU politicians and officials continue to indicate. Moreover, they also emphasize that becoming a NATO member is not on the Ukrainian agenda.

Nevertheless, such statements will do little to stop Russia’s aggressive behavior, which makes the Austrian model an interesting alternative for Ukraine. It becomes somewhat clear that Austria’s model could provide such an offer.<sup>46</sup> Austria is a member of the European Union but not a NATO member. All in all, a democratic and economically developed Ukraine could in the long run represent a valuable advantage for Kremlin. European and American economic aid packages, similar to the post-World War II Marshall Plan, are now essential for Ukraine. Similar to the situation in Austria, the aid packages should also target the eastern part of the country. The combination of neutrality and the Marshall Plan was a definite success for Austria. This plan had a political and an economic dimension. The aim was not primarily to prevent a Soviet intervention in Western Europe, but the reconstruction of the target countries and their integration in the West. The plan should portray the Western economic model as attractive and the communist model as unattractive. It announced the success of a market economy based society with a parliamentary democracy. In his speech in June 1947 the US-Secretary of State George C. Marshall explicitly included, besides Germany, Austria and other western European countries, the Soviet-occupied countries, and even the Soviet Union. Moreover, one could argue that Austria’s neutrality law was the beginning of the détente policy between East and West.

What would be alternative models?

The “Cyprus model” would lead to a division of Donbas, especially if UN peacekeepers would be deployed at the demarcation line as Moscow is proposing; this is unacceptable for Ukraine and also the United States. Another would be a model on how Donbas be brought back gradually under Kyiv’s full control with the assistance of international organizations; this would be a Kosovo-backwards model; this is unacceptable for Russia.<sup>47</sup> “However, if the proposed UN peacekeeping mission will really be launched, it will de facto result in a close security cooperation between Russia and the West.”<sup>48</sup>

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<sup>45</sup> Full text of the Minsk agreement: *Financial Times*, February 12, 2015.

<sup>46</sup> Heinz Gärtner, “Die Ukraine sollte sich die österreichische Neutralität ansehen (The Austrian neutrality as model for the Ukraine),” *Der Standard*, March 3, 2014.

<sup>47</sup> Ibid.

<sup>48</sup> András Rácz, “Wither or Return to the West? An Analysis of the New Russian Peacekeeping Proposal on Eastern Ukraine,” EU Frontier Policy Brief No. 23 – Center for European Neighborhood Studies, February 2018.

## The Example of Georgia<sup>49</sup>

Georgia joined the PfP in 1994 and sought closer relations with NATO. It participated in the NATO's International Security Assistance Force (ISAF) in Afghanistan. After the 2008 Russo-Georgian conflict, a NATO-Georgia Commission was established.<sup>50</sup>

The conflict between Russia and Georgia in 2008–2009 provoked a new debate, particularly within NATO, regarding the range and future of the military obligations of alliance. Officially, NATO stands by its decision to continue its expansion into the east and south of Europe. If Georgia joined NATO and a further military conflict between Georgia and Russia should erupt or be provoked, NATO could even, in an extreme scenario, be dragged into a conflict with nuclear Russia, due to the commitment of assistance in Article V of its Treaty. If NATO did not act, its commitments of assistance would seem unreliable both internally and externally, which could also have fatal consequences. Under these circumstances, what at first glance seems to be a strange solution becomes a viable political option: neutrality for Georgia and security guarantees from NATO and Russia.

Austria's status of neutrality was reached when all occupying forces agreed after the World War II that they all would withdraw their troops from the Austrian territory. The same model of neutrality could be an interesting solution for Georgia. Following the status of neutrality's logic, it would have to include the withdrawal of all Russian troops from Georgia, including those rogue provinces which declared themselves independent (South Ossetia and Abkhazia). The price for the withdrawal—the waiving of Georgian membership in NATO—would not be so much a concession to Russia, but rather a requirement for a sovereign Georgia, free of foreign troops and with territorial integrity. This step would in no way exclude the possibility of close cooperation with NATO—such as the one practiced by Austria, Finland and Sweden.

The Austrian State Treaty supporting neutrality demanded wide-ranging guarantees from Austria concerning ethnic minorities. A demand which would of course be of essential importance for Georgia would be its treatment of minorities. The chances of neutrality being accepted are currently looking bleak, in Georgia as well as in Abkhazia, South Ossetia and, of course, Moscow. Certainly though, it is an interesting political option for all involved parties.

## Moldova and Belarus

Moldova's neutrality is self-declared, as enshrined in its constitution, which states in Article 11: "The Republic of Moldova proclaims its permanent neutrality," and "The Republic of Moldova shall not allow the dispersal of foreign military troops on its territory." Hence, the country cannot join military alliances like NATO.

A self-declared neutrality has a very weak status and its violation would not violate international law. In addition it can be taken back by the country itself without the consent of the members of the United Nations who would have to notify it. This reduces the credibility of the status. As long as Russian troops are deployed in the separatist province of Transnistria, the condition that the dispersal of foreign troops is not allowed on Moldovan territory cannot be met. However, Moldova sees no contradiction with its status of neutrality and better relations with the EU and even NATO. After all it signed the Association Agreement with the EU and also the Deep and Comprehensive Free Trade Agreement as well as PfP.

Efforts in 2018 are concentrated on the implementation of the agreements on practical issues, signed between the sides that has been endorsed in the Vienna Protocol of 2017. These are improving transport, communication, education and infrastructure.

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<sup>49</sup> Heinz Gärtner, "Neutralität und Frieden (Neutrality and Peace)," in Bernhard Rinke and Hans J. Gießmann (ed.), *Handbuch Frieden* (Verlag für Sozialwissenschaften: Hamburg, 2011).

<sup>50</sup> Cottey, op cit., pp. 45-72.

For Belarus, neutrality remains an option. It will have to be based on international law as well, which also requires recognition by the member states of the United Nations with which it has diplomatic relations, including Russia. If Belarusian neutrality is accepted by Russia and by the West, it has to be an armed neutrality which can serve as a buffer zone. It should not include offensive weapons that would weaken its neighbor's security. It could be a similar provision as stated in Article 13 of the Austrian State Treaty of 1955. Austria should not possess, construct or experiment with any atomic weapon, any other major weapon adaptable now or in the future to mass destruction and defined as such by the appropriate organ of the United Nations. The prohibition also includes specially defined missiles. The signatories of the Treaty reserve the right to add to this Article prohibitions of any weapons which may be evolved as a result of scientific development.

Neutrality may be the only long-term valuable way for Belarus to improve relations with East and West. Other options – like tilting towards one military alliance or bloc -- might provoke international and domestic opposition. Internal confrontation could be exploited by foreign powers, as the case of the conflict in Eastern Ukraine, and can even end in an open armed conflict.<sup>51</sup> Belarus' status in the Collective Security Treaty Organization (CSTO) has to be negotiated. It will have to be similar to Austria's PfP membership related to NATO without strong security obligations. The membership in the Commonwealth of Independent States should not be an obstacle. EU membership in the long-term future not excluded. Membership in the Eurasian Economic Union and the CSTO are not necessarily incompatible with developing closer relations with the EU, as the example of Armenia shows.<sup>52</sup>

Maybe Belarus' neutrality could be amended by a bilateral Russian-Belarus security treaty according to the model of the 1948 Soviet-Finnish bilateral security pact. Neutrality and the bilateral security pact were formally two separate issues. Neutrality was initially desired primarily by Finland, and the security pact by the Soviet Union.<sup>53</sup>

### **The Future of Neutrality**

How does a neutral state differ from a non-neutral one? In times of peace, it may not preemptively commit itself to support another state militarily in case of war. This obligation of assistance was included in the North Atlantic Treaty in 1949 (Art. V) after heated discussions, because of the threat posed by the Soviet Union.

There are scenarios in which non-NATO states are far better suited for peacekeeping operations than NATO members. A NATO mission in the Georgia conflict in 2008 would probably have resulted in an escalation with unpredictable consequences. Non-NATO states are better suited for many tasks, for instance the crisis in Lebanon or a potential peacekeeping force in the Gaza strip.

The EU's humanitarian mission in Chad in 2007 is a case in point. The involved troops did not explicitly side with one of the conflict parties, a foreign power (i.e. France), the government, or the rebels, which would be the usual procedure in a war. Not a single neutral EU member state stood apart. Finland and Sweden provided troops; Ireland even supplied an operational commander, and Austria the commander of special missions.<sup>54</sup>

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<sup>51</sup> Bohdan Siarhei and Isaev Gumer, "Elements of Neutrality in Belarusian Foreign Policy and National Security Policy," *Belarus Digest*, Analytical Paper 7, 25 October 2016.

<sup>52</sup> Andrey Makarychev, "Incomplete Hegemonies, Hybrid Neighbours: Identity games and policy tools in Eastern Partnership countries," CEPS Working Document, February 2018.

<sup>53</sup> Johanna Rainio-Niemi, "Cold War Neutrality in Europe: Lessons to be Learned?" in Gärtner, *Engaged Neutrality*, op. cit., pp. 15-36.

<sup>54</sup> Gärtner, ed., *Engaged Neutrality*, op. cit., pp. 129-150.

In Ukraine neither Russian, nor Ukrainian, nor NATO troops should be part of a potential future peacekeeping mission. Neutral European countries could be responsible for organizing such an UN-authorized operation. Besides neutral European countries, India and China could also be contributors.<sup>55</sup> It will have to be not only a military operation but a civil-military mission involving military, police and civilian components.<sup>56</sup>

Of course, there can be no neutrality between democracy and dictatorship, between a constitutional state and despotism, between the adherence to human rights and their violation. The Austrian neutrality law does not relate to these questions. It is defined in negative terms as the non-membership in a military alliance, non-participation in foreign wars, and the non-deployment of foreign troops on Austrian territory. There can be no neutrality between the condemnation and the tolerance of human rights violations, between right and wrong, or between democratic and authoritarian forms of government. Even during the Cold War, Austria remained firmly grounded in the community of Western values.

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<sup>55</sup> Rácz, op. cit. .

<sup>56</sup> Richard Gowan, "Can the United Nations Unite Ukraine?" Hudson Institute, February 2018.