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Salvaging the Conventional Armed Forces in Europe Treaty Regime: Options for Washington

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FOREWORD

When the Obama administration took office in 2009, it made clear its view that arms control offers a useful tool for advancing U.S. national security interests. In relatively short order, the President and his administration stated their interest in reducing the number and role of nuclear weapons; launched negotiations to conclude a successor to the Strategic Arms Reduction Treaty (START); announced a nuclear security summit in Washington; and expressed their desire to secure ratification of the Comprehensive Test Ban Treaty. Washington has also grappled with the threat posed by a nuclear North Korea and a nuclear aspirant, Iran.

This early focus on controlling and reducing nuclear weapons is understandable. As the administration has entered its second year, it has begun considering other arms control challenges as well. One is the question of conventional forces in Europe. To signal its importance, in early February, Secretary Clinton announced the appointment of Ambassador Victoria Nuland as Special Envoy for Conventional Armed Forces in Europe (CFE).

The CFE Treaty, signed in 1990, stabilized military relations between NATO and the Warsaw Pact and resulted in the destruction of tens of thousands of pieces of military equipment. Subsequently, however, the end of the Warsaw Pact, collapse of the Soviet Union, and NATO enlargement dramatically altered the European security landscape. In 1999, CFE member states signed the Adapted CFE Treaty

to take account of these changes. Due to Russia's failure to fulfill side commitments it made at that time, the new treaty remains unratified by NATO members, and Moscow announced in December 2007 that it was "suspending" its observance of the original treaty.

Two years later, the CFE Treaty regime—a cornerstone of European security—remains in limbo. This situation reduces transparency regarding military forces; creates uncertainty about the intentions of some countries; raises questions about Europe's broader security architecture; and may make the Obama administration's desire to tackle the challenge of reducing tactical nuclear weapons more difficult.

For many years, Anne Witkowsky, Sherman Garnett and Jeff McCausland have thought long, hard and creatively about conventional arms control in Europe, both in the U.S. government and outside of it. In this paper, they offer options for how Washington might proceed to salvage the CFE Treaty regime. This work makes a superb contribution to a discussion that is developing now within the U.S. government and NATO capitals. The Brookings Arms Control Initiative is pleased to publish it as the second paper in its Arms Control Series, with the goal of stimulating a parallel public discussion.

Steven Pifer

Director, The Brookings Arms Control Initiative

1. INTRODUCTION AND SUMMARY OF RECOMMENDATIONS

THE ISSUE

Russia's "suspension" of the implementation of the Treaty on Conventional Armed Forces in Europe (CFE) since December 2007, and its recognition of Abkhazia and South Ossetia as independent states following the Georgia-Russia conflict in August 2008 cast a long shadow over the future of the CFE Treaty. These actions make longstanding efforts to transition to the follow-on Adapted CFE Treaty difficult at best. Some in Washington and Europe feel that new efforts are required to shake loose the logjam. For others, the treaty has less and less relevance to the evolving European security environment, and little should be done to save it. This paper examines a set of issues crucial for understanding if and how the treaty matters, possible U.S. options to address the current dilemma, and the likely consequences if the treaty should fail to survive the current challenges.

Any debate over the CFE Treaty must recognize the broader European security context. Policymakers should not set out to save this treaty simply for the sake of preserving arms control in Europe, as arms control can never be an "end" in itself. Arms control grows out of a security context and helps to address the core dilemmas of that context through negotiated constraints upon the treaty parties. These dilemmas might also be addressed by adjustments to levels and locations of weapons deployments, doctrinal changes, and unilateral or alliance actions of one sort or another.

The CFE Treaty and the parallel European regime of confidence- and security-building measures

(CSBMs) grew out of a particular security context in the 1980s, one dominated by bloc-to-bloc tensions between NATO and the Warsaw Pact, and conventional force imbalances at the heart of Europe. CFE specifically was part of a larger effort to address, and ultimately transform, bloc-to-bloc military competition, one that included new policies toward Russia, the former members of the Warsaw Pact and other former Soviet states and, later, a transformed and expanded NATO.

The CFE Treaty adapted to the changes that followed the fall of the Berlin Wall and contributed predictability and transparency in military forces as Europe was transforming throughout the 1990s. Yet the fate of the treaty is currently caught in the middle of the uncertain security environment in the eastern part of Europe, the eventual shape of which remains one of the continent's most important strategic and security challenges. The larger context—and the broad policies that the United States adopts to shape that context and respond to these challenges—is central to this analysis, and to any decisions that the U.S. government takes for the way ahead on the CFE Treaty.

The CFE Treaty and the related CSBM regimes have become pillars in the architecture of the undivided Europe that the United States and its allies have sought to build since the Cold War ended. To a certain extent, this vision of integration is at risk of being lost, and CFE's complete unraveling would signal deepening divisions in Europe. The Russians assert that the CFE Treaty has been overtaken by events and must be superseded by the 1999 Adapted CFE Treaty, which has not yet been ratified by

NATO members. NATO allies strongly agree that the Adapted CFE Treaty should be brought into force, but have linked action on its ratification to resolution of Russia's unfulfilled political commitments made at the 1999 Organization for Security and Cooperation in Europe (OSCE) Istanbul summit as part of a package deal reached in conjunction with the Adapted Treaty signature. Russia has failed to fulfill two of these side commitments: withdrawal of its equipment and forces from Moldova, and closure of its military bases in Georgia.¹

Although Russia has a proposal on the table that reflects its vision of a new European security system, including proposed mechanisms for crisis consultation and collective security, President Medvedev's pan-European treaty concept does not take on or offer a replacement for the current arms control regimes. Further, absent consensus among the treaty parties on a way ahead for CFE, it is difficult to envision tackling differences with Russia over its European security treaty proposal.

This paper begins by providing background and the current context for the discussion of conventional arms control in Europe, as well as the key interests of the United States, Russia, and U.S. allies and friends in the area. It then lays out four options for U.S. decision-makers, and in the final section speculates on what could be next for conventional arms control and CSBMs should CFE fail to survive.

SUMMARY OF OPTIONS

Option 1. Continue the current policy course of seeking parallel actions by NATO members and Russia to resume Russian CFE implementation and move toward the Adapted CFE Treaty, with some additional inducements to Moscow. The goal of this approach would be to bring Russia back into compliance with the current CFE Treaty and then to bring the Adapted Treaty into force through parallel NATO and Russian actions. Two possible enhancements could be added to the current parallel actions formula that further prefigure, in political and declarative terms, where CFE ought to head if a normal and cooperative security environment

prevails: First, allies could declare lower territorial and national ceilings. These declarations would have only political effect until the Adapted CFE Treaty entered into force. Second, the Baltic states could declare their future territorial and national ceilings. These declarations would have no legal effect, but would be a statement of intent with respect to future legally binding territorial and national ceilings once the Adapted CFE Treaty entered into force and these states acceded to it.

Option 2. Continue the current policy course while opening the Adapted CFE Treaty to amendment.

The second option amounts to a variant of pursuing Option 1, but would depart from the current approach in one very significant way. Under this option, the United States would work with allies to gain agreement to begin to address Russian concerns regarding the "flank" limitations, under certain conditions in which Russia restarted its implementation of the CFE Treaty and took on serious treaty-related negotiations with Georgia and Moldova. The United States would propose to allies that the flank limits be on the table for discussion in the framework of the parallel actions package.

Option 3. Initiate provisional application of the Adapted CFE Treaty, but with conditions.

In this scenario, NATO allies would provisionally apply the Adapted CFE Treaty for a period of time, with the principal objective of restarting Russian implementation in return. Under this approach, the United States would work with its NATO allies and other treaty parties to develop a common commitment to adhere to the treaty for a specified time period (for example, six to 18 months). Certain conditions would be established for sustaining this commitment to the specified time period. For example, there could be a requirement for Russia to engage on the package of measures for Georgia, resume talks on a multilateral mandate for its "peacekeepers" in Moldova, and restart its own implementation of the Adapted Treaty. A stronger conditionality could be imposed if desired—i.e., requiring Russia to come to agreement with Georgia and Moldova for provisional application to continue beyond the original six to 18 month term.

Option 4. Decline to continue implementing the CFE Treaty and manage a “soft landing” for the end of the CFE regime. The details of the international legal options would need to be explored, but the basic thrust of the approach would be to signal to Russia, in coordination with NATO allies, that the United States sees no future in the parallel actions package or in any other negotiated solution. If Russia showed no interest in resuming implementation of the existing treaty and negotiating on a solution to the issues of Russian stationed forces in Georgia

and Moldova, the treaty would die over time, with or without a “formal funeral.” One possible variant within this approach would be, in parallel with suspension of information exchange and inspections, to try to get all CFE states-parties to agree to a political commitment to continue to observe the CFE Treaty ceilings. That, at least, would preserve a modicum of predictability in conventional forces levels, for a future negotiation. Possible directions for a future negotiation are discussed later in this paper as well.

2. BACKGROUND AND CONTEXT

“The objective 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 attacks and for initiating large-scale offensive action.”

(Excerpt from the CFE Mandate, January 10, 1989)

THE CFE TREATY

It is important to remember the CFE Treaty’s original goals. For the United States and its NATO allies, the CFE Treaty offered the unique opportunity to address the dangers of an overwhelming Soviet and Warsaw Pact superiority in conventional weapons in Europe. This superiority made war, if it came, difficult to win and unlikely to proceed without NATO having to resort to nuclear weapons. Soviet and Warsaw Pact superiority in the Cold War manifested itself in three ways: first and foremost, substantial numerical superiority in all key categories of conventional force equipment and manpower; second, overwhelming Soviet superiority of weapons and forces within the Eastern bloc; and third, a geographic advantage in the forces deployed forward in Europe, especially due to the deployment of a large number of Soviet troops in East Germany.

The CFE Treaty sought to address all three issues by establishing equal equipment limits on the member states of the two alliances at lower levels, placing

sub-limits on the amount of equipment that could be held by any single member of either alliance, and, through a structure of concentric zones, introducing sub-limits in the center of Europe and in the CFE “flank” regions. The zonal structure of the CFE Treaty had the effect of permitting movement of equipment away from, but not toward, the center of Europe. These efforts were consistent with the agreed CFE mandate to prevent dangerous concentrations of military forces, and to inhibit the potential for launching surprise attack. The treaty limits five categories of heavy military equipment (also referred to as treaty-limited equipment or TLE): main battle tanks, armored combat vehicles, artillery pieces, combat aircraft and attack helicopters. The CFE regime applies to an area of application across Europe, encompassing the entire land territory of the states-parties in Europe from the Atlantic Ocean to the Ural Mountains in Russia. U.S. and Canadian equipment stationed in this area is subject to CFE limits. The treaty contains detailed information exchange and on-site inspection requirements to ensure verification of compliance with treaty limitations.

THE MAIN CFE TREATY PROVISIONS²

The Treaty on Conventional Armed Forces in Europe (CFE) Treaty was signed by the members of NATO³ and the Warsaw Pact⁴ on November 19, 1990, in Paris, France.

The treaty's area of application extends from the Atlantic to the Ural Mountains.

The treaty term "area of application" means "the entire land territory of the States Parties in Europe from the Atlantic Ocean to the Ural Mountains, which includes all the island territories of the States Parties. In the case of the Russian Federation and the Republic of Kazakhstan, the area of application includes all territory lying west of the Ural River and the Caspian Sea. In the case of the Republic of Turkey, the area of application includes the territory of the Republic of Turkey north and west of a line extending from the point of intersection of the Turkish border with the 39th parallel to Muradiye, Patnos, Karayazi, Tekman, Kemaliye, Feke, Ceyhan, Dogankent, Gozne and thence to the sea." (Article II, paragraph (1)B as further understood in the Final Document of the Extraordinary Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe, Oslo, Norway, June 5, 1992).

The CFE Treaty places equal limits on two groups of states-parties: NATO members as of CFE Treaty signature (the "Western" group) and Warsaw Pact members as of CFE Treaty signature (the "Eastern" group). Each group is limited to no more than:

- 20,000 main battle tanks
- 20,000 artillery pieces
- 30,000 armored combat vehicles
- 6,800 combat aircraft
- 2,000 attack helicopters

The members of each group then allocated among themselves how these equipment entitlements would be divided. When the Soviet Union collapsed, its equipment entitlements were further divided among the new independent states with territory in

the area of application, codified in the Agreement on the Principles and Procedures for Implementing the Treaty on Conventional Armed Forces in Europe, also known as the "Tashkent agreement."

The treaty also provides that no one country may deploy more than:

- 13,300 main battle tanks
- 13,700 artillery pieces
- 20,000 armored combat vehicles
- 5,150 combat aircraft
- 1,500 attack helicopters

The practical effect of these single-nation limits was to constrain Soviet military equipment in the treaty's area of application at the time (no other country came close to those numbers).

The treaty divides the area of application into four concentric zones to further limit the three categories of ground equipment. The innermost zone includes Belgium, Luxembourg, the Netherlands, Germany, Poland, Hungary, the Czech Republic and Slovakia. The tightest limits apply within this zone; for example, each group could deploy no more than 7,500 of its allowed 20,000 main battle tanks in this area. The treaty also has special sub-limits for the northern and southern flank regions, to include sub-limits across Russian territory. The treaty allows parties a certain level of additional "temporary deployments" in excess of treaty limits, for reinforcement in the flank zone.

The treaty has detailed verification provisions, including information exchange on treaty-limited equipment and intrusive on-site inspections of its states-parties. The parties exchange annual data on force structure and equipment holdings, and provide notifications of changes in organization and equipment holdings above certain thresholds. The treaty established a standing Joint Consultative Group (JCG) as a forum for discussion of treaty implementation issues among the states-parties.

THE ADAPTED CFE TREATY

To bring the CFE Treaty in line with today's European security environment, the CFE Treaty states-parties negotiated an "Agreement on Adaptation," signed on November 19, 1999 at the Istanbul Summit of the Organization for Security and Cooperation in Europe (OSCE). The Adapted Treaty built on the original agreement by:

- Realigning equipment limits so that they apply on a state-by-state basis rather than by groups designed for a Cold War security environment. Each state-party has a national equipment ceiling, and each state-party with territory in the area of application has a territorial ceiling;
- Addressing Russia's need for additional military flexibility in the flank regions principally by increasing Russia's limit for armored combat vehicles on its territory in the flank zone;
- Strengthening information exchange and inspection provisions for verification of parties' adherence to equipment ceilings;
- Expanding the treaty provisions that affirm the right of sovereign states to decide whether or not to allow foreign forces on their territory; and
- Adding an accession clause to the treaty so that additional European states may join.⁵

ADAPTING THE CFE TREATY

The CFE Treaty provided an important measure of predictability and transparency about conventional armed forces during the profound transformation of the European security environment that included the period immediately following the fall of the Berlin Wall, the withdrawal of the Soviet military from the states of Central and Eastern Europe, the collapse of the Warsaw Pact, and the eventual end of the USSR itself. Some 69,000 pieces of treaty-limited equipment have been destroyed, and more than 5,500 on-site inspections have been conducted, together with detailed exchanges of information on military equipment levels and force structures. The significant amount of information available under the treaty, together with the forum for dialogue in the JCG, may have been as important as the limits themselves in building confidence among states about the size and disposition of their respective militaries.

Even after the force imbalances of the Cold War had disappeared, CFE parties demonstrated that the treaty could be successfully adapted to reflect a changing European landscape. In 1996, following lengthy and difficult negotiations, the parties adopted the CFE "Flank Document,"⁶ which provided for

higher equipment levels in the treaty's flank (north and south) regions on Russian territory, together with additional inspections of, and information exchange on, TLE in that area. In agreeing to these changes, the parties responded to Russian demands for more flexibility in the flank regions, subsequent to the break-up of the Soviet Union, the division of CFE equipment entitlements among the new independent states, and the establishment of new international borders.

At the time that the flank document was adopted in 1996, the parties also agreed to begin the process of adapting the entire treaty to reflect the collapse of the bloc-to-bloc system in Europe. Limiting NATO and the Warsaw Pact to 20,000 tanks each⁷ made little sense when the Warsaw Pact no longer existed, and former Warsaw Pact members, initially Poland, Hungary and the Czech Republic, were moving to join NATO.

The Adapted CFE Treaty, signed at the 1999 OSCE Istanbul summit, sought to take account of the emerging security realities of a collapsed Warsaw Pact and an expanding NATO Alliance. The Adapted Treaty transformed the bloc-to-bloc limitations structure of the original agreement to one based on limits for individual states-parties. The adaptation agreement has

both national ceilings, limiting the equipment that each party is permitted in the treaty's area of application, and territorial ceilings, limiting the equipment permitted on the territory of each state-party in the treaty's area of application. Under this structure each state-party has a "national" limit on its own equipment and each state-party with territory in the treaty's area of application has a limit on the total ground TLE that can be present on its territory. The treaty's verification provisions were enhanced to reflect the new structure of the Adapted Treaty's limitations. The Adapted CFE Treaty also reinforced and expanded the requirement for host nation consent to forces belonging to other countries stationed on its territory.

At the 1999 Istanbul OSCE summit a number of important side agreements were reached in parallel to the conclusion of the Adapted Treaty, as part of a package deal to address Russian forces in Georgia and Moldova. These were codified in annexes to the politically-binding CFE Final Act, adopted by all CFE states-parties, as well as in the Istanbul summit declaration. These commitments, among other things, required that Russia withdraw its forces from Moldova—in Transnistria—and disband two bases in Georgia within a specified time period, and reach agreement on duration of the forces at the remaining two other Georgian bases. These commitments reflect the CFE Treaty provisions that affirm the right of sovereign states to decide whether or not to allow foreign forces on their territory. Prior to the 2008 Georgia-Russia conflict, Russia had withdrawn from, and closed, three of the four bases in Georgia, but, despite the 1999 commitment to close the Gudauta base by July 2001, Russian forces remained. Fifty-eight trainloads of equipment and ammunition have been removed from Transnistria, but no additional withdrawals have taken place since 2004.⁸ CFE implementation and the subsequent negotiations on treaty adaptation did not take place in isolation of broader questions of European security. The U.S. and NATO approach reflected the overarching U.S. vision of an enlarged NATO and an integrated Europe, a Europe that did not isolate Russia and left the door open for NATO membership or for strategic integration short of full membership. The

Adapted Treaty was designed to continue the treaty's benefits of predictability and confidence-building as NATO enlarged.

The CFE Treaty proved an important international legal instrument for regulating Russian forces in the smaller countries between NATO and Russia, states uncertain of the future security environment, and which lacked formal connections to NATO or their own national technical means for monitoring other countries' military forces. The package of limitations, transparency measures and requirements for host nation consent to stationed forces provides a means of constraining Russia's presence on and inside their borders. In addition to providing a legal recourse for Russia's neighbors so that they can, in principle, address tensions with Russia at a discussion table with other nations, CFE serves as a regulator of Russian conventional deployments near the northern and southern Russian borders, and thus, with transparency measures, provides some reassurance about Russia for CFE states-parties in the flank regions.

The Russians expressed concern about NATO members' unwillingness to ratify the Adapted CFE Treaty. NATO responded that Russia had first to complete the withdrawal of its forces from Georgia and Moldova, as was agreed at the 1999 Istanbul summit. The Russians decried this linkage and, after a number of threats, "suspended" their implementation of the CFE Treaty at the end of 2007. (Actually, the CFE Treaty makes no provision for "suspension"; NATO allies have criticized this move, but have not reciprocated, in hopes of eventually restoring Russian implementation of the treaty.) NATO members decided, as a sign of good will, to continue observing their CFE Treaty obligations and proposed the "parallel actions package," under which NATO would take steps toward ratification of the Adapted CFE Treaty and addressing other Russian concerns, while Russia in parallel moved to resolve outstanding issues related to implementation of its 1999 Istanbul commitments and resume implementation of CFE.⁹ NATO hoped that this could be a way to move beyond the impasse over the CFE Treaty, but negotiations on the package have proved unsuccessful.

Six months after Russia suspended its implementation of the CFE Treaty, Russian President Medvedev called for a new Euro-Atlantic security architecture. It is important to recognize that Russia's proposed European security treaty, unveiled in late 2009, reflects Russia's political vision for a future Europe, but is not an arms control proposal, nor is it a vehicle to address the set of problems surrounding the CFE Treaty. Like the original CFE negotiations, and the Adapted Treaty negotiations, however, the U.S. approach to the future of conventional arms control must be embedded in broader U.S. objectives for European security, to include its response to the Russian treaty proposal.

A TOOL IN POST-CONFLICT RESOLUTION AND CRISIS

The CFE and CSBM models also have been usefully exported to underpin post-conflict agreements. The Dayton Accords regarding Bosnia, signed in November 1995, called for ambitious arms control and confidence-building proposals to be negotiated under the auspices of the OSCE. The Dayton Accords drew upon measures contained in the Vienna Document on Confidence- and Security-Building Measures, and the CFE Treaty, as models. In their agreement on reductions, the Dayton Accords' parties essentially adopted limits on the same items of TLE as outlined in the CFE Treaty, with similar transparency and reporting requirements. The arms control agreements in the Balkans suggested a new approach that moved from using arms control as a tool for crisis prevention (as during the Cold War) to becoming a tool for post-conflict resolution.

The CFE Treaty has also demonstrated some utility in preventing misunderstanding during crisis. The value of the transparency measures in the agreement was demonstrated as American forces prepared for deployment to the former Yugoslavia following the signing of the Dayton Accords, when Russia conducted short-notice inspections of U.S. forces in Germany as these forces prepared to depart for Bosnia. These inspections helped avoid an increase in tensions between Russia and NATO during the transit period. In 1999, a Russian CFE inspection

was conducted at Aviano Air Base during the U.S.-led air campaign against Serbian forces in Kosovo. This inspection helped allay Russian concerns about U.S. force deployments during that crisis period as well. While it was difficult at the time for the United States to receive the inspections given the ongoing air offensive, the United States and NATO host countries accepted the inspection requests because they were pursuant to legally binding treaty obligations.

CFE'S RELEVANCE

Critics argue that, while the CFE Treaty may have had an important role to play during the end of the Cold War and the initial years of uncertainty that followed the collapse of the Warsaw Pact and the USSR, it has little relevance today. Would the United States and its NATO allies be harmed by ending the CFE regime? After all, in contrast to the situation during the Cold War, NATO enjoys conventional superiority over any imagined coalition arrayed against it among the parties to the treaty. More importantly, no national power or likely coalition has the conventional force capacity to wage large-scale offensive war in the way the original parties to the CFE Treaty conceived of such a war. Nor are they likely to develop such a capacity in the next decade.

The treaty parties have endorsed this view with their deployments: the United States and many other parties are well below their current national ceilings. For example, as of January 2009, the United States had stationed in Europe only 90 tanks out of the 4,006 permitted by the CFE limits. Current NATO states-parties held only 48% of their authorized tanks, 60% of their authorized artillery and armored combat vehicles, and just under 50% of their authorized attack helicopters and combat aircraft.¹⁰ Moreover, 22 of the 30 CFE Treaty parties are now NATO members. At the 2008 NATO summit, NATO leaders stated that two more—Ukraine and Georgia—will become members of the Alliance, though subsequent developments in both countries and NATO itself have made any near-term enlargement of the Alliance in the post-Soviet space highly

unlikely.¹¹ For anyone with even a passing knowledge of the conventional imbalance along the old inner-German border, today's situation would have been difficult to imagine; certainly no U.S. official in a position of responsibility would have suggested it as a serious possibility in 1980.

These changes amount to a profound shift in what the Soviets used to refer to as the “correlation of forces.” Although there are a number of reasons for wanting to see the treaty continue and thrive, these reasons do not include the imminent revival of the kind of military and security threats that were envisioned in the 1989 CFE Mandate. These reasons dissolved with the collapse of the Warsaw Pact and the Soviet Union. Although the Russian army has recovered somewhat from its weakened condition of a decade ago, it is still far from a strategic threat to NATO. It is certainly capable of defending Russia's borders and conducting limited offensive operations along its periphery, as the world witnessed during the Georgia-Russia conflict in 2008. That said, even though Russia defeated Georgian forces quickly, the conflict revealed serious logistical and command/control issues.

Furthermore, the Russian Federation is confronted with difficult budgetary choices in modernizing its strategic nuclear forces, navy and army. Russia will likely acquire only limited amounts of new equipment for its ground forces in the near future, and the vast majority of experts agree that the Russian army is at least a decade away from developing a capability to pose a large-scale conventional threat in Europe. Finally, it is important to remember that, while Western analysts are focused on Russian forces in Europe, Russia must also be concerned with its capabilities in the Far East. In this regard, Russian military leaders are concerned by the growing size and sophistication of Chinese conventional forces.

While there has been a profound shift in the nature of the threat, this does not negate the CFE Treaty's contribution to a regime of transparency and limitation because of the still uncertain European security environment, especially in the area along the eastern edge of NATO. This environment, while not a direct

threat to NATO in the old-fashioned sense, could become a zone of instability, conflict and hegemony that could mean a reversal of favorable trends in Europe. Moreover, as will be argued below, there is increasing evidence that Russia seeks precisely a special security sub-region in this part of Europe, particularly encompassing those states (except for the Baltics) that were once part of the Soviet Union. It is important to recall the hedge that the CFE and CSBMs undertakings provide against unfavorable developments in the east. CFE limitations on overall levels of forces and, to a lesser extent, CSBM transparency on military activities have value as an instrument of regulation of military forces. The two regimes build trust, transparency and military-to-military dialogue, and are part of the U.S. vision of a secure and stable Europe from the Atlantic to the Urals.

The CFE Treaty has important political and security impacts, along with the parallel CSBMs regime, in the eastern half of Europe, as a regulator of behavior and a bond linking the relatively secure western half with an east that is increasingly anxious about Russian behavior. It did not, however, prevent Russian exploitation of the crisis in Georgia, nor is it by itself a bulwark against other meddling and military pressure. Yet its disappearance could facilitate a deeper division of Europe into two security zones, a relatively secure and stable West and a less secure East. That could exacerbate East-West issues within NATO and between NATO and non-members.

Equipment limits, data exchange and regular presence of inspectors from the United States and other NATO countries create a system that—when implemented—reassures and addresses the concerns of Russia's neighbors. As Russian relations with Ukraine, Georgia and Moldova have become more difficult, the treaty and the links it provides to a larger European (rather than a smaller Russian-dominated) system of security can still be important sources of reassurance that NATO is engaged in the east. For the CFE states on Russia's periphery—Georgia, Armenia, Azerbaijan, Moldova and Ukraine—this treaty provides their means of monitoring their neighbors. It is also their opportunity to have a voice at the

table with NATO countries and larger nations, within the CFE Joint Consultative Group.

The CFE Treaty also provides transparency and some measure of regulation of forces *between* the small states on Russia's periphery—and in principle regulates the level of Russian stationed forces in the region. This is particularly important in the case of Azerbaijan and Armenia. (These two countries remain technically at war over the territory of Nagorno-Karabakh.) The CFE Treaty not only restrains a potential regional arms race but should also provide greater transparency on TLE levels and locations in the event of a crisis.

Russia also benefits from the CFE regime, particularly at a time when Russian conventional military strength has deteriorated and NATO has enlarged. The treaty gives Russia transparency regarding NATO forces, including forces operating on the territory of new member states. Russia also benefits from limits on new NATO members who are CFE parties—limits on their equipment as well as on the amount of equipment that can be stationed permanently on their territory. CFE's continuation could help mitigate Russian concerns, expressed in its recently-announced military doctrine, that any NATO deployment of military infrastructure closer to Russia's borders could become a real threat to

Russian security. Effective limits in Europe should also provide economy of force advantages for a Russia military that may be concerned about the challenge of a modern Chinese army.

If CFE unravels completely, the Russian military will be able to argue even more convincingly, within Russia, for continued reliance on tactical nuclear weapons to defend itself in Europe. Most analysts agree that the Russian military still maintains over 4,000 tactical nuclear weapons in its arsenal. Senior Russian military officials have publicly stated that Russia relies on these tactical nuclear forces given the reduced levels and readiness of its conventional forces and NATO's overwhelming conventional superiority. Absent CFE, that line of argument on tactical nuclear weapons could only be reinforced and thus complicate any future Western efforts to reduce or limit Russian tactical nuclear weapons as an element of a U.S.-Russian or some other arms control arrangement.

Furthermore, if the CFE Treaty falls apart, it will not be quickly or easily replaced by a new regime. The immediate impact of such a collapse will be an overwhelming sense in countries along NATO's eastern edge and the immediate non-Russian neighbors of an uncertain future, hardly the environment in which to search for a better arrangement.

3. KEY INTERESTS

CFE AND ECONOMY OF FORCE

Clearly, the emerging security environment in Europe begs the question: Why would the American military be concerned about conventional arms control in Europe? Contemporary American military officers have little knowledge of conventional arms control, and most would likely view the CFE Treaty as irrelevant. They might argue that changes to the treaty regime or the expansion of confidence-building measures are unnecessary distractions, but such a view is short-sighted. While American *military requirements* in Europe as measured in the number of troops and equipment have been reduced, American *security commitments* have actually increased. In the Cold War's aftermath, succeeding U.S. administrations have supported the enlargement of NATO from 16 to 28 countries, and others are in the queue. Consequently, Washington has significantly extended its NATO Treaty Article V commitments, "that an armed attack against one or more of them in Europe or North American shall be considered an attack against them all."

There is some risk that, over time, the collapse of the treaty regime could result in greater demands being placed on American security commitments in Europe. New NATO member states (particularly those along the periphery of the Russian Federation) are already pressing Supreme Headquarters, Allied Powers Europe (SHAPE) military planners to devise contingency plans and conduct exercises for their territorial defense in the event of a threat from Russia. This pressure would grow absent legal constraints on Russian forces. Additional requests for U.S. infrastructure on the territory of newer allies

might also be forthcoming, to facilitate future operations and underscore America's commitment.

In the aftermath of the attacks of September 11, 2001, America finds itself involved in two wars in Iraq and Afghanistan. The associated operational tempo has stretched American ground forces to the breaking point with little relief in sight. As a result, Europe, the military focal point during the Cold War, has now become an "economy of force operation" for the United States, i.e., it is a region where the United States seeks to bolster its security commitments with the minimum possible forces. Even a flawed and imperfect CFE Treaty undergirds for the United States this economy of force operation in Europe. The U.S. government should seek to avoid a situation in which expanded NATO security commitments create additional military requirements, at a time when the U.S. military can ill afford to support them and respond to crises.

THE VALUE AND VULNERABILITY OF THE COOPERATIVE SECURITY REGIME

The CFE Treaty is just one component of the all-European cooperative security regime. That regime also consists of a range of confidence- and security-building measures, last updated in the Vienna Document in 1999, and the Open Skies Treaty. Even as Russia has suspended CFE Treaty implementation, the Vienna Document CSBM regime remains respected by all signatories. Although most CSBM measures were designed and adopted in the late 1980s and early 1990s, many have maintained their relevance given the uncertainties within Europe.

These measures provide, as noted above, additional linkages to all-European institutions beyond the CFE Treaty, and tie key Western states to the most anxious and vulnerable states in the east. They have also served as a source of confidence-building, transparency and information for the United States and its allies.

CSBMs were designed to prevent crisis, inhibit intimidation, control escalation, reduce the likelihood of surprise attack, and manage risk. Certainly, none of the relevant CSBMs (e.g., the measure providing for transparency of unusual military activity) were utilized in the run-up to the Georgia-Russia conflict, but they do continue to be of value in other ways, even more so now that Russia has suspended certain key CFE Treaty provisions. The CSBM regime provides for, among other measures, routine “evaluation” visits of conventional forces, observations of military exercises above a certain threshold, and short-notice on-site inspections of “specified areas.” Countries place heavy reliance on the CSBM evaluation visits, in the absence of opportunities to inspect Russian forces under the CFE Treaty; this increased demand for the CSBM evaluation visit quota means the relatively small quota is “used up” early in the calendar year.

The OSCE Forum for Security Cooperation (FSC) provides a venue for nations to raise security concerns for discussion, and measures for negotiation. Although 38 of the OSCE states participate in the CFE Treaty, others are signatories to the Dayton Accords, and yet a third configuration of 28 states are NATO allies, the 56-member FSC adds value as an all-European forum. For example, the forum provides civilian defense officials with an opportunity to discuss defense planning/budgeting and military officers an opportunity to brief on doctrine and force structure. The FSC can continue to serve a useful purpose if taken seriously and can reinforce U.S. objectives through dialogue on a range of other security issues, such as counterterrorism, arms exports and nonproliferation.

Like the CFE Treaty, the CSBM regime has been exercised in times of tension, though in these cases

it has also demonstrated its limitations as a political regime. Commitments are politically binding, *not* legally binding, and therefore it is less onerous for countries to skirt implementation of their obligations, as the United States itself demonstrated during the war in Kosovo.¹² The regime has also provided little transparency into Russian operations in Georgia or on Russia’s southern flank, though several of its measures provide for on-site visits, including under such circumstances of uncertainty. For the most part, inspectors have been refused access, or given limited visibility in these areas.

Despite these limitations, the CSBM regime retains value. To remain relevant, however, it needs to be updated to reflect the emerging realities of European security. These adjustments should include increases to the evaluation visit quota and addressing the associated issues of scheduling visits among the states participating in the regime.

Even as allies look for ways to restore the conventional arms control regime, the Russian approach of suspending CFE while continuing to observe the Vienna Document suggests the possibility of placing greater reliance on these measures should CFE continue to unravel and/or irreversibly fall apart. The United States and its allies should make the most of whatever regime remains, but should not overestimate the robustness of this regime if CFE does indeed collapse. It is important to underscore that an assault on transparency, data exchange and inspections in one regime creates the basis for a later assault on what remains. In a world without the CFE Treaty, the Vienna CSBMs regime would simply not be as robust as the current CSBM structure plus CFE.

The European cooperative security regime also includes the Open Skies Treaty, a complement to the Vienna Document and CFE Treaty. Open Skies, which allows parties to conduct aerial inspections of other parties using specially equipped aircraft, continues to be implemented. There remains significant interest on the part of Russia, in particular, for maintaining this treaty, despite its outdated methods for observation (e.g., use of wet film vice digital photography). Obviously, the Open Skies Treaty’s

value and relevance would change markedly if the CFE Treaty were terminated.

RUSSIAN INTERESTS, ACTIONS AND VIEWS REGARDING THE CFE TREATY

Efforts to resolve the Russian CFE suspension through the framework of NATO's parallel actions package are essentially in stalemate. The suspension was enacted by decree of the Russian parliament; giving the suspension the force of law is an additional complicating factor, because it will require Moscow to take deliberate steps to reverse the decision.

While the Russians have expressed various concerns, there appear to be five principal Russian demands in connection with their complaints about the CFE Treaty:

- First, Russia has pressed to move beyond the current CFE Treaty to entry-into-force of the Adapted Treaty as soon as possible, and further (unspecified) modernization of the Adapted Treaty. The crux of the Russian demands is that ratification of the Adapted CFE Treaty should not be held hostage to the unfulfilled Russian CFE side commitments made at the 1999 Istanbul summit to remove their forces from Moldova and Georgia.
- Second, Russia has sought reduction of NATO allies' equipment ceilings to a level no greater than that permitted for the Western group (NATO allies) under the original CFE Treaty. Allies are well below their authorized equipment ceilings now and have committed, in the context of the Adapted Treaty, to a further lowering of those ceilings.
- Third, Russia seeks an agreement on the "parameters of restraint" for force deployments on foreign territory. This is in fact a strong desire for greater definition to NATO's 1997 Final Act commitment that it would rely on capabilities for reinforcement rather than stationing of substantial combat forces to ensure the defense of new members.¹³
- Fourth, Russia wants to abolish the flank limits on Russian territory, which would mean that Russia

would be unconstrained as to where in Russia in the treaty area of application it deployed its permitted forces.

- Fifth, Moscow seeks accession of the Baltic states and Slovenia—who joined NATO in 2004—to the CFE Treaty. The Baltic states have committed to join the Adapted Treaty once it enters into force; there is no provision for accession of states to the original treaty.¹⁴

One can see these complaints as in part a reflection of Russia's wounded pride and frustration over deals that the Russian government accepted in the 1990s, which are viewed today within the Russian government as unfair to Russia. At the time of suspension of the CFE Treaty, Russian government officials were also registering their unhappiness about other developments they viewed as unfavorable, such as the U.S. plan to put ballistic missile defenses in Poland and the Czech Republic, and support for another round of NATO enlargement. These issues were complicated at the time of suspension in 2007; Russian military action against Georgia and recognition of Abkhazia and South Ossetia in August 2008 have tied the Gordian Knot of CFE still tighter. At a technical level, the effect of the suspension has been to cut off treaty-related information about the Russian military and its equipment. Under the suspension Russia has not reported data on its treaty-limited equipment for more than two years, has not provided information on changes of location of ground equipment, and has refused to receive on-site inspections. No doubt the impact of this loss will be felt more acutely as time goes on. Russian officials have said that Russia will not be bound by the original treaty's limitation and deployment restrictions, but Russian representatives have also said that there are no plans "in the current situation" to expand their forces "on a massive scale" or "concentrate them on the borders with its neighbors." And Russia continues to participate in the Treaty's Vienna-based Joint Consultative Group, the CFE Treaty implementation forum for CFE states-parties.

The effect of the Russian suspension on information about Russian forces is somewhat blunted by the still-functioning confidence- and security-building

measures regime. As noted above, Vienna Document CSBMs provide for an annual exchange of data on forces of all the OSCE states and limited opportunities to evaluate the data through on-site visits. There are of course, key differences between CSBMs and the CFE Treaty. The CSBMs data is not nearly as detailed as CFE data, notifications of changes in the permanent location of equipment are not provided, and the on-site evaluation visits are far fewer in number and not nearly as intrusive or rigorous as CFE inspections. The Vienna CSBMs document also provides for “observation” of military exercises above certain thresholds, though most military activities in Europe fall well below levels that trigger such observations.¹⁵

While there is no denying that Russia has toughened its stance and casts a far more jaundiced eye on the United States, the West and notions of strategic partnership, the suspension amounts to keeping the door slightly ajar. At least rhetorically, the Russians have postured themselves in favor of preserving the CFE Treaty. In the Forum for Security Cooperation, at the outset of suspension, for example, the Russian delegation stated that “suspension is not an end in itself but a means by which the Russian Federation can fight to restore the viability of the conventional arms control regime in Europe, to which [it] sees no reasonable alternative.”

Russian leaders may well want to create leverage to have some (if not all) of their CFE complaints addressed, rather than abandon the treaty entirely. After all, Russia also benefits from the treaty’s limits and intrusive inspection regime, and these benefits have increased as NATO has enlarged. The treaty limits equipment of individual states-parties by common agreement, provides information and inspection opportunities, and maintains a forum to address concerns. The narrative of Russian critics, on the other hand, stresses the unfairness of the regime, for example, that deployments of Russian forces are limited on Russia’s own territory in the flank and that inspections of Russian forces are coordinated among NATO allies (to maximize the information available when allies share the results of their inspections).

The Russian government may likely not be of one view on this issue. Whatever the internal politics, one unanswered question is when, if ever, will the Russian government be prepared to negotiate a deal to repair the CFE Treaty, in its original (and ultimately in its adapted) form, and under what circumstances?

For now, the Russian suspension has created a situation in which CFE can rise to the political level at any time, and thus obstruct progress on higher priority items on the U.S. security and political agenda. It opens up an opportunity to divide the Alliance over whether to lean in greater favor of Russia to save the treaty, or to let the treaty go. There are, however, two important obstacles in the way of readily identifying a policy direction that constructively tests whether the Russians have left the door ajar for a solution.

The first is that Russia’s attitudes and postures have hardened over its interests and ultimately its claim to special status, such as a “sphere of privileged interests,” in the former Soviet space. These claims have left a range of countries, including NATO members such as Poland and the Baltic states, wary of the future and anxious about where Russia is headed and whether the dividing line between east and west will again have hard security relevance.

The second is a concrete example of the first: Russian military and diplomatic actions in South Ossetia and Abkhazia. These actions will inevitably make any attempts to examine Russia’s demand to eliminate the flank limits seem prejudicial to the security of the small countries along Russia’s borders, including the Baltic states in the north and Georgia and Azerbaijan in the south. Any relaxing of these limits—or, as Russia has demanded, their elimination—raises questions about Russia’s intent on its own borders, given Russia’s relatively recent use of military force in the very area that is covered by the CFE Treaty’s flank limitations.

Russia has positioned itself in a way that both complicates positive steps forward and raises the profile for the CFE Treaty should the U.S. government enter into a period of high-level demand for a solution, or head in the direction of abandonment. There is

enormous potential in the Russian posture on CFE for linkage and mischief-making. If Moscow avoids such steps, it could be an important sign of the fruits of the U.S. “reset” of relations with Russia, which the Obama administration is pursuing to improve the overall U.S.-Russia relationship and secure Russian assistance on issues such as Iran and Afghanistan. As a hedge against Russian mischief-making, the United States should certainly lean on the multi-lateral structure of the treaty and thoroughly engage its allies and friends on any move forward.

THE INTERESTS AND ACTIONS OF ALLIES, FRIENDS AND RUSSIA’S NEIGHBORS

Russia’s interests and actions are not the only ones to be considered. The United States shares with much of Western Europe a hope that the treaty will remain relevant, even as Washington becomes increasingly anxious about the treaty’s prospects and the underlying trends in the east that are shaking its foundations. Allies have worked together for over two decades to try to keep the treaty running, adapt its provisions, and engage both Russia and its neighbors in joining into a new relationship with NATO.

Allies have largely stood together on NATO enlargement, and the European Union has to date generally followed after NATO in expanding eastward. Key western European allies have stood with the United States on CFE. Some, such as Germany, continue to demonstrate a general enthusiasm for maintaining arms control regimes in Europe. For Turkey and Norway, the flank limits on Russian territory are the *central* feature of the treaty, because of the restrictions on the levels of Russian military equipment in the Russian border areas—north and south—and hence they have a major stake in how a solution to the CFE impasse will be approached, as well as in saving the treaty altogether.

The main stakeholders over the future of the CFE Treaty are the countries nearest to Russia and most concerned about Moscow’s long-term intentions in the region. These ought to be divided between those in NATO (Poland, Estonia, Latvia and Lithuania) and the others (especially Ukraine and Georgia). The two

groups are united by a deep suspicion of Russian intentions and a tendency to see steps toward or away from Moscow as inevitably steps away or toward themselves. This “zero-sum” approach is one of the few interests they reliably share with elites in Moscow, who also tend to view European security issues as zero-sum.

Over the last several years, these suspicions have led to rows over important issues (interference in elections, access to energy, and the territorial integrity of Crimea) and symbolic ones (the treatment of Soviet war memorials and who is to blame—besides the Nazis—for the Second World War). For obvious reasons, Belarus is not a major factor, though Minsk could become a significant irritant should the situation deteriorate and there be new Russian military deployments facing NATO’s eastern edge. The special relationship developed by Poland toward Ukraine is an important bridge between the two groups of American friends.

Yet these NATO members need to be reminded that they are indeed members of a larger group of allies. While anxiety in Warsaw, for example, is understandable and consultations over key decisions have not always been exemplary, nothing has happened or will happen in U.S.-Russian relations that will erode the Alliance or U.S. commitments to the enlarged NATO. The United States should look for ways to engage and respond to these anxieties, while not being drawn into provocative and needless military gestures demanded as reassurance.

The thornier problem is posed by Ukraine and Georgia. Both face genuine challenges from Russia, perhaps very serious ones. These two states are a more vigorous test of whether the United States and its European allies believe that better relations with Russia are compatible with continued robust relations with Russia’s neighbors. Both sides want to see the United States engaged enough to provide leverage in negotiations with Russia, while the U.S. aim should be a policy that continues to support changes that transform all the players and the environment into one in which force and old security paradigms are less relevant. If the United States does not find a way to stress balance, even as it renews its ties with Russia, it

will be drawn into the damaging zero-sum dynamics of the region. The February 2010 election of Victor Yanukovich as Ukraine's new president may mean a reduction in tensions between Kyiv and Moscow, and between the West and Russia over Ukraine, though the Russians will likely continue to look at Ukraine's relationship with the West in zero-sum terms.

THE MEDVEDEV PROPOSAL FOR A EUROPEAN SECURITY TREATY

One question for U.S. policymakers is whether President Medvedev's proposal for a European security treaty can be co-opted into the service of preserving and updating the CFE Treaty. The challenge is that the proposal itself contains a number of ideas that Alliance leaders should not embrace, such as what appears to be the creation of a supra-national structure that would subsume NATO. While progress toward a common vision of European security might facilitate CFE negotiations, and progress on CFE could facilitate dialogue about a common pan-European security vision, the complexity of the CFE and confidence-building measure negotiations demand a separate approach. Moreover, while the Russians over time may provide more details, the current form of their proposal contains nothing that addresses the issues discussed above.

Allies have responded to Russia's treaty concept with the OSCE "Corfu Process," a dialogue on European security launched in June 2009. It might be possible to use this process constructively to address security in the broad sense of the Helsinki Accords—across the three Helsinki "baskets"—while addressing CFE-specific concerns on a separate track. However, the aftermath of a failed CFE Treaty would be an inauspicious time to use this forum to explore new possibilities. While the United States must avoid narrowly conceived European security treaty schemes, it has managed such discussions in the past to its advantage (as it did with the original Helsinki document) and, at the very least, without detriment to U.S. security. To the extent that the United States and others can address the Russian desire to have a more expansive role and garner greater respect at the European table, it is in the U.S. interest to take this process seriously. Obviously, use of a dialogue on European security (whether in the Corfu Process or elsewhere) to maximum advantage is more likely if the CFE Treaty has not suffered a fatal hemorrhage. Russia's desire for an equal seat at the European security table must be built upon the existing system of European security structures and channeled through approaches that further integrate, not divide, Europe.

4. OPTIONS

OBJECTIVES

As outlined above, the United States continues to have a considerable stake in the future of conventional arms control and confidence-building in Europe. The core value of the CFE regime is in the need for military transparency, predictability and consultations during a period of continued uncertainty in European security.

U.S. policymakers must avoid defining the stake in CFE merely in the negative, that is, avoiding blame for CFE's collapse. This objective may have merit, but the future of conventional arms control should be defined in the positive as well. Six objectives for U.S. policymakers should be:

- (1) Preserve and expand the building blocks of an integrated European security architecture, of which the CFE Treaty is a part. These building blocks include a transformed, less militarized security environment; all-European institutions of transparency; force limitations and “rules of the road”; institutional linkages between former enemies; and an expanding “European” model of society, politics and security. These building blocks are composed of many different parts that are interconnected. Absent consensus on a way forward among its parties, the passing of the CFE Treaty, might not affect the whole but would expose aspects of the system to serious stress.
- (2) Maintain a mutually reinforcing harmony between resetting relations with Russia and U.S. support for the independence, stability and integration into larger European processes of Russia's vulnerable neighbors. The United States wants Russia and Ukraine, Georgia and other states of the region inside these processes. The United States does not want a separate, unstable and potentially more dangerous “eastern sub-zone” in Europe.
- (3) If the CFE Treaty collapses, do everything possible to ensure a “soft landing,” such as through common agreement among NATO allies on the way ahead; the continued functioning to the extent possible of the Vienna CSBM document and the Open Skies Treaty; the preservation of structures of effective dialogue between NATO and key non-member states; and the continuation of current, non-threatening conventional and nuclear force deployments and postures. This soft landing must reach out to the most vulnerable states in Russia's neighborhood.
- (4) Ensure that the way ahead on CFE supports—or at least does not get in the way of—larger regional, arms control and priority diplomatic interests (for example, the post-START negotiations and active NATO support of U.S. and Alliance operations in Afghanistan). Policy on CFE should be developed in the context of policy direction on Russia's European security treaty proposal.
- (5) Engage allies, friends and other interlocutors. Recognize that the need to consult widely is paramount, whatever policy the United States pursues. The old “Cold War” and “post-Cold

War” model of multilateral arms control has important virtues to be applied in this case. The U.S. government should at all costs avoid “bilateralizing” the CFE negotiations.

- (6) Avoid longstanding Russian attempts aimed at capturing global naval forces through regional agreements; privileging the OSCE security basket over human rights, commercial and social aspects of the Helsinki and larger European processes; or assenting to the division of European security into “NATO” and “Russian” spheres.

Whatever policy direction the United States chooses, the status quo on CFE cannot be sustained. Continued Russian suspension will ultimately lead to the CFE Treaty regime’s complete collapse; either a concerted effort must be made to save it, or a “Plan B” strategy must be deployed to increase the likelihood of a soft landing and transition to a sort of residual regime. U.S. allies, friends and, of course, Russia must be part of any long-term solution. Allies’ leadership will be crucial to a satisfactory resolution.

Looking ahead on CFE, there are four possible options for U.S. policymakers.

OPTION 1: STAY THE COURSE, WITH ADDITIONAL INDUCEMENTS

Under this option the United States would continue to support the current course, using the NATO parallel actions package as the framework for its approach. The goal of this approach would be to bring Russia back into compliance with the current CFE Treaty and then to bring the Adapted Treaty into force through parallel NATO and Russian actions. Under the current NATO plan, this would mean that the United States, together with its allies, continues to seek a Russian restart of CFE Treaty implementation together with a solution to fulfillment of Russia’s Istanbul commitments regarding withdrawal from Georgia and Moldova, “in parallel” with NATO allies working toward ratification of the Adapted CFE Treaty and addressing other Russian concerns, such as preparing to bring the Baltic states and Slovenia into the Adapted Treaty. A solution set

for Georgia must be “status-neutral” with respect to the territorial integrity of Georgia, i.e., not implicate the status of Abkhazia and South Ossetia in favor of Russia or become a vehicle for Georgia to resolve the territorial dispute with Russia. Any solution must satisfy all parties in order to bring the Adapted Treaty into force.

It is worth flagging the significant skepticism about whether this approach has any future, given in particular the Russian recognition of Abkhazia and South Ossetia as independent states and the difficulty of persuading Russia to withdraw its military forces from those areas. Such skepticism is fully warranted. This option may well have more value for demonstrating U.S. commitment to seek out a reasonable solution than for resolving the CFE impasse. Under this option, two possible enhancements should be added to the current parallel actions formula that further prefigure, in political and declarative terms, where CFE ought to head if a normal and cooperative security environment prevails:

- Allies could declare lower territorial and national ceilings. These declarations would have only political effect until the Adapted CFE Treaty entered into force. Such actions would step beyond the allies’ current willingness to consider lower ceilings only in the context of an Adapted Treaty entry-into-force. Still, the United States and its allies are well below their TLE limits; they have significant headroom to spare. Such an initiative would respond to one of Russia’s five principal concerns, related to limits on NATO forces. However, Russian analysts are well aware how budgetary pressures and other priorities affect allies’ conventional force levels now and in the future, and therefore may not see the step as a significant inducement.
- The Baltic states could declare their intended future territorial and national ceilings. These declarations would have no legal effect, but would be a statement of intent with respect to future legally binding territorial and national ceilings once the Adapted CFE Treaty entered into force and these states acceded to it. The downside would be the complexity of arriving at these levels: NATO’s

internal negotiations with the Baltic states on territorial ceilings would force questions about stationing and reinforcement plans, as well as the treaty question of whether or not the Baltic states would become part of the Adapted Treaty's flank regime limits. Russia would prefer that these states be in the flank, in order to more significantly constrain "temporary deployments" on their soil under Adapted Treaty rules.

This option would represent one last effort for the United States to demonstrate to its allies, and other countries with the most direct stake in the continuation of the CFE regime, that Washington is serious about trying to save the treaty. If the approach failed, this option would seek to make clear that failure was due to Russian intransigence.

The option assumes that the United States believes that some of the policy shifts already underway or in train, in the context of resetting its relationship with Russia, will positively influence the negotiating climate for CFE, and that at a minimum the United States should at some point test this prospect. It further assumes that a viable, incremental path is available, and thus that Russia will not make CFE a key linkage issue with other issues on the European or U.S.-Russian agenda that matter more to the United States. It also assumes that ultimately Russia is prepared once again to negotiate on Georgian and Moldovan stationing issues in a way that is linked to CFE.

To negotiate such a deal successfully would require more than the current level of attention from senior U.S. officials, at least to jumpstart it and then to sustain it at crucial junctures. Both the secretary of state and president would have to engage at some points, though if these interventions raise the profile of the bilateral discussions too much, they will likely be self-defeating. This option would require at least the same level of commitment among U.S. allies. It is not clear whether senior officials in Washington or NATO capitals are ready to add this issue to their agenda now or in the near future, but doing so would be necessary for a successful outcome, in order to reach the appropriate political level in Russia.

OPTION 2: STAY THE COURSE, BUT OPEN THE ADAPTED TREATY TO AMENDMENT

The second option amounts to a variant of pursuing Option 1 and the parallel actions package but would depart from the current approach in one very significant way. Under this option, the United States would work with allies to gain agreement to begin to address Russian concerns regarding the flank limitations, under certain conditions in which Russia restarted its implementation of the CFE Treaty and took on serious treaty-related negotiations with Georgia and Moldova. By addressing the flank limitations on Russian territory, this option would go to the heart of one of the key Russian complaints about the CFE and Adapted CFE Treaties.

Under this option, the United States would propose to allies that the flank limits be on the table for discussion in the framework of the parallel actions package. Undertaking a discussion of the flank prior to entry into force of the Adapted Treaty would be a substantial departure from NATO's current position in which it has committed to consider a review of the operation of the Adapted CFE Treaty with Russia and other treaty parties only after the Adapted Treaty has entered into force. The crystal ball darkens considerably under this permutation, because it implicates Russian actions in Georgia, but one could see a discussion that preserves a semblance of the flank limits through politically binding commitments and additional transparency measures (information exchange and on-site inspections). To ease concerns about Russian forces under this option, Russia could be urged to take on, in parallel, unilateral political commitments affecting deployments and out-of-garrison activities.

The process for arriving at this or any other flank solution would demand the direct and active negotiation of flank allies Turkey and Norway with Russia. Their engagement would, at a minimum, require a calculation that undertaking the negotiation would be politically feasible and that the alternative—say, the loss of CFE—was imminent and would be a much worse outcome. A minimal condition for entering into these discussions would be the restart of

Russian CFE Treaty implementation, including inspections and information exchange.

Flank allies would no doubt want to see that other elements of the package were progressing, if not near conclusion, before they engaged on this point. This may not be an attractive near-term option, but no matter the timing, U.S. attempts to broker this on its own as part of a bilateral deal—as tempting as that might be—would endanger any prospect of finding an agreed solution. If the overall political environment is sufficiently favorable, this option might help preserve the CFE regime by opening the Adapted Treaty up to a long negotiation under conditions in which Russia returned to full implementation of the original treaty during the negotiation. No one should underestimate the immense difficulty of finding agreement on a flank solution; this will be the third time that Russia has sought flank relief, and each of the previous negotiations (the second one was in the context of treaty adaptation) has been protracted and challenging. The U.S. government would be challenged to play the role of “objective” facilitator among the most directly-affected parties.

If any one of the frozen conflicts in the region moved to a political solution, Dayton-like military arrangements might possibly emerge and address the issue in a different context. However, there are no optimistic predictions that any of these conflicts will be resolved in the timeframe in which CFE must be addressed.

OPTION 3: INITIATE PROVISIONAL APPLICATION, WITH CONDITIONS

This third option is bolder and riskier. In this scenario, NATO allies would provisionally apply the Adapted CFE Treaty for a period of time, with the principal objective of restarting Russian implementation in return. The United States and its allies might choose this course if they came to believe that no near-term progress could be made with Russia on the parallel actions package as presently crafted, or on a variant of the package, as outlined in Option 2.

Under this approach, the United States would work with its NATO allies and other treaty parties to

develop a common commitment to adhere to the treaty for a specified time period (for example, six to 18 months). Certain conditions would be established for sustaining this commitment to the specified time period. For example, there should be a requirement for Russia to engage on the package of measures for Georgia, resume talks on a multilateral mandate for its “peacekeepers” in Moldova, and restart its own implementation of the Adapted Treaty. A stronger conditionality could be imposed if desired—i.e., requiring Russia to come to agreement with Georgia and Moldova for provisional application to continue beyond the original six to 18 month term. Although this option would continue to set aside discussions on the flanks, the United States and its allies would underscore their commitment to undertaking discussion of the flanks after entry-into-force of the Adapted Treaty. The attractiveness of this option would need to be tested carefully in Moscow in advance.

A bolder variant of this option would be for NATO allies to initiate provisional application of the Adapted Treaty without conditions except that provisional application would be for a set time period. If the Russians failed to work out satisfactory solutions with NATO within that period, including on the question of the side commitments for Georgia and Moldova, the allies would cease provisional application.

Provisional application (of either variant) would set in motion additional information requirements to satisfy the Adapted Treaty’s notification provisions but would have no effect on present force levels or stationing. It would make sense in a context in which the United States seeks greater cooperation with Russia, and is willing to do so by addressing Russian complaints that the CFE Treaty adaptation process and its linkage to the associated Istanbul commitments are “unfair.” Like the two options above, this option would focus on bringing Russia back into compliance with the CFE Treaty, and would be one last best effort to demonstrate that the United States is prepared, with its allies, to go the extra mile to preserve the CFE regime. It would also mean that, should Russia fail to meet the conditions set forth in exchange for provisional application, the United

States and its allies would be prepared to walk away from the treaty.

The other challenges of this approach are: (1) the Senate might object to steps that could be perceived as circumventing its advice and consent prerogatives by provisionally observing the unratified Adapted CFE Treaty; and (2) a weak conditionality that did not demand solutions to Georgia and Moldova would raise objections in Georgia and Moldova, as well as in Congress, poisoning options for bringing the Adapted Treaty into force, and possibly raising political questions about U.S. commitment to supporting the sovereignty, territorial integrity and independence of these nations.

OPTION 4: DECLINE TO IMPLEMENT AND SEEK A SOFT LANDING

Option 4 is a more radical step, in which the United States and its allies, coming to the conclusion that the Russians are immovable on their points of principle and given Russian suspension of CFE Treaty provisions, cease implementing part or all of the treaty. Tactically, there would be a number of ways to approach this undertaking, and it would be critical that allies are fully on board, if not in a leading role.

The details of the international legal options would need to be explored, but the basic thrust of the approach would be to signal to Russia, in coordination with NATO allies, that the United States sees no future in the parallel actions package or in any other negotiated solution, because the Russian government is simply not interested in negotiating in good faith a deal to preserve the CFE Treaty regime. Allies could respond to Russia by halting implementation of the CFE Treaty in whole or part until Russia negotiates seriously on a way forward. If Russia continues to show no interest in resuming implementation of the existing treaty and negotiating on a solution to Russian stationed forces in Georgia and Moldova, the treaty would die over time, with or without a “formal funeral.” Alliance consensus on the details of the approach would be crucial.

Under this option, the United States and its allies would have to be prepared to lose the CFE regime altogether, through a potentially prolonged stalemate. The information exchange, inspections and limits of the treaty would be held in abeyance. Adopting this approach would suggest that CFE, though of continuing relevance, was not worth the investment of political capital to find solutions to address the Russian complaints.

One possible variant to this approach would be, in parallel with suspension of information exchange and inspections, to try to get all CFE states-parties to agree to a political commitment to continue to observe the CFE Treaty ceilings. That, at least, would preserve a modicum of predictability in conventional forces levels, for a future negotiation.

There are a number of potential downsides to this approach. If not handled carefully, the United States would shoulder the blame for bringing about the end of the CFE Treaty regime. Even with solid alliance leadership and support, if the situation deteriorated, the United States might bear the brunt of the blame for a loss. Furthermore, the permanent loss of binding equipment limits on Russia would feed the Baltic states’ perceived need for reassurance about NATO’s commitment, such as through more military exercises, which in turn would place additional demands on an overstretched U.S. military. Without proper advance consultations (or even with them), states such as Georgia may not agree on the approach because of the longer term risks it entails. Finally, with respect to the future of conventional arms control itself, the United States could not be assured that Russian participation would continue in the remaining pan-European Vienna Document confidence- and security-building measures or the Open Skies Treaty.

At the end of the day, however, this step may be a necessary one, if other attempts to resolve the impasse are deemed unworkable. In that instance, policymakers must be prepared to see the way ahead after CFE.

5. THE WAY AHEAD AFTER CFE

LOOKING FORWARD

This section examines post-CFE options. Of course, if parties find a way to restart implementation and the Adapted CFE Treaty enters into force, one would in the first instance have the benefits of the Adapted Treaty in place, including the option of adding new members to the treaty. Nations could build on the success of the treaty in various ways to encourage regionally-based enhancements in transparency or additional pan-European CSBM enhancements. Although there would be plenty of difficult decisions under such a scenario, there is plenty of precedent and many experienced hands to guide it.

But what if the treaty breaks apart? What happens after the collapse of the old CFE regime? Undertaking an early, meaningful effort in European conventional arms control would prove difficult in such an environment. There would be additional suspicions about and reassessment of the European security environment, which would complicate a new negotiating effort. Allies might be best served by waiting a decent interval before plunging into discussions that would be unlikely to produce much of significant military value for security in Europe. Moreover, the new conventional environment is still in flux, and it would be difficult to find a strategic rationale other than the national ceilings in the abandoned CFE Treaty.

To soften the “landing” in the aftermath of the collapse of the CFE regime, allies would want to preserve the structures of dialogue between NATO and key non-member states and the continuation of

current, non-threatening conventional and nuclear force deployments and postures. The European Union might be encouraged to take its own steps to complement those of NATO, through its own dialogue.

With respect to arms control, first and foremost, the existing OSCE Forum for Security Cooperation is, and would remain, the only functioning pan-European forum relating to conventional arms in Europe. It would be tested as a stand-alone forum, and either strengthened as a result or faced with new objections and evasions from Russia. As noted earlier, the United States should not assume the Russian distinction between the “flawed” and “suspended” CFE Treaty and the “positive” OSCE undertakings would continue if CFE left the scene.

There is one certainty: any future measures related to conventional forces in Europe would be negotiated by the whole of Europe, within the OSCE (56 countries, not 30). That is because the CFE forum of 30 countries is a relic of the Cold War two-bloc era, and would be considered anachronistic for use in any future conventional arms control or confidence-building measure negotiations. The exception to these pan-European negotiations would be regionally-based talks, for example, to produce Dayton-like agreements in post-conflict areas, where precedents from the larger CFE and CSBM regimes could be adapted to very specific regional contexts.

Second, these initial next-phase OSCE efforts would probably rely heavily on the existing FSC, with a focus on discussion and dialogue, rather than, say,

new CFE-like limitations with inspections. The CFE regime does not readily translate into the broader forum at 56. That said, new life might be placed in exchanges on doctrine and broad discussions on “new” security agenda items, whose value is inherent in the exchange of views among nations but which produce less concrete results. The detailed modalities of such discussions in terms of participation and scope would need to be worked out as part of the overall negotiating process and would be affected by the severity of the backlash from the near-demise or complete demise of the original and adapted CFE regimes.

Having established a renewed emphasis on dialogue and broader discussion, at some point in the future, it might be possible to undertake negotiations on, and eventually achieve declaratory equipment limits on the five categories of equipment now limited under the CFE Treaty, and accompanied by a CSBM-style information exchange and CSBM evaluation visits. However, one should not have any illusions about the meaning of these limits. They would be at best a “CFE extra light,” providing a most modest measure of predictability to the European security picture, and nothing at all like the rigor of the CFE regime. If CFE is no longer operating, it would be preferable to have special measures for the flank areas within and adjoining Russian territory. However, the flank limits would undoubtedly not be resurrected, even on a declaratory basis, for Russia is unlikely ever again to agree to the division of its own territory into sub-zones on its military forces.

A long-term view of European security stresses the urgent need to avoid the return of two different regions under two distinct security regimes. Given Washington’s commitment to an enlarged Alliance, the United States should seek to prevent the border between NATO and non-members from becoming a zone of renewed security tension. There remains a need for additional transparency on data and activities of military forces out of garrison, clarity on force deployments, and, where possible, limits that enhance regional stability.

With respect to the future, the concept of regional CSBMs is attractive, in principle. The toolkit for re-

gional measures is established already in the 1999 Vienna Document (e.g., exercise notifications at lower levels; increased numbers of observations, exchanges and visits; expanded cross-border communication networks; constraints on out-of-garrison activities). Although the regional measures section of the Vienna Document encourages countries to undertake additional measures of these types, no such measures have been negotiated and agreed since the adoption of the document more than a decade ago. These guidelines, however, continue to make sense for a number of reasons, including that they give smaller European states a context that links their specific negotiation to the all-European framework. In the current environment, these measures are likely to remain most viable in arrangements that link the United States and NATO to Russia.

If or when it unfolds, a next phase for OSCE confidence- and security-building measure negotiations might turn out to be an opportunity for the European allies to take a greater leadership role. Such a role might be even more likely in the aftermath of the entry into force of the European Union’s Lisbon Treaty and the desire by European states to act on the basis of a common foreign and security policy. Certainly, it would also test the willingness of Russia to engage constructively as a player at the European security table. Discussion within the OSCE of follow-on measures could reinforce the relevance of the all-European venue for addressing military security in Europe.

CONCLUSION

Options for Washington remain available, but will soon begin to narrow, especially if Russia is intent on pushing its new European security proposal without addressing lingering concerns over Georgia and the unresolved CFE Treaty issues. In this scenario, there is a significant risk that CFE will become a casualty of a Europe once again divided. As the Russian suspension drags on, the unraveling of the CFE Treaty regime will accelerate. The February 2010 appointment of a U.S. special envoy for CFE is a positive development that should strengthen Washington’s ability to engage allies, Russia and other countries

on facilitating a CFE resolution that addresses the range of interests of the CFE states.

Finding common ground on a way forward that supports the interests of all the parties will be exceedingly difficult. Although so many other issues now top Washington's international agenda—prosecuting the two wars in Iraq and Afghanistan, stemming the proliferation of weapons of mass destruction, preventing a terrorist attack on U.S. soil, addressing climate change, and managing global economic and trade issues, to name a few—resolving the CFE impasse must nevertheless be addressed with the

requisite commitment and determination. Some in Washington may see CFE as a dated Cold War legacy agreement that can be permitted to wither away without consequence. Yet the way forward on CFE will be a key element of Washington's efforts to maintain a strong transatlantic Alliance, rebuild relations with Russia, and reinforce the independence of states in the eastern half of Europe. The future of conventional arms control must be addressed as part of the broader European security architecture. As long as the security of the United States is linked to a secure and stable Europe, the future of the CFE Treaty will matter.

APPENDIX I: ACRONYMS

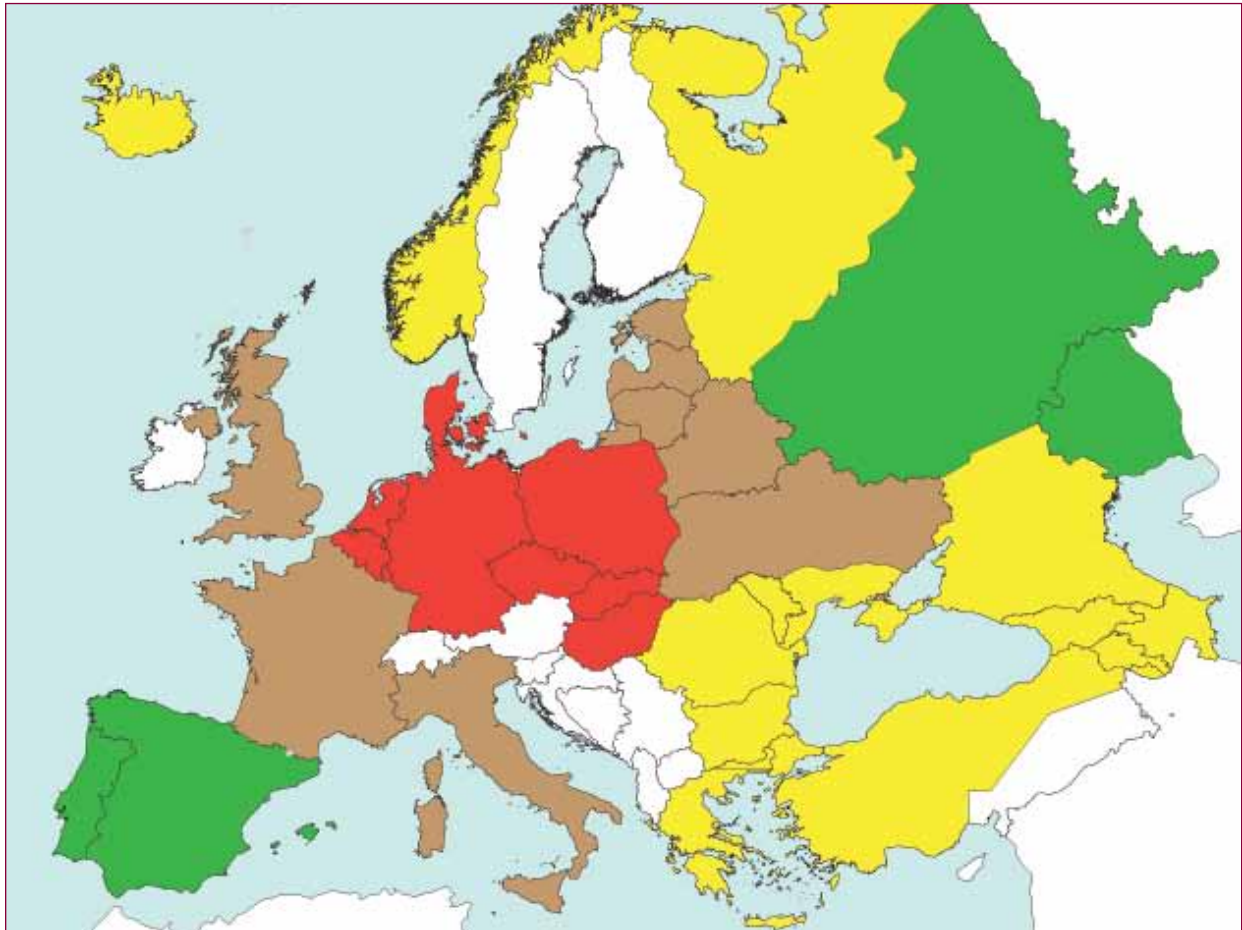
CFE	Conventional Armed Forces in Europe
CSBM	Confidence- and Security-Building Measure
FSC	Forum for Security Cooperation
JCG	Joint Consultative Group
OSCE	Organization for Security and Cooperation in Europe
NATO	North Atlantic Treaty Organization
SACEUR	Supreme Allied Commander, Europe
SHAPE	Supreme Headquarters, Allied Powers Europe
START	Strategic Arms Reduction Treaty
TLE	Treaty-Limited Equipment

APPENDIX II: CFE KEY DATES

January 10, 1989	The member states of NATO and the Warsaw Pact initial the Mandate for the Negotiation on Conventional Armed Forces in Europe.
November 19, 1990	The Treaty on Conventional Armed Forces in Europe is signed by the 22 member states of NATO and the Warsaw Pact in Paris, France.
May 15, 1992	The Agreement on the Principles and Procedures for Implementing the Treaty on Conventional Armed Forces in Europe—or “Tashkent Agreement”—is adopted by the states of the former Soviet Union, allocating the Soviet Union’s CFE equipment entitlements among them. This agreement brings the number of States Parties to 29 and paves the way for treaty entry into force, following the break-up of the Soviet Union in December 1991.
June 5, 1992	The Final Document of the Extraordinary Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe, which accepts the “Tashkent Agreement,” is adopted in Oslo, Norway.
July 10, 1992	The Concluding Act of the Negotiation on Personnel Strength of Conventional Armed Forces in Europe is signed, to take effect upon entry into force of the CFE Treaty.
July 17, 1992	Full provisional application of the CFE Treaty begins. All treaty rights and obligations are initiated.
November 9, 1992	The CFE Treaty formally enters into force.
January 12, 1993	The Agreement between the Government of the Czech Republic and the Government of the Slovak Republic on the Principles and Procedures for Implementing the Treaty on Conventional Armed Forces in Europe and Concluding Act of the Negotiation on Personnel Strength brings the number of States Parties to 30.

May 31, 1996	Adoption of the Final Document of the First Conference to Review the Operation on Conventional Armed Forces in Europe and the Concluding Act of the Negotiation on Personnel Strength, with Annex A, Document Agreed Among the States Parties to the Conventional Armed Forces Treaty in Europe (also known as the “Flink Document”). The document contains the agreement that decreases the size of the Russia flank zone, permitting Russia some additional ground equipment in its northern and southern regions. The States Parties also agree to begin to consider adaptation of the CFE Treaty.
December 1, 1996	CFE Treaty parties agree on the Document on the Scope and Parameters of negotiations to adapt the CFE Treaty.
May 15, 1997	The CFE Flink Document enters into force.
November 19, 1999	The Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe (the Adapted CFE Treaty) is signed at the OSCE Istanbul summit. CFE States Parties also adopt the related Final Act of the Conference of States Parties to the Treaty on Conventional Armed Forces in Europe and the OSCE states adopt the Istanbul Summit Declaration. These contain commitments regarding the withdrawal of Russian forces from Moldova and Georgia.
December 12, 2007	Russia “suspends” implementation of the CFE Treaty.
March 28, 2008	NATO issues the North Atlantic Council Statement on CFE outlining the parallel actions package proposal to respond to Russia’s concerns articulated in association with Russia’s suspension of the CFE Treaty.

APPENDIX III: CFE MAP



Area 4.4

Area 4.3

Area 4.2

Area 5.1

The CFE Treaty’s “area of application” is divided into four nested zones. The term “nesting” refers to the fact that, beginning with the states in the center, each successive zone subsumes all of the preceding zone, plus adjacent states and military districts. Cumulative limits are assigned on the holdings of treaty-limited ground equipment in each zone, permitting the movement of forces away from, but not toward, the central region of Europe (Area 4.4). To address concerns about potential force concentrations on the rim areas, known as the “flanks,” the treaty assigned separate, unitary sub-limits there.

The numbers for the areas refer to articles in the CFE Treaty. Area 4.4 is the area shaded red—Benelux, Germany, Denmark, Poland, the Czech Republic, Slovakia and Hungary—and has the strictest sub-limits. Area 4.3 includes the states in Area 4.4 plus the area shaded brown: the United Kingdom, France, Italy, Kaliningrad, Belarus and most of Ukraine (the Baltic states were covered as part of the USSR, but they never signed the CFE Treaty). Area 4.2 comprises Area 4.3 plus the area shaded green: Portugal, Spain and parts of Russia and Kazakhstan. Area 5.1 (yellow) comprises the flank areas. Area 4.1 is the entire region, from the Atlantic to the Urals.

ENDNOTES

- ¹ These commitments are known as the “Istanbul commitments” and are contained in annexes to the 1999 CFE Final Act and within the 1999 OSCE Istanbul Summit Declaration; their adoption was a condition for NATO allies and others to sign the Adapted Treaty.
- ² The text below draws in large part from “Conventional Armed Forces in Europe (CFE): A Review and Treaty Update of Treaty Elements,” Dorn Crawford, U.S. Department of State, Washington D.C., March 2009.
- ³ NATO members as of the 1990 Treaty signature: Belgium, Canada, Denmark, France, Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey, the United Kingdom and the United States.
- ⁴ Warsaw Pact members as of the 1990 Treaty signature: Bulgaria, Czechoslovakia, Hungary, Poland, Romania and the USSR.
- ⁵ Fact Sheet: Treaty on Conventional Armed Forces in Europe (CFE): Key Facts about the Current Treaty and Agreement on Adaptation, U.S. Department of State.
- ⁶ The CFE “Flank Document,” sometimes called the “Flank Agreement,” is formally titled the “Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990” and is Annex A of the 1996 “Final Document of the First Conference to Review the Operation of the Treaty on Conventional Armed Forces in Europe and the Concluding Act of the Negotiation on Personnel Strength.”
- ⁷ The treaty places equal limits on two groups of states-parties, which correspond to the members of NATO (“Western” group) and the members of the Warsaw Pact (“Eastern” group) as of CFE Treaty signature.
- ⁸ Fact Sheet on “The Adapted CFE Treaty and the Istanbul Commitments,” NATO.
- ⁹ As outlined in a March 28, 2008 NATO statement, the parallel actions package, upon agreement by NATO and Russia, proposes that: “NATO Allies will move forward on ratification of the Adapted CFE Treaty in parallel with specific, agreed steps by the Russian Federation to resolve outstanding issues related to Russian forces/facilities in the Republic of Moldova and Georgia... NATO and Russia will urge all CFE states to join in a political commitment to act in a manner consistent with the object and purpose of the Adapted CFE Treaty until it enters into force, and to observe all equipment ceilings... The NATO members that are not Parties to the CFE Treaty will publicly reiterate their readiness to request accession to the Adapted Treaty as soon as it enters into force... NATO and Russia will develop a definition of the term “substantial combat forces” as it is used in the NATO Russia Founding Act... Once the Adapted Treaty is into force, NATO Allies will review the operation of the Adapted CFE Treaty with Russia and other Treaty parties.” NATO Press Release (2008)047:NAC Statement on CFE, March 28, 2008.
- ¹⁰ As a percentage of these states’ total entitlement allocations, not the CFE “Western” group limit.
- ¹¹ The February 2010 election of Victor Yanukovich as Ukraine’s president means that Ukraine will not pursue NATO membership in the near term. In the aftermath of the Georgia-Russia conflict, many European allies are dubious of integrating Georgia too quickly into NATO.
- ¹² Russia conducted inspections in Macedonia and Albania during the war in Kosovo in May 1999, under Chapter 8 of the Vienna Document. Restrictions by the Supreme Allied Commander, Europe (SACEUR) on the Russian team’s access, out of concern that information from the visit might be provided to the Serbs, caused significant tensions within the Alliance.
- ¹³ The 1997 NATO-Russia Founding Act on Mutual Relations, Cooperation, and Security states that: “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.” NATO did not articulate what is meant by “substantial combat forces.”
- ¹⁴ See Statement by the Delegation of the Russian Federation, OSCE Forum for Security Cooperation; December 12, 2007.
- ¹⁵ The September Zapad 2009 exercise involving both Russian and Belarusian forces fell slightly below the threshold for such observation requirements (and may have been deliberately designed to do so), but Minsk, following OSCE precedent, invited observers from neighboring countries as a gesture of openness.

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