

SIMONA BERETTA  
ROBERTO ZOBOLI (eds.)

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MATTHEW EVANGELISTA

## Revisiting the Helsinki Principles: Are They Still Relevant to European Security?

In August 1975, thirty-three European states (including the Soviet Union) plus Canada and the United States signed the Final Act of the Conference on Security and Cooperation (CSCE) in Helsinki, Finland. The CSCE was intended to promote the process of détente that had led to an improvement in relations between the two rival blocs whose antagonism had given rise to the Cold War. Thirty-three years later, in August 2008, an actual war between Russia and Georgia prompted many observers to anticipate a new Cold War between an expanded 'West' and a diminished 'East'. The purpose of this paper is to consider what role the original 'Helsinki Principles' could play in forestalling such a development. In particular, could they still serve as the basis for a new security arrangement for post-Cold War Europe, or should they be abandoned in favor of alternative proposals? After reviewing the history of the Helsinki process and its role in ending the Cold War, the paper turns to evaluating three specific alternatives: 1) a continuation of the current effort to enlarge the North Atlantic Treaty Organization to include new members and to increase NATO's geographic range of military activities; 2) Russia's proposal for a 'new security architecture' to supersede both the Helsinki arrangements and 'NATO-centric' Europe; and 3) proposals offered by nongovernmental organizations to create Zones of Peace, particularly in areas of intense conflict, such as the separatist regions of Georgia, as a step towards de-escalating and de-militarizing relations between Russia, its European neighbors, and the United States.

### 1. Overview

The Helsinki Final Act of 1975 addressed three main areas – security, trade, and human rights. Although the main focus of this paper is security, the other two areas are clearly linked to it, as much now as they were in the 1970s. The Final Act was widely understood to represent a compromise between the interests of the democracies of Western Europe

and North America and the communist states allied to the Soviet Union. In this understanding, the USSR achieved a major goal in the security sphere – that its borders (and those of allies such as Poland), achieved during the horrendously costly victory over Nazi Germany, would be guaranteed against any change except by peaceful negotiation. In addition, the USSR was attracted by the promise of increased trade articulated in the Final Act. The western democracies, still suffering from the oil price shock of two years earlier, also welcomed the trade provisions with the USSR – one of the world's preeminent producers of oil and natural gas. The European democracies – much less so the United States – were particularly eager to secure the commitment of the state socialist regimes of the Soviet bloc to adhere to the Final Act's provisions on human rights.

At first widely criticized in the West as a sell-out to Soviet interests (a formal acceptance of the division of Europe, a 'new Yalta') the Helsinki agreements in retrospect are recognized as having sown the seeds for the peaceful end of the Cold War and the East-West arms race<sup>1</sup>. On the security side, the Final Act reassured countries such as the Soviet Union, East Germany, and Poland that their borders would not be changed by force; such public acknowledgment by the members of the NATO alliance improved the atmosphere for negotiations on limitation of arms, culminating ultimately in the agreements that dismantled the Cold War military structure – particularly the treaty on Intermediate-Range Nuclear Forces (1987) and the one on Conventional Forces in Europe (1990). On the human rights side, the Helsinki accords emboldened activists in the Soviet bloc to pressure their governments to abide by the agreements. Although the governments often responded with repression, they nevertheless became sensitized to the growing strength of international norms on human rights. When reformers came to power in the Soviet Union with the advent of Mikhail Gorbachev, the human-rights campaigners seized the opportunity to push for further democratization. By the end of 1989 peaceful protest had brought down the communist regimes in Eastern Europe along with the Berlin Wall – the symbol of East-West division.

The high point of the Helsinki process came in November 1990, when a summit meeting of the Conference on Security and Cooperation in Europe endorsed the Charter of Paris for a New Europe. It declared that «the era of confrontation and division of Europe has ended»<sup>2</sup>. That impression was reinforced by the fact that the heads of state of only 34

<sup>1</sup> C.T. DANIEL, *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism*, Princeton University Press, Princeton NJ 2001.

<sup>2</sup> 'Second Heads of State Summit, Paris', website of the Organization for Security and Cooperation in Europe. Available at <http://www.osce.org/item/15831.html>.

of the original 35 signatory countries traveled to Paris. The missing delegation was that of the German Democratic Republic (East Germany): the country had ceased to exist a month earlier when it became part of the Federal Republic of Germany.

## 2. *Tensions and Contradictions in the Helsinki Principles*

The Helsinki accords reflected a tension between conflicting values, despite the nonsensical statement in the treaty that «all the principles set forth above are of *primary* significance»<sup>3</sup>. The tension was not alleviated by the fact that the Helsinki principles were explicitly linked to the Charter of the United Nations and the Universal Declaration of Human Rights. Those instruments as well contain fundamental contradictions. For example, sovereignty and territorial integrity, which presumed non-interference in the affairs of other states, directly conflict with support for universal human rights, which, when enshrined in the Final Act, seemed to invite international scrutiny of domestic practices. In the security realm, the values of 'equal rights and self-determination of peoples' guaranteed that states could decide their own 'internal and external political status' and could join whatever alliances they pleased. But these values could come into conflict with the goal of 'sovereign equality' and 'juridical equality' if some internal political arrangements (say, electoral democracy) came to be valued more highly than others (e.g., communist dictatorships). If some alliances came to dominate others in overall membership, the goals of arms control and disarmament – premised to some degree on a bipolar relationship between blocs of roughly equal power and status – could be jeopardized. The 'confidence-building measures', such as advanced announcement of major military maneuvers, could appear less attractive to the weaker side as bipolarity shifted towards unipolarity.

These are precisely the issues that have continued to cause conflict between the United States and the countries of the European Union and NATO, on the one hand, and post-Soviet Russia, on the other. Western support for democracy and human rights in the 'colored revolutions' of Georgia, Serbia, and Ukraine, for example, look to Moscow as unwarranted interference in the internal affairs and a violation of sovereignty. Confidence-building measures imposed on Russian troop movements in

<sup>3</sup> Conference on Security and Cooperation in Europe Final Act, Helsinki 1975. Available at [http://www.osce.org/documents/mcs/1975/08/4044\\_en.pdf](http://www.osce.org/documents/mcs/1975/08/4044_en.pdf), emphasis added.

connection with the CFE Treaty threatened to limit their use to put down the secessionist movement in Chechnya, and Moscow therefore interpreted them as a challenge to Russia's sovereignty and territorial integrity. From the standpoint of Russia's European neighbors, Moscow's manipulation of prices and supply of natural gas appeared to violate the Helsinki norms governing trade, and threatened the security of its customer-states.

Participants in the Helsinki process recognized the inherent contradictions among values even while the agreement was under negotiation. At the ceremony signing the Final Act, the leaders of the Soviet Union, United States, and the two Germanys gave speeches reflecting their particular interpretations of the agreements. The relative values assigned to the different Helsinki principles were readily apparent. West German Chancellor Helmut Schmidt, for example, put more emphasis on the dimensions of human rights, freedom, and self-determination and less on the inviolability of frontiers. He emphasized the goal of unifying the two Germanies: «Frontiers are inviolable; but one must be able to change them by peaceful means and agreement. It remains our aim to work for a state of peace in Europe in which the German nation will regain its unity through free self-determination». Erich Honecker, Schmidt's East German counterpart, put a higher value on sovereignty, territorial integrity, and the inviolability of frontiers as the keys to maintaining peace: «The German Democratic Republic accords high priority to security. It is only if security and the sovereignty of States are guaranteed that fruitful, beneficial and mutually advantageous co-operation is possible». He stressed that «respect for, and recognition of, the principle of the inviolability of frontiers is the decisive point. Security for the European States has been and continues to be in the first place security for their frontiers. The terrible wars which devastated our continent in this century were the result of policies which, no matter under what pretext, started from the violation of existing frontiers, from disregard for the sovereignty and territorial integrity of other States»<sup>4</sup>.

Because unification of Germany proceeded peacefully, changing the intra-German border but not the country's international frontiers, it did not violate the Helsinki principles. Thus, it seemed possible to the participants at the CSCE summit meeting in Paris in November 1990 that those principles could provide continuing guidelines for a future Europe. The mainly peaceful dissolution of the Soviet Union in December 1991 gave rise to even grander aspirations for creating a post-Cold War order from 'Vancouver to Vladivostok'.

<sup>4</sup> 'Signing of the Helsinki Final Act', available at <http://www.osce.org/item/15661.html>, page contains links to the full texts of the speeches.

### 3. *The Demise of the Helsinki Regime*

Yet, barely two years after the Paris summit, and a year after Russia emerged as the main successor to the USSR, another CSCE session became the occasion for an expression of serious doubts about whether the Helsinki principles could sustain such a new post-Cold War order. In December 1992, then Russian foreign minister Andrei Kozyrev made a speech at a CSCE meeting in Stockholm that came as a great shock to his audience. He denounced the policies of the North Atlantic Treaty Organization as 'essentially unchanged' from the days of the Cold War. He mentioned NATO's «military presence in the Baltic and other regions of the territory of the former Soviet Union» and its interference «in Bosnia and the internal affairs of Yugoslavia». He indicated that the CSCE should not expect its norms to apply fully in the space of the former Soviet Union, which Kozyrev called «a post-imperial space, in which Russia has to defend its interests using all available means, including military and economic ones». He called for a reconstitution of the former Soviet republics into a new federation or confederation. Kozyrev waited an hour to return to the rostrum and explain that his speech was just a rhetorical device – others came to call it 'shock diplomacy'. Kozyrev said he intended his speech to depict the views of nationalist opponents of post-Soviet Russia's President Boris Yeltsin. The conservative *New York Times* columnist William Safire described it as the speech of «the next Russian foreign minister – the one who might represent a government that has brushed aside Boris Yeltsin and the democratic reformers»<sup>5</sup>.

Although few recognized it at the time, in retrospect Kozyrev's speech signals the beginning of the end of the post-Cold War honeymoon. One way of understanding how that order unraveled is to study it in light of the principles embedded in the Helsinki agreements. Many of those principles were undermined by the events attending the end of the Cold War. Consider the nature of the concerns Kozyrev expressed during the course of his 'rhetorical device', and the amount of time it took for those concerns to manifest themselves in actual events.

Kozyrev complained, for example, of NATO's military presence on former Soviet territory and interference in the internal affairs of ex-Yugoslavia. Yet this was more than a year before NATO intervened militarily in Bosnia in February 1994; seven years before it launched its first war against Serbia in defense of the separatist republic of Kosovo in March 1999; seven years before it took on new members from the former Warsaw Pact – Poland, the Czech Republic, and Hungary; and

<sup>5</sup> W. SAFIRE, *Kozyrev's Wake-up Slap*, «New York Times», 17 December 1992.



twelve years before NATO expanded into the Baltic region, the focus of Kozyrev's prescient remarks. Kozyrev claimed that Russia's leaders interpreted NATO's behavior as indicating that the alliance's motives had remained 'essentially unchanged', despite the end of the Cold War, and he suggested that Russia would act accordingly. Russia's negative response did not come as quickly as some predicted – perhaps owing to the country's relative weakness, especially in the economic realm. But ultimately Russia came to resist many of the elements of the post-Cold War order that the United States and its allies promoted.

In January 1995, five years after the epochal Paris summit, the CSCE sought to institutionalize its principles by becoming the Organization for Security and Cooperation in Europe. But even as the organization expanded both in size and scope of its activities, it did not do what many of its supporters had hoped: to provide the basis for a post-Cold War security order that would replace the system of Cold War military alliances. Despite the demise of the Warsaw Treaty Organization, its erstwhile rival NATO remained intact and even expanded its membership. Every post-Soviet Russian leader had opposed NATO's enlargement, but all appeared powerless to do anything about it. Meanwhile, at precisely the time the OSCE emerged on the scene, Russia launched a devastating war against the secessionist republic of Chechnya. Although technically legal under international law and the Helsinki accords – states are allowed to use force to defend the sovereignty and territorial integrity – Russia's conduct of the war entailed widespread human-rights abuses, war crimes, and atrocities<sup>6</sup>. Although many states and international organizations criticized Moscow for its conduct of the Chechen conflict, they did not seek to intervene. The US administration of William Clinton justified its inaction on the basis of the need to support the democratically elected government of Boris Yeltsin for fear that criticism would enhance the chances that communists would come back into power. In this sense the international (lack of) response favored the values of sovereignty and democracy over the value of human rights<sup>7</sup>. The Helsinki regime – in which all of these values are enshrined – provided no guidance, or at least contradictory guidance, for an appropriate response.

In the years since the OSCE emerged, Russia's brutal policy in Chechnya eventually came to undermine its fragile democracy. Vladimir Putin, Yeltsin's hand-picked successor, launched a second

<sup>6</sup> M. EVANGELISTA, *The Chechen Wars: Will Russia Go the Way of the Soviet Union?*, Brookings Institution Press, Washington D.C. 2002.

<sup>7</sup> EVANGELISTA, *The Chechen Conflict at 18: Historical and International Perspectives*, «Quaderni di Relazioni Internazionali», 8 (2008).

major invasion of Chechnya in 1999, following a two-year period of uneasy peace. Putin's hard-line approach proved popular and helped secure his election as president. Through increasing control of the media and suppression of opposition, he continued to maintain his grip on power. When constitutional limits rendered Putin unable to run for a third presidential term, he engineered the election of Dmitrii Medvedev and became his prime minister – the real power behind the throne. The emergence of a neo-authoritarian regime in Russia coincided with Moscow's support for similar regimes in the 'near abroad' – in Belarus, Ukraine, and the countries of Central Asia – and suspicion of US and European motives in supporting the democratic opposition in those countries.

Russian policy at home and abroad came to contravene the Helsinki accords' values of democracy and noninterference in the internal affairs of other states – the latter particularly evident in Moscow's attempt to swing the Ukrainian election of 2004 in favor of its preferred candidate, the incumbent Viktor Yanukovich. The United States and its allies, with the support of nongovernmental organizations, promoted the efforts of the opposition in what came to be known as the Orange Revolution. In this respect, the West adhered to the Helsinki principle of democracy at the expense of the principle of noninterference.

The most serious challenge to the Helsinki regime came with the break-up of former Yugoslavia. The Yugoslav civil war called into question several fundamental principles articulated in the Final Act's Declaration on Principles Guiding Relations between Participating States (Section 1a): refraining from threat or use of force (part II); inviolability of frontiers (part III); respecting the territorial integrity of states (part IV); peaceful settlement of disputes (part V); and non-intervention in the internal affairs of states (part VI). By recognizing the independence of Croatia and Slovenia in January 1992, the member states of the European Community violated their agreement to «refrain from any action inconsistent with the purposes and principles of the Charter of the United Nations against the territorial integrity, political independence or the unity of any participating State» (part IV). Germany had recognized their independence the month before. The European states had privileged self-determination of its constituent republics over the territorial integrity of the Yugoslav Federation. The ultimate challenge to Yugoslavia's integrity came in March 1999 when NATO fought its first war ever to protect Kosovo, formerly an autonomous province of the republic of Serbia, from attacks by Serb militia and Yugoslav army units.

To many states, the NATO war against Serbia over Kosovo constituted not only a violation of the Helsinki principles, but of international law. The Security Council of the United Nations refused to authorize the intervention, despite the human-rights abuses suffered by Kosovar Albanians at the hands of Serbian soldiers. The NATO countries sought to justify their behavior by highlighting the democratic nature of their domestic political systems, as opposed to those of Russia and China, the permanent members of the Security Council that had refused to support intervention. This basic dichotomy of democracy versus non-democracy provided the foundation for later proposals to create a League of Democracies – an idea promoted by Republican presidential candidate John McCain, but with clear antecedents among scholars associated with the Democratic Party<sup>8</sup>.

From the standpoint of the Helsinki principles – and of the United Nations Charter, for that matter – the League of Democracies, or Concert of Democracies as scholars from Princeton University preferred to call it, violates the *sovereign equality of states* (the first principle in the Final Act's Declaration of Principles). In this formulation, some states are clearly more equal than others, and they enjoy more rights – particularly the right to authorize and carry out the use of force for causes that do not reach the threshold of self-defense or receive the designation by the UN Security Council as threats to international peace and security. Here is how the Princeton Project on National Security puts it: «If the United Nations cannot be reformed, the Concert would provide an alternative forum for liberal democracies to authorize collective action, including the use of force, by a supermajority vote». Since the members of such a Concert of Democracies would be 'selective, but self-selected', the Concert would essentially constitute a club<sup>9</sup>. In order to ensure that the club would be able to act on its decisions to use force, the Princeton professors argue that «the United States should aim to sustain the military predominance of liberal democracies» that make up the club<sup>10</sup>.

In the context of Europe, the Princeton Project essentially endorses the status quo, whereby NATO and the European Union, by virtue of

<sup>8</sup> J. McCain, *America must be a good role model*, «Financial Times», 18 March 2008; for a similar proposal for a Concert of Democracies, see *Forging A World of Liberty Under Law: U.S. National Security in the 21st Century*, final report of the Princeton Project on National Security, co-directed by G.J. IKENBERRY-A.M. SLAUGHTER, Woodrow Wilson School, Princeton University, September 2006. Available at <http://www.princeton.edu/~ppns/report/FinalReport.pdf>.

<sup>9</sup> *Forging A World of Liberty Under Law*, p. 7.

<sup>10</sup> *Ibi*, p. 8.

their preponderant military and economic power, in practice render meaningless the sovereign, juridical equality of the weaker non-democracies. It is the Kosovo war writ large: the powerful democracies intervened militarily to create new facts on the ground, and then sought to fashion a new legal reality, by recognizing Kosovo's independence, against the wishes of Serbia and without the support of key permanent members of the UN Security Council or a majority of members of the General Assembly. Although the proponents of Kosovo's independence have insisted that this case should set no precedents for further secessionist regions to become independent, one can understand why other states might be skeptical<sup>11</sup>.

As Andrei Kozyrev already signaled in his December 1992 speech in Stockholm, the behavior of the NATO alliance – particularly its intervention in the Yugoslav conflict and its expansion eastward – threatened the principles underpinning the Helsinki accords and the CSCE. He also anticipated quite presciently that Russia would react by ignoring the Helsinki norms in what it considered its 'post-imperial space'.

Proposals for a League or Concert of Democracies reflect Western dissatisfaction with the Helsinki order and the fact that its principles, and those of the UN Charter, do not permit what some observers consider crucial for the post-Cold War era: the ability for a coalition of the willing to intervene militarily on humanitarian grounds or to promote democracy, as in Kosovo. Not surprisingly, Russian leaders have also expressed disappointment with the Helsinki order – not least, because it failed to prevent the war against Kosovo and the dismembering of Serbia, while at the same time hindering the free hand that Russia sought in its 'near abroad'. While the United States and its European allies have offered NATO as the de facto alliance of democracies poised to supersede the Helsinki framework, if not the United Nations Organization as well, Russia has put forward a counterproposal. Russian President Dmitrii Medvedev has proposed to convene a conference of states to draft a *new* European security treaty to replace the Final Act. The rest of this paper examines the two alternatives for replacing the Helsinki order – NATO's further expansion and Russia's proposal for a new 'security architecture'. It finds reasons to doubt the merits of either proposal – particularly the risk that they will lead to further violence of the sort that broke out between Russia and Georgia in the summer of 2008. The paper concludes with an evaluation of an

<sup>11</sup> For an excellent analysis of these issues, see A.V. DOLYNYE, *Can Kosovo be a Precedent for South Ossetia and Abkhazia? Recognizing Differences in Dynamics of Recognition*, «Cornell International Affairs Review», 2 (2009), 2.

alternative framework – one based on the creation of Zones of Peace, starting in the most conflict-prone sites of recent violence.

#### 4. *Status Quo Plus: Continued NATO Expansion*

The replacement for the Helsinki order favored by the United States and its European allies is evidently NATO. Undergirded by theories of the Democratic Peace, NATO has sought to expand to encompass most of the states of Europe. Having expressed and provided support to democratic opposition forces in countries such as Ukraine and Georgia during their Orange and Rose Revolutions respectively, some leaders of NATO believe that the next logical step is full membership in the alliance. In June 2009, US officials met with a Georgian delegation under the auspices of the new U.S.-Georgia Charter on Strategic Partnership, signed as one of the last acts of the George W. Bush administration in January and interpreted by some as 'a surrogate guarantee of fast-track NATO membership' for Georgia. A week later, Russian forces demonstrably carried out military exercises in the region<sup>12</sup>. Moscow's action seeks to make clear the connection it draws between NATO expansion and Russian security. Even if NATO understands its enlargement in terms of Democratic Peace Theory and democracy promotion – with democracy defined as the club of democracies sees fit – Russia will interpret the expansion of the world's most powerful military alliance to its borders as a threat. This is the fundamental weakness of the status quo plus (with 'plus' entailing the further enlargement of the NATO system) as a basis for European security. If a major European power such as Russia does not feel secure under this arrangement, it will seek to undermine it.

In terms of the Helsinki principles, the NATO-based system privileges the values of democracy, self-determination, and choice of external policy (alliance affiliation) over those of confidence-building and security for all parties to the Final Act. It is not surprising then, that the Russian call for a new security architecture puts a different order of priorities on the Helsinki principles, downgrading some of them and upgrading others.

<sup>12</sup> US, Georgia Report Progress In First Talks Of Strategic Partnership, Radio Free Europe/Radio Liberty, 23 June 2009. Available at [http://www.rferl.org/content/US\\_Georgia\\_Report\\_Progress\\_In\\_First\\_Talks\\_Of\\_Strategic\\_Partnership/1760513.html](http://www.rferl.org/content/US_Georgia_Report_Progress_In_First_Talks_Of_Strategic_Partnership/1760513.html); T. SHANKER, *US to Resume Training Georgian Troops*, «New York Times», 13 August 2009; M. SCHWIRTZ, *Russia Begins War Games Near Georgia*, «New York Times», 30 June 2009.

#### 5. *A New Security Architecture: Russia's Proposal*

Andrei Kozyrev's 'fake' speech of December 1992 revealed that even a liberal, pro-Western official of the Russian government could recognize and articulate the dangers of a NATO policy that seemed 'essentially unchanged' from the Cold War. The events of subsequent years have turned his 'rhetorical device' into the actual views of the Russian leadership. But although they clearly reject what Russian President Medvedev has denounced as the 'NATO-centric' approach to European security, they have not rejected peaceful cooperation with Europe as a fundamental goal<sup>13</sup>.

An important factor – if not the main impetus – in Russia's decision to put forward an alternative security proposal was the 'Five-Day War' between Russia and Georgia in August 2008. In his speech at the World Policy Conference at Evian the following October, Medvedev blamed the crisis in the Caucasus on 'unipolarity'. «What is happening today», he said, «the current situation – is an acute phase of the ongoing crisis in the entire Euro-Atlantic policy brought about by the unipolar world». The war in the Caucasus, he argued, represented the failure of the 'bloc approach' to contain an aggressor (as he characterized Georgia)<sup>14</sup>. Two months later, at a meeting of European business representatives in Moscow, Foreign Minister Sergei Lavrov echoed Medvedev's points. He repeated the criticism of the 'unipolar world' and 'bloc thinking' and identified a specific cause of the Caucasus war: «This crisis was a consequence of systemic failure in the European security architecture – its repair should not be delayed»<sup>15</sup>.

<sup>13</sup> For an early analysis of the Russian proposals, see S. GIUSTI, *La sicurezza dall'Atlantico agli Urali secondo la Russia*, ISPI – Policy Brief n. 114, January 2009. Available at [http://www.ispionline.it/it/documents/PB\\_114\\_2009.pdf](http://www.ispionline.it/it/documents/PB_114_2009.pdf).

<sup>14</sup> D. MEDVEDEV, *Vystuplenie na Konferentsii po mirovnoi politike* (Speech at World Policy Conference), Evian, France, 8 October 2008. Available at <http://archive.kremlin.ru/text/appears/2008/10/207422.shtml>.

<sup>15</sup> «"RoI" sotrudnichestva Rossija-EC I biznes-soobshchestv storon v usloviakh finansovo-ekonomicheskogo krizisa i otsenka potentsiala vzaimodeistviia na evropeiskom kontinente na srednesrochnuiu perspektivu» (The role of Russia-EU cooperation and the business communities of the parties under conditions of financial and economic crisis and assessment of the potential for coordination on the European continent in the medium term between Russia and the EU), text of speech by Sergei Lavrov, Minister of Foreign Affairs, at the Association of European Businesses in Russia, Moscow, 10 December 2008, Information and Press Department, Ministry of Foreign Affairs. Available at [http://www.mid.ru/brp\\_4.nsf/0/F54FF6DCD2C14E6DC325751B00501E13](http://www.mid.ru/brp_4.nsf/0/F54FF6DCD2C14E6DC325751B00501E13).



In his October 2008 speech, Medvedev outlined the characteristics of a new security system and its main features. He relied on the same set of principles articulated in the Helsinki Final Act, but emphasized certain ones, downplayed others, and added some new elements. Not surprisingly, his first requirement for a new security agreement for Europe was «respect for the sovereignty, territorial integrity and political independence of States». Another familiar requirement was the «inadmissibility of the use of force or threat of force in international relations». A new element, although borrowing some language from the Final Act, was a guarantee of «equal security»: The new treaty would «not allow the development of military alliances to the detriment of other parties to the treaty». To make the implicit criticism of NATO even clearer, Medvedev insisted that «no state and no international organization can have exclusive rights to maintaining peace and stability in Europe».

Given that the principles of a new security accord borrowed from the language of the Helsinki Final Act – and that the new ‘architecture’ would presumably supersede the Organization for Security and Cooperation in Europe created by the Helsinki process – it is worth noting that neither Medvedev in October nor Lavrov in December mentioned the OSCE at all. Both, however, did single out the European Union for praise, and, particularly French President Nicolas Sarkozy, its main representative, in sponsoring the ceasefire that ended the conflict. As Medvedev put it, «I would like to emphasize the constructive role of the European Union in a peaceful solution to the crisis in the Caucasus. When other forces did not want or could not do it – it is precisely in the EU we have found a proactive, responsible and, most of all, pragmatic partner»<sup>16</sup>.

It is clear what Russia does not want in a new European security system – it does not want the United States and its allies to play a predominant role based on their self-defined mission as promoters of democracy. As Medvedev complained, in looking back at the European situation since the end of the Cold War, «because of the desire of the United States of America to ‘consolidate’ [*zatverdit’*] its global domination a historic chance had been missed to de-ideologize international politics and create a truly democratic world order»<sup>17</sup>. When Medvedev speaks of a ‘democratic’ world order, he does not mean what proponents of a League or Concert of Democracies have in mind. On the contrary, that would be an example of an ideological approach to international politics – where the club of self-declared democracies would dominate the system. His ‘democracy’ – at least at the rhetorical level – is closer

<sup>16</sup> MEDVEDEV, *Vystuplenie na Konferentsii po mirovoi politike*.

<sup>17</sup> *Ibidem*.

to the model of ‘one country, one vote’, with emphasis on the value of juridical equality of states. It has nothing to do with internal democratic practices, of which Russia is notably short.

Recent Russian discussion of the concept of ‘sovereign democracy’ has tried to bridge the gap between the two approaches. Countries like Russia that would like to consider themselves democracies or striving to become democracies would still retain sovereign rights to juridical equality in the international system, even if the club of democracies would not accept them as members. Moreover, the term ‘sovereign democracy’ implies the category of ‘non-sovereign democracy’. This is how Russia’s characterizes the states of ‘New Europe’, welcomed as democracies into NATO and the EU, but, in Moscow’s view, dominated by the United States and therefore not genuinely sovereign. Some Russian observers have even designated these states as «America’s fifth column in Europe»<sup>18</sup>. The concept of sovereign democracy allows Russia simultaneously to reassert its own sovereign prerogatives – including choice of its own internal political order – while denigrating the pro-American states on its border and promoting its vision of an appropriate international order. As Andrey Makarychev explains,

The inevitable consequence of this reading is what might be called a “discursive shift”: the concept of democracy, in being transferred from the domestic to the international domain, is denotative of a plurality of interests. This framing deprives the concept of democracy of its strong political connotations and reduces it to the mere multiplicity of sovereign states, regardless of the nature of their political regimes. This formula could be understood as suggesting that it is multipolarity that fosters the development of “democratic institutions” in the international arena, not vice versa. It is no coincidence that Russia basically makes recourse to the “democratic multipolarity” rhetoric in communication with countries lacking a convincing record of democratic rule<sup>19</sup>.

Makarychev, although writing as a scholar independent from the Russian government, has managed to fill in some of the elements missing from the rather sparse official proposal. In particular, he has honed in on key elements that distinguish the Russian proposal from the status quo (or what I have called ‘status quo plus’): A ‘new security architecture’, as opposed to an ‘old’ one, has to, logically speaking: a) be able to prevent violent conflicts; b) be of a ‘non-bloc’ nature; c) avoid ideological connotations; d) exclude the possibility of exceptional security status for the

<sup>18</sup> For a sophisticated review of the Russian debate, see A.S. MAKARYCHEV, *Russia’s Search for International Identity through the Sovereign Democracy Concept*, «The International Spectator», 2 (2008), 43, p. 52.

<sup>19</sup> *Ibi*, p. 60.

strongest nations; e) contain 'suturing' mechanisms allowing for more coherence between all countries; and f) put Russia on an equal footing with other participants»<sup>20</sup>.

Makarychev's gloss on Russia's proposal for a new security architecture presents a kind of idealized version that should in principle appeal to participants in the current system. It resonates with many of the Helsinki norms and those found in the United Nations Charter, although it is noticeably silent on human rights. Even with these limitations, however, one can readily see potential problems with the proposal. Most fundamentally, will it indeed be able to prevent violent conflicts? If so, what specific mechanisms would be entailed? One has the impression that Russia's interest in avoiding «exceptional security status for the strongest nations» is mainly directed against the United States. But given Russia's greater relative strength vis-à-vis, let's say, Estonia or Georgia, would Russia really be satisfied to be 'on an equal footing' with them? Or, in relations with weaker countries, might Russia not prefer an exceptional status – in other words, to feel more secure facing Georgia than Georgia feels facing Russia? Makarychev raises further concerns: «The key question, he suggests, «is *whose security* we are talking about, and what the boundaries of «this security space» are. By now, what is clear is that this space has to be wider than the NATO area. Much less clear is whether, for example, South Ossetia and Abkhazia have to be admitted as fully-fledged members of this 'security space' (should Moscow insist on their inclusion, the entire idea will be questioned by the lack of common understanding of who are and who are not legitimate participants of this 'space')»<sup>21</sup>.

The problem of South Ossetia and Abkhazia – secessionist regions of Georgia whose independence Russia has recognized – lies at the heart of the proposal for a new security architecture. The war over South Ossetia, after all, served as a major impetus to the proposal. But is there anything in the proposal that would prevent a future conflict in the region? If we accept the Russian interpretation that blames the conflict entirely on US arming of Georgia, the promise of NATO membership, and the US 'green light' to an unstable and impetuous Georgian President Saakashvili, the new proposal would be an improvement: NATO and the United States would have to mind their own business, and Saakashvili would have to face Russia without any commitment of support from the Western states. That arrangement might make Russia feel more secure,

<sup>20</sup> A.S. MAKARYCHEV, *Russia and its 'New Security Architecture' in Europe. A Critical Examination of the Concept*, CEPS Working Document No. 310, Centre for European Policy Studies, Bruxelles 2009, p. 2.

<sup>21</sup> *Ibi*, p. 8.

but the people in Georgia or the disputed territories would not necessarily see an improvement in their security. The fundamental political conflict would continue. High-minded principles, enshrined in the new security order, would not be enough to overcome the traditional double standards and contradictions of the major powers. In this case, Russia's support for independent South Ossetia and Abkhazia contradicts its opposition to an independent Kosovo (let alone Chechnya) and it is inconsistent with its previous policy of issuing Russian passports to residents of those regions. The United States, for its part, adheres to a similar double standard – recognizing the independence of Kosovo, a secessionist state created by war, while denying the independence of South Ossetia and Abkhazia, also the products of violent secession. A final factor to consider is the US obliviousness to the effects on Russian perceptions of its arming and training of Georgian armed forces. Unless the United States is committed to the recreation of a bloc system in Europe – NATO 'essentially unchanged', except with its borders much further east – Russian leaders would be right to question its good faith in pursuing discussions of an alternative to the Helsinki order. The 'status quo plus' is clearly incompatible with Russia's proposal for a new security architecture, however incomplete and unsatisfactory it may be.

#### 6. *Peace Zones as the Foundation of a Post-Helsinki Security System*

What is missing from both the US/NATO vision of European security and the Russian proposal is a direct acknowledgment of the need to address the violence that the conflicts in post-Cold War Europe have entailed. The Cold War presented an unusual paradox for theories of violence. The largest, most lethal collection of armaments – including thousands of nuclear weapons – was concentrated in the center of Europe, yet (aside from Soviet military interventions to maintain loyal communist regimes in its sphere of influence), war never broke out. Some observers would credit deterrence – in effect, the weapons themselves helped prevent war. Others would point to lack of any plausible *casus belli* for which states would deliberately fight, and a degree of sheer luck that kept crises from escalating or weapons being launched inadvertently, despite deterrence. The conflicts that attended and followed the end of the Cold War are different. People are killing and dying over real issues – control of resources, occupation of territory.

The wars in Yugoslavia, in Moldova, Georgia, and Azerbaijan, all attest to the failure of the Helsinki regime to establish mechanisms to



prevent violence. The NATO-centric security order, one might argue, did somewhat better, if in a belated fashion, to end the war in Bosnia and the violence in Kosovo. But it did so at the cost of discouraging Russian cooperation in resolving future conflicts – and, in fact, the conflicts in Bosnia and Kosovo are still far from resolved. Moreover, Russia used the precedent of NATO's Kosovo war to justify its military intervention in and support of independence for South Ossetia and Abkhazia. Russia's own efforts at peace-keeping and conflict resolution – effectively unilateral, even if conducted under the auspices of the Commonwealth of Independent States – have a mixed record. Perhaps one reason that the August 2008 war compelled Russia to propose an alternative security architecture is not only, as the foreign minister contended, that it represented a 'systemic failure' in the current architecture; it also represented a failure in Russia's own methods for keeping conflict zones under control. As Sergey Markedonov has observed, «after the 'five day war' Russia has put an end to its peacekeeping operations. Having recognised the independence of Abkhazia and South Ossetia, the Kremlin transformed the military presence in those entities. Now Russia doesn't play the role of an objective mediator. It's the military-political patron of Abkhazia and South Ossetia proposing deployment of Russian bases»<sup>22</sup>. Russia's actions have helped to consolidate the 'bloc approach' that it had blamed the United States and NATO for pursuing. Russia's initiative for a new security architecture appears to be an effort to limit the damage, to propose an alternative to the status quo. The risk, however, is a return to the status quo ante – perhaps less US and NATO involvement, but still Russian dominance in its 'near abroad', with a militarized approach to peace-keeping that leaves the misnamed 'frozen' conflicts simmering and ready to boil over.

In recent years a promising approach to these militarized conflicts has focused on the concept of the Zone of Peace. Originally inspired by the work of Johan Galtung, peace zones have received increasing attention from a number of scholars and have been put into practice in various regions of the world<sup>23</sup>. The Zones of Peace International Foundation has proposed the following definition:

A Zone of Peace is a site with sacred, religious, historic, educational, cultural, geographical and/or environmental importance, protected and preserved by its own community and officially recognized by a govern-

<sup>22</sup> S. MARKEDONOV, *The Big Caucasus. Consequences of the 'Five Day War', Threats, and Political Prospects*, «Xenophon Paper», 7, International Centre for Black Sea Studies, Athens, May 2009, p. 14. I have edited the translation slightly.

<sup>23</sup> L.E. HANCOCK - C. MITCHELL (eds.), *Zones of Peace*, Kumarian Press, West Hartford, CT, 2007.

mental authority. It is not merely a 'Demilitarized Zone', but a sanctuary that operates within ethical principles of non-violence, free from weapons, acts of violence, injustice and environmental degradation<sup>24</sup>.

This definition highlights the particular cultural, historical, or religious significance of a place, but there is no reason to limit the zones in such a fashion. If the techniques of demilitarization and fostering a culture and practices of non-violence can be applied to a conflict zone, even if it has no other special importance, why not do it? In this respect, the broader working definition offered by Susan Nan and Christopher Mitchell seems better suited to the question at hand. It is founded on the notion of a sanctuary from violence and also related to the Just War principles of *jus in bello* that restrict targets of violence: «A Zone of Peace is an attempt to establish norms which limit the destructive effects of violent conflict within a particular area or during a particular time period or with regard to a particular category of people»<sup>25</sup>. Most theorists and practitioners of peace zones favor flexible, broad definitions, not least because a key element of the development of the zones is the initiative that the local communities in conflict take to establish and maintain them.

Regarding the conflicts threatening the security of Europe after the Cold War, more than local initiative will be necessary. An important study of the role of peace zones in the South Caucasus – and in particular the territory engulfed in the war of August 2008 – stresses the important role of the major powers: Russia, the United States, and the European Union. As its author Irakli Kakabadze points out, the peaceful life of the diverse range of people who have inhabited the region for generations can only be restored under conditions of demilitarization supported by the neighboring states<sup>26</sup>. The US arming and implicit encouragement of the Georgian armed forces, along with promises of NATO membership, are counterproductive to this effort. Likewise Russian military bases in the separatist regions.

The precise nature of the peace zone in Georgia remains to be worked out. Likely candidates would be the market towns of Ergneti and Sadakhlo, and the Red Bridge market<sup>27</sup>. These were areas where

<sup>24</sup> <http://zopif.org/zop-definition.htm>.

<sup>25</sup> S.A. NAN - C. MITCHELL, *Local Zones of Peace as a Form of Institutionalized Conflict: Some Introductory Thoughts, Presentation Outline* (n.d.). Available at <http://icar.gmu.edu/ZoPsIntro.pdf>. See also MITCHELL - NAN, *Zones of Peace as a Form of Institutionalized Conflict*, «Peace Review», 2 (1997), 9.

<sup>26</sup> I.Z. KAKABADZE, *Peace Zone in Georgia: Paradigm for 21<sup>st</sup> Century*, Occasional Paper, Peace Studies Program, Cornell University, forthcoming.

<sup>27</sup> KAKABADZE, *Peace Zone in Georgia*.

Georgians and Ossetians continued to trade even after the secessionist wars of the early 1990s<sup>28</sup>. The ideal situation for the development of local zones of peace, in Kakabadze's view, would be withdrawal of military forces from these areas, supervised by monitors from the European Union. This seems the right choice of monitor, given the compliments offered by the Russian president and foreign minister to the EU and to Nicolas Sarkozy, when France held the organization's presidency. One would hope at some point that the Organization for Security and Cooperation in Europe could offer some of its peace-keeping experiences to the service of peace zones, but the fact that Russia does not consider the OSCE a neutral arbiter will remain an obstacle for some time.

But would Russia accept the involvement of even the European Union in the region? Would it not see restrictions on its military deployments as an infringement of its sovereignty? Given Russia's emphasis on juridical equality and equal security, it may be that some kind of reciprocal limitation, say, on deployment of NATO forces would help 'sweeten' the deal. In that respect, a good candidate would be Kosovo, and, in particular, the Mitrovica region whose northern portion has a majority Serb population which has come in conflict with local Kosovar Albanians who dominate the southern portion. Perhaps Russian peace-keeping forces could be invited to conduct joint patrols with EU forces. Combining the separatist regions of Georgia with these conflict-prone areas of Kosovo as 'pilot projects' for a new security architecture might hold some appeal for a status-conscious Russia whose own leaders have acknowledged that the status quo has failed to preserve peace in its neighborhood. The key question is whether the United States and NATO are willing to give up their vision of 'status quo plus' – continued US dominance and expansion of a NATO-centric Europe.

### 7. Conclusion

The Helsinki Principles, codified in the Final Act of 1975, offered a peaceful route to ending the Cold War. Despite the inherent contradictions between the norms embedded in the Helsinki regime, thirty-five countries were able to adhere to the agreement long enough to bring the division of Europe to an end without war and with an expansion of human rights throughout the continent. That achievement should not

<sup>28</sup> MARKEDONOV, *The Big Caucasus*, p. 27.

be underestimated. Nevertheless, the Helsinki order has not fared as well in the post-Cold War period, in part because many of its fundamental principles – of territorial integrity, renunciation of force to change borders, and others – did not withstand the changes that attended the demise of communist regimes. The United States and its NATO allies have sought to compensate for the waning of the Helsinki order by re-establishing what the Russians have criticized as a 'bloc approach' to the security of Europe. Russia, with not much of a bloc of its own, has responded, for its part, by engaging in behavior characteristic of great-power spheres of influence. Yet Russian leaders seem dissatisfied with this approach and have offered a vision – still blurry, to be sure – of an alternative security regime. It revives some of the Helsinki principles, and evaluates them in ways familiar to students of Soviet history – with more emphasis on sovereignty and noninterference, and less on human rights and democracy. Nevertheless the Russian proposals deserve serious consideration. One political operator, close to the Kremlin, has argued that «when Russia claims to be a central element in the security of Eurasia, on a par with the US and the EU, this is not a claim by a Hobbesian state that wants to play the role of the Leviathan. Rather, it is an argument in favour of a universal legal order... Pity the Hobbes who does not dream of becoming a Kant»<sup>29</sup>.

Russia's commitment to a universal legal order is yet to be tested. A more modest start would be for the West to work with Russia to forge a European security order to succeed the Helsinki regime, but still incorporate its values. Proposals that emphasize demilitarization and de-emphasis of military alliances and the bloc mentality would be a good place to start. Especially promising are plans for establishing zones of peace in the areas most directly affected by recent conflicts. They have increasingly found support among the people of the region<sup>30</sup>. They deserve support of all the major political actors as well, especially the United States, Russia, and the European Union.

<sup>29</sup> G. PAVLOVSKY, *What does Russia think?*, European Council on Foreign Relations, 25 September 2009, archived at <http://www.redtape.ru/>. On Hobbes, Pavlovsky quotes the remarks of Boris Mezhuiev.

<sup>30</sup> See for example, the results of the International Conference of Peoples of the Caucasus, held at Rondine, 16-19 May 2009. Available at <http://www.ventidipace.sucaucaso.it/index.php>.