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## Reviving Conventional Arms Control in Europe

*A Contribution to Military Stability in Times of Crisis*

### *Introduction*

In late September 2016, the Fifth Review Conference of the Treaty on Conventional Armed Forces in Europe (CFE Treaty) concluded in Vienna without tangible results. Russia, which suspended implementation of the treaty in 2007, did not participate. Several NATO states are also not parties to the treaty, including the Baltic republics. The conference provided renewed proof that the treaty is no longer making a meaningful contribution to guaranteeing military restraint and predictability in a Europe beset by new conflicts, a confrontational understanding of security, and the danger of military escalation. Against this background, in late August 2016, Germany's foreign minister, Frank-Walter Steinmeier, proposed engaging in a "structured dialogue" in order to explore how conventional arms control could be revitalized. The initiative is supported by 14 European states. So far, however, there is no clarity on the political preconditions, military substance, and timeframe for any new agreements. If this initiative is to have any credibility and lasting effect, now is the time to answer these questions.

Foreign Minister Steinmeier's proposal for the renewal of conventional arms control defined five areas where new arrangements need to be made:

1. Regional ceilings, minimum distances, and transparency measures (especially in militarily sensitive regions such as the Baltic);
2. New military capabilities and strategies (e.g. mobility, transport capabilities);
3. New weapon systems (e.g. drones);
4. Effective, rapidly deployable, and flexible verification capable of operating independently in times of crisis (e.g. carried out by the OSCE);
5. Applicability in disputed territories.<sup>1</sup>

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Note: This contribution was previously published as: Wolfgang Richter, *Neubelebung der konventionellen Rüstungskontrolle in Europa* [Reviving Conventional Arms Control in Europe], in: *SWP-Aktuell* 76/2016, available at: <https://www.swp-berlin.org/publikation/neubelebung-der-konventionellen-ruestungskontrolle-in-europa>.

<sup>1</sup> Cf. Frank-Walter Steinmeier, *More security for everyone in Europe: A call for a re-launch of arms control*, originally published as: *Mit Rüstungskontrolle Vertrauen schaffen* [Creating Confidence with Arms Control], in: *Frankfurter Allgemeine Zeitung*, 26 August 2016, English and German versions available at: <http://www.osce.org/cio/261146>.

Precisely what military arrangements are needed in each area remains to be determined, as does the question of the political and legal framework under which any new arrangements should be concluded. Nonetheless, the proposal does mention the OSCE as a suitable forum for this kind of structured dialogue.

The list of topics for discussion indicates the political and military complexity involved in renewing conventional arms control. The proposals have met with great acceptance in the OSCE area, while also garnering criticism. In particular, the number of questions the proposal leaves open have been a cause of irritation and the nature of the overall approach urgently needs to be clarified.

#### *Reactions in the OSCE Area*

Despite the lack of clarity regarding the overall approach, the German initiative has since been taken up by an increasing number of “likeminded states”, who have at least shown interest in a dialogue on the future role and form of European arms control. They have formed an informal group that serves as a provisional format for dialogue. It includes European NATO states such as the Czech Republic, France, Italy, the Netherlands, Norway, Slovakia, and Spain; and neutral EU members and OSCE participating States including Austria, Finland, Switzerland, and Sweden. On 25 November 2016, 14 foreign ministers made a joint statement calling for a relaunch of conventional arms control. They called for the initiation of an exploratory structured dialogue with the OSCE playing the role of a central forum for dialogue.

Prior to this declaration, the US and the Baltic states had reacted cautiously to the German proposal. NATO experts expressed their concern that, for example, regional deployment limits could contradict the decisions of the July 2016 Warsaw Summit to strengthen the Alliance’s military forward presence. Moreover, they believe a resumption of talks between NATO and Russia on conventional arms control would represent a return to security cooperation and “business-as-usual”. In their opinion, this would contradict the Alliance’s position that relations with Russia can only be normalized once the Ukraine crisis has been resolved in line with international law.

The USA stresses the significance of the agreed principles that Russia continues to violate. As a result, the US believes there is no possibility of negotiating new arms control arrangements for the time being. Instead, the State Department takes the position that existing regimes should be maintained, the Vienna Document on Confidence- and Security-Building Measures (CSBM) modernized, and the Treaty on Open Skies strengthened.

In addition, the USA proposes a structured dialogue in the OSCE to discuss security concerns and threat perceptions in all three OSCE dimensions. It should also deal with developments in military doctrines, military postures,

and threatening military activities. The aim should be to improve existing instruments for conflict prevention, crisis management, and military transparency.

While Russia evaluates the causes of the European crisis differently than does the West and places most of the blame for the erosion of the CFE Treaty on the latter's shoulders, Moscow has nonetheless expressed its willingness to enter into dialogue over questions of international security and stability, as long as this is based on equality and the mutual recognition of each side's security interests. However, Moscow is not willing to take the lead in initiating such a process, but is rather waiting for the reaction of those NATO members that it considers have led arms control to its current impasse.

### *The CFE Treaty Is Ineffective*

It should not surprise us that the discussion on the revival of conventional arms control should flare up again in the midst of the most serious crisis of European security since the end of the Cold War. In the crisis, it is easy to recognize the dangers arising not only from the inadequate transparency rules of the Vienna Document, but also from the lack of effective regulations to restrict offensive military capabilities.

The CFE Treaty corresponds neither politically nor militarily to the current security situation in Europe. Because its limitation regime reflects the goal, set in 1990, of creating a balance of power between the two military blocs that existed at the time, it has no stabilizing effect in the areas in Eastern Europe where tension is currently high. It is still focused on the disengagement of forces in Central Europe, with Germany at its centre.

The CFE Treaty treats Eastern Central Europe and Eastern Europe as a united group of states that has to comply with the same ceilings as the 16 NATO states of 1990. Now that NATO has enlarged to the East, this has the result that allies in Central Europe are maintaining a military balance with each other, while the bordering Russian oblast of Kaliningrad is assigned to a different CFE sub-region.

In the Black Sea area, the CFE definition of "flank region" has also lost its military relevance since Romania and Bulgaria joined the Alliance and the USA began to station troops there in 2007. However, according to CFE group logic, these two NATO states are supposed to co-ordinate with Russia in maintaining military balance with the "Western" flank states.

In the Baltic, where tensions between the NATO states and Russia have escalated particularly sharply since 2014, there are currently no arms control arrangements in place, since the Baltic states are not parties to the CFE Treaty, the attempt to adapt the CFE Treaty failed, and Russia suspended the treaty at the end of 2007 as a result.

### *Failure to Adapt the CFE Treaty*

In view of NATO's planned enlargement into Central Europe, which was put into effect in 1999, the States Parties to the CFE Treaty, with the support of all the remaining OSCE participating States, resolved to adapt the approach of the CFE Treaty. In order to dispel Russian concerns about the changes to the European security acquis of 1990, the NATO states first offered to conclude an adaptation agreement to the CFE Treaty, to deepen relations between NATO and Russia, and to strengthen the OSCE's role as the overarching framework.

These parameters for an adapted European security order were laid down in the NATO-Russia Founding Act of 1997 and the 1999 Istanbul OSCE Summit Document. With a view to the expected territorial ceilings of a future CFE adaptation agreement, in 1997, the NATO partners also made the assurance that no additional substantial combat forces would be stationed permanently. In 1999, Russia made the same assurances with respect to its oblasts of Kaliningrad and Pskov, which border Poland and the Baltic states. Russia also entered into a similar bilateral agreement with Norway covering northern Europe.

The Agreement on the Adaptation of the CFE Treaty (ACFE) signed by the 30 States Parties to the CFE Treaty in 1999 sought to replace the obsolete CFE bloc limits with national and territorial ceilings for each State Party. This also aimed to strengthen sub-regional stability in the fragmented landscape of Eastern Europe, where troop strengths were (and remain) lower than during the Cold War, but where peace and stability are also threatened by territorial disputes among the young states born from the collapse of the Soviet Union and Yugoslavia.

At the same time, the ACFE was opened to accession by additional states in its area of application, which stretches from the Atlantic to the Urals. This was intended as a means of supporting the goal of creating a space of common security without dividing lines and geopolitical zero-sum games, as the Charter for European Security postulates. The Charter was also adopted at the OSCE's Istanbul Summit in 1999.

However, the ACFE did not enter into force. Only four Eastern European states have ratified it, including Russia (2004). Under the leadership of the United States, the NATO states agreed only to ratify it once Russia has completely fulfilled its political commitments arising from the Istanbul CFE Final Act. These concerned the withdrawal of weapons and troops stationed in Georgia and Moldova.

Nevertheless there was disagreement even within the Alliance as to whether the Russian commitments also required the withdrawal of troops stationed in the conflict zones of Abkhazia and Transdniestria to support peacekeeping missions with the approval of the United Nations (UN) and the OSCE. The remnants of a Russian ammunition depot in Transdniestria, still

guarded by Russian troops, were an additional source of Western criticism. NATO did not even alter its position when Russia withdrew its regular troops out of Georgia and removed CFE-relevant weapons from Transdniestria (2000-2007).

Russia reacted in December 2007 by suspending the CFE Treaty. Further discussions on how the ACFE could be brought into effect were overshadowed by new geopolitical conflicts between Russia and the USA. At the centre of these were the controversies around the United States' cancellation of the Anti-Ballistic Missile (ABM) Treaty and deployment of strategic missile systems (since 2001), the 2003 Iraq War, Kosovan independence, and the decision taken by NATO in Bucharest in 2008 to offer Georgia and Ukraine the prospect of future membership. At the same time, Russia strengthened its support for the de facto regimes in the separatist regions of Georgia. The ACFE discussions were broken off during the Georgia War in 2008.

### *Political Obstacles in the Way of a New Beginning*

The fact that even US President Barack Obama's Russian "reset" policy failed to create breakthroughs for conventional arms control in the years following 2009 shows just how high the political hurdles to revitalization are. The informal discussions on a restart held by a total of 36 CFE states and NATO members in 2010 and 2011 also ended without a result. Fundamental questions of international law and their linkage to the territorial conflicts in Georgia proved to be insurmountable obstacles. While Russia accepted the norm of "host nation consent" for the stationing of foreign troops, the USA insisted that Georgia provide explicit consent for the deployment of Russian troops in Abkhazia and South Ossetia, whose independence Russia had recognized.

There have been no further serious attempts to revive conventional arms control since 2011. Yet the erosion that had taken place over many years received little political recognition until the gaps in military stability and transparency became too obvious to ignore in the course of the Ukraine crisis and the new tension between NATO and Russia. Consequently, there appear to be good reasons to call for a revival of European arms control.

Yet this continues to be hindered by fundamental policy positions held not only by the Alliance but also by Russia. As long as the security policies of the USA and Russia are not radically reoriented, any attempt to return to the ACFE will be futile.

1. The USA continues to insist that it will only ratify ACFE after Russia has withdrawn its troops from the disputed territories in Georgia, Moldova, and Ukraine, including Crimea. The habit of linking arms control and territorial conflicts via discussion of principles (such as "host nation

- consent”) is long-established in the US Congress, and Congressional consent is required for a treaty to take effect.
2. The Baltic states fear that acceding to the ACFE would mean the negotiation of territorial ceilings that would limit their national and collective defence capabilities.
  3. States with territorial conflicts would continue to use their ability to block ratification as a means of asserting national aspirations. So far, they have been supported by the US and a number of East European states.
  4. The regional ACFE limits have been obsolete since NATO’s second eastward enlargement in 2004. Russia rejects above all the flank rules and the margins for temporary deployments above the territorial ceilings.

Against this background, it was realistic for the German initiative to avoid recommending a return to the ACFE. Moreover, efforts to restart the process are also burdened by existing political reservations.

The USA thus considers the renewal of conventional arms control not only to be unnecessary at this point in time, but also impossible and pointless as long as existing commitments are not fulfilled. The current approach of the US State Department, which concentrates on discussing principles, reflects long-standing political reservations. If the State Department continues to insist on linking the renewal of conventional arms control to a structured dialogue on the “third dimension” of the OSCE, i.e. to a futile debate on values, this will cause the initiative to fail before a detailed discussion on substantive military aspects of new agreements can commence.

The US proposal to begin by discussing threat perceptions, military doctrines, and threatening military activities in a structured dialogue appears to be based on tactical considerations. NATO’s decision to expand its presence in “front-line states” appears to have been based precisely on existing analyses of the threat situation. In the same context, the US and NATO proposed raising military transparency (of Russian troops) and “modernizing” the Vienna Document.

The argument that an initiative to revive conventional arms control is politically questionable because it would signal a return to security co-operation and “business-as-usual” with Russia appears equally insubstantial, since it is precisely the Vienna Document, which NATO seeks to modernize, that is the principal agreement for security co-operation in the OSCE area. It also stresses the significance of conventional arms control for common security.

If the principles of the European security order are to be reasserted, conventional arms control needs to play a central role. Only it can ensure military limitations and stability; transparency alone cannot guarantee this. This is why, for more than two decades, the OSCE and NATO have described the CFE Treaty as the “cornerstone of European security”. NATO’s

Warsaw Summit Communiqué also reiterated its commitment to conventional arms control.

### *The Political Process and Guiding Principles of a Restart*

Whether one sees the return to agreed principles of strategic restraint as “security co-operation” or “confrontation management” is incidental. It is far more important to ask how realistic prospects are of establishing a consensus on the modernization of the Vienna Document without co-operating with Russia and re-establishing military stability by means of reciprocal arrangements.

Even if improving security co-operation in the NATO-Russia Council currently appears impossible, it is in the very nature of the OSCE to attempt to do so. For that reason, the political process should be brought under the OSCE umbrella as quickly as possible.<sup>2</sup> This corresponds to the interests of neutral states, which also wish to use the OSCE to protect their security.

On the other hand, it would be unwise to place responsibility for the initiative with the Forum for Security Co-operation (FSC) or the Permanent Council (PC), as there it is liable to become bogged down in routine. Experience tells us that an informal open-ended working group led by Germany or the 2017 Austrian Chairmanship could be a productive way forward.

The German and US proposals to initiate a structured dialogue are compatible, even if they still differ in their goals. An orderly dialogue on threat perceptions, military doctrines, and military postures is a necessary precondition for discussions of the political framework and military substance of potential agreements on the renewal of conventional arms control. However, the dialogue must aim at agreeing on a mandate for concrete negotiations. Whether this succeeds depends on the positions taken by the new US government in 2017, among other factors. Early discussions with the appropriate representatives of the incoming administration could create positive momentum.

With regard to the overall timeframe for the process, however, realism should be the watchword: Negotiations on a CFE mandate lasted two years, the treaty negotiations themselves a further 21 months. All this was able to build on 14 years of fruitless negotiations on “mutual and balanced force re-

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2 At the OSCE Ministerial Council Meeting in Hamburg on 9 December 2016, the OSCE participating States underlined “the importance of conventional arms control and confidence- and security-building measures (CSBMs) for advancing comprehensive, co-operative and indivisible security in the OSCE area” and made a commitment to the “launching of a structured dialogue on the current and future challenges and risks to security in the OSCE area to foster a greater understanding on these issues that could serve as a common solid basis for a way forward.” Organization for Security and Co-operation in Europe, Ministerial Council, Hamburg 2016, *From Lisbon to Hamburg: Declaration on the Twentieth Anniversary of the OSCE Framework for Arms Control*, MC.DOC/4/16, 9 December 2016, at: <http://www.osce.org/cio/289496>.

ductions” (MBFR) in Central Europe. Above all, the political will for change had reached critical mass in both blocs in 1989. Today it appears that achieving similar momentum would be incomparably more difficult.

For new arrangements to be politically acceptable, they will need to be firmly rooted in the key principles of the “equal security of states” and the “reciprocity of regulations”. The impression must be avoided that the initiative would condone restricting the ability of Alliance partners such as the Baltic states to defend themselves. The aim should rather be to prevent the build-up, in areas of potential conflict, of destabilizing troop concentrations that could be used to conduct cross-border offensive operations. It would be sensible to formulate principles and goals soon to avoid confusion while maintaining the momentum of the initiative.

It is crucial to avoid creating linkages of the kind that have blocked the process in the past before discussions on substantive rules began. It will certainly be necessary to talk about principles under international law and those of the OSCE. They cannot be compromised. On the other hand, it has to be clear that no progress will be possible on substantive issues as long as the states involved in specific conflicts insist on maintaining rigid positions.

### *Territorial Conflicts*

Arms control cannot solve territorial conflicts. It can, however, create an atmosphere of security in which negotiations on political solutions can be carried out without military pressure, and political compromises become possible because local retreats do not have to be evaluated as strategic losses in a geopolitical zero-sum game.

In sub-regional territorial conflicts, the application of stabilizing arms control regulations and confidence- and security-building measures is particularly urgent in order to reduce the danger of escalation. On the whole, however, it will not be possible to include non-state actors in agreements between states, as this would elevate their political status. For that reason, “status-neutral” special agreements should be created for conflicts mediated by the OSCE or neutral third-parties.

### *Substantive Military Aspects of New Arms Control Agreements*

Concepts for reviving conventional arms control will only ever convince if they offer stabilizing answers to the urgent questions of political and military reality in Europe. They need to be capable of dispelling threat perceptions and subjecting military postures and activities to verifiable restrictions. They could make an effective contribution to stability by limiting the military cap-



abilities available for surprise attacks and guaranteeing the long-term predictability of military options.

It thus appears obvious that limitations on weapons systems capable of offensive use in areas of high sensitivity for security policy should be combined with pan-European transparency and verification measures capable of withstanding crises. In addition, the capabilities of long-range weapons systems stationed far from conflict zones but capable of impacting them also have to be taken into account.

### *Regional Ceilings*

Whether rapid or permanent, the concentration of forces capable of offensive action in border regions can have a highly destabilizing effect in zones of political tension. Both NATO – and particularly its Eastern European members – and Russia have raised security concerns relating to the stationing of troops and military activities by the other side in border areas. Reacting to these mutual threat perceptions with military counter-measures could elevate the risk of a regional arms race and increase the possibility of military escalation. To avoid this, it should be in the interests of both sides to limit the potential offensive capabilities of the perceived adversary.

Arms control regulations are one way of pursuing these interests. Minimum geographic distances, quantitative limitations, and intrusive transparency measures in militarily sensitive regions would be suitable means for addressing the danger of unexpected cross-border operations. However, they would only be militarily sensible and politically acceptable if they included reciprocal restrictions in militarily relevant areas on both sides of international frontiers.

Precisely in the Baltic and Black Sea areas, the agreement between NATO and Russia not to permanently station substantial additional combat forces could serve as a starting point for such considerations. This also explicitly applies to the western Russian border areas of Pskov and Kaliningrad. Temporarily exceeding the limits, e.g., in the course of exercises, should only be possible at a minimum distance from international frontiers, limited in extent, and subject to intrusive information and verification requirements.

### *Operational Capabilities*

Stabilizing measures in zones of direct contact would also need to take account of geographical disparities. Since Russia is able to make use of internal lines of communication within a contiguous landmass, it can concentrate land forces in selected sub-regions near its borders such as the Baltic more rapidly than can NATO, as long as it is willing to leave gaps in other areas. For its part, NATO is increasing its mobility and rapid-reaction capability and has superior conventional force strength in Europe. As a result, NATO is in a

position to attack along the entire periphery of Eastern Europe using long-range airborne and sea-based weapons. The exposed position of the Kaliningrad exclave complicates Russian calculations. A short-term tactical advantage in a limited sub-region would have to be weighed up against the disastrous consequences of a global war.

In any case, a comprehensive approach to arms control would also have to take account of those operational capabilities that enable a military impact in potential conflict zones – and more generally – from further afield. In the course of “network-centric operations”, for instance, even small units can rapidly deploy highly precise, long-range weapon systems located outside the immediate zones of conflict.

The ability to quickly concentrate forces or strike at great distance depends on the range of the available weapon systems, the deployability of troops, and the availability of transport capacities. Any new approach to arms control should take account of these factors and subject them to pan-European transparency and verification rules. The accumulated effect of multinational co-operation also needs to be taken into account.

### *New Weapon Systems*

The weapon categories defined in the CFE Treaty are still of great importance for carrying out offensive operations and combined arms operations. However, new weapons systems, such as combat drones, should also be taken into account. The definitions contained in the CFE Treaty are also technically capable of covering unmanned combat aircraft.

The ability to undertake network-centric operations depends critically on intelligence, positioning and communications satellites, modern sensors, precise guidance systems, and miniaturized computer technology. The constant modernization of such technology is in a permanent competition with efforts to disrupt and counter these new technologies.

It would be unrealistic to seek to restrict such systems and technologies using the means of conventional arms control for the following reasons: First, national defence these days depends critically on the efficient functioning of such systems; second, leading industrial states will not squander technological leads; third, it would largely be impossible to agree definitions that would cover the relevant software and to subject it to reliable verification; and, fourth, an overly ambitious approach would interfere with global negotiations. The last point is particularly true with regard to objects of negotiation that come under strategic nuclear arms control and the prevention of an arms race in outer space.

A realistic approach to the renewal of conventional arms control in Europe should therefore rather focus on conventional weapon systems capable of enabling a military impact in areas of high tension in Europe.

### *Transparency and Verification*

New arms control agreements can only increase political stability if the states have complete faith in their verifiability. Consequently, meaningful information on military structures, weapon holdings, plans and activities and their verification is of the utmost importance. Verification mechanisms need to be robust and flexible if they are to generate reliable information on the military situation, enable early warning, and contribute to de-escalation in cases of suspected unusual military activities, during large-scale exercises, and in crises.

### *Recommendations*

1. In order to maintain the momentum of the German initiative, the Federal Government should promote a structured dialogue on the security situation in Europe as well as measures for de-escalation. This should be undertaken in the framework of an informal OSCE working group. Its aim should be to achieve a mandate for negotiations on renewing conventional arms control arrangements.
2. In order to ensure that the dialogue can commence soon, efforts should begin as soon as possible to co-ordinate between the 2017 Austrian OSCE Chairmanship, the incoming US administration, Russia, and other key states. The group of likeminded states could drive the process forward politically as well as providing substantive inspiration.
3. To maintain the credibility of the initiative, a clear vision of its goals, the political framework, and the military substance of the new arrangements should be developed as quickly as possible. This could also improve the chances of reaching consensus on the modernization of the Vienna Document.
4. In view of the risk of escalation associated with accidental hazardous incidents, there is an urgent need to encourage the partners to undertake voluntary and short-term confidence- and security-building measures as part of regional risk reduction. These require the political will of the affected states but do not need all OSCE States to consent to the modernization of the Vienna Document.