

European Security and Conventional Arms Control: An Agenda for the 21st Century¹

The deepening crisis facing conventional arms control in Europe for several years now has gone largely unnoticed outside expert circles. The simple fact that the strategic consequences of this crisis could have potentially devastating effects on European security has been met with a form of benign neglect. Thus, it is necessary to look back briefly at the failures of the last decade before considering options to resolve the current deadlock.

The Origins of the Current Crisis from the Istanbul OSCE Summit to the Russian “Freeze” of the CFE: How Did the Conventional Arms Control Regime Unravel?

Everything started in the years following the 1999 Organization for Security and Cooperation in Europe (OSCE) Summit in Istanbul. With the signing of the Adaptation Agreement of the Conventional Armed Forces in Europe Treaty (CFE) of 1990 (also known as Adapted CFE or ACFE), this was the last significant step in the development of this unique regime.

During this period, a form of interlocking debate began. The lack of complete fulfillment of the “Istanbul Commitments” (primarily related to the withdrawal of Russian forces stationed in Georgia and Moldova) accepted by Russia at Istanbul in 1999, led NATO countries to decide collectively to withhold their ratification of the ACFE, thus delaying its entry into force. Moscow increasingly contested this approach and argued that it had fulfilled its part of the bargain. Even though this claim was highly questionable, the Alliance – because of internal debates – did not, at least until the crisis peaked in 2007, offer a clear roadmap or even make clear its expectations about the outstanding “Istanbul Commitments”.

After the failure of the spring 2006 CFE Review Conference, the Russian Federation turned up the volume and gradually shifted from a policy of calling for the entry into force of the ACFE to a much broader criticism of the whole CFE regime. In retrospect, the June 2007 CFE Extraordinary Conference appears to have been a missed opportunity as no genuine debate took place amongst States Parties, the Russian Federation only expressing its frustration and probably preparing the ground for its upcoming “suspension” or “freeze” of its participation while NATO countries repeated their known and

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agreed-upon positions about the need to fulfill the “Istanbul Commitment” without making further significant proposals.

The 14 July 2007 announcement of the upcoming suspension within 150 days unless Russian demands were met did not, thus, come as a major surprise. It led to a few months of intense diplomatic activities, with a dual track being pursued:

1. Having been for years the proponent of the “Istanbul Commitments first” policy of NATO, the US made a difficult and courageous choice when it put forward in August 2007 a “parallel action package” (PAP) aimed at facilitating the entry into force of the ACFE while resolving the outstanding issues related to the Istanbul commitments through a process of parallel steps. The plan also addressed many of the concerns expressed by the Russian Federation. This proposal, which built upon a series of proposals which Germany and France had put forward repeatedly, was the first move by NATO in years in the direction of a proactive dialogue intended to lead to the entry into force of the ACFE and genuinely attempting to meet at least some of the concerns expressed by Russia. It was only during the Bucharest Summit (2-4 April 2008) that it eventually became formal NATO policy. The fact that it took several weeks to see NATO as a whole formally endorse the US plan demonstrates what a policy shift it was for the Alliance. It is therefore all the more regrettable that Russia did not engage in a serious attempt to achieve a deal before the entry into force of the “freeze” despite several rounds of senior bilateral US-Russia and multilateral consultations.
2. Germany, followed by France and Spain, launched a parallel process of “diplomatic conferences” involving senior officials coming not only from the 30 CFE States Parties but also from the four NATO Allies, non-parties to the CFE regime, but expected to join at some stage (Estonia, Latvia, Lithuania and Slovenia). The process initiated in Bad Saarow (September 2007), was followed by another conference in Paris (November 2007) and by a meeting on the margins of the Madrid OSCE Ministerial Council (November 2007). In spite of some useful debates which have helped identify outstanding issues, none of these events led to a breakthrough in the negotiations.

When the Russian suspension became effective (12 December 2007), it was interesting to note that NATO did not overreact but rather chose a non-confrontational policy of deploring the “freeze” while expressing a readiness to engage in serious negotiations on the basis of the parallel action package and keeping the regime alive even though it had lost most of its significance, a policy which has been upheld since despite the lack of progress.

Several elements can explain the lack of progress in the last few years:

1. *Benign neglect.* This is connected to the perception that European security has grown stronger and that the risk of a major war on the European continent is more remote than at any point in time since 1945. The peaceful and successful enlargements of NATO and the EU have underscored those massive changes in European geopolitics. This perception explains why limited political attention has been devoted to the unraveling of the patiently crafted conventional arms control regime in Europe, as if the falling apart of the “cornerstone of European security” (as NATO communiqués refer to the CFE) was at best a minor issue, and at worse irrelevant to European security. Faced with increasingly vocal Russian calls for a review of the existing framework, Germany has been the only Western country to devote senior political efforts over an extended period of time to try to preserve the existing framework, while elsewhere the approach has mostly been “does this really matter?” In the long run, this broadly shared perception is dangerous: it has already led Russia to a calculated brinkmanship diplomacy putting the entire regime at risk; it also led to the failure of NATO countries to devote sufficient effort to crafting a compromise, as preserving the conventional arms control regime was not a policy priority to many allies.
2. *New Russian assertiveness.* The Russian frustration with the lack of entry into force of the ACFE gradually evolved into a revisionist posture decided at the most senior political level (President Putin’s personal role in this choice of a hard line is often quoted) and aimed at rolling back the so-called mistakes of the Yeltsin era. The Russian demands evolved accordingly from seeking ACFE ratification and recognition that its Istanbul commitments had been fulfilled to a long list of grievances and non-negotiable preconditions such as the “abolition of the flank regime for Russia”. This evolution probably also reflects an internal debate between those seeking a more favorable regime than the ACFE and those ready and eager to abandon the constraints of the CFE altogether for a variety of reasons, ranging from the conventional imbalance in Europe to a desire to gain room for maneuvering in the Caucasus. This has made a more assertive Russia an increasingly difficult partner, sometimes putting forward demands only aimed either at dividing the Alliance or at making it almost impossible to achieve any progress in the negotiations. This is not specific to conventional arms control, but it is the one area of arms control and disarmament that has clearly been the most damaged by the new Russian assertiveness. It remains to be seen whether Russia is still interested in finding a compromise to preserve the CFE or if, as some negotiating positions might

suggest, the CFE regime is no longer perceived as being in Russia's interest, and that, for this very reason, any agreement not meeting all Russian demands will not be acceptable.

3. *NATO: too often short-sighted and divided.* Facing the Russian push to redefine the CFE regime, NATO proved to be divided and often running behind bold Russian moves. Having pursued the same line from 1999 to 2006, the Alliance only stopped re-acting in the fall of 2007 to propose the "parallel action package" which, even in retrospect, remains a very comprehensive and ambitious plan to allow the gradual ratification of the Adaptation Agreement without abandoning the objective of fulfilling the outstanding Russian commitments on its military presence in Georgia and Moldova. Even though they preserved formal NATO unity and solidarity, the Allies have been divided between those trying to develop an renewed approach aimed at preserving the CFE regime (Germany, France, Netherlands, Italy, Greece, Spain, Hungary) and those pursuing national agendas fully respectable as such but which have led to regarding the preservation of CFE as, at best, a second-rank objective. Romania, for example, focused on the Moldovan issue and resisted any attempt to backtrack from a policy making the Istanbul commitments the defining element of the Alliance's CFE policy. In a more traditional stance, Turkey and, to a lesser extent, Norway strongly refused any move that could be perceived as a weakening of the "flank regime". This division prevented the Alliance from developing creative and proactive proposals when there was still room for compromise. Today, it also prevents NATO from over-reacting to the current "freeze".
4. *Lack of involvement of other States Parties.* Even though seven countries outside NATO and Russia are Parties to the CFE regime, and despite the fact that they have major issues at stake connected to the preservation of the regime (an arms race between Azerbaijan and Armenia for instance), they have not served as honest brokers in the dispute between Russia and NATO, aligning with one side during conferences and events but never making their own proposals.

Policy Recommendations for a Change of Mindset

In this context and from a Western perspective, three general pitfalls should be avoided:

- *Disregarding the problems:* "NATO and the EU work more or less properly; why should we address the pan-European dimension of European security with a less cooperative Russia?"; "Conventional arms control in Europe is an out-of-date concept not adapted to today's world".

- *Cold War mentalities*: “old problems, old solutions”, the issue is not so much “Is it a new Cold War?” as “How do post-Westphalian Europeans deal with a more assertive Russia with a totally different agenda based on *rapport de force*?”
- *Western guilt and geopolitics logic*: “It is only fair to see a stronger Russia re-establish itself in its sphere of influence. How can we manage this and adapt the system to please a new Russia?”

Bearing these in mind, there are a few policy recommendations and options available in the next few months and years which could – if enough political effort is devoted to them – make the difference.

Emphasize the Mutual Benefits from a Conventional Arms Control Regime in a Post-Cold War Environment

Almost 20 years of the CFE have made everyone forget what a Europe without the CFE would look like. Within a few years Europe could again be like the Middle East or East Asia, i.e. a region where arms races occur due to the lack of transparency and miscalculations and where resources are devoted to gathering intelligence about neighboring countries’ conventional capabilities. The Parties to the CFE seem to have forgotten the immense benefits from a regime that made major attacks virtually impossible and limited the potential for arms build-up and major imbalances. War has not been made impossible in Europe by the CFE and the rest of the conventional arms control regime (Vienna Document, CSBMs, and Open Skies), but it has become more difficult and less likely.

CFE is a fairly unique regime offering, for a very limited cost, a set of tools combining transparency through declaration, on-site verification and arms limitation. At the moment, the strategic consequences of its unraveling for all Parties are not well perceived and some probably view its potential disappearance as lifting constraints. But in the long run, the damage will become more obvious and could have devastating consequences.

One last point should be emphasized. Many argue that the first step is to re-establish trust amongst European security actors. This view overlooks the fact that trust is more a consequence of the existence of the regime than a prerequisite. After all, CFE was negotiated and implemented at a time when two opposing blocks were facing each other in Europe.

Take Conventional Arms Control more Seriously

There is a natural tendency to focus on nuclear disarmament, especially in the bilateral US-Russia framework as President Obama’s speech in Prague recently underscored again. Without questioning the value of strategic arms control and the need to reduce the stockpiles of nuclear weapons for a variety

of reasons, it is nevertheless important not to neglect conventional arms control. Progress in conventional arms control should not be expected to benefit sooner or later from a broader agenda. It should be pursued on its own merits. This is all the more true from a nuclear perspective as the lack of a conventional regime makes some progress on the nuclear front more difficult. For instance, addressing the important issue of tactical nuclear weapons (TNW) in Europe is made more difficult in a non-CFE context as TNW can – rightly or wrongly – be perceived in Moscow and even amongst some NATO countries as a counter-weight to global or sub-regional conventional imbalances.

The Europeans should forcefully argue this point as Washington traditionally (and understandably so from an American perspective) has put more efforts into strategic nuclear arms control.

Engage in a Broader Discussion about the European Security Architecture

When thinking about the European security architecture, there is a need to take a more serious look at the Russian proposal for a European Security Treaty, not so much to accept it as it stands as to re-engage Russia on the need for a modernized pan-European structure providing more security and addressing some of the issues.

For this approach to make sense, a set of principles derived from the Helsinki process should be clearly reaffirmed. An open list would include:

- the connection between the human dimension of security and hard security: democracy and human rights are part of the security of an undivided Europe;
- the full participation of the US and Canada in European security as players and stakeholders;
- full respect for sovereignty, the territorial integrity of states of the region;
- equal rights to join alliances in a self-determined manner;
- prohibition of the use of force to resolve disputes.

Once these principles are reaffirmed as the basis of discussions, any outcome should have:

1. a major arms control dimension to prevent the risks of arms races and conflict;
2. a crisis management dimension to prevent future crises and to manage any possible crisis jointly (NATO-Russia, EU-Russia);
3. a deeper political dialogue to address common European and global security concerns (terrorism, crime, proliferation).

The benefits could be significant if we were able to reaffirm the logic of the indivisibility of security of Europe and achieve even limited results on the three above-mentioned topics in order to reverse the current negative trends.

Options for a Renewed European Arms Control Agenda

It is clear that the current path and negotiating positions make it impossible to expect the situation to change radically without some drastic alterations. The current, more favorable, context could create new opportunities that will have to be seized. The way forward could rely on a few basic principles:

- *Be as ambitious as the old CFE*: The point is not about achieving a CFE minus but about a renewed CFE with at least as much transparency and confidence. Abandoning on-site inspections or sub-regional limitations would only further weaken the regime, not rescue it.
- *Abandon block-to-block mentalities*: A conventional forces regime should not be about parity between NATO and CSTO but about more security for all.
- *Stay away as much as possible from deadly linkages*: CFE is not about resolving the “frozen conflicts” or dealing with NATO expansion, but about avoiding misperceptions and reducing the risks of an arms race and armed conflict in the Euro-Atlantic region.
- *Think in global and local terms*: CFE is today as much about the relationship between Russia and the West as about avoiding sub-regional arms races in the Caucasus for instance.
- *Avoid preconditions*: It is fair to see countries express their views about the future of the regime but non-negotiable preconditions tend to make negotiations impossible. CFE has always been about negotiating compromises and accepting constraints as part of a broader bargain.

A few issues should also be considered to provoke fresh thinking, even though they certainly need to be tested before being made part of any future negotiations:

- Is CFE about the existing 30 States Parties (plus eventually six new NATO members) or should it be more inclusive and invite all OSCE countries into a broader regime? The EU has become a security player and non-NATO EU countries are not involved in a regime they benefit from. The Balkans is already covered by a CFE-like regime, and Central Asia could certainly take advantage of some of the security benefits of the regime.
- Is the list of weapons monitored under the current regime appropriate or should it include new weapons categories?

- Should more emphasis be given to the sub-regional dimension of the issue? This could be useful for addressing some of the most difficult issues and there is an obvious need to tackle the Caucasus for instance, but the Baltic region could also be a candidate for a sub-regional regime within the broader regime. It could be a way to approach the difficult flank issue.
- Is the entry into force of ACFE the objective? Or can this step be skipped to go directly to a future agreement?

Having laid out these ideas, a last point would be to look at options for facilitating the resumption of serious talks.

On the part of Russia a lifting of the CFE suspension, even if it were conditional or temporary (for the duration of the talks or for a year) would be a most welcome gesture of good will that could create an atmosphere facilitating a positive outcome, as would a renewed NATO commitment to discuss every issue.

The call for an extraordinary CFE conference is a one-shot that could be used if success is within reach; otherwise it could be counter-productive. But there is a need to deepen discussions which have “been frozen with the freeze” and have suffered from the effects of a 2008 election year in Russia and in the US. For that purpose, the resumption of diplomatic conferences (Bad Saarow type in a format to be defined) could be a first useful step to exchange views, as could talks in the various forums available in Vienna.

A genuine discussion on the Medvedev proposal for a Treaty on European Security could be an opportunity to test the willingness of Moscow to accept the logic of mutual concessions for the benefit of collective security.

Many of these ideas – and other far more brilliant ones – will not fly and will incite obvious objections on the part of one country or another, but it is nevertheless useful to discuss them if only to discard those that are impracticable or too ambitious. One thing stands out, however: it is essential to work hard on a neglected but major security issue. Since Russia decided to suspend its full participation in the CFE two years ago, some events (the war in Georgia, for instance) have obviously made things more difficult but have also underlined the urgent need to go back to a more cooperative approach to European security.