

A Little of the Old, a Little of the New: A Fresh Approach to Conventional Arms Control in Europe'

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The ongoing NATO–Russia confrontation has increased the risk of military conflict,² particularly in Europe. The military relationship between Russia and NATO is far less stable than political leaders may assume and poses increasing risks in particular sub-regions.³ Three interrelated trends have given rise to this development:

- Most NATO states and Russia appear to be focused on strengthening military deterrence while eschewing dialogue, crisis prevention, and arms control. Strategic dialogue between the United States/NATO and Russia has almost completely collapsed.
- Scenarios for the use of nuclear, conventional, and cyber capabilities increasingly overlap.⁴ This, combined with rapid modernization in all three categories, has increased escalatory risks. Land-, air- and sea-based long-range strike (LRS) capabilities, including and perhaps primarily their conventional variants, have raised particular concerns.
- Bilateral U.S.–Russian and European arms control regimes are crumbling. The Intermediate-Range Nuclear Forces (INF) Treaty, which also placed limits on conventional capabilities that posed a particular threat to European countries, was buried in August 2019. As of July 2020, there is little indication that the United States and Russia will extend the New Strategic Arms Reduction Treaty (New START), which will

otherwise expire in February 2021.⁵ The former “cornerstone” of European conventional arms control, the Treaty on Conventional Armed Forces in Europe (CFE), has been rendered politically dead and militarily all but useless following its suspension by Russia in 2007. The Vienna Document on Confidence- and Security-Building Measures 2011 (VD11) is thoroughly outdated, but modernization is currently being blocked by the Russian Federation. Finally, in May 2020, the U.S. administration announced its intention to leave the Open Skies Treaty (OST), a cooperative aerial observation regime,⁶ in November.

We believe that efforts to reverse these trends and to address the resulting dangers can usefully begin with conventional arms control (CAC) in Europe. Over the past two decades, discussions on this subject have focused on finding a way to reinvigorate and modestly improve the Adapted CFE (ACFE) Treaty. This approach has failed in part because NATO member states linked ratification to Russia’s 1999 commitment to withdraw forces from Georgia and Moldova (the so-called “Istanbul commitments”). Even putting aside this impasse, however, the CFE-centered approach no longer reflects the military realities and threat perceptions in Europe. The CFE Treaty was designed to respond to plausible Cold War dangers. Today’s dangers are different. Although the broad notion of a standoff between Moscow and Washington/Brussels has resurged, and countries continue to worry about both force concentrations and adver-

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sary capabilities, three fundamental elements have changed significantly over time:

- The overall size and posture of armed forces throughout Europe is now far less important than force postures and activities in certain critical sub-regions, particularly in the Baltic and Black Sea areas.⁷
- The prospect of the swift reinforcement of forces in the sub-regions by forces from outside of those sub-regions worries neighboring states and others.⁸
- There has been a proliferation of new technologies and capabilities in sea- and air-based LRS systems, which, along with land-based ballistic and cruise missiles that have been recently unbound by the demise of the INF Treaty, are not addressed by any arms control agreements.

Further proof that the CFE approach has been outrun by changing military-political developments is the fact that almost all signatories to the CFE Treaty have holdings of treaty-limited equipment (tanks, armored combat vehicles, artillery pieces, attack helicopters, and combat aircraft) below the levels permitted by the CFE Treaty and the ACFE Treaty. This has not prevented an increase in tensions in recent years. Even if some of the specifics of the CFE and the ACFE Treaty are outdated, however, their lessons remain valuable. Just as limits on conventional weapons helped to manage tensions at the end of the Cold War, a fresh approach to European CAC can help to decrease the risk of conflict and escalation today.

A fresh approach requires implementing a little of the old, a little of the new. The isolated modernization of the VD11 remains a worthwhile, if insufficient, goal. A multilateral Prevention of Dangerous Military Activities Agreement could build on existing tools by creating new ones. Ideally, the new CAC approach in Europe would be able both to address current threats and to aid in the fostering of political consensus to prevent the emergence of new ones. A complicated endeavor of this sort would require time and extensive exchanges. As it is difficult at present to imagine how a large-scale, overarching agreement could be negotiated *in toto*, a wiser course would be to seek smaller-scale agreements and arrangements, focusing on what is most critical and feasible and building on that. What this paper proposes is a patchwork approach involving measures that can lay the groundwork for a more comprehensive future European security order.

This new approach to CAC is meant to take into account how a variety of European actors perceive their threat environment and what they worry about most. This includes regional force concentrations and options for their reinforcement, LRS capabilities, and naval forces. It focuses on the Baltic and Black Sea sub-regions as a matter of priority.

To show why a new approach to CAC is necessary, this paper first addresses the issues of 1) threat perceptions and 2) how military capabilities can drive conflict and escalation. It then offers solutions by outlining 3) the necessary elements of future CAC agreements and 4) possible negotiation formats.

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1. Threat Perceptions

Any country's perception of its threat environment is a combination of how it views the military capabilities of its potential adversaries and how it views their intentions. Perspectives on another country's military capabilities are based on an assessment of that state's weaponry, its force posture, its personnel, and the military activities it undertakes – all with an eye to that country's capacity for possible offensive action. While there is plenty of room for interpretation, the factors themselves are generally quantifiable and concrete. Assessments of intentions (that is, the likelihood that potential adversaries will threaten or initiate armed conflict) are based on more ambiguous factors. Thus, while military capabilities can be addressed by means of arms control, assessments of intentions cannot be directly addressed by treaties and commitments – although an arms control framework may lead to adjustments over time.

This paper therefore offers a menu of arms control and confidence- and transparency-building measures intended to mitigate countries' fears of one another's military capabilities. In doing so, it makes no effort to determine whether any state's threat *perceptions* are accurate. Rather, it accepts that NATO members and Russia hold these perceptions about one another, and that these perceptions feed insecurity in Europe. The following summarizes the most prominent features of military threat perceptions held by Russia and NATO states.

Sub-regional nature. During the Cold War, the opposing sides were concerned with one another's military build-up throughout Europe, albeit with a focus on forces in Central Europe, particularly in the then divided Germany. Today, by contrast, their worries tend to focus on specific sub-regions. Of course, any NATO–

Russia military conflict would be comprehensive in nature and risk broader escalation, but strategists from a range of perspectives worry about sparks in two critical sub-regions.

Both the Baltic Sea sub-region and the Black Sea sub-region are hosts to significant maritime, air, and ground capabilities on the part of potentially antagonistic forces. The Baltic Sea sub-region seems to cause the most nervousness, reflected, for instance, in the number and type of mentions in Russian, U.S. and Swedish studies.⁹ Driven in part by Russia's seizure and annexation of Crimea, Western states' worries center on the vulnerability of the three Baltic countries (Estonia, Latvia, and Lithuania), especially on the potential threat posed by Russian forces in the Western Military District (particularly the Pskov and Leningrad oblasts) and in the exclave of Kaliningrad.¹⁰ For Russia, a possible future NATO buildup in the Baltic sub-region and the related infrastructure, as well as Kaliningrad's vulnerability, are central concerns. Meanwhile, the Black Sea region is notable for its multitude of conflicting national interests, Russia's growing military presence on the Crimean Peninsula, and NATO's increasing naval presence.¹¹

Concentration of forces. NATO and EU member states Sweden and Finland, on the one hand, and Russia, on the other, are primarily worried about the potential concentration of adversary forces deployed in the Baltic Sea sub-region, as well as infrastructure such as command posts, ports, airfields, roads and rail networks that could be used for reinforcement.¹² Thus, the 2017 Polish Defence Concept speaks of “the asymmetry of military capabilities between Russia and NATO's eastern flank members” that “creates a direct threat for Poland and the region.”¹³ Several studies postulate a Russian attack on one or more

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Baltic countries, which would be difficult to defend if Russia were to deny NATO control of the “Suwalki Gap,” the Polish–Lithuanian border between Kaliningrad and Belarus.¹⁴ While most Western experts assess the probability of a Russian military assault on the Baltic states as being very low, NATO does not wholly discount it given recent Russian actions, in particular the use of force to seize Crimea and engage in conflict in Donbas.

From the Russian perspective, the potential for the reinforcement of Western deployments made since 2014, including the Enhanced Forward Presence of NATO battlegroups, is seen as dangerous. According to retired general Evgeny Buzhinskiy, “the increasing capacity for the deployment and concentration of forces and a lack of regulation of the maritime domain pose a serious threat to European security, increasing the risks of armed clashes and the unintended escalation of crisis situations.”¹⁵

As Charap et al. have written, NATO views Kaliningrad as a threat because of the Russian military capabilities located in the area. At the same time, it is perceived as a vulnerability on Russia’s part because of NATO’s capacity to isolate the exclave, which is already separated from the Russian mainland by NATO member states Lithuania and Poland.¹⁶ This mutual interlocking of threat and vulnerability perceptions presents a substantial potential danger, as it puts a premium on preventive strikes in an escalating crisis.¹⁷ In part because of this, both Russian and NATO exercises in the region have further unnerved each party. For example, the 2016 Latvian National Defence Concept claims that Russia “develops and exercises capabilities that can be used to launch an unexpected military attack against the Baltic countries that would split them from the rest of NATO and obstruct implementation of Article 5 of the North Atlantic Treaty.”¹⁸

Parallel concerns have roiled the Black Sea sub-region. Since annexing Crimea in 2014, Russia has increased its military presence on the peninsula, including the deployment of S-400 air defense systems and advanced fighter aircraft, and in Russia’s Southern Military District, which spans the space between the Black and the Caspian Sea.¹⁹ Not only has this concerned Ukraine, whose territory Crimea legally remains, but it has worried NATO allies, particularly Romania and Bulgaria. To show support for these allies (and for Ukraine), NATO warships have been entering the Black Sea on a much more regular basis than they did from 2010 to 2013. This is part of the Tailored Forward Presence that the alliance has adopted in the Black Sea sub-region.

The U.S. military has upgraded facilities in Romania and Bulgaria, and U.S. army units regularly deploy to those countries. Moreover, the United States conducts regular reconnaissance flights by P-8s, RC-135s, and unmanned aerial vehicles over the Black Sea, which are often intercepted by Russian fighters.²⁰ In late May 2020, two U.S. B-1 bombers rehearsed anti-ship strikes over the Black Sea.²¹ From Russia’s perspective, such activities are escalatory, whereas from NATO’s perspective they are meant to deter and demonstrate resolve.

LRS capabilities. Both NATO and Russia are concerned by the other side’s LRS capabilities: advanced aircraft, ballistic missiles, and cruise missiles. NATO sees these capabilities as part and parcel of Russia’s capacity to achieve a *fait accompli* in the Baltic Sea sub-region. If Russia were to carry out military action in the region, LRS capabilities would help to prevent NATO from bringing airpower to assist the three Baltic states and Poland and would hinder the alliance’s capacity to move reinforcements into the region by sea or air.²² Russia has expressed

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its own concerns: “NATO, and particularly U.S., (air-, land- and sea-based) LRS capabilities are seen in Moscow as perhaps the single most threatening capability in the European regional context.”²³ Sea-based LRS capabilities play a special role in Russian threat perceptions.²⁴ From an arms control perspective, air- and sea-based LRS capabilities are global in character and therefore not easily addressed in sub-regional arms control agreements.

Cyber operations are not inherently a sub-regional issue, although they can manifest themselves at the sub-regional level. If command and control systems are not well-protected, a cyberattack could have effects similar to an attack carried out with weapons, costing lives and damaging infrastructure. There is also an increasing risk that third parties could maliciously trigger a NATO–Russia military conflict by means of a cyberattack. These very real cyber threats are only marginally touched upon in the context of CAC discussions and almost completely excluded from arms control agreements.²⁵

This may be in large part because arms control agreements are a poor fit for cyber threat reduction. Measures regarding cyber operations might be better developed on a global scale and may need to involve not only states but other entities, such as corporations. By their very nature, regional arms control agreements and arrangements will not address these concerns. Thus, cyber operations remain beyond the scope of this paper.

The case for a fresh approach. Some of the current threat perceptions described above reflect concerns that were not prevalent during the Cold War, either because they did not exist or because dynamics have changed. Thus, the remaining Cold War era infrastructure of arms control agreements addresses neither

LRS nor naval forces. Other issues, such as a potential concentration of forces, are similar to the fears of decades ago, but the geographic focus has shifted: It is the Baltic and Black Sea sub-regions – rather than a divided Germany and Central Europe – that could benefit from new limits and confidence-building measures. Finally, the loss of established treaties has brought back and heightened the threats that are potentially posed by the capabilities they once constrained. Following the demise of the INF Treaty, there are no new limits on systems such as the Russian 9M729 ground-launched cruise missile or the new conventionally armed ground-launched missiles currently being developed by the Pentagon.

As an alliance, NATO is presently more concerned about threats at the sub-regional level, e.g., in the Baltic region.²⁶ Russia, by contrast, has more global fears, namely the perceived U.S. superiority when it comes to LRS capabilities. At the sub-regional level, particularly in the Baltic region, both sides seem largely to agree on the nature of the threats: a potential concentration of forces and reinforcement capabilities, as well as exercises and LRS capabilities, which add up to an increased potential for, and thus perhaps risk of, sub-regional surprise attacks and escalation.²⁷ In the Black Sea region, the worries are different but no less reflective of mutual fears. These parallel perceptions in both sub-regions may open up options for joint threat reduction by means of arms control, including confidence-, transparency- and security-building measures.

Moreover, all parties’ threat perceptions are accompanied by an equally genuine and firm belief that their own posture and actions are defensive and/or deterrent in nature and that the other side’s posture and actions are aggressive. These mutually exclusive interpreta-

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tions of the status quo stem mainly from how each party ascribes intentions to the other. As Charap et al. have written, this mutual distrust is further aggravated by mirroring beliefs that the other side is acting both strictly rationally and with nefarious intentions. This dynamic presents an escalatory factor in its own right.²⁸ It also underlines the imperative that any serious discussions potentially leading to CAC agreements must begin with conversations that address the very real military capabilities involved. This is not intended to preclude a NATO–Russia discussion of their respective doctrines, but such an exchange will invariably take time and runs the risk of being stymied by discussions of intentions. In the meantime, steps to address capabilities can bring concrete security improvements.

2. Military Drivers of Conflict and Escalation

Many of the fears described above hinge on both parties' concern that in the current security landscape, the offense has an advantage over the defence. This can increase the probability of military conflict: Either party may attack because it believes it will win or because it believes it will lose if it allows the other to go first. A standoff of this nature can also increase the risk of violence as a result of incident, accident, and/or miscalculation. One side may misread the other's actions as a preparation for conflict – even if the other has no offensive intentions – and initiate military hostilities preemptively to gain the advantage. The concentration of forces in particular sub-regions, as well as other actions such as reinforcements and the deployment of LRS capabilities that can quickly strike targets in the sub-region, could increase the risk of such miscalculation and unintended conflict because both parties view these as threats.

Military escalation can be understood as a process in which the intensity of a conflict increases as the result of one side and/or the other making decisions to apply greater military power. Escalation may be intentional or the result of accident or miscalculation, e.g., an errant air-strike misinterpreted as an escalatory step by the other side, which then responds. States may escalate within an ongoing military conflict in the hope that their escalation will deter further escalation from the other party, but if each responds in kind, the result will instead be an escalation spiral.²⁹

The likelihood of conflict and escalation spirals caused by accident or miscalculation may be increased or decreased by the military capabilities and postures of the parties involved. Existing capabilities and their suitability for launching hostilities or increasing the intensity of conflict can lead countries to expect aggression from the other party. Drawing on the above discussion of threat perceptions, this paper identifies three categories of conventional military drivers of conflict and escalation (and their interaction) that seem most likely to feed these dynamics in the NATO–Russia context: the concentration of forces in critical sub-regions, LRS capabilities, and short distances and reaction times.

The concentration of forces in critical sub-regions is a potentially powerful driver of conflict and escalation as it can be perceived as sufficient for a sub-regional surprise attack. NATO has put particular emphasis on the dangers of potential concentrations of this sort. Awareness of potential adversaries' means and options when it comes to reinforcing deployed capabilities may further drive escalation, even if forces are not initially as concentrated. This includes, for instance, quick-reaction forces that can flow into the sub-region facilitated by the

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necessary command, transport, and logistical infrastructure, including pre-deployed equipment. As discussed above, this is both a key Russian concern and a NATO concern, given the road and rail network that the Russian military could use to concentrate forces near the borders of the Baltic states from throughout Russia's Western Military District. Military exercises present another factor that can aggravate the risks of concentration and rapid reinforcement capacity. The larger the exercises, the closer to state borders they are staged; the shorter the pre-warning time (as in snap exercises), the greater the possibility of their being misinterpreted as preparations for a surprise attack.

LRS capabilities constitute a second complex of conflict and escalation drivers. These refer to existing and planned NATO and Russian air-, sea-, and land-based LRS capabilities within critical sub-regions or located outside of the sub-regions but within range of having a swift military impact on the sub-region. For example, Russian land-based LRS capabilities deployed in Kaliningrad or the Western Military District of Russia would worry NATO countries. Ship- and submarine-based LRS capabilities do not need to be deployed in the Baltic Sea to affect the Baltic sub-region. NATO could launch LRS systems from ships and submarines in the North, Norwegian, or Barents Seas, while Russian ships and submarines could launch LRS systems from those seas and the White Sea. The Black Sea region could be reached by NATO ship- and submarine-based LRS capabilities in the Mediterranean, Adriatic, and Aegean Seas, while Russian ships and submarines could launch LRS systems from the Caspian Sea. Both NATO and Russia can launch air-based LRS systems against targets in the Baltic and Black Sea sub-regions from aircraft based at airfields thousands of kilometers away. Military exercises, where air-

missile-, and/or sea-based LRS are employed, constitute further drivers of escalation. Military exercises can lead to accidents and incidents that in themselves are drivers of escalation. As already noted, whereas NATO is particularly worried about Russia's LRS capabilities in the region, Russia's main concern is U.S. global air- and sea-based capabilities.

Short distances and reaction times. Particularly in the Baltic Sea sub-region, the geographic distances separating the sides are small. Naval and air assets often operate in close proximity. Russian and NATO ground force units may be deployed within tens of kilometers of one another. Accordingly, warning and reaction times regarding events that could be perceived as hostile or dangerous are short. This in itself constitutes a further potential driver of conflict and escalation.³⁰

The situation in the Black Sea sub-region is qualitatively different. NATO and Russian ground forces are not situated in as close a proximity as they are in the Baltic Sea sub-region. However, like the situation in and over the Baltic Sea, frequent intercepts and encounters between NATO and Russian warships and aircraft are taking place in and over the Black Sea as well.

Each of these categories of military drivers of conflict and escalation poses its own risk of unintended and/or accidental escalation. In combination, they can become even more volatile.

3. Elements of Future CAC Agreements

Elements of CAC agreements aimed at reducing the risks posed by conflict and escalation drivers should focus on the Baltic Sea and Black Sea sub-regions. Specific agreements would emerge as the result of negotiations. This pa-

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per offers ideas for ways in which old and/or new tools could address existing and emerging security problems. Specifically, components of future CAC agreements should:

- reduce the risk of war by accident or miscalculation,³¹
- stabilize the relationship in sensitive sub-regions by reducing the risk of conflict or, if conflict breaks out, further escalation,³² and
- prevent destabilizing sub-regional force accumulations suitable for a surprise attack.³³

In all three cases, the objective is the same: to prevent unintended or accidental conflict or escalation by alleviating the fears of all parties. Beyond that, the measures also aim to decrease the likelihood of intended escalation by increasing transparency and improving verification of the agreed-upon measures to increase warning and reaction time.

The following elements are necessary for any successful CAC agreement: defining the sub-regions covered by the agreements or arrangements (**point a**); confidence- and transparency-building measures (**points b–f**); limitations (**points g–i**), and measures of verification (**points j and k**).

a) Defining Sub-Regions

Agreements or arrangements that are meant to address threats as they are perceived in a sub-region will in most cases need to define the territory or territories at issue, and thus the parties that must sign on. In political terms, the sub-region should be large enough to avoid the perception of discrimination against smaller states by larger states. In operational terms, it

should be large enough to cover a significant share of the armed forces that would be relevant in any military conflict.

Options for defining the territory covered by a Baltic sub-regional agreement include, from largest to smallest:

- Estonia, Latvia, Lithuania, Poland, Kaliningrad, the part of Germany where, according to the Two-Plus-Four Treaty, “[f]oreign armed forces and nuclear weapons or their carriers will not be stationed,”³⁴ equivalent parts of the Western Military District of Russia (other than Kaliningrad), Denmark, the Baltic Sea, and Belarus. Sweden and Finland could be invited to join as well.³⁵
- Estonia, Latvia, Lithuania, Poland, Kaliningrad, other parts of the Western Military District of Russia, the Baltic Sea, and part of Belarus, and perhaps parts of Germany.³⁶
- Estonia, Latvia, Lithuania, Kaliningrad, northeastern Poland, northwestern Belarus, and Russia’s Pskov oblast, the western part of Russia’s Leningrad oblast, and the Baltic Sea.

Defining a sub-region is not an exact science, and shifting geopolitical circumstances can affect which countries need to be included. Initial agreements could encompass a limited number of countries that are interested in and willing to be parties. They could later be expanded – both to include additional parties and to cover more capabilities, provided that existing parties agree.

A Black Sea sub-regional agreement would logically include the Black Sea itself, all or

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parts of NATO allies Romania, Bulgaria, and Turkey, and all or parts of Russia's Southern Military District. Ukraine and Georgia would also likely need to be involved. However, because of break-away regions recognized by few states (Abkhazia, South Ossetia) and the disputed status of Crimea, where important elements of Russian armed forces are deployed, defining the Black Sea sub-region poses unique challenges. Any agreement would almost certainly require a status-neutral approach.³⁷ This would require artful drafting by legal experts: Could an agreement be worded such that Russia could sign it understanding itself as sovereign over Crimea, while other parties continued to view Russia as an occupying power making commitments regarding the territory it occupies?

Confidence- and Transparency-Building Measures

b) Inclusion of All Kinds of Forces in an Upgraded Notification and Observation Regime

The VD11 thresholds for the notification and observation of certain military activities would be significantly lowered, and the quota for inspections and evaluation visits increased in its entire area of application. Regional states might also consider even lower thresholds and higher quotas specific to the Baltic Sea and Black Sea sub-regions. In contrast to the current version of the VD11, it would include all kinds of armed forces (ground, air, air defence, naval, and coastal). The result would be the increased transparency of military exercises and a lower risk of inadvertent conflict as a result of such exercises.

c) Limitation of Military Exercises in and Transfers into the Sub-Region

This measure would render military exercises, quick deployment capacities (logistical infrastructure) within the designated sub-regions, and transfers of armed forces into these regions subject to limitation, notification, and observation.³⁸ It would ban no-notice snap exercises within the sub-regions.³⁹ This measure might also prohibit the conduct of military exercises within a certain distance from international borders (this could prove difficult in practice, given the small size of some parts of the sub-regions, such as Kaliningrad). Such measures would substantially decrease the danger of a surprise attack carried out under the guise of a military exercise, something several European states fear.

d) Notification of Naval Forces

This measure would require notification of vessels with LRS capabilities entering the Baltic and the Black Sea and of warships and submarines permanently deployed or based at ports in those seas. It would also limit the scope and parameters of maritime exercises in these seas (e.g., geographic area, number of participating ships and aircraft, nature) and render them subject to notification and observation.⁴⁰ As the Baltic and the Black Sea are inseparable parts of both sub-regions, the regulation of maritime forces would be critical for the effectiveness of the other proposed measures.

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e) Prevention of Dangerous Military Activities Agreement

A number of NATO states and Russia already have agreements on preventing incidents on or over international waters based on the model of the 1972 U.S.–Soviet Agreement on the Prevention of Incidents On and Over the High Seas.⁴¹ While similar, they are not identical, and they do not cover all countries. A single Europe-wide agreement would standardize the rules and procedures for approaches to and intercepts of the other side's warships and military aircraft.⁴²

In addition, the comprehensive agreement should include provisions that expand on the 1989 U.S.–Soviet Agreement on the Prevention of Dangerous Military Activities, which focused on U.S. and Soviet ground forces along the inner-German border.⁴³ That agreement outlined steps to prevent accidental encounters among forces from developing into dangerous situations by establishing agreed communication channels and procedures that units in contact could use on the ground. Like the 1989 agreement, the modern version could establish rules about the use of lasers and interference with the other side's command and control systems. In addition, it could set out new rules that take into account the revolution in communications technologies, cyber, and reconnaissance activities that has since taken place.

Together with the creation of a Europe-wide Risk Reduction Centre described below (point f), this kind of comprehensive agreement would substantially lower the danger of unintended conflict or escalation. If negotiating such an agreement proves impossible, however, Russia and NATO members (with the alliance's support) should take steps to

update existing agreements and to add new bilateral agreements to cover those countries that are not currently signatories.

f) Creation of a European Risk Reduction Centre

A future European Prevention of Dangerous Military Activities Agreement would be implemented by a newly established Risk Reduction Centre.⁴⁴ More than a “hotline” contact channel between NATO and Russian military headquarters, it would be a continuously and jointly-staffed centre with multiple satellite offices located on either side of the NATO–Russia border in the various neighboring countries. These offices would have observers (liaison officers with diplomatic immunity) present from both NATO member states and Russia. These could quickly visit conflict and accident sites to investigate and report on the situation. As such, rather than simply responding to incidents as they occur, these offices would be in a position to prevent them from escalating into something worse.

Limitations

g) Limitation of Armed Forces in Sub-Regions

This measure would limit permanently deployed combat forces in specific sub-regions, possibly building on the commitments contained in the 1997 NATO–Russia Founding Act and in Annex 5 of the 1999 CFE Final Act. In the former document, NATO stipulated that “in the current and foreseeable security environment, the Alliance will carry out its collective defence and other missions by ensuring the necessary interoperability, integration, and capability for reinforcement rather than by additional permanent stationing of sub-

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stantial combat forces” (within the territory of new NATO members). In the latter document, Russia stated that it would show “due restraint with regard to ground [treaty-limited equipment] levels and deployments in the region which includes the Kaliningrad oblast and the Pskov oblast” and that it had “no reasons, plans or intentions to station substantial additional combat forces, whether air or ground forces, in that region on a permanent basis.”⁴⁵ To build on this, NATO and Russia would have to reconfirm these commitments and define the as yet undefined term “substantial combat forces.” NATO and Russia were reportedly close to agreeing that “substantial combat forces” referred to a brigade in each concerned state, about 4,000 troops, but this agreement was never finalized. This would be supplemented by rules for temporary deployments in the sub-regions and by the limitation of military exercises as mentioned above (point c). The effect of these measures would be to constrain the possibility of critical force concentrations in sensitive regions.

h) Limitation of Military Infrastructure in Sub-Regions

This measure would limit critical infrastructure in the designated sub-regions (command posts, storage sites, airfields) and make such infrastructure subject to notification and observation.⁴⁶ As a result, it would be more difficult for prospective combatants to reinforce their forces in sensitive sub-regions.

i) Limiting LRS Capabilities in Sub-Regions

This measure would limit and render subject to notification and observation the number of air-, sea-, and land-based LRS capabilities deployed in a designated sub-region.⁴⁷ Such

limits would help to constrain the possibility, and thus the fear, of pre-emptive strikes. NATO and Russia could also consider air- and sea-based LRS capabilities that they deploy permanently outside of the sub-regions, which could be used in military conflict in or over the territories. However, constraining capabilities outside of a sub-region would be a far more complicated endeavor, and thus it would be better to begin with limits on weapons and platforms deployed within the defined territory. In addition, transparency and notification measures on LRS capabilities deployed beyond the defined sub-regions should be considered.

Verification

j) Verified Transparency

All parties should be confident that the measures are being implemented faithfully. To support this, any arrangement or agreement must incorporate sufficient transparency and verification measures. The ACFE Treaty provides an ample toolbox to this end.

k) Maintenance of the Open Skies Treaty as a Cooperative Tool

The OST can serve as a cooperative confidence-building and verification tool. It can be made even more valuable if it is expanded to cover maritime exercises in the Baltic Sea and Black Sea sub-regions. Large states have the capability to gather information by national intelligence means, though the OST’s use of aircraft offers flexibility and the capability to operate below cloud cover. For smaller states, OST pictures represent a way to access this kind of information directly, without having to rely on the larger states. If the OST fails, states can agree on a number of overflights as a confidence and transparency measure.

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These eleven measures fall into three categories from the standpoint of innovation:

- Measures *b, e, g, j* and *k* would expand and update existing instruments.
- Measures *c* and *f* would introduce new elements into existing instruments.
- Measures *a, d, h* and *i* require the creation of completely new instruments.

4. Possible Negotiation Formats of Future CAC Agreements

One beneficial side effect, given that threats comprise both old and new factors, is that some of the toolboxes developed during the Cold War (such as the ACFE Treaty) retain value even if they are insufficient to address certain types of modern weapons (such as LRS systems). An effective CAC approach for today would build upon ACFE Treaty instruments as well as other established tools, combining them with new tools in a new regime.

But combining old and new is a complex undertaking. First, it requires pulling together (elements of) existing agreements and combining them with new agreements and arrangements. Second, it means somehow layering rules for specific sub-regions atop measures for the whole area of application of the VD11.

One way to manage the complexity may be to build on existing agreements or elements thereof (CFE Treaty, ACFE Treaty, VD11, OST, NATO–Russia Founding Act), rather than trying to negotiate a completely new framework.⁴⁸

For example, a modernized VD11 can serve as a mechanism for upgrading the notification and observation rules for the whole area of application, including the sub-regions.

Specific rules for sub-regions could be negotiated by interested parties and subsequently agreed under Chapter X (Regional Measures) of the VD11. The result could be a mix of politically-binding agreements and unilateral declarations rather than just one or more legally-binding large-scale treaty (or treaties).⁴⁹ Under the present circumstances, it is difficult to imagine that a large-scale CAC treaty could be ratified by a significant number of parliaments. The U.S. Senate consent to ratification poses particular challenges, and the failure of the United States to ratify could doom a treaty. A patchwork of agreements also permits the initiation of negotiations on some issues even when agreement on others remains too difficult – provided there is general consensus that such negotiations are overall worth pursuing.

Negotiations will be most effective if there is both a NATO and an OSCE imprimatur to both negotiations and any final agreements. For some of the measures in question, it is difficult to imagine how they might be structured or negotiated if not through a NATO–Russia channel. For example, a Europe-wide Dangerous Military Activities Agreement and Risk Reduction Centre would make most sense if undertaken as a NATO–Russia mechanism which could potentially be expanded to additional countries. The NATO–Russia Council can serve as a forum in which Russia and NATO members discuss potential new European agreements to ensure that the alliance as a whole supports the approach. Alternatively, NATO members who are party to negotiations can go to NATO as a whole for support. NATO involvement can help to cement new agreements as part of a revamped European security architecture. The OSCE, for its part, can provide the framework of the VD11 for the general improvement of verified transparency and for classifying the new sub-regional

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agreements as “Regional Measures” under Chapter X of this document. Such discussions could even begin within the existing OSCE Structured Dialogue, although something more formal would eventually be necessary.

The process could start with a NATO–Russia channel – the NATO–Russia Council. While a new commitment to the Council would involve a substantial shift in current NATO policy, such as allowing NATO–Russia working-level contacts, it could open the door to progress on CAC. In the Council, the parties could work towards consensus on the general scope and parameters of agreements. In a sense, these talks would be the equivalent of negotiations on a mandate – simultaneously, negotiations on the measures for specific sub-regions should be conducted among the states concerned and interested. For example, NATO might recognize the authority of the states directly concerned to negotiate on their own behalf, with the caveat that they should also consult with the alliance as a whole to ensure that any agreement is acceptable to allies. Beyond NATO states and Russia, negotiations would likely have to include Belarus, Finland, and Sweden in the case of a Baltic Sea sub-region and Ukraine and Georgia in the case of a Black Sea sub-region. While this would introduce significant complexities (e.g., the status of Crimea as discussed above), an agreement would likely not be sustainable or meaningful without the participation of all concerned states.

Even though not all of the regional states are NATO members, all are participants of the OSCE. Whether in the NATO–Russia framework or in a sub-regional context, negotiating

parties should consistently brief the OSCE and its participants on plans and progress – just as the 23 states that negotiated the CFE Treaty in 1989–1990 informed the CSCE’s (the OSCE’s predecessor) participating States.

5. Conclusion

A fresh approach to restarting conventional arms control in Europe should aim to define building blocks for a series of agreements and arrangements that can support and enhance stability and security in Europe. Such instruments should help assuage prospective adversaries’ fears of one another’s military capabilities, thus limiting the risk of conflict and escalation. They are intended to take into account new security and technological developments and to give prospective parties a certain amount of flexibility as they negotiate.

Although updates to Europe-wide security mechanisms would be valuable, most of the newer agreements described in this paper are sub-regional, reflecting a security dynamic that has changed since the days of the Cold War. This means that in many cases negotiations would involve those states that are most concerned rather than every country on the continent. Some of these states are NATO members, some are not. All participate in the OSCE. Even if the agreements are sub-regional, however, their implications will affect the security of the region as a whole. In this way, a patchwork approach to CAC can begin to lay the groundwork for a broader and more durable future European security order.

A Fresh Approach to Conventional Arms Control in Europe**Endnotes**

- 1 The authors would like to thank Samuel Charap, Andrei Zagorski, Kevin Ryan, and Gabriela Iveliz Rosa-Hernandez for informal reviews and useful comments on earlier drafts of this paper.
- 2 Cf. Nicholas Williams, Simon Lunn, *Modernising conventional arms control: An urgent imperative*, London 2020 (European Leadership Network Global Security Policy Brief), p. 2.
- 3 Cf. Lukasz Kulesa, *The Future of Conventional Arms Control in Europe*, in: *Survival*, Vol. 60, No. 4 (2018), p. 82.
- 4 Cf. *ibid.*, p. 87. Despite the close link between the nuclear and the conventional spheres, this study focuses on conventional arms control.
- 5 Russia has repeatedly asked the U.S. government to jointly extend the New START Treaty. However, the U.S. administration has laid down three conditions for such an extension: the inclusion of China in the negotiations; the inclusion of nuclear weapons not covered by New START, particularly Russia's large arsenal of tactical nuclear weapons; and (additional) verification – "... conditions that, if adhered to, will ensure the Trump administration does not extend the treaty" (Steven Pifer, *Unattainable Conditions for New START Extension?*, Commentary, 30 June 2020 (Stanford Center for International Security and Cooperation), <https://cisac.fsi.stanford.edu/unattainable-conditions-new-start-extension>).
- 6 Cf. Alexandra Bell, Wolfgang Richter, Andrei Zagorski, *How to fix, preserve and strengthen the Open Skies Treaty*, Hamburg 2020 (Deep Cuts Issue Brief #9).
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- 11 Cf. Wolfgang Zellner (Co-ordinator); Philip Remler, Wolfgang Richter, Andrei Zagorski (Drafting Group); Evgeny Buzhinskiy, Vladilav L. Chernov, Ali Serdar Erdurmaz, Marc Finaud, Cornelius Friesendorf, P. Terrence Hopmann, Lukasz Kulesa, Igor Rajevs, Benjamin Schaller, Hans-Joachim Schmidt, Niklas Schörnig, Oleg Shakirov, Simon Weiß, *Reducing the Risks of Conventional Deterrence in Europe. Arms Control in the NATO-Russia Contact Zones*, Vienna 2018 (OSCE Network of Think Tanks and Academic Institutions), p. 7.
- 12 Cf. Buzhinsky, Skakirov 2019, p. 2.
- 13 Ministry of National Defence, *The Defence Concept of the Republic of Poland*, Warsaw 2017, p. 23.
- 14 Cf. David Shlapak, Michael Johnson, *Reinforcing Deterrence on NATO's Eastern Flank: Wargaming the Defense of the Baltics*, Santa Monica 2016 (RAND); Jüri Luik, Tomas Jermalavičius, *A plausible scenario of nuclear war in Europe, and how to deter it: A perspective from Estonia*, in: *Bulletin of the Atomic Scientists*, Vol. 73, No. 4 (2017), pp. 233-239.
- 15 Buzhinskiy, Shakirov 2019, p. 1.
- 16 Cf. Charap et al. 2020, p. 21; Zellner et al. 2018, p. 12.
- 17 Cf. Charap et al. 2020, p. 22.
- 18 *The National Defence Concept of the Republic of Latvia*, adopted by the Parliament on 16 June 2016, p. 4.
- 19 Cf. Felix Chang, *Are the Russians Coming? Russia's Military Buildup near Ukraine*, Foreign Policy Research Institute, 25 February 2019, <https://www.fpri.org/article/2019/02/are-the-russians-coming-russias-military-buildup-near-ukraine/>.
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- 22 Cf. Charap et al. 2020, pp. 17/18.

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- 23 Ibid., p. 30.
- 24 Cf. *ibid.*, p. 33.
- 25 However, see two OSCE documents outlining the very first steps towards cyber-related confidence-, transparency-, and security-building measures: OSCE, Permanent Council, Decision No. 1106, Initial Set of OSCE Confidence-Building Measures to Reduce the Risks of Conflict Stemming from the Use of Information and Communication Technologies, PC.DEC/1106, 3 December 2013; OSCE, Ministerial Council, Hamburg 2016, Dec. 5/16, OSCE Efforts Related to Reducing the Risks of Conflict Stemming from the Use of Information and Communication Technologies, MC.DEC/5/16, 9 December 2016.
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- 27 Cf. Buzhinskiy, Shakirov 2019, p. 2; Charap et al. 2020, p. 37.
- 28 Cf. Charap et al. 2020, p. 25.
- 29 Cf. Robert Jervis, Perception and Misperception in International Politics, Princeton, NJ 1976 (Princeton University Press).
- 30 Cf. Charap et al. 2020, p. 54.
- 31 Cf. Williams, Lunn 2020, p. 3.
- 32 Cf. Zellner et al. 2018, p. 4.
- 33 Cf. Richter 2017, p. 14.
- 34 Treaty on the Final Settlement with Respect to Germany, in: Bundesgesetzblatt, 1990, Teil II, Nr. 38, pp. 1317-1329, here Art. 5, p. 1324, 13 October 1990.
- 35 Cf. Zellner et al. 2018, p. 21.
- 36 Cf. Buzhinskiy, Shakirov 2019, p. 2.
- 37 Cf. Sergi Kapanadze, Ulrich Kühn, Wolfgang Richter, Wolfgang Zellner, Status-Neutral Security, Confidence-Building and Arms Control Measures in the Georgian Context, Hamburg 2017 (CORE Working Paper 28).
- 38 Cf. Richter 2017, p. 14.
- 39 Cf. Buzhinskiy, Shakirov 2019, p. 2.
- 40 Cf. Williams, Lunn 2020, p. 8; Buzhinskiy, Shakirov 2019, pp. 5/6.
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- 44 Cf. Charap et al. 2020, p. 64.
- 45 Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation, signed in Paris, France, 27 May 1997; Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe, CFE.DOC/2/99, 19 November 1999, ANNEX 5.
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- 47 Cf. Peter van Ham, Modernizing conventional arms control in the Euro-Atlantic region, The Hague 2018 (Clingendael Report), p. 25; Kulesa 2018, pp. 81/82.
- 48 Cf. Van Ham 2018, p. 1; Zellner et al. 2018, pp. 14f.
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