

**Confidential**

---

# RUSSIA

The circulation of this report has been strictly limited to the members of the Trialogue Club International and of the Centre russe d'études politiques.

This issue is for your personal use only.

Published monthly in Russian and in English by Trialogue Company Ltd.

Issue № 4, vol.1. April 2011.

---

March 31, 2011.

Anatoly Anin, Rodion Ayumov report from Moscow:

CONVENTIONAL FORCES IN EUROPE TREATY: WHAT IS RUSSIA TRYING TO ACHIEVE?

Europe and Russia both need a new conventional arms control regime in equal measure. Long-term, predictable and sustainable cooperation in the framework of that new regime would facilitate the resolution of common security problems and have a positive effect on all the other areas of Russia's cooperation with the European nations. Below we will outline our country's approaches to specific aspects of resolving the problem of conventional arms control in Europe.

**First. Lifting the flank sub-ceilings for Russian territory.**

The so-called flank sub-ceilings prevent Russia from freely moving conventional troops from one part of its territory to another. They were imposed in 1990 to allay fears of mass relocation of troops from

Central Europe to the north and south of the continent, with the resulting large concentrations of forces on the borders of Turkey and Norway. Those fears have long been shown to be unfounded, and the remaining flank restrictions for Russia are now pointless. Russia views them as obsolete and unjustified given the current military and political situation. It also believes them to be discriminatory and very unhelpful in its fight against terrorism, separatism and extremism. The Russian leadership is therefore determined that there should be no flank sub-ceilings for Russian territory.

Given the existing balance of conventional forces in the flank zone, even if Russia were substantially to increase its weapons numbers in the region, such a move would compromise the security of neither NATO nor its individual members.

At the same time, it seems that keeping the flank regime, even without Russia, makes sense if the objective is to prevent a regional arms race and minimize the likelihood of new conflicts breaking out. In addition, new members of the CFE need to be included in the flank regime in order to fulfill certain political commitments of military restraint undertaken in 1999 because of the situation that existed at the time. That is why Russia wants the flank restrictions lifted for its own territory as opposed to seeking the abolition of the flank regime as a whole.

NATO countries have been stressing the strategic significance of the flank regime, emphasizing of course the importance of territorial sub-ceilings for Russian territory. But essentially the only argument some of those countries use in order to justify their opposition to the Russian proposal is that lifting the flank restrictions for Russia would jeopardize the entire flank regime, and that it could lead to a regional arms race on the fringes of the CFE area of application.

In order to alleviate that concern, on May 15, 2008 the then chief of the Russian General Staff, Yury Baluevsky, put forward the idea of resolving the flank problem by extending the flank zone to cover the entire Russian territory that falls within the CFE area of application. That would give Russia equal rights and responsibilities with the other CFE flank nations, such as Turkey, while also preserving the flank regime intact and even strengthening it by enlarging the territory to which it applies.

So far there have been no reports of any official NATO reaction to the idea. That may suggest that the NATO leaders are unwilling to consider it even as a starting point for addressing the Russian concerns.

NATO countries have made some general statements proclaiming their willingness to consider changes, where possible, to the level of equipment ceilings - but only after the Agreement on Adaptation enters into force. Such an approach is clearly unacceptable to Russia because it does not guarantee a satisfactory solution to the problem it has raised; the only thing it does open up is the prospect of protracted and fruitless discussions on the issue.

***Second. Lowering the aggregate NATO ceilings and, where necessary, actual holdings of conventional arms and equipment limited by the treaty (CAELT) to compensate for the increase in the NATO potential as a result of enlargement.***

Aggregate NATO ceilings are now higher than the NATO group-of-state ceilings under the existing CFE by almost 6,000 tanks, 10,000 infantry combat vehicles, more than 5,000 pieces of artillery, almost 1,500 combat aircraft and over 500 attack helicopters - and that is even before the Baltic states, Slovenia, Croatia and Albania are taken into account.

That is some 23,000 units of CAELT weaponry higher than the collective NATO ceiling at the time of the signing of the treaty (i.e. in a different historical era), and almost double the number of weapons all the non-NATO state parties of the CFE

are allowed to have. The combined ceilings for NATO are higher than the ceilings for Russia, the largest CFE state party in Europe, by a factor of 2.5 to 4.2, depending on the weapons category.

Some NATO countries believe that the issue is irrelevant because the combined actual holdings of the current NATO members are not higher than the NATO group-of-states ceiling under the old CFE. But first, that is not always the case (for example, the holdings are now higher in the flank zones). And second, actual holdings tend to fluctuate; only the allowed ceilings can be viewed as a security guarantee.

The CFE (both the old and the adapted treaty) is based on the idea of "eliminating disparities prejudicial to stability and security, and of eliminating the capability for launching surprise attack and for initiating a large-scale offensive action in Europe". Excessive concentration of CAELT in the hands or on the territory of one state or group of states is prejudicial to these goals. That is why any changes in the membership of a military-political alliance must be followed by arms control measures that keep the combined military potentials of its members on the same level with the potential of other CFE state parties so as not to disturb the balance

that was previously deemed safe. The situation whereby no military alliance in the CFE area of application enjoys total domination must be preserved.

NATO's officially stated position allows changes to the ceilings to be merely considered, and only after the Agreement on Adaptation enters into force. That is clearly not sufficient to resolve the problem.

The CFE regime was initially based on the participation of all NATO and Warsaw Pact members (and later of their successors). It would be strange and unacceptable for the CFE not to include new members of the alliance, thereby leaving grey zones in Europe where unlimited numbers of CAELT can be concentrated.

**Third. Participation of all NATO members and other willing European nations in the CFE.**

Russia proceeds from the notion that every NATO member state that is not a state party of the CFE must join the conventional arms control regime in Europe by undertaking specific commitments. The experience accumulated in the process can then be used when considering the applications of other European nations who wish to join the CFE.

Russia is obviously worried by the arms control black hole now existing near its borders, especially since weapons numbers have seen a massive increase in the region over the past several years. In 1991 the Baltic states were excluded from the CFE area of application by a statement of the Chairman of the Joint Consultative Group. The legitimacy of such a move is questionable - no amendments were made to the text of the CFE, and it still mentions "the territory of the Baltic Military District" of the former Soviet Union. Incidentally, after the decision regarding the Baltic states was announced, the United States said it would be possible for those states to become members of the 1990 version of the CFE without any amendments being made to the text of the treaty (letters to that effect were sent by the Department of State to the Senate during the CFE ratification). In theory, such a solution still remains a possibility.

At the Istanbul summit in 1999 Russia undertook a political commitment to show restraint regarding the levels and deployments of its ground-based CAELT in Kaliningrad and Pskov regions. Moscow did not have any other plans or intentions at the time because the military-political situation still remained unchanged. But now the situation in the Baltic region has changed very radically. Russia, meanwhile, is still abiding by its commitment in practice. In recent years the numbers of conventional weapons in the parts of Russia adjacent to the Baltic states have gone down by more than a thousand units. But for Russia to be able to continue to show restraint in this region, the balance that existed in 1999 must be restored, one way or another. It would be preferable if that balance were to be restored by military restraint being exercised on the territories of the Baltic states as well. By the same logic, these states must become part of the flank regime.

It must also be noted that the NATO membership invitation Macedonia has received will put the question of the country's CFE membership on the agenda.

NATO's position is that once the package of simultaneous steps has been agreed, NATO members that are not Parties to the CFE Treaty will publicly reiterate their readiness to request accession to the Adapted Treaty as soon as it enters into force. Following consultations with Allies, they will be open to discussions with all States Parties to the Treaty, including with Russia, on the conditions for their accession.

But that formula does not answer the question of when and how exactly these discussions should conclude. Statements already made by the Baltic states indicate that they will not be ready to make practical steps any time soon. Their position ahead of the consultations is still being formulated, and that process is nowhere near completion. That is an additional complication in the already difficult situation.

***Fourth. Arriving at a common understanding of "permanent stationing of substantial additional combat forces".***

As part of the Russia-NATO Founding Act, NATO has undertaken a commitment not to conduct "permanent stationing of substantial additional combat forces". Russia has undertaken a similar commitment. Later on NATO members made the commitment more specific in documents such as the NATO Council statement of December 8, 1998, and the Final Act of the CFE State Parties Conference in Istanbul (November 17-19, 1999). During that conference Russia also undertook a political commitment regarding "substantial combat forces".

The relevant sections of the Russia-NATO Founding Act and the documents that detail these commitments should be viewed as part of the Istanbul Package. But there are no agreed numerical definitions of what constitutes "substantial combat forces" at this time.

Russia therefore believes that it is necessary to arrive at a common understanding of these provisions and have it formalized at the JCG or at a conference of CFE state parties. Russia insists that such formalization is necessary because the definitions agreed by Moscow and the NATO countries will become part of the political commitments undertaken by other members of the treaty.

On July 15, 2008 the Russian delegation at the CFE Joint Consultative Group in Vienna introduced a detailed proposal for the definition of "permanent stationing of additional substantial combat forces". Under the proposal, the term should be applied to a group of forces stationed on the territory of new NATO members after the signing of the Founding Act for the duration of more than 42 days a year, and equivalent in size to a brigade (air wing or helicopter squadron) or exceeding at least one of the following ceilings for CAELT: 41 tanks, or 188 infantry combat vehicles, or 90 pieces of artillery of 100 mm caliber or above, or 24 combat aircraft, or 24 attack helicopters. Media reports indicate that Russia introduced a similar proposal at the NATO-Russia Council meeting in late 2009.

Until an agreement on this issue has been formalized, it would obviously be useful for each party of the Founding Act to desist from any steps that could be regarded by the other side as stationing of substantial combat forces.

NATO's official position is that once the parallel actions package has been agreed, NATO and Russia will develop a definition of the term 'substantial combat forces' as it is used in the Russian-NATO Founding Act.

But if all these negotiations are to conclude with an agreement rather than a list of disagreements, the parties must make a start on discussing the definition based on the Russian proposal. It is also important to preserve the essence and the scope of the commitments undertaken in 1997-1999.

***Fifth. Speedy implementation of future agreements and modernization of the CFE regime.***

It would be extremely important to make sure that the implementation of any agreements that will be reached is not delayed indefinitely, under one pretext or another, as was the case after the Istanbul CFE conference on November 19, 1999. Since the governments

cannot guarantee timely ratification of the agreements by their countries' legislatures, there should be a mechanism for the Agreement on Adaptation to enter into force on a provisional basis, including all the new elements that address the problems raised by Russia.

Meanwhile, NATO's official position does not even mention the possibility of the Agreement of Adaptation being enacted on a provisional basis. Some of the NATO countries argue that such a move would pose legal problems - but they recognize the possibility of undertaking a political commitment by the governments to act in compliance with the terms and objectives of the Adapted CFE and to observe all the ceilings agreed in the treaty.

These two approaches could actually be combined, especially taking into account the experience in 1991-1992, when the current version of the CFE was being applied on a provisional basis. Of course, all the modalities of implementing the new agreements before they formally enter into force should be discussed well in advance.

Another important issue is further modernization of the CFE regime. The need for such modernization became clear soon after the signing of the Agreement on Adaptation. For example, the very first attempt to enact the updated regime of information exchange has brought to light its serious shortcomings (or rather its superfluous scope). A number of provisions in the adapted inspections regime also appear unnecessarily cumbersome, intrusive and not fully reflecting the existing international situation. Given the latest military and technical progress, there may be problems with the scope of the treaty, i.e. omission of some new weapons systems. There are also a number of other issues that require close attention.

NATO's officially stated position is that once the adapted CFE enters into force, "NATO Allies will review the operation of the Adapted CFE Treaty with Russia and other Treaty parties. As part of this review, we would consider changes, where possible, to the level of equipment ceilings. This would be an opportunity for all Treaty Partners including Russia to raise their concerns about any specific elements of the Adapted Treaty."

It seems, however, that merely giving Russia an opportunity "to raise its concerns" is not enough - CFE state parties have the right to raise their concerns at any time. What is really needed is proper full-scale negotiations on modernizing the Adapted CFE, the need for which has actually been recognized by experts from the NATO countries.

Russia has repeatedly proposed that even before the Agreement on Adaptation has been ratified, CFE state parties should agree that they will begin talks on further modernization of the treaty immediately after the Adapted CFE enters into force. The state parties could also produce a list outlining the issues that should be discussed at the new talks.

Meanwhile, Russian experts could study the idea of modernization before ratification aired by some Western European researchers about a year ago. These researchers believe that full-scale talks on comprehensive modernization of the conventional arms control regime in Europe should be held before the agreements are ratified. The proposal could be a way around the problems related to ratifying an Agreement on Adaptation which is already in need of revision.

NATO's official position is that the package of actions proposed by the United States "includes resolution of Russia's commitments related to the Republic of Moldova and Georgia", and that NATO countries are "ready to join with Russia in its implementation". NATO also says that NATO Allies will move forward on ratification of the Adapted CFE Treaty in parallel with implementation of specific, agreed steps by the

**Sixth. Russian military presence in Abkhazia, South Ossetia and Moldova.**

Russian Federation to resolve outstanding issues related to Russian forces/facilities in the Republic of Moldova and Georgia, as outlined in the package.

Russia believes that such a linkage is justified neither politically nor legally, and that it is counterproductive from the practical point of view. Delaying the ratification of the Agreement on Adaptation under some made-up pretext is a direct violation of the NATO countries' commitment "to move forward expeditiously to facilitate completion of national ratification procedures, so that the Agreement on Adaptation can enter into force as soon as possible", which was undertaken at the Istanbul summit. As for Russia's commitments related to the Republic of Moldova and Georgia mentioned in the NATO statement, all such commitments under the CFE have already been fulfilled, unlike some of the Istanbul commitments undertaken by other State Parties, including Georgia and Moldova themselves. That is why the very fact that Russia is prepared to discuss different ways of addressing these CFE-related problems is a clear demonstration of good will and a serious step to meet our partners halfway.

The starting point for such discussions in 2007-2008 was the recognition by the NATO countries that the demands they had previously made regarding the immediate pullout of Russian servicemen (including peacekeepers) and the removal of ammunition were unrealistic, and their readiness to resolve the problem mainly by means of greater transparency of Russian military presence.

It would be very counterproductive for NATO to try to reinstate its previous demands, including the discussion of issues related mainly to settlement of frozen conflicts, attempts to give OSCE or state parties some special rights to monitor the Russian forces, applying double standards to the Istanbul agreements, liberal interpretation of CFE terms and requirements, etc.

Recent developments, including Russia's recognition of the independence of South Ossetia and Abkhazia, which are not parties to the CFE, and the stationing of Russian forces in the two republics with their express consent, must be taken into account during the negotiations. Obviously, the previously discussed provisions of the parallel actions plan regarding Gudauta have now become irrelevant.

We believe that the CFE process should be decoupled from the Istanbul commitments. If the NATO countries are truly interested in having a new and equitable regime, they should have long realized the counterproductiveness of their attempts to make progress in this area contingent on unrelated issues that have to do with frozen conflicts in former Soviet republics.

To summarize, Russia's key objectives at the talks will include lifting the discriminatory flank restrictions; correcting the imbalances in conventional forces resulting from NATO's enlargement (including the issue of the NATO armament levels, participation of all NATO members in the future agreement, and the "substantial combat forces" issue); and further modernization of the conventional arms control regime in Europe. The future of the regime can be secured only through negotiations, and by decoupling this issue from unrelated problems that should be the subject of a completely different process.

*The authors of this article are arms control experts.*

Dialogue Club International: [dialogue@pircenter.org](mailto:dialogue@pircenter.org)

Centre russe d'études politiques: [crep@pircenter.org](mailto:crep@pircenter.org)

Moscow-Geneva, April 2011