



**Defence Academy**  
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# Central Asia

The European Security Treaty through the Kyrgyz Prism:  
Rhetoric Meets Reality?

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## Key Findings

- European Security Treaty is the first major attempt by Russia to formulate a coherent foreign/security agenda for Europe since the collapse of the USSR.
- There has been lukewarm support, however, for the Russian initiative. Many other powers are wary of Russia's potential "behind the scenes" agenda.
- Given recent events in Kyrgyzstan over the past year had the EST been in place and Kyrgyzstan a fully paid up member, it is difficult to see how the EST – as it currently stands – could have assisted in preventing such an outbreak of inter-ethnic violence on such a scale.
- Outside intervention, especially of a military nature, could have proven very costly to the flags going in.
- There could be an inherent paradox in EST, even for Russia: by encouraging outside organisations to become involved in the internal affairs of other countries, this could prevent Russia from establishing its so-called "sphere of privileged interest".
- Events in Kyrgyzstan demonstrate that an already established local security infrastructure – namely the CSTO – was not particularly effective in attempts to resolve the conflict there. Why should an EST-type organisation have enjoyed any greater success?

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# The European Security Treaty through the Kyrgyz Prism: Rhetoric Meets Reality?

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## Introduction

Russia's European Security Treaty (EST) proposal has been characterised as "Moscow's first attempt in 20 years to formulate a coherent foreign-policy vision" (Lukaynov, 2009, p.94). It was advanced at the height of an official state narrative that portrayed Russia as a 'sovereign democracy', excluded and marginalized from strategic decision-making. The world was marked by a US-dominated "unipolar decision-making process" and a "bloc", or more concretely a "NATO-centric approach" within Europe predominated and created imbalances, tensions and has "shown its weakness" (Medvedev, 2008). Through 2009 and 2010 Russia's narrative as elaborated by a very active Foreign Minister Sergei Lavrov has evolved to focus more on restoration and the necessity of 'conservative' or 'technological modernization' of Russia to consolidate its re-emergence as a centre of global power in a multi-polar, polycentric and therefore stable world order. In this period, Russia has shepherded its EST through various conferences and meetings. While declaratory rhetoric and aspiration marked the first 18 months of the EST's roll-out, the barebones concept was given flesh in a draft text elaborated in November 2009 (Medvedev, 2009). Though this text appeared to be designed to downgrade or replace the Organization for Security and Cooperation in Europe (OSCE), we now face the prospect that the EST be discussed at the OSCE Summit (Yanukovich, 2010)<sup>1</sup>, which will be held in Astana, 1-2 December 2010.

In July 2010 President Medvedev offered an assessment of the EST and its reception and progress: "I am pleased to note that although this initiative received quite a chilly, not to say hostile, response at the outset, it has now become subject of lively discussions, and not only with our traditional partners such as Germany, France and Italy but with the majority of participants of the Euro-Atlantic security system. Therefore, we must take this issue further" (Medvedev, 2010). Aleksandr Grushko Russian deputy foreign minister was even more upbeat in his assessment: "As for the European security treaty, a draft has been sent to all the heads of state of the Euro-Atlantic region. They include not only European states, but also Central Asian countries, the USA and Canada. We continue to receive replies. Approximately 20 countries have replied at the top level, their reaction is unequivocally positive" (Interfax news agency, 28 May 2010; RIA Novosti, 19 May 2010). Both the German and Russian Foreign Ministers issued a joint statement that reinforced this picture of progress: "We intend to build on the European continent, a space of stability and security without dividing lines and demarcations. A significant contribution to launching the dialogue on this topic has been made by the Russian initiative for a European Security Treaty. Our common position is that the security of one state cannot be achieved at another's expense. On the contrary, it is determined by the highest possible degree of security for your neighbor. Therefore, we intend to jointly conduct a broad dialogue on European security, to delve deeper into the different points of view on this matter and to overcome contradictions. This is especially true of confidence-building measures, disarmament and arms control initiatives and conflict resolution" (Lavrov and Westerwelle, 2010).

The EST should have been dead-on-arrival: its roll-out in June 2008 was eclipsed by the August Russo-Georgian conflict. Rather than delegitimising the treaty proposal, Russia

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<sup>1</sup> Ukrainian President Viktor Yanukovich has stated: "We support the Kazakh chairmanship's idea regarding the convention of an OSCE summit and are prepared to work in line with its agenda. We are willing to take active part in discussing Kazakhstan's initiative on a new European security treaty and believe that the OSCE is the most convenient forum for such discussions." Yanukovich (2010).

argued that this conflict merely reinforced its central logic and so necessity. The fact that the conflict took place, Russia argued, demonstrated existing institutional structures and mechanisms – all of which had their genesis in the Cold War period – were ill-suited to address root causes of crisis in the 21<sup>st</sup> century. During and in the immediate aftermath of the conflict, talk of a ‘new Cold War’ underscored the notion that the Cold War remains unfinished business.<sup>2</sup> NATO’s continued geopolitical expansion into the grey zone – the countries in between (Georgia, Ukraine, Moldova, and Belarus) – is stated by Russia and reiterated by some Collective Security Treaty Organization (CSTO) states as further evidence, but this understanding is not shared throughout Europe or the US.

The perception of NATO within NATO, for example, is increasingly one of weakness – a central debate is on how to avoid the very real possibility that strategic withdrawal from Afghanistan underscores strategic failure is underway – rather than vibrant discussions focussed on how NATO might better exercise balance of power politics in the Black Sea region or project power through Eurasian space. The Russian argument that existing institutional structures and mechanisms do not work (as evidenced by the NATO-Kosovo conflict of 1999 and Russian-Georgia conflict of 2008) but would if only there was a legally-binding basis to underpin cooperation is also contested.

Many EU and NATO states argue that these two conflicts point to the need to build on and make better use of the framework of existing tried and tested institutions, structures and mechanisms – including the OSCE, the NATO-Russia Council and the Euro-Atlantic Partnership Council - by working to modify, reform and strengthen them, rather than replace them with an all encompassing legally-binding Treaty. As Robert Blake, US assistant secretary of state for South and Central Asian affairs, noted: “We see no need for new treaties in Europe in addition to the existing security architecture. We feel that we already have a very good system and mechanisms.” (Makedonov, 2010)

## **The Attribution of Multiple Motives: “Heads I Win, Tails You Lose?”**

Russia has argued that in terms of end-goals and outcomes, it wants a legally-binding Treaty signed by all states. According to one proponent: “The very idea of reviving the intergovernmental dialogue on security in Europe reflects the legal universalism of Russian politics that has been characteristic of this country throughout almost all of its history since Peter the Great and that is typical of Medvedev’s political style” (Mezhuvev, 2009, p. 103). A legally-binding treaty removes ambiguity, builds trust and confidence, and lessens threat perception and misperception; the argument being that a treaty would make explicit expectations and so increase predictability in international relations. This allows Russia, Europe and the US to finally leave behind Cold War mindsets<sup>3</sup> and collectively address the real and shared threats to global stability. This latter point, the focus on a cooperative US-EU-Russian ‘condominium’ or ‘triangular construction’ as the objective “basis for political cooperation in the Euro-Atlantic region” serves a larger purpose – it could in the words of Sergei Lavrov, “become a major element of the new coordinate system on the world’s geopolitical map and work to strengthen the position of the whole European civilization in an increasingly competitive world” (Lavrov, 2010b).

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<sup>2</sup> “European security has become wobbly in all its aspects over the previous twenty years. This includes the erosion of the arms control regime, atrophy of the OSCE, emergence of serious conflicts and the danger of their uncontrolled escalation, and the attempts to turn frozen conflicts into active ones. Statements like “everything is all right, let’s do business as usual” fail to convince. In my view, key issues to analyze in the current situation are the theory and practice of the comprehensive approach to security, including the future of the OSCE and an integrated and pragmatic solution in the form of a treaty on European security advocated by Russia.” Lavrov, (2010a).

<sup>3</sup> “Only in this way is it possible to “turn over the page” and finally resolve the question of “hard security”, which has been haunting Europe throughout its history.” Lavrov, (2010b); Lavrov, (2010c); Trenin, (2009).

However, since 2008, a period marked by evolving narratives concerning Russia's role in the world and regime continuity (in the shape of the Medvedev-Putin tandem), virtually all analysis and assessments of the proposed EST highlight the issue of hidden agendas and purposes, declared and undeclared outcomes have been raised, if only by some to be dismissed as a non-issue (Fedorov, 2009; Lo, 2009; Karaganov, 2009; Monaghan, 2008). This contention could mask a number of factors, including: a residual distrust of Russia's resurgence, on occasion spilling over into outright Russophobia; a predilection for conspiracy theory-based explanations that is an enduring characteristic of post-Soviet; a response to the gap between the rhetoric of June 2008 and the reality of August 2008; and, an attempt to account for a draft treaty document published in November 2009 which lacks substance, is vague, inconsistent and contradictory (Kuhn, 2010).

**“Heads I Win”:** If the Treaty is signed, the hidden-agenda argument runs, a legally-binding Treaty results in a freezing of the status quo – an outcome that is to Russia's advantage given the reality of current power differentials. If the EST were to be operationalised and each state rigorously monitored other states behaviour, looking to see whether current or future actions of others could affect their own security, even in an unintended way.

Article 1 of the draft treaty promotes the principle of “indivisible, equal and undiminished security.” To that end, “Any security measures taken by a Party to the Treaty individually or together with other Parties, including in the framework of any international organization, military alliance or coalition, shall be implemented with due regard to security interests of all other Parties”. The 1975 Helsinki Accords, the 1990 Charter of Paris for a New Europe and the 1999 Charter for European Security all stipulate that states are free to choose which alliances they join – a stipulation that in the EST is “ominously omitted” ([Onyszkiewicz, 2010](#)), though in its preamble it suggests it is “guided by the principles” embodied in these treaties. Dmitry Trenin notes that the EST: “if enacted, would de facto abolish other treaties, including the Washington one” (Trenin, 2009, p. 2).

Article 2 stipulates that the use of state territory “with the purpose of preparing or carrying out an armed attack against any other Party or Parties to the Treaty or any other actions affecting significantly security of any other Party or Parties to the Treaty” should not take place. To that end, Article 3 allows any signatory to request of another: “information on any significant legislative, administrative or organizational measures taken by that other Party, which, in the opinion of the Requesting Party, might affect its security.” What constitutes preparations for an armed attack? Who decides whether a certain activity significantly threatens or affects the security of other parties? The state(s) that plans to carry out the activity or the state(s) which feel(s) under threat? If Ukraine, for example, had refused to renegotiate the status of Russia's Black Sea Fleet so it can remain *in situ* after 2017 – could Russia not have claimed that this would have significantly threatened its security? Article 4 stipulates that in order “to settle differences or disputes that might arise between the Parties in connection with its interpretation or application” consultations and conferences between the parties can take place (reiterated in Article 8). Article 5 (para 3) notes “Any Party not invited to take part in the consultations shall be entitled to participate on its own initiative.” Article 6 (para 3) stipulates “The Conference of the Parties shall be effective if it is attended by at least two thirds of the Parties to the Treaty. Decisions of the Conference shall be taken by consensus and shall be binding.” Thus any single participating state on any issue would have veto rights over the decision of the others. Article 7 notes that every Party has the right of self-defence under UN Charter Article 51, but what are states, their coalitions or alliances allowed to do if the actors of the “common security space” cannot agree on collective measures?

Article 8 outlines decision-making mechanism that would apply and adjudication procedures. For a conference to be held, two-thirds of signatories to the treaty need to be present, four-fifths for an Extraordinary Conference, with binding decisions “taken by unanimous vote”. In

other words, a single veto determines whether enforcement takes place. The draft does not outline how defectors from the collective security system could be punished? If by sanctions, could these be applied without violating the norm of non-intervention in state's domestic affairs? Article 14 notes that "This Treaty shall be open for signature by all States of the Euro-Atlantic and Eurasian space from Vancouver to Vladivostok" – suggesting that the Arctic – a potential zone of contestation – might be subject to the treaty provisions.

Given these operational ambiguities, how would parties that sign such a treaty avoid collective inactivity? If states are determined to instrumentalise the Treaty it is clear how they would be prevented from doing so. Would not strategic paralysis in and between Moscow, Brussels and Washington? If so, might then the primary aim of the consensus principle be to freeze the political and territorial status quo in Europe, as changes that reinforce current trends only serve to further diminishes Russia's power relative to the West? Evidence to support this contention is found in the implicit logic of the EST, namely, Russia will have the power of veto over all security-related decisions of NATO and the EU, just as it does in the OSCE. (Aron, 2010, p. 2; [Onyszkiewicz](#), 2010). Given 'security' can be widened to include political, economic, environmental and societal as well as military matters – Russia acquires *carte blanche* veto power over all strategic decision-making in Euro-Atlantic space. In this reading, the EST proposal is primarily a tactical initiative whose main purpose is to demonstrate that there is no chance of rearranging Europe into a collective security area. As well as freezing political and territorial space, the EST has been interpreted as attempting to return Europe to the normative-legal world of 1945. The legally-binding nature aims to re-establish the primacy of a state-centric system of international law as enshrined by the principles in the 1945 UN Charter Art 2, which protect sovereign states, and eliminate the advances of international law during the last sixty by disregarding the principles enshrined in the Helsinki Final Act of 1975 (the rights of peoples to self determination and individuals to human rights) and the UNGA Resolution 2625 (Declaration on Principles) (Dunay and Herd, 2009), which qualify and balance sovereignty and accept that European state borders should not be absolute, fixed and inviolable under any and all circumstances.

**“Tails You Lose”:** If the EST fails to garner support, Russia will gain the freedom and additional legitimacy to build its own 'sphere of privileged interest' even more overtly, consolidate and institutionalise its control over post-Soviet space. This contention is centred in a paradox: failure by key western Euro-Atlantic states to ratify a legally binding treaty represents a successful outcome for Russia and its friends and allies. Russia is able to argue that in an open and transparent manner it advanced an alternative to the status quo in multiple international forums, repeatedly and at the highest levels. Its proposal was rejected primarily by EU and NATO member states. These states rejected it as the status quo upholds best their state interests. To avoid a double standard, Russia will now look to see how best it can preserve and secure its own interests. In this sense, apparent failure to achieve the stated primary intended outcome cloaks strategic success – the achievement of the undeclared real purpose of the proposal - the consolidation and institutionalization of Russian influence in post-Soviet space: “All these models have had a common aim: The European order which Russia desires should, on the one hand, not be antagonistic or discriminatory and, on the other hand, potentially replace NATO or make it superfluous” (Mutzenich, 2010, p. 67).

This outcome would then result in a redivision of Europe and the long-term coexistence of two groups of states operating on the basis of partly different principles: in the politico-military sphere this can be understood as market-authoritarian or neutral non-NATO and market-democratic NATO. In the process, the solidarity of western space – particularly of the NATO alliance – will have been undermined and the EST 'divide and conquer' process proved effective.<sup>4</sup> This would be especially a concern had a minority of NATO states demonstrated a willingness to sign the treaty proposal, while a majority opposed it.

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<sup>4</sup> “The treaty obliges the signatories to support one another militarily in the event of armed attack and can therefore be interpreted as in direct competition with the promise of mutual assistance (Article 5) contained in the North Atlantic Treaty.” (Mutzenich, 2010, p. 66); “(...) many western countries

## Kyrgyzstan: the Challenge of Fragile States and Regional Crises

Given that the Kyrgyz crisis of April and June 2010 is the latest catastrophic event that disrupts Euro-Atlantic space, it is worth examining the crisis in light of the logic, principles and rationale of the EST. The Kyrgyz crisis shares and exemplified many of the challenges obstacles and dilemmas generated by complex emergencies. It embodies the nature of wars amongst peoples rather than between states, conflict generated by state failure rather than inter-state rivalry, catastrophes whose second and third order cascading transborder and international effects can be worse than the first order, and in which few strategic blueprints exist to provide post-conflict management road-maps, let alone 'security solutions'. In short, it captures one type of strategic threat identified by the EU Security Strategy of 2003, US National Security Strategy (NSS) of 2002, 2006 and 2010, and Russia's NSS of 2010 - regional crisis and fragile states - and so offers a profound contemporary prism through which to ask: if the EST was in force, what would have been the result?

On 10 June in the southern Kyrgyz city of Osh violence erupted, spreading to Jalalabad two days later, with reports of armed gangs, inter-ethnic violence, rape, and stampedes at border crossings into Uzbekistan. The OSCE and Office of the United Nations High Commissioner for Refugees (UNHCR), as well as Rosa Otunbayeva the acting interim government Prime Minister and President, stated that over 200 people had been killed, over 2000 wounded, with 400,000 (8% of the Kyrgyz population) displaced – 300,000 internally, 100,000 as refugees into Uzbekistan's neighbouring Andizhan province. China, India, Turkey, South Korea, Germany and Russia amongst others, airlifted their foreign nationals out of the area of conflict to Bishkek and beyond.

What were the causes of such violence and what are the likely implications? The UNHCR has stated that: "We have strong indications that this event was not a spontaneous interethnic clash, we have some indications that it was to some degree orchestrated, targeted and well planned" (Agence France Presse, 2010). A report by the OSCE Minorities High Commissioner noted "attempts at ethnic cleansing" (Deutsche Presse-Agentur, 2010). Latent inter-ethnic animosity can be understood as the trigger for the civil conflict in the south and as the means through which violence was instrumentalised by Bakiyev clan leaders, behind the scenes power brokers, former advisors and security service loyalists and organized crime figures, to serve other ends.

According to the Kyrgyzstan's 2009 Census Report, "the Kyrgyz share in the total population has increased from 64,9 % in 1999 to 70,9% in 2009. The share of Uzbeks living in the country, in the total population has made up 14,3%, Russians – 7,8% ..." (National Statistical Committee, 2009, p. 18). Although ethnic Uzbeks only constitute a fraction of the total population, they form a majority in some southern provinces. These communities had historically coexisted together and cooperated, ethnic inter-marriage was high, Osh and Jalalabad residents identified themselves more by city residence than ethnicity and many were bi- or tri-lingual (Kyrgyz, Uzbek and Russian speaking). Nevertheless, ethno-nationalist tendencies which under the Bakiyev regime resulted in a gradual 'Kyrgyzisation' of local government functions (school directors, hospital administrators, local government officers), while Uzbeks dominated economic structures. In addition to social stratification, the global financial crisis resulted in a reduction in remittance money and workers returning to the region from Russia, placing greater pressures on infrastructure and provisions.

Violence created a power vacuum and this served two ends. First, it provided the means through which the Bakiyev clan could reassert its control over the extremely lucrative drug trade flows in the south. Osh and Jalalabad are major drug transit hubs where heroin is repackaged before being exported by plane, train, or land. The large and heterogeneous Bakiyev clan ('eight brothers and the eight brothers each with eight sons') was heavily implicated in drug trafficking: "After Kurmanbek Bakiyev came to power, all drug lords were killed, and (his elder brother) Zhanybek Bakiyev consolidated most of the drug trafficking in his hands" (Leonard, 2010; Weir, 2010). President Bakiyev himself disbanded the relatively

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responded with the suspicion that the proposal served merely to "divide and conquer" ... "In particular points 3 and 4 aim unmistakably at the weakening of NATO's role in Europe (...)" (Shupe, 2010, p. 3).



successful Drug Control Agency (part-funded by the UN and US) in October 2009, placing drugs policing under the Interior Ministry. The US State Department characterize this move as a “significant blow to regional counternarcotics efforts” (Leonard, 2010).

Second, violence served a political objective – namely to demonstrate that the interim government was not in control of the situation, and would have to postpone or cancel the planned referendum on 27 June to adopt a new Constitution underpinning a parliamentary rather than presidential republic. In May 2010 an unedited and unauthenticated 40 minute audio recording played on national TV (KTR), capturing an alleged conversation between Maxim and Janysh Bakiyev, stating the need to recruit 500 men to organize and ferment chaos – “We need to find 500 bastards” (AKIpress News Agency, 2010a; Meo and Orange, 2010, p.30). Pierre Morel, the EU Special Representative for the region, points his finger at a combination of Bakiyev clan members and loyalists who made a “concerted effort” to provoke the clashes in a bid to regain power (Radio Free Europe, 2010a). The political analyst Mars Sariev unpicks the nature of this grouping in greater detail, noting that the violence boosted the emergence of a nascent political opposition to the interim government. This opposition consists of *siloviki* - former military and security generals who held high positions under Bakiyev. Omurbek Suvanaliev, a former interior minister and current leader of the Ata-Jurt Party based in southern Kyrgyzstan and Miroslav Niyazov, a former military general and current head of the El Armany Party are cited as two prominent examples, and Sariev predicts: “As the state falls apart and destabilization continues, I think there could be a seizure of power” (Radio Free Europe, 2010b).

The political weakness of the interim government should not be overlooked, particularly its inability to exert authority over the Interior Ministry and army garrisons in the south, which human rights observers and Rosa Otunbayeva have accused of being complicit in attacks, robberies and violence: “We have been left with a demoralized police force, stuffed with Bakiyev personnel ... We have security forces, many of whom joined one side in this conflict in the south” (Solovyov, 2010, p. 19A; 24.kg website, 2010). The interim government consists of an alliance of three formerly opposition parties and its authority is commensurate with its ability to take a united stance. Unfortunately, the glue that holds this alliance together is opposition to the ousted Bakiyev regime, particularly the former President himself and immediate family members, rather than a clear vision of Kyrgyzstan’s future political order.

Within this context, the constitutional referendum planned for 27 June 2010 went ahead. Rosa Otunbayeva argued that “Holding this referendum has become necessary because we must create a legal framework. If we allow any delays, this will threaten us with further instability” (Solovyov, 2010; Kyrgyz Television 1, 2010a). It must be held in order to address the Bakiyev legacy of “corruption, lawlessness and judicial arbitrariness” and “leave behind the Bakiyev constitution forever, which would again restore the former clannish and mafia-style pyramid of power” (Kyrgyz Television 1, 2010b). Finance Minister Temir Sariev stated: “Canceling the referendum would mean success for those destructive forces. That’s why the majority of the population demands the referendum proceed as planned, whatever the difficulties and moral issues involved. The fate of the state and the people is at stake” (Radio Free Europe, 2010b).

The referendum was monitored by a total of 189 international observers representing more than 30 countries and 18 international organizations (for example, CSTO, CIS, OSCE, SCO, ODHIR), plus 30 accredited foreign media outlets. More than 90% voted ‘yes’, and around 8% voted against it. Some 2.7 million people were eligible to vote, and turnout was nearly 70% (Shuster, 2010). Despite this, Kamchybek Tashiyev, a prominent politician from southern Kyrgyzstan and a leader of the Ata Zhurt party and former Emergency Situations minister, predicted: “Kyrgyzstan is not yet prepared for the transition to a parliamentary form of government and needs strong presidential power. We are not ready for that even geopolitically”, arguing that “the leading political forces will not recognize the referendum results” (Interfax news agency, 26 June 2010). Other Bakiyev loyalists supported this contention. Zaynidin Kurmanov, ex-speaker of the *Jogorku Kenesh* (parliament), stated: “The holding of an illegitimate referendum, and as a result, the adoption of the illegitimate constitution of a parliamentary republic could result in an escalation of protest demonstrations” (Panfilova, 2010; Lillis, 2010).

Rosa Otunbayeva reportedly invited the CSTO to intervene with peacekeepers on 12 June when the violence was at its height, but then retracted this invitation, so sparking serious debates as to the likelihood of an external intervention force – perhaps an UN-mandated peacekeeping mission and/or third party mediators that would form a political buffer zone? Kimmo Kiljunen, the Special Representative for Central Asia of the OSCE Parliamentary Assembly, raised the notion of an international police operation that would create an “atmosphere of trust” and enhance stabilization efforts (*Radio Free Europe*, 2010a). The crisis presents an opportunity to move beyond zero-sum logic into relationships based on multilateral cooperation, building trust, and addressing shared threats collectively.

Such interventions would aim to prevent localized violence from spreading and facilitate humanitarian crisis relief operations. Pierre Morel noted the potential spillover effects: the situation is “difficult, very difficult, because apart from the future of the country, it puts into question the security and stability of the entire Central Asian region” (*Radio Free Europe*, 23 June 2010). The potential of such dislocation and dysfunctionality to spill over are high and the consequences could be strategic in nature, including: the disruption of freight rail between Afghanistan and Uzbekistan exacerbating social tensions in Northern Afghanistan; Kyrgyzstan as a Uighur insurgent base, threatening stability in China’s neighbouring Xinjiang province; and, the consolidation of an economic black hole in southern Kyrgyzstan that dramatically increases drug transit and so HIV/AIDs in Russia/China. The case for an intervention was not without foundation.

However, arguments to counter intervention are powerful. Getting an intervention force into Kyrgyzstan would be easier than getting it out. The complex emergency looks set to represent a quagmire and credibility trap that would be expensive, prolonged, and more than likely bloody. In a ‘war among the peoples’ (no borders or uniforms), intervention forces run the risk of being caught in the cross fire and disowned if the provisional government falls, and so perceived of as an occupying force, one that would be caught up in internal power struggles. For the CSTO a dilemma presents itself: to intervene risks failure; not to intervene brings into question its purpose and capability (in terms of resources, equipment and political will to enact collective security responsibilities through peacekeeping missions). The very relevance of the CSTO was questioned: is the CSTO a Potemkin-like structure, designed to support imperial illusions (‘sphere of privileged interest’) but unable to withstand realities (‘sphere of reluctance’)? As Dmitri Trenin notes: “The most the CSTO proved capable of was a meeting of the Secretaries of the Security councils of the organization’s member states. That is a good thing, but it is clearly not enough” (Trenin, 2010, p. 2). Current inaction undermines present credibility; future potential action would have the same effect, only accelerated.

What light does the Kyrgyz case-study and the issue of intervention shed on the EST? Had a legally-binding EST been in place, would this complex emergency have been resolved sooner? If the CSTO was not to intervene, why did the CSTO, on Russia’s initiative, initially oppose the intervention of the OSCE, which has just agreed to send a 52-person police mission? One logic path that assumes promotion of the EST as shaping Russian policy choices, might run as follows: the CSTO although legally-binding is a collective defence organization and therefore unable to intervene to ameliorate intra-state conflict as this type of threat was not covered by its mandate; the OSCE, although a collective security organization, was prevented from intervention because it could not gain consensus given it was politically rather than legally-binding, reinforcing the Russian contention after the Georgian crisis of August 2008 - the OSCE, due to its consensus-based decision-making foundational principle, was ineffective. Russia would like to suggest that only a legally-binding consensus-based EST can effectively, efficiently and legitimately address sources of insecurity. In reality, an OSCE politically-binding consensus-based efficient and effective response de facto undercuts the argument that a legally-binding EST is needed – hence the Russian reluctance to agree its mission. Reluctance can also be explained by Russia’s unwillingness to set precedents whereby pan-European collective security organizations can involve themselves in intra-state conflicts, particular those within Russia’s ‘sphere of privileged interest’ – the EST as currently drafted “would enshrine the principle of avoiding external force to settle national disputes and so would mean no interference in the problems in the northern Caucasus, including Chechnya.” ([Onyszkiewicz](#), 2010). This necessity is

implicitly acknowledged by President Medvedev's announcement that the charter documents of the CSTO will be amended in order to create a more effective and efficient organization with broader powers and "anti-crisis mechanisms" is a lesson identified by the Kyrgyz experience. (Interfax News Agency, 20 August 2010)

The Kyrgyz crisis highlights serious flaws in the EST. The draft treaty text calls for collective self-regulation only in the context of violations of state sovereignty and territorial integrity by other states in the state-centric international system. Non-state actors, whether they be terrorist groups, organized criminals, political extremists or ethnic violence or a combination thereof, involved in intra-state conflict with spillover potential to other states and societies within the potential collective security regime, is not addressed by the draft treaty text. This is all the more surprising as containment of the potential consequences of such intra-state conflict cannot be guaranteed even within the collective security regime – that is, from Vancouver to Vladivostok. The Kyrgyz example suggests that Afghanistan in South Asia and China in East Asia could have had their sovereignty and territorial integrity violated had this complex emergency spiralled out of control. In a sense the EST is touchingly nostalgic for a lost era of inter-state warfare, absolute sovereignty and centralized elite-decision-making structures. It unconsciously betrays an almost Brezhnevian sympathy for strategic stagnation and status quo in an era when it is increasingly recognised that structural and systemic root cause of instability and tend to be increasingly non-state based and solutions lie in human security and development agendas that are targeted at individuals, societies and regions.

Decision-making based on consensus gains democratic procedural legitimacy but at the potential price of its effectiveness or performance outcome. Every intergovernmental institution based on this consensus principle would inevitably face this classic trade-off, irrespective of whether a Treaty is politically or legal binding. Replacing the OSCE by a consensus-driven EST only displaces rather than eliminates this challenge. Fragile states and the threat of proliferation, terrorism, cyber, finance, critical infrastructural, food-production or migration, are illustrative of strategic insecurity today. Geographical proximity as well as shared network membership and connectivity render all states, but especially global powers, vulnerable to crisis, contingency and catastrophe, including the totally unprecedented so-called Black Swan-type events. The greater frequency and impact of such systemic shocks, with unintended consequences, spillovers and cascading second and third order effects, can be more devastating and the resultant disorder much harder to manage than the initial source of insecurity. Increasing synergy, interconnectivity and coupling of complex systems generates unpredictable non-linear behaviour and effects. It creates a power vacuum, raising questions of authority and control – who "owns" the crisis, who must manage it? The management of such threats suggests procedures and mechanisms in place that can constantly calibrate a negotiated equilibrium point between effectiveness (joint approach in terms of what is appropriate), efficiency (timeliness and cost in terms of what is affordable) and legitimacy (moral and political in terms of what is acceptable) of responses.

## Conclusions

Where does the EST go from here? In July 2010 Armenia declared itself supportive of the EST (ARMINFO News Agency, 2010), while Romania opposed it (Agence France Presse, 2010b) and this fundamental divergence on the perceived utility of the EST in Euro-Atlantic space suggests an eventual stalemate in the process of discussing the EST to Russia's declared conclusion. By mid-2010 perceptions, narratives and mood music between Russia and western interlocutors around the EST proposal become all important (Shupe, 2010, p. 4). How should the West relate to Russia in general and in particular in post-Soviet space, and Russia to the West? There is no agreement within the West as to how to relate to Russia and post-soviet space, partly a result of the West's ability to act strategically, partly because of intra-European and transatlantic splits ('the West' is an increasingly incoherent concept). There is no agreement in Russia as to how to engage westwards, partly because of the complete estrangement of the political elite from the West over the last 20 years, partly

due to a lack of willingness to address the domestic 'elephant on the room' – the opposition of internal vested interests to modernize Russia's economy and society as this implies a different political order – that is, one that is democratic.

Charles Kupchan has suggested Russia integrates into NATO: "There are, of course, many other options for pursuing a pan-European order, such as fashioning a treaty between NATO and the Russia-led Collective Security Treaty Organization; elevating the authority of the Organization for Security and Cooperation in Europe (OSCE), of which Russia is a member; or picking up on Russia's proposal for a new European security treaty" (Kupchan, 2010). Rather than such a radical step, in the shorter term the process of discussions, exchanges of perspectives and consultations engendered by the EST initiative, are more likely to help build mutual trust and confidence as this deficit is the underlying fundamental source of tension between Russia and many other states in Euro-Atlantic space. What can NATO do to address this deficit in Russia; what can Russia do to address this deficit in NATO? Discussions through the EST to reassess European security structures, and propose reforms to existing institutions and practice are valuable as in this sense they address the real agenda – lack of trust. Some rebalancing of the various dimensions of the OSCE, with an increased importance attributed to its politico-military dimension may be the outcome, as well as the launching of arms control negotiations and the provision of further Euro-Atlantic legitimacy to the CSTO.

For Russia the EST provides evidence that it is shaping the security agenda and may prove to be a transferable template. As Russian Deputy Minister of Foreign Affairs Aleksey Borodavkin noted in an Asia-Pacific forum: "For a variety of reasons the region lacks a coherent system of collective security arrangements. While the question in the Euro-Atlantic area is one of improving the existing structures so as to create a common security space from Vancouver to Vladivostok the focus of our initiative for a European Security Treaty in particular we observe in the Asia-Pacific region, from Vladivostok to Vancouver, a clear shortage of such mechanisms, along with their insufficient effectiveness" (Borodavkin, 2010). If so, the common denominator between Euro-Atlantic space and the Asia-Pacific region will be that Russia is in the lead and serves as the lynchpin between the two systems.

## **Annex 1**

### **EUROPEAN SECURITY TREATY**

*(Unofficial translation)*

Draft

The Parties to this Treaty,

Desiring to promote their relations in the spirit of friendship and cooperation in conformity with international law,

Guided by the principles set forth in the Charter of the United Nations, Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (1970), Helsinki Final Act of the Conference for Security and Cooperation in Europe (1975), as well as provisions of the Manila Declaration on the Peaceful Settlement of International Disputes (1982) and Charter for European Security (1999),

Reminding that the use of force or the threat of force against the territorial integrity or political independence of any state, or in any other way inconsistent with the goals and principles of the Charter of the United Nations is inadmissible in their mutual relations, as well as international relations in general,

Acknowledging and supporting the role of the UN Security Council, which bears the primary responsibility for maintaining international peace and security,

Recognizing the need to join efforts in order to respond effectively to present-day security challenges and threats in the globalized and interdependent world,

Intending to build effective cooperation mechanisms that could be promptly activated with a view to solving issues or differences that might arise, addressing concerns and adequately responding to challenges and threats in the security sphere,

Have agreed as follows:

#### **Article 1**

According to the Treaty, the Parties shall cooperate with each other on the basis of the principles of indivisible, equal and undiminished security. Any security measures taken by a Party to the Treaty individually or together with other Parties, including in the framework of any international organization, military alliance or coalition, shall be implemented with due regard to security interests of all other Parties. The Parties shall act in accordance with the Treaty in order to give effect to these principles and to strengthen security of each other.

#### **Article 2**

1. A Party to the Treaty shall not undertake, participate in or support any actions or activities affecting significantly security of any other Party or Parties to the Treaty.

2. A Party to the Treaty which is a member of military alliances, coalitions or organizations shall seek to ensure that such alliances, coalitions or organizations observe principles set forth in the Charter of the United Nations, Declaration on Principles of International Law

concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, Helsinki Final Act, Charter for European Security and other documents adopted by the Organization for Security and Cooperation in Europe, as well as in Article 1 of this Treaty, and that decisions taken in the framework of such alliances, coalitions or organizations do not affect significantly security of any Party or Parties to the Treaty.

3. A Party to the Treaty shall not allow the use of its territory and shall not use the territory of any other Party with the purpose of preparing or carrying out an armed attack against any other Party or Parties to the Treaty or any other actions affecting significantly security of any other Party or Parties to the Treaty.

### **Article 3**

1. A Party to the Treaty shall be entitled to request, through diplomatic channels or the Depositary, any other Party to provide information on any significant legislative, administrative or organizational measures taken by that other Party, which, in the opinion of the Requesting Party, might affect its security.

2. Parties shall inform the Depositary of any requests under para. 1 of this Article and of responses to them. The Depositary shall bring that information to the attention of the other Parties.

3. Nothing in this Article prevents the Parties from undertaking any other actions to ensure transparency and mutual trust in their relations.

### **Article 4**

The following mechanism shall be established to address issues related to the substance of this Treaty, and to settle differences or disputes that might arise between the Parties in connection with its interpretation or application:

- a) Consultations among the Parties;
- b) Conference of the Parties;
- c) Extraordinary Conference of the Parties.

### **Article 5**

1. Should a Party to the Treaty determine that there exists a violation or a threat of violation of the Treaty by any other Party or Parties, or should it wish to raise with any other Party or Parties any issue relating to the substance of the Treaty and requiring, in its opinion, to be considered jointly, it may request consultations on the issue with the Party or Parties which, in its opinion, might be interested in such consultations. Information regarding such a request shall be brought by the Requesting Party to the attention of the Depositary which shall inform accordingly all other Parties.

2. Such consultations shall be held as soon as possible, but not later than (...) days from the date of receipt of the request by the relevant Party unless a later date is indicated in the request.

3. Any Party not invited to take part in the consultations shall be entitled to participate on its own initiative.

## **Article 6**

1. Any participant to consultations held under Article 5 of this Treaty shall be entitled, after having held the consultations, to propose the Depositary to convene the Conference of the Parties to consider the issue that was the subject of the consultations.
2. The Depositary shall convene the Conference of the Parties, provided that the relevant proposal is supported by not less than (two) Parties to the Treaty, within (...) days from the date of receipt of the relevant request.
3. The Conference of the Parties shall be effective if it is attended by at least two thirds of the Parties to the Treaty. Decisions of the Conference shall be taken by consensus and shall be binding.
4. The Conference of the Parties shall adopt its own rules of procedure.

## **Article 7**

1. In case of an armed attack or a threat of such attack against a Party to the Treaty, immediate actions shall be undertaken in accordance with Article 8(1) of the Treaty.
2. Without prejudice to the provisions of Article 8 of the Treaty, every Party shall be entitled to consider an armed attack against any other Party an armed attack against itself. In exercising its right of self-defense under Article 51 of the Charter of the United Nations, it shall be entitled to render the attacked Party, subject to its consent, the necessary assistance, including the military one, until the UN Security Council has taken measures necessary to maintain international peace and security. Information on measures taken by Parties to the Treaty in exercise of their right of self-defense shall be immediately reported to the UN Security Council.

## **Article 8**

1. In cases provided for by Article 7 of this Treaty, the Party which has been attacked or threatened with an armed attack shall bring that to the attention of the Depositary which shall immediately convene an Extraordinary Conference of the Parties to decide on necessary collective measures.
2. If the Party which became subject to an armed attack is not able to bring that to the attention of the Depositary, any other Party shall be entitled to request the Depositary to convene an Extraordinary Conference of the Parties, in which case the procedure provided for in Para. 1 of this Article shall be applied.
3. The Extraordinary Conference of the Parties may decide to invite third states, international organizations or other concerned parties to take part in it.
4. The Extraordinary Conference of the Parties shall be effective if it is attended by at least four fifths of the Parties to the Treaty. Decisions of the Extraordinary Conference of the Parties shall be taken by unanimous vote and shall be binding. If an armed attack is carried out by, or a threat of such attack originates from a Party to the Treaty, the vote of that Party shall not be included in the total number of votes of the Parties in adopting a decision.

The Extraordinary Conference of the Parties shall adopt its own rules of procedure.

## **Article 9**

1. This Treaty shall not affect and shall not be interpreted as affecting the primary responsibility of the UN Security Council for maintaining international peace and security, as well as rights and obligations of the Parties under the Charter of the United Nations.
2. The Parties to the Treaty reaffirm that their obligations under other international agreements in the area of security, which are in effect on the date of signing of this Treaty are not incompatible with the Treaty.
3. The Parties to the Treaty shall not assume international obligations incompatible with the Treaty.
4. This Treaty shall not affect the right of any Party to neutrality.

## **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 ....

## **Article 11**

1. This Treaty shall be subject to ratification by the signatory States and to approval or adoption by the signatory international organizations. The relevant notifications shall be deposited with the government of ... which shall be the Depositary.
2. In its notification of the adoption or approval of this Treaty, an international organization shall outline its sphere of competence regarding issues covered by the Treaty.

It shall immediately inform the Depositary of any relevant changes in its sphere of competence.

3. States mentioned in Article 10 of this Treaty which did not sign the Treaty during the period indicated in that Article may accede to this Treaty by depositing the relevant notification with the Depositary.

## **Article 12**

This Treaty shall enter into force ten days after the deposit of the twenty fifth notification with the Depositary in accordance with Article 11 of the Treaty.

For each State or international organization which ratifies, adopts or approves this Treaty or accedes to it after the deposit of the twenty fifth notification of ratification, adoption, approval or accession with the Depositary, the Treaty shall enter into force on the tenth day after the deposit by such State or organization of the relevant notification with the Depositary.

## **Article 13**

Any State or international organization may accede to this Treaty after its entry into force, subject to the consent of all Parties to this Treaty, by depositing the relevant notification with the Depositary.



For an acceding State or international organization, this Treaty shall enter into force 180 days after the deposit of the instrument of accession with the Depositary, provided that during the said period no Party notifies the Depositary in writing of its objections against such accession.

#### **Article 14**

Each Party shall have the right to withdraw from this Treaty should it determine that extraordinary circumstances pertaining to the substance of the Treaty have endangered its supreme interests. The Party intending to withdraw from the Treaty shall notify the Depositary of such intention at least (...) days in advance of the planned withdrawal. The notification shall include a statement of extraordinary circumstances endangering, in the opinion of that Party, its supreme interests.

Source:

The President of Russia, The draft of the European Security Treaty, November 29, 2009, 15:50: <http://eng.kremlin.ru/news/275>

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