

III. Confidence- and security-building measures in Europe

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The events that took place in 2014 indicate the weakness of cooperative security approaches that were developed to reduce the risk of conflict or limit the impact of conflicts that did break out. The conflict in Ukraine highlights the limited effectiveness of current instruments for conflict prevention and crisis management in Europe. Renewed interest in confidence and security building might be one result of the failures in Ukraine.

The European arms control regime includes both operational and structural dimensions—that is, it establishes rules regarding what states may do with their armed forces, as well as limiting the size and composition of the forces themselves.

In addition to Europe having the most fully developed system for conventional arms control in the world, it also has an extensive system of confidence- and security-building measures (CSBMs). The elaboration of European confidence-building measures—and later CSBMs (which include verification provisions)—were a key contribution of the Conference on Security and Co-operation in Europe (CSCE), which became the Organization for Security and Co-operation in Europe (OSCE) on 1 January 1995. The OSCE has been the principal framework for the development of European CSBMs. The Vienna Document on Confidence- and Security-Building Measures was adopted in 1990, and has subsequently been updated and revised several times—the last significant revision dating from 2011.¹ The Vienna Document contains an extensive catalogue of measures that have introduced a high degree of transparency and predictability into military matters through (a) annual exchanges of military information; (b) discussion of medium- and long-term defence plans; (c) demonstrations of new weapon systems being introduced into service; and (d) the prior notification of large military exercises.

The high level of compliance with CSBMs that mostly include political, rather than legal, commitments has been an important signal of the dedication to cooperative security. Countries that have the national technical means to collect information about the military activities of other states have nevertheless seen added value in participating in the system created at European level.

The arms control regime, largely created at the end of the cold war, was intended to minimize the risk that a European state could lose part of its territory as a result of military aggression. The role of the arms control

¹ The Vienna Document 2011 on Confidence- and Security-Building Measures is available at <<http://www.osce.org/fsc/86597>>. For a summary and other details of the Vienna Document see annex A, section II, in this volume.

regime in Europe came into particularly sharp focus after March 2014, when President Vladimir Putin signed a law that, from a Russian perspective, finalized the incorporation of Crimea into Russia.² However, the contribution of conventional arms control to European security also has a wider importance, given the general deterioration in the European security environment.

Prior notification, observation and constraints on military activities

One of the main contributions of European CSBMs has been to reduce any risk that the mobilization of armed forces for training purposes could be interpreted as the onset of an offensive military operation. To that end, the Vienna Document requires the prior notification of certain military activities. Notifiable activities include land force exercises conducted under a single operational command, independently or in combination with any possible air or naval components; and the engagement of military forces in an amphibious landing, heliborne landing or parachute assault in the zone of application for CSBMs. If, on notification, the activities exceed certain thresholds in terms of the size and composition of participating forces, there is a requirement to permit other OSCE participating states to observe them in ways defined in the Vienna Document.

The specified military activities require notification if they involve (a) at least 9000 troops, including support troops; (b) at least 250 battle tanks; (c) at least 500 armoured combat vehicles of specific types; or (d) at least 250 self-propelled and towed artillery pieces, mortars and multiple rocket-launchers (100 mm calibre and above). If air forces of states participating in the exercise intend to fly 200 or more sorties by fixed-wing aircraft as part of the activity, then air force activity should also be included in the notification. If the activity is an amphibious landing, heliborne landing or parachute assault in the zone of application for CSBMs, it requires notification if it involves at least 3000 troops.³ For a military activity requiring notification, it should be given at least 42 days in advance, and an invitation to observe the activity should be sent to all OSCE participating states if it exceeds (a) 13 000 troops; (b) 300 tanks; (c) 500 armoured combat vehicles; or (d) 250 pieces of artillery.⁴

In addition to notification and observation, the constraining provisions in the Vienna Document limit the number of notifiable military activities that a participating state may carry out. No participating state may undertake more than one activity involving more than 40 000 troops, 900 battle tanks, 2000 armoured combat vehicles or 900 heavy artillery pieces, within three

² For further discussion on this topic see chapter 3, section I, in this volume.

³ Vienna Document (note 1), para. 40.1.1.

⁴ Vienna Document (note 1), para. 47.4.

calendar years. The number of smaller activities is limited to three or six annually, depending on the specific size and composition.

The Vienna Document makes provisions for cases where notifiable military activities are undertaken without giving advance notice to the troops involved. These ‘snap exercises’ are carried out to test the readiness of troops to respond to orders at short notice. Such exercises are exceptions to the requirement that prior notification should be given 42 days in advance, and notification of snap exercises above the agreed thresholds of notifiable activities should be given when the troops involved commence such activities.

The recent pattern of military exercises in Europe

Over the past two years the pattern of military exercises undertaken by both the North Atlantic Treaty Organization (NATO) and Russia has been changing significantly.⁵ During the course of any given year there are both collective exercises conducted by NATO, and national exercises by individual members in which the armed forces of other states sometimes participate. In 2014, however, NATO examined the calendar of scheduled exercises to maximize the number of activities that could be placed under NATO command and control, in order to underline the capacity for collective action.⁶

The Readiness Action Plan announced at the NATO Summit in September 2014 included a commitment to further increase the number and variety of military exercises carried out by NATO.⁷ The Readiness Action Plan included the creation of a Very High Readiness Joint Task Force that would be tested through short-notice exercises. More broadly, NATO promised to establish an enhanced exercise programme ‘with an increased focus on exercising collective defence including practising comprehensive responses to complex civil-military scenarios’.⁸ NATO leaders called for exercise scenarios to be specifically designed to cover responses to so-called hybrid war—which NATO has described as an attack on a country using ‘a mixture of special forces, information campaigns and backdoor proxies’.⁹ NATO defence planners were instructed to include one high-visibility exercise in 2015, involving 25 000 personnel and hosted by Italy,

⁵ Anthony, I., ‘European debates and discussions on conventional arms control’, *SIPRI Yearbook 2014*.

⁶ Bell, R., Senior Adviser, US Mission to NATO, ‘Media roundtable on Exercise Sabre Strike’, 19 June 2014, <<http://photos.state.gov/libraries/usnato/19452/pdfs/BellSabreStrike.pdf>>.

⁷ For further discussion of the Readiness Action Plan see chapter 6, section II, in this volume.

⁸ NATO, ‘Wales Summit Declaration issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Wales’, Press release, 5 Sep. 2014, <http://www.nato.int/cps/en/natohq/official_texts_112964.htm>.

⁹ NATO, ‘Hybrid war—hybrid response?’, NATO Review, [n.d.] <<http://www.nato.int/docu/review/2014/russia-ukraine-nato-crisis/Russia-Ukraine-crisis-war/EN/index.htm>>.

Portugal and Spain, and ‘a broader and more demanding exercise programme’ from 2016 onwards.¹⁰

From early 2013 the Russian Ministry of Defence has made frequent use of large-scale snap exercises. The snap exercise called in February 2013, involving forces of the Central and Southern Military Districts, was the largest of its kind in two decades and, in all, six such exercises were held in 2013. The trend continued in 2014, with snap exercises called in February, April, June, September and December, in order to test the readiness of forces in the Central, Eastern and Western Military Districts.¹¹

Russian authorities have explained these exercises as a necessary part of testing the results of military reforms carried out after 2008. The purpose of those reforms was to create armed forces that were numerically smaller—but capable of reacting much more quickly—and tailored more to regional conflict scenarios than to confrontation with a major power adversary.¹²

The large-scale military exercises in 2014 included the strategic military exercise Vostok-2014, described by the Russian Defence Minister, Sergei Shoigu, as a ‘large-scale event of operational and combat training of the Eastern Military District’.¹³ The exercises in the Russian Far East caused a spillover outside the Vienna Document zone of application.¹⁴

The military activities being carried out in the Vienna Document zone of application are likely to become more numerous and diverse in the coming years. Moreover, the deteriorating European security environment is producing an action–reaction cycle involving Russia, NATO members and other European countries, all seeking to demonstrate the readiness of their armed forces.

In 2010 a report by an independent group of experts captured the changing mood by referring to persistent doubts about Russian intentions,

¹⁰ NATO (note 8).

¹¹ Lewis, P., ‘US issues warning to Russia over military drills near Ukrainian border’, *The Guardian*, 28 Feb. 2014; Luhn, A., ‘Russia warns it will respond if interests attacked in Ukraine’, *The Guardian*, 23 Apr. 2014; ‘Russia’s Central Military District troops hold drills’, TASS, 27 June 2014, <<http://tass.ru/en/russia/737985>>; and Grove, T., ‘Russia carried out snap military drills in Kaliningrad region’, Reuters, 16 Dec. 2014, <<http://www.reuters.com/article/2014/12/16/us-russia-military-drills-idUSKBN0JU0JZ20141216>>.

¹² Pandolfe, F. C., Opening statement of Vice Admiral Frank C. Pandolfe, USN Director for Strategic Plans and Policy the Joint Staff before the House Armed Services Committee, 8 Apr. 2014, <<http://docs.house.gov/meetings/AS/AS00/20140408/102108/HHRG-113-AS00-Wstate-PandolfeUSNF-20140408.pdf>>.

¹³ RIA Novosti, ‘Shoigu about Vostok-2014 exercises: Russian troops show higher combat preparedness’, Sputnik News, 23 Sep. 2014, <<http://sputniknews.com/russia/20140923/193189578/Shoigu-About-Vostok-2014-Exercises-Russian-Troops-Show-Higher.html>>.

¹⁴ Part of the exercise involved defending islands that are the subject of a territorial dispute between Russia and Japan, the latter describing the Russian exercise as ‘absolutely unacceptable’. Abelsky, P. and Reynolds, I., ‘Russian military drills in Asia spark Japan’s anger’, Bloomberg, 13 Aug. 2014, <<http://www.bloomberg.com/news/2014-08-13/russian-military-drills-in-asia-spark-japan-s-anger.html>>.

and concern about ‘possible attempts by Russia to engage in acts of political or economic intimidation’.¹⁵ In 2014 both NATO members and Russia made accusations that military exercises were being used to intimidate neighbours, rather than as an element of training. Moreover, the snap exercise called by Russia in February 2014 has been interpreted as more than a training exercise. The exercise appears to have been used to position armed forces that later participated in the military operation in Crimea, as well as providing a ‘smokescreen’ for the movement of special forces and airborne troops into Crimea.¹⁶

The original parameters related to military activities in the Vienna Document were calibrated according to cold war conditions, when very large-scale activities were routine. Over time, the scale of notifiable activities has been reduced in successive editions of the Vienna Document, reflecting the downward trend in military activities (including frequency and size) within the OSCE area. However, in coming years there may be a strong case for revisiting the notification thresholds and constraining provisions, and perhaps also the clarification of what needs to be reported. Tailoring the development of thresholds and provisions to given regional contexts or through bilateral agreements might also be helpful.

The Open Skies Treaty

The Open Skies Treaty, which entered into force in January 2002, authorizes observation flights by one state party over the territory of another, and establishes the conditions governing those flights.¹⁷

During 2014, flights scheduled under the Open Skies Treaty were one of the few areas in which diplomatic engagement between Russia, the United States and other European countries continued more or less without interruption. At the end of 2014 Russia and the USA conducted reciprocal overflights in the framework of the treaty.¹⁸

¹⁵ NATO, ‘NATO 2020: assured security; dynamic engagement: analysis and recommendations of the group of experts on a new strategic concept for NATO’, Brussels, 17 May 2010, <http://www.nato.int/cps/en/natolive/official_texts_63654.htm>, p. 15.

¹⁶ Lavrov, A., ‘Russian again: the military operation for Crimea’, eds C. Howard and R. Pukhov, *Brothers Armed: Military Aspects of the Crisis in Ukraine* (East View Press: Minneapolis, 2014), pp. 162–63.

¹⁷ For a summary and other details of the Open Skies Treaty see annex A, section II, in this volume.

¹⁸ Robson, S., ‘US flying over Russia to take photos under open skies treaty’, Stars and Stripes, 19 Nov. 2014, <<http://www.stripes.com/news/us-flying-over-russia-to-take-photos-under-open-skies-treaty-1.315012>>.

Hazardous incidents of a military nature

One commitment that OSCE participating states make in the Vienna Document is to report and clarify hazardous incidents of a military nature within the zone of application for CSBMs, in order to prevent possible misunderstandings and mitigate the effects on another participating state.

In July 2014, when a civilian airliner crashed in Ukraine, the global risks to commercial operators carrying out legitimate business activities in a conflict zone were clearly illustrated.¹⁹ The use of the Vienna Document to promote a discussion on hazardous incidents of a military nature has not happened, but would seem to be timely.

In 2014 there were two reported cases of encounters between military and civilian aircraft in Northern Europe in which the proximity of the aircraft was close enough to be a cause for concern. In March 2014 a Russian military aircraft came within 100 metres of a civilian airliner in international airspace over the Baltic Sea. In December 2014, in an incident described as ‘fairly serious’ by Swedish officials, air traffic controllers ordered a civilian airliner to change course in international airspace when an unidentified aircraft was located. The aircraft was subsequently identified as a Russian military aircraft by Swedish air force jets scrambled to respond to the incident.²⁰

In each case, the Russian aircraft had turned off the on-board device that helps air traffic controllers maintain safe separation between aircraft. Without the signals transmitted by the device (known as a transponder), a military aircraft that is small and/or manufactured using a high percentage of radar absorbant material may be effectively invisible to commercial radar—and therefore to civilian air traffic control systems. In congested skies, with a high volume of commercial air traffic, an aircraft that cannot be seen or tracked is a hazard.

A spokesman for the Russian Ministry of Defence said that the military aircraft involved in the December incident had not broken international airspace rules or endangered civilian aircraft.²¹ However, while the movement of military aircraft in international airspace is not restricted, the International Civil Aviation Organization (ICAO) has resolved that the common use by civil and military aviation of airspace shall be arranged to ensure the safety of international civil air traffic. ICAO guidelines underline that military aircraft should (a) file a flight plan with civilian air traffic

¹⁹ For further discussion on this topic see chapter 3 in this volume.

²⁰ ‘Russian plane has near-miss with passenger aircraft over Sweden’, *The Guardian*, 13 Dec. 2014.

²¹ Silva, C., ‘Russia military preparedness 2014: Putin hosts navy exercises near NATO borders amid intensified air campaign between West, East’, *International Business Times*, 16 Dec. 2014, <<http://www.ibtimes.com/russia-military-preparedness-2014-putin-hosts-navy-exercises-near-nato-borders-amid-1759693>>.

services showing their planned route; (b) keep their transponder switched on; and (c) maintain radio contact with civil air traffic control authorities.²²

The zone of application of Vienna Document CSBMs includes the whole of Europe, as well as the adjoining sea area—understood to refer to ocean areas adjoining Europe and internal European sea spaces—and airspace. Historically, through bilateral CSBMs (such as the US–Soviet Incidents at Sea agreements of the 1970s) some navies promised not to engage in particularly provocative acts—such as simulated attacks on the naval vessels of other states. However, a Swedish proposal in the late 1980s to negotiate a multilateral incidents at sea agreement among littoral states around the Baltic Sea did not find general support.

The CSBMs in the Vienna Document were developed in response to the threat posed by militarily significant activities. Their applicability to the safety of civil aviation could be questioned, but the measures should apply to any military activities affecting security in Europe as a whole—and activities threatening civilian air traffic would seem to fall into that category.

The occurrences noted above reflected an overall increase in the reported number of incidents in which military aircraft and naval vessels were involved in what could be considered hazardous incidents. One report concluded that 2014 saw ‘a highly disturbing picture of violations of national airspace, emergency scrambles, narrowly avoided mid-air collisions, close encounters at sea, simulated attack runs and other dangerous actions happening on a regular basis over a very wide geographical area’.²³

²² International Civil Aviation Organization, ‘Manual concerning safety measures relating to military activities potentially hazardous to civil aircraft operations’, First edn, 9554-AN/932, 1990.

²³ Frear, T., Kulesa, L. and Kearns, I., *Dangerous Brinkmanship: Close Military Encounters Between Russia and the West in 2014*, European Leadership Network (ELN), Policy brief (ELN: London, Nov. 2014).