

Rethinking European Security

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Introduction

The security perspective, as seen from Western Europe, has undergone enormous change in recent years. Twenty years ago the fall of the Berlin wall marked the ending of the division of Germany and thereby the division of Europe, soon to be followed by the dissolution of both the Warsaw pact and the Soviet Union. This not only changed the map of Europe, but also the security agenda. Today, security policy no longer gives overriding priority to collective defense against external aggression, but to new threats such as terrorism, the proliferation of weapons of mass destruction, and failed states often in connection with organized crime. The lack of hard security threats also widened the notion of security. Today, the citizens of Europe are more worried about security in their streets, corruption, trafficking in drugs and human beings, illegal immigration, and about the effects of impending climate change.

'The whole of governance approach'

As a result of changes in the field of (thinking about) security, internal and external security are being linked to an unprecedented extent, which must have its impact on the way we organize our security system and coordinate its various components. In addition, recent experience with peace support operations outside our borders has taught us that no crisis can be resolved with military means only. Instead, we are aiming at a comprehensive approach linking security with diplomatic efforts and development assistance. This is, for instance, reflected in the need for 'security sector reform' and the idea of 'the whole of government approach' with good governance as its final goal.

The connection between security and development has now been widely recognized, largely thanks to the Organization for Economic Cooperation and Development and its Development Assistance Committee (OECD/DAC), which has pointed out that without a minimum of security development, projects have a chance of success. Equally, it has been recognized that in the longer term, no lasting security is possible without sustainable development.

Debate and support

These changes have had several positive impacts. The traditional gap between the security and development communities has narrowed, because each side recognizes the necessary input of the other. And secondly, the public becomes more interested in security matters. During the Cold War the threat was clear and the military had to prepare for the worst. In practice however, not a shot was fired. Today, shots are being fired and being a soldier has become much more dangerous than in the days of the Cold War. Moreover, the question of sending forces on Peace support operations (PSO) outside our borders has become part of an open debate. Casualties in Iraq and Afghanistan have mounted to such a level that the level of tolerance among the public has become an issue. So far, support for the various operations and acceptance of the death toll has been higher than many expected, but obviously there are limits. This is especially the case when the goals of the operations are unclear or threaten to become unattainable.

Peace support operations can be justified on humanitarian grounds, but also in terms of our wider interests in preventing the causes of conflict to spread, including to our home countries. Yet, there is often no obligation and immediate need to participate in PSO. Therefore government decisions to send soldiers abroad need to clearly explain to parliaments and the public why their country cannot stay behind.

NATO, the EU and new threats

Many of the challenges facing modern society are partly the result of globalization and the ensuing increase in interdependence. Some of them have immediate military implications, affect national interests, and therefore might lead to international tension. Dealing with issues like climate change, competition for energy resources, water shortage, etc. are not typical tasks for regional security organizations, such as NATO, but the ensuing conflicts could be. But of all transnational organizations, the European Union offers the better possibilities for an active role in the European region, given the wide range of instruments at its disposal. Nevertheless, both NATO and the EU should be aware of these new problems that require giving more substance in the forthcoming new NATO Strategic Concept to Article 4 of the Washington treaty, which deals with political consultations. Due to the attention given to the operations in Afghanistan, the work in NATO has tilted too much to the military side at the expense of the intensity of political consultations.

Some of the new threats clearly have military implications. Cyber warfare could fundamentally disrupt organized society and there is, as of yet, little clarity about effective ways to deal with it. Piracy has acquired a new dimension in the Gulf of Aden, which affects free passage through international waters and could interrupt oil supplies. Here the international community has a common interest in taking action, which could surpass other differences and have a positive effect on international cooperation at sea.

The current emphasis on combating terrorism, both abroad and at home, merits a comment on its nature. Terrorism is a method, which has been used through the ages in the pursuit of different causes. Catastrophic terrorism by suicide bombers has widened its cause to the destruction of Western society through indiscriminate killing. As such it will be more difficult to deal with, unless the population turns against the killers. Our responses will have to be geared to the objectives of the terrorists and demonstrate to their public that non-violent options would be preferable and produce less negative side effects. War on terror as a slogan makes little sense because it does not deal with the underlying causes. Much more useful is enhanced cooperation among intelligence services to provide early warning, and a joint effort to take action in case of disruption of vital installations. The Lisbon treaty includes a clause for solidarity in this respect when an attacked country needs help. But fighting terrorism at home will be a task of the police forces, with only a back-up role for the military in great calamities.

Solidarity and multilateralism

Many of the new threats originate from outside Europe. Many of them require a collective effort in order to deal with them. This requires solidarity between the now 27 member states. This is reflected in the Lisbon Treaty as it contains a solidarity clause in case of aggression against an EU member state. This clause is weaker than the Articles V of NATO and that of the former WEU. Moreover, the 'Lisbon solidarity clause' is somewhat ambiguous with regard to the so-called neutral states, but nevertheless an improvement over earlier texts, which talked about the possibility of a common defence, but in practice only dealt with Peace Support Operations.

Many of the new threats do not only require cooperation between EU member states, but also a common transatlantic approach and cooperation with other regional organizations or individual states. Regarding transatlantic cooperation, under President Bush differences between the US and Europe were manifold. For instance, there were essential differences between Washington and the European approach of the 2003 Solana Strategy concerning the idea of a multilateral approach with the UN Charter as the main framework; the desire to maintain hegemonic power, and; the possibility to resort to pre-emptive action even if the threat against which the action was taken was not evidently imminent. Under president Barack Obama, multilateralism

is being restored as a guiding principle, which augurs well for restoring a consensus on the way forward. Consensus and cooperation are essential in light of the fact that that without American participation, no large-scale military (NATO) operations will be possible. Conversely, in the non-military field very little will be achievable with our transatlantic cooperation as long as the transatlantic cooperation tilts too much to the military side of dealing with new threats.

Despite progress in relations within NATO, problems remain. The new members of NATO emphasize the collective defence priorities of the old NATO of the days of the Cold War, while the old members would like to focus on a new security environment of various partnerships with our neighbors and PSO beyond NATO territory. This leads to different assessments of the desirability of further enlargement and to the question whether it would serve stability at a time when Russia seems to be going through a nationalistic phase, but also of the role of nuclear weapons in the new strategy. Currently, the role of nuclear weapons seems to be primarily to deter other nuclear weapon states from using them. If that is so, nuclear arsenals could be reduced drastically. A nuclear free world might be an attractive option in view of the dangers of further proliferation, but will only be feasible under strict and effective international control. That condition will be very difficult to fulfil.

The OSCE: From principles to practice

In 2010 it will be 35 years since the Helsinki Final Act was signed; which contained a remarkable set of principles for the conduct among states. The CSCE (later OSCE) process started as a Soviet initiative to give legitimacy to the status quo of a divided Europe and to create a mechanism of decision-by-consensus which would safeguard their influence. Paradoxically the Final Act would play an important role in unifying our continent. Thanks to cohesion among the Nine countries of the European Political Cooperation and an active role of the Netherlands presidency, it was possible first to create a third basket on the human dimension and then, secondly, to extend it to the principles of the first basket. Principle V stated non-intervention in internal affairs, but Principle VII (Respect for human rights and fundamental freedoms) and VIII (Equal rights and self-determination of peoples) made it possible to make the treatment of a population by its government a legitimate subject of diplomatic intercourse. It remains unclear why Brezhnev and his compatriots agreed to these provisions, which would ultimately mark the end of their domination of Eastern Europe. Apparently they were over-confident of their ability, through the Brezhnev doctrine of socialist solidarity, in maintaining the achievements of their struggle, to remain in control and to keep the communist parties in power. In fact it would take fifteen years before the tide turned.

In 1990, with the Charter of Paris concluded to take account of the changes following the fall of the Berlin Wall, further principles were added. On membership of international organizations it read: 'With the ending of the division of Europe we will strive for a new quality in our security relations while fully respecting each other's freedom of choice in that respect'. And later in the text: 'We fully recognise the freedom of States to choose their own security arrangements'.

The next document of importance in the OSCE context was the Code of Conduct on politico-military aspects of security, agreed in Budapest in December 1994, after Russia had succeeded the Soviet Union. The text grew out of a French proposal to draft a pan-European security treaty, which was rejected by the majority of NATO members and reduced to a politically binding code. It was criticized for its extremely cautious language and its failure to list clearly the obligations and rights of member states. Yet, it contained important guidance for reform by stating that the security sector should be managed according to the same principles

of accountability and transparency as other government departments. It also made the point that democratic political control over the military paramilitary and security forces is an indispensable element of stability and security.

Russia and the OSCE

Today a more nationalistic Russia still has great difficulty in accepting a 'near abroad' where it has no decisive influence. President Medvedev, in various speeches since the summer of 2008, proposed to create a new framework for European security, which focused very much on 'hard' security. Deputy foreign minister Grushko, at a special meeting of the OSCE Parliamentary Assembly, stated that he was 'not proposing the elimination of existing mechanism — including those in which Russia is not participating². Nevertheless, the proposals were widely interpreted as formalizing the status quo while optimizing Russian influence and involving the Collective Security Treaty Organisation (CSTO). The natural forum for discussing them was the informal OSCE ministerial meeting in Corfu in June 2009, which started the 'Corfu Process'. In preparing for the Athens ministerial of December 'clear and present' threats to the security of Europe were identified: the persistence of frozen conflicts and unresolved border disputes, the absence of consensus on the agreement on Conventional Forces in Europe (CFE) and lack of progress with respect to Confidence and Security Building Measures (CSBM). In addition, energy supply, migration, human trafficking, terrorism and fundamentalism, cyber crime and instability in adjacent regions. Finally, democracy, rule of law and respect for fundamental principles on human rights needed strengthening.

OSCE officials stressed the point that the aim was to strengthen rather than replace the existing OSCE agreements, but Russia surprised them by submitting a draft European Security Treaty on 29 November 2009, just before the OSCE ministerial, in Athens. EU and NATO ministers took the position that they would need more time to study these proposals. So, for the time being, Russia seems to envisage two parallel processes, the Cyprus Process and examination of the proposed security treaty. That does not augur well for the effectiveness of the OSCE.

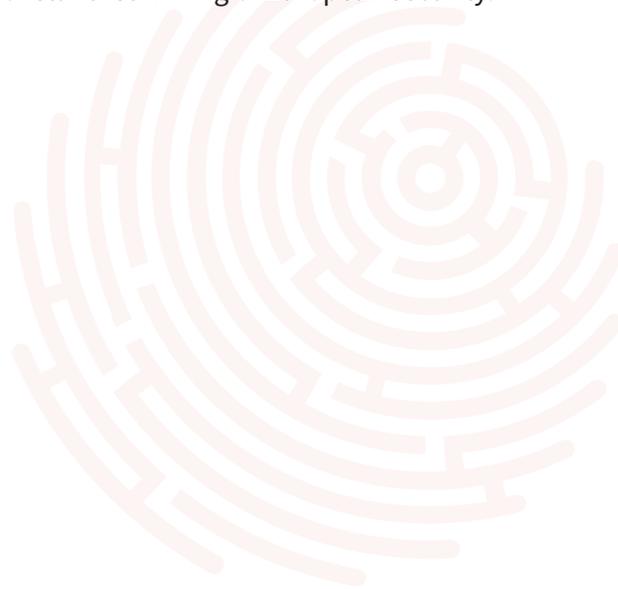
Not only the OSCE faces the challenge of a more nationalistic Russia. The same holds for NATO and the EU. Both organizations realize better cooperation with Russia is also in their interest, for many reasons, ranging from energy supply to crisis management in the Middle East, Iran, Afghanistan and North Korea. Conversely, Russia's Western border seems to be the most secure, which nobody wants to change or to trespass on. The West is prepared to acknowledge that Russia has legitimate interests across its borders, but little work has been done in defining those interests. The wording of NATO's new strategic concept will have to re-assure all allies, but also avoid becoming unnecessarily antagonistic towards Russia. The only condition the West has consistently put on enhanced cooperation will be the recognition of the right of Russia's neighbours to determine their own destiny, as has been mutually endorsed in the documents quoted above.

The responsibility to protect

As part of the exercise of rethinking European security, attention should be paid to events on the international scene involving mass killings and suppression, which should continue to stimulate the debate on justified coercion. After the end of the Cold War, the notion of humanitarian intervention was developed to enable an operation undertaken by a coalition of forces in cases where the national government was unable or unwilling to act. It detracted from the principle of national sovereignty and as such was subject to the same

² 20 February 2009, www.osce.org. See WEU/ESDA Assembly doc. A/2053 Recommendation Towards a new security architecture for Europe, December 2009

considerations, which had governed the debate in the OSCE, but even more compelling in view of the scale of human suffering. Customary international law did not recognize a right to humanitarian intervention. Moreover, the wording was wrong for the intervention was for humanitarian purposes, not humanitarian in its conduct. Under Kofi Annan and at the instigation of Gareth Evans, the debate shifted to the Responsibility to Protect as a duty of the State. The crucial question remains whether a failure to protect the population is sufficient ground for legitimising action by a group of nations even without a mandate from the UN Security Council because the Council is paralysed by a veto or unwilling to act. In other words, could an action, which is not legal under the UN Charter, still be legitimate under the pressure of events and the necessity principle. My view is that it could. If the Charter does not function, there should be other ways of obtaining a maximum of legitimacy. But that legitimacy could not be claimed by a single country. NATO or the EU could provide it, but not the OSCE, which has declared itself to be a regional organization under the Charter. In this vein, the NATO action in Kosovo in 1999 — at that time a serious challenge to European system of security, the OSCE in particular — could be considered legitimate under the idea of the responsibility to protect. Looking back at this particular case it can also be concluded that the changing security environment and the way in which we think about security require constant rethinking of European security.





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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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