

**Heinrich-Böll-Stiftung Prague and
the Institute of International Relations Prague**

The Impact of the Crisis in Ukraine on the Future of Arms Control

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Panel 1: Implications of the Ukraine Crisis for Conventional Arms Control

**Conventional Arms Control in Europe:
State of Affairs and Prospects**

Presentation by Ulrich Kühn (IFSH Hamburg), kuehn@ifsh.de

Ladies and gentlemen, let me first express my gratitude to the organizers from the Heinrich-Böll-Stiftung Prague, the Institute of International Relations Prague, and the Ministry of Foreign Affairs of the Czech Republic for convening such an important and timely conference and for giving me the opportunity to share some ideas and reflections with you.

In my presentation, I would like to focus on the state of affairs of Conventional Arms Control in Europe and the prospects for reviving the regime against the background of the on-going Ukraine conflict. In the following, I will concentrate on four points:

1. Conventional Arms Control has been in a state of deadlock long before the Ukraine conflict.
2. The Ukraine conflict shows an increased need for more military transparency, predictability, and trust. Conventional Arms Control could address these issues; however, since it is plagued by crisis itself (see Point 1) it currently cannot fulfill this role.
3. Conventional Arms Control is based on the idea of cooperative security. Cooperative security is based on a defensively-oriented concept which combines questions of morality and power. The U.S. and Russian security policies during the last 20 years did – partially – not live up to this goal.

4. What are the chances for a revival of Conventional Arms Control? And which questions would have to be answered in order to clear the way for a revival?

Now, let me elaborate on these four points in more detail.

Point 1: Conventional Arms Control has been in a state of deadlock long before the Ukraine conflict.

In 2002, NATO member states agreed to make the ratification of ACFE dependent on Russia fulfilling her so called Istanbul commitments – that is, the complete withdrawal of Russian forces and conventional equipment from Moldova and Georgia. At the same time, Moscow considerably slowed down efforts to withdraw forces and equipment. Until 2007, positions did not change on the issue, and in 2007, Russia unilaterally suspended the treaty as a reaction to NATO's non-ratification of ACFE. With the Russian-Georgian 5-day war in 2008 positions hardened as Russia took full military control of the Georgian break-away regions of South Ossetia and Abkhazia. In 2009, Russia tabled a legally binding treaty proposal to NATO member states which sought a definition to the 1997 NATO-Russia Founding Act commitment by the alliance to 'carry out its collective defence and other missions by ensuring the necessary interoperability, integration and capability for reinforcement rather than by additional permanent stationing of substantial combat forces.' The proposal which came in conjunction with the so called Medvedev EST proposal did not receive a positive response by NATO member states. A last effort to revive Conventional Arms Control in 2011 in consultations 'at 36' (meaning CFE parties to the treaty plus NATO members not part of the 1990 CFE) ended without any concrete result, mainly due to diverging positions and Russian disinterest on the issue.

Latest voices seem to indicate that NATO member states have meanwhile agreed in the HLTF on a joint position for a framework document for modernizing Conventional Arms Control. NATO is thus open for consultations on the issue with Russia; however, the question remains whether Moscow has any interest in the matter. I would like to quote from a leaked U.S. cable in 2011 about a visit by then-Secretary General of NATO Rasmussen to Moscow:

'Prime Minister Putin, in his turn, tied the need for progress on CFE to the proposed European Security Treaty. He led me [Rasmussen] to understand that lack of progress on the

CFE front had forced Moscow to table the proposed treaty on European Security, as it in his view was clear that Allies have no legal reason not to ratify the CFE treaty, but had made a political decision not to do so.'

If the Russian position has remained unchanged, prospects for reviving Conventional Arms Control are bleak.

The demise of CFE was no accident nor was it an isolated case. Rather, the whole regime of Conventional Arms Control in Europe has come under increasing stress in recent years. Parallel to the end of CFE, the Open Skies Treaty and the OSCE's Vienna Document are also suffering. In 2011, the long overdue update of the Vienna Document resulted in disappointing technical and procedural changes. At the same time, Open Skies has experienced considerable trouble with the controversy between Greece and Turkey about the accession of the Republic of Cyprus and Georgian refusals to accept Russian observation flights.

Point 2: The Ukraine conflict shows an increased need for more military transparency, predictability, and trust. Conventional Arms Control could address these issues; however, since it is plagued by crisis itself (see Point 1) it currently cannot fulfill this role.

Here I would like to make three observations.

Observation 1: There is not enough transparency with regards to the Russian military build-up on Ukraine's eastern border. The numbers provided by NATO, Moscow, or the media vary significantly. The Vienna Document's inspection quota with regards to Russia was already exhausted by March 2014. In addition, Russia has split up military maneuvers in order to remain below the threshold for 'prior notification of certain military activities' under the Vienna Document. The CFE Treaty would provide more transparency since it has a higher quota for inspections; however, as we all know, the treaty is deadlocked.

Observation 2: There is not enough predictability particularly since irregular military forces or forces without national insignia have been employed in the conflict. Military employment of such troops in conflicts in the OSCE area is nothing new, unfortunately. We have seen, and continue to see irregular military forces in the protracted conflicts in Moldova, Georgia, and Nagorno Karabakh. The employment of forces without national insignia by one of the founding fathers of the Helsinki process – the Russian Federation – is however a new quality;

and it is not a positive one. Considerations, such as to find status-neutral transparency solutions for irregular forces might be a way to address the problem; however, without a political process preparing for arms control measures and a strong mutual political will for compromise by all parties concerned, the problem will, most likely, remain.

Observation 3: The lack of trust between the West and the Russian Federation is not only increasing, it starts to have serious consequences in the military realm. As a recent report by the European Leadership Network has highlighted, the latest military exercises of Russia and NATO member states have led to almost 40 dangerous incidents of close encounter that have occurred over the last eight months. For 2015, Russia has announced to increase its military readiness by means of exercises and maneuvers involving sea, air, and land forces. What we can whiteness right now might be the first round of a spiraling effect of negative tit-for-tat. With the 2014 NATO Summit, NATO member states have agreed to the NATO Readiness Action Plan which stipulates ‘assurance measures including continuous air, land, and maritime presence and meaningful military activity in the eastern part of the Alliance, both on a rotational basis.’ Russia has responded by announcing to rethink its military presence in the military oblast of Pskov. Conventional Arms Control solutions between NATO and Russia, for instance clearly defining reciprocal ceilings for additional military deployments in the NATO-Russia proximity, could help to re-gain trust; however, since the political conditions are what they are at the moment, concrete measures remain wishful thinking for the time being.

Point 3: Conventional Arms Control is based on the idea of cooperative security. Cooperative security is based on a defensively-oriented concept which combines questions of morality and power. The U.S. and Russian security policies during the last 20 years did – partially – not live up to this goal.

The U.S. conflict researcher Ira William Zartman has provided a good description of cooperative security:

‘Both negotiation and security policy are too often presented as tools for maximizing single party gain, when they should be presented as ways of maximizing two (or multi) party gain, jointly if possible, separately if necessary. Negotiations that provide something for everyone, or that trade off differentially valued goods, and security measures that provide security for

all, or that tie my security to your security, are likely to lead to more favourable, stable, productive, and just results.'

According to the classical Realist Edward Carr, 'political action must be based on a coordination of morality and power.' What he meant was that particularly instances of international cooperation have to take into account the balance of power and a certain normative basis. Let me first turn to the balance of power. Balance of power can be defined, according to classical Realism, as 'an approximately equal distribution of power' (as the state of near-perfect equilibrium between the United States and the Soviet Union during the Cold War) and 'any distribution of power'. Let's keep the latter definition for a moment. If one takes into account the definition of cooperative security provided by Ira Zartman, cooperative security has to reflect the existing distribution of power; hence, it has to be defensively oriented. That means that cooperative security does not aim to change the distribution of power to the military advantage of one specific side. If a policy aims at changing the distribution of power it will most likely meet stark opposition by the negatively-affected side.

This effect was, and still is, visible with regards to Russia opposing NATO enlargement. In order to coordinate power, the U.S. governments under Bill Clinton during the 1990s tried to take Russia on board in the process by providing a number of confidence-building measures from the realm of cooperative security. Washington agreed to the Russian demand to adapt CFE, it offered a politically binding mechanism to coordinate NATO-Russia relations in the form of the Founding Act (even though Moscow had asked for a legally binding one), and agreed to a new OSCE Charter for European Security. In contrast, under the two terms of George W. Bush, NATO enlargement accelerated with two further rounds and no significant political 'buy in' for Russia, except for the establishment of the NRC. Instead, ACFE was not ratified, the ABM Treaty was cancelled, and new missile deployments for European NATO allies were announced. In addition, NATO member states promised at the 2008 Bucharest Summit that Ukraine and Georgia 'will become members of NATO' – even though, as we know today, it is not clear whether a majority of the populations in both countries really want NATO accession and even though, the Alliance remains at odds on the issue. Clearly, from the year 2000 onwards, NATO missed a coordination of power with regards to Russia.

At the same time, Russia is violating and challenging the normative acquis of European security institutions. Let me shortly recall a number of principles and norms which Russia has signed up to:

strengthening stability; sovereign equality; indivisibility of security ; peaceful settlement of disputes, peaceful cooperation; refraining from the threat or use of force; implementation of arms control, disarmament, and CSBM obligations; strengthening confidence and security; commitment to conflict prevention; and, last but not least, the territorial integrity of states.

Clearly, the most recent Russian policy towards Ukraine and the West misses a coordination of morality. Most principles have been violated by Russia. The current state of decay of the institutions of cooperative security puts into question major states' ability to devise policies that achieve a healthy mixture of morality and power.

Point 4: What are the chances for a revival of Conventional Arms Control? And which questions would have to be answered in order to clear the way for a revival?

Let me be frank, the chances for a revival of Conventional Arms Control are very bleak at the moment. They might, nevertheless, change in the future. The reasons for the current state of affairs are closely connected to the absence of a mutually agreed re-definition of morality and power in the European security realm. NATO enlargement and certain U.S. security policies have had an offensively-oriented character, at least in the Russian perception. In the Russian understanding, they worked to change the military distribution of power to the detriment of Russia. Against the background of the current crisis, some might say that this was a wise decision. However, I doubt it.

At the same time, the Russian-Georgian war in 2008, Russia's unlawful annexation of Crimea, and its involvement in the fighting in Eastern Ukraine have put into question whether Russia is still a part of the normative dimension of security to which it has signed up to. In the understanding of most European states, Moscow is morally wrong.

The big task for Euro-Atlantic and Russian leaders during the next years will be to bring crucial questions of morality and power in line again and translate them into concrete policies. Let me therefore pose a number of questions which will surely arise in one form or another:

- Does Russia still see a place for itself in the European security architecture, including its normative acquis?
- Can Moscow develop a positive agenda in the form of constructive proposals or is it satisfied with the current state of 'cold confrontation'?
- If 'cold confrontation' were to continue, how to prevent a looming security dilemma?

- If constructive proposals would be put forward, what should they look like? Should they include a reconfirmation of the indivisibility of security; and what does that actually mean for states concerned?
- Should NATO tacitly or openly accept a Russian sphere of influence or not?
- How do Russia and NATO deal with the indivisibility of security regarding Ukraine, Moldova, or Georgia; including their sovereign decision to join alliances?
- Would NATO accession of these countries increase or decrease the security of NATO allies?
- Should possible agreements in the realm of Conventional Arms Control come about as political declarations of intent or as legally binding instruments? What are the chances for ratification in all states concerned?
- Is Washington able to lead on all these issues or would it need more European leadership? And what would be the role of the European Union?

Some or all these difficult questions await an answer. Probably the most pressing question is how to stop the bloodshed in Ukraine, how to prevent further civilian suffering, and how to prevent Ukraine from becoming a failed state. Here, I believe, both the West and Russia still share an interest in achieving stability for Ukraine. Here, I also do believe, Conventional Arms Control has a vital role to play. The Minsk agreements remain the indispensable basis for all present and future peace and security efforts. As has been done before in other conflicts, they could be equipped with additional CSBMs such as devising military points of contact, regular military meetings of the parties to the conflict, reciprocal information exchange, and an increased role for military observers from the OSCE, for instance coupled with an inspections regime based on the principle of status neutrality.

Let me finish by stressing the following: If states return to a balanced policy-mix of morality and power, including defensively-oriented solutions aimed at reciprocally increasing transparency, predictability, and trust, arms control is the natural choice. If the current situation continues or worsens, Conventional Arms Control will remain hostage to the larger political confrontation between the West and Russia.

Ladies and Gentlemen, thank you very much for your attention!

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