

# BROOKINGS

Order from Chaos

## Russia's draft agreements with NATO and the United States: Intended for rejection?

Steven Pifer Tuesday, December 21, 2021

**R**ussia maintains the world's largest nuclear arsenal and the most powerful conventional military forces in Europe. Russian military units currently are deployed — uninvited and unwanted — in Ukraine, Georgia, and Moldova. As Russia's massing of military power near Ukraine prompted a crisis, President Vladimir Putin has demanded legally-binding security guarantees for... Russia.

On December 17, the Russian Ministry of Foreign Affairs took the unusual step of publishing draft U.S.-Russia and NATO-Russia agreements that encapsulate Moscow's desired guarantees. The substance of the drafts and the way the Russians publicized them do not suggest a serious negotiating bid.

If the Kremlin is serious about negotiating and deescalates the situation near Ukraine, the West could engage on some elements of the drafts. Many, however, will go nowhere — as Moscow surely knew.

### Draft NATO-Russia agreement

Russia's draft "Agreement on Measures to Ensure the Security of the Russian Federation and Member States of the North Atlantic Treaty Organization" would require that NATO members commit to no further enlargement of the alliance, including in particular to Ukraine. There is little enthusiasm within NATO now for putting Ukraine on a membership track, as Putin and other Russian officials undoubtedly understand. However, the alliance will not reverse its long-standing "open door" policy. That would require consensus, and few allies, let alone all 30, would agree that Russia can dictate NATO policy in this way.

This suggests that a middle ground of “not now but not never” might offer a way to kick this thorny can down the road. That is, if Moscow wishes to defuse the situation.

Another article in the Russian draft would require that NATO deploy no forces or weapons in countries that joined the alliance after May 1997. That month, NATO committed not to permanently station substantial combat forces in new members and said it had “no intention, no plan, and no reason” to deploy nuclear weapons on their territory. From 1997 to 2014, NATO deployed virtually *no* troops or equipment in new member states.

That changed following Russia's seizure of Crimea. NATO now deploys, on a rotating basis, relatively small multinational battlegroups in the Baltic states and Poland. It is difficult to see NATO agreeing to withdraw them absent a significant change in Russia's military posture. However, the draft treaty would impose no requirements for redeployment of Russian forces.

Such provisions will prove non-starters with the alliance. Others might get a more positive reception. These include language on consultative mechanisms, such as the NATO-Russia Council, and the establishment of a hotline between NATO and Russia. Indeed, NATO has proposed NATO-Russia Council meetings, though Moscow suspended diplomatic relations with NATO in October.

The draft treaty also would bar deployment of intermediate-range missiles in areas where they could reach the other side's territory. Of course, the 1987 Intermediate-Range Nuclear Forces Treaty banned all U.S. and Russian intermediate-range missiles. However, Russia's deployment of the intermediate-range 9M729 cruise missile in violation of the treaty led to its collapse.

This idea sounds like Putin's 2019 proposal for a moratorium on deploying intermediate-range missiles in Europe. While NATO turned that aside, it might be worth a second look, provided that Russia affirmed that it would apply to the 9M729 and had appropriate verification measures.

The draft treaty's proposed bar on any NATO military activity in Ukraine, eastern Europe, the Caucasus, or Central Asia is an overreach, but some measures to limit military exercises and activities on a reciprocal basis might be possible. There is a

history of such provisions, for example, the Vienna Document's confidence- and security-building measures.

## Draft U.S.-Russia treaty

The draft "Treaty between the United States of America and the Russian Federation on Security Guarantees" also contains unacceptable provisions. Washington likely will not agree to a requirement that the two countries "not implement security measures ... that could undermine core security interests of the other Party." Moscow has shown it has a very broad definition of what it thinks could undermine its security. Likewise, it is unrealistic to ask the United States to prevent further NATO enlargement; Washington will not agree to close the "open door," and even if it were to do so, it could not persuade all 29 other allies to agree to change the policy.

While interest could develop in the draft NATO-Russia agreement's provision on intermediate-range missiles, there will be no interest in the draft U.S.-Russia treaty provision which would effectively ban U.S. intermediate-range missiles from Europe while leaving Russia free to deploy such missiles against NATO countries. The provision limiting the ability of heavy bombers and surface warships to operate in and over international waters will find no fans in Washington or, for that matter, in the Russian military.

Discussion on other provisions regarding military activities might be possible. It is unreasonable for Moscow to seek a veto over Kyiv's foreign policy direction. However, the concern expressed by Putin earlier in December and then repeated about U.S. offensive missiles in Ukraine able to strike Moscow in a matter of minutes poses a different question. That concern could prove easy to address, as there is no indication that Washington has ever considered it. Other such Russian concerns might also be addressed, along with U.S. (and NATO) concerns about certain Russian military activities.

The draft provision requiring that all nuclear weapons be deployed on national territory should go into another forum. Biden administration officials hope to begin a negotiation with Russia that would cover all U.S. and Russian nuclear arms. That is the

proper place for this issue. Whether a requirement that all nuclear weapons be based on national territory would prove acceptable to Washington would depend on the overall agreement and consultations with allies.

## Proposals intended to fail?

The unacceptable provisions in the two draft agreements, their quick publication by the Russian government, and the peremptory terms used by Russian officials to describe Moscow's demands raise concern that the Kremlin may want rejection. With large forces near Ukraine, Moscow could then cite that as another pretext for military action against its neighbor.

If, on the other hand, these draft agreements represent an opening bid, and the Russians seek a serious exchange that also addresses the security concerns of the other parties, some draft provisions could offer a basis for discussion and negotiation. The North Atlantic Council stated last week that NATO is “ready for meaningful dialogue with Russia.” U.S. national security adviser Jake Sullivan reiterated that point: “We’ve had dialogue with Russia on European security issues for the last 20 years... That has sometimes produced progress, sometimes produced deadlock. But we are fundamentally prepared for dialogue.”

A deescalation of the situation near Ukraine would help greatly. U.S. and NATO officials will not want to engage as long as Russia hangs a military threat over Kyiv. Another question is the format. Washington and Moscow can have bilateral discussions, but negotiations have to include all affected parties, including Ukraine. The United States and Russia cannot cut a deal over the heads of the Europeans and Ukrainians. As Sullivan said, “nothing about you without you.”

The sides should come to the table prepared to address the other's legitimate security concerns. Agreeing on the meaning of “legitimate” will consume long hours. For example, it is unlikely that the United States (or NATO) will compromise on the principle — to which Moscow has agreed as a signatory to the 1975 Helsinki Final Act — that states have a right to choose their own foreign policy course. The question of military activities in the NATO-Russia region is a different issue, and NATO has already shown its readiness to undertake commitments in that regard.

These discussions and any negotiation will be long, complex, and arduous. That is the kind of work that diplomats do. Getting started down that path, however, will require very different signals than those the West and Ukraine have seen from Moscow the past several weeks.

### **Order from Chaos**

A how-to guide for managing the end of the post-Cold War era. **[Read all the Order from Chaos content »](#)**