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Trading with the Frenemy: German Arms Exports to the Russian Federation in the Interlude Between the Russo-Georgian War of 2008 and the Ukraine Crisis of 2014

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Trading With the Frenemy:
German Arms Exports to the Russian Federation in the Interlude
Between the Russo-Georgian War of 2008 and the Ukraine Crisis of
2014.

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The Faculty of Humanities of Leiden University
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Table of Contents

| | |
|---|-----------|
| ABSTRACT | 3 |
| I. INTRODUCTION | 4 |
| II – STATE OF THE ART | 6 |
| ORIGINS OF GERMANY’S FOREIGN POLICY TOWARDS RUSSIA..... | 6 |
| MERKEL AND THE RUSSO-GEORGIAN WAR OF 2008 | 7 |
| CHANGE IN ATTITUDE AND THE UKRAINE CRISIS | 8 |
| CONSEQUENCES OF THE UKRAINE CRISIS FOR GERMAN-RUSSIAN MILITARY-TECHNICAL COOPERATION..... | 10 |
| GERMANY’S ARMS EXPORT POLICY FRAMEWORK | 11 |
| III – THEORETICAL FRAMEWORK..... | 14 |
| NEOREALISM..... | 14 |
| NEOLIBERALISM | 15 |
| IV - METHODOLOGY | 16 |
| V – DATA & ANALYSIS..... | 17 |
| 2008 | 18 |
| 2009 | 19 |
| 2010 | 19 |
| 2011 | 20 |
| 2012 | 21 |
| 2013 | 22 |
| 2014 | 22 |
| ANALYSIS..... | 26 |
| VI – CONCLUSION | 33 |
| VII - BIBLIOGRAPHY | 37 |
| APPENDIX A | 45 |

Abstract

This thesis investigates how the German Federal Government lives up to its normative and international commitments and initiatives to harmonize arms export controls. By analyzing existing data from the Federal Government's yearly reports on its policy on exports of conventional military equipment and applying the International Relations Theories of Neorealism and Neoliberalism, it highlights the inseparability of arms export policy frameworks and foreign and security policy interests in the case of Germany. Furthermore, this thesis calls attention to the hierarchical structure that exists within this inseparability where the country's arms export policy framework is given a secondary role to its foreign and security interests.

I. Introduction

Following the relaxation of tensions between Russia and the West in the 1990s, a period of military-technical cooperation took shape through which Russia hoped to modernize its armed forces. This cooperation was mostly with European countries and, on the one hand, took the form of integrating technologies from Russia into the European arms industry for the benefit of European defense contractors. On the other hand, however, the Russian military contracted these same European companies for the delivery of military arms and technologies which allowed for the modernization of its military industry (Averre, 2012, pp. 100-101; Basu, 2001, pp. 437-440).

Up until 2008, however, a large gap still existed between Russian military equipment and that of other developed countries and resulted in a lackluster performance of the Russian military in the Russo-Georgian War of 2008 (Angelis, 2008, p. 588; Haas, 2011, p. 12). It was estimated that only ten to fifteen percent of Russian armaments were modern by that year's standards and many soldiers lacked basic communications equipment and military attire, looking more like militiamen than soldiers (Bryce-Rogers, 2013, pp. 353-354). The European Union played a vital role as a mediating party during that war and was eventually able to end the conflict through a peace plan (Mouritzen & Wivel, 2012, pp. 139-144).

Following the Russo-Georgian War, President Medvedev, introduced reform proposals in which closer ties with Western industrialized countries allowed Russia access to modern technologies. A strengthened military-technical cooperation with mostly European countries ensued in which Germany became one of Russia's foremost partners, exemplified by German defense contractor Rheinmetall's €120 million contract for the building of training grounds in Russia, which it signed in 2011 (Schwartz, 2019, pp. 177-180; Malmlöf, 2016, pp. 16-17; McDermott, 2014, pp. 8-11).

Against the backdrop of Germany's historical cooperative approach towards the Soviet Union, other Warsaw Pact countries and later the Russian Federation, coined as Germany's Ostpolitik and dating back as early as 1969, Germany's cooperative stance vis-à-vis Russia is no surprise (Forsberg, 2016, pp. 21-22). Even within the mediating role the European Union played in the Russo-Georgian War, it prioritized bilateral relations over a joint European Union approach. Germany thus showed itself to be part of the more Russia-friendly side of the divide within the Union when it came to how it should deal with the country (Whitman & Wolff, 2010, pp. 95-97).

This cooperative approach, and therefore the military-technical cooperation, abruptly ended in 2014, however, due to Russia's annexation of Crimea and its active support of Pro-Russian Rebels fighting in the Donbass Region of Ukraine. This role of Russia in the Ukraine Crisis of 2014 consequently led to smart sanctions by the European Union, prohibiting member states from trading arms and dual-use goods with Russia (Menon & Rumer, 2015, pp. x-xiii; Council of the European Union, 2014a). Consequently, Germany blocked the earlier mentioned €120 million contract in March of 2014. As opposed to its previously cooperative relations with Russia, Germany stood at the forefront of implementing sanctions imposed by both the European Union and the United States and showed active support for measured military responses and reassurances towards the Baltic member states and Poland (Daehnhardt & Handl, 2018, pp. 450-451).

Where Germany had thus deepened its military-technical cooperation with Russia following the Russo-Georgian War of 2008, it abruptly it ended after the latter's role in the Ukraine Crisis of 2014. Germany, however, is renowned for having one of most stringent arms export policy frameworks and for being one of the most restrictive suppliers of arms on the international market to non-European Union and NATO countries and should have thus decided in 2008 what it would eventually do in 2014 (Leuffen & Platte, 2016, pp. 561-562). Germany's legacy as a defeated aggressor in the Second World War serves as a nexus of both its own views as well as those of its neighbors on the subject of arms exports today (Holm, 2006, pp. 223-226). The export of arms and other military related goods, including dual-use goods, are strictly regulated in Germany through a variety of both national as well as European-Level regulations and agreements focusing on maintaining peace between nations and preventing escalation of existing conflicts. Within these regulations and agreements, the German Federal Government has made a distinction between War Weapons and Other Military Equipment. The former are weapons which utilize nuclear fuel or radioactive isotopes for the purpose of mass destruction, biological warfare agents and toxic chemicals for the use purpose of war. The latter are more general classes of conventional weapons such as naval vessels, combat aircraft, tanks, artillery, rifles and ammunition for such weapons (German Federal Ministry of Economy and Climate Protection, n.d.; German Federal Ministry of Justice, n.d.).

Germany's contradictory behavior points to an interesting puzzle where its actions seem to conflict with its normative concerns regarding arms exports and thus merits further investigation. This study will undertake such an investigation through the analysis of German reports on its policy regarding the export of conventional military equipment from 2008 up to and including 2014. Through such an analysis, this research seeks to understand how

Germany's arms export policy framework has factually guided the German Federal Government's practices in approving and denying exports of War Weapons and Other Military Equipment to Russia in the period of 2008-2014. Out of this goal, the following research question emerges: How guiding has Germany's arms export policy framework been in the Federal Government's handling of the export of War Weapons and Other Military Equipment from Germany to Russia in the period of 2008-2014?

By approaching the research question through the International Relations Theories of Neorealism and Neoliberalism, this research seeks to add to the debate on the Europeanization and diffusion of European-Level arms export control policy and to the role of Germany within Europe when it comes to arms exports. It especially seeks to further explore the role of arms export policy frameworks in the context of the discipline of International Relations and the study of the dichotomous relationship between, on the one hand, national interests and views and, on the other hand, the necessity of a common approach and stance with regard to topics on a supranational level as is the case with organizations like the European Union where harmonization of views is critical to effective policy. It does so through an analysis of one of Europe's biggest arms producers and exporters, Germany, during the period of 2008-2014.

II – State of the Art

Origins of Germany's Foreign Policy Towards Russia

The literature on German-Russian relations is vast and many analyses exist on their origins. Contemporary relations between the two countries are historically bound, dating back to the early years of the Cold War.

West Germany, more particularly West Berlin, had been under constant threat of Soviet interference or worse, invasion. Berlin mayor and future Chancellor Willy Brandt had therefore mostly advocated for greater political involvement and show of military strength in his city. American inaction following the building of the Berlin Wall, however, showed him that Germany's reliance on Western allies for the furtherance of its foreign policy interests had left it unable to respond to such crises. This inability of West Germany and inaction by Western allies ushered him to change his mind and support a more independent stance in East-West relations (Lippert, 2010, pp. 4-5, 19-21).

This independent stance materialized in the concept of Ostpolitik, which had the goal of normalizing relations between West Germany and Eastern Europe including the Soviet Union. Whilst communication between the two sides stood at the center of Ostpolitik, its

underlying goal was to ease tensions between East and West and transform Communist rule (Kundnani, 2015, p. 112). Wandel durch Annäherung (Change Through Rapprochement) was the operational idea behind the concept of Ostpolitik conceived of by Willy Brandt and his press officer Egon Bahr and meant that recognition of the status quo of postwar power relations was the first step in filtering Western ideas into the Eastern bloc. In other words, rapprochement would, in theory, allow for a transformation of Communist rule rather than its abolishment and did not equal ideological concessions, but rather initiating talks and taking small policy steps with the main goal of creating stability and confidence between East and West (Niedhart, 2016, pp. 14-16, 32-34, 46-47, 52-54).

Growing feelings of security and a reduction of enemy images on the European continent were short-term goals, followed by a reduction of troops in Europe and the partial opening of Eastern societies towards the West as medium-term goals, concluded by a transformation of Communist systems and an end to a divided Europe and Germany as long-term goals. From the perspective of West Germany, stability would alleviate tensions at the German-German border and could eventually lead to reunification (Niedhart, 2016, pp. 20-21, 44-46). The transitional approach to Eastern Europe and the Soviet Union meant an increase in commercial exchange and went hand-in-hand with a period of détente as trade served as a gateway to political contact. West Germany overtook France's leading role in East-West relations as it became a pioneer in détente in East-West relations and the Soviet Union subsequently regarded it as its main partner in Western Europe. Consequently, where détente in the global dimension relied on relations with the United States, West Germany was quintessential in Soviet security interests in Europe (Pittman, 2009, pp. 8-12).

Merkel and the Russo-Georgian War of 2008

The cooperative approach of Ostpolitik continued to be at the core of German policy throughout and after the Cold War. Helmut Kohl, serving as Chancellor from 1982 until 1998 and Gerhard Schröder, who succeeded him until 2005, both kept up cooperative relations with the Soviet Union and the Russian Federation whilst nurturing close personal relations with its leadership. Due to this, Germany remained a key European strategic partner for Russia (Forsberg, 2016, pp. 21-22). Even though after 2005, under Angela Merkel, the key principles of Ostpolitik remained in Germany's Russia policy, the new Chancellor did not nurture the close relationships as her predecessors had done. Worries about what happened inside Russia

still remained a significant concern to Germany, however, as it recognized the country's need for political and economic modernization (Chivvis & Rid, 2009, pp. 116-119).

Meanwhile, during Vladimir Putin's second term as president, Russian rhetoric seemed to become more and more anti-Western due to the country's perception of NATO coming close and closer to its borders (Pallin & Westerlund, 2009, p. 401). Germany's Russia policy was thus thoroughly put to the test when Russian forces engaged in the Russo-Georgian War of 2008; also known as the Five Day War. The conflict has its origins in the early 20th century, but increasing oppression by the Georgian government of the semi-autonomous regions of Abkhazia and South-Ossetia since the 1990s led to an attack on Georgian troops by Russian-backed South-Ossetian separatists on August 1 2008 (Sotiriou, 2019, pp. 172-174). Consequently, Georgian troops launched an attack on August 7 on both regions to stop the small-scale skirmishes that ensued, but quickly found themselves fighting between 35,000 Russian troops sent in as a counter-invasion. The war ended on August 12 following a six-point ceasefire document and resulted in Georgia losing sovereignty over Abkhazia and South-Ossetia and Russian troops being stationed in both regions (Bryce-Rogers, 2013, pp. 349-350; Pallin. & Westerlund, 2009, p. 403-404; Sotiriou, 2019, pp. 180-181).

As Whitman and Wolff (2010) argue, the continuation of the central role of Ostpolitik in Germany's Russia approach was clearly seen in this war as, instead of alienating and trying to contain the country, Germany prioritized bilateral relations (Whitman & Wolff, 2010, pp. 92-93, 96-97). Congruently, Larsen (2012) argues that a key observation in Germany's role as a mediating party is its confrontation-averse policy orientation with a focus on further détente. The conflict did not have a fundamental impact on Germany's policy towards Russia and, during negotiations, it primarily defined its interests in economic rather than political strategic terms, as the French and British had done. Through this, Germany asserted the need to sustain a long-term partnership with Russia so as to ensure peace and stability (Larsen, 2012, pp. 109-112).

Change in Attitude and the Ukraine Crisis

Germany's approach to Russia changed when Vladimir Putin returned to power in 2012 as acting president and strong critiques against human rights abuses, his suppression of the opposition and a lack of free and fair elections, arose from Germany (Meister, 2013, pp. 29-32). The German Federal Government's more critical stance towards Russia was exemplified by Parliament's mounting concerns over Putin's return to office and that it recognized that

legislative and judicial measures were taken in Russia which criminalized critical engagement with the government. Most notably, the newly introduced “foreign agents” law of 2012 enabled the Russian government to target non-governmental organizations involved in political activism, such as human rights, with disciplinary mechanisms and stigmatize their activities by labeling them as foreign agents and thus socially alienating them through the negative and mostly hostile connotation of such labelling (Forsberg, 2016, pp. 26-28; Goncharenko & Khadaroo, 2020, pp. 2-5).

Following the degrading relations between Germany and Russia, the decision by then Ukrainian President Viktor Yanukovich to not sign the European Union-Ukraine Association Agreement in November of 2013 and the resulting crisis in which Russia heavily interfered, served as an accelerant for further degradation and more drastic changes in German policy (Chaban & Elgström, 2021, pp. 1-4; Siddi, 2016, pp. 665-668). Soon after Yanukovich’s decision, peaceful protests erupted which he met with violence. The death toll exceeded one hundred by February of 2014 and eventually led to his ousting. subsequently, pro-Russian politicians, aided by Russian soldiers, took power through force on the Crimean Peninsula and organized a referendum of secession whilst Russian soldiers and paramilitary forces were heavily present on the peninsula. After the referendum, Russian soldiers which were already present were reinforced and sealed off the peninsula and Russia officially annexed the region. Russian military interference in Ukraine, under the guise of secessionist attitudes, subsequently spread to the Luhansk and Donetsk provinces in the East of the country where Ukrainian armed forces faced armed Russian-backed separatists who were setting themselves up for a referendum similar to that of Crimea (Forsberg & Pursiainen, 2017, pp. 220-221; Menon & Rumer, 2015, pp. x-xiii).

As Siddi (2016) argues, Germany’s stance on how best to engage with Russia had changed whilst the main principles of Ostpolitik remained in place (Siddi, 2016, p. 675). Following Russia’s actions, Merkel would still attempt to resolve the crisis in Crimea through deliberations. When this turned out to be ineffective, the German Federal Government, under Merkel, stood at the forefront of imposing European Union sanctions on Russia. Germany’s position as Russia’s foremost strategic and economic partner proved decisive in joint European action, especially when it vocally criticized Russian actions as violations of international law. This clearly showed international law, a long-established policy engagement with Russia and a rejection of war to all be key beliefs of the German Federal Government (Siddi, 2016, pp. 667-671).

Consequences of the Ukraine Crisis for German-Russian Military-Technical Cooperation

Germany had been one of Russia's biggest suppliers of military and dual-use goods within the latter's military-technical cooperation with the West. German companies such as Daimler-Benz Aerospace and Thales Germany have provided the Russian armed forces with high-technology equipment such as onboard instruments for fighter jets and optical weapon sights for tanks (Basu, 2001, pp. 446-447; Malmlöf, 2016, pp. 16-17; Veebel, 2020, p. 347).

This military-technical cooperation should not be seen as a form of bilateral military cooperation, but rather as a form of arms trade where Russian companies and the armed forces in general contract German companies to provide them with military equipment and technology for modernizing the military itself and the industry that supports it. European defense economies, and thus also German defense contractors, would in turn also benefit from some Russian technologies (Averre, 2012, pp. 100-101; Basu, 2001, pp. 437-440).

Russia's actions in Ukraine ended this long period of cooperation as sanctions by the European Union hit the arms trade. These sanctions were specific to focus on both conventional military goods as well as dual-use goods and as a result the €120 million Rheinmetall contract was almost instantly blocked by the German Federal Government (Markus & Veebel, 2015, pp. 176-178; Sperling & Webber, 2016, pp. 19-21). These sanctions proved detrimental to the intended modernizations of the Russian armed forces as many of the critical units and components to Russian platforms were supplied by European countries. Though these sanctions have been presumed not to have a great short-term impact on the quantitative aspect of military rearmament, the long-term effects for Russia's military technological modernizations could be immense (Bitzinger & Popescu, 2017, pp. 10-13).

As Daehnhardt and Handl (2018) argue, the Ukraine Crisis changed mainstream thinking about Russia in Germany. Though it still sought to solve the situation through dialogue, this was the first time that most of those in German politics perceived Russia's action as a threat to the stability of Europe and the international security order. The perception of Russia's actions as a violation of international law put pressure on Germany to take an active stance against Russia, rather than being cooperative towards it (Daehnhardt & Handl, 2018, pp. 449-450).

Supporting this argument, Forsberg (2016) notes that Germany's industry and public opinion supported Merkel's head-on approach, based on hard condemnation and the imposing of sanctions, of Russia's involvement in the Ukraine Crisis. In doing so, he emphasizes

Russia's internal political situation, from 2012 onwards, over its external behavior as the underlying reason of Germany's departure from its fully cooperative approach towards Russia (Forsberg, 2016, pp. 36-39).

Germany's Arms Export Policy Framework

Regarding the German arms industry and its exports, the literature largely focuses on historical timeframes (Leitz, 1998; Wulf, 1988), the European arms industry as a whole (Buts, Jegers & Kleczka, 2020) or on the similarities and differences of arms industries between France and Germany (Béraud-Sudreau, 2019). As the following section further explains Germany's arms export policy framework, it needs to be noted here that such policy frameworks are more fluid than rigid. As Sigmar Gabriel, Federal Minister of Economic Affairs and Energy states:

The German government's policy on exports of military equipment is based on clear rules which are presented in detail in this report. Unfortunately, it has been the case time and again that these rules have been violated by companies and government agencies abroad. Each instance is one too many. For this reason, the rules governing the export of military equipment are being continuously updated (German Federal Ministry of Economic Affairs and Energy, 2013, p. 3).

Though Germany's arms industry is almost entirely privately owned, at the time of both the Russo-Georgian War of 2008 and the Ukraine Crisis of 2014, the export of arms and other military related goods, including dual-use goods, was strictly regulated in Germany (Holm, 2006, p. 216; Leuffen & Platte, 2016, p. 561). In both 2008 and 2014, the Basic Law, the War Weapons Control Act and the Foreign and Payments Act in conjunction with the Foreign Trade and Payments Ordinance formed the state-level regulatory basis for arms export controls. Combined, they entail that War Weapons and Other Military Equipment may only be produced, marketed, transported and sold with permission of the German Federal Government. All forms of arms exports are therefore subject to licensing which is given by ministries within the German Federal Government (Leuffen & Platte, 2016, pp. 562-563).

According to a report by the German Federal Ministry of Economics and Technology, the Federal Office of Economics and Export Control is the main executive agency which makes decision on all exports, including those of arms and falls under the jurisdiction of the Federal Ministry of Economics and Technology. When requests for licenses stand out, such as when the country of destination is of special interest, when the volume of the contract is relatively

large or when the military equipment involved can have a have serious negative consequences if it falls into the wrong hands, the German Federal Security Council has a final say in their (dis)approval. This Council is a cabinet committee which is chaired by the Federal Chancellor and has the Federal Ministers of Foreign Affairs, Finance, the Interior, Justice, Defense, Economics and Technology and Economic Cooperation and Development as members (German Federal Ministry of Economics and Technology, 2008, pp. 7-8).

In making its decision of approval or denial, the German Federal Government follows the Political Principles Adopted by the Government of the Federal Republic of Germany for the Export of War Weapons and Other Military Equipment of 2000. These principles are a combination of key factors including considerations of the respect of human rights in the country of destination and the possibility of War Weapons and Other Military Equipment being used for internal repression, peace-disturbing acts or violations of international law (German Federal Ministry of Economic Affairs and Energy, 2014, pp. 36-39; German Federal Ministry of Economics and Technology, 2008, pp. 42-45).

Next to these principals, the German Federal Government makes a clear distinction between the countries to which it is willing to export arms. On the one hand, European Union, NATO and NATO-equivalent countries, the latter composing of New Zealand, Australia, Switzerland and Japan, are countries to which licenses almost always approved and only denied under exceptional circumstances. All other countries, on the other hand, are referred to as third countries and should be subjected to a restrictive policy when it comes to the approval of licenses. Only in exceptional cases where, for example, German special security or foreign policy would support approval, are licenses approved to such countries (German Federal Ministry of Economics and Technology, 2008, p. 8).

In addition to this national arms export control policy framework, the country has been a big proponent of arms export control on a European level. In the same report as mentioned above, it is explicitly mentioned that the country actively advocates harmonization of European Union-level arms export controls (German Federal Ministry of Economic Affairs and Energy, 2014, pp. 12-13; German Federal Ministry of Economics and Technology, 2008, pp. 12-16). The European Code of Conduct on Arms Exports, which defined common rules governing the control of exports of military technology and equipment, had been adopted in 1998 and amended and renamed in 2008 as the European Council Common Position of 2008. These saw European Union member states truly engage in trying to create a common framework for arms export controls (Council of the European Union, 2008a; Holm, 2006, pp. 213-215; Bauer & Bromley, 2004, pp. 1-5).

Through the non-legally binding agreement, member states seek to create common criteria and standards with regard to exporting arms. It encourages member states to only grant export licenses if there exists reliable knowledge that exported technology or equipment will not be used for malign purposes. Export licenses are to be denied if there is a risk that the recipient state of the exported technology or equipment will use these for other means besides national security and defense such as in a conflict with another country or for a territorial claim against a neighboring country which it has previously threatened or tried to pursue by force (Council of the European Union, 2008a).

Finally, the Wassenaar Agreement of 1996 and the Arms Trade Treaty of 2014 are both forms of arms control on the international level. Germany is a signatory of both and mentions them extensively in its reports on arms exports, with early comments on Germany's intentions of establishing the Arms Trade Treaty in its 2008 report and it being formally added to its policy framework in 2014. Within Germany's arms export policy framework, their contents are manifested in the Political Principles described earlier (German Federal Ministry of Economic Affairs and Energy, 2014, pp. 13-14, 16-17; German Federal Ministry of Economics and Technology, 2008, pp. 10-11). Both treaties essentially do the same, preventing the irresponsible transfer of arms and dual-use goods. The key difference, however, is that the Wassenaar Agreement is non-binding, whilst the Arms Trade Treaty is and that the former has compiled a list of items which are to be subject to export controls whilst the latter legally binds signatories to create responsible national arms export control policy frameworks (Vestner, 2019, pp. 1-5).

In line with the above, it is no surprise that Germany suspended its €120 million contract to build a complete training center for Russian soldiers in the Volga region in March of 2014 (Malmlöf, 2016, pp. 16-17; Rheinmetall AG, 2014, pp. 4, 64). The question that remains, however, is why the German Federal Government approved it in the first place. Therefore, the gap that merits further investigation, is how guiding Germany's arms export policy framework has actually been and why it could not decide in 2008 what it did in 2014. Consequently, the goal of this research is to understand how guiding the German arms export policy framework has proven to be in practice in the German Federal Government's handling of the export of War Weapons and Other Military Equipment towards Russia. The research question it thus seeks to answer is as follows: How guiding has Germany's arms export policy framework been in the Federal Government's handling of the export of War Weapons and Other Military Equipment from Germany to Russia in the period of 2008-2014?

III – Theoretical Framework

In order to properly understand the role of Germany's arms export control policy framework in guiding its sale of War Weapons and Other Military Equipment to Russia, it is important to define a theoretical framework through which the topic can be approached. Inherently, theory is not made to be an all-encompassing understandings of reality. They rather simplify it as they put an emphasis on certain factors over others. Consequently, however, they are bound to encounter anomalies (Mearsheimer, 2014, pp. 10-11). For the best possible understanding of the topic central to this research, the lenses of both Neorealism and Neoliberalism are used.

Neorealism

As Sigmar Gabriel states: "arms exports are not a tool of economic policy. They are an instrument of security policy" (German Federal Ministry of Economic Affairs and Energy, 2013, p. 3) Following from this, the central role of the structure of the international system, rather than the differences in culture and regime between states that characterizes Neorealist theory must thus play a key role in approaching the topic of arms export policy frameworks (Dunne, Kurki & Smith, 2016, pp. 51-53).

Within this Neorealist framework, Krause (2009) argues that one of the motives for trading in arms is the pursuit of power by states (Krause, 2009, p. 12). The inherent self-help and anarchic nature of the international system and the quest for power by its main actors, states, therefore, leads those actors to produce arms. Consequently, the arms trade exists because there are states which themselves do not have the means, social, economic or technological, to produce such goods. The emphasis of Neorealism on self-help, anarchy and the structure of the international system then allows for the synthesis that arms exports are used to aid friends and allies, hinder and undermine enemies and protect technological advantages against possible threats (Krause, 2009, pp. 15-18).

Within the Neorealist divide between Defensive Realism and Offensive Realism, this research leans more towards the latter as it recognizes the existence of incentives for states to increase their power. At the same time, however, Mearsheimer's argument that all states ultimately seek to attain a position of hegemony in the international system is not assumed in this research (Mearsheimer, 2014, pp. 18-21). Such an approach allows for a projection of Germany's arms export policy framework against the backdrop of its Ostpolitik and, more importantly, Willy Brandt's Wandel durch Annäherung and its inherent goal to supplant the status quo of power relations in postwar Europe and the division it brought along.

Neoliberalism

In addition to Neorealism, Neoliberalism allows for a more extensive projection of Germany's arms export control policy framework against the backdrop of its Ostpolitik and Wandel durch Annäherung. Keohane (1984) provides the best summary of cooperation through international institutions: "intergovernmental cooperation takes place when the policies actually followed by one government are regarded by its partners as facilitating realization of their own objectives, as the result of a process of policy coordination" (Keohane, 1984, pp. 51-52).

Neoliberalism, just like Neorealism, focusses on the central role of states and the anarchical nature of the international environment. In its foundation, however, Neoliberalism, studies international institutions and their influence on international cooperation but, at the same time, recognizes that the international environment can impede cooperation as its anarchical nature inherently breeds self-interest and distrust. The theory of Neoliberalism, however, argues for the ability of actors on every level, to reshape and design international institutions, and thus the international structure, so as to reduce the negative influence of anarchy on international cooperation. Additionally, Neoliberalism differentiates international institutions in the form multilateral organizations, such as the European Union, from international regimes, such as norms and rules (Dunne, Kurki & Smith, 2016, pp. 89-95).

Through Neoliberalism, it is possible to approach the case of Germany's arms export control policy framework more deeply on three levels. On the international level, the role of international regimes, such as the Wassenaar Agreement and the Arms Trade Treaty, as well as the role of multilateral organizations, in the form of cooperation between European Union member states, can be analyzed whilst still acknowledging the anarchical nature of the international environment. On a state level, this anarchical nature is exactly what Germany's Ostpolitik and Brandt's Wandel durch Annäherung tried to counter during the Cold War in order to create stability and security on the continent. On the domestic level Germany's policy framework for arms export control can be viewed as the manifestation of international norms and rules on a national level.

By combining Neorealism with Neoliberalism, all three levels can be projected onto each other and an analysis of the German Federal Government's handling of the export of War Weapons and Other Military Equipment will show how guiding its arms export policy framework has truly been.

IV - Methodology

In order to answer the research question, a conceptualization of the required data will be provided here. A combination of primary and secondary data sources will be retrieved of which the former will be most prevalent. In order to make sure an all-encompassing understanding of the German Federal Government's handling of the export of War Weapons and Other Military Equipment to Russia is created; several sources of documents will be used from the year of 2008 up to and including 2014.

For each year, the *Report by the Government of the Federal Republic of Germany on Its Policy on Exports of Conventional Military Equipment* will be used for data as these documents provide a detailed overview of German export licenses of War Weapons and Other Military Equipment per year. Though these documents may be biased towards the good deeds of the German Federal Government in showing how good it is at, for example, preventing arms from falling into the wrong hands or similar good behavior towards the international community, they are still a good source of information and their analysis could provide helpful insights (Bryman, 2016, p. 552).

Important to note here, however, is that these reports only contain export licenses for War Weapons and Other Military Equipment. Dual-use goods are thus not included in the reports and this dimension of the export of items from Germany to Russia which could be used for military purposes cannot be analyzed. This research will thus solely focus itself on War Weapons and Other Military Equipment.

Fundamentally, the case study of Germany's policy on arms export to Russia through the mentioned reports with existing data is quantitative in nature with a longitudinal research design. As Bryman (2016) notes, however, such a research design is prone to some reliability issues in the sense that changing definitions of measurements over time as they are provided in reports might lead to different reporting on the same variable each year (Bryman, 2016, pp. 309-310, 321-322). Such concerns could materialize especially in government provided data when, as explained earlier, the reports try to show how much the German Federal Government lives up to its norms provided in its arms export policy framework. In the case of the sale of arms, as Bellany (1995) writes: "even defensive arms can be used for the purposes of attack, only we require that they be less useful for attack than defence" (Bellany, 1995, p. 45). Consequently, the labelling by the German Federal Government of the items it exports is fundamental to the interpretation a reader could have. Labelling items as defensive, therefore, does not exclude their offensive application by the end-user.

In order to counter the potential bias of these reports published by the German Federal Government itself, this research will also analyze possibly relating documents from German Parliament; as it keeps an online documentation record in which stenographic reports, inquiries by the opposition and other parliament related documents are published. Especially the inquiries might prove to be an interesting source of information on the Federal Government's handling of the export of War Weapons and Other Military Equipment to Russia due to them being submitted by the opposition and thus inherently critical of action or policy. In addition, independent reports by the Stockholm International Peace Research Institute, are also analyzed in order to create a complete picture of the German Federal Government's handling of the export of War Weapons and Other Military Equipment to Russia in the period 2008-2014.

V – Data & Analysis

The following section will provide an overview of the data which was found regarding Germany's export of War Weapons and Other Military Equipment to Russia. Seven reports by the German Federal Government on its policy regarding its export of War Weapons and Other Military Equipment were used. The online arms transfer database from the Stockholm International Peace Research Institute was also used to find additional or confirming evidence of arms exports from Germany to Russia. However, a search from the period 2008-2014 including all weapon systems yielded no results (Stockholm International Peace Research Institute, n.d.).

Important to note is that the German arms export reports are fundamentally based upon the earlier mentioned European Council Common Position of 2008, which contains a common list of military technology and equipment. This list, the Common Military List of the European Union, was adopted in 2000 and has been amended practically every year since (Council of the European Union, 2008a; Council of the European Union, 2008b; Council of the European Union, 2014b). Even though both provide member states with a baseline with which they are to differentiate pieces of military equipment and technology, they provide no requirements regarding any further level of detail such as contractual information or other specifics on which member states have to report (Council of the European Union, 2008a, p. 103). The reports by the German Federal Government only show which licenses for the export of War Weapons and Other Military Equipment were approved, but not whether they were actually delivered or whether approved licenses were revoked at a later point in time. Some of the approved licenses are shortly described in the reports, whilst denials are only referred to by category and basis for denial.

All types of War Weapons and Other Military Equipment mentioned in the reports by the German Federal Government are categorized per the Common Military List of the European Union, but differ in that the former denotes each category with the letter A, whilst the latter does so with the letters ML (Military List). An overview of these categories is provided in Appendix A. An overview of the approved and denied licenses for each year under study in this research is provided at the end of the data section, in Tables 1 and 2.

2008

In 2008, the *Report by the Government of the Federal Republic of Germany on Its Policy on Exports of Conventional Military Equipment* reported on a total of just under €41 million in export licenses for War Weapons and Other Military Equipment to Russia which were approved. Roughly 40% of these exports comprised of category A0011, satellite communication equipment, including construction components and parts, with end-users being operators from the United States. Around 30% regarded category A0001, hunting rifles and pistols, including ammunition. Finally, another 16% consisted of category A0006 trucks, ground vehicles, cross-country vehicles and parts for self-propelled drilling equipment. The remaining 10% is not further described but regarded the categories A0003, ammunition, A0005, fire control systems, A0007, equipment for nuclear, biological and chemical defense, A0008, explosives and fuel, A0017, miscellaneous equipment, A0021, military software, and A0022, technology (German Federal Ministry of Economics and Technology, 2008, pp. 26, 94-95).

The report also provides applications for licenses for the export of War Weapons and Other Military Equipment to Russia which were denied, but does not explicitly mention the contents of these applications. Instead, only the categorical references are provided, giving a superficial look into what these could have possibly comprised of. For 2008, these are the numbers A0001, A0010, A0011 and A0015. Respectively, these correspond with small firearms, military aircraft/aircraft technology, military electronics and infrared/thermal imaging equipment. These denials were valued at around €130.000 and were denied due to Criteria 4, concerning the preservation of regional peace, and 7, implying a risk that the military technology or equipment will be diverted within the country of destination or re-exported under unwanted conditions of the European Council Common Position of 2008 (German Federal Ministry of Economics and Technology, 2008, pp. 48-49, 94-95).

2009

For 2009, there was €14.4 million in approved export licenses for War Weapons and Other Military Equipment towards Russia according to the *Report by the Government of the Federal Republic of Germany on Its Policy on Exports of Conventional Military Equipment*. Just under 78% of this consisted of categories A0001 and A0003, hunting and sporting rifles and pistols, including ammunition. Another 12% comprised of category A0008 pyrotechnics, fuels, oxidizers and additives. The final 10% is not given a further description apart from their categorical reference. These consist of A0002, large caliber weapons, A0005, fire control systems, A0006, wheeled and tracked military vehicles, A0007, equipment for nuclear, biological and chemical defense, A0009, naval vessels, A0010, military aircraft/aircraft technology, A0011, military electronics, A0013, ballistic protection equipment, A0016, semi-finished parts for the production of certain items of military equipment, A0018, manufacturing equipment for the production of military articles, A0021, military software, and A0022, technology (German Federal Ministry of Economics and Technology, 2009, p. 126).

Similar to the 2008 report, applications denials are also provided, but again only by their categorical numbers. Denials for the year of 2009 were valued at roughly €390.000 and regarded the numbers A0001, A0011, A0013, A0015 and A0018. These respectively correspond with the following categories: small firearms, military electronics, ballistic protection equipment, infrared/thermal imaging equipment and manufacturing equipment for the product of military articles. These denials were, similar to 2008, based on Criteria 4, concerning the preservation of regional peace, and 7, implying a risk that the military technology or equipment will be diverted within the country of destination or re-exported under unwanted conditions, of the European Council Common Position of 2008 (German Federal Ministry of Economics and Technology, 2009, pp. 53-56, 126, 135).

2010

The 2010 *Report by the Government of the Federal Republic of Germany on Its Policy on Exports of Conventional Military Equipment* recorded a total of €18.6 million in approved licenses for the export of War Weapons and Other Military Equipment to Russia. Just over 66% of this pertained to the categories A0001 and A0003, hunting and sporting rifles and pistols, including ammunition. Another 23% of this consisted of category A0006, armored cross-country vehicles, cross-country vehicles and parts for such vehicles. The remaining 10% of the total amount comprised of A0007, equipment for nuclear, biological and chemical

defense, A0008, explosives and fuel, A0009, naval vessels, A0010, military aircraft/aircraft technology, A0011, military electronics, A0013, ballistic protection equipment, A0016, semi-finished parts for the production of certain items of military equipment, A0018, manufacturing equipment for the production of military articles, and A0022, technology (German Federal Ministry of Economics and Technology, 2010, p. 82).

The 2010 report also contained denied applications. This year, they regarded items from the categories A0001, A0005, A0011, A0018, A0021 and A0022. These respectively correspond with small arms, fire control systems, military electronics, manufacturing equipment for the producing of military articles, military software and technology. These totaled just over €42.000 and were denied on the basis of Criterion 7, implying a risk that the military technology or equipment will be diverted within the country of destination or re-exported under unwanted conditions, of the European Council Common Position of 2008 (German Federal Ministry of Economics and Technology, 2010, p. 82).

2011

The *Report by the Government of the Federal Republic of Germany on Its Policy on Exports of Conventional Military Equipment* for 2011 disclosed approved licenses for the export of War Weapons and Other Military Equipment to Russia to be €144.1 million. The only description which was given regarded the training center which was to be built in Russia. This center accounted for 85% of the total amount. The remaining 15% was only provided by categorical reference. These were A0006, wheeled and tracked military vehicles, A0010, military aircraft/aircraft technology, A0013, ballistic protection equipment, A0016, semi-finished parts for the production of certain items of military equipment, A0018, manufacturing equipment for the production of military articles, A0021, military software and A0022, technology, are also mentioned as being part of exports to Russia. The combat training center itself falls under category A0014, training and simulation equipment (German Ministry of Economics and Technology, 2011, pp. 52, 78).

In 2011, a total of €80.000 in license applications were denied. These consisted of the categories A0001, small arms, A0005, fire control systems, A0006, wheeled and tracked military vehicles, A0011, military electronics, A0013, ballistic protection equipment, A0018, manufacturing equipment for the production of military articles and A0021, military software. Denials were based on the Criteria 2, concerning the country of destination's respect for human rights and international humanitarian law and 7, implying a risk that the military

technology or equipment will be diverted within the country of destination or re-exported under unwanted conditions of the European Council Common Position of 2008 (German Ministry of Economics and Technology, 2011, pp. 40-42, 78) .

2012

In 2012, approved licenses for the export of War Weapons and other Military Equipment to Russia totaled €40.4 million according to the *Report by the Government of the Federal Republic of Germany on Its Policy on Exports of Conventional Military Equipment*. Of this amount, 48% comprised of category A0001, hunting and sporting rifles and pistols. 16% pertained to category A0014 for a mobile command and control and operations center. Category A0011, electronic equipment, communications equipment, helmet displays, cathode ray tubes and parts for electronic equipment and navigation equipment made up 13%. Finally, another 10% consisted of category A0006 armored cross-country vehicles, military oldtimers for museums, trucks, parts for armored vehicles and crawler tractors. The remaining 10% was again, once again, only referred to by category and were A0003, ammunition, A0005, fire control systems, A0007, equipment for nuclear, biological and chemical defense, A0008, explosives and fuels, A0009, naval vessels, A0010, military aircraft/aircraft technology, A0013, ballistic protection equipment, A0014, training and simulator equipment, and A0016 semi-finished parts for the production of certain items of military equipment (German Federal Ministry of Economic Affairs and Energy, 2012, p. 83).

Denials were valued at €560.000 and regarded A0001, small arms, A0003, ammunition, A0006, wheeled and tracked military vehicles, A0011, military electronics, A0013, ballistic protection equipment, A0018, manufacturing equipment for the production of military articles and A0022, technology. Denials were based on Criteria 2, concerning the country of destination's respect for human rights and international humanitarian law, 3, regarding the relation of the internal situation of the country of destination to result in rising tensions or armed conflict, and 7, implying a risk that the military technology or equipment will be diverted within the country of destination or re-exported under unwanted conditions of the European Council Common Position of 2008 (German Federal Ministry of Economic Affairs and Energy, 2012, pp. 41-42, 83).

2013

Approved licenses for the export of War Weapons and Other Military Equipment to Russia in 2013 amounted to a total of €38.2 million according to the *Report by the Government of the Federal Republic of Germany on Its Policy on Exports of Conventional Military Equipment*. Just under half, 44%, of this comprised of the categories A0001 and A0003, hunting and sporting rifles and pistols, including ammunition. Another 25% consisted of category A0006, crawler tractors, trucks, cross country vehicles, parts for ballistic protection and armored cross-country vehicles. Finally, roughly 12% regarded category, A0008, laboratory chemicals and fuels. The remaining 20% consisted of A0003, ammunition, A0007, equipment for nuclear, biological and chemical defense A0009, naval vessels, A0010, military aircraft/aircraft technology, A0011, military electronics, A0013, ballistic protection equipment, A0014, training and simulator equipment, and A0021, military software (German Federal Ministry of Economic Affairs and Energy, 2013, p. 78).

A total amount of just under €615.000 worth of license applications were denied. These consisted of A0001, small arms, A0004, bombs, torpedoes and missiles, A0005, fire control systems, A0006, wheeled and tracked military vehicles, A0010, military aircraft/aircraft technology, A0011, military electronics, A0013, ballistic protection equipment, A0015, infrared/thermal imaging equipment, A0017, miscellaneous equipment A0021, Military software, and A0022, Technology. Reasons for denials were based on Criterion 2, concerning the country of destination's respect for human rights and international humanitarian law, 3, regarding the relation of the internal situation of the country of destination to result in rising tensions or armed conflict, 4, regarding concerns for the preservation of regional peace, 5, on the responsibility of member states to ensure their military equipment or technology will not be used against allies, and 7, implying a risk that the military technology or equipment will be diverted within the country of destination or re-exported under unwanted conditions, of the European Council Common Position of 2008 (German Federal Ministry of Economic Affairs and Energy, 2013, pp. 41-43, 78).

2014

For the year of 2014, just under €4.2 million worth of licenses for the export of War Weapons and Other Military Equipment to Russia was reported by the *Report by the Government of the Federal Republic of Germany on Its Policy on Exports of Conventional Military Equipment*. 60% of this amount comprised of the categories A0001 and A0003, hunting and sporting rifles

and pistols, including ammunition. Another 24% consisted of category A0011, military electronic testing equipment, navigation equipment and cathode-ray tubes and parts for heads-up displays. The remaining 15% was made up of A0006, wheeled and tracked military vehicles, A0008, explosives and fuels, A0009, naval vessels, A0018, manufacturing equipment for the production of military articles, and A0022, technology (German Federal Ministry of Economic Affairs and Energy, 2014, p. 79).

Denied license applications were valued at just under €600.000 and consisted of A0003, Ammunition, A0005, fire control systems, A0006, wheeled and tracked military vehicles, A0007, equipment for nuclear, radioactive and chemical defense, A0011, military electronics, A0013, ballistic protection equipment, A0018, manufacturing equipment for the production of military articles, A0021, military software, and A0022, technology. Denials were based on Criteria 1, regarding the responsibility for member states to respect their international commitments and obligations, especially with regard to sanctions which have been adopted by the United Nations and Security Council of the European Union, 2, concerning the country of destination's respect for human rights and international humanitarian law, 3, regarding the relation of the internal situation of the country of destination to result in rising tensions or armed conflict 4, on concerns for the preservation of regional peace, and 7, implying a risk that the military technology or equipment will be diverted within the country of destination or re-exported under unwanted conditions, of the European Council Common Position of 2008 (German Federal Ministry of Economic Affairs and Energy, 2014, pp. 42-45, 79).

Table 1 - Overview of Approved and Denied Export Licenses per Category per Year.

| Category | Description | Approved (√) ; Denied (X) | | | | | | |
|----------|---|---------------------------|------|------|------|------|------|------|
| | | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 |
| A0001 | Small Firearms | √; X | √; X | √; X | X | √; X | √; X | |
| A0002 | Large caliber weapons | | √ | | | | | |
| A0003 | Ammunition | √ | √ | √ | | √; X | √ | X |
| A0004 | Bombs, Torpedoes, Missiles | | | | | | X | |
| A0005 | Fire control systems | √ | √ | X | X | √ | X | X |
| A0006 | Wheeled and tracked military vehicles | √ | √ | √ | √; X | √; X | √; X | √; X |
| A0007 | Equipment for NBC defence and irritants | √ | √ | √ | | √ | √ | X |
| A0008 | Explosives and fuels | √ | √ | √ | | √ | √ | √ |
| A0009 | Naval vessels | | √ | √ | | √ | √ | √ |
| A0010 | Military aircraft/aircraft technology | X | √ | √ | √ | √ | √; X | |
| A0011 | Military electronics | √; X | √; X | √; X | X | √; X | √; X | X |
| A0012 | High velocity kinetic energy weapon systems | | | | | | | |
| A0013 | Ballistic protection equipment | | √; X | √ | √; X | √; X | √; X | X |

| | | | | | | | | |
|-------|---|---|------|------|------|---|------|------|
| A0014 | Training and simulator equipment | | | | √ | √ | √ | |
| A0015 | Infrared/thermal imaging equipment | X | X | | | | | |
| A0016 | Semi-finished parts for the production of certain items of military equipment | | √ | √ | √ | √ | | |
| A0017 | Miscellaneous equipment | √ | | | | | X | |
| A0018 | Manufacturing equipment for the production of military articles | | √; X | √; X | √; X | X | | √; X |
| A0019 | HF weapon system | | | | | | | |
| A0020 | Superconductive and cryogenic equipment | | | | | | | |
| A0021 | Military Software | √ | √ | X | √; X | | √; X | X |
| A0022 | Technology | √ | √ | √; X | √ | X | X | √; X |

Table 2 - Overview of Criteria Based on Which Export Licenses were Denied per Year and Value of Approvals and Denials per Year

| | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 |
|---|-----------------------------|-------------------------------|------------------------------|-------------------------------|-------------------------------|-------------------------------|------------------------------|
| Criteria denials were based on | 4, 7 | 4, 7 | 7 | 2, 7 | 2, 3, 7 | 2, 3, 4, 5, 7, | 1, 2, 3, 4, 7 |
| Value approved; Value denied | €41 million; €130.000 | €14.4 million; €389.000 | €18.6 million; €42.000 | €144.1 million; €80.000 | €40.4 million; €560.000 | €38.2 million; €615.000 | €4.2 million; €600.000 |

Analysis

This analysis will first look over the data itself to examine the approval and denial of export licenses of War Weapons and Other Military Equipment from the state-level. Subsequently, two requests and small inquiry from German Parliament are used to analyze them at the domestic level, by looking at critiques by members of German Parliament. Finally, several yearbooks by the Stockholm International Peace Research Institute will be used to analyze the data at the international level. After these three levels of analyses, Neorealism and Neoliberalism will be applied.

By looking at the data as presented above, an initial reaction would inevitably lead to a conclusion that would view Germany's arms export policy framework as barely guiding in the Federal Government's handling of the export of War Weapons and Other Military Equipment to Russia in the period of 2008-2014. This would mostly be based upon the fact that Russia, being a third country, should be subjected to restrictive policy when it comes to arms export licenses and that such licenses should only be approved under exceptional circumstances. The reports explicitly state that special German security or foreign policy interests are examples of such exceptional circumstances and would allow for the approval of licenses for the export of War Weapons and Other Military Equipment to third countries (German Federal Ministry of Economic Affairs and Energy, 2012, pp. 7-8; German Federal Ministry of Economic Affairs and Energy, 2013, pp. 9-11; German Federal Ministry of Economic Affairs and Energy, 2014, pp. 9-11; German Federal Ministry of Economics and Technology, 2008, p. 8; German Federal Ministry of Economics and Technology, 2009, pp. 9-10; German Federal Ministry of

Economics and Technology, 2010, pp. 9-10; German Ministry of Economics and Technology, 2011, pp. 6-8).

This is not mirrored in the approval of export licenses for War Weapons and Other Military Equipment to Russia, however, as a total of €300 million in such licenses can be observed in the period of 2008-2014. After a small dip in the years following the Russo-Georgian War, in 2009 and 2010 at €14.4 million and €18.6 million respectively, the numbers go up to €144.1 million in 2011, roughly €40 million in 2012 and 2013 and finally back down again in 2014 to €4 million as a result of the Ukraine Crisis. The restrictive form of policy can thus be witnessed in 2014, but not following 2008.

An analysis of these figures alone does not provide a complete picture of the German Federal Government's handling of the export of War Weapons and Other Military Equipment to Russia. The categorical references that are used as a basis for differentiating between individual arms export licenses add to this partial picture, but do not complete it. This is mostly because they allow for a deeper understanding of what was and was not approved for export to Russia, but only some are described beyond a simple categorical reference, meaning that the public or any institution doing research, cannot know for certain what was actually exported. In addition, they do not allow for an interpretation of possible underlying reasons of the German Federal Government to approve exports of War Weapons and Other Military Equipment to Russia whilst already having grounds of suspending the export of such goods to Russia as is exemplified by the criteria upon which some applications for licenses were denied.

In 2011, and 2012, on the domestic level, there were clear signs of discontent among some members of German Parliament regarding the arms export reports in that the absence of information on actual exports restricts the usefulness of the reports (Deutscher Bundestag, 2011; Deutscher Bundestag, 2012). A 2011 request by the parliamentary group Die Grünen (The Greens), asked the German Federal Government's arms export reports to include dual-use goods as they believed that the current reporting was insufficient for Parliament and the public to gain a well enough insight into the Federal Government's approval policy (Deutscher Bundestag, 2011).

Another example of such discontent is a request submitted by the SPD (German Social Democratic Party) in 2012 which stated:

Since the German Bundestag (Parliament) has no reliable official information about current arms export decisions by the Federal Government, neither

parliamentary deliberations nor a social discussion about the pros and cons of export licenses can be conducted. Particularly important war weapons exports are decided in the secret meeting of the BSR (Federal Security Council), to which exclusively representatives of federal ministries and the Federal Government belong. So far, the Bundestag has only been informed much later through the publication of the arms export report (Deutscher Bundestag, 2012).

The reporting also shows significant gaps. The report only covers the export licenses granted for weapons of war and other armaments, but not the granting of licenses for the reproduction of German weapons abroad. The granting of such licenses to third countries should, however, be viewed with similar criticism in view of the effects and consequences. Current examples show that the end-use of such weapons produced under a license is particularly worrying. There is therefore an urgent need for concrete legal regulations and corresponding statistical evaluations, which also make it possible to publish the licenses granted to German companies (Deutscher Bundestag, 2012).

Such discontent with the limited access of German Parliament to precise information regarding the export of War Weapons and Other Military Equipment shows the existence of distrust which exists among some members of Parliament towards the Federal Security Council. Regardless, the reports do provide a dataset which, when put against the backdrop of interstate relations between Germany and a country of destination as presented earlier, allows for the inductive application of theory and thus an evaluation of the prioritization of either a restrictive arms export policy framework or foreign or security policy interests. In the case of Russia as a third country, the granting of export licenses of War Weapons and Other Military Equipment should be subject to restrictive policy (German Federal Ministry of Economics and Technology, 2008, p. 8).

In the case of Russia, therefore, regardless of Germany's cooperative stance towards the country as a result of its Ostpolitik, licensing for the export of War Weapons and other Military Equipment should have been severely limited, especially in the wake of the Russo-Georgian War of 2008. Contrary to this, however, in the period of 2008-2014, military software, wheeled and tracked military vehicles, large caliber weapons, military aircraft/aircraft technology, ballistic protection equipment, semi-finished parts for the production of military articles and manufacturing equipment for the production of military

articles were among the categories listed for which export licenses were approved. Germany's arms export policy framework thus does not seem to be leading in the German Federal Government's handling of exports of War Weapons and Other Military Equipment.

In 2014, as part of a small inquiry from the parliamentary group Die Grünen a question on this topic was directly asked and subsequently answered in the form of a letter by the German Federal Ministry of Economic Affairs and Energy. The question, asking how granted export licenses could be justified against the backdrop of the Chechen and Georgian conflicts, was responded to by stating that the German Federal Government takes into account the Political Principles which it has for the Export of War Weapons and Other Military Equipment, security and foreign policy considerations and the situation in and surrounding the country of destination before making a decision on whether an application is to be approved and doing so on a case-by-case basis (Deutscher Bundestag, 2014).

By comparing those export licenses which were approved to those which were denied through the lens provided by the response of the German Federal Ministry of Economic Affairs and Energy and the earlier section on Germany's arms export policy framework, it can be concluded that, remarkably, foreign or security policies were leading in the decision-making process of the German Federal Government in its handling of exports of War Weapons and Other Military Equipment to Russia in the period of 2008-2014 and thus trumped the strict arms export policy framework. For example, export licenses for category A0006, wheeled and tracked military vehicles, were approved in every year that was studied in this research, whilst export licenses for the same category were also denied from 2011 onward. The same is the case for category A0010, military aircraft/aircraft technology, for which export licenses were granted in 2009, 2010, 2011 and 2013, but were also denied in the years 2008 and 2013 (German Federal Ministry of Economic Affairs and Energy, 2012, p. 83; German Federal Ministry of Economic Affairs and Energy, 2013, p. 78; German Federal Ministry of Economic Affairs and Energy, 2014, p. 79; German Federal Ministry of Economics and Technology, 2008, pp. 94-95; German Federal Ministry of Economics and Technology, 2009, p. 126; German Federal Ministry of Economics and Technology, 2010, p. 82; German Ministry of Economics and Technology, 2011, p. 78).

Besides these approvals and denials, the Criteria of the European Council Common Position of 2008 also serve as strong evidence for the prioritization of foreign and security policy interests over the domestic arms export policy framework by the German Federal Government. Especially the Criteria 2, 3, 4, 5 and 7 are remarkable in their use. Criterion 2, on the country of destination's respect for human rights and international humanitarian law,

was cited as basis for denial from 2011 onwards. Criterion 3, on the relation of the internal situation of the country of destination to result in rising tensions or armed conflict, was used from 2012 onwards as a basis for denial. Criterion 4, on the preservation of regional peace, stability and security was reason for the denial of export licenses to Russia in 2008 and 2009, but was dropped from 2010 to 2012 only to be the basis of denial once again in 2013 and 2014. Criterion 5, on the responsibility of member states to ensure their military equipment or technology will not be used against allies was used in 2013, but not in 2014. Finally, Criterion 7, implying a risk that the military technology or equipment will be diverted within the country of destination or re-exported under unwanted conditions, was used in every year under study (German Federal Ministry of Economic Affairs and Energy, 2012, p. 83; German Federal Ministry of Economic Affairs and Energy, 2013, p. 78; German Federal Ministry of Economic Affairs and Energy, 2014, p. 79; German Federal Ministry of Economics and Technology, 2008, pp. 94-95; German Federal Ministry of Economics and Technology, 2009, p. 126; German Federal Ministry of Economics and Technology, 2010, p. 82; German Ministry of Economics and Technology, 2011, p. 78).

Given, therefore, that Russia is a third country and that the export licenses were already being denied on the grounds of a perceived risk to regional peace, stability and security and a perceived indifference of Russia towards human rights and international humanitarian law, means that approvals of license applications for the export of War Weapons and Other Military Equipment should have been restricted more than was actually the case in the period 2008-2014. In the German Federal Government's handling of licenses for the Export of War Weapons and Other Military Equipment to third countries, then, the case of Russia in the period of 2008-2014 seems one where, even though its arms export policy framework should stand diametrically opposed to its foreign and security policy, both are alternately used in deciding on license applications, but the latter is heavily prioritized.

The yearbooks of the Stockholm International Peace Research Institute can be used to substantiate this claim from the international level. In the yearbook of 2009, on 2008, the table which lists the major conflicts of the year does not contain the Russo-Georgian War of 2008. It does, however, mention it in-text and refers to it as "the conflict over South-Ossetia" (Stockholm International Peace Research Institute, 2009, p. 4).

It describes the conflict as one where the Russian military intervened in support of South-Ossetian troops in their conflict against the Georgian government. According to the yearbook, the conflict is thus an intrastate one with foreign military involvement instead of an interstate conflict, which the yearbook claims is a mischaracterization coming particularly from

Western media (Stepanova, 2009, pp. 57-60). Following the conflict, Russia recognized South-Ossetian separatist entities as an independent country and renewed its stationing of Russian troops and armaments in its territory (Lachowski & Post, 2009, p. 448). Similar references to the Russo-Georgian War of 2008 are found in the yearbook of 2014, on 2013, where the conflict is labelled as “the internationalized intrastate conflict in Georgia, where Russia contributed troops to the self-proclaimed Republic of South Ossetia” (Themné & Wallensteen, 2014, p. 78).

Opposite to the Russo-Georgian War of 2008, the situation in Ukraine in 2014 is regarded as one resulting in a serious breakdown of regional security by the 2015 yearbook of the Stockholm International Peace Research Institute. It simultaneously stated that European security, based on territorial sovereignty for all states, was made illusory by the incorporation of Ukrainian territory, Crimea, into Russia against the former’s wishes (Anthony, 2015a, pp. 5-6). Further Russian military influence in the country’s internal affairs, which spread to the Donbass region of Ukraine and resulted in the Ukrainian military fighting armed separatists, was labelled as an armed rebellion by the yearbook. Simultaneously, however, the yearbook also mentioned that, according to Russian representatives, Crimea’s accession to the Russian Federation speaks to the inherent right of the people of Crimea to self-determination (Anthony, 2015b, pp. 241-242).

Such a contrasting view of both conflicts, congruently, fits with, on the one hand, Larsen’s (2012) observation of Germany’s confrontation-aversive policy with a focus on détente towards Russia in the wake of the Russo-Georgian War of 2008 (Larsen, 2012, pp. 109-111). His argument that Germany asserted the need for the sustainment of a long-term partnership with Russia, serves as an indicator of the former’s aim to maintain such a partnership through policy and thus its Ostpolitik. On the other hand, the contrasting view of the two conflicts also fits with Siddi’s (2016) argument that, during and after the Ukraine Crisis of 2014, Germany’s position on how to engage with Russia changed to a point where an economic partnership alone would not suffice to maintain peace and stability in Europe. Whilst maintaining the main principles of its Ostpolitik, it would be at the forefront of imposing sanction on Russia (Siddi, 2016, pp. 667-670, 675).

In addition, Forsberg’s (2016) argument that this changing position of the German Federal Government on its Russia policy was also reflected in society as mainstream thinking about Russia changed as a result of the latter’s actions. Especially public condemnation and support for Merkel’s head-on approach by industry exemplified this (Forsberg, 2016, pp. 36-39).

From a theoretical perspective, the prioritization of foreign and security policy over its restrictive arms export control policy framework in the German Federal Government's approach to the case of Russia seems to fit into the perspective of Neorealism whilst being somewhat anomalous in that of Neoliberalism. From a Neorealist point of view, the German Federal Government would be expected to aid its friends and allies, hinder and undermine its enemies and protect technological advantages against possible threats (Krause, 2009, pp. 15-18). However, Germany's Ostpolitik, which continued under Merkel in 2005 and was clearly shown in the country's prioritization of maintaining good bilateral relations with Russia over a strategy of containment during and after the Russo-Georgian War of 2008, could mean that the German Federal Government actually perceived Russia to be an ally to some degree, regardless of its involvement in the conflict. This is especially manifested in Larsen's (2012) argument that the Russo-Georgian War of 2008 had no fundamental impact on German policy towards Russia (Larsen, 2012, pp. 111-112). By thus assuming the continuation of Ostpolitik in Germany's Russia approach, it would have accordingly had the goal of maintaining security and stability on the European continent and would thus have a fundamental underlying interest in maintaining a partnership and friendly relations with Russia.

The findings presented above on the approved and denied licenses for the Export of War Weapons and Other Military Equipment would support both as different categories of such items are alternately approved and denied across the years that were under analysis in this research with, as argued earlier, security and foreign policy interests being deemed more important than Germany's domestic arms export policy framework. This would indicate that the German Federal Government both sought to maintain its partnership with Russia, but was simultaneously wary of its behavior in the wake of the Russo-Georgian War of 2008. The emphasis of Neorealism on the structure of the international system and the anarchy within it thus holds in the case under study in this research.

A Neoliberalist view ties into the notion that a continuation of Germany's Ostpolitik towards Russia, and thus the idea of Wandel durch Annäherung, would be Europe's best chance at maintaining peace and stability on the continent after the Russo-Georgian War of 2008 in the eyes of the German Federal Government. It would thus also expect Germany to take such a stance amongst its neighbors who proved to be more confrontation-oriented rather than aversive and confirms the role of states as actors who can reshape and design international institutions and thus the international system. This is exemplified by Whitman and Wolff's argument that Germany belonged to the Russia-friendly camp in Europe during the conflict

and asserted the need to prioritize bilateral relations over a containment strategy (Whitman & Wolff, 2010, pp. 96-97).

However, when delving deeper into the argumentation of Neoliberalism, anomalies arise. The fact that the domestic level arms export policy framework of Germany is given a submissive role to the country's foreign and security policy interests means that the European Union, being a physical institution, and its attempts to harmonize its arms export policy framework, its institutional regime, does not reduce the effect of anarchy on international cooperation. This is because regardless of attempts to harmonize its arms export policy framework at the European level, the German Federal Government still approved licenses for the export of roughly €300 million worth of Weapons and Other Military Equipment to Russia in the period of 2008-2014. It can be concluded, then, that Neoliberalism's focus on international institutions and their supposed reducing effect of anarchy on international cooperation does not seem hold up in this case simply because those institutions, whether in physical form or as regimes, could not prevent the approval by the German Federal Government of licenses for the export of War Weapons and Other Military Equipment to Russia.

The key point in this analysis is therefore that Germany's arms export policy framework does lay at the foundation of the German Federal Government's handling of the export of War Weapons and Other Military Equipment to Russia in the period of 2008-2014, but that foreign and security policy interests in that same period were deemed to be more important by the German Federal Government. The former can be concluded out of the denial of export licenses of War Weapons and Other Military Equipment to Russia based on criteria dictated by the European Council Common Position of 2008, whilst the latter is exemplified by the roughly €300 million worth of export licenses which were granted upon application in the period of 2008-2014. Sigmar Gabriel's statement: "arms exports are not a tool of economic policy. They are an instrument of security policy" thus seems to hold true (German Federal Ministry of Economic Affairs and Energy, 2013, p. 3).

VI – Conclusion

The aim of this research has been to provide insights into the understanding of the way in which the German Federal Government has handled the export of War Weapons and Other Military Equipment from Germany to Russia in the period of 2008-2014. It has done so through an analysis of published reports by the German Federal Government on its policy on exports of conventional military equipment. The goal of this research has been to understand how guiding

Germany's arms export policy framework has pragmatically been in the Federal Government's handling of the export of War Weapons and Other Military Equipment towards Russia. This resulted in the following research question: *How guiding has Germany's arms export policy framework been in the Federal Government's handling of the export of War Weapons and Other Military Equipment from Germany to Russia in the period of 2008-2014?*

Through an analysis of the data retrieved from government reports, Germany's arms export policy does seem to play a key role in the German Federal Government's handling of the export of War Weapons and Other Military Equipment to Russia in the period of 2008-2014. However, it has also been observed that in many instances of handling export license applications, special German foreign and security policy interests forced the restrictive policy, which should have been placed upon Russia according to Germany's arms export policy framework, into a secondary role.

The role of special German foreign and security policy interests led the German Federal Government to decide in 2014 what it should have decided in 2008, namely the active prevention of the export of War Weapons and Other Military Equipment from its domestic arms industry to Russia. This was thus only because it viewed its Ostpolitik and the idea of Wandel durch Annäherung as the best way to maintain stability and peace on the European continent after the Russo-Georgian War of 2008. Continuing the long-established policy engagement and partnership with Russia were thus key underlying beliefs of its actions. Fast forward to 2014 and the German Federal Government had been at the forefront of imposing sanctions against Russia with public and industry support for Merkel's head-on approach when deliberations did not prove effective. Germany's changing perception of Russia and thus its view of how to appropriately engage with it is what it took for the German Federal Government at the time to shift its handling of the export of War Weapons and Other Military Equipment from its domestic arms market to Russia in the period of 2008-2014.

Academically this research has sought to add to the debate on the Europeanization and diffusion of arms export control policy on a European level and the role which Germany takes up within Europe when it comes to this topic. The conclusion, as it stands right now, means that arms export control policy cannot be separately studied from foreign policy. Consequently, this also means that, in practice, any attempts at harmonizing arms export policy frameworks at any level beyond the state, would also require participating states to make sure their foreign and security policies are aligned in every possible way. Because, as seen in this research, regardless of attempts to harmonize arms export controls at the European and international level, special German foreign and security policy allowed for €300 million in War Weapons

and Other Military Equipment to be approved for export from Germany to Russia by the German Federal Government in the period of 2008-2014. This is especially exemplified by the denial of some export applications on the grounds of a perceived risk of destabilizing the regions peace, stability and security and due to concerns of the country of destination's respect for human rights and international humanitarian law.

From a theoretical perspective, it can thus be concluded that Neoliberalism's focus on the ability of actors to change the international structure by reshaping and designing international institutions within it so as to mitigate the negative influence that anarchy has on international cooperation does not hold in the study of arms export control policies. International institutions in both physical form, such as the European Union, and regime form, such as the European Council Common Position of 2008, the Arms Trade Treaty and the Wassenaar Agreement, did not prevent German special foreign and security policy interests from taking a lead role in the German Federal Government's handling of the export of War Weapons and Other Military Equipment from Germany to Russia in the period of 2008-2014. Germany's focus on the continuation of its Ostpolitik and Wandel durch Annäherung approach after the Russo-Georgian War of 2008, however, does mean that we can look to Neorealism as a theory that can be used for the analysis of arms export policy and that the synthesis of aiding friends and allies, hindering and undermining enemies and protecting technological advantages against possible threats stands firm in the case under study in this research. The key variable that must be emphasized in the Neorealist framework, however, is the perception of actors by one another as their view of each other as friends or enemies dictates foreign and security policy and thus the export of arms.

As they stand, however, the findings are not a final conclusion. This research has solely focused on War Weapons and Other Military Equipment and did not take into account the situation before or after the period of 2008-2014. Additionally, the absence of dual-use goods in the German Federal Government's reports means that these have not been included in the study of the military-technical cooperation between Germany and Russia. Future research, therefore, should focus mainly on both extending the time period which has been studied and finding credible and verifiable information on the export of dual-use goods from Germany to Russia. Furthermore, future research could approach the concept of arms export control policies from European level foreign and security policy interests. By comparing how European member states react to international events that pertain to their foreign and security policies interests and should have an influence on the government's handling of the country's arms exports, insights may be derived that would aid the international community in

maintaining peace, stability and security through the implementation of a common arms export policy framework that is not secondary to state's special foreign and security policy interests.

VII - Bibliography

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Appendix A

Overview of the categorical references used in the reports by the government of the Federal Republic of Germany on its policy on exports of conventional military equipment and examples from the Common Military List of the European Union.

Sources:

Council of the European Union, 2008b

German Federal Ministry of Economics and Technology, 2010, p. 26

| Categorical Reference | Description by the German Federal Government | Examples from the Common Military List of the European Union |
|-----------------------|--|---|
| A0001 | Small Firearms | Rifles, pistols, machine guns, shotguns and compatible mounting platforms, silencers and sights. |
| A0002 | Large caliber weapons | Howitzers, mortars, anti-tank weapons and projectile launchers. |
| A0003 | Ammunition | Ammunitions for categories A0001, A0002 and A0012. |
| A0004 | Bombs, Torpedoes, Missiles | Mines, rockets, bombs, grenades, torpedoes and missiles. |
| A0005 | Fire control systems | Weapons sights, target acquisition devices, bombing computers, tracking and surveillance systems and range-finding equipment. |
| A0006 | Wheeled and tracked military vehicles | Ground vehicles and components which have been |

| | | |
|-------|---|---|
| | | fitted or manufactured with materials that allow for ballistic protection. Includes tanks, armored vehicles and vehicles for towing ammunition or weapon systems. |
| A0007 | Equipment for NBC defence and irritants | Radioactive and biological agents for use in war; including nerve agents, riot control agents, protective equipment and detection material. |
| A0008 | Explosives and fuels | Energetic materials; including explosives, ingredients for explosives, propellants and a variety of fuels. |
| A0009 | Naval vessels | Surface and underwater vessels or naval equipment for military use including components and parts. |
| A0010 | Military aircraft/aircraft technology | Manned and unmanned aircraft for military use including the aircraft themselves, equipment for the aircraft and parachutes for military persons and cargo, |
| A0011 | Military electronics | Equipment for jamming Global Navigation Satellite Systems, electronic countermeasures, equipment for monitoring military intelligence or counteracting such attempts and data security equipment. |

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| A0012 | Not provided in reports | High velocity kinetic energy weapon systems and related equipment. Meaning weapons that do damage firing a non-explosive projectile at an extraordinary high speed. |
| A0013 | Ballistic protection equipment | Body armor and accompanying armored plates for the protection of persons, ballistic helmets and protective clothing. |
| A0014 | Training and simulator equipment | Specialized equipment for military training and simulation such as operational flight trainers, armament trainers, and equipment for the simulation of military operations on the ground. |
| A0015 | Infrared/thermal imaging equipment | Infrared and thermal imaging equipment and components. |
| A0016 | Semi-finished parts for the production of certain items of military equipment | Castings, forgings and other unfinished products used for items in the categories A0001, A0004, A0006, A0009, A0010, A0012 and A0019. |
| A0017 | Miscellaneous equipment | Diving equipment, construction equipment, field generators, ferries and technical databases. All designed for military use. |
| A0018 | Manufacturing equipment for the production of military articles | Items for checking, examining, designing, manufacturing and |

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| | | testing products specified by the Common Military List of the European Union. |
| A0019 | HF weapon system | Directed energy weapon systems and comparable countermeasure systems such as lasers, particle beams and items for the detection and defence of such systems. |
| A0020 | Not provided in reports | Superconductive and cryogenic equipment designed for use on military vehicles, aircraft and vessels. |
| A0021 | Military Software | Software designed for military simulation and the use, production or development of military equipment and materials. |
| A0022 | Technology | Technology which is required for the development, production and/or use of items which have been specified in the Common Military List of the European Union. |