

The Future of European Arms Control and the OSCE after the War in Ukraine

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“Arms control is most readily achieved and likely to work when it is least needed”

Timothy W. Crawford, 2007*

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* T. W. Crawford, ‘Arms Control and Arms Race’, in: W. A. D. Jr. (ed), *International Encyclopedia of the Social Sciences*, 2nd edition, Vol. 1, Farmington Hills: Macmillan Reference, 2007, p. 177.

Introduction

The era of cooperative security pursued for two decades and a half after the end of the Cold War is over. For years to come, the European security landscape will be shaped by mutual deterrence and defense postures of Russia and the West.¹ Although prospects for reviving cooperative security were considered low already after the beginning of the Ukraine crisis in 2014,² the war made this development ultimately irreversible.

Europe is heading towards a new arms race against the backdrop of the dismantlement of virtually all arms control instruments. The 1987 Intermediate-Range Nuclear Forces (INF) Treaty was terminated after the US withdrawal in 2019, followed by Russia. In 2021, the US withdrew from the 1992 Open Skies Treaty followed by the Russian Federation in 2021. After 16 years of suspension of the 1990 Treaty on Conventional Forces in Europe (CFE), Russia completed the full withdrawal from it on 7 November 2023. NATO member states responded by the suspension of the Treaty the same day.³ The OSCE Vienna Document on Confidence- and Security-Building measures (CSBMs) is not operational amid the war in Ukraine. The 2010 US-Russian Treaty on Strategic Arms Reduction (New START), suspended by Moscow in 2023, may expire early in 2026 if not replaced by a new treaty or further extended.

There is a broad consensus among experts that, even before the end of the war, risk reduction, as well as (nuclear) strategic stability should be compartmentalized, pursued and strengthened in order to avoid direct military engagement between Russia and NATO. There is also a broad understanding within the arms control community that proper arms control will be necessary after the war to *complement* mutual deterrence. However, there is also a consensus that the resumption of arms control will be difficult and will take long.⁴

This article explores prospects for arms control after the war and a possible role for the OSCE. While recognizing that these prospects largely depend on how the war ends, the assumption underlying this analysis is that the warfighting would be terminated by a ceasefire leaving behind a territorial dispute between Russia and Ukraine with both sides pursuing their legal positions and claiming that the other side occupies parts of its

1 T. Greminger, *Reintroducing elements of cooperative security in the future European security order*, Geneva Center for Security Policy, 17 March 2023, p. 18. Retrieved 20 April 2023, [https://dam.gcsp.ch/files/doc/cooperative-security-in-the-future-european-security-order?_gl=1*1jtnwbw*_ga*MjAxMzEwNjcxNC4xNjgxNDE0NDE4*_ga_Z66DSTVXTJ*MTY5NTE5MTM1NC4zLjEuMTY5NTE5MzgyMC41OS4wLjA](https://dam.gcsp.ch/files/doc/cooperative-security-in-the-future-european-security-order?_gl=1*1jtnwbw*_ga*MjAxMzEwNjcxNC4xNjgxNDE0NDE4*_ga_Z66DSTVXTJ*MTY5NTE5MTM1NC4zLjEuMTY5NTE5MzgyMC41OS4wLjA;); M. Kimmage, Z. Paikin, *Can we ever build a common European home? The perils and promise of an old idea*, CEPS Explainer no. 6, 2022, p. 1; H.-J. Schmidt, *How the Russia-Ukraine War Could End, and Its Impact on Conventional Arms Control*, Istituto Affari Internazionali, Rome, 2023, p. 3; A. Zagorski, S. Oznobishchev and K. Bogdanov, 'Novyi raskol Evropy: Voenno-politicheskie aspekty' [The new division of Europe: military-political aspects], in A. Arbatov (ed.), *Mezhdunarognaya bezopasnost': Novyi Miroporyadol i tekhnologicheskaya revolyutsiya* [International security: The new world order and technological revolution], Moscow: Ves' Mir publishing house, 2023 (in Russian) p. 165.

2 W. Zellner et al., *Reducing the Risks of Conventional Deterrence in Europe: Arms Control in the NATO-Russia Contact Zones*, OSCE Network of Think Tanks and Academic Institutions, 2018, p. 4.

3 NATO, North Atlantic Council statement on the Allied response to Russia's withdrawal from the Treaty on Conventional Armed Forces in Europe, 7 November 2023. Retrieved 8 November 2023, https://www.nato.int/cps/en/natohq/official_texts_219811.htm.

4 T. Greminger, *Reintroducing elements of cooperative security in the future European security order* (fn 2), pp. 18-19; Z. Paikin, *After the Ukraine War: Confronting the Problem of International Order*, Geneva Centre for Security Policy, 12 January 2023, p. 2. Retrieved 20 April 2023, https://dam.gcsp.ch/files/doc/in-focus-after-the-urkaine-war?_gl=1*1kk7d0b*_ga*MjAxMzEwNjcxNC4xNjgxNDE0NDE4*_ga_Z66DSTVXTJ*MTY5NTE5MTM1NC4zLjEuMTY5NTE5MjU2Ni42MC4wLjA; H.-J. Schmidt, *How the Russia-Ukraine War Could End, and Its Impact on Conventional Arms Control* (fn 2), p. 10; H. W. Williams and N. S. Adamopoulos, *Arms Control after Ukraine: Integrated Arms Control and Deterring Two Peer Competitors*, CSIS Report, December 2022, p. 4.

territory. This approach is based on two grounds. Firstly, such a scenario appears realistic.⁵ Secondly, it is most conducive for the resumption of modest arms control.⁶

For the purposes of this article, three types of arms control measures are distinguished: risk reduction, CSBMs (both regarded as ‘soft’ arms control), and ‘hard’ arms control.

Risk reduction is usually limited to the maintenance of open lines of communication at different levels of command to provide for the expeditious resolution of incidents resulting from dangerous military activities. Examples of such measures include the establishment of direct hotlines between the USSR and the US (1963), France (1966) and the UK (1967) after the Cuban missile crisis, US-Soviet/Russian agreement on the prevention of incidents on and over the High Seas (1972), the establishment of US-Soviet/Russian Nuclear Risk Reduction Centers (1987), US-Russian military deconfliction communications in Syria (2015), or the recent US-China agreement to resume high-level military-to-military communication.⁷

Military relevant CSBMs provide for verified transparency by regular exchange of information on military forces and postures, prior notification of particular military activities, military-to-military contacts, and relevant verification mechanisms, such as on-site inspections and assessment visits. Confidence- and security-building measures can be agreed as a stand-alone regime, as exemplified by the OSCE Vienna Document, or may be an integral part of a “hard” arms control regime, as was the case with the CFE Treaty or with the US-Russian nuclear arms control treaties.⁸

In contrast to risk reduction and CSBMs, “hard” arms control encompasses numerical and geographic limitations, constraints and/or reductions of particular weapons and the personnel strength of armed forces alongside with relevant transparency measures and verification by national technical means and on-site inspections. It may imply abandoning specific military options.

All types of arms control, including its “hard” forms, can help to reduce the risk of only an unintended war. It cannot prevent a war by intention,⁹ although it can increase the early warning time. It is this feature that makes arms control vulnerable to critiques as being an inherently counterintuitive approach to enhancing security in the context of an adversarial relationship.¹⁰ This critique is particularly relevant today as arms control is considered to have failed to prevent the war in Ukraine and allegedly has lost its function to manage

5 R. Haass, Ch. Kupchan, ‘The West Needs a New Strategy in Ukraine. A Plan for Getting From the Battlefield to the Negotiating Table’, in *Foreign Affairs*, 13 April 2023. Retrieved 15 April 2023, <https://www.foreignaffairs.com/ukraine/russia-richard-haass-west-battlefield-negotiations>.

6 H.-J. Schmidt, *How the Russia–Ukraine War Could End, and Its Impact on Conventional Arms Control* (fn 2), p. 1.

7 See, *inter alia*: V.G. Baranovsky et al., ‘‘Izbezhat’ yadernoy voyny. Problemy rskalatsii/deeskalatsii vooruzhennykh konfliktov pri priblizhenii k ‘yuadernomy porogu’’ [Avoiding nuclear war. Problems of escalation/de-escalation of armed conflicts when approaching the “nuclear threshold”], in *Polis. Political Studies*, 2022, no 6, pp. 128-130, in Russian. <https://doi.org/10.17976/jpps/2022.06.09>; R. Gramer and J. Detsch, ‘The U.S.-China Hotline Rings Again’, in *Foreign Policy*, Situation Report, 16 November 2023. Retrieved 17 November 2023, <https://foreignpolicy.com/2023/11/16/the-u-s-china-hotline-rings-again/>.

8 Z. Lachowski, *Confidence- and Security-Building Measures in the New Europe*, SIPRI Research Report No. 18, Oxford: Oxford University Press, 2004.

9 T. W. Crawford, ‘Arms Control and Arms Race’ (fn 1), p. 177.

10 J.A. Larsen, ‘An Introduction to Arms Control’, in J.A. Larsen (ed), *Arms Control: Cooperative Security in a Changing Environment*, Boulder: Lynne Renner, 2002), p. 5.

military threats to European security.¹¹

The article proceeds in four steps. First, it begins by discussing most immediate measures that will need to be taken once the war in Ukraine is terminated. Second, it continues by exploring prospects and obstacles for the resumption of conventional arms control in Europe against the backdrop of evolving deterrence and defense postures of NATO and Russia. Third, it further discusses prospects for confidence- and security-building. Fourth, against the backdrop of this analysis, the article discusses the value that the OSCE can add to the resumption of conventional arms control. In conclusion, main findings are summarized.

First things first

Arms control does not stop wars or resolve conflicts. But it can be part of the settlement once a ceasefire or a peace agreement has been reached . The termination of the war in Ukraine may generate some momentum for designing specific arms control measures in order to increase the sustainability of the ceasefire and reduce the risk of the resumption of hostilities.¹²

It would be wrong to presume that either Ukraine or Russia would accept any general limitations of their armed forces in a kind of traditional conventional arms control regime. However, neither of them should have an interest that the ceasefire degenerates into a breather allowing the other side to accumulate forces for a new offensive. At the same time, neither side is likely to abandon its legal position on the territorial issue. Therefore, a potential ceasefire should be supplemented by a mutual commitment to non-use of force. While maintaining their legal positions, both sides would commit themselves to a political settlement in the future. In such a case, specific measures could support the non-use of force commitment and provide meaningful guarantees that neither side could seek to resolve the territorial dispute by force. Agreeing even on a limited set of measures to stabilize the ceasefire would be the first thing to be fixed once hostilities are terminated.¹³

Such measures should ensure effective disengagement of forces in the conflict area. In the ideal world, in the disengagement zone on both sides of the line of contact, stationing of substantial combat forces would be limited, military exercises, operation of air force (including drones) and prepositioning of heavy weapons would be banned. All forces and military activities in this zone would be subject to full transparency and verification measures. Armed forces and weapons in the adjacent area would be subject to limitations, transparency and verification. Military exercises in the adjacent area would be limited in size or banned, subject to prior notification and observation. Movement of forces towards and into the disengagement zone would be banned, except for the purposes of the scheduled rotation of personnel. Particular arrangements should be designed addressing mobile forces that could be quickly brought into the disengagement zone, as well as long distance precision fires that could hit targets in the zone.

It would be important that verification in the disengagement zone and the adjacent areas would be conducted by Ukrainian and Russian teams, respectively. This could help to gradually generate reassurance and trust-building effects. The deployment of a full-fledged peacekeeping force separating the two sides does not

11 H.-J. Schmidt, *How the Russia–Ukraine War Could End, and Its Impact on Conventional Arms Control* (fn 2), p. 9.

12 W. Zellner, 'Beyond Muddling Through: Towards an OSCE Interim Approach', in C. Friesendorf and A. Kartsonaki (eds.), *OSCE Insights*, Baden-Baden: Nomos, 2023, p. 63. <https://doi.org/10.5771/9783748933625-05>.

13 H.-J. Schmidt, *How the Russia–Ukraine War Could End, and Its Impact on Conventional Arms Control* (fn 2), p. 9.

appear a realistic option at least since few countries would be willing to contribute troops running the risk of getting engaged with Russia. However, supporting the ceasefire regime by deploying an impartial unarmed international verification mission could significantly contribute to the objective assessment of the environment in the disengagement zone and the adjacent area. The mission should have a clear mandate for the verification of the implementation of the terms of the ceasefire, including inspecting limited weapons systems in designated areas. Maintaining communications with both sides, the mission would also perform the function of a third-party mechanism for the prevention of military incidents along the line of contact.

This is a very ambitious proposal that would be hard to negotiate and implement in a world that is not ideal. However, even if part of it could be integrated into the terms of an eventual ceasefire with the possibility of further improving the regime, it would help to consolidate the ceasefire and provide reassurance that the non-use of force is observed by both parties.

Local measures stabilizing the ceasefire in the conflict area are considered the first important step toward resuming arms control. If they prove to be working reliably, they could prepare the ground for broader arms control arrangements beyond the conflict area.¹⁴

Force postures determine room for “hard” arms control

The stabilization of an eventual ceasefire in Ukraine would be more effective if it was embedded in a broader regional arms control regime. Furthermore, designing a “hard” arms control regime in the NATO-Russia direct contact zones would be an important task in its own right in order to manage risks generated by the beginning arms race.¹⁵ However, this will be not an easy task in the new environment, and is likely to take a long time.

It will be challenging *politically*. The task does not enjoy priority either in Russia or in the West. There are no signs of practical thinking about desirable arms control arrangements either in the Russian Government or in NATO. Already before 2022, several Alliance members expressed reservations with respect to the value arms control with Russia could add.¹⁶ The war in Ukraine appears to have reenforced their skepticism and it will take very strong arguments to convince political and defence establishments that arms control is important for enhancing national security and can be a “complementary tool to deterrence” – a “tool for managing—rather than eliminating—competition and armaments”.¹⁷

However, there are even more fundamental challenges to European arms control. In the cooperative security environment, particularly the CFE Treaty constrained force postures of the parties. Verified transparency accompanying the implementation of the treaty provided sufficient reassurance encouraging the parties to disarm far below the established limits. In the security environment dominated by mutual deterrence the latter will enjoy priority and determine the room for arms control, particularly for numerical and geographic limitations. Relevant arrangements will not be inconceivable but they would not be expected to constrain force posturing and sizing deemed important for effective deterrence and defense.

14 H.-J. Schmidt, *How the Russia–Ukraine War Could End, and Its Impact on Conventional Arms Control* (fn 2), p. 9.

15 T. Greminger, *Reintroducing elements of cooperative security in the future European security order* (fn 2), p. 18.

16 A. Kacprzyk, Ł. Kulesa, *Dilemmas of Arms Control: Meeting the Interests of NATO’s North-Eastern Flank*, ICDS Report, April 2020, p. 2–4.

17 H.W. Williams and N. S. Adamopoulos, *Arms Control after Ukraine: Integrated Arms Control and Deterring Two Peer Competitors* (fn. 5), pp. 2, 4.

Reportedly, the motives behind the 2023 decision of NATO member states to suspend the CFE Treaty were not purely political – responding to Russia’s withdrawal. The decision was also supposed to give the US greater flexibility in deploying forces particularly on the northern flank of the Alliance, and to deprive it from the obligation to share information on deployments with Russia via its allies, particularly Belarus which remained in the CFE Treaty. It is also reported that the US European command has long favoured withdrawing from the CFE on these grounds.¹⁸

Russia and NATO are in the process of revising their force postures and size. In 2024, Moscow plans to increase the strength of its armed forces (for the second time since 2022) by 170 thousand servicemen to 1.320 thousand.¹⁹ The plan includes adding a new army corps to be stationed toward Finland – the new member state of NATO, – as well as 7 divisions, 19 brigades, 49 regiments and one flotilla.²⁰

NATO, at the same time, is in the process of implementing the new Strategic Concept adopted in 2022. This implies not only strengthening of the battle groups stationed on the eastern flank but particularly implementing the New Force Model by significantly increasing the size of response forces available for rapid deployment of reinforcements in the East, and developing respective regional defense plans. The implementation of a new posture usually takes the Alliance five to six years. For the time being, the debate in NATO member states is dominated by discussing increases in capabilities and defence expenditure, boosting defense industries, and often does not refer to arms control at all.²¹

It is plausible to assume that neither Russia nor NATO would be ready to consider conventional arms control arrangements before their recent decisions are implemented. However, even after that, an agreement could not be taken for granted in the new security environment. Historically, conventional arms control was most difficult when it was most needed. This is exemplified by the Vienna-based talks between NATO and Warsaw Pact members on Mutual and Balanced Force Reductions (MBFR) in Central Europe which lasted from 1973 through 1989 without producing any agreement, although they provided a useful venue for early East-West communication between defense establishments.

The idea of designing an arms control regime in order to disengage NATO’s and Russia’s forces in their direct contact zones is not new. It was subject of a number of proposals put forward between 2018 and 2022 which sought to integrate into the logic of the adapted CFE, in a narrower geographic area, new elements and

18 M.R. Gordon, ‘U.S., NATO to Suspend Participation in Landmark Cold War Arms Treaty’, in The Wall Street Journal, 7 November 2023. Retrieved 8 November 2023, https://www.wsj.com/world/europe/u-s-nato-to-suspend-participation-in-landmark-cold-war-arms-treaty-ddc08089?reflink=desktopwebshare_permalink.

19 ‘Russia’s army to add some 170,000 people to its ranks – presidential decree’, in TASS, 1 December 2023. Retrieved on 2 December 2023, https://tass.com/defense/1714969?ysclid=lppv3ah82t587054738&utm_source=yandex.ru&utm_medium=organic&utm_campaign=yandex.ru&utm_referrer=yandex.ru.

20 ‘Russia to increase strength of its army to protect independence — Medvedev’, in TASS, 25 October 2023. Retrieved on 1 November 2023, https://tass.com/politics/1696799?ysclid=lpg30ufqa658435745&utm_source=yandex.ru&utm_medium=organic&utm_campaign=yandex.ru&utm_referrer=yandex.ru.

21 Ch. Mölling and T. Schütz, *Den nächsten Krieg verhindern: Deutschland und die NATO stehen im Wettlauf mit der Zeit*, DGAP Policy Brief no. 32, November 2023.

weapons systems, particularly addressing mobile forces and long-distance precision fires.²² Those proposals were based on the assumption that the CFE's limited weapons categories would remain at the core of a new agreement. At the same time, there was a growing recognition that other categories of offensive and defensive weapons relevant for major warfighting, such as air- and missile-defences, unmanned aerial vehicles (UAVs), ballistic and cruise missiles, major multi-purpose naval platforms, strategic air- and sea-lift carriers, as well as long-range precision fires should be added to the eventual arms-control regime.²³

The logic of those proposals remains relevant for future discussions on conventional arms control in Europe although their underlying approach concentrating on the CFE Treaty's limited weapons categories will have to be revisited against the backdrop of the lessons learned from the war in Ukraine to the extent those lessons will be considered relevant for NATO's and Russia's postures. This discussion is at the very beginning and will take time.²⁴ In any case, it seems obvious that long range precision fires and mobile forces outside NATO-Russia direct contact zones will have to be addressed. Expanding the scope of European arms control and particularly adding various categories of missiles would significantly increase the complexity of any arrangement while the verification of the respective regime would be extremely challenging.²⁵ In general, deployability and sustainability of forces capable of cross-border high intensity combined forces operations will have to be at the core of any new arrangement, rather than just numerical and geographic limitations.

The war in Ukraine is accompanied by growing concerns over a possible 'vertical' and 'horizontal' nuclear escalation of the conflict.²⁶ The latter would imply a risk of a nuclear war between Russia and the West. In the eyes of Moscow, the war has increased the importance of its *non-strategic nuclear weapons* as a means of offsetting NATO's conventional superiority, and its reluctance to include these weapons into the strategic

22 E. Buzhinskiy and O. Shakirov, *Outlines for future conventional arms control in Europe: A sub-regional regime in the Baltics*, European Leadership Network Policy Brief, September 2019; S. Charap et al. *A New Approach to Conventional Arms Control in Europe: Addressing the Security Challenges of the 21st Century*, Santa Monica: RAND Corporation, 2020; W. Richter, *A Framework for Arms Control: Current Status of and Requirements for Conventional Arms Control in Europe*, Berlin; Vienna: Stiftung Wissenschaft und Politik; Austria Institut für Europa- und Sicherheitspolitik, 2021, pp. 100–116; W. Zellner et al. *Reducing the Risks of Conventional Deterrence in Europe: Arms Control in the NATO-Russia Contact Zones* (fn. 3); W. Zellner, O. Oliker and S. Pifer, *A Little of the Old, a Little of the New: A Fresh Approach to Conventional Arms Control in Europe*, Deep Cuts Issue Brief no. 11, September 2020; W. Zellner, 'Addressing the Threat of Uncontrolled Escalation by Means of Conventional Arms Control in Europe' in *Security and Human Rights*, Vol. 2020, no 1-4, pp. 100-107.

23 Ł. Kulesa, 'The Future of Conventional Arms Control in Europe', in *Survival*, Vol. 60 (2018), no, 4, p. 81. doi: 10.1080/00396338.2018.1495430.

24 J. Bronk, *Getting Serious About SEAD: European Air Forces Must Learn from the Failure of the Russian Air Force over Ukraine*, Royal United Services Institute for Defence and Security Studies, 6 April 2022. Retrieved on 20 May 2023, <https://rusi.org/explore-our-research/publications/rusi-defence-systems/getting-serious-about-sead-european-air-forces-must-learn-failure-russian-air-force-over-ukraine>. R. Noorman, *The Russian Way of War in Ukraine: A Military Approach Nine Decades in the Making*, Modern War Institute at West Point, 15 June 2023. Retrieved on 21 June 2023, <https://mwi.westpoint.edu/the-russian-way-of-war-in-ukraine-a-military-approach-nine-decades-in-the-making/>; P.W. Singer, 'One Year In: What Are The Lessons from Ukraine For The Future Of War?', in *Defense One*, 22 February 2023. Retrieved on 15 May 2023, <https://www.defenseone.com/ideas/2023/02/what-ukraine-has-changed-about-war/383216/>; M. Zabrodskyi et al., *Preliminary Lessons in Conventional Warfighting from Russia's Invasion of Ukraine: February–July 2022*, Royal United Services Institute for Defence and Security Studies, London, 2022.

25 W. Alberque, 'What has the war on Ukraine revealed about Russia's non-strategic missiles?', International Institute for Strategic Studies, 6 March 2023. Retrieved 15 May 2023, <https://www.iiss.org/online-analysis/online-analysis/2023/03/what-has-the-war-revealed-about-russias-non-strategic-missiles/>.

26 M. Chesnut, *US/NATO-Russian Strategic Stability and the War in Ukraine*, CAN Occasional Paper, June 2023; B. Frederick, M. Cozad and A. Stark, *Escalation in the War in Ukraine: Lessons Learned and Risks for the Future*, Rand Corporation, Santa Monica (Cal.), 2023; L. Horovitz and M. Stolze, *Nuclear rhetoric and escalation management in Russia's war against Ukraine: A chronology*, SWP Working Paper no. 2, August 2023.

stability talks with the US, once and if they are resumed.²⁷ Although the US and NATO adopted a policy of nuclear de-escalation in the course of the war in Ukraine, and NATO's nuclear posture remained unchanged, the debate on the need to beef up extended nuclear guarantees within the Alliance and its individual member states continues.²⁸

This raises two questions. First, the European security environment may be re-nuclearized after deep reductions in nonstrategic nuclear arms that were implemented following the end of the Cold War. Second, this eventually could be prevented or at least managed if Russian and NATO's non-strategic nuclear postures alongside with the French and British nuclear forces were integrated in a European arms control regime one way or another. However, the history of the MBFR, which also considered including tactical nuclear weapons in the agreement, is not encouraging in this respect.²⁹

Admitting that reaching an agreement on "hard" arms control measures needed to stabilize the military-political situation in the NATO-Russia/Belarus contact zones will take longer, three steps, even if taken unilaterally but in parallel, could help to minimize risks of direct military confrontation between Russia and NATO.

First, Russia, NATO and the US (as far as stationing of troops on the basis of bilateral agreements outside of the Alliance's framework is concerned) should exercise restraint in increasing their troops stationed in the contact zones in the Baltic area and along the Russo-Finnish border (so far, their military presence remains relatively thin), and in conducting large scale military exercises in these zones which can be seen as provocative by the other side.

Second, the US and Russia could pledge not to deploy INF-range missiles in Europe and to not arm dual capable cruise, ballistic and hypersonic missiles with nuclear warheads, although particularly the latter pledge would be hard to verify.³⁰

Third, particular thought should be given to reducing the growing complexity of issues that need to be addressed by an arms control arrangement by compartmentalizing issues that would be subject of separate but interlinked agreements, such as addressing nuclear and conventional capabilities in Europe.

Canary in the coalmine

There is a broad understanding that the restoration of arms control in Europe is more likely to begin with the

27 S. Pifer, *The Russia-Ukraine War: A Setback for Arms Control*, Stanford University, Center for International Security and Cooperation, 23 May 2022. Retrieved on 30 May 2023, <https://cisac.fsi.stanford.edu/news/russia-ukraine-war-setback-arms-control>.

28 A. Kacprzyk, *NATO nuclear adaptation: Rationales for expanding the force posture in Europe*, PISM Report, November 2023; J.-L. Lozier, *First Nuclear Lessons from the War in Ukraine*, IFRI Briefing, 18 May 2023, pp. 7-8.

29 J.G. Keliher, *The Negotiations on Mutual and Balanced Force Reductions: The Search for Arms Control in Central Europe*, Pergamon Press, New York, 1980, pp. 96-128.

30 M.A. Pomper et al, *Everything Counts: Building a Control Regime for Nonstrategic Nuclear Warheads in Europe*, CBS Occasional Paper no. 55, May 2022.

strengthening of confidence- and security-building.³¹ It is assumed that rebuilding mutual trust to the extent possible will have to precede “hard” arms control talks, thus placing the focus in the short and near term on CSBMs.

It should not be expected, however, that the resumption of application of CSBMs established by the OSCE Vienna Document would automatically generate trust or, as anticipated by the Helsinki Final Act in 1975, would reduce “the dangers of armed conflict and of misunderstanding or miscalculation of military activities which could give rise to apprehension, particularly in a situation where the [OSCE] participating States lack clear and timely information about the nature of such activities”.³² The assumption that CSBMs by default reduce mistrust and improve mutual confidence by increasing transparency and predictability of military activities is contested against the backdrop of historic evidence. Particularly in times of high tensions and deep mutual mistrust, they “may even have the opposite effect, reinforcing existing negative perceptions and contributing to even lower levels of trust in defence and security relations”.³³

When adversaries assess military activities of each other through the lens of the worst case scenario thinking, they tend to suspect that the information provided through various channels may be part of deliberate deception policy while pre-notified exercises in reality may be a preparation of an attack. The most notorious example is the 1983 series of NATO’s Autumn Forge exercises that included the simulation of a limited nuclear war in Europe and culminated in November with the Able Archer exercise against the backdrop of the preparation for the deployment of US’ intermediate-range nuclear missiles in Europe. Despite the various types of calming communications and intelligence, the exercises triggered the highest alarm in the Soviet defence establishment which did not exclude that the Alliance was preparing for a nuclear attack. This put Europe to the brink of a war by misinterpretation second only to the 1962 Cuban missile crisis.³⁴

The contribution of CSBMs to conflict prevention, crisis management and de-escalation is considered extremely limited and highly disputed.³⁵ While the information gathered through inspections and evaluation visits may fail to produce a clear picture of the developments on the ground, it may trigger disputes over the interpretation of that information, as well as over the allegedly biased instrumentalization of the CSBMs.³⁶

While generally CSBMs are expected to provide reassurance, help avoid misinterpretation of military activities

31 T. Greminger, *Reintroducing elements of cooperative security in the future European security order* (fn 2), p. 18; O. Oliker, G.I. Rosa-Hernandez, *The Art of the Possible: Minimizing Risks as a New European Order Takes Shape*, Foreign Policy Research Institute, November 2022. Retrieved 20 May 2023, <https://www.fpri.org/article/2022/11/the-art-of-the-possible-minimizing-risks-as-a-new-european-order-takes-shape/>.

32 *Conference on Security and Co-operation in Europe Final Act*, Helsinki, 1975, p. 10. Retrieved 20 May 2023, <https://www.osce.org/files/f/documents/5/c/39501.pdf>.

33 B. Schaller, ‘No Fair-Weather Instrument: The Need to Rethink Military Confidence Building in Europe’, in: IFSH (ed.), *OSCE Insights 2020*, Nomos, Baden-Baden, 2020, pp. 103–104. <https://doi.org/10.5771/9783748922339-07>.

34 B. Heuser, ‘Military Exercises and the Dangers of Misunderstandings: the East-West Crisis of the Early 1980s’, in B. Heuser, T. Heier, G. Lasconjarias (eds), *Military Exercises: Political Messaging and Strategic Impact*, NATO Defense College, Rome, 2018, pp. 122-137.

35 J. Engvall, ‘Military confidence-building in crises: Lessons from Georgia and Ukraine’, in *Defence Studies*, Vol. 20 (2020), no. 3, pp. 250-270; W. Zellner, ‘Summary of Conclusions’, in: W. Zellner (ed.), *Conventional Arms Control in Europe: New Approaches in Challenging Times*, International Workshop, 23–24 April 2015, Berlin, IFSH, Hamburg, 2015, pp. 57-58; H.-J. Schmidt, ‘The Link between Conventional Arms Control and Crisis Management’, in IFSH (ed.), *OSCE Yearbook 2015*, Nomos, Baden-Baden, 2016, pp. 267–275.

36 I. Anthony, ‘The application of European confidence-building measures and confidence-and security-building measures in Ukraine’, in *Yearbook 2015: Armaments, Disarmament and International Security*, Oxford University Press, New York, 2015, pp. 73–74.

and clarify intensions, particularly in the context of adversarial relationships, they have another function as well. Alongside with intelligence, they perform the function of a “canary in the coalmine”. Irregularities in the implementation of agreed CSBMs by attenuating compliance, exploiting loopholes in respective arrangements, diminishing transparency and/or concealing intentions are seen as indicators that increase the time for early warning and the cost of a conflict.³⁷ Apparently, these indicators have served this purpose in the run-up to the launching of the Russian “special military operation” in Ukraine in 2022.

These circumstances should caution against the expectation that the termination of the war would pave the way for a smooth resumption and expansion of CSBMs. Nevertheless, it should be kept in mind that, historically, the concept of military confidence-building was born in the mid-1950s against the backdrop of stalling disarmament discussions. “Soft” arms control was supposed to help generate a more positive atmosphere to proceed with “hard” arms control. Although there is no evidence that it was the modest set of voluntary CBMs agreed upon in the 1975 Helsinki Final Act that served as a catalyst for the negotiation of the CFE regime —rather, it was the political change in East-West relations in the late 1980s,³⁸ “soft” arms control certainly was an enabler of that political change particularly with the 1986 breakthrough at the Stockholm Conference on Security- and Confidence-Building Measures and Disarmament in Europe. Similarly, the resumption of the application of CSBMs after the termination of the war could help to begin reintroducing cooperative elements into the European security environment.

The resumption of the application of the OSCE Vienna Document would be the logical first step in this direction. Although it may take some time, its very existence committing all participating states to confidence- and security-building would be a compelling argument to do so unless any party formally suspends the document. Although the application of CSBMs would be hampered by jurisdictional disputes, this gap could be compensated should a transparency regime in the security zone and adjacent areas accompany the ceasefire arrangement in Ukraine.

At the same time, similar to “hard” arms control, a substantial modernization of the Vienna Document that would encompass strengthening of warning indicators by removing existing loopholes, increasing quotas for inspections, lowering thresholds for prior notification and observation, and expanding the scope of security forces subject to CSBMs, as discussed in the OSCE prior to 2022,³⁹ is unlikely to move forward swiftly. In the short and medium term, it is likely to be an even more difficult endeavour than it was before 2022.

Discussing CSBMs, Ian Anthony suggests an important differentiation that can help to chart a reasonable path for restoring confidence- and security-building. He distinguishes communication (exchange of information), dialogue (including military-to-military contacts) and negotiation seeking to codify and institutionalize new politically or legally binding agreements.⁴⁰ While any substantial negotiation on the modernization of the Vienna Document seems unlikely in the time to come, more modest steps should be prioritized that

37 W. Alberque, ‘What Are the Links between Arms Control and Crisis Management?’, in W. Zellner (ed.), *Conventional Arms Control in Europe: New Approaches in Challenging Times* (fn. 36), pp. 46-48; J. Engvall, ‘Military confidence-building in crises: Lessons from Georgia and Ukraine’ (fn. 36), pp. 250, 264.

38 Z. Lachowski, *Confidence- and Security-Building Measures in the New Europe*, (fn. 9), p. 1.

39 *Promoting military stability and security. Key findings and documents of the Intersessional Dialogue on Military Doctrines and the Breakout Workshops on CSBMs*. Austrian OSCE Chairmanship 2017, Military Policy Division of the Federal Ministry of Defence and Sports of the Republic of Austria, Vienna, 2017.

40 I. Anthony, *Can Confidence and Security Building Measures (CSBMs) help manage European crises?* ELN Policy Brief, April 2022, p. 8.

encompass the resumption of military-to-military contacts, reciprocal provision of information on the evolving postures in order to reduce the room for their misinterpretation, and other similar steps. Their aim would be to gradually build “a minimum level of trust” that, as Benjamin Schaller suggests, is required for ensuring a positive effect from CSBMs.⁴¹

It would be also reasonable to encourage the resumption or development of bilateral CSBMs along the meanwhile longer direct borderline between Russia/Belarus and NATO, as well as to think of naval CSBMs in the Baltic and Black Seas regions.

OSCE

Even a less ambitious agenda for reintroducing cooperative elements into the European security landscape requires a relevant platform or platforms on which it can be pursued. Amid the war in Ukraine, the space for diplomatic and military-diplomatic dialogue between Russia and the West has shrunk severely. Almost all dialogue avenues are closed with the exception of the OSCE which finds itself in a deep crisis.⁴² But with the exception of the CSBMs which the CSCE/OSCE has pioneered since the 1970s, the organization was never the venue for other arms control negotiations.

Despite the fact that risk reduction is part of the Vienna Document (Chapter III), the respective OSCE mechanisms have either remained unused or have failed to prevent or arrest conflicts.⁴³ Risk reduction remains primarily a bilateral business.⁴⁴ The exceptions seem to be the emergency hotline established between the Russian General Staff and NATO Headquarters in 2022,⁴⁵ or the 2014 multilateral Code for Unplanned Encounters at Sea, signed by 24 Navies in the Western Pacific.⁴⁶ These instruments certainly need to be regularly updated, and it is usually done by amending the relevant bilateral agreements.

“Hard” arms control in Europe was and will remain primarily a NATO-Russia business. The CFE Treaty was negotiated by twenty-two NATO and Warsaw Pact member states. The number of its parties grew to thirty after several Soviet successor states joined the Treaty following the collapse of the USSR. The 2010-2011 consultations on “hard” conventional arms control in Europe followed this logic as well. Participants included 36 nations – adding to the CFE parties six new NATO member states which were not parties to the

41 B. Schaller, ‘No Fair-Weather Instrument: The Need to Rethink Military Confidence Building in Europe’, (fn 34), pp. 103–104.

42 C. Friesendorf and A. Kartsonaki, ‘Introduction to OSCE Insights 2022: War in Europe’, in C. Friesendorf and A. Kartsonaki (eds), *OSCE Insights 2022: War in Europe*, Nomos, Baden-Baden, 2023, pp. 7-12; *Seven Priorities for Preserving the OSCE in a Time of War*, Crisis Group Special Briefing no. 9, 29 Nov. 2022; F. Tanner, ‘The OSCE and European Security: Towards a Point of No Return?’, in U. Werther-Pietsch (ed), *Envisioning Peace in a Time of War*, Facultas, Vienna, 2022, pp. 57-67.

43 P. Dunay, ‘Coping with Uncertainty: the “Vienna and Berlin Mechanisms” in Light of the First Decade of Their Existence’, in IFSH (ed.), *OSCE Yearbook 2000*, Nomos, Baden-Baden, 2001, pp. 125-138; J. Engvall, ‘Military confidence-building in crises: Lessons from Georgia and Ukraine’ (fn. 36), pp. 256-259.

44 T. Frear, *Lessons Learned? Success and Failure in Managing Russia-West Incidents 2014–2018*, ELN Euro-Atlantic Security Policy Brief, 2018; D. Raynova and L. Kulesa, *Russia-West Incidents in the Air and at the Sea 2016–2017, Out of the Danger Zone?*, ELN Euro-Atlantic Security Report, 2018.

45 V.G. Baranovsky et al., ‘Avoiding nuclear war. Problems of escalation/de-escalation of armed conflicts when approaching the “nuclear threshold”’ (fn. 8), p. 127.

46 L. Odgaard and S. Lund, *Reducing Russia-NATO Tensions: Codes for Unplanned Encounters at Sea*, Hudson Institute, Washington, D.C., 2020, pp. 10-12.

original Treaty.⁴⁷ Proposals for eventual measures to stabilize the military-political situation in NATO-Russia direct contact zones also presumed to involve the Alliance and Russia (and Belarus).⁴⁸ “Hard” arms control was only loosely linked to the OSCE as it was agreed “within the framework” or “under the auspices” of the organization, and the OSCE Conflict Prevention Centre rendered assistance in the implementation of respective agreements through its Communications Network that facilitates exchange of information between foreign and/or defence ministries of the parties.

For the time being, there is no platform that would be available for discussing arms control between NATO member states and Russia. All communications between them were shut down with the beginning of the war in Ukraine. Although the NATO-Russia Council is not formally dissolved, it remains open whether its work will be resumed after the termination of the war, how long it would take and whether arms control beyond risk reduction would be on its agenda. In this situation, being the single multilateral European organization in which Russia sits at the table, the OSCE potentially could fill the void. Participating states could utilize its unique convening power to begin discussing less ambitious issues for the purpose of gradually building the “minimum level of trust” necessary to move forward with arms control.

Although discussions within the OSCE so far are reduced to controversy over the war in Ukraine and the room for consensus is extremely narrow, delegations of the participating states are permanently present in Vienna. In order to reduce mutual misperceptions, they can use meetings of the OSCE Forum for Security Cooperation to brief each other on their evolving defence postures. For the same purpose, they can resume holding high-level military doctrine seminars, as encouraged by the Vienna Document. Should the resumption of the Annual Security Review Conference remain problematic in the near term, the OSCE Chairmanships can call for organizing similar events under their auspices, following the example of Poland which organized Human Dimension conferences in Warsaw in 2022 and 2023 once the regular annual OSCE Human Dimension implementation meetings could not be agreed. Building on the previous practice of organizing OSCE Security Days, such conferences could integrate inputs from the experts’ community and civil society. Taking into account the highly controversial nature of Russia-West relations, one could also consider resuming the structured dialogue on security and arms control in an open-ended informal group. Should it prove impossible to (re)establish a platform for NATO-Russia security dialogue, the OSCE can provide a venue for meetings of representatives of the Alliance’s member states and Russia that would be kept separately from the meetings of the Permanent Council and the Forum for Security Cooperation. This was the mode, in which the mandate for CFE negotiations was negotiated in Vienna in 1986-1989, and the consultations of 36 nations on conventional arms control were conducted in 2010-2011.

Conclusions

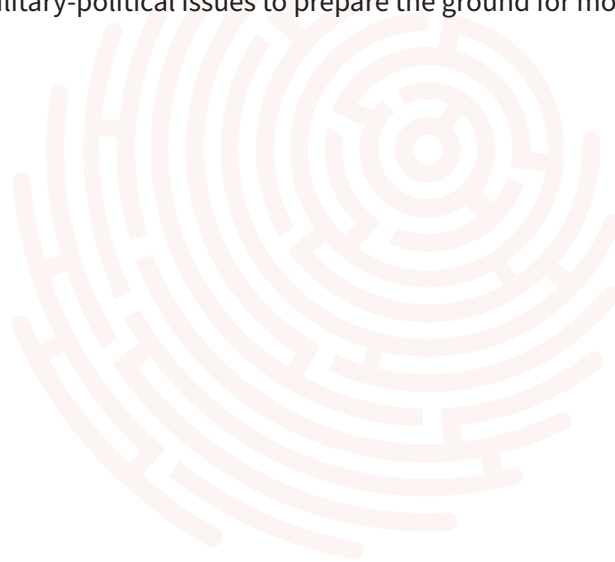
Arms control experts could easily compile a long list of arms control measures desirable to mitigate risks accompanying the beginning arms race in Europe. However, the desirable measures need to be checked against what will be feasible against the backdrop of the fundamentally changed European security landscape in which the evolving deterrence and defence postures of NATO and Russia will define room for arms control, not vice versa.


47 Z. Lachowski, ‘Convention al arms control and military confidence-building’, in *SIPRI Yearbook 2011: Armaments, Disarmament and International Security*, Oxford University Press, New York, 2011, p. 414.

48 E. Buzhinskiy and O. Shakirov, *Outlines for future conventional arms control in Europe: A sub-regional regime in the Baltics*, (fn. 23); W. Zellner et al. *Reducing the Risks of Conventional Deterrence in Europe: Arms Control in the NATO-Russia Contact Zones* (fn. 3).

The most urgent task is to strengthen mechanisms for risk reduction in order to prevent an unintended direct military confrontation between NATO and Russia, the risk of which is growing the longer the war in Ukraine is protracted. An eventual ceasefire in Ukraine should be enforced by a set of measures that would significantly raise the threshold for the resumption of hostilities. With the termination of the war, stabilization of the military-political situation in the direct contact zones between NATO and Russia would be an important task, although “hard” arms control measures to be agreed will take a long time, if an agreement to this effect would be feasible at all. In the meantime, NATO and Russia should be advised to exercise restraint in these zones as far as the stationing of combat forces or large scale military exercises are concerned. Russia, the US and NATO should be also advised to avoid re-nuclearization of European security by pledging to adhere to a moratorium on stationing nuclear armed ballistic, cruise and hypersonic missiles.

Meanwhile, the application of CSBMs should be resumed. Instead of focusing on the modernization of the Vienna Document, in the short and medium term after the termination of the war, the emphasis should be put on the less ambitious goal of gradually building the minimum level of trust. Particularly due to the shutdown of communications between NATO and Russia, the OSCE remains the single platform that can facilitate the resumption of dialogue on military-political issues to prepare the ground for more profound arrangements.





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