Summary: The European Security Treaty's political longevity was even shorter than that of its author, now former Russian President Dmitry Medvedev. Vladimir Putin has decided to push a Eurasian Union instead that would have the opposite effect of the stated purpose of the European Security Treaty. European security debates have neglected Medvedev's treaty initiative and tried to address Russian concerns within existing structures. And current Russian diplomacy towards the Wider Europe seems designed to avert further NATO membership enlargement, constraining NATO military ties with Georgia and other former Soviet republics, and disrupting NATO's emerging missile defense architecture.

The Rise and Fall of Medvedev's European Security Treaty

by Richard Weitz

Throughout his presidency, Dmitry Medvedev sought to promote a new European Security Treaty that would replace Europe's NATO-dominated security architecture with one that was more inclusive. The intent was to establish "indivisible security" throughout the wider Europe region.

This treaty proposal's political longevity was even shorter than that of its author. The treaty is effectively dead and the new Russian president, Vladimir Putin, has decided to push a Eurasian Union instead that would have the opposite effect of the stated purpose of the European Security Treaty — to eliminate dividing lines separating the former Soviet republics from the rest of Europe.

The problem was that Medvedev's initiative for a wider Europe was fundamentally flawed. The initial idea was vague, with uncertainty over whether the Russian president wanted to create an new institution or simply strengthen Moscow's means to oppose European security developments that it did not like — such as NATO expansion or U.S. forward-based missile defense.[1] Medvedev's emphasis on eliminating existing "blocs" and on providing equal security for all Euro-

pean countries regardless of their institutional affiliation was widely seen as aimed at decreasing NATO's role.[2] Indeed, Russian diplomats often mention the flawed or anti-Russian policies of NATO as a reason for a new European security treaty, implying some effort to counter the alliance or weaken its influence.[3]

Even before the August 2008 Georgia War, Medvedev delivered a major speech in Berlin in which he criticized "a bloc politics approach that continues by inertia." He proposed convening a summit of European governments to draft a new legally binding European security treaty that would establish equal and indivisible security throughout the continent. Although NATO and other European security institutions would have a role, "all European countries should take part in this summit…as individual countries, leaving aside any allegiances

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[1] Thomas Gomart's interview with Valdai Club, *Ria Novsoti*, May 28, 2010, http://en.rian.ru/valdai_op/20100528/159193851.html.

[2] Patrick Nopens, "A New Security Architecture for Europe?: Russian proposals and Western Reactions Part II," EGMONT, Royal Institute for International Relations, April 2010, p 4, http://www.egmontinstitute.be/papers/10/sec-gov/SPB-10-new-security-architecture-2.pdf

[3] See for example Il'ja Harlamov, "D. Rogozin: NATO ne hochet obsuzhdat' novyj dogovor o evropejskoj bezopasnosti," Voice of Russia, July 16, 2010, http://rus.ruvr.ru/2010/07/16/12560825.html.

to blocs or other groups."[4] After the Georgia War, Russian government representatives cited the conflict as another reason for reconsidering Europe's post-Cold War security architecture.[5] They claimed, for instance, that the war — as well as other developments — showed that NATO was incapable of managing the European security architecture by itself."[6]

Russian representatives presented the proposal for a new European security treaty at the United Nations, the Collective Security Treaty Organization (CSTO), and the European Union.[7] For example, Foreign Minister Sergey Lavrov made it a major point in his address to the UN General Assembly in late September 2008, stressing that the proposed European security treaty would conform to the principles of the UN Charter, with the notion of "indivisibility of security" at its core.[8] Medvedev also raised his treaty proposal during his presentation at the first World Policy Conference at Evian in October.[9] Russian officials had called for a meeting of the NATO-Russia Council (NRC) to consider the concept on September 24, but NATO's decision after the Georgia War to suspend meetings of the council have prevented NATO and Russia from considering the idea in a common framework.[10] Russian officials assured the United States and Canada that they could participate in the drafting of the new treaty and have a role in the new security architecture.[11] To make it more attractive to Europeans, Russian government representa-

tives indicated a willingness to address human rights issues within the new continental security framework.[12]

In November 2009, the Russian government formally presented two different but complementary documents.[13] The first was an official draft text of the "European Security Treaty," circulated to all Organization for Security and Co-operation in Europe (OSCE) member states as well as various international organizations; the second document was entitled, "Agreement on Basic Principles Governing Relations among NATO-Russia Member States in the Security Sphere," circulated to NATO members. Unlike earlier treaty texts in informal circulation, by November 2009 the proposed draft European Security Treaty, which was published on the Kremlin website, no longer addressed arms control, confidence-building, reasonable sufficiency in military doctrine, proliferation of weapons of mass destruction, terrorism, drug trafficking, or trans-border organized crime. It simply affirmed the core security principles "of indivisible, equal, and undiminished security" and provides some general clauses for crisis management.

The relatively laconic text of the treaty begins with the statement declaring the unacceptability of use of force or threats of use, which runs against the UN Charter, and an endorsement of the Security Council's preeminence in international security matters.[14] The first two articles oblige its parties, whether acting alone or as group of states in alliance, not to harm the security interests of the other parties. The second article additionally calls for states not to support the actions of others that that may infringe the security of a treaty party. The third article entitles a treaty party to information regarding any measure taken by another party that it believes might affect its security. Several subsequent articles outline conflict prevention and conflict management procedures that states can use to settle their disputes. For example, if a party determines that a violation or a threat of violation of the treaty has occurred, the treaty provides for various means of consultation, including the convening an

[4] Dmitry Medvedev, "Berlin Speech at Meeting with German Political, Parliamentary, and Civic Leaders," June 5, 2008, http://archive.kremlin.ru/eng/speeches/2008/06/05/2203_type82912type82914type84779_202153.shtml.

[5] "Moscow criticizes NATO for 'freezing' Russia-NATO Council work," *RIA Novosti*, September 24, 2008, http://en.rian.ru/russia/20080924/117069271.html.

[6] Ministry of Foreign Affairs of the Russian Federation, "Transcript of Remarks and Response to Media Questions by Russian Minister of Foreign Affairs Sergey Lavrov at Joint Press Conference with Minister of Foreign Affairs Radoslaw Sikorski, Warsaw, September 11, 2008," http://www.mid.ru/brp_4.nsf/e78a48070f128a7b43256999005bcbb3/cd9a026910cb657bc32574c3003c69a2?OpenDocument.

[7] "Lavrov says 'Russia-NATO relations are not frozen'," *RIA Novosti*, September 27, 2008, http://en.rian.ru/russia/20080927/117172470.html.

[8] Margaret Besheer, "Russia Proposes New European Security Pact," Voice of America, September 28, 2008, http://voanews.com/english/2008-09-28-voa3.cfm.

[9] Dmitri Medvedev, "Выступление на Конференции по вопросам мировой политики" ["Speech at the World Policy Conference,"] Evian, October 8, 2008, http://www.kremlin.ru/transcripts/1659.

[10] "Moscow criticizes NATO for 'freezing' Russia-NATO Council work," *RIA Novosti*, September 24, 2008, http://en.rian.ru/russia/20080924/117069271.html.

[11] "Russia expects U.S., Canada to join new European security talks;" *RIA Novosti*, September 22, 2008, http://en.rian.ru/russia/20080922/117027444.html.

[12] Ahto Lobjakas, "EU Appears Ready to Return to Talks with Russia, If Not To 'Business As Usual," RFE/RL, November 1, 2008, http://www.rferl.org/content/EU_Appears_Ready_To_Return_To_Talks_With_Russia_If_Not_To_Business_As_Usual/1337214.html.

[13] Patrick Nopens, "A New Security Architecture for Europe?: Russian proposals and Western reactions Part II," EGMONT, Royal Institute for International Relations, April 2010, p 4, http://www.egmontinstitute.be/papers/10/sec-gov/SPB-10-new-security-architecture-2.pdf

[14] "The Draft of the European Security Treaty," November 29, 2009, Kremlin web site http://eng.kremlin.ru/news/275.

extraordinary conference. Each party could also consider an armed attack against another party as an attack against itself, and render assistance to the attacked party, including with armed support, in compliance with its right of self-defense under article 51 of the UN Charter, until the Security Council had taken measures to ensure international peace and security. Article 10 provides that all states can join the treaty. In addition, the EU, the Collective Security Treaty Organization, the Commonwealth of Independent States, and NATO are specifically listed as eligible to sign the treaty.

The draft Agreement on Basic Principles Governing Relations among NATO-Russia Council Member States in the Security Sphere reaffirms Moscow's interest in influencing NATO's decision-making regarding defense planning and military deployments. Reflecting the principle of equal and indivisible security, this document provides that the parties shall establish and maintain mechanisms to prevent and settle conflicts. The parties also agree to exchange their analyses of current threats and challenges on a regular basis as well as cooperate on measures to counter them in a way that does not violate legitimate security interests of other states. In addition, any party could convene an extraordinary NRC meeting in the event of threats to security or of the use of force against one of the parties. Furthermore, the parties also commit not to view each other as opponents and to keep their military capacity proportionate to their legitimate security requirements. They would abstain from stationing sizeable forces in a permanent way in countries that were not members of NATO before May 27, 1997. Only in the event of a threat to the security of one or more parties, and with the consent of all Parties, could larger deployments take place. Cooperation in arms control is also included in the draft. With this proposal, Russia evidently aimed at more inclusion into NATO's decision-making process when it comes to defense planning and deployment of military forces.[15]

Russian diplomats sought to address some of the criticisms that had been made of the drafts. Foreign Minister Lavrov explained that such issues as human rights, democratization, and rule of law were not addressed in the draft treaty, despite its alleged continuity with the Helsinki process,

because these were already included in a legally binding European Convention on Human Rights of the Council of Europe.[16] In an article in France's *Défense Nationale*, Lavrov explained that the new treaty is also not intended to negate existing documents or organizations. According to the foreign minister, Russia is not proposing the adoption of a new security architecture. Rather, the Russian government wants to make several widely recognized OSCE security principles — namely, those "of indivisible, equal, and undiminished security" — legally binding.[17] Furthermore, Russian diplomats explained that the draft treaty did not address conflict prevention and other security modalities because the complementary OSCE-based Corfu Process had already begun addressing these issues.[18]

Western analysts raised a number of concerns after finally receiving a draft treaty text in November 2009. For example, in any specific case, the issue of whether the steps one country takes to enhance its security actually harms that of another, the key prohibition of Article 2, is likely to be very contentious and subjective. For instance, whereas Russian analysts would probably see further NATO expansion as harming Moscow's interests, NATO representatives would claim that it enhances Russian security by making its neighbors more secure and prosperous.[19] In addition, Article 9 of the treaty reverses the standard clause whereby parties to a new treaty declare that it does not prejudice their pre-existing commitments. On the contrary, the draft stipulates that previous obligations should not contradict the new treaty. Thus, NATO states could not take actions that harmed the security of others even in self-defense.[20] Critics of the proposed treaty also claim that Russia already

[15] James G. Neuger, "NATO to Rebuff Russian Bid for Separate Treaty, Officials Say," Bloomberg, January 18, 2010, http://www.bloomberg.com/apps/news?pid=newsarchive&sid=aMDbZTRCWiGQ.

[16] Ministry of Foreign Affairs of the Russian Federation, "Transcript of Remarks and Response to Media Questions by Russian Minister of Foreign Affairs Sergey Lavrov," February 5, 2010, http://www.mid.ru/brp_4.nsf/e78a48070f128a7b43256999005bcbb3/93d5f2c4bfa144dec32576c4005a77f8?OpenDocument.

[17] Sergei Lavrov, "Евро-Атлантика: равная безопасность для всех" ["Europe-Atlantic: Equal Security For All"], *Defense Nationale*, Russian Foreign Ministry, http://www.mid.ru/Brp_4.nsf/arh/11767A9C3045022CC325772D00415746?OpenDocument (in Russian).

[18] "Statement by Vladimir Voronkov at the Joint Meeting of the OSCE Forum for Security Co-operation and the OSCE Permanent Council," September 15, 2009, http://www.osce.org/documents/fsc/2009/09/39603_en.pdf.

[19] Volha Charnysh, "Russia Drafts European Security Pact," *Arms Control Today* (January/February 2010), http://www.armscontrol.org/act/2010_01-02/EuropeanSecurity.

[20] Yury Fedorov, "Medvedev's Initiative: A Trap for Europe?" *Central European Journal of International and Security Studies*, vol 3, issue 2, November 2009, p55, http://www.ce-jiss.org/assets/pdf/articles/vol3-2/fedorov-medvedevs_initiative.pdf; and Vladimir Socor, "Russian President Medvedev Submits Draft Treaty on European Security Architecture," *Eurasia Daily Monitor*, Vol 6, Issue 224, December 7, 2009, http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=35808.

violates its principles in its policies towards Georgia, its suspended implementation of the Conventional Forces in Europe (CFE) Treaty, and in other ways.[21]

Regarding the draft NRC agreement, most of the proposed principles are already contained in various provisions of the NRC Founding Act, while some of the additional operating clauses would involve Moscow in NATO decision-making, potentially allowing Russia to restrict its activities. While discussions of threat assessments are already conducted by the NRC, consultations on defense planning are not. Potentially giving Russia such a veto was particularly unwelcome immediately after the Georgia War, which had intensified concerns among some NATO members located near Russia about future Russian aggression. These governments did not want anything to potentially impede implementation of NATO's collective defense guarantees.

Though eager to improve relations with Moscow, NATO Secretary General Anders Fogh Rasmussen argued that European institutions, laws, and norms already covered the areas addressed in the draft treaty, making it superfluous. When he visited Moscow in December 2009, Rasmussen stated that, although NATO was open to discussing the proposal with the OSCE, he believed that there was no "need for new treaties or legally binding documents because we do have a framework already," citing the 1997 NATO-Russia Founding Act, the 1999 OSCE Charter for European Security and the 2002 NATO-Russia Rome Declaration establishing the NRC.[22] He implied that the main problem was not the lack of agreed principles in these and other agreements, but that certain governments did not comply with them.[23] Rasmussen instead urged revitalization of the NRC as the primary means by which Russia and the West should consult on European security issues.

The leaders of some major West European powers were more interested in engaging Moscow on the treaty idea. Senior government ministers in France, Germany, Italy, and Spain argued that solving important European secu-

rity challenges required Russia's cooperation. Some leading European figures hoped that entering into a dialogue with Russia on this issue would avert further military confrontations with Russia. Still, even officials in governments of countries traditionally friendly to Russia expressed concern that the proposed treaty could threaten the transatlantic protection they received under NATO. For example, German Minister of State Werner Hoyer noted the difficulties involved in attempting to make the principle of indivisible security into a mandatory legal requirement." "How, for example, does the concept of indivisible security fit with the freedom of countries to choose what alliances they belong to, something to which we are all committed?" he asked.[24] Catherine Ashton, EU foreign policy chief, told the Munich Security Conference in February 2010 that Europeans were open to hearing the Russian initiatives, but that the EU recognizes a state's right to join security alliances if it wishes.[25]

U.S. officials offered a more general critique, joining with NATO staff in arguing that the existing European security structure — such as the OSCE and the NRC — and its general principles — as embodied in the Helsinki Final Act and in NATO-Russia structures — were adequate for meeting Russian concerns. In her speech on European Security at France's L'Ecole Militaire in Paris in January 2010, U.S. Secretary of State Hillary Clinton stated that, while the United States shares the goals of indivisibility of security as well as other ideas in the Russian proposals, Washington concluded that these objectives could be best pursued within existing frameworks. For example, Clinton cited the need to revive compliance with the CFE Treaty to help ward off fears of surprise attack.[26] In addition to the adequacy of existing structures, Clinton and other U.S. diplomats argued that negotiating an entirely new treaty among more than 50 countries, which would then have to ratify the agreed text (or request amendments that would require further negotiation), would be an extremely cumbersome process that

[21] Marcel H. Van Herpen, "Medvedev's Proposal For a Pan-European Security Pact," The Cicero Foundation, October 2008, p7, http://www.cicerofoundation.org/lectures/Marcel_H_Van_Herpen_Medvedevs_Proposal_for_a_Pan-European_Security_Pact.pdf.

[22] "NATO Chief Says Medvedev's Pact Unneeded," December 18, 2009, Nikolaus von Twickel http://www.themoscowtimes.com/news/article/nato-chief-says-medvedevs-pact-unneeded/396393.html

[23] "What the Russian papers say," Alex Steffler 18:2018/12/2009, *RIA Novosti*, December 18, 2009 http://en.rian.ru/papers/20091218/157289431.html

[24] Speech by Minister of State Werner Hoyer on April 28, 2010 at the opening of a conference on "European Security Dialogue and Arms Control" at the Federal Foreign Office, Berlin, http://www.auswaertiges-amt.de/diplo/en/Infoservice/Presse/Reden/2010/100428-Hoyer-Rede-Marshall-Center.html.

[25] Catherine Ashton's remarks at the Munich Security Conference, Münchner Sicherheitskonferenz, February 6, 2010, http://www.securityconference.de/Ashton-Catherine.450.0.html.

[26] Hillary Clinton's Remarks on the Future of European Security, U.S. Department of State, January 29, 2010, http://www.state.gov/secretary/rm/2010/01/136273.htm.

would take too long. Philip Gordon, U.S. Assistant Secretary of State for European and Eurasian Affairs, further raised the question of who or what would enforce compliance with such a treaty.[27] Following the NRC ministerial council held in New York on September 22-22, 2010, which relaunched the NATO-Russia dialogue, Gordon stressed that the United States and its NATO allies "think it would be more fruitful to focus on practical cooperation rather than big new schemes."[28]

Since then, European security debates have neglected Medvedev's treaty initiative and tried to address Russian concerns within existing structures — notably NATO and the OSCE. Even a report published by the Kremlin's own think tank called for ways to deepen Russia's integration into NATO instead of advocating Medvedev's European security treaty.[29]

Current Russian diplomacy towards the Wider Europe seems designed to avert further NATO membership enlargement, constraining NATO military ties with Georgia and other former Soviet republics, and disrupting NATO's emerging missile defense architecture. Meanwhile, within the former Soviet republics, Russian initiatives aim to strengthen the capacity and authority of the Moscow-led CST and promote the creation of a new Eurasian Union that would draw these countries closer to Russia and away from the rest of Europe.

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[27] Philip H. Gordon, FPC Briefing, U.S. Department of State, February 1, 2010, http://fpc.state.gov/136344.htm.

[28] Philip H. Gordon, Briefing on Transatlantic Meetings and NATO-Russia Council Meeting, U.S. Department of State, September 22, 2010, http://www.state.gov/p/eur/rls/rm/2010/147600.htm.

[29] "Kremlin-sponsored think tank draws up report proposing Russia's integration into NATO," Interfax, September 3, 2010, http://www.interfax.com/newsinf.asp?pg=3&id=187068.