

Berliner Informationszentrum für Transatlantische Sicherheit (BITS)

Berlin Information-center for Transatlantic Security (BITS)

BITS Research Note 99.1

ISSN 1434-3258

July 1999

The NATO-Russia Permanent Joint Council in 1997-1999:

Anatomy of a Failure

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Introduction

From a military security point of view, Russia and NATO are the two main, albeit asymmetrical players in the Euro-Atlantic area. Toward the end of the Cold War Moscow and Brussels understood the necessity of establishing direct contacts between them. The end of the bipolar confrontation and Russia's internal transformation provided a new and propitious environment for such contacts, leading eventually to partnership. Since 1991 NATO and Russia had been cooperating within the North Atlantic Cooperation Council (NACC). Partnership for Peace (PfP) was another framework within which Russia and NATO cooperated since 1994. In 1997, NACC and PfP were consolidated within the Euro-Atlantic Partnership Council (EAPC). The most important example of long-lasting and successful cooperation on a practical issue between NATO and Russia has been within Implementation/Stability Force (IFOR/SFOR) in Bosnia (since 1995), and in Kosovo (KFOR, since mid-1999). On the problem side, Rus-

sia has been especially concerned about NATO's enlargement, its use of force without a UN Security Council mandate in the Balkans (1999), and the alliance's new strategic concept stressing out-of-area interventionism.

Since the end of the Cold War era the European security environment has undergone fundamental changes. Confrontation is gone, but a common security framework embracing the whole continent is still absent. Moreover, tensions abound, feeding upon and strengthening old suspicions. After the end of the Cold War NATO has established itself as the most influential politico-military actor on the continent. It includes 19 countries, counts several more as would-be members, and maintains regular and close contacts with virtually all nations of Europe, the Caucasus and Central Asia. Unlike the Organization for Security and Cooperation in Europe (OSCE) it has the resources and the will to act as a peacemaker and peace enforcer. NATO, however, has a 50-years history behind it and the

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goals which it had set before itself in the pre-1991 decades can not be easily declared gone. One reason behind NATO enlargement was to hedge against a potential resurgence of Russian power. European security, however, can not be fully achieved simply through NATO's enlargement or even its internal transformation. There is a need for an mutually satisfying arrangement which would include Russia as a full participant. Thus, involving Russia in partnership security relations with the West is an important problem, the solution of which has been made more difficult in the last decade.

A first step toward this goal was taken in 1997 when NATO and Russia signed a Founding Act on their bilateral relations. It included a set of guidelines for cooperation and interaction. Unfortunately, the right way to cooperate was not immediately found. The Founding Act (FA) and the Permanent Joint Council (PJC) which it established have registered some tactical success, but they clearly failed to prevent a serious crisis between Moscow and the Alliance over Kosovo, which reached its peak in the spring of 1999. An analysis of this situation is in order. Only by studying the reasons and tendencies, which led to the current situation, in other words, through an *anatomy of failure*, is it possible to avoid making the same mistakes next time around.

The present paper is aimed at giving a general overview of the brief period of NATO-Russia Permanent Joint Council functioning prior to the Kosovo crisis. The analysis should serve as a window on broader Russia-NATO relations.

The Context – How the Founding Act Came About: A Brief Summary of NATO-Russia Relations 1996-97

The Founding Act on Mutual Relations, Cooperation and Security between the North Atlantic Treaty Organisation and Russian Federation (later to be referred to as the Founding Act, or FA), signed on 27 May 1997 was a major compromise which did not fit either side's initial purpose. The signing came a few weeks before the Alliance's

Madrid Summit which invited three new countries, Poland, the Czech Republic, and Hungary, to join NATO - over Moscow's vehement opposition. The main objective of NATO leaders was to enlarge the alliance without at the same time jeopardizing its relations with Russia. The main objective of the Russian leadership, once it realized that it couldn't stop the enlargement process, was to win security assurances from NATO which would minimize the material impact of enlargement on Russia's national security.

Russia wanted a legally binding document, preferably a treaty, with strict obligations for both sides. It wanted not only consultations with NATO, but, more importantly, joint decision-making on the major issues of European security, and joint action. Seen from the NATO side, this looked like Russia trying to gain veto right in internal NATO decisions. In the end, the negotiators, including Russian foreign minister Yevgeny Primakov, U.S. Secretary of State Madeleine Albright and NATO Secretary-General Javier Solana reached a formula which averted a looming crisis in the relations between Russia and the West, but produced a compromise which had few enthusiasts on either side.

The Act was actually *founding* in the sense that it for the first time provided a basis for the relationship which had existed before. It promised cooperation in a number of spheres, but was declaratory about the ways of advancing it. Its unique advantage was to provide a vehicle for dealing jointly with significant misunderstandings and disagreements, should they arise. However, mutual good will and willingness to engage each other was essential for making the PJC the «main venue for consultations and cooperation».

The Permanent Joint Council, however, was thought to be the heart of the FA and more generally of the NATO-Russia relations. The sides, however, failed to agree on what the PJC would do and - as a result - they got a «disabled child». The council lacked a «home» and a permanent secretariat. It was also hugely asymmetrical in operation - Rus-

sia was presented with a joint position of the NATO members, and could deal with NATO only *en bloc*. If the Russians made a bid, its NATO partners needed to go in retreat to discuss it and then present Russia with their joint reply. This was cumbersome, but «safe», from the NATO point of view. The Russians, for their part, soon discovered that dealing with individual NATO member states outside the PJC was more effective and satisfying. The PJC quickly turned itself into a talking shop for rather stale dialogue. As a result, the PJC was becoming less, rather than more relevant over time.

The Founding Act and the PJC - Promise Declared, Cooperation Frustrated

The main goal of Russia-NATO partnership was declared to be «overcoming the vestiges of previous confrontation». After decades of confrontation, the Permanent Joint Council was to be, first of all, a trust- and confidence-building mechanism.¹

The Founding Act remains the only document that regulates the work of the Permanent Joint Council. Chapter II of the FA is fully devoted to the Mechanism For Consultations and Cooperation (Permanent Joint Council). In the Preamble it says that the central objective of the PJC will be «to built increasing levels of trust, unity of purpose and habits of consultation and cooperation between NATO and Russia in order to enhance each others security and that of all nations in the Euro-Atlantic area and diminish the security of none».² After which follows the key formula: «If disagreements arise, NATO and Russia will endeavor to settle them on the basis of goodwill and mutual respect within the framework of political consultations»³. Apparently, this is the most important thing for which PJC was created to be the instrument for problem-solving in Russia-NATO relations.

Below the Act declares that «the PJC will be the principal venue of consultation between NATO and Russia in times of crisis or any

other situation affecting peace and stability...Extraordinary meetings to allow for prompt and consultations in case of emergencies (i.e.)... in case one of the Council members perceives a threat to its territorial integrity, political independence or security»⁴. In theory, this provision was making the PJC more important than the UN Security Council, or the OSCE, for that matter, for the crises in or affecting Europe. The reality was different. The smoldering Bosnia crisis and the growing Kosovo one were mostly addressed within the Contact Group, bringing together Russia and several of its NATO partners, but on a more equal and more relaxed footing.

Although the Council was called *Permanent* this was not to be taken literally. Rather, it involved *regularly* assembled meetings. As mentioned above, it had no full-time-existing institutions. If it had had them, NATO and Russian representatives, working *together*, would have soon developed *habits* of cooperation and elements of understanding. In fact, this was not the case.

The FA stipulated that «the PJC will meet at the levels of Foreign Ministers, Defense Ministers twice annually and monthly at the level of ambassadors / permanent representatives to the North Atlantic Council»⁵. Also, it would meet as appropriate at the level of Heads of Government. The PJC itself would have a ramified structure. According to the FA, «(T)he PJC *may* establish committees or working groups for individual subjects or areas of cooperation on an ad hoc or permanent basis, as appropriate»⁶. Those committees and working groups *should have been* permanent full-time structures, thus creating a genuine working basis for the PJC. This idea is reiterated by Ulrich Brandenburg, formerly a top NATO official who dealt with cooperation issues: «The real depth of the partnership will become apparent once Russian and NATO staffs start to work closely, even daily together»⁷.

According to the Founding Act, «(T)he PJC will be chaired jointly by the Secretary General of NATO, a representative of one of the NATO member states on a rotation ba-

sis, and a representative of Russia»⁸. This elaborate «troika» scheme reflected a difficult compromise, but for many Russians it suggested that NATO would have a 2:1 majority on procedural matters.

The Act stated that «(t)he PJC will engage in three distinct activities:

- consult on ... any political or security issue, determined by mutual consent;
- on the basis of the consultations, developing joint initiatives on which NATO and Russia would agree to speak or act in parallel;
- ...making joint decisions and taking joint actions on a case by case basis...»⁹.

The Permanent Joint Council, as discussed above, was never created as a decision making body. As said in the Founding Act, «(P)rovisions of this document do not provide NATO or Russia at any stage with a right of veto over the actions of the other nor do they infringe upon or restrict the rights of NATO or Russia to independent decision making and action. They cannot be used as a means to disadvantage the interests of other states»¹⁰. In reality, that meant that NATO was not to be formally prevented by Russia from intervening in the Balkans. By the same token, NATO could not veto a Russian action in the Caucasus.

However, another requirement was that any actions undertaken by the Russian Federation or NATO, together or separately had to be consistent with the UN Charter and the OSCE governing principles. The Russian side was profoundly shocked in March 1999 when NATO decided on strikes against Yugoslavia without a UN mandate. To many in Moscow, this effectively meant that the Russian veto *in the UN Security Council* was sharply devalued.

The PJC was to be the principal Russia-NATO organ; it was to be assisted, however, by several other structures. In order to «improve public understanding of evolving relations between NATO and Russia», establishment of a NATO documentation center and information office in Moscow¹¹ was foreseen. A public information outlet was then founded within the Russian Acad-

emy of Sciences' Institute of Scientific Information for Social Sciences (INION). Creation of a formal NATO mission in Moscow was delayed, and then postponed indefinitely by the Kosovo crisis. On her side, Russia did «establish a mission to NATO headed by a representative at the rank of Ambassador».¹² Moscow however preferred not to name a special ambassador and entrusted the chief of its bilateral mission in Brussels with the additional responsibility. (It is interesting to note that Russia has *separate* permanent representatives both to the European Union and the Council of Europe). For the first time there was a basis for Russia and NATO to exchange information and opinions on a permanent basis. These structures as seen below, really worked and were successful.

Analysis of the Founding Act: Areas of Cooperation and Performance

The subjects that Russia and NATO agreed to tackle in the PJC were as varied as non-proliferation of weapons of mass destruction (WMD), crisis management and drugs trafficking. Yet, for Russia, the main problems of its relations with NATO were slowing down, or ideally excluding the alliance's second round of enlargement; and preventing the emergence of the alliance as the pre-eminent security structure in Europe.¹³

According to the FA, the main areas of cooperation included joint action against aggressive nationalism (through conflict prevention/management/resolution), terrorism, WMD proliferation and arms control, air and missile defense, and averting territorial disputes. For NATO, new relations with Russia were to be part of its internal transformation; for Russia, relations with NATO were a logical part of the military reform effort. What follows is a brief analysis of the PJC performance in the selected areas.

European security architecture was to be mainly discussed within the OSCE. Moscow viewed NATO as the OSCE's rival, and continued to press for a security model assigning the Alliance a subordinate place within a structure organized around the

OSCE.¹⁴ Russia insisted that any NATO action beyond its area in Europe had to have an OSCE/UN mandate.¹⁵ The PJC was to have a special role within that larger structure, which needed to be «strengthened».

More specifically, Russian representatives insisted on discussing issues pertaining to the integration of the new members into the Alliance, such as development of infrastructure.¹⁶ Usually, their Western colleagues refused to discuss NATO-"internal" issues.

In **conflict management**, which was the subject most frequently discussed within the Council, the role of the PJC was relatively low-key. Cooperation in Bosnia was a result of earlier agreements; the political issues were taken up by the Contact Group (CG), and the military cooperation was exercised on the basis of U.S.-Russian arrangements which placed the Russian brigade in the zone of the U.S. division, and made a Russian general, based at SHAPE, deputy SACEUR for Russian forces in Bosnia. The PJC was routinely used for exchange of information and views on the developments in Bosnia. Similarly, the issue of Kosovo was being dealt with mainly by the CG, and the agreement on Russia's participation in KFOR was reached at Russian-American politico-military negotiations.

Kosovo was first discussed by the PJC in May 1998, but it was agreed that the conflict belonged under the OSCE authority. It was underscored at the time that Russia's participation in the Cooperative Jaguar exercise was of high importance. In later deliberations, the role of the United Nations resolutions¹⁷ was stressed. As time went on, the gap between the two sides grew wider. Mutual frustration was the result. By October 1998 it became clear that the PJC reached an impasse on Kosovo. In December 1998 the Foreign Ministers could do nothing beyond calling for a political settlement of the Kosovo crisis. The last meeting of the PJC was held a week before the launching of air strikes against Yugoslavia.

One genuine achievement of the PJC was creation of a Russia-NATO working group

of experts on peacekeeping.

The PJC was an ideal organ for discussing Russia-NATO **bilateral programs**. It reviewed work programs, Russia's Individual Partnership Program (IPP), and Western programs of assistance in retraining retired military officers.

International terrorism was first brought up as a subject for discussion in February 1998. This could provide for an interesting and promising exchange, eventually leading to closer collaboration in addressing the new security challenges. Although the PJC is hardly a proper place for operational contacts between Russian and NATO security services, it could provide essential political backing and broad guidelines for such contacts.

Nuclear weapons issues, ranging from nuclear safety to tactical nuclear weapons, were repeatedly discussed¹⁸, though not leading to any formal agreement. A discussion in October 1998 touched upon **chemical and biological weapons issues** and their delivery means.

Both Russia and NATO in 1997-1999 were revising their **doctrinal and strategic views**. As Ulrich Brandenburg put it, «The signing of the Act does not, of course mean that differences of policy or outlook between NATO and Russia will automatically disappear».¹⁹ Some discussion on these subjects took place within the PJC, but clearly not nearly enough. Worse, the exchanges registered the growing discrepancy between Russian and western strategic thinking.

Scientific and technological cooperation was the least problematic area in Russia-NATO relations, but it was clearly of marginal significance to the relationship as a whole. However, it is important to note that NATO and Russia managed to establish a Joint Scientific and Technological Committee²⁰.

Lessons of the Past and Outlook into the Future

The Permanent Joint Council and the Russia-NATO Founding Act were effectively suspended by the Russian government in March 1999 in protest against NATO's operation against Yugoslavia. Designed to, among other things, prevent crises in Europe, it fell victim to one of them. In theory, had there been enough willingness to cooperate, Russia and NATO were institutionally better prepared for this than at any time since 1991. In reality, a conflict in the Balkans inflicted lasting damage to their relationship.

Why did NATO choose to ignore Russia's clearly stated position, and why did Russia not use all possibilities still open to it for advancing the political settlement? Both seem to have miscalculated. However, the Kosovo crisis in *Russian-Western relations* was a symptom of a deeper crisis in these relations in the post-Cold War era.

One most obvious lesson is that papering over the differences, as in the Founding Act, only saves problems for the future. One of the first steps after the 1997 Paris summit should have been a working agreement on the interpretation of the Founding Act. The principle should have been - Do less, but do better.

A companion lesson is that institutions are only as good as the faith and the resources that the sides are prepared to invest in them. Left without much guidance from the outside, an institution can develop its own culture of communication, and raise the degree of mutual confidence, but that is virtually all. At best, it would serve as a useful back channel and a cushion against moderate shocks to the relationship.

The failure of the Russia-NATO relationship in 1997-1999 is only relative, of course. It is impossible for Russia to ignore the reality of NATO and its new role in European security, however much the Russians may resent it. It is equally impossible for NATO to ignore the task of engaging Russia for ensuring stable peace in Europe.

Thus, despite the current reduction of Rus-

sia-NATO ties to the continuing operation in Bosnia-Herzegovina and the beginning mission in Kosovo, both sides will be compelled to restore the broader relationship. In order to do better next time they will be advised to take a hard look at the Founding Act, and select the areas where progress is most likely, or most promising. They must concentrate on such issues as the proliferation of weapons of mass destruction and missile technologies, international terrorism and organized crime, including drugs trafficking, and defense industrial cooperation. They must also restore confidence through in-depth discussions of military doctrines, strategic concepts, and other «software» items. It is vital for the PJC to carve out a niche for itself, so as not to be seen as duplicating other bodies' functions.

At the institutional level, the Council would be much strengthened by institutionalizing the various working groups, permanent and ad hoc committees, etc. Also, the PJC should not be the only channel for Russia-NATO communications. It is important that the office of the Permanent Russian Representative and the NATO Information Center in Moscow become fully functional.

At some point in the future, one will have to discuss ways of making joint decisions and implementing them. If this comes, it will only be as a result of long and determined efforts by both sides. NATO's transformation process is not complete. The implications of the Kosovo crisis for the Alliance need to be carefully assessed. Conceivably, there are limits to both NATO enlargement and to NATO's ability and willingness to intervene beyond its area of responsibility. For Russia, there are also limits to the affordability of estrangement from the West.

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¹⁶ On 20 May and 21 October 1998.

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¹⁹ Ulrich Brandenburg, op.cit. – pp. 17-21.

²⁰ The first meeting of NATO-Russia Scientific and Technological Committee was held on 19 November 198 in Moscow.

This research note was written by Peter Trenin-Straussov of Moscow during his research internship at BITS in June and July 1999.

BITS acknowledges the generous support received from the Ford Foundation for its work on NATO-Russia relations.