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## AVOIDING A RETURN TO THE COLD WAR: THE IMPORTANCE OF FINDING A SOLUTION TO THE CFE TREATY IMPASSE

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## ABSTRACT

The end of the 1980s was a time of momentous change within the European security environment as the Cold War began to dissolve. In the midst of these changes, arms control treaties, such as the Conventional Armed Forces in Europe Treaty (CFE) were making an important contribution to the mending of adversarial relationships, hostility and the reduction of suspicion and mistrust. One of the most elaborate arms control regimes ever designed, the CFE Treaty is hailed as the ‘cornerstone of European security’. However, the dramatic changes to the security environment almost immediately began to undermine this important treaty eventually leading to an impasse on negotiations. In late 2007 Russia suspended implementation of the CFE Treaty stating that the treaty no longer reflected European realities nor met Russian security interests. It appears as though the current situation is unsustainable. Neither side has been able to negotiate an acceptable diplomatic solution despite continued dialogue and stated commitments to the treaty regime and its importance as a foundation for security within Europe. Although the CFE Treaty in its current form may be considered obsolete, the regime must not be allowed to fail. The transparent stability and security regime provided by the CFE and the overall confidence-building that it provides within diplomatic and military negotiations should not be underestimated. Rather, a new adaptation must be negotiated built upon the CFE foundation in order to overcome the current impasse and forge a newly invigorated treaty that is able to address the interests of all members. Recommendations for the future security negotiations surrounding the CFE are included in order to stress the ineffectiveness of current diplomatic reconciliation measures for the CFE regime and to highlight the need for a new approach that will prevent a return to Cold War animosity between NATO and Russia.

## INTRODUCTION

*The objectives of the negotiation shall be to strengthen stability and security in Europe through the establishment of a stable and secure balance of conventional armed forces, which include conventional armaments and equipment, at lower levels; the elimination of disparities prejudicial to stability and security; and the elimination, as a matter of priority, of the capability for launching surprise attack and for initiating large-scale offensive action. Each and every participant undertakes to contribute to the attainment of these objectives.*

*- Excerpt from the Mandate for the Negotiation on Conventional Armed Forces in Europe, January 1989*

The end of the 1980s was a time of momentous change within the European security environment as the Cold War began to dissolve. The Soviet alliance was crumbling under the weight of economic collapse. Revolutionary movements swept through Poland, Czechoslovakia, Hungary, Bulgaria and Romania, literally dismantling the Warsaw Treaty Organization (WTO) within the course of a year. In the midst of these changes, arms control treaties such as the Conventional Armed Forces in Europe Treaty (CFE) were making an important contribution to the mending of adversarial relationships, hostility and the reduction of suspicion and mistrust.<sup>1</sup> Although Soviet anxiety over German unification and the collapse of the WTO coupled with Western worries over the stability in the Soviet Union and its former allies slowed negotiations, the CFE Treaty was finally agreed upon on November 15, 1990.<sup>2</sup>

One of the most elaborate arms control regimes ever designed, the CFE Treaty is hailed as the 'cornerstone of European security'.<sup>3</sup> However, the dramatic changes to the security

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<sup>1</sup> John Baylis, "Arms Control and Disarmament," in *Strategy in the Contemporary World: An Introduction to Strategic Studies*, eds. John Baylis and others, 183-207 (New York: Oxford University Press Inc., 2002), 198.

<sup>2</sup> Jane M. O. Sharp, *Striving for Military Stability in Europe: Negotiation, Implementation and Adaptation of the CFE Treaty* (New York: Routledge, 2006), 3.

<sup>3</sup> Zdzislaw Lachowski, "The CFE Treaty One Year After its Suspension: A Forlorn Treaty?" *SIPRI Policy Brief* (January 2009): 1.

environment almost immediately began to undermine this important treaty. Given that the treaty was originally designed to prevent or reduce the chance of war between NATO and the WTO, the treaty regime must be assessed within the context of the changes that have occurred since its inception.<sup>4</sup>

Experts have suggested that the geopolitical transformation in Europe in the early 1990s deprived the CFE Treaty of its strategic foundation.<sup>5</sup> As a result of this new reality, the treaty regime quickly fell into crisis. Russia wished to address their perceived security threat from the conventional force imbalance with NATO and restrictions over troop movements within Russian territory.<sup>6</sup> Despite these disputes, the CFE member states demonstrated that the treaty could be successfully adapted to reflect the changes in the security environment through the negotiation and signing of the Adapted CFE (ACFE) Treaty at the 1999 Organization for Security and Cooperation in Europe (OSCE) Istanbul summit.<sup>7</sup> However, the growing differences between Russian and NATO interests resulted in an impasse over the ratification of the adapted treaty.

Unfortunately, both Russian and NATO security initiatives to address Russian concerns and NATO requirements have failed to overcome the stalemate in negotiations. In late 2007 Russian President Vladimir Putin suspended Russia's implementation of the CFE stating that the treaty no longer reflected European realities nor met Russian security interests.<sup>8</sup> Whilst the

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<sup>4</sup> Jeffrey D. McCausland, *The Future of the CFE Treaty: Why it Still Matters* (New York: EastWest Institute, 2009), 5.

<sup>5</sup> Richard A. Falkenrath, *Shaping Europe's Military Order: The Origins and Consequences of the CFE Treaty* (Cambridge, Massachusetts: The MIT Press, 1995), xi.

<sup>6</sup> Alexander Nicoll and Jessica Delaney, "The CFE Treaty: End of the Road?" *Strategic Comments* 14, no. 02 (2008) [journal on-line]; available from <http://www.iiss.org/>; Internet; accessed December 30, 2011.

<sup>7</sup> Anne Witkowsky, Sherman Garnett and Jeffrey D. McCausland, *Salvaging the Conventional Armed Forces in Europe Treaty Regime: Options for Washington* (Washington, DC: The Brookings Institution, 2010), 6.

<sup>8</sup> Radio Free Europe / Radio Liberty, "Russia Suspends Participation in CFE Treaty," <http://www.rferl.org/content/article/1079256.html>; Internet; accessed January 6, 2012.

remaining member states continued to implement the provisions of the treaty, Russia neither accepted inspections nor did not participate in the annual information exchange of forces. These measures significantly undermined the treaty regime resulting in the continuous decline of both the relevance and effectiveness of this treaty. Unable to reach any acceptable solution, in November 2011 President Obama announced a similar cessation of obligations under the treaty in response to Russia's suspension.<sup>9</sup>

It appears that the current situation cannot be sustained. Although Russia was one of the few member states to ratify the ACFE, their suspension was precipitated by security concerns and the failure of NATO member states to ratify the ACFE. In contrast, NATO members refused to ratify the treaty until Russia fulfilled the legal and politically-binding commitments agreed to within the ACFE. Neither side has been able to negotiate an acceptable diplomatic solution despite continued dialogue and stated commitments regarding the CFE Treaty's importance as a foundation for security within Europe. Despite this impasse and the seemingly reduced relevance of the treaty, the majority of member states have continued to meet their treaty obligations. As a result, the CFE Treaty has fostered and nurtured stability and security in Europe more than any other treaty regime in existence. This illustrates the solid foundation and importance of the treaty regime for the maintenance of European security. This essay will argue that although the CFE Treaty in its current form may be considered obsolete, the regime must not be allowed to fail. Rather, a new adaptation must be negotiated based upon the CFE foundation in order to overcome the current impasse and forge a newly invigorated treaty that is able to address the interests of all members.

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<sup>9</sup> Daryl G. Kimball, "Whither the Conventional Forces in Europe Treaty?," Arms Control Now: The Blog of the Arms Control Association (November 22, 2011) [blog on-line]; available from <http://armscontrolnow.org/2011/11/22/wither-the-conventional-forces-in-europe-treaty/>; Internet; accessed February 4, 2012.

The prospect for the failure of the CFE is very real. Experts point to the obsolescence of the treaty in the contemporary security environment given its original intent of preventing confrontation between the West and the Soviet Union.<sup>10</sup> Moreover, others argue that the interests of the United States (US) both define and undermine the perspective of the impasse for other NATO members.<sup>11</sup> Specifically, the US maintains that Russia must fulfill the commitments of the ACFE signed at the Istanbul summit before NATO members will ratify the treaty. Surprisingly, the US does not appear to equate the importance of the CFE regime with other strategic interests such as the new START treaty, the Ballistic Missile Defense initiatives in Europe, or the Russian reset policy.<sup>12</sup> This paper will argue that this position significantly undermines US security interests in Europe in addition to the future of the CFE regime. The transparent stability and security regime provided by the CFE and the overall confidence-building that it provides for the facilitation of diplomatic and military negotiations should not be underestimated.

In contrast to US interests, Russia desires to reacquire and increase its global and regional influence.<sup>13</sup> While Russian political and military elites are aware of their limitations to accomplish these goals on their own, their willingness to work with NATO is tempered by their overarching mistrust and fear of Western interests. As such, Russia will never agree to the fulfillment of the political ACFE commitments that they do not link to the legal ratification of

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<sup>10</sup> Falkenrath, *Shaping Europe's Military Order: The Origins and Consequences of the CFE Treaty*, 76.

<sup>11</sup> Ulrich Kühn, *From Capitol Hill to Istanbul: The Origins of the Current CFE Deadlock* (Hamburg: Centre for OSCE Research, 2009), 76.

<sup>12</sup> Stephen J. Blank, *Arms Control and Proliferation Challenges to the Reset Policy* (Carlisle: Strategic Studies Institute, 2011), 34.

<sup>13</sup> The Ministry of Foreign Affairs of the Russian Federation, *The Foreign Policy Concept of the Russian Federation* (Russia: The Ministry of Foreign Affairs of the Russian Federation, 2008), n.p.



the treaty, nor will they now agree to the legal ACFE commitments that they believe are no longer acceptable compromises for Russian national security. Moreover, the insistent and aggressive enforcement of both the original CFE and the ACFE articles may cause Russia to withdraw even further from the European security regime, which would likely lead to an overall reduction of stability within the region.<sup>14</sup>

In response to the impasse, Russia proposed a new European Security Treaty that they felt better reflected the security environment and their interests. Whilst some Russian authors naturally lay the blame for the failure of the CFE regime at the feet of NATO, others acknowledge that much of the problem lies within the Russian military and political psyche that is firmly rooted in Cold-War mentality.<sup>15</sup> Consequently, the CFE regime must be adapted to in order to prevent a further erosion of Russian-NATO cooperation.

The first chapter will analyze the geopolitical impetus for the creation of the CFE. The significant strategic nuclear weapons imbalance that existed as Cold-War tensions began to warm required a renewal of stability and security initiatives between NATO and the Warsaw Pact.<sup>16</sup> Subsequently, Soviet imperatives and NATO interests generated an unprecedented era of confidence and security-building within Europe. A key document in creating this security environment, the CFE Treaty was considered the 'cornerstone of European security' at a time when the security situation was rapidly changing. Despite the changes to the security environment, it will be affirmed that the founding ideals of the CFE have provided transparency,

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<sup>14</sup> Falkenrath, *Shaping Europe's Military Order: The Origins and Consequences of the CFE Treaty*, 261.

<sup>15</sup> Yury Fedorov, "Where is the Threat to Peace Coming From?" *Security Index: A Russian Journal on International Security* 17, no. 3 (2011): 49.

<sup>16</sup> James M. Garrett, "CFE II: A Quest for Stability," *Armed Forces & Society* 18, no. 1 (Fall 1991): 51.

security, and confidence in Europe for nearly two decades and should therefore be preserved to ensure the continued provision of security for the future.

Following the examination of the CFE origins, the changes within the security environment that have threatened the regime to the brink of failure are analyzed. An exploration of the key issues surrounding the negotiation of the ACFE and the subsequent failure to ratify the agreement demonstrate the untenable position that now exists. Furthermore, national security interests and concerns for both NATO and Russia in the wake of the collapse of the Warsaw Pact and NATO expansion illustrate the motivation for the Russian suspension and the need for a new approach that addresses the impasse.

Subsequently, the analysis will shift to the failed negotiation of compromises and alternatives to the CFE regime between NATO and Russia thereby highlighting the counter-arguments surrounding the CFE Treaty's legitimacy in the contemporary security environment. It will be demonstrated that no amount of negotiation can overcome the impasse without a change in the inherent psychology of Russian and US military and political elites that continues to undermine the progress of diplomatic efforts shackled to the Cold-War mentality and ACFE commitments.

The fourth chapter will examine the way forward in light of a failing CFE regime. Failure of the CFE will undoubtedly have ramifications for other security interest for both NATO and Russia. Specifically, how will this failure undermine the US reset policy with Russia and how can strategic interests be met within the framework and foundation of the CFE regime? It will be argued that the current CFE is not an end in itself, but rather a means to an end. Moreover, the existing and future global security interests that require a prioritization of initiatives and recognition of the dynamic nature of national interests are presented as an impetus

for future stability and confidence building policies. Providing recommendations for renewed negotiations as well as the content and structure of a CFE II Treaty will demonstrate that only an entirely new treaty that builds upon the foundation of the original CFE can hope to overcome the political, legal and philosophical impasse that currently exists.

## CHAPTER 1 – THE CORNERSTONE OF EUROPEAN SECURITY

The purpose of arms control is not just the regulation of military capability or potential, but also the creation of a foundation for discussion, negotiation and cooperative security.<sup>17</sup> This in turn creates an environment of understanding and partnership towards the security interests and objectives of all members. While ultimately arms control agreements aim to prevent war, since war is a continuation of a political process, the goal of such agreements must therefore influence this process in such a way that war is avoided.<sup>18</sup> When it comes to the control of conventional armed forces, this goal is quite difficult. Due to their inherent design and nature of employment, conventional forces require direct confrontation and attrition in order to secure victory. Even marginal differences in force structures can become significant during warfare and therefore a state's willingness to seemingly disadvantage themselves either through force reductions or through the provision of information is a difficult starting point for conventional arms control negotiations.<sup>19</sup>

Given the reality of just how difficult conventional arms control consensus is to reach, the CFE Treaty may perhaps be considered the most ambitious arms control treaty in history. In the four decades following the Second World War, the US and Russia and subsequently NATO sought to increase conventional and nuclear armaments in an effort to both prevent the spread of communism and to defend against the threat of Soviet invasion. Thus, the vast militaries that existed within Europe represented a danger to security that was far greater than what had existed

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<sup>17</sup> Jeffrey A. Larsen, "An Introduction to Arms Control and Cooperative Security," in *Arms Control and Cooperative Security*, eds. Jeffrey A. Larsen and James Wirtz (Boulder, Colorado: Lynne Rienner Publishers, Inc., 2009), 1.

<sup>18</sup> Marc Trachtenberg, "The Past and Future of Arms Control," in *The International Practice of Arms Control*, ed. Emanuel Adler (London: The Johns Hopkins University Press, 1992), 216.

<sup>19</sup> Barry R. Posen, "Crisis Stability and Conventional Arms Control," in *The International Practice of Arms Control*, ed. Emanuel Adler (London: The Johns Hopkins University Press, 1992), 235.

at the end of World War II.<sup>20</sup> For the nations of NATO and the WTO to be able to come together in order to negotiate an arms control treaty that would drastically reduce those armies and achieve a military balance was a tremendous realization of the need for increased stability, security and confidence between them.<sup>21</sup> The significance of this treaty therefore, underscores the importance of the impact that a stable and secure Europe brings to the rest of the world.

This Chapter will illustrate the historical impetus for the creation of the CFE. The end of the Cold War and the converging geopolitical interests that existed in Europe in the late 1980s and early 1990s was the backdrop for this monumental treaty. Although the turmoil within the security environment amidst the collapse of the Soviet Union and the WTO threatened to undermine the initial ratification of the CFE agreement, the significant foundation of years of negotiation were enough to forge ahead with the CFE regime. In this context, therefore, the CFE Treaty can truly be called the ‘cornerstone of European security’. Thus, the strong foundation that was established for the treaty’s creation demonstrates the capability for the member states to overcome differences and remains critical to addressing current security concerns.

Furthermore, it will be argued that the treaty regime provides continued confidence and security-building measures despite the changing security environment. When faced with changes, the member states of the treaty have repeatedly been able to find compromise in both the spirit and letter of treaty obligations, even though they are unable to officially ratify them. Through the examination of the treaty’s purpose and founding objectives in light of changes that

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<sup>20</sup> Jenonne Walker, *Security and Arms Control in Post-Confrontation Europe* (New York: Oxford University Press, 1994), 1.

<sup>21</sup> Robert R. Bowie, "Arms Control in the 1990s," in *The International Practice of Arms Control*, ed. Emanuel Adler (London: The Johns Hopkins University Press, 1992), 57.

led to the impasse, the need to preserve the CFE as a foundation for future negotiations will be reinforced.

## **THE END OF THE COLD WAR**

Despite earlier attempts at conventional arms reduction in the form of the Mutual and Balanced Force Reductions (MBFR) talks that had stagnated after more than a decade of negotiations, the unique political and economic conditions that existed in Europe in the mid-eighties provided a new incentive. The economic and political upheaval with the Soviet Union caused Soviet General Secretary Mikhail Gorbachev to propose a reduction of forces within Europe under the auspices of glasnost in an effort to reduce tensions and stabilize his country's economy. In short, Gorbachev needed a treaty to reduce the extreme economic burden of maintaining deployed conventional forces in Eastern Europe as part of his reform initiatives aimed at preventing the collapse of the Soviet Union.<sup>22</sup>

Similarly, NATO was growing increasingly worried about Soviet conventional force numerical superiority and was seeking ways to improve the security situation within Europe. An intact WTO gave the Soviet Union a protective buffer zone in Eastern Europe and an overwhelming superiority in conventional force numbers.<sup>23</sup> Despite the breakdown of the MBFR talks in 1989 in the midst of the political and economic asymmetries that existed at that time, the communication channels and negotiating forums that were established during those talks formed the basis for the upcoming CFE negotiations.<sup>24</sup> Thus, when Gorbachev assumed leadership of the USSR and began to initiate both unprecedented force reductions and a

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<sup>22</sup> McCausland, *The Future of the CFE Treaty: Why it Still Matters*, 2.

<sup>23</sup> Sharp, *Striving for Military Stability in Europe: Negotiation, Implementation and Adaptation of the CFE Treaty*, 6.

<sup>24</sup> *Ibid.*, 10.

willingness to accept on-site inspections, NATO governments were greatly encouraged that the aforementioned imbalances would no longer be a threat.<sup>25</sup> Following high level diplomatic initiatives in the wake of NATO and Soviet proposals, the meetings to negotiate the mandate for the CFE negotiation began in earnest. All that now remained was to determine how to move forward under the prospect of an unprecedented security regime within Europe.

### **A CONVENTIONAL FORCE IMBALANCE**

Initially, NATO members' refusal to consider the reduction of its own forces even as they welcomed the willingness of the USSR to reduce its forces was largely caused by differences between alliance members over doctrine.<sup>26</sup> The reality that existed at this time though, still represented a significant threat due to the number of conventional weapons remaining at the end of the Cold War. Fortunately, delegates from both the 16 NATO and 7 WTO countries began mandate negotiations under the guiding principle that countries should possess sufficient forces to defend themselves without provoking or threatening other states.<sup>27</sup> The lasting legacy of this treaty would therefore be the elimination of "disparities detrimental to stability and security".<sup>28</sup>

Negotiations of such sweeping magnitude should undoubtedly have taken many years to reach fruition. However, as a result of the lessons learned from the failed MBFR negotiations, the CFE Treaty was negotiated within 2 years. This treaty fundamentally altered the European security environment by injecting previously unthinkable levels of certainty and transparency for

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<sup>25</sup> *Ibid.*, 13.

<sup>26</sup> *Ibid.*, 13.

<sup>27</sup> Paul R. Viotti, *Arms Control and Global Security: A Document Guide, Vol. 1* (Santa Barbara, California: Praeger, 2010), 166.

<sup>28</sup> Vladislav Chernov, "The Expansion of NATO and the Future of the CFE Treaty," *Comparative Strategy* 14, no. 1 (1995): 88.

the present and future of all member states.<sup>29</sup> Moreover, under the umbrella of a stable conventional force balance, European leaders could now be optimistic that this state of affairs could potentially lead to the reductions of nuclear arsenals.<sup>30</sup> The rapid conclusion of negotiations and the significant improvement to the European security environment that the CFE Treaty introduced is a testament to the capacity for concerned nations to overcome differences in the interest of security. Therefore, given this strong foundation established by the CFE negotiations and the sweeping security and transparency that the treaty provides, its importance for the future of European security is undeniable.

### **CONFIDENCE AND SECURITY BUILDING**

The CFE had an immediate effect on confidence and security building in Europe. By November 1995 several thousand pieces of treaty limited equipment had been destroyed effectively reducing the conventional force imbalances between NATO and the WTO. However, more important than these reductions was the transparency achieved by the schedule of intrusive on-site inspections and mandatory information exchange that established the verification and compliance regime.<sup>31</sup> Many experts agree that this element of the CFE Treaty is its greatest contribution to the continuance of a secure and stable Europe.<sup>32</sup> The increased familiarity and professional interaction between militaries increase the transparency of the CFE regime that is already designed to significantly limit the ability of states to prepare for offensive action in

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<sup>29</sup> Richard A. Falkenrath, "The CFE Flank Dispute," *International Security* 19, no. 4 (Spring 1995): 120.

<sup>30</sup> Garrett, *CFE II: A Quest for Stability*, 54.

<sup>31</sup> Sharp, *Striving for Military Stability in Europe: Negotiation, Implementation and Adaptation of the CFE Treaty*, 69.

<sup>32</sup> McCausland, *The Future of the CFE Treaty: Why it Still Matters*, 5.



secrecy.<sup>33</sup> This transparency through verification engenders additional confidence through the generation of diplomatic discourse. Without these high level relations, it is not hard to imagine a spiral into the atmosphere of distrust and tension that typified the Cold War.

In contrast to the aims and principles of the CFE Treaty, some have argued that despite the conventional force balance following equipment reductions, the threat to conflict in Europe remained given the potential consequences from the risk of human error and miscalculation.<sup>34</sup> Certainly the force reductions did not eliminate the ability for states to plan, train for, or conduct major combat operations. However, the real legacy of the CFE Treaty regime is that in spite of this possibility, no major conflict has occurred. Rather, the confidence and transparency that was established by the ratification of the CFE Treaty has withstood the dramatic changes in the European security environment ever since. So what then is the nature of the current impasse and threat of failure? Much of what the member states continue to argue over was created by the rapid and momentous changes that spread through Europe even as the CFE Treaty was being signed into existence.

## **THE CHANGING SECURITY ENVIRONMENT**

As the turmoil within the WTO states continued to increase, the delegates negotiating the CFE believed that that the treaty had to be finalized before the total collapse of the Soviet Union and the WTO because of the risk that all of the completed work would be undone by the new security situation. But this structure is undoubtedly part of the ongoing issue. Early in the negotiations it was debated whether the treaty should be based on the bloc-to-bloc structure or on

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<sup>33</sup> Walker, *Security and Arms Control in Post-Confrontation Europe*, 76.

<sup>34</sup> Jonathan Dean, "Organizational and Institutional Issues," in *Verification of Conventional Arms Control in Europe: Technological Constraints and Opportunities*, eds. Richard Kokoski and Sergey Koulik (Boulder, Colorado: Westview Press, 1990), 290.

a pan-European structure. Despite arguments for both constructs, the final arrangement was based on the confrontational alliances reminiscent of the Cold War.<sup>35</sup> Ironically the Soviets, under Gorbachev, espoused the pan-European structure – something that Russia continues to argue for today. This difference in opinion and the very nature of the bloc-to-bloc concept became an immediate friction point even as Russian security officials praised the critical importance of the CFE Treaty for Russian security.<sup>36</sup>

Alas, the momentous geopolitical changes in Europe were immediately damaging:

The breakup of the Soviet Union in December 1991 rendered inapplicable the CFE Treaty ceilings as well as the inspection quotas, because the ceilings had been based on old Soviet military districts that did not always coincide with the old republic boundaries. In some cases sharp antagonisms arose among the newly independent states.<sup>37</sup>

However, what could have been catastrophic for the regime instead provided the impetus for swift negotiations to adapt the treaty to reflect the current situation. The 1990s quickly became the stage for continuous modifications to the CFE Treaty to avoid the collapse of the regime and to deal with the rapidly changing post-Cold War security environment.<sup>38</sup> Interestingly, even as the CFE Treaty was in the final stages of negotiation some experts expressed doubt surrounding the Soviet Union's ability to accept such a transparent and intrusive verification regime over the long term considering that historically such concepts were anathema to the Soviet psyche.<sup>39</sup> But this has not been the underlying issue surrounding the treaty regime. In spite of the seemingly

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<sup>35</sup> *Ibid.*, 15.

<sup>36</sup> Mark R. Wilcox, "Russia and the Treaty on Conventional Armed Forces in Europe (CFE Treaty)—A Paradigm Change?," *The Journal of Slavic Military Studies* 24, no. 4 (October 2011): 569.

<sup>37</sup> Jozef Goldblat, *Arms Control: The New Guide to Negotiations and Agreements* (Thousand Oaks, California: SAGE Publications Inc., 2002), 225.

<sup>38</sup> *Ibid.*, 227.

insurmountable obstacles to the treaty's implementation and operation, the CFE Treaty continued to function during the tumultuous 1990s and beyond. The uninterrupted maintenance of the transparency and confidence building that is the foundation of the treaty was strong enough to overcome the rapid changes to the European security environment whilst providing a forum for dialogue and negotiation aimed at adaptation. It was this solid foundation and promising commitment for negotiation that allowed the member states to accept the requirement to formally and comprehensively adapt the CFE Treaty.

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<sup>39</sup> Robert Ulin and Thomas-Durell Young, "Conventional Arms Control and Disarmament: Lessons from the Interwar Period," *Comparative Strategy* 10, no. 3 (July 1991): 213.

## CHAPTER 2 – ADAPTATION AND IMPASSE

The changes in the European security environment raised a number of issues, particularly from Russian military and political officials who felt that the original structure of the CFE severely hampered Russian national security in light of NATO expansion and the collapse of the WTO. As a result, Russia's request for adaptation of the CFE Treaty was meant to address the issues of their limitations on troop movements, the threat perceived from the potential proximity of NATO troops within states not covered by the treaty regime and the continued expansion plans into countries such as Georgia, Ukraine and Moldova.<sup>40</sup> Fundamentally, these complaints stemmed from the concessions granted by a collapsing Soviet Union in the early 1990s that negatively affected Russian pride and were viewed as unfair to current Russian security interests.<sup>41</sup> Following lengthy and difficult negotiations at the First CFE Review Conference in 1996, the member states demonstrated their ability to accept dramatic changes to the CFE Treaty. First, adopting the CFE "Flank Document" addressed Russia's concerns for troop movement flexibility within the flank zones. Second, the commencement of negotiations for the adaptation of the CFE Treaty to reflect the changed security environment within Europe further demonstrated the willingness of the member states to cooperate for mutual benefit.<sup>42</sup>

The ACFE, negotiated in just two years, was signed at the 1999 OSCE Istanbul summit. The new treaty provisions adequately reflected the absence of a bloc-to-bloc structure, provided an accession clause for new members, created national equipment ceilings, and bolstered the

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<sup>40</sup> Vincent Pouliot, "The Year NATO Lost Russia," in *European Security since the Fall of the Berlin Wall*, eds. Frédéric Mérand, Martial Foucault and Bastien Irondele (Toronto: University of Toronto Press, 2011), 248.

<sup>41</sup> Witkowsky, Garnett and McCausland, *Salvaging the Conventional Armed Forces in Europe Treaty Regime: Options for Washington*, 13.

<sup>42</sup> *Ibid.*, 6.

verification regime to accommodate the new ACFE limitations.<sup>43</sup> In spite of the seemingly favourable changes from a Russian perspective, the ACFE was still viewed as a compromise of Russian objectives for abolished flank restrictions and more stringent ceilings and limitations of NATO's military potential.<sup>44</sup> Furthermore, the addition of politically binding commitments to the Final Act of the CFE adaptation talks that reinforced the requirement for host nation consent to foreign military deployments within their territory, secured Russia's agreement to remove troops and equipment from both Moldova and Georgia. These commitments have proven to be the source of continuous disagreement between Russia and NATO. Essentially, the member states belonging to NATO have refused to ratify the ACFE until Russia fulfills its political commitment under the Istanbul summit. Despite the removal of a number of troops and the closure of all but one base on Georgian territory, Russia still insists that there is no linkage between the Istanbul commitments and the requirement for all member states to ratify the treaty (only Belarus, Kazakhstan, Russia and Ukraine have ratified the ACFE).<sup>45</sup> Thus, following several years of failed negotiations, Russia finally suspended their implementation of the CFE Treaty in late 2007.

However, not all critics agree that the issues surrounding the failed ratification of the ACFE are due to Russian actions. Many Russian officials firmly believed that the reductions and limitations provided for in both the original CFE Treaty and the ACFE would greatly improve the security relations between member states based on mutual confidence building, cooperation

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<sup>43</sup> *Ibid.*, 7.

<sup>44</sup> Anatoly Anin and Rodion Ayumov, "Conventional Forces in Europe: Yesterday, Today... Tomorrow?... (Part I)," *Security Index: A Russian Journal on International Security* 17, no. 3 (2011): 28.

<sup>45</sup> Lachowski, *The CFE Treaty One Year After its Suspension: A Forlorn Treaty?*, 2.

and transparency vice conflict.<sup>46</sup> Perhaps, rather than a Russian failure to fulfill politically binding commitments, the cause of the impasse is founded in a deep and historic mistrust of Russia coupled with beliefs of hegemonic supremacy that is harboured by and firmly rooted within the US Congress.<sup>47</sup> This perception spurred a unique confrontation between the US Senate and the Clinton Administration in the mid-1990s. By hinging the immensely successful CFE regime on the resolution of frozen sub-regional conflicts and the desire to expand NATO, the ACFE effectively became a hostage to conflicting national agendas within the US and the improbable resolution of historic conflicts.<sup>48</sup> Thus, the impetus for renewed efforts and continued negotiation remains in order to prevent the regime's collapse.

In the end, the CFE Treaty and the ACFE that followed is a significant improvement from the Cold War relationships that existed within Europe. Nevertheless, NATO policies, historic mistrust, and Russian determination have created an impasse that may cause instability and rising tension within Europe.<sup>49</sup> Rather than building upon the post-Cold War promises of continued confidence and security building, further NATO expansion initiatives and the Russian suspension from the CFE Treaty are eroding these objectives.<sup>50</sup>

This Chapter will highlight the agreed changes, both legal and political, that all parties agree to at the Istanbul summit. Subsequently, the reasons for the failure to ratify the ACFE will be examined in detail. Specifically, the actions of the US Congress preventing ratification by the

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<sup>46</sup> Chernov, *The Expansion of NATO and the Future of the CFE Treaty*, 89.

<sup>47</sup> Kühn, *From Capitol Hill to Istanbul: The Origins of the Current CFE Deadlock*, 18.

<sup>48</sup> *Ibid.*, 2.

<sup>49</sup> Denis Alexeev, *NATO Enlargement: A Russian Perspective* (England: Defence Academy of the United Kingdom Conflict Studies Research Centre, 2004), 1.

<sup>50</sup> Pouliot, *The Year NATO Lost Russia*, 255.

President of the US, the failure of Russia to comply with the disputed flank limitations, and the disagreement between NATO and Russia over the politically-binding Istanbul Commitments concerning Moldova and Georgia will illustrate the complicated nature of the impasse.

Furthermore, it will be argued that NATO expansion and interests, although designed to bring further security within Europe, exacerbated the tensions between NATO and Russia over the failed ratification of the ACFE. It is paramount that NATO is willing to address the valid security concerns of Russians who view NATO expansion as a direct threat to their own security. Finally, through the examination of these issues from a Russian perspective, the reasons surrounding Russian suspension from the CFE will highlight the need for further efforts by the West in order to preserve the founding principles of the CFE and to ultimately reduce the widening gap between NATO and Russia.

### **THE ISTANBUL SUMMIT**

The Istanbul summit demonstrated once again the ability of the CFE negotiators to come to an agreement in a relatively short period of time in order to address overarching security concerns and meet the interests of all member states. Beginning with the First CFE Review Conference in 1996, the member states recognized the need to adapt the treaty and began negotiations to establish a mandate for the adaptation talks that would address the new security environment in Europe and attempt to address Russia's concerns without undermining the underlying foundation of the CFE Treaty.<sup>51</sup> Even in the years leading up to the Review Conference, the optimism surrounding the potential modernization of the CFE Treaty was central

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<sup>51</sup> Sharp, *Striving for Military Stability in Europe: Negotiation, Implementation and Adaptation of the CFE Treaty*, 169.

within Russian diplomatic efforts and internal politics.<sup>52</sup> Rather interestingly, Russian proposals indicated a desire to expand the membership of the CFE Treaty to a more pan-European structure from the earliest stages of negotiation – a key issue that remains today.<sup>53</sup> NATO proposals, on the other hand, were aimed at eliminating the old structure of group ceilings with national and territorial ceilings whilst attempting to reassure Russian concerns over NATO expansion by suggesting an accession clause for new state parties and improved verification and information exchange initiatives.<sup>54</sup>

Negotiations surrounding adaptation continued but were hampered by several issues. NATO members were concerned over the domestic political turmoil within Russia, its ongoing war in Chechnya and the Russian violation of the new flank limits contained within the Flank Document. Conversely, Russia was concerned over the war in Kosovo and continued NATO expansion efforts. Furthermore, both Moldova and Georgia were anxious to have Russia remove their equipment and forces from their territory. Even with these issues still unresolved, the state parties signed the ACFE in November 1999 at the Istanbul summit. No stationing without consent, lower territorial ceilings and improved verification measures were reluctantly agreed to by Russia because they believed that this new treaty (in conjunction with the new NATO-Russia Founding Act) would fundamentally benefit Russian national security interests.<sup>55</sup> Despite the apparent compromises from both NATO and Russia in reaching an agreement on the ACFE, the

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<sup>52</sup> Wilcox, *Russia and the Treaty on Conventional Armed Forces in Europe (CFE Treaty)—A Paradigm Change?*, 570.

<sup>53</sup> Sharp, *Striving for Military Stability in Europe: Negotiation, Implementation and Adaptation of the CFE Treaty*, 166.

<sup>54</sup> *Ibid.*, 175.

<sup>55</sup> *Ibid.*, 175.



greatest achievement was the removal of the CFE Treaty from the vestiges of the Cold War the creation of a structure that reflected the new European security reality.<sup>56</sup>

However, the political commitments that were made within this landmark document have yet to be fully realized. Even though Russia formally agreed to the removal of all equipment and troops from Georgia and Moldova and to comply with the new flank limits, the insistence from NATO (and Georgia and Moldova themselves) that these measures be implemented has met with defiance and rebuttal from Russia. In spite of Russian ratification of the ACFE, only three other state parties have ratified the treaty. So, why is there an impasse after so many nations recognized the need for adaptation and completed successful negotiations?

### **FAILED RATIFICATION**

Despite the agreement at the Istanbul summit, the ACFE was eventually ratified by only 4 of the 30 CFE member states. There are several reasons for this failure that ultimately pit the interests of NATO against the interests of Russia. First, despite the fact that Russia clearly wanted the ACFE to be ratified and was making some (but not all) movements towards fulfilling the Istanbul commitments, NATO remained (and still remains) insistent that all of the provisions of the ACFE, including the complete withdrawal of Russian troops and equipment from both Moldova and Georgia must be fulfilled before ratification can occur.<sup>57</sup> Nowhere is this sentiment stronger than within the US. In fact, the actions of the US Senate against the Clinton Administrations attempts to move towards ratification have made any potential compromise impossible unless the Istanbul commitments are complete. Second, Russia believes that full compliance with the flank limitations of the ACFE would undermine their ability to fight the war

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<sup>56</sup> Jeffrey D. McCausland, *European/Eurasian Security and the Treaty on Conventional Armed Forces in Europe (CFE)* (New York: Carnegie Council, 2011), 4.

<sup>57</sup> Kühn, *From Capitol Hill to Istanbul: The Origins of the Current CFE Deadlock*, 16.

in Chechnya and thus weaken their national security.<sup>58</sup> Finally, Russia refuses to withdraw its troops and equipment completely from Moldova and Georgia out of additional national security concerns.<sup>59</sup>

#### **14 Conditions**

During the mid-1990s within the US, there remained a prevalence of Cold War style thinking towards dealing with Russia in spite of the tremendous improvement in relations between the two nations.<sup>60</sup> As the state parties of the CFE regime began negotiations towards the ACFE, this type of thinking proved to be extremely detrimental to positive progress and support within the US Congress. As NATO simultaneously began its push for expansion, the Republican dominated US Congress was unwilling to subordinate the strategic interests of the US in order to improve the prospects of better relations with Russia suggesting that any success for the ACFE is directly linked to the sentiment within the US Congress.<sup>61</sup> Certainly many officials believed that with the collapse of the Soviet Union, a unipolar world was an inevitable destiny for the US. As such, the proposed changes encapsulated by the Flank Document and the ACFE initiatives were perceived to be critical to establishing a lasting security environment within Europe.<sup>62</sup> Officials within the US became concerned that failing to hold Russia to the Istanbul commitments would undermine European security. This indicates a rather Cold War mentality – precisely the type of thinking that the ACFE was trying to eliminate.

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<sup>58</sup> Sharp, *Striving for Military Stability in Europe: Negotiation, Implementation and Adaptation of the CFE Treaty*, 191.

<sup>59</sup> *Ibid.*, 191.

<sup>60</sup> Kühn, *From Capitol Hill to Istanbul: The Origins of the Current CFE Deadlock*, 3.

<sup>61</sup> *Ibid.*, 3.

<sup>62</sup> *Ibid.*, 6.

Ultimately, the US was adamant that the ACFE could not affect US security interests in Europe, including NATO expansion, or limit the flexibility and capability of NATO to respond to security threats.<sup>63</sup> With the introduction of the Flank Document and the issues surrounding Moldova and Georgia, President Clinton pushed for ratification. However, this pressure tactic was met with vehement opposition from the US Congress, to the point that 14 conditions for ACFE ratification were passed into law by the US Congress, effectively preventing the Executive Branch from agreeing to the ACFE unless all the commitments, both legal and political, were met.<sup>64</sup> Given that the US is thus legally bound to not ratify the ACFE until all 14 conditions are realized, how can the impasse be overcome through any potential compromise with Russia? Any and all future negotiations surrounding the ACFE must keep in mind that these 14 conditions are still in effect and will therefore require consideration on how this legislation can be either circumvented or eliminated in order to move forward.

What is more important though is the understanding of the detrimental effects of Cold War psychology based on rhetoric and fear mongering. Should the relationship between NATO and Russia be allowed to flounder and the security architecture of Europe not be maintained, then it stands to reason that this unfortunate mentality may become prevalent once again.

### **The Flank Issue**

Russia has repeatedly protested over what they view as unfair limits on troop and equipment movements within their own sovereign territory. After all, it was the Soviet Union that accepted the flank limitations at a time when the regions in question were not considered to

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<sup>63</sup> *Ibid.*, 9.

<sup>64</sup> *Ibid.*, 11.

be militarily important given the blanket of security provided by the WTO.<sup>65</sup> Since the WTO collapse however, the geopolitical situation within these regions has changed dramatically. Russia continued to argue that the strategic security interests that NATO used to formulate the flank limitations have been overcome by the events that have significantly shifted the security interests of Russia and as a result of these limitations, Russia is unable to meet its social, security and economic requirements within these regions.<sup>66</sup> However, because the CFE Treaty is a legally binding method of controlling Russia's activities within the flank regions, NATO regards their compliance as a test of Russia's respect for sovereignty.<sup>67</sup>

Despite NATO's argument that the flank limitations must be retained so as to not undermine the security interests of any state, they acknowledged that the original CFE Treaty flank provisions were discriminatory to Russia. As such, many of the compromises in troop deployment levels and notification requirements proposed by Russia were incorporated into the ACFE.<sup>68</sup> The provisions for notification of movement and temporary location of forces has subsequently been exercised by NATO and proven to be valid when Russian inspectors visited NATO forces during the Kosovo campaign. The question remains as to the overall intent of Russia given recent military conflict between Russia and Georgia and their insistence that the flank limitations now need to be eliminated in order to move the CFE regime forward into new negotiations of ACFE ratification.<sup>69</sup> But if the original flank provisions were imposed to prevent

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<sup>65</sup> Falkenrath, *The CFE Flank Dispute*, 125.

<sup>66</sup> Chernov, *The Expansion of NATO and the Future of the CFE Treaty*, 87.

<sup>67</sup> Falkenrath, *The CFE Flank Dispute*, 118.

<sup>68</sup> Goldblat, *Arms Control: The New Guide to Negotiations and Agreements*, 229.

<sup>69</sup> Witkowsky, Garnett and McCausland, *Salvaging the Conventional Armed Forces in Europe Treaty Regime: Options for Washington*, 14.

the amassing of forces on NATO's borders, these fears have long since proven to be unfounded, leading to the possibility that the flank limits are in fact now pointless.<sup>70</sup> What is not in dispute is the fact that Russian dissatisfaction over NATO's insistence that adherence to the flank limits as conditional for ACFE ratification significantly contributed to the Russian suspension of the CFE Treaty.

Given that other treaty regimes provide notification of large scale military exercises that are much more likely to be a precursor to offensive action than the stationing of forces within a particular area, should not concessions on the flank limits be a possibility? If NATO, and more specifically the US, wish to station forces within Europe that do not exceed territorial ceilings in order to protect their strategic security interests, then why shouldn't Russia be held to the same standard? The danger in maintaining NATO's attitude towards the flank issue is that Russia will be unable to reconcile this with their need to station troops and equipment within their own sovereign territory as a means of ensuring national security. If they continue to believe that their concerns are not considered relevant by NATO, future negotiations to bring the two sides back into the CFE regime could prove to be impossible.

### **Moldova and Georgia**

Many have argued that the failure of Russia to withdraw troops and equipment from Moldova and Georgia is the central issue regarding the ACFE. The US and NATO are adamant that ratification of the ACFE is not possible until Russia fulfills the Istanbul commitments and withdraws from Georgia and accepts a multinational peacekeeping force in Moldova.<sup>71</sup> Russia maintains that their decision to remain within the two nations was prompted by the non-

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<sup>70</sup> Anin and Ayumov, *Conventional Forces in Europe: Yesterday, Today... Tomorrow?... (Part I)*, 20.

<sup>71</sup> Nicoll and Delaney, *The CFE Treaty: End of the Road?*, 2.

ratification of the ACFE by NATO and they do not believe that the Istanbul commitments are binding for ratification, but merely bilateral political agreements.<sup>72</sup>

However, Russian reluctance to comply with the Istanbul commitments runs much deeper than the political rhetoric. Despite the removal of equipment from Moldova, the withdrawal of Russian troops from the breakaway region of Trans-Dniester (a predominantly Russian-speaking and communist area) proved to be more difficult due to the wishes of the local population for them to remain.<sup>73</sup> Under the auspices of peacekeeping, Russian forces have remained within Trans-Dniester in direct contravention of Moldova's constitution that forbids the stationing of foreign troops on its territory – a provision that is further emphasized within the ACFE.<sup>74</sup> Moreover, Russia was wary of Moldova's improving relations with NATO. Moldova was considered a candidate for future membership within NATO and this was perceived as a direct threat to Russian interests within the region.<sup>75</sup>

Similarly, Russia refused to withdraw from its remaining base within Georgia and now has “peacekeeping” forces stationed within the breakaway republics of South Ossetia and Abkhazia. These actions were largely due to the increasingly poor relationship between Georgia and Russia as well as Georgia's publicized intent to seek NATO candidacy.<sup>76</sup> Again, NATO insisted that full compliance with the Istanbul commitments by Russia was required for

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<sup>72</sup> *Ibid.*, 1.

<sup>73</sup> Sharp, *Striving for Military Stability in Europe: Negotiation, Implementation and Adaptation of the CFE Treaty*, 196.

<sup>74</sup> *Ibid.*, 196.

<sup>75</sup> Kühn, *From Capitol Hill to Istanbul: The Origins of the Current CFE Deadlock*, 18.

<sup>76</sup> Sharp, *Striving for Military Stability in Europe: Negotiation, Implementation and Adaptation of the CFE Treaty*, 199.

ratification of the ACFE, but with relations between Russia and Georgia continuing to deteriorate and internal conflicts within Georgia escalating, no further Russian withdrawal is likely to occur.

So why is this issue so important for NATO? The reality is that these regional conflicts have existed for many years, so how can NATO expect them to be resolved simply by Russia removing equipment and troops? The attitudes towards the Istanbul commitments are partly due to domestic political pressures, in contrast with the desire for improved cooperation with Russia following the terrorist attacks of September 11, 2001.<sup>77</sup> But it is important to recognize that confidence and security building initiatives cannot be imposed on regional conflicts by outsiders, but must come from agreements between the states within the region.<sup>78</sup>

Moreover, if this form of issue is so critical for NATO, why were Armenia and Azerbaijan not held to the same political commitments over the Nagorno-Karabakh disputed region? Even in the former Yugoslavia the Dayton Peace Accords have been successfully implemented despite disputes and lack of sovereignty recognition for Kosovo. Perhaps regional conflicts (particularly those which are frozen) should not be points of contention for the CFE regime if it is to serve the overarching security requirements of all state parties. Rather, using forums such as the UN and the OSCE to deal with and negotiate settlements to these conflicts could better serve to bring Russia and NATO back together over the issue of the Istanbul commitment failures.

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<sup>77</sup> *Ibid.*, 212.

<sup>78</sup> Goldblat, *Arms Control: The New Guide to Negotiations and Agreements*, 10.

## NATO EXPANSION

Even as the WTO collapsed, NATO was actively seeking to expand eastward to thwart any resurgence in the Soviet empire.<sup>79</sup> Unfortunately, these plans also served to fuel the interests and fears of anti-NATO members of the Russian military and political elite who felt that this expansion was now the greatest threat to Russian security.<sup>80</sup> Moreover, Russian diplomats saw this expansion as seriously undermining the CFE Treaty regime to the point that the limitations on conventional forces imposed by the treaty would be rendered meaningless and would prevent any adaptation of the treaty.<sup>81</sup> This sentiment was one of the worst possible outcomes for the longevity of the CFE Treaty regime. Russians now perceived the post-Cold War NATO Alliance as weakening the European security environment by expanding its influence into areas that were traditionally within the Russian sphere of influence.<sup>82</sup> This feeling of exclusion persisted throughout the ACFE negotiations and beyond as NATO expansionist proposals and strategic defence initiatives persisted. Despite NATO's statement that substantial combat forces would not be permanently stationed within any of the new member states, the Russian public and political leadership considered NATO to be a hostile organization.<sup>83</sup> Thus, when the US announced their decision to deploy a missile defence shield and build new military facilities within Eastern Europe coupled with the courting of Georgia and Ukraine for possible NATO accession, Russia felt that it could no longer implement the CFE Treaty and protect its security

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<sup>79</sup> *Ibid.*, 271.

<sup>80</sup> Alexeev, *NATO Enlargement: A Russian Perspective*, 4.

<sup>81</sup> Chernov, *The Expansion of NATO and the Future of the CFE Treaty*, 89.

<sup>82</sup> Pouliot, *The Year NATO Lost Russia*, 245.

<sup>83</sup> Goldblat, *Arms Control: The New Guide to Negotiations and Agreements*, 271.



interests.<sup>84</sup> With the division between NATO and Russia growing increasingly wide, the confidence and security that the CFE Treaty regime provided were now in serious jeopardy.

### **RUSSIAN SUSPENSION**

Despite the lack of ratification by other, mainly NATO, states, Russia continued to comply with its CFE Treaty obligations for nearly a decade. This would suggest that even when faced with less than 100% desirable conditions, Russia is willing to participate within a security regime in order to facilitate confidence and security building within Europe. However, Russia's willingness finally ran out in 2007 when they requested an extraordinary conference to be held in order to discuss the circumstances surrounding NATO enlargement and NATO members' failure to ratify the ACFE.<sup>85</sup> In contrast, NATO members viewed the CFE Treaty and the negotiations surrounding the ACFE as leaving the door open for potential Russian accession to the Alliance and the creation of a confidence building and transparency regime within the overarching European security environment.<sup>86</sup> By calling for an extraordinary conference therefore, Russia was indicating that the divide over what the CFE Treaty regime was meant to provide was growing increasingly wide. Faced with an expanding NATO, Russia hoped to achieve some mutually acceptable concessions that would reduce the CFE crisis.<sup>87</sup> However, the threat of CFE suspension was not an effort to force the Alliance into agreement, but rather a push to restore the

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<sup>84</sup> Nicoll and Delaney, *The CFE Treaty: End of the Road?*, 1.

<sup>85</sup> The Ministry of Foreign Affairs of the Russian Federation, *Convening an Extraordinary Conference to Discuss the CFE Treaty* (Russia: The Ministry of Foreign Affairs of the Russian Federation, 2008), n.p.

<sup>86</sup> Witkowsky, Garnett and McCausland, *Salvaging the Conventional Armed Forces in Europe Treaty Regime: Options for Washington*, 7.

<sup>87</sup> Wilcox, *Russia and the Treaty on Conventional Armed Forces in Europe (CFE Treaty)—A Paradigm Change?*, 577.

treaty negotiations to the point where Russia no longer felt that continued implementation undermined their national security concerns.<sup>88</sup>

For many in Russia, the prospect of treaty suspension was the beginning of the end for the entire confidence and security building regime within Europe.<sup>89</sup> By refusing to implement the CFE Treaty, Russia would no longer be participating in the information exchange or the verification measures that not only provided them with intelligence and professional interaction, but would also be denying NATO member states the same. The danger in this arrangement is that the decay of transparency and confidence in security may lead to a rather more sinister environment of mistrust and hostility, much like the Cold War. Some have argued that the Russian suspension was merely a reaction to the proposed US missile shield in Eastern Europe and a means for President Putin to demonstrate his desire for increased Russian assertiveness and regional influence.<sup>90</sup> But this minimizes the impact of NATO expansion into former WTO countries and how this action undermined both Russian security concerns and the relationship building measures that NATO and Russia had embarked on during the latter half of the 1990s. Perhaps most troubling for the future capability of CFE negotiations to move forward is the fact that much like the 14 conditions which legally bind the US President to the complete fulfillment of the Istanbul commitments, the Russian suspension was executed by a parliamentary decree that requires a legal reinstatement of CFE Treaty implementation.<sup>91</sup> Without parliamentary

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<sup>88</sup> *Ibid.*, 578.

<sup>89</sup> Wolfgang Zellner and others, *Identifying the Cutting Edge: The Future Impact of the OSCE* (Hamburg: Centre for OSCE Research, 2008), 15.

<sup>90</sup> Marcel de Haas, *Russia's Foreign Security Policy in the 21st Century: Putin, Medvedev and Beyond* (New York: Routledge, 2010), 64.

<sup>91</sup> Witkowsky, Garnett and McCausland, *Salvaging the Conventional Armed Forces in Europe Treaty Regime: Options for Washington*, 13.

approval to return to the regime, NATO members will not negotiate towards implementation of the ACFE. Similarly, Russia will not return whilst NATO insists upon fulfillment of the Istanbul commitments as a ratification precondition.

Thus, the obstacles to maintaining the security umbrella of the CFE Treaty grow increasingly insurmountable. Despite having no legal mechanism with the CFE Treaty text for exclusion, Russia implemented its suspension of the treaty 150 days after the end of the extraordinary conference stating that measures to address Russian concerns were not satisfactory.<sup>92</sup> This action plunged the treaty regime into serious jeopardy. The lack of verification and information exchange measures designed to bring mutual trust and protection of national interests essentially shut down the military and diplomatic forums that previously maintained the effectiveness of the CFE Treaty between NATO and Russia.<sup>93</sup> Without participation of Russia, the future viability of the regime appears to be in doubt. How then were the two sides to move forward? Neither NATO nor Russia wished to permanently sour their relationship and therefore efforts to return to the negotiating table began in earnest in the wake of Russian suspension.

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<sup>92</sup> Wade Boese, "Russia Suspends CFE Treaty Implementation," *Arms Control Today* (January/February 2008): n.p.; [http://www.armscontrol.org/act/2008\\_01-02/cfe](http://www.armscontrol.org/act/2008_01-02/cfe); Internet; accessed January 14, 2012.

<sup>93</sup> Goldblat, *Arms Control: The New Guide to Negotiations and Agreements*, 309.

### CHAPTER 3 – COLLAPSE OR CONTINUANCE?

The Russian suspension and subsequent impasse in early negotiations led to a number of proposals from both NATO and Russia. Undeniably, both would like to find a viable solution to the impasse in order to preserve the benefits that the CFE Treaty regime brings to European security. But the Russian suspension has arguably undermined the ability of the treaty to provide continuing transparency between all member states.<sup>94</sup> Despite the suspension, the remaining parties to the treaty have continued to fulfill their treaty obligations indicating that the CFE Treaty's strong foundation must still have a place within the security architecture.

So, perhaps there is hope for the future of the regime. In the wake of US neglect and dismissal of the arms control process in the early 21<sup>st</sup> Century, it appeared that the CFE Treaty had lost its relevancy and validity in Europe, particularly within the former Soviet republics.<sup>95</sup> However, since the election of President Obama in 2009 there has been a reset policy aimed at repairing the relationship between the US and Russia and in arms control in particular. In fact, the majority of NATO members, although considerate of US interests and policies towards Russia, were far more concerned about saving the CFE regime to the point of considering ACFE ratification.<sup>96</sup> This was the impetus behind NATO's parallel actions proposal designed to move towards ACFE ratification in concert with Russia's fulfillment of the Istanbul commitments. But the lack of response from Russia simply verified the diverging national interests between the two sides and the eventual suspension of CFE Treaty implementation by Russia.

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<sup>94</sup> Falkenrath, *The CFE Flank Dispute*, 120.

<sup>95</sup> Zellner and others, *Identifying the Cutting Edge: The Future Impact of the OSCE*, 13.

<sup>96</sup> Nicoll and Delaney, *The CFE Treaty: End of the Road?*, 2.

In the aftermath of this failure to reach a compromise, experts began to suggest that there were only three possible ways forward for the CFE Treaty: maintain the status quo which will inevitably lead to the regime's collapse; NATO members concede to Russia's concerns and ratify the ACFE; or, attempt to re-engage the potential for negotiations under the premise of the parallel actions proposal which would require Russia's willingness to begin implementing the Istanbul commitments.<sup>97</sup> On the other hand, Russian elites believed that the NATO proposal was a result of NATO's realization that their demands surrounding the Istanbul commitments were entirely unrealistic.<sup>98</sup> Thus, not long after dropping out of the CFE regime, Russian President Dmitry Medvedev introduced a draft European Security Treaty. Much like the early negotiations surrounding the original CFE Treaty, Russia was proposing a more encompassing pan-European that was directly aimed at the perceived indifference to Russian interests and an enduring Cold War psychology on behalf of NATO members.<sup>99</sup>

Given these differing views on the future of security in Europe, it would appear that there are many reasons why the CFE Treaty is destined to collapse. However, it is those very disagreements that highlight the importance of maintaining and building upon the CFE Treaty regime. Differences in opinion and a lack of transparency can simply expand the divide and give way to growing mistrust and hostility. If it is a prevalence of Cold War thinking that has caused the impasse of the CFE Treaty, can the two proposals somehow be built upon to find a compromise?

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<sup>97</sup> McCausland, *The Future of the CFE Treaty: Why it Still Matters*, 7.

<sup>98</sup> Anin and Ayumov, *Conventional Forces in Europe: Yesterday, Today... Tomorrow?... (Part I)*, 24.

<sup>99</sup> Volha Charnysh, "Russia Drafts European Security Pact," *Arms Control Today*, (January/February 2010): n.p.; [http://www.armscontrol.org/act/2010\\_01-02/EuropeanSecurity](http://www.armscontrol.org/act/2010_01-02/EuropeanSecurity); Internet; accessed January 14, 2012.

This Chapter will examine the divergent attempts of both NATO and Russia to find a solution to the impasse. These attempts, although failures, highlight the enduring efforts of the member nations to continue to foster confidence and security building measures within the European security environment. Arguments for permitting the CFE Treaty to collapse are also examined in order to point out the unique nature of the CFE regime and what it provides to the member states.

Furthermore, the psychology behind the decision makers who have failed to find a solution to the impasse is examined to illustrate the strength of the CFE Treaty's foundation in mitigating the forces which continue to prevent the finding of a solution to the impasse.

### **PARALLEL ACTIONS PROPOSAL**

In response to the Russian suspension the NATO Alliance quickly reacted with a proposal to ratify the ACFE. The 2008 Parallel Actions Proposal was delivered to Russia in the hopes that promise for action would return Russia to CFE compliance and would hasten the ratification of the Istanbul commitments. In reality, there was nothing new in this proposal. The “parallel actions package” by NATO promised ACFE implementation before official ratification (effectively already being followed in practice) in parallel with Russian resolution of the Istanbul commitments.<sup>100</sup> NATO members were worried that if the CFE treaty were allowed to collapse it would affect not just arms control initiatives in Europe, but the work of all transnational institutions and military security cooperation efforts.<sup>101</sup> NATO members firmly believed that this proposal was aimed at addressing Russian concerns without relieving the responsibility of

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<sup>100</sup> NATO. *Statement by the North Atlantic Council on the Treaty of Conventional Armed Forces in Europe (CFE)* (2008), n.p.

<sup>101</sup> Paul Schulte, "The Precarious State of Flux of the Conventional Armed Forces in Europe Treaty (CFE)" (New York: Carnegie Council, 2011), 4.

Russia to fulfill their commitments, and at the same time maintained an ongoing relationship and spirit of negotiation and collaboration.

Unfortunately, the reaffirmation of ratification dependent upon Russian compliance with the politically-binding Istanbul commitments simply highlighted the crux of the impasse that had essentially resulted in the Russian suspension. From a Russian perspective, NATO was simply offering the “promise” of addressing Russia’s concerns regarding NATO expansion and the flank limitations rather than the tangible changes to policies that Russia was looking for.<sup>102</sup> Even more appalling to the Russians was the apparent insistence that Russia first re-implement the conditions of the original CFE Treaty as if the WTO was still in existence and NATO had not increased its membership by nearly a dozen former Soviet partners and was courting the accession of even more.<sup>103</sup> Clearly Russia was not going to accept the parallel actions proposal given these concerns. Why would NATO insist upon ignoring the security concerns of the new reality when many of Russia’s chief complaints revolved around the poor reflection of this reality that the original CFE Treaty could not address?

Ironically, NATO believed that their stick-and-carrot parallel actions package would sufficiently please Russia that their concerns were being acknowledged and considered. But with Russian maintaining their demands from the 2007 extraordinary conference, it is no surprise that this initiative failed.<sup>104</sup> Further complicating the issue was Russia’s recognition of the breakaway Georgian regions of Abkhazia and South Ossetia as independent states and the quick deployment of Russian forces into these regions.<sup>105</sup> The war between Russia and Georgia

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<sup>102</sup> Anin and Ayumov, *Conventional Forces in Europe: Yesterday, Today... Tomorrow?... (Part I)*, 19.

<sup>103</sup> *Ibid.*, 19.

<sup>104</sup> Lachowski, *The CFE Treaty One Year After its Suspension: A Forlorn Treaty?*, 5.

<sup>105</sup> *Ibid.*, 5.

significantly damaged Russia's relationship with NATO (and the rest of the international community) who viewed Russian actions as imperialistic and a clear violation of Georgia's sovereignty.<sup>106</sup> Perhaps the CFE regime could have averted this conflict if greater transparency of Russian forces was known and mutual diplomatic and military cooperation within the region was still operating? The point is that a breakdown of diplomatic relationships coupled with a long-standing dispute over territory involving ethnic Russians could easily repeat itself in other regions of Eastern Europe. Without the transparency and confidence building that the CFE verification measures provides and the diplomatic forum it uses to address disputes, there is a danger of this type of conflict reoccurring. So if Russia indeed claims to be interested in maintaining security within Europe, what form should such a regime take?

#### **A PAN-EUROPEAN SECURITY TREATY**

The Russian alternative to the faltering CFE regime was the European Security Treaty (EST) proposed by President Medvedev in 2008. Russia believed that the growing political rift between Western nations and Russia was largely due to a misunderstanding and dismissal of Russian security interests.<sup>107</sup> This divide could only weaken future prospects for cooperation, confidence-building and transparency. In response to this situation, the EST proposal was designed to unite Europe through mutually acceptable terms of security and cooperation. Some Russian experts believed that failure to accomplish this would result in a gradual disintegration into a fresh Cold War ideology, once again requiring military containment to avoid war.<sup>108</sup> As such, the treaty was based on a network security architecture of individual nations, organizations

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<sup>106</sup> *Ibid.*, 6.

<sup>107</sup> Dmitry Danilov, "The European Security Treaty within the European Union-United States-NATO Triangle," *Security Index: A Russian Journal on International Security* 16, no. 4 (November 2010): 61.

<sup>108</sup> *Ibid.*, 62.



and alliances that provided trust and cooperation that Russia believed was currently lacking within the European security regime.<sup>109</sup> This highlights the general Russian sentiment that the security initiatives and institutions that existed at the time did not and could not adequately address Russian national security concerns and interests. Furthermore, by expanding the area of application from Vancouver to Vladivostok, Russia believed that this would detach the European security environment from its inherent crutch of Cold War approaches to the security regime.<sup>110</sup> This proposal was celebrated by Russian elites who viewed the EST as less of a complaint over perceived disregard for Russian interests and more of a cooperative approach that could potentially set the stage for a renewed and strengthened relationship with the NATO membership.<sup>111</sup> However, this optimistic point of view was not shared by Western officials.

Rather than a unique new arms control proposal, some believed that the EST was simply Russia's future political concept for Europe and not a mechanism to drive further negotiation on the CFE regime.<sup>112</sup> This sentiment was echoed by NATO officials who commented on the fact that not only did the existing NATO-Russia Founding Act already contain the proposed security framework of the EST, but that recent Russian actions within Georgia, the hostile rhetoric aimed at Poland, and the new parliamentary powers granted to the Russian President granting the authority for unilateral military action in surrounding states to protect ethnic Russians, hardly represented a cooperative and secure environment.<sup>113</sup> This suggests that the EST may simply

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<sup>109</sup> *Ibid.*, 62.

<sup>110</sup> *Ibid.*, 62.

<sup>111</sup> *Ibid.*, 70.

<sup>112</sup> Witkowsky, Garnett and McCausland, *Salvaging the Conventional Armed Forces in Europe Treaty Regime: Options for Washington*, 8.

<sup>113</sup> Charnysh, *Russia Drafts European Security Pact*, 3.

have been presented as a diplomatic effort to project Russia's willingness to take the lead on European security, but in actuality was a ruse aimed at diverting attention from Russia's true design of attempting to re-establish regional dominance. Some have argued that the EST intended to diminish the influence of Western security organizations that opposed Russian interests whilst simultaneously attempting to divide NATO and EU members in order to gain superiority over them through the bilateral agreements alluded to within the EST draft.<sup>114</sup> If so, the ramifications of such actions could be dire if European nations give more consideration to this new type of approach to the security architecture. But should the EST be judged so harshly and with such distrust simply because of its shortcomings?

More importantly, in spite of its failings as a document worthy of serious consideration, the EST proposal is symbolic of Russia's commitment to security in Europe from their perspective. Despite its flaws, the EST could provide a starting point for renewed negotiations on the CFE Treaty with a more focused understanding of Russian national security concerns.<sup>115</sup> Regardless of whether Russian motives are entirely altruistic, the very fact that such a proposal was put forth must be taken into consideration by NATO in general and the US in particular.<sup>116</sup> Moreover, the EST should have reminded the NATO membership in the wake of the Russian suspension from the CFE Treaty that Russia both wants and needs a robust security regime within Europe to protect its interests. What seems to be required then is a concerted effort to overcome the prevalence of negative attitudes and archaic thinking that undermines the capacity for further cooperation on the CFE Treaty regime.

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<sup>114</sup> de Haas, *Russia's Foreign Security Policy in the 21st Century: Putin, Medvedev and Beyond*, 133.

<sup>115</sup> McCausland, *The Future of the CFE Treaty: Why it Still Matters*, 7.

<sup>116</sup> Witkowsky, Garnett and McCausland, *Salvaging the Conventional Armed Forces in Europe Treaty Regime: Options for Washington*, 8.

## VIENNA DOCUMENT 2011

The Vienna Document 2011 (VD11) is another major confidence and security building treaty within Europe and Central Asia that is designed to provide transparency about military exercises that might be considered preparations for hostile action. Originally coming into force in 1990, the precursor of VD11 has been updated several times through cooperative negotiations of the 56 member states of the OSCE. Due to the similarities associated with the verification and information exchange measures of the treaty, there are many who believe that this treaty could potentially fill the void left by a failed CFE Treaty.<sup>117</sup> The reality however is that the VD11 cannot be a substitute for the CFE Treaty, but rather continues to serve as a complimentary institution within the overall security architecture of Europe.<sup>118</sup> This is in part because the VD11 is not a legally binding treaty and its ability to be circumvented has been demonstrated in the past during the US action in the Kosovo campaign.<sup>119</sup> Moreover, the fallout from Russia's suspension of the CFE Treaty indicates that there is hardly a surplus of security and confidence building measures within Europe.<sup>120</sup> Therefore, despite the success and scope of the VD11 treaty, it is simply not robust enough to replace the CFE Treaty regime. If desired, Russia (and other nations) could simply opt out the VD11 verification regime as well, further deteriorating the transparency and cooperative trust that it currently provides. However, any future CFE Treaty negotiations could benefit from the successes learned in the VD11 negotiations.

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<sup>117</sup> Zellner and others, *Identifying the Cutting Edge: The Future Impact of the OSCE*, 20.

<sup>118</sup> "Statement by Rose Gottemoeller, Assistant Secretary of State for Arms Control, Verification and Compliance State Department of the United States of America, at the OSCE Annual Security Review Conference, Session III" (Vienna, Austria, July 1, 2011); [interview on-line]; available from <http://www.osce.org/cio/80455>; Internet; accessed January 28, 2012.

<sup>119</sup> Witkowsky, Garnett and McCausland, *Salvaging the Conventional Armed Forces in Europe Treaty Regime: Options for Washington*, 12.

<sup>120</sup> Zellner and others, *Identifying the Cutting Edge: The Future Impact of the OSCE*, 21.

Arguably it should be easier to find consensus among the 30 member states of the CFE Treaty than the 56 members of the VD11, particularly when the consequences of not working towards a compromise could return Europe to the style of frozen relations not seen since the Cold War.

### **MISTRUST AND DEFIANCE**

Despite the further development of EU collective defence policies, during the first decade of the 21<sup>st</sup> Century, it seemed as though states had begun to think less of implementing mutually beneficial military initiatives in exchange for a more single-minded approach to military policy.<sup>121</sup> The resulting lack of cooperation and confidence building between nations most certainly factored into the waning interest in keeping the CFE Treaty negotiations alive following the Russian suspension. Further hampering such efforts is the enduring mutual distrust between Russia and the US that is based in the underlying mistrust of Russia that emanates from the US public.<sup>122</sup> Experts believe that within the US this sentiment is driven by a deep-rooted fear of Russian motives and within Russia there is a fanatical mistrust of US policies and power.<sup>123</sup>

But if this mutual feeling is known, why then is it such an obstacle to overcome? Perhaps this is simply the legacy of US President G.W. Bush's arrogant indifference to arms control initiatives? Instead of strengthening the US, Bush's policies undermined the confidence building security architecture that the CFE Treaty regime had created at the end of the Cold War?<sup>124</sup> Or perhaps it is because Russia's willingness to negotiate on security related issues appears to be

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<sup>121</sup> *Ibid.*, 20.

<sup>122</sup> Blank, *Arms Control and Proliferation Challenges to the Reset Policy*, 3.

<sup>123</sup> *Ibid.*, 5.

<sup>124</sup> Scott Ritter, *Dangerous Ground: America's Failed Arms Control Policy, from FDR to Obama* (New York: Nation Books, 2010), 365.

dependent on their current level of either trust or suspicion of Western motives?<sup>125</sup> Alarming, in both circumstances it is the conflicting domestic political perspectives surrounding security and mistrust of the other nation's intent that must be taken into consideration when attempting to negotiate any potential attempt at compromise over security issues.<sup>126</sup> Therefore, the future of CFE Treaty negotiations are obviously in peril given the divergence of national interests between the US and Russia. The real danger is that not attempting to overcome the inherent mistrust will only serve to further divide the two nations. With the bulk of NATO members between them and without the foundation of transparency and confidence provided by the CFE Treaty regime, the inability of Russia and the US to cooperate on security matters within Europe may begin to erode not just regional security, but the Alliance itself as members seek to ensure their own security beside an increasingly dominant neighbour.

Interestingly, there are those within Russia who believe that the Russian military itself is the greatest threat to Russian security due to the prevalence of Cold War thinking.<sup>127</sup> Russia's reaction to the perceived threat from NATO has been to dramatically increase military spending and to suggest that a preventative nuclear strike doctrine should be instituted to thwart Western aggression.<sup>128</sup> Unfortunately for Russia, its policies have served to strategically isolate them vice making them more influential on a global scale.<sup>129</sup> A further result of this isolation is the unwillingness of others to overlook this type of behaviour and rhetoric in an effort to seek

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<sup>125</sup> Schulte, *The Precarious State of Flux of the Conventional Armed Forces in Europe Treaty (CFE)*, 7.

<sup>126</sup> Blank, *Arms Control and Proliferation Challenges to the Reset Policy*, 7.

<sup>127</sup> Fedorov, *Where is the Threat to Peace Coming from?*, 49.

<sup>128</sup> Stephen Blank, "Russia's Unending Quest for Security," in *The Politics of Security in Modern Russia*, ed. Mark Galeotti (Burlington, VT: Ashgate, 2010), 171.

<sup>129</sup> *Ibid.*, 191.

compromise. With regards to the CFE Treaty specifically, Russia's greatest problem is that the treaty was signed at a moment of perceived weakness and military parity with the West.<sup>130</sup> Now that NATO has expanded and the WTO has collapsed, the situation is not congruent with the traditional Russian security mentality of superiority and influence on a global scale.<sup>131</sup> Western insistence on returning Russia to a state of military subservience in the shadow of NATO's expanded military strength will not alleviate the distrust between them. It is therefore imperative for the future survival of the CFE Treaty regime that a new path is forged that allows both NATO and Russian interests, concerns and sensitivities to be addressed.

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<sup>130</sup> Schulte, *The Precarious State of Flux of the Conventional Armed Forces in Europe Treaty (CFE)*, 4.

<sup>131</sup> de Haas, *Russia's Foreign Security Policy in the 21st Century: Putin, Medvedev and Beyond*, 179.

## CHAPTER 4 – A MEANS TO AN END

With the potentially dire consequences surrounding a collapse of the CFE Treaty regime, it is necessary to examine how maintaining such a treaty meets the interests of all involved and what direction the future of treaty negotiations must take in order to have a chance to succeed. Arguably, permitting the CFE Treaty to fully collapse will result in an extreme loss of transparency and confidence within the European security arena.<sup>132</sup> Even more alarming is the potential for a resurgence of historic animosities and a subsequent return to the Cold War style of arms race that overwhelmed the global security landscape for nearly half a century.<sup>133</sup> If the inherent confidence provided through transparency and verification can be considered the most important aspect of the CFE Treaty regime, then it is this benefit that must be maintained and promoted as a catalyst for continuing the regime.<sup>134</sup> How then should states approach future considerations of the CFE Treaty? The answer is that the treaty (and arms control in general) should not be viewed as an end in itself, but rather as a means to an objective end state that adequately addresses the interests of all members.<sup>135</sup> Given the impasse that currently exists, it is apparent that the CFE Treaty has reached a point where it cannot be supported in its current form, but must be transformed to reflect the realities of the contemporary security environment and the overarching interests of its membership.<sup>136</sup>

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<sup>132</sup> Zellner and others, *Identifying the Cutting Edge: The Future Impact of the OSCE*, 15.

<sup>133</sup> Nicoll and Delaney, *The CFE Treaty: End of the Road?*, 2.

<sup>134</sup> Falkenrath, *Shaping Europe's Military Order: The Origins and Consequences of the CFE Treaty*, 260.

<sup>135</sup> McCausland, *European/Eurasian Security and the Treaty on Conventional Armed Forces in Europe (CFE)*, 7.

<sup>136</sup> Lachowski, *The CFE Treaty One Year After its Suspension: A Forlorn Treaty?*, 2.

Experts agree that arms control treaties must reflect the contemporary security environment that exists not just between the member states of the CFE Treaty, but within the OSCE as a whole.<sup>137</sup> Recent missile defence initiatives within Europe, which are considered essential by the US, are perceived by Russia as an overt attempt for military containment.<sup>138</sup> So, if the misunderstanding over a mutually beneficial security project can be derailed, what hope is there that conflicting interests can be addressed? US President Obama has clearly indicated his desire for improved relations with Russia for the West through a concerted “reset” policy. If relations with Russia are allowed to deteriorate, then this reset policy will be seriously undermined. Furthermore, Russia’s potential resurgence as a global power depends upon both internal and external demands and interests in the social, economic, and military domains.<sup>139</sup> Russian pursuit of interests without regard for Western concerns will only exacerbate the fragility of the security environment within Europe and will undoubtedly cause further unwillingness to negotiate on security matters – a prospect that is undeniably not within the strategic interests of either NATO or Russia.

What then is the way forward? Many experts believe that the benefits and security provided by the CFE Treaty would be impossible to replace and future arms control negotiations would not be possible in the absence of the CFE Treaty foundation.<sup>140</sup> This suggests that in actuality the CFE Treaty cannot be replaced, but as previously mentioned, must be transformed as an incentive to maintain and re-build confidence and security. Moreover, the causes of the

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<sup>137</sup> Zdzislaw Lachowski, Pál Dunay and Joop der Haan, *The Relevance of Conventional Arms Control in Europe* (Sweden: SIPRI, 2006), 3.

<sup>138</sup> Zellner and others, *Identifying the Cutting Edge: The Future Impact of the OSCE*, 14.

<sup>139</sup> de Haas, *Russia's Foreign Security Policy in the 21st Century: Putin, Medvedev and Beyond*, 172.

<sup>140</sup> McCausland, *The Future of the CFE Treaty: Why it Still Matters*, 6.



impasse over negotiations requires that the most desirable and reasonable elements of the ACFE be incorporated into any expanded vision of the CFE Treaty membership.<sup>141</sup> Even more important, is the public commitment from high profile government leaders for negotiations on the CFE Treaty.<sup>142</sup> So how can future negotiations be successful if the negotiations of the past two decades have been ineffective at finding a solution? Ultimately, if the CFE Treaty is to survive, the issues that are blocking its adaptation must be either ignored or addressed to a satisfactory level that achieves mutual benefit and meets national interests.

This Chapter will examine how the CFE Treaty regime provides a necessary foundation for the strategic interest of both NATO and Russia. Through the analysis of Russian military and diplomatic policies as well as the underlying psychology framing their perceptions of NATO motives and strategic threats to Russia, an appreciation will be gained of how the CFE Treaty regime can provide a necessary forum for continued dialogue and security enhancement. Equally critical to European security, NATO's strategic concepts will be explored for policies that also serve to gain from continued participation in the CFE Treaty regime.

This will be followed by an exploration of the future of the CFE Treaty. Specifically, how does the foundation and history of negotiation within the CFE Treaty regime provides the circumstances for future success? By relating this structure to the aforementioned strategic interests a new concept for the future is presented for continued stability within the European environment represented by a CFE II Treaty. This new adaptation of the cornerstone of European security is presented as the answer to meeting the strategic interests of not just the

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<sup>141</sup> Schulte, *The Precarious State of Flux of the Conventional Armed Forces in Europe Treaty (CFE)*, 6.

<sup>142</sup> Falkenrath, *Shaping Europe's Military Order: The Origins and Consequences of the CFE Treaty*, 250.

current CFE membership, but all of Europe through the realization of the benefits of a rejuvenated conventional arms control regime.

Finally, recommendations for the successful negotiation of a CFE II as well as ideas for its content and structure are presented in the context of their overall benefit to the contemporary European security environment.

## **MEETING STRATEGIC INTERESTS**

It is undeniable that security is a national interest for all states. Without security, the conditions for development both domestically and internationally are constantly undermined by the threat of conflict. As such, nations must pursue policies that further their security and the subsequent regional and international benefits that are the consequences of such initiatives. In essence, there are two main ways that a state's strategic security interests can be met without requiring massive expenditure on military hardware: establishing arms control agreements and participating in cooperative international security institutions.<sup>143</sup> Conversely, there are those who believe that arms control treaties, particularly those involving detailed limitations and verification of conventional weaponry, are merely Cold War constructs that are no longer relevant in the contemporary security environment.<sup>144</sup> Regardless, it is important to understand that if security is a function of policies that allow strategic security objectives to be met, then conventional arms control measures can still help create a foundation for international stability.<sup>145</sup> Unfortunately, a nation's pursuit of its security interests can produce negative

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<sup>143</sup> Goldblat, *Arms Control: The New Guide to Negotiations and Agreements*, 11.

<sup>144</sup> Michael A. Levi and Michael E. O'Hanlon, *The Future of Arms Control* (Washington, D.C.: Brookings Institution Press, 2005), 129.

<sup>145</sup> *Statement by Rose Gottemoeller, Assistant Secretary of State for Arms Control, Verification and Compliance State Department of the United States of America, at the OSCE Annual Security Review Conference, Session III, 2.*

effects. The juxtaposition of states, all of who have their own security interests, often leads to a state defining and protecting their security interests based on the mutual distrust of those around them.<sup>146</sup> This ultimately leads to a security dilemma. Nations must provide for their own security, but in doing so undermine their security by raising suspicion in their neighbours. So how then does an arms control treaty meet strategic security interests? Ultimately, the strategic culture of the parties to a treaty determines its success provided that the domestic politics within those nations can be sufficiently satisfied.<sup>147</sup> In the case of the CFE Treaty impasse therefore, it is imperative that the strategic interests and domestic politics of Russia and the US are understood in order to create the conditions for future negotiation and viability for the treaty.

Within Russia, the main focus appears to be the re-establishment and maintenance of political and military dominance within the surrounding region.<sup>148</sup> Any possible compromises by Russia on the CFE Treaty or other security related institutions are therefore strictly based on their potential impact on the maintenance of national security interests.<sup>149</sup> This is critical to understanding the reasons behind the impasse and for creating the conditions for future negotiation. Without this understanding, the mistrust and suspicion surrounding NATO motives will continue to erode the relationship between Russia and NATO members. This is also why Russia believes that NATO's insistence on transparency measures through verification and information exchange protocols contained within the CFE Treaty vice force reductions is

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<sup>146</sup> Christopher J. Lamb, *How to Think about Arms Control, Disarmament, and Defense* (New Jersey: Prentice Hall, 1999), 177.

<sup>147</sup> Jennifer E. Sims, "The Changing Domestic Politics of the Arms Control Process," in *Arms Control and Cooperative Security*, eds. Jeffrey A. Larsen and James Wirtz (Boulder, Colorado: Lynne Rienner Publishers, Inc., 2009), 69.

<sup>148</sup> Stephen J. Cimbala and Peter K. Forster, *Multinational Military Intervention: NATO Policy, Strategy and Burden Sharing* (Burlington, USA: Ashgate Publishing Company, 2010), 175.

<sup>149</sup> McCausland, *The Future of the CFE Treaty: Why it Still Matters*, 7.

because NATO possesses numerical superiority and ultimately wishes to restrict Russia's ability to position its forces wherever they deem necessary.<sup>150</sup> Russia firmly believes that the US and NATO have no regard for Russian concerns and it is their self-centered pursuit of security interests that has caused the CFE Treaty impasse.<sup>151</sup>

However, Russia's perception of the threat from Western aggression is largely based on deep-rooted and distorted misunderstandings.<sup>152</sup> The danger then lies in the perpetuation of these sentiments – much like how the Cold War ideology continually ratcheted the arms race and tension between the Soviet Union and NATO. It is clear then that Russian political elites who hold these views are a threat to both Russian and NATO strategic security interests because of the potential for escalating tensions and alienation of Western governments at a time when Russia needs these relationships to improve.<sup>153</sup> Without modernization and the strengthening of partnerships, particularly within Europe, Russia cannot become a truly developed democratic nation with global influence.<sup>154</sup> This therefore illustrates how important the CFE Treaty should be considered to Russian security interests because the treaty fosters those relationships and potential partnerships that Russia needs in order to build confidence and transparency between them and their neighbours.

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<sup>150</sup> Anin and Ayumov, *Conventional Forces in Europe: Yesterday, Today... Tomorrow?... (Part I)*, 25.

<sup>151</sup> Vladislav Chernov, "Keynote Presentation by Mr. Vladislav Chernov, Former Head of the Delegation of the Russian Federation to the Vienna Talks on Military Security and Arms Control, at the 2010 Annual Security Review Conference" (Vienna, OSCE, June 15, 2010); n.p.; [publication on-line]; available from <http://www.osce.org/cio/68285>; Internet; accessed January 24, 2012.

<sup>152</sup> Blank, *Russia's Unending Quest for Security*, 186.

<sup>153</sup> Graeme Herd, "Security Strategy: Sovereign Democracy and Great Power Aspirations," in *The Politics of Security in Modern Russia*, ed. Mark Galeotti (Burlington, VT: Ashgate, 2010), 24.

<sup>154</sup> Danilov, *The European Security Treaty within the European Union-United States-NATO Triangle*, 70.

In comparison, the US is committed to strengthening and maintaining European security as a whole.<sup>155</sup> In what appears to be in contrast to Russian concerns over Western security interests in Europe, NATO governments have openly expressed a desire for increased transparency, increased limitations on military exercises, greater emphasis on crisis prevention, and a revitalized commitment to the indivisible security and territorial integrity of all states.<sup>156</sup> This approach to security is in keeping with previous NATO statements regarding the future of security within Europe and expresses a need to further integrate the security interests of all European states. However, if this is indeed the primary focus for Western security interests in Europe, then Russia's concerns and interests must also be taken into consideration. In particular, if the reset policy initiated by President Obama is to succeed, then more cooperative security measures between the US and Russia are needed in order to provide more confidence to European states and to prevent any inaccurate assessments of Russia's intentions based on historical mistrust.<sup>157</sup> But such measures cannot mirror the "carrot and stick" policies of previous administrations. Historically, taking a hard stance with Russia on one hand whilst offering incentives based on cooperation on the other has resulted in increased international isolation which ultimately tends to radicalize Russia's external policies towards the US and NATO.<sup>158</sup> In what becomes a vicious cycle of cooperation and isolation, the relationship between Russia and the West improves and deteriorates based on the fundamental differences in

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<sup>155</sup> *Statement by Rose Gottemoeller, Assistant Secretary of State for Arms Control, Verification and Compliance State Department of the United States of America, at the OSCE Annual Security Review Conference, Session III, 1.*

<sup>156</sup> Interfax Information Service, "Ellen Tauscher: We are Committed to Working on Concrete Ideas for Missile Defense Cooperation with Russia," *Interfax Information Service* May 26, 2010.

<sup>157</sup> Kühn, *From Capitol Hill to Istanbul: The Origins of the Current CFE Deadlock*, 17.

<sup>158</sup> de Haas, *Russia's Foreign Security Policy in the 21st Century: Putin, Medvedev and Beyond*, 179.

security interests between the two. Without this understanding, Russia will undoubtedly feel that their security concerns are marginalized resulting in an overall reduction in the feelings of confidence and security of European nations, particularly Russia's neighbours. This is especially true given Russia's determination to increase their regional and global influence.

However, if one considers the military dominance represented by NATO within Europe, would the loss of the CFE Treaty regime really represent a threat to US and NATO security interests?<sup>159</sup> Experts have argued that Russia is more than a decade away from developing sufficient conventional capability to threaten NATO and that the threat in Russia's Far East is much more of a focus for Russian strategic security policies.<sup>160</sup> Others argue that the threats to NATO and the US are much more likely to originate from failed states and terrorist organizations vice Russia, perhaps indicating that the historical construct in which arms control treaties flourished is no longer a reality.<sup>161</sup> The problem with these observations is that they fail to address the historical underpinnings of the European security environment. There is a very real possibility of increased tension and discord if the conflicting security interests within Europe are not addressed through the maintenance of a robust confidence building and transparent arms control regime.

It is therefore vital to European security that NATO members, especially the US, that conventional arms control within Europe remains relevant as long as some states continue to demonstrate political instability and the indivisibility of national security remains a fundamental

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<sup>159</sup> Witkowsky, Garnett and McCausland, *Salvaging the Conventional Armed Forces in Europe Treaty Regime: Options for Washington*, 8.

<sup>160</sup> *Ibid.*, 9.

<sup>161</sup> Levi and O'Hanlon, *The Future of Arms Control*, 16.

issue of the European security dialogue.<sup>162</sup> Thus security is ultimately a question of meeting national interests. This is also why the CFE Treaty regime is at an impasse. Not necessarily because the articles of the treaty are outdated, but rather because the provisions of the treaty are anathema to the contemporary interests of NATO and Russia.<sup>163</sup> It is therefore highly probable that simply adapting the ACFE to reflect these changed interests could move negotiations forward. Without such adaptation, Russia will continue to view NATO's security interests in Europe as a threat and will likely argue a return to a Cold War style of arms buildup (only this time with tactical nuclear weapons) in an effort to protect themselves – a move that severely complicates US efforts to reduce nuclear weapons within Europe.<sup>164</sup> Conversely, without the CFE Treaty regime in place, Russia loses the legal limitations on NATO forces on its borders.<sup>165</sup> In these circumstances, maintaining the treaty is certainly better than the alternative return to historical tensions.

The greatest contribution that the CFE Treaty brings to European security is the provision of continuous confidence building and a fundamental insurance policy against the worst case scenario of a return the Cold War relationships between Russia and the West.<sup>166</sup> Not surprisingly therefore, should the treaty regime ultimately fail, the security environment in Europe would be placed under a significant amount of stress.<sup>167</sup> As an example, during the

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<sup>162</sup> Lachowski, Dunay and der Haan, *The Relevance of Conventional Arms Control in Europe*, 135.

<sup>163</sup> Viotti, *Arms Control and Global Security: A Document Guide*, 139.

<sup>164</sup> Witkowsky, Garnett and McCausland, *Salvaging the Conventional Armed Forces in Europe Treaty Regime: Options for Washington*, 10.

<sup>165</sup> Schulte, *The Precarious State of Flux of the Conventional Armed Forces in Europe Treaty (CFE)*, 5.

<sup>166</sup> Lachowski, Dunay and der Haan, *The Relevance of Conventional Arms Control in Europe*, 3.

<sup>167</sup> Witkowsky, Garnett and McCausland, *Salvaging the Conventional Armed Forces in Europe Treaty Regime: Options for Washington*, 17.

Balkan conflicts tensions between the West and Russia escalated over the buildup of conventional forces within Europe. The value of the CFE Treaty was clearly demonstrated during this period as the verification measures and transparency provided by the treaty significantly reduced Russian concerns.<sup>168</sup> Moreover, the overarching success of the CFE Treaty regime led to the development of the Dayton Peace Accords following the Balkan conflicts that essentially mirrored the provisions of the CFE Treaty. Clearly, Russia's security policies that point to US aggression represented by the proposed Ballistic Missile Defence system and nuclear strike capability as the primary threat to Russian security underlines the dramatic need for open dialogue and transparency in security. Similarly, stated NATO Strategic Concepts of security, consultation, deterrence and defence, crisis management, and partnership are certainly enhanced by the CFE Treaty regime. If mechanisms that facilitate these concepts are allowed to wither and die, the resulting loss of interaction and potential dialogue will only hinder future initiatives. Rather, the treaty regime that fosters these partnerships can ultimately lead to success in other areas, both economic and security oriented. The CFE Treaty regime can provide this by maintaining the open information exchange and professional military interaction leading to improved dialogue at the diplomatic level and a lessening of tensions. Unfortunately, the impasse surrounding the failed ratification of the ACFE has significantly reduced transparency in Europe and has raised concerns over strategic intentions on both sides of the debate.<sup>169</sup>

Instead of blaming others for the failures of security initiatives, both Russian and US negotiators require an improved understanding of the intertwined relationships between crisis,

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<sup>168</sup> McCausland, *European/Eurasian Security and the Treaty on Conventional Armed Forces in Europe (CFE)*, 7.

<sup>169</sup> Witkowsky, Garnett and McCausland, *Salvaging the Conventional Armed Forces in Europe Treaty Regime: Options for Washington*, iv.



policy and war in order to progress to a more robust security architecture.<sup>170</sup> This is where the construct of the CFE Treaty regime provides a solid foundation for such negotiations because the vehicle for dialogue and the structure of confidence and security building measures are already contained within the regime. Committing to transparency on military deployments, activities, and dispositions along with limitations on the size and location of military units will prevent a return to the tense relationship between Russia and the West under two different views of preserving security interests.<sup>171</sup> It therefore seems that given the conflicting security interests and the political obstacles to further negotiation and ratification of the ACFE that a new way forward is required. If the aforementioned arguments supporting the maintenance of the CFE Treaty regime are any indication, this task will undoubtedly be very difficult.

## **MOVING FORWARD: CFE II**

So if the true benefit of the CFE Treaty regime is not simply the content of its mandate, but the stabilized security environment that it can provide, what then is the way forward? Given the impasse situation surrounding the ratification of the ACFE and the fact that even this updated treaty does not adequately reflect the contemporary security environment in Europe, it is evident that the current CFE Treaty is untenable. However, even if some feel that the treaty is obsolete, the transparency regime that the parties to the treaty agreed upon remains paramount for continued stability within Europe. This is evidenced by recent events that have tied the modernization of the CFE Treaty regime to other security interests in Europe such as the Russian-US disagreements over missile defence system placement and troop deployments.<sup>172</sup>

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<sup>170</sup> Blank, *Arms Control and Proliferation Challenges to the Reset Policy*, 90.

<sup>171</sup> Witkowsky, Garnett and McCausland, *Salvaging the Conventional Armed Forces in Europe Treaty Regime: Options for Washington*, 23.

<sup>172</sup> Zdzislaw Lachowski, "Conventional Arms Control and Military Confidence Building," in *SIPRI Yearbook 2011: Armaments, Disarmament and International Security* (Oxford: Oxford University Press, 2011), 416.

What is now required by all members is the realization of how mutual interests are best served by the treaty regime that cannot be allowed to fail. Government leaders must also understand that should the CFE Treaty be allowed to fail it is highly unlikely that a suitable replacement could be forged without the foundation and historical precedent that the CFE Treaty provides.<sup>173</sup> The resulting confidence and security void has the potential for serious consequences across Europe and particularly within unstable and developing regions.

However, despite the numerous benefits to maintaining the CFE Treaty, there are those who do not share in the sentiment that this treaty can prevent a return to acrimonious Cold War relationships or provide a cornerstone of security for Europe.<sup>174</sup> Moreover, others have argued that the CFE Treaty is primarily designed to prevent Russian military aggression vice minimizing Russian insecurity over perceived NATO encroachment which would be far more beneficial for achieving long-term European security.<sup>175</sup> But these arguments fundamentally underestimate the benefits that could be provided by moving forward with an adapted CFE Treaty or CFE II. Experts within the US believe that such a renewal and modernization is vital for the future relationships between Russia, NATO, and the US and European security as a whole.<sup>176</sup> This desire can be accomplished by structuring a CFE II Treaty based on meeting common strategic security interests that effectively contribute to the prevention of conflict and the enhancement of stability throughout Europe.

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<sup>173</sup> McCausland, *European/Eurasian Security and the Treaty on Conventional Armed Forces in Europe (CFE)*, 8.

<sup>174</sup> Baylis, *Arms Control and Disarmament*, 204.

<sup>175</sup> Falkenrath, *Shaping Europe's Military Order: The Origins and Consequences of the CFE Treaty*, 260.

<sup>176</sup> Witkowsky, Garnett and McCausland, *Salvaging the Conventional Armed Forces in Europe Treaty Regime: Options for Washington*, 24.

Even Russian elites share the belief of the CFE Treaty's importance for European security. They feel that in spite of the treaty's weaknesses, the benefits arising from a modernized CFE II Treaty can only serve to increase transparency, eliminate the legacy of Cold War conventional military objectives, and ultimately prevent a new arms race in Europe in light of contemporary security challenges.<sup>177</sup> Most importantly, adaptation of the CFE Treaty can meet the security interests of Europe well into the future. Through shared responsibility for security embodied in a CFE II Treaty, the conditions for improved military cooperation and interaction will inevitably lead to improved transparency, confidence and ultimately a sense of political unification centered on common security goals.<sup>178</sup> Such benefits far outweigh the consequences from a continued impasse and eventual failure of the treaty regime.

Without the CFE to provide a foundation and forum for negotiation, discussion, and political momentum, the historical animosities between the West and Russia are likely to re-emerge.<sup>179</sup> Nevertheless, the aforementioned issues surrounding the impasse clearly demonstrate that the CFE Treaty cannot continue in its present form. Therefore, in order to prevent a return to Cold War mistrust and rivalries, a CFE II Treaty must address the lack of information exchange, verification and transparency that currently exists.<sup>180</sup> It is also important for government leaders to realize that the failure of the CFE Treaty will not simply eliminate what some believe is an unnecessary security regime. This is because the resulting loss of transparency and confidence coupled with the potential for rising regional tensions will ultimately increase the financial commitments to security for NATO governments as they

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<sup>177</sup> Sergey Rogov, "European Security and Arms Control" (New York: Carnegie Council, 2011), 4.

<sup>178</sup> Walker, *Security and Arms Control in Post-Confrontation Europe*, 77.

<sup>179</sup> Larsen, *An Introduction to Arms Control and Cooperative Security*, 185.

<sup>180</sup> Lachowski, *The CFE Treaty One Year After its Suspension: A Forlorn Treaty?*, 6.

attempt to compensate for the loss of passive security provided by what could be an effective security regime.<sup>181</sup> Even if the security risks associated with the loss of the CFE Treaty are not considered to be consequential, surely the potential defence budget strain required to achieve security in Europe are a concern, particularly for the US. So, given these benefits and potential consequences, how should the CFE Treaty membership approach a modernized adaptation to a CFE II Treaty?

### **A NEW MANDATE FOR NEGOTIATION**

What is ultimately required is a new mandate for negotiation that specifically addresses the issues underlying the current impasse. It is clear that the ratification of the ACFE is not possible given the numerous political and legal obstacles preventing its acceptance. If any lessons can be taken from both the original CFE Treaty negotiation mandate and the subsequent ACFE negotiations, it is that support for a new CFE II Treaty must come from the highest levels of interested governments if the negotiations are to succeed.<sup>182</sup> The main issue then, is how to garner support for a new treaty mandate. First, the state parties of the CFE Treaty must be willing to adequately adapt the treaty to reflect the current security environment in Europe. NATO's insistence that Russia honour the original CFE Treaty bloc-to-bloc limitations on deployments as a condition of ratification will only perpetuate the impasse, effectively defeating the intent of new negotiations and undoubtedly leading to increased hostility and resentment from Russia.<sup>183</sup> Second, the majority of European nations must be willing to lend support to a mandate for a completely adapted CFE II Treaty. Simply relying on US and Russian negotiators

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<sup>181</sup> Witkowsky, Garnett and McCausland, *Salvaging the Conventional Armed Forces in Europe Treaty Regime: Options for Washington*, 11.

<sup>182</sup> Falkenrath, *Shaping Europe's Military Order: The Origins and Consequences of the CFE Treaty*, 249.

<sup>183</sup> *Ibid.*, 261.

to overcome the impasse has historically been ineffective. Thus, without the support of all state parties, any attempts at modernization and adaptation will likely again prove fruitless.<sup>184</sup>

Finally, building upon the foundation provided by the ‘cornerstone’ of European security offers a unique opportunity to rejuvenate the confidence-building regime within a region fraught with future security challenges.

Specifically, both sides of the current impasse must be willing to improve their relations and break down the barriers presented by mutual distrust. Russia should eliminate anti-Western policies from their military documents; NATO should withdraw their forces from those regions that are particularly sensitive to Russia, such as the Baltic states not covered by the CFE Treaty; and, there should be a renewed emphasis on military cooperation initiatives in an effort to build trust and foster confidence.<sup>185</sup> Through mutual cooperation and transparency, historic regional conflicts are unlikely to undermine the strategic security interests of Europe as a whole.

However, this will only be possible if the West is truly ready to accept Russia’s emergence as a regional power and to seriously consider the security concerns surrounding both the CFE Treaty and the ACFE when negotiating a mandate for a CFE II Treaty.<sup>186</sup> Ultimately, by understanding the fundamental benefits of a renewed conventional arms control treaty regime within Europe and the potentially dire consequences of the existing regime’s failure, a CFE II Treaty has the potential to meet the current and future security interests of the existing treaty membership. Moreover, by permitting accession and expansion of the treaty’s area of application, the scope of those potential benefits can be extended to all interested nations.

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<sup>184</sup> Chernov, *Keynote Presentation by Mr. Vladislav Chernov, Former Head of the Delegation of the Russian Federation to the Vienna Talks on Military Security and Arms Control, at the 2010 Annual Security Review Conference*, 2.

<sup>185</sup> de Haas, *Russia's Foreign Security Policy in the 21st Century: Putin, Medvedev and Beyond*, 162.

<sup>186</sup> *Ibid.*, 163.

## RECOMMENDATIONS

The final question to be answered is what structure and content should the CFE II Treaty possess if the current treaty is no longer viable? These recommendations are presented in order to hopefully address the issues surrounding the impasse and to provide a starting point for any new mandate.

In terms of content, the adaptation of the CFE Treaty must de-link any issues surrounding regional conflicts within Europe. It is clear that insisting on Russian compliance with the Istanbul commitments significantly undermined the potential for success of the ACFE.<sup>187</sup> Failure to remove this obstacle may possibly contribute to other frozen conflicts such as those in Nagorno-Karabakh, the Balkans, or even Central Asia being used as conditions for ratification. Rather, these conflicts should be dealt with through other international organizations such as the UN or the OSCE. In reality, by adopting a renewed arms control regime, these regions may see much improved stability provided by increased transparency and cooperation. In addition, it is unreasonable to expect any nation to limit their capacity for meeting security interests by restricting where conventional deployments may take place. Undoubtedly, Russia will never again agree to the flank restrictions contained within the CFE and ACFE treaties.<sup>188</sup> As such, the expansion of intrusive verification measures coupled with accurate information exchanges of troop and equipment deployments are far more beneficial to reducing suspicion of intentions. Finally, creating an effective CFE II Treaty will require an unambiguous treaty language that limits the circumvention and varied interpretation of the treaty's provisions.<sup>189</sup>

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<sup>187</sup> Anin and Ayumov, *Conventional Forces in Europe: Yesterday, Today... Tomorrow?... (Part I)*, 26.

<sup>188</sup> Witkowsky, Garnett and McCausland, *Salvaging the Conventional Armed Forces in Europe Treaty Regime: Options for Washington*, 23.

<sup>189</sup> Ulin and Young, *Conventional Arms Control and Disarmament: Lessons from the Interwar Period*, 213.

Perhaps more important are the recommendations surrounding the structure of the CFE II Treaty that aim to improve the success of not only the negotiations, but for the future viability of the treaty regime. In spite of the inability to move beyond the current impasse, the existing structure of regular Review Conferences must continue to reveal shortcomings or gaps that require adaptation or modification.<sup>190</sup> This can be used in conjunction with specific amendment procedures to facilitate future negotiations. A new treaty must also be structured with the intention of increasing its membership. This is because security, stability and transparency are proportionate to the number of state parties sharing in confidence-building activities.<sup>191</sup> Therefore, the most important structural change contained within the CFE II Treaty must be the expansion to a pan-European construct based on the OSCE membership. There are several benefits to this change. Primarily, a pan-European structure addresses Russia's desires for an expanded security regime as outlined in the proposed EST.<sup>192</sup> Furthermore, US interests that are linked to the security relationships and stability of European nations are served by the benefits of a broader conventional treaty area of application.<sup>193</sup> Finally, the removal of the final vestiges of the Cold War bloc-to-bloc mentality that resides within both the original CFE and ACFE Treaties will more accurately reflect the current security interests of all states within the OSCE.

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<sup>190</sup> Goldblat, *Arms Control: The New Guide to Negotiations and Agreements*, 18.

<sup>191</sup> Falkenrath, *Shaping Europe's Military Order: The Origins and Consequences of the CFE Treaty*, 258.

<sup>192</sup> de Haas, *Russia's Foreign Security Policy in the 21st Century: Putin, Medvedev and Beyond*, 130.

<sup>193</sup> Witkowsky, Garnett and McCausland, *Salvaging the Conventional Armed Forces in Europe Treaty Regime: Options for Washington*, 24.

## CONCLUSION

This paper began by examining the conditions surrounding the creation of the CFE Treaty regime. The collapse of the Soviet Union and the WTO provided significant impetus for the creation of the ‘cornerstone’ of European security in the CFE Treaty. What was readily apparent was that without such a treaty, the turmoil surrounding the dramatic changes could easily have deteriorated into a renewed Cold War style of conflict. However, the changes within the European security environment also contributed to significant difficulties within the treaty regime. Shortly after coming into effect, the CFE Treaty was in need of adaptation. Fortunately, the state parties to the treaty were all in agreement that adaptation was both necessary and possible. It was concluded that this realization was due to the solid foundation provided by the transparency and confidence building provisions of the CFE Treaty.

Secondly, despite the success of the adaptation negotiations resulting in the ACFE, the failure to ratify this treaty has led to an impasse. It was determined that the issues surrounding the adapted treaty were largely founded upon the remnants of Cold War mistrust and defiance on the part of both NATO and Russia. The expansion of NATO coupled with the regional resurgence of Russia resulted in renewed tension, rhetoric, and unwillingness on either side to agree on the final conditions for the ACFE ratification. The conclusion was drawn that Russia’s eventual suspension of the CFE Treaty implementation placed the treaty regime in serious jeopardy. More alarming was the potential for serious deterioration in the relationship between the West and Russia resulting in a security crisis in Europe.

Third, the analysis focused on the attempts by both NATO and Russia to reach an alternative solution to the impasse. The examination of these proposals and alternatives was conducted in order to gain a greater understanding of the underlying issues for their lack of



success. The analysis revealed that the inherent mutual distrust between the West and Russia has significantly undermined their security interests. It was determined that the greatest threat to the future of the treaty regime was a failure to understand the consequences on not pursuing a renewed effort at negotiation for the CFE Treaty.

Finally, the CFE Treaty was (and is) viewed as a means to the objective of continued security through transparency and confidence-building within Europe. The benefits to meeting strategic security interests for both NATO and Russia were concluded to be significant in their ability to reduce the possibility for a return to a Cold War style of relationship between the West and Russia. However, given the nature of the impasse surrounding the treaty regime, it was determined that a new way forward was required to ensure the continued viability of the European security structure. By establishing a mandate for a CFE II Treaty and securing high-level political commitments for successful negotiations there is a definite future for this treaty regime.

Unfortunately, despite the obvious benefits, more research is required to determine whether there is a willingness to negotiate a solution to the CFE Treaty impasse. The potential for significant reluctance from Moldova, Georgia, Armenia and Azerbaijan in regards to the delinking of the CFE II Treaty regime from the resolution of frozen regional conflicts requires a defined commitment to address those concerns. This is also true of the regional disputes within Central Asia once these OSCE member states are incorporated into the CFE II accession proposal. Potential steps for negotiation and recommendations for the CFE II Treaty's structure and content were provided as a starting point for further debate. However, more investigation of how this issue can best be addressed is required in order to ensure acceptance by all nations within the pan-European structure of the OSCE. In spite of this uncertainty, the analysis has

revealed that the CFE II Treaty must eventually incorporate this pan-European design in order to reflect the current and future security environment within Europe and to address the security concerns of the founding CFE Treaty membership. Regardless of the final content or structure, what remains is the certainty that the consequences of failure for the current CFE Treaty regime are far too important for both NATO and Russia to ignore.

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