



THE FUTURE OF THE CFE TREATY

Why It Still Matters

Jeffrey D. McCausland



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Cover photo: Belarus army soldiers on top of tanks wait during a break in a rehearsal of the Independence Day military parade, in Minsk, Monday, June 30, 2009. (AP photo)

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Executive Summary

The future of the Treaty on Conventional Armed Forces in Europe, widely considered to be the cornerstone of European security, was thrown into stark question when the Russian Federation announced in December 2007 that it would suspend its participation in the treaty. The 1990 treaty, considered the most ambitious and far ranging conventional arms control treaty in history, established limits on the numbers of conventional military hardware deployed in Europe, required substantial reductions in conventional arsenals, and created an intrusive regime of inspections and verification. In many ways, the treaty changed the face of European security by establishing new, cooperative political-military relationships.

It is critically important that a negotiated compromise is found that avoids the collapse of this “cornerstone,” which would have dramatic consequences for European security. The status quo is not sustainable. If Russia continues its suspension and efforts to resolve the issues that precipitated the Russian withdrawal remain deadlocked, the treaty will, over time, collapse. This would change the face of European security — and not for the better. There appear to be only three possibilities — and no easy way to reach critical political will on any of them:

- First, Russia returns to the existing treaty regime and subsequently removes its forces from Abkhazia and South Ossetia, as agreed by the Russian Federation originally at the signing of the adapted treaty in Istanbul and demanded by the states that have thus far refused to ratify the treaty.
- Second, NATO agrees to address Russian CFE demands and ratifies the adapted treaty despite the continue presence of Russian forces in Abkhazia, South Ossetia, and Moldova.
- Third, negotiators take the framework endorsed by NATO in the form of the parallel actions package and work the details. In this package, NATO has shifted its position on ratification, suggesting that countries can move forward with the ratification process *in parallel* with final resolution and implementation of the Istanbul commitments, as well as movement on other aspects of a package.

In all scenarios above, progress in the disputes in the Caucasus will make it easier to reach a better outcome with regards to the CFE. Furthermore, all parties would benefit from intensive negotiations to resolve the underlying disagreements between Russia and its North Caucasus neighbors in a fashion that allows the adapted treaty to be ratified.

There is, of course, a fourth possibility: maintenance of the status quo. In this scenario, the treaty over time will collapse, and with it the strong cooperative basis of the current Euro-Atlantic security architecture. Other states parties are unlikely to continue to implement a treaty in the face of Russia’s prolonged unilateral suspension.

A number of the core Russian concerns can best be addressed not by abandoning CFE but the opposite—through entry into force of the adapted treaty. The adapted treaty provides the means through which Russia can ensure predictability in the levels and locations of NATO forces, as well as a means of inspecting these forces against the information that

NATO provides. Still, it is unclear whether all of the Russian concerns can be resolved within the context of the CFE treaty. Moscow has also recommended a new pan-European security agreement. Consequently, it would seem more likely that resolution of the disagreement over the CFE treaty might be a valuable precursor that would allow for serious negotiations on a number of European security issues to occur.

Introduction

In April 2009, the EastWest Institute (EWI) convened an off-the-record discussion with policymakers, academics, military professionals, and members of the Washington diplomatic community to discuss the current status of the Treaty on Conventional Armed Forces in Europe (CFE) and next steps in building a sustainable Euro-Atlantic security architecture. Most participants noted their pleasant surprise at being asked to join a discussion on the CFE, as it hardly seems a priority issue anymore. Indeed, transnational threats — whether nuclear nonproliferation or terrorism — certainly receive more policy and public attention. But the fate of this Cold War-era conventional weapons agreement is important beyond its original purpose of reducing the risk of conflict and surprise attacks in the heart of Europe. The CFE treaty has played a vital role in contributing to European security by standardizing transparency and predictability, thereby becoming a powerful confidence-building mechanism. But Russia's suspension of its participation in CFE and the unwillingness of most participating states to ratify the adapted CFE treaty constitute a blow to this "cornerstone of European security." The corresponding negative effects could spill over to other issue areas, including those issues that are much more prominent on the security agenda in Europe, Russia, and the United States.

Despite the pleasant surprise among participants that EWI is trying to revive discussion on the CFE and Euro-Atlantic security issues more generally, it should not be surprising that at this meeting there was little consensus on how to revive the CFE. There were also few concrete recommendations on how Euro-Atlantic security could be framed (or reframed), especially in light of ongoing disagreements over the possible entry of Georgia and Ukraine into NATO, the possible deployment of American anti-ballistic missile defenses in Central Europe, and other fundamental issues.

What follows is a paper on the CFE and Euro-Atlantic security in general that was informed by this discussion (conducted under the Chatham House rule) as well as larger ongoing discussions in policy and academic circles. It lays out the background of the CFE treaty, how it has contributed to European stability, and discusses three possible options for the current impasse.

Background

The Treaty on Conventional Armed Forces in Europe (often referred to as the CFE treaty) was signed in Paris on November 19, 1990, between members of the North Atlantic Treaty Organization (NATO) and the Warsaw Pact. At its signing many analysts hailed it as "the cornerstone of European security," and it is clearly the most ambitious and far ranging conventional arms control treaty in history. It underscored a transformation of European security that is still ongoing and whose end state is unclear.¹

The events that framed this transformation have been both largely peaceful *and* remarkable. Only a year before on November 9, 1989, the Berlin Wall, which had served as perhaps the primary symbol of the Cold War for nearly forty years, was breached. Six weeks prior to the Paris signing of the CFE, Germany formally reunited into a single state. The twenty-two states that signed this agreement have now subsequently increased to thirty-four. One of the alliances — the Warsaw Pact — has dissolved and the other — NATO — has enlarged. A key signatory to this agreement — the Soviet Union — has disappeared and been replaced by fifteen successor states. Finally, the states that convened in Paris did so under the overall auspices of the Conference on Security Cooperation in Europe (CSCE). This organization has now grown to fifty-six members and become the Organization for Security Cooperation in Europe (OSCE), which reflects that it has now matured into an international organization.

It is hard to correlate completely the cause and effect of policies and apply metrics against something that did not happen. The end of the Cold War, the demise of the Soviet Union, the dissolution of the Warsaw Pact, and the emergence of new states and actors in Europe over the past twenty years all occurred largely without violence. War did occur in the former Yugoslavia but this region was outside the area of application of the CFE treaty, and Yugoslavia did not participate in the treaty process. It is not hard to imagine that such a period of upheaval could have resulted in major conflicts, but this did not occur. Consequently, it is important to remind ourselves that level of transparency achieved by the CFE treaty is particularly valuable and astonishing when one considers the security situation in Europe twenty-five years ago. In many ways this agreement has made the extraordinary routine.

¹ Dorn Crawford, Convention al Armed Forces in Europe (CFE) – A Review and Update of Key Treaty Elements, U.S. Department of State, March 2009.

An adapted treaty that reflects many of these political changes was signed on November 19, 1999, at the OSCE Istanbul summit, but at this moment still has not been ratified by the majority of the states involved. All must ratify for it to formally enter into force. At this writing the treaty is endangered by the lack of progress in ratifying the adapted agreement and the decision by the Russian Federation to suspend compliance.

This obviously leads to several important questions that will be examined as part of this analysis. What is the role of the CFE treaty as part of contemporary European security architecture? How has it performed since its signing and what is its current status? Finally, what steps must be taken to insure that this agreement remains relevant and continues its “cornerstone” role?

The “Original” CFE Treaty and Adaptation

Conventional arms negotiations between NATO and Warsaw Pact countries first began with the Mutual and Balanced Force Reduction Talks (MBFR) that commenced in Vienna in 1973. These discussions accomplished very little and were replaced in 1987 with the CFE negotiations. Despite the failure of MBFR, NATO and Warsaw Pact negotiators successfully crafted the CFE treaty in three years between 1987 and 1990.

As a result, many commentators have argued that these negotiations had been successful while MBFR had failed because a new more effective formula for the talks had been discovered. This is not accurate. The real difference between 1973 and 1987 is that in 1973 neither the United States nor the Soviet Union truly wanted an agreement. The Nixon administration entered these discussions largely to defuse efforts in the United States Senate to reduce unilaterally U.S. forces from Europe. The Kremlin entered the negotiations as a tool to try to drive a wedge between Washington and its European allies. By 1987, however, conditions had changed. Soviet leader Mikhail Gorbachev realized that he needed a treaty to reduce the economic burden of deploying large conventional forces in Eastern Europe and as part of his efforts to reform the crumbling Soviet Union.

The talks commenced in January 1988 and the following mandate was agreed upon to guide these negotiations:

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.²

The final agreement required alliance or “group” limitations on tanks, artillery, armored combat vehicles, combat aircraft, and attack helicopters — known collectively as treaty-limited equipment (TLE) — in an area stretching from the Atlantic Ocean to the Ural Mountains. Specific national limits for each treaty signatory were determined during negotiations among the members of the two respective alliances. Following the demise of the Soviet Union, the successor states (within the area of treaty application) determined their respective limits from the total allocated to the Soviet Union in May 1992. The three Baltic states (Lithuania, Latvia, and Estonia) did not participate in the discussions on the national limits for the successor states of the Soviet Union. They argued that they had been “occupied territory” and, therefore, their territory was no longer part of the treaty’s area of application. Still, following their entry into NATO, all three Baltic States have indicated their willingness to accede to the adapted CFE treaty once it enters into force.

Bloc limitations for NATO and the former Warsaw Pact were further restrained by a series of five geographic nested zones for land-based TLE with respective limits for each zone. This was done to achieve the goals established in the mandate to prevent the destabilizing concentration of conventional military armament. Cumulative limits are assigned on holdings of treaty-limited ground based equipment in each zone. This construct has the effect of permitting free movement of equipment and units away from but not towards the central European region, which thus inhibits surprise attack in the area deemed during the Cold War to be the most vulnerable.

The Soviet Union (and subsequently the Russian Federation) further accepted the so-called “flank zone.” This portion of the agreement places limits on ground based systems in the Leningrad and North Caucasus Military Districts in the Russian Federation. Norway is part of the northern portion of the flank and the north Caucasus states, Turkey, Greece, Bulgaria, Romania, and Moldova are in the southern portion. Limitations on helicopters and attack aircraft only apply to the entire area of application due to their ability to reposition rapidly.

Only one year after the signing of the initial agreement and as treaty implementation was commencing,

² Crawford, 5.

Russian leaders began arguing for adjustments to their equipment limits. They began pressing concerns about Russia's equipment limitations particularly in the flank region, and Moscow undertook a campaign to alter those limits. A final compromise was achieved at the first review conference (May 1996) that permitted Russia higher force levels in the flank zone, established a May 1999 deadline for Moscow to meet these adjusted levels, and reduced the overall size of the flank zone.³ Still, the problem of Russian force levels in this area would continue to bedevil negotiators. It was exacerbated by Russian military operations in Chechnya (which is in the flank region) and the conflict between Russia and Georgia in 2008. At the same time, treaty signatories had already begun (as agreed at the 1996 CFE review conference) to embark on a "modernization" of the treaty in order to adapt it more broadly to the changed European security architecture, one without a Soviet Union or a Warsaw Pact.

These CFE treaty adaptation negotiations continued from 1996-1999, through a period in which the European landscape continued to evolve. Of direct relevance to the treaty and conventional forces, NATO began its process of enlargement. The enlargement process, together with the dissolution of the Soviet Union, surfaced a number of Russian concerns again about changes that needed to be made to the treaty. Many are identical in theme to those that Russia is raising currently.

On November 19, 1999 (the ninth anniversary of the CFE treaty), thirty leaders signed the adapted treaty. All nineteen NATO members accepted lower cumulative national limits (from 89,026 TLE to 79,967). All signatories accepted the new structure of limitations based on national and territorial ceilings consistent with the principle of host-nation consent for the presence of foreign forces on any country's territory. The agreement also provided enhanced transparency through increased quotas for mandatory on-site inspections, operational flexibilities to exceed ceilings temporarily, and an accession clause.

The states parties also adopted the "CFE Final Act." This document contains a number of political commitments related to the adapted treaty. They contain: (1) reaffirmation of Russia's commitment to fulfill existing obligations under the treaty to include equipment levels in the flank region; (2) a Russian commitment to exercise restraint in deployments in its territory adjacent to the Baltic; (3) the commitment by a number of Central European countries not to increase (and in some cases to

reduce) their CFE territorial ceilings; and (4) Moscow's agreement with Georgia and Moldova on the withdrawals of Russian forces from their territories. President Bill Clinton noted in his statement at the conclusion of the summit that he would not submit the agreement for review by the Senate until Russia had reduced to the flank levels set forth in the adapted treaty to include removing its forces from Georgia and Moldova.

The most important agreed change in this adapted treaty was that the parties took the old treaty out of the Cold War framework, eliminating the bloc construct and reflecting the new reality of a Europe no longer divided. The original treaty's group limits were replaced by national and territorial limits governing the treaty-limited equipment of every state party. The treaty's flank limits were adjusted for Russia, providing Russia considerably more flexibility for deployment of armored combat vehicles (ACVs) in the northern and southern portions of the flank than it had under the original treaty. Corresponding transparency measures that apply equally to Russia and all other states parties were a crucial part of this deal. Having taken the group structure out of the treaty to reflect that Europe was no longer divided, NATO members and other states parties committed to lowering their ceilings in the adapted treaty. These ceilings became more explicit in the adapted treaty text and codified in Istanbul. Actual conventional force levels are well below those ceilings and in the case of NATO members, well below the original group limits.

Other provisions were adopted to reflect the new security environment. Russia's concerns about the three Baltic republics achieving NATO membership were addressed by adding an accession clause to the adapted treaty. As previously mentioned, these states indicated their readiness to request accession once the adapted treaty entered into force. The 1997 NATO-Russia Founding Act contained a key sentence to address Russia's concerns about stationed forces on the territory of new member states. That sentence says:

NATO reiterates that in the current and foreseeable security environment, the Alliance will carry out its collective defense and other missions by ensuring the necessary interoperability, integration, and capability for reinforcement rather than by additional permanent stationing of substantial combat forces.

Throughout this period of the 1990's, the treaty signatories also dealt with a raft of implementation issues — the flank issue and destruction of Russian equipment — and reached, for the most part, a successful resolution to these concerns.

³ Zdzislaw Lachowski, "The CFE Treaty One Year After Its Suspension: A Forlorn Treaty?" SIPRI Policy Brief, January 2009, 1, <http://books.sipri.org/files/misc/SIPRIPB0901.pdf>.

The Russian Suspension

On December 12, 2007, the Russian Federation suspended its participation in the 1990 Treaty on Conventional Armed Forces in Europe.⁴ Moscow took this action due to the fact that the twenty-two NATO members bound by the 1990 agreement had not ratified the 1999 adapted treaty. During a June 2007 extraordinary conference, Russia provided a further detailed list of “negative effects” of the conduct of NATO states.⁵ These included overall NATO force levels, the flank limits, and other unspecified demands for additional transparency. In addition to these concerns, it was clear that Prime Minister Putin and Russian leaders in general were angry over a series of issues, including NATO enlargement, the independence of Kosovo, and plans to install American anti-ballistic missiles on Polish territory. Nonetheless, Moscow reassured the other treaty signatories that it did not intend to dramatically increase its force levels in the territory adjacent to their borders. Russian President Medvedev’s underscored Russia’s seriousness about its treaty concerns when he described the existing agreement as both “unfair” and “non-viable.” At the same time, Russian leaders have been quick to describe the contributions made by the treaty as valuable and further acknowledge the spirit of both trust and cooperation that it has engendered.

In terms of ratification, NATO members have argued since the Istanbul summit in 1999 that their ratification remained contingent upon Russia complying with obligations it freely accepted when the adapted CFE treaty was signed — the most contentious being the full removal of all Russian military forces from the territory of the former Soviet republics of Georgia and Moldova. Russia adamantly refutes this linkage and Vladimir Putin has publicly argued that “there is no legal link” between the adapted CFE treaty and these commitments.⁶

Practically speaking, therefore, the treaty is beginning to unravel. Russia has not provided data as part of the bi-annual data exchange since it suspended participation in 2007. Nor has Russia provided required information on changes to the location of ground treaty-limited equipment (TLE) and it is no longer accepting (nor participating in) the treaty’s routine and challenge inspection regime. The implications of this situation for the future health of the CFE treaty are serious. Although other parties continue to implement the treaty in full,

a situation in which Russia is not implementing core treaty provisions cannot be sustained forever. At some point, this state of affairs will cause other states parties to begin re-evaluating their own treaty participation. If that becomes the case, the treaty will truly unravel. This will have unforeseen implications not only for the ability to deal with other issues on the bilateral and European security agenda, but also possibly with respect to the defense postures among the states parties as well as other arms control agreements. Even President Medvedev, in his speech, seemed to have indicated his preference for avoiding the treaty’s “complete and final collapse.”

In March 2008 NATO endorsed a “parallel actions package” in an attempt to prevent the treaty’s demise. The package represented a serious shift in the NATO position as it called for NATO countries to begin the ratification process (which in some countries such as the United States might take several months) while Russia commenced its withdrawals. Once Russian forces had been removed from Georgia and Moldova, NATO countries would strive to complete ratification of the adapted treaty quickly. NATO members also pledged to address many Russian security concerns once the adapted treaty was in place. For example, all new NATO members that are not treaty signatories (Slovenia, Estonia, Latvia, and Lithuania) have agreed to accede. NATO also announced that following final ratification it would be willing to discuss Russian concerns about future weapon ceilings and limitations placed on Moscow in the so-called “flank zones” that border Turkey, Norway, and the Baltic republics.⁷

Unfortunately the negotiations made little to no progress between March and August 2008. They have now been largely undermined by the deteriorating relations between NATO countries and the Russian Federation in the aftermath of the conflict in Georgia. In fact, one expert observed that this conflict violated the principles contained both in OSCE documents as well as the preamble to the CFE treaty. These documents call for states parties to refrain from “the threat or use of force against the territorial integrity or political independence of any State,” as well as the commitment to peaceful cooperation and the prevention of military conflict anywhere on the European continent.⁸ This situation has been further complicated by Moscow’s subsequent decision to recognize South Ossetia and Abkhazia as independent states.

4 Zdzislaw Lachowski, “The CFE Treaty One Year After Its Suspension: A Forlorn Treaty?” SIPRI Policy Brief, January 2009, 1, <http://books.sipri.org/files/misc/SIPRIPB0901.pdf>.

5 Lachowski, 4.

6 Wade Boese, “Russia Unflinching on CFE Treaty Suspension,” Arms Control Today, May 2008, http://www.armscontrol.org/act/2008_05/RussiaCFE.

7 Boese.

8 Lachowski, 5.

What Have Been the Contributions of the CFE Treaty?

As noted earlier, the CFE treaty has long been referred to as the “cornerstone of European security.” But in light of the dramatic changes in European security architecture that has occurred since 1991, many wonder if it will continue to be the case and, if so, for how much longer? Obviously this question looms large in the aftermath of the Russian suspension and subsequent conflict between Georgia and the Russian Federation. Can this agreement assist in reestablishing a sense of cooperative security or has both its credibility and utility been undermined permanently?

Many diplomats and military leaders still believe the treaty continues to be of vital importance to European security. Some argue, however, that its vitality is dependent upon all states parties accepting the following: (1) the 1990 CFE treaty, with its 1996 flank adjustments, must continue to be fully implemented; and (2) the 1999 adapted treaty must be brought into force. Only upon that foundation can the CFE states parties take a forward-looking approach to any additional changes that must be made to continue to ensure the treaty’s viability.

In retrospect, the agreement can only be truly evaluated against the backdrop of European security during this crucial period. Oddly, the treaty was signed to prevent or at least reduce the likelihood of conflict between NATO and the Warsaw Pact. Shortly after it was signed the Warsaw Pact and the Soviet Union both disappeared, so the true value of the treaty must be considered in the context of the dramatic transition that ensued. In fact, some have argued that the “cornerstone” metaphor is misplaced. The CFE treaty has not been a static agreement. As Europe has weathered many changes, the treaty has been successfully adapted to accommodate those changes. The treaty clearly proved important in assuaging concerns about German reunification and provided transparency during the massive withdrawal of Soviet forces from Eastern Europe. In terms of the actual reductions of military equipment associated with the implementation of the original treaty the numbers are truly impressive. Over 69,000 Cold War-era battle tanks, combat aircraft, and other pieces of military equipment have been destroyed in the now thirty countries stretching from the Atlantic to the Ural Mountains. In many ways the treaty changed the face of European security by “establishing new, cooperative political-military relationships.”⁹ More than 5,500 on-site

inspections have been conducted, which has created a new sense of political-military cooperation and openness.

The true value of the treaty and the associated transparency measures were demonstrated during the various conflicts in the Balkans. Short notice inspections in accordance with CFE were conducted of U.S. forces in Germany by Russian inspectors as the American troops prepared to depart for Bosnia in 1995. As a result, these military operations were conducted without a significant increase in tensions. The Dayton Accords that ended the initial conflict in the former Yugoslavia in 1996 also contains an annex that established a “CFE-like” agreement between the contending states. The treaty was crafted to be nearly identical to the CFE treaty in terms of limits, definitions, transparency measures, etc. All of the Balkan states participating in this agreement expressed a desire to accede to the full CFE treaty at some point in future. Finally, in 1999 a Russian inspection was also conducted at Aviano airbase during the U.S.-led air campaign against Serbian forces in Kosovo. This helped allay to some degree Russian concerns about U.S. force deployments during this crisis.

Many experts believe the inspection regime may have contributed more to the reduction of tensions and crisis prevention during this dramatic transition in European security than the actual reductions. Some argue that the agreement’s greatest value may be the entire CFE system that encourages confidence through transparency. In the final analysis, the existing treaty (as well as the adapted agreement) provides a forum for the major European states to debate, agree, and maintain a set of rules about conventional military power on the continent that is critical to overall stability.¹⁰

What Would Failure Mean?

One Russian commentator remarked that the treaty is “a true relic of the Cold War and an example of how outdated agreements negotiated ‘a long time ago in a galaxy far, far away’ perpetuate adversarial relationships.” But this opinion is not shared by most treaty members and security experts. A group of distinguished Western diplomats, military leaders, and academics prepared a letter in 2008 that argued that the collapse of the CFE treaty would “...undermine co-operative security in Europe and lead to new dividing lines and confrontations.”

So, what would the future impact be if the CFE treaty failed and the flow of routinely provided information on conventional equipment, inspections to verify that information, and constraints on the levels of that equip-

⁹ U.S. Department of State, “Fact Sheet — Treaty on Conventional Armed Forces in Europe (CFE): Key Facts About the Current Treaty and Agreement on Adaptation, 2009, <http://www.state.gov/documents/organization/99850.pdf>.

¹⁰ Sherman Garnett, “The CFE Flank Agreement,” The Carnegie Endowment for International Peace, 1997, 1.

ment were to disappear? What would be both Russian and Western perspectives on a situation in which there were no limits at all on the level/location of conventional weapons deployments or the conventional force levels of treaty signatories? What would the European security picture look like if the habits of cooperation developed through the CFE treaty were undone?

Sadly, it is not too far-fetched to imagine that this could cause a dramatic realignment of European security. The loss of information and undermining of predictability would set the stage for historic animosities to resurface and lingering crises to potentially worsen. For example, there have been suggestions that Azerbaijan is counting on the failure of the treaty to provide it an opportunity to increase its military forces. Such a development would clearly exacerbate tensions between Azerbaijan and Armenia, who remain embroiled in a long simmering conflict over Nagorno-Karabakh.¹¹ This struggle has resulted in over 15,000 casualties since 1988 and over 800,000 Armenian and Azeri refugees.

Furthermore, Russia would also lose any transparency over the military forces of existing or future new members of the NATO alliance as well as the deployment of NATO forces on the territory of new members. Finally, the Baltic republics would not be allowed to accede to the existing agreement and, consequently, there would be no mechanism to affect transparency about military forces on their territory.

Many believe these developments might encourage an expansion in military forces or damage other agreements. For example, some experts believe Russia might reconsider its participation in the Intermediate-Range Nuclear Forces Treaty (INF) in an effort to improve its security posture. Then-President Putin threatened such action in a statement in February 2007. Loss of CFE would also remove a valuable crisis management tool from the security architecture and damage arms control as an instrument to enhance overall European stability. In this regard, Balkan observers believe the demise of the CFE treaty might mean an end to the arms control arrangements contained in the Dayton Accords. Obviously, such a development could contribute to renewed violence in that troubled region.

The demise of this agreement could also have a serious impact on other important aspects of European security. Moscow and Washington have had serious disagreements over the past decade and their bilateral relations are perhaps worse than any time since the end of the Cold War.¹² Despite the fact that the new admin-

istration of President Barack Obama has called for hitting the “reset button” in their relations, serious issues remain that may be affected on how the CFE imbroglio is resolved. For example, on June 1st of this year, Russian and American arms negotiators ended their first round of talks to renegotiate the Strategic Arms Reduction Treaty (START), which will expire on December 5, 2009. While there has been no explicit link between these negotiations and the CFE treaty deadlock, it is clear that the successful resolution of the issues surrounding the CFE treaty would improve the prospects of successful START negotiations.¹³

The collapse of the CFE treaty could spill over into other aspects of the Russia-NATO relationship as well. CFE's collapse could undermine the cooperative European security structures that have been built over the last fifteen-plus years. These efforts include the NATO-Russia Council, the OSCE, and prospects for building or enhancing future cooperation in other areas. Finally, if CFE is abandoned, its benefits would be difficult if not impossible to replace. It is hard to imagine how to build new arrangements if there is no foundation any more on which to construct them. Beyond that, if CFE is no longer a viable agreement, and the confidence building aspects of the regime are destroyed completely, over time it is entirely possible that some states parties will likely seek alternative arrangements that will replace the security benefits they now derive from the treaty.

Where Do We Go From Here?

As we look to the future, Russian and NATO strategists must carefully consider the deadlock over the CFE treaty and how conventional arms control more broadly can help reestablish a sense of cooperative security in the aftermath of the Russian-Georgian conflict. Michael Wyganowski, a former Polish diplomat who headed Poland's delegation to the CFE treaty negotiations in 1999, underscored the importance of the CFE treaty following the conflict. He observed that the accord was being relegated further to the sidelines by a conflict that actually underscored the importance of limiting conventional arms holdings.¹⁴

With respect to the future of the CFE treaty, there are

¹¹ Lachowski, 6.

¹² Dmitri Trenin, “Thinking Strategically About Russia”, Carnegie Endowment for International Peace, December 2008, 1, http://www.carnegieendowment.org/files/thinking_strategically_russia.pdf.

¹³ “U.S. and Russia Finish First Round of Arms Talks”, The New York Times, May 21, 2009, A8, <http://query.nytimes.com/gst/fullpage.html?res=9B00E3D81430F932A15756C0A96F9C8B63>. Wade Boese, “Georgian Conflict Clouds Future Arms Pacts,” Arms Control Today, September 2008, http://www.armscontrol.org/act/2008_09/RussiaGeorgia.

¹⁴ Wade Boese, “Georgian Conflict Clouds Future Arms Pacts,” Arms Control Today, September 2008, http://www.armscontrol.org/act/2008_09/RussiaGeorgia.

in principle three paths ahead. The first option would be the status quo. Russia continues its suspension, and efforts to resolve these issues remain deadlocked. In this scenario, the treaty over time will collapse. Other states parties are unlikely to continue to implement a treaty while Russia continues to avoid its treaty obligations.

The second path is that NATO agrees to address Russian CFE demands and ratifies the adapted treaty despite the continued presence of Russian forces in Abkhazia, South Ossetia, and Moldova. This is also unlikely to happen. In July 2007 (one year prior to the Russian-Georgian War), the United States Senate passed Resolution 278, which reaffirmed the Senate's support for the treaty, described the Russian suspension as "regrettable," and further warned that this was a "step that will unnecessarily heighten tensions in Europe." In this environment it is very unlikely that the Obama administration would seek Senate ratification of the adapted treaty absent Russian compliance with the Istanbul commitments.

The third path is to take the framework endorsed by NATO in the form of the parallel actions package and work the details—hard. In this package, NATO has shifted its position on ratification, suggesting that countries can move forward with the ratification process *in parallel* with final resolution and implementation of the Istanbul commitments, as well as movement on other aspects of a package. This, however, requires some resolution of the outstanding issues between Russia and both Moldova and Georgia. Even if Western states were to agree to Russian demands and ratify the treaty, it will not enter into force absent the support of these two states, and they remain most directly affected by the unrealized commitments made in Istanbul a decade ago. The Russian delegation has provided its comments on the NATO parallel action plan but no real progress has been made to resolve the existing impasse.

Clearly, a number of the core Russian concerns can best be addressed not by abandoning CFE but the opposite—through entry into force of the adapted treaty. The adapted treaty provides the means through which Russia can ensure predictability in the levels and locations of NATO forces, as well as a means of inspecting these forces against the information that NATO provides. Consequently, a decision by Moscow to move in the direction of compromise is not based on altruism but rather on a careful calculation of Russian national interest. Russian Foreign Minister Lavrov seemed to reflect this in remarks at the Council on Foreign Relations in New York when he observed, "the only thing we want internationally is cooperation on the basis of full equal-

ity and mutual benefit."¹⁵ Still, it is unclear whether all of the Russian concerns can be resolved within the context of the CFE treaty. Moscow has also recommended a new pan-European security agreement. Consequently, it would seem more likely that resolution of the disagreement over the CFE treaty might be a valuable precursor that would allow for serious negotiations on a number of European security issues to occur.

Conclusion

A Western arms control expert once remarked that he felt like he was watching three hundred years of European hostilities unfold during the course of CFE negotiations. Critics of this process are frequently captivated by the technical details of definitions, counting rules, stabilizing measures, inspection regimes, etc., and often overlook the connection between these points and larger security issues. Still, while the "devil may lie in the details," this accord is rooted in the collective attempt of over thirty sovereign states to improve their respective security. Consequently, historical antagonisms have an impact as well as contribute to the agreement's enduring value as Europe seeks a new architecture based on cooperative security.

With the rising threat of transnational issues such as nuclear proliferation and terrorism, the fate of conventional weapons in Europe may not top the priority agenda of NATO or Russian leadership. But while the original purpose of the treaty—to reduce the risk of conflict and short-warning attacks between two blocs—may be a thing of the past, the CFE treaty continues to contribute to Europe's security in crucial ways. Perhaps most importantly, the transparency and predictability that it provides serve as an important stabilizing element as European relationships continue to evolve and military forces are modernized.

As we consider the way ahead it may be useful to examine the thoughts of Hans Morgenthau, one of the most celebrated scholars of international relations in the 20th century. Morgenthau observed the following three points when considering diplomacy and state policy. First, diplomacy must be rescued from crusading spirits. Second, diplomacy must look at the political scene from the point of view of other nations. Third, the objective of foreign policy must be defined in terms of national

¹⁵ David Remnick, "A Conversation with Sergey Lavrov," Council on Foreign Relations, September 24, 2008, http://www.cfr.org/publication/17384/conversation_with_sergey_lavrov.html.

interests and supported by adequate power.¹⁶

Russia and the West must avoid emotional rhetoric. Both sides must rely on the kind of careful analysis Morgenthau suggests in order to discover if a harmony of interests still exist. They must carefully consider the major areas of cooperation where long-term interests clearly overlap on issues such as international terrorism, energy, nonproliferation of weapons of mass destruction, and stability in Europe.¹⁷ Alliance members should closely review the Alliance Strategic Concept that was signed in 1999. This document observed that arms control continues to have "...a major role in the achievement of the Alliance's security and objectives in future."¹⁸ Russian negotiators should carefully consider the comments by Russian President Dmitri Medvedev. He observed that though relations between Russia and the West had experienced critical situations, still "in the end, common sense, pragmatism, and mutual interests will always prevail."¹⁹

¹⁶ Hans Morgenthau and Kenneth Thompson, *Politics Among Nations*, 6th edition (New York: McGraw-Hill, 1985), 165.

¹⁷ David C. Speedie, "U.S.-Russia Relations: Under Stress, and In Need of Care", *Carnegie Council for Ethics in International Affairs*, http://ccea.org/resources/articles_papers_reports/0005.html.

¹⁸ NATO Strategic Concept, North Atlantic Council, Washington, DC, April 23, 1999, http://www.nato.int/cps/en/natolive/official_texts_27433.htm?selectedLocale=en.

¹⁹ Thom Shanker, "Gates Urges Cautious NATO Stance on Russia After Georgian Conflict", *The New York Times*, September 19, 2008, A5, <http://www.nytimes.com/2008/09/19/world/europe/19russia.html>.



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