

# **Conventional Arms Control in Europe**

Overcome by Events, or New  
Perspectives?

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Conventional arms control may be moribund and irrelevant to European security crises today. However, if a common vision of what constitutes European security can be agreed upon, experience with conventional arms control and other arms control and confidence-building measures can be used to build a cooperative regime that adds vital predictability and stability to the new security architecture. The OSCE itself is the repository of security principles and of practical experience in supporting them, including through conventional arms control measures. Previous treaties and agreed confidence-building mechanisms, including those outside the OSCE, have contributed valuable lessons learned and suggestions for what might work in future arms control arrangements. Some of the most important include determining what can and should be controlled, the importance of a consultative body to oversee implementation, inspection shortcomings and the possible role for a professional inspectorate within the OSCE, the utility of focusing on activity as opposed to merely size of inventories, and evolving ideas of transparency. There is every reason to believe that it is possible to construct a workable arms control arrangement to meet contemporary and future needs. Such an arrangement would be based on limiting things that can be reasonably counted and are crucial to cross-border military intervention, on transparency, underpinned by declarations and effective inspections, and on an effective implementation body. The most important lesson learned is that the OSCE knows how to do these things, and this is territory that is neither unfamiliar nor forbidding.

### **Taking Stock**

Everything must be done to reverse the unhappy tendency in post-Cold War Europe to abandon peaceful resolution of conflict and, instead, resort to threats, intimidation, and conflict. There is no doubt that conventional arms control (CAC), as it has been practiced for the past few decades, is outdated and has been overtaken by events. But there is reason to be optimistic that a modern initiative is possible and that we know what its general outline should be. The OSCE will play a critical role in making this happen, especially in reaffirming that doing everything possible to reduce the likelihood of cross-border military operations is essential to European peace and stability.

There are many reasons it would be easy to overlook conventional arms control as something with which Europe should be concerned. There is the press of other European security issues demanding political attention. There is the sense that cooperative and symmetrical limitations of military forces really belong to another time, when two huge militaries confronted one another and threatened to plunge the whole continent into a destructive struggle on the scale of the Second World War. There is the constant sniping from critics that one or both sides in a presently divided Europe have engaged in “treaty-compliant warfare”, thus “proving” that arms control is a failure where it really counts, in preventing violent confrontations.

There is the obsolescence of the existing mechanisms of hard arms control, that is, legally binding numerical limits and robust transparency measures to detect non-compliance. Warfare has evolved and thinking about ways to limit its effects has not kept up. While aerial bombing and ground invasions led by armored columns have happened, more subtle threats to the basic principles of the OSCE loom ever larger. For these, there are no solid precedents for exercising control over cyber attacks, covert operations, and unconventional warfare, such as has been on display in Europe. And finally, the long, slow death of the CFE Treaty has meant that cadres knowledgeable in the development and operation of conventional arms control are few and far between.

One could add to this doleful list the well-known disconnect between the times when arms control is most needed and desired and when it most attainable. When there are disagreements, even ones as large as those

during the Cold War, arms control is most needed to reduce the threat of needless tragedy, though it is harder to achieve because of those very disagreements. This problem has thwarted arms control, particularly CAC, during tough times while appearing to obviate it during good times. Nonetheless, the case can be made that, despite difficulties, now, during difficult times, is the moment to lock in agreements, in the sober assessment that things could get even worse.

The situation is not completely bleak. The OSCE still exists and functions as a forum for security discussion, cooperation, and joint action. There are basic principles of CAC validated by the experience with the Treaty on Conventional Armed Forces in Europe of 1990 (CFE) and the Adapted CFE Treaty of 1999 (ACFE), as well as with ongoing Confidence-Building Measures (CBM). These principles are still applicable to any new initiatives. Other cooperative efforts to eliminate or limit the likelihood of use of non-conventional weapons have been successful in some instances. Let us consider each of these in turn.

### The OSCE Role

The OSCE still exists and it is still the organizational embodiment of the Helsinki Accords of 1975, whereby participants have agreed, at least in principle, to basic elements of European security and cooperation. In practice, however, while some aspects of cooperative security, such as host nation consent for the stationing of foreign forces, are immutable, others, such as territorial integrity and self-determination, or non-use of force and humanitarian intervention, are often at odds with one another. It will be difficult to agree that CAC can or should serve these principles consistently with acceptable benefit to all participants. Nevertheless, through its ongoing experience in bearing objective witness to conflicts that it can neither prevent nor resolve, the OSCE constitutes a reservoir of practical knowhow. And of course, the OSCE is the most likely venue for proposing, negotiating, and implementing new CAC measures appropriate for new times and circumstances.

The OSCE will also be the venue for balancing the seeming contradictions of security principles, a flexible give-and-take and compromise that will be absolutely necessary if Europe is to have consensus on the basics of security. At present, there is no common vision of such basics as use of force, self-determination, and territorial integrity. There do not appear to be agreed common goals on which members might concur and within which they could arrange reasonable compromises on contested areas. In short, before one can begin to consider whether CAC has a future in Europe, the OSCE must closely examine those very foundations upon which security and cooperation in Europe are based. Then and only then, can OSCE ask, what are the goals for European security? How can arms control serve those goals?

There are major obstacles to finding an answer. Perhaps most pressing is whether security is best obtained by a division of Europe into spheres of interest, influence, or control. Today, states are both asserting and resisting such a de facto division. If there were to be a balance of two sides, a reanimation of the CFE Treaty would seem to be in order. But this would freeze the status quo and ignore the legitimate desire of individual states to choose between the sides or to remain neutral. Once balanced by an arms control regime, any change of sides or status would create an imbalance that would almost inevitably lead to the disadvantaged side claiming the agreement is no longer in its interest. Such was the history of CFE and ACFE. On the other hand, there is little experience in devising any meaningful agreement to limits on the military capability of individual states when some of them belong to military or political-military groupings practicing collective self-defense and others do not.

OSCE cannot, perhaps, agree on a division into some combination of groupings of states or on freezing the

status quo. It should, however, be able to find common ground on maintaining peace. At that point, then, it might promote an arms control regime that could help preserve that peace, lessening, to the greatest degree possible, the probability of aggressive action by any state or group against another.

One final caveat with respect to OSCE and CAC involves the limited nature of that enterprise. National security, individually and in whatever collective grouping, is not the product of conventional military capability alone, as important as that component may be. While OSCE is clearly involved in other factors of security, notably economics and the human dimension, at least one other factor is outside the OSCE purview: weapons of mass destruction. Strategic and non-strategic nuclear weapons are regulated by individual states acting in other fora, mostly bilateral negotiations. And yet, these weapons are intimately involved in security assessments and critically affect the composition, role, and significance of conventional forces and the weapons they possess. Similarly, chemical, biological, and radiological weapons are handled outside the OSCE. Even landmines serve as an example of how a “conventional” weapon can end up as a worldwide issue addressed through worldwide ad hoc means, yet directly affecting the military capabilities of European states. At the very least, the OSCE needs to remain aware of external linkages in military security issues. An OSCE CAC initiative needs to be as modest in expectations as it is diligent in seeking solutions.

### **Past Experience from CFE and CBM**

The CFE/ACFE history offers valuable lessons learned that would inform a new CAC initiative, but would stop well short of seeking to exhume and resuscitate either treaty.

These lessons include:

- Every European country should be a party unless it is willing to accept permanent neutrality status.
- The United States as nuclear protector and, alongside Canada, with long-time cultural, economic, political and military ties to Europe, must be included.
- CAC proved to be as valuable in confirming significant reductions below permitted limits by most states parties as it was in balancing two blocs against each other at considerably higher collective limits and confirming reductions to reach those limits. In addition, CAC was important in regulating a number of regional issues between states parties and served as a model for regional peace initiatives outside the original CFE area.
- Effective arms control is based on numerical limits of things that can be counted with accuracy. CFE has demonstrated how preferable it is to have accurate counts and high confidence rather than inflated, worst-case estimates with low confidence, especially in a crisis. Accurate counting also serves as a check on threat inflation during peacetime.
- Effective transparency regimes can be designed to verify that numerical limits are observed, yet preserve the confidentiality of sensitive military information.
- Geographic limits of deployment within national borders raise many issues of practicality, reciprocity, and verifiability. CFE may be fairly stated to have died of complications from sub-national limits.

- Problems with sub-national limits notwithstanding, CFE/ACFE demonstrated that it is possible to monitor smaller numbers of countable items within clearly and logically demarcated areas.
- Readily redeployable assets, such as aircraft, naval vessels, and airborne or other highly mobile ground combat units, are very problematic. This is true even though aircraft of all types, naval forces (especially aircraft carriers, amphibious and littoral), and airborne/airmobile units are very likely to be precisely the type of military capability employed in the sort of armed intervention CAC might seek to monitor most carefully.
- Major naval powers are reluctant to the point of adamancy to be subject to any arms control measure. In addition, both CAC and CBM have found it difficult, at best, to limit other capabilities that are assuming increased importance at present. For instance, land-based naval aircraft, and dual-use equipment or items that do not perform direct combat functions, but closely resemble equipment that does and is limited numerically (“look-alikes”), have been either non-starters or persistent headaches in CFE. Other military capabilities, such as naval forces afloat, unconventional warfare/paramilitary and covert operations forces, were either consciously excluded or written off as not applicable at the time modern European CAC/CBM measures were developed.
- Aircraft should not be excluded from CAC. Inventories and movements can be monitored to a high degree of precision using normal peacetime intelligence means. In addition, cooperative monitoring through such means as radar transponders, is fully compatible with peacetime air operations, and failure to observe rules is, in itself, a form of transparency.
- Specialized equipment that provides critical support to ground combat operations can be limited and monitored effectively. Gap crossing or bridging equipment is one example. This suggests that newer items providing newer capabilities on newer battlefields could also be successfully subjected to limits and verification measures.
- A consultative body that includes all states parties is essential to the operation of any CAC regime. It resolves ambiguities in the operation of the agreement, manages and protects treaty information, and develops improvements to the operation of the treaty itself.
- CAC agreements cannot be expected to solve all political problems.
- All provisions of CAC agreements need to be applicable to all parts of all participants. So-called grey areas, where agreements do not apply, are like failed states. They undermine security for all.

The CBM experience overseen by the OSCE also offers valuable lessons.

- It is possible and practicable to have activity, rather than the mere quantity of limited items at a given location, be the basis of added transparency measures. It is even possible to set acceptable limits on the extent and duration of such activity.
- It is possible to have challenge inspections if activity limited by the agreement is not declared, but is suspected of taking place.

- It is possible for a neutral body to monitor military activity, even when such activity has moved beyond “peacetime” training to armed conflict.
- Modern media and new technology provide important additions to monitoring military deployments and activity.
- It is almost impossible to balance supply and demand for on-site inspections and visits when large numbers of states parties are involved. Quotas tend to disappear at the start of each inspection year in something like a run on a questionably solvent bank. It is difficult, to say the least, to effectively monitor an on-going crisis on the basis of such visits and inspections. In addition, there is the problem of certain states parties being uninterested or unwilling to spend quotas looking at like-minded allies and colleagues, not to mention the lack of a system to prioritize some broad and pressing needs for transparency over less time-sensitive or parochial ones.
- The thoroughness, rigor and overall usefulness of inspections and visits vary widely.

### Lessons from Beyond the OSCE

Strategic arms and non-proliferation regimes have enriched CAC in the past. The Intermediate-Range Nuclear Forces (INF) Treaty of 1987 introduced the precedent of intrusive on-site inspections, for example. There are important lessons to be learned from the work of international organizations responsible for monitoring agreements on weapons and capabilities (NPT, OPCW, bilateral strategic arms agreements, CTBT), or for specific crisis resolution (UNSCOM in Iraq, international agreement on the Iran nuclear program). Lessons learned from beyond the OSCE experience include the following:

- A standing professional international inspectorate is the best practical guarantor of effective monitoring of agreements when many parties have vested interests, and/or the agreement has asymmetrical benefits.
- A wide array of technological devices can supplement on-site inspection by providing continuous monitoring of the presence or activity of key elements being monitored.
- Distinctions can be drawn between proscribed and permitted uses of equipment, as for example in industrial chemical processes.
- It is possible to isolate items that are of critical importance to whatever is being limited and focus on them and the other items or processes that produce or operate them. Not everything everywhere needs to be under observation all the time, even if everything needs to be subject to observation at some time.

### New Perspectives

It will be difficult to agree that there should be a new effort at CAC in Europe. But it is a game well worth the candle if it reduces the likelihood of military threats of, or actual aggression against, a state party. Based on the experience cited above, one may propose the framework of a significant and potentially useful CAC regime for Europe. It would focus less on static inventories of items and more on concentrations of military capabilities in sensitive areas, particularly those from which cross-border operations can be launched or directly supported.

Such a new initiative could have four elements, as follows.

### ***Numerical Limits on Things that can be Counted.***

The emphasis should be less on total inventories and more on the actual location and activity of units that possess the key equipment being limited. All such limited equipment and the units that have them would be declared at the home garrison, where they are normally stationed. There will have to be limits on where some units can be stationed, based on their ability to conduct or support cross-border combat from their “peacetime” station. There may have to be limits on how many units can be out of garrison at any time or place. Things that are too hard to inventory – small arms, personnel strength, e.g. – will not be explicitly limited.

### ***Focus on Things that are Key to Cross-Border Military Operations.***

These would include:

- Combat vehicles providing armor-protected mobility to ground maneuver elements.
- All ground-based means of launching strikes on ground targets, regardless of caliber or means of delivery. This category might also include short-range ground launched cruise missiles, forward deployed attack helicopters, and armed drones.
- All fixed wing aircraft capable of ground attack.
- Because of the essential role they play in modern integrated warfare, air defense, active electronic warfare, and some combat engineer equipment might also be included.

### ***Transparency measures.***

These are essential to assure all parties that what is agreed to is being implemented. It helps prevent dangerous miscalculations and, over time, can build trust based on proven faithful implementation. It must maintain a balance between openness and the necessary regard for what, in the civil context, would be called privacy, or proprietary information.

Transparency measures include:

- Declarations of data and ways to confirm that these numbers are accurate. Declarations would specify, on a recurring basis, the amounts of all limited items of equipment, by unit and garrison. All changes of garrison would have to be reported. Critically, all out of garrison activity involving key equipment, above fairly low thresholds, would have to be declared as it occurs.
- Recurring inspections of a percentage of all garrisons holding key equipment. This is a familiar model, sampling a given population, all of whose members are at risk of random checks.
- Inspection of all declared out of garrison activity, and unrestricted challenge inspection of any suspect out of garrison activity that has not been declared. These provisions must go well beyond the challenge inspections of CFE or current CBM.

- More stringent inspections of units capable of cross-border combat from their “peacetime” location.
- Managed access, to include ways to declare, for limited times, limited areas that are sensitive or of special concern and so may not be inspected. Such restrictions could, of course be manipulated or abused by a declaring state, but this would in itself provide a kind of negative declaration with its own consequences.
- In addition to the principle of non-interference with national technical means of verification, there should also be agreement on the role of other technical verification measures and of public sources of information. Again, public media and technical capabilities of information gathering can be abused and manipulated, but on balance, the default setting of world information is openness and transparency. Technological progress of the past quarter century has also offered ample evidence that greater transparency is increasingly possible at lower costs. There will always be the need to preserve secrets, but there should be ways to minimize the number of them and to increase mutual assurance that what is unknown doesn’t become the basis for a fatal miscalculation.
- A standing international inspectorate along the lines of IAEA NPT Safeguards monitoring. Such a body could be formed within the OSCE, but would depend on adequate budget and personnel support from member states. There would be pushback from some states that place high value on having their own eyes on the ground and are reluctant to fully integrate their unilateral intelligence sources and methods into an inspection process not fully under their control. These objections can be met by noting that, given the high turnover and varying effectiveness of disparate national teams, professionalization is going to be higher and continuity of inspections easier to achieve for a standing inspectorate. Second, there are almost always ways to put sound intelligence in the hands of other states’ operators for common operational ventures. Third, a two-tier organization of the consultative body, suggested below, could also result in a similar composition of its inspectorate. States with the greatest demonstrated inspection skills and highest quality of independent intelligence means to check declarations and detect undeclared situations could have a more generous presence on teams. Further, there could be provision for unilateral challenge inspections that would presumably be triggered by more sensitive information that a state may be reluctant to share with others.

### ***A consultative body to manage the operation of the agreement.***

First, and perhaps most important, it would resolve ambiguities in the operation of the agreement. This needs to be done quietly, calmly, out of the glare of publicity and as far removed as possible from immediate “political” reaction to perceived evidence of bad faith, non-compliance, or hostile intent. Second, such a group would have to manage and protect the confidentiality of information on declarations and inspections. Third, the consultative body could develop improvements to the operation of the treaty itself. Finally, this body would have to organize itself in a more effective manner than either the OSCE Forum for Security Cooperation or the CFE Joint Consultative Group, to allow sufficient flexibility and the efficiency that a large standing body simply does not permit. The deputation of a smaller group of states parties, perhaps with both permanent and rotating members along the lines of the UN Security Council, could more effectively manage an international inspectorate and treaty operations, while the plenary of the body would act in a manner similar to the UN General Assembly. The Iran nuclear negotiations at P5+1 provide a model. As noted above, this two-tier organization could also be reflected in a standing inspectorate, which would be recruited from and by the consultative body, which would closely supervise it.




The use of military force in the pursuit of vital national interests will not be prevented by solemn agreements. Paper will not stop a bullet. But the common effort and commitment that produced that piece of paper may well stay the finger on the trigger that would fire that bullet. Given the firm political support of OSCE members, a new CAC initiative might well prevent a tragic miscalculation or give critical pause to any state that would violate such a commitment in the name of sovereign interests.

### **What This Means for the German Chairmanship**

What are the implications of this for the German chairmanship of the OSCE? One might suggest one conclusion and four tasks. The conclusion is that the OSCE has considerable experience with conventional arms control and knows that such a measure can contribute in vital and often unexpected ways to preserving a common vision of European security. The OSCE should be able to proceed with confidence. The four tasks are:

1. Above all else, find and agree on a vision of European security that is accepted by all states. This could focus on preventing cross-border military operations, to include external support to intra-state conflict.
2. Determine how conventional arms control, appropriate to the times and circumstances, can assist in maintaining the desired security end state.
3. Continue to carry out – and learn from – ongoing confidence-building measures, crisis management, and objective witness to crises by observer missions.
4. Preserve an organizational home for conventional arms control. It is important that expertise not be lost and that useful contributions of conventional arms control be developed from within the OSCE. This may well require a new body apart from the FSC or what remains of the JCG.



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