THE
NEUTRALITY
OPTION
FOR
IN-BETWEEN
STATES

Thomas M. Buchsbaum
Yauheni Preiherman
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The Neutrality Option for In-Between States
Based upon and expanded from the Eastern Partnership security policy workshop "Security Options of the EU's Eastern Partners: Is there a role for neutrality?" held on 13 November 2018 in Minsk, Belarus.

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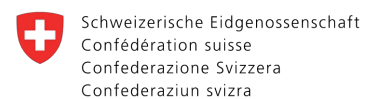
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THE NEUTRALITY OPTION FOR IN-BETWEEN STATES

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Публикация основана на материалах семинара «Безопасность в странах
"Восточного партнерства": есть ли место для нейтралитета?», проведенного
13 ноября 2018 года в г. Минске. В книге представлен обзор и сравнение опы-
та государств ЕС (Австрия, Финляндия, Мальта, Швеция), Швейцарии, Туркме-
нистана и стран-участниц «Восточного партнерства» (Армения, Азербайджан,
Беларусь, Грузия, Украина) в отношении политики нейтралитета. В публика-
ции рассматриваются различные определения, цели и модели политики ней-
тралитета, основанные на опыте конкретных стран.

The publication is based upon and expands on the materials of the policy
workshop "Security Options of the EU's Eastern Partners: Is there a role for
neutrality?" held on 13 November 2018 in Minsk, Belarus. The book offers an
overview and comparison of experiences of a group of EU member states (Austria,
Finland, Malta, and Sweden), Switzerland, Turkmenistan, and the EU's Eastern
partner countries (Armenia, Azerbaijan, Belarus, Georgia, and Ukraine) with regards
to the policy of neutrality. The book explores different definitions, purposes, and
implementation models of the policy of neutrality, based on country-specific contexts.

CONTENTS

Neutrality as an Option for "In-Between States"

Thomas M. Buchsbaum[1]

The concept/s of neutrality have been met with an overall decreasing attraction during the 20th century in Europe. In the second half of the century, a few countries, however, sticked to and developed, their versions of neutrality and non-alignment. Additional states approached and/or adopted their own concepts of neutrality. I am grateful to the *Minsk Dialogue* – in particular to its director, Yauheni Preiherman – to have picked up the topic and organised an Eastern Partnership (EaP) security policy workshop on "Security options of the EU's Eastern partners: Is there a role for neutrality?" on 13 November 2018 in Minsk in a "track 1 ½" format in conjunction with and under the auspices of the Austrian Presidency of the Council of the European Union.

All six Eastern partner countries of the European Union are sharing a common – Soviet – past but have developed quite different orientations and aspirations since their gaining or re-gaining of independence more than 25 years ago. The partner countries do not constitute a geographic region amongst each other: three countries are situated between the Eastern external borders of the EU and those of Russia, three others are located at the Southern borders of Russia. All but one are faced with some kind of territorial conflict.

Adding to the differences amongst partner states, besides different levels of aspirations with respect to the approximation to the EU, there are marked differences on the security orientations of the EU partner countries: they vary between wishes of an early NATO membership on the one hand and current memberships of the *Collective Security Treaty Organisation (CSTO)* on the other, with different degrees of involvement in the *Shanghai Cooperation Organisation (SCO)*, as well as somewhere in between or maybe overlapping, a status or policy of neutrality.

Recently Changing Views on Neutrality

To talk and write about neutrality as a security policy option for countries may look strange to those who followed or contributed to the declining attraction of neutrality in the post-1989 Europe. In a world of shared security, they argued, "sitting still" or "standing apart", as the Swiss neutrality had often been qualified (in the past), could not be argued for any longer. In addition, within the ever-closer European Union, "neutrality" became inconceivable towards partner Member States and in view of joint security interests.

Today's world, however, has not developed in a manner as many had foreseen or hoped for in the post-1989 period. There is no "zone of peace and co-operation from Lisbon (or Vancouver) to Vladivostok" nor a "Common European House", nor has the OSCE somehow taken over the role of (defunct) military alliances. The reality, unfortunately, is much different. During the

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[1] The views expressed here represent the personal opinion of the author.

last decades in Europe, we have been facing blatant and ongoing violations of international law, OSCE principles and basic fundamental rights, and even armed conflict and territorial occupation. The concept of a common, co-operative security today is not shared by all actors across the wider Europe. Here and there, in the post-Iron Curtain Europe, curtains seem to have been going down again.

This situation poses challenges to so-called "in-between states"[2] which sometimes may feel to be faced with the need to choose between siding with "Brussels" or Moscow. While the EU has made it clear that no Eastern partner country is put before such a binary choice, Russia has been sending different signals. This position was clearly demonstrated when Ukraine and Armenia were about to enter into an Association Agreement including a Deep and Comprehensive Free Trade Area with the EU.

During the last years, discussions on implementing or enhancing neutrality emerged in Europe, in particular, in the Republic of Moldova and in the Republic of Belarus. In the first case it was the country's then president, Igor Dodon, who saw an internationally recognised status of neutrality as a key to solving the Transnistrian conflict. In the latter case it was academics who brought the concept of neutrality back into the public discussion, and who were supported by high authorities of the country. In both states, the departure of foreign troops from their territories would be a prerequisite to an effective neutrality status. In addition, for Belarus, and eventually also for Armenia, a bilateral military alliance (with Russia), or a membership to a collective one, *e.g.,* the *Collective Security Treaty Organisation (CSTO)*, would exclude a generally understood status of neutrality.

Neutrality in respect of a current armed conflict – around and in Nagorno-Karabakh in autumn 2020 – was declared by Georgia, forbidding the land and air transit of arms shipments, but allowing (Russian) peace-keeping troops to transit the country by air.

Concepts of Neutrality across Time and Space

The term of neutrality in general has been carrying many meanings in history and in different disciplines, some of which produced a bad after-taste. What this book is dealing with is internal law and political science, not morals. Nobel peace prize-winner Elie Wiesel is undoubtedly right when saying "*Always take sides. Neutrality helps only oppressors, never the victims.*"

Neutrality is not "a child of the Cold War". The neutrality we are dealing with here originated in a rather distant past, Europe's 16th century or even antiquity (from the Peloponnesian war onwards), in the law of war – *jus in bello* – as an *ad hoc* option of not engaging on one side of the conflict, and on which both sides of the conflict could count upon. A later concept of permanent neutrality, declared out of a war context, held the promise *erga omnes* not to engage in any possibly upcoming conflict as well.

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[2] This term is not meant here as a pejorative connotation, but in the tradition of George F. Kennan describing independent states which are situated between big(-power) neighbours and/or their blocs. It has been argued that a status of neutrality could bring these countries out of that "in-between" situation (Gärtner H. (2018): Austrian Neutrality as a Model for the New Eastern Europe?, https://www.iipvienna.com/news-reports-publications/2018/11/27/austrian-neutrality-as-a-model-for-the-new-eastern-europe.

This status also required to militarily defend the neutrality and abstain from actions towards third countries during peacetime, which could later jeopardise the neutrality in times of conflict. These duties are called "secondary obligations of neutrality" or "advance effects of neutrality" ("*Vorwirkungen*"). In its very essence, the status of neutrality forbids the country to participate in wars, to join military alliances and to allow foreign troops to be stationed on its territory, and obliges the country to defend its neutrality with all means. This duty, *in extremis*, would prevent permanent neutral states from demilitarising, or only to do so last, after all others.

Experience with neutrality in the past was not uniformly positive, in particular in the first half of the 20th century (Norway, Belgium, Denmark). Neutral Switzerland, Sweden and Ireland, on the other hand, sailed rather well through World War II. Neutral countries overall fared much better in the second half of the 20th century: the traditional European neutral states have been punching above their weight, individually and collectively. On the latter, see the role of the "Neutral and Non-Aligned Group (N+N)", which developed and shaped progress in the *Conference on Security and Cooperation in Europe (CSCE)*.[3] Individual neutral countries that performed best were small, strong, and domestically cohesive, and in these countries, neutrality had become a part of their national identity. It has been argued that "neutralised" countries tend(ed) to relinquish their status easier than those which have freely contracted it, but there are exceptions to this "rule".

During the 1990s, practically all European neutral countries reassessed and adapted their doctrines of neutrality. New terms appeared both on the official side and on the side of analysts. Sweden and Finland gave up the notion of neutrality and henceforth called themselves "militarily non-aligned". Ireland spoke of "military neutrality", and in Switzerland "the omnipresence of neutrality decreased". Austria's neutrality was qualified by actors and analysts, as, *inter alia*, "reduced to its core elements", a "differentiated neutrality" (in relation to the EU) and its status as "non-allied". In many of the new concepts of the neutral states at the end of the 20th century, the notion of solidarity, also in military terms, appeared in addition, as a complement or as an implementing policy of neutrality.

Today we are faced with "varieties of neutrality": shifting definitions, doctrines and focuses of neutrality in parallel with shifting definitions and practices of war, peace, security and state sovereignty. Neutrality today carries both a traditional face and one or more contemporary faces. It has nothing in common with a (past) neutralism of some countries.

Within the various trends on neutrality during the last years, we can read about approximating neutrality with non-alignment, concepts which in the more distant past were regarded incompatible with each other. And besides the familiar terms of "permanent" and "perpetual", of "military neutrality", "strategic neutrality", "armed neutrality" and "active neutrality", new and novel concepts were introduced – like "positive neutrality" (© the Turkmenbashi Saparmurat Niyazov, Turkmenistan), "integral neutrality", "engaged neutrality" (© Heinz

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[3] Neuhold H. (1988): CSCE: N+N Perspectives: The Process of the Conference on Security and Cooperation in Europe from the Viewpoint of the Neutral and Non-Aligned Participating States, Vienna.

Gärtner, Austria[4]), "differentiated neutrality", "pragmatic neutrality" (© Utku Yapıcı, Turkey), "occasional neutrality", and "situational neutrality" (© Dzianis Melyantsou, Belarus).

Seen from the perspective of third countries today, the meaning of neutrality and the role of neutral countries have evolved over the last decades. Today, it focuses more on mediation and good offices, as already individually devised by Jean Bodin and Niccolò Machiavelli in France in Italy in the 16th century. Today's neutral countries provide to third states advisory services, platforms for dialogue and confidence-building, and strongly engage in multilateralism, arms control, disarmament, peace-keeping, as well as in defending and strengthening the humanitarian law, human security, a rules-based international order, human rights, good governance and democracy. Furthermore, acting as protecting powers in third countries (including maintaining "foreign interest sections" of their Embassies), providing nationals for high offices of international organisations as well as venues for their headquarters and seats are other hallmarks of neutral countries.

While traditionally (permanent) neutrality used to be clearly distinguished from, *e.g.*, non-belligerency, military neutrality / non-alignment, or non-alignment in general, today some of these dividing lines are blurred. Military non-alignment is often mentioned alongside neutrality and "post-neutrality" in European state practice; *e.g.*, the Maltese Constitution in its 1987-amended version qualifies neutrality by a non-aligned policy, and Ukraine's *Declaration of State Sovereignty* of 1990 speaks of neutrality and non-alignment together.

This trend of blurring traditional terms and concept cannot, however, fully detract from the distinction between a legal institution and (international) legal obligations on the one hand, and pure policies on the other. Changing the former requires formal acts; changing the latter only requires political decisions.

A status of permanent neutrality enshrined in the Constitution and internationally recognised obliges states *erga omnes* in times of armed conflict and of peace, as well as third states to act accordingly, while they still enjoy ample room to conduct policies which do not have to be identical amongst all permanent neutral states. Each status and each policy of neutrality is unique.

Looking at various instances of neutrality, one could pose the question if the decision on establishing some kind of permanent neutrality is linked to smaller, vulnerable states, in particular on the periphery of a region and/or in the vicinity of powerful countries. Its inception is often linked to (re-)gaining sovereignty, and nation- and identity-building, especially in post-conflict periods.

Some regard the neutrality as the "small states grand strategy" which allowed for a significant foreign policy of smaller states.[5]

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[4] *ref*. Gärtner, H. (ed.) (2017): Engaged Neutrality. An Evolved Approach to the Cold War, Vienna; Gärtner, H. (2016): Engagierte Neutralität in Thomas Roithner and Ursula Gamauf-Eberhardt (eds.), Im Anfang war die Vision vom Frieden, Vienna, pp. 357-371.

[5] Briffa H. (2018): Malta: Bridge of the Mediterranean, Neutrality as a small state, status seeking grand strategy, SSANSE: Small States and the New Security Environment, № 17.

Nostalgia or Renewed Utility of Neutrality?

Neutrality is certainly neither a panacea for all security situations, nor an evil in itself, nor a concept to be demonised. It is neither immoral nor to be ashamed of. It is – as a security policy option – a right expressly acknowledged by the *Helsinki Final Act of the CSCE* of 1975 – in the tradition of the Congress of Vienna and the Hague Conventions V and XIII of 1907. And it has been largely successful since World War II – contrary to the decades before.

More recently, the General Assembly of the United Nations (UNGA) has stressed the utility of neutral states on a couple of occasions. On 2 February 2017, the UNGA declared 12 December as the "International Day of Neutrality".[6] On 7 December 2020, the UNGA *"[u]nderlin[ed] that the national policies of neutrality [...] can contribute to the strengthening of international peace and security in relevant regions and at the global level and can play an important role in developing peaceful, friendly and mutually beneficial relations between the countries of the world; [r]ecogniz[ed] that such national policies of neutrality are aimed at promoting the use of preventive diplomacy, including through the prevention of conflict, mediation, good offices, negotiation, the use of special envoys, informal consultations, peacebuilding and targeted development activities; [and] [r]ecommend[ed] the use [...] of the full potential of neutral States and mediation in the peaceful settlement of disputes, conflict prevention and resolution in accordance with the Charter of the United Nations."* [7]

Neutrality during the last decades has encountered criticism and sometimes rejection even by and in countries that held this concept high in the post-World War II decades. Neutrality was regarded as "obsolete" or even "a really dead concept" in former neutral countries of the Northern Europe, where the age of "post-neutrality" had commenced already in the 1990s. Academics in Austria called Austria's neutrality "hollowed out and emptied of its sense" and an "increasingly empty shell", besides the more generalised criticism of her role as a shirker or slacker (*"Drückeberger"*) and free-rider (*"Trittbrettfahrer"*) taking advantage of her NATO member neighbours without contributing to their/its expenses. Others labelled neutrality as "antiquated" and "irrelevant" in the 21st century and replaced by solidarity and the "responsibility to protect / R2P".

However, there are other counter-trends to observe as well: **Moldova** has its permanent neutrality enshrined in its 1994 Constitution and broadly supported by its population – with discussions on a more detailed definition of her neutrality and its possible use for solving the ongoing Transnistrian issue. Despite Chisinau's refusal to be drawn into Moscow-dominated security organisations, the country's status of permanent neutrality cannot be fully implemented without the complete retreat of the Russian forces from its territory. This is probably a reason – besides the highly polarised and dividing character of the topic in the country – why the country's neutrality is not internationally recognised to date, and an implementing law or other more detailed legal regulation missing.

The then President Igor Dodon in summer of 2018 published a document under the title *"Moldova's President Standpoint regarding security of the Republic of Moldova and its*

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[6] A/RES/71/275.

[7] A/RES/75/28, adopted without a vote.

citisens whereby enhancing the permanent neutral status of the state, stipulated in its Constitution". An international conference on *"Moldova: Stability Factor or New Challenges to Regional and European Security"* dealing in particular with neutrality followed in July 2018 in Chisinau. Due to various political developments and changes in government in 2019 and 2020, no substantial follow-up was registered. Nor was the issue a topic in the various election campaigns or government programmes. The new President of Moldova, former Prime Minister Maja Sandu even before sworn in, declared in the autumn of 2020 a "balanced foreign policy" as her aim and indicated a high interest in ending the presence of Russian troops on Moldova's territory, in Transnistria. She did not elaborate upon whether a solution to the Transnistrian issue acceptable to all interested parties may include an enhanced status of the country's neutrality.

Belarus, a member of the Non-Aligned Movement (NAM), is according to its Constitution striving for neutrality. Neutrality was mentioned by various speakers as a half-implemented and/or desired option, at the plenary and the Belarus-focused night owl session of the *Minsk Dialogue Forum* in May 2018. Foreign Minister Vladimir Makei at the plenary meeting in the presence of President Aliaksandr Lukashenka spoke of a "certain neutrality" of Belarus.[8] Others argued that many characteristics of neutral countries were already being fulfilled by Belarus.

Whether the consideration of neutrality – in line with the policy of Belarus as a "provider of regional stability and security" and facilitator of conflict-resolution processes ("OSCE Minsk Group", "Minsk Protocol", "Minsk II", venue of the "Trilateral Contact Group") – will be continued after the developments of the country in and after summer 2020 by Lukashenka / Makei or their successors, will have to be observed.[9] In any case, the membership of Belarus in the CSTO, a bilateral security agreement with Russia and (some) Russian troops on its territory preclude a status of a traditional neutral country. That is the reason why domestic analysts qualify Belarus' neutrality as "situational".

Azerbaijan has in the past been conducting a military and strategic non-alignment, which is not unsimilar to present-day neutrality. Pragmatic balancing and strategic hedging, policy elements of post-Soviet countries attempting to lead a "multi-vector (foreign) policy", have been detected in its state practice. The question was even posed whether Baku was "testing being neutral". An answer will probably have to be reviewed after autumn 2020.

In addition to Moldova, within the family of post-Soviet states, **Turkmenistan** – a participating state of the OSCE and founding state of the CIS, which however never ratified its Charter – declared its permanent neutrality in 1995. This was soon after recognised and supported by an UNGA Resolution.[10] Turkmenistan has been pursuing its policy of neutrality in a pragmatic way (including actively within the framework of the United Nations): Ashgabat refused to join multilateral CIS military groupings and is only a guest at the *Shanghai Cooperation Organisation (SCO)*, as well as a NATO Partner for Peace. High and highest

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[8] According to the English interpretation at the conference.

[9] While first statements in autumn 2020 indicated an abandonment of the multi-vector policy, this was later publicly denied. At the end, state practice will show.

[10] A/RES/50/80, unanimously adopted.

representatives of NATO have been repeatedly stating in respect of neutral countries in general that "*neutrality is not an obstacle to cooperation with NATO*".

In the Southern region of Europe, **Malta**'s neutrality, declared in 1981 and enshrined in her 1987-amended Constitution, is expressly recognised by its neighbours and other country. **Serbia**'s military neutrality, declared by parliament in 2007, is less internationally anchored.

This renewed trend towards a status of neutrality shall not overshadow negative experiences with neutrality by other post-Soviet states: Georgia had such experiences in respect to the Soviet Union in the 1920s, refused adherence to any Moscow-induced post-Soviet security institution, and decided on a NATO course in particular after the armed conflict with Russia in 2008. Ukraine mentioned neutrality as intended in her *Declaration of State Sovereignty* of 1990, before the dissolution of the Soviet Union, and enacted it as a "neutral and non-aligned status" in 2010. This was repealed in 2014 following the experiences at the "Euromaidan". Lacking implementation of the security assurances of the "Budapest Memorandum" of 1994 added to security policy decisions of some post-Soviet states.

In **Austria**, too, in one of the classic countries of permanent neutrality besides Switzerland, the topic re-emerged after years of lacking focus and academic research – as well as after an intermediate period of discussing a possible joining of NATO: the Austrian government in its policy programme of autumn 2017 calls "*Austria's neutrality […] an important identity-creating factor [of the country, and her] engaged international policy [as lying] in [her] national interest. As a historic hub between East and West, Austria shall constitute an active venue of dialogue, and expedite détente between the West and Russia.*" Federal Chancellor Sebastian Kurz declared that "*neutrality offers us the chance to be a bridge-builder between East and West.*"

Domestic and international commentators on Austrian neutrality found out that:

- Neutrality has served Austria well during the last decades;

- Neutrality was never seen as an ideological neutrality ("*Gesinnungsneutralität*") or standing apart of international co-operation and solidarity;

- Austria's neutrality has served others as well, in particular by Austria's high participation in UN PKOs and by the role the N+N played within the CSCE framework;

- Neutrality was not regarded by Austria contrary to the use of force authorised by the Security Council of the UN;

- Neutrality has not prevented her from being fully integrated into the European Union and its *Common Security and Defence Policy (CSDP)*, and its *Permanent Structured Co-operation (PESCO);*[11]

- Austria's "active policy of neutrality" included offering its facilities as a meeting place between East and West, acting as mediator in specific conflicts, participating in a

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[11] On the occasion of Austria's accession to the EU in 1995, a specific Article was inserted in the Austrian Federal Constitution in 1994 (and amended in 1998), enabling Austria's full participation in the CFSP and modifying the scope of the Austrian neutrality.

number of UN peacekeeping operations and becoming the host country of several international organisations and the third seat of the UN.

The programme of the subsequent government, of 2020, again under Federal Chancellor Sebastian Kurz, albeit with a different coalition partner, declared in its programme that Austria's neutrality is "*irrevocable. It is not in contradiction to solidarity within the European Union.*" The needed further development of Austria's security policy had to be undertaken in the light of safeguarding its neutrality and the changed security policy tasks in Europe. The chapter on Europe: "*By an active policy of neutrality a proper contribution of Austria is rendered to peace and security in Europe (in the framework of CFSP) and the world.*"[12] Austria nevertheless is not propagating (its) neutrality as a model for others, but explaining its experiences with neutrality and utility of it with respect to its own history and polity.

All these developments lead to the question whether today there is a nostalgia of or renewed interest in neutrality, and whether this concept in an adapted version can even serve additional countries.

Beyond discussion on neutrality, but somehow linked to its contents is the concept of a "**multi-vector (foreign) policy**". It represents a model for a number of post-Soviet countries and even one of former Yugoslavia. Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan as well as Serbia speak of it and are trying to implement it. In many instances, not all vectors are of equal strength, but the main or former dominating partner is shown other policy and trade options which the country has at her disposition and is willing to expand, in particular in the direction of the EU and/or China – notwithstanding the country's geopolitical situation and its workforce abroad. The "multi-vector (foreign) policy" is in a number of cases more a bargaining position than a stringent policy itself. In any case, it may be argued that Kazakhstan and Belarus have been the most successful cases of conducting a "multi-vector policy",[13] while Armenia's policies have been impacted by the "Velvet Revolution" of 2018 and the armed conflict around and in Nagorno-Karabakh in 2020.

Neutrality – an Option for Specific Situations?

Countries are situated where they are located, and cannot choose nor alter their geographical place, as the late Finish President Urho Kekkonen once said when questioned about the post-World War II position of Finland.

Some of the countries at or near the external Eastern borders of the EU are demonstrating understandable and laudable EU membership aspirations, as their approximation is also intricately linked to the will of sharing its values and standards. Doubts, however, exist whether the EU would ever accept countries as full members whose governments are not in effective control of their entire territory. The case of Cyprus may not be wished to be taken as a precedent. Even in countries where government and society are united on a way towards

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[12] Translations by the author.

[13] On recent developments, *ref., inter alia*, Preiherman Y. (2020): The Future of Belarus's Multi-Vector Foreign Policy, Minsk Dialogue Council on International Relations, https://minskdialogue.by/en/research/analitycs-notes/the-future-of-belarus-s-multi-vector-foreign-policy; Nuttall C. (2020): Moldova's foreign policy reset, https://www.intellinews.com/moldova-s-foreign-policy-reset-197149/.

NATO membership, a discussion on neutrality exists. In Georgia, *e.g.*, three smaller political parties advocated for military neutrality or non-alignment ahead of the October 2020 general elections.[14] One of them got a couple of seats in the Parliament.

Some countries of the region see the similarities between the situation of today's "in-between" countries and President Kekkonen's statement, in particular, when their economies are closely linked with, or dependent of, trade with Russia and the Eurasian Economic Union (EAEU).

The question whether situations of the so-called "in-between states", geographically located between or close to EU and Russian borders, are in some way comparable to the post-World War II situations and neutrality options of Austria and Finland (and Germany, where neutrality was also considered)[15] may have to be examined closer. This examination has certainly also to include the position and role of Russia, which prevents some quarters in the Eastern partner countries to even consider a status of neutrality.

While it cannot be denied that Russia historically played a role in the inception of the Austrian and Finish neutrality, was interested in a larger and more contiguous zone of politically neutral states, and would be a major party in a solution of the Transnistrian issue against a possibly more pronounced neutrality of the Republic of Moldova, active interest in neutrality today is not only shown in Moscow. In New York, in summer 2020, a "Group of Friends of Neutrality for peace, Security and Development" was established amongst UN member states. Its aim is to "*serve as a platform for starting a broad multilateral dialogue on the practical use of the experience of the policy of neutrality, in order to facilitate the strengthening of international and regional stability, which plays an important role in the development of peaceful, friendly and mutually beneficial relations among countries of the world.*"

Academic and track-2 events on neutrality during the last years took place – besides the Minsk Eastern Partnership security policy workshop on "security options of the EU's Eastern partners: Is there a role for neutrality?" of 13 November 2018 – *e.g.* in the Washington DC – a panel discussion at the Johns Hopkins University School of Advanced International Studies (SAIS) on "The concept of neutrality and East-Central Europe" in February 2018[16] – and in Austria – "Friends with Enemies: Neutrality and Non-alignment Then and Now" (Vienna, 2-3 March 2020)[17] – and lead to extensive publications.[18]

The lessons learnt from the armed conflict around and in Nagorno-Karabakh in autumn 2020, were that little international attention to and efforts on so-called "frozen conflicts" (which are

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[14] Kakhishvili L. (2020): Georgian party political discourse on foreign policy non-alignment: How has the meaning changed since 1992?, Policy Memo № 38, Georgian Institute of Politics.

[15] On many new details and newly accessible documents, *ref.* Ruggenthaler P. (2015): The concept of neutrality in Stalin's foreign policy, 1945-1954, Lanham; On the following period *ref.* Ruggenthaler P. (2014): On the significance of Austrian neutrality for Soviet foreign policy under Nikita S. Khrushchev, in: Günter Bischof, Stefan Karner and Barbara Stelzl-Marx (eds.), The Vienna Summit and its Importance in International History, Lanham 2014, pp. 329-358.

[16] https://www.youtube.com/watch?v=qfoXhs2vyb8&feature=emb_title.

[17] https://homepage.univie.ac.at/heinz.gaertner/?p=2599.

[18] *E.g.,* Reginbogin H. / Lottaz P. (eds.) (2020): Permanent Neutrality. A Model for Peace, Security and Justice, Lanham.

in many instances not "frozen" at all) may rekindle discussions on options for solving other such conflicts. Some kind of neutrality may be one of them. Are buffer zones / neutral belts of value to *all* parties?

In any case, opinion polls show that the politicians and populations of many Eastern "in-between states" may well live with good relations with *both* the EU and the EAEU, and at the same time wish to live in a genuinely democratic state sharing, upholding, and defending universal, EU and EaP values. Being or, more realistically, becoming a "bridge between East and West" seemingly carries attraction to many countries and societies. Neutrality is one pillar for its construction.

Conclusion

This introduction cannot deal in detail with every aspect of the topic, even if they may be regarded as essential like, *e.g.*, i) self-declared neutrality *vs.* "neutralisation", ii) the question of guarantees or formal consent or at least acquiescence of a country's declared neutrality, which – as the recognition of the legally binding obligation to remain permanently neutral – is generally regarded as essential to the international status of permanent neutral states,[19] iii) details and examples of the positive aspects that neutrality carries in respect of third countries, which is too often overlooked by its critics, and iv) the compatibility of the status of (permanent) neutrality with EU membership and participation in some NATO formats and actions.

Neutrality today is not, as some used to believe around the turn of the century, "obsolete" or "a really dead concept". It is alive and an object of studies as to its value and utility – from its core "military non-alignment" via a "permanent neutrality" to an "active policy of neutrality" and an "engaged internationalism" – both to post-Soviet so-called "in-between states" and to third states in general.

Over the last decade, as well as over the last centuries, neutrality changed its definitions, doctrines and focuses. Neutrality evolved from national isolationism and "standing apart", even from international organisations, to active engagement for peace-making and peace-keeping, and some traditional dividing lines to, in particular, non-alignment, have been blurred. The characteristics of permanent neutrality having been reduced to their core (military) elements, this shell has to be filled with policy. If such policies are regarded as an asset by third states, neutrality as a status and concept will be respected in future.

Neutrality over the centuries has proven to be a flexible concept and will continue to be such in today's multipolar world; moreover, it may still develop more variations in future. While neutrality conceptually stands always in correlation with armed conflict, the policies emanating from it go far beyond a legal institution and are clearly beneficial both to the neutral country itself and to third countries, irrespective of whether they are involved in the conflict.

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[19] According, *inter alia*, to the so-called "Bindschedler doctrine".

Remarks on the Swiss Neutrality

Claude Altermatt

Ancient Switzerland was an alliance of small Republics, called cantons, and allied territories, in the heart of Europe. After an era of expansionism during the 15th century, this Alliance of independent cantons was defeated in 1515 by the French King, refrained then being expansionist, choosing the policy of neutrality in wars and conflicts all over Europe. The achievement of full independence from the Holy Roman Empire through the Peace of Westphalia in 1648 changed nothing in this respect.

In 1798, Ancient Switzerland was invaded by Napoleon Bonaparte and had to become a French satellite and ally. Only in 1813, Napoleon's hegemony being over, the decline having started, by the way, on Belarusian soil, in Berezina (November 1812), Switzerland returned to being neutral. The major European powers, among them the Russian Empire, recognised 1815 Switzerland's permanent neutrality and guaranteed its territorial integrity as a buffer state. Just after the Congress of Vienna the neutral status was affirmed at the Treaty of Paris's Act on the Neutrality of Switzerland. Since then, the Swiss international borders have not been changed. In the Federal Agreement of 1815 and in the Federal Constitutions of 1848, 1874 and 1999, neutrality became a norm on foreign policy for the Federal Government, the Federal Parliament and the Swiss people.

On the crossroads of two big powers in Europe, neutral Switzerland had to take care that its neutrality was perceived as credible. Indeed, in the 19th and 20th centuries, siding with Germany or France would have pushed the Swiss into a national crisis and a possible military invasion by one of these two Great powers. Any effect of neutrality had to start always before any possible war, deterring any possible intruder. Therefore, one of the pillars of that policy was a strong army. Another consequence was a low-profile foreign policy, avoiding to trigger any suspicion among the great powers, especially the neighbouring ones. This limitation of any active foreign policy did not prevent Switzerland from developing, at home, an extensive system of direct democracy with a lot of polls, including some on foreign policy. Swiss neutrality has definitely become one of the main principles of Swiss foreign policy, which dictates that Switzerland is not to be involved in armed or political conflicts between other states. This policy is self-imposed, permanent and armed, designed to ensure external security and promote peace.

Since the second half of the 19th century, Switzerland has developed, becoming the privileged country of international institutions or organisations, first of them being of a technical nature such as the Postal Union, or of a political nature, such as the Inter-Parliamentary Union (IPU), the world organisation of parliaments of sovereign states, created in 1889, the oldest of the international political institutions, as well as on humanitarian law with the International

Committee of the Red Cross / ICRC (1863) in Geneva. The Hague Convention of 1907 codified the "Rights and Duties of Neutral Powers and Persons in case of War on Land".

During World War I (1914-1918), Switzerland sustained its long-standing policy of neutrality which was respected by all belligerent powers. After the war, a very important step was taken in 1920, when Geneva was chosen as the seat of the League of Nations.

During World War II, from 1940 to 1944, Switzerland found itself completely surrounded by the Axis powers and Axis-controlled territory. Like World War I, Switzerland mobilised the army to resist a possible invasion from Nazi Germany. Although Switzerland was criticised by some voices, its strict neutrality during World War II has been appreciated on several occasions by both European and non-European leaders.

In the second part of the 20th century, a shift away from strict neutrality to a more active foreign policy made possible hosting international conferences and summits and, eventually, joining the UN. This important decision was accepted by the people on a referendum in 2002.

The long-standing neutral status of Switzerland has created the conditions which helped the country becoming one of the world's most stable and wealthiest countries all over the world in developing its genuine political culture with direct democracy. For 209 years neither war, nor any intervention from abroad, nor any occupation, nor revolutions broke into Switzerland. There has only been evolution, growing civil society ready to bear responsibilities, to openly discuss political problems, including foreign relations, and accept the rules.

Legal, Political and Economic Sources and Limitations of Sovereignty in an Interdependent World

Helmut Tichy

There are conflicting concepts of the sovereignty of states. Under the absolute concept of state sovereignty, the state is seen as a totally independent entity, and unrestricted sovereignty is seen as a condition for its existence as a state. According to this concept, the state is not regarded as a legal construct, but almost as a living creature. A dangerous component was added to this concept in the 19th century when the ideal of the unrestrictedly sovereign state was the nation state, the union of all members of an ethnic community.

The concept of absolute sovereignty necessarily leads to conflicts. There are many states in the world, and if they believe to be totally independent and unrestricted by international law, their conflicting interests lead to terrible wars. At a theoretical level, with an absolute understanding of sovereignty, every major restriction of the sovereignty of a state can lead to a discussion whether the relevant entity is still to be considered a state. Therefore, the better understanding is that of relative sovereignty. Under the concept of relative sovereignty, the international system can be seen as a single legal order which delegates competences to its sub-entities. From that perspective, sovereignty is the bundle of competences each sub-entity of the international system is retaining, it being understood that it is not necessary for the sub-entities to have all conceivable competences to be called a state.

It is also possible for states to transfer some of their competences to international organisations – and still remain states. The competences transferred can be of a very sensitive nature – like the right to decide on the use or non-use of force granted to the UN Security Council under Chapter VII of the Charter – or simply technical; they may relate to administrative or also to legislative or judicial competences. If many important competences are transferred to an international organisation, such organisations are sometimes called supranational – but this refers only to a difference of degree, not to a totally different character of an international organisation.

Entities continuing to have some competences directly derived from the international legal order continue to be referred to as states and as sovereign. It is not common usage to refer to supranational organisations as states and as sovereign, because their powers are transferred from states and not directly established under international law – but again this is rather a matter of agreed terminology than of a fundamental difference. Therefore, the frequently asked question whether the EU is or could become a state is only a matter of terminology, not of substance.

The concept of relative sovereignty makes it easier to cooperate between states and, where this is seen as the better solution, to transfer competences to a higher level – and still remain a state. It also makes it possible to discuss the purpose of sovereignty – not as an objective in

itself, but as the direction to be given to a state as to how to organise itself in the interest of its citisens and in relation to other states. The choice how to use sovereignty is an important political decision.

This is where further concepts like rule of law and neutrality come in. Every state is a legal order, or just a legal order (and not a living creature), as the famous Austrian lawyer Hans Kelsen has explained. And while it is possible for a legal order to consist only of the rule that whatever the prince says is law and has to be obeyed, experience in Europe and many other parts of the world shows that it is more beneficial for the citisens of a state to live under a system of more predictable rules. And such a system seems also to be more beneficial for the economy.

To qualify the legal system of a state as a system of the rule of law, the separation of powers and the independence of the judiciary are essential elements. As I have tried to demonstrate, the transfer of competences to an international organisation has no negative impact on the sovereignty of a state. If the exercise of sovereignty is directed towards respect for the rule of law, the experience of many states, including of my own country, Austria, shows that this objective can better be achieved in community with others, in international organisations sharing rule of law values like the Council of Europe and the European Union.

Of very special importance in this context is that states recognise the jurisdiction of international courts. Control by independent international courts, particularly in the field of human rights, is necessary for all states regardless of their level of democratic development. For Austria, the jurisprudence of the European Court of Human Rights in Strasbourg was essential not only for the development of the human rights as applied in Austria, but also for the improvement of the tools necessary for a rule of law system, *e.g.,* the submission also of administrative decisions to a multi-level system of administrative courts.

In the EU context, the European Court of Justice in Luxembourg is assuming a similar function, in particular since the entry into force of the European Charter of Fundamental Rights. The system would be almost perfect if we succeeded to integrate the EU fully into the human rights protection of the Strasbourg court by the accession of the EU to the European Convention of Human Rights and Fundamental Freedoms. Austria has worked on this issue during its EU Council presidency in the autumn of 2018 and hopes that further progress on this issue can be made once other issues the EU has to devote much time on at the moment are solved.

Also at the global level, the rule of law is an issue. We may have delegated crucial powers to the UN Security Council – the power to take or authorise military action, the power to impose sanctions against every state considered to threaten the peace – but this power also needs checks and balances to prevent abuse. Austria is a part of a group of like-minded states trying to promote the rule of law also at the global level, through quasi-judicial, if not judicial, control and the widest possible acceptance of the mechanisms for the peaceful settlements of disputes.

Of course, one may hear that small states have a greater interest in the international rule of law and the peaceful settlement of disputes than more powerful states, but I would like to

argue that an efficient international order based on the rule of law is in the equal interest of all states.

Let me also address the issue of neutrality, or – to be more precise – permanent neutrality, which is a classical limitation of sovereignty. A permanently neutral state may not be part of a military alliance and may not accept foreign military bases on its territory. In the case of Austria, we exchanged – in 1955 – one form of restriction of sovereignty for another: occupation by four originally allied powers against permanent neutrality.

It was not to be expected in 1955 that permanent neutrality would become a success story for Austria, that the majority of Austrians identify themselves with it even now when our country – due to the fortunate events of 1989 – does not find itself any more at the border between two heavily armed military alliances. We can say that after the dreadful experiences of the first half of the 20th century, Austria has had a lot of luck in the second half, and many see the reason for that in neutrality. This assessment does not stand the test of academic scrutiny, but it is a relevant political factor to be taken account of in a democracy.

We are often asked whether the example of Austria's permanent neutrality should or could be followed by other states. As a lawyer, I give the classical answer: it depends. The answer depends on the perceived usefulness of neutrality for the neighbours of a state and is therefore closely related to geography. The answer also depends on the credibility and capacity of a state to stay away from conflicts between military alliances. If these conditions are assembled, permanent neutrality can still be an efficient tool for a policy of peace, in particular in Eastern Europe as it has developed since the turn of this century.

_____ NEUTRALITY AND NON-ALIGNMENT: _____
_____ THE CASES OF AUSTRIA, FINLAND, SWEDEN, _____
_____ SWITZERLAND, MALTA AND TURKMENISTAN _____

AUSTRIA

Austrian Neutrality as a Model for New Eastern Europe?

Heinz Gärtner

Introduction

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 15th and 16th 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.

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 Central and Eastern European States.

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. 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.

Eastern Europe after the Cold War

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 a 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. Russia remains suspicious of 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 Mikhail 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. As a diplomatic solution, the Austrian model could be an interesting alternative for the "in-between states".

Are there 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. Current paper presents certain options for neutrality and military non-alignment, drawing on the experience of Austrian neutrality.

The Eastern European countries (Ukraine, Moldova, Georgia, Armenia, Azerbaijan, and Belarus) are part of the European Neighbourhood 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" 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.

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 centre 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. 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 neutralised states from North to South through Europe. Now, remember: the Treaty regarding the neutralisation 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.*"

During the Hungarian uprising in 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.

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 recognised 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.

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. He called Central Europe the "in-between-zone". German Chancellor Adenauer called this proposal "suicidal". 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. 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 centre 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".

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. 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, named 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, adopted in 1955, 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 [...]."

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.

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 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 specialised agencies (*e.g.,* UNIDO) and the secretariats of OPEC and OSCE (formerly CSCE).

Conclusion

In addition to its neutrality law, a State Treaty separate to the neutrality law also guaranteed that Austria would not join a new union with Germany (*Anschluss*), as it had happened in 1938. In the case of Eastern and Central European States, such a prohibition to join Russia or parts of it together with neutrality could guarantee its unity. At the same time, Russia has to recognise that an independent Ukraine (*inter alia* independent from the Russian Federation) is the result of the political process of forming a Ukrainian state. 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 Tatars), whereby the unity of Ukraine should be guaranteed.

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.

Some Observations on the Neutrality of Austria, and Its Participation in the European and Euro-Atlantic Security Structures

Gerhard Jandl

Introduction

"*Austria will craft its security policy predominantly within the UN, the EU, the OSCE, in its partnerships with NATO and within the Council of Europe [...].*"[1] This is one of the most significant phrases of the Austrian Security Strategy of 2013. The reason reads: "*Today, due to their complexity, security issues can only be resolved through international cooperation. The role of international organisations and forums is thus becoming ever more important [...]. At the same time, the role of individual states is generally diminishing in relative terms.*"[2]

It goes without saying that for Austria, as a member of the EU, participation in the EU's Common Security and Defence Policy (CSDP) has the highest priority.

Neutrality,[3] and the Accession to the EU

Although in early 1955 Austria had pledged "*internationally to practice in perpetuity a neutrality of the type maintained by Switzerland*",[4] it deviated from that model only a few months later. The Federal Constitutional Law of 26 October 1955 on the Neutrality of Austria does not mention the Helvetic template any more. By joining the United Nations in December of the same year, Austria steered a course different from its Western neighbour, and soon thereafter, its neutrality began what scholars describe as a "merry life of its own", culminating in a phase of "exaggeration" until 1989.[5]

Several years after the end of the Cold War, in 1995, Austria became a member of the EU, something which had been considered impossible for a neutral country in earlier decades.[6] Vienna not only forewent any neutrality reservation; it did – in the Final Act on the accession

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[1] Austrian Security Strategy – Security in a new decade – Shaping security, para 2.1.3, https://www.bundeskanzleramt.gv.at/documents/131008/1022458/Austrian+Security+Strategy/cf7a4a37-95ab-4b20-b279-bd10f1268d26; For more on the Strategy see Jandl G. (2014): Österreichs Sicherheitspolitik zwischen Neutralität und Solidarität – Die neue Österreichische Sicherheitsstrategie, in: A. Kammel / D. Halper (eds.): Quergedacht. Perspektiven zu Politik, Sicherheit und Europa – Festschrift für Werner Fasslabend, Wien, p. 233 – 258.

[2] Austrian Security Strategy, para 2.1.1.

[3] For more on the nexus of neutrality and security policy see Jandl G. (2015b): Neutralität und österreichische Sicherheitspolitik, in: G. Schöpfer (ed.): Die österreichische Neutralität – Chimäre oder Wirklichkeit?, Graz, p. 193 – 206.

[4] Moscow Memorandum of 15 April 1955, para I.1.

[5] Cede F. (2007): Neutralität und Staatsvertrag, in: W. Hummer (ed.): Staatsvertrag und immerwährende Neutralität Österreichs – eine juristische Analyse, Wien, p. 26 ("fröhliches Eigenleben"); Gehler M. (2005): Österreichs Außenpolitik der Zweiten Republik, vol. I and II, Innsbruck/Wien/Bozen, p. I/361 („Überhöhung"); Hilpold P. (2010): Solidarität und Neutralität im Vertrag von Lissabon, Wien: Facultas, p. 32 („Übertreibung").

[6] For this change in perceptions see *e.g.,* Verdross A. (1978): The Permanent Neutrality of Austria, Wien, p 86; Adamovich L. / Funk B.-C. / Holzinger G. (1997): Österreichisches Staatsrecht, vol. I, Wien/New York, p. I/103; Hilpold P. (2010): Solidarität und Neutralität im Vertrag von Lissabon, Wien: Facultas, p. 22 ff; Harrod A.E. (2012): Hidden Hands and Cross-Purposes: Austria and the Irreconcilable Conflict between Neutrality and Market Laws, in: Austrian History Yearbook (centre for Austrian Studies, University of Minnesota), vol. 43, p. 176 ff; Cede F. / Prosl C. (2017): Ambition and Reality: Austria&'s Foreign Policy since 1945, Innsbruck/Wien/Bozen, p. 89.

– oblige itself (together with Sweden and Finland) to be "*ready and able to participate fully and actively in the Common Security and Foreign Policy*" and to make its "*legal framework [...] compatible with the 'acquis'*".[7] To fulfill the latter commitment, the Constitution was amended by the stipulation that "*Austria participates in the Common Foreign and Security Policy of the European Union [...]*" (Art. 23j of the Federal Constitutional Law), thus derogating neutrality for the field of CFSP including CSDP which is an integral part of CFSP.

In other, less legalistic, words: whatever is done under the cover of CSDP – even if it were full participation in a future European defence and/or European army – is neither impeded by, nor at variance with, nor in violation of, the Neutrality Law. Wolfgang Benedek calls this a "differentiated neutrality".[8]

In any case, neutrality is now reduced to its core (or its "avocado pit", as Franz Cede calls it in his famous "avocado doctrine")[9]: namely, the general reference to permanent neutrality (Art. I para 1 of the Neutrality Law) with the two specifications of no accession to military alliances and no establishment of military bases of foreign States (Art. I para 2 leg.cit.), the aforesaid derogation for CFSP/CSDP prevailing. Given the developments over the last couple of years, Cede regards the current neutrality as even "eroded, hollow and meaningless".[10]

Some, however, understand (erroneously) the 2013 Security Strategy as a call for a revival of the "active neutrality policy" as it was coined in the 1970s and 1980s.[11] No surprise that international commentators see the Austrians as still being "obsessed with neutrality", practising it as "a secular religion".[12]

I agree with those warnings of stylising neutrality into a sort of myth. As Peter Hilpold stresses, de-mystification is required, bearing in mind that neutrality is not an end in itself but contains finality, serving the security interests of the State.[13]

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[7] Accession Treaty of 24 June 1994, Official Journal C 241, Joint Declaration № 1, paras 1 and 2. For more on this see Schweitzer M. / Hummer W. / Obwexer W. (2007): Europarecht. Das Recht der Europäischen Union, Wien, p. 712, 793; Luif P. (2003): The Changing Role of the Non-Aligned Countries in the European Union's Common Foreign and Security Policy, in: M. Gehler / A. Pelinka / G. Bischof (eds.): Österreich in der Europäischen Union – Bilanz seiner Mitgliedschaft. Austria in the European Union – Assessment of her Membership, Wien/Köln/Weimar, p. 278 ff.

[8] Benedek W. (2015): Österreichs Neutralität aus völkerrechtlicher Sicht, in: G. Schöpfer (ed.): Die österreichische Neutralität – Chimäre oder Wirklichkeit?, Graz, p. 181. In German: „differentielle Neutralität".

[9] *E.g.,* Cede F. (2007): Neutralität und Staatsvertrag, in: W. Hummer (ed.): Staatsvertrag und immerwährende Neutralität Österreichs – eine juristische Analyse, Wien, p. 27. In German, the "Reduktion auf den harten Kern" sounds even more telling.

[10] Cede F. / Prosl C. (2017): Ambition and Reality: Austria's Foreign Policy since 1945, Innsbruck/Wien/Bozen p. 38.

[11] For a more detailed discussion, see Jandl G. (2015b): Neutralität und österreichische Sicherheitspolitik, in: G. Schöpfer (ed.): Die österreichische Neutralität – Chimäre oder Wirklichkeit?, Graz, p. 198.

[12] de Gruyter C. (2014): Austrian Acrobatics in Europe, Carnegie Europe, November 5, 2014, http://carnegieeurope.eu/2014/11/05/austrian-acrobatics-in-europe.

[13] Hilpold P. (2010): Solidarität und Neutralität im Vertrag von Lissabon, Wien: Facultas, p. 72 f; see also Gehler M. (2005): Österreichs Außenpolitik der Zweiten Republik, vol. I and II, Innsbruck/Wien/Bozen, p. II/823; and Gady F.-S. (2018): Die Wahrnehmung Österreichs in Welt: Fallgrube Neutralität?, in: B. Rausch / K. Nehammer (eds.): Offen für Neues – Analysen und Einschätzungen zum ersten Jahr der neuen Volkspartei, p. 249, the latter warning of a pitfall ("Fallgrube").

"I Do It My Way"

In this context, it behooves to emphasise that Austria has always upheld that every country must have the sovereign right to freely choose its security policy status. There should be no thinking in terms of "spheres of influence", allowing some countries to tell others what to do, which alliances to join or not to join. In the Austrian case, it is for Vienna, and Vienna only, to interpret its neutrality and to (hypothetically) decide on any chance, modification or even abolishment of the latter.[14] The term "Frank Sinatra doctrine" ("I do it my way")[15] is a catchy description.

Austria's presenting its neutrality in fora like this EaP security policy workshop (or at previous events in Ukraine, Moldova, and elsewhere) should not be construed as an attempt to "sell" Vienna's model to others. In the same vein, the notion of the "indivisibility of security" should, in the Austrian reading, not be understood in such a manner that an increase in the security of one actor automatically leads to the diminishing of the security of another actor.[16] Rather, one should strive for negotiated cooperative settlements bringing about better solutions for *all* the involved: win-win situations, as it were.[17]

Cooperation with NATO

Also in 1995, Austria joined NATO's Partnership for Peace (PfP) which allows for comprehensive cooperation between the Alliance and non-members, including neutral countries. PfP programs are bilaterally arranged between NATO and the respective partner country and touch on virtually every field of NATO activity. Two years later, Austria became a member of the Euro-Atlantic Partnership Council (EAPC) which today comprises the 29 NATO members and 21 partner nations (including Belarus and Russia). It is the multilateral forum for consultations on political and security-related issues.

In the late 1990-s and early 2000-s, there was a debate whether Austria should join NATO. The Security and Defence Doctrine of 2001 explicitly said that "*Austria will continuously assess the value of NATO membership for its security and defence policy and the option of joining NATO will be kept open*".[18] Even the possibility of a NATO membership compatible with (the core elements of) neutrality was discussed as some saw NATO (then) developing from a defence alliance into a regional organisation as referred to in Chapter VIII of the UN

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[14] See *e.g.,* Tichy H. / Schusterschitz G. / Bittner Ph. (2014): Recent Austrian practice in the field of international law. Report for 2013, in: Zeitschrift für öffentliches Recht, vol. 69, Wien, p. 40.

[15] Franz Cede, as cited in Beham M. / Fink M. / Janik R. (2015): Völkerrecht verstehen, Wien, p. 172.

[16] See *e.g.,* Lavrov S. (2010): The Euro-Atlantic Region: Equal Security for All, in: Russia in Global Affairs, № 2/2010, Moscow, http://eng.globalaffairs.ru/number/The_Euro-Atlantic_Region:_Equal_Security_for_All-14888.; Rogozin D. (2009): Russia, NATO and the Future of European Security, Chatham House REP Roundtable Summary, London, p. 4; Lavrov as cited in Monaghan A. (2010): The Indivisibility of Security: Russia and Euro-Atlantic Security, Rome, p. 13.

[17] A concept developed mainly in welfare economics. According to the author, its applicability to security policy would merit further exploration, see Jandl G. (2017): Russland, die Ukraine und die europäische Sicherheitsordnung, in: M. Staack (ed.): Der Ukraine-Konflikt, Russland und die europäische Sicherheitsordnung, WIFIS, vol. 33, Opladen/Berlin/Toronto, p. 110.

[18] Security and Defence Doctrine of 12 December 2001, section "Foreign Policy Aspects of Security Policy", para 14, https://www.parlament.gv.at/PAKT/VHG/XXI/E/E_00114/index.shtml (in German), https://www.files.ethz.ch/isn/155910/Austria-2001.pdf.

Charter.[19] Such considerations were later dropped, due to a changed domestic and international political landscape.

The 2013 Security Strategy, which replaced the 2001 Doctrine, does not contain the NATO option any longer; however, there is no explicit language to the contrary either. The text mentions neutrality again, but rather incidentally and not argumentatively.[20] Today, there is a wide-spread consensus that Austria should not seek NATO membership but maintain (the "avocado pit" of) neutrality.

Austria has been participating in two of the three core tasks of NATO defined in its 2010 Strategic Concept: Crisis Management and Cooperative Security (the core task of Collective Defence being for members only). The opportunities of the Individual Partnership Cooperation Program (IPCP), the Planning and Review Process (PARP), the Partnership Interoperability Initiative and its related Interoperability Platform, as well as a number of other instruments are being widely used.

From 1995 onwards, Austrian soldiers served under NATO command with IFOR and SFOR in Bosnia-Herzegovina. Today, Austria is the third largest troop contributor to KFOR in Kosovo, it has had contingents with ISAF and RSM in Afghanistan. Participation in training exercises is indispensable for upholding the interoperability and the relevant military standards of the armed forces, and for their constant transformation. Vienna has been actively taking part in shaping NATO's work on the political and thematic fronts in the field of Cooperative Security, *e.g.,* on human security, on emerging challenges, on building integrity, on the protection of civilians, on the Balkans policies, and on cyber-security.

Moreover, Austria is keen in pushing the partnership agenda forward, in cooperation within the WEP-5 group (the five Western European partners: Austria, Finland, Ireland, Sweden, and Switzerland, occasionally expanded to WEP-6 with Malta), and in cooperation with other NATO partners, as appropriate.

From the fall of 2016 onwards, however, there has been a "blockade" of Austria in NATO's partnership programs, introduced by Turkey which considered the Austrian position on Turkey's EU bid and other issues as "provocative", "escalating" and "not in the spirit of partnership". Although failing to understand Ankara's reasoning, Vienna has maintained a constructive approach, including on EU/NATO cooperation. The blockade was somewhat alleviated in early 2018, but its centrepiece on the Partnership Cooperation Menu, is still in place. It is hoped that it will soon be removed completely.

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[19] *E.g.,* Lang W. (1996), Sind WEU und NATO noch Allianzen?, in: Österreichisches Jahrbuch für Internationale Politik 1996, Wien, p. 12; Türk H. (1997): Österreich im Spannungsfeld von Neutralität und Kollektiver Sicherheit, Wien, p. 64 ff. Against *e.g.,* Neuhold H. (1997): Kooperative Sicherheit – Kollektive Sicherheit – Kollektive Verteidigung, in: E. Reiter (ed.): Österreichisches Jahrbuch für internationale Sicherheitspolitik 1997, Wien, p. 55. See also: Hilpold P. (2010): Solidarität und Neutralität im Vertrag von Lissabon, Wien: Facultas, p. 77; Hilpold P. (2015a): Die österreichische Neutralität und die GASP – Situationen einer dynamischen Entwicklung, Wiener Blätter zur Friedensforschung, № 164, p. 47.

[20] For details see: Jandl G. (2014): Österreichs Sicherheitspolitik zwischen Neutralität und Solidarität – Die neue Österreichische Sicherheitsstrategie, in: A. Kammel / D. Halper (eds.): Quergedacht. Perspektiven zu Politik, Sicherheit und Europa – Festschrift für Werner Fasslabend, Wien, p. 244.

Full and Active Participation in the EU CSDP

Some twenty years ago, the European Union has founded the Common Security and Defence Policy (CSDP)[21] as an integral part of the Common Foreign and Security Policy (CFSP). According to Article 42 of the TEU,[22] CSDP has two main tasks: international crisis management and the preparation for an eventual future common European defence: CSDP *"shall include the progressive framing of a common Union defence policy"*. This, in turn, will, under certain conditions, "lead to a common defence". The TEU does not define the exact meaning of those terms, and thus there is sometimes confusion, even among experts, as to the concrete contents of, and/or difference between, a common security and defence policy, a common defence policy, and a common defence. No surprise that Waldemar Hummer criticises such language as luring into a "semantic-notional maze".[23]

Austria has been actively partaking in CSDP since its inception. It has provided a great number of troops, policemen and experts to most of the military and civilian crisis management operations. They range from Bosnia-Herzegovina (where the Austrian armed forces have, for years, been providing the largest contingent of the EUFOR ALTHEA mission there) to the Central African Republic; from Georgia and Ukraine to the Congo and Mali; from Palestine to Afghanistan and Iraq.

And what about a Possible Common European Defence?

The other CSDP task, that is to say the preparation for a future common defence (policy), was dormant in the beginning, in spite of several clauses of the TEU aiming at such (*e.g.,* the mutual assistance clause of Art. 42 para 7, or the obligation for the Member States to improve their military capabilities and to make them available to the Union for the implementation of the CSDP of Art. 42, para 3). The first concrete test – including for Austria – was the invocation of the mutual assistance clause by France in November 2015, following the terrorist attacks of Paris. There was an immediate agreement among the lawyers[24] that there were no grounds for any neutrality excuse to Paris' request which *"a sollicité, sur la base de l'article 42.7 du TUE, l'aide et l'assistance des États membres de l'UE, pour faire face à «l'agression armée» dont a été victime la France",*[25] and Vienna officially responded positively a few days later, thus passing the test so to speak.

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[21] In the early years, it was called European Security and Defence Policy, ESDP. It should be noted that CSDP is, in spite of its name, an intergovernmental matter, not a communitised one.

[22] Treaty on the European Union, as amended by the Treaty of Lisbon.

[23] Hummer W. (2015): Terrorismusbekämpfung mit unerlaubten Mitteln? – Warum bemüht Frankreich das Szenario der "Beistandsklausel" und nicht das der "Solidaritätsklausel"?, ÖGfE Policy Brief, № 41/2015, Vienna, part 1, in German: "ein semantisch-begrifflicher Irrgarten".

[24] See *e.g.,* Janik R. (2015): IS und Neutralität: UN-Resolution lässt Zweifel offen, in: Die Presse, 23 November 2015, p. 15; Hilpold P. (2015b): Terrorismus, Bündnisfall und die Frage der Neutralität, in: Wirtschaftsblatt, 25 November 2015, p. 23; Hummer W. (2015): Terrorismusbekämpfung mit unerlaubten Mitteln? – Warum bemüht Frankreich das Szenario der "Beistandsklausel" und nicht das der "Solidaritätsklausel"?, ÖGfE Policy Brief, № 41/2015, Vienna.

[25] French request of November 2015, text also reproduced on http://www.diplomatie.gouv.fr/fr/politique-etrangere-de-la-france/europe/actions-et-positions-de-la-france-dans-l-elaboration-de-l-action-exterieure-de/defence-europeenne/article/attentats-du-13-novembre-le-point-sur-l-article-42-7-du-traite-de-l-union.

Austria has moreover participated in all the endeavours to further develop CSDP, including the "review" process started in 2013 and reinvigorated in 2016. It aims at "*increasing the effectiveness, visibility and impact of CSDP; enhancing the development of capabilities; and strengthening Europe's defence industry*".[26] The related CSDP "package", currently being elaborated and implemented step by step, comprises numerous initiatives in over a dozen defence and security-related policy areas. Not to mention some of the most important elements: The Coordinated Annual Review on Defence (CARD) will lead to an EU-wide coordination and harmonisation of the Member States" defence planning and defence spending. The European Defence Fund (EDF) should generate five billion euros annually for cross-border defence (industry) projects, mainly financed from the common EU budget. The Permanent Structured Cooperation (PESCO) will enhance interoperability of the European armies and what is succinctly called "pooling and sharing" of military assets among Member States, through concrete joint projects. An intensified cooperation with NATO takes into account that more than ¾ of the EU Member States also belong to NATO and that for them NATO "*remains the foundation of their collective defence and the forum for its implementation*", as the EU has recognised (Art. 42 para 7 of the TEU) and which goes so far that I consider it admissible to say that NATO has not only gotten a role vis-à-vis CSDP but even inside the CSDP. At the moment, all these measures seem to be leading towards a common defence policy, but not necessarily towards a common defence, because sovereign decision making on "real" defence rests with the Member States and is not envisaged to be transferred to the European level.

Austria is fully involved in all these efforts. The constitutional norms allow even taking part in a possible future common European defence and/or army.[27] There is no impediment under the neutrality stipulations of the constitution. Though, should such a future European army perform "real" territorial defence duties, then an Austrian participation would be at variance with customary international law on neutrality as that precludes membership in a defence alliance.[28] Nevertheless, it would still be fully in line with the constitutional neutrality provisions. However, whether Austria would refer to the "Irish clause" (that is, to the respect for "*the specific character of the security and defence policy of certain Member State*s", Art. 42 para 2, sub-para 2 of the TEU) and thereby opt out on political – not legal – grounds, it cannot accurately be predicted at this moment. Equally, it remains to be seen whether the EU Member States will, at any future point in time, generate the political will to make the step towards a common European defence at all, thereby giving up a further decisive part of their national sovereignty and transfer it to the Union.

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[26] Conclusions, European Council, 19/20 December 2013, chapter I. The endeavour was reinvigorated by the 2016 EU Global Strategy: Shared Vision, Common Action: A Stronger Europe – A Global Strategy for the European Union's Foreign And Security Policy, http://europa.eu/globalstrategy/sites/globalstrategy/files/pages/files/eugs_review_web_13.pdf. For an overview, see *e.g.,* Kammel A. (2016): Die neue Globale Strategie der EU – Ein neuer Referenzrahmen für die EU-Außenbeziehungen, AIES Fokus, № 6/2016, Wien; Jandl G. (2018a): Die europäische Sicherheitspolitik und ihre Strategien, in: H. Isak (ed.): Die Sicherheitskrise, Wien, p. 65 – 86; Jandl G. (2018b): Die gemeinsame europäische Verteidigung – was ist sie, und wenn ja, wie viele?, in: Sicherheit+Frieden, № 4/2018.

[27] Discussed in more detail in Jandl G. (2015a): Österreich zwischen Können, Müssen, Wollen, in: Die Presse, 16 April 2015, p. 26.

[28] Treaty on the European Union, as amended by the Treaty of Lisbon.

FINLAND

Finland's Neutrality and Non-Alignment

Hannu Himanen

Introduction

It is not usual to see an article written nearly two decades ago still resonate adequately to be considered for republication. As this is the case, the original text deserves to be put in a proper context today. First and foremost, this concerns neutrality itself as a foreign policy doctrine. The notion of neutrality still lingered on in the foreign policy debate in Finland in 2003. It has since all but disappeared from the public sphere.

In its most recent White Paper, the Government Report on Finnish Foreign and Security Policy, published in October 2020, the government characterises Finland as "*a militarily non-aligned state which maintains a credible national defence capability*". It has become routine practice to state that while Finland remains outside alliances and has no immediate intention to modify this position, it maintains the "option" of joining NATO. The White Paper says first that "*it is essential that NATO continue its Open Doors Policy, i.e., that NATO keep its membership open to all the states that meet the NATO requirements*". The report goes on to state the following: "*Maintaining a national room to manoeuvre and freedom of choice are also integral parts of Finland's foreign, security and defence policy. This retains the option of joining a military alliance and applying for NATO membership.*"

Today, Finland looks at the European Union as a security community. In this vein, Finland strongly supports the solidarity clause (Article 222 of TFEU) and the mutual assistance clause (Article 42(7) of TEU). The EU, as the Government Report states, "must be capable of taking responsibility for the security of its own territory and its neighbouring areas".[1]

Besides its deepening partnership with NATO, Finland has put new emphasis on bilateral and regional defence cooperation with key countries. The foremost among them is Sweden, with which defence cooperation is agreed to extend "beyond peacetime". Significantly, in 2018, Finland, Sweden and the United States signed a trilateral statement of intent on defence cooperation. Furthermore, Finland and Sweden have joined their Nordic NATO neighbours in a Nordic defence cooperation arrangement known as NORDEFCO. Finland's participation in bilateral and multilateral military exercises, including exercises organised by NATO, has become regular and systematic. In 2017, Finland amended its legislation to regulate giving and receiving international military assistance.

Finland never sought to benefit from the post-Cold War "peace dividend". Unlike Sweden, it did not abandon its conscription system and continues to rely on a sizeable, trained reserve force. Currently the war-time strength of the defence force is 280,000. Since the 1990s, Finland has built up respectable capacities in coastal and air defence (including a fleet of 64

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[1] See Government Report on Foreign and Security Policy, 29 October 2020, https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/162515/VN_2020_32.pdf?sequence=1&isAllowed=y, p. 25, 26 and 31.

Hornets), artillery (approximately 1,000 artillery pieces) and battle tanks (approximately 250 Leopard main battle tanks).

Since 2014, in the wake of the Russian illegal annexation of Crimea and the proxy war it is conducting in eastern Ukraine, the security situation in Finland's immediate neighbourhood has deteriorated. Russia is more and more seen as a source of threat and uncertainty. With this background, it is not surprising that Finns continue to support maintaining and strengthening national defence capabilities. With political and popular backing, the current fleet of Hornets (F/A-18s) will be replaced by 2030, and seven vessels of the Navy replaced by four modern corvettes ("Squadron 2020"). Consequently, in the coming years, Finland's defence spending will reach and exceed 2.0 percent of GDP.

In 2014 and 2015, changed threat perceptions led to a modest increase in the support for NATO membership amongst the population. This development has since dissipated. Support for membership has remained rather steady at 20 to 25 percent, while some 55 percent of respondents oppose joining NATO. There has been a discussion about the virtues of European defence as opposed to NATO and transatlantic defence cooperation. No clear conclusions can be drawn from this debate. Two parties, the centre-right Coalition Party and the liberally-oriented Swedish People's Party, have taken decisions in support of NATO membership, while all others remain vaguely undecided or negative.

With this, what follows is the text of the 2003 article in its original form.

Since the Second World War, Finland's policy stance has been one of a small state trying to adapt itself to its external environment to maximise its security and freedom of movement. During the Cold War, Finland embarked on a policy of neutrality aimed at clarifying and strengthening its international position. This turned into a more activist policy of engagement, based on independent defence and military non-alliance, which then led to EU membership in 1995.

In the post-war years, through a proactive stance in its international relations and a policy of neutrality, Finland hoped to compensate for the fuzzy and compromising legal basis of its neutrality. It insisted on its sovereign right and obligation to defend its own territory, as recognised in its bilateral treaty with the Soviet Union[2], and maintained as strong a territorial defence as was possible in the situation. It was constrained by limitations enshrined in the 1947 Paris Peace Treaty on the number of troops and certain kinds of weapons systems (including submarines, marine mines and missiles) and had to develop a defence system based on conscription and a large reserve.

Of at least equal importance was the way Finland conducted its foreign policy. Finland sought to demonstrate consistent behaviour which would be recognised as neutral and which would appear, despite fundamental differences in the genesis and legal foundations of their policies, somewhat similar to the neutrality of its western neighbour, if not to Switzerland.

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[2] Treaty on Friendship, Co-operation and Mutual Assistance (FCMA), concluded in 1948 and terminated in 1992.

All through the Cold War, Finland pursued a *policy of neutrality*, in contrast to the more legalistic but idiosyncratic *neutralities* of Sweden, Switzerland and Austria. In the wake of the Second World War, Finland could not therefore claim to have remained neutral in the sense of international law, *i.e.,* staying outside armed conflict. In fact, Finland's war experience from 1939 to 1944 had become part and parcel of its identity during the Cold War and beyond.

The Finnish policy of neutrality had at times to be pursued differently from that of the other neutrals. With Moscow constantly on the alert and keen to remind Finland of Soviet expectations, it did not come naturally for Finland to maintain equal distance from the two protagonists of the Cold War. Finland often successfully anticipated Soviet reactions and proactively introduced initiatives designed to keep the potential menace at bay. Finland also made its good offices available to both East and West when they might benefit from the services of a go-between.

Post-Cold War Change

The end of the Cold War marked a significant new opening for Finland in its relations with the outside world. Neutrality was not perceived by the Finns as an integral part of their national identity, as may be argued in the Swedish and Swiss cases. Thus, the transformation of foreign policy in the early 1990s was seen more as an expression of continuity in adapting to change than a break from tradition.

In 1990, Finland was quick to denounce those provisions of the Paris Peace Treaty of 1947 which restricted its sovereign rights. Neither did it lose time in agreeing with the disintegrating Soviet Union in 1991 that the FCMA Treaty had run its course. As a consequence, immediately upon the end of the Cold War, Finland's relationship with Russia was put on a firm European footing with a modern bilateral treaty drafted on the basis of contemporary European standards. Finland started approaching the then European Community through the EEA arrangement with no external political problems on the table.

In its White Paper to Parliament in 1992, the Government coined a policy then described as the "hard core of neutrality": independent defence and military non-alliance.[3] Finland would accept the EU defence dimension as formulated in the Maastricht Treaty but had no intention of joining the North Atlantic alliance. This move freed Finland from using neutralist vocabulary when it negotiated membership with what would become the European Union. The aim, however, was not to abandon the idea of non-membership in military alliances.

The Government explicitly stated it believed military non-alliance and independent defence would retain their importance for Finland even if the country were to join the EU. This policy,

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[3] The English translation of the Finnish term *liittoutumattomuus* (which comes close to the Swedish *alliansfrihet* and the German *Bündnisfreiheit*) led to a separate discussion amongst officials in 1992 and 1993. The word *non-aligned* was seen as politicised and contaminated by the Non-Aligned Movement. After consultation with linguistic specialists, the word *non-alliance* was chosen and has since been the preferred term.

the Government argued, would guarantee freedom of action and would keep different options open should a new defence arrangement be contemplated.[4]

Public Opinion: No to NATO

Even though security as such did not figure prominently in the pre-referendum debate in 1994, it was obvious that voters at large thought the Union would provide a security bonus. Paradoxically, to allay apprehensions that EU accession might have military implications, the Government emphasised that the Maastricht Treaty did not contain provisions on common defence, beyond the long-term vision. Finland developed an approach whereby EU membership would provide "existential" security in a Union whose members are brought together by mutual identity and solidarity.[5] Even though it can be argued (as Möttölä does in his 2001 article) that, after the Cold War, Finland did not have a security or identity deficit, it is a widely shared view that Finland's membership of the EU was significantly connected with identity and security.

In opinion polls conducted between 1996 and 2001, 60 to 80 percent of the respondents opposed the idea of NATO membership. The Iraq war has only further intensified the opposition. It is interesting that despite opposition to the idea of military alliance, approximately one half of respondents believe Finland will eventually join a military alliance. Equally interestingly, the prospect of European defence is not seen in such negative terms in the polls.[6]

Against this backdrop, it is inevitable that the issue of arranging referenda on defence-related matters is highly divisive. The Government maintains that it sees no reason to arrange a referendum on the new EU treaty unless the IGC radically changes the convention draft. There is vocal opposition to this view, mainly amongst those who believe the new treaty changes the basic construction of the EU. Furthermore, some less alliance-friendly politicians also openly favour putting eventual NATO membership to a popular vote.

The policy coined in 1992 has continued, with minor reformulations, to guide subsequent Finnish governments. The Government presented White Papers on security and defence policy to Parliament in 1997 and 2001. The three key elements of policy were described as (1) maintenance of a credible defence capability, (2) remaining militarily non-allied "under the prevailing conditions" and (3) participation in international security co-operation. What is significant is that participation in military crisis management operations was seen not only as compatible with this policy but actually supporting the maintenance and further development of national territorial defence.[7]

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[4] The Government Bill № 135/1994 to Parliament on the agreement concerning the membership of Finland, Austria, Norway and Sweden in the European Union.

[5] Möttölä K. (2001): Finland, the European Union and NATO – Implications for Security and Defence, in: Reiter E. / Gärtner H. (eds.), Small States and Alliances, Physica-Verlag, Heidelberg.

[6] Information on defence and security-related polls is available (in Finnish) on the website of the Advisory Board for Defence Information,
http://www.defmin.fi/index.phtml/page_id/175/topmenu_id/6/menu_id/175/this_topmenu/141/lang/1/fs/12.

[7] The Finnish Security and Defence Policy 2001. Report by the Council of State to Parliament 13 June 2001.

It came as no surprise, given the anti-NATO opinion, that parties across the political spectrum excluded the issue from the campaign debate prior to the March 2003 parliamentary elections. They even went so far as to declare that there was no need to reconsider the policy during the four-year parliamentary period (*i.e.,* 2003 to 2007). Hence the programme of Matti Vanhanen's government in June 2003 conspicuously omitted the words "under the prevailing conditions" previously modifying military non-alliance, a euphemism for keeping the NATO option open. The Government announced it would present a White Paper on security and defence policy to Parliament in 2004.[8] Originally seen as an opportunity to announce a policy change on the question of military alliance, it is now generally assumed that next year's White Paper will contain no surprises in this regard.[9] There is, however, a belatedly spurred but lively debate underway on the provisions for the European security and defence policy (ESDP) of the draft constitutional treaty produced by the EU Convention. The underlying question, obviously, is how the provisions of the draft treaty might influence Finland's policy of military non-alliance.

The Dilemma of the ESDP

It has been suggested by a number of politicians that Finland would have ample time, maybe towards 2006–2007, to consider its defence policy options after the EU Intergovernmental Conference and the ensuing constitutional treaty. Prominent views have recently been expressed, however, to the effect that Finland would have to consider the full implications of European defence policy sooner than previously thought, *i.e.,* already in the context of the IGC. This would render, these views suggest, the 2004 White Paper useless, as the Government would have to arrive at definite positions on essential elements of defence policy in the course of the IGC.[10]

The Government itself presented a Report to Parliament on the outcome of the work by the EU Convention and on preparations for the Intergovernmental Conference, outlining basic positions on key proposals. The Government rejected the suggested provisions for structured co-operation and mutual defence. In both cases, the Government saw the danger of the formation of closed groups of member states, leading to a less unified and less credible Union.

In the case of *structured co-operation*, the Government stressed that co-operation in the areas of crisis management and military capabilities must be based on joint action by member states and on jointly agreed objectives. If a smaller group of member states were to take it upon themselves to act in the interests of the Union as a whole, provisions concerning enhanced co-operation should be applied rather than the proposed protocol model.

Similar considerations are relevant, in the Government's view, as regards provisions concerning *common defence*. The procedure suggested in the draft treaty, giving the possibility for a group of member states to establish closer mutual defence co-operation, would split up the Union's security identity. If a sufficient number (*i.e.,* a minimum of one third) of

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[8] The Government Programme of Prime Minister Matti Vanhanen's Government, 24 June 2003. Available in English, http://www.valtioneuvosto.fi/vn/liston/base. lsp?r=385&k=en.

[9] NATO through non-aligned eyes; The case of Finland, in: NATO Notes Vol. 5 № 6b, 17 July 2003.

[10] See, *e.g.,* Virkkunen J. (ed.) (2003): *Helsingin Sanomat*, 21 September 2003.

member states wished to proceed to mutual defence, the procedure should fully comply with the provisions for enhanced cooperation, instead of the proposed declaration procedure.[11]

In broader terms, Government representatives have emphasised the importance of avoiding duplication of military assets and arrangements between the EU and NATO. Accordingly, the Berlin Plus agreement was welcomed as a way of ensuring complementarity between the two organisations in military crisis management.

In a recent speech, the Chief of Defence, Admiral Juhani Kaskeala, wondered if it would be logical to accept EU common defence as the next step in the process of deepening integration. If this were the case, he argued, the connection between memberships of the EU and NATO should be recognised. In the Admiral's words, Finland should not *a priori* exclude participation in European common defence.[12] This is not the Government's position but was indicative of the tone of public debate on the eve of the IGC.

Conclusions

Finland's security policy, as has been mentioned, reflects continuity in the sense of a pragmatic policy of adjustment to external pressures, with active use of opportunities offered. It is anchored to an institutionalist vision of a rules-based international order in which lack of power can be compensated by a proactive policy. By making itself useful, if not indispensable, in conflict situations, a small state could substantially strengthen its international position.

In the Finnish case, this belief in institutions is complemented by a strong realist tradition in the security field. An independent and credible defence capability is seen, across the political spectrum, as an effective and continuously relevant insurance policy. As the security environment changes and presents new challenges to national security, the military establishment and the policy community see growing utility in active participation in international crisis management, both military and civilian. This activity is seen as strengthening and usefully complementing national territorial defence.

However, the 2003 IGC and the subsequent development of the ESDP may well put Finland's pragmatic and incremental policy to the test. For instance, while insisting that the rules for structured co-operation should be left open for all member states to participate, Finland may be hard pressed to actually contribute to distant crisis management operations with enforcement mandates.

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[11] The full text in Finnish of the Government's Report can be found at http://www.valtioneuvosto.fi/vn/liston/base.lsp?r=41554&k=fi&old=1272. A compilation in English of positions taken is available at http://www.valtioneuvosto.fi/tiedostot/pdf/ en/41546.pdf.

[12] Speech by Admiral Juhani Kaskeala at the opening ceremony of the 168th National Defence Course, Helsinki, 22 September 2003, http://www.mil.fi/tiedotus/tiedotteet/20030922_1027_1.html.

MALTA

Malta's Neutrality: Past, Present and Future

Alberta Borg

Historic Origins and Evolution of Malta's Neutrality

Malta's size and geographical position have over the course of its history been important factors which have led to its invasion, colonisation and imperialistic interests by the many forces acting in and around the Mediterranean seas over centuries. Repeatedly ravaged and destroyed by wars it was fighting in the name of others, its geo-strategic importance was further highlighted when Malta became a military base for the British Forces during World War II. Neutrality was therefore almost a natural and logical stance to take after Malta managed to peacefully obtain its independence from the British on 21 September 1964. The Malta Labour Party was elected to power in 1971 and brought a shift towards neutrality, defined in terms of non-alignment and "third world socialism". This brought about a change in the set method of tackling perceived security threats.[1]

Malta joined the Non-Aligned Movement in 1973, soon after reaching a conclusion of the agreement with the United Kingdom on the use of military facilities in Malta. The first proposal by the Maltese Government to declare neutrality was made in 1976. The British kept their military bases in Malta until 1979, and this coupled with NATO's southern Headquarters may have given the Maltese a perceived sense of security.[2] A status of "active neutrality" was enshrined in the Maltese Constitution in 1987 by an amendment made by Act IV of 1987.[3] This made Malta the only Mediterranean State with a status of *permanent* neutrality.[4] "Permanent Neutrality" means the country is neutral in times of both war and peace.

Chapter 1, Article 1, paragraph 3, of the Constitution of Malta, which is being directly quoted below states that: "*Malta is a neutral state actively pursuing peace, security and social progress among all nations by adhering to a policy of non-alignment and refusing to participate in any military alliance. Such a status will imply that:*

> *a)   no foreign military base will be permitted on Maltese territory;*

> *b)   no military facilities in Malta will be allowed to be used by any foreign forces except at the request of the Government of Malta, and only in the following cases: (i) in the exercise of the inherent right of self-defence in the event of any armed violation of the area over which the Republic of Malta has sovereignty, or in pursuance of measures or actions decided by the Security Council of the United Nations; or (ii) whenever there exists a threat to the sovereignty, independence, neutrality, unity or territorial integrity of the Republic of Malta;*

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[1] Pace R. (2003): Malta and EU Membership: Adaptation, Change and Modernisation", Agora Without Frontiers, Volume 8 № 4.

[2] *Ibid.*

[3] Xuereb P. (2019): The Constitution of Malta: Reflections on New Mechanisms for Synchrony of Values in Different Levels of Governance, T.M.C. Asser Press.

[4] Ronzitti N. (1983): Malta's Permanent Neutrality, The Italian Yearbook of International Law, vol. V 1980-1981), Naples: Editoriale Scientifica, pp. 171–201.

c)   except as aforesaid, no other facilities in Malta will be allowed to be used in such manner or extent as will amount to the presence in Malta of a concentration of foreign forces;

d)   except as aforesaid, no foreign military personnel will be allowed on Maltese territory, other than military personnel performing, or assisting in the performance of, civil works or activities, and other than a reasonable number of military technical personnel assisting in the defence of the republic of malta;

e)   the shipyards of the republic of malta will be used for civil commercial purposes, but may also be used, within reasonable limits of time and quantity, for the repair of military vessels which have been put in a state of non-combat or for the construction of vessels; and in accordance with the principles of non-alignment the said shipyards will be denied to the military vessels of the two superpowers." [5]

Of note is that the status of neutrality is qualified by the principles of non-alignment. The refusal to participate in any military alliance also implies its refusal to participate even during peace-time scenarios. Furthermore, the concept of neutrality is an active one, and calls for the "*pursuit of peace, security and social progress among all nations*".[6] All these points and their implications will be discussed later.

The neutrality policy was adopted at the height of the Cold War, at a time when Malta had only been an independent state for a few years. This policy was also a reflection of what was happening in the region and in the greater international context, when both superpowers on the West and the East wanted to secure better naval presence in the Mediterranean. Neutrality for Malta was to serve in "preventing competitive intervention through removal from contention"[7] which gave benefits to the neutral state, as well as third states. In the wake of a much sought-after independence, Malta attempted not to give itself up to any side, even if this meant forgoing the generation of economic activity and to some extent risk its own security. This was no small feat considering that the country was still struggling to establish itself economically and socially in the aftermath of its recent and unprecedented claim for independence. During this time, membership in the European Union was still considered key to Malta's prospects of economic growth, but assumption of a neutral status coupled by an ambivalent foreign policy delayed the process of formal EU membership.

A change in the Government in 1987 saw the Nationalist Party take power. The EU accession process was reignited albeit Malta's neutral status was still deemed an obstacle on the EU side even though Ireland had declared itself neutral and was already a full member. Malta was the first non-aligned country which tried to combine non-alignment with neutrality. After joining the non-aligned movement in 1973, the first proposal by the Maltese Government to declare neutrality was made in 1976. It was a proposal for Malta's "neutralisation", involving a guarantee by interested major powers. In this regard, the intention of the Maltese Government was for Malta's neutrality to be recognised and guaranteed by the European and Arab coastal countries, namely Italy, France, Libya and Algeria.[8] Eventually only Italy entered into a

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[5] Constitution of Malta, Chapter 1, Article 1.

[6] *Ibid.*

[7] Black, C. / Falk, R. / Knorr, K. / Young, O. (1968): Neutralization and World Politics, Princeton University Press.

[8] Fenech D. (1996): Malta's External Security, University of Malta.

Neutrality Agreement with Malta, which was initiated on 15 September 1980. On one part, Malta proclaimed itself neutral; whilst Italy, on the other part, recognised and guaranteed such status. The agreement with Italy included another document entitled the "Protocol relating to Financial, Economic and Technical Assistance between the Republic of Italy and the Republic of Malta", under which Italy bound itself to give Malta financial and economic aid and technical assistance.[9] Malta's neutral status was eventually recognised, *inter alia*, by Yugoslavia in 1980.

After coming into force on 8 May 1981, this new status of Malta was officially registered with the Secretariat of the United Nations on 14 May 1981[10], after which France, Greece, Algeria, Libya and Tunisia recognised its status. In 1981, the USSR declared its recognition, respect and support to the status of Malta as a neutral state, but these declarations lacked the guarantee of that similar to the guarantee made by the Italian government.[11] Malta's active neutral status based on the principles of non-alignment was later enshrined in the Maltese Constitution by a Constitutional amendment in January 1987.[12] For revision or amendment to most of the Articles in the Maltese Constitution a two-thirds majority in the House of Representatives is required.

The fall of communism and the end of the Cold War triggered a shift in the assessment of the concept of neutrality and three other neutral states – Austria, Finland and Sweden – joined the EU in 1995. Neutrality was not deemed to prejudice the pursuit of a European Common Foreign and Security Policy, one of the three pillars of the Maastricht Treaty.[13] Neutrality was also safeguarded in the subsequent Nice Treaty of 2001.[14] Malta joined the EU in 2004, which required some further changes to the Maltese Constitution, but did not affect the "*essential fundamentals of the state or in a way to render the changes irreversible*".

In terms of the role and competence of the European Union's sphere of Foreign and Security Policy, there is a duty of *loyalty* in the Treaty itself and in the Union's objectives post-Lisbon.[15] Malta understands that the EU also needs to deepen cooperation in security and defence, and that certain challenges that the EU and the neighbourhood are currently facing, need a united and coordinated approach.[16]

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[9] Italy—Malta: Agreement on The Neutrality of Malta, International Legal Materials Vol. 21, № 2 Cam bridge University Press (March 1982), pp. 396-398.

[10] Letter dated 25 June 1981 from the Charge d'affaires a.i. of the Permanent Mission of Malta to the United Nations addressed to the Secretary-General. New York : UN, 26 June 1981, found in United Nations Digital Library https://digitallibrary.un.org/record/21609?ln=en.

[11] Bulletin of the European Communities, The challenge of enlargement Commission opinion on Malta application for membership Document drawn up on the basis of COM(93) 312, ECSC-EEC-EAEC, Brussels. Luxembourg, 1993.

[12] Xuereb P.G. (2019): The Constitution of Malta: Reflections on New Mechanisms for Synchrony of Values in Different Levels of Governance, in: Albi A. / Bardutzky S. (eds): National Constitutions in European and Global Governance: Democracy, Rights, the Rule of Law, T.M.C. Asser Press, The Hague, https://doi.org/10.1007/978-94-6265-273-6_4.

[13] Pace R. (2003): Malta and EU Membership: Adaptation, Change and Modernisation", Agora Without Frontiers, Volume 8 № 4.

[14] Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Communities and Certain Related Acts, 2001 https://eur-lex.europa.eu/legal-content.

[15] *Ibid.*

[16] EU establishes "EUNVFOR MED" – A CSDP Mission to disrupt Human Smuggling Networks in the Southern Central Mediterranean, Ministry for Foreign Affairs of Malta, Press Release, 19 May 2015

Malta's participation in the EU's Common Foreign and Security Policy (CFSP) does not prejudice its neutrality. The Treaty on the EU specifies that any EU decision to move to a common defence would have to be taken unanimously by the European Council and adopted by member states in accordance with their constitutional requirements.[17] Malta has always highlighted and appreciated the importance of Common Security and Defence Policy (CSDP) and the need to do as much as possible to contribute towards a secure and resilient EU neighbourhood.

After Independence, Malta did not partake in any military operations beyond its shores, not even in peacekeeping missions approved by the UN; it was only after EU membership that it began to participate in those EU-led missions which fit within its neutrality clause[18] with its first operation in September 2008, when it deployed personnel to serve in support of the EU Monitoring Mission (EUMM) in Georgia.[19]

The Armed Forces of Malta (AFM) is Malta's military organisation tasked with primary defence functions and safeguarding national sovereignty and interest, both in peacetime and in crisis. Secondary functions include the provision of internal security and rescue. The limited equipment on hold is for fulfilling these tasks and the Armed Forces do not possess any offensive weapons. All members of the Armed Forces of Malta participating in missions abroad do this on a voluntary basis.[20]

Malta first joined the NATO's Partnership for Peace Programme (PfP) in 1995, but soon after, a new government elected in 1996 withdrew Malta's membership in the PfP on the grounds that it compromised Malta's neutrality. Malta re-activated its membership in the Partnership for Peace on 3 April 2008. Controversy ensued about how the re-activation was carried out rather than whether it was to happen. Nowadays, Malta's participation in the PfP Programme is deemed as being in full respect of the country's policy of neutrality.[21] The Programme allows members to select the areas of cooperation they want to engage in and would not necessitate for the Armed Forces of Malta to participate in an armed conflict, or the use of Malta as a military base. Arguments in favour of joining included improved operational and interoperability through exchanges and cooperation on humanitarian and search and rescue operations. Malta would also now be privy to the information shared between NATO member and the EU and be able to take better informed decisions in the EU's Common Foreign Security Policy structures.[22]

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https://foreignandeu.gov.mt/en/Government/Press%20Releases/Pages/EU-establishes-%E2%80%98EUNVFOR-MED%E2%80%99---A-CSDP-Mission-to-disrupt-Human-Smuggling-Networks-in-the-Southern-Central-Mediterranean.aspx.

[17] *Ibid.*

[18] Pace R. (2003): Malta and EU Membership: Adaptation, Change and Modernisation", Agora Without Frontiers, Volume 8 № 4.

[19] Armed Forces of Malta – Defence Roles, https://afm.gov.mt/en/forcestructure/Pages/Defence-Roles.aspx.

[20] *Ibid.*

[21] Relations with Malta, NATO, https://www.nato.int/cps/en/natohq/topics_52108.htm.

[22] PfP – An opportunity regained, Malta Independent, 29 March 2008 https://www.independent.com.mt/articles/2008-03-29/leader/pfp-an-opportunity-regained-205545/.

How Neutrality Has Served Malta and Influenced its Foreign Policy

For Malta, neutrality initially served to move away from the country's dependence on another country. The dependence on the dwindling funds from Great Britain was a push factor towards pursuing other diplomatic and trade agreements with third countries. Neutrality and non-alignment provided Malta with the flexibility to explore new avenues, even ones which were not exclusively pro-Western. It can be argued that independence on its own could not result in sufficient economic development.[23] In contrast with other countries in the region, Malta's neutrality meant that instead of financing large and expensive defence budgets, it could instead use its limited resources for development and satisfaction of social and economic requirements.[24]

Just a year after Malta registered its status with the United Nations, it started to make a name for itself from a multilateral diplomacy point of view. Malta's first Permanent Representative to the United Nations, Dr. Arvid Pardo, was instrumental in drafting the Principle of the Common Heritage of Mankind, which then paved the way for the adoption of the 1982 United Nations Convention on the New Law of the Sea (UNCLOS – Montego Bay Convention).[25] Being a small and neutral state, which poses little threat, made it easier for Malta to gain trust and momentum on this issue. Through such initiatives Malta, with its continued pursuit of stability in all its forms, managed to successfully project an image of neutrality even at the global level.

Its most notable contribution, albeit on a more regional level, was during the Conference on Security and Cooperation in Europe negotiations in Helsinki between 1973 and 1975. Malta's Prime Minister Dom Mintoff argued fervently that there could not be peace in Central and Eastern Europe without a solution to the instability of the Mediterranean. It was the first time that a country openly called for the Mediterranean region to be duly considered in an international conference. Thanks to Malta's initiative, the Final Act of the first CSCE Summit of Heads of State or Government now contains a whole chapter devoted to fostering peace and security in the Mediterranean.[26] Malta's neutrality meant that all initiatives could be considered in good faith and would foster confidence and trust when dealing with conflicting sides.

A highlight event that was held in Malta also due to its neutral status was the Malta Summit of 2-3 December, 1989, held between US President George H.W Bush and Soviet General Secretary Mikhail Gorbachev a few weeks after the fall of the Berlin wall. During the Summit, the leaders of the two superpowers declared an end to the Cold War after two days of intensive talks at the Malta Summit. They also declared that the initial steps had been taken to reduce troops and weapons in Europe.[27] Back then, the Summit was hailed as the most important since the one held in Yalta in 1945. Malta was chosen primarily because it had declared its neutrality between the superpowers in 1980 and because of its symbolic position at the crossroads in the centre of the Mediterranean.

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[23] Mintoff L. (2018): Comparing Austria and Malta Neutrality, University of Malta.

[24] Fenech D. (1996): Malta's External Security, University of Malta.

[25] International Ocean Institute Story, https://www.ioinst.org/about-1/ioi-story/.

[26] Helsinki Final Act, https://www.osce.org/helsinki-final-act.

[27] On this Day, 3rd December 1989, BBC News website
http://news.bbc.co.uk/onthisday/hi/dates/stories/december/3/newsid_4119000/4119950.stm.

By now, Malta had established itself as a mediator and an honest broker, and this credibility could be put to further good use at global or regional multilateral forums. In fact, the EU also acknowledged the importance of Malta's neutrality and after accession tasked Malta to keep working on a Mediterranean Policy. Over the years, Malta has indeed lived up to its calling and has been a catalyst in keeping the Mediterranean high on the EU's agenda and bringing different sides to the table to discuss the ever-evolving issues in the region.[28]

During the Libyan crisis in 2011, the political leadership at the time had to deal with the arrival of the defecting Libyan Mirage jets in the beginning of the Libyan conflict. In the Prime Minister's words, "*Strictly speaking, the wording of our Constitution did not allow us to offer this facility. But we decided to go ahead. Again, the moral and ethical criteria – rather than the strict legal interpretation – were the ones that guided us in our decision.*" While recognising that commercial interests in Libya were to be safeguarded for the benefit of Maltese workers, investment and neighbourly relations, Malta ensured that its actions were not seen as "*a betrayal of the Libyan people and the Arab Spring movement itself*". Malta was prepared to mediate, but only when violence stopped, and respect for human rights was established.[29]

During the same crisis, Malta was also transformed from a tranquil island to a busy operational and humanitarian hub for the coordination, evacuation and repatriation of thousands of foreign workers from Libya in just a week. Malta heeded calls for assistance from 89 countries, including the US, Germany, UK, China, Brazil, Zambia, and India.[30] This fit right in with Malta's active neutrality policy and once again was recognised by its international peers.

During the Libyan Revolution, Malta's Prime Minister insisted that "*Malta will fulfil its obligations as part of the United Nations, but in no way will the island become a temporary military base*", adding that the island was not obliged to do so.[31] Neutrality in this case gave a clear parameter for the Maltese leaders to operate, and by doing so they were able to take a principled position while allowing Malta to remain active on an international level.

Public Perception of Maltese Neutrality

In general, neutrality in Malta has been widely accepted and defended over time by the two main political parties, civil society and the overall Maltese population.

An interesting and relatively recent debate arose locally when the US Naval vessel *La Salle* came to Malta for routine repair and maintenance work in 2001. Although the equivalent of

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[28] Pace R. (2013): Strategic Cultures in Europe, pp. 243-253.

[29] Vella M. (2014): Gonzi on Libya: Moral Principle Prevailed Over Constitutional Neutrality, in: Malta Today, 16 May 2014, https://www.maltatoday.com.mt/news/national/39059/gonzi_on_libya_moral_principle_prevailed_over_constitutional_neutrality#.X5bKfEJKiqA.

[30] Address by the Hon. Lawrence Gonzi, Prime Minister, on the Occasion of the Exchange of New Year Greetings with the Diplomatic Corps, Auberge de Castille, Valletta, 20 January 2012.

[31] No-fly Zone over Libya: PM insists "Malta will not act as military base", Malta Independent, 19 March 2011 https://www.independent.com.mt/articles/2011-03-19/local-news/No-fly-Zone-over-Libya:-PM-insists-%E2%80%98Malta-will-not-act-as-military-base%E2%80%99-289424.

EU 7 million contract was welcomed by most, the General Workers' Union's Drydocks Workers' Section raised objections, arguing that it went against the Constitution. The same union's Professional Staff Association, however, supported taking up the job.

With an address to the nation, the Prime Minister announced he would send a letter to see whether enough yard workers were willing to do the job. When over 600 workers agreed, the Union had no objection and claimed that the job was in Malta's national interest. In the process the GWU's National Council had recommended that political parties discuss the constitutional implications of such assignments before signing contracts.[32] In 2009, the presence of NATO ships in the Valletta Grand Harbour led to public criticism from Moviment Graffiti, a local NGO.[33] Since then, however, public protests against the presence of foreign vessels in Malta have largely died out.

Over the past twenty years the US has on several occasions tried to ignite the Status of Forces Agreement with Malta's different administrations. These attempts, including the latest one in 2020, have never led to closure.[34] Such an agreement would bring Malta's neutrality in jeopardy since the agreement states that any US Military Personnel in Malta would not be liable to Maltese Courts and may only tried under US Law. A joint letter endorsed by several leading political figures, academia and civil society argued that SoFa should not be accepted due to the following reasons: it goes against the letter and spirit of the neutrality clause; a de facto two-tiered legal system would differentiate between members of the US armed forces and local residents and would likely be detrimental to the latter; recent military interventions in the Mediterranean region and beyond can be seen as detrimental to peace, security and well-being and may be a catalyst for war crimes; and, finally, the fact that Malta would be exposed to danger if it were to host a strong military presence, and the negative effect this would have on the island's economy and well-being.[35]

Neutrality in the Ever-Changing Global Political Scenario

We may say that the neutrality concepts over the years have continued to respond well to the ever-changing global political scenario. Malta remained committed to its status and policy of neutrality in an ever-changing world. Over four decades later, Malta's neutrality remains an important part of its foreign policy. The language on neutrality in the Maltese Constitution revolves around the policy of *non-alignment*, which might seem a little outdated in today's political scenario, where alignments are not always so clear.

Malta's neutrality is an *active* neutrality, one that doesn't allow for any military alliances nor the use of Maltese facilities as military bases (with exceptions), but does not preclude Malta

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[32] Bonello J. (2003): Shipyard in fresh bid for USS La Salle job, in: The Times of Malta, 23 April 2003, https://timesofmalta.com/articles/view/shipyard-in-fresh-bid-for-uss-la-salle-job.151674.

[33] Presence of foreign warships criticised, The Times of Malta, October 11, 2009, https://timesofmalta.com/articles/view/presence-of-foreign-warships-criticised.277058.

[34] Sansone K. (2020): SOFA talks with US back on backburner, in: Malta Today, 14 October 2020, https://www.maltatoday.com.mt/news/national/105223/sofa_talks_with_us_back_on_backburner#.X5b0-UJKiqA.

[35] Graffitti M. (2020): Do not negotiate SOFA or other military agreements, left-wing activists and Socialists ask Cabinet, Press Statement, https://movimentgraffiti.org/en/news/details/287/-do-not-negotiate-sofa-or-other-military-agreement.htm.

from taking an active role in in the pursuit of peace, security and social progress among all nations[36]. The above has allowed for some to argue that a constitutional review exercise is due, which should be crafted to reflect Malta's EU membership, but not only.

A review should also reflect Malta's current and desired roles within the new global context. Art. 1(3) of the Maltese Constitution commits Malta to also actively pursue social progress. Neutrality therefore is also a means to this end. It allows for an independent, non-aligned state to partake in various cultural or commercial bilateral or multilateral undertakings[37]. It is not excluded that the Maltese neutrality clause can also come into question with evolving global scenarios and realities.

The meaning of defence has evolved over the ages. Today, it has multiple meanings including cyber-defence, hybrid threats and threats to the critical infrastructure protection such as hospitals, power stations, marine and airports. Defence today goes beyond the territorial defence through physical armed forces. Even the definition of who or what is the "enemy" has diverged from the traditional models of countries warring against each other and has taken on a dimension with the emergence of terrorist organisations and intricate international criminal networks.

It is therefore pertinent to analyse how Malta's neutrality clause stands in relation to such trans-national threats. In correcting a claim made by the US in October 2014, which stated that Malta was part of the anti-Islamic State Coalition, the Maltese Ministry for Foreign Affairs clarified that Malta did not sign any coalition agreements, but that at the same time "*Malta's neutrality has the goal to achieve peace, and therefore the country cannot remain neutral or passive in such circumstances.*"[38] While Malta is precluded from forming military alliances, it can still form relations and political alliances.

This becomes relevant when discussing Article 42(7) of the Treaty on the European Union, known as the "Mutual Defence Clause", which French President Hollande invoked after the November Paris Attacks. The activation of this clause focuses on aid and assistance and makes it clear that it does not prejudice neutrality of certain Member States.[39] This is another clear reminder that the EU is not a military union but a political one. A similar interpretation is given to the "Solidarity Clause" in Article 222 of the Treaty on the Functioning of the European Union. When this is activated, Member States are to make their resources available for the Union to mobilise them as necessary, but there is no specification that these resources should be military resources.[40]

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[36] Xuereb P.G. (2019): The Constitution of Malta: Reflections on New Mechanisms for Synchrony of Values in Different Levels of Governance, in: Albi A. / Bardutzky S. (eds): National Constitutions in European and Global Governance: Democracy, Rights, the Rule of Law, T.M.C. Asser Press, The Hague, https://doi.org/10.1007/978-94-6265-273-6_4.

[37] Xuereb P. (2019): The Constitution of Malta: Reflections on New Mechanisms for Synchrony of Values in Different Levels of Governance, T.M.C. Asser Press.

[38] Falzon M. (2014): The massive neutrality debate is back, in: Malta Today, 7 October 2014.

[39] EUR-Lex, https://eur-lex.europa.eu/summary/glossary/mutual_defence.html.

[40] EUR-Lex, https://eur-lex.europa.eu/summary/glossary/solidarity_clause.html.

The neutrality clause does offer some limitations, but it does not preclude the Government of Malta from taking the necessary actions against terrorist organisations who commit acts in Malta or in other countries;[41] in fact the perpetrator of the EgyptAir hijacking in 1985 faced trial and was sentenced in Malta.[42] Article 328A of the Criminal Code clearly defines terrorism and lists the punishments for those who either commit or are complicit in committing actions related to terrorism.

Against a backdrop of simmering conflicts in the Mediterranean, being still the only neutral island in the Mediterranean, at cross-roads between European, Arab and African nations, Malta's duty of actively pursuing peace is intensified, leading to a generally accepted foreign policy of bridge building through dialogue and diplomacy in all its new forms. It is expected that any constitutional review retains this notion and develops it through the obligations of upholding of human rights, democracy and rule of law.

While Malta is not a member of any military alliance, it does recognise that it cannot operate to fulfil its goals in isolation. In this regard, Malta has recognised the role of regional actors in contributing to peace and stability. Malta chooses to cooperate with these actors on matters that do not go against its principles, but help it in its pursuit of peace and stability in the region.

As an example, Malta's priority areas of cooperation with NATO through the PfP are defence planning and budgeting and transparency, democratic control of the armed forces, peace support operations, search and rescue at sea, counter-terrorism and arms control. In return, Malta is recognised as a valuable partner to offer expertise in international maritime law, diplomatic studies, search and rescue operations as well as in Arabic culture and language training.[43] Such technical assistance, capacity building and information sharing in these areas are a desirable deliverable for the Maltese authorities.

The Armed Forces of Malta have actively participated in a number of joint overseas operations, mostly those led by the EU and the OSCE. Along the years, a number of Officers were deployed to participate in eight different missions tackling pre- or post-conflict scenarios of a peace-keeping and humanitarian nature.[44]

It may therefore be argued that Malta in this spirit would have had no problem to join Article 46 of the EU Treaty on Permanent Structured Cooperation (PESCO). This treaty aims to intensify military cooperation through capacity building in the areas of training and operational domains. Other neutral EU Member States have joined and reported that there has been no impact on their neutrality status. These countries have found ways to satisfy PESCO's commitment in ways that do not impinge on their neutrality, as the European Union

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[41] Zerafa B. (2017): State Action Against Terrorism in Relation to the Neutrality Clause found in the Constitution of Malta, Faculty of Laws, University of Malta.

[42] Galea A. (2020): 35 years on: The EgyptAir Hijacking that Descended into a Bloodbath in Malta", in: Malta Independent, 22 November 2020.

[43] Relations with Malta, NATO Website, 2020, https://www.nato.int/cps/en/natohq/topics_52108.htm.

[44] Overseas Operation, Armed Forces of Malta Websitem, https://afm.gov.mt/en/operationsanddeployments/overseas/Pages/Overseas-Operations.aspx.

is not a military alliance but a political union. Malta has, however, taken a cautious approach and is yet to join.

By joining Malta could make use of benefits in the areas of cyber-security, maritime surveillance, harbour protection and disaster relief. These new transnational threats can only be addressed through international cooperation, and the new realities of European Security and Defence may be sufficient grounds to justify a renewed debate in Parliament to ensure the neutrality clause remains relevant and realistic.[45]

Conclusion

Malta's Foreign Policy has successfully managed to remain focused on ensuring that its neutrality and non-alignment adapts to a more unpredictable and complicated scenario of international affairs. Neutrality in itself is a non-contested issue in Malta, and over the years all the political leadership has ensured that this principle guides political decisions and foreign policy, albeit with varying interpretations. Neutrality should be protected and promoted, as long as it remains a sustainable and achievable foreign policy.

Malta as a member of the European Union is now moving towards more coherence and a more stream-lined system of defence cooperation to counter new regional and global challenges. This is also enshrined in the Lisbon Treaty, which Malta's Parliament ratified by consensus on 29 January 2008.

The work on enhancing the security of EU citisens and the immediate neighbourhood requires the mixed use of all the tools already available, as well as strong political will from all sides. Neutrality takes on a different meaning for those neutral members who must also use this means towards the promotion of European values.

As a small and neutral state, Malta's contribution to this security infrastructure should not be underestimated; however, the country must ensure that its voice is heard in the right forums, which is done by regular and meaningful engagement and by providing practical and solution-oriented interventions, mindful of protecting the interests of all conflicting parties.

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[45] Cauchi M. (2018): Neutrality and EU Defence: Conflict or Opportunity?, in: The Times of Malta, November 11, 2018, https://timesofmalta.com/articles/view/neutrality-and-eu-defence-conflict-or-opportunity-martin-cauchi.693995.

SWEDEN

Swedish Neutrality and Non-Alignment

Kjell Engelbrekt

The Origins and Sources of Neutrality and Non-Alignment Ideas in Sweden

Neutrality is a political and a legal concept, and it may be well advised to separate the two uses. Swedish neutrality was never anchored in law, let alone constitutional law. Non-alignment is a term that appears relevant when many countries belong to formal alliances. During the cold war it meant striving toward independent foreign policy.

The actual behaviour that both terms encapsulate could be referred to as "hedging". Instead of siding with any particular party (either "balancing" or "bandwagoning") and constantly seeking to preserve a degree of political autonomy, a State is trying to defend against the major risks that it faces in the environment in which it operates. In doing so, a State may conduct an active or a passive type of diplomacy, and Sweden have often preferred the former.

As a European great power for a brief period of the 17th and early 18th century, it was more natural for Sweden to have a high profile in external relations. Jean Bernadotte, who became King Charles the XIV in February 1818, introduced "hedging" as an approach in the early 1800s, as he could draw on a wide network of institutional and personal ties. Bernadotte had served as one of Napoleon's top generals and was astute in warfare but also shrewd in diplomacy.

Bernadotte's legacy is critical to Sweden being able to stay out of wars for two full centuries. As a country that hedges, Sweden has sought not to be a part of the problem. But when a State hedges, it also primarily looks out for itself. Thus, such a State is not going to be a part of the solution either. Sweden did not start any wars, and it did not contribute much to ending any wars either.

Today, Swedish government officials never use the terms "neutrality" or "non-alignment" to describe the country's foreign and security policy. Sweden nevertheless remains "militarily non-aligned".

Forms of Neutrality/Non-Alignment during Different Periods

In the 19th century political alliances were sometimes less important than trade agreements and tariffs. Sweden consistently sought to sell pulp, paper, iron, steel, and, later on, engineering products that could be produced because of access to the former. Neutrality was a term used in wartime but, as mentioned above, not enshrined in law. As a former European great power, it felt significant enough to pursue an autonomous policy not permanently allied to any of the European great powers.

The Cold War formula was in line with previous policies but opaque to many outside the Foreign and Defence Ministries. The full-fledged formula stated that Sweden "is non-aligned with the option of neutrality in war". In this way, Stockholm acknowledged it was actually embracing a

hedging strategy, and that its non-alignment was contingent on the circumstances of the day.

Crucial Moments/Periods when Neutrality and Non-Alignment Served the Country Particularly Well. Formative Experiences

In a simplistic interpretation, hedging served Sweden well in the First and Second World Wars, as the country managed to stay outside. That experience certainly was formative and probably represents the single most important reason why Sweden retains an affinity for neutrality and non-alignment, as opposed to Norway and Denmark that were invaded by Nazi Germany in the spring of 1940.

Some historians and leading members of the Social Democratic Party, which ruled Sweden from the 1930s to the mid-70s, insist that the MFA's formula similarly served the country well during the Cold War. It did in the sense that Sweden was not attacked, or that its position did not destabilise the Baltic Sea region.

However, as has been argued in a couple of articles (by Prof. Kjell Engelbrekt), the MFA formula did constitute a risky policy. In fact, both Moscow and Washington could see through the hazy fog of Swedish hedging, whereas the domestic public often could not. Given that the free market in Sweden operated under more regulations than in the US and Western Europe, one might argue that there was some truth to the notion of "Sweden's Third Way". But in security and defence policy, that was a mere sham. There was not a single rifle directed at NATO neighbours Norway and Denmark, and there was not even a border fence with the former.

It has been insisted (by Prof. Kjell Engelbrekt) that all students of Swedish cold war security policy are "revisionists" in the position that Sweden was, in effect, aligned with the West. But since there was only a bare minimum of coordinated planning for a contingency in which the Warsaw Pact would disrespect our "non-alignment with the option of neutrality in war" (primarily with Norway and Denmark), it was a reasonably good policy in the 1950s and 1960s when we could speak of "armed neutrality" (with the world's third biggest Air Force). But it was arguably poor policy in the "frosty atmosphere" of the mid-80s and constant US-Soviet friction in the High North, as Sweden was much more vulnerable to an attack from the East.

Neutrality/Non-Alignment Policies as a Matter of Internal Political Debates: Perception of General Public and Elites

Since the end of the Cold War, the debate has really only centred around NATO membership. Between 1991 and 2008, the security and defence establishment often pointed to the advantages of a membership for Sweden itself, in terms of a shared responsibility, and the fact that all of the democratic neighbours – except Finland – were part of the alliance.

The counterarguments usually revolve around the historic legacy (often exaggerated or mythologised) or what Swedish NATO membership might mean for the region, not least Finland. If Finland does not join at the same time, it is likely going to be more exposed to political and/or military pressure from the Russian Federation. That may, in turn, be disadvantageous for Sweden, as it means more military equipment in our neighbourhood.

But the latter arguments have been undermined since 2008. Russia has both rebuilt its armed

forces and provided it with a significant expeditionary capability, and then proceeded to use that capability on two neighbouring states in the past fifteen years. Any reasonable threat analysis – based on capabilities and demonstrated intent – must conclude that Russia represents a significant risk to its western neighbour. The Swedish public realises that, which has increased the support for NATO membership and helped recruit thousands of young people to serve in the armed forces in recent years.

Evolutionary Transformations of the Neutrality/Non-Alignment Concepts

Professor Engelbrekt represents the first generation of scholars who sharply criticised the "mythologising" or just sloppy use of the two terms. But the terms are extremely "sticky" and scholars and policymakers alike have had a hard time shedding their use. A Swedish defence minister famously failed to convince a group of high school students some ten years ago that Sweden was no longer a neutral country, referring to the MFA dropping the term in describing Sweden's stance already in the 1990s. The students rejected his assertion and told him emphatically that he was wrong.

Therefore, there is an interesting identity dimension to neutrality that should not be underestimated when you profess this policy for several generations. In Sweden, the "neutrality rhetoric" goes back to the policy adopted during the First World War.

The Relevance of Neutrality/Non-Alignment Today and Its Future Prospects

In its foreign policy, Sweden is still "hedging". The more threats are being perceived, the more Sweden will be leaning away from neutrality and cold war style non-alignment, that is, from being aloof.

In choosing between applying for NATO membership and "soft balancing" via a closer relationship with Finland, the most recent governments have gone for the latter. But note that the experience of close military collaboration with Finland will be an asset regardless of whether, sometime in the future, one or both countries opt for NATO membership.

SWITZERLAND

Switzerland and the Ongoing Challenge of Permanent Neutrality

Benno Zogg

Probably no other country embodies neutrality as firmly and as permanently in the international community's perception as Switzerland. This is reflected domestically as well: a vast majority of Swiss people consider neutrality an integral and permanent guiding principle of the country's foreign policy. Some argue it has even become an element of Swiss collective identity. In contrast, the core of neutrality – essentially abstention in interstate war – has lost much of its meaning in the 21st century state system, as non-state actors and threats have become more prevalent, and states are increasingly interdependent.

Switzerland's neutrality has always reflected shifts in its external environment, but also in its internal needs. While serving five core functions, the nature, extent, and purpose of said neutrality – and its domestic and international reception – have changed over time. Neutrality, after all, does not prescribe a comprehensive set of foreign policy. Rather, neutrality policy in peacetime is determined by political decisions and can be as diverse as the countries pursuing it.

Accordingly, the credibility and merit of Switzerland's foreign policy and sovereignty are less derived from neutrality *per se*. Instead, they relate to a measured posture on the international stage and a broad spectrum of humanitarian and diplomatic activities. These make the country, including its abstention from alliances, useful and add stability and predictability within the European and international community. Without such policies, Switzerland would be perceived as an outsider and a free rider on European and global security and prosperity, and neutrality would merely persist as a rhetorical reference point or brand – albeit one that sells remarkably well.

Core Functions of Neutrality

Scholars identified five functions of Swiss neutrality. Their respective significance has varied over the course of the country's history, as will be described in the next section. Neutrality may serve the five purposes of integration, independence, free trade, balancing, and services. In this, neutrality always has an internal and an external dimension.

Switzerland, historically a loose alliance of largely sovereign states and, since 1848, a federalist state, has never had a unifying ethnicity, language, or religion. Protestantism and Catholicism have roughly been similarly prevalent, but to various extents in different regions. National languages are German, French, and Italian.[1] As neutrality has prohibited the participation in wars, it has eliminated the option or necessity to side with larger foreign powers or their intervention along those cleavages. Neutrality has thus contributed to avoiding centrifugal tendencies within Switzerland. Furthermore, at the end of the 19th century, Swiss political elites in a nation-building effort started referring to an alleged century-old Swiss tradition of

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[1] Alongside a fourth official national language, Romansh, spoken by less than 1% of the population.

abstaining from conflict between European powers. This aimed at further ingraining the neutrality concept and tying it to Swiss collective identity. In that respect, neutrality served the first two purposes of integration and independence.[2]

Additionally, as a third function, neutrality allowed Switzerland – a small landlocked state largely lacking natural resources – free trade with surrounding powers in wartime. Its location in the centre of Europe as a neutral buffer overseeing major trade routes, coupled with a deterrence through an autonomous defence based on a militia army, served a fourth function of balancing said powers.[3]

Lastly, and of increasing importance today, neutrality has facilitated humanitarian efforts and diplomatic services. Switzerland has used these as proof of its solidarity and to bolster the legitimacy of its abstention as a neutral. Neutrality has helped enable the provision of services called "Good Offices", namely arranging international talks, assuming diplomatic protection mandates, mediating in international conflicts, or Geneva hosting international organisations such as the International Committee of the Red Cross or the United Nations.

A Brief History of Swiss Neutrality

Switzerland has refrained from power politics, expansionism and the participation in conflicts in Europe since the early 16th century. This policy was considered a requirement to maintain the country's independence, particularly against the backdrop of virtually perpetual conflict between major powers in 16th and 17th century Europe. Eventually, the Swiss Confederation was recognised as a permanent neutral in the Congress of Vienna in 1815. The first Swiss constitution of 1848, however, only peripherally refers to neutrality: Articles 74 and 90 oblige the parliament to protect Switzerland's sovereignty, independence, and neutrality.[4] This emphasises that neutrality was not designed as a core feature of Swiss foreign policy.

The underlying rights and duties of neutrals in war were codified in The Hague as late as 1907, barring neutrals from participating in war, granting their territorial integrity, and allowing them impartial trade with all parties. On top of this and as opposed to occasional neutrality towards a specific conflict, permanent neutrality requires Switzerland to pursue neutrality policy in peacetime, too. This entails not joining alliances and upholding its territorial integrity, namely through credible defence.[5]

Swiss neutrality assumed its strongest role in the two World Wars, both of which incorporated all of Switzerland's neighbouring countries. During World War I, Switzerland was split along social lines as well as linguistically: the French-Swiss population largely sympathised with the Entente Powers, and the German-Swiss population with the German Empire. Neutrality averted the option to join either side and thus helped avoid fragmentation. In the interwar period, Switzerland chose to apply differential neutrality and participated in collective security

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[2] Riklin A. (2010): Neutralität [Neutrality], in: *Historisches Lexikon der Schweiz*, Version 09.11.2010, https://hls-dhs-dss.ch/de/articles/016572/2010-11-09/.

[3] Wenger A. (2002): Swiss Security Policy: From Autonomy to Co-operation, in: Jürg Martin Gabriel and Thomas Fischer (eds.), Swiss Foreign Policy, 1945-2002, Palgrave Macmillan, London, pp. 23-45.

[4] Bundesverfassung der Schweizerischen Eidgenossenschaft [Constitution of the Swiss Confederation], http://www.verfassungen.ch/verf48-i.htm.

[5] Goetschel L.(1999): Neutrality, a Really Dead Concept?, in: Cooperation and Conflict 32(2), pp. 115-139.

efforts under the League of Nations. The dawn of World War II, and alongside it the failure of the League of Nations, saw Switzerland returning to integral neutrality. As opposed to World War I, World War II largely unified the country as it faced the threat of a fascist invasion.[6] In both wars, Switzerland traded with all parties, which has been framed as a necessary compromise to ensure the country's survival.

In the wake of World War II, neutrality was portrayed domestically as having saved the country from devastation – a fate other neutrals were not able to escape, though – and as embodying Swiss values and resistance. Allied states, meanwhile, perceived wartime neutrality as neutrality towards fascist totalitarianism, and Switzerland was initially not welcome to join the United Nations. The UN, after all, aimed at de-legitimising war as an instrument of international conflict resolution and thus ultimately at rendering neutrality obsolete.

Neutrality proved useful again on the international stage when the Cold War evolved, and superpower confrontation paralysed international fora. During that era, Switzerland, despite its official neutrality, was firmly anchored in the Western camp and refrained from delivering strategic goods to the Soviet bloc. Switzerland's emerging foreign policy posture during that time was encapsulated by Swiss post-war Foreign Minister Max Petitpierre's "neutrality and solidarity".[7] The concept prescribed a need to legitimise and underpin neutrality with services supporting international peace and stability,[8] such as humanitarian aid and efforts of international diplomacy. This amounted to a differential reading of neutrality as opposed to the strict, integral concept during the World Wars.

Switzerland's Active Foreign Policy Today

Since the end of the Cold War, Switzerland has maintained a policy of differential neutrality. In its strict sense, neutrality today serves as a safety net for the unlikely spectre of interstate war in Switzerland's neighbourhood, and binds the country merely to non-alignment. Meanwhile, the impetus for participation in peace support and collective security has increased further. To that end, Switzerland's Security Policy Reports of 1993 and 2000 emphasised "security through cooperation" and stated that Switzerland's neutrality offers considerable leeway in its foreign policy, which should be used for more participatory and active measures.[9] These principles remain valid to this day. Micheline Calmy-Rey, foreign minister between 2003 and 2011, particularly coined the phrase of "active neutrality". Under her successors, meanwhile, references to neutrality have become scarcer.[10]

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[6] Gabriel J.M. (2002): The Price of Political Uniqueness: Swiss Foreign Policy in a Changing World, in: Jürg Martin Gabriel and Thomas Fischer (eds.), Swiss Foreign Policy, 1945-2002, Palgrave Macmillan, London, p. 4.

[7] Nünlist C. (2017): Neutrality for Peace: Switzerland's Independent Foreign Policy, in: Heinz Gärtner (ed.), Engaged Neutrality: An Evolved Approach to the Cold War, Lexington Books, Lanham USA, p. 163.

[8] Trachsler D. (2004): Gute Dienste – Mythen, Fakten, Perspektiven [Good Offices – Myths, Facts, Perspectives], in: Andreas Wenger (ed.), Bulletin zur schweizerischen Sicherheitspolitik *2004*, centre for Security Studies, ETH Zurich: Zurich, p. 35.

[9] Bundesrat, Sicherheit durch Kooperation: Bericht des Bundesrates an die Bundesversammlung über die Sicherheitspolitik der Schweiz (SIPOL B 2000) [Security through Cooperation: Report by the Federal Council for the Federal Assembly on Security Policy in Switzerland], 07 June 1999, p. 7690.

[10] Nünlist C. (2017): Neutrality for Peace: Switzerland's Independent Foreign Policy, in: Heinz Gärtner (ed.), Engaged Neutrality: An Evolved Approach to the Cold War, Lexington Books, Lanham USA, p. 167.

This underlines the fact that Switzerland's good reputation is based more on international peace support, on its prosperity and political stability than merely on its permanent neutrality. Such efforts are independent of neutrality: many non-neutral states display similar commitment and enjoy an equally good reputation, such as Denmark, Canada, or Norway. In contrast, many self-declared or recognised neutrals, such as Moldova, Turkmenistan, or Belarus in some respects, have not been able to build a reputation as actors for peace.

Switzerland's role in European security and the Ukraine conflict, for example, builds on its standing as an impartial actor without great power interests, its investments in diplomacy, and good relations – politically and economically – with all parties involved. This entails walking a delicate line between firmly condemning violations of human rights and international law while maintaining channels of communication and dialogue with all parties. Swiss efforts have included chairing the Organisation for Security and Cooperation in Europe (OSCE) in the critical year of 2014 and the appointment of several high-level diplomats in the Minsk process, namely Heidi Tagliavini, Toni Frisch, Heidi Grau, and of the former Secretary General of the OSCE, Thomas Greminger.[11]

Domestic Perception and Debate

To this day, Switzerland's foreign policy and its reading of neutrality have been shaped by popular opinion and political interpretation. One underlying perception has been the fact that Switzerland has repeatedly been surrounded by conflict but emerged largely unharmed. This has been partially attributed to its neutrality. Accordingly, the merits of neutrality and, more generally, a cautious foreign policy have been ingrained in popular perception.

There is widespread support among political parties and the population to keep adhering to neutrality. 96% of Swiss citisens, according to a 2020 survey, approve of it.[12] Generally, such a consensus on its foreign policy fosters the predictability of and trust in a neutral state. The interpretations of neutrality and its translation into neutrality policy, meanwhile, have differed among political actors in Switzerland. These have frequently used neutrality as a reference point, but often with diverging reference to substance. While the political Left largely emphasises that neutrality obliges to display international solidarity, the political Right highlights the need for restraint and abstention in foreign policy.

Given Switzerland's political system as a direct democracy, voting patterns reflect the country's foreign policy and offer insights into the population's understanding of neutrality. In several referendums, Swiss voters proved hesitant to participate in international institutions. Considerations about neutrality have been a contributing factor to this posture. All based on popular referenda, the country joined the Council of Europe late in 1963, joined the United Nations only in 2002, and has abstained from the European Union to this day. As such, Switzerland differs from other European neutrals. At the same time, the Swiss population has

[11] Zogg B. (2018): Zwischen Ost und West: Die Schweiz und die Ukraine, Belarus und Moldawien [Between East and West: Switzerland and Ukraine, Belarus and Moldova], in: Christian Nünlist and Oliver Thränert (eds.), Bulletin zur schweizerischen Sicherheitspolitik, centre for Security Studies, ETH Zurich, Zurich.

[12] Szvircsev Tresch, T., Wenger, A., De Rosa, S., Ferst, T., Gloor, C., Robert, J. (2020): Sicherheit 2020 – Aussen-, Sicherheits- und Verteidigungspolitische Meinungsbildung im Trend [Security 2020 – Opinion Trends on Foreign, Security and Defence Policy], ETH Zürich und centre for Security Studies (CSS), ETH Zürich, Birmensdorf und Zürich, p. 120.

regarded neutrality as increasingly compatible with efforts of collective security, as evidenced by votes to join NATO's Partnership for Peace initiative in 1997 or to deploy armed peacekeepers in 2001.

Neutrality as an Ongoing Challenge

Neutrality has appeared to serve a country like Switzerland well. However, the importance of neutrality – an instrument designed for declared interstate war – is decreasing. It has no role in countering many contemporary threats, such as climate change, terrorism, armed intrastate conflict, or organised crime. Nor, as was shown, does neutrality *per se* sufficiently prescribe a country's foreign policy. While there has been consensus on maintaining neutrality as a guiding principle, its interpretation in terms of actual policy has varied over time and across actors. The Swiss Ministry of Foreign Affairs framed the policy of neutrality as "*not governed by law, [but as] a combination of all the measures a neutral state takes of its own accord to ensure the clarity and credibility of its permanent neutrality. The implementation of the neutral policy is determined according to the international context of the moment.*"[13]

Consequently, Swiss actors in foreign policy – including parliament, states, and federal ministries – constantly need to determine the country's course and the ways in which Switzerland can contribute on the international stage – and whether and how neutrality serves them. In other words, neutrality policy continuously requires definition and political choices. It is an ongoing political challenge.

Too often, however, the public and decision-makers in Switzerland may mistake neutrality for an end in itself, or for a given instead of a choice – and rely too strongly on the "brand" of neutrality policy rather than its substance or the room of manoeuvre it provides. A neutral maintains its independence if it treads carefully on the international stage and proves to be invested and useful to all parties. To that effect, the Swiss commitment to support peace and development as well as its measured, impartial foreign policy have remained firm and furthered Switzerland's interests, security, and international standing.

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[13] Federal Department of Foreign Affairs, Neutrality, https://www.eda.admin.ch/eda/en/fdfa/foreign-policy/international-law/neutrality.html.

TURKMENISTAN

Permanent Neutrality of Turkmenistan as an Important Tool for International Security

Begench Matliyev

Turkmenistan successfully implements its multilateral and comprehensive foreign policy strategy in the field of international relations based on its clear principles and concrete goals and strengthens its influential position in the current international relations system. Under the wise leadership of President of Turkmenistan Gurbanguly Berdimuhamedov, the state is committed to mutually beneficial cooperation, adhering to the principles of good neighbourliness and mutual respect, international law and peace-building diplomacy. It expands its relations with regional and world powers and reputable international organisations on a daily basis. This is in line with the international obligations of the state related to permanent neutrality and helps develop fruitful cooperation on a bilateral and multilateral basis in the context of peace, security and sustainable development in the complex environment of the present day.

The issue of maintaining peace and security in the world is an issue that determines the present and future development and destiny of mankind and the world community. The President of Turkmenistan has developed a concept of security integrity, according to which national, regional and world security issues are among the most important issues. Based on this notion, the practical foreign policy of Neutral Turkmenistan implies the integrity of security and the interdependence of its various aspects. Turkmenistan develops and proposes effective ways of joint action on the international arena. Political issues of security are primarily concerned with ensuring peace and stability in the region. The military and political, economic, social and other aspects of security together form the basis of global security.

The principle of neutrality is also one of the safest and most peaceful ways to ensure international security. Historically, the policy of neutrality in international relations has been known since the ancient world, and its relevance in today's conditions is even greater.

The concept of neutrality firstly refers to the foreign policy strategy of a neutral state on the international arena, its essence being non-participation in hostilities and military alliances as well as deployment of foreign military bases and troops within its borders. There are many states in the history of international relations that have chosen neutrality as the cornerstone of their foreign policy, but they have come to neutrality in different ways and at different times. The level of neutrality of those countries is also different from each other in terms of political and legal content, as well as commitment. There are many examples of adapting the status of neutrality, such as on the basis of the adoption of national legislation and conclusion of bilateral or multilateral neutrality agreements with one or more states.

From the perspective of international experience, it is necessary to note the unprecedented differences in Turkmenistan's policy of permanent neutrality. As a basis for the formation of the already well-known neutrality policy, the first step was for several states to reach an

agreement in this regard. For example, the Treaty on the Recognition of Permanent Neutrality in Switzerland was signed by Austria, Britain, France, Russia and Portugal in 1815 and ratified by the Treaty of Versailles of 1919. The parties to the agreement recognised Switzerland's permanent neutrality and guaranteed the inviolability of state borders.

The current state of the international neutrality status of Austria, a close neighbour of Switzerland, was established in May 1955. At that time, the USSR, Great Britain, the United States, and France, on the one hand, and Austria, on the other hand, signed the State Agreement on the Restoration of Independent and Democratic Austria. On 26 October 1955, the Constitutional Federal Law on Neutrality was adopted by the parliament of Austria, which had gained its sovereignty and independence.

After gaining independence, Turkmenistan voluntarily declared a policy of neutrality in the field of international relations as a key area. In this regard, it is worth noting that Turkmenistan's neutrality policy has also received widespread support from European countries. In particular, Turkmenistan announced its neutral policy in 1992 at the Helsinki Summit on Security and Cooperation in Europe in Helsinki as the first official step. As a result of consistent political and diplomatic steps, Turkmenistan's international legal status has been unanimously recognised by a special resolution of the UN General Assembly on the "Permanent Neutrality of Turkmenistan" on 12 December 1995. As a recognition, on 3 June 2015 the UN General Assembly adopted a resolution on the "Permanent Neutrality of Turkmenistan" for the second time.

The adoption by the UN General Assembly of the historic resolution on the "Permanent Neutrality of Turkmenistan" for the second time is a particularly vivid evidence of the importance of cooperation between Turkmenistan and the United Nations in promoting peace, security and sustainable development in the region and the world.

Addressing the International Conference titled "Turkmenistan and International Organisations: Cooperation for Peace and Development", the President of Turkmenistan stated the following about the historical conditions behind Turkmenistan's choice of the policy of neutrality in the country's international relations: "*For Turkmenistan, which gained independence in the most difficult conditions of radical changes in the entire system of international relations, choosing a foreign policy became one of the most important issues. What would this course be like? How would we build relations with the world community? On what principles would we develop international cooperation? The fate of Turkmen statehood, our independence and sovereignty largely depended on the answers to these questions and on making the right choice. Turkmenistan chose a model known as positive neutrality and formulated its fundamental provisions: peacefulness, non-interference in the affairs of other states, respect for their sovereignty and territorial integrity, and non-participation in international military organisations and agreements.*"

Turkmenistan, while adhering to its principles of neutrality, makes a significant contribution to efforts to ensure international security and, above all, has established strategic cooperation with the United Nations. Addressing the 62nd session of the UN General Assembly held on 23 September 2007, President of Turkmenistan Gurbanguly Berdimuhamedov emphasised the growing importance of international security and the policy of neutrality and its support at the

United Nations. In his speech, the President said that since gaining independence Turkmenistan had accepted the UN ideas because they fully coincided with the position of our state regarding its relations with the international community.

Speaking about the coordination of joint efforts to ensure international security, the key concepts in this regard are peace, strengthening mutual trust, maintaining and developing friendly relations, good neighbourliness and mutual assistance, and equality and democracy. This is especially evident in the context of the growing interconnectedness of states and regions within the framework of modern globalisation.

Emphasising the importance of the country's neutrality principles in ensuring international security, President Gurbanguly Berdimuhamedov said: *"Cooperation with the United Nations, its efforts to ensure peace, security and sustainable development are among the priorities of the foreign policy of Turkmenistan. Our partnership with the United Nations allows our state to implement its neutrality status as an important condition for regional and global security and to successfully address internal development issues."*

In this sense, the unanimous recognition of Turkmenistan's permanent neutrality by the United Nations General Assembly is a wise and far-sighted decision. The main goal of the organisation is to maintain international peace and security as well as to take effective public actions. It is worth noting that the foreign policy of neutral Turkmenistan is in line with the priorities and objectives of the United Nations.

Peacefulness, respect for other peoples, their culture and traditions are the basic criteria of Neutrality, which have acquired a qualitatively new content in the foreign policy and diplomacy of Turkmenistan. Today, Turkmenistan proves it in practice that the Turkmen model of Neutrality meets the goals of the United Nations and is effective in uniting international coordination efforts in the region. Turkmenistan also calls on the world community to play a special role in preventive diplomacy to address the challenges of maintaining peace and security as well as counter new threats and challenges.

The opening of the UN Regional centre for Preventive Diplomacy for Central Asia in Ashgabat on 10 December 2007 and the fruitful cooperation within its framework proved the new positive potential of our country's policy of neutrality. The Neutrality of Turkmenistan was one of the key conditions for the deployment of the UN Regional Headquarters in Ashgabat. In the case of Turkmenistan, neutrality, being an object of international policy, reached a more active level, *i.e.,* the level of the subject of international politics. In today's world of rapid changes and the emergence of new threats and challenges, strengthening mutual trust between states is one of the key conditions. In this regard, at the initiative of Turkmenistan, the United Nations General Assembly adopted a Resolution declaring 2021 as the "Year of International Peace and Trust". It should be noted that the Resolution emphasises the importance of Turkmenistan's consistent and effective preventive diplomacy. Commenting on the significance of the document, President Gurbanguly Berdimuhamedov said: *"There is every reason to believe that after the adoption of the Resolution preventive diplomacy will play a more significant role in preventing conflicts, consolidating and maintaining peace and stability in various parts of the world and become one of the most effective practical tools of multilateral diplomacy."*

One of the main areas of the foreign policy of Turkmenistan is the development of targeted relations with the United Nations on strategically important issues and tasks on the international agenda. Comprehensive assistance to the further deepening of international relations aimed at addressing the urgent problems of the present day, strengthening global peace and security, active and effective participation in cooperation at the regional and global levels form the essence of the new proposals and initiatives regularly set forth at the UN General Assembly sessions for consideration by the international community.

As a Neutral State, Turkmenistan advocates and actively participates in the political and diplomatic regulation of the situation in Afghanistan. In particular, it is ready to provide its political space to hold talks within the United Nations. Cooperation in comprehensive economic support for Afghanistan is very important in terms of ensuring security and sustainable development in Central Asia. Turkmenistan considers that there is the need for concrete economic support for Afghanistan, including support aimed at major energy, transport and communications projects.

The United Nations Security Council Resolution 8199 emphasises Turkmenistan's role in ensuring international peace, stability and security in the region, which testified to further progress of the country. In particular, the resolution calls on all UN member states to support projects such as the Turkmenistan-Afghanistan-Pakistan-India gas pipeline, the Kerki-Imamnazar-Akina railway and the Afghanistan-Turkmenistan-Azerbaijan-Georgia-Turkey transport corridor, as well as effective implementation of these project.

Given the potential of neutrality in the efforts of the country to ensure peace and security, the proposals and initiatives of Turkmenistan put forward for the consideration of the United Nations are also essential. They should consider, in particular, the potential of neutrality, which is a political and legal status, in the work of UN governing bodies, commissions and committees of the organisation; establishing broad and multilateral negotiations on the practical application of the principles of neutrality policy in order to prevent disputes under the auspices of the UN, eliminate their causes and consequences and resolve humanitarian issues; developing a UN set of rules for the effective use of the principles of neutrality in the regulation of international affairs at the UN General Assembly; and initiatives such as the creation of a Group of Friends of Neutrality for peace and security. The adoption of the Resolution declaring 12 December the International Day of Neutrality at the 71st session of the United Nations General Assembly on 2 February 2017 at the initiative of Turkmenistan became an important event in the history of international relations, a great success of Turkmen diplomacy and another recognition of the role of Neutrality in maintaining world stability.

Thus, the experience of Turkmenistan's permanent neutrality – its creative status, which includes political, economic, historical and cultural aspects, and the nature of the international legal status – is becoming more open, while its content is getting richer. The possibilities of the Turkmen model of neutrality are great, even infinite. The role and importance of the institute of neutrality in the modern world are rising as a whole. Permanent neutrality of Turkmenistan is gaining widespread support in the region and around the world as an important tool for strengthening international security.

_____ IS THERE A ROLE FOR NEUTRALITY _____
_____ IN THE EU'S EASTERN PARTNER COUNTRIES? _____

ARMENIA

Armenia: Role of Neutrality and Non-Alignment Ideas

Anahit Nalbandyan

Neutrality can be studied as a phenomenon in practice and a concept in theory. From these two viewpoints, neutrality can be very flexible, adopting legal, political, security, economic, cultural and other forms. The role of neutrality has often been challenged in international relations due to the fact that it has acted differently in different world orders. Neutrality gained its significance during the Cold War. In the modern globalised multipolar world, however, the interrelatedness of cooperation, security and development has become an axiom: globalisation has changed the nature of international security, as well as that of neutrality. In the age of globalisation new actors have emerged; new forms of governance and different formats of multilateral partnerships have been established.

In this regard, the geopolitical and geoeconomic role of the Southern Caucasus is truly unique. Thanks to its geographical position, the Caucasian region is a bridge connecting the Black Sea to the Caspian Sea, joining the North and the South, the West and the East; it is also a corridor of gas and oil pipelines. The geopolitics of the South Caucasus is manifested not only in the background of geophilosophic realms, but also in the field of consolidating civilisations. For this very reason, the South Caucasus region is the centre of interests of superpowers and their relations focused on the region.

In the context of the above-mentioned,

  a) multilateral competitiveness of the superpowers,
  b) the geopolitics of the regional forces,
  c) the correlation of forces between the South Caucasian states,
  d) the position of South Caucasian states in the centre and as a part of a "new great game",
  e) ethnic, cultural, geographical and other differences between small and big countries of the region, and
  f) the policies of the South Caucasian countries

are all shaped around the following important concepts – national interest and security.

After the collapse of the USSR, the struggle for independence has left wounds that are steal healing after 2 decades. Due to this fact, the countries of the region do their best to first and foremost ensure their national interests and security. Therefore, every decision is based on the national interest, which is primarily the interest of security and economic development. Very often, the national interest consists in security itself.

In this context and according to political realism, any decision made in relation to a foreign policy is a mandatory result of the exercise of power. Thus, security and national interests of each country in the South Caucasus are closely linked to security and national interests of the neighbouring countries, while military and other alliances create a balance of forces as a guarantee of peace. On the other hand, neutral states often reinforce their security policy by developing strong and independent defence that might have unpredictable consequences.

Armenia, being a small country but forming a part of a strategic region, does not have great ambitions for dangerous political attempts. This means that a balanced multilateral policy based on the security strategy is an essential guarantee of peace for Armenia. The country is implementing a multi-vector foreign policy and does not play on the contradiction of geopolitical centres aiming at someone's support.

Moreover, having strategically allied relations with Russia on the basis of interdependence and forming part of the Eurasian Union, Armenia signed the Comprehensive and Enhanced Partnership Agreement with the European Union in 2017, thus becoming a link between the West and the East. In line with that, Armenia has established military-political cooperation within the NATO framework, at the same time being a member of the CSTO.

Thus, Armenia pursues a multi-vector, balanced foreign policy in all directions and has good relations with all major centres of power. However, alliances developed as a result of East-West competition often create threats of instability in the region, endangering the foundations of peace. Large-scale geopolitical changes in the Middle East create new challenges for the security of the South Caucasus. Particularly, sanctions against Iran threaten to have a side effect on all those who continue cooperation with Iran. This circumstance once again puts a security dilemma on the South Caucasus states, compelling them to choose their side.

Among the countries of the region, Armenia, being at the crossroads of the Caucasus, has a sensitive geopolitical position with limited natural resources and is isolated as a result of closed borders. In the relations with partner countries, Armenia has always been guided by purely bilateral economic and political interests. Armenia has never developed relationships at the expense of a third country. It is worth mentioning that humanitarian aid to Syria is also provided within the bilateral framework, as there is a large Armenian diaspora in Syria. Today, as a result of this policy towards Iran, Armenia inappropriately falls within the influence zone, which destroys the stability of the region. In addition, distrust and economic problems among countries, as well as the necessity for democratic reforms are an important part of regional security. Thus, only cooperative and non-neutral policies can contribute to it.

Security threats due to their multicultural and transnational nature today require collaborative approaches. Within this framework neutrality is not particularly relevant in the traditional sense, considering that security spheres are not limited by military and may also be of environmental, economic, social and political nature. Based on the fact that the Eastern Partners have different interests, these interests shall be duly taken into account and coexist in harmony. The policy of neutrality should be neither formal nor directed against any country.

AZERBAIJAN

Relevance of "the Concept of Neutrality" for Azerbaijan's Foreign and Security Policy: Non-Alignment and Active Neutrality

Ilgar Gurbanov

Introduction

The concept of "neutrality" is traditionally explained as the status of the State implying non-participation in a conflict between other states or non-involvement into military alliances of the competing blocs. It also stands for the policy of performing autonomously in international relations and taking all decisions in pursuance of national interests. The terminology itself stems from Latin expression of "*ne uter*" meaning "neither of two". The neutrality is depicted by different scholars in diverse forms such as isolationism, non-commitment, unilateralism and non-involvement.

In the light of the evolving balance of powers and geopolitics in Azerbaijan's neighbourhood, it is necessary to understand the conceptual basis of the country's foreign policy. From gaining independence from the Soviet Union to the present day, Azerbaijan has been seeking to mitigate regional security risks and to formulate cooperation with different regional actors. In the case of Azerbaijan, the relevance of the "neutrality" concept in foreign policy manifested itself in the form of "non-alignment". In general, Azerbaijan's non-aligned status is strongly rooted in a pragmatic understanding of strategic realities embedded in and around the region. It was motivated by the regional security environment and dictated by its historical ties, cultural/linguistic and religious affiliation, and geographical location. At the same time, the relevance of military non-alignment as a cornerstone of Azerbaijan's foreign and security policy has increased following the Russo-Georgian War in 2008.

Understanding the Foreign Policy of Azerbaijan

Unlike some other neutral states, Azerbaijan's non-alignment, or neutrality, was not enshrined in the Constitution. However, the country's National Security Concept of 2007 highlights the following important points regarding Azerbaijan's foreign policy. First of all, Azerbaijan implements its security policy in pursuit of the national interests ultimately to achieve a fair resolution of the Nagorno-Karabakh conflict and restore its territorial integrity. Meanwhile, Azerbaijan actively participates in the work of international organisations for the purposes of enhancing its foreign policy and national security, as well as to strengthen international security. For Azerbaijan, respecting the sovereignty, independence, territorial integrity and international borders of other countries is one of the key principles in building the foreign relations. Officially, Baku chooses not to interfere in internal affairs of other states, rejects the interference in the country's domestic affairs under the "moral leverages", and upholds a policy of peaceful coexistence with other states in the region.

Since Azerbaijan is a landlocked country, it is dependent on its neighbours. In order to access the world markets, the country pursues a multidimensional, balanced foreign policy and seeks to establish friendly relations with all countries, including its neighbours (except Armenia, which hitherto holds Azerbaijan's territories under its military occupation). In addition, political, military or economic over-dependence of Azerbaijan in foreign relations may

potentially impede realisation of its national interests. Negative effects of overdependence can be acknowledged through the case of Armenia which mortgaged its strategic independence onto Russia both in economic and military terms.

Actions Defining the Non-Alignment of Azerbaijan

The practical examples of Azerbaijan's non-alignment are manifested by the following actions. First of all, Azerbaijan does not follow the externally imposed ideological path and instead prioritises its own national interests while making all foreign policy-related decisions. In peacetime, Azerbaijan hitherto has been able to avoid political or ideological affiliations with major power blocs and preserve aloofness from military alliances and blocs, as well as from their spheres of influence. The country's National Security Law (NSL) defines the involvement of Azerbaijan in military and regional conflicts by other countries as a major threat in the military field. Azerbaijan prefers to maintain strategic neutrality towards inter-state disputes to which the country is not a direct party. The country's position in this context was made crystal clear during inter-state disputes between Russia and Turkey, Israel and Turkey, Israel and Iran, and the confrontation between Western bloc and Russia or Iran. However, this does not imply that the country is an isolationist or equidistant. Azerbaijan is an active participant in international affairs and takes positions on critical international issues by cooperating with global powers.

The major expression of Azerbaijan's non-alignment can be explained by the policy of military neutrality embodied by non-membership of military alliances. Thus far, Baku has not officially inclined to become a member of either of two competing blocs – North Atlantic Treaty Organisation (NATO) or Collective Security Treaty Organisation (CSTO). The NSL forbids conclusion of the international agreements which limit Azerbaijan's sovereign rights, leading to the loss of independence or damaging its national security. However, Baku continues to participate in the partnership mechanisms of NATO, such as "Partnership for Peace" program and capacity-building training. In the meantime, Baku has cultivated mutually beneficial military cooperation with individual member states of both NATO and CSTO, as well as other partners on a bilateral and multilateral levels based on reciprocal trust. Therefore, in order to institutionalise its non-bloc status and military neutrality, Azerbaijan joined the Non-Aligned Movement (NAM) in 2011.

One of the key features of Azerbaijan's military non-alignment is that the country does not accommodate foreign military bases of third states in its territories. According to its Military Doctrine (Article 29), "*the Republic of Azerbaijan, except for cases stipulated by international treaties to which is a party, does not allow the installation of foreign military bases on its territory.*" However, according to the same doctrine, in the event of fundamental changes in military-political conditions, Azerbaijan reserves the right to temporarily authorise the placement of foreign bases or foreign military presence in its territories. In addition, Azerbaijan does not open its territory for utilisation by foreign states for the purposes of any type of attack or surveillance activities against its neighbours.

In the political-economic context, Azerbaijan declined to align with the EU as an associate member by disassociating itself from the Union's Association Agreement. However, Baku proposed a new comprehensive agreement of a strategic nature envisaging the deepening of the partnership in a mutually beneficial format.

Azerbaijan's Cooperative Alignment

Azerbaijan's alignment was exercised in pursuing full solidarity and active engagement in tackling common challenges and addressing shared interests to ensure international peace and security. Since 9/11 attacks in the US, Azerbaijan collaborated with concerned international community for combating international terrorism, as well as contributed to NATO-led peacekeeping missions in Afghanistan, Kosovo, and Iraq. The NSL considers the comprehensive cooperation with foreign countries and international organisations on military-political and military-technical affairs necessary to ensure national security and to strengthen the defensive capability of Azerbaijan.

Apart from these, the principle of territorial integrity and united support in upholding it are some of Baku's highest priorities, as Azerbaijan was also a subject to the similar internationally wrongful act (*i.e.,* Armenian occupation of its territories). In general, Azerbaijan's Constitution [enshrines a principle that Azerbaijan] (9.II) "*rejects a war as a means of infringement on independence of other states and way of settlement of international conflicts*". Azerbaijan has made its stance quite clear in cases of territorial integrity of Ukraine and Georgia in a number of the international platforms (the UN General Assembly, Council of Europe, Eastern Partnership, GUAM and NATO Summits).

Thus far, Baku has adhered to one of its primary missions of "bridge-building" and "mediating". Azerbaijan has arranged several mutual meetings of the military chiefs of the US and NATO with those of Russia in Baku. This was a mere indicator of Azerbaijan's predictable, reliable and pragmatic status within its bilateral and multilateral relations, as well as rationality of the country's proactive neutrality and non-bloc status on any regional military and political-economic platforms. This means the country is willing to be a platform for cooperation and strategic dialogue, but not a buffer zone between the big powers.

Azerbaijan additionally underpins the voluntary cooperation formats such as Azerbaijan-Turkey-Georgia trilateral military and security cooperation. This cooperation aims to maximise the country's security capability and defence posture in the absence of confidence in the availability of external help.

The negative impacts of terrorism and separatism over the sovereignty of these countries necessitate pooling capabilities to confront potential threats and ensure the regional security. There are other trilateral cooperation formats as well (with Russia and Iran; Turkey and Turkmenistan; Turkey and Iran) aimed at guaranteeing peaceful coexistence with each of the competing sides.

Azerbaijan's non-aligned stance has not affected the country's loyalty to the regional cooperation in order to develop and be a part of energy and transport links between Asia and Europe, such as Southern Gas Corridor, One Belt One Road, Baku-Tbilisi-Kars railway, North-South Transportation route. Azerbaijan's continuous support for and engagement in development of the Southern Gas Corridor is an asset for the European energy security, while the East-West transport corridor is one of the genuine examples of Azerbaijan's alignment policy.

Relevance of Non-Alignment for Azerbaijan

Azerbaijan's non-alignment will be relevant as long as the following determinants rest in the region. First of all, non-participation in military alliances enables Azerbaijan to maintain its sovereignty and autonomy in the process of making foreign policy. That is, Baku can freely communicate its foreign policy initiatives without being bound by the institutional commitments of any alliances. Secondly, it is an indispensable element for stability and ensuring the national security of the country. In general, opting to join any military alliance or integration bloc could hamper the domestic security architecture of the country with the direct or indirect involvement of aggressive powers who are sensitive about "backyard intrusion".

Thus, non-alignment authorises Azerbaijan to manoeuvre in between ideologically hostile camps and stay outside their confrontation. It consequently empowers Azerbaijan to demonstrate a strategic resolve when the great powers clash. Non-aligned, selective, or interests-based engagements are also necessary for sustaining the ability to preserve pragmatic relationships with major powers that ensures international credibility of Azerbaijan's foreign policy profile.

Azerbaijan is unlikely to abandon its strategic neutrality path in the foreseeable future due to following motives:

1.   The vulnerable geostrategic location and complex neighbourhood (between Russia and Iran, in the proximity of Middle East);

2.   The territorial integrity remains violated with the military occupation of Armenia;

3.   The never-ending competition between integration trends (the EU and Eurasian Economic Union; NATO and CSTO) remains in and around the region;

4.   A discriminative treatment by the international community towards the territorial integrity of Azerbaijan through selective application of international norms and law (while the territorial integrity of Ukraine, Georgia and Moldova are fully supported both in declarations and actions).

Azerbaijan's Foreign Policy Behaviour

For all the foregoing reasons, Azerbaijan's foreign policy in the context of "small state behaviour" can be conceptually expressed in six key points:

1.   Careful bandwagoning – aligning with dominant powers in the neighbourhood to neutralise their potential threats;

2.   Pragmatic balancing – allying with powerful actors to balance against threatening ones;

3.   Strategic hedging – prioritising multilateral policies to offset risks and unilateral dependence and create relations of interdependence;

4.   Finding balance of interests – creating a "symmetric strategic partnership" based on reciprocity and mutual recognition of the interests;

5.   Predictability – making no abrupt turns and unexpected steps in the foreign policy;

6.   Strategic patience – understanding what a state "should" and "should not" do and demonstrating a resolve when necessary.

Conclusion

For a small state like Azerbaijan, it is inconvenient and troublesome to maintain the balance between neutrality and solidarity in the contemporary international relations system. Yet, Azerbaijan has hitherto managed to do that successfully. Officially, Baku demonstrates alignment (solidarity) for the sake of upholding the international/regional peace and security environment, at the same time maintaining its non-aligned (neutrality) status in the event of confrontation and competition between belligerents and great powers.

In this process, Azerbaijan uses the resources at its disposal as well as its multi-layer identity in a plausible manner in order to gain recognition of the status of the country in the international relations system. However, the sustainability of such performance requires avoiding miscalculations in the foreign policy in order to prevent undesired costs.

BELARUS

Belarusian Situational Neutrality: a Conceptualisation Attempt

Dzianis Melyantsou

Introduction

The article on Belarus's "situational neutrality" was written at the end of 2019, at the peak of the normalisation of relations between Minsk and the West, when Belarus seemed to have achieved the most balanced architecture of its foreign policy vectors.

The 2020 presidential elections and the events that followed led to the almost complete destruction of the western vector and a significant strengthening of the eastern one. The unprecedented sanctions pressure imposed by the EU and the US provokes the Belarusian authorities to use hostile rhetoric towards what they call the "collective West", accusing the latter of an attempted coup d'état.

At the same time, paradoxically, the conflict with the West and increased dependence on Russia did not lead to the collapse of the "situational neutrality" of Belarus. Many observers and researchers expected that in exchange for Russian support, Minsk would recognise Crimea and allow a Russian military base. But a year after the dramatic events of August 2020, this has not happened.

Even though not that much time has passed for all the negative consequences of the protests and sanctions to materialise, it is obvious that the structural factors that gave rise to situational neutrality are still relevant, and Belarus retains a resource for pursuing a security policy based on its own national interests.

No matter how events unfold in the future, the situational neutrality of Belarus of the period of 2014-2020 is an interesting historical case of a small state foreign and security policy in difficult geopolitical conditions.

With this, what follows is the text of the 2019 article in its original form.

The concept of neutrality and its varieties is studied in sufficient detail in the theory of international relations. Neutrality may be permanent or temporary. It may be the result of an agreement between the great or regional powers and secured by international agreements. But it can also be declared in domestic legal instruments, or be the result of a convention of political elites.

In case of classic neutrality, in the event of war a neutral state does not take sides in the conflict while managing to maintain contacts with all belligerents. Peacetime neutrality means non-affiliation with military blocs. All the while, the state can have powerful armed forces and

partake in peacekeeping operations abroad. This is known as armed neutrality, Sweden being a case in point.

It is important to emphasise, however, that the neutrality of each neutral state is a unique phenomenon, the grand total of many factors: historical, cultural, geopolitical, domestic ones. Each state paves its own way towards neutrality, and there may be great variability in the way neutrality is manifested in each case.

How Applicable Are These Concepts to Belarus?

In the case of Belarus, we, of course, cannot talk about neutrality in the classical sense of the term. Belarus is not a non-aligned state. It is a member of the Collective Security Treaty Organisation and, by virtue of its obligations, it would have to side with its allies in the event of external aggression against any of them. Nor is its neutral status formally laid down in its legislation. Article 18 of the Constitution only declares that Belarus strives for neutrality. However, there is no developed strategy or national program to achieve a neutral status in practical terms. Belarusian officials avoid using this term in relation to the foreign and security policies of Belarus and never trigger discussions regarding the possibility and desirability of implementing the constitutional provision on neutrality.

Nevertheless, in actual Belarusian foreign and security policies, one must but notice the elements that are increasingly shaping a unique model of neutrality that we will call a situational one.

Situational Neutrality in Practice

In foreign policy, neutrality was manifested in fundamental adherence to international law and in specific steps taken by Belarus – in particular, in the non-recognition of the independence of Abkhazia and North Ossetia, the non-recognition of the legality of the annexation of Crimea by Russia and the condemnation of the US and Russian withdrawal from the INF Treaty. Minsk also offered its services in resolving the conflict in the East of Ukraine and became the venue for numerous conferences and negotiations aimed at de-escalating the international tension.

In the military sphere, despite the pressure from Moscow, Belarus adamantly refused to deploy a Russian air base on its territory, did not support Russia's operation in Syria and pursued to build its own army and defence policy assuming a possibility of threats emerging anywhere along its border. These steps were analyzed in detail in a study by Siarhei Bogdan and Humer Isaev,[1] so we will not dwell on them here.

There is an obvious connection between situational neutrality and the officially declared multi-vector policy, which has a similar rationale[2] – minimising risks for the country in the face of

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[1] Bogdan S. / Isaev H. (2016): Elements of neutrality in the Belarusian foreign policy and national security policy (in Belarusian), Ostrogiski centre / Belarus Digest, Minsk-London, http://belarusdigest.com/papers/belarusneutrality-by.pdf.

[2] Preiherman Y. (2019): Rumors about the end of multi-vector are greatly exaggerated (in Russian), Minsk Dialogue Council on International Relations, http://minskdialogue.by/research/opinions/slukhi-o-kontce-mnogovektornosti-silno-preuvelicheny.

increasing uncertainty of international politics and disregard for international law. At the same time, it is vital for Belarus to maintain close economic cooperation with the opposing forces: Russia, the European Union, and Ukraine.

All of the aforementioned factors cause a political rhetoric (especially in the media) of Belarus trying to have its feet in both camps and even ignoring its allegiance to Russia. Such conduct is neglectful of the fact that the obligations under the CSTO and the Union State stipulate joint action in the event of external military aggression, but by no means require Belarus to uphold all Kremlin's foreign policies and military actions in peacetime — especially the ones detrimental to its own national interests and not coordinated by Russian leadership. Thus, we establish that situational neutrality is a peacetime strategy in many respects generated by the existing issues in allied relations with Russia, and not by the wish to create such issues.

At the same time, in its foreign and defence policy, the Belarusian office takes into account Russia's interests and the possible risks borne by not taking these interests into account. Therefore, officially Minsk has never questioned its membership in the CSTO and, in general, its cooperation with Russia in the field of security and defence. This aspect should be recognised as another important component of the Belarusian version of "situational neutrality" concept.

This explains the desire to avoid both the formulation of a documented strategy or a program to achieve even such a limited neutrality and a broad public discussion with the use of the very term "neutrality". Belarusian "situational neutrality" is thus a *de facto* neutrality and cannot be considered a legal concept.

Situational Neutrality Drivers and Legitimacy

It is also important to note that the Belarusian take on situational neutrality was driven not only by the external configuration of international relations and the balance of forces in the region, but also by the state of the Belarusian nation. According to a series of surveys conducted by the Belarusian Institute for Strategic Studies (BISS) in 2010-2015, there has been a steady increase in people's support for the non-aligned status of Belarus.[3]

In particular, choosing from four different options for the country's foreign policy orientation, in the 2015 survey the majority of respondents (31.1%) would rather see a completely independent Belarus outside any international unions. Compared to the 2010 survey, the popularity of this option grew by 10.7 percentage points. Over the same period, the attractiveness of the EU membership decreased by 7.5 percentage points, the alliance with Russia – by 5 percentage points, and the parallel union with the EU and Russia – by 7.4 percentage points.

This data, compliant with the results of many other opinion polls, can be used to argue that situational neutrality is not a random sequence of tactical steps taken by officials in Minsk to respond to externalities. This is, among other things, a reflection of the deeply-rooted changes

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[3] Melyantsou D. (2015): Reforum: geopolitics and reforms: who do reformers have to rely on?, BISS BLITZ, Belarusian Institute for Strategic Studies, https://belinstitute.com/sites/default/files/2020-06/BISS_Blitz04_2015en.pdf.

in Belarusian public opinion, which began to manifest itself noticeably as geopolitical tension around Belarus built up. Therefore, it can be argued that the model of situational neutrality has a meaningful foothold in the public awareness and, accordingly, has domestic legitimacy.

Chart 1. Changes in the responses to the question on "You would rather live in…".
Source: Belarusian Institute for Strategic Studies, 2010-2015. Available at:
https://belinstitute.com/sites/default/files/2020-06/BISS_Blitz04_2015en.pdf
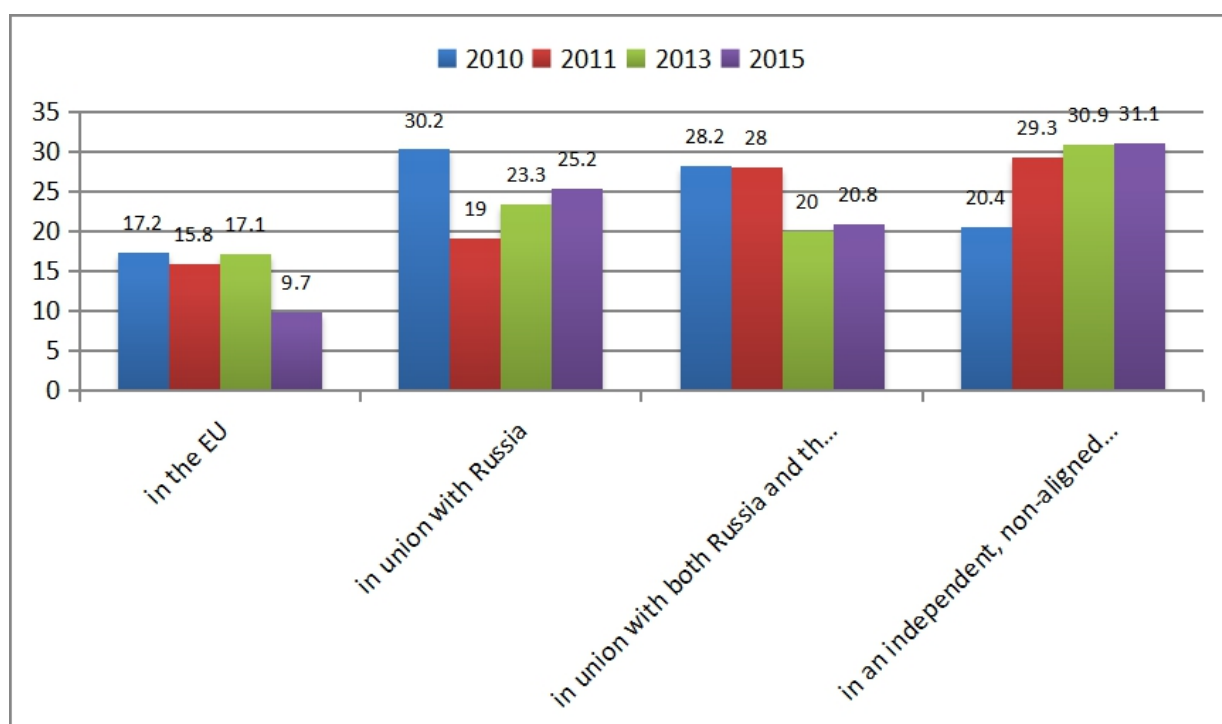
As for the foreign legitimacy of the situational neutrality of Belarus, it is based mainly on the "good offices" offered by Minsk to resolve the Ukrainian conflict, and, in broader terms, on the peacekeeping initiatives that Belarus has generated in recent years. This also includes the idea of a large-scale high-level international dialogue for developing the new rules of the game in the field of security (Helsinki-2), the proposal of a declaration on non-deployment of the short- and intermediate-range missiles, and the regional confidence-building measures, as well as the fact that Minsk has served as a platform for expert discussions on security issues.

However, sustainability of the Belarusian situational neutrality requires one more crucial thing. It should be based on the interweaving of the interests of the most important international players within Belarus. The assets and projects of Russia, China, Germany, France, the UK and the USA need to be balanced in such a way as to make any destabilisation of Belarus unacceptable to them. So far, this process is only in its early stages, but it seems to be vital not only for stabilising situational neutrality, but also for generally maintaining the sovereignty of the country.

GEORGIA

Georgia: Why Neutrality Is a Non-Option

Kornely Kakachia

Origin and Sources of Neutrality-Related Ideas in Georgia and Formative Experiences

Georgian recent history (from the 20th century onwards) has been quite traumatising when it comes to the question of neutrality. The First independent Republic established after the Russian revolution of 1917-1923 was the first democratic republic in the history of Georgia, with a social-democratic party in power. Even though the Social Democratic Party of Georgia was well linked to European social-democrats, the overall model of social democracy in Georgia was split from Russian social-democracy. The government of the First Democratic Republic succeeded in making an arrangement with the Soviet Russia under the rule of Vladimir Lenin: Agreement of 7 May 1920 implied for a *de jure* recognition of Georgian independence in exchange for a promise to never grant asylum to troops hostile to Bolshevik Russia on Georgian soil. With this agreement, Russia undertook to respect sovereignty of Georgia and to not interfere with its internal affairs, while *de facto* recognising Georgia as a neutral state.

However, in the context of several violations of international obligations by Russia that had resulted in occupation of Azerbaijani and Armenian territories, the Soviet Russia violated its agreement with Georgia by attacking and occupying the entire country in 1921. From that time, Georgia became a part of the Soviet Union, but not by a choice of the Georgian people. This formative experience left Georgian nation traumatised by an unsuccessful attempt to uphold a neutrality policy.

The First Democratic Republic of Georgia sought for a status that could lead the country towards "Finlandisation", yet Russian policies towards Georgia precluded the country from choosing this path. Meanwhile, Georgian nation learned a lot about Russian interaction with neutral states by the examples of Finland itself (after WWII) and Moldova, as well as by recent example of Ukraine[1]. Accordingly, neutrality ideas became very unpopular among the population: Georgians were seeking for independence, while there were ongoing tensions with Moscow with regard to its interference into Abkhazia and South Ossetia. Georgia perceived Russia as a hostile power whose geopolitical goal was to weaken Georgian independence. In line with that, Russia has attempted to include Georgia to Russia dominated regional structures, such as CIS, the Eurasian Economic Union, CSTO.

Georgian Foreign Policy after Independence

With the rise of the National Liberation Movement in Georgia in 1991, a new motto emerged: Georgia chose not to be associated with any post-Soviet structure with Russian leadership in it. Georgia was still open to the establishment and development of a range of bilateral relations

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[1] The unfortunate fate of the Budapest Memorandum on Security Assurances signed at the OSCE conference by Russia, U.S. and UK in 1994 is another example of Russia's irresponsible approach towards international treaties and commitments.

with each post-Soviet state, but preferred to abstain from membership in such organisations as the Eurasian Economic Union (EEU), the Commonwealth of Independent States (CIS) or the Collective Security Treaty Organisation (CSTO). There was a great mistrust towards Kremlin, and the aforementioned alliances were perceived as imperial projects of Russia that could pose a threat to the Georgian sovereignty and the country's quest towards European future.

For some time, Georgia was indeed leaning towards accommodating Russian political needs. During the ethnic conflict in Abkhazia, Tbilisi was seeking help from Moscow in restoring territorial integrity. Besides, the country was enrolled in a civil war and stood at the verge of state collapse. Thus, there was a necessity to compromise with Russia on specific points: Georgia had to join the Commonwealth of Independent States. Georgia did, in fact, join the CIS, and even had an observer status in the CSTO. However, there was no practical assistance from the Russian side in exchange, which frustrated Georgian political class.

Moreover, Georgian parliament even adopted a document consenting to the presence of Russian troops on the territory of Georgia with a 25-years extension, provided Russia would support the country's territorial integrity. However, no meaningful support was gained from Russia, and Georgia learned that Russia has no interest in Georgian sovereignty. Georgian political class got frustrated by the Russian dual approach towards the country, which has further strengthened a pro-western foreign policy orientation.

During this period, certain attention was paid to the South Caucasian region by the Western states – there were several newly emerged economic projects in the region, including construction of Baku-Tbilisi-Ceyhan pipeline. Western geopolitical interest combined with these two factors further contributed to the rise of ideas of "the return" of Georgia to Europe, as Georgian society had seen itself as a part of Eastern European family and Georgians had been well-aware that the accession to the EU and NATO would not happen immediately; however, the mere narrative became a widely-supported national "mantra".

Georgia Aftermath of 2008 War
The 2008 war was yet another critical point for the majority of Georgian population, which made them realise that Russia was not willing to tolerate Georgian independence as was understood and desired by Georgia. Therefore, occupation of two Georgian regions by Russia became an additional reason to perceive Russia as a security threat and to strengthen a path towards joining NATO.

After 2008, the situation became completely unacceptable both for Georgia and for the international community: even Belarus, being a Russian ally, did not recognise territorial changes of 2008. That non-recognition happened not due to any specific pro-Georgian attitude of Belarus, but because the principle of territorial integrity should not be violated.

To sum it up, it can be said that the neutrality narrative in Georgia has always been linked to Georgia's approach to Russia, and sometimes even equated with a Russia-friendly policy. The discussion on neutrality as an alternative to Georgia's EuroAtlantic integration has routinely been spotted by pro-Kremlin political groups and some parts of Georgian society which harbor

pro-Russian sentiments. That's why it has not garnered any meaningful traction politically and has failed to become part of the dominant discourse in Georgian society.[2]

This is partly due to negative experience of how Russia treated Georgia's neutrality during the First Republic, partly because of the fact that Russia is a sole regional hegemon in the area, and partly because Russia itself often supported the idea of neutral Georgia.

However, the equation of neutrality with friendship with Russia and, at the same time, utmost distrust towards Russia have made neutrality a non-option for majority of Georgia's political class and population alike. In fact, the foreign policy orientation towards the West and away from Russia is one of the very few denominators Georgia's political class and population agree on.
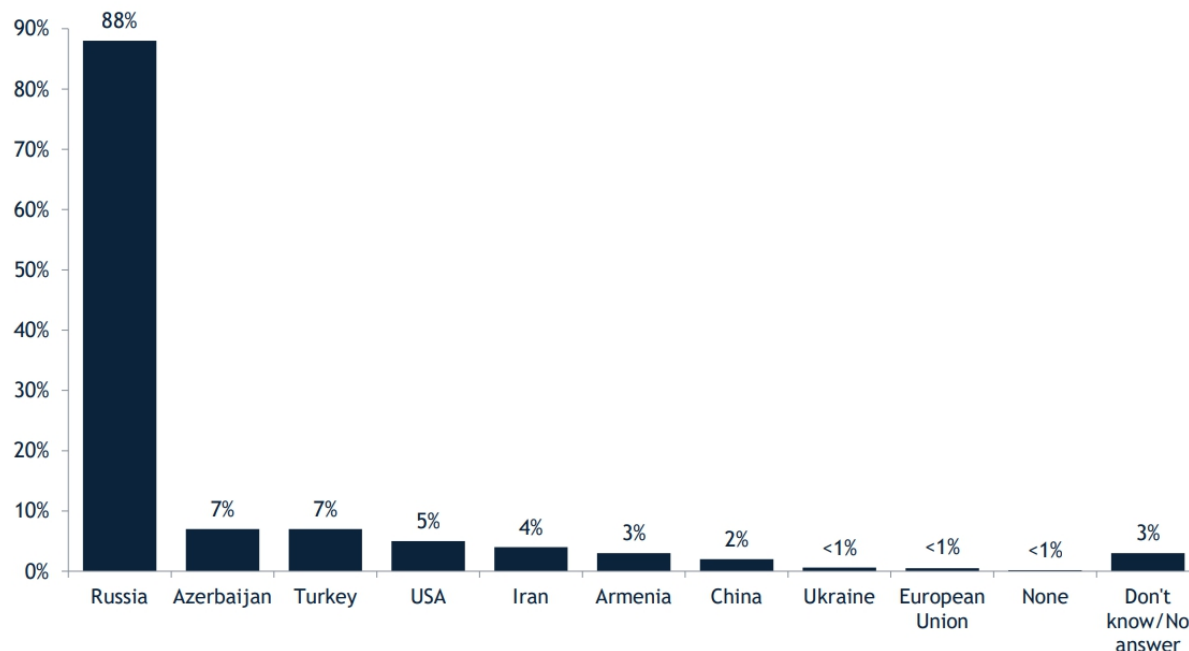
Chart 1. Which of these countries pose the greatest political threat to Georgia?

Source: International Republican Institute (2021). Public Opinion Survey: Residents of Georgia. Available at:

https://iri.org/sites/default/files/iri_poll_presentation-georgia_february_2021_1.pdf

Which of these countries pose the greatest political threat to Georgia?
(Respondents allowed to provide multiple responses)

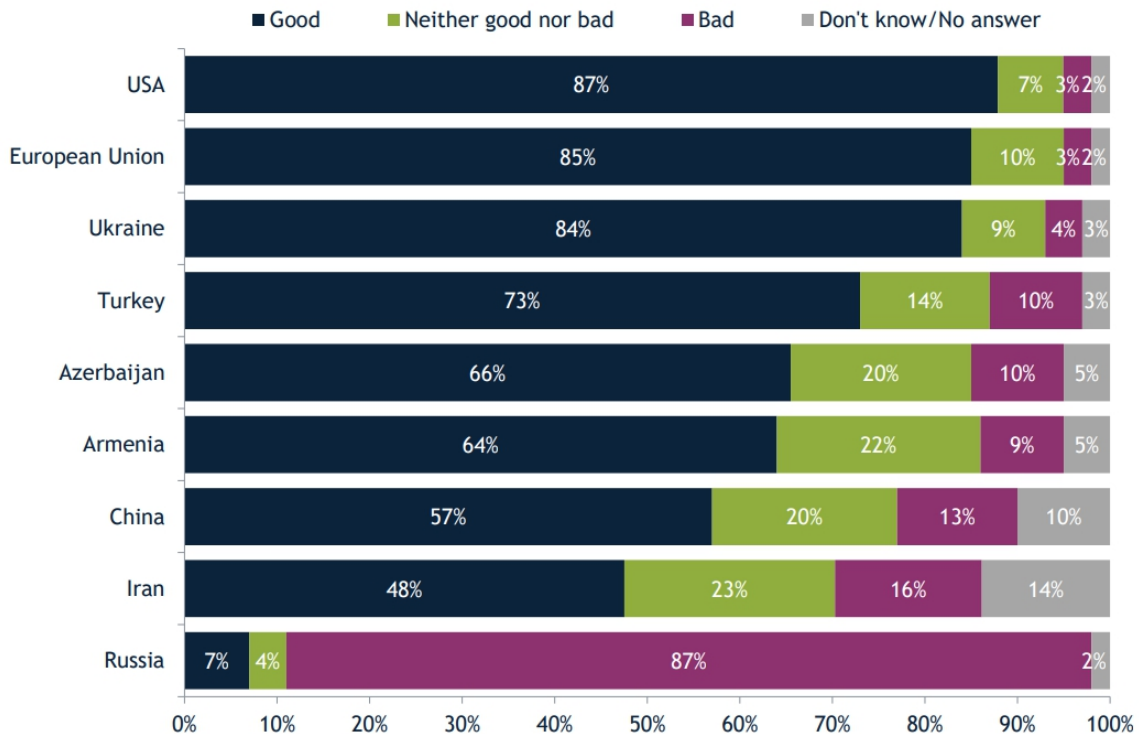| Country	Percentage
Russia	88%
Azerbaijan	7%
Turkey	7%
USA	5%
Iran	4%
Armenia	3%
China	2%
Ukraine	<1%
European Union	<1%
None	<1%
Don't know/No answer	3%

[2] See more: Kakachia K. Lebanidze B. / Dzebisashvili S. (2020): Game of (open) Doors: NATO-Georgian Relations and Challenges for Sustainable Partnership, Georgian Institute of Politics, http://gip.ge/game-of-open-doors-nato-georgian-relations-and-challenges-for-sustainable-partnership.

Chart 2. How would you evaluate the current state of the relationship between Georgia and the following countries?

Source: International Republican Institute (2021). Public Opinion Survey: Residents of Georgia. Available at: https://iri.org/sites/default/files/iri_poll_presentation-georgia_february_2021_1.pdf

How would you evaluate the current state of the relationship between Georgia and the following countries?*

Legend: ■ Good ■ Neither good nor bad ■ Bad ■ Don't know/No answer

Country	Good	Neither good nor bad	Bad	Don't know/No answer
USA	87%	7%	3%	2%
European Union	85%	10%	3%	2%
Ukraine	84%	9%	4%	3%
Turkey	73%	14%	10%	3%
Azerbaijan	66%	20%	10%	5%
Armenia	64%	22%	9%	5%
China	57%	20%	13%	10%
Iran	48%	23%	16%	14%
Russia	7%	4%	87%	2%

*Responses "Very good" and "Good" are combined into the category "Good." Responses "Bad" and "Very Bad" are combined into a single category, "Bad."

Perception of the General Public and the Relevance of Neutrality Today

Specificity of Georgian approach towards neutrality – an apparent unreasonableness of such a policy – is accompanied by the fact that the majority of Georgian population supports the idea of joining NATO and the EU[3]. Unlike, for example, Moldova, there is no "half-and-half" division of those who want to keep close relations with Russia and those wanting a deeper integration with the West. In addition, being in difficult neighbourhood and facing geopolitical pressure, which also include the threat of unstable North Caucasus and the proximity of terrorist groupings, Georgia cannot pursue neutrality policy.[4] Thus, neutrality is not

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According to NDI public opinion survey, 80% of the surveyed Georgians say they support EU membership, up from 76% reported in June 2020 survey. 8% of respondents disapprove of Georgia becoming a member of the 27-member bloc, while 12% don't know. Youngsters in the 18-34 age group are the most supportive to EU integration, with 84% approval. Support for NATO integration stands at 74% (up from 69% in June 2020). 9% disapprove of Georgia becoming a member of the North-Atlantic Alliance, while 16% don't know. The 18-34 age group is reportedly the most supportive of NATO integration with 78% approval. See https://civil.ge/archives/393027.

[4] Tsereteli M (2016): The Impossibility of Georgia's Neutrality, Heinrich Böll Stiftung Tbilisi, https://ge.boell.org/en/2016/06/20/impossibility-georgias-neutrality.

terrorist groupings, Georgia cannot pursue neutrality policy.[4] Thus, neutrality is not considered as an option (especially when there are Russian troops on the Georgian territory), even though Georgia is unlikely to become a member of NATO and the EU any time soon.

For Georgia, a small state involved in a territorial dispute, neutrality does not allow to balance out such a big power as Russia; therefore, there is a natural need to seek for the relevant protectors in the person of NATO and the EU. While Russia clearly perceives Georgian path to NATO as unacceptable, Georgia is determined in its geopolitical choice. Based on practical cooperation between Georgia and NATO, Georgia can *de facto* be compared to NATO Member States: Georgia has been sending its troops for joint operations and participating in joint military exercises. It has a status of NATO's enhanced partner and received a Substantial NATO-Georgia Package which includes close approximation to the NATO structures and standards. The question of *de jure* membership remains a political matter of medium to long-term perspective.

On the other hand, Georgia does not oppose good relations with Russia *per se*. Yet, Georgia is willing to establish that kind of relationship only with democratic or at least peaceful Russia, not aggressively assertive and imperialistic political elite in the Kremlin. Naturally, Russia remains an important actor at the international arena and the largest market for Georgian export. For these reasons, Georgia hopes for establishment of good relations with Russia, especially in areas of trade, investments and tourism. However, this cannot be done at the expense of territorial integrity, Euro-Atlantic integration and state sovereignty – a red line that Russian political rulers need to understand.

It is important to note that the impossibility of full neutrality of Georgia does not preclude it from adhering to a situational neutrality. Georgian neutral policy implemented in the context of Azerbaijani-Armenian conflict can be considered a success story. As both Armenia and Azerbaijan are the neighbouring countries of Georgia, regional stability highly depends on Azerbaijani-Armenian relations. Georgia is not capable and is not willing to influence the development of the conflict or to push either of the involved states towards the resolution. At the same time, Georgia has put a great effort into mitigating the conflict by offering its good services, creating a joint platform for cooperation among the non-governmental sector and the youth of both states. Such situational neutrality is a beneficial approach both for the region and for Georgia itself.

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[4] Tsereteli M (2016): The Impossibility of Georgia's Neutrality, Heinrich Böll Stiftung Tbilisi, https://ge.boell.org/en/2016/06/20/impossibility-georgias-neutrality.

UKRAINE

Ukraine: From Ideas on Neutrality and Non-Alignment to NATO "Aspirant" Country

Volodymyr Khandogiy

Origins of Neutrality-Related Ideas in Ukraine and Their Legal Basis

The choice of the security system that would further define Ukrainian security policy arose in the times of the Soviet Union. On 16 July 1990, more than a year before the dissolution of the Union, the Declaration of State Sovereignty of Ukraine was adopted by the recently elected Supreme Council of Ukraine (*Verkhovna Rada*). The declaration proclaimed that Ukraine intends to become in the future "a permanently neutral state that does not participate in military blocs" and that it would not accept, produce and procure nuclear weapons. At a certain moment, these provisions became a key postulate of Ukrainian foreign policy. Yet, an "intent" remained the key part of this postulate.

The context in which this declaration was adopted is also important. In 1990 Ukraine was seeking independence as the Soviet Union was dissolving; Ukraine hoped that declaration of neutrality would pacify the ambitions of Moscow and make the transition to state independence peaceful and non-violent. The Act of Proclamation of Independence of Ukraine of 24 August 1991 did not refer to neutrality itself, but contained a reference to the Declaration of 1990. The Supreme Council of Ukraine was assigned with a duty to determine the basics of foreign policy of the state. Accordingly, legal acts in the field of foreign policy were adopted. Some of them referred to the state neutrality and non-alignment. There were attempts to include a provision on neutrality and non-alignment in the constitution of Ukraine, but it was never widely supported by political forces.

While some people claim that certain actions of Ukraine violate previously declared neutrality, others argue that the declaration does not create any legal obligations, *i.e.,* does not have any legal force. Moreover, it was merely an intent to be neutral that was declared.

The Law "On the Fundamentals of Domestic and Foreign Policy" of Ukraine, adopted during the term of President Viktor Yushchenko, included a provision establishing a course of Ukraine towards the development of relations with NATO and the EU, as well as a course towards an eventual membership in these organisations.

In 2010, when President Viktor Yanukovych came to power, this provision was excluded from the Law "On the Fundamentals of Domestic and Foreign Policy". Instead, the act underlined the neutrality and non-aligned status of Ukraine. Later, the provision on neutrality and non-alignment was abolished again: on December 23, 2014, as a result of the Ukrainian Revolution of Dignity, the Supreme Council of Ukraine amended the Law with 303 votes in favour and 8 against. Thus, Ukrainian law was back to the provisions on close cooperation with NATO and the EU, as well as the course on eventual membership. Further confirmation of consistent pro-NATO and pro-EU policy occurred in February 2019, when Ukraine's strategic course towards joining NATO and the EU was consolidated in the Constitution of Ukraine.

Ukraine-NATO Cooperation and Its Prospects

The 2008 Bucharest Summit discussed the question of providing Ukraine with the membership action plan (MAP). Yet, in view of the pro-Russian position of several European states on this issue, the decision on MAP for Ukraine (and Georgia) was not adopted. Still, the declaration adopted by the NATO-Ukraine Commission (NUC) as well as NAC Final Communique stated that Ukraine "will become a member of NATO". Since then, Ukraine and NATO have been developing their relations in the framework of the Annual National Programme (ANP).

In 2014, when the Crimea – an integral part of Ukraine – was occupied by Russia in violation of international law, it became crystal clear that among all the forms of ensuring state security, neutrality and non-alignment are the least effective strategies for Ukraine. However, it is necessary to underline that alignment with NATO is not a political goal, but rather a means of ensuring national security of Ukraine. Events of 2014 demonstrated that only multilateral security mechanisms, in particular integration with NATO, could be the only appropriate mechanism for Ukraine.

After the events of 2014, the support of the population of the Ukrainian course towards NATO has grown tremendously. In 2014 the level of support for joining NATO was up to 60%, now it might be a bit lower — approximately 50%, while the percentage of the population totally opposing that policy is 20-25%. Theoretically, there is a part of the population who are still "undecided" about Ukrainian strategic security choice. However, in case there will be a referendum on the matter, these people could switch to the pro-NATO side. Thus, the level of support of joining NATO is and will remain quite high.

In 2019 strategic course for full membership in the EU and NATO was enshrined in the Constitution of Ukraine. Joining NATO is not an existential issue, but rather a pragmatic course of Ukraine, which is necessary for maintaining national security. Ukraine does not expect a rapid accession to NATO, but if the process of accession is too slow it might become counter-productive and, at the end of the day, serve to the interest of those opposing the accession.

Cooperation between Ukraine and NATO is actively and dynamically moving forward in practical areas. Ukraine has been working with NATO in the status of an "aspirant country" (partner country that has declared its aspiration to NATO membership), and now NATO moved to upgrade its relationship with Ukraine by officially recognising the country as an Enhanced Opportunities Partner.

The Charter on a Distinctive Partnership between NATO and Ukraine was signed on 9 July 1997. The charter has created several mechanisms under its auspices, *inter alia* the NATO-Ukraine Commission (NUC). The commission adopts the Annual National Programme (ANP), which resembles the membership action plan (MAP) and indicates positive dynamics of cooperation. Final decision regarding the membership, though, is dependent on the political will of all NATO member-states.

Ukrainian Course towards NATO in the Context of Russian Foreign Policy

Ukrainian ambitions to join NATO in Russian perception is a key problem in relations between the two states. Accordingly, 2014 Russian aggression against Ukraine was *inter alia* conditioned by the fact that Ukraine undertook a more precise course on joining the alliance. That case is not unique: Russian aggression towards Georgia took place right after the 2008 Bucharest Summit, thus giving a reasonable ground to link it to Georgian pro-NATO course. Similarly, Russian policy towards Ukraine is based on the fundamental anti-NATO sentiment that will not change in the nearest future.

Policy of the West towards Ukraine is usually accompanied by well-known statements such as "*NATO is open for all the democratic states that meet the relevant criteria*" and "*No one from outside the Alliance has the veto power when it comes to accepting new members*". However, these statements are the mere declarations that do not always correlate with practical actions of the alliance. At the 2008 Bucharest Summit France and Germany did not support the initiative of providing Ukraine with the membership action plan under the pretext of not "provoking Russia". Such policies of certain member-states could be changed if Ukraine duly undertakes the tactics of persuasion thus demonstrating the added value of Ukrainian input into the alliance.

To conclude, the crisis between Ukraine and Russia highlights the value of ensuring national security of Ukraine through being a part of the collective security system — NATO. However, regardless of the tremendous steps of Ukraine towards meeting all the necessary criteria for the membership (including those of a military character), its accession substantially depends on the political will of the triangle "the West — Russia — Ukraine".

FINAL REMARKS

Yauheni Preiherman, Alisiya Ivanova

This edited volume has attempted to make a modest contribution to reviving scholarly and policy debates on the concepts of neutrality and neutralism in international relations, which appeared to have lost their prominence during the two decades after the Cold War and seem to be regaining attraction, at least for some categories of states, against the current background of growing geopolitical tensions. As Anahit Nalbandyan notes in her chapter, the role of neutrality has often been challenged in international affairs, owing to the fact that it has played out differently throughout history and in different structural conditions. As was stressed at the EaP policy workshop "Security Options of the EU's Eastern Partners: Is there a role for neutrality?" held in November 2018 in Minsk, and as demonstrated by the authors in this publication, neutrality policies are pursued by each country in its own specific way, and can have different definitions, purposes and implementation models.

The volume has specifically addressed the question about whether the neutrality/neutralism toolkit has anything practical to offer to the category of international actors often referred to as in-between states. These are normally small and medium-sized states that find themselves in-between the all too often conflicting interests of larger powers and, thus, have to design their foreign policy behaviour accordingly. In the Eastern Partnership context, such states sit primarily in-between the competing geostrategic rationalities of the EU and Russia. For some of them, neutrality rationale naturally turns, as Gerhard Jandl puts it, into a kind of a grand strategy. For others, on the contrary, neutrality looks as a non-option, which policy-makers do not even keep on their strategic radars. To some states, neutrality appeals as a low-key "safe haven". Yet, others, as Hannu Himanen discusses, pursue proactive forms of neutrality. Moreover, in the words of Ilgar Gurbanov, neutrality can take diverse forms, such as isolationism, non-commitment, unilateralism and non-involvement.

These differences are not unique to the specific realities of Eastern Europe and South Caucasus and are easily found across time and space. It is for this reason that, besides the exploration of individual Eastern Partnership cases, the volume presents a comparative analytical overview of several cases of established neutrals.

Neutrality is defined in this volume as a political concept, not a legal one, giving us more flexible grounds to critique its different dimensions and draw links with other concepts. For example, Kjell Engelbrekt claims that behaviour encapsulated in neutrality and non-alignment encompasses some core elements of "hedging". Pursuing such a policy, a state intends to mitigate major risks it faces in the international environment. Dzianis Melyantsou, on his part, links situational neutrality to multi-vector policies, which, in his assessment, have a similar rationale – minimising risks for a country in the face of increasing international uncertainty and disrespect for international law. Importantly, as Benno Zogg contends, neutrality does not prescribe a comprehensive and firmly established set of foreign policy tools and methods, but is rather shaped-in-progress by concrete political decisions and can, therefore, be as diverse as the countries pursuing it.

Likewise, elites and societies at large can arrive at strikingly different conclusions about the value and relevance of neutrality due to their specific formative experiences with or without neutrality. For instance, in Turkmenistan, according to Begench Matliyev, the principle of neutrality is widely perceived as one of the safest and most peaceful ways to ensure international security. In Georgia, on the contrary, as maintained by Kornely Kakachia, because of the territorial dispute, neutrality does not allow to balance out a big hostile power, which creates the need to seek for protection from another big power. Volodymyr Khandogiy makes a similar argument in regards to Ukraine: at a certain point, Ukrainian decision-makers concluded that neutrality and non-alignment were the least effective strategies for Ukraine.

In no way does this volume aim at forcing neutrality ideas upon any countries, including the in-betweens of Eastern Europe and South Caucasus, or at convincing them to drop neutrality debates. Indeed, as stressed by Thomas M. Buchsbaum, neutrality is certainly neither a panacea for all security situations nor an evil in itself nor a concept to be demonised. Yet, as Alberta Borg argues, neutrality concepts seem to continue to respond well to the ever-changing global political environment. Hence, both the academia and policy world will benefit from further research on neutrality as major structural shifts are disintegrating the post-Cold War order. In his contribution, Heinz Gärtner submits that neutrality could be a sustainable conceptual option for the future. However, Helmut Tichy reminds us that the choice of neutrality needs to reflect its perceived usefulness by the neighbours of a state in question, as well as the credibility and capacity of the state to avoid conflicts.

We would like to thank all the contributors to the volume for their time and great expertise and the partner organisations for their support of the project. We hope students and practitioners of international relations in different corners of the world will find the volume worth reading.

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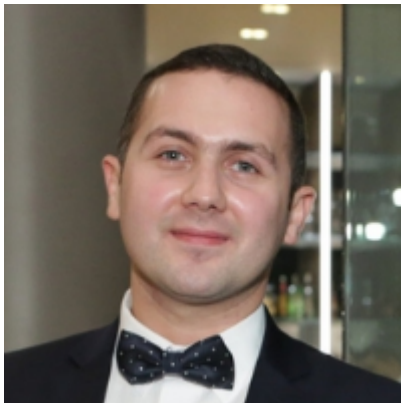
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