

Security with or against Russia? On the Russian Proposal for a »European Security Treaty«

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Introduction

As far as integrating Russia in a cooperative pan-European security system and developing a strategic partnership are concerned, the first 10 years of the new millennium amounted to a lost decade of estrangement, fraught with crises and conflicts: one need mention here only NATO enlargement, arms control crises, and the energy question. Eight years of American unilateralism under George W. Bush also contributed to Moscow's, from time to time, rather brash new self-assurance, which now and again got rather ahead of itself. This self-assurance was primarily the result of the unprecedented economic growth based on skyrocketing oil prices. The global financial and economic crisis and the attendant fall in commodity prices have not only ended the boom of recent years, but also revealed the structural weaknesses of the Russian economy.

Sadly, the fact remains that, 20 years after the end of the East-West conflict, Russia has not yet been properly integrated in the institutional framework of European security policy. The consequent strained relations are in no one's interest. Russia is urgently needed as a partner. The USA needs it as a partner in nuclear disarmament, in coping with the Iranian atomic crisis, and definitely with regard to cooperation in the UN Security Council. Russia, in turn, needs the West for its modernization policy. Integrating Russia in a strategic partnership is, therefore, in the interests of the West.

The development of a »grand bargain« between the West and Russia is clearly long overdue. This would be possible, however, only in terms of a long-term process, supported by the vision of joint and indivisible security, as the CSCE's 1990 Charter of Paris emphasized. This vision still awaits realization. To that extent, the Russian initiatives for a new European Security Treaty have touched a nerve. With regard to the continent's unresolved security issues there is definitely a need to discuss possible improvements in the European security architecture.

Prehistory of the European Security Treaty

On June 5, 2008, Russian President Dmitri Medvedev presented, for the first time, his proposal for a new pan-European security architecture, which called for a treaty of all states from »Vancouver to Vladivostok,« binding under international law. Although the international response to the idea was initially rather lukewarm, since the Georgian crisis it has attracted considerably more attention. Cyprus, Germany, Italy, Spain, and, above all, France have at least displayed a willingness for discussion. NATO, at its conference of foreign ministers on December 3, 2008, also declared itself receptive to a debate. The following questions were raised: What precisely does Medvedev's proposal contain? What are the possible starting points for a meaningful discussion and what are the potential stumbling blocks? And what are Russia's motives with regard to this proposal?

The Russian President grounded his proposal on the assertion that the existing European security architecture has not made it possible to implement the goal of the Charter of Paris, namely a Europe which is united, free, and secure. In order to overcome this, he proposes a pan-European summit of all states, from »Vancouver to Vladivostok.« Its goal would be to draw up and conclude a security treaty which was binding under international law.

With his concept of a new European security model Dmitri Medvedev represents a redoubtable Soviet and Russian tradition, stretching from Mikhail Gorbachev's »Common European Home« in the mid-1980s, through Boris Yeltsin's proposals for a pan-European security order within the framework of the OSCE, to the years of discussion within the OSCE on a »European security model for the twenty-first century« and the creation of a »European Security Council,« at Moscow's behest (Schneider 1997). 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. From Moscow's standpoint, too, this remains an eminently reasonable wish. With a reactivated NATO, ideas about a common pan-European foreign and security policy would increasingly fade into the background. In particular, the Central European countries – that is, the former Warsaw Pact states – continue to have historically ingrained reservations about Russia and hold the USA and NATO to be their sole guarantees of security against Moscow.

Russia, in contrast, has for some time pursued the strategy of making the OSCE into a security structure in Europe which is anchored in international law. The developments of the past decade have shown, however, that this aim is not achievable. Russia's overwhelmingly negative goal within the framework of the OSCE was primarily, if not to prevent NATO enlargement, at least to delay it. One look at NATO's current membership of 28 and those who wish to join bears stark witness to the fact that Russia has resoundingly failed. As a consequence, the OSCE has lost most of its political relevance over the past decade. The last summit meeting at the level of heads of state and government took place in Istanbul in 1999. Since then, the OSCE has been the object of constant criticism from Russia. In particular, Russia considers the field missions and OSCE arms control in the area of human rights as undue interference in its internal affairs. Interestingly enough, despite its heavy criticism, Moscow has cut back the OSCE's operational work only insignificantly (cf. Richter/Zellner 2008).

As a result, Russia sought to build up new alliances and new constellations of alliances which, only a few years previously, would have been unimaginable. One example of this is the Shanghai Cooperation Organization, which includes such tricky and complex groups of states as Russia, China, and the central Asian republics, but would also like to recruit India, Afghanistan, and Iran. Functions and intergovernmental arrangements still dominate the basis of such cooperation. Procedures based on joint agreements and rules will, so far, be sought in vain.

Russian Draft of a European Security Treaty

Immediately before the OSCE meeting of foreign ministers in Athens on November 29, 2009, Russia put up the draft of a »European Security Treaty« on the Kremlin's website in English and Russian. The document, conceived at President Medvedev's instigation, is aimed at establishing a common Euro-Asian security space from the Atlantic to the Pacific. The Treaty would be open to all European states, regardless of their membership of other alliances. Its guiding principles include mutual respect for sovereignty, territorial integrity, and political independence, as well as the renunciation of force.

This means that, for the first time, a concrete text is on the table which merits serious discussion. The carefully formulated Treaty concerns not

only the heads of state and government of a number of Western countries, but also the Organization for Security and Cooperation in Europe (OSCE) and the Commonwealth of Independent States (CIS). According to the draft, membership would be open not only to all Euro-Atlantic and Eurasian states »from Vancouver to Vladivostok,« but also the European Union (EU), the OSCE, the Collective Security Treaty Organization (CSTO), NATO, and the Commonwealth of Independent States. The division of labor and the delimitation of responsibilities remain largely undetermined, however. On December 10, 2008, the security secretaries of the CSTO – which includes Armenia, Belarus, Kazakhstan, Kirgizstan, Russia, Tajikistan, and Uzbekistan – signed up to Medvedev's initiative.

The preamble of the draft Treaty emphasizes the general significance of international law, in particular the UN Charter. The text of the Treaty itself is essentially divided into six parts:

1. the principle of the »indivisible, equal and undiminished security« of all participants;
2. a list of conflict resolution mechanisms;
3. the right to assistance;
4. emphasis on the superordinate rights of the UN Security Council;
5. a list of possible treaty partners;
6. a list of clauses on coming into force and termination.

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. In the text of the treaty it is also emphasized that the signatories would be obliged to ensure that they do not strengthen their security at the expense of other states. This is another clear sideswipe against NATO, by whose various enlargement rounds – up to its very border – Russia feels threatened. At all events, Moscow wishes to prevent the NATO accession of the former Soviet republics of Georgia and Ukraine. Predictably, the USA and the UK were the first to express their reservations about setting up another structure alongside NATO for military-political security.

At its meeting of foreign ministers in Athens on December 1, 2009, the OSCE discussed the Russian draft of a »European Security Treaty.« It was clear from the outset that Moscow's proposals were regarded with considerable skepticism. While both the German government and other EU states welcomed the Russian proposals, they had two crucial reservations: on the one hand, the Russian initiative may not call into question

existing alliances, such as NATO or the OSCE, while on the other hand, Moscow would have to present more concrete proposals on how it imagines such a common security space. All in all, skepticism prevailed concerning whether a new comprehensive treaty could possibly be adopted and then ratified by all member states over the next few years.

For the time being, therefore, the discussion in Athens lacked substance. As expected, the central and eastern European countries in particular were skeptical about the Russian proposals. They pointed to the war in Georgia and warned against an attempt to undermine solidarity in the Western defense alliance. There was at least consensus that this would have to take place within the OSCE and not outside it. Within the framework of the Corfu Process, which the OSCE member states instigated in June 2009, the Russian draft treaty should be understood as part of an ongoing debate on the future of security in Europe. The following options or scenarios with regard to a pan-European security architecture are both desirable and necessary: the revitalization of the OSCE, a renewed partnership between NATO and Russia, and a total recast of atomic and conventional disarmament and arms control.

Revitalization of the OSCE

The revival of the OSCE, which has been largely paralyzed for the past decade, has already begun: with the Corfu Process, a new kind of dialogue forum was created within the OSCE at the end of June 2008. On the Greek island, the foreign ministers of the 56 participating states, by way of response to President Medvedev's proposal for a new European security system, agreed to revive the political dialogue on security issues. This forum is to undertake a re-assessment of European security structures and to propose and develop possible changes and reforms. Kazakhstan, which has assumed the OSCE presidency for 2010 in the teeth of violent opposition, declared that it would organize a similar informal meeting this year and, at the same time, pronounced itself in favor of a top-level conference in 2010. This would be the first OSCE summit since Istanbul 1999. Without a concrete agenda, however, this remains improbable.

German foreign minister Frank-Walter Steinmeier also expressed his views on the Russian proposals in his speech at the OSCE ministerial council in Helsinki on December 4, 2008, and drew a direct connection to the Paris Charter: »In Berlin, Barack Obama called for the rejection of

the Cold War mindset. His proposal: a partnership which takes in the whole continent, including Russia. His counterpart in Moscow is calling for a new pan-European security treaty. President Sarkozy wants an OSCE summit for this purpose. There are opportunities in all of these proposals. We should discuss them openly. We could end up with an agreement on a new security partnership. A binding text which provides the framework for common security and common action. A new ›Charter‹ which follows on from the Charter of Paris and renews it for the twenty-first century.« Steinmeier described »a workable security architecture« and »progress in arms control and disarmament with regard to both conventional and nuclear weapons« as »indispensable.« But NATO must not be called into question: »To avoid any possible ambiguity: the EU, NATO and the OSCE remain the cornerstones of European security. Without a strong transatlantic basis there will in future be no security in Europe. What has taken us decades to build is not up for discussion.« Steinmeier at the same time called for »something along the lines of a new ›Harmel report‹ for NATO – a fundamental agreement on its future path« (Steinmeier 2008).

The Bush administration, in contrast, slammed on the brakes the very next day. Assistant Secretary of State for European and Eurasian Affairs Daniel Fried, in a press conference, described calls for an OSCE summit to discuss the Russian initiative on a new European Security Treaty as premature. Russian foreign minister Sergei Lavrov thereupon threatened the »extinction« of the OSCE if it did not change fundamentally. The OSCE in its current form is not in a position »to guarantee equal and indivisible security for all.« It is no longer enough, according to the foreign minister, merely to reaffirm the principles and obligations of the OSCE; they have to be implemented in practice. The Russian Federation has made its contribution to this with its proposal of a legally binding European Security Treaty. Lavrov also called for the transformation of the OSCE into a »normal« and full-fledged international organization with a legally binding founding document – a charter or statutes (*FAZ*, December 5, 2008).

Even though a uniform assessment of the Russian proposal can hardly be expected among the 56 OSCE member states, it is certain that, with the Corfu Process and the new US administration under President Obama in 2009 the organization has been given new impetus. For example, serious discussions have been resumed on the future of Nagorno-Karabakh, which is disputed by Armenia and Azerbaijan. Ratification of the Adapted

Treaty on Conventional Armed Forces in Europe (CFE) is also now under consideration within NATO.

The Russian draft treaty was discussed extensively at the OSCE ministerial conference in Athens on December 1, 2009. On behalf of Germany, Minister of State Werner Hoyer welcomed the Russian proposal: »The project deserves serious study. The OSCE's Corfu Process is the proper framework for a comprehensive dialogue on pan-European security. That's the right forum to discuss the Russian proposals. Our overriding goal should be to strengthen European security in a comprehensive fashion. That means we're keen to build upon and, wherever necessary, strengthen the tried and tested institutions and instruments in the Euroatlantic region. Another crucial thing is to concentrate on practical ways of improving European security« (Hoyer 2009).

It was clear from the very first day of the OSCE conference of foreign ministers that Moscow's proposals were still regarded with considerable skepticism. The Central and Eastern European states in particular looked askance at the Russian proposals, pointing to the war in Georgia in 2008 and warning of a Russian attempt to undermine solidarity in the Western defense alliance

Despite all reservations, in any event, the OSCE offers the appropriate framework for discussing and fleshing out the Russian proposals. Particularly for a revival of the pan-European security dialogue within the OSCE a whole range of instruments and informal consultations are available: from summits and meetings of foreign ministers to the Permanent Council at ambassadorial level and the arms control forums (OSCE Forum on Security Cooperation, Advisory Group of the CFE Treaty) and the OSCE Secretariat. In other words: the tools are in place. They merely have to be taken up. The crisis of the OSCE and of cooperative security in Europe is largely the result of the growing American-Russian tensions of recent years. With Obama and Medvedev, new opportunities offer themselves. The OSCE member states should, in any case, seize the chances presented to them and breath new life into the OSCE as the only pan-European forum of cooperative security. In parallel with this, however, NATO must also establish its relations with Russia on a new basis.

A New Era for Relations between NATO and Russia

Naturally, relations with Russia have long been a key issue at NATO meetings. Is Russia a new friend or the old enemy? NATO policy still cannot decide and remains mired in ambiguity. Although, after the change of government in Washington, the situation has clearly become more relaxed, there is still the fundamental problem that NATO was originally founded as a bulwark against the Soviet Union and the new NATO members make no secret of the fact that they regard the alliance first and foremost as a defensive wall against their overpowering neighbor.

At the same time, the cooperation between Russia and NATO up until the Georgia crisis – in spite of the public disagreements – was much better and much closer than the public perceived. The numerous areas of cooperation included joint exercises, joint measures to combat terrorism, and military planning.

During the Georgia crisis, NATO did not acquit itself particularly well. It became clear that there is a profound split in the alliance between the new member states, who define their security against Russia, and the old member states, who are set on compromise and partnership with Russia. The five-day war in Georgia also reflected a manifest crisis in the system of cooperative security in Europe. Furthermore, by suspending the NATO-Russia Council, NATO deprived itself unnecessarily of the very body in which the Georgia crisis could have been dealt with best. Only seven months after the Georgia crisis, on March 4, 2009, the NATO-Russia Council formally resumed its activities. This annoyed many Central and Eastern Europeans, but it was a long overdue step. The NATO-Russia Council should not be a »fair-weather« organization. In particular in difficult periods and crises – such as during the war in the Caucasus – instead of putting it on ice, it should be used as a strategic instrument of crisis management.

The first response to the Russian proposal by new NATO General Secretary Anders Fogh Rasmussen on his first visit to Moscow on December 16, 2009, was unnecessarily brusque: »I don't see a need for new treaties or new legally binding documents because we do have a framework already.« The NATO chief rejected making Medvedev's security pact a topic for the Alliance. The West will analyze Medvedev's proposals, but »the proper forum for that is the Organization for Security and Cooperation in Europe.« At the same time, Rasmussen called for a new era of partnership and announced linking up with the Russian missile defense

system by 2020 to create a common missile shield. That would »not only protect us all against proliferation, but bind us together politically as well,« declared Rasmussen (2009).

The end of the »Ice Age« between Russia and NATO is not only connected to the new US administration, but is based on thoroughly pragmatic reasons. The realization is growing on both sides that they need one another. The USA is worried about its supply routes to Afghanistan, is ready to shed its nuclear weapons (whose maintenance costs 50 billion dollars a year), needs Moscow in the cooperative effort against Iran's nuclear ambitions, and wishes to step up the joint fight against terrorism. Putin, in turn, has recognized that a strategy which depends on high oil and gas prices is misguided, given the world economic crisis – Russia needs help, too. This offers hope that NATO will really usher in a new era of partnership with Russia. In the process, Russia must be offered concrete proposals – even the Russian Federation's membership of NATO should not be ruled out in the medium term. Once before, at the beginning of the 1990s, the notion was raised in Moscow of taking the country into NATO, only to be blocked in 1994 with the first wave of NATO's eastern enlargement. This is now being openly discussed once more. According to former German foreign minister Joschka Fischer: »The peripheral nature of the NATO-Russia Council was clearly not enough and did not work. But why not think about transforming NATO into a real European security system, including Russia?« (Fischer 2009).

The new strategic concept announced for the NATO summit in Lisbon at the end of 2010 will, therefore, also take up the question of the form of the partnership with Russia.¹ In the meantime, within the alliance there is a long list of offers of cooperation – from joint seminars on defense planning to NATO assistance in reforming the Russian army. A new strategic partnership between Russia and NATO could be achieved as a medium- to long-term process through a gradual increase in the consul-

1. In contrast to earlier strategic concepts, this time NATO's new strategic concept will not be drawn up exclusively by the military, but by a group of experts led by former US Secretary of State Madeleine Albright. The report by 12 national experts will be subject to prior consultation in the 28 member states and passed on as a draft to the NATO Secretary General. On this basis, the NATO Secretary General will draw up his official negotiating position on the text of the strategic concept and forward it to the 28 member states. This should take place in May or June 2010. After several weeks of negotiations in NATO committees the strategic concept should be adopted at the end of 2010 at the summit in Lisbon.

tation and decision-making mechanisms of the NATO-Russia Council. Although this design falls short of the Russian ideas on the conclusion of a formal treaty between NATO and Russia, it can nevertheless build trust and give rise to further prospects.

In the debate on NATO's new strategic concept Germany in particular, together with the Scandinavian countries, emphasizes the need to put arms control, disarmament, and non-proliferation on a par with military instruments. The alliance has a good and successful tradition in this regard. In the past, too, NATO has always shown a willingness to engage in dialogue and cooperation, apart from military deterrence. Examples include the Harmel Report in 1967, the London Declaration of 1990, or the Strategic Concept of 1999. The NATO-Russia Council, the Euro-Atlantic Partnership, the NATO-Ukraine Charter, the Partnerships for Peace, and the NATO-Mediterranean Dialogue document the alliance's impressive efforts in pursuit of cooperation. With the revival of nuclear disarmament the main focus is the nuclear weapon states. The logic of nuclear deterrence remains part of NATO's strategy, as does the doctrine of first strike against non-nuclear weapon states. Without a bold strategic re-orientation NATO will probably mutate into a security-policy debating society. A new strategic concept is therefore needed that sets its sights on cooperation and arms control – not only with Russia, but also with the major global partners in the new multi-polar world order. For this purpose, there needs to be a realistic assessment of what NATO should and, above all, can do.

New Initiatives for Disarmament and Arms Control

Both the revitalization of the OSCE and the re-establishment of NATO-Russian relations on a new footing are long-term projects. In the third area – disarmament and arms control – rapid progress is not only possible, but urgent. Given Washington's new stance and greater flexibility on the part of Moscow with regard to nuclear disarmament, a window of opportunity has opened between the two most significant nuclear powers, the United States and Russia. The year 2010 will be decisive with regard to substantial progress in disarmament. The first practical steps must now follow: a START I successor treaty on the reduction of strategic arsenals, ratification of the Comprehensive Nuclear Test-Ban Treaty by the USA, a successful Nuclear Non-Proliferation Treaty Renewal Conference in 2010,

a worldwide ban on medium range missiles, the salvaging of the CFE regime, and a zero option with regard to tactical nuclear weapons feature prominently on the agenda. A nuclear weapons-free world is still a long way off. The fact that the President of global and nuclear power the USA would like to move in that direction is cause for hope. In any case, the conditions for nuclear disarmament and a revival of arms control are as good as they have been for a long time.

Russia and the USA have commenced negotiations on a new START Treaty, which is to replace the START I Treaty, which expired in December 2009. The two sides seem to be on the verge of reaching agreement. Such an agreement would be an important signal for the Nuclear Non-Proliferation Treaty Renewal Conference, which will take place in New York from May 3 to 28, 2010.

The NPT Renewal Conference will be the first test case for the new disarmament policy. The non-proliferation regime, which since 1970 has largely been a success, finds itself at a crossroads. With the increasing spread of civilian atomic energy the danger is growing that military applications will also proliferate. Many non-nuclear weapon states have criticized what they see as the discrimination embodied in the Non-Proliferation Treaty. They have long awaited concrete steps by the nuclear weapon states in their efforts towards nuclear disarmament and binding security guarantees in return for renouncing nuclear weapons.

Also of major significance for the chances of nuclear disarmament are the US Nuclear Posture Review, expected in February, and the results of the consultations on NATO's new strategic concept.

The following concrete steps suggest themselves: first, the START I successor treaty on reducing the nuclear arsenals of the United States and Russia, then implementation of the Comprehensive Nuclear Test-Ban Treaty (CTBT), beginning with ratification by the United States. As a third step, a ban on the production of fissile material for nuclear weapons and other nuclear explosive devices (Fissile Material Cut-off Treaty, FMCT) would constitute a clear sign that the age of nuclear weapons is over. In addition, proper monitoring of the civilian nuclear fuel cycle is essential.

Besides regional conflicts, the crisis of disarmament and arms control remains one of Europe's key unresolved security issues. In protest against the NATO states' continuing failure to ratify the Adapted Treaty on Conventional Armed Forces in Europe (CFE), in December 2007 Russia suspended its participation. Since then it has not reported on either

exercises or troop movements and no longer allows inspectors into the country. A pan-European summit ought therefore to give new impetus to conventional disarmament and arms control. This will not be easy, regardless of whether ratification of the Adapted CFE Treaty continues to be the aim or a new treaty – a kind of CFE III Treaty – is negotiated. Until then, the important thing is to restore the transparency demanded by the current treaty.

In any case, all the signs point to change. Disarmament and arms control seem poised for a revival, particularly since the economic crisis weighs heavily on America and Russia. This is not really the time for expensive and strategically dubious arms projects. With the new administration in Washington the opportunity has arisen to clear away the detritus of the Bush era and to start with a clean slate, improving relations or even putting them on a new cooperative footing: bilaterally, within the framework of the EU and NATO, as well as within the OSCE.

Conclusion: Compelled to Cooperation

It should be noted that the three options we have addressed are by no means mutually exclusive; on the contrary, they complement one another and therefore should all be pursued to an equal extent. Most amenable to rapid implementation – as already mentioned – are concrete steps in the area of disarmament and arms control.

The Russian diagnosis – that the aims of the Charter of Paris have not been achieved and Europe suffers from security deficits – is basically correct. It is equally true, however, that there is no chance of re-establishing security policy on new foundations or even progress in that direction. As a result, the existing European security architecture should be refurbished, with its network of interlocking institutions (NATO, EU, OSCE). In this context, there exists, in the form of the OSCE, an institutional framework which is well placed to incorporate Russia's legitimate interests in the organization of European security on the basis of equal cooperation. For starters, it should be resuscitated as a pan-European security policy organization.

A renewed OSCE can and will not replace the EU or NATO. It could, however, lay down rules and procedures which would guide these two organizations with regard to matters beyond their scope. In this sense, it should be conceived, on the one hand, as a European collective security

organization, but on the other hand, also as a platform for global action. For both, a whole range of tough issues come to mind. This concerns more than terrorism. If regional organizations took on more responsibility they could do more to take the pressure off the United Nations. They cannot replace the latter, however. It doesn't change the fact that the ultimate responsibility for war and peace remains with the UN Security Council. Only it can confer legitimacy on international military and peacekeeping missions under international law.

The war in Georgia made clear, moreover, that the management of secession conflicts and the alleviation of tensions between national self-determination and territorial integrity are by no means a thing of the past, whether in Europe or elsewhere. There is a pressing need to discuss the shortcomings of the European security system. The idea of holding a pan-European summit on the issue is basically sound. Alongside the security policy revitalization of the OSCE, more robust and institutionalized cooperation between Russia and the European Union would be of great benefit for Europe's security.

The West should not dismiss the Russian desire for new negotiations out of hand, but seize the opportunity to get to grips with the key issue of Russia's role in Europe. However, two conditions are necessary for this which do not exist at present: (i) transatlantic solidarity in dealing with Russia and (ii) a fundamentally united and therefore stronger EU.

In conclusion, the point is that unless existing structures are utilized every attempt at reform will fail and precisely the opposite of what is intended will be achieved, which is the establishment of a pan-European peace order on the basis of trust and security guarantees which will help to overcome European divisions. Ideally, the pan-European security conference proposed by President Medvedev could lead to a second founding pact – Helsinki II – and a new charter, operationally enhanced in terms of security policy.

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