

## IV. Limiting conventional arms to promote military security: the case of conventional arms control in Europe

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The renewed interest in conventional arms control in Europe that was in evidence in 2010 could not be translated into substantial progress in 2011. On the contrary, after the 2010 Astana Summit of the Organization for Security and Co-operation in Europe (OSCE) failed to adopt a comprehensive Framework for Action because of disagreement over subregional conflicts, particularly in Georgia, the same issue contributed to the suspension of negotiations ‘at 36’ on conventional arms control in May 2011.<sup>1</sup> By the end of 2011, member states of the North Atlantic Treaty Organization (NATO) had decided to stop sharing information related to the 1990 Treaty on Conventional Armed Forces in Europe (CFE Treaty) with Russia.<sup>2</sup>

### **The Treaty on Conventional Armed Forces in Europe**

Russia was the only CFE state party that did not implement the treaty in 2011.<sup>3</sup> The CFE Treaty is still the framework for pan-European arms control and the only available constraint on military options in unresolved conflicts, particularly the conflict between Armenia and Azerbaijan over Nagorno-Karabakh.<sup>4</sup> Russia has not participated in the obligatory data exchanges since it suspended its participation in the treaty in December 2007 and it has also stopped all active and passive inspection activities, although it still takes part in the treaty committees and thus has not completely left the CFE regime. However, events in 2011 further eroded the regime.

At the fourth, and probably final, CFE review conference on 29 September 2011, there were no strong observable efforts to revive the regime and lift the Russian suspension. Many states parties criticized the Russian suspension and the existence of new ‘grey areas’ and highlighted the challenge of unaccounted treaty-limited equipment. However, there was no

<sup>1</sup> In 2010, at the suggestion of the United States, the 30 parties to the Treaty on Conventional Armed Forces in Europe (CFE Treaty) invited the 6 NATO members that are not treaty parties—Albania, Croatia, Estonia, Latvia, Lithuania and Slovenia—to discuss ‘at 36’ a framework for strengthening conventional arms control. See Lachowski, Z., ‘Conventional arms control and military confidence building’, *SIPRI Yearbook 2011*, pp. 411–16.

<sup>2</sup> For a summary and other details of the CFE Treaty see annex A in this volume.

<sup>3</sup> US Department of State, *Compliance with the Treaty on Conventional Armed Forces in Europe*, Unclassified condition (5) (C) report (US Department of State: Washington, DC, Aug. 2011).

<sup>4</sup> However, implementation problems in Armenia and Azerbaijan have contributed to the erosion of the CFE regime. See Lachowski (note 1), p. 414; and chapter 6, section IV, in this volume.

parallel effort 'to find a way forward to reestablish the effectiveness of conventional arms control in Europe'.<sup>5</sup> Russia also behaved in a moderate way but made it clear that the concluding remarks by the chairperson (Andrei Popov of Moldova) have no legally binding effect for Russia because of its suspension of participation in the treaty.<sup>6</sup>

At a meeting of NATO's High-Level Task Force on Conventional Arms Control on 3 November 2011, all NATO member states that are parties to the CFE Treaty decided to stop their data exchange with Russia by the end of the year.<sup>7</sup> Georgia and Moldova followed suit.<sup>8</sup> Russia, which expected this move, did not object because it is in line with the Russian desire to get rid of a regime that it sees as outdated.<sup>9</sup> As a practical consequence, the Netherlands and the United Kingdom decided to significantly reduce their verification personnel, given financial constraints and the uncertain prospects for conventional arms control. Germany plans to reduce the personnel strength of its verification centre by more than 30 posts, to 170, by 2015.<sup>10</sup> Similar steps are being discussed in Russia.

Despite the declared intention to revitalize conventional arms control in Europe in the informal 'at 36' format, it can no longer be taken for granted that the states parties are really willing to negotiate a new agreement. On 8 February 2011 all delegations had agreed on the title for a 'Framework for negotiations to strengthen and to modernize the conventional arms control regime in Europe' that would have opened the way for prospective states parties to participate in negotiating a new agreement with the consent of all parties.<sup>11</sup> This formula would meet the Russian demand to enlarge participation in the regime while still allowing Turkey to block participation by Cyprus.

<sup>5</sup> Fourth CFE Treaty Review Conference, Concluding remarks by the Chairperson, RC.DEL/9/11, 29 Sep. 2011.

<sup>6</sup> OSCE, Forum for Security Co-operation, 660th Plenary Meeting of the Forum, FSC.JOUR/666, 19 Oct. 2011, annex 2.

<sup>7</sup> Nuland, V., 'Implementation of the Treaty on Conventional Forces in Europe', Statement, US Department of State, 22 Nov. 2011, <<http://www.state.gov/r/pa/prs/ps/2011/11/177630.htm>>.

<sup>8</sup> German Federal Foreign Office, *Bericht der Bundesregierung zum Stand der Bemühungen um Rüstungskontrolle, Abrüstung und Nichtverbreitung sowie über die Entwicklung der Streitkräftepotenziale (Jahresabrüstungsbericht 2011)* [Federal government report on the status of arms control, disarmament and non-proliferation efforts and on the development potential of the armed forces (annual disarmament report 2011)] (Federal Foreign Office: Berlin, 2011), p. 60.

<sup>9</sup> Russian Ministry of Foreign Affairs, 'Russian MFA Press and Information Department comment on the decision of a number of NATO countries relating to the CFE Treaty', 23 Nov. 2011, <[http://www.mid.ru/brp\\_4.nsf/0/48f013fdcc0a092444257952005b60a0](http://www.mid.ru/brp_4.nsf/0/48f013fdcc0a092444257952005b60a0)>.

<sup>10</sup> German Bundestag, 'Deutschlands Rolle im KSE-Prozess' [Germany's role in the CFE process], Response of the federal government to the question by MPs Inge Hoeger, Wolfgang Gehrcke, Sevim Dagdelen, other MPs and the parliamentary group of Die Linke, Bundestagsdrucksache 17/8034, 30 Nov. 2011, p. 8.

<sup>11</sup> On the framework see Rüdiger H. and Schmidt, H.-J., *Konventionelle Rüstungskontrolle in Europa: Wege in die Zukunft* [Conventional arms control in Europe: paths for the future], Hessische Stiftung Friedens- und Konfliktforschung (HSFK) Report 6/2011 (HSFK: Frankfurt am Main, 2011), pp. 16, 40.

In March 2011 the United States, building on an earlier German idea, proposed transparency and verification measures to be implemented outside the CFE Treaty regime by all participants (including all NATO members not party to the CFE Treaty) during an interim period while negotiations on a new agreement take place. However, Russia rejected this proposal.

Russia's stance underlined its long-standing interest in redressing the perceived imbalance created by NATO enlargement. However, Russia has now apparently also linked conventional arms control talks to the issue of missile defence cooperation, although an explicit link has not been made in public. Georgia and Moldova also succeeded in influencing some NATO countries to link unresolved territorial disputes with arms control in addition to the language on host state consent in the Adapted CFE Treaty, which Russia ratified in 2004.<sup>12</sup>

At the final meeting in the 'at 36' format held on 11–12 May 2011 no date was agreed for a future meeting; this can be interpreted as either a pause or an indefinite suspension. Given the complexity of the interlocking issues currently blocking progress, the USA and others have adopted a wait-and-see attitude.<sup>13</sup> Germany has strengthened its efforts to generate some momentum and find a common understanding on the future challenges for European security and the extent to which conventional arms control might help address them. In addition, the German Government has developed a new approach to verified transparency that covers both network-centric warfare capabilities and capabilities for fast transfer and deployment of troops.<sup>14</sup> Where these ideas will lead is uncertain.

### **Subregional arms control in South Eastern Europe**

In stark contrast to the problems with the CFE Treaty, the 1996 Agreement on Sub-Regional Arms Control (Florence Agreement) has not faced any major problems and was implemented in an exemplary manner as in the previous years.<sup>15</sup> The regime currently limits the armed forces of Bosnia and Herzegovina, Croatia, Montenegro and Serbia. Despite the fact that the

<sup>12</sup> Anatoly Antonov: "The West must not only hear to us, but also listen to us" *What the Papers Say: Weekly Review*, no. 78 (1 Aug. 2011), p. 3. For a summary and other details of the 1999 Agreement on Adaptation of the CFE Treaty, which has not yet entered into force, see annex A in this volume.

<sup>13</sup> Gottemoeller, R., US Assistant Secretary of State for Verification, Compliance and Implementation, 'Russia and the West: moving the reset forward', Remarks at the Atlantic Council, Washington, DC, 9 Sep. 2011, <<http://www.state.gov/t/avc/rls/172055.htm>>. However, the fact that the head of the US delegation, Victoria Nuland, took another job on 26 May 2011 suggests that the US Government saw little chance of further progress.

<sup>14</sup> German Bundestag, 'Überwindung des Stillstandes in der konventionellen Rüstungskontrolle in Europa' [Overcoming the standstill in conventional arms control in Europe], Response of the federal government to the question by the MPs Uta Zapf, Dr hc Gernot Erler, Petra Ernstberger, other MPs and the parliamentary group of the SPD, Bundestagsdrucksache 17/8111, 9 Dec. 2011, p. 4.

<sup>15</sup> For a summary and other details of the Florence Agreement see annex A in this volume.

weapon holdings of all states parties are well below the treaty-imposed ceilings, voluntary reductions are still continuing.<sup>16</sup> States parties are also willing to conduct and accept voluntary inspections beyond their treaty obligations.

Because of these positive developments, in 2010 a process to transfer the Florence Agreement to local ownership started in order to reduce the involvement of OSCE participating states (29 of which have supported the regime) and the Personal Representative of the OSCE Chairperson-in-Office. The first phase of the local ownership process progressed successfully in 2011, with international assistance for inspections being reduced by 50 per cent. In a second phase, to be finished by the end of 2014, all other international tasks will be transferred to the four states parties. At its 47th meeting in Belgrade, from 14 to 17 November 2011, the Sub-Regional Consultative Commission was supposed to adopt the common road map for the second phase. However, the Bosnian delegation was not prepared to agree to the common draft for unstated but presumably minor reasons, delaying the anticipated start of the second phase.

### **Prospects and challenges**

Conventional arms control in Europe has reached a dead end even though the need for it is largely undisputed. There is no current consensus on its specific objectives, subjects and instruments and, although some new concepts for and approaches to conventional arms control have been put forward, discussions are in an early phase. Election cycles in Russia and the USA have contributed to a tendency to wait and see how domestic politics of key actors develop and to the assumption that no important initiatives are possible before 2013. Thus, 2012 will be a period of transformation, reorientation and discussion, with the negotiation of new mandates seemingly unlikely.

More broadly, the bilateral Russia–USA ‘reset’ of relations has not been reflected in European security and arms control policy, where the situation is still characterized by deep mutual mistrust and threat perceptions that lock in place increasingly asymmetric military forces. Russia’s current concerns focus less on the military items covered by existing treaties and more on the development of new conventional technologies such as hypersonic cruise and glide vehicles that are not restrained by either conventional or nuclear arms control agreements.<sup>17</sup> Whether these capabilities can ever be

<sup>16</sup> Periotto, C. (Brig. Gen.), Personal Representative of the OSCE Chairperson-in-Office, ‘Implementation of the Agreement on Sub-Regional Arms Control (Article IV, Annex 1-B, Dayton Peace Accords)’, Report to the OSCE Permanent Council, CIO.GAL/158/11, 23 Aug. 2011, p. 1.

<sup>17</sup> See e.g. ‘Pentagon successfully tests hypersonic flying bomb’, Agence France-Presse, 17 Nov. 2011; and Woolf, A. F., *Conventional Prompt Global Strike and Long-Range Ballistic Missiles*:

covered by purely European approaches is an open question. The unresolved issue of missile defence cooperation represents an additional burden, as does the associated recurring Russian announcements that it could deploy short-range Iskander missiles in the Kaliningrad region.<sup>18</sup>

The unresolved territorial conflicts in the OSCE area, particularly in Georgia, play a key role in blocking progress in security cooperation, including arms control. Both the Astana Framework for Action and the negotiations 'at 36' failed because of disagreement regarding Georgia. Moreover, the territorial conflicts in Georgia and Moldova and between Armenia and Azerbaijan would have an important bearing on European conventional arms control even if new agreements could be reached because they will play a decisive role in the ratification processes of the countries involved and in the US Congress. Therefore, the question is whether status-neutral solutions are still possible or whether politically binding agreements offer a better option.

*Background and Issues*, Congressional Research Service (CRS) Report for Congress R41464 (US Congress, CRS: Washington, DC, 13 Feb. 2012).

<sup>18</sup> Office of the President of Russia, 'Statement in connection with the situation concerning the NATO countries' missile defence system in Europe', 23 Nov. 2011, <<http://eng.kremlin.ru/news/3115>>. See also chapter 8, section I, in this volume.