

PRACTICAL BASIS OF THE ORGANIZATIONAL AND LEGAL CONTEXTS OF ENSURING COOPERATIVE SECURITY: CURRENT REALITIES AND MAIN THREATS

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The conceptual and categorical apparatus of “cooperative security” is investigated and three main approaches to the interpretation of the security concept components are substantiated. As the result of scientific research, the main goals of cooperative security are identified. The general characteristics of the concept of cooperative security in the context of practice-oriented application of “security triangle” are justified. On this basis, the actualization of the application of appropriate vectors is established in order to eliminate the requirements of the states being at risk of taking appropriate countermeasures. It is established that the concept of cooperative security is based on the principles of strengthening security by means of cooperation, and the main element is the system of collective security with more developed political and legal mechanisms. It is proved that under modern conditions there is the need for constant search of optimal models or concepts of international security. It should be noted that there is no ideal solution, since security requires reconciling the expectations of individual states with different statuses and interests.

Key words: cooperative security, cooperative security concepts, cooperative security approaches, cooperative security system, “security triangle”.

<https://doi.org/10.31891/mdes/2023-8-1>

STATEMENT OF THE PROBLEM IN A GENERAL FORM

The concept of “cooperative security” was formulated relatively not long ago while looking for a way out of the situation in which the participants of international relations found themselves after the Cold War and which is characterized by the growth of interdependence, which turns into globalization; denial of the state’s monopoly on participation in international politics; new threats and challenges to international security, etc. Given the rather few, incomplete and contradictory interpretations of this concept in scientific literature, there is the need to investigate the concept of cooperative security, coverage of general features and basic approaches to the interpretation of the components of cooperative security concept.

ANALYSIS OF RECENT RESEARCH AND PUBLICATIONS

The investigation of modern problems of corporate governance in modern conditions is covered by such leading scholars as: B. Andrushkiv, Z. Varnaliy, O. Vivchar, V. Heets, O. Hoichuk, M. Koretskyi, O. Kyrychenko, T. Kovalchuk, Y. Pakhomov, P. Sabluk, V. Shlemko, L. Yaremko and foreign scholars: A. Altukhova, O. Bodruk, A. Horodetskyi, Y. Odum, H. Stoliarov, N. Furs and others.

FORMULATION OF THE GOALS OF THE ARTICLE

The objective of the paper is to substantiate the essential characteristic of “cooperative security”. The main objectives and features of the cooperative security concept are investigated as well. On this basis, practical organizational-legal mechanism in the context of “security triangle” application is presented.

PRESENTATION OF THE MAIN RESEARCH MATERIAL

On the basis of the carried out investigations, it is determined that the term cooperative security appeared during the disarmament negotiations between two blocs during the Cold War period. In the context of verification of disarmament treaties, this term meant admission of on-site inspection by the state concerned. Ensuring cooperative security was to counteract the excessive accumulation of means serving armed aggression against the sovereignty and territorial integrity of another state. This required the general acceptance of military power limitation.

It is investigated that the term cooperative security was also used in the discussions held at the UN in early 1990s. It reflected a set of signs and ways of responding to security problems. Then, cooperative security was realized as: broad and multidimensional; based on mutual guarantees, not intimidation; open in terms of membership, but not exclusive one; favoring multilateral solutions over bilateral ones; using both military and other non-military means; the one that assumes that states are the main subjects in the

security system, but there are other subjects, such as formal security institutions; the one that emphasizes the development of “dialogue skills” in multilateral negotiations.

In particular, the initiative took into account the principle that within the framework of “shared responsibility” states should create a new security system and introduce a new international order at the global and regional levels. The need to develop the role of the UN and to implement regional security treaties and international cooperation, such as the CSCE, was emphasized. A call to action that would limit international threats to security and promote international law, democracy and human rights, and appealed to states to increase their efforts to create a real system of cooperative security was made [4, p. 20].

From the practical point of view, it is worth noting that the main objectives of the cooperative security concept are:

- effective response to regional threats;
- preventing conflicts and crises due to diplomatic means and military presence;
- the ability to settle and resolve conflicts if they do break out;
- providing various forms of assistance (administrative, humanitarian, etc.) in the post-conflict period by cooperative means [1, c. 116].

It is proved that the basis for the creation of cooperative security system is both the listed objectives, the very fact of cooperation, and the interest of individual institutions in the European security system. Here, the motivation is that it is possible to confront most of the modern challenges and threats to European security from new positions, in particular non-military ones. Thus, the term cooperative security also expresses the institutional (organizational) model of the security system in Europe that has been formed since the end of the Cold War. Jane Nolan draws attention to this feature: “cooperative engagement is strategic framework that attempts to achieve goals through institutional agreement rather than through the threat of material or physical coercion”.

In his scientific research, O. Bodruk, paying attention to the differences in the interpretation of cooperative security concept, identifies the following general features:

- cooperative security concept assumes that states should cooperate (cooperate) with each other rather than compete to ensure their own security;
- the concept is based on the theory of democratic peace;
- cooperative security is viewed as multidimensional concept that is not limited to military power;
- the concept considers each individual as an object of security along with the state;
- “security dilemma” concept is key to understanding the movement towards cooperative and common security;
- the main aim of cooperative security measures is to prevent war, mainly by preventing the accumulation of forces and means for successful aggression and, therefore, to eliminate the need for states under this threat to take appropriate countermeasures.

It should be noted that according to scientific researches, three main approaches to the interpretation of the components of cooperative security concept have been developed.

Cooperative security is a strategic system created around the core of democratic states. The security of individual states is linked by four mutually reinforcing concentric circles of security, in the center of which is individual security related to the protection of human rights in individual states. The second circle is collective security, which ensures peace and stability of democratic states. The third circle is the collective defense of system members against external threats. The fourth circle of strengthening stability consists of active participation due to political, economic and military means to promote greater stability in areas with high conflict factor. This approach is demonstrated by Ukrainian security researchers in their scientific analysis [3, p. 245].

Other American researchers confirm that cooperative security is “the mechanism for deterring aggression by creating counter-threats and defeating the one from whom it comes. Measures aimed at achieving cooperative security should be taken after the agreement of the parties, not imposed by force, and cooperative security itself should be based on preconditions that are perceived as legal by the general public. Such actions should be open (inclusive) in the sense that all countries have the right to join them. And the countries themselves are obliged, in turn, to adhere to the spirit of cooperative security and participate in the development of its rules.

They emphasize that “cooperative security” system should neither take the form of a separate comprehensive political regime or arms control agreement, nor strive for the creation of the international government. Cooperative security, in their understanding, does not claim to destroy all weapons, prevent all forms of violence, or harmonize all political values. Its goal is to prevent the accumulation of means for serious, deliberate, organized aggression. “By focusing on the reduction of organized military

preparations, cooperative security itself does not directly address sub-state violence, which is a major source of chronic conflict and poverty in the world. Cooperative security provides the international community with the framework – really necessary framework – for organizing responses to violence against civilians.” The authors point out the basic components of cooperative order, including: experience with nuclear intimidation and cooperative denuclearization; defensive configuration of conventional forces; coordinated international response to aggression; reduction of military investment and proliferation of mass destruction weapons; transparency of all means [5, p. 68].

Scholars from Brookings Institution define cooperative security as “a model of interstate relations in which disputes can occur but are governed by the constraints of agreed norms and procedures. Recognizing the diversity, and even hostility, of different states and cultures, this type of international system ensures that conflicts are resolved without resorting to mass violence. Cooperative security differs from the traditional idea of collective security in the same way that preventive treatment differs from intensive care.” The authors go on to argue that both strategies are not mutually exclusive, but actually complementary, as a fully developed cooperative security structure can include the postulates of collective defense as the ultimate guarantee for its members in the event of aggression. One more feature should be noted: collective security is aimed at stopping the aggressor after the conflict has started, while cooperative security provides for preventive measures (e.g., “humanitarian intervention”) against aggression.

Finally, cooperative security can be represented by the so-called security triangle, the concept proposed by O. Weaver. At the vertices of this triangle are the most important international organizations: NATO, the EU and the OSCE. Each of these organizations is responsible for its own sphere: NATO – for military affairs, the EU – for political and economic affairs, the OSCE, together with the UN, for the formulation of procedural norms in international relations and for overseeing compliance with international law. In addition, behind some institutions there are states that realize their place and influence in individual organizations differently, and therefore define their potential role in different ways. The level of support for the institution depends not only on the function it performs, but also on the level of influence of the state in that organization.

Between the vertices of the triangle there are intermediary institutions which are not independent subjects of the security system. Their task is to resolve misunderstandings and facilitate cooperation between the main institutions. Thus, between NATO and the EU there was WEU which combined elements of both organizations, the main task of which was to facilitate cooperation between them. Today, this task is performed by the EPPO [6, c. 238].

It should be noted that theoretically, cooperative security system is the system where international organizations are of the utmost importance, and only behind them can the interests of individual states be seen. But in relation to the real situation, the above described approaches to the concept of cooperative security, although graphically perfect, still cause significant doubts.

P. Tsyhankov emphasizes the fundamental shortcomings of the first two approaches. The disadvantages of the approach of the Marshall Center to the concept of cooperative security are its exclusive, ultimately, character (that is, the concept is intended only for the chosen ones), which is confined mainly to NATO, considering it to be the main instrument for ensuring the “security of humanity” (and this actually violates the current international law structure), neglects the moral and political consequences of the use of force not authorized by the world community. At the same time, representatives of the Brookings Group underestimate threats of non-military nature and do not pay attention to the challenges associated with internal conflicts. In addition, the supporters of both approaches clearly underestimate the importance of national interests. In addition, supporters of the first approach, who tend to divide participants in international relations into “good” and “bad”, take into account the decrease in the importance of national sovereignty, which, on the one hand, is the absolutization of real trends, and on the other, contains considerable amount of political cunning. It is obvious that it is an attack on the basis of cooperative security concept – the theory of democratic peace. Arbitrary (or, more precisely, determined at its own discretion, according to criteria that can change every time) the choice of the object of “humanitarian intervention” makes democracy unpredictable, contrary to the main postulate of this theory. It is important to emphasize that the reference to preventive measures can be the reason for achieving other goals by the state, such as, for example, overthrowing the government of the neighboring state [2, c. 110].

Doubts about the third approach concern the power and importance of individual institutions located at the top and the distribution of tasks. Cooperative security concept is based on mutual reinforcement and complementation by individual organizations; in other words, it is a certain synergistic union between individual elements of the system. In reality, these elements rather compete with each other,

the distribution of tasks is questioned, and the organizations and states behind them compete with each other. States seek to distinguish “their” organization and give it as much authority as possible at the expense of other organizations. Even if the model of cooperative security system proposed by O. Weaver is accepted as ideal, then we should state that in reality the triangle is not isosceles. The apparent distortion arises from the fact that the burden located on one of the peaks and represented by NATO and the USA is greater than on the others. Nowadays NATO is the main organization of the cooperative security system in Europe.

P. Cohen argues that NATO is the only existing model of cooperative security system in the world, and O. Senchenko notes that “in practice, for today’s Europe there is no alternative to NATO in solving security problems”. Although, it should be noted that this situation is the result of limited powers of other organizations - the EU, the UN and the OSCE. It is also impossible to agree that Russia is behind the OSCE. The OSCE is the organization in which great powers have a certain degree of influence, but still, *de jure*, all states are represented on equal terms.

As we can see, the concept of cooperative security is based on the principles of strengthening security due to cooperation and has the collective security system as its core element, but with more developed political and legal mechanisms. Thus, we are dealing with the concept that interprets the strengthening of international security as multi-stage process of development of European relations, and even broader in the Euro-Atlantic sense. The ideas of cooperative security are converging with the ideas of global security, and some authors even understand them as equivalent. Today, the OSCE and NATO continue to implement the ideas of cooperative security.

Thus, in the context of globalization, the state-centered model of security with differences in understanding of key security factors between the government, the people and the rest of the world looks anachronistic. As O. Bodruk notes, “today, the functions of the main subject of security are being taken over by influential international structures, and the object of security is civilians and civilian infrastructure, human rights, and the protection of democracy.” An important element in the relationship between national and international security is the observance of law, since its violation by the state in internal relations threatens the security of a person, and in the external dimension, the recognition and respect of the law established by the international community is the guarantee of global security. This is especially important now, when relations between states are becoming increasingly complicated and the scale of various types of new threats and challenges is growing.

Modern system of international relations is based on the equality of sovereign states and non-interference in internal affairs. External intervention by international organizations, interstate alliances, and individual governments is often considered as dangerous precedent, a challenge to state sovereignty. Intervention can only be authorized by the UN Security Council. Articles 52 and 53 of the UN Charter provide regional organizations such as the EU, NATO and the OSCE with the legal basis for peace enforcement measures; they require the consent of the five permanent members of the UN Security Council: “No coercive measures can be taken on the basis of regional arrangements or by regional organizations without the authorization of the Security Council.” However, as is clear from recent events, the United States, the United Kingdom, France, Germany, Russia, and China find it extremely difficult to agree on the use of force for various reasons. This is impeded by their different attitudes to the position of the conflict, difficulties in providing adequate resources, and fundamentally different interpretations of the principles of sovereign states equality and non-interference in internal affairs. The absolutization of these two principles can actually paralyze any response from the international community [7].

CONCLUSIONS

Summarizing the abovementioned, it should be noted that in the current conditions there is a lack of internationally recognized legal instruments tools for effective resolution of situations in which states traditionally use force at their own discretion and/or justify their actions by reference to the right of self-defense. Although this problems concerns both internal and external security, there is no global understanding of the need for joint action in response to security threats. Nevertheless leading scholars understand that in the era of globalization and new information technologies, security is based on interdependence rather than unilateral dependence or superiority. Awareness of this induces constant search for optimal models or concepts of international security, although it is clear that there is no perfect solution, because security requires reconciling the expectations of individual states with very different statuses and interests.

It is determined that today, at the empirical level, European security is characterized by the combination of elements of collective and cooperative security. And in the future, after certain

transformations, taking into account weaknesses (improvement of the political and legal mechanism, discussion and adoption of the rules of “humanitarian intervention” to fulfill the tasks of crisis management, conflict prevention and resolution, which should normally occur after exhaustion of all peaceful means of resolving international crises), the liberal democratic concept of cooperative security could become the basis for the formation of a new system of European security.

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ПРАКТИЧНИЙ БАЗИС ОРГАНІЗАЦІЙНО-ПРАВОВИХ КОНТЕКСТІВ ЗАБЕЗПЕЧЕННЯ КООПЕРАТИВНОЇ БЕЗПЕКИ: СУЧАСНІ РЕАЛІЇ ТА ОСНОВНІ ЗАГРОЗИ

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Досліджено понятійно-категоріальний апарат «кооперативної безпеки» та обґрунтовано три основні підходи до трактування компонентів поняття безпеки. У результаті наукового дослідження визначено основні цілі кооперативної безпеки. Обґрунтовано загальну характеристику концепції кооперативної безпеки в контексті практично-орієнтованого застосування «трикутника безпеки». На цій основі встановлюється актуалізація застосування відповідних векторів з метою усунення вимог держав, які перебувають у зоні ризику вжиття відповідних заходів протидії. Встановлено, що в основі концепції кооперативної безпеки лежать принципи зміцнення безпеки шляхом співробітництва, а основним елементом є система колективної безпеки з більш розвиненими політико-правовими механізмами. Доведено, що в сучасних умовах існує необхідність постійного пошуку оптимальних моделей чи концепцій міжнародної безпеки. Слід зазначити, що ідеального рішення не існує, оскільки безпека потребує узгодження очікувань окремих держав із різними статусами та інтересами.

Ключові слова: кооперативна безпека, концепції кооперативної безпеки, підходи до кооперативної безпеки, система кооперативної безпеки, «трикутник безпеки».