



A Need for a New European Security Architecture

William Burke-White, Professor of Law, University of Pennsylvania

The Russian invasion of Ukraine will, undoubtedly, have enormous impact on both the North Atlantic Treaty Organization (NATO) and European Union (EU). The value of NATO membership—to current members and aspirants—looks far greater in an era of Russian military threats and geopolitical contestation. So too, the EU's emergence as a geopolitical actor in the conflict offers it a renewed and expanded sense of purpose. Broadly speaking, these impacts are likely to be positive, though admittedly complex, for both institutions.

This article pivots away from the direct impact of the conflict on NATO and the EU to the question of the European political and security architecture after the conflict and Ukraine's place therein. In short, it argues that the time is ripe for a new architectural mechanism in a broader Europe that complements NATO and the EU while linking security and economic issues.

NATO and the EU are the two obvious anchor points for a post-war Ukraine in Europe. Unfortunately, neither offers much prospect for success. Understandably, political discussion has focused around whether Ukraine will or will not join either institution, given that the intersecting roles of the two institutions provide the bedrock legal architecture of European political and economic security. Yet, given Russian demands and legitimate NATO security concerns, it is abundantly clear that Ukraine will not become a NATO member in the foreseeable future. And even while Ukraine has been offered a here-to-fore undeveloped express path to EU

membership, that too is unlikely to lead to immediate membership. Hence, the two most obviously relevant institutional frameworks for a post-war Ukraine are largely unavailable.

Ukraine has made clear that any possible peace agreement must include meaningful security guarantees. While perhaps not as explicit a condition for a peace agreement, a pathway to meaningful economic recovery through closer integration with Western Europe is essential to Ukraine's future. With NATO membership foreclosed and EU membership some time off, the current European political and security architecture appears unable to offer the structures needed either to guarantee a peace agreement or give Ukraine a post-war path back to stability, security, and prosperity. Thus, even at a moment that NATO and the EU appear to take on new relevance, they also emerge inadequate to address the current challenge.

Suggestions that have emerged in initial peace negotiations to offer post-war Ukraine some form of security guarantees are both legally and politically inadequate to the task. Nor do they create an opportunity to engage states beyond Ukraine. Security guarantees from France, Turkey, or Poland ring hollow. If any of these countries were to offer direct military support for Ukraine in a future conflict, then the result would likely be a broader Russia-NATO confrontation. Given the clear NATO desire to avoid such a conflict, are such guarantees really credible commitments? Alternatively, security guarantees from states such as Israel also look inadequate to the task and likewise carry political risk and uncertainty. Such

security guarantees, even if credible and sufficient, do nothing to address Ukraine's extraordinary economic needs and the broader goal of further integrating peripheral countries into the European economic orbit.

It is, therefore, time to think critically about alternative economic and security architectures in Europe to supplement NATO and the EU. This is in no way intended to accept the Russian narrative that the security architecture of Europe must be fundamentally redrawn with Russia at its center. Rather, this is a recognition that the current political environment in Europe and the binary nature of both NATO and EU membership give little room or opportunity for states at the periphery of Europe that must find a way to navigate a relationship with Russia while urgently seeking to deepen ties to the West. Ukraine is not alone. Finland and Sweden may be politically easier cases for NATO membership. In contrast, Moldova, Georgia, and the greater Caucasus region are far less likely to ever join NATO. But as a result of Russia's invasion of Ukraine, they may be seeking more institutionalized relationships with Europe and the West. A path must be created to engage these and other states in Europe.

To be effective, such an institutional structure must meet several conditions:

- Be distinct from both NATO and the EU. Unfortunately, both NATO and the EU carry political baggage vis-à-vis Russia. Russia treats the decision by some countries to join these institutions as an existential threat, so a clear separation is necessary.
- Coexist with and complement both the EU and NATO. Any such arrangement

must be designed to work with and complement both NATO and the EU.

- Offer mechanisms of engagement short of a binary membership decision. Such an institutional arrangement ought to allow varied forms of engagement and gradual involvement to avoid the politically charged question of membership.
- Link economics and security. While there were good reasons for the separation of economic and security architecture between the EU and NATO, the current conflict shows the deep interconnections between economics and security in Europe today. Exploiting the connections between economics and security may offer the most credible security guarantees to states. Perhaps equally critical, economic prosperity is a necessary aspect of security today and must be at the center of any such institutional structure.
- Offer binding, credible security commitments distinct from Article 5. While the security commitments of such an institution would not have the NATO-Article-5 commitment behind them, they must be highly credible and legally binding. Perhaps, those guarantees would fall short of a commitment to use force, but they might well include a binding commitment to take all economic steps short of the use of force (many of which have been deployed in the current sanctions package) as well as the provision of military assistance. Critically, a sharp distinction must be made between such security commitments and Article 5 both to

avoid this appearing to Russia as a stealth expansion of NATO and to avoid these security commitments from becoming an Article-5 conflict with NATO.

The exact form and structure of such a new institutional architecture is far from clear. The need, however, for such an institutional structure is very real. Deep and creative thought will be required along each of the dimensions outlined above to determine the exact functions of such an institution and how it would operate. But, if the eventual end of the war in Ukraine is to be anything but a pause in the conflict before the next act of Russian aggression, a new, complementary institutional architecture must emerge from the ashes of war.