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Conventional Arms Control and Military Confidence-Building with Russia

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Abstract

Thirty years after their inception, the European arms control regime and military trust-building stand at a crossroads. Moscow has not been involved in the implementation of the Treaty on Conventional Armed Forces in Europe (CFE Treaty) since December 2007. Revision of the Vienna Document on confidence- and security-building measures has stagnated since 2011. The future of the Open Skies Treaty (OST), too, has been in jeopardy since the United States announced its intent to withdraw from the agreement. Unless political relations between NATO and Russia improve, Europe's military stability will be weakened still further.

Introduction

The history of conventional arms control and military confidence-building in Europe is a relatively short one. While its political roots date back to the early 1970s, its actual implementation began only in the brief period between 1989 and 1992 and coincided with the end of the Cold War and the dissolution of the Soviet Union. This was made possible largely by changes to Soviet policy introduced by CPSU general secretary Mikhail Gorbachev. In addition to the domestic policy-focused concepts of glasnost and perestroika, Gorbachev's *New Thinking* and the "reasonable sufficiency" principle, which stated that armaments should be limited to a level necessary for defense, ushered in an unexpected shift in foreign and military policy.

In December 1988, Gorbachev announced the reduction of the Soviet army by half a million soldiers and the withdrawal of six divisions from Hungary, the former Czechoslovakia, and East Germany. Following the ratification of the INF Treaty in June 1988, these and other initiatives posed a challenge to the United States, which wanted to chart its own course in arms control. In May 1989, President George H. Bush revived the proposal for a Treaty on Open Skies (OST), an idea originally pursued in the 1950s by President Eisenhower. The aim of the treaty was to permit mutual aerial surveillance in order to strengthen transparency and confidence. Initial negotiations began in 1990 at conferences in Ottawa and Budapest and ultimately led to the signing of the treaty in March 1992. The OST entered into force in 2002. Today, an average of 100 observation flights take place every year in accordance with fixed flight quotas.

In parallel with this, the 35 signatory states of the 1975 CSCE Final Act in Helsinki developed further ideas for encouraging military transparency and confidence-building despite continued divisions on the European continent at the Conference on Confidence- and Security-Building Measures and Disarmament in Europe (CDE) from 1984. The resulting Stockholm Document, which was adopted in 1986, constituted

a breakthrough. For the first time, states agreed upon concrete, verifiable, and politically binding confidence-building measures, such as notification of military activities and clear rules for the observation of military exercises. In 1990, these provisions were incorporated in expanded form into the Vienna Document on confidence- and security-building measures, which has since been updated four times—most recently in 2011.

Eventually, NATO and the members of the Warsaw Treaty Organization (WTO; also known as the Warsaw Pact) commenced negotiations in Vienna on what would become the Treaty on Conventional Armed Forces in Europe (CFE Treaty). The goal was the disarmament of large conventional weapons (including combat tanks and artillery), primarily in East and West Germany, Central Europe, and the Soviet Union. NATO's main concerns were reducing the numerical superiority of the WTO, which would potentially increase flexibility in nuclear deterrence, and reducing the prospect of successful large-scale surprise attacks. For the Soviet Union under Gorbachev, the focus was on reducing costs and on long-term societal and economic reforms.

Even then, it was clear to all observers that conventional arms control and the confidence- and security-building measures (CSBMs) would not remain limited to the stabilization of East-West relations. Rather, they were instruments intended to accompany political change and, in the end, redefine the security order in Europe. This function became obvious following the unexpected dissolution of the WTO and the Soviet Union in 1991. The actual implementation of arms control as a process that began in the 1990s thus had the goal of consolidating the new and still evolving political order on the European continent.

Is Conventional Arms Control a Relic of the Cold War?

Nearly 30 years later, the European arms control architecture is at a crossroads. The CFE Treaty, once the corner-

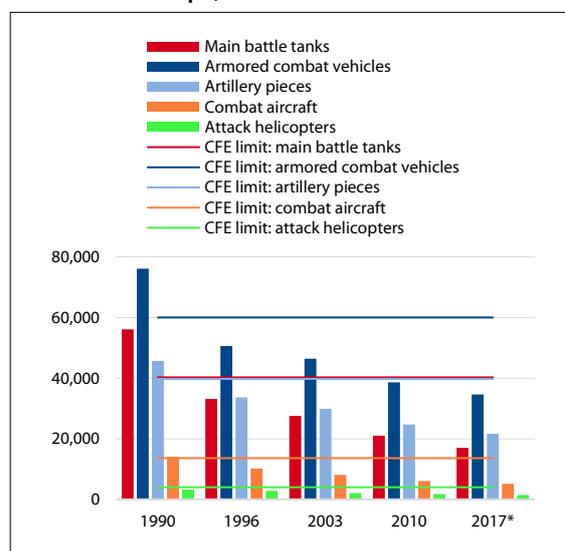
stone of European security, was rendered politically toothless in December 2007 by Moscow's suspension of the treaty. Since then, neither on-site inspections nor information exchange regarding weapons stocks limited by the treaty have taken place in Russia. The NATO member states discontinued their implementation of the treaty vis-à-vis Russia in late 2011. Russia also eventually withdrew from the CFE Treaty Joint Consultative Group in March 2015; its interests have since been represented by Belarus.

For Russia, the CFE Treaty primarily amounted to a limitation of its freedom of movement and deployment in the so-called flank regions, which include the former military districts in the Caucasus and Leningrad. In addition, the treaty's bloc structure, which endures to this day, had already been rendered void following the dissolution of the WTO. When the three Baltic states—Estonia, Latvia, and Lithuania—became independent, they simultaneously declared that they would opt out of the not-yet-ratified treaty. The first two waves of NATO enlargement, in 1999 and 2004, also pushed the CFE Treaty's structure to the point of absurdity. The Adapted CFE Treaty, which was signed in November 1999, was intended to remedy this anachronistic state of affairs. The adapted treaty established national ceilings and an improved information and inspection mechanism, as well as opening up the treaty to new members.

However, the agreement never entered into force. While Belarus, Kazakhstan, Russia, and Ukraine ratified the adapted treaty until 2004, NATO has, since 2002, refused to ratify until Russia fulfills the so-called Istanbul commitments. These are commitments made in the 1999 OSCE Istanbul Summit Declaration, which Russia pledged to implement. They include the full withdrawal of troops from Moldova and, in accordance with Annex 14 of the Final Act of the Conference, the reduction of military equipment stationed in Georgia and the closing of two military bases by July 2001, as well as a commitment to negotiate the modalities of the functioning of two further bases. While Russia complied to a large extent with these demands by reducing the number of troops as well as munitions from Moldova and reaching an agreement with Georgia in 2005 on the closure of all remaining military bases by the end of 2008, it refused to fulfill other requests, such as the withdrawal of peacekeeping forces from Transnistria, Abkhazia, and South Ossetia.

In addition to its political value, however, the military value of the CFE Treaty in its current form is also in question. On the one hand, since it was signed, the treaty has contributed significantly to the destruction of over 100,000 heavy weapon systems throughout Europe. The build-up of conventional arms on the continent was thus essentially brought to an end, and the process of disarmament persists, at least in part, to this day.

Figure 1: Disarmament of CFE Weapons Systems in Europe, 1990–2017



See also Table on p. 16; *incl. data for the Russian Federation from 2010

Sources: For 1990: Zellner, W. (1994): *Die Verhandlungen über Konventionelle Streitkräfte in Europa. Konventionelle Rüstungskontrolle, die neue politische Lage in Europa und die Rolle der Bundesrepublik Deutschland*, Nomos Verlagsgesellschaft: Baden-Baden, S. 365–366.

Note: Between 1988 and 1990, the Soviet Union removed thousands of weapons systems beyond the Ural Mountains and thus outside the geographical scope of the CFE.

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For 2017 ff: Ministry of Defense of the United Kingdom (2017): "Vehicle & Aircraft Holdings within the scope of the Conventional Armed Forces in Europe Treaty," https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/279985/2013.xls.

On the other hand, the treaty provisions reflect neither the political situation nor the current structures of military forces and their weaponry. With few exceptions, the member states have no trouble keeping to the Cold War-oriented arms limits. At the same time, the treaty does not include modern weapons systems that could potentially have a destabilizing effect on security relations, such as drones and air defense systems as well as naval forces. Threat perceptions and potential risk scenarios in the event of conflict have also changed significantly since the Cold War era.

Military Confidence-Building after the Annexation of Crimea

The focus today rests not on large-scale offensives for territorial gain or surprise attacks, but rather on potential escalation scenarios resulting from miscommunication,

risky maneuvers, and a lack of transparency in military exercises in sub-regional contexts. Since the start of Russia's military operations in Crimea, the subsequent annexation of the peninsula in March 2014, and the beginning of armed conflicts in parts of Donbass, the question of military confidence-building and cooperative conflict resolution is once again at the center of political attention.

The OSCE's Vienna Document has proved to be an important instrument in risk management and crisis communication during the Ukraine crisis. In 2014 and 2015, the OSCE member states were already making extensive use of the opportunity to make consultation and information requests with regard to unanticipated and unusual activity by armed forces in Russia and Ukraine (Vienna Document, Chapter III).

Furthermore, on-site inspections and evaluations were being performed in Ukraine as well as Russia within the scope of the Vienna Document provisions in Chapters IX and X. Five exceptional meetings of the Forum for Security Cooperation (FSC) and the OSCE Standing Committee took place between February and August 2014 alone, with three meetings related to mechanisms for risk minimization. Russia, however, was partly absent and refused additional, voluntary visits for the purpose of monitoring military activity per Chapter III of the Vienna Document.

The Ukraine crisis thus also revealed the limits of cooperative security in cases of military conflict, since the efficacy of CSBMs depends largely upon political willingness to cooperate. Multiple attempts by a multinational inspection team to obtain access to Crimea in March 2014 were unsuccessful. In April of that year, separatist militias detained a Germany-led observation team, which had been invited to Ukraine on the basis of Chapter III of the Vienna Document, at the behest of the self-proclaimed "people's mayor" of Sloviansk. Only following efforts by the OSCE and the Ukrainian government, as well as the direct intervention of Moscow, was the team released two weeks later.

Against this backdrop, the creation of the civilian Special Monitoring Mission to Ukraine (SMM) in March 2014, which initially consisted of 500 observers, is an important achievement despite ongoing access issues. In March 2015, the number of observers working in Western and South-east Ukraine increased to a record 1,000. Since the Minsk Protocol was signed in September 2014 and February 2015, the SMM also performs duties central to monitoring the still-fragile ceasefire and verifying the pullout of heavy weaponry. The OSCE deployed drones for the first time in its history in order to fulfill these monitoring duties.

Aerial surveillance measures in Ukraine have also been used within the framework of the Open Skies Treaty. In March 2014, Sweden, the US, and Canada each conducted an overflight outside of the flight quota

system at the invitation of Ukraine. During the same month, Russia permitted Ukraine to conduct an overflight of its southwest border region. An additional flight over the Ukrainian-Russian border region by the US followed in May. In June 2014, however, one of two Ukrainian Open Skies aircraft was shot down over Sloviansk during a mission undertaken outside the treaty.

As a result, further Open Skies flights over the immediate combat zone and nearby areas were suspended. Nevertheless, between March and August 2014, a total of 22 regular OST missions (out of 35 total successful overflights of Russia and Belarus in 2014) were flown over Russia, with most of the missions concentrated in the Southwest and the Ukrainian border region. Following a military confrontation between Russian and Ukrainian ships in the Kerch Strait in December 2018, the United States, Great Britain, Canada, France, Germany, and Romania used an Open Skies mission to emphasize their political solidarity with Ukraine.

The annexation of Crimea, however, has meant that in practice, military facilities and bases on the peninsula no longer fall within the framework of the Vienna Document or the OST. Russia did invite overflights as early as May 2014, later designating an airport in Sevastopol for refueling, and extended the Vienna Document's scope of application to include the Crimean peninsula. To this day, however, no OSCE member has availed itself of this opportunity. Verification and the performance of inspections and overflights would indirectly legitimize Crimea's affiliation with Russia.

Present-Day Challenges and Perspectives

Difficulties in implementing the CSBMs extend beyond the existing territorial and status conflicts in the post-Soviet sphere, however, because the Vienna Document provisions—like those of the CFE Treaty—are outdated and in need of reform. In addition to political provisions for risk reduction as per Chapter III, the mechanisms for notification and monitoring of military activities take center stage here. Currently, military exercises involving 9,000 troops or more must be announced in writing 42 days in advance. If the number of participants reaches 13,000 troops, the states involved are required to allow third parties to observe the military activities.

Since the end of the Cold War, however, these thresholds have rarely been reached. The currently valid levels (for troop numbers and combat tanks) date back to the year 1992. In addition, notifications and observation visits are required only if the activities have been announced in advance to the troops involved and are subject to unified command in the zone of application. Voluntary concessions agreed upon by the OSCE member states in the FSC therefore account for the majority of notifications and observation visits today.

A significant lowering of the threshold values, as well as a closing of the aforementioned loopholes, has been discussed for many years. From NATO's perspective, Russia purposefully subverts the spirit of the Vienna Document though the use of "snap exercises" on short notice and by deliberately splitting up large-scale strategic exercises involving tens of thousands of participants. At the same time, Russia is becoming less and less interested in updating the agreement.

At the FSC's last meeting on a new edition of the Vienna Document in 2016, Moscow firmly rejected the update, justifying its position on the basis of NATO's policy of deterrence and the resolutions on increased NATO presence in the Baltic region. Moscow argued that a modernization of the Vienna Document could only take place if Russian interests were respected and relations returned to the status quo ante 2014. This position reveals a fundamental difference between NATO and Russia. While states in the West seek to stabilize political relations by means of technical solutions, Moscow insists on a political solution and makes the technical implementation of the CSBMs dependent on this. Meanwhile, given the new great power rivalry, the US now seems to prefer a political approach as well.

The OST situation clearly illustrates this. In May 2020, the US announced it would withdraw from the treaty. The withdrawal will take effect at the end of November. The primary reasons cited for the decision are Russian violations of the treaty, such as a flight distance limit of 500 kilometers above the Kaliningrad territory and a ban on overflights in a ten-kilometer-wide corridor on the borders of Abkhazia and South Ossetia, two Georgian territories recognized by Russia as sovereign.

But the current U.S. administration also objects to both the monitoring of U.S. territory and involvement in multilateral agreements. The other 33 member states, in contrast, want to maintain the treaty. In October 2020, an agreement was reached on the allocation of overflights for 2021. Without the possibility of conducting overflights in U.S. airspace, however, Russia's long-

term participation in the treaty is uncertain, especially as Moscow suspects that NATO will continue to provide Washington with data collected during overflights over Russia even after the US withdraws from the treaty.

In light of the multidimensional crisis in arms control and military confidence-building, Germany established the Structured Dialogue format in August 2016 during its tenure as OSCE chair. The Dialogue is intended to provide an additional format that encourages dialogue on reviving cooperative security policy. The aim is, first and foremost, to establish the prerequisites for dialogue rather than undertake a complete restructuring of European arms control. The exchange takes place within an Informal Working Group focused on risk perception, military doctrines, and the efficacy of CSBMs. To date, however, the participating states have been unable to agree on mutual, substantive positions.

Conclusion

Experts have been calling for a reform of conventional arms control in Europe for more than ten years now. But while there is no shortage of proposed technical solutions, reform is hardly possible under the current political conditions. The option of ensuring military transparency through CSBMs has met thus far with only limited success, at least in part because the underlying political conflict persists. Taking refuge in preventative arms control, which seeks to regulate emerging technologies, will do little to change this.

Within this framework, European security policy remains dependent upon the evolution of bilateral U.S.–Russian relations at the global level, as for Russia, NATO is primarily a vehicle for U.S. military policy and American political hegemony. From this perspective, arms control and military confidence-building are only useful if they offer an advantage from the standpoint of strategic rivalry, help to limit the freedom of movement of U.S. forces, or at least improve transparency about them. The future of conventional arms control in Europe will depend on learning to deal with this approach.

About the Author

Dr. Alexander Graef is a researcher in the project "Arms Control and Emerging Technologies" at the Institute for Peace Research and Security Policy at the University of Hamburg (IFSH). His research focuses on conventional arms control and Russian security and defense policy.

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Table 1: Disarmament of CFE Weapon Systems in Europe, 1990–2017

	1990	1996	2003	2010	2017*	CFE limits
Main battle tanks	56,079	33,099	27,572	20,979	16,970	40,000
Armored combat vehicles	76,090	50,594	46,425	38,646	34,613	60,000
Artillery pieces	45,628	33,708	29,833	24,681	21,681	40,000
Combat aircraft	14,076	10,167	8,114	6,110	5,069	13,600
Attack helicopters	3,256	2,763	2,096	1,750	1,393	4,000

*incl. data for the Russian Federation from 2010

Sources: For 1990: Zellner, W. (1994): *Die Verhandlungen über Konventionelle Streitkräfte in Europa. Konventionelle Rüstungskontrolle, die neue politische Lage in Europa und die Rolle der Bundesrepublik Deutschland*, Nomos Verlagsgesellschaft: Baden-Baden, S. 365–366.

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COMMENTARY

Navalny, Russia and the Chemical Weapons Prohibition

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Abstract

How the Kremlin deals with accusations that it is responsible for the Novichok attack on Alexei Navalny is a test case for Russia's role within the Chemical Weapons Convention (CWC). If Moscow changes its policy of deception and takes steps to come clean on its Novichok program, the West should proactively create the diplomatic elbow room necessary for Russia to realign itself with the CWC. In the end, the international community must receive verifiable assurances that the Russian Novichok program has been completely dismantled.

The failed attempt to assassinate the Russian opposition politician Alexei Navalny with the nerve agent Novichok is quickly turning into a test case for Russia's role within the Chemical Weapons Convention (CWC). How the Kremlin chooses to deal with accusations that it is responsible for the attack will be an indicator of Moscow's interest in multilateral arms control as an instrument of global cooperation. The international community should continue to name Russian acts of non-compliance with the CWC. At the same time, it should leave the door open for cooperation from Moscow within the chemical weapons regime. The CWC's rules and procedures should be applied with a sense of proportion in order to persuade the Kremlin to comply with and implement the treaty.

Out of the Light, into the Shadows: Russia and the Chemical Weapons Convention

Moscow's support remains central for the successful implementation of the ban on chemical weapons. When Russia ratified the agreement in 1997, it was the largest possessor of chemical weapons—the United States being the second largest. The safe destruction of approximately 40,000 metric tons of Russian chemical weapons was carried out under international verification within the CWC framework. Many states, including Germany, supported these demilitarization efforts. Russia still needed around 20 years to complete the dangerous task of chemical weapons disarmament safely and successfully.