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The Russian Proposal for a Treaty on European Security: From the Medvedev Initiative to the Corfu Process

Introduction

Despite the initial scepticism of many experts, Russian President Dmitry Medvedev's proposal for a (new) European Security Treaty, which he announced in Berlin on 5 June 2008, has received a positive response.

Going beyond bilateral talks, the first multilateral informal discussions were held at the working lunch for the foreign ministers of the OSCE participating States at the Ministerial Council in Helsinki in December 2008. This debate was carried on in 2009, mostly in the OSCE context. Thanks to the efforts of the Greek OSCE Chairmanship, it continued in late June 2009 with an informal meeting of foreign ministers on the island of Corfu.

Between the two, several rounds of diplomatic discussions had been held both within and outside the OSCE. After the meeting in June 2009, they were brought together in what became known as the "Corfu Process" – a fairly structured weekly debate in the OSCE Permanent Council. The aim of the Corfu Process was to prepare for the continuation of the security dialogue instigated by the Russian President in the OSCE context. The plan was for the form and possibly also the agenda of this dialogue to be determined by the Ministerial Council at its annual meeting in Athens in December 2009.

However, many questions regarding the proposed Treaty on European Security remain open or require further clarification. This has led to much speculation over what lies behind the Russian initiative and the possibility of a "hidden agenda".

For one thing, a year and a half after the original proposal was made, the concept of the treaty remains vague and contains little in terms of concrete detail. Moscow has given only very loose indications of how it conceives of the goals and content of the proposed treaty and what it hopes may be achieved through its elaboration. All that is certain is that Moscow would like to restrict the discussions to questions of traditional military ("hard") security, though it only has the support of a few states – above all its allies Belarus and Kazakhstan – in this.

Second, the institutional context in which this debate over European security should take place has still not been finally determined. While it was easy to win Moscow over to the idea that the OSCE should be an important platform for the debate (the Corfu Process), in contrast to most of the other participating States, the Russian foreign service does not wish to rely entirely on the OSCE and is attempting to establish a parallel debate involving other

security organizations in the Euro-Atlantic space, above all NATO, the EU, the Commonwealth of Independent States (CIS), and the Collective Security Treaty Organization (CSTO) – an alliance, created by Russia, of seven of the twelve successor states of the Soviet Union.

To bring this about, Russia has proposed to convene a meeting of the leaders of these organizations. This proposal, which is supported by the CSTO, has however met – with very few exceptions – with little understanding in other security organizations.

Last but not least, it was proposed that the idea of a European Security Treaty be discussed in the Russia-NATO Council and with the European Union within the scope of the consultations on the "Common Space" of External Security.

So far, however, all we have is an intensified security policy dialogue in the OSCE context, which was put on a more solid footing and given structure by a decision of the Ministerial Council in Athens in December 2009.

This contribution will begin by tracing the gradual process in which the Medvedev proposal has been given substance and the Russian perception of its partners' reaction to this. It will then discuss the reasons behind the Medvedev proposal, to the extent that they can be determined. Third and finally, it will discuss potential options for dealing with the concerns implicitly and explicitly proposed for debate by Moscow.

The Fleshing Out of the Medvedev Proposal

In the speech he gave in Berlin on 5 June 2008,[1] President Medvedev proposed merely the concluding of a pact on the renunciation of force for Europe, or rather for the OSCE area, which would also encompass the principle of the indivisibility of security and a basis for the continuation of arms control. Certain basic ideas mentioned in his speech, when considered alongside other developments, reveal the deeper motives of the Russian proposal.

As well as implicitly criticizing NATO's eastward enlargement (with a reference to the destructive effect of "continuing the old line of bloc politics"), which he said leads to the marginalization and isolation of the states not included in this process (i.e. Russia) and prevents the establishment of a pan-European system of collective security (i.e. the OSCE), Medvedev declared Atlanticism to be obsolete. The OSCE participating States, in their individual capacities and with the participation of relevant security organizations, should negotiate a new security order – one that goes beyond the security order embodied in today's Euro-Atlantic institutions, and which would thus be truly inclusive from Vancouver to Vladivostok.

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1   President of Russia Dmitry Medvedev, *Speech at Meeting with German Political, Parliamentary and Civic Leaders*, Berlin, 5 June 2008, at: http://www.president.kremlin.ru/eng/speeches/2008/06/05/2203_type82912type82914type84779_202153.shtml.

The starting point for the kind of negotiations that could be granted a mandate by a Summit of the Heads of State or Government should be "naked" national self-interest, freed of all ideological considerations (i.e. from democratic political messianism).

Speaking at the 63rd General Assembly of the United Nations in New York on 27 September 2008, Russia's foreign minister, Sergey Lavrov, explained that Moscow's concern was *to reaffirm fundamental principles of international law*, such as the non-use of force, peaceful settlement of disputes, respect for the sovereignty and territorial integrity of states, non-interference in internal affairs, the indivisibility of security, and the inadmissibility of strengthening one's own security at the expense of the security of others.[2]

At a press conference in New York two days later, Lavrov insisted that these fundamental principles were correct.[3] However, he argued, it was necessary to consider *what mechanisms should be developed to ensure their effective implementation*.[4]

In his speech to the World Policy Conference in Evian, France, on 8 October 2008,[5] President Medvedev went into the proposal in more detail.

First, he reiterated the view that a new European security order should *not exclude (or isolate) any state in the Euro-Atlantic area*. On the contrary, it should establish common security policy rules for all participants, with no exceptions.

Second, he outlined what he believed the core features of the Treaty should be:

1. *The fundamental principles* of security and international relations in the Euro-Atlantic space *should be explicitly affirmed in a form that is binding under international law*: These include the fulfilment in good faith of obligations under international law; respect for sovereignty, territorial integrity, and the political independence of states; as well as other basic principles set out in the UN Charter. Medvedev stressed the principle of the non-use of force, in particular.
2. The Treaty should guarantee the *uniform interpretation and implementation of those principles*. It could also provide a unified framework for

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2   Cf. *Address by Sergey V. Lavrov, Foreign Minister of the Russian Federation, at the 63rd Session of the UN General Assembly*, 27 September 2008, at: http://www.ln.mid.ru/BRP_ 4.NSF/f68cd37b84711611c3256f6d00541094/4fffd1ed4cbfe51bc32574d30022ea5c?Open Document.

3   Cf. *Stenogramma otvetov na boprosi SMI ministra inostrannih del Rossii S.V. Lavrova na presskonferencii* [Record of Answers to Questions Posed by Journalists to Minister for Foreign Affairs of Russia S.V. Lavrov], New York, 29 September 2008, at: http://www. mid.ru/brp_4.nsf/0/8AD02B8251A2E8F8C32574D5004A4B4C; cf. also United Nations, *Press Conference by Minister for Foreign Affairs of Russian Federation,* 29 September 2008, at: http://www.un.org/News/briefings/docs//2008/080929_Lavrov.doc.htm.

4   Cf. Address by Sergey V. Lavrov, cited above (Note 2).

5   President of Russia, *Speech at World Policy Conference*, 8 October 2008, Evian, France, at: http://eng.kremlin.ru/speeches/2008/10/08/2159_type82912type82914_207457.shtml.

the prevention and peaceful settlement of conflicts in the Euro-Atlantic space by placing the emphasis on dispute settlement by negotiation, respect for the positions of all sides, and international peacekeeping mechanisms. The Treaty itself could even contain procedures for peaceful settlement of disputes.

3.　The Treaty should guarantee all parties *equal security*. This should be guaranteed by means of three stipulations:

　a.　No state or states should ensure their own security at the expense of the security of others.

　b.　No acts by military alliances or coalitions should undermine the unity (indivisibility) of the common security space.

　c.　Military alliances should not be developed at the expense of other parties to the Treaty.

The Treaty should also explicitly and exclusively focus on the relationships between the states parties in the area of "hard" (military) security.

4.　The Treaty should confirm that no state or international organization can have exclusive rights to maintaining peace in Europe. This should apply just as much to Russia as to the other states.

5.　The Treaty should establish key parameters for arms control and reasonable limits on military construction. Agreement should also be reached on new procedures and mechanisms for co-operation in combating WMD proliferation, drug trafficking, and terrorism.

While Medvedev proposed assessing the effectiveness of the existing security organizations in the Euro-Atlantic space, he made clear that none of them was to be called into question. The task was rather to establish rules to ensure that they can work together more harmoniously.

In Evian, Medvedev did not want to decide which platform should be used for the discussion of his proposals. In other words, Moscow already had doubts whether the discussion would be best carried out entirely in the OSCE context. This despite the fact that, at Evian, French President Nicolas Sarkozy had strongly urged his Russian colleague to pursue this path.

In November and December 2008, Russia distributed, first to the EU states (prior to the Russia-EU summit in Nice on 14 November) and then in the OSCE, a non-paper containing a list of the "elements" of a European Security Treaty, which formed the basis of the informal discussions among the foreign ministers in Helsinki on 4 December 2008. In his statement during the working lunch, the Russian foreign minister, Sergey Lavrov, made clear that the meeting he had in mind to discuss the Treaty was very far from a "conventional" OSCE Summit Meeting. Not least because other relevant security organizations were to take part in the meeting.[6]

6　Cf. *Russian Initiative Regarding A Treaty on European Security*, MC.DEL/44/08, 5 December 2008, p. 2, at: http://www.osce.org/documents/mcs/2008/12/35468_en.pdf.

The non-paper did not contain much that President Medvedev had not already spoken of publicly in Evian. It listed six basic principles of European security. Besides the principle of the fulfilment in good faith of obligations under international law, respect for sovereignty, territorial integrity, the political independence of states, and non-intervention in domestic matters, which had already been mentioned in this context by Medvedev and Lavrov, the list included equality and the right to self-determination of peoples. The principle of the renunciation of force was considered separately.

A new aspect in the conception of equal security was the inclusion of the right of states to neutrality, though there was no mention of their right to the freedom to choose or change their security arrangements, including treaties of alliance, as they evolve. The non-paper also saw a possibility of holding urgent consultations in the UN Security Council as well as discussions with states that are looking for support in asserting their right to individual or collective defence. However, this was not new either. An urgency procedure already exists in the Security Council, and states including Russia have made use of it, most recently at the start of the war in Georgia on the night of 7-8 August 2008.

The possibility of holding consultations with an OSCE participating State "seeking assistance in realizing its rights to individual or collective self-defence" already exists according to para. 16 of the 1999 Charter for European Security and the OSCE Code of Conduct on Politico-Military Aspects of Security (Budapest, December 1994), though it has never been tested in practice.

In fact, Russia's representatives continued to stress that Moscow's proposals would entail no new or almost no new commitments, but that their added value lay in the fact that they would take what had so far been merely political commitments contained in OSCE documents and give them the binding force of international law through the signing of a treaty.

Foreign Minister Sergey Lavrov presented a revised version of Moscow's proposals at the OSCE's Annual Security Review Conference in Vienna on 23 June 2009.[7] However, few substantive areas of the proposal had been overhauled, most notably the principles for arms control and conflict resolution.

According to the amended proposal, arms control, confidence-building, and reasonable military sufficiency should be based on the principles of *non-offensive defence* and abstention from the *permanent additional stationing of substantial combat forces outside one's territory*. One thing necessary to enable this would be to give the term "substantial combat forces" a precise def-

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7   See *Statement by Mr. Sergey Lavrov, Minister for Foreign Affairs of the Russian Federation, at the Opening Session of the OSCE Annual Security Review Conference*, Vienna, 23 June 2009, PC.DEL/480/09, 23 June 2009, at: http://www.osce.org/documents/cio/ 2009/06/38332_en.pdf.

inition – something that has been under discussion since the signing of the NATO-Russia Founding Act in 1997.

In addition, all parties to the treaty should commit themselves to continuing arms control efforts and the ongoing adaptation of existing arms control regimes.

The use of force for purposes of *conflict resolution* should be made inadmissible. Conflict parties should be obliged to enter into dialogue with each other and respect the formats for negotiating and peacekeeping agreed upon. There should be three phases to conflict resolution itself: commitments to abstain from the use of force, confidence-building, and dialogue between the parties. The protection of the civilian population in conflict zones, the fulfilment of their humanitarian and socio-economic needs, and the inviolability of peacekeeping forces deployed as a result of mutual agreement was to be absolute conditions for all conflict parties.

In Vienna, Lavrov also proposed to continue the dialogue on a European Security Treaty by convening, on the basis of the OSCE's 1999 Platform for Co-operative Security, a meeting of the heads of the OSCE, NATO, the EU, the CIS, and the CSTO. The focus of the meeting should be the security strategies of the various organizations.

That is how the Russian proposal took shape in the period up to the summer of 2009. In preparation for the annual meeting of the OSCE Ministerial Council, Foreign Minister Lavrov announced, on 1 October 2009 in Moscow, on the occasion of the regular consultation on security matters between the French and Russian ministers of foreign affairs and defence, that Russia would present a formal treaty proposal in the foreseeable future.

In the discussion of the Medvedev proposal so far, the following basic aspects of the Russian position stand out:

First, despite criticism, Moscow continues to insist that any agreement take the form of a treaty and be binding for international security organizations such as NATO as well as the individual states.

Second, Russia does not hope to establish any new principles of interstate relations in the area of security policy. In truth, the Russian proposals differ only slightly from existing obligations and commitments defined in the UN Charter and OSCE documents. Rather, it seeks to set down a *uniform interpretation* of these principles so as to avoid repeated disagreements over their application in the future. In the proposals made so far, however, Moscow has in most regards carefully avoided setting forth its wishes as to how the principles to be contained in the Treaty should be interpreted.

Third, when addressing individual principles to be included in the Treaty, there is a strong emphasis on the principle of *equal and indivisible security* and on the *inadmissibility of seeking to strengthen one's own security at the expense of others*. However, here, too, there is a lack of specific details about how Moscow imagines these principles will be turned into something suitable to be the subject of a treaty.

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This reflects Russia's criticism of "NATO-centrism" in the European security architecture. In the press conference he gave in New York in September 2008, Lavrov made clear where Moscow considers that these principles have been violated: The plans of the (former) US government to station components of missile defence systems in Poland and the Czech Republic; NATO's eastward enlargement; the plans to establish new US bases in Romania and Bulgaria; and the lack of readiness on the part of the (former) US government to seriously talk about nuclear arms control and the maintenance of strategic parity with Russia.[8] Lavrov made a similar set of comments in June 2009 in Vienna.

Fourth, in Moscow's view, *the uniform application and interpretation* of the principles contained in the Treaty should be *guaranteed by mechanisms* also to be established in the Treaty. The proposals made so far, however, have contained no indication of what Moscow imagines these mechanisms might consist of.

The Background

Russia's proposals so far have failed to name Moscow's current concerns explicitly. It is therefore not surprising that they have been subject to some fairly harsh criticism in the discussion among Russian experts.[9] The latter have not only drawn attention to the fact that the "elements" of the draft treaty contain little that is new and consist on the whole of phrases quoted from various OSCE documents. They have also stressed that the OSCE *acquis*, which the Russian proposal claims to seek to give legal force to, is cited only very selectively, with many key components of it being ignored.

They point out, for instance, that political pluralism, rule of law, and respect for human rights have long been accepted as integral parts of European security, whose comprehensive character cannot be overlooked.

They also stress that "the inherent right of each and every participating State to be free to choose or change its security arrangements, including treaties of alliance, as they evolve"[10] is so clearly specified in all relevant basic documents of European security that any attempt to exclude it and to stress merely the right to neutrality can only lead to irritation and is certainly not helpful.

Several Russian experts are also skeptical regarding the possibility of achieving a common interpretation of the principle of indivisible security.

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8   Cf. Lavrov, cited above (Note 3).
9   See, e.g. Igor Yurgens/Alexander Dynkin/Vladimir Baranovsky (eds), *The Architecture of Euro-Atlantic Security*, Moscow 2009.
10   So, e.g., in the Charter for European Security, Istanbul, November 1999, in: Organization for Security and Co-operation in Europe, Istanbul Summit 1999, *Istanbul Document 1999*, Istanbul 1999, pp, 1-45, here: p. 3, para. 8, at: http://www.osce.org/documents/mcs/1999/11/4050_en.pdf.

The key concern of the Russian leadership, however, does not have to be tied up with these or any other specific phrases or expressions, and may indeed not even require the form of a treaty. President Medvedev's proposal for a European Security Treaty rather reflects Moscow's deep disappointment at the realization that it had failed to find an appropriate place for itself in a European security order that is dominated by an expanding NATO, increasingly also by the European Union, but certainly not by the OSCE. In any case, Moscow has failed to find a role in this order that it would itself consider to be appropriate.

This feeling was made clear above all in the statement Foreign Minister Lavrov made in Vienna on 23 June 2009, in which he noted: "We differ with regard to the methods to be used to bring about the unity of Europe." Lavrov also made clear where the difference lies: "It would have been enough to ensure the systematic institutionalization of the OSCE and its conversion into a fully fledged regional organization within the terms of Chapter VIII of the Charter of the United Nations. That is, the OSCE would have dealt with the entire range of problems in the Euro-Atlantic area and, above all, it would have ensured, on the basis of legally binding obligations, an open system of collective security in the region. Regrettably, our western partners took another path, that of not merely preserving but of expanding NATO […]"[11]

The key problem addressed by Medvedev's proposal thus appears to be the need to give Moscow a sense of appropriate involvement in the European security order without Russia joining NATO or the European Union and without damaging the interests of other European states. Only once one has conceived of credible options for solving this problem will it be possible to tell whether signing a treaty will be necessary or not.

It might perhaps suffice for Russia and NATO to agree on the parameters of a new agreement for the limitation of conventional arms in Europe and to define precisely what is meant by NATO's commitment not to deploy "substantial combat forces" and military reinforcement infrastructure near the Russian border.

In addition, perhaps Russia, the European Union, and the transit countries could reach agreement on a mechanism to guarantee the secure delivery of energy from Russia to Europe, or make it easier for the OSCE to become involved in areas of conflict to prevent escalation without the need for the consensus of all the participating States.

That is easier said than done. But the real problem lies much deeper.

In the first instance, Russia defines itself as a status quo power in the Euro-Atlantic space. And it must be added that it sees the change of the status quo in the last 20 years, of which the eastward expansion of NATO and the EU is a significant part, as a process that has taken place at Russia's expense. In Moscow, there is a widespread belief that more has been lost than won in

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11 *Statement by Mr. Sergey Lavrov*, cited above (Note 7), p. 2.

this process of change: Eastern-Central Europe, for a start. Russia's sphere of influence or "responsibility", however, appears not only to have shrunk, but is also being continuously challenged. Moscow is therefore now concerned with whether it can hold on to its own zone of integration and security in the area of the former Soviet Union (excluding the Baltic States).

This is most commonly addressed in terms of NATO's eastward enlargement, and Russia's vehement opposition to the offer of potential membership to Georgia and Ukraine. However, the EU policy of Eastern Partnership, which is directed at six states in Eastern Europe and the South Caucasus, is also increasingly seen in Moscow as a potential challenge to the status quo in the area of the former Soviet Union – though not a current one.

Second, Moscow assumes, at least officially, that the process of eastward enlargement of NATO and the European Union has more or less come to an end, or will soon do so. Whether this thesis is true or false, or somewhere in between, is open to question. What matters is that it reflects Moscow's analysis.

"NATO has already admitted all the nations it can", wrote Vladimir Voronkov, Director of the Department of Pan-European Co-operation at the Russian Ministry of Foreign Affairs. "Other states cannot expect membership or do not seek it. The situation with the European Union is even more complicated. The European Union invents more and more new criteria and barriers for the candidates. The EU, especially in the times of crisis, cannot admit new members without detriment for itself. The only exceptions would be Iceland and Croatia. This means that a large number of countries in the Euro-Atlantic area in the coming years, or even in the next few decades, will remain outside NATO and the EU."[12]

In this way, the problem addressed by the Medvedev proposal is defined as concerning the need for states and regional organizations outside NATO and the EU having to organize their relations in the area of security policy – if possible by means of a European security treaty.

The task appears to grow in urgency as Russia's own integration and security space is subject to increasing dissolution. The institutions that should secure dominance for Russia in its plans for integration in the fields of economics, politics, and security policy, above all the Commonwealth of Independent States but also others – the Eurasian Economic Community, the CSTO, and the Union with Belarus – are lurching from one crisis to another and are being politically ever more marginalized. The actual core of the "Russian" geopolitical space is increasingly being reduced to the project of a trilateral customs union with Belarus and Kazakzhstan – an undertaking whose success is very far from certain.

12　Vladimir Voronkov, Dogovor o evropeiskoi bezopasnosti: posle Korfu [The European Security Treaty: After Corfu), in: *Index bezopasnosti. The Russian Journal of European Security*, Autumn-Winter 2009, No. 3-4 (90-91), at: http://www.pircenter.org/index.php?id=1248&news=5254 (author's translation).

Against this background, the main goal of the Medvedev proposal becomes obvious: to halt the encroachment of the "West" and its institutions upon the post-Soviet "East". It is also noteworthy that a significant portion of the Russian political elite is confident that this goal can be achieved.

However, Moscow's call to establish new "rules of the game" in Europe or to clarify how the old rules should be applied does not yet answer the question of what Moscow would consider to be an appropriate role for Russia in a European security order. Nor is this question answered in the "elements" of the European Security Treaty.

Theoretically, Russia can choose its policy with regard to the existing European security order from three options.

In the first instance, it could set the goal of *revising* this order or even replacing it with another with which it feels more comfortable. This would entail absorbing the current order, which is largely dominated by NATO, the EU, and the Council of Europe, in a "less Western" pan-European order.

In the second place, it could seek ways of *integrating* into the "Western" Euro-Atlantic security order, thereby gaining a voice in the relevant institutions.

Third, it could take a middle way, *seeking to complement* the existing security order with co-operative institutions that would enable Moscow to protect its interests in dialogue with NATO and the European Union.

It appears that Moscow has not settled finally on one option. Its preferences are, however, clear. Most of all, Moscow would have liked to revise the European security order based on NATO and the European Union. However, it knows that it does not have the power to undo the enlargement of the Western alliance. At the same time, the Russian political class demonstrates neither the will nor the courage necessary to integrate into the "Western" security order, as they do not wish to see either their identity or their freedom of action subsumed into it.

Moscow therefore sees the task facing it above all as one of preventing the further expansion of the West and complementing the existing security order with mechanisms for co-operation with NATO and the European Union in a way that will protect Moscow's "privileged interests" (in President Medvedev's words) from further erosion as far as possible.

This act of complementing or extending the current security order can, in practical terms, be linked to four policy options. None of them explicitly requires the signing of a treaty, but nor does any exclude the possibility. What is certain is that each of these options would be implemented in a series of discrete practical steps, the totality of which alone would determine the overall policy vector.

The four policy options are as follows:

1. *Consolidating the contemporary status quo* (or *a new Yalta*). This would require, in the first instance, NATO to explicitly or implicitly renounce any further eastward expansion and to explicitly or implicitly recognize the post-Soviet space – with the exception of the Baltic states – as a zone of Russia's "privileged interests". The current debate in Russia reveals three essential elements to a political solution of this kind:

   First, mutual recognition by NATO and the CSTO of the exclusive responsibility of each for ensuring security in their respective direct areas of application, as defined by their memberships. As well as the mutual recognition of the inadmissibility of the use of force, this could also conceivably include intensified out-of-area co-operation between the two alliances, for instance in the stabilization of Afghanistan.

   Second, it seems reasonable to assume that the post-Soviet states that currently belong to no alliance and do not wish to join the CSTO (Azerbaijan, Georgia, Moldova, Turkmenistan, and Ukraine) would like to reaffirm their status as neutral states. This can be internationally guaranteed, for instance on the model of Austria, if need be.

   Third, trilateral strategic co-operation between Russia, the USA, and the European Union should be encouraged and given institutional form. While this would exclude the possibility of interference in each other's "zones of responsibility", it should enable strengthened co-operation, including in joint crisis management activities outside Europe and in combating cross-border terrorist activities, illicit drug trafficking, organized crime, and illegal migration.

2. *Integration of Russia in the existing system of transatlantic organizations (accession)*. This policy option would not only require the development of an intensified partnership between Russia and NATO and Russia and the European Union (with association a real prospect and even membership not off the table) as a precondition, but also increasing convergence between Russia's political and economic order and that of the West. If this option of the gradual development of a political community of values including both Russia and the West were to become realistic (which it clearly is not at present), the controversy over the eastward expansion of the West would gradually lose its explosive character, as such a development would entail Russia itself becoming, one way or another, part of the "West".

3. *Confrontation between Russia and the West in Europe*, which would offer Russia the final chance of realizing its claim to have its own integration and security space on the territory of the former Soviet Union.

4. *A policy of modus vivendi in Europe*. This policy option would require as a precondition that the Western states would not seek to push for the

integration of the Eastern European and South Caucasian states in the network of Euro-Atlantic institutions (NATO and the EU), but nor would it acknowledge – explicitly or implicitly – that Russia possessed any special rights in the post-Soviet space. In practice, this would essentially be the continuation of Western policy as it was in the 1990s and has been in the current decade – business as usual, in other words, with Western claims on the region being kept at a reasonable level for the foreseeable future. For the current discussion of European security policy, as far as this policy option is concerned, it would be vital to identify areas in which Moscow thinks progress is necessary and the West believes it is possible, such as, for instance, Russia-NATO co-operation on theatre missile defence, or combating the production of narcotics in Afghanistan and their export.

Policy Options

1. It seems reasonable to assume that the West would not consider a *status quo* solution in Moscow's sense to be possible (defining zones of influence would not be acceptable). Yet signals from the West could give Moscow the impression that this rejection is ambivalent and there is room for a deal.

In the pluralist West, there are politicians who would not want to exclude the possibility of a deal out of hand. They are more than willing to talk about granting Moscow its own integration and security space for historical and other considerations. In return, they would expect Moscow to guarantee energy deliveries to Europe for the long term and become a co-operative or at least more co-operative partner in dealing with security problems worldwide – from North Korea via Afghanistan and Iran to the Middle East.

That would be the point of a strategic partnership with Russia.

A number of practical decisions made by the West could indeed be understood (or misunderstood) in Moscow as indicating that the status quo is negotiable and needs, above all, to be defined more accurately.

These kinds of problems of understanding and communication characterize the following current and potential decisions:

- The almost immediate return on the part of the West to political business as usual with Russia following the brief suspension of discussions on a new Russia-EU Treaty, the meetings of the Russia-NATO Council, and meetings of the G-8 in the autumn of 2008 as a reaction to the war in Georgia.
- The "resetting" of US-Russian relations following the election of Barack Obama as US president, and particularly Washington's willingness not to station elements of a missile defence system in Poland and

the Czech Republic and not to seek NATO membership for Ukraine and Georgia.
- The possibility of recognition for the governments of Abkhazia and South Ossetia – if not in international law then at least de facto.
- The continuation of the low-profile policy or even the reduction of OSCE activities in post-Soviet space.
- A less ambitious implementation of the EU's Eastern Partnership policy, which it introduced in 2009, and which seeks the increasing convergence of the states of Eastern Europe and the South Caucasus with the EU *acquis*. Closer co-ordination of Action Plans within the scope of the Eastern Partnership with Moscow.
- Maintaining the European Union's low profile in the management of conflicts in Moldova and between Azerbaijan and Armenia, but also in the settlement of Georgia's conflicts with Abkhazia and South Ossetia.
- An agreement over security co-operation between NATO and the CSTO, even if the only object of this was co-operation on the stabilization of Afghanistan.

It would perhaps not be necessary to seek at the same time explicitly to institutionalize trilateral co-operation between Russia, the USA, and the European Union. Formal and informal, direct and indirect trilateral co-operation already functions when channeled through the United Nations, G8, contact groups and similar informal bodies (e.g. the Quartet on the Middle East or the 5+1 Group, which, with the addition of China, is dealing with Iran's nuclear dossier).

The problem here is less the institutionalization than the creation of a common position. The failure of the Contact Group to negotiate the status of Kosovo in 2007, which has effectively excluded Russia from the process to co-ordinate policy on Kosovo since 2008, and the Sword of Damocles that is Moscow's UN Security Council veto suggest that the problems of trilateral co-operation are substantial more than institutional.

Otherwise, the flexible and informal form of the ad hoc contact groups would perhaps correspond more closely to Moscow's desire to gain a voice in Western decision-making than does the creation of a European security council within or outside the OSCE. Not only do they not require Moscow to surrender sovereignty, but the composition of the contact groups is also flexible and allows the inclusion of "non-Western" actors such as China, thus more closely resembling Moscow's vision of a multipolar world than does merely expanding co-operation with the West.

2. *The integration of Russia in the existing Euro-Atlantic security order* also appears at first glance to be a rather unrealistic policy option. In the long term, however, it cannot be ruled out.

This policy option requires at a minimum Moscow's interest and the willingness of the Western states to see Russia's integration as an equal not

only in a common economic framework but also in the Western security system. The institutionally simplest, but politically most challenging solution would be for Russia to join NATO and, ultimately, the European Union.

The Russian political class is currently not ready for a solution of this kind. They stress Russia's sovereignty and (illusory) "self-sufficiency" and reject the very notion of convergence. Yet the majority of the political class in the West is also far from being willing to embrace this option. The Medvedev proposal, however, has boosted discussion of this possibility.

In an article from early 2009, for instance, Germany's former foreign minister, Joschka Fischer, did not wish to explicitly exclude this option.[13] Poland's foreign minister, Radosław Sikorski, also showed that he was open to a discussion of this kind in March 2009. Nonetheless, the option of Russian accession will not be a policy option in the medium-to-long term.

Since the mid-90s, however, there have been attempts to take a different path – that of the institutionalization of Russia's partnerships with NATO and the European Union by means of treaties. This was the goal of the NATO-Russia Permanent Joint Council of 1997 and then the Russia-NATO Council of 2002, which aimed to promote consultations, joint decision-making, and concerted action. Neither of them was up to the task. Practical co-operation between Russia and NATO remained restricted to areas that, while important, were less relevant than others to the two sides and could thus easily become the victims of political disagreements over the 1999 Kosovo War and the 2008 Russia-Georgia War.

The partnership between Russia and the EU in the field of external security remains rudimentary and symbolic. The status of the partners, legal foundations, and mechanisms for joint crisis resolution remain undefined.

One path that has not yet been looked at – or not closely enough – is that of the gradual development of a quasi-alliance based on the practical experience of international co-operation on security matters. In order to ensure that all partners develop a strong interest in co-operation of this kind, any such initiative will need to focus on protecting those of their interests that are truly important to them (though not vital). So far, however, there are only a small number of relevant initiatives of this kind:

First, the essential interests of Russia and the West in the attempt to stabilize the situation in Afghanistan and establish effective and sustainable state institutions appear to be effectively identical.

Russia and the West also share an interest in preventing Iran from developing nuclear weapons, even if they continue to disagree about how this should be achieved.

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13   Cf. Joschka Fischer, Russland in die Nato. Europa und Amerika müssen endlich eine Antwort auf die Herausforderung durch Moskau finden [Russia Should Join NATO. Europe and America Finally Have to Find an Answer to the Challenge from Moscow], in: *Süddeutsche Zeitung*, 12 January 2009.

Moscow has also continuously expressed its interest in closer co-operation with the US and the European Union in suppressing not only the illicit trafficking of opium, but also its production in Afghanistan.

Repeated statements by Moscow suggest that it is less concerned to oppose US plans to set up a missile defence system in Europe than to develop a joint project in the area of missile defence. This interest deserves at least to be tested seriously.

3. For a range of reasons, the author does not consider *the restoration of confrontation* between Russia and the West in Europe to be a credible policy option, although the political rhetoric is constantly evoking the ghost of confrontation. It certainly represents the worst option for Russia, which will not be able to muster the resources necessary for an arms race with the West for the foreseeable future. A policy of confrontation is unlikely to put Moscow in a position from which it could revise the existing Euro-Atlantic security order (reversing NATO's eastward enlargement). At the same time, it would undermine all hope of consolidating the status quo, and particularly of gaining the right to have a say in Euro-Atlantic Security organizations.

4. Maintaining a *modus vivendi* would in any case imply that there are some questions concerning the final form of Euro-Atlantic security that will not be solved by means of either final decisions or decisive faits accomplis for the foreseeable future. This applies to the question of Europe's ultimate borders (the external borders of the EU and NATO) and for the decision on the appropriate institutionalization of relations between Russia and both institutions. At the same time, however, none of the policy options that are fundamentally available would be officially ruled out.

Several practical decisions in the coming year would be affected by the ambivalence of the current situation and could be interpreted by various actors as symptoms of either a potential consolidation of the status quo, or of the development of a quasi-alliance between Russia and the West, or else merely as the continuation of the *modus vivendi*.

For instance, the suspension of NATO's eastern enlargement at the same time as the announcement of an open-door policy can be understood (or misunderstood) by some as a step to fortify the status quo. Others may, however, see it as indicating a lack of willingness to bring about faits accomplis in the absence of a political solution to the problem with Russia.

A less ambitious policy of Eastern Partnership on the part of the European Union may be seen by some as a lack of willingness of the EU's part to explicitly challenge the political status quo in Russia's backyard. Others, however, may consider it as a sign of hope that Russia will one day be integrated in the Euro-Atlantic security and economic order, which would defuse the controversy around the Eastern Partnership.

Closer co-operation between Russia, the USA, and NATO on the stabilization of Afghanistan, and between the USA and the EU on dealing with Iran's nuclear dossier and managing the Middle East conflict can be inter-

preted by some as a step in the direction of a quasi-alliance between them, but by others as a component of a broader deal aimed at consolidating the status quo in Europe.

Conclusions

The above analysis suggests that Russia and the Western states of Europe are parting ways on a vital point, namely on the question of the consolidation of the status quo in Europe.

If this is the solution that best represents the Russian political class's current understanding of that country's fundamental interests, most Western states are not ready to go beyond maintaining a *modus vivendi*.

At the same time, neither the status quo nor the *modus vivendi* option can satisfy the states in the post-Soviet space, who would like above all guarantees that they will be integrated in Euro-Atlantic structures – NATO and/or the European Union.

The logic of the *modus vivendi* policy itself cannot create clarity in the foreseeable future regarding the prospects for an "appropriate" role for Russia in the European security order. This policy only postpones the relevant decisions into the indefinite future.

It may be that maintaining an ambivalent uncertainty serves a beneficial purpose if it wins time and thus makes the option of Russia's integration into Euro-Atlantic ("Western") structures into a genuine possibility – an option that is currently considered unrealistic.

However, this ambivalence contributes little to a comprehensive agreement of the kind Moscow is seeking to bring about by means of the Medvedev proposal. It thus leaves much room for further mutual disappointment and mistrust in relations between Russia and the West.

Postscript

Shortly before the opening of the OSCE Ministerial Council Meeting in Athens, and long after this contribution had been drafted, President Medvedev communicated to his fellow Heads of State or Government in the relevant states (above all the OSCE participating States) and to the leaders of NATO, the EU, the CSTO, the CIS, and the OSCE the promised draft of a European Security Treaty.[14] The draft was published on 29 November.

The draft contains very few of the elements contained in the proposals announced by Russia since 2008. It mentions neither the elaboration of principles for arms control or peacekeeping, nor emerging cross-border security

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14   The English translation of the draft Treaty can be accessed on the website of the President of Russia: http://eng.kremlin.ru/text/docs/2009/11/223072.shtml.

risks. So too has the idea of the strengthening of principles of inter-state relations relevant for military security been discarded – with the exception of one mention of the inadmissibility of the use of force in the preamble.

Instead, the draft stresses three areas.

First, the principle of the indivisibility and equality of security is underlined, together with that of the inadmissibility of strengthening one's own security at the expense of the security of other parties to the treaty (Articles 1 and 2). In this regard, the parties are called upon to take no steps that will significantly impact the security of other parties, nor to participate in or support any such steps. Hence, they should not allow the use of their territories to prepare an armed attack on another party to the treaty, or for any other measures significantly affecting the security of another party, nor use the territory of another party for such a purpose.

Should a party believe that any legislative, administrative, or organizational measure taken by another party might affect its security, it may request relevant information (Article 3).

Second, the draft proposes a *consultation mechanism to settle any disputes* that arise concerning the interpretation of the principle of indivisible security in evaluating the measures in question. Should the consultations fail to resolve the dispute, a *Conference of the Parties* shall make a ruling on the matter, deciding by consensus (Articles 5 and 6).

Third, in a case of armed attack or the threat of such attack on a party to the treaty, an *Extraordinary Conference of the Parties* shall make a ruling on what measure should be taken, deciding by unanimous vote (Articles 7 and 8). The vote of the party carrying out the aggression shall not be counted.

The mechanism, however, should not affect the rights of parties to the treaty to individual or collective self-defence under Article 51 of the UN Charter, nor the rights of the UN Security Council.