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Treaty –
Between Realism and Collective Security“

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To my parents

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1. Introduction

The year 2010 is rich on a number of important anniversaries. 35 years ago, on August 1, 1975, 35 states from the whole Euro-Atlantic area, including United States and the Soviet Union, signed the *Helsinki Final Act*. This document marked an unprecedented era of rapprochement between the West and the East. 15 years later, on November 19, 1990, the long time adversaries – North Atlantic Treaty Organization and the Warsaw Treaty Organization signed the *Treaty on Conventional Armed Forces in Europe* which is considered to be the cornerstone of the arms control regime in Europe. Until now, it is the only legally binding document dealing with hard security relations between Russia and Western European states. Only two days later, on November 21, 1990, participants of the Conference on Security and Cooperation in Europe signed the *Charter of Paris for a New Europe* and solemnly declared the Cold War to be over. Twenty years have passed since then and a much different era has come. New security threats and challenges have emerged. Some of the old conflicts have disappeared while others still protract.

Twenty years after the end of Cold War it is therefore legitimate to ask the following question: Do we now live in a truly unified Europe? Unfortunately, some European countries would not answer this question affirmatively. In the view of the Russian Federation, some groups of states still seek to preserve the dividing lines in Europe and they even continue the “*old line of bloc politics*”.¹ According to Russian leaders, the principle of equal security for all states in the Euro-Atlantic space is not being fulfilled.

The purpose of this paper is neither to defend the Russian thinking; nor to refute it. However, I cannot but agree that the recent state of relations between Russia and the West gives cause for serious concern. This is especially true in the area of security policy. In summer 2008, after the Russia-Georgia war, relations between Russia and its European and American partners reached the probably lowest point since the end of Cold War. Although the mutual relations have been gradually improving over the last two years and slowly come back to normal by now, this relationship is still too far from being trouble-free.

¹ Medvedev, Dmitry: Speech at Meeting with German Political, Parliamentary and Civic Leaders. Berlin, June 5, 2008. http://eng.kremlin.ru/speeches/2008/06/05/2203_type82912type82914type84779_202153.shtml Accessed March 1, 2010.

The language of political declarations on European security sounds very promising. On many occasions European states have declared their commitment to strengthen cooperation and build a free, united, stable and secure Europe with the values of democracy and human rights at its core.² Yet, the political reality is still distant from these worthwhile ideals. Europe is facing a number of unresolved security issues. As the Georgian crisis has revealed, the so-called “frozen conflicts”, which were largely forgotten for many years, can unfreeze. Local disputes over border issues and minority rights can escalate into full-fledged interstate wars. The Georgian example has shown us that all this can happen even in a state where the NATO membership is under serious consideration.

The US plans to place parts of the ballistic missile defense (BMD) system in Central Europe have burdened the relations between Russia and the United States for years. Even though the Obama administration has announced a reset of the US-Russian relations and finally altered its plans for the missile defense in Europe, this issue still continues to cause discomfort in Moscow. The US plans to deploy parts of its ballistic missile defense system in Central Europe have also constituted a serious obstacle in the negotiations of the post-START treaty. Until today, the problem remains unresolved. Russia has declared that a deployment of the American BMD close to its borders may threaten Russian security and may be therefore considered as a legitimate reason for Russia to withdraw from the new START treaty signed by President Obama and President Medvedev in April 2010 in Prague.

Similarly, the issue of continuous NATO enlargement is almost traditionally met with harsh Russian criticism. The question of further NATO enlargement has been put aside by NATO leaders during the last Summit held in April 2009 in Strasbourg and Kehl. After the summer 2008 conflict in Georgia and the presidential elections in Ukraine won by the pro-Russian Viktor Yanukovych in early 2010, the adherence of either country to the Alliance seems quite unlikely at the moment. Nevertheless, one should not forget predictions of some Russian analysts who argue that a possible membership of Ukraine in NATO could lead to a large-scale war between Russia and the Alliance (Bordachev / Karaganov 2009: 7).

² See for example: Conference on Security and Cooperation in Europe: Charter of Paris for a New Europe. Paris 1990.

To make things worse, the current state of the arms control regime in Europe is quite alarming. The legal cornerstone of the hard security issues in Europe, the Conventional Armed Forces in Europe Treaty (CFE), is falling apart. In December 2007, Russia has announced its suspension of the treaty. Since then, Moscow has not been participating in the verification mechanism. This does not imply an automatic rearmament of Russian conventional forces. However, the deadlock in the CFE Treaty has surely contributed to the increased growth of tensions and mistrust between Russia and the West.

And finally, Russian Federation is blaming that the current European security architecture is out of date, unable to tackle today's security challenges. The institutional framework of the European security architecture originates from the Cold War era. More importantly, it has not succeeded in the efforts to create a united Europe, where cooperation prevails over competition and where security concerns of all states are taken equally into account. On the contrary, the lack of serious political dialogue among all actors in the Euro-Atlantic space has led to mutual misunderstanding, accompanied by an atmosphere of growing mistrust and security competition.

Russian Federation has a vision how to cure all these problems: it suggested concluding a new legally binding treaty on European security which would codify the principle of equal and indivisible security for all states of the Euro-Atlantic area. Russia has even proposed that not only all individual states – current participating states of the Organization for Security and Cooperation in Europe, but also international organizations and alliances acting in this geographical area could be included in the new security arrangement.

1.1. Research outline

The aim of this thesis is to analyze the Russian proposals for the *European Security Treaty* (EST). My research will be guided by the central question on why does Russia seek the new treaty. What are the driving forces behind this endeavor? In order to be able to answer this question, a detailed analysis of Moscow's proposal is necessary. I will explore what exactly the Russian suggestions include. Would the new treaty create a system of collective security in Europe, as it is sometimes claimed? Later on, the positions of the major addressees of the Russian proposal will be studied. I will explore their reactions and the emerging dialogue on European security. What are the future prospects of the Russian

initiative? Which contribution does it make to the debate on the future of European security?

My analysis will focus on three underlying research questions:

- What is Russia proposing?
- Why does Russia seek a new treaty on European security?
- Which outcomes are already visible and which can we expect in the future?

First part of my research will be devoted to the theoretical explanation of the Russian proposal. The foreign policy of Russia is generally conceived as an example of (neo-)realist school of international relations with strong inclination to geopolitical thinking (Wohlforth 2001: 215, Lo 2003: 72). This is mainly due to the experience of the Cold War whose legacy is still present in the mindset of today's Russian leaders. I decided not to take this theoretical approach for granted and simply apply it to the current initiative of President Medvedev. Instead, I will use five theoretical concepts, or "security models", which I locate on an imaginary "security continuum". Each end of the continuum represents one basic school of international relations: realism and liberalism. Subsequently, I will try to determine to which security model and international relations theory the Russian proposal comes the closest. In order to be able to make such a conclusion, I will first look at the evolution of the concept of collective security and its imperfect realization in the League of Nations and nowadays United Nations. Similarly, I will describe some previous attempts to rearrange the European security landscape. Precise examination of the draft EST, the rules and mechanisms proposed by it, and analysis of their implication for the European security architecture will follow.

The second part of my analysis will be empirically oriented. I will describe the background against which Moscow's suggestions on an "audit" of European security system have emerged. First, I will look at the basic features and main objectives of Russian foreign and security policy. I will study the basic documents of Russian Federation which determine the current trends in its foreign policy. Next, I will examine the state of relationship between Russia and its Western partners in the area of hard-security. I assume that to a large extent they both indicate the possible reasons for Moscow to propose the treaty. I will therefore try to reveal parallels between them and the EST initiative. And finally I will look at the limits of the Russian proposals.

The following chapter will be devoted to the reactions from Russia's partners. I will not be able to give justice to all states and all opinions voiced. I will therefore restrict the analysis on some major European states, respectively the EU as a whole. The United States plays a crucial role in the European security affairs and special attention will be given to its position. Both bilateral relations between Russia and the United States as well as Washington's leading role in NATO have impact on European security and will be therefore taken into account. In conclusion, I will analyze the debate which has unfolded in reaction to the Russian initiative. It is not clear yet if a real negotiation process on the European Security Treaty as proposed by Moscow will ever take place. However, a dialogue on the future of European security has already started. Western states are showing some willingness to discuss the Medvedev initiative. The so-called Corfu process, institutionalized in the framework of OSCE, has been launched in summer 2009. But the discussions about Moscow's proposals are taking place in different bilateral and multilateral meetings as well. So can Russia achieve its objectives? And would this be in Europe's interest? These and other questions will be analyzed.

1.2. Methods

This thesis aspires to explore the Russian proposal for a new legally binding treaty on European security from both theoretical and empirical perspective. The underlying primary source for my research is the draft of the *European Security Treaty* published on November 29, 2009 on the official web portal of Russian President Dmitry Medvedev. Besides this, I will refer to many official statements and declarations of political leaders in Russia, Europe and North America. I will also refer to treaties and declarations made by states in the different international organizations in the Euro-Atlantic region. OSCE, as the only pan-European security organization is especially relevant, so is the NATO as well as other international formats. As secondary sources I will mainly use recent academic articles dealing directly with the Russian proposals on the European Security Treaty and / or with the more general issue of the European security in regard with Russian foreign and security policy and its relations with the West. The thesis covers political developments prior to October 20, 2010.

In terms of Waltz's "levels of analysis" which he later referred to as "images" (Waltz 2001) I will focus my analysis on the international structure states live in. I will assume that the

state system influences, if not entirely determines, states' behavior. I do agree that all three levels – (a) human behavior focusing on nature of men; (b) internal structure of states which takes into account domestic politics; as well as (c) the state system which forms the international structure, play a role in determining foreign policy outcomes. Therefore only a comprehensive analysis of all levels can account for a full understanding of international politics. However this thesis cannot do justice to all the images. I will concentrate on the international structure and leave the two other images by side. Russian internal politics, not to mention the role individual leaders play in it, is undoubtedly an interesting and highly relevant aspect influencing the foreign policy outcomes.³ An in-depth analysis would certainly be required. Unfortunately this would go beyond the possibilities of this paper. I have therefore decided to filter out these aspects and to narrow my scope of analysis. I will primarily focus on the state units as they operate in the international system; while the impact of domestic politics on states' behavior will not be taken into account.

³ In this regard, mainly the debate about the alleged power and influence of current Russian Prime Minister Vladimir Putin over his successor President Medvedev is worthy mentioning.

2. Theoretical Concepts of Security Models

The first part of my study is devoted to the theoretical background. In order to be able to answer the question why Russia is seeking a new security arrangement in Europe I will make use of five theoretical concepts, each describing one “security model”. These are: the realist world of anarchy operating on the principle of self-help; the concepts of collective defense; cooperative security; Deutsch’s model of security-communities; and finally the model of collective security. Of course none of the theories will be able to fully explain states’ behavior. But they help us to understand why states pursue certain foreign policy strategies. I will therefore try to locate the Russian proposal within these five security concepts.

The five security models, which I will outline below, form an imaginary “security continuum” (see Figure 1). The ends of the continuum are marked by the two most fundamental schools of international relations – realism and liberalism. In between them, institutionalism, as a theory of international relations seeking to accommodate elements of both realism and liberalism, can be located.

Figure 1. Continuum of security systems



In all the discussed security models, states are viewed as principal actors in international politics. But the more we move on the continuum away from the realist self-help in the right direction towards collective security, international institutions gain more and more significance. On the “midway” – in the concept of cooperative security – international institutions promote cooperation that will result in joint gains for all participants. At this stage, international institutions encourage common norms and rules but do not enforce them. At the far right of the continuum, in an ideal system of collective security, states’

opportunistic behavior is constrained. States not only pledge to renounce on use or threat of use of force as it is already the case in the cooperative security model. What is more, they also agree on a legally binding enforcement mechanism which will punish those who violate the basic rules and resort to aggression.

The concept of self-help represents one of the basic features of realist theory of international relations. Under the conditions of anarchy, states compete for survival and / or maximization of power. They view each other as enemies and pursue self-help policies. Cooperation is rare. The system of collective defense lies between the realism and institutionalism. The underlying principles are attributed to realism. Alliances form as a means of balance of power. States enter alliances in order to survive and / or maximize their resources. At the same time, we see here elements of cooperation because they pledge mutual assistance to each other in case of an armed attack. The model of cooperative security can be best explained with institutionalism. States use international institutions with the aim to achieve their own objectives. They pursue their own interests through cooperation with other partners (Keohane / Nye 1993: 2 – 7). Intensified cooperation can lead to integration which is characteristic for pluralistic security-communities proposed by Karl Deutsch. Here, due to integration, mutual cooperation, and compatibility of major values, armed conflicts among the members of a security-community become unthinkable. The model of collective security is situated on the far right of the continuum. In its ideal form, this concept is to be perceived more as a vision than a political reality. That is why I link collective security to the idealist world of Immanuel Kant, in opposition to the competitive and self-help world of Thomas Hobbes.

According to some scholars, collective security is only a legally binding version of balance of power (e.g. Sedivy 1997: 138). The definition of the ideal collective security as well the evolution of the concept in the political reality, which led to its institutionalization in the United Nations Organization, will be discussed further below. We will be able to see that the collective security is characterized by some rather utopian than realist elements which bring it closer to the idealist school of international relations. First and foremost it is the belief that disputes can be solved in a peaceful way; that the use of force is generally outlawed and that illegal aggression will be automatically punished.

Although being placed at opposing sides of the security continuum, its two ends – represented by the concepts of self-help and collective security, have some points in common. As already mentioned, states are viewed as the major actors in all the models. They operate in an anarchic international structure. Anarchy belongs to the main characteristic features of (neo-) realism. Neither institutionalism nor liberalism contradicts this assumption. But they believe the anarchic structure can be mitigated by common norms and rules, which shape states' behavior. These common rules and principles are usually enshrined in international law and reflected in a framework of international institutions. The ideal collective security might be even hierarchically structured. However, as we will see in Chapter 3, political reality has not made it possible to create a genuine system of collective security yet.

In order to better explain the models of collective defense and cooperative security, I decided to grant more space to their most relevant examples, namely NATO and CSCE/OSCE. They not only help us to better understand the respective security concept but also play an important role in current European security affairs and are especially relevant in respect to the relations between Russia and the West.

Before I proceed to the description of each security model I would like to clarify some basic terms used in this study. There is a variety of definitions of the term “security”. I define here security as an absence of threat or the ability to defend from the threat (Gärtner 2008: 213). In other words states are secure if no threats to their sovereignty and wellbeing exist, or if they dispose over sufficient (military or other) capabilities to avert any threats. The terms “security models”, “security systems” and “security concepts” are used interchangeably in this study. They all imply the nature of relationship among the units which are in mutual interaction. The interaction of the units is based on some underlying principles which shape a certain pattern of arrangement. These units are primarily constituted by the states, whereas international institutions can play a certain role as well. States choose to operate in a given security system because they believe that in this way they can best achieve their goals. In this study, I will assume that states act as rational actors and that their main foreign policy objective is to provide their own security.

2.1. Realism / Self-help

Realism is one of the oldest and most influential theories of international relations. Being constantly challenged and often even proclaimed as dead, it gave birth to most other theories of international relations. Realism became especially relevant in the field of Security Studies (Burchill 2001: 70).

Realism is best understood as a general approach to international politics, rather than a single theory (Lynn-Jones / Miller 1995: ix). The advocates of realism have developed many variations of this thinking, so that a number of different realist theories of international politics exist. They all share some core beliefs and assumptions about international politics and states' behavior. Hans Joachim Morgenthau with his work *Politics among Nations: Struggle for Power and Peace*, first published in 1948, laid the foundations of what is today commonly referred to as classical or traditional realism. In the late 1970s first major split from Morgenthau's realism occurred in the Kenneth Waltz's "neorealism", also called "structural realism". Since then, many other forms and variations of realist theory have disseminated. Nowadays, we can distinguish between several types of both "offensive" and "defensive" realism, in addition to "neoclassical", "contingent", "specific" and "generalist" realism (Snyder 2002: 150). Whereas classical realism of Morgenthau considers human nature as the decisive factor for peace and war, in neorealist view the structure of the international system determines the behavior of states. For the purposes of this study I will not make detailed distinctions between all the variations of realism. I will first touch on some general characteristics of this theoretical school and then proceed to the description of the basic tenets of structural realism primarily set by Kenneth Waltz's *Theory of International Politics* (1979).

One of the founding fathers of realist school, Hans J. Morgenthau, perceives international politics as a *struggle for power*. States can seek different goals and ultimate aims of international politics. These can be defined in terms of religious, philosophic, economic, or social ideals. But, in Morgenthau's view, states always seek to realize their goals by striving for power (Morgenthau 1985: 31). He conceives power as "*man's control over the minds and actions of other men*". Military power accounts for decisive part of political power. "*Armed strength as a threat or a potentiality is the most important material factor*

making for the political power” (Morgenthau 1985: 33). Put simply, according to Morgenthau, all states strive for power which is primarily constituted by military strength.

In the decades of Cold War, technological advancement and proliferation of nuclear weapons made the possibility of total war, which could result in universal destruction, real. That is why even realists consider preservation of peace to be the “*prime concern of all nations*” (Morgenthau 1985: 27). Unfortunately, this cannot be achieved by simple abolishment of nuclear weapons or general disarmament. Morgenthau notes: “*Men do not fight because they have arms. They have arms because they deem it necessary to fight. What makes for war are the conditions in the minds of men which make war appear the lesser of two evils*” (Morgenthau 1985: 436). The reasons why men and states fight lie in human nature. Men’ desires and emotions account for states’ behavior. Only a strong authority can prevent them from using force and violence in their mutual intercourse. In a society of sovereign nations, there is no such authority able to impose and subsequently enforce any norms and rules. That is why the possibility of war is always present and even disarmament cannot prevent it.

According to classical realism, peace and stability can be achieved only in a world where an equilibrium, or so-called *balance of power*, prevails. Morgenthau sketched different methods how the balance of power can be created. The idea rests upon following principle: either the weight of the heavier side is diminished or the weight of the lighter one increased (Morgenthau 1985: 198). Balance of power is reached when all major states (two or more) enjoy the same amount of power. One of the possible methods to achieve this is the formation of alliances and counter-alliances. I will discuss the concept of collective defense alliances further below.

Instead of explaining international politics with reference to human nature – as classical realism does, neorealism, also called structural realism, puts more emphasis on the environment states live in. In neorealist conviction the *international structure* determines states’ behavior.

Structural realism of Kenneth Waltz rests upon some basic assumptions about international system and behavior of its units. International political system is composed of two interacting elements: political structure and a set of interacting units – states. States

generate the structure, but once formed, the structure influences states' behavior. *Structure* is the key element which determines behavior of states. Waltz defines political structure by three basic criteria (Griffiths 1995: 80):

- Principle of arrangement by which units relate to each other. While in a domestic political structure hierarchy prevails, international structure is characterized by anarchy. A closer definition of this term will follow.
- Functional differentiation of the units in the structure. Unlike in domestic political systems with extensive division of labor, international structure is dominated by functionally similar units. Each state performs the same fundamental functions.
- Distribution of capabilities among units. This is the primary criterion to evaluate states' qualities. All states are alike in the functions they have to fulfill but they differ in their abilities to perform.

In both the realist and neorealist tradition of international relations, *states* are considered to be the central actors of the international system. They are not the only actors, but by far the most important ones. Their behavior is constrained by the structure they live in. Let us therefore have a closer look on the first characteristic of international structure, which is, according to Waltz, *anarchy*.

Opposed to domestic political orders, which function in a hierarchy, the international political system is anarchic. Anarchy can be defined as an absence of “*overreaching authority to prevent others from using violence, or the threat of violence, to destroy or enslave them*” (Grieco 1988: 497). States are the main actors and they enjoy sovereignty. There is no higher authority standing above them. States pursue their own interests, however these are defined, in the way they judge to be the best (Waltz 2001: 238).

So far we have seen that in the neorealist view, the main determinant of the motives and actions of states is the international structure. It is characterized primarily by the state of anarchy with no higher authority standing above the sovereign states. This creates the constraints and opportunities which explain states' behavior.

In the world of anarchy, states can rely only on the principle of *self-help*. This means that “*each state must guarantee its own survival since no other actor will provide its security. All other states are potential threats, and no international institution is capable of enforcing order or punishing powerful aggressors*” (Mearshimer 1990: 12). (Neo-)Realists argue that there is no international body with sufficient coercive power and / or authority, which would be able to constrain states’ behavior. No central authority is able to enforce any agreements or commitments. This suggests that no one can guarantee states’ security but the states by themselves. They have to rely exclusively on their own means (own power) in order to protect their interests and to ensure their security. By doing so, states will tend to resort to the threat or use of military force (Lynn-Jones / Miller 1995: ix). Threat or use of force is regarded as a legitimate tool for states to achieve their objectives in international politics. Here we can see a clear opposition to the collective security concept, representing the other end of the imaginary security continuum. As it will be discussed later, both cooperative and collective security models rest upon the inadmissibility of threat or use of force.

According to Waltz, states’ core interest is to ensure their survival. When trying to protect their security, states cannot rely on anyone but themselves. They can never be sure about one another’s future intentions and actions. Since it is difficult to make any predictions, each neighbor is perceived as a potential enemy who can pose future security threat. However, this does not mean that states automatically live in a state of chaos or even war. Under some structural conditions, peace can be achieved. But the possibility of an armed conflict is always present.

The principle of self help-suggests that in an anarchic environment each state is let to fend for its security by itself. International anarchy encourages competition and conflict, and limits cooperation. States compete for their survival. The willingness of cooperation is modest because of the lack of trust between the states. In simple terms, anarchy impedes international *cooperation*. In the realist logic, international politics are perceived as a *null-sum-game*. The amount of power or other capacities gained by one state will automatically mean a loss for the other party. A win-win situation, from which both partners could profit, is not possible.

At the same time, realists do not deny that cooperation among states can take place even in the competitive setting where the struggle for power and security prevails. Joseph Grieco argues that there are two fundamental constraints which inhibit collaboration among states. Firstly, states are worried about the possibility of *cheating*. They do not trust each other and hence they cannot be sure about their partners' compliance to an agreement. Secondly, realists distinguish clearly between absolute and *relative gains* in power. They suggest that states' main goal is not to maximize their absolute gains, irrespectively of what the others will attain. States are more concerned about their relative gains. They worry that their partners could gain more from mutual cooperation than they would. This is a crucial point. States give serious attention to the gains of their partners, first of all in relation to their own. From a realist viewpoint, in a world of anarchy even today's friend may become your enemy tomorrow. The major aim of states is therefore not to obtain the highest possible individual win. If cooperation among states takes place, states' fundamental goal is to prevent others from gaining a higher increase in their capabilities than they do. At the same time, states seek to enlarge the gap between their strength and that of the others. If they assume that the partner could gain relatively more, they rather avoid the cooperation and renounce on the expected absolute benefits. To sum up, states' concerns about cheating and their concerns about relative gains are considered as the two main barriers in international cooperation (Grieco 1988: 487 – 499). Moreover, states do not want to become dependant because they fear that dependence makes them vulnerable. Cooperation can create dependence and therefore states rather prefer to avoid it. They want to protect their sovereignty and independence by keeping everything they depend on under their own control (Griffiths 95: 83).

In the anarchic international system, where states struggle for their survival, the *security dilemma* can easily arise. It is based on the assumption that an increase in security of one state will automatically mean a decrease of security for the others. In order to increase their security, states generally strive for more power and better capabilities. This usually takes form of rising defense spending and increased armament. Other states will consider these measures as threatening to their security because it decreases their relative power. As a result, they will decide to pursue the policy of an increased armament as well. This can finally lead to an arms-race among competing powers (Rousseau 2005: 753).

Offensive and defensive realists have diverging views on what is the best way for a state to survive in a world of anarchy. The former ones suggest that states seek to maximize their power at the expenses of other states. Again, relative power matters most. In their search for security, states adopt offensive, rather than defensive strategies. They try to strengthen their power while weakening potential enemies. Sometimes, they regard aggression as the best means to achieve their goals (Mearsheimer 1990: 12) On the other hand defensive realists argue “*that the first concern of states is not maximize power but to maintain their position in the system*” (Waltz 1979: 126). States do not have to continuously compete for more and more power capabilities; defensive strategies are sufficient to guarantee their security.

These variations of the realist theory are indeed important to understand and explain the nature of states’ behavior but make little difference in the states’ preferences to cooperate. Either to maintain or maximize their power, states can only rely on themselves. In order to provide their security, they must rely on their own resources, or as I will describe below, on the resources of their allies. This signifies the principle of self-help.

Realists believe that *international institutions* basically reflect the distribution of power in the world. They rest upon the self-interested calculations of most powerful states and only serve what these states believe to be in their interests (Mearsheimer 1995: 7). In the realist view, international institutions and the norms and rules they are based on have minimal influence on states’ behavior or on the stability of the system. They are fully dependent on national decisions of their members and are therefore no actors of they own. Since they have no influence on states’ acting and have no independent authority, international institutions cannot prevent a state from using or threatening violence. They are in no way able to provide states’ security or minder anarchy states are living in.

In the (neo-)realist world of anarchy, states enjoy full sovereignty. This means that there is no authority above them. And international law is no exception. Realists do not deny the existence of international law as such. There are many “*traditional rules*” which have shaped the relations between sovereign states for centuries (Morgenthau 1985: 295). These include, for instance, treaties determining territorial borders, defining rights of vessels in foreign waters, or the status of diplomatic representatives. At the same time, realists point out many characteristics, which make international law comparable to “*primitive law*”

(Morgenthau 1985: 295). International law is characterized by decentralization, vague and ambiguous provisions which let open room for differing interpretations. Most importantly, there exist practically no real enforcement mechanisms, which could force states to keep their promises and fulfill the commitments against their will.

To conclude, the left end of the proposed security continuum is characterized by the realist principle of self-help. We have seen that one of the main features of the conflict-prone, Hobbesian world is the state of anarchy. States seek to survive and / or maximize their power by pursuing the policy of self-help. In order to provide their security they do not rely on anybody but themselves. States cannot or do not want to rely on the goodwill and friendship of other states as it will be the case in collective defense alliances representing the second stage on the continuum. In the self-help world, states have no obligations towards each other, cooperation among them is rare, and international law has only a marginal impact on states' behavior and international peace. Competitive pursuit of power is the only way how states can cope with the anarchic structure of the international system.

2.2. Collective Defense Alliances

The second security concept on the outlined security continuum is the model of alliances, based on the principle of collective defense. Alliances were born out of the realist school of international relations and thus entail many elements of the realist logic.

In the sense of realist tradition, alliances are among the basic methods how to achieve the balance of power. Hans Morgenthau explains the logic of alliances with following example:

“Nations A and B, competing with each other, have three choices in order to maintain and improve their relative power positions. They can increase their own power, they can add to their own power the power of other nations, or they can withhold the power of other nations from the adversary. When they make the first choice, they embark upon an armaments race. When they choose the second and third alternatives, they pursue a policy of alliances” (Morgenthau 1985: 201).

In a world of anarchy, where states are let to provide their security by themselves, some states choose to form an alliance. From the realist point of view, states enter into alliances when they suppose it will increase their security. At the same time, great powers avoid alliances if they believe to be strong enough to provide their security without any help.

They shun alliances if they assume that the burden of the commitments resulting from participation in an alliance is likely to outweigh the expected advantages (Morgenthau 1985: 201). The decision to enter an alliance or not is taken upon a realistic assessment of costs and benefits. Regarding the advantages, alliances can save costs and multiply benefits through the division of responsibilities, the sharing of common assets, or simply through the protection provided by a stronger ally (Tertrais 2004: 136).

Formation of an alliance represents a form of cooperation. That is why I have classified this security model separately and not included it into the first category of realist self-help. In a system of collective defense, states do not rely exclusively on themselves but count on help of their allies.

Bruce Russett and Harvey Starr suggest a widely accepted realist explanation of why do states form alliances. *“Throughout the history the main reason why states have entered into alliances has been the desire for the aggregation of power”* (Russett / Starr as quoted in Lake 1996: 3 – 4). States are motivated by the desire to aggregate more capabilities to be able to secure their survival. In other words, states form alliances in order to prevent any one of them from becoming strong enough to threaten their independence (Morgenthau 1985: 223). Here again, states are not concerned about their absolute but relative power. Short before the end of Cold War, Stephen Walt proposed a *balance of threat* theory as an alternative to the balance of power theory. He elaborated five hypotheses why states form alliances: (a) they ally against a state posing threat to them (balancing); (b) they ally with the state posing threat to them (bandwagoning); (c) they choose an ally with the same ideology; (d) states form alliances because of foreign aid provided by one state to another; and (e) because of transnational penetration into domestic political systems. Walt found out that the most common way of alliance forming is balancing against threat, while states’ ideologies, foreign aid as well as penetration represent rather weak causes for alliance formation (Walt 1987: 5).

Of course there exist various forms of alliances and numerous patterns of explanation why they form. Besides defensive alliances states might also form offensive ones. Furthermore, alliances might be symmetrical or asymmetrical, depending on the power capabilities of their members; they can bring together states with similar but also opposing political values, as it was the case of the Axis alliance between UK, US and USSR during the

Second World War. Alliances can also differ in their levels of institutionalization and of course in the basic functions they perform (Walt 1997: 157). I want to narrow the broad spectrum to one specific type: military alliances which include security guarantees for its members. This is how I define collective defense – through the *security guarantees*. Members of an alliance guarantee to each other that in case of an armed aggression, they will provide assistance to the ally under attack. Contrary to the idea of collective security, collective defense is directed against an aggressor from outside of the system. It is an exclusive group; commitments for mutual support are given only to a narrow circle of states.

Military alliance which includes a security guarantee can be either formal or informal – meaning with or without a written agreement. The former type has again two possible variations: bilateral, which is an agreement between two parties, or a multilateral alliance with three or more parties. An alliance or coalition may also form *ad hoc*, as an answer to a particular threat or act of aggression. When using the term alliance, I will refer here to a military alliance resting upon the principle of collective defense. Members of an alliance formally pledge security guarantees for case of an armed aggression.

During the Cold War, two military alliances – the North Atlantic Treaty Organization (NATO) and the Warsaw Treaty Organization (WTO) dominated both European and global security order. They were both treaties of guarantee for its members; two major powers, United States and Soviet Union, provided most of the security for their bloc. With the end of bipolarity, the Russian-dominated WTO dissolved and despite many realist predictions, that NATO would disappear as well, once its initial enemy and major threat is gone (for instance Mearsheimer 1990: 52), the North Atlantic Alliance has continued to exist. I will therefore use the example of NATO to closer examine the logic of alliances and the underlying principle of collective defense.

2.2.1. Example of Collective Defense: NATO in the Cold War

On April 4, 1949 representatives of 12 nations – Belgium, Canada, Denmark, France, Iceland, Italy, Luxemburg, the Netherlands, Norway, Portugal, United Kingdom and the United States of America signed the North Atlantic Treaty. The treaty, which entered into force on August 24, 1949, gave the birth to the North Atlantic Treaty Organization. The

main incentive behind this act was the increasingly assertive behavior of Stalin's Soviet Union, which was perceived as growing threat to the security of Western democracies (Varwick 2008: 20).

Two Western European initiatives preceded the founding of NATO: the Treaty of Dunkirk, signed between United Kingdom and France in March 1947, which included, among others, provisions on collective defense and the Brussels Treaty, signed by the Benelux-states, France and Britain one year later. The Brussels Treaty, from which the Western European Union (WEU) evolved, even included a commitment of participating states to afford a state-party under attack "*all the military and other aid and assistance in their power*".⁴

In the late 1940s, Western Europe faced two major security threats: communist Soviet Union and eventually renewed aggression stemming from Germany. At the initiative of Great Britain, negotiations with US and Canada were held with the aim to create a new Western European defense organization, which would extend across the Atlantic. Denmark, Iceland, Italy, Norway and Portugal were also invited to take part in the negotiations. The final outcome – the North Atlantic Treaty was solemnly signed in April 1949 in Washington, DC.

The treaty is composed of a Preamble and 14 Articles. Right in the beginning, it reaffirms the principles of the Charter of the United Nations and the commitment to refrain from the threat or use of force inconsistent with the purposes of the UN.⁵ More importantly, it also refers to the Article 51 of the UN Charter, which stipulates the right of individual or collective self-defense. The famous NATO clause on collective defense can be found in Article 5 of the Treaty:

"The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area (...)"

⁴ Art. 4 of the Brussels Treaty – Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defense. Brussels, March 17th, 1948. http://www.nato.int/cps/en/natolive/official_texts_17072.htm

⁵ Art. 1 of the North Atlantic Treaty. Full text of the Treaty available under http://www.nato.int/cps/en/natolive/official_texts_17120.htm

This article establishes the rule “all for one”. Participating states pledge to consider an armed attack against an ally to be an attack against all of them and accordingly provide assistance to the attacked state. However, it is not specified which form this assistance should take. Each individual member state can decide which means are necessary to restore international security and in which way they wish to assist the attacked party. The formal security guarantees are very vague. They may include use of armed forces, but allies are under no legal obligation to provide military assistance. If a state-party is attacked, allies may decide to help only with non-military means.

In a similar sense, all decisions of the Alliance have to be taken by consensus. This suggests that its members cannot be forced to take any action against their will. They retain their full sovereignty. At the same time they do pledge certain commitments to their allies.

Even though there are no concrete security guarantees, which would involve use of force in case of an armed attack, the concept of collective defense proved to be very successful during the Cold War. This was mainly due to the principle of *deterrence*. The United States, as a guarantor of security of Western Europe, has deployed extensive numbers of combat forces, including nuclear weapons, on the territory of its European allies. If a European NATO-country had been attacked, these weapons could have been used immediately. The (assumed) readiness to act, combined with physical presence of substantial armed forces, accounted for the fundamental point in the philosophy of deterrence. This ensured the viability of Article 5. The integrated military infrastructure further endorsed the trustworthiness of the deterrence principle; even though NATO members legally committed only to “soft” security guarantees. Generally, it was presumed that Washington would ultimately defend U.S. troops against Soviet aggression, even with nuclear forces, if the need arose (Gallis 1997).

To sum up, the Alliance pursued two major objectives in the times of Cold War: deterrence of any aggression by Warsaw Pact forces on NATO members, and an effective response to and containment of Soviet threat or aggression, should deterrence fail (Schwartz 1975: 118). Besides these goals, some realists point out another *raison d'être* of the Alliance. Kenneth Waltz regarded NATO as a tool for its most powerful member – the United States, to maintain American domination of European foreign and military affairs (Waltz 2000: 21).

It is arguable, what is today's core function of NATO. After the end of the Cold War a transformation process of the Alliance started, which most probably has not reached its final stage yet. Immediately in the beginning of 1990s, the debate about future role of NATO emerged; and the Alliance had to adapt itself to the changing security environment. Realist thinkers predicted a quick dissolution of the Alliance, once its primary enemy has disappeared. Others suggested that the reformed alliance will take over new tasks. Their debate was characterized by the famous slogan *Out of area or out of business?* If NATO did not want to become increasingly irrelevant, but still remain able to tackle new security challenges facing Europe, it had to transform: the Alliance had to go either out of its geographical area or out of its original scope (Asmus/Kugler/Larrabee 1993:31). Finally, it went both directions.

At the end of the decade, NATO conducted one of its most controversial operations. The "Operation Allied Force", in which NATO carried out air bombing of Yugoslavia in order to prevent genocide in Kosovo, was not mandated by the UN Security Council. Through this operation, the Alliance evolved beyond its original purpose to prevent or suppress aggression against its members towards an organization taking over crisis management tasks beyond its borders and, as in case of Kosovo, averting humanitarian catastrophe by military means. As NATO Secretary General Javier Solana stated in the eve of the operation, "*NATO is not waging war against Yugoslavia. (...) We must halt the violence and bring an end to the humanitarian catastrophe now unfolding in Kosovo*".⁶ Some commentators of that time argued that if NATO failed in Kosovo, the Alliance should come to an end as well.⁷ Now, more than a decade later, similar voices are loud in regard to the success or failure of NATO in Afghanistan. It is obvious that NATO has started to perform new tasks reaching beyond its borders. But conducting a humanitarian intervention, as we witnessed it in former Yugoslavia, remains rather an exception, than the rule.

Despite the overwhelming structural changes in international system caused by the end of East-West confrontation, to which the North Atlantic Alliance had to adapt, collective defense remains at the core of the organization. So far, Article 5 of the North Atlantic Treaty has been invoked only once – in a response to the terrorist attacks on September 11,

⁶ Solana, Javier: Press Statement by the Secretary General of NATO. March 23, 1999.
http://www.nato.int/cps/en/natolive/opinions_27615.htm

⁷ Hanson, Victor Davis: NATO at 50: The Alliance Cannot Survive a Defeat... Wall Street Journal (Eastern Edition), New York, April 26, 1999. pp. A 18.

2001. Interestingly, this happened at the initiative of NATO Secretary General George Robertson, and not that of the US government (Varwick 2008: 156). The terrorist attacks of 9/11 triggered a wave of worldwide political solidarity with the United States. In spite of the invocation of the NATO collective defense clause, the measures taken by the Alliance were mostly deemed as secondary military assistance. NATO as an organization did not play any role in the US-led military operation “Enduring Freedom” in Afghanistan. Washington preferred ad hoc coalitions over permanent military alliances. This trend of the Bush Jr. administration was confirmed during the invasion of Iraq in 2003, when certain European NATO members openly criticized the operation. Some scholars conclude that ad hoc coalitions of willing are becoming more relevant than permanent multilateral alliances. It is also argued that due to the unilateral policies pursued by the US during the last 8 years of Bush administration, the significance of the North Atlantic Alliance has diminished (Tertrais 2004).

Nevertheless, the principle of collective defense has been endorsed in all the NATO’s major documents in the post-Cold War era. Since its first enlargement to the former WTO members in 1999, altogether 12 states joined the Alliance. Nowadays, NATO has 28 members with very heterogeneous security interests. The ongoing debate about its new strategic concept, which has been due many years ago, shows there are different notions among the member states about the future role of the Alliance and the meaning of the Article 5 in a post-9/11 world.⁸ The nature of security threats has changed significantly. It is therefore questionable, if collective defense is still relevant and suitable to face the current security challenges.

We can conclude by saying that the Alliance has undoubtedly achieved its principal goal. Throughout the East-West hostilities, no NATO country had ever been attacked. The principles of collective defense, which evolved into a concept of deterrence, backed up by the military potential of a war ending in total destruction of all involved parties, proved to be successful, even without concrete military guarantees.

⁸ On positions of Central and Eastern European NATO members towards the Art. 5 commitments see for example: Asmus, Roland (et al): NATO, new allies and reassurance. Centre for European Reform, Policy Brief. May 2010. http://www.cer.org.uk/pdf/pb_nato_12may10.pdf

2.3. Cooperative Security

In the middle of the security continuum, between realism and liberalism, I place the model of cooperative security. This concept does not have that much theoretical foundation as the models of collective security or collective defense do. It has primarily evolved in the praxis and is usually referred to in connection with the Conference and later Organization for Security and Cooperation in Europe (CSCE / OSCE). The term “cooperative security” has not found its steadfast place among the basics of the international relations theories and security concepts.⁹ In my view, the institutionalist theory offers the closest explanation of this security model. However, it is questionable to which extent institutions based on the principle of cooperative security have an independent impact on states’ foreign policy strategies and outcomes as argued by advocates of institutionalism (Keohane 2005: 157). In this chapter, I will try to outline some basic definitions of cooperative security and then have a closer look on its practical design in the framework of OSCE.

Cooperative security is the most general form of security-political cooperation. It can be defined as a joint action of several states against a common threat (Gärtner 2008: 127 – 128). According to institutionalists, interstate cooperation occurs when states have significant common interests and when all partners jointly benefit from the cooperation (Keohane / Martin 1995: 42). Applied to the area of security studies this suggests that states cooperate on different issues with the common goal to increase their security. They all share the view that security threats can be reduced through mutual cooperation rather than confrontation. It assumes that a win-win situation is possible and makes the security dilemma irrelevant. Cooperation does not necessarily have to be rooted in a legally binding treaty or an alliance. It usually rests upon some general norms and rules, which define the framework for cooperation between the states. First and foremost it is the belief that security can be enhanced through mutual cooperation. But unlike the systems of collective defense or collective security, cooperative security does not oblige the participants to assist in any way a state who has been the victim of an aggression. In a system of cooperative security, there are practically no legal obligations, nor any enforcement mechanisms. The concept is totally dependant on states’ willingness to comply with the rules and to

⁹ For instance, among 14 security models introduced in: Gärtner, Heinz: Modelle Europäischer Sicherheit, (Wien 1997) there is no entry devoted to cooperative security.

undertake a joint action in case of their violation. Security is perceived as a shared responsibility of the whole international community (Möttölä 1993: 28).

Another definition of cooperative security highlights the prevention of conflicts as its main objective. *“The central purpose of cooperative security arrangements is to prevent wars and to do so primarily by preventing the means for successful aggression from being assembled”* (Carter/Perry/Setinbrunner 1992 as quoted in Gärtner 2008: 128). This understanding of cooperative security is linked to the measures aimed at the prevention of violent conflicts; including arms control arrangements as well as confidence and security building measures.

The concept of cooperative security has emerged in the framework of the Conference on Security and Cooperation in Europe, later Organization for Security and Cooperation in Europe. Today, it is closely linked to the OSCE concept of **comprehensive security**. Comprehensive security has a broad definition of the term “security”. Besides the traditional military dimension, it also includes various political, social, community-related, economic, ecological and cultural aspects of security (Gärtner 2008: 217).

Currently, probably already influenced by the Corfu process and the debate on future European security, which I will elaborate on in following chapters, the OSCE Secretariat equals the concept of cooperative security to the principle of *indivisibility of security* – meaning that cooperation is beneficial to all while insecurity in and/or of one state can endanger security and well-being of all others.¹⁰

2.3.1. Example of Cooperative Security: CSCE/OSCE

The origins of the Conference on Security and Cooperation in Europe trace back to the period of Cold War détente in the early 1970s when major powers were willing to start a dialogue about the broad issue of European security. The Conference served as a multilateral forum for dialogue between the East and West. In 1972, thirty-five countries, including United States, Canada, the USSR and all European countries except Albania,

¹⁰ The OSCE Concept of Comprehensive and Cooperative Security. An Overview of Major Milestones. OSCE Secretariat, Conflict Prevention Centre, June 2009.
http://www.osce.org/documents/cpc/2009/06/38218_en.pdf

entered into negotiations. The talks were concluded three years later. In 1975, participating states of the Conference finally adopted the *Helsinki Final Act* – the document which has influenced European security order until the end of Cold War and even beyond. In Helsinki, participating states committed themselves to follow ten fundamental principles in their mutual relations. These include: sovereign equality, renunciation on the threat or use of force, inviolability of frontiers, territorial integrity, peaceful settlement of disputes, non-intervention in internal affairs, respect for human rights among states, and fulfillment in good faith of obligations under international law.¹¹ These ten principles became also known as the *Helsinki Decalogue*. Besides the Decalogue, the Final Act established three “Baskets” or dimensions of security: politico-military, economic and environmental, and human dimension. They were viewed as complementary to each other; all three being of equal importance for European security. The three baskets set the framework for the concept of comprehensive security and until today, they represent the three basic areas of activities of the Organization. Not least important, the Helsinki Final Act also included confidence-building measures concerning major military maneuvers.

It is important to point out that the Final Act, as well as all later CSCE/OSCE documents, has no force of a legally binding international treaty. It is to be interpreted as a political declaration rather than a provision of international law. And this could be seen as one of the major weaknesses of the Helsinki agreement. On the other hand, it would have probably never been possible to agree on these ten rules, if they had had legal force.

Although the Helsinki Final Act is almost 35 years old by now, its core norms and values remain valid and relevant also in today’s world. The Conference has evolved into a pan-European security organization.¹² The OSCE is reaching from Vancouver to Vladivostok; bringing together all countries from Western, Southern, Central and Eastern Europe, Turkey, USSR- successor states in Central Asia, as well as United States and Canada. The OSCE is the only organization where all these states meet as equals. Altogether, the OSCE has nowadays 56 participating states which make it to the largest regional security organization in the world.

¹¹ Conference on Security and Co-operation in Europe: Final Act, Helsinki 1975.
http://www.osce.org/documents/mcs/1975/08/4044_en.pdf

¹² Even though the OSCE includes the word *Organization* in its name, it does not have an internationally recognized legal personality.

The organization favors a comprehensive concept of security. The broad definition allows it to cover a very wide spectrum of security issues, including not only political but also human as well as economic and environmental aspects of security. Among others, the OSCE is working in the area of conflict prevention, early warning, conflict management aimed at peaceful settlement of conflicts, as well as post-conflict rehabilitation. It is committed to the promotion of human rights and fundamental freedom, including the rights of national minorities, the promotion of democracy and the fight against terrorism.¹³ The OSCE is also an umbrella organization to some arms control agreements among its participants (namely the CFE Treaty and the Treaty on Open Skies). In the political sphere, it serves as a channel for dialogue and cooperation aimed at political confidence-building among its participants. Thanks to the OSCE's diplomatic structures and regular meetings in different formats, many protracted security problems receive ongoing diplomatic attention, even though they are not at the top of the political agenda any more (Cottey 2001: 47).

The OSCE has a very rich record of norms setting in its all three dimensions of security. Joint values, norms and principles shape the security cooperation. The most relevant rule in regard to the security models elaborated in this study is the prohibition of the use of force and the commitment to cooperation and peaceful resolution of conflicts. But as already pointed out, the rules and principles adopted by the OSCE are not legally binding. All OSCE documents, including the Helsinki Final Act, reflect the views of participating states expressed on an agreed issue. They have only a politically binding character.

In all decision-making bodies of the OSCE, the 56 participating states enjoy equal rights. Decisions have to be taken by consensus – the decision is adopted if there are, within a certain time period, no objections raised. When states decide to abstain from any objections and therefore to enable the decision to be taken by consensus, participating states may request the Secretariat to duly register and circulate their formal reservations and interpretative statement concerning the given decision. This makes it possible to adopt a document even if the views of participating states differ to a certain level. However, this kind of “compromise” usually leads to diverging interpretations in practice.

¹³ For an overview of all OSCE activities see the OSCE Handbook. To be found at http://www.osce.org/publications/sg/2007/10/22286_1002_en.pdf

There exist two exceptions to the consensus requirement. The 2nd CSCE Council held in Prague in January 1992 decided that in clear cases of gross and uncorrected violations of CSCE, later OSCE, commitments, the consensus-minus-one rule can be applied. In this case, participating states can take decisions without the consent of the state concerned. So far, this rule has been invoked only once. In July 1992, participating states suspended Yugoslavia from the CSCE. It took more than 8 years until the former Republic of Yugoslavia could rejoin the OSCE in November 2000.¹⁴ The second exception was established at the 3rd CSCE Council Meeting held in December 1992 in Stockholm when participating states agreed on the possibility to adopt decisions while applying the consensus-minus-two principle. In case of a dispute between participating states, Ministerial Council can instruct them to seek conciliation, even without their consent. Until now, this option has never been used.¹⁵

Despite the theoretical possibility of consensus-minus-one or consensus-minus-two decisions these options have not prevailed in practice. The OSCE still relies exclusively on the consensus principle. In case of a dispute, the organization can take action only if a broad endorsement is found among all the participants; meaning only if both (or more) conflicting parties consent to it. There exist practically no possibilities to force a state to any action or undertaking of any action, which is against the will of a state. The organization has no authority or mechanisms to enforce any norms or rules. It cannot impose economic sanctions or mandate a military enforcement action (Möttölä 1998: 92). The basic tool to bring states to compliance with the rules is political pressure.

To sum up, the model of cooperative security relies on the principle that cooperation can solve common security problems better than competition and self-help policies. States therefore commit themselves to cooperate in peacetimes without being constrained by any legally binding rules or pledges to assistance in case of an armed attack. They agree not to use force in their mutual relations but do not establish any mechanisms to punish those who violate the rules, either. The OSCE, representing the most relevant example of cooperative security, is characterized by an inclusive participation, broad mandate, and consensus-based decision-making. It is rich on rules and norms but weak in enforcement.

¹⁴ OSCE Feature: FRY becomes 55th OSCE Member State. November 10, 2000.

<http://www.osce.org/item/4.html>

¹⁵ See p. 14 of the OSCE Handbook (FN 13).

Scholars of international politics have diverging views on where to classify the theoretical concept of a “concert”. The *Concert of Europe* emerged among major powers in the 19th century at the end of Napoleonic Wars. The most powerful states cooperated in security-related issues without being bound by any treaty or formal commitments. This order made it possible to prevent wars between the major European powers for almost four decades. Realism and liberal institutionalism explain this relatively long period of peace in different ways. From the realist point of view, it was the balance of power among major states what made the concert work – the balance keeps the order stable and prevents wars. More liberally oriented scholars describe the period between 1815 and 1854 as not only the first and longest lasting attempt at collective security but also the most successful one (Bennett/Lepgold 1993: 214). Great powers, which were tired of war after the Napoleonic Wars, agreed to consult and take collective action in response to threats to peace. In my view, both sides are partly right. It was both, the balance of power and cooperation among major states, what made the system viable. That is why I will classify concert as a form of *cooperative security*. It is situated exactly in the middle of the continuum where one end is marked by deterrence and balancing behavior among major powers, while the other end represents a commitment to collective actions in response to threat to peace.

2.4. Pluralistic Security-Community

The next stage at my continuum of security concepts is the idea of pluralistic security-communities, developed by Karl W. Deutsch. A pluralistic security-community goes beyond simple cooperation among states, but it does not reach the rank of collective security.

In the 1950s, when the Cold War continued to unfold, political and social scientist Karl W. Deutsch, together with his colleagues, studied possible ways how wars could be abolished. They examined historical cases of states’ integration and finally elaborated the concept of *security-communities*. Once states develop shared understandings, transnational values and ultimately a sense of a community, they will be able to eliminate wars and create conditions and processes for permanent peace.

From Deutsch’s perspective, any political community is successful if it becomes a security-community. A closer look at both terms is therefore needed. Deutsch defines “political

community” as a social group “*with a process of political communication, some machinery for enforcement, and some popular habits of compliance*”. A political community cannot rule out a possibility of war within its borders. The potential of civil wars is present. An unsuccessful political community will eventually end in secession or civil war. Deutsch therefore studied the prospects for formation of security-communities, which would enable to abolish wars.

Deutsch and his colleagues define security-community as a group of people, which has become “integrated”. A successful integration goes hand in hand with the formation of a “sense of community”. This is to be understood as a conviction of its members about at least one crucial point: They all believe that common social problems must and can be resolved in a peaceful way, without the resort to physical force. In a security-community, there is a “*real assurance that the members of that community will not fight each other physically, but will settle their disputes in some other way*” (Deutsch et al. 1957: 117 – 118)¹⁶.

The central point in the teaching of Karl W. Deutsch is the process of “integration”. It does not necessarily mean the merging of peoples or states into a single unit. Rather, he distinguishes two different types of security-communities: “amalgamated” and “pluralistic”.

An *amalgamated security-community* is formed through a merge of two or more previously independent units into a single larger unit. A new common government with supreme decision-making authority will emerge. It can have either unitary or federal structure. The United States of America can be named as an example of amalgamated security-community. It arose from the merge of formerly independent units (states) into a single governmental unit (federation). A *pluralistic security-community* will form in the process of integration as well. However, the units, represented by separate governments, maintain their legal independence. Two or more governmental units can form a security-community

¹⁶ All the quotations of the work: Karl W. Deutsch et al: *Political Community and the North Atlantic Area: International Organization in the Light of Historical Experience* (1957 Princeton University Press) and referring page numbers used in this paper originate from its reprint in: Nelsen, Brent / Stubb, Alexander (Eds.): *The European Union. Readings on the Theory and Practice of European Integration* (1998 Lynne Rienner Publishers), pp. 115 – 137.

without being merged into a single one. Separate units will integrate but at the same time they will retain their own supreme decision-making centers.

In the process of integration, which leads to the formation of a security-community, it is necessary that a *sense of community* unfolds. Deutsch regards it as a “*matter of mutual sympathy and loyalties; of “we-feeling,” trust and mutual consideration; (...) of mutually successful predictions of behavior, and of cooperative action in accordance with it*” (Deutsch 1957: 123). Only this kind of relationship, based on a sense of community, can assure that states will settle their differences in a peaceful way.

Both types of security-communities are envisaged to bring about peace among participating units and one cannot easily answer the question which one works better. In different settings with different political backgrounds one type can prove more suitable than the other one. I will refrain here on the detailed description of pros and cons of each type but rather concentrate on the concept of pluralistic security-community. This is what we could potentially observe in Euro-Atlantic space – independent units (states) forming a security-community where peace prevails, while retaining their legal independence. It is not foreseeable that an amalgamated security-community with inclusive membership going beyond EU or NATO would develop on European continent.

Deutsch found out, that pluralistic security-communities are easier to establish and preserve than their amalgamated counterparts (Deutsch 1957: 121) He identified twelve essential conditions, which may be necessary for an amalgamated security-community to emerge. Only two, possibly three of them are essential for a creation of a pluralistic security-community as well (Deutsch 1957: 134):

- compatibility of major values relevant to political decision-making,
- capacity of participating units to respond to each other's needs and actions quickly, adequately, and without resort to violence,
- mutual predictability of behavior.

In a pluralistic security-community states are required to make joint decisions and take joint actions only in a limited range of subject matters. In a far wider range of problems they retain their autonomous decision-making authority within their own borders.

Let us recall once again the initial definition of a security-community. It is a group of people which has become integrated so that “*real assurance that the members of that community will not fight each other physically, but will settle their disputed in some other way*” exists (Deutsch 1957: 118). Interestingly, the word “real assurance” is used in this definition. How “real” are these assurances really? According to Deutsch, they are basically given by the set of social relations among the members of a security-community. No explicit legal commitments are necessary; common values, a sense of “we-ness”, and mutual predictability constitute sufficient conditions for a peaceful change. It should be mentioned that this assumption relies on idealistic beliefs about human nature. Peace is regarded as the highest value; states do not seek to maximize their power as in the anarchic, self-help world.

The Deutsch’s concept of security-communities, originating from 1950s, had not gained a lot of popularity among scholars of international relations for almost four decades. It was not until the end of Cold War when his teaching experienced its renaissance. The concept of security-communities has been further advanced mainly by constructivist approach (Acharya 2005: 752). One of the most important contributions to the study of security-communities and their evolution is the work of Emanuel Adler and Michael Barnett. They have proposed a three-tiered framework in which a security-community is built. At the third, highest stage, mutual trust and collective identity is formed. They account for dependable expectations of peaceful change (Adler / Barnett 1998: 38). International organizations are regarded as variables, which can contribute to the process of building mutual trust and even collective identity of its members. Adler and Barnett give lot of attention to the conditions, factors and the process of development of security communities. I will here focus primarily on the end product of this development: *the security community*. While still keeping in mind the “pluralistic” nature of security-community as defined by Deutsch, Adler and Barnett distinguish between two types of security communities: loosely and tightly-coupled. Both of them are based on mutual trust and shared identity and there is low or no probability of violent conflicts even though conflicting interests may arise. The loosely coupled type is to be understood as a minimalist version of a security-community. The sense of multilateralism prevails; decisions are taken in consensus with regard to interest of all members. A tightly coupled security-community goes further. It can even include elements of collective defense and / or collective security. States renounce their right to use force in international relations. Instead, they agree to shift this sovereign right

to a supranational authority. The use of force *“becomes legitimate only against external threats or against community members that defect from the core norms of the community”* (Adler / Barnett 1998: 56).

Adler and Barnett do not make a distinction between collective security and collective defense. The model of security-communities includes elements of both. That is one reason more why I have located security-community in between of these two concepts. The underlying idea of security-community is drawn on some idealistic assumptions: conflicts among members will be settled in a peaceful way, states abandon their right to use force because their relations are based on mutual trust and collective identity which provide for peaceful change. Mutual aid in cases of armed attack becomes a matter of habit. Because of the integration, no formal security guarantees or any enforcement measures are necessary. An armed conflict among members of a security-community is simply unthinkable. Realistic notions of power balance, arms race or nuclear deterrence remain relevant only in terms of defense of the community as a whole. Within its structure, security-community overcomes the realist-based security dilemma.

The concept of security-community can be understood also as a certain midpoint between cooperative and collective security. Cooperative security operates as a concert: major powers agree on a form of cooperation because they deem it is the best way to solve their security problems. States wish to cooperate, but they are not ready to accept any legal obligations. They only agree on some basic rules of cooperation. In a security-community, where war between its members became unthinkable, these basic rules are backed by values all major powers share. Mutual trust, collective identity, and renunciation on the resort to violence belong to the most important ones. Only if states agree on these common rules and values, if they can predict each others' behavior, and if they have real assurances of non-use of force, only then they can possibly agree on legally binding commitments characteristic for the ideal model of collective security. Collective security fails if states do not adhere to the rules and values they agreed on. As we will see on the next pages, states were so far not willing to create a real system of collective security.

As an example in regard to current European security structures, I consider the European Union to portray a pluralistic security-community. It is often argued that within the EU the thesis of democratic peace, according to which democracies do not fight each other, proves

to be correct. Until the entry into force of the Lisbon treaty on December 1, 2009, there were no military security guarantees within the EU. Because of advanced integration a pluralistic security community evolved in the EU, where a war between its members became unthinkable.

2.5. Collective Security

While (neo-)realism and the principle of self-help lie at one end of the outlined security continuum, the more idealistic concept of collective security represents the opposite side of it. Advocates of the system of collective security argue that it can mitigate the rivalry and hostility of a self- help prone world. They believe collective security is better qualified to prevent wars and stop aggression than balancing mechanisms in an anarchic setting (Kupchan/Kupchan 1991: 118). Stability emerges through cooperation rather than competition. International rules and norms mitigate the realists' security dilemma.

Generally, collective security is defined as a system of states, which pledge to collectively assist a state that has been a victim of an armed attack or a threat of an armed attack originating from any other member of the system. In such case, the assistance to the attacked state can also include military help (Gärtner 2008: 122 – 123).

Collective security can take various institutional forms. They may differ in the number of participating states, in the geographic scope, and in the nature of the commitment to collective action. As Inis Claude suggested, an ideal collective security entails participation of *all states* of the world, covers *all regions* of the world, and involves a *legally binding commitment* of all members to respond to an aggression whenever and wherever it might occur (Kupchan/Kupchan 1991: 119).

Collective security is based on the rule of law. Similarly to the models of cooperative security and security-communities, collective security rests upon some basic rules and commitments which determine mutual behavior of its members. Commonly accepted norms and standards shape the system and not the “law” of the strongest, as it is the case in an anarchic self-help world. All states enjoy equal security because all members of the system have equal rights but also obligations. Therefore, for a system of collective security

to work, everyone has to accept some basic rules. Adherence to these rules makes a peaceful co-existence between the members possible.

The most fundamental rule, lying at the heart of the collective security model, is states' renunciation on the use or threat of use of force. The *jus ad bellum* is outlawed; states commit themselves to settle their international disputes by peaceful means. This is a major restraint on the tools states have at their disposal when acting under the realist principle of self-help (Hsiung 1997: 65). Force can be legally used only for the purpose of self-defense or as a sanction to punish those who violate the rules.

As we have seen above, the commitment to the non-use of force is crucial also in the models of cooperative security and security-community. But contrary to the mechanism of an ideal collective security, neither the concept of cooperative security nor a pluralistic security-community entails any enforcement measures. Their norms and principles are only politically but not legally binding. In an ideal system of collective security, states accept a legal commitment to assist a state under attack and to confront the aggressor.

The collective security model relies on the principle "all against one" for deterring and resisting aggression. Each member commits to join a coalition to confront any aggressor. An attack against one state is considered to be an attack against all. All states pledge to come to help the victim and to confront the aggressor. The system can therefore rely on a robust deterrence principle (Kupchan/Kupchan 1991: 118).

Advocates of collective security recognize that there are several preconditions for an effective system of collective security. Kupchans name three basic conditions (Kupchans 1991: 124 - 125):

- No single state can be more powerful than an opposing coalition of states. All members of the system, including the most powerful states, have to be vulnerable to collective sanctions. Otherwise the strongest state would not need to fear retaliation when attacking one or more weaker states. Neither the principle of deterrence nor the sanction mechanism would work.

- Major powers must share fundamentally similar perceptions of what constitutes a stable and acceptable international order. There can be no revisionist power intending to overturn the international order for either ideological or power-related reasons.
- Major powers have to show a minimum of morality and political solidarity. In the spirit of self-sacrifice, they have to acknowledge that it is in their *long-term national interest to preserve the welfare and stability of the international community*.

Put in another words, major powers basically agree on the design of international order and agree on not to seek an unlawful change of the status quo. Nevertheless it may happen that a revisionist power occurs. To make collective security function in such case, other states have to be able and willing to intervene and help the state that is victim of the aggression. To be physically able to do so, no one in the system can be stronger (primarily in military means) than all of the other members taken together. The readiness to act is another crucial point.

The basic difference between the concepts of collective security and collective defense is that collective security is aimed at a possible aggressor from within the system while collective defense assumes the aggression will originate from outside of the system (Gärtner 2008). Collective security is directed against an abstractly designed aggressor whoever it may be. In theory any state may become an aggressor and may be thus confronted with collective sanctions. Besides the inward or outward orientation of each system, another difference lies in the underlying principle which forms the respective security model. Collective defense has evolved from the realist school, according to which states pursue opportunistic, self-help policies in order to survive in the anarchic world. On the contrary, collective security is based on liberal beliefs in common norms, renunciation on the use of force and peaceful settlement of disputes. This difference between basic assumptions of states' behavior is the reason why the realistic principle of self-help and the liberal model of collective security are placed on opposing ends of the proposed security continuum.

The relatively simple concept of collective security faces several difficulties when taking a closer look. The first problem starts with the question at which intensity of a conflict the mechanism of collective security should be activated (Gärtner 1992: 57). Even in the

academic debate there are several definitions of the terms conflict, armed conflict, aggression or threat, war etc. And real politics make it even harder to objectively define these terms.

Moreover, each state has its own security interests. This implies that some states may be interested in preventing an aggression and helping a state, which has been attacked, while other may be not. States often tend to ignore conflicts where their own interests are not affected. Some states could even deem an armed conflict between other states as profitable. It could, for instance, increase certain state's political influence or bring about economic benefits. Consequently, some states may prefer to support a conflict – silently, publicly, or with material help – rather than to stop and punish the aggressor. The aggressor might be one's friend or close ally, and not an enemy. Additionally, in the real world, it is often difficult to recognize the aggressor from the victim. We can therefore conclude that there are two more conditions, which have to be fulfilled so that collective security can work. Besides the above-mentioned, it requires common definition of aggression and willingness to act whenever and wherever it occurs (Bennett/Lepgold 1993: 215).

In a system of collective security states have to overcome their short-term individual interests for the sake of common, long-term welfare – which is peace and security. Higher norms prevail over shortsighted national gains. Public good of a collective security organization is to provide security by preventing or stopping aggression. Each state benefits from deterring or defeating aggression in form of subsequent peace.

However, even supporters of collective security acknowledge there are some features, which make successful collective security difficult (Kupchan/Kupchan 1991: 138 – 140). States may fear a possible lost of their sovereignty as well as unnecessary wars they will be dragged into. Similarly as it is the case in collective defense systems, also the model of collective security faces the danger of escalation of smaller conflicts into large-scale hostilities. And this even to a much larger extend because collective security ideally operates on universal basis.

It is therefore easily comprehensible that a state, which is not party to a conflict, may ask a simple question: Why should it intervene? Intervention means both political and financial costs, possibly with losses in human lives. Why should a state get involved if its vital

interests are not at stake? As mentioned above, advocates of collective security believe that states have to conceive that the preservation of international peace and stability is also in their long-term national interest. All states finally profit from the strong deterrence. Only if the (future) aggressor knows that all other members of the system will turn against him, it will calculate this reaction and finally decide to give up his intention. In addition, the principle of mutual assistance suggests that next time it may be you who will need the help from others.

The next question that follows is how to ensure that the system will really work. How to guarantee that states will actually come and collectively defend the attacked state? Considering a gentleman's word as an unsatisfactory promise, there is a need of a mechanism, which makes the system work. Gärtner suggests three theoretical alternatives (Gärtner 1992: 21):

- States commit to cooperate. They simply pledge to help a state that has been attacked. This can include deployment of armed forces when necessary. However, states decide by themselves when they deem the deployment of armed forces to be necessary.
- States assign parts of their national armed forces to an international organization. These multinational military units would serve the purposes of collective security.
- The entire national armed forces of respective member states are allocated to multinational military units. International armed forces come into existence. They are under complete command of an international organ of collective security which decide on their deployment

It is often argued that collective security works best when not needed (Rendall 2005: 94). The efficiency is to a high level dependent on the credibility of the collective action. The system bids to prevent wars by robust deterrence force. An aggressor will encounter a collective response that is overwhelming to its force. Here again, the actual readiness to honor the commitments and enforce the peace, irrespective of whether states' immediate interests are affected or not, has to be stressed.

The advocates of collective security see three main advantages of this security arrangement (Kupchan/Kupchan 1991: 125 – 137). First, they argue, collective security deters and resists aggression more effectively than balancing under anarchy. Even though collective security cannot secure a complete guarantee that states will collectively respond to an aggression and help the victim, the pre-existence of legally binding commitment to do so will increase the likelihood that a coalition, which is not of equal but of preponderant force, will confront the aggressor. This strengthens the deterrence principle significantly. Second, collective security organizations promote the cooperative behavior among states. This leads to the third advantage: collective security ameliorates the security dilemma present in the competitive, self-help world. When major powers basically agree on an acceptable international order, preservation of which represents their long-term national interests, collective security institutions not only promote further cooperation but also foster trust and confidence among states. This will result into increased willingness to practice self-restraint and mutual assistance.

The theoretical concept of collective security might seem to be quite simple – namely to pledge automatic collective response to acts of aggression. Unfortunately, history has shown us how difficult it is to install this model into political reality. The following chapter will examine the previous attempts to create a system of collective security as well as previous Soviet / Russian proposals in this regard. All the five outlined security concepts as well as historical evidence from the 20th century enable us to better understand the current Russian initiative to conclude a new treaty on European security.

3. Evolution of the Concept of Collective Security and Previous Proposals for New Security Arrangements in Europe

In the pages that follow, I will briefly describe the previous attempts to introduce a system of collective security into political reality. So far both attempts fell far too short from the ideal concept. As we have seen earlier, an ideal collective security system is universal in its membership, and it includes automatic and legally binding commitments of all members to assist the victim and stop the aggression. Besides this, collective security rests upon some basic norms and rules which govern relations between states. In the following analysis of the collective security system as envisaged by the League of Nations and later the United Nations Organization, I will concentrate on two major points: first, I will outline common goals, norms and rules embedded in the two organizations, and second, I will depict the mechanism of collective action supposed to prevent or stop aggression. In the second part of this chapter I will look at previous proposals for rearrangement of European security. Special attention will be given to previous Russian / Soviet suggestions, since they enable us to better understand the current initiative of President Medvedev. I will describe major changes in the European security architecture and the shifts in the security models which have occurred during the last two decades. In order to explain the Russian proposal for the EST, we have to be aware of how the post-Cold War developments in the European security system have been perceived in Moscow.

At the end of each major war since 1918, the idea to create a system of collective security emerged. The first attempt to its institutionalization was laid down in the concept of the League of Nations, which was later followed by more advanced but still flawed arrangement of United Nations. In the 1950s, the Soviet Union proposed the creation of an all-European system of collective security. This proposal was rejected by the Western powers which have opted for the foundation of a collective defense alliance. As a consequence, during the next four decades of East-West antagonism, the idea of collective security fell into oblivion. But then again, the end of Cold War, marked by the disappearance of bipolarity and subsequent search for new security order on both global and European level, revived the idea of collective security.

3.1. League of Nations

After the collapse of the balance of power order of the 19th century the winning powers of the World War I strived for an international system based on the principle of collective security (Gärtner 1992: 19). Following the concept of US President Woodrow Wilson it should have been institutionalized in the League of Nations.

The Covenant of the League of Nations was an integral part of the Versailles Peace Treaty signed on June 28, 1919 as well as of some other treaties ending the World War I (Northedge 1986: 46). The League formally came into existence on January 10, 1920, when the Treaty of Versailles entered into force. The main driving force behind the League was the US President Woodrow Wilson who proposed its creation in his famous Fourteen Points speech in January 1918. The Covenant was then drafted by the winning Allied and Associated Powers and imposed on defeated Germany and its allies as part of the peace treaties (Northedge 1986: 1, 25 – 47). This close linkage between the Covenant and the peace treaties belonged to its most fundamental flaws. The newly established system lacked a “concert of interest” of the major powers, as defeated Germany, Japan and Italy obviously opposed the postwar status quo (Bennet / Lepgold 1993: 214). Another major power – Russia joined the League only in 1934 but was expelled from the organization five years later as a punishment for attacking Finland. And finally the United States, the most powerful state after the Great War and, ironically, the home country of the strongest advocate of the establishment of League – President Wilson, refused to join the organization at all. Some historians even argue that the failure of the League to prevent World War II was *“more due to the absence of the United States from its peace-keeping arrangements than to any other cause”* (Northedge 1986: 87).

The institutional structure of the League, which was later applied in the framework of the UN as well, combined the old, exclusive arrangement of the Concert of Europe with the post-1918 theory that every nation-state, regardless its size or power, has a right to say in world affairs (Northedge 1986: 49). That is why the bicameral arrangement was adopted – in the Assembly, all the member states were represented, while the Council included only the major powers and some rotating, non-permanent members.

In order to promote international cooperation and to achieve international peace and security, the Covenant of the League of Nations created a set of rules and norms which regulated relations between states. One could even say that it created a system of collective security, although a very imperfect one. I will now examine these both aspects of the League.

Article 10 of the Covenant committed states “*to respect and preserve, as against external aggression, the territorial integrity and existing political independence of all Members of the League*”.¹⁷ However, this did not imply that states renounce on their right to wage a war.¹⁸ They only had to follow some rules and procedures before resorting to war. First of all, states were obliged to seek a peaceful settlement of their disputes. The contracting parties agreed to submit any dispute, which might arise among them, to arbitration or to judicial settlement (Article 12).

What we find in the Article 16 of the Covenant of the League of Nations is the pioneering attempt at creating a system of collective security. If a member of the League violates the provisions of the treaty (Articles 12, 13 and 15) and resorts to war illegally, this will be considered as an “*act of war against all other members of the League*”. It was then the legal *obligation* of each state to isolate the law-breaking nation through an immediate and complete cut-off of all trade, financial and personal relations. As a next step the Council of the League was obliged to *recommend* to the member states which military contributions are to be made by them to protect the violated provisions of the Covenant. But the Council was not intended to take any action towards peace-enforcement or to punish the aggressor. This was the responsibility of each individual member state (Northedge 1986: 49).

The system of collective security was activated when a state engaged into war unlawfully. In this case, states were obliged to automatically impose economic sanctions on the law-breaking state. However, the decision, if the war violates the rules of the Covenants and thus if Article 16 is to be activated, was taken by each member state individually (Jaberg 1998: 420). With regard to collective security this constituted a severe difficulty. Differing interpretations caused differing responses of states. An *automatic* and collective response to

¹⁷ The text of the Covenant of the League of Nations is available under:
http://avalon.law.yale.edu/20th_century/leagcov.asp

¹⁸ A general prohibition of recourse to war, as an instrument of national policy, was introduced by the Briand-Kellogg-Pact in 1928.

an act of unlawful aggression was not secured. Moreover, the interpretative Resolutions, adopted by the Assembly of the League in 1921, state that each individual nation has to take the decision as to what measures it wants to take against the lawbreaker and in support of the victim. The Council had the obligation only to make recommendations in this regard, however these did *not* have any binding authority on individual member states (Morgenthau 1985: 318).

All decisions of the League – both in the Council and in the Assembly, were to be taken unanimously. Practically each member state had a veto right what made the decision process extremely complicated. Despite the unanimity rule, which was by no means absolute and excluded states who were parties to a dispute, the League – neither its Council, nor the Assembly, had any authority of enforcement. The Covenant did not envisage that members of the League would put their armed forces at the disposal of the Council (Northedge 1986: 49). They were allowed but not obliged to use military force against the aggressor. We can see that in the League, states retained their sovereignty in all essential decisions, including that of waging a war or responding to an unlawful aggression.

Under the provisions of the Covenant, states were legally obliged to arms reductions. They had to reduce their “*national armaments to the lowest point consistent with national safety*”.¹⁹ In reality, however, all the efforts of the League to achieve either qualitative or quantitative disarmament failed (Webster 2005: 495). There was no mechanism to verify the compliance, most notably because United States and United Kingdom did not agree on inspections or any other verification measures (Grigorescu 2005: 30). Here again, the voluntary character of the Covenant and the principle of states’ sovereignty have prevailed. All this enabled Germany and others to rebuild their military power.

We can conclude that the League of Nations introduced some pioneering provisions on collective security. It regarded an unlawful resort to aggression as an act of war against all the members. The latter ones pledged to automatically put in place economic sanctions against the state violating provisions of the Covenant. However, each individual state had the authority to decide, whether and by whom a war in breach of the Covenant was committed. This left open room for diverging interpretations and impeded the automatic

¹⁹ Article 8 of the Covenant.

mechanism of collective security. There was no obligation under the Covenant to use military force against the aggressor or to execute the recommendations of the League's Council. And finally, the Council did not dispose over any enforcement powers to restore peace.

Formally, the system of collective security put in place in the framework of the League of Nations was a very weak one. Besides stating that an act of aggression against one state is to be understood as an aggression against all, it did not create any automatic and legally binding commitments. Everything was left on individual states. Historians point out that the overall mood after 1918 was not favorable to the concept of collective security. After the experience of a devastating world war, the majority of states were so tired of fighting, that they were not willing to go to any other one, not even a League war with the aim to defend its Covenant (Northedge 1986: 2). This prevailing attitude suggested that the system of collective security would not work.

As history has shown, the League of Nations failed as a system of collective security. It was not able to prevent, or deter World War II. Nevertheless, the idea of collective security had not been given up. On the contrary, the founders of the United Nations tried to learn a lesson from the shortcomings of the League and establish a new, more successful international organization based on the idea of collective security.

3.2. United Nations

By creating the United Nations, its founding fathers hoped to overcome the realistic-prone power politics. After attending the Moscow Conference in 1943, which laid the foundations for the United Nations, Cordell Hull, then U.S. Secretary of State, declared that the new international organization would bring an end of power politics and introduce a new era of international collaboration (Morgenthau 1985: 38). But the following decades of Cold War left these hopes unfulfilled.

As we can read in the Preamble of the Charter of the United Nations, the organization was founded with the ultimate objective *“to save succeeding generations from the scourge of*

war”.²⁰ Its main purposes are listed in Article 1: to maintain international peace and security, to develop friendly relations between nations and to achieve international cooperation in solving international problems. The founding nations of the United Nations, having the experience of a World War in fresh memory, favored international friendship and cooperation over antagonism and competition. They believed international problems can be solved through cooperation, and effective collective measures can prevent, remove, or suppress aggression.

Towards this end, states agreed on a general prohibition of the use of force in their mutual relations. In Article 2, paragraph 4 they pledged to “*refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state*”. On the contrary, they committed themselves to settle their international disputes by peaceful means (as regulated in Chapter VI of the Charter). These include negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other pacific means of states’ preference.

The primary responsibility for the maintenance of international peace and security, which is regarded as a common aim of all nations, was vested in the Security Council, the main executive body of the organization. In case of a dispute which is likely to endanger international peace and security, the Security Council is required to call upon the parties to settle their dispute peacefully (Art. 33). It may also recommend appropriate procedures or methods to achieve the settlement (Art. 36).

Interestingly, the Charter does not provide any clear-cut definition of an “act of aggression”. It is the authority of the Security Council to decide when international peace is endangered or violated or if an aggression was carried out. Compared to the League of Nations, the UN Charter has a much broader definition of circumstances under which the system of collective security can be activated. While the Covenant mentioned only the term “aggression”, Art. 39 of the UN Charter, which opens the Chapter VII, identifies any threat to the peace, breach of the peace, or act of an aggression as relevant for the Security Council in order to take action. The authority of SC is not limited to a specific act of aggression. The Council can decide, in accordance with its decision making procedures, if a

²⁰ Charter of the United Nations and Statute of the International Court of Justice (1945). Published by the United Nations Department of Public Information, July 2005.

threat to peace, its breach or an act of aggression exists or not. This authority allows the Council to act whenever it deems it is necessary to preserve international peace (Bennett/Lepgold 1993: 216). Consequently, the delicate question of definition of an aggression becomes obsolete.

Once the Security Council determines the existence of any threat to the peace, breach of the peace, or an act of aggression, it has to take further steps to restore international peace. In its famous Chapter VII, the Charter foresees two kinds of measures, which can be taken by the Council in order to restore international peace: measures that do or do not involve the deployment of armed forces. The former ones include partial or complete interruption of economic relations (economic sanctions), interruption of various means of communication, and the severance of diplomatic relations (Art. 41). If these non-military measures are proved to be inadequate to restore international peace and security, the Council may finally approve a military operation. Article 42 states that the Security Council “*may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security*”. The member states of the UN are then asked to make their armed forces available, and assist the Security Council in a way necessary to maintain international peace.

Here we can see that the UN Charter foresees also enforcement actions as an instrument of collective security. If the aspired peaceful settlement of international disputes fails and states do not follow Council’s recommendations made under Chapter VI, the SC may decide to act under Chapter VII of the Charter in order to enforce its decisions and restore international peace and security. Enforcement can include political and economic sanctions but also the use of military force, if the SC deems it necessary. There are no *automatic* obligations of member states to take action against an aggressor or to assist the victim in any way. But the mechanism of collective security can be activated by the decision of the Security Council, which is, once reached, legally binding for all the members of the organization (Art. 25).

Even though states are under legal obligation to participate in military or other enforcement actions decided by the Security Council, it can be argued that in reality, these obligations are voluntary. States may decide to withhold their agreement and not to participate in the collective security actions. There is no possibility to force individual member states to

comply with its obligation to participate in military operations mandated by the SC. Realists point out that states may refuse, in violation to their obligation under Art. 43 of the UN Charter, to make their armed forces and / or military facilities available to the Security Council (Morgenthau 1985: 322). If this happens, the Security Council is powerless to act – which means it cannot exercise its duty to restore international peace and security.

Besides this possibility, there is one another and probably even more relevant flaw in the system of collective security created by the UN: the veto power granted to the permanent members of the Security Council. The SC is not a completely impartial authority. It is composed of 15 member states; each of them often pursuing its own national interests respectively those of a specific group of states. Every substantial decision of the Security Council requires nine votes of its members but no dissenting vote of any of the five permanent members²¹. This suggests that each of the “P5 states” holds a practical veto over every decision of the Security Council. Due to this provision, the system of collective security institutionalized in the United Nations Organization is not only far from perfect. In many cases it is not working at all. The veto right remains unchanged even if a P5 state is party to the conflict under consideration. Here we can find a major change in the decision-making mechanism compared to the procedures of the League of Nations. In the League, some states enjoyed permanent membership in the Council as well, and this included the veto power as well. However, if they were party to a conflict under discussion, their vote was not taken into consideration. In this way, it was possible to pass resolutions against the will of a major state, when this was primarily concerned by the dispute (Grigorescu 2005: 36). Even though the Council of the League could not adopt any legally binding decisions or mandate use of military force, some big powers interpreted this provision of the Covenant as a too heavy restrain on their national sovereignty and therefore decided not to join the Organization (the US belongs to the most famous examples of major states which opted for non-membership in the League).

In order to ensure that also major powers join the new United Nations after the end of World War II, they were given the powerful veto right over all substantial decisions of the Security Council. Over the next decades, the veto power has lead to a large ineffectiveness of the Organization when dealing with issues of major political or security importance. The

²¹ Five major powers at the end of World War II were given a permanent membership in the Security Council: China, France, Russia, United Kingdom and United States.

East-West confrontation made it impossible for the Security Council to function as envisaged because the competing major powers (United States and Soviet Union) widely blocked each others' proposals. One can conclude that during the Cold War, the UN has failed as a system of collective security.

At the end of Cold War, the idea of collective defense experienced a short period of revival. However, at the same time, the calls for reform of the organization soon became more and more loud. Nowadays, it is often argued that if the UN does not undergo any substantial reforms, there is a real danger that it will become as ineffective as its predecessor (Grigorescu 2005: 25). Despite its flaws, the UN is widely recognized as the universal international organization and its Charter as the basis of international law. Most international treaties include a reference to the UN Charter and reaffirm its core values, rules and principles.

As outlined above, among the basic rules of the UN is the obligation of all member states to refrain from threat or use of force. The renunciation on the use of force belongs to the most fundamental principles which should secure international peace. However, one very significant exception to this rule exists, namely the right to self-defense. It can be found in Article 51 of the Charter. It reads:

“Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security.”

This provision is especially relevant in connection with the concepts of collective security and collective (self-) defense. It stipulates that every individual member state, if attacked, has the right of self-defense. Moreover, all other members are entitled to help this state to defend itself. However, the Charter does not specify which form the collective self-defense should take. The general interpretation therefore suggests that the help may also include the use of military force. Article 51 did not establish any *obligation* to defend an attacked member state. It simply recognized the *right* of any nation, no matter if directly attacked or not, to come to help to any other states under attack (Morgenthau 1985: 323).

As discussed previously, the UN Charter does not provide a definition of an act of aggression. The decision, whether a particular act constitutes a threat or violation of

international peace, is left to the Security Council. But in Article 51 we find a different approach. Each individual member state has the right to decide by itself, when, and for how long the conditions exist to justify the exercise of the right of self-defense (Eekelen 1994: 33). This right remains applicable as long as the Council does not take the necessary measures to restore international peace. But here again a very vague wording is used. It is up to each state to determine which measures were *necessary* and when these have been taken.

In the chapter above, we have seen that collective-defense alliances like NATO or WTO refer to the principle of collective self-defense, which is embedded in Article 51 of the UN Charter, as the common point of reference. However, some scholars argue, collective action under Article 51 does not require to be formally agreed on in a collective-defense treaty or international organization (Eekelen 1994: 33). Article 51 already provides the legal basis to collective response to an armed attack if the Security Council fails to exercise its duty to restore peace or until it does so. By entering into collective-defense alliances, states seek security *guarantees* and mutual commitments to collective action. These are not given in the framework of the UN.

In conclusion, I want to compare some basic principles enshrined in the League of Nations and the United Nations in regard to the concept of collective security. In the League, each state had the right to decide individually if a breach of the Covenant was committed or not. The UN gave this authority to the Security Council, whose decisions are binding upon all member states. Unlike the League's Council, the UN Security Council can take enforcement action which may even include use of military force. If, according to the SC, international peace is endangered or violated, the Council is required to make recommendations, or to decide what measures shall be taken in order to maintain or restore international peace and security. All member states are subsequently obliged to assist the SC and to make their armed forces available to the Council, even though no guarantee exists that states will actually fulfill this obligation. In the League, the decisions of the Council were not binding for the member states. Each of them could decide separately, which, if any, measures it will take to respond to an unlawful act of aggression. No enforcement action executed by the League was envisaged.

Another major difference between the League of Nations and the United Nations lies in their membership. Both international organizations were designed in the Euro-Atlantic region but included non-European countries as well. At its greatest extent in the mid-1930s, the League had 58 member states. However, the US never joined the organization, resurgent powers like Germany and Japan withdrew from it and another major power – the Soviet Union was expelled. Contrary to the exclusivity of the League, the UN enjoys nowadays practically universal membership. 192 states, including all major powers, are members of the UN today.

An ideal collective security is characterized by participation of all states on the globe who pledge a legal commitment to automatically take collective action in response to violation of common rules and norms. In this chapter we have seen that even the two most advanced attempts to put the idea of collective security into practice – Article 16 of the Covenant of the League of Nations and Chapter VII of the Charter of United Nations – fall far short from this ideal. And further attempts to create a more perfect system of collective security have not been more successful. Due to the Cold War bipolarity, European security in the second half of 20th century was dominated by the systems of collective defense rather than collective security.

3.3. Molotov's Proposal on Collective Security in Europe

Even in times of strong Cold War antagonism between the West and the East, marked by creation of collective defense alliances, the model of collective security found some advocates. In the mid-1950s, Soviet Union put forward proposals for a rearrangement of the European security order. At the meeting of Foreign Ministers of the Four Powers (USSR, USA, France and United Kingdom), which took place in Berlin in February 1954, Soviet Foreign Minister Vyacheslav Molotov presented to his counterparts draft of the *General European Treaty on Collective Security in Europe*. Following the creation of the very imperfect collective security system enshrined in the United Nations, this treaty, if accepted by the Western powers, would have created an almost ideal collective security regime in Europe. I will therefore examine more closely the basic provisions of this Soviet proposal and later explore some analogy to the current Russian initiative.

Molotov's proposal, as its Preamble says, is guided by the purposes and principles of the Charter of the United Nations.²² The major aim of the treaty was to safeguard peace and security through prevention of aggression. During the Cold War, states viewed the danger of interstate wars as the main threat to their security. The Soviet proposal aimed to eliminate this danger in an all-European system of collective security that would have strengthened international cooperation and overcome the logic of competing alliances.

The proposed treaty reaffirms states' obligation to refrain from the threat or the use of force against each other, as provided for by the UN Charter, and to settle international disputes by peaceful means. Consultations among the parties to the treaty were envisaged whenever a danger of an armed attack in Europe emerged. If prevention in form of periodical and / or special consultations fails and an armed attack against one or more parties to the treaty occurs, it is to be considered as an attack against all the parties. In this case, all state parties are obliged to

*“assist the State or States which had been so attacked by all the means at its disposal, including the use of armed force, for the purpose of re-establishing and maintaining international peace and security in Europe”.*²³

This article would have established an *automatic commitment* of all members to assist a state under attack with all means at its disposal, including military force. In this way states would have exercised their right of individual or collective self-defense as provided for by the Article 51 of the UN Charter. The clause is almost identical with the Article IV of the Brussels Treaty of 1948, from which the Western European Union (WEU) evolved in 1954. The Brussels Treaty created a system of collective defense among its five original members, which obliged to help an attacked state with *“all the military and other aid and assistance in their power”*.²⁴ Unlike the collective defense concept of the Brussels Treaty, which was directed against an external aggressor (Soviet Union), the Molotov's proposal would have created a genuine, Europe-wide system of collective security, where the potential aggressor could arise from within the system. According to the Soviet proposal, membership in the treaty should have been open to all European states regardless of their social systems. The United States and the Chinese People's Republic, as permanent

²² Draft general European treaty on collective security in Europe as submitted by Soviet Foreign Minister Molotov to the Berlin Conference on February 10th, 1954. Available in European NAVigator <http://www.ena.lu/>

²³ Ibid. Art. 4.

²⁴ Article IV of the Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence. Brussels, March 17th, 1948.

members of the UN Security Council, were to be invited as observers. A permanent consultative political committee was also to be established. Its task would have been to draft recommendations for the state parties. Part of the Soviet proposal is devoted to provisions regarding the reunification of Germany, which was, at that time, still under occupation of the Four Powers.

Article 7 of the draft of the general European treaty on collective security in Europe suggests that the parties must not enter any coalition, alliance or security arrangement which would be contradictory to the purposes of this treaty. It is not specified if a collective defense system, like the NATO or later the WEU, would have fell into this category. This, of course, leaves room open for interpretation. By proposing the new treaty, Soviet leaders might have tried to encourage East-West cooperation. Moscow hoped this development would have gone hand in hand with the dissolution of military alliances, first and foremost NATO. Through this initiative, Soviet elites probably sought to diminish the influence of the United States in European security affairs, too.

The Soviet proposal for an all-European treaty on collective security had been rejected by Western European powers. French Government, after having consulted other NATO member states, explained the reasons for the refusal in a note to the Soviet Government dated May 7, 1954.²⁵ France argued that the treaty proposed by Molotov would have not removed the root causes of tensions in Europe. It regarded the Soviet endeavor as an attempt to maintain Germany divided and to retain political, economical and military control of Soviet Union over Eastern Europe. In the French view, the treaty would have only preserved insecurity and division in Europe. Moreover, France objected that the treaty would have ruined the authority of the United Nations. The best way to assure collective security in Europe would have been, according to France, if Soviet Union had allowed the UN to function properly.

The security of NATO members was provided by the collective defense of the Alliance and not by a new collective security arrangement with the Eastern bloc. France argued that if Western powers accepted the Soviet proposal and admitted Soviet Union among themselves, the collective defense would have been destroyed. Soviet government would

²⁵ Note du gouvernement français en réponse à la note soviétique du 31 mars 1954 (7 mai 1954) is available in European NAvigator, under <http://www.ena.lu/>

have permanently vetoed the decisions of the Alliance, which were to be taken unanimously.

Instead of accepting Molotov's proposal, Western powers offered their own vision about the best way to enhance European security. Unlike Soviets, who had promoted general principles of the collective security arrangement, the West was more concerned with concrete security issues in Europe. A new security structure, so the French government, would not lead to any durable solutions, if the fundamental divisions behind this new façade remained the same. In order to decrease international tensions, France, together with other Western powers, suggested the Soviet side to show its willingness and cooperate, among others, in the question of German reunification and Austrian sovereignty. Another concrete issue was disarmament. The West had endorsed its commitment to negotiate and conclude a treaty on conventional and nuclear disarmament under the auspices of the United Nations.

Due to the circumstances of the Cold War, the Soviet proposal to convene a conference of European States, where the general European treaty on collective security in Europe could have been concluded, was rejected by Western powers. Shortly afterwards, in October 1954, eight Western nations - United Kingdom, France, Belgium, Netherlands, Luxemburg, together with Italy and also the Federal Republic of Germany (FRG), amended the Brussels Treaty and founded the WEU. Following year, in May 1955, Western Germany acceded to the North Atlantic Alliance as well. Soviet Union responded to these developments by initiating the *Warsaw Pact* – a military alliance of the communist bloc (Holden 1989: 6). Its founding document, officially named *Treaty of Friendship, Co-operation and Mutual Assistance* was signed in the Polish capital Warsaw on May 1, 1955 by following countries: Albania, Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Poland, Rumania and of course the Soviet Union. The Warsaw Pact, also called Warsaw Treaty Organization (WTO) had been since then the Eastern counterpart to NATO. Similarly to Article V of the North Atlantic Treaty, WTO provided “soft” security guarantees to its members. In the event of an armed attack on any of the signatories, other states were committed to render assistance as they considered necessary.²⁶ There was no

²⁶ Article IV of the Treaty of Friendship, Co-operation and Mutual Assistance states that in an event of an armed attack on a state party to the treaty, each state will provide immediate assistance „by all the means it

obligation to help with military means as it would have been the case in the collective security treaty proposed by Molotov. The Warsaw treaty also committed its members to settle international disputes by peaceful means and, unlike NATO, to work towards disarmament and to strive for a prohibition of weapons of mass destruction.²⁷ Interestingly, the signatories of the Warsaw Treaty still committed themselves to seek a general European treaty on collective security. If this was concluded, the Warsaw Treaty would become ineffective.²⁸ This provision in the Warsaw Treaty can be understood as a proof of Soviet Union's commitment to the all-European collective security arrangement. USSR would automatically dissolve the Warsaw Pact if a collective security treaty, as proposed by Molotov in 1954, was accepted by the Western powers.

The Warsaw Pact created a system of collective defense. In this sense, it shared many similarities with the North Atlantic Alliance – including the commitment to peaceful settlement of international disputes, consultations, defense cooperation and of course the security guarantees in case of an armed attack (Holden 1989: 10). But there was one fundamental difference between the two blocs. NATO is an Alliance of free and democratic nations which voluntarily decided to join a system of collective defense against a common threat. The WTO, on the other hand, was much more a tool for Soviet Union to control political and social developments in the Communist bloc. Eastern European countries were forced to accede to the Warsaw Pact; and its forces had been used even against its own members, when Soviet leaders felt discomfort with internal developments in their “satellite” countries. A well known example is the invasion of Warsaw Pact forces into Czechoslovakia in 1968, where the reformist attempts were halted by force. Article VIII of the Warsaw Treaty commits states to respect the principles of sovereignty and non-interference into internal affairs. Accordingly, the document could not provide any legal foundations for this military intervention (Holden 1989: 11). Even though NATO troops were never used against any of its members, it has been also often argued that one of the substantial *raison d'être* of the Alliance was to exercise American influence over political and military affairs in (Western) Europe. Here we find an analogy to the WTO.

may consider necessary, including the use of armed force“. The text of the Treaty is available under <http://www.fordham.edu/halsall/mod/1955warsawpact.html>

²⁷ Articles I and II.

²⁸ Article II.

Until the end of the Cold War, Europe remained divided into two competing military alliances. The Soviet proposal to create an all-European system of collective security, which would overcome the existing military-bloc structure, has never been seriously taken into consideration. However, in times of thaw in the tensions between the rival alliances, some form of dialogue and even cooperation took place.

3.4. Emerge of Cooperative Security Model

In the early 1970s, the relations between the West and the East began to improve. During this time, the model of cooperative security – institutionalized in the framework of CSCE has emerged. As an alternative to Cold War hostilities, the CSCE process promoted cooperation among all states in Euro-Atlantic region, including the US, Canada and Soviet Union, as well as the neutral and non-aligned countries. The West and the East pursued clearly opposing interests in the CSCE negotiation process. Soviet Union sought a legitimization of the post-war status quo in Europe, while the West hoped to bring about political change in Eastern Europe. In other words, one side favored continuity and the other was interested in change (Seidelmann 1989: 115). Finally, a compromise was found – the Helsinki Decalogue. The document accommodated interests of all parties involved. In the ten principles, states reaffirmed their commitment to the non-use of force in their mutual relations. They also expressed respect for national sovereignty, territorial integrity, and non-intervention into domestic affairs favored by the USSR; as well as the commitment to human rights and fundamental freedoms promoted by the West.

The successful adoption of the Helsinki Final Act was not followed by a period of intensified East-West cooperation or friendship. On the contrary, the years between 1975 and 1984/85 are described as a “stagnation” phase of the CSCE process, marked by confrontation over the implementation of Helsinki commitments (Seidelmann 1989: 116). This was mainly due to the deterioration of the US – Soviet relations. The CSCE could not prevent renewed East-West antagonism. However, it could at least limit the extent and intensity of the hostilities (Ibid: 120).

The CSCE and its review conferences favored the spirit of pan-European cooperation. They worked towards promotion of human rights, fundamental freedoms and economic development throughout Europe. During the last 15 years of the Cold War bipolarity, the

Conference served as a multilateral forum for dialogue between the East and the West and in this way helped to bring the Cold War to its end.

3.5. Changes in European Security Architecture after the End of Cold War

The end of the Cold War brought about tremendous changes to political realities, on both – global and European level. A debate about new security arrangements followed immediately. Although the end of bipolarity has not generated a new system of collective security, the idea experienced its renewal.

On the global level, there have been hopes that the end of confrontation between the two superpowers, which were at the same time permanent members of the UN Security Council, would finally make the UN collective security mechanism viable. Another incentive to discuss the effectiveness of the ‘newly reinvented’ system of collective security in the early 1990s was undoubtedly the Iraq’s invasion of Kuwait. This aggression was a clear violation of commitments under the UN Charter. The Security Council finally authorized a response of the international community with “all necessary means”, including the use of force, in order to evict Iraq from Kuwait. Advocates of liberalism and institutionalism have argued that this case revealed the potential of the post-cold war collective security. But there are also less successful examples. If we take the Yugoslav civil war as a test of the great powers’ willingness to act in the case of breach of the peace where their vital interests are not concerned, it failed (Bannett 1993: 231). And so did the UN and its system of collective security. With regard to the Balkan conflicts the same can be said about the system of cooperative security. It was not able to prevent the wars from happening, either. Nevertheless, or maybe exactly because of this and other failures, states made different proposals to new security arrangements in Europe.

The debate about the new security order unfolded on academic level as well. Realists, who emphasize the anarchic structure of international system and states’ desire to maximize power, saw the move from bipolarity towards multipolarity as a destabilizing factor in international politics. They argued that the disappearance of the balance of power structure will automatically lead to increased possibility of wars and conflicts (Mearsheimer 1990). On the other hand, liberal institutionalists welcomed the change and pledged for a new

system of collective security. Some have even proposed a security system where both principles – realism and collective security would be united. Kupchans put forward a new concept: “*concert-based collective security organization for Europe*” (Kupchan/Kupchan 1990: 116). It should rely on a small group of major powers to guide a region-wide security structure. The proposal suggested that great powers primarily deal with classical military-security issues, while the full body handles the non-military aspects of security (Ibid. 153). This idea takes advantages of a collective security system while, at the same time, reflecting distribution of power among major states. But this option has never been realized. In the mid-1990s, the German Institute for Peace Research and Security Policy at the University of Hamburg (IFSH) argued the security in Europe is weak and fragmented, and it faces many tensions with potential to escalate into wars. In order to remove the zones of unequal security in Europe and to ensure peaceful resolution of conflicts, it suggested creation of the *European Security Community* (ESC) based on the principle of collective security. The new organization should evolve from the OSCE into a full regional collective security arrangement under Chapter VIII of the UN Charter. It should include security guarantees for all states in the Euro-Atlantic area. Through a legally binding treaty, all members would be obliged not only to respect human rights and the rights of minorities, but also to automatically help a victim of an aggression (IFSH 1996: 135). According to its advocates, the ESC would work as the UN was supposed to work at the time of its foundation – namely as a system of collective security. But the real political developments in the Euro-Atlantic region moved towards different direction – that of cooperative security.

After the end of Cold War, it became clear that the European security architecture has to be reformed. There were new realities: the disappearance of Soviet Union and the Warsaw Treaty Organization created a unipolar world with the United States taking lead as the only superpower; NATO lost its major enemy but nevertheless continued to exist and even enlarge; countries of central and Eastern Europe began their way of transformation and integration to the Western structures, and the integration within the European Communities, later European Union, developed further.

The Conference on Security and Cooperation in Europe seemed to be the right place to discuss the future arrangement of European security system. 15 years after the adoption of the Helsinki Final Act, the CSCE experienced a short period of revival as a primary place

for a continent-wide dialogue on European security. In the late 1980s and early 1990s, there was a general consensus across Europe that the CSCE structures should be strengthened and further evolved. Its inclusive membership stretching from Vancouver to Vladivostok combined with a variety of norms adopted by all members, were deemed as the main reasons for putting the CSCE at the heart of the new security order in post-Cold War Europe. However, an ideal collective security arrangement was not under active consideration (Möttölä 1993: 16). It was perceived that a new collective security organization would mean the replacement or, at least, diminished influence of existing military alliances, NATO in particular. Many Western European states felt discomfort about a potential scale down of NATO. So instead of negotiating a new collective security treaty in Europe, only revisions or modifications of existing structures have been suggested and / or put into practice.

As early as in 1990, the Heads of States or Governments of then 34 participating states of the CSCE, among them George Bush Sr., Mikhail Gorbachev and François Mitterrand, signed the *Charter of Paris for a New Europe*.²⁹ This political document, which is sometimes referred to as an official end of the Cold War, set basic tenets of the post-Cold War security cooperation in Europe. The Charter, among others, reaffirmed the obligation under UN Charter to restrain from threat and use of force as well as the commitment to the Ten Principles of Helsinki Final Act. Moreover, participating states expressed their “*steadfast commitment to democracy based on human rights and fundamental freedoms; prosperity through economic liberty and social justice; and equal security for all countries*”. I want to especially highlight the notion of equal security. Although it is to be understood only as a political declaration, without any closer definition, the principle of equal security is a new approach which has not been included in the Final Act of Helsinki. It is relevant especially in respect to many Russian documents and statements which stress this principle as well as in regard to the current initiative of President Medvedev to conclude the European Security Treaty.³⁰

The short period of “CSCE euphoria”, which accompanied the adoption of Paris Charter and the successful negotiation and ratification of the CFE treaty, evaporated quickly (Cotty

²⁹ Conference on Security and Cooperation in Europe: Charter of Paris for a New Europe. Paris 1990.

http://www.osce.org/documents/mcs/1990/11/4045_en.pdf

³⁰ See for example: The Foreign Policy Concept of Russian Federation, July 12, 2008. <http://www.mid.ru/ns-sndoc.nsf/0e9272bafa34209743256c630042d1aa/cef95560654d4ca5c32574960036cddb?OpenDocument>

2001: 46). During the crises in the Baltic states and in Yugoslavia in 1990 – 1991, the USSR blocked the CSCE decision-making mechanism which required a consensus of all participants. Through the *de facto* veto of the USSR, the CSCE was rendered inactive and powerless. Cooperative approach based on consensus decision-making seemed to fail. Western dominated institutions, namely NATO and EC/EU took the lead in resolution of the conflicts. The Baltic as well as the Central European states did not believe that the CSCE was able to guarantee their independence. They favored collective defense over cooperative security and have therefore sought integration into NATO.

In the early 1990s, France proposed a project concerning a pan-European security treaty, where existing CSCE norms along with new provisions about European security would have been codified. The idea was rejected by United States and other NATO members who feared this may curtail the primacy of the Alliance. Finally, a politically binding document – *Code of Conduct on Politico-Military Aspects of Security*, which became part of the Budapest Declaration³¹ in 1994, was agreed on (Gheballi 1996: 6). As we will see in Chapter 4, many provisions of the current Russians proposal for a European Security Treaty are already included in this legally non-binding Code, especially the clause on indivisibility of security. Besides this, some articles³² of this document suggest a future possibility of gradual development of the OSCE from a purely cooperative security institution, without any enforcement competences or other legally binding provisions, towards a system of collective security (Vetschera 1996: 124).

There has been another similar move on the imaginary security continuum: namely the gradual transformation of NATO. The organization has transformed from a purely collective defense alliance towards a more cooperative security organization. NATO has nowadays partners all over the globe, including its former enemies. Shortly after the *Paris Charter* was adopted, also the NATO member states recognized the need for new security architecture in Europe. In the Rome Declaration, the Alliance recognized that it cannot deal with all the new security challenges alone. Instead, cooperation with other security organizations is desirable. Heads of State and Government of NATO countries – called for

³¹ Conference on Security and Cooperation in Europe: Towards a Genuine Partnership in a New Era. Budapest Summit 1994. http://www.osce.org/documents/mcs/1994/12/4050_en.pdf

³² For instance, Article 5 of the Code states that participating states are determined to act in *solidarity* if CSCE norms and commitments are violated and to facilitate *collective responses* to security challenges, (...) they will consult promptly, (...) *consider jointly* the nature of the threat and actions that *might be required* in defense of their common values (emphasis added).

a “framework of *interlocking institutions* tying together the countries of Europe and North America“ and a “*new European security architecture* in which NATO, the CSCE, the European Community, the WEU and the Council of Europe complement each other” (emphasis added).³³ NATO’s cooperation – not only with other international organizations in Europe, but also with numerous non-NATO countries, evolved quickly. In December 1991, the so-called North Atlantic Cooperation Council was founded. It later led to the creation of the “Partnership of Peace” program, launched in October 1993. And despite strong Russian opposition, NATO started to expand and move closer to Russian borders. In 1999, Czech Republic, Hungary and Poland joined the Alliance. They were followed by seven Central and Eastern European countries in 2004.³⁴ Most recently, NATO enlargement took place in the Balkans, when Albania and Croatia joined in 2009. Currently, the Alliance has 28 member states and cooperates with 22 partner countries within the Partnership for Peace Program.³⁵ In the changed security environment, Alliance decided to pursue the policy of enlargement; to strengthen cooperation with partners from all over the world; and to take over new tasks reaching beyond its geographical scope as well as beyond its traditional collective defense mission. All these developments account for the shift of NATO towards more cooperative security approach.

There have been diverging views on the enlargement of NATO and its impact on regional stability and security. But what we can see is that the “new European security architecture” – when defined as a framework of interlocking institutions which complement each other, to use the words of the Rome Declaration, was and still is strongly shaped by the Euro-Atlantic pattern. It evolved around Western security institutions (especially NATO) with only limited involvement of Russia. Even though a formal cooperation between NATO and Russia has been established in 1997 and further strengthened in 2002, the OSCE remains the only place, where Russia meets its European partners on an equal footing. But many Western European states regard the OSCE only as a tool to enhance democracy and human rights in the post-communist region. Neither Western Europe nor the US has been paying adequate political attention to this organization.³⁶

³³ North Atlantic Council: Rome Declaration on Peace and Cooperation. Rome, November 8, 1991. http://www.nato.int/cps/en/natolive/official_texts_23846.htm?selectedLocale=en

³⁴ These were: Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia.

³⁵ For a list of NATO’s partner countries, see: <http://www.nato.int/cps/en/natolive/51288.htm> Accessed on February 18, 2010.

³⁶ See, for example, a comparison of the frequency of OSCE Summits with the NATO, NATO-Russia or EU-Russia Summits. OSCE high level meetings are extremely rare. The last OSCE Summit was held more than

3.6. Russian Proposals in the 1990s

Since the end of the Cold War, also Russia has repeatedly called for a rearrangement of European security architecture. These calls have become especially loud when the traditional enemy of Soviet Union – NATO and its military infrastructure moved closer to Russian borders. Until today, the eastward expansion of NATO continues to be one of the most troublesome issues in the relations between Russia and the West.

In the early 1990s, Russia pursued a very Western-oriented foreign policy, aiming at strong cooperation with the West. Russia did not want to be left out from European security affairs. It did not challenge the status quo but it sought an active participation in it (Shearman 1995: 100). Andrei Kozyrev, the Foreign Minister of Russia under President Yeltsin, has even admitted the possibility that one day Russia may become a member of NATO. But this would require a fundamental transformation of the Alliance. He argued that through an intensified cooperation with Russia, backed up by joint decision-making mechanisms, NATO could evolve into a pan-European security organization (Kozyrev 1994: 12-13).

Ideas of pan-European partnership and cooperation were not new in Russian foreign policy thinking. It was already in the late stage of the Cold War, when the President of Soviet Union Mikhail Gorbachev put forward the idea of a “common European home”. In an address to the Council of Europe dating from July 1989, Gorbachev called for unification of Europe, where all European states – large, medium and small ones take part. This new Europe would be based on common values of humanism, equality, justice and democracy. Traditional balance of forces would be replaced by balance of interest.³⁷ In the spirit of Soviet *perestroika*, he did not regard the existence of two different “social systems” to be an obstacle in creating a unified Europe. Gorbachev idealistically believed that Europe can unite in its diversity (Gorbachev 1995). In the security sphere, Gorbachev called for substantial reductions of armaments in Europe, advocating the ultimate objective of complete elimination of nuclear weapons by the end of the century. He expressed his wish to dissolve military blocs and to launch an intensive political dialogue with all European

10 years ago, in 1999 in Helsinki, while the other mentioned formats meet much more frequently. This can be interpreted as lack of high level political interest in the OSCE.

³⁷ Gorbachev, Mikhail: Address to the Parliamentary Assembly of the Council of Europe. Strasbourg, 6 July 1989. Available in European Navigator, under www.ena.lu

states as well as with the US and Canada, which would create an atmosphere of mutual trust and cooperation. Gorbachev's concept of common European home was not limited to security issues. He also called for intensified cooperation in the economic sphere, in environmental questions, as well as in legal and cultural affairs. Gorbachev promoted a new pan-European security order, similar to the model of Deutsch's security-community. Gorbachev did not draw many details of his plan. He simply called for recasting of political relationships between all European nations. It was a new way of Soviet thinking about Europe and international politics, which contributed to the end of the Cold War. But his wish to unite Europe in the spirit of common values, trust and cooperation among all European nations, including Russia, remains unfulfilled even twenty years later. Gorbachev's vision of unified Europe was very idealistic and far ahead of his times.

The strong Russian orientation towards the West and its structures in the early 1990s has changed when the new Foreign Minister of Russia, Yevgeny Primakov was appointed. Both Primakov and his predecessor Andrei Kozyrev sought to avoid international isolation of Russia. But the two Foreign Ministers followed different strategies in pursuing the same goal – to secure Russia's place in the post-Cold War world. Kozyrev sought to reintegrate Russia into European affairs through rapprochement with NATO which would transform and include Russia in joint decision-making mechanisms. Russian hopes for an inclusion into Western structures remained unfulfilled. On the contrary, the idea of NATO's expansion towards Russian borders became more and more popular on both sides of the Atlantic. And the Alliance's relationship with Russian Federation remained unaccounted for. Russia therefore continued to challenge the prevailing security architecture in Europe as well as on global level. Russian foreign policy under FM Primakov was characterized by realist balance of power logic. Primakov was a strong advocate of the concept of multipolarity. In order to counterbalance the unipolar world dominated by the US, Primakov sought a new multipolar international structure, in which Russia, along with China, United Nations, Islamic states and in some instances even with Western European states, form independent poles (Lo 2003: 77). Primakov applied the logic of multipolarity also on European security system. He focused on the OSCE, the only organization where Russia, as well as United States and all European states enjoy equal membership. In his address to the OSCE Council in 1994, Primakov called for a new security arrangement in Europe. The OSCE, as the only organization of all European states, should lie at its heart. In line with his concept of multipolarity, he stressed that all international organizations,

which are active in the security sphere – meaning United Nations, OSCE, Council of Europe, NATO, EU and CIS have to be involved in this process (Primakov 2001: 227). As I will discuss in Chapter 4 this demand has been repeated in current Russian proposal for the European Security Treaty.

Despite the Russian desire to strengthen the OSCE and to be accepted as an equal player in European security affairs, it was the North Atlantic Alliance who took the leading role in post-Cold War European security order. Russia, struggling with its internal transformation, was too weak to defend its foreign policy goals. And so it found itself in the position of an “outsider” of European security. Kremlin elites have never accepted this NATO-centered structure where no place was left for Russia. Since the collapse of the USSR, Russia has been seeking to reestablish its position as one of the pillars of European security (Duleba 2009).

Regarding the NATO enlargement, Moscow has not seen the inclusion of Central and Eastern European countries into NATO as a real military threat to Russian security. However, Russian leaders perceive NATO expansion into the region of former Soviet influence as a sign of Russia’s weakness and diminished political relevance in European affairs (Mangott 2001: 411). That is why they oppose the enlargement and further strengthening of the Alliance and seek the rearrangement of European security system.

3.7. Conclusion

Theory as well as history offers us an indispensable tool on how to think about possible security arrangements in Europe of 21st century. But real politics does not happen in a vacuum where the most suitable arrangement could be easily put into practice. The history shows us, that even though “ideal” forms of some outlined models have been proposed, they have not been fully implemented in political reality. Especially since the end of Cold War we have witnessed some shifts on the security continuum. Today’s international organizations cannot be strictly attributed to one security model anymore, but comprise elements of more models. When dealing with these “hybrid” forms of security systems it is interesting to analyze which concept prevails.

Far from representing an ideal model of collective security, the United Nations, at least in theory, retains the role of an overall guarantor of peace and security and legitimizer of collective actions in case of its breach also on European level. We have seen that the proposal of Soviet FM Molotov originating from the mid-1950s would create an almost perfect system of collective security. However, this endeavor did not find any supporters in the West. It aimed at diminishing the influence of Western collective defense alliances – first and foremost NATO. Later Russian proposals on rearrangement of the European security structure, such as Gorbachev's vision of the common European home, or the striving of FM Primakov for a multipolar order, were not put into practice either. Instead, the post-Cold War European security architecture has evolved around Western institutions without adequate involvement of Russia.

The current European security “order” is characterized by an array of international institutions. They differ in membership, structure, aims and available means to achieve their goals. NATO did not dissolve, but it still continues its transformation; the EU gradually strengthens its foreign policy capabilities; the OSCE continues to exist as the only all-European security institution even though with limited political weight; and then the Eastern groupings – CIS and CSTO are here, however only with marginal impact on security affairs. None of them can claim to be *the* European security organization where security concerns of all European nations could be effectively dealt with. There is no clear division of labor between all these organizations, even though we face a sufficient amount threats to tackle. Instead of mutually reinforcing each other, international organizations sometimes compete for survival, for their “place” in European security architecture and for the interest and resources of individual states. Does it suggest that we need a modernization of the current structure? Would the European Security Treaty, as proposed by Moscow, offer the right solution?

4. Medvedev Initiative

On June 5, 2008, during a speech to German political, parliamentary and civic leaders in Berlin, Russian President Dmitry Medvedev put forward the idea to review the current European security architecture. He called for a new legally binding pan-European treaty, which would, among others, codify the principle of indivisibility of security. On November 29, 2009, Kremlin released the draft of the European Security Treaty on the official web page of Russian President.³⁸ The public release of the draft followed more than a year of vague statements from various Russian leaders regarding the proposal of President Medvedev to rearrange the current European security architecture, which has become also known as the “Medvedev initiative”. Subsequent to previous two chapters dealing with theoretical and historical aspects of (European) security system, I will now examine the provisions of the released draft, explore the rules, principles and mechanisms it puts forwards, and look at the possible implications which could follow if the Russian proposal was accepted. Finally, I will try to locate the treaty and the security system that would be created by it on the security continuum outlined in Chapter one.

4.1. Draft of the European Security Treaty

The draft of the EST, which was published on the Official Web Page of Russian President and according to this source sent to heads of relevant states and to chief executives of international organizations operating in the Euro-Atlantic area, has a Preamble and 14 Articles. They can be roughly divided into three thematic areas: Articles 1 – 3 deal with the proposed principle of indivisibility of security; Articles 4 – 8 establish a new mechanism on conflict resolution and also include a special clause on collective action in case of an armed attack; and the final Articles 9 – 14 handle the entry into force of the treaty and some more rights and obligations that would result from the treaty.

The European Security Treaty, according to its initial drafters, is guided by the principles enshrined in the Charter of the United Nations. In the preamble of the Treaty, state parties reaffirm the prohibition of the use or threat of force as set forth in the Article 2, Paragraph 4

³⁸ The draft of the European Security Treaty, as published on the Official Web Portal of Russian President on November 29, 2009, can be found in the Annex of this paper.

of the UN Charter. They also reaffirm the central role of UN Security Council as the main responsible organ for international peace and security.

Besides the UN Charter, the preamble of the draft recalls also some legally non-binding international declarations. These include: the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States dating from 1970; the Helsinki Final Act of 1975; as well as the Manila Declaration on the Peaceful Settlement of International Disputes from 1982 and the Charter for European Security adopted by the OSCE Istanbul Summit in 1999.

A closer look at the preamble already reveals some of the Russian reasoning when proposing the new treaty. Russia declares its commitment to the principles of the UN Charter and especially seeks to strengthen the role of the Security Council. This is easily comprehensible, since Russia enjoys the privileges of a permanent member in this exclusive international body. A reference to some other international declarations is made as well. Instead of analyzing them, I would like to point out that one fundamental document, namely the 1990 Paris Charter, is missing. This suggests that Moscow is not completely happy with it and it aims at rearrangement of the current European security system.

Let us now have a closer look at the treaty itself. Article 1 of the draft EST establishes the principle of **indivisibility of security**, for which Russia has been calling intensively. It reads:

“(...) the Parties shall cooperate with each other on the basis of the principles of indivisible, equal and undiminished security. Any 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.”

According to this Article, states' cooperation has to be based on the principle of *indivisible, equal and undiminished security*. It means that any security measure taken by one or more state parties has to take into account the security interests of all other state parties as well. This provision creates an obligation of all state parties to consider security interests of all other members when taking any security-related measure.

The principle of indivisibility of security is further elaborated in Article 2. It states:

“A Party to the Treaty shall not undertake, participate in or support any actions or activities affecting significantly security of any other Party or Parties to the Treaty.”

In other words, the treaty would prohibit all its signatories to take any action which diminishes the security of any other state party. This is how Russia defines indivisibility of security. States would be not allowed to strengthen their security at the expense of any other state. The same principle would apply to international organizations and alliances. The treaty would create an obligation for all the state parties to ensure that military alliances, coalitions or organizations they are members of observe the principle of indivisibility of security as well as all other rules and principles set for the in the UN Charter, Helsinki Final Act, Charter for European Security and other documents adopted by the OSCE. It would not matter if a state is acting individually or in a framework of an alliance or another grouping. These articles would simply prohibit taking any action which could significantly affect security of other member states. Besides reaffirming the inadmissibility of use or threat of force, the treaty also explicitly commits states not to allow any other state to use its territory or to use the territory of others with the aim of a) preparing or carrying out and armed attack against any other state-party, or b) taking any action which would significantly affect security of any other member (Art. 2, Para. 2).

In the framework of the European Security Treaty, Russia is also proposing creation of a new dispute settlement mechanism. It should address differences that might arise in connection with the interpretation or implementation of the treaty. The new instrument would consist of three stages:

1. Consultations among the Parties;
2. Conference of the Parties;
3. Extraordinary Conference of the Parties.

To begin with, each state party to the EST would be entitled to request information from any other party regarding *“any significant legislative, administrative or organizational measures taken by that other Party”* (Art. 3) which, in the opinion of the requesting party, might affect its security. Exchange of this kind of information could go either through diplomatic channels or through the Depositary.

If a state party conceives that there exists a “*violation or a threat of violation of the Treaty*” (Art. 5) or if it simply wishes to raise any issue related to the essence of the treaty in order to consider it together with other parties, it can request **consultations** on this issue. The Depositary has to inform all other parties about the requests of this kind so that the consultations can be held as soon as possible, or in an agreed time frame. All state parties, including the non-invited ones, would be entitled to take part in the consultations on their own initiative.

As a second step, any state, which has participated in the previous round of consultations, would be entitled to request the gathering of the **Conference of the Parties**. If at least two parties were in favor of the convocation, it would be the duty of the Depositary to convene the Conference. Its main purpose would be to consider the issue, which was dealt with during the consultations. When attended by at least two thirds of all members, the Conference would be able to take decisions. All decisions would have to be taken by consensus and they would have binding force.

Articles 7 and 8 of the proposed draft deal with the case of an armed attack against a party to the treaty or a threat of such attack. An armed attack or its threat would activate the last stage of the conflict-resolution mechanism. In this case, the Depositary would be required to immediately convene the **Extraordinary Conference of the Parties**, where the necessary collective measures could be decided on. If attended by at least four fifths of the parties, the Extraordinary Conference could take binding decisions by a unanimous vote. However, if the aggressing state, or the state the threat of the attack is coming from, were a party to the treaty, its vote would be excluded when adopting the decision. The *consensus-minus-one-principle* would be applied.

In regard to the collective security mechanism created by the EST, Article 7, Para. 2 of the draft is of crucial significance. It stipulates:

“(...) every Party shall be entitled to consider an armed attack against any other Party an armed attack against itself. In exercising its right of self-defense under Article 51 of the Charter of the United Nations, it shall be entitled to render the attacked Party, subject to its consent, the necessary assistance, including the military one, until the UN Security Council has taken measures necessary to maintain international peace and security”.

With reference to the right of individual or collective self-defense as laid down in the Article 51 of the UN Charter, this clause gives each state the explicit right to consider an armed attack against any party to be an armed attack against itself.

Article 9 of the draft points out that nothing in the treaty is to be interpreted as diminishing the role of UN SC, which is the primary organ responsible for maintenance of international peace and security. The EST should in no way affect states' rights and obligations set forth in the UN Charter. The treaty also commits states not to assume any international obligations, which were incompatible with the provisions of the EST, while it retains states' right to neutrality.

The EST, as proposed by Moscow, should be open for signature to all states from Vancouver to Vladivostok – meaning to all 56 current member states of the OSCE. At the same time, not only individual states, but also following five international organizations active in the Euro-Atlantic and Eurasian space could adhere to the treaty³⁹: the European Union, the Organization for Security and Cooperation in Europe, the Collective Security Organization, the North Atlantic Treaty Organization and the Community of Independent States.

As any other international treaty, the EST is subject to ratification by its signatory states. It is also to be adopted by the signatory international organizations listed above. In the Russian proposal, the minimum of twenty-five ratifications or adoptions / approvals of international organizations are needed for the treaty in order to enter into force. Further states may then accede to the treaty. In case of extraordinary circumstances, which endanger states' supreme interests, state parties are free to withdraw from the treaty.

4.2. Implications of the EST

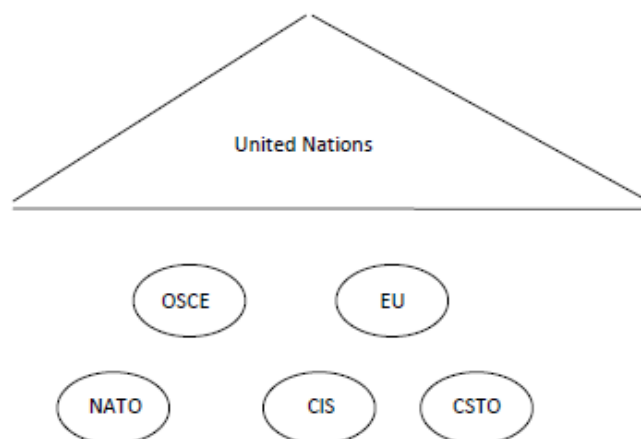
If the European Security Treaty was accepted by all OSCE member states in the form of the current draft released by Kremlin, it would overhaul the existing European security architecture.⁴⁰ The treaty would not only codify some of the established norms and rules,

³⁹ Named in the order as in the EST Draft.

⁴⁰ As we will see in the following chapters, this possibility seems to be quite improbable at the moment.

but also create new, legally binding principles, which would decisively restrain states' behavior in the area of foreign and security policy.

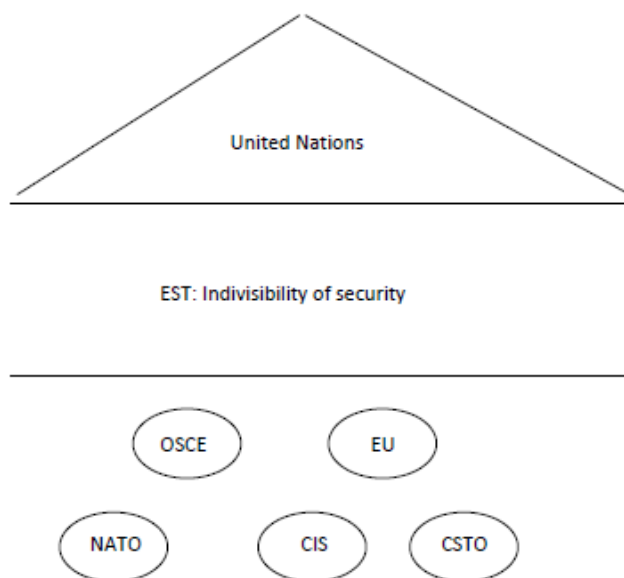
Probably most importantly, the treaty would codify Russian interpretation of the principle of indivisibility of security, which has been until now only politically binding. This would mean that neither individual states nor international organizations would be allowed to take any action, which significantly affects the security of any other member state. In order to imagine the impact of this clause, I regard it useful to recall the current institutional structure of European security system. In the broad European region a number of international organizations are active in the area of security. Besides the global UN, these include the OSCE, NATO, EU, CIS and CSTO. These institutions vary in their structure, membership, political relevance, available resources and so on. They exist side-by-side, without any hierarchical structure or clear division of labor among them. Very simplified, we could visualize the structure in Picture 1.



Picture 1: Current European Security Structure

We can see that the institutions are not hierarchically structured. Only the United Nations – as the global guarantor of international peace and security, as well as all principles enshrined in its Charter, can be regarded as standing “above” them. Even though these organizations have not formally signed or adopted the UN Charter, all of their individual member states did so.

If the EST entered into force, a new “layer” in the European security system would be established. As Russian leaders often point out, no new international organization would be created, nor would any of the existing organizations dissolve. But a new principle, binding for both individual member states as well as the international organizations as such, would be created. We could imagine it with help of Picture 2.



Picture 2: European Security Structure after the entry into force of the EST

If the EST entered into force, all its signatories – security institutions acting in the Euro-Atlantic region as well as all their individual member states, would be constrained by the legally binding principle of indivisibility of security. It is worthy noticing that no particular state or international organization is to play a central role in European security affairs, not even the pan-European OSCE. They should all have an equal role. The only instance standing above all states and institutions is the UN Charter. Also the EST, as declared in its Preamble, is guided by the principles set forth in the Charter. It acknowledges the primary responsibility of UN SC for maintaining international peace and security and is therefore to be located hierarchically under the UN Charter.

At a first sight, the clause on indivisibility of security proposed by the EST might seem quite reasonable – it would codify the principle that no state or international organization can take action which threatens security of its partners. However, a closer examination reveals some hidden problems. First and foremost, the treaty does not specify what exactly

is meant by the expression “affecting significantly”. A more precise definition is missing and therefore, each party would be entitled to claim that an action of a state or group of states significantly affects its security while of course the other side can view the issue differently. The treaty does not suggest any closer indications of what shall be considered a legitimate security interest. It does not foresee any criteria, commonly agreed on by all participants, upon which states could claim the activation of this clause, nor does it establish an independent authority which could determine if some legitimate security interests of a party are to be affected by a particular states’ action or not. In case any state party fears violation of the treaty, it would be entitled to request consultation on this matter and later on also the convocation of the Conference of the Parties. This mechanism is supposed to settle disputes in connection with the interpretation of the treaty. However, all decisions of the Conference have to be taken by consensus. If two sides disagree about what action significantly affects someone’s security, solution taken by consensus is unlikely. We can therefore conclude that the absence of a clear-cut definition or of a recognized authority entitled to take final decisions would most probably lead to diverging interpretations of this clause and ultimately cause more difficulties than solutions.

As described above, the treaty would also create a new mechanism on conflict resolution. It would consist of three layers – consultations, Conference and an Extraordinary Conference. The last one would be convened in case of a threat of armed attack or of actual outbreak of armed violence. An effective conflict resolution mechanism is of course needed in Europe. Here again, it makes sense to review the current mechanisms, which are already in place.

First of all we should not forget about the global collective security mechanism, dealt with in Chapters 2 and 3 of this paper, which is applicable to Europe as well. It is also important to recall that under the UN Charter all states are obliged to settle their disputes peacefully. They may choose from an array of means designed to bring about a peaceful resolution of conflicts. In Europe, a variety of multilateral forums exists where states can held both political and expert-level consultations and in this way prevent or resolve their conflicts. The OSCE and the NRC belong to the most relevant forums in regard to security relations between Russia and the West. The OSCE hold weekly meeting the Ambassadorial level; Foreign Ministers meet annually at the Ministerial Council and occasionally, high-level

summits are organized.⁴¹ Additionally, consultations among 28 NATO Allies and Russia are held at various levels in the framework of the NATO-Russia Council. Moreover, Foreign Ministers as well as Heads of State or Governments have numerous occasions to meet on bilateral basis and discuss pressing issues of international security. Nevertheless, political consultations at all these forums seem insufficient to resolve conflicts peacefully and to prevent certain crisis from escalating. It is therefore doubtful that the first level of the new EST mechanism consisting of consultations among state parties would bring about any remarkable progress.

The second and third layers of the mechanism require closer examination. If attended by at least two thirds of the states, the Conference of the Parties could act as a decision-making body. All decisions would have to be taken by consensus and would be binding. This is an important novelty since the most documents adopted in the framework of international institutions are only politically binding. The binding character of these decisions is linked to a number of further questions: What kind of decisions would the Conference entitled to adopt? Would they include the possibility of sanctions? And would the decisions be binding for all state parties or only for those states which participated in the Conference? Even if the decisions were of a substantial basis (including sanctions) and if they had legally binding character on all members, this level of the mechanism would probably remain rather ineffective. It is quite unlikely that any decisions would be adopted at this stage. We can assume that the party the future sanctions are directed against would take part in the Conference and block the required consensus. Exactly because of this possibility, the third and last stage becomes relevant.

The Extraordinary Conference, when attended by at least four fifths of the states, could adopt decisions on the consensus-minus-one principle. This implies that the vote of the state party, which has carried out an armed attack or threatened to do so, would not be considered when adopting the decision. In this case, legally binding decision could be taken also against the will of the law-breaking state. Acceptance of this principle would be undoubtedly a major step forward in advancing collective response against the aggressor. However, it might be difficult to translate the principle into political reality. It would be

⁴¹ However, it should be noted that the last OSCE Summit was held more than a decade ago – namely in late 1999 in Istanbul.

only possible to apply the proposed consensus-minus-one principle when a clear and obvious act of violence is carried out by one of the state parties.

In most international conflicts, however, states argue over the question who has committed the first act of violence. The draft does not specify who would be the authority to rule which conflict party is to be classified as the aggressor. If this decision-making stays in the authority of individual member states, diverging views may cause disagreement over whose vote is to be excluded from the voting. A possible solution would be to exclude all states militarily involved in the given conflict. This option would indeed imply that states agree in advance that if they become party to a conflict where the aggressor is disputed, decisions on this matter will be taken without them, even if they claim to be the victim.

The acceptance of the consensus-minus-one principle in political reality is questionable also in regard to the fact that this possibility was already envisaged in the framework of OSCE. As I have elaborated when describing the theoretical concept of cooperative security, in clear cases of gross and uncorrected violations of OSCE commitments it is possible to take decisions on a consensus-minus-one or consensus-minus-two principle. However, this voting method has not become a generally accepted rule in the decision making process. The suspension of Yugoslavia's membership from the CSCE in 1992 remains the only case where this rule was applied.

Russia is often arguing that the August 2008 conflict in Georgia has revealed the need for a new conflict resolution mechanism. It justifies the proposal for a new treaty with the fact that all the available formats have failed to prevent the conflict from happening. I will therefore briefly apply the EST mechanism proposed by Moscow to this particular case. Regarding the first stage of the new mechanism – consultations, this would probably not achieve any different outcomes to those we have witnessed. As described in previous paragraphs, states have various opportunities to address their security concerns in several multilateral forums. The second stage – conference, would probably not lead to any relevant outcomes either, as consensus of all participants is needed to take a decision. And finally, the third stage would most probably fail to act as envisaged because of the disputed question who started the fire and is therefore to be excluded from the voting. As a result, we can conclude that the proposed mechanism would not contribute to the resolution of this (or any similar) conflict in a significant way.

When examining the theoretical implications of the EST treaty, special attention is to be given to Article 7 of the draft. It deals with cases of armed attack or a threat of such attack against a party to the treaty. If this occurred, every state party would be “*entitled to consider an armed attack against any other Party an armed attack against itself*” and to “*render the attacked Party, subject to its consent, the necessary assistance, including the military one*”. We have already encountered parts of the wording used in this clause in articles establishing the systems of collective (self-) defense or collective security. However, Article 7 of the EST draft is formulated in a very unusual way. It establishes *right* to solidarity and not an *obligation*. An armed attack on one state would not be automatically considered as an armed attack on all the others, as it is the case in the collective defense systems. No obligation to come to help to the attacked state would be created. Instead, states would gain right to do so, namely under the condition that the attacked state agrees with the help. In this case, the assistance to the victim could include also military means.

Here we can see that the treaty does not establish any security guarantees, or a mechanism of automatic collective response. If the armed attack originates from a state party to the treaty, no automatic sanctions, either of military or non-military nature, are foreseen. All action is to be decided ad hoc in the framework of the Extraordinary Conference which has to be convened immediately. This body would be entitled to adopt binding decisions on collective measures. But the draft does not specify what kind of decisions are to be taken by the new consensus-minus-one mechanism. It restricts itself on stating that the Extraordinary Conference has to decide on “*necessary collective measures*” (Art. 8, Para. 1).

Besides this new mechanism on possible collective response, the already existing tools of the UN Security Council, which can be found primarily in Chapters VI and VII of the UN Charter, remain applicable. However, the hierarchy in respect to the UN Charter is not sufficiently defined. Article 9 of the draft EST says that nothing in the treaty shall affect “*the primary responsibility of the UN Security Council for maintaining international peace and security, as well as rights and obligations of the Parties under the Charter of the United Nations*”. But what if a permanent member of the UN Security Council carried out an armed attack on a state party to the EST? Could then the Extraordinary Conference, which is entitled to take decisions by the consensus-minus-one principle, decide against the will of a permanent member of the UN SC and in this way “*overrule*” the authority of the

Council to maintain and restore international peace and security? This question is of course interesting only from the legal point of view. In the political reality it is quite improbable that all states attending the Extraordinary Conference would turn against any of the permanent members of the SC. This brings us again to the question of “added-value” of the European Security Treaty as currently proposed by Moscow.

Last but not least I would like to stress that the EST draft lacks one very significant element, namely an enforcement mechanism. According to the Russian proposal, the treaty should become a legally binding part of international law. Even though it deals with cases of armed attacks or of threats of such, it does not consider the possibility that states will violate the treaty. And (alleged) violations are to be expected with high probability, especially in regard to the principle of indivisibility of security introduced by the treaty. Each state party would be entitled to request information on any significant measures, which might affect its security. Moreover, they would be entitled to request consultations and later on the Conference dealing with any issue related to the substance of the treaty. However, if these two instances fail to achieve a commonly accepted solution and a state or group of states violate the treaty, no enforcement or sanction mechanism is envisaged. The Extraordinary Conference with its poor consensus-minus-one principle is to take decisions only in cases of armed attack or of threats of such. States may, however, consider any measures taken by the others – including non-violent action – as significantly affecting their security and therefore unlawful under the EST. If a state or group of states nevertheless takes such an action and thus violates the principle of indivisibility of security, the “victim” state has no possibility to seek enforcement of the treaty. No collective action is anticipated – whether automatic or ad hoc. The implementation of the treaty would be totally dependent on the goodwill of its members to adhere to the commitments.

4.3. Conclusion: EST as a System of Collective Security?

Even though Russia is openly calling for a pan-European collective security system,⁴² I argue that the draft of the European Security Treaty proposed by Kremlin would not create a genuine system of collective security. In the figure below, I compare the most relevant features of an ideal collective system, together with its currently most advanced realization

⁴² See for instance Lavrov, Sergey: Euro-Atlantic: Equal Security for All. Written for *Revue Defense National*, May 2010.

– United Nations Organization; the previous Soviet proposals from the 1950s; and the currently proposed EST. To recapitulate, ideal collective security is primarily characterized by legally binding commitment to respond to aggression and assist the victim. Neither United Nations nor the EST includes such an automatic and clear commitment in their provisions, although some other features are similar or even identical with the ideal form of a collective security system.

Figure 2: Overview of Collective Security Models

	Ideal form of collective security	United Nations	Molotov's proposal 1954	European Security Treaty
Membership	Universal	Universal	All European states	Vancouver to Vladivostok
Basic rules	• Prohibition of use of force • Peaceful resolution of disputes	• Prohibition of use of force • Peaceful resolution of disputes	• Prohibition of use of force • Peaceful resolution of disputes	• Prohibition of use of force • Peaceful resolution of disputes • Indivisibility of security
Self-defense	Right to individual and collective self-defense	Right to individual and collective self-defense (Art. 51)	Right to individual and collective self-defense	Right to individual and collective self-defense (Art. 7)
Events when collective action is activated	Armed attack originating from a member of the system	Threat to the peace, breach of the peace, act of aggression	Armed attack originating from any state	Armed attack or threat of such originating from any state
Mechanism of collective action	Legal <i>obligation</i> of all states to collectively confront the aggressor and assist the victim	Measures necessary to maintain or restore international peace and security, may include military force (Art. 42)	Legal <i>obligation</i> of all members to the victim and restore international peace by <i>all means</i> at their disposal	Necessary collective measures

Obligation to confront the aggressor and assist the victim	Yes	No, but decisions of UN SC have binding character	Yes	No, but decisions of the Extraordinary Conference have binding character
Decision-making mechanism	<i>Automatic</i> action by each individual member	Decisions taken in <i>UN SC</i> according to its voting procedures (veto right of permanent members)	<i>Automatic</i> action by each individual member	Decisions taken in the Extraordinary Conference by the <i>consensus-minus-one</i> principle (if all members agree on the aggressor)

The major flaws of the Russian EST proposal in regard to establishment of a genuine collective security system lie in the provisions that are NOT included in the draft. The European Security Treaty only endorses the principle that an armed attack against one party can be considered an attack against any other party. Other states are entitled to render the attacked party necessary assistance, including military help, if the victim state consents to it. This clause only reaffirms the right to collective self-defense, already established by Art. 51 of the UN Charter. Most importantly, no obligation to assist the victim is enshrined in the EST. There are *no security guarantees* that, in case of an armed attack, other members of the system will confront the aggressor and restore peace. Not to speak about automatic commitments to collective action attributed to ideal systems of collective security. The absence of security guarantees means that the deterrence principle, which is crucial in the logic of collective security, is not working either.

A relevant provision of the EST concerns the proposed decision-making mechanism. In cases of armed attack, the Extraordinary Conference can take binding decisions on the basis of consensus-minus-one principle. As pointed out in the previous paragraphs, it requires that states agree on who is the aggressor. And this might not be an easy task. Moreover, all other states participating in the conference would have to consent to the decision, and not only an exclusive body as it is the case in UN SC where five major powers enjoy special rights. This suggests that the Conference cannot take any decision against the will of a state participating in the Conference which is not the aggressor. Each state would have a “veto right” because each one can inhibit the necessary consensus.

Compared to the UN, the EST collective mechanism could be activated in a more limited scope of events. Unlike the UN, where also threats to the peace and breaches of the peace are regarded as relevant reasons for activation of collective action, the Extraordinary Conference of EST is to be convened only in cases of armed attack. Other violations of the treaty – especially of its indivisibility of security principle, are not considered to be causes for collective enforcement actions.

After studying the concept of collective security and examining provisions of the EST draft, we can conclude that the treaty would not create a new system of collective security in Europe. I suggest that the EST and its mechanism of collective response is even more remote to the concept of ideal collective security than the UN because it does not create any concrete obligations to take action (either of military nature or not) in cases of armed attack. The proposal of Soviet Foreign Minister Molotov is completely different in this regard. It would have created legal obligation to assist any state under attack, no matter where the attack is originating from. Moreover, states would have been obliged to assist with all means necessary to restore international peace and security. This would create a real system of collective security. No binding decisions of any international body would be necessary because states would be obliged to act automatically when the armed attack occurs. In the UN, no such obligation is automatic but depends on the decisions of the Security Council. Its decisions are binding for all members of the Organization; even without their consent to it. Under the UN Charter, states are obliged to assist the SC in restoring international peace and security if the Council decides so. Even though there is no guarantee that states actually commit to their obligations, the EST does not create any similar obligations on restoring peace and security. That is why I conclude that the system of collective security established by the EST would be even weaker than the current UN structure. It should be stressed that the EST creates a very new obligation – namely not to take any action which significantly affects security of other members. A mechanism which could enforce this obligation is, however, missing.

So is any other of the outlined security concepts more suitable to explain the Russian proposal? I suggest that the self-help model would not do. The proposed EST draft would significantly restrain states' sovereignty, especially in regard to the principle of indivisibility of security. According to realism, when securing their survival in an anarchic world, states want to have all options at their disposal. The EST commits states to take due

regard to security interests of all parties and to avoid any action which significantly affects security of other states. These principles clearly contradict the idea of self-help policies. Realism therefore does not offer a suitable explanation.

The EST would not establish a system of collective defense either. I see two main reasons for it. First, the EST collective mechanism is directed against possible attack originating from both within and outside of the system. The proposed consensus-minus-one principle is to be applied in case of an armed attack from within the system. Collective defense alliances do not anticipate this possibility. Second, the EST includes no security guarantees for the case of armed attack, whether soft or hard ones. Security guarantees are among the main incentives for states to enter a collective defense alliance. If these are missing, the logic of securing survival and / or maximizing power by entering into defense alliances is not applicable.

Similarly, the model of Deutsch's security-communities does not offer an adequate explanation of the Russian proposal. There is no integration taking place among the (future) members of EST, and the draft does not have a solid foundation in common values. The possibility of an armed attack lies at the heart of the treaty. It proposes a conflict resolution mechanism and endorses collective (self-) defense because an armed conflict among the parties is thinkable. The treaty also includes provisions on enforcement (consensus-minus-one principle) which again do not suit the logic of Deutsch's security-communities.

In my opinion the most suitable security model to explain the draft EST is the concept of cooperative security. The treaty is strongly shaped by the pattern of cooperative security, even though it suggests a legally binding document – something rather untypical for the cooperative security model. The EST is based on the principles of non-use of force, peaceful settlement of conflicts and mutual cooperation. The treaty endorses international law and even codifies a new principle – indivisibility of security. No enforcement for this rule is proposed. Its implementation would be decentralized; there would be no authority to determine which activities are significantly affecting security of other states. It would depend only on the goodwill of the members to honor their commitment not to strengthen their security at the expense of other members. These are all typical features of cooperative security.

However, some important elements of the draft are to be attributed rather to the collective security system than to cooperative security. It is mainly the consensus-minus-one principle decision-making which can be applied in cases of armed attack. We have seen that the model of cooperative security does not include an enforcement mechanism; it is totally dependant on willingness of the participants to cooperate. And yet the EST creates the possibility to take binding decisions against the will of the aggressor. Furthermore, states would be entitled to consider an armed attack against a party an armed attack against itself. The EST endorsed the right to solidarity, but no obligations to assist the victim.

We can conclude that the EST would create a new, hybrid security system. The new structure would combine two basic security concepts: cooperative security and collective security. In my opinion the model of cooperative security prevails because the most prevalent part of the treaty – the indivisibility-of-security-clause does not include an enforcement mechanism. Moreover, it lacks the obligation to collectively assist the state under attack and restore peace. Nevertheless, the consensus-minus-one principle can be applied under certain conditions.

This conclusion is drawn upon theoretical and legal analysis of the proposed draft of the European Security Treaty. We can assume Russia believes it can better achieve its foreign policy goals through cooperation than competition or even confrontation with its partners. Unlike the realist self-help logic, Russia favors common rules and norms which constrain states' behavior and in this way enhance Russia's security. The second part of this study will be devoted to empirical evidence of these findings.

5. Background Analysis

One of my essential research questions is why has Russia proposed a new treaty on European security. The following chapter will be devoted to the analysis of the context of Russian foreign and security policy and Russia's relations with the West. I assume that to a large extent they both indicate the possible reasons for Moscow to propose the treaty. Besides examining the overall trends of Russian foreign policy, I will focus on the state of affairs as we witnessed especially in year 2008. I regard it for a crucial year at least for two reasons. It was in 2008 when President Medvedev put forward his idea to negotiate a legally binding treaty on European security for the first time. Moreover, the year 2008 was marked by a deep political crisis between Russia and the West which lead, among others, to the suspension of the NRC. The Georgia crisis, which was followed by a period of mistrust and sometimes even Cold War-like rhetoric, has had significant impact on the initial reactions of many Western states on the Russian proposal.

5.1. Prevailing trends in Russian foreign policy

When looking at the official arguments of Moscow in favor of the EST Treaty it is helpful to understand the logic of Russian foreign policy thinking over the last two decades. In Chapter 3, I have already briefly described some basic goals of Russian foreign policy in the 1990s. They were characterized by early Russian attempts to integrate into the Western European community (under Foreign Minister Kozyrev) and later by attempts to create a multipolar world order which would counterbalance the US primacy and restore Russia's status of a great power (under Foreign Minister Primakov). None of these endeavors have been successful; Russia became an "outsider" of European security affairs – a fact which was most clearly manifested during the Kosovo war in 1999 (Duleba 2009: 5). When Vladimir Putin became Russian President in year 2000, Kremlin changed the tactics while still pursuing the same strategy – namely to reintegrate into the European security system. After 9/11, an unprecedented improvement of bilateral relations between Russia and the US emerged which, among others, led to the foundation of the NATO-Russia Council (NRC) in 2002. But the situation changed again in 2003 when the close Russian partnership with the US was replaced by a new Paris-Berlin-Moscow-axis, uniting three major European countries in opposition to the US-led invasion of Iraq. Through the new partnership with Germany and France, Russia hoped to strengthen its position in Europe. However, Putin

lost its major European allies when Gerhard Schröder and Jacques Chirac left their offices in 2005 / 2007. They were replaced by Angela Merkel and Nicolas Sarkozy who both took a more critical stance towards Russia than their predecessors.

Both Russian attempts to strengthen cooperation with the West – either with the US in support of the fight against terrorism or with France and Germany in opposition to the Iraq war – have failed. What followed was a period of more assertive Russian foreign policy. Its peak was probably reached during the summer of 2008 when an all-out war between Russia and Georgia interrupted the more or less peaceful transition of the post-Soviet region. Both international media and some commentators were quickly to conclude that the conflict might lead to a “new Cold War”.⁴³ Fortunately, this did not happen and the relations between Russia and the West have been slowly but steadily improving since then.

The speech of Russian President Vladimir Putin at the Munich Conference on Security Policy held in early 2007 is often described as a turning point in Russian foreign policy. Until then, Russia has primarily sought cooperation and partnership with the West. In Munich Putin chose to present very frankly Russian perceptions of and its positions towards current political developments.

In the Munich speech President Putin strongly opposed the unipolar world model that, as he argued, was being introduced into international affairs. This development went hand in hand with unilateral and often unlawful actions which involved excessive use of military force. Moreover, these unilateral actions were not able to resolve today’s problems but only caused more tensions and led to increased disdain for international law. Russian President emphasized that the UN, and not the EU or NATO, as some Western countries suggested, was the only international authority which could legitimate the use of military force. As an advocate of multilateral diplomacy Putin called for a new architecture of global security based on a “*reasonable balance between the interests of **all** participants in the international dialogue*” (emphasis added).⁴⁴ This desire reflects Russian perception that its

⁴³ See for example Blomfield, Adrian /McElroy, Damien: Russia “ready for a new Cold War” over Georgia. August 27, 2008 <http://www.telegraph.co.uk/news/worldnews/europe/georgia/2629981/Russia-ready-for-new-Cold-War-over-Georgia.html> Or Linn, Johannes: War in Georgia – End of an Era, Beginning a New Cold War? August 12, 2008 http://www.brookings.edu/opinions/2008/0812_georgia_linn.aspx

⁴⁴ Putin, Vladimir: Speech at the 43rd Munich Conference on Security Policy, February 10, 2007. http://www.securityconference.de/archive/konferenzen/rede.php?menu_2007=&menu_konferenzen=&id=179&sprache=en&

security interests are neglected by the Western countries and that the UN SC, where Russia has the veto right, is being put aside.

Touching on concrete issues of European security, Putin expressed clear opposition to the US plans to place parts of its anti-missile defense system in Europe. According to the Russian leader, the installation of this system would inevitably lead to a renewed arms race. Putin described NATO enlargement as a “*serious provocation*” and recalled guarantees of NATO leaders given to Russia / Soviet Union in the early 1990s that the Alliance would not place its military outside of German territory. These pledges seemed to be forgotten now; NATO expansion only imposed new dividing lines on Europe, Putin concluded.

Besides voicing his dissatisfaction with the current state of affairs of international and especially European security politics, Russian President also stressed Moscow’s openness to cooperation on various issues including disarmament, nuclear non-proliferation, strengthening of the CFE Treaty, as well as in the areas of economy and energy.

With his Munich speech, Putin laid foundations of Russian foreign and security policy for the next years. These basic tenets remained unchanged also after Dmitry Medvedev took the office of President in May 2008. In the review of the *Foreign Policy Concept of the Russian Federation*, approved by Medvedev shortly thereafter, Moscow repeated some of the views of the now-Prime Minister Putin. In this document, Russia regards itself to be ready to take a full-fledged role in global affairs. Among the priorities of the country is the formation of a “*stable system of international relations based on the principles of equality, mutual respect and mutually beneficial cooperation as well as the norms of international law*”.⁴⁵ I would like to especially highlight the words equality and mutually beneficial cooperation. Throughout the document as well as in many other speeches of Russian officials, Moscow persistently advocates the principle of equality; not only in the sphere of security (it calls for equal security for all members of the international community) but also in all other political, military, economic, information and humanitarian areas. According to the Russian Foreign Policy concept multilateral diplomacy should serve as the main tool to achieve this goal.

⁴⁵ The Foreign Policy Concept of Russian Federation. Approved by Dmitry A. Medvedev on July 12, 2008.

We can conclude that Russia is not willing to play the role of a “junior brother”. On the contrary, it seeks an *equal* status in cooperation with its (Western) partners. It is also opposed to the unipolar world order and the unilateral action taken by certain states (namely the US/NATO). That is why Russia favors multilateral diplomacy and calls for strengthening of the international law, while especially emphasizing the role of the UN. Through advanced multilateralism Moscow hopes to gain more say in international affairs. Russia also believes that more international legal norms could constrain the behavior of its partners.

Russia often points out its readiness to cooperate in various areas of international security, including non-proliferation of WMD, both nuclear and conventional arms control and disarmament, confidence-building measures in military sphere, fight against terrorism and other forms of international organized crime or peaceful settlement of regional conflicts, to name few. However, one has to keep in mind that all foreign policy objectives of Russian Federation, as probably of any other country, are primarily determined by *national interests*. So what are Russian national interests?

The Russia-Georgia war marks an important milestone in Russian post-Soviet history and has also major impact on Russia’s foreign policy. In an interview to Television Channels Channel One, Rossia and NTV, given shortly after the end of hostilities between Russia and Georgia in August 2008, Russian President Medvedev formulated quite clearly five principles which will serve as guidelines for Russian foreign policy. They include:⁴⁶

1. Primacy of international law
2. Emergence of multipolar world
3. Support of friendly relations with all countries
4. Protection of lives and dignity of Russian citizens
5. Particular attention for the region of Russia’s privileged interests.

⁴⁶ Medvedev, Dmitry: Interview given to Television Channels Channel One, Rossia, NTV. August 31, 2008. http://kremlin.ru/eng/speeches/2008/08/31/1850_type82912type82916_206003.shtml

These five principles and / or priorities of Russian foreign policy reflected some fundamental national interests of Russia at the time when the relations between Moscow and its Western partners experienced the profound crisis. They were articulated only some weeks after Medvedev has launched the initiative on the EST. In the following paragraphs I will therefore examine them more closely.

Regarding the first point – the rule of international law, the problem is not that Russia would have denied its validity. On the contrary, Moscow has been calling for more respect of international law for a long time. However, disputes emerge when it comes to the question of interpretation and application of many already existing international norms. The Georgian crisis serves as a good example of different argumentation regarding violations of international law.

In the Russia-Georgia war of August 2008 Russia argued that it was Georgia who violated the UN Charter and other obligations under international law and unleashed an armed conflict when it chose to use military force against civilians as well as Russian peacekeepers in South Ossetia and Abkhazia⁴⁷. According to Moscow, Russian answer was fully in line with international law, including the right of self-defense under Art. 51 of the UN Charter, and it did not violate the principles of moderateness or proportionality.⁴⁸ As we have seen earlier Russia generally opposes use of military force other than mandated by the UN SC. This time it decided to act differently. Russian Minister of Foreign Affairs Sergey Lavrov pleaded that all action taken by Moscow was aimed exclusively at stopping Georgian aggression and restoring security on the ground⁴⁹. Russia maintains that also the recognition of independence of South Ossetia and Abkhazia is defensible under international legal norms.

On the other side we have the position of Georgia supported by many Western states. Georgia claims that it was Russia who triggered the war by attacking Georgian civilians and peacekeepers. Georgia argues that Russia violated Georgian sovereignty and describes

⁴⁷ Statement by President of Russia Dmitry Medvedev. August 26, 2008.

<http://www.mil.ru/eng/1866/12078/details/index.shtml?id=49756> Accessed October 29, 2008.

⁴⁸ Lavrov, Sergey: Russian Foreign Policy and a New Quality of the Geopolitical Situation. Article for Diplomatic Yearbook 2008, December 29, 2008.

http://www.mid.ru/Brp_4.nsf/arh/BC2150E49DAD6A04C325752E0036E93F?OpenDocument

⁴⁹ Ibid.

Russian military action as an invasion.⁵⁰ It points out that Russian action violated international law and was therefore illegal. According to Georgia Russian forces crossed Georgian borders illegally and their presence in Georgia is unlawful as well. And finally, Georgia emphasizes that the recognition of independence of South Ossetia and Abkhazia by Russia was illegal, too because it contradicts the universally accepted principles of sovereignty and territorial integrity. Practically all European states (with the exception of Russia) as well as many international organizations (EU, NATO, OSCE) and of course the US have condemned the Russian decision to recognize independence of these two Georgian regions. They support the Georgian position that the recognition of independence of South Ossetia and Abkhazia violates Georgia's right to territorial integrity.⁵¹

To conclude, Russia openly favors rule of international law and argues that all its action is based on international legal norms. However, this short example of the Georgia-Russia conflict in which both parties claimed to have international law on their side only serves as an up-to-date evidence of the well known fact that international law is usually very vaguely formulated and thus leaves too much room for free interpretation by the states. Moreover, some international legal norms even contradict each other; the inconsistency of the right to self-determination and the right to territorial integrity belongs to the most famous examples. Because of these weaknesses it would be desirable to strengthen the international legal regime to be able to avoid similar disputes in the future. The EST draft, in its current form, unfortunately does not offer an adequate solution to this problem.

Support for a multipolar world (in which Russia enjoys the status of a great power) is the second principle of Russian foreign policy articulated by President Medvedev. As we could have seen earlier, this is not a new objective of Russian foreign policy. The Former Russian Foreign Minister Primakov favored this idea vigorously. He, as well as all forthcoming Russian leaders, opposed a unipolar world led by the United States. Therefore Russia aims to weaken the position of the US and create a multipolar world which is, according to Moscow, more balanced and therefore more stable and secure.

⁵⁰ See for example: Ministry of Foreign Affairs of Georgia: Georgia's Reaction to the Independent International Fact-Finding Mission Report on War, September 30, 2009
http://www.mfa.gov.ge/index.php?lang_id=ENG&sec_id=59&info_id=11003

⁵¹ Service of the Government of Georgia: World deplors Russia's Illegal Attempt to Recognize the "Independence" of Georgia's Territories of South Ossetia and Abkhazia. Georgia Update, September 6, 2008.
[http://georgiaupdate.gov.ge/en/doc/10003544/GEORGIA_UPDATE_World_Reaction\[1\]6.08.htm](http://georgiaupdate.gov.ge/en/doc/10003544/GEORGIA_UPDATE_World_Reaction[1]6.08.htm)

Third principle expressed by Medvedev is the rejection of confrontation with other countries. Instead, Russia claims to favor cooperation and to seek friendly relations with Europe, US as well as all other countries. Most importantly, Russia does not want to be isolated. But, as pointed out earlier, Russia is interested in cooperation which it perceives as being equal and mutually beneficial for all parties involved.

The fourth principle – readiness to protect Russian citizens both within and outside of Russian borders has to be seen in direct connection to the Russia-Georgia war when Russia justified its military action with the obligation to protect civilians (including Russian citizens) in Georgia. Even though Russia seeks cooperation and friendly relations with all countries, Medvedev straightforwardly declares Russia's readiness to respond to any aggressive act committed against the country and / or its citizens. This statement suggests growing self-confidence of Moscow. Russia now feels to be able to defend its territory and citizens, to ensure security and to protect its national interests. Medvedev did not specify what he considers an "aggressive act" or in which way Russia would respond to it. But the Georgian conflict has revealed that alleged attacks on Russian passport holders are seen in Moscow as sufficient justification for unilateral use of military force in the territory of a neighboring state.

The last priority voiced by Medvedev is probably the most controversial one. In the interview Russian President described the countries which Russia shares "*special historical relations*" with (meaning primarily former members of the USSR) as the region of Russia's "*privileged interests*". He specified that Russia will seek to build friendly relations with the countries in Russia's geographical neighborhood. This statement reinforced by the recent experience of military confrontation between Russia and Georgia unleashed a wave of fear in many Western and mainly Central and Eastern European countries.⁵² They suspected Russia of claiming its post-Soviet sphere of influence and even being ready to militarily intervene in neighboring countries with major Russian minorities.

The frequently quoted Russian scholar Dmitri Trenin points out in this regard that a distinction should be made between the terms "*sphere of interest*" and "*sphere of*

⁵² See for example: An Open Letter to the Obama Administration from Central and Eastern Europe. July 15, 2009.
http://wyborcza.pl/1,76842,6825987,An_Open_Letter_to_the_Obama_Administration_from_Central.html

influence”. Russian political, economical as well as cultural influence over its neighbors is limited and by no means reaches the level Kremlin would like it to (Trenin 2009: 18). The fact that none of Russian allies in the CSTO has recognized the independence of South Ossetia and Abkhazia serves as a good example. Although Moscow’s political *influence* is restricted, its *interests* remain present throughout the entire post-Soviet region, so the conclusion of Trenin.

I will not try to answer the question if a “sphere of interest” is a legitimate foreign policy objective or not. I restrict myself on saying that this statement of President Medvedev caused significant discomfort in many European capitals and certainly has not helped to overcome the spirit of growing mistrust between Russia and its partners.

After having discussed basic principles of Russian foreign policy I will take a closer look at the major hard security issues burdening the relations between Russia and the West. President Medvedev proposed the idea of a new legally binding pact on European security for the first time in summer 2008. Around this time, the most disputed issues included: (1) continuing Russian opposition to NATO enlargement; (2) US plans to install parts of its global ballistic missile defense system in Central Europe; (3) stalemate in the issue of conventional arms control in Europe as well as (4) regional conflicts in the post-Soviet area.

5.2. State of Hard Security Relations with the West

5.2.1. NATO Enlargement

Practically since the end of Cold War, Russia has been very critical towards the enlargement of the North Atlantic Alliance. With the dissolution of Warsaw Pact, NATO lost its major enemy. Moscow therefore argued that it should cease to exist as well. Both Yeltsin and Putin, still influenced by the Cold War logic of zero-sum game, were convicted that the eastward enlargement of the Alliance was directed against Russia (Lo 2003: 75). With each round of enlargement, NATO military infrastructure has moved closer to Russian borders. According to the Foreign Policy Concept of Russian Federation, this

“violates the principle of equal security”.⁵³ Russia perceives that through the enlargement its (former) enemy gains strength at the expense of Moscow. It points out that NATO expansion not only continues to preserve the old lines that divided Europe into zones with different levels of security but also moves these lines eastward.⁵⁴

Before the first round of NATO eastward enlargement, a deal with Russia had been reached in order to ease Moscow’s discomfort over the enlarged Alliance. In 1997, the two partners signed the Russia-NATO Founding Act. It was supposed to provide the basis for consultations in a number of security issues and in this way create closer cooperation among the two sides. However, even this step did not decisively improve the relationship between Russia and the Alliance. Latest by the Kosovo war of 1999, Russia has again started to regard NATO as a threat (Lukyanov 2009: 57).

In 2004, seven countries – former members of the WTO or even of the USSR, joined the Alliance despite the enduring Russian opposition. And it seemed that the enlarged NATO has not reached its final stage yet. The Bush administration pushed strongly for Ukraine and Georgia to become members of the Alliance as well. Even though NATO did not invite the two countries to join its Membership Action Plan at the 2008 Summit in Bucharest, the Heads of State and Government declared that *“these countries will become members of NATO”*.⁵⁵ But they restrained from giving any details regarding a time frame. Some Western and even Russian commentators suggest that the ongoing NATO expansion had been the root cause of the Russia-Georgia war (Trenin 2009: 14). Moscow will of course never acknowledge that there is a direct link between Tbilisi’s desire to join NATO and Russian military intervention in Georgia. However, there are hints coming from Russian leaders which support this assumption. In April 2008, Russian Foreign Minister Lavrov said: *“We have never concealed our opposition to the NATO enlargement, regarding it as a very serious negative factor which may affect the geopolitical situation and strategic stability. And I am honestly saying that we will do everything to prevent a development of*

⁵³ The Foreign Policy Concept of Russian Federation. Approved by Dmitry A. Medvedev on July 12, 2008.

⁵⁴ Lavrov, Sergey: Euro-Atlantic: Equal Security for All. Written for Revue Defense National, May 2010. http://eng.globalaffairs.ru/number/The_Euro-Atlantic_Region:_Equal_Security_for_All-14888

⁵⁵ North Atlantic Council: Bucharest Summit Declaration. April 3, 2008. http://www.nato.int/cps/en/natolive/official_texts_8443.htm

*events which would worsen our relations with NATO and our neighbors“.*⁵⁶ Two months before that, Russian President Vladimir Putin announced that Russia would be forced to target its missiles at Ukraine if the country joined the NATO and deployed elements of US missile shield on its soil.⁵⁷ This harsh Russian rhetoric only supports the thesis that there is a linkage between NATO enlargement and the conflicts in Russian neighborhood.

5.2.2. Georgia War and other Regional Conflicts

The Russia-Georgia war in summer 2008 has seriously troubled the relations between Russia and the West over the last two years. According to Russia, the conflict has only proved the necessity to reform the existing European security order.⁵⁸ None of the existing international organizations or formats of cooperation in the Euro-Atlantic area was able to resolve the conflict peacefully and prevent the aggression on the ground.⁵⁹ Instead of describing the details of the clashes, which are anyway disputed, I will rather concentrate on the consequences of the war. Russia has unilaterally redrawn borders of a sovereign, neighboring state. This decision has been unanimously rejected by the whole Euro-Atlantic community. Nevertheless, the issue of Georgia and the independence of South Ossetia and Abkhazia remains unresolved and at the moment there seems to be no mutually accepted solution in sight.

It is interesting to see that Russia is using practically the same arguments as the West did to justify the use of force against Serbia in 1999 and later to recognize the independence of Kosovo. In both cases, a breakaway region declared independence after an outside power intervened with military force in order to protect an ethnic minority. Depending on political needs, each side once chose to favor the principle of state sovereignty over the principle humanitarian intervention and the right to self-determination and vice versa (Mezhuyev 2009: 69).

⁵⁶ Remarks and Replies to Media Questions by Russian Minister of Foreign Affairs Sergey Lavrov at Joint Press Conference After Meeting with UN Secretary General Ban Ki-moon, Moscow, April 10, 2008.

http://www.mid.ru/Brp_4.nsf/arh/91DEB1C66CECC457C325742800389F93?OpenDocument

⁵⁷ Putin: Russia may target Ukraine if it joins NATO. Reuters, February 12, 2008.

<http://www.reuters.com/article/idUSL1285270620080212> Accessed August 7, 2010.

⁵⁸ See for example: Lavrov, Sergey: Speech at the 46th Munich Security Conference. February 6, 2010.

<http://www.securityconference.de/Lavrov-Sergey.463.0.html> Accessed 7 August 2010.

⁵⁹ See for example: Medvedev, Dmitry: Speech at the World Policy Conference. Evian, France, October 8, 2008. http://archive.kremlin.ru/eng/speeches/2008/10/08/2159_type82912type82914_207457.shtml

NATO's action in Kosovo created a precedent in international law and international politics which is now being used against the interest of the West. Already before the Russia-Georgia war, Russia pointed out that there is no difference between the case of Kosovo and other disputed territorial questions like South Ossetia, Abkhazia or Trans-Dniester.⁶⁰ More than 10 years after the military campaign of NATO and three years after Kosovo declared its independence, positions of Belgrade and Pristina, as well as those of Moscow and the West, remain unchanged.⁶¹ The advisory opinion of the International Court of Justice issued in July 2010 has not brought the sides any closer to mutual agreement either. The Court determined that the unilateral declaration of independence by Kosovo did not violate international law.⁶² Despite the ruling, the chances of Russia recognizing Kosovo seem to remain as low as those of the EU or US recognizing independence of South Ossetia and Abkhazia.

The wars in Kosovo and a decade later in Georgia / South Ossetia and Abkhazia mark important dates in post-Cold War history of Europe. Both conflicts have had significant impact on the relations between Russia and the West. These two cases belong to the most visible border disputes but are by far not the only ones. Other so-called "frozen" or "protracted" conflicts in the post-Soviet space include the Transdniestrian problem in Moldova or the dispute between Armenia and Azerbaijan over the region of Nagorno Karabakh.

5.2.3. US Missile Defense System in Central Europe and its Impact on Nuclear Arms Control

Another sign of American primacy in the region of former Soviet influence and therefore a source of serious tensions with Moscow were the plans of Washington to install parts of its ballistic missile defense (BMD) system in Central Europe. The Bush administration pushed very vigorously for the program. Washington justified its plans with the need to protect the US and its allies against the threat of long-range missiles that could be launched from the

⁶⁰ Putin, Vladimir: Interview with Newspaper Journalists from G8 Member Countries. June 4, 2007. http://archive.kremlin.ru/eng/speeches/2007/06/04/2149_type82916_132716.shtml

⁶¹ It is remarkable that five EU member states—namely Greece, Cyprus, Spain, Slovakia and Romania have not recognized the independence of Kosovo either. This clearly demonstrates the inability of the EU to speak with one voice when it comes to major political issues.

⁶² UN News Centre: Kosovo's declaration of independence did not violate international law – UN Court. July 22, 2010. <http://www.un.org/apps/news/story.asp?NewsID=35396&Cr=kosovo&Cr1>

co called “rogue states” – especially Iran and North Korea. The former US administration planned to set up a radar system in Czech Republic, accompanied by ten interceptor missiles installed in Poland.⁶³

When Washington unilaterally withdrew from the 1972 ABM Treaty in 2002, Russian reaction was quite modest. Putin called the decision a “mistake” because it would undermine global arms control and not because it would threaten Russian security. But the situation has changed since then. In 2002, bilateral relations between Russia and the US flourished, notably in light of Moscow’s support of US led efforts to fight international terrorism. Moreover, in the late 1990s / early 2000s, Russia was struggling with many internal difficulties. The country was still recovering from the 1998 financial default and the war in Chechnya (Trenin 2009: 9). As the oil prices begun to rise, Russia gained more and more self-confidence on international scene. Despite the growing economic strength of Moscow, the West continued to largely ignore the country and its security interests (NATO enlargement continued, Allies refused to ratify the Adapted CFE Treaty and the installation BMD in Europe seemed to become real).

Since 2002, Kremlin’s foreign policy rhetoric has changed fundamentally. Moscow started to perceive the deployment the US BMD system in Poland and Czech Republic as a threat to its national security. In an interview given to Western media in 2007, President Putin warned that he would be forced to take appropriate retaliatory measures if the US materialized the plans to build the BMD close to Russian borders. Putin added that new Russian targets in Europe will be among the retaliatory measures.⁶⁴ At the peak of the confrontational rhetoric – in summer and fall of 2008, the threat of Russian retaliation looked even more real. In an Address to the Federal Assembly of Russian Federation, President Medvedev expressed the readiness to install the “Iskander” missiles in the Kaliningrad enclave located only miles away from the borders to NATO members Poland and Lithuania.⁶⁵

⁶³ For background information on plans of Bush administration to install the BMD in Europe see for example: Hildreth, Steven / Ek, Carl: Long-Range Ballistic Missile Defense in Europe. CRS Report to Congress, September 2009.

⁶⁴ Putin, Vladimir: Interview with Newspaper Journalists from G8 Member Countries. June 4, 2007. http://archive.kremlin.ru/eng/speeches/2007/06/04/2149_type82916_132716.shtml

⁶⁵ Medvedev, Dmitry: Address to the Federal Assembly of Russian Federation. Moscow, November 5, 2008. http://archive.kremlin.ru/eng/speeches/2008/11/05/2144_type70029type82917type127286_208836.shtml

One of the underlying reasons for the strong opposition to the US missile defense is Russia's fear to lose nuclear arms parity with the US. Deployment of the system would weaken Moscow's nuclear deterrent capacity (Mankoff 2009). Russia regards nuclear forces as one of the most important aspects of its politico-military strength. Thanks to the strategic nuclear arms, which account for the only remaining area where Russia enjoys equal standing with the US, Moscow can claim the status of a world power.

Opposing to the US argumentation, Russia refused the link between the anti-missile shield in Europe and the Iranian nuclear program. Russia does not see any need to develop a defense system against Iran because Iran does not possess any long-range missiles. In Moscow's view, the US interceptors which were to be deployed in Poland do not have any target other than Russian intercontinental ballistic missiles.⁶⁶ Installment of the missile defense site in Central Europe would not only bring the US strategic potential closer to Russian borders. Moscow also points out that the US system could be further expanded and modernized. According to Kremlin, the missile defense would destroy the strategic balance of nuclear forces, jeopardize international stability and security and finally lead to renewed arms race in Europe and even beyond.

Here we come to speak about the connection between the deployment of the US missile defense system in Europe and one of the basic issues of hard security, namely arms control. We can find linkage between the BMD shield and both nuclear and, as I will discuss later, also conventional arms control.

Nuclear balance remains a strategic element of Russian national security. Russian nuclear potential is one of the few remaining assets accounting for its status as a world power. That is why Moscow is so worried about losing its nuclear deterrence potential. Russian leaders do not hesitate to link the question of the BMD in Europe with future of nuclear arms agreements. Even though this is primarily a bilateral deal between Russia and the US, nuclear disarmament has nevertheless impact on the global security environment and the overall state of relations between Russia and the West. I will therefore briefly describe the background of this problem.

⁶⁶ Russian Ministry of Foreign Affairs Information and Press Department Commentary in Connection with Agreement to Deploy Elements of US Strategic Missile Defense System in Poland. August 20, 2008. http://www.mid.ru/Brp_4.nsf/arh/BCB38EE721895315C32574AC003FC65D?OpenDocument

The cornerstone of the US-Russian nuclear arms control regime is the Strategic Arms Reduction Treaty (START I) signed by George H.W. Bush and Mikhail Gorbachev in 1991. The treaty required its signatories to reduce their nuclear arsenals, including the delivery vehicles— intercontinental ballistic missiles, submarine-launched ballistic missiles and so-called heavy bombers. Besides setting the limitations, the treaty also provided for an extensive mechanism of inspections. The START I Treaty entered into force in 1994 and was about to expire 15 years later - on December 5, 2009. It was generally expected that Russia and US would conclude a new treaty on nuclear arms reduction before that date.

In 2002 former Presidents Bush and Putin signed the Strategic Offensive Reductions Treaty (SORT), also called the Moscow Treaty. It committed the two parties to certain limits of their nuclear forces to be met at the end of 2012. However, this document was not legally binding and it did not include any provisions on mutual inspections. If no new agreement was met after the expiration of START, there would be no mechanism of inspections nor any legally binding limits on nuclear arms of the US and Russia.

The plans to deploy components of the US BMD in Central Europe constituted the main hurdle in negotiations of the new nuclear arms reduction treaty.⁶⁷ According to Moscow, offensive and defensive weapons are closely interrelated issues. Russia therefore did not want to agree on reductions of its offensive nuclear arms while the US kept on its plans to build a global missile defense system.

To make things worse Russia started to question the validity of the INF Treaty (Intermediate-Range Nuclear Forces Treaty). In his Munich speech in February 2007, Vladimir Putin suggested that Russia might rethink its membership in this treaty, first and foremost because the document does not have universal character. The INF Treaty is a bilateral agreement between the US and Russia, signed in 1987 by Ronald Reagan and Mikhail Gorbachev. In the treaty, both parties committed themselves to destroy a whole range of small- and medium range missiles. Other countries – including DPRK, Iran, Israel, Pakistan or India possess this type of missiles. Under these conditions, Putin continued, Russia has to think about ensuring its own security.⁶⁸

⁶⁷ See for example: Prime Minister Vladimir Putin talks with journalists about the outcomes of his visit to the Primorye Territory. December 29, 2009. <http://premier.gov.ru/eng/visits/ru/8759/events/8815/>

⁶⁸ Putin, Vladimir: Speech at the 43rd Munich Conference on Security Policy, 10 February 2007.

In the following months, debates among Russian experts whether Moscow should withdraw from the INF Treaty became heated. Some high-ranking Russian army officials spoke in favor of Russian withdrawal from the treaty if Washington deploys parts of its MD system in Central Europe.⁶⁹ If Russia withdrew from the INF Treaty, this would dramatically worsen not only the relations between Russia and the US but also significantly deteriorate the security situation on European continent. Russian intermediate missiles could be used to menace targets in European NATO countries. Fortunately, this scenario has not come about. The nuclear arms control regime has not experienced a collapse similar to that of the conventional arms control in Europe.

5.2.4. Conventional Arms Control in Europe

Another disputed issue between Russia and the West has been the question of conventional arms control in Europe and the future of the CFE Treaty (Treaty on Conventional Armed Forces in Europe). The current deadlock of the CFE Treaty is interconnected with practically all the above mentioned problems: frozen conflicts in the post-Soviet area, US installation of BMD in Europe as well as NATO enlargement in the 1990s and 2000s.

The CFE Treaty was signed in Paris in November 1990 by two “groups of States Parties” – the then member states of the North Atlantic Treaty Organization and of the Warsaw Treaty Organization. Until now, the treaty stays the only legally binding document between Russia and major Western countries dealing with hard security issues. Experts often even praise it as the “*cornerstone of European security and military stability*” (Lachowski 2002: 3).

In order to ensure military balance between the two blocs, the treaty created equal ceilings on certain types of conventional forces of both NATO and WTO. In the designed area of application, reaching from Atlantic Ocean to Ural Mountains, the two parties agreed on the limits in five categories of conventional armaments and equipment. Besides that, a verification regime with on-site inspections was established. Exchanges of information and notifications were also put in place in order to further enhance transparency. An emphasis was given to host-nation consent to the stationing of foreign forces on its territory. In general, the treaty was able to provide hard security stability in the post-Cold War Europe.

⁶⁹ Khorunzhiy, Nikolai: Should Russia quit the treaty on medium- and short-range missiles? RIA Novosti, April 11, 2007. <http://en.rian.ru/analysis/20070411/63460805.html>

The political changes brought about by the end of Cold War bipolarity have had critical impact also on the CFE Treaty and its application. Shortly after signing the treaty, one of the two groups of States Parties – Warsaw Pact ceased to exist. When NATO started to enlarge towards the East and shifts from one original group of states (WTO) to another one (NATO) took place, the CFE Treaty had to be adjusted to the new realities. The adaptation of the treaty was agreed on in 1999, the same year when NATO underwent its first round of eastern enlargement. In 2004, no such adaptation was negotiated.

The Agreement on Adaptation of the CFE Treaty was signed at the OSCE Summit held in November 1999 in Istanbul. The Adapted CFE Treaty took a different approach to the control of conventional arms in Europe. Instead of setting limits on two hostile military blocs, it created obligations for individual countries and established two types of ceilings: national and territorial ones (Lachowski 2002: 6). It also introduced an accession clause (which was not included in the original CFE) so that individual countries, especially the Baltic States, could accede to the Treaty. However, the Adapted CFE Treaty has so far not entered into force. Only four states – Russia, Belarus, Ukraine and Kazakhstan have ratified the Adapted Treaty. All the Western states link their ratification to the so-called *Istanbul Commitments*. They are a series of unilateral and bilateral statements included in the OSCE 1999 Istanbul Summit Declaration. Political commitments of Russia to withdraw its military presence from Georgia and Moldova were among them. Even though some progress has been made and Russia pulled out some of its military from the two countries, NATO still regards these commitments as unfulfilled. NATO countries continue to emphasize the link between the ratification of the Adapted CFE Treaty and the resolution of all outstanding issues of Russian withdrawal from Georgia and Moldova.⁷⁰

Despite NATO's refusal to ratify the Adapted CFE Treaty until Russia completely fulfills its Istanbul commitments, Russia had implemented the Adapted Treaty. According to former President Putin, Moscow removed all of its heavy weapons from European part of the country and stationed it behind the Urals. Russia also reduced its Armed Forces by 300,000 and took several other steps required by the Adapted CFE Treaty.⁷¹ What Russia regarded to be the Western response to Moscow's unilateral disarmament was the delivery

⁷⁰ North Atlantic Council: Statement on the Treaty on Conventional Arms Forces in Europe. March 28, 2008. http://www.nato.int/cps/en/natolive/official_texts_8439.htm?selectedLocale=en

⁷¹ Putin, Vladimir: Interview with Newspaper Journalists from G8 Member Countries. June 4, 2007. http://archive.kremlin.ru/eng/speeches/2007/06/04/2149_type82916_132716.shtml

of new weapons for Eastern Europe, installation of new military bases in Bulgaria and Romania as well as deployment of the US missile system in Poland and Czech Republic.

Russia's failure to deliver on its Istanbul Commitments and NATO's refusal to ratify the Adapted CFE Treaty were not the only problems facing the CFE regime. Among the others are Russian non-compliance with its obligations under the Flank Agreement; the "legal gap" in the Baltic States which were not included in the CFE Treaty and thus created a legal option for NATO to deploy excessive forces close to Russian borders; the issue of Russian unaccounted-for equipment present in the separatist regions of Nagorno-Karabakh, Abkhazia, South Ossetia and Trans-Dniester; and of course continuing NATO enlargement (Lachowski 2009: 3).

After more than a year of Russian warnings that it would withdraw from the treaty if the Adapted CFE did not enter into force, President Putin signed a unilateral decree on "suspension" of the Treaty. It became valid in December 2007 and from that date on, Russia has not been implementing the Treaty. Moscow has stopped to provide information to its partners and to receive or conduct inspections. Russia even declared that during the suspension it will not be bound by any limits on conventional arms.⁷² Even though a number of talks were held between Russia and NATO countries and different proposals were made in order to revive the Treaty, so far no substantial progress has been reached.

Since 1999, NATO linked the future of conventional arms control in Europe to the solution of two "frozen" conflicts in the post-Soviet area: Georgia and Moldova. The recent Russia-Georgia war further complicated the entire issue. After Russian recognition of independence of South Ossetia and Abkhazia, a complete withdrawal of all Russian forces from what the West considers to be territory of Georgia seems now far more unlikely than before 2008. In the meantime, the whole CFE regime continues to face a serious crisis. Experts predict that a regional arms race, especially in the South Caucasus region, is likely to follow (Lachowski 2009: 6).

We have seen that all these issues are very complex and interdependent. The clear-cut division between conventional and nuclear arms is shading away. There seems to be a link

⁷² Statement by Ministry of Foreign Affairs of Russian Federation. July 14, 2007.
http://www.mid.ru/Brp_4.nsf/arh/95413DB612370D01C325731A0030E1B5?OpenDocument

between NATO enlargement and conflicts in Russian neighborhood. Also the pact on conventional arms control is being linked to Russian involvement in post-Soviet space. Moscow insists on the link between offensive and defensive weapons. For a long time it prevented the negotiations of the post-START treaty from succeeding because of the US plans to build a missile defense system close to Russian borders. This complexness makes resolving of the problems difficult. What is more, the Bush administration took similar stance on unnecessary linkages. After the Russia-Georgia conflict, the US together with many European countries refused to return to “business as usual” as long as Russia occupies parts of Georgia. This Cold War strategy of artificial linkages can be dangerous because also other pressing international issues involving Russia are at stake.⁷³

So far, this chapter was devoted to the analysis of prevailing trends of Russian foreign policy and the review of the most disputed hard security issues that burden the relations between Russia and its Western partners. In the following, I will try to explore some parallels between the two previous chapters and the Russian EST initiative.

5.3. Analogies to the EST

We could already see that one of the basic characteristic of Russian foreign policy is the endorsement of emergence of multipolar world and opposition to US unilateralism. So can Moscow achieve this objective through advocating the EST?

Yes, to a certain level it can. The EST and its principle of indivisibility of security would restrain Washington’s freedom of action. It would halt unilateral action of both US and NATO which Moscow considers as threatening to its security. This decreased room of maneuver could weaken the role of the US in both global and European affairs and therefore contribute to the appearance of a multipolar world. Moreover, the treaty would force its signatories to more reliance on multilateral diplomacy. Solutions which none of the participants regards as threatening to its security would need to be searched for. In this way Russia of course hopes to gain more say in international affairs.

⁷³ Haass, Richard: How to Manage Moscow. Newsweek, August 23, 2008.

When President Medvedev first presented his idea to establish a new pan-European security arrangement at the meeting with German political, parliamentary and civic leaders in June 2008 in Berlin, he described Russia, European Union and the United States as “*three branches of European civilization*”.⁷⁴ This is how Moscow views the new Euro-Atlantic security space reaching from Vancouver to Vladivostok: it should be rooted in “*genuinely equal cooperation*” between Russia, EU and the US.⁷⁵ Three “poles” of the new European security architecture – Russia being one of them – would substitute the currently prevailing primacy of NATO. This would not only create a multipolar European security order but also give Russia an equal status with the EU and US.

If we look further at the five above discussed principles of Russian foreign policy formulated by President Medvedev and his initiative to conclude a new treaty on European security, we can also trace a number of parallels between them.

First of all, it is the primacy of international law. Moscow is suggesting a legally binding document which would become part of international law. It would create new norms and obligations and thus strengthen the rule of international law. However, as we will see further below, the treaty does not offer an adequate solution to the problem of diverging interpretation of many legal norms already in place. Vague formulations prevail also in the text of the draft circulated by Kremlin. Moreover, the treaty does not deal with many issues of international security, where current legal norms seem insufficient, at all.

The second principle – support for multilateral world order has been just discussed. Also the third principle presented by Medvedev is to some extent reflected in the EST initiative. Russia claims it does not seek confrontation with any other countries. Call for a new mechanism on peaceful dispute resolution seems to go in line with this objective. Similarly, Russia does not want to isolate itself. It therefore seeks a place where its security concerns could be voiced and also heard by its partners. The new EST mechanism could create such a place. Furthermore, Moscow claims to seek friendly relations with its partners. Even though this is more an optimistic hypothesis than a fact, it is sometimes argued that already the process of negotiation of a new treaty could help to overcome the currently prevailing

⁷⁴ Medvedev, Dmitry: Speech at Meeting with German Political, Parliamentary and Civic Leaders. Berlin, June 5, 2008.

⁷⁵ Ibid.

mood of mistrust between Russia and many of its Western partners. An open dialogue on mutual security concerns could help to establish a more cooperative and even friendly atmosphere.

By promoting the EST, Russia can hardly seek the fulfillment of the last two principles, namely the protection of Russian citizens abroad and the advancement of Russia's privileged interests in the post-Soviet region. The treaty does not give its signatories any new rights to respond to acts of aggression. The already existing principle of individual or collective self-defense enshrined in Art. 51 of UN Charter would remain the only applicable rule. The treaty would not authorize Russia, nor any other Party, to claim its own zone of special or privileged interests. Russian Foreign Minister explicitly rejected the attempts of some Western states to call the „*historically conditioned mutually privileged relations*” between Russia and the post-Soviet countries a “*sphere of influence*”.⁷⁶ Russia even requested that the already existing provision of the Charter for European Security that no single State or international organization can have exclusive rights to maintain peace and stability in the Euro-Atlantic area would become legally binding.⁷⁷ This demand reflects once again Moscow's opposition to the current NATO-centric European security structure. But we should not forget that if adopted, the same principle would apply to Russia respectively to CIS or CSTO as well. They would not be allowed claim a special zone of influence or interests either. It is interesting to notice that despite Russian wish to make this rule legally binding, no Article of the proposed draft EST is devoted to this principle.

To sum up, Russia has proposed adoption of a new security treaty because it believes this would help to strengthen the rule of international law and to create a multipolar European security system. At the same time, Moscow deems that the treaty would weaken the position of the US and NATO in Europe. In addition, the EST would support friendly relations among its signatories, avoid isolation of Russia on international scene and help to prevent confrontation with other signatories. However, the treaty would not offer a pretext for Russia to protect lives of its citizens abroad, nor would it justify Russia's claim for a sphere of privileged interests in its neighborhood.

⁷⁶ Lavrov, Sergey: Russian Foreign Policy and a New Quality of the Geopolitical Situation. Article for Diplomatic Yearbook 2008. December 29, 2008.

http://www.mid.ru/Brp_4.nsf/arh/BC2150E49DAD6A04C325752E0036E93F?OpenDocument

⁷⁷ Lavrov, Sergey: Statement at the Opening Session of the OSCE Annual Review Conference. Vienna, June 23, 2009. http://www.osce.org/documents/cio/2009/06/38332_en.pdf

Next, let us have a look at the analogies between the EST and the aforementioned hard security problems in Europe. The issue of further NATO enlargement would be definitely affected by the treaty. The Russian Foreign Policy Concept stated clearly that NATO enlargement violates the principle of equal security. Russia proposed to make this principle legally binding and included it into Article 1 of the draft EST. Since there is no clear-cut definition of the actions which could significantly affect security of other states, interpretation of this clause remains in authority of the individual member states. Russia, as well as any other state, could claim violation of this clause practically all the times. Intensified diplomatic efforts and mainly strengthened cooperation would be necessary in order to avoid this. As long as Russia perceives NATO enlargement as significantly affecting its security, it would not be possible, under the provisions of the EST, to further expand the Alliance.

The same principle applies to the deployment of American BMD in Central and Eastern Europe. Here again, Moscow argues the system is directed against Russia and regards the US plans as threatening its security. If the EST entered into force, either the Alliance as a whole or the US alone would not be allowed to install the BMD when any other signatory regards this as threatening. Solution which all parties agree on would be asked for.

Regarding the regional conflicts, the EST would most probably not contribute in a major way to their settlement. The territorial disputes in Kosovo, Georgia, Moldova and other regions require more than a new forum for talks. Above of all, political will of all included players is inevitable. Unequivocal “rules of the game” which could be applied to these territorial conflicts are missing in the treaty.

Last but not least: arms control. In his June 2008 speech in Berlin, where Medvedev first proposed to sign a new pact on European security, the Russian President argued this could achieve a comprehensive resolution of arms control issues in Europe.⁷⁸ However, since this initial proposal the issue of arms control faded away from the Russian initiative. There is no specific clause on arms control included in the draft EST released by Moscow. In an article written for the French journal *Revue Defense National*, Russian Foreign Minister Lavrov explained why. He argued that it was not possible to address specific issues as arms control

⁷⁸ Medvedev, Dmitry: Speech at Meeting with German Political, Parliamentary and Civic Leaders. Berlin. June 5, 2008.

without solving the “*systemic problem*” first – namely the issue of indivisibility of security.⁷⁹ Only the codification of this so far only politically binding principle will enable appearance of new level of mutual trust so that concrete aspects of hard security in Europe can be dealt with, Lavrov added.

This Russian argument leads us to next part of this chapter. It describes the limits of the EST. Throughout the thesis there have been detached hints on questions and problems which are not being dealt with in the proposed EST. At this place I will try to provide a more comprehensive account of the most relevant hard security issues in Europe which would not be solved if the EST, in the form of the draft released by Kremlin in November 2009, entered in force. Of course I am full aware of the fact that it is hardly possible to offer a complete list of limits of the treaty. Some states define the term “European security” very comprehensively and according to this the list could be further expanded. I will therefore relate the treaty’s limits primarily to the aforementioned hard-security disputes between Russia and the West.

5.4. Limits of the EST

Let us start with the legal terms of the EST. According to official Russian statements, Russia proposes to strengthen international law by a “*legally binding confirmation and consistent interpretation of the basic principles of security of states and of the relations between them*”.⁸⁰ The major principle Moscow wants to make legally binding is that of indivisibility of security. However, as pointed out earlier, the treaty does not contain an unambiguous definition of this principle. It does not specify which (type of) action could significantly affect security of a State party and would be therefore prohibited by the treaty. Diverging interpretations are to be envisaged.

The inadmissibility of the use of force is another principle that requires consistent interpretation. Despite the fact that the non-use of force is deeply rooted in international law, especially in the UN Charter, this basic principle is often being put into question. Humanitarian intervention or the so-called Responsibility to Protect are often used by some

⁷⁹ Lavrov, Sergey: Euro-Atlantic: Equal Security for All. Written for Revue Defense National, May 2010. http://eng.globalaffairs.ru/number/The_Euro-Atlantic_Region:_Equal_Security_for_All-14888

⁸⁰ Lavrov, Sergey: Russian Initiative Regarding a Treaty on European Security. Statement at the Ministerial Working Lunch, 16th OSCE Ministerial Council. Helsinki, December 5, 2008. http://www.osce.org/documents/mcs/2008/12/35468_en.pdf

states as arguments to justify the use of force. In its basic foreign policy documents Russia points out that the use of force has to be in line with the UN Charter. This means the use of force has either to be mandated by the SC or be invoked as the right to self-defense under Art. 51 of the Charter. But the political reality can be different. The conflicts in Kosovo or Georgia only demonstrate the serious need of more concrete definition and / or generally accepted interpretation of this principle. Unfortunately, the EST does not contribute to the solution of this problem. No provisions of the treaty are aimed at more coherent interpretation of the principle of inadmissibility of the use of force. The contradiction between the right of nations to sovereignty (and to non-interference into internal affairs of states) and the right (or responsibility) to humanitarian intervention is not being dealt with by the EST.

Before the draft of the EST was officially published, Russian Foreign Minister Lavrov said that it should include “*guarantees to ensure equal security*”.⁸¹ He did not define this term any closer. Besides lacking an indisputable definition of indivisibility of security, the released draft does not propose any enforcement measures which could be taken in case of violation of the treaty. It is therefore hardly imaginable what kind of guarantees Lavrov might have wished in addition to the formal and legally binding pledge of the signatories not to ensure their security at the expense of the security of other states.

There are some more examples of Russian as well as Western requests which are not included in the EST draft proposed by Moscow. One of them is the rejection of claims by certain states or groups of states to an exclusive or preeminent right to maintain peace and security in the Euro-Atlantic region. Despite Russian calls for strengthening of this principle, which is enshrined in the politically binding 1999 Charter on European Security, the EST does not include a specific clause on this matter. It is also worth noting that the treaty does not say anything on states’ claims to spheres of influence in parts of the proposed area of application of the EST (OSCE space). Similarly, the draft does not reaffirm the right of each state to freely choose or change its security arrangements, such as entering a military alliance. This principle would probably contradict the Russian perception of equal and indivisible security since Russia interprets NATO expansion as a security threat and is therefore left out. We can observe that instead of confirming the right

⁸¹ Ibid.

of states to freely choose its security arrangements and possibly join military alliances, the EST would establish the right of states to oppose the expansion of security groupings which some states might perceive as threatening their national security.

Regarding the issue of conflict settlement, the treaty does not present a set of uniform principles which could be applied universally to all territorial disputes in the Euro-Atlantic area. This regards mainly the well known contradiction between the principle of territorial integrity and the right of nations to self-determination. These two legal principles lie at the core of some of the most disputed territorial conflicts in Europe including the self-proclaimed independence of Kosovo or the territorial integrity of Georgia and the status of South Ossetia and Abkhazia. It would be highly desirable to agree on uniform principles on the settlement of these and similar conflicts. The decisions of the new Conference or Extraordinary Conference which are to be created by the EST would have to be taken by a unanimous vote. Only if an armed attack was carried out, the peace-breaking state would be excluded from the voting. A peaceful conflict resolution would still require consensus of all parties involved. However, no new or more precise rules on conflict settlement are proposed by the EST. In this regard, the EST does not offer any substantial added value compared to the existing negotiating structures (especially the OSCE). Under which conditions can a territory proclaim independence? When does the right of self-determination prevail over the principle of territorial integrity? The new treaty on European security would ideally offer a detailed answer to these questions.

On the political level, the EST does not offer an adequate solution to the disputed hard-security issues in Europe. This is mainly due to the fact that the above mentioned contradictions in international law are not addressed and that the indivisibility of security clause is insufficiently defined. Would NATO enlargement be halted by the treaty? Would the deployment of US BMD in Central Europe violate the treaty? Russian answer is yes. Ultimately, these questions would most probably remain disputed because of diverging interpretations among member states.

The treaty does not contain any proposals on specific steps to overcome the ongoing crisis in the area of conventional arms control regime in Europe. A decisive break-through in the stalemate of the CFE Treaty is therefore not to be expected after the adoption of the EST. Modernization of the 1999 Vienna Document on confidence- and security building

measures is not proposed in the draft EST either. The issues of countering the proliferation of WMD, terrorism, drug trafficking or other emerging security threats are not included in the document at all.

And finally, there is no reference to any common values that should be honored in the Euro-Atlantic space. Commitment to democracy, human rights or rule of law is not mentioned even in the draft's Preamble.

We can conclude that even though there are several parallels between major Russian foreign policy goals and the EST as well as between the disputed hard security issues and the proposed treaty, the EST draft does not address specific hard security problems in the Euro-Atlantic space. It much more creates general rules of behavior which would, according to Moscow, gradually lead to solution of specific issues. This approach has hardly met with understanding in other Western capitals. However, it should be emphasized that the analyzed document is only a draft of a proposed treaty. It presents a possible point of departure for further negotiations. And the aforementioned flaws of the draft – as for instance insufficient definition of certain principles, could be removed in the course of further discussions.

6. Dialogue on European Security

The final chapter of this thesis will be dedicated to the response of the West to the Medvedev initiative and to the dialogue on European security which is emerging as a result of Moscow's endeavor to rearrange the European security landscape.

During the meeting of OSCE Ministerial Council in Helsinki in December 2008, Russian Foreign Minister Lavrov said: „*There is no false bottom or hidden agenda in our idea of a treaty on European security. (...) No one can have anything to lose from this and everyone will be a winner*“.⁸² In this chapter I will try to find out if the major addressees of Moscow's proposal share a view similar to that of Mr. Lavrov. Are Russian partners in the West ready to talk about rearrangement of the European security structure? What are the prospects of the European Security Treaty to succeed?

6.1. Position of Russian Partners

Both American and European reactions to the proposal of President Medvedev on drafting a new legally binding treaty on European security have been quite modest from the outset. The main reason is to be seen in the Georgia-Russia war which broke out shortly after the launch of the Medvedev initiative. It caused to dramatic deterioration of the political relations between Russia and the West. Moreover, in November 2008, United States elected a new President. The whole world was waiting what the change in US leadership will bring about.

6.1.1. United States

The overall mood in relations between Russia and West has changed significantly over the last two years. This is particularly due to the new US leadership. United States play a crucial role in European security affairs. As a most powerful NATO Ally, Washington is directly involved in practically all of the above mentioned security issues in Europe. Also the EU emphasizes the strong trans-Atlantic link. According the EU leaders, the US has to take part in any discussions on the future of European security.⁸³ Moreover, the bilateral

⁸² Lavrov, Sergey: Russian Initiative Regarding a Treaty on European Security. Helsinki, December 5, 2008.

⁸³ Solana, Javier: Speech at the 45th Munich Security Conference. February 7, 2009.
<http://www.securityconference.de/Dr-Javier-Solana-Madariaga.246+M53db17c337d.0.html?&L=1>

relations between Russia and the US impact overall security situation on European continent. That is why I will now briefly describe the changes in foreign policy behavior of the US which we have witnessed since Barack Obama assumed the office of US President in January 2009.

Already in his inaugural address President Obama demonstrated his readiness to renew America's leadership in the world. He declared: *"America is a friend of each nation and every man, woman and child who seeks a future of peace and dignity, and we are ready to lead once more"*.⁸⁴ Obama made a strong commitment to cooperation with all nations of the globe. His pledge to extend a hand to all who are willing to unclench their fists became a famous saying which is still characteristic of US foreign policy behavior. Experts say that the engagement with US adversaries belongs to the priorities of the new administration's foreign policy (Kupchan 2010a). Contrary to his predecessor who often chose unilateral action in his foreign policy, President Obama is an advocate of multilateralism and strengthened cooperation with nations from all over the world: including long-standing partners as well as (former) enemies. The US seeks cooperation based on mutual interest and mutual respect. However, the new administration has not entirely excluded the option of unilateral action. According to Vice-President Biden, the US will work in partnerships whenever it can, and alone only when it must.⁸⁵ The foreign policy of the new administration will be based on strong partnerships to meet common challenges.

Soon after taking over the office of US President, Obama started to implement his strategy of engagement. Russia was among the first ones the US has "reached its hand to". At the Munich Security Conference, held only couple of weeks after the inauguration of the new administration, Vice-President Joe Biden announced American willingness to *"press a reset button"* in the US-Russian relations.⁸⁶ He stated that disagreement over certain issues, as for instance the territorial integrity of Georgia, should not prevent the two countries from cooperation in areas where their interests coincide. These include security and stability of Afghanistan; prevention of spread of nuclear weapons and materials; and a new agreement on deeper cuts in nuclear arsenals. Regarding the probably most divisive issue of US-

⁸⁴ Obama, Barack: Inaugural Address. Washington D.C., January 20, 2009. <http://www.whitehouse.gov/the-press-office/president-barack-obamas-inaugural-address>

⁸⁵ Biden, Joseph: Speech at the 45th Munich Security Conference. February 7, 2009. <http://www.securityconference.de/Joseph-R-Biden.234+M53db17c337d.0.html?&L=1>

⁸⁶ Ibid.

Russian relationship – the plans of Bush administration to locate elements of the US missile defense system in Czech Republic and Poland, Biden said that the US will continue to develop the system. But he added two conditions: the MD technology has to be proven to work and be cost effective. He pledged to work on the system in consultation with NATO partners as well as with Russia.

More concrete steps followed soon. In April 2009, Presidents Obama and Medvedev expressed their commitment to the ultimate goal of a world free of nuclear weapons.⁸⁷ They also agreed on negotiating a new legally binding treaty that would replace the soon-to-expire START I Treaty. In his Prague speech, President Obama attracted the attention of international public to the vision of a world without nuclear weapons and he succeeded in bringing the nuclear arms control back on the international agenda. In addition to this, in September 2009, after a period of review, President Obama announced a new approach to the issue of MD in Europe. He decided to cancel the initial plans of Bush administration to install parts of the American MD in Poland and Czech Republic. Instead, Obama opted for what he called a “*phased, adaptive approach*” to the MD in Europe.⁸⁸ The US would deploy a regional, transportable ballistic missile defense capability that could be deployed around the world on a relatively short notice (Hildreth/Ek 2009). Obama administration argues that the new system could be deployed more quickly and effectively than the one originally proposed by President Bush. Similarly to the previous administration, President Obama maintains that the American MD is aimed at protection of the US and its Allies against the growing threat posed by Iran’s short- and medium-range ballistic missiles. Washington denied that Russia was a factor in this move.⁸⁹ Notwithstanding, Moscow has welcomed the decision of President Obama to abandon the original MD plans. President Medvedev called it a “*constructive step in right direction*” and reiterated Russian readiness to discuss the US-Russian cooperation on this issue.⁹⁰ What is more, the two countries

⁸⁷ The White House: Joint Statement by President Dmitry Medvedev of the Russian Federation and President Barack Obama of the United States of America. April 1, 2009. <http://www.whitehouse.gov/the-press-office/joint-statement-president-dmitriy-medvedev-russian-federation-and-president-barack-obama>

⁸⁸ The White House: Fact Sheet on U.S. Missile Defense in Europe. September 17, 2009. <http://www.whitehouse.gov/the-press-office/fact-sheet-us-missile-defense-policy-a-phased-adaptive-approach-missile-defense-eur>

⁸⁹ Gates, Robert: A Better Missile Defense for Safer Europe. The New York Times, September 19, 2009. <http://www.nytimes.com/2009/09/20/opinion/20gates.html?pagewanted=all>

⁹⁰ Medvedev, Dmitry: Address at the 64th Session of the UN General Assembly. New York, September 24, 2009. http://www.mid.ru/Brp_4.nsf/arh/DDF2560436FA0C78C325763B00477489?OpenDocument

strengthened their cooperation on other issues, including Afghanistan and Iran.⁹¹ The creation of the US-Russian Bilateral Presidential Commission, which should enhance bilateral cooperation in a broad array of issues, serves as another example of the positive change. Finally, in April 2010, the two Presidents signed the new START Treaty. The current challenge will be to secure the ratification of the treaty in both US and Russia. Nevertheless, a dramatic change in the bilateral relations is noticeable. Obama's engagement strategy accompanied by series of concrete actions has succeeded to reverse the deterioration in relations between Russia and the United States. So how will this amelioration of mutual relations impact Russian initiative on the European Security Treaty?

So far, the US has been rather skeptical about the Medvedev initiative. Indeed, Secretary of State Hillary Clinton admitted that the institutions that guarded European and Euro-Atlantic security during the 20th century were not designed to tackle security threats of the 21st century, such as global terrorism, transnational organized crime, proliferation of WMD, or energy security and climate change.⁹² This may suggest that she endorses a reform of the European security architecture. However, the main tool for the US to engage into European security affairs has been and still is the North Atlantic Alliance. Therefore, in the US point of view, it is the Alliance that primarily needs to be reformed and adapted to new security challenges and not the whole institutional structure of European security. NATO is currently revising its Strategic Concept which will decisively shape the nature of the Alliance in the forthcoming years. NATO's relations with Russia represent an essential element of this exercise in many aspects. The Strategic Concept will need to find a right balance between reassurances of Art. V and the reset in NATO-Russia relations.⁹³ Moscow is a relevant factor also in other issues of European and global security which are to be addressed by the new Concept. These include further enlargement of the Alliance; arms control; possible cooperation with Moscow on the MD in Europe; as well as NATO-Russia cooperation on Afghanistan and other emerging security threats.

Deliberately or not, the US, together with some other Western states and international organizations, have adopted parts of Russian rhetoric closely related to the EST. Clinton

⁹¹ See for example: The White House: U.S. Russia Relations: "Reset" Fact Sheet. June 24, 2009.

<http://www.whitehouse.gov/the-press-office/us-russia-relations-reset-fact-sheet>

⁹² Clinton, Hillary: Remarks on the Future of European Security. Paris, January 29, 2010.

<http://www.state.gov/secretary/rm/2010/01/136273.htm>

⁹³ Ischinger, Wolfgang / Weisser, Ulrich: Getting Russia Right. International Herald Tribune, June 9, 2010.

<http://www.nytimes.com/2010/06/10/opinion/10iht-edischinger.html>

endorsed that security in Europe should be indivisible. Yet, the US interpretation of this principle differs to that of Russia. The US reads this principle as the rejection of the zero-sum game. Washington believes that security of all nations is intertwined. All have to work together to enhance each other's security, in part by engaging with each other on new ideas and approaches.⁹⁴ Contrary to Russia, the US does not say anything about states' obligation to implement their security measures with due regard to security interests of the others.

The US declares that it is committed to the principle of indivisibility of security. It also supports other proposals put forward by Russia which reaffirm principles of the Helsinki Final Act and the NATO-Russia Founding Act. However, the US does not see any need to negotiate new treaties. According to Secretary of State Clinton, all these common goals, such as indivisibility of security, can be best advanced in the framework of the existing institutions, especially the OSCE and the NRC.

In regard to the Medvedev initiative, Russia and the US disagree on two basic questions. First and most fundamental is the US rejection of the need to conclude a new legally binding treaty. Second, Clinton has expressed support for all Russian proposals which simply *reaffirm* the Helsinki Final Act and the NATO-Russia Founding Act. On the other side, Russia strives to upgrade the whole Helsinki Decalogue. The new EST should constitute something what FM Lavrov referred to as "Helsinki-2".⁹⁵ Moscow also seeks to turn other, until now only politically binding commitments such as the indivisibility of security, into a legally binding treaty.

The reluctance of the US to enter negotiations on a legally binding treaty is quite understandable. If the draft of the EST released by Moscow entered into force, it would imply new obligations and restrictions on Washington. Even if Russia denies this argument, the EST would certainly weaken the NATO, because it would limit the Alliance's freedom of action. That is why the US is so cautious about the Russian proposal. If the US openly rejected the idea to make the principle of indivisibility of security legally binding, it would suggest that Washington is not ready to comply with this politically binding commitment. The same logic applies also to other addressees of the Medvedev initiative.

⁹⁴ Clinton, Hillary: Remarks on the Future of European Security. Paris, January 29, 2010.

⁹⁵ Lavrov, Sergey: Address at the 63rd Session of the UN General Assembly. New York, September 27, 2008. http://www.mid.ru/Brp_4.nsf/arh/4FFFD1ED4CBFE51BC32574D30022EA5C?OpenDocument

6.1.2. European Union

According to Russian President Medvedev, the European Union marks one of the three cornerstones of the European civilization. The EU would therefore constitute one of the “poles” of the new Euro-Atlantic security system, too. The EU is still a relatively weak foreign policy actor, often unable to speak with one voice. It lacks relevant competences on hard security matters. The intergovernmental principle of the CFSP, based on the consensus of all member states, has remained unchanged also after the entry into force of the Lisbon Treaty (Major 2010: 3). This makes the standpoints of individual members even more relevant. Due to limited space, I will restrain here on detailed description of all the positions of EU member states in regard to the EST. Instead, I will concentrate on the opinions of some leading European nations, especially France and Germany. If available, I will refer to official EU statements which reflect the common position of all 27 members. At this place it might be interesting to recall that Moscow has proposed both individual member states as well as the EU as an international organization should join the EST.

The relations between Russia and the EU are very multifaceted. They include significant economic ties; mutual dependency on energy imports and exports; the issue of common neighborhood; visa regime; both internal and external aspects of security; the issue of human rights and much more. Despite this complexity I will limit the scope of my interest on EU’s position to the new European security order proposed by Moscow.

In general, the EU seems to be ready to enter a dialogue with Russia on the future of European security. Even though it regards the security inside Europe to be largely “completed”, the Union is well aware that Russia is uncomfortable with the current European security order. According to then High Representative for the EU Common Foreign and Security Policy (CFSP) Javier Solana, it is in the interest of the Union to analyze why and “*see what can be done*”.⁹⁶ The EU has not entirely dismissed the Russian proposal on the EST. But while analyzing the reasons for Russian discomfort with European security order and possible changes in it, the main feature of Europe’s security has to be retained: its comprehensive character. The EU stressed that not only hard security, but also economics and human rights constitute integral parts of European security. Furthermore, the EU has defined some non-negotiable principles which have to be honored.

⁹⁶ Solana, Javier: Speech at the 45th Munich Security Conference. February 7, 2009.

They include the involvement of the US in any talks about the future of European security, the right of any country to freely choose their alliance, and the rejection of any spheres of influence on European continent.⁹⁷

Positions of EU's major member states are alike to those expressed by the High Representative. On the eve of the historic NATO Summit marking the 60th anniversary of the Alliance which was co-hosted by France and Germany in April 2009, the leaders of these two countries wrote a joint article for the French newspaper *Le Monde*. Nicolas Sarkozy and Angela Merkel outlined here their views on the future of European security. They expressed their firm commitment to both transatlantic partnership with the US and other NATO members as well as to strengthened cooperation with EU countries in the framework of the CFSP. In times when the NRC was still suspended, the two leaders called for reaching out to Russia and reviving the cooperation. Regarding the Medvedev initiative, they expressed readiness to discuss these issues with Russia and other European partners. At the same time they emphasized they expect Russia to honor the rules set by the Helsinki Final Act and the 1990 Paris Charter, first and foremost the principle of territorial integrity. They also stressed that France and Germany will continue to support the open door policy of NATO if more European democracies wish to join the Alliance.⁹⁸

All these statements of European leaders might appear quite general. They do not indicate many details on a new European security treaty. The main reason behind it is to be seen in the nature of initial proposals of Moscow. Until the end of November 2009, only little was known about the Russian vision of the new pan-European security pact. However, the European standpoint has not changed significantly since the release of the EST draft. In February 2010, two months after the publication of the draft, the new EU High Representative for Foreign Affairs and Security Policy Catherine Ashton repeated the Union's positions towards the Medvedev initiative.⁹⁹ They can be summarized under the following points:

⁹⁷ Ibid.

⁹⁸ Merkel, Angela / Sarkozy, Nicolas: Security, our joint mission. Published in *Le Monde* newspaper. February 4, 2009. <http://www.ambafrance-uk.org/Security-our-joint-mission.html>

⁹⁹ Ashton, Catherine: Speech at the 46th Munich Security Conference. February 6, 2010. <http://www.securityconference.de/Ashton-Catherine.567.0.html?&L=1>

1. The EU is open to discuss all ideas that could enhance European security, including the Russian proposal on EST.
2. The primary place for these discussions should be the OSCE. The OSCE has an inclusive membership which ensures participation of trans-Atlantic partners (and NATO Allies) US and Canada; and it is loyal to the comprehensive approach to security.
3. Commitment to comprehensive approach to security. For the EU, the human dimension, along with the economical and environmental basket, constitute essential part of European security. Therefore, discussions about the future of European security have to include respect for human rights, too.
4. In the area of hard security, the EU remains committed to the non-use of violence in settlement of political disputes and to the principle that states are free to join the security alliance they wish.

After examining the perspective of the major Russian partners – the United States and the European Union, I will now try to describe the major outcomes of Medvedev initiative as we have witnessed them until now.

6.2. Dialogue on European Security

So far, no official negotiations on the European Security Treaty have been launched. Nevertheless, Russian representatives continue to raise this issue on various occasions. Some aspects of the EST found their places on the agenda of both multilateral and bilateral discussion formats. The aim of this concluding chapter is to trace the places where the Russian proposals, respectively certain features of EST and / or some of the underlying (hard) security issues that lie behind the Medvedev initiative (as outlined in Chapter 5) are being discussed. Has the attempt of Moscow to create new European security order led to any tangible results?

6.2.1. Corfu Process

Probably the most visible outcome of the Russian initiative on a new pan-European security treaty has been the so-called Corfu Process established in the framework of the OSCE. Even though Moscow might not regard the Corfu Process as ultimate result of the Medvedev initiative, the Corfu Process has emerged, at least partly, as a consequence of the Russian proposal (Zagorski 2010: 3).

The Corfu Process was launched under the Greek Chairmanship of the OSCE. In June 2009 Foreign Ministers of the OSCE participating states gathered on the Greek island of Corfu for informal talks about European security. This high-level meeting was preceded by and subsequently followed by a series of discussions about the future of European security held in Vienna at the level of permanent representatives. Throughout the year 2009, Russian representatives constantly called for a new treaty that would deal with structural inadequacies of Euro-Atlantic security. However, until late 2009, Moscow did not put forward any detailed proposals. Russian desire to create a new form of cooperation in the area from Vancouver to Vladivostok combined with the Western emphasis on comprehensive nature of security finally led to inauguration of the Corfu Process. It evolved into a wide-ranging dialogue on key issues of European security and cooperation. In the words of then OSCE Chairperson-in-Office Greek Foreign Minister Dora Bakoyannis, the aim of the Corfu Process is to discuss the current challenges as well as future perspectives of the common, indivisible, comprehensive and cooperative security in post-Cold War Europe.¹⁰⁰ In December 2009, in a first political declaration of the OSCE Ministerial Council since 2002, Foreign Ministers formally endorsed the Corfu Process. They acknowledged that deficits in Euro-Atlantic and Eurasian security exist. The Foreign Ministers finally expressed their commitment to „*reconfirm, review and reinvigorate security and cooperation form Vancouver to Vladivostok*“.¹⁰¹

Even though the Corfu Process might have initially evolved as a reaction to the Medvedev initiative, the draft EST released by Moscow is not an item of the Corfu discussions. The Interim Report prepared by the Kazakh Chairmanship of the OSCE in mid-2010 did not

¹⁰⁰ Concluding Statement by OSCE Chairperson-in-Office. Corfu, June 26, 2009.

http://www.osce.org/documents/cio/2009/06/38505_en.pdf

¹⁰¹ OSCE: Ministerial Declaration on the OSCE Corfu Process: Reconfirm-Review-Reinvigorate Security and Co-operation form Vancouver to Vladivostok. Athens, December 2, 2009.

http://www.osce.org/documents/cio/2009/12/41848_en.pdf

include the European Security Treaty among the ten major topics for focused discussions in the framework of the Corfu Process.^{102 103} Only two of the ten thematic blocs have more or less direct link to the EST – Implementation of all OSCE Norms, Principles and Commitments, and the dialogue on General Questions of Euro-Atlantic Security. However, these two topics are rather broad and general. Some experts point out that Russia does not want the discussions about the EST to be held within the theme General Questions on Euro-Atlantic Security, even though this would be thematically appropriate (Zagorski 2010: 9). Instead, Russia prefers creation of an entirely new platform which would discuss the EST.

The remaining eight topics of Corfu Process relate to different aspects of the OSCE's comprehensive concept of security or to the work and functioning of the Organization. Russia and the West support the concept of comprehensive security for two different reasons. For long time, Moscow has been critical of the disproportional attention of OSCE given to the humanitarian dimension where 80% of its work is concentrated. It also blamed the Organization for its geographical focus "east of Vienna". Russia backs up the increased interest in comprehensive security within the OSCE because it aspires a more adequate attention to the politico-military dimension, especially to various hard security issues.¹⁰⁴ On the other hand, the EU favors the comprehensive approach because of its commitment to the human dimension of the OSCE.

From the perspective of the draft EST, the implementation of one particular OSCE principle is of special interest. It is the indivisibility of security. Russia constantly calls for legal consolidation of this core principle. However, the Corfu Process is not aimed at drafting a new legally binding document. The central theme of the EST – Russian perception of the principle of indivisibility of security is not included among the ten topics for focused discussions either.

¹⁰² OSCE Chairmanship in Office: Interim Report. Summarizing the Proposals Put Forward Within the Corfu Process. July 2, 2010.

¹⁰³ The ten themes of dialogue include: 1. Implementation of all OSCE norms, principles and commitments; 2. Role of the OSCE in early warning, conflict prevention and resolution, crisis management and post-conflict rehabilitation; 3. Role of the arms control and confidence- and security-building regimes in building trust, in the evolving security environment; 4. Transnational and multidimensional threats and challenges; 5. Economic and environmental challenges; 6. Human rights and fundamental freedoms, as well as democracy and the rule of law; 7. Enhancing the OSCE's effectiveness; 8. Interaction with other organizations and institutions, on the basis of the 1999 Platform for Co-operative Security; 9. Cross-dimensional approach to security; 10. General questions of Euro-Atlantic Security.

¹⁰⁴ See for example: Lavrov, Sergey: Transcript of Remarks and Response to Media Questions After Meeting of Russia-NATO Council in Brussels, December 4, 2009.
http://www.mid.ru/Brp_4.nsf/arh/EEF045A4F6FADD66C32576850044D72C?OpenDocument

We can say that the link between the EST and the Corfu Process is rather weak. Contrary to Russian proposal on the EST, other international and regional organizations operating in the Euro-Atlantic area do not participate in the Corfu dialogue. This is the case in spite of the fact that both EU and NATO see the OSCE as the primary place for discussions about the Russian proposal on the European Security Treaty. Russia does not regard the Corfu Process as a substitute for negotiations on the indivisibility of security. According to Moscow, the primary outcome of the Corfu Process should be creation of a legal foundation for the OSCE. All the practical matters connected with the politico-military dimension of security, such as arms control, confidence-building measures and peaceful conflict resolution, are to be included in this process.¹⁰⁵ As we will see further below, Moscow pushes for discussions about the EST and the indivisibility of security also in other multilateral and bilateral formats.

Neither the EST nor the indivisibility of security belongs to the ten major items of the dialogue held in the OSCE. Nevertheless, the Corfu Process constitutes a unique opportunity for all participating states, including Russia, to voice their concerns over various aspects of European security and to search for solutions together with other partners.

According to the Interim Report on Corfu Process, the OSCE participating states expressed their common objective to create a “security community” in the Euro-Atlantic and Eurasian area. In the security community, free of dividing lines and zones of different levels of security, the use of force would become unthinkable and common interest would prevail. The main objectives of the security community would be to ensure:¹⁰⁶

- Combination of “hard” and “soft” security;
- Compatibility between the indivisibility of security and the existence of security alliances;
- Compatibility between the right of all countries to enter alliances of their own choice and the principle that no participating states should enhance its security at the expense of another state.

¹⁰⁵ Lavrov, Sergey: Speech at the 46th Munich Security Conference, February 6, 2010.
<http://www.securityconference.de/Lavrov-Sergey.573.0.html>

¹⁰⁶ OSCE Chairmanship in Office: Interim Report. Summarizing the Proposals Put Forward Within the Corfu Process. July 2, 2010.

At this point we can briefly recapitulate the positions of Russia and its Western partners. The draft EST is focused on hard security issues, whereas the EU and the US put emphasis on comprehensive approach to security – including issues of human rights, fundamental freedoms and democracy. The Medvedev initiative is based on the principle of indivisibility of security. This is perceived by many Western states as Russian attempt to undermine existing security structures, especially NATO. The West is opposed to any changes that would decrease the relevance of currently existing security alliances. Russia declares that NATO enlargement jeopardizes its security and therefore violates the Russian interpretation of the principle of indivisibility of security. On the other hand, both EU and the US remain committed to the right of all nations to freely choose their security arrangements, meaning to further expand the North Atlantic Alliance.

The objective of further dialogue on European security would to be to accommodate these seemingly opposing positions of Russia and the West. This exercise could contribute to creation of a security community in the Euro-Atlantic space. At the same time, consensus on some other central questions of European security, such as uniform principles on peaceful settlement of territorial disputes, should be searched for.

6.2.2. Revived NATO-Russia Council

While the Corfu Process is being focused on general questions of European security, such as the implementation of the principles enshrined in the Helsinki Decalogue, discussions about some of the most relevant concrete issues of European security, as perceived in Moscow, take place also in other formats. The NATO-Russia Council assumes a central role in this regard. Even though the NRC has so far not played any significant role in negotiations of the EST, it is especially relevant in addressing some of the issues which lie behind the Medvedev initiative. These include the MD, arms control, as well as future NATO enlargement.

Since the suspension of the NRC in summer 2008, the relations between Russia and the Alliance have significantly improved. At the last meeting of the NRC on the level of Foreign Ministers in September 2010 in New York, the overall mood was totally different to that of two years ago. Some media described the new atmosphere as “climate change” in the NATO-Russia relations. Obama’s policy of engagement and the “reset” of US-Russia

relations have so to say spread to the NRC. We can see this when looking at the statements of NATO officials. On his first visit to Moscow in the position of NATO Chief in December 2009, Secretary General Rasmussen announced that “*transforming NATO-Russia relations into a true strategic partnership*” belongs to his priorities.¹⁰⁷ After more than a year of suspension which followed the Georgia-Russia, the NRC officially reassumed its work at the meeting of Foreign Ministers in December 2009. Despite the fact that significant differences persist, especially over the issue of Georgia, the will to move ahead and strengthen cooperation between NATO and Russia has prevailed.

In March 2010, Rasmussen presented his vision of new Euro-Atlantic security architecture. It should be rooted in practical NATO-Russia cooperation on concrete security issues. What Rasmussen has proposed is rapprochement between NATO and Russia based on the cooperation on the controversial missile defense system in Europe. Common missile defense would create a “*security roof*” that would unite people from Vancouver to Vladivostok into one community. According to NATO SG, who also serves in the capacity of NRC Chairman, the common project would not only offer protection against unpredictable regimes, but also bring the Euro-Atlantic community together.¹⁰⁸ Instead of a legally binding treaty, as argued by Moscow, the new Euro-Atlantic security architecture should be based on the missile defense system that includes all NATO countries as well as Russia.

Couple of months later, NATO SG revealed his concept of further NATO-Russia reconciliation. If an inclusive MD system was realized, it would be likely to generate progress in other critical areas, such as conventional arms control in Europe and later even the more controversial issue of Georgian territorial integrity. Rasmussen argued that practical cooperation on MD, which includes sharing of intelligence, would build the much needed trust between NATO and Russia and finally “*make our European home safer*”.¹⁰⁹

¹⁰⁷ Rasmussen, Fogh: NATO and Russia, partners for the future. Speech at the Moscow State Institute for International Relations. December 17, 2009. http://www.nato.int/cps/en/natolive/opinions_60223.htm

¹⁰⁸ Rasmussen, Fogh: Building a Euro-Atlantic Security Architecture. Speech at the Brussels Forum 2010. March 27, 2010. http://www.nato.int/cps/en/natolive/opinions_62395.htm

¹⁰⁹ Rasmussen, Fogh: “Success generates success: the next steps with Russia”. Speech at the Aspen Institute in Rome. September 17, 2010. http://www.nato.int/cps/en/natolive/opinions_66265.htm

The inclusion of Russia into the NATO BMD system advocated by Rasmussen represents quite an ambitious plan which will surely face opposition.¹¹⁰ Yet, Rasmussen's plan to bring NATO and Russia closer together does not address one fundamental point: creation of a common security space based on a legally binding treaty. The Secretary General declared that NATO Allies are open to discuss the Russian proposal on the European Security Treaty. However, he added that the primary place for these talks should be the OSCE.¹¹¹ As we have seen earlier, this is not happening. The EST has not become integral part of the Corfu Process.

The ongoing debate about the future of the Alliance offers another opportunity to think and talk about the NATO-Russia relations. The Alliance is currently reviewing its outdated Strategic Concept. The new document, which is to be adopted at the upcoming NATO Summit held in November 2010 in Lisbon, will impact the character of NATO itself as well as its relations with Moscow in the coming years.

It remains to be seen if the new Strategic Concept will put forward at least a vision of one security space in the whole Euro-Atlantic area which would include Russian Federation too. One option would be to enter into negotiations on a pan-European security treaty as proposed by Moscow. Another possibility would be to offer Russia the prospect of future NATO membership. Already now we can hear calls from the academia as well as from security experts and former politicians to integrate Russia into the Alliance.¹¹² Even in such traditionally Russia-critical countries as Poland, there are supporters of Russian membership in NATO if the country meets all the necessary entry requirements.¹¹³ It is obvious that if Russia joined the Alliance, NATO would change fundamentally. Ultimately, it could even evolve into a true system of collective security.

¹¹⁰ See for example: Weitz, Richard: Counterpoint: On Missile Defense. International Herald Tribune, July 23, 2010. <http://www.nytimes.com/2010/07/23/opinion/23iht-edweitz.html>

¹¹¹ Rasmussen, Fogh: Press Conference after the NATO-Russia Council. Brussels, December 4, 2009. http://www.nato.int/cps/en/natolive/opinions_59971.htm

¹¹² See for example: Kupchan, Charles: NATO's Final Frontier. In: Foreign Affairs. Vol. 89, Iss. 3 (May/June 2010b). Or: Rühle, Volker / Naumann, Klaus / Elbe, Frank / Weisser, Ulrich: Open Letter: It's Time to Invite Russia to Join NATO. Der Spiegel, March 8, 2010. <http://www.spiegel.de/international/world/0,1518,682287,00.html>

¹¹³ Polish minister wants to see Russia in NATO. Reuters, March 31, 2009. <http://www.reuters.com/article/idUSLV235643>

At the moment, this option seems rather remote. Nevertheless, NATO should get serious about Russian inclusion into the post-Cold War European security system. The discussions about the new Strategic Concept present an excellent window of opportunity to address Moscow's discontent with current European security architecture. The Alliance could either take up the Medvedev initiative or offer an alternative to the Russian proposals. Prospect of Russian membership in NATO would be one of the options.

6.2.3. Other Forums

Bilateral relations to key European partners play an important role for Russia in pursuing its foreign policy goals and the EST is no exception. Last June offered another evidence of this well known fact. Less than a week after the EU-Russia Summit, President Medvedev travelled to Germany to participate in a bilateral German-Russian Summit. In this meeting, President Medvedev and Chancellor Merkel discussed not only bilateral matters but also the issue of European security and cooperation between Russia and the EU. They agreed on the initiative to establish an EU-Russia committee on foreign policy and security at the level of Foreign Ministers. It could involve regular meetings between the EU High Representative for Foreign Affairs Catherine Ashton and her Russian counterpart Sergey Lavrov. Chancellor Merkel suggested she would put forward this idea in Brussels.¹¹⁴ Two major conclusions can be made from this endeavor. One regards Russian foreign policy behavior. It was not at the EU-Russia Summit but at the German-Russian Summit where the proposal on creation a new multilateral body was articulated. The same can be said about the launch of the Medvedev initiative which was first introduced during President Medvedev's bilateral visit to Germany. We can conclude that for Russia, the way to Brussels leads through Berlin. More than that, this initiative made it clear that two leaders recognize the need to set up a viable forum to held discussions on foreign policy and security among the EU and Russia.

Russia is well aware of the fact that the Medvedev initiative needs clear support of Washington. As pointed out earlier, the US is not very enthusiastic about a new treaty on European security. Russia therefore seeks to take advantage of the new mood in bilateral ties between Russia and the US in order to promote the Medvedev initiative. The US-

¹¹⁴ Rettman, Andrew: Germany and Russia call for new EU security committee. EUObserver, June 7, 2010. <http://euobserver.com/9/30223>

Russian relations have improved considerably since President Obama assumed the office. The emphasis is now being put at issues of common interests rather than at disputed questions. Yet again, the disagreement concerns primarily the disputed issue of Georgian territorial integrity. But instead of emphasizing the differences, the two countries concentrate on the cooperation in areas where they share common interests. At the press conference following a recent US-Russian summit held in June 2010 in Washington D.C. the two Presidents emphasized their commitment to the ratification of the New START treaty and further strengthening of the global non-proliferation regime. Obama did not explicitly mention European security. This issue is evidently not high on the agenda in Washington. On the other side, Russia continues to raise this topic. According to President Medvedev, Russia and the US “*share a common view that Europe should have a security system*”.¹¹⁵ Without providing any further details, this statement suggests that Russia is pushing for the rearrangement of current European security order also at the highest political level. And that the US response remains reserved. It is evident that for the Medvedev initiative to succeed, it will not be enough to “agree to disagree”.

The most recent developments provide more evidence to support this thesis. In October 2010, France hosted a trilateral meeting of French, Russian and German leaders. Nicolas Sarkozy, Dmitry Medvedev and Angela Merkel talked, among other issues, about European security. According to Moscow, they focused in particular on the European Security Treaty.¹¹⁶ However, the EST was not mentioned in the final declaration of the three leaders. Sarkozy, Medvedev and Merkel simply reaffirmed that security of all states in Euro-Atlantic community is indivisible and declared their commitment to ongoing joint work in this field. They called for strengthened cooperation between Russia and the EU as well as in the NATO-Russia Council.¹¹⁷ The statesmen stressed that the three countries agree on many issues of common interest and that they are willing to address the concerns of the other sides, including Russia. Yet, they seem not to be ready to enter into negotiations on a new pan-European security treaty proposed by Moscow.

¹¹⁵ Remarks by President Obama and President Medvedev of Russia at Joint Press Conference. June 24, 2010 <http://www.whitehouse.gov/the-press-office/remarks-president-obama-and-president-medvedev-russia-joint-press-conference>

¹¹⁶ Russian-French-German talks. Deauville, France, October 19, 2010. <http://eng.kremlin.ru/news/1167>

¹¹⁷ Statement for the France-Germany-Russia Summit in Deauville. October 19, 2010. http://www.bundesregierung.de/nsc_true/Content/DE/_Anlagen/2010/2010-10-19-erklaerung-gipfeltreffen-deauville-eng,property=publicationFile.pdf/2010-10-19-erklaerung-gipfeltreffen-deauville-eng

7. Conclusion

When listening to the current statements Russian, European and North American leaders give after their summits and other meetings, one could easily forget that only two years ago the relations between Russia and the West experienced the probably most serious crisis in the post-Cold War history. Everything now seems to return to *business as usual*. Or even move beyond it. After more than a decade, the OSCE will convene a Summit in December 2010. Russia has accepted the invitation of the Allies to participate in the NATO Lisbon Summit in November 2010. And even though some fundamental differences between Russia and its Western partners have not vanished, the will to strengthen mutual cooperation seems to overshadow them.

In these times, it is especially relevant to understand the concerns and positions of all sides. The aim of this thesis was to contribute to exactly this task: to provide an analysis of the Russian proposals for the European Security Treaty. This so-called Medvedev initiative has become one of the major foreign policy goals of Russia towards Europe and North America. My research was focused on three central questions:

- What is Russia proposing?
- Why does Moscow seek the new treaty?
- Which outcomes of this initiative can we observe?

In order to categorize the Russian proposals, I outlined a security continuum of five theoretical concepts of security. These are: the realist principle of self-help; the system of collective defense; cooperative security; security-community and collective security. Detailed analysis of the draft EST released by Moscow at the end of 2009 allowed us to conclude that the treaty would not create a system of collective security as Russian representatives sometimes claim. The most significant features of the treaty include the principle of indivisibility of security. According to this principle states would not be allowed to take any action that significantly affects security of other states. Russia is proposing that not only individual states but also international organizations operating in the Euro-Atlantic area would become parties to the treaty. As a result, they would be also bound to principle of indivisibility of security. Furthermore, the EST would create a new

mechanism of consultations and peaceful conflict resolution. The aim of this new three-step instrument would be to address disputes that might arise in connection with interpretation and implementation of the treaty. All decisions would be taken unanimously. An exception is proposed for the Extraordinary Conference which should decide on collective measures as reaction to an armed attack. In this case, the vote of the aggressor would not be taken into consideration. The draft also comprises explicit right of all parties to consider an armed attack against any party to be an armed attack against itself. States would have a right, but not an obligation, to render the attacked party all necessary assistance, including military help. The victim state would have to consent to all kind of support.

In terms of the outlined security systems, the EST cannot be unequivocally attributed to any of the five concepts. The draft treaty reconfirms the principle of non-use of force but it does not include any legally binding commitments to respond to illegal acts of aggression and assist the victim. There are no security guarantees proposed in the draft. Therefore no real system of collective security would be created. On the other hand, the Medvedev initiative does not reflect the realistic self-help policy either. The treaty seeks to enhance security and cooperation in the Euro-Atlantic space by imposing new rules and obligation on the parties. The prohibition of threat or use of force and the principle of indivisibility of security would significantly restrain states' freedom of behavior.

The model that comes the closest to explain the Russian endeavor is the concept of cooperative security. The treaty is based on the principles of peaceful settlement of conflicts and mutual cooperation. It endorses international law and even codifies a new principle – indivisibility of security. However, the treaty does not propose any mechanism that could enforce this rule. Its implementation would be decentralized; there would be no authority to determine which activities are significantly affecting security of other states. It would depend only on the goodwill of the members to honor they commitment not to strengthen their security at the expense of other members. These are all typical features of cooperative security. At the same time, some important elements of the draft can be attributed also to the concept of collective security. This concerns especially the consensus-minus-one principle of decision-making which can be applied in cases of armed attack. States might decide to take collective action against the will of the aggressor but they are not obliged to do so. We have seen that neither the League of Nations nor the United Nations Organization was able to create a real system of collective security. The same

would apply to the EST. If the treaty entered into force, it would create a new, hybrid security system; combining the elements of cooperative and collective security models.

Closer look at the Russian foreign and security policy goals over the last two decades and a review of current hard security relations with the West have enabled us to understand Moscow's objectives behind the Medvedev initiative. Russia has proposed a new security pact because it believes this would help to strengthen the rule of international law and to create a multipolar European security system. Probably even more importantly, Moscow deems that the treaty would weaken the position of the US and NATO in Europe. Russian discomfort with the NATO/US primacy in European security affairs lies at the heart of the Medvedev initiative. The principle of indivisibility of security would definitely constrain the behavior of Russian partners in the West. It would halt unilateral action of both US and NATO which Russia considers as jeopardizing its security. On the other hand, the EST could strengthen multilateral diplomacy. All partners would have to search for solutions which no one regards threatening.

Historical evidence of previous Russian attempts to rearrange European security landscape endorses these findings. Proposals of Soviet Foreign Minister Molotov to create a genuine system of collective security in Europe pursued the objective to overcome the collective defense alliances unfriendly to Moscow (namely NATO) and in this way diminish the US influence in Europe. The current Russian bid for the EST seeks similar effects.

The Medvedev initiative also reflects Russian desire for a steady place in European security affairs. Moscow seeks a place where its security concerns could be not only voiced, but also adequately taken into account by the West. The principle of indivisibility of security would force the signatories to consider concerns of all sides when implementing any security measures.

When applied to concrete hard security policies, we can see unmistakable analogies between Russian opposition to further NATO enlargement, the US plans to deploy the BMD in Central Europe and the EST initiative. As long as Russia perceives NATO enlargement as significantly affecting its security, it would be impossible, under the provisions of the EST, to further expand the Alliance. The same principle would apply to the deployment of American BMD in Central and Eastern Europe. If the EST entered into

force, neither the Alliance as a whole nor the US alone would be allowed to install the BMD if any other signatory regarded this as a threat for its security. We could also observe that the EST would not offer any pretext for Russia to claim a sphere of special or privileged influence over its vicinity. Simultaneously, the treaty would not codify the right of any nation to freely choose its security arrangements, including accession to a military alliance, either. Instead, the EST would create the right of states to oppose the expansion of security groupings which some states perceive as threatening.

The EST would not provide an adequate solution to the problem of diverging interpretation and application of many legal norms already in place. It would therefore hardly contribute to the settlement of the “frozen conflicts”. The draft does not present any uniform principles that could be applied universally to all territorial disputes in the Euro-Atlantic space. The inconsistency between some existing legal norms, such as the principle of territorial integrity and the right of nations to self-determination, is not being addressed by the Russian proposal at all. In general, the draft EST does not deal with specific hard security problems. The issue of conventional arms control is left out entirely from the draft. Instead of addressing concrete problems, the EST would establish some general rules of behavior which would, according to Moscow, gradually lead to solution of specific issues. On top of that, the centerpiece of the proposal – the principle of indivisibility of security is not sufficiently defined. Not only would the EST miss the opportunity to agree on uniform application of existing norms. The vague definitions contained in the draft could ultimately lead to new disputes over the interpretation and implementation of another rule.

Western countries have well understood the main objectives of the Medvedev initiative. This explains their reluctant stance towards the EST. The reset of US-Russian relations has not decisively affected the Medvedev initiative. The US does not see any need to negotiate a new treaty on European security. By nature, Washington is opposed to any legally binding commitments that could, even theoretically, weaken the role of NATO in European security affairs or limit its freedom of action. As we have seen, the EST would impose new obligations and restrictions on both Washington and Brussels. The US is of course satisfied with the current NATO-centric character of European security architecture.

The EU’s response to the Russian endeavor is slightly different to that of the US. Even though the EU is not very keen about the Russian proposals either, it portrays itself as ready

to talk about all issues of European security, including the Medvedev initiative. Similar to the US, the EU does not support creation of any new format to discuss the Russian proposals should. Both Russian partners regard the OSCE as the best fitting place to pursue dialogue on European security. The OSCE has an inclusive membership and it promotes comprehensive approach to security. This enables the EU to advance some of its agenda as well – namely to promote human aspects of security.

As a consequence of initial Russian proposals on rearrangement of European security and the positions of the West towards this initiative, the Corfu Process was launched in the mid-2009. Both the US and the EU favor to discuss all Russian proposals in this format. However, the EST has not become an integral part of the Corfu dialogue. The link between current OSCE discussions and the Medvedev initiative is feeble. Yet, the Corfu Process has started a long needed dialogue on the future of European security. It also gave some real political agenda to the OSCE. This process is leading to first results. After more than a decade, an OSCE Summit will be convened in December 2010 in Kazakh Astana. And the dialogue about European security will be among the top issues on the agenda.

Simultaneously to the Corfu Process within the OSCE, talks about some concrete security issues that lie behind the Medvedev initiative went on in the framework of the NRC. The revitalization of the NRC endorsed by the efforts of NATO Secretary General Fogh Rasmussen to further strengthen cooperation between NATO and Russia have not yet yielded any concrete results in respect to the EST. Nevertheless, the Alliance now seems to be more interested in cooperation with Moscow. Russian involvement in the Alliance's ballistic missile defense program is one of the options how to enhance the partnership. Creation of a common legal security system could be another one. Already the next NATO Summit could reveal if NATO and Russia are ready to embark on the road towards creation of one security-community.

Even though the West is now more willing to address the security concerns of Russia, it is not ready to enter into negotiations on a new pan-European security treaty proposed by Moscow. The current dialogue on European security takes place at the level of cooperative security. The task now is to move beyond this pattern towards the formation of a security-community in the Euro-Atlantic space. At the same time, the vision of an ideal collective security should not be abandoned.

The experience of the League of Nations has showed us that collective security does not work if major powers do not agree on some common rules, norms and values. Russia and the West should now make every effort to achieve this goal. They need to openly talk about all aspects of security in order to create a security-community where common values and mutual trust prevail, and war becomes unthinkable. Common values such as democracy and respect for human rights should not be required as a precondition for further talks. They represent the desired outcome of further cooperation.

Even though the Russian objectives behind the Medvedev initiative are influenced by the realist school of thinking, Moscow chose the strategy of cooperation over the policy of self-help. Russia seeks to avoid its isolation and prevent confrontation with other countries. So far, the Medvedev initiative has achieved at least one substantial goal: to bring the question of European security architecture and Russia's place in it back to the top of the agenda of European politics. 35 years ago, in the middle of the Cold War, states succeeded to move beyond the collective defense and cooperate across the military alliances. Today's leaders should dare to make the next step. Russia and the West should work jointly towards creation of a security-community and later on of a genuine collective security system. The Medvedev initiative should be seen as Russian contribution to this process aiming at creation of a truly unified Europe.

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EUROPEAN SECURITY TREATY

(Unofficial translation)

Draft

The Parties to this Treaty,

Desiring to promote their relations in the spirit of friendship and cooperation in conformity with international law,

Guided by the principles set forth in the Charter of the United Nations, Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (1970), Helsinki Final Act of the Conference for Security and Cooperation in Europe (1975), as well as provisions of the Manila Declaration on the Peaceful Settlement of International Disputes (1982) and Charter for European Security (1999),

Reminding that the use of force or the threat of force against the territorial integrity or political independence of any state, or in any other way inconsistent with the goals and principles of the Charter of the United Nations is inadmissible in their mutual relations, as well as international relations in general,

Acknowledging and supporting the role of the UN Security Council, which bears the primary responsibility for maintaining international peace and security,

Recognizing the need to join efforts in order to respond effectively to present-day security challenges and threats in the globalized and interdependent world,

Intending to build effective cooperation mechanisms that could be promptly activated with a view to solving issues or differences that might arise, addressing concerns and adequately responding to challenges and threats in the security sphere,

Have agreed as follows:

Article 1

According to the Treaty, the Parties shall cooperate with each other on the basis of the principles of indivisible, equal and undiminished security. Any 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. The Parties shall act in accordance with the Treaty in order to give effect to these principles and to strengthen security of each other.

Article 2

1. A Party to the Treaty shall not undertake, participate in or support any actions or activities affecting significantly security of any other Party or Parties to the Treaty.

2. A Party to the Treaty which is a member of military alliances, coalitions or organizations shall seek to ensure that such alliances, coalitions or organizations observe principles set forth in the Charter of the United Nations, Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, Helsinki Final Act, Charter for European Security and other documents adopted by the Organization for Security and Cooperation in Europe, as well as in Article 1 of this Treaty, and that decisions taken in the framework of such alliances, coalitions or organizations do not affect significantly security of any Party or Parties to the Treaty.

3. A Party to the Treaty shall not allow the use of its territory and shall not use the territory of any other Party with the purpose of preparing or carrying out an armed attack against any other Party or Parties to the Treaty or any other actions affecting significantly security of any other Party or Parties to the Treaty.

Article 3

1. A Party to the Treaty shall be entitled to request, through diplomatic channels or the Depositary, any other Party to provide information on any significant legislative, administrative or organizational measures taken by that other Party, which, in the opinion of the Requesting Party, might affect its security.

2. Parties shall inform the Depositary of any requests under para.1 of this Article and of responses to them. The Depositary shall bring that information to the attention of the other Parties.

3. Nothing in this Article prevents the Parties from undertaking any other actions to ensure transparency and mutual trust in their relations.

Article 4

The following mechanism shall be established to address issues related to the substance of this Treaty, and to settle differences or disputes that might arise between the Parties in connection with its interpretation or application:

a) Consultations among the Parties;

b) Conference of the Parties;

c) Extraordinary Conference of the Parties.

Article 5

1. Should a Party to the Treaty determine that there exists a violation or a threat of violation of the Treaty by any other Party or Parties, or should it wish to raise with any other Party or Parties any issue relating to the substance of the Treaty and requiring, in its opinion, to be considered jointly, it may request consultations on the issue with the Party or Parties which, in its opinion, might be interested in such consultations. Information regarding such a request shall be brought by the Requesting Party to the attention of the Depositary which shall inform accordingly all other Parties.

2. Such consultations shall be held as soon as possible, but not later than (...)days from the date of receipt of the request by the relevant Party unless a later date is indicated in the request.

3. Any Party not invited to take part in the consultations shall be entitled to participate on its own initiative.

Article 6

1. Any participant to consultations held under Article 5 of this Treaty shall be entitled, after having held the consultations, to propose the Depositary to convene the Conference of the Parties to consider the issue that was the subject of the consultations.

2. The Depositary shall convene the Conference of the Parties, provided that the relevant proposal is supported by not less than (two) Parties to the Treaty, within (...) days from the date of receipt of the relevant request.

3. The Conference of the Parties shall be effective if it is attended by at least two thirds of the Parties to the Treaty. Decisions of the Conference shall be taken by consensus and shall be binding.

4. The Conference of the Parties shall adopt its own rules of procedure.

Article 7

1. In case of an armed attack or a threat of such attack against a Party to the Treaty, immediate actions shall be undertaken in accordance with Article 8(1) of the Treaty.

2. Without prejudice to the provisions of Article 8 of the Treaty, every Party shall be entitled to consider an armed attack against any other Party an armed attack against itself. In exercising its right of self-defense under Article 51 of the Charter of the United Nations, it shall be entitled to render the attacked Party, subject to its consent, the necessary assistance, including the military one, until the UN Security Council has taken measures necessary to maintain international peace and

security. Information on measures taken by Parties to the Treaty in exercise of their right of self-defense shall be immediately reported to the UN Security Council.

Article 8

1. In cases provided for by Article 7 of this Treaty, the Party which has been attacked or threatened with an armed attack shall bring that to the attention of the Depositary which shall immediately convene an Extraordinary Conference of the Parties to decide on necessary collective measures.
2. If the Party which became subject to an armed attack is not able to bring that to the attention of the Depositary, any other Party shall be entitled to request the Depositary to convene an Extraordinary Conference of the Parties, in which case the procedure provided for in Para. 1 of this Article shall be applied.
3. The Extraordinary Conference of the Parties may decide to invite third states, international organizations or other concerned parties to take part in it.
4. The Extraordinary Conference of the Parties shall be effective if it is attended by at least four fifths of the Parties to the Treaty. Decisions of the Extraordinary Conference of the Parties shall be taken by unanimous vote and shall be binding. If an armed attack is carried out by, or a threat of such attack originates from a Party to the Treaty, the vote of that Party shall not be included in the total number of votes of the Parties in adopting a decision.

The Extraordinary Conference of the Parties shall adopt its own rules of procedure.

Article 9

1. This Treaty shall not affect and shall not be interpreted as affecting the primary responsibility of the UN Security Council for maintaining international peace and security, as well as rights and obligations of the Parties under the Charter of the United Nations.
2. The Parties to the Treaty reaffirm that their obligations under other international agreements in the area of security, which are in effect on the date of signing of this Treaty are not incompatible with the Treaty.
3. The Parties to the Treaty shall not assume international obligations incompatible with the Treaty.
4. This Treaty shall not affect the right of any Party to neutrality.

Article 10

This Treaty shall be open for signature by all States of the Euro-Atlantic and Eurasian space from Vancouver to Vladivostok as well as by the following international organizations: the European Union, Organization for Security and Cooperation in Europe, Collective Security Treaty Organization, North Atlantic Treaty Organization and Community of Independent States in ... from ... to

Article 11

1. This Treaty shall be subject to ratification by the signatory States and to approval or adoption by the signatory international organizations. The relevant notifications shall be deposited with the government of ... which shall be the Depositary.

2. In its notification of the adoption or approval of this Treaty, an international organization shall outline its sphere of competence regarding issues covered by the Treaty.

It shall immediately inform the Depositary of any relevant changes in its sphere of competence.

3. States mentioned in Article 10 of this Treaty which did not sign the Treaty during the period indicated in that Article may accede to this Treaty by depositing the relevant notification with the Depositary.

Article 12

This Treaty shall enter into force ten days after the deposit of the twenty fifth notification with the Depositary in accordance with Article 11 of the Treaty.

For each State or international organization which ratifies, adopts or approves this Treaty or accedes to it after the deposit of the twenty fifth notification of ratification, adoption, approval or accession with the Depositary, the Treaty shall enter into force on the tenth day after the deposit by such State or organization of the relevant notification with the Depositary.

Article 13

Any State or international organization may accede to this Treaty after its entry into force, subject to the consent of all Parties to this Treaty, by depositing the relevant notification with the Depositary.

For an acceding State or international organization, this Treaty shall enter into force 180 days after the deposit of the instrument of accession with the Depositary, provided that during the said period no Party notifies the Depositary in writing of its objections against such accession.

Article 14

Each Party shall have the right to withdraw from this Treaty should it determine that extraordinary circumstances pertaining to the substance of the Treaty have endangered its supreme interests. The Party intending to withdraw from the Treaty shall notify the Depositary of such intention at least (...) days in advance of the planned withdrawal. The notification shall include a statement of extraordinary circumstances endangering, in the opinion of that Party, its supreme interests.

List of abbreviations

Art. – Article

BMD – Ballistic Missile Defense

CIS – Commonwealth of Independent States

CSCE – Conference on Security and Cooperation in Europe

CSTO – Collective Security Treaty Organization

DPRK – Democratic People's Republic of Korea

CFE – Treaty on Conventional Armed Forces in Europe

CFSP – Common Foreign and Security Policy

ESC – European Security Community

EST – European Security Treaty

EU – European Union

FM – Foreign Minister

IFSH – Institute for Peace Research and Security Policy at the University of Hamburg

INF – Intermediate-Range Nuclear Forces Treaty

MD – Missile Defense

NATO – North Atlantic Treaty Organization

NRC – NATO-Russia Council

OSCE – Organization for Security and Cooperation in Europe

Para. – Paragraph

SC – Security Council

SG – Secretary General

SORT – Strategic Offensive Reduction Treaty

START – Strategic Arms Reduction Treaty

UK – United Kingdom of Great Britain and Northern Ireland

UN – United Nations Organization

US – United States of America

USSR – Union of Soviet Socialist Republics

WEU – Western European Union

WMD – Weapons of Mass Destruction

WTO – Warsaw Treaty Organization

Deutsche Zusammenfassung

20 Jahre nach dem Ende des Kalten Krieges beklagt sich Russland über die fortlaufende Unfähigkeit der europäischen Sicherheitsarchitektur, gewaltsame Konflikte auf europäischem Boden zu verhindern und ein wirklich vereintes Europa zu verwirklichen. Moskau plädiert für eine Neuordnung der europäischen Sicherheitsstrukturen, die in Form eines neuen gesamteuropäischen Sicherheitsvertrages verwirklicht werden sollte.

Die vorliegende Arbeit untersucht die russischen Vorschläge zur Modernisierung der europäischen Sicherheitsarchitektur, genannt auch Medwedew Initiative, und analysiert die Gründe, wieso Moskau den neuen pan-europäischen Sicherheitspakt anstrebt. Die theoretisch-konzeptionelle Zurodnung des Entwurfes von dem *Europäischen Sicherheitsvertrag* (EST) zeigt, dass kein System der kollektiven Sicherheit kreiert würde, wie die russischen Vertreter manchmal behaupten. Anstatt dessen würde der Vertrag ein neues hybrides Sicherheitssystem schaffen. Wichtige Elemente von zwei Sicherheitsmodellen – dem der kooperativen und der kollektiven Sicherheit, sind in dem Vertragsentwurf enthalten.

Die grundlegenden Ziele der Medwedew Initiative werden am Hintergrund der sicherheitspolitischen Problemfelder zwischen Russland und dem Westen analysiert. Die früheren russischen / sowjetischen Vorschläge zur Reform der vorherrschenden Sicherheitsarchitektur werden gleichfalls in Betracht gezogen. Die Medwedew Initiative widerspiegelt den Wunsch Moskaus, einen festen Platz in der europäischen Sicherheitsordnung zurückzugewinnen. Gleichzeitig kann darin die andauernde Opposition Russlands gegenüber dem NATO-Zentrismus der europäischen Sicherheitsstrukturen gesehen werden. Russland hofft, dass der neue Vertrag und die darin enthaltene Klausel zur Unteilbarkeit der Sicherheit die Handlungsfreiheit der NATO entscheidend einschränken würde. Demnach könnte weder die NATO, noch einzelne Staaten, Maßnahmen implementieren, die sich auf die Sicherheit anderer Staaten beträchtlich auswirken würden. Eine präzise Definition dieser Regel fehlt in dem Vertragsentwurf. Nach der russischen Auffassung wäre allerdings weitere NATO-Erweiterung oder die Stationierung des US-Raketenschildes in Europa betroffen. Konkrete Fragen der europäischen Sicherheit, wie zum Beispiel die konventionelle Rüstungskontrolle oder das Problem der unterschiedlichen

Auslegung vieler bestehenden Normen, werden von dem Entwurf des Europäischen Sicherheitsvertrages nicht behandelt.

Die Reaktionen westlicher Länder gegenüber der russischen Vorschläge sind überwiegend zurückhaltend. Trotzdem zeichnet sich ein Wille ab, über die Fragen der zukünftigen europäischen Sicherheitsordnung mit Russland zu diskutieren. Der Dialog über die europäische Sicherheit, der zwischen Russland und dem Westen geführt wird, findet schon jetzt in verschiedenen Foren statt. Sowohl der Korfu Prozess, der sich in der OSZE entfaltet hat, als auch die Diskussionen im NATO-Russland Rat, stellen eine ausgezeichnete Gelegenheit dar, die sicherheitspolitische Zusammenarbeit zwischen Russland und dem Westen zu vertiefen. Bildung einer Sicherheitsgemeinschaft sollte angestrebt werden, mit dem zukünftigen Ziel, ein echtes System kollektiver Sicherheit zu etablieren. Die russischen Vorschläge zum Europäischen Sicherheitsvertrag sollten als ein Beitrag zu diesem Prozess verstanden werden.

Abstract

20 years after the end of the Cold War, Russia is still complaining about the ongoing ineffectiveness of the European security architecture to prevent violent conflicts on European soil, and its inability to create a truly unified Europe. This study investigates the Russian proposals to rearrange the European security architecture. A theoretical and conceptual analysis of the draft of the European security treaty is undertaken. The objectives of the so-called Medvedev initiative are being explored against the background of prevailing trends in Russian foreign policy as well as of the major hard-security issues between Russia and the West. So far, the reactions of Western countries towards the Russian proposals have been rather lukewarm. Nevertheless, the West is showing increasing willingness to engage into dialogue with Russia about the future of European security.

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