



THE CFE TREATY ONE YEAR AFTER ITS SUSPENSION: A FORLORN TREATY?

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On 12 December 2007 the Russian Federation officially declared that it would no longer be bound by the restrictions under the 1990 Treaty on Conventional Armed Forces in Europe (CFE Treaty). Russia explained its decision as being motivated by the treaty's 'divorce from reality'. Nonetheless, Russia assured the other parties to the treaty that it had no plans to build up or concentrate heavy armaments on its borders. Overshadowed by other developments in Euro-Atlantic relations, the Russian 'moratorium' has attracted little public attention and, consequently, the possible solutions to the issue have gathered little momentum. Now, one year after the suspension, it is time to reassess the condition and prospects of the CFE regime.

Acclaimed as the 'cornerstone of European security', the CFE Treaty regime remains by far the most elaborate conventional arms control regime worldwide. While the collapse of the entire regime is not imminent—Russia has reiterated its readiness to continue a 'result-oriented' dialogue on the CFE Treaty—its future and the future of arms control in Europe remain uncertain. This paper gives an overview of the issues that have dogged the CFE regime and that led up to the Russian action. It outlines the situation that the parties to the CFE regime find themselves in now and follows this with an assessment of the prospects for conventional arms control in Europe.

THE STALEMATE, 2000–2007

The original 1990 CFE Treaty set equal ceilings on major categories of the heavy conventional armaments and equipment of the two groups of states parties—the North Atlantic Treaty Organization (NATO) in the west and the Warsaw Treaty Organization (WTO) in the east—in the Atlantic-to-the-Urals (ATTU) area of application. This division of the parties into two groups quickly became outdated with the end of the cold war. Signed in 1999, the Agreement on Adaptation of the CFE Treaty was intended to complement the CFE Treaty with a new text—the Adapted CFE Treaty—that discards the original, bipolar concept; introduces a new regime promoting regional stability; and opens the CFE regime to other European states. In a package deal clinched at the 1999 Istanbul summit of the Organization for Security and Co-operation in Europe (OSCE), the legally binding obligations under the Agreement on Adaptation were intertwined with political commitments (the so-called Istanbul commitments).

As Russia later started to call into question the linkage of the Agreement on Adaptation with the Istanbul commitments, almost no progress has been

SUMMARY

● The prolonged crisis over the 1990 Treaty on Conventional Armed Forces in Europe is a reflection of the wider spectrum of strategic, political, military and other issues that divide the OSCE community of states rather than a specific conflict in its own right.

The main protagonists—Russia, the United States and NATO—share the guilt for the present confrontation and all of them risk losing from it. Russia has ignored its political commitments; the USA has long demonstrated its disinterest and treated the CFE regime as a pawn in the broader political game with Russia. The European NATO states have aligned themselves with the USA while seeking, inconsistently and belatedly, ways out of the deadlock.

Even if outdated in its original shape, the CFE regime is not irrelevant or doomed to collapse as long as there is no danger of returning to cold war-like practices. However, it will remain in abeyance for some time until a political compromise is found. The time factor is of critical importance, as the treaty's erosion cannot last indefinitely. The unilateral suspension of CFE treaty implementation by Russia has a damaging effect on the adherence of other states parties; it may lead to the unravelling of compliance elsewhere in the region.

The current deadlock creates a new opportunity to rethink the relevance of the CFE regime to the new realities of European security.

**Box 1. Major developments related to the 1990 Treaty on Conventional Armed Forces in Europe, 1999–2008**

- 1999 The Agreement on Adaptation of the CFE Treaty is signed. As part of an overall package deal among the CFE states parties, the accompanying political CFE Final Act envisages, inter alia, Russian military withdrawals from Georgia and Moldova (the Istanbul commitments).
- 2000 Belarus and Ukraine ratify the Agreement on Adaptation.
Beyond-the-Urals equipment. Russia formally complies with the pledge of 14 June 1991 to destroy or convert 14 500 items of treaty-limited equipment (TLE) east of the Urals. In 1996 Russia had been allowed to substitute armoured combat vehicles for a number of battle tanks scheduled for destruction and later to eliminate the shortfall with regard to tanks. Together with Kazakhstan, Russia completes the destruction of the remaining excess of tanks in mid-2003.
- 2001 The second CFE Review Conference takes place. Special emphasis is put on the issue of unaccounted TLE.
Withdrawal from Georgia. After Russia's initial pullout from its military bases, Georgia and Russia fall out over the remaining bases; an impasse follows.
Withdrawal from Moldova. Russia pulls out its TLE. It fails to withdraw its military personnel and dispose of its stockpiled ammunition and equipment by the end of 2002. No withdrawals have taken place since 2004.
- 2002 *Flank dispute.* Russia presents data indicating that it has decreased the quantity of its TLE (raised in 1999 to strengthen its forces in Chechnya) and is now in compliance with the relevant provisions of the adapted (but not yet in force) treaty. Formally, however, Russia has been in breach of the 1996 Flank Document since 31 May 1999.
- 2003 Kazakhstan ratifies the Agreement on Adaptation.
- 2004 *New NATO members.* Estonia, Latvia, Lithuania and Slovenia, none of which is party to the CFE Treaty, join NATO. Russia denounces 'a legal black hole' along its borders with the Baltic states. NATO pledges not to deploy substantial numbers of TLE in its new member states. With Bulgaria and Romania also joining NATO, Russia feels at a growing disadvantage vis-à-vis the enlarged NATO in conventional armaments terms.
Russia ratifies the Agreement on Adaptation.
- 2005 *Withdrawal from Georgia.* Georgia and Russia reach agreement that Russia will withdraw its troops and close its bases during 2008.
- 2006 The third CFE Review Conference takes place. Russia's proposal for provisional application of the Agreement on Adaptation fails.
- 2007 *Extraordinary conference.* Russia calls for an extraordinary conference of states parties to address the consequences for the CFE Treaty regime of the changes in Europe's security environment and to consider steps to 'restore its viability'. The conference ends in disagreement. Russian President Vladimir Putin issues a decree 'suspending' the operation of the treaty by Russia, valid from 12 December.
'Parallel action' plan. The USA and NATO propose a plan for achieving ratification of the 1999 Agreement on Adaptation and fulfilling the Istanbul commitments. The plan is not accepted by Russia, which puts the suspension into effect on 12 December.
- 2008 NATO continues to consider Russia's suspension baseless and seeks, unsuccessfully, to engage it in treaty implementation.

CFE = Conventional Armed Forces in Europe (Treaty); NATO = North Atlantic Treaty Organization; TLE = treaty-limited equipment.

Sources: 'Conventional arms control', *SIPRI Yearbook: Armaments, Disarmament and International Security, 2000–2008* (Oxford University Press: Oxford, 2000–2008).

made to bring the Adapted CFE Treaty regime into force. Box 1 lists the significant developments surrounding the CFE Treaty since 1999. The CFE process has been hampered by the following key issues.

The Russian military presence in Georgia and Moldova. The main bone of contention between Russia and the NATO states is the link between the ratification of the Agreement on Adaptation and the implementation of the Istanbul commitments, especially Russia's military pull-out from Georgia and Moldova. The NATO states have always strongly emphasized this link.



Under an agreement between Russia and Georgia, all the Russian troops and treaty-limited equipment (TLE) in Georgia were withdrawn by 2007, with the exception of the disputed Gudata military base in the breakaway region of Abkhazia. In contrast, Russia has failed to pull out its forces and non-treaty-limited equipment from Moldova. After some initial progress, no withdrawals have taken place since 2004. Russia claims that a Commonwealth of Independent States ‘peacekeeping force’ (which includes Russian troops) must remain in the separatist Trans-Dniester region, pending a political solution. However, Russia’s support for the Trans-Dniester regime makes such a solution impossible.

Flank non-compliance. Russia has always been in breach of its obligations under the 1996 Flank Agreement, which set limits on permitted holdings of TLE in flank zones in northern and south-eastern Europe. Since 2002 it has complied with the relevant provisions of the *adapted* treaty but continues to exceed the 1996 Flank Agreement parameters.

Unaccounted-for equipment. This type of former Soviet and Russian equipment is present in several places in the separatist regions of Nagorno-Karabakh (Azerbaijan), Abkhazia and South Ossetia (Georgia), and Trans-Dniester (Moldova). Although insignificant in comparison with the CFE aggregate limits, these armaments constitute a serious security problem locally and regionally.

The slow ratification of the Agreement on Adaptation. Only four states have ratified the 1999 Agreement: Belarus, Kazakhstan, Russia and Ukraine. Although some NATO members favour flexibility in dealing with the relationship between the legal obligations and political commitments, NATO as a whole refuses to let the Agreement on Adaptation enter into force until Russia delivers on its Istanbul commitments.

The Baltic states ‘grey area’. Russia has repeatedly requested that the Baltic states—Estonia, Latvia and Lithuania—be constrained by CFE-like limits prior to their accession to the Adapted CFE Treaty regime. (These states are unable to adhere to the CFE Treaty since it does not contain an accession clause.) Russia has pointed to the risk that NATO could deploy excessive forces into this ‘legal gap’ along its border. NATO has repeatedly pledged not to deploy substantial conventional armaments there. Similarly, the Baltic states have promised to demonstrate military restraint and to promptly accede to the Adapted CFE Treaty (which has an accession clause) once it enters into force.

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NATO enlargement. After the second wave of NATO enlargement in 2004—when NATO accepted as members three more states from the CFE’s Eastern group and four states that are not party to the treaty—the Russian outcry over strategic equity and a wide spectrum of politico-military issues became increasing loud. Russia has claimed that NATO members’ current holdings of heavy armaments considerably exceed both the treaty’s aggregate maximum levels and the Western aggregate ceilings for the flank zone.

All these issues reinforced Russia’s argument that the immediate entry into force of the Agreement on Adaptation is the only sensible solution. From early 2006, Russia has explicitly warned that it could withdraw from the treaty.



SUSPENSION OF THE TREATY AND THE AFTERMATH

In 2006–2007 Russia became more forceful in emphasizing the incompatibility of the original treaty regime, especially its two-bloc structure, with the political and strategic reality in Europe. This criticism was, in part, intended to distract attention from Russia's own failures.

Apart from Russia's treaty-related motives, broader considerations regarding the balance of forces between Russia on the one hand and the United States and NATO on the other were at play. These include NATO's continuing enlargement plans; the USA's military basing and missile defence plans in Central and Eastern Europe; and the efforts to force Russia to withdraw from its 'near abroad', in particular from Georgia. A number of controversies—including the recognition of Kosovo's independence in early 2008 by a large number of Western states; Georgia's and Ukraine's bids for NATO membership and the invitations in spring 2008 to Albania and Croatia to become new members; and Ukraine's repeated demands concerning the removal of Russia's Black Sea Fleet from the Sevastopol naval base by 2017—apparently led Russia to decide to sacrifice the arms control guarantees and benefits of the CFE Treaty to broader strategic and political interests.

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In response to the growing dispute over the USA's missile defence and basing plans, Russian President Vladimir Putin warned in April 2007 of a unilateral moratorium on Russia's observance of the CFE Treaty. Disappointed by the West's response, Russia requested that an extraordinary conference of the CFE states parties be convened. During the conference, held in Vienna in June, Russia elaborated in detail on the list of 'negative effects' of the conduct of NATO states:

- Bulgaria, the Czech Republic, Hungary, Poland, Romania and Slovakia have failed to formalize their move from one (Eastern/WTO) group of states parties to the other (Western/NATO).
- Following the enlargement of NATO, the Western group of states exceeds both the aggregate and flank limits.
- The US deployments on the territories of Bulgaria and Romania violate the flank provisions on both temporary and permanent deployments, in contravention of NATO's earlier renunciation of 'additional permanent deployments of substantial combat forces'.
- States parties have failed to 'expeditiously' ratify the Agreement on Adaptation as pledged in Istanbul in 1999.
- The Czech Republic, Hungary, Poland and Slovakia (the Visegrad states) have failed to have their ceilings adjusted, as promised in 1999 (this criticism was later dropped from Russia's official complaints).

However, the chief obstacle to any progress towards the Adapted CFE Treaty was Russia's failure to comply with the 1999 Istanbul commitments. Its successive attempts to delink the legal and political parts of the OSCE Istanbul summit package deal were rejected by NATO and other states parties. The differences proved irreconcilable and the conference ended in failure.



On 13 July Putin signed a decree on the ‘suspension’ (which was not tantamount to withdrawal from the treaty) by the Russian Federation of the operation of the CFE Treaty and the associated international agreements and other documents (such as the 1996 Flank Agreement), valid as from 12 December 2007. As conditions for resuming the operation of the treaty and related documents, Russia demanded that ‘concrete steps’ be taken to eliminate its apprehensions and to ‘restore the viability’ of the treaty regime. It also suggested that the Adapted CFE Treaty be provisionally implemented and that the flank regime be abolished. Russia hinted that, if the CFE regime could not be adapted, then a new system of arms control and confidence-building measures should be developed.

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Both Russia’s tough rhetoric and the impending moratorium prompted initiatives and a series of talks in the following months. Facing the crumbling unity of NATO, the USA moved from indifference to enhanced diplomatic activity towards Russia. In consultations with its allies and in high-level talks with Russia, it developed a plan for a set of ‘parallel actions’ that would lead to the Agreement on Adaptation entering into force by the summer of 2008 and the Istanbul commitments being met. Regrettably, these moves failed to resolve the impasse and Russia suspended its participation in the CFE regime on 12 December 2007.

In March 2008 NATO returned to the proposal on parallel actions, which it claimed would address the concerns of all CFE parties, the entry into force of the adapted treaty and its subsequent review. A statement by NATO’s North Atlantic Council on 28 March offered a two-stage action: first, an agreement by NATO and Russia on the package and, second, having brought the adapted treaty in force, further steps to consider the concerns of CFE parties and make appropriate changes. Russia, still clinging to the demands it presented at the extraordinary conference, required more detail about this offer from its proponents; the OSCE special meeting in July demonstrated helplessness of its participating states in the face of the standoff.

The August 2008 conflict between Georgia and Russia saw the violation of the principles contained in both the OSCE documents and the preamble of the CFE Treaty, which call on the states parties to refrain from ‘the threat or use of force against the territorial integrity or political independence of any State’, as well as the commitments to peaceful cooperation and prevention of any military conflict in Europe. The NATO states deplored the use of force in the conflict and characterized the Russian intervention as disproportionate and inconsistent with its peacekeeping role as well as incompatible with the principles of peaceful conflict resolution. The prospects for resolving the ongoing CFE crisis have become even more difficult in the wake of Russia’s recognition of Abkhazia and South Ossetia as independent states and the renewed stationing of Russian troops and armaments in these regions.

Four rounds of talks were held in 2008 between Russian and US CFE experts and officials. This talks only proved that the differences between the two sides remain difficult to settle.

In another attempt to keep the treaty regime alive, in December 2008 the German Foreign Minister, Frank-Walter Steinmeier, announced his intention to invite high-ranking experts from CFE parties to Germany to facilitate a ‘new beginning’ in arms control. At the same time, NATO warned that



Russia's suspension 'cannot last indefinitely'. Russia found these steps 'nothing truly new'.

THE CURRENT SITUATION

Since the suspension in December 2007, all CFE states parties except Russia have continued to fully implement the treaty's provisions. However, even with the best goodwill, the treaty's continuing erosion is bound to reach a point of no return. The lack of the information and verification provided by the treaty regime could result in a number of adverse developments and a re-emergence of risks and rivalries reminiscent of the cold war. While there is no hard evidence of a direct relationship between Russia's suspension of the CFE Treaty and the events that led to the 2008 Georgian–Russian conflict, the concurrence of these two developments is striking.

Russia's suspension of its CFE implementation has also had a damaging effect on the adherence of other states parties. Ukraine and the states of the South Caucasus have begun to reassess their security positions in case the

CFE regime should collapse. Ominously, Azerbaijan is counting on the opportunity to revise its CFE-related national weapons quotas upward. This, in turn, upsets Armenia, with whom Azerbaijan is in conflict over Nagorno-Karabakh. A regional arms race is in the offing. The current situation also serves to preserve the 'legal gap' in the CFE regime in the

territory of the Baltic states. In addition, the crisis is undermining the hopes of states in the Western Balkans—particularly Bosnia and Herzegovina, Croatia, Montenegro and Serbia—and other possible candidates of joining the adapted CFE regime.

Despite the political crisis over the CFE regime, or rather because of it, arms control has been put in the limelight and has been promoted on the European security agenda. In the run-up to and following Russia's December 2007 suspension, a series of meetings and seminars were held to find solutions to both the growing antagonism and the future of CFE regime. These activities increased the awareness of the importance of this long-neglected 'cornerstone of European security'.

CONCLUSIONS

Conventional arms control agreements and endeavours in Europe have fallen victim to deepening disagreements between the resurgent and self-assertive Russia, on the one hand, and the majority of other states parties to the CFE Treaty, on the other. The brinkmanship over the CFE Treaty is thus a reflection of the wider spectrum of strategic, political, military and other issues that divide the OSCE community of states, rather than a specific treaty-related conflict in its own right.

Until a political compromise can be found, the CFE Treaty will remain in abeyance. More broadly, the CFE crisis will not be resolved until the main protagonists have overcome the asymmetry of strategic perspectives between them—that is, the diverging security agendas of Russia and the West—which has led to the existing misperceptions and mistrust. Of the

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many issues on the CFE agenda, two currently dominate: the nature and substance of the Istanbul commitments and the flank controversy.

Russia's demand that it be permitted to exceed (in effect, abandon) the flank limits of the not-yet-in-force Agreement on Adaptation is a matter which would require another huge concession on the part of Norway and Turkey—the most interested NATO states—not to speak of the concerns of other flank and adjacent countries. Given Russia's recent actions, such a concession is not practicable at this point. Moreover, future parties to the CFE regime will be unwilling to accede to a treaty that has been modified in the interests of just one party in a way that jeopardizes their security.

The NATO states have long prioritized Russia's complete implementation of the Istanbul commitments over the ratification of the adapted treaty. The USA's attitude has been that of disinterest, as it treated the CFE as being finished business and simply a pawn in its political game with Russia. Most European NATO states, situated much closer to Russia, have more or less reluctantly followed suit, while a few have sought, weakly or belatedly, ways out of the stalemate.

Russia has apparently calculated that raising the ante will pay off. Russia has demonstrated that it is not interested in a collapse of the European arms control system. Rather, it hopes to extract concessions from and strike a better deal with the West, not only on the CFE regime, but also in other areas of discord—from missile defence to the START Treaty and other disarmament agreements—and to drive a wedge between NATO members. These hopes are confirmed by the proposal of a new Euro-Atlantic security arrangement called for by President Medvedev during 2008. However, Russia actually loses much by abandoning the insight into its neighbours' armed forces provided by the CFE mechanisms.

There is no substantive alternative to the CFE regime

There is no substantive alternative to the CFE regime; Russia's renewed interest in confidence- and security-building measures (CSBMs) notwithstanding, neither the 1999 Vienna Document on CSBMs nor the relevant bilateral accords with Russia can satisfactorily substitute for the CFE. Paradoxically, the current crisis creates an opportunity to rethink the pertinence of the regime in light of the new European security realities. The relevant, the future conventional arms control regime will need to take into account not only a variety of changed and changing strategic and political circumstances but also the accelerating qualitative and technological advances in military affairs.

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