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# Restoring the European Security Order

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## Introduction

Nearly 30 years after the end of the Cold War, tensions persist in the relationship between Russia and the United States and between Russia and the West. Since 2014 and against the background of the Ukraine crisis, major bilateral and multilateral mechanisms for maintaining political dialogue and practical cooperation, including between Russia and the North Atlantic Treaty Organization (NATO) and between Russia and the European Union, remain dysfunctional.

Narratives pertaining to the origins and nature of the current European security crisis continue to diverge.<sup>1</sup> Russia and the United States accuse each other of having gravely violated international law and the fundamental Organization for Security and Co-operation in Europe (OSCE) principles, including the territorial integrity of other states. Both accuse each other of having abused the right to self-determination, of having violated or ruined landmark arms control regimes crucial for the maintenance of European security, and of meddling in domestic politics. Each sees the other as a revisionist power seeking to expand spheres of influence at the expense of the other.

Both Russia and the West agree that business as usual is no longer possible in their relations. However, they have not articulated what kind of new relationship they anticipate for the future. Both have fallen back into mutual deterrence postures, apparently seeing the risks inherent in such policies as acceptable against the background of rising political stakes.<sup>2</sup> So far, communication is largely limited to

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1. See: "The Long Narratives" in *Back to Diplomacy Final Report and Recommendations of the Panel of Eminent Persons on European Security as a Common Project* (Vienna: OSCE, December 2015), p. 21-29, <https://www.osce.org/networks/205846>; Thomas Frear and Lukasz Kulesa, *Competing Western and Russian narratives on the European order: Is there common ground?* (London; Moscow: European Leadership Network; Russian International Affairs Council, 2016), <https://www.europeanleadershipnetwork.org/policy-brief/competing-western-and-russian-narratives-on-the-european-order-is-there-common-ground/>; *Managing Differences on European Security in 2015. US, Russian and European Perspectives* (Washington; London; Moscow: Atlantic Council; European Leadership Network; Russian International Affairs Council, 2015); Wolfgang Zellner ed., *Security Narratives in Europe. A wide Range of Views* (Baden-Baden: Nomos, 2017), [https://www.nomos-shop.de/\\_assets/downloads/9783848745074\\_lese01.pdf](https://www.nomos-shop.de/_assets/downloads/9783848745074_lese01.pdf).

2. Wolfgang Zellner et al., *Reducing the Risks of Conventional Deterrence in Europe: Arms Control in the NATO-Russia Contact Zones* (Ham-

mitigating the risks of dangerous military incidents, with little scope for discussing broader issues of European security.<sup>3</sup>

Given the disagreement on how to move forward, official discussions have stalled and cooperative options for repairing the European security order are not given due consideration. This paper attempts to fill this gap by going beyond the current mainstream discourses and identifying ways forward, with the goal of laying the groundwork for the moment when official dialogue resumes.

Well aware of the variety of issues on the agenda, we concentrate on three questions which we believe are of crucial importance for any future discussions: (1) whether and how diverging Russian and Western views on the European security order can be reconciled; (2) what should be done to prevent a new arms race in Europe; and (3) what could be done to appropriately address concerns of non-aligned states.

### *Question 1: Reconciling Views of the European Order*

Despite the ongoing controversy, neither Russia nor the United States suggests abandoning the basic principles on which the European order has rested for the last decades, codified in the 1975 Helsinki Final Act and further developed and reconfirmed at subsequent OSCE summit meetings. Those principles include: sovereign equality and respect for the rights inherent to sovereignty; refraining from the threat or use of force; inviolability of frontiers; territorial integrity of states; peaceful settlement of disputes; non-intervention in internal affairs; respect for human rights and fundamental freedoms; equal rights and self-determination of peoples; and cooperation among states and fulfilment in good faith of obligations under international law.

Any time a dispute over the implementation (or violation) of those principles occurred, the OSCE participating states sought not to abandon those principles but to strengthen them by agreeing on measures to give them greater effect. This is a strategy that should be emulated in overcoming the current crisis.

Clarification of the Helsinki principles may be required in various areas (e.g., those of non-intervention or self-determination). However, the most fundamental divergence between Russia's and the West's views of the European security order underlying the debates of the last decade relates to the relationship between (and the interpretation of) the freedom of alliances (a right inherent in sovereignty, strongly emphasized by the United States and the West in general) and the indivisibility of security (prioritized by Russia).

The Helsinki Final Act clearly states that every state has the right “to belong or not to belong to international organizations, to be or not to be a party to bilateral or multilateral treaties, including the right to be or not to be a party to treaties of alliance.”<sup>4</sup> This sovereign right was reconfirmed in all subsequent Commission on Security and Cooperation (CSCE) and OSCE documents adopted by the heads of state or government thereafter, including the 1999 European Security Charter and the 2010 Astana Commemorative Declaration. The inherent right of all states “to choose the means to ensure their own security” is also acknowledged in the 1997 Russia-NATO Founding Act.<sup>5</sup>

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burg: OSCE Network of Think Tanks and Academic Institutions, 2018), [http://osce-network.net/file-OSCE-Network/Publications/RISK\\_SP.pdf](http://osce-network.net/file-OSCE-Network/Publications/RISK_SP.pdf).

3. Thomas Frear, *Lessons Learned? Success and Failure in Managing Russia-West Incidents 2014–2018* (London: European Leadership Network, 2018), <https://www.europeanleadershipnetwork.org/wp-content/uploads/2018/04/11042018-Incidents-Management-Review-Tom-Frear.pdf>; Denitsa Raynova and Lukasz Kulesa, *Russia-West Incidents in the Air and at the Sea 2016–2017: Out of the Danger Zone?* (London: European Leadership Network, 2018), <https://www.europeanleadershipnetwork.org/report/russia-west-incidents-in-the-air-and-at-sea-2016-2017-out-of-the-danger-zone/>.

4. OSCE, *Conference on Security and Co-Operation in Europe. Final Act* (Helsinki: 1975), p. 4, <https://www.osce.org/helsinki-final-act?download=true>.

5. NATO, *Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation* (Paris: May 1997), [https://www.nato.int/cps/ie/natohq/official\\_texts\\_25468.htm](https://www.nato.int/cps/ie/natohq/official_texts_25468.htm).

As outlined in their respective founding treaties, neither NATO nor EU membership is imposed on countries—countries must actively seek membership. In other words, NATO and the European Union don't go anywhere uninvited. In the case of NATO, aspirants choose to adopt a membership path that they initiate themselves under Article 10 of the North Atlantic Treaty. Similarly, the Treaty on the European Union allows any European country to apply for EU membership so long as it respects and promotes the values of the European Union.

Without questioning the right to freely choose alliances, Moscow insists that it should not be exercised at the expense of the security of other states (including Russia), and that the indivisibility of security should be taken into consideration—another promise of the 1975 Helsinki Final Act.<sup>6</sup> In particular, the 1994 OSCE Code of Conduct on Politico-Military Aspects of Security explicitly commits the participating states to “bearing in mind the legitimate security concerns of other states” while exercising the freedom of alliances.<sup>7</sup>

Respecting this commitment does not imply a veto power for any one country over another state's membership in alliances of their choice (indeed, the freedom of alliances is part and parcel of the OSCE concept of indivisible security), but it does indicate that states should pursue consultations with those who may raise concerns in that context. “Recognizing that security is indivisible, and that the security of every participating State is inseparably linked to that of all others,” the OSCE states are expected “to enhance regular consultation and to intensify co-operation among them on matters related to security.”<sup>8</sup>

#### **THE WAY FORWARD**

Treaty organizations such as NATO and the European Union could increase transparency with Russia and stability on the European continent by acknowledging the OSCE language on indivisible security requiring the legitimate security concerns of neighboring states to be considered, particularly in cases where there is a change in the status of a country. In fact, there is precedent for this practice.

When the security and political status of a unified Germany was being discussed in 1990, German negotiators explicitly appealed to the freedom of alliances, insisting that the final choice should be theirs. At the same time, they were open to discuss measures that could alleviate any, even hypothetical, concerns of neighbor states (e.g., by amending the German Basic Law in order to rule out any eventual territorial claims in the future, voluntarily reducing its armed forces, ruling out the possibility that Allied forces could be permanently stationed in the former GDR, or by reconfirming its eastern borders). These commitments were included in the 1990 Treaty on the Final Settlement with Respect to Germany as well as in several bilateral instruments, such as the German–Polish Border Treaty of November 1990.

In the late 1990s, while preparing for the first round of NATO's eastward enlargement, NATO and Russia engaged in intensive consultations to address Russian security concerns. The adaptation of the Treaty on Conventional Forces in Europe (CFE) was one major outcome of those negotiations as was the 1997 NATO–Russia Founding Act, which stated that in the “current and foreseeable security environment, the Alliance will carry out its collective defense and other missions” by means other than the “additional permanent stationing of substantial combat forces.” These obligations are still observed by all parties.

Historically, there also are other examples. When Norway and Denmark joined NATO in 1949, both decided to prohibit the permanent stationing of combat forces on their territory in peacetime (Denmark

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6. *Conference on Security and Co-Operation in Europe. Final Act*, p. 3.

7. OSCE, *Code of Conduct on Politico-Military Aspects of Security* (Helsinki, December 1994), Para IV.10, p. 3, <https://www.osce.org/fsc/41355?download=true>.

8. In “Helsinki Decisions,” *CSCE Helsinki Document 1992: The Challenges of Change* (Helsinki, 1992), Para V.8, p. 30, <https://www.osce.org/mc/39530>.

prohibited the stationing or storage of nuclear weapons as well). This “self-restraint” was an effort to assuage Russian concerns about new NATO members on its borders in the High North.

If this culture of mutual consultation is revived, all parties should commit themselves to a formal or informal mechanism of consultation in order to “ideally seek mutual agreement before pursuing any . . . unilateral changes to the status quo.”<sup>9</sup> In this case, it will be important to first agree on principles. At a minimum, these would include: up front acknowledgement by all parties that membership can proceed even if consultations fail to produce an agreement (“no veto” policy); the imposition of limits on which countries can take part in the consultations by defining “neighboring states or others concerned”; and putting a time limit on discussions so they cannot be used as a stalling mechanism.

Additionally, a discussion of the Helsinki principle of “non-intervention in internal affairs” should be considered. Fears of policies aimed at destabilization and regime change are reciprocal in Russian and Western threat perceptions. This provides grounds for an agreement on measures that can reduce those fears. The OSCE provides a good platform for addressing the relevant issues of strengthening the Helsinki principles and giving them greater effect. Specifically, discussions might focus on better defining what “non-intervention in internal affairs” means in areas such as cyber, influence operations, and information warfare.

## *Question 2: Preventing a New Arms Race in Europe*<sup>10</sup>

Europe, Russia, and the United States have benefited from military-political stability and mutual transparency in Europe over the past decades and share an interest in preventing a new arms race. The recent intensification in Russian and Western military activities in sensitive areas along the lines of direct contact and the return to mutual deterrence postures increase the risk of unintended or inadvertent escalation and military confrontation. This calls for steps to reduce tension and properly manage those risks, particularly in the event of a crisis.

So far, both NATO and Russia have exercised restraint and remained within their mutual commitments despite the progressing erosion of European arms control regimes. The actual holdings of their major weapons systems in Europe are far below the limitations established by the 1990 CFE Treaty (from which Russia effectively withdrew in 2007) or its 1999 adapted version (that was not ratified by the West and ultimately failed to enter into force).<sup>11</sup> The recent NATO enhanced Forward Presence in the Baltic states and Poland so far remains, as regards its size, within the Alliance’s commitment not to pursue additional permanent stationing of substantial combat forces under the 1997 NATO-Russia Founding Act. Russia has recently deployed or strengthened combat forces in the western and southern military districts, but it has not stationed additional substantial combat forces either in the Pskov or the Kaliningrad regions, to which its military restraint commitments extend.<sup>12</sup>

Current threat perceptions primarily pertain to hypothetical, worst-case scenarios involving the rapid deployment over long distances of substantial combat forces that are capable of engaging in offensive, cross-border operations using the existing reinforcement infrastructure. Both NATO and Russia have developed this

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9. Samuel Charap, Jeremy Shapiro, and Alyssa Demus, *Rethinking the Regional Order for Post-Soviet Europe and Eurasia* (Santa Monica, CA: RAND Corporation, 2018), p. 19, [https://www.rand.org/content/dam/rand/pubs/perspectives/PE200/PE297/RAND\\_PE297.pdf](https://www.rand.org/content/dam/rand/pubs/perspectives/PE200/PE297/RAND_PE297.pdf).

10. This paper deals only with the issue of conventional arms control in Europe.

11. Hans-Joachim Schmidt, *Strukturprobleme eines Neustarts der konventionellen Rüstungskontrolle in Europa* (Frankfurt: HSFK, 2017), no. 7, p. 9, [https://www.hsfk.de/fileadmin/HSFK/hsfk\\_publicationen/Report0717.pdf](https://www.hsfk.de/fileadmin/HSFK/hsfk_publicationen/Report0717.pdf).

12. Danish Defence Intelligence Service, *Intelligence Risk Assessment 2017: An assessment of developments abroad impacting on Danish security* (Copenhagen: 2017), p. 18, [https://fe-ddis.dk/SiteCollectionDocuments/FE/EfterretningsmaessigeRisikovurderinger/Risikouurdering2017\\_EnglishVersion.pdf](https://fe-ddis.dk/SiteCollectionDocuments/FE/EfterretningsmaessigeRisikovurderinger/Risikouurdering2017_EnglishVersion.pdf); Wolfgang Richter, “The Implications of the State of Conventional Arms Control For European Security,” *Deep Cuts Working Paper*, 2018, no. 12, p. 6, 8-9, [http://deepcuts.org/images/PDF/DeepCuts\\_WP12\\_Richter.pdf](http://deepcuts.org/images/PDF/DeepCuts_WP12_Richter.pdf).

capacity in the sensitive regions along the line of their contact where they are considered most vulnerable, particularly in the Baltics (and including the Kaliningrad region of Russia). In the event of a crisis, the worst-case scenario thinking on both sides may trigger the logic of inadvertent escalation. Arresting this development would serve the national security interests of the United States, Russia, and the European nations.

### THE WAY FORWARD

Both the United States and Russia, as well as several NATO members, remain reluctant to pursue conventional arms control in Europe, although for different reasons. Despite the general statements that “Allies remain open to further arms control negotiations, with the aim of improving the security of the Alliance” or that “Allies are determined to preserve, strengthen, and modernise conventional arms control in Europe,” some NATO members maintain that it is unrealistic to pursue additional conventional arms control agreements when Russia is violating the existing ones.<sup>13,14</sup> Conversely, some NATO members assess the current situation as so tense that there should be no political preconditions for engaging in arms control measures that go beyond traditional risk reduction.<sup>15</sup> Given these disagreements on the way ahead on arms control, any change in current policy would require a new consensus within the alliance.

If nothing else, the focus of the United States and other NATO states is primarily on the modernization of the security- and confidence-building measures codified in the OSCE Vienna Document, which have proven insufficient to provide appropriate transparency on the increased military activities in Europe. Much of the debate within the OSCE “structural dialogue” is therefore devoted to the discussion of the necessary steps to close the loopholes in the Vienna document.<sup>16</sup>

The opposition of the Russian defense establishment also makes any initiative from Moscow in this area unlikely under current circumstances. The more fundamental difference with the West, however, is that, once ready to talk, Moscow would give preference to hard arms control instead of security- and confidence-building measures, whereas the West wants to see a show of good faith before moving to a discussion on hard arms control. This policy has manifested itself, inter alia, in Russia’s formal withdrawal of all its earlier proposals pertaining to substantial modernization of the Vienna Document.

In practice, making progress on stabilizing the military-political situation in the sensitive areas in Europe will need to include both arms control and transparency-building measures. Negotiating a new arms control regime would help to prevent rapid and covert concentrations of forces capable of conducting offensive cross-border operations in sensitive areas along the NATO-Russia border. For example, increasing the transparency and predictability of military activities in the OSCE area by closing the loopholes in the Vienna Document would increase trust and hard arms control.

One way to move forward would be for NATO and Russia to agree in a joint statement that they:

- so far have remained within the reciprocal military restraint commitments of the late 1990s, including the Founding Act;
- will observe those commitments in the future; and

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13. NATO, “Brussels Summit Declaration Issued by the Heads of State and Government Participating in the Meeting of the North Atlantic Council in Brussels 11-12 July 2018,” [https://www.nato.int/cps/en/natohq/official\\_texts\\_156624.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/official_texts_156624.htm?selectedLocale=en).

14. NATO, “Warsaw Summit Communiqué Issued by the Heads of State and Government participating in the Meeting of the North Atlantic Council in Warsaw 8-9 July 2016,” [https://www.nato.int/cps/en/natohq/official\\_texts\\_133169.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/official_texts_133169.htm?selectedLocale=en).

15. Zellner et al., *Reducing the Risks of Conventional Deterrence in Europe*, p. 8.

16. For details, see: Austrian OSCE Chairmanship 2017, *Promoting Military Stability and Security: Key Findings and Documents of the Intersessional Dialogue on Military Doctrines and the Breakout Workshops on CSBMs* (Vienna: Military Policy Division of the Federal Ministry of Defence and Sports of the Republic of Austria, 2017), [http://www.bundesheer.at/pdf\\_pool/publikationen/osze-vorsitz-kompennium\\_final.pdf](http://www.bundesheer.at/pdf_pool/publikationen/osze-vorsitz-kompennium_final.pdf); Richter, *The Implications of the State of Conventional Arms Control For European Security*, p. 10-14.

- will begin a dialogue on measures, including relevant arms control and confidence-building measures, that would make further deployments in the sensitive areas along the line of contact unnecessary by keeping their military activities unprovocative, transparent, and predictable to each other.

The discussion of such measures could eventually develop in parallel with the discussion within the OSCE of a necessary substantial modernization of the Vienna Document.<sup>17</sup>

### *Question 3: Addressing Concerns of Non-Aligned Status*

The freedom of alliances does not oblige members of an alliance or organization to accept the aspirants. The ultimate decision as to whether and when to accept new members is based on applicants meeting the relevant criteria but also on a general readiness of the respective alliance or organization to extend membership. Given the sum of these requirements, some NATO and EU aspirants could find themselves in the waiting room for some time, a status which does not adequately or immediately address their security concerns. Still others are not candidates for EU or NATO membership but nevertheless have outstanding security concerns.

Any effective European security order should be responsive to the security concerns of all states. In cases where NATO or EU membership is not on the table or is unlikely to materialize in the near future, policymakers should consider alternate policy options for addressing those countries' security concerns in light of their non-aligned status. Working with such countries to strengthen the status of and guarantees associated with non-alignment is one such option.

#### **THE WAY FORWARD**

Strengthening the status of non-alignment in the context of the European security order would require a set of complex arrangements including: providing non-aligned states with credible security guarantees; designing a set of measures, including arms control measures to support such guarantees; and a mutual commitment to engage in political consultations should a country's non-aligned status change in the future.<sup>18</sup>

Those parties involved in providing security guarantees should commit themselves to several measures defined in the partnership with the non-aligned state. These should include: commitments to non-intervention; not concentrating substantial combat forces and capabilities on the borders of the non-aligned country; and not conducting large-scale military exercises on the borders of the non-aligned state. Any military activities below the agreed level of large-scale exercises should be conducted in a fully transparent, verifiable, and cooperative manner, with the non-aligned state possibly even holding veto power to approve or deny an exercise on its borders. Parties might also agree to avoid exercise scenarios that could be seen as threatening or likely to raise concerns.

In order to address concerns pertaining to activities associated with confrontation short of conventional military hostilities, non-aligned countries should also receive additional guarantees of no threat or use of force against them and of non-intervention into their internal affairs. While an exhaustive list of such measures would need to be worked out by the countries involved, prohibited activities might include cyber-attacks, election interference, and economic coercion. While other fora should not be excluded, the OSCE could be an appropriate institution to address this issue in a cooperative manner, designing relevant

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17. For more detailed proposals, see: Wolfgang Richter, "Return to Security Cooperation in Europe: The Stabilizing Role of Conventional Arms Control," Deep Cuts Working Paper, 2017, no. 11, [http://deepcuts.org/images/PDF/DeepCuts\\_WP11\\_Richter.pdf](http://deepcuts.org/images/PDF/DeepCuts_WP11_Richter.pdf); Zellner et al., Reducing the Risks of Conventional Deterrence in Europe.

18. For more, see: Charap, Shapiro, and Demus, Rethinking the Regional Order for Post-Soviet Europe and Eurasia; Samuel Charap, Alys Demus, and Jeremy Shapiro eds., Getting Out from 'In-Between': Perspectives on the Regional Order in Post-Soviet Europe and Eurasia (Santa Monica, CA: RAND, 2018), p. 5-15, [https://www.rand.org/pubs/conf\\_proceedings/CF382.html](https://www.rand.org/pubs/conf_proceedings/CF382.html).

measures to give greater effect to the relevant provisions of the respective OSCE commitments and of the 1970 UN Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.<sup>19</sup>

These commitments should also provide non-aligned states with reliable guarantees that their territory will not be used as a theater of hostilities between Russia and the West. In return, the non-aligned countries would pledge not to allow the deployment of foreign combat forces, use of their military infrastructure, or other use of their territory for hostile activities targeting any of the countries who provide them with security guarantees, unless of course those security guarantor countries breach their commitments under the non-alignment agreement.

### *Conclusion: The Process*

Given that moving in the direction suggested above remains controversial, the question of how to achieve such an arrangement is crucial. Our exchange has revealed two different approaches to responding to this question.

A cautious approach suggests that the tense security environment and deep mistrust on both sides means we need to start with small, modest steps. These could include: using OSCE channels to discuss the legitimate security concerns of neighboring states when there is a change in membership status of a country agreement; further defining what “non-intervention in internal affairs” means in the non-military hybrid space; considering how to account for snap exercises and their observation; and thinking through ways to enhance the security of non-aligned states. Taken together, such efforts can help increase transparency and predictability and, however slowly, rebuild trust and create space for more ambitious efforts in the future.

A more ambitious approach would not skirt discussion of the bigger issues addressed above and would anticipate holding a series of summit meetings, as suggested in 2015 by the OSCE Panel of Eminent Persons, to endorse progress (or agreements) achieved. Those would include OSCE, NATO-Russia, and EU-Russia Summit meetings. However, any such summits are unlikely to be held as long as the Ukraine crisis and a number of other disputes between Russia and the West remain unsettled. Nevertheless, beginning to discuss the core issues outlined above in parallel with efforts to settle the Ukraine crisis would facilitate both the settlement itself and the resolution of the European security crisis.

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19. United Nations General Assembly, “Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,” Agenda item 85, October 24, 1970, <http://www.un-documents.net/a25r2625.htm>.