



THE PRINCIPLE OF "INDIVISIBILITY OF SECURITY" – SOURCES, REASONING, RELEVANCE – AN INCORRECT EXCERPT FROM THE SET OF PRINCIPLES AGREED IN EUROPEAN SECURITY

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The principle of indivisible security in Europe has been resurfaced lately through the intention of the Russian Federation, via the Minister of Foreign Affairs, Sergey Lavrov, to assume a kind of legitimacy for the consecutive invasion of Ukraine, based on the disrespect for its unilateral perceived security threats and the disrespect by the collective West of this principle, in Russian interpretations. It is, for sure, a distraction and not a real debate, but it worth looking into it since it is about a vision on the making, a concept immature and unsubstantiated, never operationalized, but completely linked with the respect of the general principles sitting at the bases of the UN Chart and CSCE/OSCE fundamental document, of the rules based order, as well as the confidence and respect of the peaceful resolution of conflict and abstaining from the use of force or threatening to use it in international relations.

Keywords: collective security; comprehensive security; rules base order; indivisible security.

The erosion of the trust between the West and Russia

The deployment of Russian troops around Ukraine's borders generated emotions and a justified concern over the issue of Peace and War in Europe. Fully denying any such prospect (AFP 2022) (Welle 2021), Russia continued to bring in troops from the Central District and the Far East (Isachenkov 2022) (Defence 2022) approaching the optimum number for launching an attack to occupy all of Ukraine (Blinken 2022) (Slawson, Campbell, Bartholomew 2022). In order to hide these actions, which are not in line with the rules of transparency of the military exercises found in the system of principles and commitments within the OSCE, Russia introduced, through Foreign Minister Sergei Lavrov, a new topic in the conversation, to act as a smokescreen and create a semblance of lawfulness for its future actions. In a letter addressed to an unknown number of states (Anrchynewsky 2022) and without an exact rule, Sergei Lavrov raised the issue of the indivisibility of security as a principle of the CSCE/OSCE (MID 2022) (TASS 2022), the basis of his claims having as a starting point the subjective perception of some security threats,

linked, of course, to alleged promises of NATO's non-expansion. This claim is the foundation of the two draft agreements sent to NATO and the US, which were also published on the website of the Russian MFA (MID 2021) (MID, Treaty between The United States of America and the Russian Federation on security guarantees, 2021).

Of course, the tactical move is aimed at covering up some realities, launching a parasitic discussion and possibly highlighting the differences of how states perceive a principle such as the indivisibility of security at the European level and, in fact, transatlantic and Eurasian, as the Astana 2010 document stipulates (OSCE 2010). It is, therefore, a false problem. Nevertheless, it deserves to be tackled and debunked in order to prevent it from making history and constitute a semblance of the legitimacy for Russia's aggressive actions. This is why it must be stated that this principle was a subsidiary one, mainly an aspiration until 2010, but never implemented. The Astana document is also rather aspirational, not substantiated, or detailed.

On the other hand, there is the desire and commitment to agree on such a principle applicable in the context of cooperative security between states that adhere to the foundations of the organization, the basic commitments, and that comply with the Helsinki principles. The first of them – listed, as a matter of fact, in the UN Charter

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– is the equal sovereignty of states (UN Charter, Art. 2, paragraph 1). This encompasses (reinforced in subsequent documents in the Helsinki/CSCE/OSCE system) the freedom to choose the system of ensuring security and defense, including through joining alliances (a principle also enshrined in the Charter of Paris for a New Europe) (Charter of Paris for a New Europe, 1990). It is followed by the commitment to respect the sovereignty, territorial integrity and independence of states, the cornerstone of the Helsinki Agreement, 1975 and the finalization of the agreement for the Final Act (OSCE 1975).

In the background we have the Grand Bargain between the socialist and capitalist states at that time, arising from ten years of negotiations, determined by the Cuban missile crisis and the prospect of the destruction of the world: the inviolability of borders in Europe versus observance of human rights. All of this is paired with arms control (nuclear and conventional) and military transparency – the placement of capabilities in the OSCE area, the redeployment of new troops, and rules for conducting military exercises, as well as the construction of a system of confidence-building measures to be able to prevent conflicts, subsequently to de-escalate any violent conflicts that have arisen, or to resolve existing, frozen, or protracted conflicts (OSCE 1975, p. 2).

However, all these founding principles were violated by Russia through the Russo-Georgian war, the unilateral recognition of the independence of Abkhazia and South Ossetia, and later of Crimea, followed by the annexation of Crimea – the first forceful modification of Europe's borders after 1975, done by the seizing the territories of another state – and the Russian military aggression in eastern Ukraine. The bases of trust collapsed, Russia exited the system, was condemned, isolated, and subjected to international sanctions. Against such a background of lack of trust, the return to the indivisibility of security – possibly in the unilateral interpretation of Russia as a veto right over European security, a veto right within NATO, and the ability to block the sovereign aspirations and decisions of states through military intervention and the use of force (MID, Agreement on measures to ensure the security of The Russian Federation and member States of the North Atlantic Treaty Organization, 2021) – is a subject that requires a

whole cycle of returning to the observance of the founding principles of the CSCE and collective security in Europe, then reversing the consequences of Russia's violation of these principles (how could one negotiate a new situation and security guarantees with an actor who did not respect even those in force, what guarantee would one have that the approach is not a useless one, that, after a while, the turbulent actor will not call into question these renegotiated principles, at will).

Thus, we have entered a new post-conflict cycle, whether a new large-scale war will take place in Ukraine, whether hybrid or limited conventional operations will continue, we need to resume rebuilding trust, revalidating the basic principles in documents and actions, return to their enforcement, defend ourselves and reassure most vulnerable states, in order to have the basis from where we start the confidence-building measures, arms control and disarmament measures, and then return to the vision and perspective of collective security and the aspiration of indivisibility of security in Europe. A long road, a new cycle to be restarted, after the status of the previous cycle was changed by Russia itself by blocking the normal road to reassurance, de-escalation, control of nuclear and conventional weapons, and the negotiation of agreements that would control new capabilities based on new technologies – cyber, outer space, etc.

Hierarchies, principles, and aspirational perspectives in European and global security

International law is based on the equal sovereignty of states. The fundamental support comes, after the dissolution of Empires, from the Wilsonian principles (Wilson 2019) that formed the basis of the Versailles system of agreements, respectively the founding documents of the League of Nations (Britannica 1920), the forerunner to the United Nations in the interwar period. The sovereign equality of states means that any state, large or small, strong or weak, has the vocation to be equal to all others in its decisions taken in accordance with the freely expressed will of its citizens, directly or through the legitimately elected bodies that represent them.

Respect for the sovereignty, territorial integrity, and independence of states is a provision included *expressis verbis* in the Helsinki document,



1975, and in all subsequent documents, including the NATO-Russia Founding Act, 1997 (NATO 1997). But the fundamental agreement reached in Helsinki, in 1975, is to balance the principle of the inviolability of borders through military force with the observance of human rights. The first principle was defended mainly by the socialist states of that time, from the Soviet bloc, while human rights were brought up, of course, by the democratic states. It is true, today's Russia, the successor to the treaties of the former USSR, has not complied with either one of the components of the Helsinki fundamental agreement. And this was best exemplified after the Russo-Georgian war of 2008 and the unilateral recognition of Abkhazia and South Ossetia, and all the more so, after the annexation of Crimea in 2014 and the armed aggression in eastern Ukraine.

The provisions of the Helsinki document are the most useful in this case. And, lest there should be any doubt, the first Title, which refers to the issues of security in Europe, begins with the principles that guide relations between states. There we find (I) the sovereign equality of states, (II) the refraining from the use of force, (III) the inviolability of borders, (IV) the territorial integrity of states, (V) the peaceful resolution of disputes, and (VII) observance of human rights. Lest there should be any doubt again, the reference here is to the UN Charter and the Universal Declaration of Human Rights, also mentioned in paragraph 3. At (VIII), which includes the principle of the self-determination of peoples, includes the strict provision, in paragraph 1, that the right to self-determination is used in strict accordance with the Charter of the United Nations and with adherence to the principle of territorial integrity of states. One can also add (IX), the observance in good faith of the international agreements to which each state is a party (OSCE 1975). The conclusion is clear: Russia has violated each of these fundamental provisions that give meaning to European security.

Against this background of observing the fundamental principles of international law, of the Code of Conduct in international relations, of complying in good faith with the international agreements to which each state is a party, it was possible to build the OSCE and subsequent documents to increase trust. This was done, of course, step by step, over time, starting from the strategic agreements on nuclear weapons,

continuing with the INF Treaty (INF Treaty 1987), regarding medium-range (intermediate) nuclear missiles, and with the Treaty of Conventional Forces in Europe, revised in 1999 (OSCE 1990) by virtue of the changes that came after the collapse of the Berlin Wall. In this context, the Russian Federation withdrew from the Treaty of Conventional Forces in Europe in 2007 (Reif 2015), violated the INF Treaty by producing and testing medium-range missiles (North Atlantic Council, 2019), later deployed in Europe – something which the US, NATO, and the Western states warned about and proved, on several occasions, before the dissolution of the agreement. Given that the fundamental principles of international law – equal sovereignty of states – have not been observed, the fundamental principles of the CSCE/OSCE have not been observed – sovereignty, territorial integrity, and independence – the confidence-building measures have not been observed – arms control, transparency of troop movements and military exercises, all the more so around the borders of another state – a reference to the aspiration of indivisible security is, at this stage, superfluous, outdated, and inadequate.

Indivisibility of security. Documents and meanings

Returning to the origins, let us discover how this principle is described in the CSCE/OSCE documents and what significance is given it. How it is operationalized today is hard to say once the fundamentals of the organization that would have proposed to implement it have been shattered by the state that today calls for a return to such a principle as a method of blocking the expansion of NATO, of blocking the equal sovereignty of states and the right to freely choose their alliances and security arrangements. All this is based on an alleged perception of the security concerns expressed unilaterally, in a unique format, by only one of the states of the system, the Russian Federation, the one that violates the foundations of international law and the founding principles of CSCE/OSCE.

Thus, the Conference on Security and Cooperation in Europe, Helsinki, 1975, states only in the preamble, among the countless principles and provisions prior to the agreement, "recognizing the indivisibility of security in Europe as well as the common interests of the development of cooperation in Europe and between them [the parties to the



agreement] and the intention to follow these efforts among them [the parties to the agreement]" (OSCE 1975) (...) The aspirational nature is obvious, and so is the intention that emerges from this whole formulation. Moreover, there is no reference to the indivisibility of security anywhere in the text, after this, made explicit in any way, not even a provision in this regard in the body of the agreement – the Helsinki Final Act, 1975.

The Charter of Paris for a New Europe, 1990 (Charter of Paris for a New Europe, 1990), also notes that "by ending the division of Europe, we will fight for a new quality of our security relations while fully respecting everyone's freedom of choice in this matter. The security is indivisible, and the security of each participating State is inseparably linked to that of the other states. We are therefore committed to working together to strengthen trust and security between us and promote arms control and disarmament." The conclusion is very clear, the freedom to choose the desired security formula (i.e., equal sovereignty of states) precedes the idea of the indivisibility of security, which translates into commitments to increase trust and promote arms control and disarmament. But even these actions provided for by the idea of indivisible security are all violated by the Russian Federation, which appeals to this principle, but under the conditions of non-observance of the Helsinki principles, massing troops at the borders of a state and not observing the control of armaments, the transparency of military exercises and shattering confidence – the concrete foundations for the application of this principle in 1990.

The OSCE Summit in Istanbul in 1999 (OSCE 1999) has four documents mentioning the indivisibility of security, under very strict conditions, framed by the observance of the founding principles and in the context of confidence-building measures. Thus, the Istanbul Document, 1999 (OSCE 1999), a true OSCE Charter, notes the commitment to prevent any violent conflict wherever possible, strengthening the OSCE's capacity to resolve conflicts and rebuild societies ravaged by war and destruction. "The Charter will contribute to the formation of a common and indivisible area of security, advancing the creation of an OSCE area, free of dividing lines between areas having different levels of security." Again, it is an aspirational issue, placed in the context of

conflict prevention and resolution and post-conflict reconstruction, and especially in the context of the community of states that observe the basic principles.

The part reserved for common foundations, paragraph 10, reaffirms the principle of decisions taken by consensus in the OSCE and the need for flexibility and the ability to respond rapidly to changes in the political environment, which is "at the heart of the OSCE's cooperative and inclusive approach to common and indivisible security" (OSCE 1999). Again, aspirational and in context. Then, in the title on the political-military dimension, paragraph 30, after the references to the OSCE Vienna Document, 1999, as well as to the other documents adopted by the Forum for Security and Cooperation (FSC) related to the political-military aspects of security, the increase of trust and transparency is mentioned again: "the full use and implementation of the OSCE instruments on the ground and the adoption of appropriate responses to the security needs in the OSCE area".

After the extensive references to the Code of Political-Military Conduct, it mentions "the determination to make efforts to address the common security concerns of the participating states and to pursue the OSCE concept of indivisible and comprehensive security". Again, an aspirational approach, in the context of observing OSCE principles, and by juxtaposing indivisible and comprehensive security, i.e., with the three dimensions (baskets), including human rights, peaceful resolution of conflicts, confidence-building measures, in the context of refraining from the use of force to achieve political objectives. In Title 4 of the same document, which lists the common instruments, the subtitle on strengthening dialogue registers in paragraph 34 the commitment to extend the dialogue and the commitment of the Permanent Council and the Collective Security Forum (FSC) to address the security concerns of the states and to continue with the implementation of the concept of comprehensive and indivisible security.

The second document mentioning the idea of indivisible security is the Operational Document – Platform for Cooperative Security, which mentions the cooperation with third-party international organizations or states, based on the set of known principles, among which are "the support of the OSCE concept of indivisible, common and

comprehensive security and of a common security space free of dividing lines". Again, one can see the aspirational element, the support of a concept that is already no longer just about indivisible and comprehensive security, but also common. The mere fact of the inconsistency of the formulations shows the lack of maturity of the concept and its non-decryption at the formal level (OSCE 1999, p. 10, p. 43-45).

The concept can also be found quoted in the Final Declaration of the OSCE Summit in Istanbul (OSCE 1999, p.46-58), paragraph 40, "welcoming the efforts of the OSCE Forum for Security and Cooperation to build dialogue, cooperation, transparency and mutual trust on security as well as the construction of the OSCE concept of comprehensive and indivisible security", in accordance with the Helsinki mandate, 1992. The paragraph also refers to the Vienna Document, 1999, on confidence-building measures, to the Code of Political-Military Conduct, and on all aspects of security. It is the clearest reference to a concept under construction and to the context of observing the principles of the CSCE/ OSCE as the basis for its development.

Finally, the fourth document, the CFE Treaty Adjustment Agreement (OSCE 1999, p.119-137), of the Conventional Forces in Europe, mentions, in the preamble, the "struggle to further develop and consolidate a new security model between the State Parties based on peaceful cooperation, thus contributing to the establishment of a common and indivisible area of security in Europe". Needless to say, it was Russia that also breached the trust, violated the principles, used force and did not abide by the peaceful cooperation invoked, did not withdraw the troops according to the CFE Treaty, and even increased their presence after the withdrawal from the agreement and the annexation of Crimea, thus undermining the construction of that common and indivisible space of security.

The OSCE summit in Astana and the indivisibility of security in Europe

35 years after the Helsinki Final Act, the Astana Commemorative Summit (OSCE 2010) recorded the most extensive references to indivisible security in all OSCE documents. Foreign Minister Sergei Lavrov also refers to this document and the sum of the Istanbul documents, in particular, to substantiate

his claims and try to legitimize a forceful action in Ukraine, invoking the disregard for the claims and perceptions of the Russian Federation in terms of security. The document is no less illustrative regarding the context and conditions of building an indivisible, common, and comprehensive European security, which also remains an aspiration, not a concrete commitment or a well-grounded, mature, unanimously accepted concept.

Thus, right from paragraph 1, the Heads of State and Government of the 56 participating states, members of the OSCE, are committed to supporting "the vision of a free, democratic, common and indivisible, Euro-Atlantic and Eurasian security community, from Vancouver to Vladivostok", reaffirming "the relevance and commitment to the principles on which the organization is based" and the need for further action to "implement the fundamental principles and commitments on the dimensions of politico-military, economic and environmental, and a human dimension, in particular in the field of human rights and fundamental freedoms". The references are obvious, the context and the conditions for advancing this vision, defined: the observance of the rules, and also of all the principles, with the special emphasis of those related to the observance of human rights. The conditions in question have not only been ignored, not observed, but major steps backward have been taken by Russia internally since then, and internationally since 2014, since the annexation of Crimea and the Russian military aggression in eastern Ukraine, in particular, although we must not forget the war in Georgia, August 2008.

Paragraph 2 underlines again the references to fundamental documents and commitments in the UN Charter and the OSCE principles, rules, and commitments, before discussing the creation of a "comprehensive, cooperative, equal and indivisible security, which is linked to the maintenance of peace and observance of human rights and fundamental freedoms and is linked to economic and environmental cooperation and peaceful relations between states" (OSCE 2010). It could not have been clearer, and we are already noticing that indivisible security is already integrated into a broader concept that also represents the context principles – maintaining peace and observance of human rights and fundamental freedoms. All these elements were violated by Putin's Russia, the one



that clamors for a concept to be realized in principle, at the end of the chain of a trust construct whose course has been broken, repeatedly, precisely by the actor that today demands the completion of this road of trust and disarmament.

Paragraph 5 refers to "inclusive and comprehensive security at the regional level" only to underline the role of the OSCE and the basis of principles among which "consensus, equal sovereignty of states, promotion of open dialogue, prevention and resolution of conflicts, building mutual understanding and strengthening cooperation" are explicitly emphasized. Finally, it reaffirms the commitment to the implementation of the principles outlined above and to substantial contributions to the common and indivisible security. Paragraph 11 welcomes the initiatives to strengthen European security, on all three dimensions, in order to "achieve the vision of a comprehensive, cooperative and indivisible security community within the OSCE area", which can react to the challenges of the 21st century, based on "our full adherence to OSCE rules, principles, and commitments on all three dimensions. It should unite all participating OSCE states in the Euro-Atlantic and Eurasian regions, without dividing lines, conflicts, spheres of influence and areas with a different level of security." It is stated without any doubt, nuance, or possibility that these provisions can be interpreted in any way, distorted, taken out of context, cut, or individualized beyond the founding principles and norms of international law and the OSCE.

The indivisibility of security – an aspirational principle that does not exist outside of principles, norms, rules, and behaviors in the OSCE

Of course, only one big question remains in the end: what is the real meaning of the indivisibility of security in Europe in OSCE documents?

The first observation is that such a principle does not exist independently. It is an aspirational vision of where states should end up if the level of built trust is high enough. Moreover, the evolution of the debate – until 2010, after which we had no more documents referencing it, not even the final declarations of the OSCE summits – shows that we are talking about comprehensive and indivisible security first, then about "comprehensive,

cooperative, equal and indivisible security, which is linked to the maintaining peace and observance of human rights and fundamental freedoms, and is linked to economic and environmental cooperation and peaceful relations between states."

Perhaps the clearest explanation was provided in 2010 by the Secretary-General of the OSCE, Marc Perrin de Brichambaut, in a debate at the Diplomatic Academy in Vienna, during the Partnership for Peace Research Seminar (Secretary General Marc Perrin de Brichambaut, 2010). It abandons the rest of the components and comes down to formulating the indivisibility of the security that would be at the heart of the OSCE project. However, it reveals the genealogy of the concept, that it was conceived as an interconnected formula of three concepts. The Helsinki document was about the fact that the security of a state is linked to the security of every state in the OSCE, cooperation benefits all member states, and that insecurity within or outside of any member state affects all OSCE member states.

The second component is that of "comprehensive security", reflecting the comprehensive approach to security within the CSCE, namely the three dimensions (baskets) – political-military, economic and environmental, and the human dimension – regarded as complementary, interconnected, and interdependent. "All three dimensions must be understood as essential and equal for real and long-term security," said de Brichambaut. Finally, the third component of the triad of understanding indivisible security is the principle of "cooperative security", which stresses the importance of cooperation between member states, between international organizations and institutions. "The three principles worked together and were unanimously accepted together by the Member States over time."

I think that, at this point, beyond revealing the utilitarianism of the reopening of such a subject today by Putin's Russia, we can say that the West, the US, NATO, the EU, and the OSCE as a whole, do not have to hide or look at this principle and aspiration of European states, after the fall of the Berlin Wall, with any reluctance. The rules-based world means fulfilling in good faith all the international commitments and signed agreements. In this context, the perspective of indivisible, comprehensive, and common security at the level of the OSCE also means the absence of



spheres of interest, the sovereign equality of states, respect for the sovereignty, territorial integrity and independence of states, and the right to freely choose their security solutions and alliances, as well as the consolidation of trust, arms control, transparency of troop movements and military exercises. Exactly what Russia is accused of infringing. All these principles are deeply opposed to the claims evoked by Russia in the two draft agreements sent to NATO and the US, which stipulate exactly the opposite of the commitments within the OSCE, including those related to the indivisibility of security.

Regarding Ukraine, realism brings us back down to earth: we are in a new Fulda Gap-type era (Fulda Gap, Lawland Corridor, Germany) where the parties try to eliminate the gray areas and create a reinforced border in Eastern Europe between the Western, Euro-Atlantic World, and the alleged Russian World, based on Thucydides' trap formula (Graham Tillet, Allison Jr. 2017) in which Vladimir Putin placed himself when he employed military resources on Ukraine's borders and attempted to achieve militarily the submission of a sovereign and independent state, which opted for a security solution contrary to Moscow's interests and subordination to the Kremlin. While Belarus is no longer an independent and sovereign state, after being swallowed by Russia into a "common state", based on Lukashenko's inability to deal with his citizens, ignoring their aspirations, Ukraine is preparing for a large-scale confrontation. One without convenient elements and explanations that would allow a de-escalation on the ground using dialogue and diplomacy.

In this context, the debate on "indivisible security" is nothing more than a smokescreen, propagandistically usable, especially if there are meanings and nuances in the Western interpretation of the subject, so that a genuine transition to the debate on this subject would no doubt destroy Russia's claims and ambitions to have an end of the thread to which to bind itself to justify normatively the invasion of Ukraine, that began 24-th of February. One can see this from this step-by-step analysis of the documents and references to this concept, its aspirational, forward-looking nature, its complexity, and its indivisibility towards the context of observing the principles and values of OSCE, from the Helsinki Final Act to the OSCE Summit documents in Istanbul and the Astana Final

Declaration. There is no basis that would allow Russia to play the card of the division of the West or to interpret distinctly, *sui generis*, a concept so unsubstantiated, but with clear limits, as seen in the documents analyzed above.

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