

## **EU-Russia Relations and the Unravelling of the European Security Regime in the context of the Ukraine Crisis\***

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### **Introduction: Regimes and European security**

In this chapter we use the concept of international regimes, as defined by Krasner, to analyse the transformations occurring in the European security regime, which we see grounded in the principles established with the Helsinki Final Act. Regimes are defined by Stephen Krasner as ‘sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actor expectations converge in a given area of international relations’ (Krasner 1983, p. 2). They are ‘more specialized arrangements that pertain to well-defined activities, resources, or geographical areas and often involve only some subset of the members of international society’ (Young 1989, p. 13). Regimes thus allow us to study structured patterns of cooperation within different areas in international affairs, which may fall short of full institutionalisation into international organisations.<sup>2</sup> Despite critiques, this definition favours the development of comparisons among regimes as well as the analysis of regime change (Hasenclever *et al* 2000, pp. 12-13), with the latter being particularly relevant for our study of security relations in Europe between the European Union and Russia. Thus, we use the principles, norms, rules and institutions that form the European security regime, consolidated with the signing of the Helsinki Final Act in 1975, as the measures against which to assess regime change in European security. We perceive this as a fundamental step in analysing the strong dissonance between the EU and Russia regarding security matters, understandings about democratic principles, and the relevance of trust in any inclusive regional security regime.

The development of regimes on specific issue areas presupposes the ability to move beyond short-term interest calculations towards a commitment to a general

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<sup>2</sup> Regimes have proliferated in areas such as the environment (including the Convention on International Trade in Endangered Species of Wild Flora and Fauna or the Kyoto protocol), in the field of energy (international nuclear energy regime, managed by the International Atomic Energy Agency) or transportation (including in shipping, air transport, telecommunications and postal services).

obligation, based on shared principles and norms. Thus, even if interest calculations change, altering rules and procedures, the regime may survive if the fundamental principles and norms are maintained (Krasner 1983, p. 3). When discussing the basis of the existing security regime in Europe and the perceived impact of the changes that occurred over the last decades, it is fundamental to understand the extent to which these changes question the principles of the regime or reflect instead a shift in the structures of governance.<sup>3</sup> Many times, the understanding of whether changes in rules and practices jeopardise the underlying principles and norms, or whether they are changes only at the procedural level is open to interpretation and discussion among the participants in the regime, and dependent on power imbalances. As Russia and the EU become central actors in post-Cold War European security, their views on the stability of the security regime needed to be reconciled, in order to understand whether the principles structuring the regime are still recognised as valid, or whether they have irrevocably been put into question.

The study of regime transformation has addressed these concerns, namely by studying how regimes are impacted by changes in context, including the emergence of new relevant actors in a given field or, by technological innovations that render the previous rules obsolete. Oran Young (1983, pp. 98-101) has put forward a useful distinction between spontaneous, negotiated and imposed orders, to understand how transformation occurs in each of these contexts. Of particular interest to our analysis are negotiated orders. These can be divided into constitutional contracts and legislative bargains (Young 1983, pp. 99-100), where the former are defined as arrangements in which those subject to the regime participate in defining them. This strikes us as a particularly important element in the analysis of the European security regime as consolidated with the Helsinki Final Act, which established the Conference on Security and Cooperation in Europe (CSCE) in 1975, later institutionalized into the Organization for Security and Cooperation Europe (OSCE).<sup>4</sup> This agreement contributed to a negotiated order, agreed by the United States, the Soviet Union and all European states, where all were represented at the same level (one state one vote) and where all had to collectively agree on issues (decision making by unanimity), thus highly increasing its legitimacy. As no order, even if negotiated, is immune to power imbalances, however,

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<sup>3</sup> On the issue of the challenges to Europe's security governance by the Ukrainian conflict see Averre (2016). On the governance of European security see Webber et al (2004).

<sup>4</sup> The CSCE was renamed OSCE at the 1994 Budapest Summit with effect from January 1, 1995.

this agreement and the evolving security regime that it sustained also reflect the specific context of bipolarity, in which the two superpowers commanded greater influence over the process. This imbalance of power is particularly visible in the context of the Soviet Republics, which became independent only in 1991, and thus lacked the ability to actively contribute to the principles sustaining the regime since the 1970s.

The development of this European security regime has been contentious and filled with contradictions. The permanence of the North Atlantic Treaty Organisation (NATO) after the end of the Cold War has contributed to tensions between the Euro-Atlantic and the pan-European security arrangements within the regime. This state of affairs hampers the very foundations for trust, limiting the redesign of European security in an inclusive logic. Moreover, the OSCE's downgrading in this institutional security architecture, with a clear prevalence of NATO as the provider of western security (including Turkey), constitutes an important element in the reconfiguration of European security. It further reflects the shifts in power perceptions in the post-Cold War era. The new order, with a more prominent role of Western institutions in which Russia does not fully participate, has been to a great extent imposed on Russia, with NATO's reinvention being here the best illustration. In this light, Russia's active contestation of the institutions, norms and to some extent, the principles sustaining the European security regime may be read as a tactical device to force the renegotiation of the security regime in more equal terms. Whatever changes may occur in European security these will certainly reflect shifts in power.

This chapter seeks to analyse the divergent understandings of security which the Helsinki Final Act reconciled in innovative ways and to trace their evolution in order to understand how these differing perceptions of different actors have remained unresolved, despite the establishment of common rules. Our analysis is guided by Oran Young's (1983, p. 111) categories of factors inducing change, namely shifts in power structures, internal contradictions and exogenous factors. These categories are mutually constitutive and interdependent and this needs to be taken into account in the analysis of the European security regime. In the management of the post-Cold War security regime in Europe, Russia's marginal position in European security and its attempts at reaffirmation are fundamental elements in this structural power shift. The profound differences in the nature of the actors involved, namely Russia and the EU<sup>5</sup>, and of their self-perceptions,

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<sup>5</sup> The then-European Communities developed the European Political Cooperation (EPC), since 1970, as a mechanism for coordination of the member states' foreign policies and for laying the ground for the

in the context before and after the annexation of Crimea, reinforce divergent positions and associated internal contradictions in the prevailing security regime. Exogenous elements, such as the Global War on Terror after 9/11, have interacted with the structural shifts in power mentioned before and with internal contradictions inherent in the principles of the Helsinki Final Act, creating nodules of tension, as evidenced in Georgia in 2008 and in Ukraine in 2014. The extent to which these tensions amount to a fundamental questioning of the principles of the regime, or instead reflect much needed adjustments in governance structures, is the major issue we seek to address.

### **Consolidation versus erosion: what European security regime?**

The security regime in Europe has been broadly conceived, including the progressive 1975 Helsinki Final Act, following a wide understanding of security, reaching much farther than military security – which was dominant throughout the Cold War period – into human and environmental security, for example. The norms and principles established in the Final Act, particularly the Decalogue<sup>6</sup>, can be perceived to form the normative core for a CSCE/OSCE regional cooperative security regime. At a time of bipolar rivalry this institutional mechanism provided a forum for dialogue on regional security, broadly conceived, between both blocs. Although the formation of regimes in the field of security is perceived by the literature as ‘very hard’ or difficult (Peterson 2012), sectoral agreements were established, including the Nuclear Non-proliferation Regime and arms control treaties, such as the Anti-Ballistic Missile Treaty (ABM) and the Treaty on Conventional Armed Forces in Europe (CFE Treaty), as well as Confidence Building Measures (CBMs), mechanisms for reporting on substantive military manoeuvres or redeployment of forces, and the monitoring of compliance including through on-site inspections. Thus, the CSCE/OSCE itself is, since its inception, a formal part of the European security regime, alongside NATO and the then-European Communities.<sup>7</sup>

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establishment of a Common Foreign and Security Policy (Maastricht Treaty, 1992). The EPC was used actively by the member states in the process leading to the creation of the CSCE.

<sup>6</sup> The ten principles of the Decalogue are: sovereign equality, respect for the rights inherent in 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 including the freedom of thought, conscience, religion or belief; equal rights and self-determination of peoples; cooperation among states; and fulfilment in good faith of obligations under international law.

<sup>7</sup> Although the EU is not primarily a security organisation, it seeks to contribute to European security through the promotion of interdependence and economic and political integration. It also developed mechanisms to address security crises, namely the Common Security and Defence Policy.

The subsequent revisions and adaptations of the OSCE-based security regime sought to accommodate the new political realities in Europe but also created new inconsistencies within the regime. The most important revisions included: a) the 1990 Paris Charter, symbolically marking the end of the Cold War; b) the 1992 Helsinki conclusions, establishing cooperative mechanisms between the CSCE, NATO and the Western European Union on peacekeeping; c) the Budapest Declaration of 1994, enlarging the scope of action of the organisation to conflict prevention and crisis management; and d) the Istanbul commitments (1999) setting out a security concept for Europe, rooted in the principle of common and comprehensive security, and in the indivisible nature of the human, economic, political and military dimensions of security. With these revisions, however, inconsistencies gradually became visible following the end of the Cold War, particularly relevant to Russia's relations with western states and institutions.

One of the first contentious issues undermining the strength of the security regime had to do with the ratification of the Treaty on Conventional Armed Forces in Europe (CFE). The CFE Treaty, signed on 19 November 1990, has been a reference point for security in Europe by setting thresholds for conventional military equipment and implying CBMs regarding military manoeuvres, for example. The Treaty was revised after the dissolution of the Soviet Union, allowing the deployment of larger quantities of military equipment in the North Caucasus, in particular due to the wars in Chechnya. Nevertheless, the ceilings agreed were not considered excessive and still respected the agreement's rationale for limiting conventional forces. At the CSCE Istanbul summit in 1999, an Adaptation Agreement was signed trying to address the new geostrategic situation in Europe almost a decade after the end of the Soviet Union. At the time, Moscow committed to withdrawing military forces from Moldova and Georgia, where, nonetheless, it still has operational military bases<sup>8</sup>, understood as violating the security regime. However, and despite some dislocation of troops and equipment from these military bases, Russia did not fulfil the compromise and the Treaty ended up not being ratified by NATO countries.

Another element of pressure on the CFE, as a fundamental building block of the European security regime, was NATO's intervention in Yugoslavia at the end of the 1990s. Besides Russia's enduring antagonism towards the Atlantic alliance, Moscow

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<sup>8</sup> Russia keeps its 14th Army stationed in the disputed region of Transnistria (Moldova), and has reinforced its military presence in the disputed regions of Abkhazia and South Ossetia (Georgia).

argued that the 1999 NATO bombardments, without a United Nations' mandate, constituted a fundamental breach of what it perceived as the structuring elements of the European security regime. These included the principle of non-intervention in international affairs, and thus the respect for the primacy of state sovereignty. In response, and after failed attempts at finding a common view, Russia suspended unilaterally its participation in the CFE Treaty in July 2007 (President of Russia, 2007). This decision might have been reinforced by the difficult context in Russia-West relations at the time, namely due to NATO enlargement and US plans for the deployment of components of a missile defence shield in Europe (The White House, 2009). Despite the CFE Treaty's limited provisions, it nevertheless contributed to mutual assurance and confidence. However, considering the importance of trust in regime effectiveness, both these security-military disagreements and the post-Cold War fundamental power shifts have contributed to regime inconsistency. The current stand-still regarding the ratification of the CFE Treaty represents an important element unravelling the security regime.

As mentioned before, this regime has also been affected by internal contradictions, namely between the principles of territorial integrity and self-determination. Such a contradiction at this fundamental level has meant that many of the rules and institutions designed to sustain the regime have furthered this contradiction rather than resolving it, creating very tangible tensions over Kosovo, Abkhazia, South Ossetia, Transnistria and Nagorno-Karabakh. Tensions over the balance between sovereignty, on the one hand, and democracy and human rights, on the other, have also contributed to the escalation of problems. As argued by Sjursen (2006, p. 176), 'the EU has been a particularly active normative entrepreneur at the security level, by pursui[ng] the spread of norms and values and/or emphasi[ng] non-military instruments in foreign policy'. This results in new challenges to the Westphalian order, namely by making human rights a 'core reference for security policy, supplementing the principle of territorial sovereignty' (Sjursen 2006, p. 176). Internal contradictions are also visible in the articulation of security mechanisms and institutions in Europe such as the EU's CFSP, NATO and the OSCE, in the duplication of competencies among these different actors and in turf wars among them. This is particularly complicated by Russia's limited or non-existent role in these institutions, such as in the Russia-NATO Council and the EU.

Also affecting this regime are exogenous factors, including new sources of insecurity, such as transnational terrorism and organised crime. These have undermined the democratic principles of western societies and in their own terms question the

structure of the European security regime, while also eventually suggesting new avenues for transnational cooperation, including new cooperative mechanisms between the EU and Russia.

The three categories of factors inducing change (shifts in power structures, internal contradictions and exogenous factors) are identified by Young (1983, p. 111) as not being mutually exclusive and often influencing each other. Any assessment of the changes affecting the European security regime needs to address the interactions between elements in the three categories, and acknowledge the varying importance of each set of factors. European security does not, therefore, take place in a hermetic way, and the context where EU-Russia security relations develop, as well as the internal and external challenges they face, need to be taken into account.

### **An evolving European security regime: shifts and balances in EU-Russia relations**

Although the Helsinki Final Act was not signed by the European Communities (EC), due to the Soviet Union's opposition, its member states closely coordinated their positions, first through the European Political Cooperation instrument; also, the Italian Prime-minister, holding the Presidency of the Council of the European Communities, signed the Final Act on behalf of Italy and the EC in 1975 (Urwin 1999, p. 93). In 1990 and 1999, the then-presidents of the European Commission signed two other fundamental treaties in the European security regime, namely the Charter of Paris for a New Europe and the Charter for European Security (Pavlyuk 2013, p. 283). On these occasions the EC's and then the EU's commitment to being a central part of the developing security regime, both conceptually and operationally, was made clear. In fact, discussions leading up to the CSCE summit in Istanbul in 1999 on how the different pan-European institutions should coordinate towards the goal of peace and security in Europe, further illustrate the divergent perspectives gradually being formulated between the Russian Federation and the European Union.

Sensing a declining role for the OSCE in European security, Russia argued in favour of a division of labour among institutions such as the EU, NATO and the Council of Europe (CoE), while acknowledging the overriding responsibility of the OSCE in this field. The EU, on the other hand, by 1994, had put forward the idea of a Platform for Cooperative Security, which was approved by the OSCE participating states in Istanbul (1999) as the operational component of the Charter for European Security (Pavlyuk 2013, p. 283). The Platform for Co-operative Security, practically defining some form of

articulation between the OSCE and other security organisations in Europe, like the EU, NATO and the Collective Security Treaty Organisation (CSTO)<sup>9</sup>, still sought to commit the participating states to ‘the OSCE’s concept of common, comprehensive and indivisible security and a common security space free of dividing lines’ (OSCE 1999). However, the establishment of less inclusive institutions, with expanding mandates, can hardly be reconciled with the broad and inclusive perspective on security put forward in the OSCE’s fundamental documents.

At a practical level, both the EU and NATO have gradually expanded their operational responsibilities in European security as well as in the areas of action they cover. The way the EU defines itself as a security actor, both as a producer and a product of security, has implications in its capabilities with immediate reflex in its actions. The EU’s security actorness has been defined broadly, ranging from early warning and preventive diplomacy to conflict transformation and peacebuilding, and from civilian approaches to military ones in responding to insecurity. NATO enlarged the reach of its agenda and scope of action to encompass new geographies, new political dimensions and a far-reaching understanding of security/insecurity.

The CSCE/OSCE has been marginalised in this process. Despite having reinvented itself in the post-Cold War setting, its central features remained simultaneously its weakness and its strength: consensus decision-making, no legally binding decisions (just politically binding), and no military apparatus or economic resources with which to place itself as a strong institution in the new security architecture. Despite attempts at reinforcing the OSCE’s format, progress has been limited. For example, the Panel of Eminent Persons, created at the end of 2004 to reflect on the transformations needed in face of the changed European context, concluded mainly with a strong recommendation on the development of collective procedures for dealing with protracted conflicts. The Corfu Process, initiated after the 2008 Georgia war, was an informal process seeking to rebuild ties among the parties; it led dialogue forward, but a road map for implementation was never agreed.

The reform agenda is currently part of the so-called V-to-V Dialogues, pushing forward the Helsinki +40 process. However, the crisis in Ukraine halted the whole

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<sup>9</sup> The CSTO is an intergovernmental military alliance, formally established in 2002, including six post-Soviet countries, namely Russia, Armenia, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan. In 1992, these six states signed the Collective Security Treaty within the Commonwealth of Independent States, which transformed into the CSTO in 2002.



process, questioning once more the role of the OSCE as the pillar of the security regime in Europe. As a result, the then-Chairperson-in-Office, Didier Burkhalter from Switzerland, launched the Panel of Eminent Persons on European Security as a Common Project (Ministerial Council in Basel, December 2014). On the agenda were issues such as rebuilding trust on shared principles and commitment of member states to these, mapping threats in the OSCE area and possible responses, enhancing co-operative security, and equipping the OSCE to better respond to ongoing conflicts and situations such as Ukraine (Tanner 2015). These issues seem to suggest that the principles sustaining the European security regime are still valid and that the institutional architecture needs a reinforced commitment by participating states.

The Report on ‘Lessons Learned for the OSCE from its Engagement in Ukraine’ (OSCE 2015) clearly demonstrates how differences in understanding prevail between Russia and the West, and that reaching common ground is far from easy.<sup>10</sup> Throughout the Interim Report, the Russian representative in the Panel, Sergei Karaganov,<sup>11</sup> added several remarks detaching himself from the Panel’s position, specifically in reference to the ‘annexation of Crimea’. Karaganov also stated that the difficult state of relations between Russia and the West ‘reminds us of the worst days of the Cold War’ and suggested that the OSCE’s Secretary General ‘could fall prey to prejudices or blackmail’ (Karaganov 2015). These examples clearly demonstrate how, despite various efforts, the OSCE has been unable to promote integrated dialogue and become a fundamental voice in European security issues. The Russian expert made clear the OSCE’s limits, while also reconsidering its eventual role in face of events in Ukraine. But his wording does not dismiss how the OSCE has become marginalised in European security and the implications of this.

The marginalisation of the OSCE created two important problems in the European security regime. First is the associated marginalisation of Russia as a partner and interlocutor in European security; neither the EU-Russia Strategic Partnership, nor the North-Atlantic Cooperation Council have reached significant results as forums for coordination and mutual consultation with Moscow, as they set out to be. Russia’s marginalisation reflects the post-Cold War structural power shifts and Russia’s inability

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<sup>10</sup> In the Final Report (2015) Sergei Karaganov signed a letter of disagreement included at the beginning of the document reiterating these concerns.

<sup>11</sup> Sergei Karaganov is a member of the Panel of eminent Persons and Honorary Chairman of the Presidium of the Council on Foreign and Defense Policy. For further detail see [http://russiancouncil.ru/en/author\\_profile/index.php?author\\_id\\_4=53](http://russiancouncil.ru/en/author_profile/index.php?author_id_4=53).

to reaffirm itself as an equal partner in the negotiated order sustaining the European security regime. Second, the important balance at the heart of the OSCE, between human rights, democratic principles, sovereignty and non-intervention, for instance, has been replaced by what can be perceived as an EU and NATO-led interventionist agenda, promoting liberal peace as the only means towards peace in Europe (Freire and Simão 2016, p. 58). This imbalance reflects the internal contradictions inherent in the principles of the regime, and has been reinforced by the shifts of power taking place in Europe as well as the exogenous conditions facilitating such an EU and NATO global interventionist agenda, undermining sovereignty and non-interference in internal affairs. Thus, it becomes obvious that both at the level of the structures of governance (rules and institutions) and of the principles, the European security regime became increasingly challenged in this process.

***EU and Russian understandings of security: what's in a concept?***

In order to understand the diverging positions of the EU and Russia on the European security regime, it is fundamental to explore the conceptualisation that each brings in defining security and how it can be pursued. The EU's vision of regional security is hard to grasp, partly due to the Union's unique political features. The EU's history of peace through functional cooperation has been a powerful driver of its very own conceptualisation of regional security for the broader European continent. However, there is no clear definition shared among the member states on what security means. Thus, the understanding of security within the EU has been very much constructed through the identification of threats, the creation of mechanisms to address these threats, many times in a reactive manner, and building on liberal democratic principles. In fact, the fundamental principles of the EU are clearly listed in the Treaties as forming the basis of interstate and social relations within the organisation, as well as the compass for the EU's engagement with other actors in the international system. These liberal principles include democracy, human rights and rule of law, and functioning market economies, which seek to promote interdependence and prosperity through trade. This approach dates back to the very own founding project of the European Communities where economic integration dynamics were understood as a driver for peace. In the European context the promotion of these values is particularly evident, as the EU's enlargements and its neighbourhood policy have extended not only the EU's governance structures throughout the European

continent, but also its normative conceptions of regional peace and security rooted in these principles.

As argued by Hintermeier (2008), the evolution of the EU's conceptions of security remains difficult to grasp, namely because the EU lacked a clear policy document in this field until the European Security Strategy of 2003 (European Council 2003). And this reference document still does not provide a shared definition of security. In the absence of such a collective understanding, different conceptions of security emerged both from the various institutional actors and among EU member states. The European Commission has favoured a broader understanding of security, including economics, alongside development and political issues, whereas EU member states within the Council tend to follow a narrower view focused on conflict and crisis management, in the framework of the CFSP and the Common Security and Defence Policy (CSDP).

Partly reflecting the institutional development of the Union as a security actor, which relied mainly on the European Commission's tools to promote stability (focusing on political and economic reforms), and which saw a slow development of foreign policy and defence tools, EU policies have naturally preferred a view of regional security that is structural, that is, in line with the Commission's focus on reforms; this has been made clear by EU enlargements and the EU's neighbourhood policy. Accordingly, our understanding of the defining moments of the European security regime needs to also include EU and NATO enlargements and their respective policies of proximity, the Eastern Partnership (EaP) and the Partnership for Peace (PfP), respectively, as major tools for the promotion of reforms and exporting and reinforcing the EU's external governance (Lavenex and Schimmelfennig 2009). Similarly, the 2016 Global Strategy on Foreign and Security Policy for the European Union (European Commission and High Representative of the EU for Foreign Affairs and Security Policy, 2016), the fundamental document guiding EU action worldwide, reinforces a comprehensive view of security, including development and humanitarian action, but highlighting defence issues more prominently and making this a priority area for EU development. The structural transformations promoted by these external policies of the EU and NATO, as well as their increasing attention to hard security issues embed and symbolise important geopolitical shifts in Europe, by altering these countries' strategic calculations vis-à-vis western institutions and Russia.

The conceptualisation of security in Russia has, to a large extent, retained the traditional hard-security tone, emphasising military power, but adding other descriptors

to the concept with mention of energy, food, and environmental security, for example. In contrast to the EU, where the finding of a common definition of security has been difficult, in Russia the 2000 National Security Concept refers to ‘a system of views on ensuring the security of the individual, society and the state from external and internal threats in all spheres of life in the Russian Federation. [...] [It] is interpreted as the security of its multinational people as the bearer of sovereignty and the only source of power in the Russian Federation’ (National Security Concept of the Russian Federation 2000). This wording has remained consistent, with the 2015 Russian National Security Strategy (RNSS 2015, paragraph 6) underlining the linkage between the rights of citizens, sustainable economic development and the traditional values of ‘sovereignty, independence, state and territorial integrity’. Nevertheless, the new document broadens the concept of security in a clearer way to address ‘all types of security envisioned by the Russian Federation Constitution and Russian Federation legislation – primarily state, public, informational, environmental, economic, transportation, and energy security and individual security’. The inclusion of culture, education and science and technology, for example, as part of the sphere of national security, besides more traditional concerns, emphasises a shift in security readings. This does not mean, however, that traditional security is losing ground. In fact the document refers to ‘militarization and arms race processes’ (RNSS 2015, paragraph 14), and re-emphasises NATO’s enlargement and policies as a major threat to Russia’s national security. The identification of diversified threats to Russia’s security leads to a listing of military and non-military measures to respond to current challenges, while also clearly linking internal development in different spheres (economic, cultural, social) to external security, by addressing issues such as corruption or ideological use of systems of communication and information, among other (RNSS 2015, paragraph 43).

Despite this broader approach to national security, just as in the Soviet period, the military dimension of security remains relevant for post-Cold War Russia. NATO is the main provider of western security and Russia understands NATO enlargement as its main external threat; therefore military modernisation is understood as a necessary means to assure Russia’s survival. Despite the recession that the Russian economy has been undergoing since the 2008 financial crisis, and the budget cuts it has introduced, amounting in general to up to 10% across the budget’s issue-areas, the area of military investment is the one where cuts were less severe with just a 5% decline (Stratfor, 2016; Reuters, 2016). The aftermath of Russia’s annexation of Crimea implied sanctions, an

inflamed rhetoric in some EU and NATO members about the ‘Russian threat’ and demands for bigger NATO deployments in the Baltic states. These had the dual effect of raising confidence in these countries and raising distrust in Russia. Feeding into the ‘encirclement’ discourse, these moves have allowed military build-up on both sides: EU-NATO countries and Russia.

Moscow has been putting forward its own vision of a more inclusive security order. This became evident before the crisis in Ukraine, namely in Russia’s October 1999 Medium Term Strategy for Development of Relations with the European Union, and later with the European Security Treaty Proposal advanced by then-president Dmitry Medvedev in 2008 (The Kremlin, 2009; RFE/RL, 2009). This proposal in particular helps us grasp the Russian understandings of how the European security architecture should look like, as mentioned above. The European Security Treaty Proposal was advanced as a European-inclusive security pact, which was even called ‘Helsinki II’ (Lo 2009), remembering the principles of cooperative security as drafted back in 1975. But it was at the same time a recognition of the limits of the OSCE and of the need to bring forward something new as Russia became disappointed with the OSCE’s limitations and sought to signal its frustrations by blocking decisions. This happened for example with regard to the non-extension of the OSCE Border Monitoring Operation to Georgia, in 2005. Announced by then-President Medvedev in Berlin, in June 2008, the European Security Treaty was described as a proposal to bring together all actors contributing/subject to European security.

It is fundamental to set the context for this step, as Russian-United States relations were particularly at a very low point. NATO enlargement and the Bush administration’s policies in particular, contributed to a tense relationship with Moscow. In Medvedev’s words, ‘Our predecessors (...) managed to draw up the Helsinki Final Act (...), and so why should we not be able to take the next step today? Namely, drafting and signing a legally binding treaty on European security in which the organizations currently working in the Euro-Atlantic area could become parties’ (Medvedev cited in Van Herpen 2008, 1). But it was also stated that ‘absolutely all European countries should take part in this summit as individual countries, leaving aside any allegiances to blocs or other groups’ (Medvedev cited in Van Herpen 2008, 3). This would allow a less-NATO oriented security architecture that Moscow has long been favouring. The proposal does not question the fundamental principles of the security regime as outlined on the basis of the Helsinki Final Act, but does question the actors involved in regime implementation, with

a strong focus on NATO's role. This implies the security regime norms are not highly contested and that the focus of criticism revolves around procedures for participation in the regime, namely the need for an inclusive approach towards Russia in decision-shaping and making.

Medvedev's initial proposal was reinforced at his speech at Evian the following October, though details became clearer with the draft advanced in November 2009. Nevertheless, at this time, references made to the participation of China in this new regime raised concerns mainly with regard to the Euro-Atlantic nature of the proposal, which did not seem to clearly match this extended invitation. It was understood by some as seeking to give a more prominent role to the CSTO and the Shanghai Cooperation Organization (SCO) within the security architecture (Van Herpen 2008, 2), and in this way diminish, or at least counterbalance, the role of NATO in it. Overall, the proposal meant to refurbish old principles and bring Russia back into the European security discussion and decision-making. The proposal built deeply on the role of the UN Security Council as the main provider of international security, on respect for the territorial integrity of state parties, on the non-use of force against any party(ies) to the Treaty, and on the assurance that decisions made within regional organisations would always abide by the guiding rules as enshrined in the UN Charter, Helsinki Final Act, Charter for European Security and other relevant OSCE adopted documents (Art.2 of the European Security Treaty, The Kremlin, 2009). However the discussion process was messy and the draft document suffered several iterations, from a closed European-state-based treaty, to a wide ranging proposal, involving European states plus the USA and Canada, and even considering the possibility of having international organisations, such as NATO or the CSTO, as members.<sup>12</sup>

The proposal ended up as an overly broad and complex document that lost direction and with it momentum. Nevertheless this episode reveals how Russia conceptualises its active engagement in European security, and how it seeks recognition of this role in a renewed European security architecture. What is on the table now? Karaganov, the Russian representative to the OSCE Panel mentioned above, has been voicing support for a new security architecture stretching to China, bringing the Asian

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<sup>12</sup> Article 10: This Treaty shall be open for signature by all States of the Euro-Atlantic and Eurasian space from Vancouver to Vladivostok as well as by the following international organizations: the European Union, Organization for Security and Cooperation in Europe, Collective Security Treaty Organization, North Atlantic Treaty Organization and Community of Independent States in ... from ... to .... (European Security Treaty, The Kremlin 2009).

dimension in. To some extent this reflects central elements of Medvedev's Security Treaty proposal.

The old system is withering away, partly because of the Ukraine crisis, even though some are trying to use it for reviving now defunct institutions and approaches. But there is no need to reject all of its elements. It would be more reasonable to raise a new structure within it, including through accelerated creation of a Community of Greater Eurasia, and a broad dialogue on the future within the Eurasian Cooperation, Development and Security Forum. (Karaganov 2015)

However, this inclusive security regime, where Russia would have voice, vote and veto, would be based on shared principles of sovereignty and respect for the territorial integrity of states, as core norms binding the parties into the common framework proposed. However, difficulties remain in finding a balance between the current contested order and new proposals to reshape it. The Ukraine conflict and the annexation of Crimea questioned the very foundations of the security regime Russia has been promoting, given the violation of the very basic principles that were at the core of this security order. The end-result has not only been the imposition of sanctions, but also contradictory dynamics regarding Russia's inclusion in the European security regime. It is a formal part of the regime, but it is not a member of the institutions that have come to dominate the management of European security. The instability and insecurity that have prevailed since the outbreak of events in Ukraine are illustrative of how the European security regime has been fundamentally challenged in its core foundations. This leads us to our central question of whether the security regime is still recognised as valid, and by whom, or whether it has irrevocably been put into question, and again by whom. The regime is increasingly evidencing characteristics of an imposed, rather than a negotiated order – both on Russia by western states and on Russia's neighbours.

The neighbourhood becomes a relevant space where the contradictions inherent in both EU and Russia's readings of the security order seem to clash. The goal of promoting a ring of friendly states around their borders reveals competing projects for the projection of two different security orders, instead of translating into a politics of rapprochement, in security terms. These competing neighbourhood projects, namely the EU and NATO enlargements and proximity policies, on the one hand, and the CIS/CSTO and Eurasian Union, on the other hand, have been developing around two different poles,

projecting different principles with regard to what the security order should look like. The western-led approach keeps NATO as the central pillar of the operational dimension of the security regime, and a major focus on democracy and human rights as a source of stability, whereas for Russia the Atlantic alliance is regarded not as security-providing, but as a security-destabilizing mechanism within the European regime. The clashing proposals at the level of engagement with the neighbourhood have been expressed most clearly in the case of Ukraine.

At the same time, the evidence resulting from these exclusionary projects suggests the European security regime is not irrevocably questioned, considering that the fundamentals are still shared, but the operational dimension of the regime is certainly not. Overall, the current structures sustaining the security regime in Europe can be perceived as having been profoundly changed by the unbalanced nature of power in the post-Cold War context. As argued above, these new features resemble more what Young (1989) refers to as ‘regime imposition’ by Western states and institutions than a negotiated order, where all perceive the rules of the regime as advantageous. As power imbalances become less pronounced, Russia is clearly looking to redefine the balance between the principles of the regime in more favourable terms.

We can thus make the argument that both Russia and Western states and institutions are seeking to adapt the existing security regime in line with their perceived interests. Although neither side have openly questioned the principles underlining the regime, the West in particular has been actively engaged in changing its governance structures (namely the institutions managing the regime) and in doing so, has altered the power balance enshrined in the original Helsinki process. This process, in our view, is closer to what Young (1989) refers to as the imposition (rather than negotiation) of a new order. However, imposed orders require hegemonic power to work, something the current international and regional European context clearly does not provide to any of the sides. The aftermath of the crisis in Crimea reinforced a trend of contestation in Russian politics and discourse that was already present earlier. In the post-Crimea setting, this discourse has taken on a tone of self-justification and self-legitimation, as Russia has brought historical arguments in the face of harsh criticism of its violation of the principle of state sovereignty. This seems to put into question the very security order Russia has been promoting by simply erasing one of the founding and structural principles of this order – sovereignty.



## **Ukraine as a turning point: European security before and after Crimea**

The debates continue about the reasons for and goals of Russia's annexation of Crimea in March 2014 as well as its engagement in the ongoing war in the Donbass region of Ukraine. Faced with the lack of clarity in the design of Russian foreign policy, analysts and commentators have ranged from alarmist to more conciliatory views of Moscow's strategic goals.<sup>13</sup> At the political level, the narratives have also been highly polarised, with references to Hitler and the annexation of Sudetenland, on the one hand, and nationalist narratives of a *Novorossia*, on the other hand. This polarisation and the use of radical extremist arguments have clear consequences on how 'national' security is perceived and constructed. However, narratives are just one aspect of the construction of security regimes, which must be translated into concrete policy options and institutions.

The Ukrainian crisis is often presented, both by many western and Russian analysts alike, as the culmination of growing tensions (Haukkala 2016), the eruption of an abscess that had infected relations for a long time (Ivanov 2015). The development of the EU's EaP initiative, aimed at developing closer political cooperation and economic integration with the six East European post-Soviet countries, much like the EU's enlargements, advanced both a vision of regional security and a geopolitical project – even if it was articulated in normative terms. As argued above, the expansion of EU norms and rules and the development of closer and more interdependent relations with its neighbours are still perceived by the EU as the most important means to promote security in the regional European context. What is fundamentally different about the EaP is Russia's challenge to this normative and benign self-understanding of the EU's expansion of its governance systems. First, the EU's policies were gradually perceived in Moscow as undermining Russian economic and political interests. In fact, by proposing that Ukraine, Moldova, Georgia, and Armenia sign new Association Agreements (AAs)<sup>14</sup> with the EU, Brussels contributed to an accelerated disruption of Soviet-era links between Russia and these former-Soviet republics. Economic rules devised under the CIS were now being dashed by some states in order to pursue more modern and western-oriented ones (although in the case of Georgia that process had started before the EaP was set up). Moreover, pro-western administrations were taking power in certain capitals, revising old

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<sup>13</sup> See Robinson (2016) for a good overview of the ongoing debates.

<sup>14</sup> Armenia declined to sign the Association Agreement with the EU in 2013 and participates instead in the Russian-led Customs Union.

ways of doing politics and questioning Russia's role in their state-building processes and their security.

Moscow's reaction to the EU's proposed signature of AAs with these countries was not surprising. Russia sought to stop these initiatives as well as expose the fundamental re-shifting of European security promoted by the EU, under the guise of technical and functional cooperation.<sup>15</sup> The Kremlin resorted to a series of measures directed at containing the expansion of NATO, understood as the main external threat to Russian security, and undermining the EU's policies for closer relations mainly with Ukraine and Georgia. The meaning of Crimea's annexation becomes clear in this context. It represents a definitive shift with regard to Russia's position in the European security regime, distancing Moscow from agreed norms and shared principles, including on border regimes. Regionalism, in the shape of traditional spheres of influence, seems to be back and it is informing the erosion of the European security regime.

How can we problematize the ways in which the EU's EaP and its relations with Russia have contributed to altering the security regime in place in Europe? At the rhetorical level, the EU's regional policies are clearly in line with the OSCE-based principles of democracy and human rights, democratic oversight of armed forces and economic prosperity. What is lacking are the channels through which political dialogue could develop towards confidence and trust in relations with Russia. As the political partnership with Russia became hostage to sanctions and geopolitical competition, neither the OSCE nor the EU-Russia strategic partnership, currently halted, have provided adequate institutional channels through which actors can engage in dialogue. Moreover, the Russia-NATO Council did not live up to its role of promoting transparency in military and security-related matters. Distrust prevails both at the level of political rhetoric, and at the operational level, including the escalation of tensions between the two militaries.<sup>16</sup> In this sense, institutions became both a reflection of the context of distrust that surrounded them, and drivers of change, by exercising socialization of their members. This trend raises fundamental questions about the European security regime's core principles and very existence.

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<sup>15</sup> For an interesting conceptualisation of the EU's functionalist approach to security, see Visoka and Doyle (2016).

<sup>16</sup> Several episodes of Russian Air Force entering the airspace of NATO members and provocative manoeuvring over NATO ships have raised concern regarding potential violent escalations between the two sides (Frear et al 2014).

The post-Crimea setting presents a new dimension of this challenge, as central principles of the European security regime were violated by Russia. Notwithstanding arguments put forward by Moscow about historical legacies or cultural proximity, the principle of the territorial integrity of states – and thus, the principle of sovereignty – was violated. This renders the Russian quest for an inclusive security regime fragile, when it became the first to challenge the fundamental constitutive principles of the regime, namely respect for state sovereignty and non-intervention.

## **Conclusion**

The chapter analysed European security through the differentiated approaches the EU and Russia have been pursuing, building in particular on the Helsinki Final Act principles. The broad understanding of security at the time of the establishment of the CSCE in 1975 provided the basis for innovative ways of reconciling disparate perspectives on the European security regime. The emphasis on military security was very much present in the Cold War context, but the introduction of human security, societal security or environmental security opened the way for more inclusive discussions about how relations could evolve to construct a more comprehensive security regime. However, and despite the conciliatory efforts that Helsinki reflects, underlining dissonance was not really overcome. The context of Georgia and Ukraine only came to reinforce divergence and highlight how differences in perspectives and approaches became increasingly hard to reconcile.

The clashing projects for the neighbourhood by the EU and Russia, the competitive readings of NATO and the CSTO, and of the very nature of the European security order, led us to the fundamental question about the erosion of the principles underlying the regime. The analysis showed that Crimea constitutes here a prime example. However, power shifts and competing readings about security reflect mainly a much needed adjustment in governance structures, more inclusive in their design, while assuring compliance with shared principles. In face of an increasingly challenged European security regime, a readjustment of European governance structures seems to be much needed. Therefore, how might a more inclusive security regime be devised? Most probably neither by the demise of current institutions, nor by the creation of new ones, nor through the crafting of new principles. Instead, this could be achieved through the development of shared security understandings and by framing this institutional architecture in a more balanced and representative security framework. Rethinking the

NATO-Russia Council, reframing EU-Russia relations on the basis of dialogue and of a legally binding agreement, and devising creative ways of western participation in Russian-led arrangements, might be part of a new strategy to avoid erosion of the European security regime principles, while providing room for a retailoring of governance structures.

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