

THE FUTURE OF CONVENTIONAL ARMS CONTROL IN EUROPE

The regime for conventional arms control in Europe has been in crisis for several years. A modernization that would adapt conventional arms control to the military realities of the 21st century is planned within the framework of the OSCE. This is also an issue for the Swiss OSCE chairmanship in 2014.



International experts at an OSCE arms control inspection.

Bundeswehr

When Swiss Foreign Minister Didier Burkhalter, speaking in Dublin in December 2012, first introduced possible topical key issues of the Swiss chairmanship of the Organisation for Security and Co-operation in Europe (OSCE) in the year 2014, the Swiss daily *Neue Zürcher Zeitung* ran the following headline: “Rüstungskontrolle à jour bringen” (“Bringing arms control up to date”). The issue of conventional arms control in Europe is one of ten focal areas selected by the Swiss Federal Department of Foreign Affairs (FDFA) for the Swiss OSCE chairmanship in 2014. One topic that is particularly high on the Swiss OSCE agenda is the modernisation of the “Vienna Document” (VD) on confidence- and security-building measures.

The Swiss focus on conventional arms control may be surprising at first glance for two reasons: On the one hand, concerns about military activities being misinter-

preted have almost completely disappeared in Europe today, not least due to successful international disarmament and arms control measures. The Federal Council believes that traditional armed conflicts with direct military consequences for Switzerland are very unlikely to occur in the next 10 to 15 years.

On the other hand, the arms control treaties and agreements in question were primarily concluded between members of the two main military alliances at the time, NATO and the Warsaw Pact, including the most important Treaty on Conventional Forces in Europe (CFE) of 1990, of which Switzerland is not a member. However, beginning with the early years of the Helsinki Process from 1973 onwards, Switzerland, together with other neutral and non-aligned states, has always advocated arms control as well as confidence- and security-building measures and on-site in-

spections. It is only consistent, therefore, that Switzerland should engage on behalf of a modernisation of the arms control regime and the principle of cooperative security in Europe during its OSCE chairmanship in 2014.

Why conventional arms control?

The modernisation of the respective treaties and agreements is not considered a top priority today by most European states. The CFE Treaty as an outcome of the Cold War has long served its original purpose as envisaged in 1990, namely, to prevent a large-scale conventional military attack in Central Europe or a misinterpretation of military manoeuvres in close proximity to a border. Furthermore, the current levels of weapons systems within the OSCE space – with the exception of Armenia and Azerbaijan – are far below the ceilings permitted under the treaty.

However, especially during the current period of heightened tensions between Russia and the West, tighter national budgets, and resurging nationalism, the issue of cooperative security should remain important. While ceilings for main weapons systems as stipulated by treaty may be obsolete in Western Europe today, the fear of armed conflict over territorial claims is still very real in the Southern Caucasus or the Baltic. Accordingly, there remains a requirement for verifiable transparency regarding armed forces and limits on deployment in sensitive border regions and contested territories.

Moreover, awareness of the intentions and potentials of other countries’ armed forces remains crucial even today for preserv-

ing mutual trust between the European states. Lack of economic and political cooperation between Russia and the EU leads to mutual distrust. Should traditional instruments of arms control cease to be effective, there would be no immediate threat of a conventional war or large-scale military attack – least of all in Central Europe or Switzerland. However, it is probable that lack of transparency would lead to a resurgence of insecurity and distrust, possibly reinstating threat scenarios long believed to have been consigned to the dustbin of history. One logical consequence would be a qualitative arms build-up; another potential one would be instability.

However, if arms control is adapted regularly to developments in security policy, military affairs, and technological progress, it will also retain its relevance. It should therefore also deal with areas in which there is a need for regulation. Such issues should include maritime forces, airlift capacities, rapid deployment forces, the integration of modern weapons platforms and delivery systems, and electronic warfare. In modern warfare, qualitative aspects are becoming increasingly important. The obligation to provide information should be expanded, especially in view of the prevalence of small, well-trained, high-tech units.

Sub-regional, chronically festering territorial conflicts must not be allowed to paralyse the entire architecture of European arms control. Rather, efficient dedicated confidence- and security-building measures should be developed for crisis-prone regions, and they should include a stronger focus on limitations for troop and weapons deployment. The CFE ceiling is particularly important for conflicts such as the Nagorno-Karabakh dispute between Armenia and Azerbaijan. Stabilizing the balance of forces also continues to be especially important in the conflicts over Transnistria, Abkhazia, South Ossetia, or Cyprus.

Furthermore, it is important that multi-year pauses in negotiations should not be accepted based on the false assumption that any engagement can be rapidly resumed as required. In such cases, the OSCE states risk a massive loss of know-how that can only be restored with great effort. The past 15 years, which were marked by a standstill on issues, have already shown that a lack of negotiations destroys capaci-

ties. Staff positions have been successively abolished rather than reappointing experts when positions are vacated, leaving states unable to support the negotiations.

More safety with less arms

The arms control regime as well as the system of confidence- and security-building measures in the OSCE space basically rest on two key pillars: on the one hand, the CFE Treaty of 1990 between the NATO member states at the time and the Warsaw Pact; on the other hand, the VD of 1990, which was approved by the then 35 CSCE states. These are complemented by additional treaties such as the Treaty on Open Skies of 1992, which facilitates and regulates reconnaissance flights.

The purpose of the CFE Treaty of 1990, which is still in effect, was to create a secure and stable low-level balance of conventional forces in Europe and to eliminate the possibility of surprise attacks and large-scale offensive operations in Europe. The legally binding treaty limited the number of offensive main weapons systems in Europe and stipulated mutual detailed reporting on force levels and intrusive on-site inspections. The force ceilings, which covered five categories (tanks, armoured fighting vehicles, artillery systems, combat aircraft, and combat helicopters), were equal for both sides. In the years after 1990, the treaty led to the elimination of more than 60,000 main weapons systems and the reduction of the massive conventional superiority of the Soviet Union/Russia in Europe. The CFE Treaty had an important role in safeguarding Germany's reunification, the dissolution of the Warsaw Pact, and the demise of the Soviet Union, creating an unprecedented level of transparency regarding military assets that remains a singular achievement even today.

However, as early as 1994, Russia demanded that the treaty be adapted because of the imminent eastward expansion of NATO, which had made obsolete the balance between East and West that formed the basis of the treaty. Also, in 1996, the NATO states were prepared to concede greater latitude to Russia and Ukraine in the dislocation of their conventional forces on the southern flank of Europe. This so-called "Flank Agreement", designed to prevent a force buildup in Northern Europe, the Balkan, and the Caucasus, was a thorn

in Russia's side due to the increasing instability on its southern flank in the Caucasus. Accordingly, during the Chechen wars, Russia nonchalantly overstepped the agreed force limits.

After two years of negotiations, the Adapted CFE Treaty (ACFE) was signed at the 1999 OSCE summit in Istanbul. It was supposed to transcend the Cold War bloc-based thinking by introducing national and territorial force ceilings independently of alliance membership. However, subsequently, only four states (Russia, Ukraine, Belarus, and Kazakhstan) ratified the ACFE Treaty. The NATO states, on the other hand, resisted ratification on political grounds with reference to the "Istanbul Commitments" since May 2000: At the 1999 summit, Russia had agreed to a complete withdrawal of its troops, equipment, and munitions from the disputed areas of South Ossetia and Abkhazia (Georgia) as well as Transnistria (Moldova). Ever since, under the principle requiring host-state consent to the stationing of foreign troops on its own territory, NATO believes Russia is violating the OSCE rules. Until today, this NATO-imposed linkage between European arms control and the resolution of sub-regional conflicts in the OSCE space makes it impossible to adapt the CFE to new developments in security policy.

Russia suspends the CFE Treaty

After having failed in the attempt to adapt the arms control regime to the continuing eastward expansion of NATO, Russia suspended the CFE Treaty on 11 December 2007. While the treaty does allow for the possibility of withdrawing from it should unusual developments jeopardise the national interest at the highest levels, a suspension of the treaty is not envisaged. The US and the other NATO states as well as Georgia and Moldova responded to the Russian move at the end of 2011 by deciding not to pass on any more military information to Russia either in the future. However, all other CFE member states have continued the activities stipulated under the treaty after 2007. Also, a certain degree of transparency vis-à-vis Russia is still guaranteed, since Belarus can be assumed unofficially to be passing on to Moscow the military deployment figures and inspection reports it exchanges with the NATO countries.

In spring of 2011, after consistently demanding a modernisation of the CFE Treaty and the adaptation of the old treaty

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to the latest developments, Russia fundamentally changed its negotiating position. Since then, due to its Army Reform 2020, Russia is no longer interested either in force ceilings and the exchange of deployment figures or in an interim solution. However, Russia still remains far below the agreed CFE limits concerning major conventional weapons systems today. After 1990, the balance shifted radically: While the Soviet Union had enjoyed superiority during the Cold War, the NATO expansion eastwards resulted in conventional superiority and a massive technological advantage for the European NATO states. Between 2000 and 2009, for instance, Russia’s military expenditures amounted to only 16 per cent of the European NATO countries’ defence spending.

The Vienna Document

As no successor treaty to the CFE is expected for the foreseeable future, the OSCE will focus for the time being on updating the VD, which was also agreed in 1990. It includes a raft of measures designed to raise the level of transparency between states and thus to enhance security. This includes the exchange of military information, giving notice and monitoring of certain military activities, and verification visits and inspections. Furthermore, the VD also has a purpose in terms of conflict avoidance: States can demand clarification if they are concerned about military developments in another state.

Unlike the CFE Treaty, signed by what were then the 30 member states of NATO and the Warsaw Pact, the VD applies to all 57 OSCE states. Unlike the CFE Treaty, furthermore, it is politically, but not legally binding. The information thus exchanged is different from that covered by the CFE Treaty and amongst others also includes the defence planning of the states in question. The CFE Treaty also covers military installations, which the VD does not. The latter only refers to “states”, while the CFE

document mentions special zones. The CFE Treaty and the VD were originally intended to complement each other, which is why the VD is not suitable as an equivalent alternative. Therefore, the notion of “blending” the two instruments, which is currently being circulated, is fraught with danger. Importing political “CFE problems” could jeopardise the functioning of the VD. It is unadvisable to create a nexus with issues such as discussions over US missile defence and tactical nuclear weapons or with the question of whether the agreement should be legally binding. Compared to the CFE Treaty, furthermore, the VD has experienced less problems with implementation in the past decade.

One thorny issue has been the fact that the document was last updated substantially as long ago as 1999, whereas that had previously been done regularly (1992, 1994, 1999). It was only after a 12-year hiatus that the OSCE states managed to agree on the VD 2011 document. The adoption of the VD11 was intended as a signal and starting point for further updates and a general unblocking of the arms control logjam. However, the reforms were primarily technical and procedural in nature. For instance, national holidays are now taken into account when planning verification activities. One important aspect is the obligation to republish the document at least every five years. This raises the pressure to develop the VD further and also creates opportunities. At the same time, the new preamble of the VD11 continues to make explicit reference to the acquis of the CSCE (the 1984-86 Stockholm conference) and subsequent CSCE/OSCE arms control documents. While all states emphasise the importance of further adaptation and there is no doubt that it is only for political reasons that substantial further development is being delayed, any

new future editions devoid of innovations will be a palpable embarrassment for the states in general and for the regime of confidence- and security-building measures in particular.

For the time being, the discussions are focused on lowering the threshold values for the announcement and observation of military activity and raising the inspections quota in order further to improve the implementation of the VD.

Tangible progress in arms control can only be achieved if the US and Russia act in concert.

The radical cutbacks of troop levels have led to a situation where countries now conduct much less activities that they

must announce and allow to be observed than they did in the 1990s. This has led to a perceptible loss of transparency. An initial agreement in this respect was concluded already in 2012. In the future, each state must announce a major activity each year, regardless of whether it meets the troop threshold or not. Work on these reforms is unfortunately hampered by linkages with the CFE Treaty. A number of states wish no expansion of inspections, arguing that a greater implementation effort would not result in a significant security gain.

Furthermore, it has also been agreed to adapt the VD dynamically to comprehensive changes in the armed forces of most OSCE states. Modernisation proposals in this area have concerned the exchange of information on naval forces, which have hitherto been neglected, but have become important; notifications concerning the activities of multinational rapid deployment forces; and notices regarding the transit of military units.

The VD is gaining importance especially at the sub-regional level. Although Georgia and Russia appealed to the VD in May 2008 and requested clarification of military developments under Chapter III, a war erupted in August of the same year.

Obviously, the conflict prevention mechanisms of the VD had failed. The expansion of regional confidence-building measures could no doubt diminish the susceptibility to conflict of certain regions, such as the Caucasus. This is confirmed by the success of agreements such as the Black Sea Naval Force (BLACKSEAFOR) agreement of 2001 or the confidence- and security-building mechanisms of the 1995 Dayton Agreement, which during 2014 should be carried over into a regional agreement that would continue to ensure stability in the Balkan region.

A key issue of Switzerland's OSCE chairmanship

Switzerland, as a non-member state, is only a bystander in the negotiations surrounding the CFE regime, although the substance of the treaty is of relevance to Swiss security policy as well. Primarily, however, it is the parties to the treaty, in particular Russia and the US, that must move towards rapprochement and strive to achieve progress. Switzerland could provide an informal platform for doing so and foster talks and expert workshops. Switzerland has taken such measures into account while setting priorities for its year-long OSCE chairmanship. In addition, within the multi-year OSCE institutional reform process ("Helsinki+40"), Switzerland will be able to put a special focus on arms control. However, the main OSCE body for debating disarmament and arms control is the Forum for Security and Cooperation (FSC) with an independent chairman. Close cooperation between the Swiss OSCE chairmanship and the FSC will be important.

In addition, tangible progress in arms control can only be achieved if the US and Russia act in concert. The search for consensus will initially take place within the so-called "Group of 36", i.e., the 30 CFE member states plus the six new NATO members Estonia, Latvia, Lithuania, Albania, Croatia, and Slovenia. This is unfortunate for Switzerland and the other 20 OSCE states that are not part of the exclusive Group of 36: They are essentially second-tier actors and will likely have to go along in the 57-strong OSCE caucus with any consensus adopted as a *fait accompli* by the 36 (see map, p. 3).

Unlike in the case of the impasse-ridden CFE Treaty, Switzerland can play a more active role in the updating of the VD, where it has expertise and experience to contribute. For several years already, Berne

has been actively involved in the further development of the document, and it has deputised Pierre von Arx as the coordinator of the VD negotiations whose role is to achieve a consensus among the various parties in Vienna. Whether Switzerland will be able to make substantial progress in this area in 2014 within the consensus-based OSCE depends on the willingness of the participating countries to cooperate.

Switzerland will use its position as OSCE chairman country to advance the search for consensus on the various proposals. On the one hand, a proposal has been tabled to reduce the threshold agreed in 1992 for notification of military activities from 9'000 to 5'000 troops. Moreover, there are plans to cover new categories such as drones, logistical units such as transport helicopters, or electronic warfare in the future. In modern conflicts, qualitative issues are growing increasingly important. However, it is in these areas that transparency is a particularly sensitive matter, which is why no major progress should be expected here; this means, though, that without a focus on areas of military relevance, arms control will continue to diminish in importance. There are specific examples of how the VD could enhance military predictability and transparency in the OSCE space: For instance, technological progress in the modernisation of armed forces could be evaluated, or the effects of transformations in military doctrine on arms control could be compared. A dialogue on threat perceptions could also be helpful in restoring trust among the OSCE partners.

In 2011, Switzerland negotiated an exemplary status-neutral agreement between Russia and Georgia for this sub-regional conflict while skilfully avoiding the stumbling blocks of Abkhazia and South Ossetia, which are also relevant for the OSCE. Although no progress is anticipated in modernising the VD or the CFE Treaty due to the current tensions between the US and Russia, Switzerland might nonetheless be able to provide the occasional creative impetus during its OSCE chairmanship that can contribute to breaking the current deadlock. A crucial aspect in this regard will be to introduce new measures to adapt the arms control regime in Europe with its valuable confidence- and security-building measures and verification measures to the military realities of the 21st century and to shift the focus from assets to capabilities.

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