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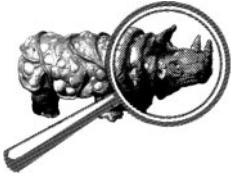
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Oleg Shakirov

CONVENTIONAL ARMS CONTROL IN EUROPE: OLD PROBLEMS, NEW SOLUTIONS

The definition of conventional arms control in Europe (CACE) remains a subject of debate. For one thing, how should the borders of “Europe” be defined? Is it a matter of politics or geography? Should the area covered by CACE arrangements be contiguous, or can there be exceptions? Should it expand, or stay within its historical borders?

Another area of debate is the weapons categories that should fall under CACE arrangements. What should the procedure be for revising or amending the list of controlled weapons to make sure that the CACE regime is effective and up to date? There are also important questions about the purpose of such controls and their precise mechanisms.

This paper offers an analysis of the complexities facing any future CACE regime. It also looks at the proposals being made by various international players, with a special emphasis on the political aspects, including Russian policy in this field.

THE EVOLUTION AND CRISIS OF THE CACE REGIME

Speaking of the milestones that have led us to the current state of the CACE regime, the first thing to mention is several rounds of talks on Mutual and Balanced Force Reductions (MBFR) between NATO and the Warsaw Pact. The talks began in 1973, during a period when international tensions seemed to subside, and were initially aimed at conventional forces reductions only in Central Europe.

The Conventional Forces in Europe (CFE) Treaty, a cornerstone of European security, was signed on November 19, 1990, and entered into force two years later. In the 1970s the participants in the talks discussed only reductions in the numerical strength of the armed forces. The CFE Treaty, however, introduced ceilings on the numbers of conventional weaponry in several different categories, including main battle tanks, armored vehicles, artillery systems with a caliber of 100mm or more, combat aircraft, and attack helicopters. The primary goal of the CFE Treaty was to eliminate “the capability for launching surprise attack and for initiating large-scale offensive action in Europe.”¹

The break-up of the Soviet Union and the emergence of the new independent states necessitated an adjustment of the CFE provisions. Changes were made to the area of application of the treaty: the Baltic states refused to join the CFE Treaty after gaining independence. Also, in order to redistribute the rights and responsibilities of the former Soviet Union under the treaty, in 1992 eight post-Soviet states, including Russia, signed the Tashkent Agreement on the principles and procedures for implementing the CFE Treaty. The agreement distributed the Soviet Union’s maximum national levels of holding under the CFE Treaty between the eight states.

Changes in Europe resulting from the dissolution of the Warsaw Pact, the break-up of the Soviet Union, and the beginning of NATO’s eastward enlargement also made it necessary to adapt the CFE to the new situation. In 1996 the parties signed the Flank Agreement to the CFE Treaty at the first CFE Review Conference; the document changed the size of the flank regions under the treaty



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(i.e. the areas subject to the strictest limits on weapons holdings). The conference also agreed that “the State Parties will consider measures and adaptations with the aim of promoting the objectives of the Treaty and enhancing its viability and effectiveness.”² The resulting negotiations eventually led to the signing of the Agreement on Adaptation of the CFE Treaty in 1999.

The Adapted CFE reflected the end of the confrontation between NATO and the now-defunct Warsaw Pact. Instead of maximum levels of holdings for the two military blocs, the document introduced national and territorial ceilings for each individual state party. Article XVIII of the treaty also stipulated that any OSCE member-state whose territory falls under the treaty’s area of application could join the Adapted CFE.

But the Agreement on Adaptation never entered into force. Only four state parties—Belarus, Kazakhstan, Russia and Ukraine—ratified the document (although Ukraine has yet to submit the ratification certificates to the depositary). Moldova, Georgia, and the NATO countries refused to begin the ratification process, insisting that Russia should first pull out its troops from Moldovan and Georgian territory in accordance with the political commitments Moscow undertook in Istanbul in 1999.

In the end, attempts to link CACE issues with regional conflicts in Europe—attempts Russia saw as wrongful—became one of the obstacles to further evolution of the CFE Treaty. The process was obviously dragging on without any meaningful progress for far too long. That was especially obvious against the backdrop of new waves of NATO’s enlargement, and energetic new efforts to station elements of the U.S. missile defense system in Europe. In Russia such trends were seen as a threat to national security. Moscow also insisted that even the adapted version of the CFE Treaty had already become obsolete, and that measures were required to update it and ensure its entry into force.

As a result, in 2007 President Vladimir Putin issued a decree suspending Russia’s observance of the CFE and all related international agreements.³ The decision was made after an extraordinary conference of CFE state parties, which was convened on Russia’s initiative, failed to yield any results. For their part, in November 2011 the United States, other NATO participants of the CFE, and Georgia refused to continue providing Russia with any information about their armed forces in accordance with the CFE requirements.

There has been no discernible progress at the talks on the future of the CFE Treaty; as a channel of information exchange between Russia and the NATO countries, the treaty has essentially ceased to exist. This has increased the importance of such mechanisms as the Vienna Document on confidence- and security-building measures, and the Treaty on Open Skies.

The Vienna Document is a set of confidence- and security-building measures (CSBM) agreed at the CSCE/OSCE level; it is a politically binding document signed by 56 states in Europe, Central Asia, and North America. In November 2011 the OSCE Forum for Security Cooperation (FSC) adopted a new revision of the Vienna Document, the first such update in 12 years, containing new and enhanced security and confidence-building measures on top of the arrangements agreed in the previous documents, including the Stockholm Conference document of 1986, and the Vienna Documents of 1990, 1992, 1994, and 1999.

In terms of CACE modernization, the key innovation introduced in the 2011 Vienna Document (VD) was a clause stipulating its regular updates. Any FSC decisions to make changes to the document are now designated as VD Plus, and enter into force on the day of adoption by default, unless specifically agreed otherwise. All these changes are then incorporated into the latest VD revision, to be adopted at least once every five years.⁴

In the opinion of Steven Pifer, since Russia continues to comply with its VD-2011 commitments despite suspending its observance of the CFE Treaty, “one possible way forward would be to set aside equipment limits for the time being and focus on expanding the Vienna Document CSBMs to include some of the transparency and observation provisions of the CFE Treaty.”⁵

From Russia’s point of view, stepping up efforts to update the 2011 Vienna Document could help to restore balance in the OSCE’s work through greater focus on the *first basket* (the military-political aspects of security); Moscow has long been concerned by what it sees as a lack of attention to that basket. For example, speaking in 2006 at a meeting of the OSCE Ministerial Council, Russian Foreign Minister Sergey Lavrov said that “on the military-political track, work programs are getting weaker every year, and increasingly being confined to minor subjects.”⁶

Another element of the CSBM system in Europe is the Treaty on Open Skies (TOS), which entered into force in 2002. The treaty currently includes 34 OSCE state parties, but it is open for signature by other countries as well. It enables the participants to conduct surveillance flights over each other's territory; in addition, imagery collected during such missions must be made available to any state party upon request.

On the whole, the Russian Foreign Ministry appreciates the role of the TOS in augmenting the transparency of military activities. Nevertheless, Russia has noted that the effectiveness of the treaty has been reduced by the decision of the NATO countries not to conduct surveillance flights over each other's territory. As a result, Russia is unable to obtain the aerial imagery that would have been produced by such flights.⁷

Moscow is even more concerned by Georgia's decision to suspend its observance of TOS requirements with regard to Russia in 2012. The situation has resulted from differences between the two countries over the status of Abkhazia and South Ossetia; the Georgian decision came after Russia restricted flights over its territory along the Abkhazian and South Ossetian borders.

To summarize, the conventional arms control regime in Europe is currently in a state of uncertainty, and its effectiveness is fairly limited.

POSITIONS OF THE KEY PLAYERS ON CACE MODERNIZATION

In Russia's view, the nature of the problem is that even though state parties are supposed to participate in the adapted CFE Treaty on an individual basis (maximum national and territorial holding levels have been agreed for each individual state regardless of its membership of any defense alliances), the NATO members still act as a single bloc on all CACE-related issues. Russian Foreign Minister Sergey Lavrov had this to say on the matter: "We are confident that membership of military-political alliances should not be the decisive factor for participation of individual European states in CACE talks and in any new CACE arrangements."⁸

There is also an important military consideration to take into account. The 22 NATO members that participate in the CFE have a massive superiority over Russia in all weapons categories covered by the treaty. They have approximately 220 percent more tanks, 130 percent more armored personnel carriers, 190 percent more artillery systems; 110 percent more combat aircraft; and 170 percent more attack helicopters.⁹

Of course, since confrontation between the two military blocs has long ended, there is no reason to seek parity between Russia (plus its allies) and NATO. But the problem of eliminating excessive weapons stockpiles and reducing the maximum levels of holdings has yet to be fully resolved. Wolfgang Zeller, deputy director of the Institute for Peace Research and Security Policy at the University of Hamburg, believes that "as the holdings of most NATO states are substantially lower than their ceilings, they could decrease their ceilings without difficulties."¹⁰

Russia's perception of the existing imbalance as a problem has not remained unnoticed in the West. The Western capitals are concerned that if the CFE Treaty cannot become an effective mechanism once again, "Russia will increase its reliance on tactical nuclear weapons to defend itself from what Moscow now sees as NATO's conventional superiority in Europe."¹¹

Clearly, the problem of equality is relevant not only for the CACE situation but also for broader relations between Russia and NATO, as well as for the process of making collective decisions on strengthening European security. Moscow has repeatedly stressed that all countries' interests must be taken into account in this area—and that is something that could not be achieved in the CFE framework. It appears that the Russian leadership is very pessimistic about the outlook for resurrecting the CFE Treaty. In May 2013 the Russian defense minister said, for example, that the mechanism was essentially dead in the water.¹²

Russia's growing unhappiness over inequality in various multilateral formats has resulted in its increasingly obvious preference for more predictable bilateral arrangements with individual states. Sergey Koshchev, head of the MoD's main directorate for international military cooperation, believes that pursuing military and technical cooperation between Russia and such individual NATO members as France, Germany, and Italy is now the preferred Russian approach. This approach is based on the notion that a country that plans to wage war on some putative adversary would never buy weapons systems from that very adversary.¹³



One of the reasons why talks on ways of modernizing the CACE arrangements have ground to a halt is that most players no longer perceive conventional weapons as a major threat. Rose Gottemoeller, acting under-secretary of state for arms control and international security, had this to say on the matter: “Today, for the most part, quantities of conventional armaments across the continent are far below the negotiated ceilings, and are likely to continue to drop.”¹⁴

According to Sergey Koshelev, at present “most countries are moving away from the concept of developing heavy armed forces armed with tanks, armored vehicles and attack helicopters.”¹⁵ The pullout of the last American tanks from Europe in March 2013 has been a symbolic milestone in that regard.¹⁶ The situation with conventional armaments in Europe is not really causing any major concerns in most of the capitals (with the exception of those directly engaged in armed conflicts). It would therefore be problematic to reach a consensus about the dangers of the degradation of the CACE regime. Moscow, for example, has proposed a joint discussion of conventional weapons-related threats facing Russia and NATO, but the proposal was not supported by the alliance.¹⁷

At the same time, individual European states have their own distinct positions on the issue. The French believe that the degradation of the CACE regime can trigger a new arms race.¹⁸ The Czech Republic worries that the erosion of mutual commitments in this area can lead to an uncontrolled accumulation of conventional weapons stockpiles, especially in the areas of protracted unresolved conflicts.¹⁹ The Italians are not really concerned about the risk of armed aggression; they think the main question is whether Europe can actually adjust itself to the new situation.²⁰ German diplomats have aired similar thoughts.²¹

The CFE crisis, which culminated in Russia’s suspension of its observance of the CFE Treaty, has demonstrated that the CACE regime needs radical modernization, which must not be limited to simply reducing the ceilings and holdings.

PROBLEMS FACING THE CACE REGIME

Any future agreement must aim to produce an equitable, coordinated, and mutually acceptable approach to making important decisions on European security and overcoming the lack of trust between the participants, as opposed to merely preventing a large-scale military offensive.

Deliberately or not, by suspending its observance of the CFE Treaty, Russia has shifted the focus of the dialogue towards mutual transparency. That is why any attempts to improve the CFE Treaty itself or achieve its ratification would probably be unproductive. This dialogue is tied to numerous political issues; it will probably continue for face-saving reasons, but it is unlikely to yield any results in the medium time frame.

The issues that will need to be addressed in the near future include conventional arms control in regional conflict zones. This has been a particular stumbling block for Russia and the West. A longer-term goal is to increase the scope of controls to cover new types of weapons that are not currently limited by the existing regime. One possible advantage of pursuing this path is that it is not encumbered by political differences, so any progress in this area can demonstrate that CACE talks can actually yield tangible results.

At the same time, the only party interested in new limitations would probably be the one that currently has the lesser capability, i.e. Russia—and its initiatives will not necessarily be backed by its partners. Another important question is the format of any future discussions.

POSSIBLE CACE TRANSPARENCY MEASURES

Speaking of military information exchange, one productive area for further CACE talks would be to restore the level of openness that existed before Russia suspended its observance of the CFE Treaty, and before the NATO states and other CFE Treaty members took their steps in response. Vladimir Baranovsky, deputy head of the IMEMO Institute of the Russian Academy of Sciences, believes that Europe would be very appreciative of a unilateral Russian move to restore CFE transparency and a comprehensive controls regime.²² But according to Foreign Minister Lavrov, Russia cannot agree to such measures, which would essentially mean a resumption of Russian observance of the CFE Treaty.²³

Without the resumption of Russia's participation in the Treaty, however, it would not be realistic to expect any new measures to increase transparency. The Russian Foreign Ministry has lost interest in inspections because the process has essentially become a one-sided inspection of Russia following NATO members' decision not to inspect each other.

Moscow recognizes that in this particular regard the mechanism based on the Vienna Document 2011 is preferable because "The Vienna Document is more about cooperation than controls."²⁴ Some experts say that lack of progress in the CFE talks can be compensated for by making changes to the 2011 Vienna Document—but any such changes are unlikely to strengthen the control mechanisms. In fact, Russia seems more comfortable with the current situation whereby its armed forces are subject to much less stringent controls.

It would be useful if any future transparency measures were to include an increased presence of foreign observers at military exercises. Russia is ready for greater openness in that regard, as suggested by its invitation for several foreign countries to send their military attaches to the Caucasus 2012 drills,²⁵ even though the event was below the notification and foreign observation threshold agreed in the 2011 Vienna Document.

NATO has been sending similar signals. For example, it intends to hold briefings for Russian military officials about the Steadfast Jazz 2013 exercise scheduled for November 2013.²⁶ Also, according to a NATO military officer, Russian officials will be invited to attend parts of the exercise to see what is going on.²⁷

Despite occasional recriminations, the parties are ready to invite observers to medium-level exercises. They could therefore discuss lowering the threshold of the military events that require prior notification and the invitation of observers. At Russia's initiative, the Forum for Security Cooperation has adopted the VD Plus decision. According to that decision, "In the absence of any notifiable military exercise or military activity in a calendar year, the participating States will provide notification of one major military exercise or military activity...held on their national territory in the zone of application for CSBM..."²⁸ which is below the threshold levels.

To make sure that CACE inspections are held in a spirit of equality and facilitate cooperation instead of stoking up divisions, it would be useful to develop a mechanism whereby the inspection teams are formed on a multilateral basis, and with a more even distribution of inspections across the states. With such an approach, inspections will be perceived as collective rather than discriminatory measures. In addition, this will reduce spending on inspections by some individual states. Rose Gottemoeller has voiced a similar proposal concerning the joint use of equipment under the Treaty on Open Skies in order to cut costs.²⁹

CACE AND REGIONAL CONFLICTS

Russia is vehemently opposed to linking regional conflict settlement with CACE problems; it regards such an approach as wrongful and counterproductive. The decision by most of the CFE Treaty participants to drag their heels on the ratification of the Agreement of Adaptation under the pretext of Russia's non-compliance with some of its regional conflicts-related Istanbul commitments has brought the talks to a deadlock.

It is safe to say, however, that after a period of time some of Russia's partners have recognized the failure of this approach. Speaking of the CFE Treaty, Rose Gottemoeller has said that international agreements on arms control are not supposed to resolve every single bilateral problem or other problems, such as frozen conflicts. She believes, however, that such agreements can build trust between their participants and thereby improve security in conflict zones.³⁰

The European countries have different approaches to this problem. German officials say, for example, that frozen conflicts cannot be dropped from the agenda of the CACE talks.³¹ But an Italian diplomat recognized in a personal interview with the present author that using the CFE Treaty to resolve political problems is not the right approach.³² A representative of the French embassy in Moscow voiced a similar view. Since the policy of linking conflict settlement and arms control has been unproductive so far, it can be assumed that in the medium term the issue will at the very least become less of a problem, although it will still be the main stumbling block.



During talks, one of the aspects of this problem was a debate about the wording that must be chosen for the principle of *consent of the accepting party* for the stationing of foreign troops on its territory. Georgia and Moldova insist that this is admissible only within internationally recognized borders; the United States backs their position. For Russia, such an approach is unacceptable because it has recognized South Ossetia and Abkhazia, which host Russian troops, as sovereign nations that are not part of Georgia.³³

One of the proposed alternatives is a status-neutral approach, which essentially boils down to not making any linkage between political settlement and conventional arms control. As Wolfgang Zellner puts it, “the link between arms control and subregional conflicts should be replaced by political efforts to resolve these conflicts, on the one hand, and status-neutral solutions for arms control, on the other.”³⁴

A successful example of such an approach in Russian–Georgian relations is the settlement of issues related to WTO accession, in which Switzerland acted as mediator. The trade corridors between Russian and Georgia were delineated using geographic coordinates so as to avoid any mention of Abkhazia and South Ossetia.³⁵

Such settlement would be more difficult to achieve in security-related areas for various foreign and domestic policy reasons; there is also the sensitive issue of mediation. For example, speaking of the former Soviet countries, any intervention by Western representatives in resolving regional problems is seen in Russia as prejudicial and causes a lot of irritation. In order to avoid this, one of the regional states could be chosen for the role of mediator. One promising candidate is Ukraine; it is not aligned with any bloc, and can therefore act as an impartial mediator.

In a personal interview, a U.S. diplomat spoke of the need to develop a status-neutral solution of the CACE problem with regard to Abkhazia and South Ossetia. He believes such a solution would be entirely realistic. “If there are approaches whereby Russia can fulfill existing CFE commitments regarding the transparency of its forces stationed in these territories, without insisting on a solution that recognizes their independence, that could be a basis for further steps,” the diplomat said.³⁶

Russia’s own position on the transparency of its armed forces stationed in Abkhazia and South Ossetia is as follows: the MoD can provide information, but no more than that.³⁷ Any visits to Russian military bases by foreign inspectors must be discussed with the leadership of Abkhazia and South Ossetia, not with Moscow.

In actual fact, completely separating arms control problems from the issue of regional conflicts is impossible. After all, the greatest need for arms control measures is precisely in those places where armed conflicts continue or can flare up again. But that must not be a pretext for exerting political pressure during a multilateral negotiating process; such attempts have proved unproductive.

An appropriate response to such challenges would be to develop sub-regional mechanisms involving only the direct participants of the conflict in question. If these participants are really interested in achieving results, the advantage of such an approach is greater political equality and a more result-oriented nature of the talks.

FUTURE APPROACHES TO CACE DEVELOPMENT

The emergence of new types of conventional weapons that facilitate the phenomenon of contactless war³⁸ has already become an irreversible trend. In order to stay relevant for the cause of strengthening security, in the future the CACE regime will have to cover these new types of weapons, which are currently outside the scope of the CFE Treaty.

Various specialists and diplomats believe that these new weapons categories must include unmanned aerial vehicles,^{39,40} Aegis ships,⁴¹ high-precision weapons systems, and weapons based on new physical principles.⁴² Carrier-based aircraft and cruise missiles have also become an important part of modern warfare. At the same time, many experts agree that counting tanks no longer makes much sense. Nevertheless, any attempts to expand the scope of CACE arrangements so as to include new weapons categories would face obvious difficulties; the talks required to agree such a step would be very complicated.⁴³

For the purposes of control over some weapons categories, it might make sense to consider the possibility of signing separate agreements as opposed to making these issues part of the negotiating process already encumbered by all the CFE problems.

Ukraine, which assumed the rotating OSCE presidency in 2013, proposed a promising initiative in this area. It has called for an FSC dialogue “to discuss the role conventional arms control can play in the present and future architecture of European security.”⁴⁴

Ukraine emphasizes the importance of such dialogue for the countries that are not aligned with any military-political blocs; the Russian position is very similar.

Reaching an understanding about future CACE arrangements will be impossible without cooperation in the Russia–NATO format because both sides have undertaken commitments in that regard.⁴⁵ Another reason for the concerns Russia had voiced prior to suspending its observance of the CFE Treaty was that Albania, Latvia, Lithuania, Slovenia, Croatia, and Estonia were not members of the Treaty. These countries were seen as grey zones in the arms control arrangements.⁴⁶

This problem was taken into account during informal consultations on modernizing the CACE regime in the 36 format (i.e. all CFE Treaty members plus the six aforementioned states). But in the autumn of 2011 those consultations were suspended. Moscow also believes that successful talks would require NATO members to withdraw any preconditions for entering into such talks.⁴⁷ Such an approach could be effective if the parties were willing to seek a compromise—but so far, there are no signs of such willingness.

There are various opinions as to what the main aim of the talks should be. Some believe the CFE Treaty should be resurrected and adapted to the existing conditions; others advocate the signing of a new agreement. In the opinion of German representatives⁴⁸ the CFE Treaty has become obsolete and needs to be replaced by a new document. They also believe that such a document should avoid general declarations, focusing instead on smaller but more effective steps.

Special attention should be paid to CACE cooperation on the sub-regional level. A pan-European consensus on some contentious issues can be difficult to achieve—but limiting the number of participants can facilitate progress at the talks.⁴⁹ For example, one Italian diplomat said in a personal interview with the present author⁵⁰ that the problem of restrictions on the movement of weapons and hardware in the south and north of Russia (i.e. the flank regions) can be resolved by developing sub-regional verification mechanisms between the interested parties.

The Agreement on Sub-Regional Arms Control,⁵¹ the fulfillment of which many describe as exemplary⁵², demonstrates the effectiveness of sub-regional mechanisms. An important role here is played by voluntary steps by the member states to further reduce weapons stockpiles and conduct additional inspections.⁵³

On the whole, a sub-regional approach allows a greater focus on specific problems which are not being resolved—or which are being totally ignored—in a broader circle of participants. A successful outcome in this format could give a fresh impetus to the entire CACE negotiating process.

CONCLUSIONS AND RECOMMENDATIONS

As part of the modernization of the CACE regime, Russia wants to achieve equal rights with the other participants, which is part of its overall strategy of shared and indivisible security in Europe. Moscow prefers those formats of cooperation on arms control in which its partners act individually rather than collectively. That explains its decision to suspend its observance of the CFE Treaty, as well as differences with the NATO members over further negotiations. It also explains Moscow’s interest in achieving a greater degree of predictability through bilateral cooperation.

Since the stockpiles of conventional weapons on the European continent have been going down, most of the European states are much less inclined to see those stockpiles as a serious threat. They prefer to focus on transparency measures as opposed to further reductions. Meanwhile, new types of weapons that do not fall under any of the previous agreements are becoming an important factor to take into account.

One of the remaining unresolved issues is the application of the CACE regime in regional conflict zones, where there are political differences between the actual parties involved as well as outside



actors. Lack of progress at the talks on modernizing the CACE regime makes it necessary to search for other suitable formats.

This paper has looked at possible ways of addressing all these problems, and proposed the following steps:

- ❑ new updates of the Vienna Document, including a lower threshold for military activity subject to prior notification and observation;
- ❑ developing mechanisms for inspections held on a multilateral basis, possibly involving the establishment of a multilateral inspection body in order to ensure the absence of any discrimination during inspections, and also to reduce the cost of such inspections for individual countries;
- ❑ supporting efforts to find status-neutral approaches to conventional arms control in regional conflict zones. This could be a real opportunity to avoid any linkage between CACE problems and various political differences. This task requires active involvement of the expert community, including Russian experts, to develop and analyze such ideas;
- ❑ intergovernmental discussions on the future of controls over new types of weapons as part of the existing agreements or any new arrangements;
- ❑ supporting the initiative of Ukraine, the current rotating OSCE chairman, to launch a dialogue at the FSC regarding the role of conventional arms control and CSBM in the European security architecture;
- ❑ Using sub-regional arms control agreements in those cases where such agreements can help to resolve individual local problems. 

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