

UDC 341(1-622) (043.2)

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## **CONCERNING THE HISTORICAL REALITIES OF THE NORTH ATLANTIC TREATY ORGANIZATION ENLARGEMENT**

The fall of the Berlin Wall on 19 November 1989 marked the end of the Soviet occupation of East Germany. After lengthy negotiations and the withdrawal of Soviet forces, Germany was finally reunified in 1990. This led to a long-standing debate about the circumstances surrounding the collapse of the Soviet Union. Russian diplomats have claimed that the West made a promise not to expand NATO eastward in exchange for the Soviet troop withdrawal from East Germany. However, the West has denied such a promise was made [1].

One of the biggest mistakes that a historian can make is trying to explain the past using the present. Events that are happening right now shouldn't influence the process of analyzing decisions made more than three decades ago. However, the fact that this promise from the past is used by Russia as a justification for its crimes makes this topic relevant. Based on several works from scholars about this matter, I will try to disprove the existence of that promise and I will provide my opinion on where this originated.

Scholars like Shrifinson argue that the whole negotiations process and outcome was a cruel plan of the United States to leave the Soviet Union in a weak position and fool them. What is definitely true here is that Americans wanted to end up with better cards in their hands, as any other superpower would want to. But if we look at that event through the whole period of the Cold War, we will see that it was just a series of unpredictable points which for sure wasn't a strategy of anybody and every country was just seeking opportunities to end up with a better outcome and in that battle the US played better. Considering the fact how experienced politician president Bush was, the maximum that I can assume is that he wanted to leave that as an open question, but as Baker presciently wrote in his memoirs of his tenure as secretary of state, "Almost every achievement contains within its success the seeds of a future problem" [1].

Then I would like to look at the position of the Soviet Union at that time as a whole. Perestroika was not working and because Gorbachev was too much focused on strengthening bonds with the West, particularly the US, he put not

enough efforts on pursuing communism propaganda on the domestic level and the nationalist ideas started spreading across the borders and inside. Following that, it would be rational to assume that Gorbachev would want some assurances that those countries will still be dependent on the USSR. All members of Bush's team, along with Kohl, had united behind an offer in which Gorbachev would receive financial assistance from West Germany—and little else—in exchange for allowing Germany to reunify and for allowing a united Germany to be part of NATO. And it became clear that Bush and Kohl had guessed correctly: Gorbachev would, in fact, eventually bow to Western preferences, if he was compensated. He needed the cash so he depended on it and with or without these promises USSR troops would be eventually withdrawn [2].

After 20 February 1990 Hungary, Poland and Czechoslovakia didn't think about joining NATO, and they were more into transforming the Warsaw pact so the decision that was made there didn't influence their opinion [3].

Since at the time of negotiation, not all the eastern countries had official sovereignty and were under the control of communism, the West couldn't promise something regarding their security as they didn't have a choice. But after December 1991 as official political actors, post-soviet countries had the right to request membership if they thought that it would give them more stability and Russia had no right to intervene in foreign policy of independent countries.

Indeed, the issue never came up during the negotiations on German reunification, and Soviet leaders at the time never claimed that it did. Not until several years later, long after Germany had been reunified and the USSR had dissolved, did former Soviet officials begin insisting that the United States had made a formal commitment in 1990 not to bring any of the former Warsaw Pact countries into NATO [3]. When it comes to Gorbachev his statements are different, on some interviews he insisted that there wasn't a promise for his in others that there was, but now a days Gorbachev has a very low position in the rank of leaders, so I think it's obvious that he would insist on the existence of that promise as it would be one of the achievements of his poor political career [4], [2].

If the US with help of West Germany pressured Gorbachev into allowing Germany to reunify, without making any kind of written promise about the future of alliance it was his mistake. He was an experienced politician and that point just highlights how miserable his cards were and how badly he played [2]. The West didn't break any agreements because there was never a formal deal about NATO expansion. On the contrary I would like to mention a Budapest Memorandum where Russia as a state officially declared the independence and sovereignty of Ukraine across the borders and they completely ignored it in the end [5].

As my last and main point, I would like to use the concept of rebus sic

stantibus (Latin: “things standing thus”) which basically means that the statement is legitimate as long as things are not changed. While talking about that deal we are talking about actors who completely disappeared soon after. Gorbachev was not there anymore, and neither was his country. They neglected what happened later, but things began to change, and agreements began to change. So as soon as the hypothetical “promise” was given to the Soviet Union and Russia is another country, it’s rational to claim that if there is no Soviet Union then there is no promise.

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УДК 341.1(043.2)

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## **ПРАВОВИЙ СТАТУС НОТАРІУСА**

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