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Building without a Cornerstone: The Indispensable Role of CFE in the European Security Structure

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Abstract

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For more than 20 years, the Conventional Armed Forces in Europe (CFE) Treaty has been a cornerstone of European security. The transparency and confidence-building accomplished through the other European security instruments are necessary, but not sufficient to prevent conflict in Europe over the long term. Therefore, the United States should pursue negotiation of a conventional arms limitation treaty to replace CFE. The treaty's central purpose should be to reestablish meaningful limits on conventional armed forces in Europe, in order to provide a high degree of certainty among neighbors and the wider European community that conventional force levels will not see a return to the unstable levels that existed prior to CFE. Concluding a new conventional limitations treaty will further U.S. interests by: (1) decreasing the likelihood of a conventional arms race in Europe; (2) contributing to stabilization and eventual resolution of enduring or 'frozen' conflicts; (3) establishing more favorable conditions for the advancement of U.S. nuclear disarmament goals, and; (4) setting conditions for the further promotion of arms control initiatives outside of Europe.

Building without a Cornerstone: The Indispensable Role of CFE in the European Security Structure

> We must not count with certainty on a continuance of our present prosperity during such an interval; but unquestionably there never was a time in the history of this country when, from the situation of Europe, we might more reasonably expect fifteen years of peace, than we may at the present moment.
>
> –William Pitt the Younger[1]

For more than 20 years, the Conventional Armed Forces in Europe (CFE) Treaty has been a cornerstone of European security.[2] With its legally-binding limits on the size and location of conventional forces, made verifiable by requirements for information exchange and on-site inspections, the CFE Treaty is a key component of the foundation upon which Europe and the United States have built the interlocking regime of mutually supporting European security agreements.[3]

The limits established in CFE undergird the rest of the European security structure. The transparency and confidence-building accomplished through the other European security instruments are necessary, but not sufficient to prevent conflict in Europe over the long term. Therefore, the United States should pursue negotiation of a conventional arms limitation treaty to replace CFE. The treaty's central purpose should be to reestablish meaningful limits on conventional armed forces in Europe, in order to provide a high degree of certainty among neighbors and the wider European community that conventional force levels will not see a return to the unstable levels that existed prior to CFE.

Concluding a new conventional limitations treaty will further U.S. interests by: (1) decreasing the likelihood of a conventional arms race in Europe; (2) contributing to stabilization and eventual resolution of enduring or 'frozen' conflicts; (3) establishing

more favorable conditions for the advancement of U.S. nuclear disarmament goals, and; (4) setting conditions for the further promotion of arms control initiatives outside of Europe.

These objectives will drive determination of the treaty specifics, such as equipment limits, equipment categories, content of data exchanges, and inspection provisions. Arms control is not an end in itself; it is a way to enhance and improve the security environment. Whatever form the treaty ultimately takes, one thing that is certain is that it must be verifiable. As was the case with CFE, the treaty will advantageously provide meaningful information on conventional forces, which will enhance transparency and build confidence among treaty partners. However, the primary purpose of the treaty will be to establish a new set of limits.

This new treaty will be only one component of a regime of mutually supporting agreements; therefore, it cannot be negotiated in a vacuum. An analysis of the quality and quantity of the information, degree of transparency, and confidence-building measures currently provided by other elements of the European security regime, such as the Vienna Document, Open Skies Treaty, and Global Exchange of Military Information (GEMI) should inform development of specific provisions in the new treaty. The information and verification elements of the treaty should fill the gaps in information and transparency that these other agreements provide in order to complement, rather than duplicate, existing instruments.

History and Current Status of CFE

Following the unsuccessful Mutual and Balanced Force Reduction talks, which began in 1973 and stalled in 1979, the members of NATO and the Warsaw Pact agreed

to a mandate to negotiate the CFE Treaty in 1989.[4] Twenty-two countries signed the treaty in November 1990, and it entered into force in July 1992.[5] Although it became the cornerstone of European security, the CFE Treaty was neither the first, nor is it the only arms control agreement in Europe.

The treaty's original purpose was to establish a stable balance of conventional forces in Europe by achieving parity between NATO and the Warsaw Pact. It achieved parity by establishing for each alliance equal bloc limits in the five categories of equipment limited by the treaty.[6] CFE increased stability by establishing a system of zonal sub-limits that restricted the amount of treaty-limited equipment (TLE) that each bloc could station near the inter-bloc border, thus reducing the capacity of each side to launch a surprise attack.[7]

The treaty has been remarkably successful in fulfilling its mandate of establishing a secure and stable balance of conventional armed forces in Europe while eliminating the capability to launch a surprise attack or initiate large-scale offensive action in Europe.[8] Since 1992, the States Parties have destroyed more than 69,000 pieces of conventional armaments and equipment subject to the treaty, and conducted more than 5,500 on-site inspections.[9]

With the demise of the Warsaw Pact and eastward expansion of NATO during the 1990's, it became necessary to update the treaty to address the evolving realities of the geo-political situation in Europe. The 30 States Parties to the CFE Treaty signed *The Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe* at Istanbul, Turkey on 19 November 1999. Commonly referred to as the Adapted CFE Treaty or ACFE, the *Agreement on Adaptation* updates the original treaty structure by

replacing the bloc and zone limits with a system comprised of national and territorial ceilings for each country, and eliminating any references to NATO or the Warsaw Pact. ACFE also adds numerous provisions designed to increase the fidelity of information each country provides regarding its conventional armed forces. These include notifications regarding exercises and temporary deployments that exceed territorial ceilings, equipment transiting borders, changes in overall holdings, and quarterly updates. Another significant change is the addition of a new type of on-site inspection, called a designated area inspection, which is conducted by a multinational inspection team.[10]

All 30 States Parties signed ACFE in 1999, but it has never entered into force. At the time of signature, the Russian Federation committed to removing its forces from Georgia and Moldova and reducing its holdings in the treaty's "flank" area to ACFE levels. President Clinton issued a statement at the time of signature in Istanbul that reads in part: "I will only submit this Agreement to the Senate for advice and consent to ratification when Russian forces have in fact been reduced to the flank levels set forth in the adapted Treaty."[11]

Russia's continued presence in Georgia and Moldova (not to mention its 2008 invasion of the former) and steadfast refusal to abide by its flank limits have created an intractable stalemate between Russia and NATO member states regarding CFE. This intransigence has created a situation whereby Europe is left with a conventional forces limitation treaty that is hopelessly outdated and incapable of contributing to the maintenance of military stability in a meaningful way.

While Russia can certainly be faulted for not fulfilling its Istanbul commitments, it cannot be faulted for wanting a new arrangement. The bloc-on-bloc structure of the original treaty is completely untenable. This is not only because one of the blocs [the Warsaw Pact] no longer exists, but because many of its former members are now part of NATO.

The very survival of CFE has been in jeopardy since at least December 2007, when Russia "suspended" all its activities concerning implementation of the treaty.[12] Russia stopped providing its annual exchange of information required by the treaty, ceased providing the required periodic notifications, and stopped conducting or accepting on-site inspections. In 2011, 24 countries including the United States, the 21 NATO Allies that are party to CFE, Georgia, and Moldova ceased implementation vis-à-vis Russia (but no other country).[13]

Contributions of Other Agreements to European Security

While CFE is in dire straits, there are other components of the overall European arms control regime that are viable and provide a considerable degree of transparency on conventional forces in Europe. There are numerous bilateral and sub-regional agreements that contribute to European security, but the three that encompass the greater part of Europe are the Vienna Document, the Treaty on Open Skies, and the GEMI.

The Vienna Document is a politically-binding collection of confidence- and security-building measures (CSBMs) designed to increase transparency among the 56 participating States of the Organization for Security and Cooperation in Europe (OSCE). The Vienna Document contains chapters on defense planning, risk reduction, and

military-to-military contacts. Similar to CFE, it also provides for an annual exchange of military information, and allows for inspections of military activities and unit evaluations. However, unlike CFE, the Vienna Document does not limit the number of conventional forces a country may possess. The only limitations found in the Vienna Document are the constraining provisions found in Chapter VIII, which limit the number of military activities in excess of established thresholds that a country can conduct in a one-year or three-year period.[14]

The Open Skies Treaty allows for unarmed aerial observation flights over the entire territory of each State Party on a reciprocal basis, using treaty-approved sensors. The resolution, or quality, of imagery for each sensor is limited so that the imagery taken allows for the identification of military equipment, but will not reveal sensitive information. For example, the resolution of imagery taken with panoramic and framing cameras can be no better than 30 centimeters. This level of resolution allows for the identification of a tank, but cannot distinguish antennae or other special equipment on the tank. The Open Skies Treaty provides a useful means of verifying data provided through other treaties and agreements. By planning a flight route over a country's CFE declared sites, for example, it is possible to compare equipment captured in Open Skies imagery to the information contained in that country's data exchange and any subsequent change notifications.[15]

The GEMI is an information exchange conducted among OSCE countries. It provides data on military command structure, number of personnel assigned to the conventional armed forces, and information on major weapon and equipment systems. Personnel numbers are disaggregated by rank and assigned command. Equipment

numbers are reported by category and geographic location. The information provided is not subject to limitations, constraints, or verification.[16]

This extremely brief exposition on the other main elements of the European arms control regime is intended to illustrate the point that while these agreements provide significant transparency in their current forms, and in the case of the Vienna Document, an array of mechanisms to increase interactions between militaries and build trust and confidence among the participating States, in practical terms, they do not limit or constrain military capability. While these agreements provide a considerable level of transparency regarding military forces, they do not provide anywhere near the fidelity of information required by CFE, nor do they allow the level of intrusiveness through on-the-ground inspections that CFE affords.

The Case for a New Treaty

If CFE is no longer viable, and all indications would seem to indicate that it is not, the question then becomes what, if anything, should take its place? Some would argue that the time for conventional limitations in Europe has passed. In most countries, conventional armed forces levels in Europe are a fraction of what they were in 1991. Furthermore, current economic realities would seem to rule out the possibility of a substantial rearming in Europe if the existing legal limitations contained in the CFE treaty were to cease to exist.

The argument that CFE has outlived its purpose certainly has appeal; however, one should be mindful of the fact that the post-Cold War stability that has prevailed in Europe is due in no small measure to the predictability provided by CFE. A continent that saw more than its share of bloodshed in the 19th and 20th Centuries would do well

by perpetuating, in one form or another, a legally-binding structure of arms limitations on conventional forces. A noted French disarmament expert describes the situation well:

> Almost 20 years of the CFE have made everyone forget what a Europe without the CFE would look like. Within a few years Europe could again be like the Middle East or East Asia, i.e. a region where arms races occur due to the lack of transparency and miscalculations and where resources are devoted to gathering intelligence about neighboring countries' conventional capabilities.[17]

Laying a New Cornerstone

The fundamental reason to negotiate a new limitations treaty is to re-lay the foundation of the European security structure; to replace the cornerstone that has crumbled under the weight of political and military change with a new one capable of supporting a 21st century security architecture. Europe has changed dramatically, largely for the better, since CFE entered into force. Communist governments have given way to democracy. Economic integration is greater than ever, owing to the expansion of the European Union and creation of a common currency. NATO has expanded from 16 to 28 member states.

Despite these improvements, the potential for violent armed conflict still exists in Europe. The Balkans experienced unspeakable violence and genocide in the 1990s. Tensions remain high between Armenia and Azerbaijan, with both countries continuing to maintain substantial levels of conventional forces. As recently as 2008, Europe witnessed the armed invasion of Georgia. Conventional armaments and equipment limited by the CFE Treaty were an integral part of this operation.

The data, transparency, military-to-military contacts, and confidence generated by the web of existing arms control agreements are important. They provide a window into the composition, disposition, and readiness of the military forces of other countries.

This information can yield valuable insights regarding the capabilities and intentions of another nation, and such knowledge can be invaluable in preventing conflict due to miscalculation.

However, while transparency is a necessary condition to prevent conflict in Europe, it is not sufficient. Limits are the yardstick against which governments can measure the information obtained through transparency agreements such as the Vienna Document, Open Skies, and GEMI.

Without a limitations treaty to undergird transparency measures, there is no basis upon which to judge a potential adversary's actions. If a country begins to increase its force levels, there is nothing preventing it, so how can others protest? If a nation begins to concentrate forces near a border, what recourse does its neighbor have? Transparency measures yield information for use in a dialogue about security issues and decrease the likelihood of miscalculation, but limits provide the basis of the dialogue.

Decreasing the Possibility of a Conventional Arms Race

Concluding a new conventional arms control treaty that establishes meaningful equipment limits will set the conditions necessary to help avoid a conventional arms race in the future. The current force levels of many countries are far below the limits established in both CFE and ACFE. To provide just one example, Germany has a national ceiling of 3,444 battle tanks under the Adapted CFE Treaty.[18] By 2015 the German Army will have 12 tank companies in three battalions. In 1990, Germany had 16 tank brigades in its active force, plus additional reserves.[19] New limits will help maintain the historically low equipment levels now extant in Europe by providing

predictability in defense planning, assuring Russia regarding NATO intentions, and assuring Russia's neighbors regarding its intentions.

Limits Provide Predictability for Defense Planning

Legal constraints on conventional forces provide an unmatched level of certainty regarding the probable future force levels of one's neighbors, which aids in defense planning. No treaty can absolutely guarantee that a country will not engage in a future build-up of its forces. However, a limitations treaty establishes a norm, to which a country explicitly agrees by signing the treaty. A later violation of the limit signals a hostile intention far more clearly than an identical force increase in the absence of the limit. This is true for two reasons: it requires a conscious internal government decision to violate the previously agreed-to limit, and the act itself provides an unambiguous external demonstration of a change in the security environment. Intentions in the absence of a legal limitation would be more ambiguous and difficult to determine.

Legally-binding limits, coupled with transparency, provide a degree of certainty about the future that allows defense planning to occur in a more certain and predictable fashion. If a country knows its neighbors are legally constrained and can verify they are complying with their obligations, it can optimize its defense budget and force structure to meet its security needs. Limits reduce the need for excess capacity to hedge against an uncertain future, thereby reducing the likelihood of ever-escalating force levels.

Preservation of legal limits will allow the downward trend of conventional holdings to continue, or at a minimum, ensure that they do not increase. With decreasing defense budgets and a rebalancing of defense priorities to the Pacific region,[20]

reconstitution of the conventional limitations architecture in Europe is clearly in the interest of the United States.

With limits in place, the U.S. can confidently proceed with European stationing plans, which will leave no heavy conventional forces permanently stationed in Europe,[21] and effectively treat the European Theater as an economy of force operation while still meeting Alliance commitments. Witkowsky *et.al.* make an economy of force argument that measures security commitments against force levels. They argue that while U.S. military requirements in Europe have decreased, security commitments have increased with the addition of 12 countries to NATO since the Cold War ended, and that conventional limits allow the U.S. to meet these commitments with the minimum possible number of forces.[22] Like the author, they also argue that preservation of conventional limits is a hedge against an uncertain future.

While their argument is mathematically true, increased commitments as measured by number of countries in the Alliance do not necessarily translate to increased military requirements, absent a credible threat. Using their logic, one could argue equally well that U.S. security obligations have decreased because former adversaries are now friends, and therefore, potential threats can originate from fewer sources. A better measure is the primary metric of CFE: offensive potential. A new limitations treaty will allow the U.S. to treat Europe as an economy of force operation simply by decreasing the offensive capability of potential adversaries.

Limits Will Assure Russia

By the same token, limits will reduce the military requirements of Russia and other non-Alliance countries by constraining NATO. It is fair to ask how constraining

NATO is in the interest of the U.S. Part of the answer is that reciprocity is a fundamental tenet of arms control. If the U.S. and NATO desire constraints upon the capabilities of others, they have to expect the same in return. This is not to say that NATO or the U.S. should be constrained to the point of military impotence.

Russia perceives a significant conventional force imbalance between itself and NATO. With the accession of Bulgaria and Romania to NATO, the Russian General Staff calculated a NATO advantage of 2200 battle tanks, 3300 armored combat vehicles, and 2000 artillery pieces.[23] The Baltics are another area of concern for Russia. They are outside CFE, and there is significant anxiety in Russia that NATO could station a large number of forces there because those countries are not subject to numerical limits.[24]

Beyond simply reestablishing military parity, a new limitation treaty would serve a larger political purpose. Numerical constraints on NATO will help set the conditions for greater improvements in U.S. - Russia and Europe - Russia relations. The end of European arms control must necessarily extend beyond the goal of realizing greater stability and security in Europe envisioned in the preamble of the CFE Treaty, to achieving a meaningful integration of Russia into Europe.

The only way to truly achieve the goal of creating a Europe that is whole, free, and democratic is by treating Russia less as an adversary and more as a partner. Of course, this requires Russia to do the same. Conventional arms limitations cannot achieve this goal, but they are key to setting the conditions by changing Russian threat perceptions of NATO.

Many Russian thinkers and politicians continue to view NATO—and the continuing possibility of its further eastward expansion—as a threat to Russian security. According to one group of Russian experts, Russia's elite view the Cold War as unfinished. They view themselves not as the vanquished, but as the victor in the struggle against totalitarian Communism.[25] They view NATO enlargement as Western geo-political expansion aimed at containing Russia.[26]

In contrast, the West views NATO not just as a military alliance, but also as a political alliance, an alliance of values. For the Allies, NATO expansion has been more about removing old dividing lines than surrounding Russia.[27] Narrowing the gap between such diametrically opposing views will be difficult. New military limits cannot achieve this goal, but they can change perceptions about military intentions and create "trade space" for political improvements.

Limits Will Assure Russia's Neighbors

Continuation of conventional limits in Europe will provide a measure of assurance to Russia's neighbors. No manner or form of limitations, short of complete disarmament, can deter or prevent conflict between Russia and its smaller neighbors. Of course, one should also remember that arms control and deterrence are two very different things. Nonetheless, it would signal a recommitment to stability, and reduce the likelihood of armed conflict.

Russia will always have the capability to assert itself in its near abroad if it so chooses, and calculates it can be successful. For example, one can imagine further incursions into Georgia, but the calculation for an invasion of the Baltics is an entirely

different one. This fact will remain true with or without conventional force limits in Europe.

No realistically achievable agreement could constrain Russia to the point that its neighbors could enjoy an absolute security guarantee; the force disparity is just too great. However, Russia's mere participation in a new limitations treaty would provide greater assurance to its neighbors than does the status quo.

Preventing Sub-Regional Conflicts

Arms control limits cannot resolve sub-regional conflicts, but they can decrease the likelihood of war and help set the conditions for a political solution. The Armenia-Azerbaijan conflict over Nagorno-Karabakh, the Transnistrian independence movement in Moldova, and the Abkhaz and Ossetian secessions from Georgia all have intra-state components. This makes the potential contribution of interstate arms control even more challenging. Still, there is a role it can play.[28]

Arms control can facilitate the achievement of a successful deterrence relationship between peer competitors (e.g., Armenia and Azerbaijan) by establishing parity between forces. Indeed, parity is a necessary component of deterrence. If the conventional capability of one country greatly outnumbers that of its rival neighbor, the weaker party's conventional forces have no deterrent effect on the larger force. This assumes of course that the weaker party does not possess an asymmetric capability to hold the stronger nation's conventional forces at risk.

Critics could argue that CFE and ACFE already establish parity between Armenia and Azerbaijan, and they would be correct.[29] They would also be correct in asserting that if one includes all of the "unaccounted" or "uncontrolled" treaty-limited equipment

present in Nagorno-Karabakh, that both countries are exceeding their treaty limits.[30] However, the solution is not to abandon arms control. As argued above, limits can serve as a barometer for conflict. A violation of previously agreed limits provides unambiguous warning that the security situation has deteriorated. Perhaps more important, the inspections conducted under the CFE Treaty achieve transparency and reduce tensions.[31]

Negotiation and conclusion of a replacement CFE Treaty can assist with resolution of the frozen conflicts by bringing the effected countries to the table, re-base lining their equipment limits, and reinvigorating information exchange and inspection activities. However, this would only address the interstate component of these conflicts, which is necessary but not sufficient. The national governments could address the intrastate dimensions by concluding sub-regional arms control agreements with the separatist movements modeled on Article IV of the Dayton Accords.[32] Whatever solutions are devised, it is important to note that they cannot be accomplished without Russian cooperation; they support entities involved in all of the frozen conflicts.[33]

Furthering U.S. Nuclear Disarmament Objectives

A conventional arms limitation treaty would help further U.S. nuclear disarmament objectives. The U.S. has a stated objective of reducing tactical nuclear weapons in the next round of nuclear reduction talks.[34] However, this is at odds with Russia's current defense strategy, which places an increased reliance on tactical nuclear weapons because of a perceived NATO conventional superiority.[35]

Based on the Russian defense strategy, further progress on nuclear arms reductions, especially tactical nuclear weapons, is unlikely without legally-binding limits

and/or significant further reductions to NATO conventional force levels. In a Europe without CFE, Moscow, and perhaps some NATO countries, will see tactical nuclear weapons as a counterweight to conventional imbalances.[36]

Promoting Arms Control Outside of Europe

A new conventional limitations treaty in Europe will support the U.S. desire to pursue arms control and transparency talks with China. The U.S. and China have had a series of strategic dialogues over the last several years on security, arms control, non-proliferation and counter-terrorism issues.[37] China is party to most major global arms control, nonproliferation, and disarmament treaties, including the Nuclear Nonproliferation Treaty, Comprehensive Test Ban Treaty, Chemical Weapons Convention, Biological Weapons Convention, and the Nuclear Suppliers Group.[38]

Despite its participation in treaties involving weapons of mass destruction, China has thus far proven unwilling to move beyond the dialogue stage to substantive talks about increasing transparency into its conventional force build-up. In 1997, China signed an agreement on mutual reduction of armed forces in border areas with Russia, Kazakhstan, Kyrgyzstan, and Tajikistan, but the agreement is kept secret among the parties.[39]

The OSCE, of which the U.S. is a leading member, is seeking opportunities to expand its principles and cooperative security measures to other regions. The OSCE has two sets of partner nations, the Partners for Co-operation (Afghanistan, Japan, Mongolia, South Korea and Thailand) and the Mediterranean Partners for Co-operation (Algeria, Egypt, Israel, Jordan, Morocco and Tunisia).[40] It would be difficult to convince China or other Asian nations of the value of conventional arms control if the U.S.

allowed the gold standard of conventional treaties to fade into history without replacing it.

Toward a New Treaty

In the simplest of terms, a new treaty must provide that which the Vienna Document, Open Skies Treaty, GEMI, and other European security agreements do not: meaningful limits on conventional armed forces. To maintain the European security structure in which CFE has played such a central role, CFE must be replaced with a treaty that provides limits on conventional forces, a detailed information exchange and notification system, and a robust on-site inspection regime to provide a means to verify that equipment limits are honored and the information provided in annual exchange is accurate.

The *raison d'être* of arms control is to limit military capability. However, any treaty must preserve the United States' capability to meet its Article V commitments, and allow the operational flexibility required to use Europe as a strategic platform for operations outside the treaty area of application. The treaty must remain focused on European security, not U.S. global power projection capabilities.

The devil, as always, is in the details. The Adapted CFE Treaty is a good starting point. Many of the provisions in ACFE can be salvaged, but the steadfast Russian refusal to abide by CFE flank limits, or in ACFE parlance, territorial sub-ceilings, requires the negotiation of a new treaty. Many experts within the arms control community have called for ratification and entry into force of the Adapted Treaty, followed by negotiations to further adapt the treaty.[41] From a U.S. standpoint, this is not

a viable approach. One cannot begin to imagine the Senate giving consent to ratification of a treaty that requires immediate renegotiation upon entry into force.

The new treaty should retain the ACFE structure of national and territorial ceilings, but most countries should agree to reduce the ceilings set in ACFE so they are closer to current holdings. Although ACFE purposely moved away from the bloc limits of the original treaty, a collective ceiling for NATO countries may be worth considering, given Russia's continued anxiety about the potential for future NATO enlargement.

On-site inspection provisions should remain largely unchanged. Information exchange provisions could be updated to account for the transformation of the signatories' ground forces. Many countries have moved from the regiment-centric organizational structure prevalent in the Warsaw Pact at the time CFE went into effect to a brigade-centric structure. CFE reporting is already done down to the brigade and separate battalion level, so any changes would likely be marginal.

An update to the list of conventional armaments and equipment subject to the treaty is another important revision to consider. The parties have not updated this list since 1997, and may want to account for equipment not widely used by conventional forces at the time, but that have become central to operations since. Chief among the additions might be mine resistant ambush protected (MRAP) vehicles and unmanned aerial systems (UAS).

Negotiation Strategy

Achieving the goal of replacing CFE with a conventional arms limitation treaty suited to the 21st century will not be easy. It will require the careful balancing of competing interests and conflicting perceptions. The Western view of NATO expansion

as a unifying force for Europe must be reconciled with Russia's view that expansion is a continuation of Containment. Limits and restrictions designed to ensure continued stability on the European continent must be balanced with the operational flexibility required to deploy forces from and through Europe to other regions. Indivisible security and freedom from the threat of force must be balanced with the right of every state to be party to treaties of alliance.

To start the process, Russia must be convinced that the U.S. interests identified here: preventing an arms race, resolving the frozen conflicts, nuclear disarmament, and promotion of arms control outside Europe, are also Russian interests, and that a new treaty can further those interests. This is the realm of diplomats, and can be accomplished through U.S. – Russia bilateral consultations and the NATO Russia Council.

However, identifying common interests is just the beginning. For a negotiation to succeed, Russia must perceive that there is something to be gained by signing a new treaty. The art in arms control is convincing the other side that you have conceded something in negotiations, when in fact, you were willing to give up all along. The U.S. and NATO must determine what they can 'give up' in order to conclude a new treaty.

NATO should make clear at the outset that all member countries will be party to the treaty and subject to its limits. All members of the OSCE should be invited to participate in negotiations and join the treaty. This will address Russian concerns regarding NATO countries that are not currently subject to CFE equipment limits.

NATO countries should telegraph early in the process that they are willing to accept equipment ceilings that are significantly lower than ACFE limits. The 22 NATO

members that are parties to CFE have a collective ceiling of 22,424 battle tanks, compared with a ceiling of 6,350 for the Russian Federation.[42] Actual holdings are much less. NATO can agree to significantly lower ceilings without actually giving up anything, and in the process assuage Russia's concerns about NATO conventional superiority. Establishing low equipment ceilings in the Baltic States, Bulgaria, and Romania may be a way to address the flank issue and convince Russia to agree to new flank limits on its territory. Lower ceilings are also a way to reduce Russia's reliance on tactical nuclear weapons as part of its defense strategy.

While it may seem like a step backward because ACFE eliminates the bloc limits of the original CFE treaty, a NATO bloc limit may merit consideration. As noted above, Russia views NATO's eastward expansion as a threat to its security. Establishing overall equipment ceilings that NATO cannot exceed could be a way to mitigate this perceived threat. If a new country joined NATO, but in doing so caused the Alliance to exceed its bloc TLE limit, reductions in that country and/or other NATO members would be required to bring equipment levels below the ceiling.

It may also be necessary to reconsider the long-standing position on Russia's Istanbul commitments involving Georgia and Moldova. A compromise approach might involve negotiation of equipment limits within the CFE process, and parallel negotiations under Chapter 10 of the Vienna Document to resolve the political aspects of these frozen conflicts.

These are just some of the ways available to at least begin the process of concluding a new treaty to replace CFE. Additional 'trade space' will reveal itself in the course of negotiations.

The means required are fairly modest. Over 20 years of CFE data, combined with information gained through the Vienna Document and Open Skies Treaty, make the assessment of the military capabilities of the various countries involved in the negotiation a much easier task than it was in 1990. As a result, the commitment of significant intelligence resources to support negotiations will not be necessary. It will involve a sustained and concerted diplomatic effort backed by interagency support and deliberations in Washington and other capitals.

Conclusion

Negotiating a new treaty to replace CFE will lay a new cornerstone for European security, improve NATO – Russia relations, and further other U.S. arms control objectives both within and outside of Europe. CFE was responsible for massive conventional force reductions in Europe during the last decade of the 20th century, and served as the foundation for the interlocking regime of mutually supporting European security agreements. Despite the historically low levels of conventional forces present in Europe today, prudence dictates preservation of legally-binding conventional force limits to hedge against an always uncertain future and prevent another conventional arms race in Europe like that which occurred during the Cold War.

Endnotes

[1] R. Coupland, *The War Speeches of William Pitt the Younger,* (Oxford University Press, 1915), 16. Less than a year after Pitt made this statement during a speech to Parliament on February 17, 1792, Europe plunged into the bloodiest period of war in its history prior to 1914.

[2] The characterization of the CFE Treaty as a cornerstone of European security has been a common one throughout the life of the treaty. Perhaps the best example is found in the introduction to the *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, commonly referred to as the First REVCON Document, the first sentence of which reads: “The States Parties reaffirm the fundamental role of the Treaty as a cornerstone of European security and their adherence to its goals and objectives.”

[3] This regime includes a number of complementary arms control treaties and agreements aimed at improving European regional security; among these are the Intermediate Nuclear Forces Treaty, the Treaty on Open Skies, the Vienna Document 2011 on Confidence- and Security-Building Measures, and the Global Exchange of Military Information.

[4] Jeffrey D. McCausland, *Conventional Arms Control and American Policy in the 21st Century* (USAF Academy, CO: USAF Institute for National Security Studies, 2010), 15.

[5] The USSR was a signatory when the treaty was signed in 1990. By the time the treaty entered into force in 1992, the USSR had dissolved and its successor states (Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Moldova, Russia, and Ukraine) became party to the treaty through the “Final Document of the Extraordinary Conference of the States Parties to the Treaty On Conventional Armed Forces In Europe,” June, 5 1992. Available on-line at: http://www.fas.org/nuke/control/cfe/text/osloa.htm (accessed December 5, 2012). This increased the number of States Parties to 29 when it entered into force. When the Czech and Slovak Federal Republic split into the Czech Republic and the Slovak Republic on 1 January 1993, the number of States Parties increased to its current number, 30.

[6] The five categories of treaty-limited equipment are battle tanks, armored combat vehicles, artillery, attack helicopters, and combat aircraft.

[7] *Treaty on Conventional Armed Forces in Europe*, Article IV.

[8] *Treaty on Conventional Armed Forces in Europe*, Preamble.

[9] McCausland, 46.

[10] The *Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe* is available on-line at: http://www.osce.org/library/14108 (accessed December 13, 2012).

[11] William J. Clinton, “Statement on the Agreement Modifying the Conventional Armed Forces in Europe Treaty,” November 19, 1999. United States Government Printing Office. http://www.gpo.gov/fdsys/pkg/PPP-1999-book2/pdf/PPP-1999-book2-doc-pg2113.pdf (accessed December 5, 2012).

[12] “Journal of the 533rd Plenary Meeting of the Forum for Security Co-operation,” December 12, 2007. Organization for Security and Co-operation in Europe. http://www.osce.org/fsc/29817 (accessed December 5, 2012).

[13] Rose Gottemoeller, “Moving the Prague Agenda Forward Arms Control Association Annual Meeting,” June, 4 2012. U.S. Department of State. http://www.state.gov/t/us/191750.htm (accessed October 20, 2012).

[14] The *Vienna Document 2011on Confidence- and Security-Building Measures* is available on-line at: http://www.osce.org/fsc/86597 (accessed December, 13 2012).

[15] The *Treaty on Open Skies* is available on-line at: http://www.osce.org/library/14127 (accessed December 13, 2012).

[16] The text of the *Global Exchange of Military Information* agreement is available on-line at: http://www.osce.org/fsc/41384 (accessed December, 13, 2012).

[17] Camille Grand, "European Security and Conventional Arms Control: An Agenda for the 21st Century," in *The Future of Conventional Arms Control in Europe,* eds. Wolfgang Zellner, Hans-Joachim Schmidt, Götz Neuneck (Baden-Baden: Nomos Publishers, 2009), 148.

[18] *Agreement on Adaptation*, Protocol on National Ceilings.

[19] F. Stephen Larrabee, et. al., *NATO and the Challenges of Austerity* (Arlington, VA: RAND National Defense Research Institute, 2012), 28.

[20] Leon E. Panetta, *Sustaining U.S. Global Leadership: Priorities for 21st Century Defense* (Washington, DC: U.S. Department of Defense, January 2012), 2.

[21] By 2015, US Army Europe (USAREUR) will reduce to approximately 30,000 personnel and have no Heavy Brigade Combat Teams assigned. V Corps headquarters will also leave Europe. In 2015, USAREUR will consist in its entirety of the USAREUR HQ, a Stryker Brigade Combat Team, an Airborne Brigade Combat Team, and Theater enablers. "U.S. Army in Europe Transformation 1989-2015," June 15, 2012. Headquarters, United States Army Europe. http://www.eur.army.mil/pdf/USAREURTransformation.pdf (accessed December 13, 2012).

[22] Anne Witkowsky, Sherman Garnett, and Jeff McCausland, "Salvaging the Conventional Armed Forces in Europe Treaty Regime: Options for Washington," Arms Control Series Paper 2, (Washington, DC: Brookings Institution, March 2010), 13.

[23] Zdzislaw Lachowski, Pal Dunay, and Joop der Haan, "The Relevance of Conventional Arms Control in Europe," (Stockholm: SIPRI, 2005), 8.

[24] Ibid.

[25] Sergei Karaganov and Timofei Bordachev, "Towards a new Euro-Atlantic Security Architecture: Report of the Russian Experts for the Valdai Discussion Club Conference," (Moscow: November, 2009), 6.

[26] Ibid., 10.

[27] Sally McNamara, "Russia's Proposed New European Security Treaty: A Non-Starter for the U.S. and Europe," (Washington, DC: The Heritage Foundation, September 16, 2010), 6.

[28] Hans-Joachim Schmidt, "Military Confidence Building and Arms Control in Unresolved Territorial Conflicts," (Frankfurt: Peace Research Institute Frankfurt, 2009), 19.

[29] *Agreement on Adaptation*, Protocol on National Ceilings.

[30] Schmidt, 15.

[31] Ibid., 19.

[32] Lachowski, et.al., 10.

[33] Schmidt, 7.

[34] Barack Obama, "Obama's Speech in Prague on New START Treaty, April 2010," April 8, 2010. Council on Foreign Relations. http://www.cfr.org/proliferation/obamas-speech-prague-new-start-treaty-april-2010/p21849 (accessed December 13, 2012).

[35] Bettina Renz and Rob Thornton, "Military Reform in Russia," Russian Analytical Digest No. 116, 9 July 2012. https://www.opensource.gov/portal/server.pt/gateway/PTARGS_0_0_200_203_0_43/content/Display/26364724/CEP20120712745001001.pdf (accessed December 13, 2012).

[36] Grand, 149.

[37] "Joint Press Release on the First Round of the U.S.-China Strategic and Economic Dialogue," July 28, 2009. Embassy of the United States, Beijing. http://beijing.usembassy-china.org.cn/072909sed.html (accessed January 12, 2013).

[38] "Arms Control and Proliferation Profile: China," August 2012. Arms Control Association. http://www.armscontrol.org/factsheets/chinaprofile (accessed March 11, 2013).

[39] Lachowski, et.al., 23.

[40] Ibid., 22.

[41] For example, see EastWest Institute, *Euro-Atlantic Security: One Vision, Three Paths,* (New York: EastWest Institute, 2009), 3. and Schmidt, III.

[42] *Agreement on Adaptation*, Protocol on National Ceilings.