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## **SECURITY GOVERNANCE AFTER THE WAR IN UKRAINE**

**Abstract:** *At the end of the Cold War European states, together with Canada and the United States, agreed to base their relations on a new approach to politico-military, human, economic and environmental security embedded in a comprehensive security system. This system was already under strain when Russia launched its war of aggression against Ukraine in February 2022. Regardless of the outcome of the fighting in Ukraine, the current security system is broken beyond repair and new long-term arrangements will have to be agreed upon. The new system must include the many states that remain committed to comprehensive security, and it must bring Ukraine into the military security structures that can safeguard against future aggression. Until a change in Russian behavior has been sustained over a long period it will not be possible for Russia to join any new arrangements. The new system will differentiate between the internal rules binding its members around the values of comprehensive security and the policies and practices necessary to safeguard European interests globally.*

### **Introduction**

In the late 1980s, the shared recognition that conventional war would be inconclusive and nuclear war would be catastrophic underpinned the creation of a European security order that no longer exists. President Vladimir Putin's far-reaching demands in the months before the invasion of Ukraine in February 2022 and subsequent aggression have put into question the issue of war and peace in Europe.

China and Russia have long called for revisions to global governance, but their call for 'the establishment of a new kind of relationship between world powers' as hundreds of thousands of

Russian troops were massing at Ukraine's borders indicated a new assertiveness.<sup>1</sup> President Joe Biden has said that we are in 'the early years of a decisive decade' in which dramatic changes in geopolitics, technology, economics and the physical environment can all be expected.<sup>2</sup> President Putin also believes a turning point has been reached, and described the coming period as 'probably the most dangerous, unpredictable and at the same time important decade since the end of World War II'.<sup>3</sup>

Ukraine has decisively separated itself from Russia, and the kind of relationship that Russia seeks is now out of the question. At the same time, Russia can't achieve the place it seeks in the world without a political framework that incorporates Ukraine (as well as Belarus). Therefore, the war is existential for Russia as well as Ukraine, and even the decade pointed to by Biden and Putin might be too short for it to run its course. A new governance system should be discussed with this long-term perspective in mind.

### **New forms of security governance**

A new approach to security governance is needed in (and for) Europe, based on a new discussion of values, institutions, defence and deterrence and geoeconomics. Russia has defected from the governance system created after the end of the Cold War, and it is debatable whether Belarus ever seriously joined that system. Since they can't be part of the new system as members, consideration must be given to the future relationship with those states.

European states would expect to play an important role in an intra-Western conversation about the 21st Century 'rules-based order', but the United States may play the main role in setting an agenda and organizing a discussion among allies and partners. In the major wars of the 20th Century, allies came together to discuss post-war arrangements before the outcome of fighting was clear, but it was after the US entry as a combatant that the search for allied positions on post-war conditions gathered momentum.

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<sup>1</sup> *Joint Statement of the Russian Federation and the People's Republic of China on International Relations Entering a New Era and the Global Sustainable Development*, February 4, 2022.

<sup>2</sup> *United States National Security Strategy*, Washington DC, October 2022.

<sup>3</sup> President Vladimir Putin, Keynote speech at the 19th Annual Meeting of the Valdai Discussion Club, Moscow, October 27, 2022.

In his February 2023 speech in Warsaw President Biden stated that ‘the work in front of us is not just what we’re against, it’s about what we’re for. What kind of world do we want to build?’<sup>4</sup>

For Western states, it is axiomatic that a revised governance system should strengthen the international legal order, and policies should not be (or appear to be) crafted to achieve a narrow political advantage or economic gain. Consistent with the Global Peace Formula Summit called for by Ukrainian President Volodymyr Zelensky in November 2022, the security governance system must be democratic. It is also a pragmatic matter. States in what was called the Third World in the past had limited involvement in key decisions that were driven by great power interests. Countries in what is today called the Global South have a much higher degree of agency, and they can undermine a system that looks as if Western states are trying to organize the world for their own convenience.

The security system Europe built for itself in the 1990s is incomplete. For centuries Europe was the most conflict-prone world region, and it appears that the issue of militarism and aggression in Europe has still not been addressed effectively. In 1985 the joint statement by President Ronald Reagan and President Mikhail Gorbachev that ‘a nuclear war cannot be won and must never be fought’ was regarded as an important signal that US and Soviet thinking on nuclear strategy was compatible. When the five permanent members of the United Nations Security Council repeated the same language in January 2022 it was considered a positive signal, but the impact has been undermined by Russia’s use of nuclear weapons in coercive diplomacy.

As discussed below, restoring credibility to Western defence and deterrence arrangements is a prerequisite for a future security order, but there are two other essential politico-military elements.

First, ensuring that those responsible for the egregious violations of agreed principles and norms do not enjoy impunity for their actions. Second, finding a new approach to arms control that addresses Russia’s preference for taking risks over mutual restraint. Security governance will have to focus more on establishing the boundaries for acceptable behavior and designing countermeasures when those lines are crossed, rather than seeking to create balanced armed forces or set limits to defence structures.

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<sup>4</sup> President Joe Biden, *Remarks Ahead of the One-Year Anniversary of Russia’s Brutal and Unprovoked Invasion of Ukraine*, Warsaw, February 21, 2023.

## *Values*

Since the early 1990s states in the pan-European space have emphasized that democracy and the rule of law, including full respect for human rights, are an essential part of comprehensive security. Are changes in the way individuals see democratic values, institutions and policies taking place that threaten the basic platform on which the European security system stands?

In February 2022 the Court of Justice of the European Union dismissed challenges by Hungary and Poland to a December 2020 Regulation creating conditionality to protect the EU budget.<sup>5</sup> The Court ruled that shared values ‘define the very identity of the European Union’ and that the EU is entitled to defend its value system within the limits of the powers allocated to it.<sup>6</sup>

The EU regulation listed the elements that together define the rule of law, and from this perspective the issue of values could be seen as a settled matter. However, the move from a focus on trade and commerce to a much more political arrangement is rather recent. Political forces have gained influence and in some cases power, through free and fair elections based on changing policies and institutions in what can be considered an anti-democratic direction.

Europe has experienced a period of extremely rapid change and citizens are reassessing their loyalty to the state. Factors at play include perceptions of family, state, religion, law, security institutions and authorities—what Samuel Huntington referred to as loyalty to blood and belief, family and faith.<sup>7</sup> The impact of the rapid growth of social media and international networks online has become an essential element in discussing the responsibilities of citizenship.

An ideological conflict is also forming over these questions outside Europe. There is no global equivalent to core documents such as the Charter of Paris for a New Europe, and the perspective on a ‘rules-based international order’ is focused on more traditional guidelines around non-interference and respect for sovereignty. China and Russia have argued that values are context-specific and culture-sensitive, not universal. While strengthening comprehensive security inside their own world region, European states may have to apply different principles to relations with

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<sup>5</sup> Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget, *Official Journal of the European Union*, vol. L1433, December 20, 2020.

<sup>6</sup> Court of Justice of the European Union, *Measures for the protection of the Union budget: the Court of Justice, sitting as a full Court, dismisses the actions brought by Hungary and Poland against the conditionality mechanism which makes the receipt of financing from the Union budget subject to the respect by the Member States for the principles of the rule of law*, Press Release No 28/22, Luxembourg, February 16, 2022.

<sup>7</sup> Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order*, (Simon & Schuster: London 1996).

the outside world—something EU High Representative for Foreign and Security Policy Josef Borrell has labeled ‘complex multipolarity’.<sup>8</sup>

### *Institutions*

Europe is the world region that has developed the most complex set of international institutions to implement the comprehensive security concept. However, Russia was excluded from the G8 in 2014, and the number of forums where Russia is represented has progressively reduced after the aggression against Ukraine. In 2022 Russia exited the Council of Europe and ceased to be a party to the European Convention on Human Rights. In February 2023 Russia was suspended from the Financial Action Task Force. In March 2022, Russia indicated that it would probably either leave the OSCE or suspend its participation if a proposal to find ways to remove the country from the organization gained momentum.

In contrast, the European Union and the North Atlantic Treaty Organisation have increased the scope and depth of their cooperation at a fast pace. With their respective partnership arrangements, these institutions have become core elements of an emerging European security governance. There appears to be a new momentum in enlarging the membership of both the EU and NATO. Finland has become a member of NATO, and Sweden is expected to follow suit, which changes the strategic geography of northern Europe significantly. In southeast Europe Moldova and Ukraine have become candidate countries for EU membership, while there also seems to be a revival of interest and momentum in incorporating states from the Western Balkans. However, there are open questions about how these institutions will cooperate and interact with states that are not members, and the need to address enlargement to new members will absorb considerable time and resources.

The applicant countries will face the same questions around enlargement that are familiar from previous rounds: are common objectives embedded in the new members? Can new members implement what is expected of them? Do new members have the structures needed to make a constructive contribution going forward? At the same time, each new member will put new questions onto the table, such as the level of subsidy available to promote economic and political transformation, the degree of assistance available to deal with residual legacy issues such as

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<sup>8</sup> Josep Borrell, *How to revive multilateralism in a multipolar world?*, March 16, 2021.

environmental degradation and specific issues of political and security risk alongside the general concern about the actions of Russia.

### *Defence and deterrence*

Developments in 2022 have intensified diplomatic, informational, military and economic competition between major powers, but the war in Ukraine has emphasized the need to pay special attention to military factors.

The 2022 NATO Strategic Concept underlines that the defence of common values differentiates NATO from Russia and China.<sup>9</sup> Russian actions in Ukraine are a reminder that violence aimed at civilians, intending to sap the will of the adversary to fight, is a feature of Russia's method in wartime. Combined with the difficulty Russia seems to have experienced in attacking mobile targets, in choosing between stationary or mobile and military or civilian targets the Russian choice seems to be to attack stationary civilian targets.

Citizens of NATO countries would probably also be exposed to Russian actions in any future conflict. The German Minister of Defence has asserted that 'someone who acts like Putin does not care whether these dead bodies are on the streets of Bucha, Tbilisi, Vilnius, or Berlin'. NATO is forced to think about how to construct an effective ethical response to an unethical adversary.

In the public discourse none of the potential responses to what Laura Cooper, the Deputy Assistant Secretary of Defense for Russia, Ukraine and Eurasia, has called: 'irresponsible saber-rattling' involve reciprocal use by a nuclear-armed NATO member. The credibility, capability and communication that were essential to extended nuclear deterrence are all under scrutiny. The core of the NATO response has de facto underlined that nuclear weapons are no longer the central pillar in deterrence in Western thinking today. Instead, NATO is moving to generate more forces, at higher readiness, under enhanced command arrangements to strengthen defences to the point where they could credibly deny Russia gains from future aggression.

Allies will be forced to rethink the proper role of nuclear weapons in deterrence. Western states will have to explore how they fit within contemporary Western ethical standards and consider the new strategic geography of Europe. In the past the concentration of heavy formations in central

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<sup>9</sup> *Active Engagement, Modern Defence*, Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization, November 20, 2010; *NATO 2022 Strategic Concept*, June 29, 2022.

Europe promoted the role of battlefield nuclear weapons in war plans because they would destroy a large percentage of enemy forces and render a large territory inoperable, creating a de facto separation of forces. With the accession of Finland to NATO there is a line of contact with Russia stretching from the Arctic to the Black Sea and beyond to the eastern Mediterranean, but no concentration of forces that can be compared to Cold War Germany.

For nuclear weapons to play a role in a denial strategy they would have to target Russian forces before they cross the Russian border, changing the escalation dynamics in a crisis and triggering a new discussion around the ethics of being the first to use nuclear weapons. Nuclear weapons have been thought of more in the context of deterrence by punishment. Massive nuclear retaliation to aggression was rejected in the past because a policy based on mutual assured destruction was impossible in practice for the leader of a democracy to implement. Furthermore, exploring different targeting options for nuclear weapons to facilitate a ‘flexible response’ to a nuclear attack can look like a ‘war fighting’ approach—eroding the so-called taboo against nuclear weapon use.

At present the general public in Europe is not prepared to engage in a political debate about thorny nuclear weapon-related questions that will have to be re-examined in new conditions. The debate may challenge some assumptions about Western values.

### ***Geoeconomics***

In Europe, the superiority of a market economy over a command economy was one of the values underpinning comprehensive security. The expression ‘Bretton Woods’ has become shorthand for the integrated set of agreements and institutions that emerged from the 1944 United Nations Monetary and Finance Conference held in the New Hampshire ski resort of the same name. The decisions taken in 1944 were intended to avoid repeating economic policies held partly responsible for the rise of fascism. Emphasis was placed on fiscal responsibility and controlling inflation, but states did not always agree with the policy prescriptions of bodies like the International Monetary Fund. By the financial crisis in 2008, the reemergence of economic nationalism, protectionism and financial speculation was leading to calls for ‘Bretton Woods 2.0’.

Economic factors such as raising the per-head income of the population, reducing corruption and ensuring fair distribution across class and ethnolinguistic boundaries were considered critical to

anchoring support for democracy in transition countries in Europe. Factors such as absolute and relative poverty, levels of unemployment and income distribution are considered elements that create political risk and potential crisis.

The Western logic for commerce has been to promote free interaction governed by the non-territorial logic of price and efficiency of supply. Although economic rules, institutions and practices still vary across the European Union, a single market, a single currency, and the free movement of labor and capital are counted among the main EU achievements.

It is now recognized that adversaries who embraced market economics after the end of the Cold War in rhetoric have approached economic relations very strategically. Recent academic publications have pointed to the politicisation of economic decisions as a systemic change, and a reassessment of economic dependencies, economic penetration and political leverage is now taking place in Europe in respect of Russia and China.<sup>10</sup> European Commission President Ursula von der Leyen has recently pointed to ‘some areas where trade and investment poses risks to our economic and national security, particularly in the context of China’s explicit fusion of its military and commercial sectors’ and she has called for ‘economic de-risking’.<sup>11</sup>

The most important global actors are beginning to link economic security measures such as screening inbound and outbound investment, sanctions, export controls, procurement restrictions, industrial strategy and supply chain resilience. However, the process of ‘deglobalization’ is enormously complex and the strong commitment in Europe to the previous paradigm of economic interdependence is a powerful psychological barrier to fundamental change. Are the current tendencies moving towards separated economic blocs, or is it more likely that forms of ‘economic warfare’ will occur within a single system as major powers sharpen their defensive and offensive weapons?

### ***What to do about Russia***

President Biden has noted that Russia will not change course and poses ‘an immediate and persistent threat to international peace and stability.’<sup>12</sup> Even pragmatic areas of cooperation, such as controlling strategic nuclear weapons, now seem out of reach.

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<sup>10</sup> Marc Saxer, ‘A Geoeconomic Tsunami’, *International Politics and Society*, February 27, 2023.

<sup>11</sup> Speech by European Commission President von der Leyen on EU-China relations to the Mercator Institute for China Studies and the European Policy Centre, Brussels, March 30, 2023.

<sup>12</sup> United States *National Security Strategy*, Washington DC, October 2022, p. 25.



Despite Russian propaganda to the contrary, there is no agenda for regime change, change in Russia can only come from within. However, a behavior change is clearly a precondition for reconciliation.

A different Russian approach to democratic values and the rule of law will be one of the most important changes that states will be watching for. In the late 1980s, the decision that there was a conversation worth having with the Soviet Union was influenced by statements from the most senior leaders. Some examples include:

‘It is extremely important strictly to observe the principle of the independence of judges and their subordination to law.’

Mikael Gorbachev, Address to the Conference of the Communist Party of the Soviet Union, June 28, 1988.

‘The image of a state is its attitude toward its own citizens, the respect for their rights and freedoms and recognition of the sovereignty of the individual ... we must do a good deal to make certain that the principles of the presumption of innocence, the openness of a court trial and ensuring the full right to defence become deeply rooted.’

Eduard Shevardnadze, Address to senior officials from the Ministries of Foreign Affairs and Defence, July 1988.

‘Our direct and indirect involvement in regional conflicts led to colossal losses by increasing general international tension, justifying the arms race and hindering the establishment of mutually advantageous ties.’

Andrei Kozyrev, *International Life*, October 1988.

Trust in Russia is so low that states will not reengage based on the appearance of change, there will have to be demonstrated performance over a sustained period. In the late 1980s, unilateral measures such as withdrawing Soviet armed forces from Afghanistan and Mongolia were examples of actions that changed Western calculations about the prospects for meaningful engagement.

How Russia will change internally is impossible to predict with any certainty. Therefore, the main line of Western policy is likely to be to ‘let Russia be Russia’ and then deal with the consequences, and the main priority for security governance will be avoiding general war.

### *The place of Ukraine in a new security order*

Avoiding war with Russia was not an option that Ukraine was afforded. Many Western leaders have stated their resolve to continue their support for Ukraine while the current war continues, but decisions are also needed on the longer-term arrangements to ensure Ukraine would be strong enough to defend itself against future attacks.

Ukraine is part of a trilateral security arrangement with Lithuania and Poland that played a useful role in promoting NATO standards and procedures in the Ukrainian armed forces. However, President Zelensky has underlined that collective defence as part of NATO would reduce risk more efficiently than ‘minilateral’ arrangements.

At their March 2023 meeting, EU Ministers of Defence agreed that generating sustainable combat power requires new investments that can both support Ukraine and help member states backfill the stockpiles depleted through past military assistance.<sup>13</sup>

Ukraine is now the European country with the most advanced knowledge of how to fight a sustained, attritional war against Russia. Ukraine is more likely to be an asset and security provider to Western defence than a liability or a security consumer. Although current conditions are undoubtedly complicated, the progressive integration of Ukraine into Western defence structures is now certain to be a feature of future European security governance.

### **Conclusion**

Europe is at the early stage of a new discussion about security governance. With Russia’s defection the existing comprehensive security system is broken. Its core institution—the OSCE—has been paralysed, and its effectiveness continues to degrade to the point where an existential crisis for the organisation is now a real possibility.

Difficult challenges remain in the fields of shared values, defence and deterrence, and geoeconomics. However, the great majority of European states remain committed to upholding the normative elements of cooperative security. Existing legal remedies to political disputes, capabilities needed for collective defence and ‘offensive’ and ‘defensive’ economic instruments are all being strengthened and new ones are under development.

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<sup>13</sup> Josep Borrell, High Representative of the European Union for Foreign Affairs and Security Policy, *Speeding up our military support to Ukraine*, March 14, 2023.

As European states wrestle with their internal security system, the issue of how a Europe evolving further into a community under the rule of law can interact with the rest of the world in conditions of complex multipolarity is unexplored.

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