

Revisiting and eventually adjusting, though certainly not revising the European security architecture

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Introduction

After the curtain had fallen and the gate had opened, Europe soon found itself engaged in an architectural debate. Those debates, mainly in the first half of the 1990s were characterized by genuine shared interests and curiosity of all states in the Euro-Atlantic area. It was necessary as the actors were standing there helpless. The old Cold War system was moribund and there was no clear idea what to build in its stead. There were four major underlying factors that made debates about a new security architecture necessary.

- Institutions disappeared in the East, the doubling of institutions (first of all doubling between NATO and the Warsaw Treaty) came to an end. The former members of the latter became de facto non-aligned but many of them soon appeared with aspirations to get closer to western institutions and eventually integrate into them. The former non-Soviet Warsaw Treaty member-states were small or medium size without exception. It meant they wanted to leave their historically uncertain status behind and did not want to be exposed to the blowing wind of history any longer. Integration meant to find a place and settle in a new framework.
- It was obvious that western institutions had to reconsider their Cold War function. It was the clearest in the case of NATO which was deprived of a well-defined adversary. Although it has survived the landslide change of European security it is still debated where it would be going in the years to come. The European Communities that had very little to do with East- central Europe and Eastern Europe before had to decide what to do about its eastern neighbourhood. It had to also invent an agenda that would no longer be confined exclusively to economic matters. The Council of Europe also had to consider whether continuing to focus upon individual human rights cases keeps it relevant or whether it should shift its attention to those major political issues, which are essential for democratic transformation.
- For a while it seemed all-European cooperation had a chance, and the only institution that reflected that, the CSCE, would gain central role in the emerging architecture. It was the organization that reacted the fastest to the changing reality and thus positioned itself fairly well for the change as of late-1990. Furthermore, it was extremely well positioned as the complexity of security problems were more apparent than ever and thus an institution with a comprehensive agenda could carry the hope to tackle them. The illusions of all-European cooperation are long gone and have given place to the adjustment (and expansion) of western institutions and the establishment of new organizations in the East of the continent.
- The post-Soviet space did not aspire to join western institutions upon the dissolution of the Soviet Union. Interestingly, it did not establish a web of consolidated institutions of its own either. This is noteworthy as for historical reasons states in the former Soviet area that were linked by statehood for many decades and often centuries should have been most prone to integration. The lack of integration was due to the one-sided western oriented policy of the leadership of the most important successor state, the Russian Federation in the early 1990s as well as to the absence of the democratic traditions of integration. The only organization that was established upon the dissolution of the Soviet Union, the Commonwealth of Independent States (CIS), was probably correctly characterized by the first President of independent Ukraine, Leonid Kravchuk as the 'means of a civilized divorce'. Since the beginning of this century there has been some still inconclusive efforts to integrate but no longer with the chance to extend to the entire post-Soviet space.

The new architectural debate

The current European security architecture has been the result of an organic process and reflects an evolution of nearly two decades. It has accommodated most European states well. There are many states in the Euro-Atlantic area, which see no reason to embark upon a new architecture, sometimes not even upon a debate about it. It is undeniable, however that a certain dissatisfaction has remained and some states have expressed it regularly. The expression of dissatisfaction focussed usually upon concrete institutions and matters. The OSCE since 2000 has faced this particularly often. Claims concerning the imbalance between its various dimensions and thus the overemphasis on the human dimension and in that framework on democratic transformation with some emphasis on elections has reflected this.

The situation changed with the launch of the idea of a European Security Treaty by President Medvedev in June 2008. It started and continued as a vague idea that made it fairly difficult for states, organizations and observers to take a clear stance. It seems that tactical and strategic reasons coexisted behind the initiative. They could be summarized as follows:

- It was the most important and apparent reason to improve the European security situation for Russia: Stop the change of the European political status quo and, as necessary, reverse it, with particular emphasis upon the discontinuation of western institutions gaining further ground.
- It has offered a systematic expression of Russia's dissatisfaction with the current situation and changed the level of analysis. Rather than continuing to focus on distinct phenomena and separate institutions that have major impact upon European security it has conceptualized the dissatisfaction and identified the most important perceived shortcomings of the current system.
- The initiative was travelling on the collective bad conscience of those western politicians who have been confident that the West did not treat Russia entirely fairly during the past decade or so.
- The emergence/genesis of the initiative has demonstrated that among its objectives, testing the reactions of Russia's partners was high.
- The timing of the initiative also reveals two further reasons: It served to present the new Russian president as an actor of international politics and could also serve as an early indication to the next US administration that they should reconsider their policy towards Russia upon inception of power.

A closer look at the evolution of the concept from June 2008 to April 2009 reveals five important features:

It has been the single most important geostrategic objective of the Russian Federation since the second half of the 1990s to stop the advancement of the West, demonstrated, as perceived by Moscow, first and foremost in the expansion of NATO. European security should be less NATO-centric and expansion should come to an end. If one takes a closer look at Russian pronouncements, it is more or less clear that it may continue as long as it does not reach the perimeter of the former Soviet Union.

Is it possible to promise something like terminating the enlargement of the North Atlantic Alliance? It is obvious that the Alliance cannot make such a promise. Open door policy is pivotal for the Alliance and giving up on it would result in disenchanting those states, which consider to aspire for NATO membership. It would

also mean that the West would cut back on its influence towards those countries upon which it 'would be giving up'. This would reduce, rather than increase predictability in the European security system with some states not having the prospect of aligning with the West and reluctant to belong to Russia's sphere of influence. This does not mean, however that NATO will enlarge soon to the former Soviet area. Just to the contrary. It is predictable that enlargement will not continue any time soon in that direction. Hence Russia will have to live with ambiguity. This may well be the objective of the Russian Federation. It puts the West under pressure to stop NATO enlargement toward the former Soviet area and when that indeed stops it can be presented as Russia's own achievement even though it is a self-fulfilling prophecy.

This idea presents the single most important dilemma of the so-called Medvedev initiative. Russia, as declared, intends to prevent the division of Europe. If the West gives up on further enlargement and that helps Russia to increase its influence in the former Soviet area and consolidate its control over there, that may contribute to the division of Europe, rather than offer a chance for the unification of the continent.

The Medvedev initiative put the emphasis on those principles of international law, which are codified in Article 2 of the UN Charter. This meant that two basic principles of international law, the right to self-determination of peoples and the respect for human rights stayed out of attention. It is obvious that democracies cannot accept such a 'turning back of the clock' as their political system, both nationally and internationally, is based on the respect for those principles. Russia, fortunately has also noticed that her approach to the basic principles of international law cannot find acceptance and has given up on that element of its original concept in the draft Treaty on European Security.

Russia intends to change the level of recognition given to various institutions of the European security architecture. She has rightly noticed that some western institutions are better established and accepted and have more legitimacy than those of the East. It is of the view that in addition to the all-European OSCE, NATO and the EU in the West and the Commonwealth of Independent States (CIS) and the Collective Security Treaty Organization (CSTO) should gain recognition as central to the European security architecture. This is partly a reflection of the aspiration to achieve legitimacy for two institutions, whose epicentre is Russia and thus create some form of symmetry between East and West. It can be set against the recognition of regional institutions in the former Soviet area that they contribute to the redivision of Europe. A non-zero sum thinking may lead to different conclusions. Even though not under the Treaty, it is clear the West is actively considering whether to establish a working relationship with the CSTO for practical reasons, among others due to cooperation concerning the handling of the conflict in Afghanistan (and its immediate post-Soviet neighbourhood).

When the Russian President first launched the initiative for a new European security treaty arrangement it was extremely radical and wanted to break free with the past institutional arrangements. Soon Russia had to understand that it was necessary to cope with the reality of European security architecture more constructively. This applied, among others to the OSCE. The Russian Federation, and under her leadership, some other Soviet successor states had long-term dissatisfaction with the only all-European organization. If, however, the declared goal of an initiative is to achieve more unity, the OSCE can only be wound up if it is re-established immediately thereafter. The aim towards adjusting the OSCE so that it would address the full range of issues of comprehensive security. It is obvious that western democracies cannot give up on the commitments that belong to the human dimension, although a somewhat different political practice may develop than pursued during the past few years. It does not mean, however that rebalancing would be impossible. It could be achieved by increasing the role of the politico-military rather than reducing that of the

human dimension.

During the post-Cold War era, particularly since the late-1990s arms control has declined in Europe. It partly arrived at a stalemate, partly declined due to disinterest in further regulation, partly gave way to project based (and politically largely invisible) arms control. Russia has been of the view that arms control should form part of the acquis on European cooperation. It would be difficult to identify a critical mass of measures urgently necessary to put on the arms control agenda beyond eliminating the current stalemate related to the CFE process.

Nevertheless, it would be detrimental to continue building European cooperation without arms control for a variety of reasons when one of the major players, the Russian Federation regards it part and parcel of the European order.

The draft European Security Treaty and the prospects for the architecture

Due to the ill-defined contours of the European Security Treaty initiative the pressure has been mounting on Russia to put forward the details in a comprehensible form. When the Russian leadership presented the treaty draft² it partly reflected upon the critical comments of the world at large. The consolidation thus carried out has also taken into account which elements could be negotiated. This resulted in a document, which more clearly than ever has shown what Russia is up to.

According to Article 1 of the draft treaty text 'security measures taken by a Party to the Treaty individually or together with other parties, including in the framework of any international organization, military alliance or coalition, shall be implemented with due regard to security interests of all other Parties'. This article faces the problem: What does 'due regard' mean? Does it mean subordination of organizations like the EU, NATO and the CSTO to a collective body of the states parties? If it does, this may well jeopardize the activity of any such organization/alliance/coalition or may well mean constant violation of the Treaty if the parties decide to act (out of necessity) through their institutions and disregard the objection of other party(ies). This element of the draft closely resembles the differentiation of the Yeltsin-Kozyrev era on dividing institutions into 'mandating' and 'mandated' ones (the former being the UN and the OSCE, the latter NATO and the EU). As the CSTO has not established itself as an organization of similar weight to NATO there is no 'tit-for-tat' here. Leaders of NATO member-states may not, yet see any major advantage in curtailing the freedom of action of the CSTO by the same article that would apparently curtail the freedom of NATO.

According to Article 2 'decisions (...) taken in the framework of (...) alliances, coalitions or organizations do not affect significantly [the] security of any Party or Parties to the Treaty'. On this basis there is wide range of possibility to interpret practically any action of any organization as "significantly affecting" the security of other parties. As the EU and NATO have well-established enlargement policies based on membership criteria and a declared open door policy, it is difficult to imagine that member-states would be ready to expose it to the mercy of non-members. Furthermore, the text is highly ambiguous. It actually reminds of the text then Soviet deputy foreign minister Yuliy Kvitsinsky brought to capitals of East-central Europe in the spring of 1991 when the new friendship and cooperation treaties was negotiated with the Soviet Union. There it was Moscow's idea that no party to the (bilateral) treaty would join any alliance directed against the interests of the other party. The question emerged immediately during the talks, who would decide which alliance was

2 European
Available

Security Treaty, November 29, 2009.
at <http://eng.kremlin.ru/text/docs/2009/11/223072.shtml>

‘directed against the interests of the other party’. If the party, willing to join an alliance herself would do it, that would be ‘auto-interpretative’. If the other party then it would result in endless dispute as far as the legality of such a step. The idea, then was soon taken off the negotiating table and there is no reason to assess the situation differently now.

Some other parts of the draft treaty are more difficult to object to. The prohibition to ‘use the territory of a state party with the purpose of carrying out an armed attack against any other Party (...)’ belongs to this category as the text goes in parallel with the definition of aggression adopted by the United Nations General Assembly back in 1974 (resolution 3314), a document to which every OSCE participating state agreed. Again, the devil may be in the details. It is not clear whether this prohibition would also apply to such measures as hosting elements of a ballistic missile defence system on the territory of another party; a measure that could be regarded as fully defensive by some and offensive by others as it would weaken the second strike capability of a state and thus could undermine deterrence.

According to Article 10 of the draft, the area of application of the Treaty would be ‘the Euro-Atlantic and Eurasian space from Vancouver to Vladivostok’. This is an ambiguous definition as it does not make it clear whether it extends exclusively to the current participating states of the OSCE or, for instance, the People’s Republic China could also participate in it. The ambition of the original initiative to extend its purview to several institutions, which are active in the Euro- Atlantic area has been retained. One of them is all-European (OSCE), two are ‘western’, the EU and NATO and two are ‘eastern’, the CIS and the CSTO. This reflects the long held ambition of Russia to give similar recognition to organizations, which operate in the former Soviet area as to the somewhat better established western ones. The Council of Europe is certainly missing from the list. (Is it not regarded as part of Europe’s security architecture?) It is a question why the Shanghai Cooperation Organization (SCO) does not appear in the same capacity. The absence of the SCO from the draft may offer an indirect answer concerning the participation (or rather the non-participation) of the PRC in the Treaty.

Conclusions


The Russian proposal has presented a dilemma for the states of the Euro-Atlantic area. On the one hand, its bias is apparent and its shortcomings are visible. On the other hand, a rejection of the initiative would just add to those grievances Russia and other CSTO states have identified. Consequently, neither acceptance, nor rejection is a viable option. Fortunately, there is some middle ground as Russia has regarded her own proposal a basis for further discussion.

The fate of the idea will be determined by whether a large majority of states in the Euro-Atlantic area do not perceive a need to fundamentally reconsider the architecture that has evolved since the end of the Cold War. Even less, they feel that a negotiated settlement could be the solution for the problems we face. Last, but not least, there is doubt whether it would make a major difference if some of the political commitments would be turned into legal ones. It is also a question whether it is worth experimenting with collective security as a foundation of European security, an idea that did not excel in the 20th century. It may be more relevant to consider cooperative security instead. More cooperation, a different atmosphere could be more prone to success.

It is a separate matter, that the perception of the West is much different from that of Russia as far as details. NATO’s weakness is more often feared by members than its strength. The EU seems divided on some major foreign policy matters, among others on its policy toward Russia.

Overall the Treaty is not a means to address root causes of instability and tension in the Euro-Atlantic area but the process of discussions may help build trust. In sum there is no golden way to a radically new solution, but the Russian leadership is certainly right to flag the many shortcomings and imperfections of the current European security architecture.





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Security and Human Rights (formerly Helsinki Monitor) is a journal devoted to issues inspired by the work and principles of the Organization for Security and Cooperation in Europe (OSCE). It looks at the challenge of building security through cooperation across the northern hemisphere, from Vancouver to Vladivostok, as well as how this experience can be applied to other parts of the world. It aims to stimulate thinking on the question of protecting and promoting human rights in a world faced with serious threats to security.

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