

III. A relaunch of conventional arms control in Europe?

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There is a consensus that the conventional arms control framework created in Europe in the 1990s no longer delivers the results expected from it. However, there are very different assessments of the reasons for the decaying effectiveness of European arms control instruments. The interventions by Russia and the United States at the joint meeting on 19 November 2016 of the Forum for Security Co-operation and the Permanent Council of the Organization for Security and Co-operation in Europe (OSCE) capture the deep divisions over causality. According to Russia:

in recent years, NATO [the North Atlantic Treaty Organization] has once again embarked on an official course of coercive ‘containment’ of Russia and of changing the balance of military forces in the European region in its favour, including in the immediate vicinity of Russia’s borders, contrary to the Russia–NATO Founding Act. In this way, a new NATO-centric European security structure is now being built according to the principle of ‘not with but against Russia’ ... this has produced a fundamental conflict between NATO’s political and military policy and the very goal of the [1996 OSCE] Framework for Arms Control.¹

According to the USA, ‘Russia’s ongoing violation of core principles of international law, coupled with its demonstrated poor and/or non-compliance with arms control treaties that it finds inconvenient, are the causes of the so-called “new security realities” that we face in the Euro-Atlantic area’.²

On 9 December 2016 OSCE participating states agreed to launch a structured dialogue on current and future challenges and risks to security in the OSCE area. The results this dialogue achieved were not defined. However, the agreement envisages ‘creating an environment conducive to reinvigorating conventional arms control and CSBMs [confidence- and security-building measures] in Europe’.³

The current state of the conventional arms control regime in Europe

Europe is the only world region that has created an integrated conventional arms control system. The system includes a set of legally binding treaty restrictions on conventional armed forces, a binding and verifiable

¹ Statement by the Delegation of the Russian Federation delivered to the Joint Session of the Forum for Security Co-operation and the Permanent Council, OSCE, Vienna, 19 Oct. 2016, *FSC-PC Journal*, no. 50, Annex.

² US Mission to the OSCE, ‘Revisiting the 1996 OSCE Framework for Arms Control’, Remarks by US Ambassador Daniel B. Baer delivered to the Joint Session of the Forum for Security Co-operation and the Permanent Council, OSCE, Vienna, 19 Oct. 2016, p. 2.

³ OSCE, ‘From Lisbon to Hamburg: Declaration on the Twentieth Anniversary of the OSCE Framework for Arms Control’, MC.DOC/14/16, 9 Dec. 2016.

set of CSBMs and a legally binding commitment to facilitate overflights of sovereign territory to enhance transparency. Although their effectiveness is impaired by difficulties with compliance, none of these instruments has been cancelled.

Negotiations on conventional arms restrictions and militarily relevant CSBMs opened in 1989, and in the space of three years the interlocking web of arrangements that still form the main elements of the European arms control system were agreed.⁴ In November 1990 members of the North Atlantic Treaty Organization and the Warsaw Treaty Organization agreed the Conventional Armed Forces in Europe (CFE) Treaty, which introduced binding limits on five categories of conventional weapons. In July 1992 the Concluding Act of the Negotiation on Personnel Strength of Conventional Armed Forces in Europe (sometimes referred to as CFE-1A) established personnel ceilings for signatories to the CFE Treaty.

In November 1990 all states participating in the Conference on Security and Co-operation in Europe agreed the Vienna Document.⁵ This contained an extensive set of measures for the exchange of military information, risk reduction, regular military-to-military contacts, prior notification of certain military activities, the observation of certain military activities by teams of observers, a verification system based on inspections and an evaluation mechanism to assess the overall compliance and implementation of the agreed measures. Subsequent adaptations to the Vienna Document made substantive changes by reducing the threshold for prior notification of military activities; by requiring two years' prior notification for very large military activities (involving more than 40 000 troops or 900 tanks), with only one such activity allowed per state in that two-year period; by restricting the number of activities with more than 13 000 troops or 300 tanks each year to six per state; by expanding the information that must be reported to include a wider spectrum of defence planning; and by expanding the scope of military-to-military contacts.

In March 1992 a group of 27 states created the Open Skies Treaty, in which they made a commitment to open their national air space to overflight by unarmed reconnaissance aircraft on a reciprocal basis.

⁴ Sharp, J. M. O., *Striving for Military Stability in Europe: Negotiation, Implementation and Adaptation of the CFE Treaty* (Routledge: Abingdon, 2006); and Lachowski, Z., *Confidence- and Security-Building Measures in the New Europe*, SIPRI Research Report no. 18 (Oxford University Press: Oxford, 2004).

⁵ The Conference on Security and Co-operation in Europe was a series of intergovernmental conferences held between 1973 and 1994, at which point it formally transitioned to become the Organization for Security and Co-operation in Europe (OSCE).

Compliance problems with European conventional arms control instruments

Russia suspended the implementation of its obligations under the CFE Treaty in December 2007, stopped providing the information called for in the treaty to other parties and put a halt to receiving on-site inspections. The actions were a final effort to bring about entry into force of the 1999 CFE Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe. The Agreement on Adaptation, which was designed to address Russian concerns over the effects of the CFE Treaty, has never been ratified by NATO member states. Discussions on how to bring about adaptation were in effect discontinued in 2011, and in April 2015 Russia ended its participation in the Joint Consultative Group, where issues of CFE Treaty implementation and compliance are discussed by states parties. The absence of Russia from the CFE Treaty greatly undermines its value. The treaty is of unlimited duration and has no provision for suspension—only withdrawal. The USA has asserted that Russia's suspension of the treaty without withdrawal represents non-compliance.⁶

There have been a number of assertions that the Vienna Document is not being complied with or that the manner of compliance undermines the main objectives of confidence building and security building. Concerns have been raised about the implementation of the Vienna Document, including: the sequencing of smaller exercises below notification thresholds to avoid the need for reporting and external observation; the frequent use of the provision exempting 'snap exercises' from advance notification; the abuse of the provision for additional voluntary inspections; the provision of outdated, incomplete or incorrect information about military exercises; and the failure to use the consultation mechanisms provided for in the document.

The Open Skies Treaty establishes a regime of unarmed aerial observation flights over the entire territory of participating states. It is the only part of the European arms control system that includes Canada and the USA within its area of application. Since 2014, however, concerns have been raised over Russia's introduction of restrictions of different kinds on overflights in certain locations: over Kaliningrad, at the Russian–Georgian border, and over Chechnya. By limiting flights over Kaliningrad to a maximum of 500 kilometres, Russia has de facto made it impossible to observe the whole of the territory in one overflight, as was previously possible.⁷

⁶ US Department of State, 'Compliance with the Treaty on Conventional Armed Forces in Europe Condition (5) (C) Report', Washington, DC, Jan. 2016.

⁷ US Department of State, 'Adherence to and Compliance with Arms Control, Nonproliferation and Disarmament Agreements and Commitments', Washington, DC, 11 Apr. 2016, pp. 31–33.

Structured dialogue on European security

During 2016, when Frank-Walter Steinmeier, the German Foreign Minister, was OSCE Chairperson-in-Office (CIO), Germany held consultations with many states on the prospects for a revitalization of the European discourse on conventional arms control. In August 2016 Steinmeier published a newspaper article in which he argued that, sooner or later, European states would have to return to cooperative security principles. To that end, he called for a relaunch of conventional arms control and suggested five areas that could be elements in a new dialogue: (a) to ‘define regional ceilings, minimum distances and transparency measures (especially in militarily sensitive regions such as the Baltic)’; (b) to ‘take into account new military capabilities and strategies (smaller, mobile units rather than traditional, large armies; accordingly taking resources such as transport capabilities into consideration)’; (c) to ‘integrate new weapons systems (e.g. drones)’; (d) to ‘permit effective verification that is rapidly deployable, flexible and independent in times of crisis (e.g. carried out by the OSCE)’; and (e) to elaborate measures that ‘can be applied in areas whose territorial status is disputed’.⁸

The German initiative was discussed at an informal meeting of OSCE ministers of foreign affairs on 1 September, and the initial response was rather reserved.⁹ States sought clarification about the idea, including German views on the next steps to translate the proposal into action, and about the five specific areas that it highlighted. On the question of next steps, the USA voiced strong doubts about the feasibility of negotiations on arms control.¹⁰ However, through discussions it became clear that the five areas highlighted in Steinmeier’s article were illustrative examples of issues that could be part of a structured dialogue. Moreover, the German initiative was not intended to launch a new round of arms control negotiations immediately, but was a counter-cyclical effort to generate political momentum behind the idea of an open dialogue about how to arrest the crumbling of the existing regimes of arms control and disarmament in Europe.

In November 2016 a group of 14 like-minded European states, convened by Germany, declared their support for the initiative to ‘re-establish strategic stability, restraint, predictability and verifiable transparency and to reduce

⁸ Steinmeier, F.-W., ‘More security for everyone in Europe: a call for a re-launch of arms control’, *Frankfurter Allgemeine Zeitung*, 26 Aug. 2016, p. 2.

⁹ OSCE, ‘Informal OSCE Ministerial discussions focused on organization’s future agenda’, Press release, Potsdam, Germany, 1 Sep. 2016.

¹⁰ ‘There is simply no basis for initiating negotiations on a new arms control agreement while blatant violations of existing agreements remain’; and ‘Revitalizing military confidence-building, risk reduction, and arms control in Europe’, Remarks by Bruce I. Turner, Deputy Assistant Secretary, Bureau of Arms Control, Verification and Compliance, at the OSCE Security Days Roundtable on Re-launching Conventional Arms Control in the OSCE Context, Vienna, Austria, 3 Oct. 2016, <<https://osce.usmission.gov/revitalizing-military-confidence-building-risk-reduction-arms-control-europe-remarks-osce-security-days/>>.

military risks', and called for 'an in-depth and inclusive debate on the future of conventional arms control in Europe through an exploratory, structured dialogue'.¹¹ The group included members of NATO, non-NATO members of the European Union and Switzerland. This was a deliberate effort to break with the past, when conventional arms control policy was discussed and developed within military alliances. Instead, the next phase of European conventional arms control might not take the form of bilateral negotiations between adversaries. The disadvantage of this approach was that states that would normally expect to be part of any consultation were absent. In particular, the like-minded group did not include many members of NATO, leading to some confusion about the objective.

One concern was that the group of like-minded states would advocate a process that departed from agreed lines of action vis-à-vis Russia, reawaken discussion of Russian proposals to remodel the European security system and call into question decisions taken at the NATO Summit in Warsaw in July 2016.¹² Potential differences between NATO member states were bridged by making the first step of a structured dialogue a focus on threat perceptions and issues relevant to the future of conventional arms control. At the OSCE Ministerial Council in Hamburg in December 2016, NATO member states welcomed the decision by the Ministerial Council, underlining that the issue of conventional arms control would be a strong focus within the alliance going forward, and emphasizing the potential for reciprocal military transparency and risk reduction to improve stability and security in the Euro-Atlantic area.¹³

The CIO plays a leading role in the work of the OSCE as part of a 'Troika' that includes the previous and succeeding chairpersons. In 2017 Austria will take the position of CIO, followed in 2018 by Italy. In a joint op-ed published on the eve of the Hamburg Ministerial Council, the foreign ministers of the Troika—who are also members of the group of like-minded states—promised to maintain the focus on conventional arms control.¹⁴ The structured dialogue on the future of conventional arms control is therefore likely to be a priority issue on the agenda of the CIO until at least the end of 2018, including high-level political attention from ministers.

¹¹ German Federal Foreign Office, 'Ministerial declaration by the foreign ministers of the like-minded group supporting a relaunch of conventional arms control in Europe', Press release, 25 Nov. 2016. The like-minded group comprised Austria, Belgium, Bulgaria, the Czech Republic, Finland, France, Germany, Italy, the Netherlands, Norway, Slovakia, Spain, Sweden and Switzerland.

¹² See chapter 4 on European security in this volume.

¹³ Statement by the delegation of Albania on behalf of Albania, Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Turkey, the United Kingdom and the United States of America.

¹⁴ 'A strong OSCE for a strong Europe', Joint op-ed by the foreign ministers of Germany, Austria and Italy, *Frankfurter Allgemeine Zeitung*, 7 Dec. 2016.