

D. Medvedev European Security Treaty: arguments “for” and “against”

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On his official visit to Moscow on December 16th, 2009, NATO Secretary General Anders Fogh Rasmussen claimed that “this autumn shows a new beginning in NATO-Russia relationship”. During the same visit Russian President Dmitry Medvedev mentioned that this reconciliation should not only open possibilities for improving bilateral relations, but also help to reconsider the architecture of the European security policy in general. On November 30th the same year, President Medvedev disseminated drafts of a new European Security Treaty in the Euro-Atlantic and Euro-Asiatic space. It gives a more concrete shape to the vision of European Security introduced by President Medvedev in June 2008 which meant to create an international security space “from Washington to Vladivostok”. Along with the draft, the proposition to begin the negotiations was attached to all NATO, EU and CIS Member-States as well as to the headquarters of NATO, EU, CSTO and OSCE in order to put forward the new European security architecture in international security discussions in the following year. Could this initiative become yet another event of 2009 being of strategic importance to the European security system, while USA-Russia relationship had been “restarted”, discussions on NATO strategic conception were being held and the Treaty of Lisbon had come into force? What are the possible implications of this proposition for the security in Europe? And finally, should NATO, EU and other parties concerned actively engage in this discussion?

Pros and cons of this new deal

The main argument declared by experts supporting active participation in this European security architecture is the fact that the changed global security environment invites to reconsider present structures of international security

and pay more attention to further inclusion of Russia.¹ The military conflict between Russia and Georgia in 2008 revealed the limits of NATO, EU and OSCE potential in ensuring security in the region. The latter event, as well as Russian reaction to USA missile defense system elements dislocated in Central and East Europe and Russian rhetoric towards NATO, allows one to presume that isolated Russia is more aggressive than Russia participating as a partner in international environment. Next, questions concerning Iran and Afghanistan as well as the expired date of START I, a nuclear disarmament treaty, make rapprochement with Russia inevitable seeking to solve global security problems. Today officially a principle that positive cooperation with Russia is the essential precondition for security has become an axiom. Therefore, the latter challenges are not at all new, and a treaty proposed by Mr. Medvedev does not necessarily ensure that the goals mentioned above should be achieved more efficiently than employing the present cooperation pattern.

In the context of Russia-NATO relations, President Medvedev's proposition seems rather paradoxical - why do we need a new international security cooperation schema while the present cooperation forms are being actively renewed? According to many experts, Medvedev's indirect argument underlying this new proposal is the fact that in the likely event of this new agreement USA/Europe relationship with Russia would be "started from scratch", which would strengthen Russian decision weight in the implementation of the transatlantic security policy. What is more, experts draw attention to the fact that the proposition itself has little to do with enhancing security in Europe as a region, needless to say that it is not yet clear what kind of positive content could fill such cooperation or security (a definition for common threats and enhancing security goals does not exist).

Is it possible to "start from scratch"?

The first obstacle to the likely negotiation concerning the new security agreement rests on the fact that Russia still has some visionary security commitments to Europe: first of all, Russia withdrew unilaterally from CFE in 2007. Article 3 of President Medvedev's proposed treaty indirectly suggests an alternative to CFE: the parties of the treaty shall have the right to demand information on significant administrative, legal, organizational decisions adopted by other parties, which could hold influence on one's security interests. Even though such exchange would probably cover arms control as well, in its content this provision provides far fewer guarantees than the adapted CFE treaty, where the maximum armament, inspection and advance notice system, prior to implementing military maneuvers, are provisioned. In other words, members of the treaty obtain the right to inquire about military maneuvers,

¹ Tomas Valasek, "NATO, Russia and European security".
<http://www.cer.org.uk/pdf/wp_929_nato_novo9.pdf>

without any guarantees or right to permanent monitoring, though. The second problem is non-compliance with the agreement which put an end to the Russia-Georgia military conflict in 2008 (dislocation of Russian military units beyond the agreed territorial limits). In such situation at least two problems are relevant: how reliable are security agreements with Russia, if the latter tends to pull out from treaties that limit its actions as soon as it stops seeing them as profitable? Secondly, how realistic is a vision to create a security space which covers areas where some military conflicts have not been solved? It is unlikely that Georgia would join the new agreement after what happened in 2008. Likewise, if such countries as Moldova would join, where in the separatist region of Trans-Dniester Russian military forces are dislocated without any approval of the central government, the new organization would be paralyzed due to inner conflicts. It is even harder to forecast the consequences which leaving such conflicts overboard could bring. A situation like that would mean no higher stability but tensions in the region: countries unwilling to join the agreement would find themselves in a precarious situation: according to the provisions of the Medvedev-proposed treaty, Russia could equally prevent them from joining NATO. Consequently, no negotiation can be started until Russia has fulfilled all binding international commitments.

Has the European Security Treaty anything to do with the reinforcement of European security?

An even more significant argument versus negotiation for the new agreement is linked directly to the EU and Europe and is a region security issue. The entry into effect of the Lisbon Treaty did principally mean that long-lasting discussions on common EU military forces would be delayed for unlimited time. With the Treaty of Lisbon no longer is the creation of an autonomous EU military force provisioned, but a convergence of national security policies. At the same time, solving national security issues is left for exclusive jurisdiction of the Member-States (Art. 28A). In other words, after the Treaty of Lisbon came into force, assurance of European Security is even more tightly linked to NATO. The main problem is that even if a new European Security Treaty does not aim at replacing NATO and other existing security structures, it weakens them visibly. Joining NATO and EU members to the Medvedev-initiated treaty is very inconvenient to the EU: a provision of the treaty claims that no party of the treaty (neither state nor organization) is capable of implementing actions which have fundamental consequences for the security of other parties. This means that EU prospects for developing an independent defense policy would become dependent on Russia's interests while other provisions of the new treaty would directly affect NATO agenda and effectiveness. Even upon rejecting the possibility of Russia conceived as a threat, this means total dependence of the EU security policy on the new security forum which joins together a variety of contradictory interests, so that it becomes very unlikely that an effective solution will be achieved.

Provisions of European Security Treaty and NATO at work: possible consequences

Provisions foreseen in the draft of the European Security Treaty	Consequences to NATO inner agenda	Direct Consequences
<p>Article 9. Commitments coming from memberships in other organizations shall not come into conflict with the goals of this treaty. States or organizations, which have become members of this treaty, shall not adopt decisions in other formats of transnational security cooperation, which would contradict the provisions of the treaty.</p>	<p><i>Freezing of NATO transformation and broadening the agenda.</i></p>	<p>Such a provision is basically contradictory to the very logic of joining new conventions, as traditionally no new commitments can be adopted unless they are consistent with previously adopted and still valid commitments. After a state or organization has become a member of the agreement, commitments to the Medvedev-initiated treaty would get superior to the commitments to NATO. In practical terms this means that Russia could control the direction and course of NATO transformation as well as the content of NATO agenda and block or freeze unfavorable decisions.</p>
<p>Article 2. Participants of the agreement shall not take any action which might have fundamental significance to the security of other participants. Nor shall they allow using their territory for such action.</p>	<p><i>Incapability of NATO.</i></p>	<p>Such a provision essentially grants Russia the right of veto on a broad range of questions covering both military and non-military decisions: from NATO missions and strategic infrastructure to broadening cooperation with non-members of NATO (common exercise and likewise). In practice it possibly means that the aim of the Baltic States to have strategic NATO infrastructure dislocated in their territory may be blocked as well as cooperation with countries like Georgia.</p>
<p>In the agreement, a broad group of mechanisms regulating the controversy over the interpretation and implementation of the treaty is provisioned. Likewise, there is a possibility to “react</p>	<p><i>Inefficiency of NATO.</i></p>	<p>Many formats provisioned in the draft of the treaty make the structure of the organization unclear (regardless of the fact that the principal governing institution should be a global conference, it seems that decisions on retaliatory military action could be adopted by 4 or 5 treaty members alone). On the other hand, there is a</p>

<p>operatively to the use of force against one of the parties of the agreement”.</p>		<p>more tangible threat that regular consultations and conferences, which could be initiated by a minority of treaty members, will turn decision making impossible within the organization and will misbalance NATO agenda. More importantly, the possibility to arrange separate consultations means that security issues could be coordinated <i>tête à tête</i>. For instance, if in consultations like that Estonia and Russia would end up together, it is obvious that Estonian facilities to achieve a mutually advantageous solution without EU or NATO backing would be rather poor.</p>
<p>Article 1. Fulfilling their security interests, members of the treaty must take into account the security interests of all other members.</p>	<p><i>“No” to NATO Eastern expansion</i></p>	<p>Such a provision provides Russia with an indirect right of veto, as in its national security strategy NATO expansion is defined as a threat to the national security.</p>
<p>Article 7. In the case when any of the members faces military aggression, other members shall treat it as an aggression against themselves, and shall therefore have the right to offer support, including military support.</p>	<p><i>NATO as a legitimating factor.</i></p>	<p>Such a provision provides the right to adopt a decision even before the extraordinary conference and allows member states to act unilaterally. Given the fact that in the Russian security policy there is a provision on securing safety by resorting to military measures of Russian citizens in foreign territories, the new treaty permits unilateral actions analogical to 2008 events in Georgia. Therefore, NATO Member-States participating in such agreement indicate their indirect approval.</p>

Is negotiation for such treaty possible?

Russian observers acknowledge that negotiation or joining the treaty as it is now is virtually impossible for Western states. If one of the goals of Russia – USA/Europe relationship “reset” is to switch from the reciprocal restriction to positive cooperation, the new treaty not only provides no hints on how this positive cooperation could be implemented, but also creates additional procedural obstacles, “washing away” decision-making in many transnational forums. Strengthening cooperation while considering Russia’s new ways of involvement in the transnational system of defense might only be a long-term

goal. This requires high degree of mutual trust, which is impossible until Russia has implemented its previous commitments. Hence, in the discussion for a European security treaty the main European and USA arguments should be fairly simple:

- “No” to any negotiations until Russia’s commitments to international security have been fully implemented. This is essential for securing mutual trust, even if the global security environment changes. Failure to fulfill international commitments cannot be just a “one of the questions, where the agreement cannot be reached”, when essential changes in transatlantic security architecture are discussed.
- “No” to negotiations in the NATO-Russia Council. The main expanded cooperation forum should be OSCE, as the format of OSCE complies with the list of actors of the new security architecture the most. Negotiation for a new agreement should not be linked with current questions of cooperation in other formats.
- “No” to negotiations on procedures until potential participants have agreed on the content of cooperation, i.e. common goals and threats.
- “No” to procedures which can misbalance existing cooperation formats, limit their action, autonomy or overload cooperation agenda.
- “No” to functional duplication, i.e., what must be taken into account first and foremost is where and how the new agreement can create additional value next to existing cooperation.