

'The adapted CFE Treaty: A building block for cooperative security in Europe' from the Helsinki Monitor

Caption: In an article published in 2000 in the quarterly publication Helsinki Monitor, Kees Homan, retired Major General in the Royal Netherlands Marine Corps, traces the steps which led to the revision of the Treaty on Conventional Armed Forces in Europe (CFE) and outlines its main provisions regarding weapons limitation as well as inspections and exchanges of information.

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The adapted CFE Treaty: A building block for cooperative security in Europe

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Introduction

After nearly three years of negotiations, on November 19 of last year at the OSCE Summit in Istanbul the 30 states parties to the Conventional Armed Forces in Europe (CFE) Treaty signed a treaty adaptation agreement which replaces the outdated, Cold War era structure of the original treaty. This article briefly addresses, first of all the history of the CFE Treaty. Then the main revisions to the treaty and the major obstacles which had to be overcome during the negotiations will be analysed. It ends with some concluding remarks.

History

The CFE Treaty is a legacy of the Cold War. It has been used, however, as an important building block for a European cooperative security regime. A system of cooperative security implies the general acceptance of, and compliance with, binding commitments which limit military capabilities and military actions. As a result, a cooperative security system rests on the following precepts:

- confidence based on openness, transparency and predictability;
- cooperation and reassurance; and
- legitimacy, which depends on the acceptance by members of the cooperative security regime of the military constraints inherent in that regime in that.

The CFE Treaty, which can be considered as the implementation of these principles, was originally signed by the NATO countries and by the then members of the Warsaw Treaty Organization within the framework of the Conference on European Security and Cooperation on 19th November 1990 in Paris. The aim of this treaty was to establish lower levels of conventional arms. The agreement determined for the then two existing military blocs the quantities of conventional arms which they could possess within five categories with subsequent modifications. Under the original treaty, NATO and the Warsaw Pact were each allotted limits of 20,000 tanks, 30,000 armoured combat vehicles (ACVs), 20,000 artillery pieces, 6,800 combat aircraft and 2,000 attack helicopters. This materiel is collectively referred to as treaty-limited equipment (TLE).

Many observers were of the opinion that the treaty was already outdated after the developments of 1989-1991. Besides the end of the Warsaw Pact, especially the Soviet Union's disintegration was considered to render the treaty unworkable. But as a testimony both to its contribution to European security and to the importance participating states attached to the treaty, there was a delay in its entry into force. The treaty was not provisionally applied until 17 July 1992. It became legally binding on all parties on 19 November 1992.

By 17 November 1995, the deadline for the treaty's full implementation, over 58,000 items of treaty-limited equipment (TLE) had been destroyed, and approximately 2,500 monitoring missions had been conducted to ensure compliance.

The CFE Treaty was also adapted in order to accommodate other political changes. The Baltic states — Latvia, Lithuania and Estonia — were removed from the area of CFE application on 18 October 1991 after they regained their independence. The other former Soviet States met in Tashkent, Uzbekistan, on 15 May 1992 and agreed on respective totals consistent with the total Soviet allocation. The Czech Republic and Slovakia also allocated individual limits as part of the dissolution of Czechoslovakia on 31 December 1992.

Mandate for a revision of the CFE Treaty

At the Lisbon Summit of the OSCE on 2 December 1996, the treaty parties, the number of which had grown from 22 to 30 as a result of the breakup of the Soviet Union and Czechoslovakia, adopted a Document on the Scope and Parameters for Negotiations on a Revision of this Treaty. The Document mentions as one of its principles that the CFE Treaty 'must be consistent with the OSCE's concept of comprehensive, indivisible and cooperative security, while bearing in mind States Parties' other security arrangements and obligations, their inherent right to choose or change security arrangements, the legitimate security interests of other States Parties, and the fundamental right of each State Party to protect its national security individually'.

The adapted CFE Treaty

Concluding nearly three years of negotiations, the 30 states parties to the CFE Treaty signed a treaty adaptation agreement on 19 November 1999. Although the December 1996 'scope and parameters' for the adaptation negotiations declared that the talks would 'avoid wholesale renegotiation of the treaty', the adapted treaty is nevertheless a complete restructuring. The treaty mission, however: to preserve European stability and security, remains the same.

The adaptation agreement replaces the CFE Treaty's existing bloc and zone limits with a system of national and territorial weapon ceilings. With the 1991 breakup of the Warsaw Pact and the 1997 offer of NATO membership to the former Eastern bloc members of Poland, Hungary and the Czech Republic, these bloc limits lost all relevance and were replaced by national ceilings for the same five weapons categories. For the adapted treaty, countries proposed their own limits, with the understanding that they would take a 'restrained approach' and work towards the overriding objective of 'achieving a significant lowering in the total amount of TLE in Europe'.

In keeping with the shift from a bloc- structure to national ceilings, the adapted treaty eliminates the zone-structure and sets territorial ceilings for each state. These territorial ceilings cap the total amount of ground TLE, both national and foreign-stationed, that a country can have within its borders.

National ceilings

Together, the 19 NATO members lowered their cumulative national limits from 89,062 TLE to 79,967. Current NATO weapons holdings only add up to 64,091 TLE, so no actual reductions will be required. While amounting to cut on paper, this reduction does decrease the weapons build-up potential of alliance members, thereby reassuring Russia. Individually, only two NATO states, the Aegean rivals Greece and Turkey, increased their weapons limits, though only in the category of attack helicopters. The United States reduced its limits by more than 40 percent, from 13,088 TLE to 7,582. But, like the alliance in general, the U.S. actual holding of 3,465 TLE (as of January 1, 1999) is far below its new limits. For its part, Russia reduced its TLE limits by transferring the entitlement to 385 weapons to Kazakhstan, which did not previously have any weapons entitlements under CFE.

Territorial ceilings

In addition to a national ceiling, each treaty member has a territorial ceiling which caps the maximum number (national and foreign-stationed) of tanks, ACVs and artillery allowed on its territory. While Russia sought territorial limits on combat aircraft and attack helicopters, NATO rejected the proposal early on the negotiations, arguing that such weaponry is too mobile to verify by its location. Moscow tried to resurrect these efforts following NATO's air war against Yugoslavia, but to no avail.

Twenty countries, consisting of all the former flank-zone states and most of those in Central Europe (including the new NATO members), set their territorial ceilings as being equal to their national limits. These countries will need to keep their own forces on their territory below this ceiling if they want to host foreign forces. This severely restricts the forward deployment of foreign forces that could be used for a surprise offensive even more so than the original treaty's concentric zones which the adapted treaty eliminates.

The flanks

Russian officials have steadfastly argued since 1993 for the removal of the restrictions, listed in Article V of the CFE Treaty, placed on Russian and Ukrainian forces in the so-called 'flank' zone. For Russia this zone consists of the Northern Caucasus and Leningrad Military Districts and for Ukraine it applies to the south-eastern third of its territory. Russia and Ukraine are the only two states with limits upon where they can deploy their own weapons on their own territory. In trying to address justified Russian complaints, the state parties agreed in May 1996 to allow Russia's original flank limits of 1,300 tanks, 1,380 ACVs and 1,680 artillery to apply to a smaller area, while the original zone itself would have higher limits of 1,800 tanks, 3,700 ACVs and 2,400 artillery. Nevertheless, Russia failed to meet the revised flank totals by the 31 May 1999 deadline. While Moscow remained within its overall national limits of all categories of TLE, it exceeded the allocation of ACVs in the North Caucasus area by over 1,000 units. NATO members chose not to make a major issue of Russian 'non-compliance' while pointing out that the existing flank limits remain legally binding until such time as an adapted treaty is signed and ratified.

In the adapted treaty, which meets the Russian claims of needing greater flexibility in the volatile Caucasus, the original zone and its limits have been entirely eliminated, and Russia's ACV allowance in the reduced flank zone has been increased from 1,380 to 2,140.

Still, Russian officials have declared that they cannot comply with the treaty limits until the country's military operations in Chechnya have been completed. On the other hand, the Russian announcement of deployments in excess of its flank limits demonstrates its commitment to the agreement.

Russia and NATO enlargement

To help strengthen European security any adjustment to the CFE Treaty had to help assuage Russian fears concerning the military consequences of NATO enlargement. From a Russian perspective, NATO enlargement is seen as an effort to isolate rather than to integrate Russia into a new European security architecture. Not surprisingly, Moscow sees CFE and changes to NATO's existing membership as being closely linked. During the CFE adaptation talks, Russia's main objective was to codify legally binding limits on the NATO military presence in new member states.

By setting their new national and territorial ceilings as being equal to their existing treaty entitlements, the three new NATO members, Poland, Hungary and the Czech Republic, as well as the potential NATO members Romania and the Slovak Republic, assured Russia that even with NATO enlargement the weapons permanently deployed on their territories would not increase.

However, to guard against new members becoming 'secondclass' members, NATO insisted on negotiating temporary exceptions to territorial ceilings. Any country may host temporary deployments or military exercises up to a level of 153 tanks, 241 ACVs and 140 artillery pieces in excess of its territorial ceilings.

Verification

Equally as important as the weapons limits, the adapted treaty sets demanding requirements for inspections and information exchanges on weapons holdings. The original treaty required a country to allow inspections totalling 15% of its objects of verification (OOV) — basically any site or unit with TLE. Because of the significant reduction of TLE during the treaty's operation, the number of inspections that parties have been required to permit has decreased. The adapted treaty reverses this trend by setting a country's quota for inspections at 20% of its declared OOV.

Whereas the existing treaty only requires annual reports on the designated peacetime location of tanks, ACVs and artillery, the adapted treaty adds annual reporting requirements on the actual location of this TLE. Each state is also now required to submit quarterly reports detailing the numbers and actual territorial deployments of its ground TLE.

To the satisfaction of Russia, which has sought greater restrictions and transparency on NATO's air power following the alliance's war with Yugoslavia, quarterly reports are also required on combat aircraft and attack helicopters. However, states parties only need to supply information on total numbers for the entire treaty area and to detail the countries to which the equipment is assigned for deployment, not those where it is located.

As a further confidence-building measure, whenever weapons levels on a state's territory change by 30 tanks, 30 ACVs, or 10 artillery pieces or more, all other states parties must be informed within five working days. Any increase of 18 or more combat aircraft or attack helicopters in a country's holdings within the treaty's area of application must be reported within five working days.

The Final Act

The political commitments issued in the associated Final Act generally reinforce the adapted treaty's aim of keeping armament levels low in regions of historical conflict, and many specifically attempt to alleviate Russia's unease with NATO enlargement. The Final Act also states that all treaty members have 'undertaken 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'. Nevertheless, the original treaty, despite its outdated nature, will likely remain in effect for some time. All 30 current treaty members will need to ratify the adapted agreement for it to enter into force. It is expected that ratification in both Russia and the USA cannot be completed within two years. US President Bill Clinton's submission of the adapted treaty to the Senate being conditional upon Russian compliance with its new arms limits in its flank region is one of the reasons for this. However, after Moscow's victory in Chechnya, it will have to commit substantial forces to police what will surely be an unstable peace, prolonging Russian non-compliance. Without Russian compliance, the adapted treaty would face certain defeat in a Republican-controlled Senate.

Russian ratification is also complicated. In the Duma the same forces that have delayed the ratification of START II since June 1995 have to be overcome. The anger at the US-led bombings of Iraq and Yugoslavia, and the US and European denouncement of Russian military actions in Chechnya may also delay the ratification of the adapted CFE accord. But the Final Act emphasizes the 'central importance of full and continued implementation of the existing treaty until the adapted treaty enters into force'.

Conclusion

The adapted CFE Treaty should be viewed as a necessary foundation for future European security and stability. The original CFE Treaty already clearly demonstrated its value as a policy instrument during the turbulent period at the end of the Cold War. The levels of forces reductions and the system of transparency that accompanied them are nothing short of historic. In fact, the greatest value of the agreement may be that the entire CFE system encourages confidence through transparency and provides a forum for the major European states to debate, agree upon and maintain a set of rules on conventional military power in Europe. While an adapted treaty will not resolve the intra state and secessionist conflicts that have plagued post-Cold War Europe, it is better designed — unlike its predecessor — to cope with change. Under the adapted treaty, any OSCE member can accede to the treaty with the approval of all current treaty members. Due to the concerns of Russia, especially the membership of the Baltic States should be encouraged.

The adapted treaty also meets the essential concerns of both NATO and Russia. NATO ensured that it would be able to deploy forces in new member states when the alliance so wishes and it retained specific limits on Russian forces in regions of concern. At the same time, Moscow received a relaxation of the long-despised flank limits and obtained legally binding caps on the amount of forces NATO can deploy in new member states, by which it reduced Moscow's concerns of NATO enlargement. Most importantly, the adapted treaty further reduces the possibility of future conventional arms races in Europe and the threat of surprise, large-scale offensives, which is in the security interests of all European states.

The parties pledged to review the status of all the pledges made and decisions taken at the treaty's next

review conference scheduled for May 2001.

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