

By Brigadier (Ret) Patrick NOPENS

The West and Russia have no alternative but to engage each other in European security matters. This engagement should reach further than mere discussions and result in concrete cooperation. From a Western point of view, the background to any security dialogue remains the close association between the European Union and the Atlantic alliance and the need to reconstruct a partnership with Russia.

From the outset, the Russian proposals were received with suspicion in the West although several countries did not want to reject them out of hand. They feared the aim was to provoke discord, on the one hand within Europe and on the other hand between Europe and the U.S. Initially only the U.S., the UK, the Baltic States and Poland openly showed their rejection, other countries such as Italy, Germany and France expressed interest to a more or lesser degree. Russia skilfully exploits the vision of some European countries for a larger role for the European Union in a multipolar world. By doing so Russia hopes to weaken the transatlantic link. The European security architecture would then be supported by three pillars; Russia, the EU and the U.S. Russia would gain considerable relative weight and could hope for support of the EU against the U.S in some disputes.

Russia considers itself as the counterpart of the US. It is paradoxical that Russia on the one hand sees a need for new security architecture because of the ideological bloc-approach by the West and on the other hand proposes a structure which risks ultimately resulting in two blocs centred on the US/NATO/EU and Russia/CIS/CSTO.

Evaluation of the Russian proposals

Events in the last 15 years have indeed demonstrated that there is a need for improvement of the existing security architecture. Several questions arise with regard to the Russian proposal. Firstly, can progress be made within the existing framework, or has a new architecture to be created? Secondly, is a legally binding treaty indispensable, or is a political commitment sufficient? Thirdly, should such an agreement or treaty be limited to hard security, or is it essential that all three baskets of the Helsinki Final Act should be part of it? Furthermore, security being a comprehensive concept, are there some other elements that should be part of or linked to an overall deal? Fourthly, is it acceptable that, under the guise of indivisibility of security, individual or a group of countries can veto decisions of sovereign states to join a defence organisation?

Is there a need for new security architecture in Europe?

Russia certainly has a point when it identifies as one of the main problems the large number of European security organisations and the lack of coordination between them. However, creating

one more is perhaps not the most efficient way to solve the problem. The OSCE and its related instruments have all the prerequisites to continue to serve as the main collective security organisation in the Euro-Atlantic area where a renewed security dialogue can take place. Overlap and duplication will not be solved by adding another tier to the European Security Architecture.

Is there a need for a legally binding treaty?

The main Russian argument seems to be that NATO and the EU offer their members a legally binding treaty to guarantee their security and that non-NATO and non-EU members are left out in the cold.

The OSCE is a regional collective security organization responsible for security issues between its members. It consists of a set of political commitments although legally binding treaties exist within its framework, e.g. the CFE Treaty. NATO, on the contrary, is originally a collective defence organisation consisting of allies who are prepared to defend each other against an outside threat. The EU, through the Lisbon Treaty, also covers its members with a legally binding defence clause. Moreover, the main principles of collective security are already included in a legally binding document, viz the Charter of the United Nations.

No mention, however, is made in the Russian reasoning of the Collective Security Treaty Organisation (CSTO). Article 3 of the CSTO Charter states: "The purposes of the Organization (CSTO) are to strengthen peace and international and regional security and stability and to ensure the collective defence of the independence, territorial integrity and sovereignty of the member States, [...]". So, technically the countries that are not protected under any legally binding Treaty are Switzerland, the states of the Former Yugoslavia (except NATO members Slovenia and Croatia), Ukraine, Moldova, Azerbaijan, Georgia and Turkmenistan.

Striving for a legally binding European Security Treaty, therefore, seems superfluous and would certainly water down its contents in order to be acceptable to the major powers. However, specific agreements could, of course, be legally binding.

Should an agreement or treaty be limited to hard security?

In his speech of April 2009 Medvedev placed his proposal in the continuation of the Helsinki process, as a Helsinki-plus adapted to the security challenges of the 21st century. However, human rights, democratisation or rule of law and cooperation in other fields would not be part of the agreement. To refer to Helsinki seems therefore more for appearance sake.

Security is a comprehensive concept. The three baskets of the Helsinki process are inseparable. The Russian point of view that "the last two baskets did not suffer from erosion of the fundamental principles" is flawed. It is not convincing to argue that the principles of cooperation in the fields of economics, environment and in the humanitarian issues don't have to be updated. It is, therefore, essential to safeguard the Helsinki acquis and to insist that the other baskets, adapted to the present environment, should be part of comprehensive security architecture.

Russia's main concern is – understandably - in the field of hard security. However, energy security is also at the centre stage of geopolitical thinking, in Russia as well in Europe and the U.S. If security is to be comprehensive, energy security should be part of any European security architecture. It would, therefore, be advisable to require in parallel an agreement on energy security. Since years Russia refuses to ratify the Energy Charter. In Davos in January 2009 Prime Minister Putin called for a new energy charter. The outcome of discussions on this topic should be linked to the broader talks on European security.

Veto power?

According to the Russian viewpoint, each country could call upon the principle of indivisibility of security even if a sovereign country wishes to become a member of a security or defence organisation. Concretely this means that a situation similar to the last stages of the Cold War would come about. Spheres of influence would be legally demarcated by treaty. NATO/EU and Russia /CIS/CSTO would become separated by a scaled down buffer zone of neutral countries, viz. the states that are not part of NATO, the EU or the CSTO. Such a power to veto sovereign countries to choose their alliances and defence arrangements is unacceptable as it would lead to a new scaled down Yalta rather than to a new Helsinki.

Red lines

The West should be prepared to constructively engage in a European Security Dialogue (ESD). However, from the outset it should be made clear that certain basic principles are not open for discussion. Firstly, there is no need for a new tier in security organisations, the existing organisations and mechanism should be preserved and adapted. Secondly, the transatlantic link is not negotiable; it remains the keystone of our security. Thirdly, the Helsinki acquis in all its three dimensions has to be preserved and to be an integral part of any agreement. And fourthly, no state can veto the decision of any other state to choose its alliances: no new Yalta.

What should be done?

The OSCE, as the repository of a comprehensive set of commitments including democracy, the promotion of human rights and fundamental freedoms and a wide range of politico-military, economic and environmental commitments, seems the obvious main forum for ESD. The OSCE should be strengthened as the forum for broad dialogue on comprehensive security.

This should be done by revitalizing discussions in the politico-military dimension and giving a new impetus to conventional arms control. The OSCE's conflict prevention capacity should be increased and if necessary new mechanisms should be created for prevention, mediation and post-crisis management. Furthermore, the OSCE's potential should be explored to address new challenges like the financial, economic, climate and energy aspects of security. An agreement on energy security, a mutual commitment not to endanger each other's energy supply, should be part of a final agreement. Essential is the enhancement of cooperation against common threats such as terrorism and proliferation of weapons of mass destruction.

Therefore, when engaging in ESD all elements of security, also new ones like energy security

and new threats, have to be discussed in parallel.

However, work in the OSCE should be complemented and reinforced through discussions in other forums, such as NRC, NUC, EU-RUS, US-RUS and even in the CoE. Full use should be made of the Platform for Cooperative Security, "in order to strengthen cooperation between the OSCE and other international organizations and institutions, thereby making better use of the resources of the international community". Extensive and continuous consultation and coordination within NATO and EU will be of the utmost importance.

Fruitful discussions on a new European Security Treaty or architecture suppose a minimum of trust. Russia should honour its commitments under existing agreements, above all those involving respect of sovereignty and territorial integrity. Restoring trust requires willingness to fulfil those commitments.

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