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Verified Transparency

New conceptual ideas for conventional arms control in Europe

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Member of the Leibniz Association

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Summary

The future of conventional arms control in Europe is currently at a crossroads. It will either be possible to modernize the layered und mutually complementary regimes that include the outdated and legally binding CFE Treaty along with the politically binding Vienna Document 2011 or they will simply fade away. The next four years under Obama will perhaps prove to be the last chance for the revival of conventional arms control and the strengthening of cooperative security within the OSCE.

The main political problem for European security is now the growing mistrust of Russia among Western countries and the growing mistrust of Western countries among a more authoritarian Russian leadership. With the end of the Cold War, conventional arms control has contributed to the greatly reduced threat of interstate war in Europe through the reduction of conventional forces. Then again, military unaccountability and unpredictability seem to be increasing for Russia with the enlargement of NATO and the planned development of conventional missile defense in Europe. The adapted CFE Treaty, signed at the end of the 1990s, should be able to constrain the growing unaccountability and potential instability caused by alliance enlargement through its innovative and more rigid limitation system; but it has not yet entered into force. During the last decade, progress on conventional arms control was blocked by conservative arms control adversaries in the Bush administration and other countries that linked progress along these lines almost exclusively with the regulation of the unresolved territorial conflicts in the Caucasus. Obama tried to remove this blockade by resetting U.S.-Russia relations in arms control. The new START Treaty has been an initial success but in spite of some preliminary efforts, the reset has not had an impact on conventional arms control so far.

The decision by NATO in Lisbon 2010 to establish a conventional missile defense capability against a possible future threat of nuclear-tipped missiles from Iran, in combination with U.S. defense plans for prompt conventional global strike capability and, more importantly, a conventional long-rage strike capability by bombers and ships, have all raised Russian concerns about the future stability of its nuclear deterrence forces. Russia suspended the implementation of the outdated CFE Treaty at the end of 2007 as a warning signal to NATO and stopped its talks after few months about the modernization of conventional arms control three years later in May 2011. A conservative U.S. Congress blocked the political maneuverability of U.S. President Obama with regard to missile defense before his second election, so progress on this issue could be not expected. Since then, it seems Russia has taken conventional arms control as a hostage for further progress on cooperation in missile defense.

With the re-election of Obama, the reset of U.S.-Russia relations in missile defense and conventional arms control is still pending. Progress on the controversial issue of missile defense seems to be a precondition to revive the political reset and initiate new talks on the modernization of conventional arms control. However, the previous attempt in autumn 2007 to marginally update the adapted CFE Treaty and ratify it then will no longer

work. Too much will have changed in security policy and military technological developments in the next years. A new approach is necessary; one that focuses on the growing mistrust of Russia. It should cover all new conventional military developments which may threaten future stability in Europe, increase the military accountability of NATO enlargement, and strengthen war prevention in the cases of the unregulated territorial conflicts. It should further contribute to Obama's new goal of Global Zero by facilitating the reduction and withdrawal of sub-strategic nuclear weapons in Europe.

Germany has used this period of standstill in conventional arms control to develop new conceptual ideas in regards to 'verified transparency' for future conventional arms control in Europe and has started its own discussions. These discussions are on-going and have been deepened. It now seems the right time to participate in this discussion from a research perspective and discuss the pros and cons of these conceptual ideas, at least as far as they are currently known. The author was involved in an experts hearing and has been following the discussion closely. The report is based on these observations and presents only his personal views.

Transparency is an integral tool for reducing mistrust and increasing confidence and accountability; verification of transparency strongly supports this goal. A comprehensive approach towards openness can widen this desired effect. It can likewise cover a wide range of military developments that may go on to tackle future military stability. Therefore, it seems well suited to overcome Russia's growing mistrust towards NATO. Verified transparency builds less on limitations than other options might, while comprehensive transparency reduces the demands for limitations. However, these ideas do not exclude limitations per se. They may still be necessary to prevent war and increase crisis stability in the cases of unregulated territorial conflicts, to support regional stabilization and to prevent future destabilizing military developments.

The new ideas are built upon a certain level of confidence, as neither NATO nor Russia has the intention to revive Cold War military confrontations. The high budget deficit in the USA, the severe financial crisis in the EU and the growing necessity of economic reforms in Russia strongly support cooperative management of military security in Europe and should therefore receive greatly increased attention from leading politicians of all involved parties.

The new ideas of verified transparency could be used with great flexibility and are based on many known elements of conventional arms control. They consist of three major complementary and mutually reinforcing elements: the verified transparency of military potentials, of military intentions, and of military capabilities. This should be supplemented by additional confidence and security building measures. Transparency of military potentials should be widened and include data on special and rapid response forces, force multipliers, and military transportation systems. The conventional sea forces of European states including U.S. and Canadian navies along with missions for European security should also be covered. They should, however, be excluded from any constraints of other forces. It is of utmost importance to heighten transparency of Western sea forces and their military capabilities in order for Russia to calm growing security concern and

facilitate a reduction of Russian sub-strategic nuclear weapons, which are mainly concentrated in Russian naval forces.

Transparency of military capabilities serves as a new ambitious approach to conventional arms control and would complement transparency of military potentials. It is dependent on sufficient countable and verifiable military elements of the selected capabilities and would go beyond a simple bean counting approach. All participants would have access to a realistic view of what military forces can do and what they cannot do. This new approach also offers the opportunity to discuss possible destabilizing military developments and options for their regulation if necessary. This approach is open to the realm of missile defense, but other cooperative solutions should be possible as well.

Transparency of military intentions is important in that it informs others about the goals of military forces and can be compared with one's own military potentials and capabilities to enhance accountability and confidence. A layered system of openness and verification would be sufficient for this purpose. This would be based on information concerning military doctrines, defense guidelines, defense plans and defense budgets. It would include verification via regular multinational observation of one or two major military activities every two or three years for each participant. Defensive intentions can compensate for military asymmetries of conventional potentials and capabilities as long as military stability is not touched.

Additional confidence and security building measures should increase the accountability of NATO enlargement, strengthen the security of East Central European states and enhance war prevention and crisis stability for states with unregulated territorial conflicts. They would also present a functional equivalent for the controversial flank limitations. Under a new deployment rule, all states would notify others of new small deployments of combat forces in advance. Any deployment of land and air forces that reaches a critical threshold for significant deployments of combat troops would require additional strong justification and should be observed regularly. The same mechanism is proposed for a concentration rule which would force all states to notify others in advance of the concentration of land forces in a defined border area if they reach a critical threshold. Such activity should be observed by multinational observers as well. If activities such as these persist for a longer time, their notification and observation should be repeated every three months. Mutual politically binding 'no-increase' commitments for military forces in certain regions and areas can further strengthen this rule.

Verification is an indispensable tool of this approach. It could be strengthened by the introduction of a new multinational verification agency, similar to the OPCW or IAEA. This agency could overcome the existing structural deficits of CFE verification and save costs for many of the members. However, capability inspections should continue to be organized by national verification agencies due to the fact that the inspectors would need advanced special education, something that an international agency could not provide in a cost effective manner. Passive inspections of capabilities should be limited to two or three every three to five years for each member, owing to the time consuming preparations involved. Verification of naval forces should be conducted in European home ports and designated European ports for Canadian and U.S. forces.

Institutions such as NATO, the EU, and CSTO cannot provide European security on their own. They need mutual security cooperation under the roof of the OSCE to achieve this purpose. Several existing unregulated territorial conflicts in Europe can only be resolved with and not in spite of Russia. Therefore, not blockades – as utilized in the last decade – but the modernization of conventional arms control will help create the political environment conducive to this important task. The political solution of unregulated territorial conflicts should therefore be separated from conventional arms control.

Because support for conventional arms control seems weak in Russia and in the USA, West European countries should take on responsibility for the maintenance and modernization of this instrument and double their efforts. German development of new conceptual ideas and their discussion within the alliance are significant first steps in this direction.

The next meeting between U.S. President Obama and Russian President Putin this year will show to what extent a revival of the reset in arms control relations between both parties and NATO will be possible. After Obama's re-election, Russia has no longer demanded legally binding constraints of Western missile defense in Europe. This should facilitate more flexibility on the U.S. side for a possible compromise on this issue. Russia, in turn, should reenter modernization talks of conventional arms control as a constructive player.

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1. Introduction

Conventional arms control in Europe consists of three complementary regimes: the Treaty on Conventional Forces in Europe (CFE Treaty), the Open Skies Treaty, and the Vienna Document on Confidence and Security Building Measures. The CFE Treaty limits the arsenals of land and air forces in five weapon categories (tanks, armored combat vehicles, artillery, attack helicopters, and combat aircraft) and the CFE 1A agreement limits military personnel.[1] The aim of this treaty was to prevent any surprise or comprehensive attacks between NATO and the former Warsaw Pact members. The Open Skies Treaty covers the territory of 34 participating states between Vladivostok and Vancouver in regards to observation flights.[2] It can also be used to verify all arms control regimes of the participants. The Vienna Document limits military activities and contains additional transparency and confidence-building measures to enhance the security of all 57 OSCE member states.[3]

This system of conventional arms control now finds itself in deep crisis and may soon come to an end. In part, this crisis is a consequence of the success of conventional arms control and the arms reductions of the CFE Treaty in the first half of the 1990s. It forced NATO and the former Warsaw Pact member countries to reduce over 70,000 weapons (Crawford 2010: 30, 32). These reductions and the dissolution of the Warsaw Pact in 1991, followed by the break-up of the Soviet Union in the same year, have ended the large military confrontations in Europe. In light of this, is conventional arms control still necessary?

However, the enlargement of NATO into Eastern Europe challenged the block-to-block structure of the CFE Treaty and raised fears in Moscow that the Western alliance could move its superior conventional forces nearer to its border, if these trends were not halted. The adapted CFE Treaty (aCFE), signed in 1999, was meant to overcome this outdated block-to-block structure and reduce such Russian fears through its new concept of more rigid national and territorial limitations.[4] But Western countries ended up blocking

1 For further details, see Treaty on Conventional Armed Forces in Europe, in: www.osce.org/library/14087 (28.2.2013). The treaty finally entered into force on November 9, 1992 and has the following 30 members: Armenia, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Kazakhstan, Luxembourg, Moldova, the Netherlands, Norway, Poland, Portugal, Romania, the Russian Federation, the Slovak Republic, Spain, Turkey, Ukraine, the United Kingdom, and the USA. The treaty is supplemented by the politically binding Concluding Act of the Negotiations on Personnel Strength of Conventional Armed Forces in Europe (CFE 1A Agreement), in: www.osce.org/library/14093 (28.2.2013). A short Annex I contains the main elements of the Treaty.

2 For further details, see Treaty on Open Skies, in: www.osce.org/library/14127 (28.2.2013). The Treaty entered into force on January 1, 2002 and has the following members: Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Kyrgyzstan, Latvia, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, the Russian Federation, the Slovak Republic, Slovenia, Spain, Sweden, Turkey, Ukraine, the United Kingdom, and the United States.

3 For further details, see Vienna Document on Confidence and Security Building Measures 2011, in: www.osce.org/fsc/86597 (28.2.2013). Since 1990, this politically binding document has been updated several times in 1992, 1994, 1999 and 2011. A short Annex II contains the main elements of the Document.

4 National limits constrained the major conventional weapon categories of the land and air forces of a State Party in the entire application area. Territorial limits constrained national and foreign deployed land

the treaty's ratification. The Bush administration, which was averse to arms control, and many other governments linked its intentions to finding a political solution to a number of unregulated territorial conflicts[5] in the South Caucasus. This politically decoupled the ongoing process of alliance enlargement from stabilizing arms control measures completely, thereby raising suspicion and mistrust in Russia.

Russian suspicion and mistrust have further been aggravated by the growing debate on missile defense in the Western alliance. Russia feared that NATO would widen its military capabilities in a second sensitive security area without any constraints or accountability. Furthermore, an unlimited Western missile defense system in Europe had the potential to one day jeopardize Russian's second strike capability (Arbatov 2011: 17). Additionally, the enlargement of NATO towards Georgia and the Ukraine was looming on the horizon. In response, Putin suspended the CFE Treaty at the end of 2007 as a warning signal for others to take Russian security concerns more seriously. NATO's decision in 2008 to offer Georgia and the Ukraine alliance membership at a yet undetermined time raised tensions between Russia and Georgia. These tensions led to an attack by Georgia on its entity, South Ossetia, in August 2008 and the subsequent Russian intervention. Later, Moscow recognized the Georgian entities Abkhazia and South Ossetia as independent states. This complicates conventional arms control further since both Western states and Georgia desire to return to the territorial status quo ante before the war.

In 2009, newly elected U.S. President Obama started the reset of U.S. relations towards Russia with the aim of repairing the strained relationship under the Bush administration. In this context, the revival of strategic nuclear arms control had priority for both. In 2010, the Corfu Process[6], the OSCE summit in Astana and the NATO proposal to establish a 'Strategic Partnership' between the Alliance and Russia led the way for a start of new conventional arms control talks. But progress has become more difficult with time. The Revolution in Military Affairs (RMA), which enhanced the range, accuracy and efficiency of U.S. conventional weapon systems, has further increased already existing security concerns (Miasnikov 2012; Gormley 2009; Arbatov/Dvorkin/Oznobishchev 2012) in Russia. American military programs like the conventional long range strike (CLRS) capabilities and the controversial conventional prompt global strike (CPGS) capabilities have enhanced such Russian fears (Acton 2011: 59). Therefore, Russia not only wants more accountability from NATO enlargement but also increased accountability on the issue of the extent to which these new

forces in the territory of a certain State Party. See article 21 and 22 of aCFE. For further details, see Agreement on Adaptation of the Treaty on Convention al Armed Forces in Euope 1999, in: www.osce.org/library/14108 (28.2.2013).

5 With the fall of the Soviet Union, several entities had violently tried to gain independence from the new Soviet successor states: South Ossetia and Abkhazia from Georgia, Transdniestre from Moldova and Nagorno-Karabakh supported by Armenia from Azerbaijan. Russia negotiated armistice agreements and deployed peace units and regular troops in Georgia and Moldova. Russian support for the entities gives its peace mission there an ambivalent character.

6 The Corfu Process was initiated in June 2009 by the OSCE foreign ministers. Its goal is to restore confidence and promote talks about wider European security. See the Corfu Process, in: www.osce.org/ cio/46125 (28.2.2013).

conventional technological developments and future military capabilities will threaten essential security functions of its (nuclear) forces (Arbatov 2011: 23-24).

Because the U.S. government was unable – for domestic reasons – to accept limitations of U.S. conventional ballistic missile defense capabilities in Europe or offer a legal guarantee that these means will not be used against Russian nuclear forces, Moscow was unwilling to go ahead with conventional arms control talks on a new framework agreement.[7] They were suspended in May 2011[8] and, in response, the CFE Treaty members belonging to NATO suspended their annual information exchange with Russia in 2011, along with Georgia and Moldova.

These developments have again changed the framework for conventional arms control. A minor update of aCFE and its prompt ratification will no longer be possible and must be replaced by a new approach (Gottemoeller 2012). What is more, the new stalemate has provided time for discussing alternatives for conventional arms control, owing to the fact that U.S. President Obama was unable to break the Russian blockade before his re-election at the end of 2012.[9] In Germany, the stalemate has been used for the development of new conceptual ideas. A procedural idea is to launch this discussion in three consecutive steps: First, it should start with talks about future principles and objectives for conventional arms control. Second, once a common understanding has been reached, the paths towards a new regime should be outlined. Finally, negotiations on the necessary instruments should follow.

This report is built upon this procedural line as well: after a chapter that discusses the reasons for the current crisis, possible future principles and objectives, the ways and instruments for conventional arms control are addressed. In regards to the instruments, the author presents new conceptual ideas pertaining to 'verified transparency'. The principle purpose of this report is to introduce these new ideas to both the public and a broader international community of (academic) experts and, based on these ideas, present a flexible concept that has been developed by the author and, in turn, learn from the concept's pros and cons that will arise from subsequent discussions. The author wishes to emphasize that these are only his personal views on the matter.[10]

7 The official name was "Framework for negotiations to strengthen and to modernize the conventional arms control regime in Europe". All NATO states participated in the informal "to 36 format" talks.

8 See statement by Grigory Berdennikov, Russian envoy at the IAEA: "Our position is that in order to move forward [in nuclear and conventional arms cuts] we should implement the existing agreements [especially in the framework of the New START treaty], […]. But how are we supposed to move forward if the United States refuses to curb its missile defenses?" cited : N.N., U.S. missile defense hinder new arms cuts – Russia, in: RIA Novosti, 30.6.2012, in: http://en.rian.ru/russia/20120630/174322372.html (28.2.2013).

9 See Goodman, David, Microphone Catches a Candid Obama, in: New York Times 26 March 2012, in: www.nytimes.com/2012/03/27/us/politics/obama-caught-on-microphone-telling-medvedev-of-flexibility.html (26.3.2012).

10 The author does not describe any official position or proposal of the German government and he alone bears responsibility for the entire contents of this report. He cordially thanks Giorgio Franceschini, Annette Schaper, Niklas Schörnig, Caroline Fehl and Rüdiger Hartmann for their helpful comments on earlier drafts and Nick Gemmell for his language editing.

As growing mistrust between Russia and NATO is the main concern for European security, it is the primary goal of the ideas presented here to restore confidence through substantially enhanced transparency of military arsenals, capabilities and intentions and their necessary verification. Only heightened transparency that covers all major new technological developments of conventional military arsenals and capabilities can perform such a task. The new ideas are less oriented towards limitations (Nikel 2012: 11-12) and are thus based on the condition of a certain amount of confidence growing among the participating states. However, they do not exclude limitations per se, rather reduce their necessity. Verification of military arsenals, capabilities and intentions is an indispensable tool for creating sufficient trust and accountability. Most of the discussed measures are not entirely new and some may already be widely known. They can, however, be implemented in a different manner for new conventional arms control architecture. Furthermore, conceptual ideas can be structured and used in a very flexible manner for a variety of purposes. They offer a versatile toolkit for disseminating information about, analyzing, examining and evaluating military forces. Therefore, comprehensive verified transparency seems much better suited to enhancing confidence and answering the question of the extent to which military stability can be threatened by certain new military developments and capabilities. The conclusions aim to evaluate the possible political problems related to implementing these new ideas. Finally, two annexes have been added to provide an overview of the CFE Treaty and of the Vienna Document.

2. The Crisis of Conventional Arms Control in Europe

Various developments on the political, security, and military-technical levels have converged and weakened the perspective of conventional arms control in Europe. As mentioned above, one of the major political issues is the mounting mistrust on the Russian side owing to NATO enlargement and the fact that conventional missile defense in Europe has not yet been constrained. This raises the question as to whether the U.S. and NATO are at all interested in maintaining military accountability in Europe any longer being that Russia appears too weak militarily and can therefore be downplayed.

On the other hand, many Western countries are disappointed by the growing authoritarian rule in Russia and the mounting differences in regards to the ways that Moscow has managed the nuclear crisis with Iran as well as the civil war in Syria. Furthermore, Western countries complain of a lack to willingness on the part of Russia in regards to engagement in finding a solution to the unregulated territorial conflicts in Georgia, Moldova and between Armenia and Azerbaijan. But here, Western critics, in particular in the U.S. Congress, should bear in mind that internal Western territorial conflicts such as Gibraltar, between Spain and United Kingdom,[11] and Cyprus, between Turkey and Greece, are even older and have been not resolved either.

11 Every CFE data exchange from the United Kingdom which contains military data on Gibraltar is answered by a diplomatic note from Spain refusing the territorial claim by London.

The U.S. government has still not formulated any new goals while its new approach towards conventional arms control in Europe and the interagency process for a consensus on arms control have not yet been started. Within the Russian government, division over conventional arms control is growing between the foreign and defense ministries. The defense ministry currently determines arms control policies for Russia. This ministry has a much lower interest in arms control and subordinates the matter completely under its conventional force modernization plans. The foreign ministry seems to have a stronger interest in conventional arms control but has lost the prerogative. Therefore, Russia currently finds itself in a 'wait and see' mode.

The crisis of conventional arms control has several additional origins. Because the large conventional military threat has disappeared in Europe, high-ranking politicians in North America and Western Europe no longer have a major interest in conventional arms control or its modernization. It seems very difficult to win their attention on this issue.

As a further consequence of the diminished threat, Europe faces growing political diversity of security views, creating more difficulties for defining common goals for future conventional arms control. West European countries such as Spain, France, Great Britain, Italy and Germany generally do not fear Russia or its forces; however, small Central-Eastern European countries like the Baltic States have a different view, for understandable historical reasons. They look upon Moscow's planned conventional military modernization up to 2020 as well as new weapon and force deployments in the Russian Federation with a different perception. Outside of the alliance, states like Georgia, Moldova and Azerbaijan have tried to subordinate progress on conventional arms control to their political goal of finding a solution for their unregulated territorial conflicts first.

What is more, the nature of the threat has changed. During the Cold War, the risk of interstate conflict was high in Europe. With the end of this era, the risks in other fields, namely domestic violence, civil wars and terroristic acts, have increased across Europe. But traditional arms control, which takes place on the interstate level, is less suited for the management of such risks.

The crisis is further aggravated by the modern technological revolution. Conventional troops and weapons can be moved faster than in the past and the conventionalization of previous strategic nuclear delivery systems like intercontinental ballistic missiles, the coming introduction of conventional hypersonic glide vehicles within the conventional prompt global strike program of the U.S., and growing numbers of heavy bombers within the conventional long-range strike program give conventional weapons a global and strategic range. With this important distinctions between conventional and nuclear strategic weapons have begun to be blurred. The ongoing development of unmanned weapon systems like armed unmanned aerial vehicles (UAVs), combat aircraft and armored combat vehicles, which can even be steered from other continents, is changing modern conventional warfare as well. The interrelationship between all these conventional modernization efforts and the ongoing development of cyber weapons for modern warfare is not fully understood and this further increases unaccountability, insecurity and concerns about military stability (Anthony 2012: 416).

In spite of all these negative developments there is still room for conventional arms control. The political enlargement of the Western alliance has not changed the military deployments in Europe in such a significant way. The rotational deployment of some small U.S. army and air force units in Poland, Bulgaria and Romania since 2005, the establishment of NATO's Baltic Air Policing mission since 2004, and the higher presence of NATO vessels in the Black Sea and the eastern part of the Baltic See cannot be seen as major change of its strategic orientation towards Russia. On the contrary, U.S. Forces in Europe will further reduce their footprint by the withdrawal of two brigades by the end of 2014 on account of severe budget deficit in the United States and their reorientation towards Asia.[12]

3. Why we still need Conventional Arms Control in Europe

This question is more difficult to answer now than during the Cold War as the grave military threat has disappeared. Neither NATO nor Russia currently has the intention of attacking the other or preparing the development of military capabilities in the future. Under the present financial crisis in the United States and Europe, it would be imprudent to adopt such a policy goal. On the contrary, the present financial crisis should be seen as strong motive to go ahead with conventional arms control in order to promote and strengthen common security in Europe at the lowest possible costs and thereby use conventional arms control as a means to overcome the present financial difficulties. An agreement of mutual military restraint in Europe could also facilitate cooperation in other areas between the participants. Additional reasons for maintaining and modernizing conventional arms control also exist.

Permanent military transparency and on-site verification of military forces preserve and create accountability and trust between states. On the contrary, ending military transparency and verification could increase mistrust and unaccountability and thereby enhance security concerns in Europe once again. Mutual suspicions would return and undermine efforts towards security and stability in Europe.

A major threat lies in the mere existence of military forces and their development. The central question is whether or not they will be used solely for defensive purposes or if they will also be utilized for offensive goals. This is a question of military intentions and what a state intends to do with its forces. As long as the intentions are purely defensive, they should not pose any security issues for others, even if a state possesses large forces. But offensive intentions are also a possibility. It is therefore imperative to have sufficient information about intentions and have the ability to assess them in a credible and reliable way.

Here, the interrelationship between military intentions and military capabilities comes into play. The capabilities of military forces can also be either more defensive or offensive.

12 Vandiver, John/Sven, Jennifer, Panetta: 2 army combat brigades will leave Europe, in: Stars and Stripes, 12 January 2012, in: www.stripes.com/news/panetta-2-army-combat-brigades-will-leave-europe-1.165867 (28.2.2013).

If defensive intentions are congruent with the military capabilities of forces, this set-up should prove least threatening. If offensive intentions correspond with offensive military capabilities, this poses a high potential threat to others. Also, a certain mix of offensive and defensive military capabilities can raise security concerns and threaten stability, if defensive capabilities of one side largely outbalance the offensive capabilities of the adversary, especially if the offensive capabilities of the first can allow a preemptive strike. Even the assumption that one state will follow this path can raise security concerns and mistrust. Examples of such a perception are Russia and China, who look with growing mistrust to conventional missile defense capabilities of the United States and also to new conventional offensive capabilities such as 'conventional prompt global strike' and 'conventional long range strike'. Here, a mere regional arms control approach to stabilize these new capabilities will not work. But in the case of conventional missile defense in Europe, a regional approach might be possible as long as the system defends only European territory against short and medium range missiles.

In reality, a purely defensive or offensive orientation is rare; often there is a mix of defensive and offensive intentions and military capabilities which create ambivalence of threat perceptions and assessments. These 'mixed signal' can still generate insecurity, mistrust and contribute to the security dilemma. The acceptance and implementation of arms control can reduce the ambivalence of threat perceptions, promote confidence and thereby further strengthen war prevention and crisis stability.

Notwithstanding the fact that the Cold War military threat has disappeared, Europe still faces several smaller threats and risks to security. The perception of these threats is decisive and it does not really matter how rational it is. In spite of the fact that the Cold War was overcome more than twenty years ago, individuals and groups with the traditional perception that NATO and Russia are a military threat to each other still abound. Even in the newest Russian military doctrine, NATO is mentioned as the 'main threat' (RusMilDoc 2010: No. 8a) and the former conservative U.S. presidential candidate, Mitt Romney, described Russia as the 'number one geopolitical foe'.[13] Such perceptions cannot be overcome overnight; conventional arms control can help to surmount such views.

Another threat lies in a number of unresolved territorial conflicts. As the local war in Georgia showed in 2008[14], the unresolved territorial conflicts in Europe can cause internal violence with the risk of escalating into interstate war, thereby jeopardizing European security as long as political solutions to such conflicts are not possible. This risk still exists in Georgia, between the central state and its entities of Abkhazia and South Ossetia, in

13 See Willis, Amy: Mitt Romney: Russia is America's 'number one geopolitical foe', in: The Telegraph, 27 March 2012, in: www.telegraph.co.uk/news/worldnews/us-election/9168533/Mitt-Romney-Russia-is-Americas-number-one-geopolitical-foe.html# (15.6.2012).

14 The CFE Treaty regime was not well suited to preventing this war for several reasons: First, the war started as an internal violent conflict, whereas CFE is only meant to prevent interstate wars. Secondly, Russia had suspended its CFE implementation in December 2007, so it could no longer be used to inspect Russian forces in advance. Thirdly, the leader of a CFE inspection in Georgia in June 2008 missed the opportunity to give a stronger political signal against a possible war (Schmidt 2009: 22).

Moldova, between the central government and the entity of Transdniestre, and in Serbia,[15] between the central government and the entity of Kosovo. A similar, though not identical situation, exists between Turkey and Greece over Cyprus and an even stronger threat of war exists between Armenia and Azerbaijan over the entity Nagorno-Karabakh. The risk of war seems high in the case of Nagorno-Karabakh and very low in the case of Transdniestre and Cyprus, while the threats in the other conflicts are classified as medium. In all these examples, the outlook for an early political solution seems rather dim. Therefore, the tasks of war prevention, crisis stability and of preventive diplomacy — also by means of conventional arms control – are still very important, not only on the local and regional levels, but also on the European security level, since these conflicts can escalate into full-fledged interstate wars.

Due to historical and political considerations, some small Eastern European countries have more reason to mistrust and fear Russia, thereby demanding greater military engagement from Western NATO countries and the U.S. for their territorial defense. On the other hand, Russia fears the further enlargement of the Alliance and a stronger military engagement of Western NATO countries and the U.S. near its borders. These can be the preconditions for a vicious self-fulfilling circle if it is not interrupted. Here, again, conventional arms control and military confidence building can contribute to minimizing such fears and risks and enhancing accountability, security and confidence on all sides.

After the end of the Cold War, military cooperation has slowly grown between NATO and Russia. More military cooperation can also increase confidence and accountability, thereby reducing the demands for arms control. But the process of military cooperation between NATO and Russia is still in its early stages and cannot currently provide the same security performance as a conventional arms control regime. Therefore, we need both military cooperation and arms control in tandem in order to enhance and stabilize security in Europe (Richter 2011: 3).

Finally, the swelling interest in long term goals of reducing nuclear weapons to zero increases the importance of conventional military forces, conventional deterrence, and the asymmetries in this field for European security and the stability of nuclear deterrence. Russia compensates for its perceived conventional military inferiority in Europe with a much higher number of sub-strategic nuclear weapons in its European areas (Arbartov/ Kaliadine 2012: 40). Without the preservation and modernization of conventional arms control, it seems impossible to imagine how all these asymmetries and potential instabilities can be managed in a stable and accountable way that reassure and support a stable and secure process of regional and global nuclear disarmament (Acton 2011: 76, 77). The preservation and modernization of conventional arms control is also an argument for promoting the latter in other regions of the world with greater credibility.

15 Serbia, and not Kosovo, is a state party of the Sub-regional Arms Control Agreement of 1996, which may be integrated into a future conventional arms control regime in Europe.

4. Principles and Objectives for Conventional Arms Control Modernization

The principles of the Helsinki Decalogue (1975) form the basis of cooperative security and arms control in Europe.[16] Sovereign equality, refraining from the threat or use of force, inviolability of frontiers, territorial integrity of states, and the peaceful settlement of disputes are still important principles. They are supplemented by other principles such as the indivisibility of security, the freedom of states to choose their own security arrangements (Charter of Paris 1990), and the principle of reciprocity.

In principle, all OSCE participating states in Europe should have the right to enter into and to participate in a future European arms control regime. In particular, this should cover all states which are members of security institutions in Europe (NATO, CSTO[17] and EU).

However, the above-mentioned variance in the security situation in Europe raises the question of whether it is still possible to gain the same level of security for all participants by using the same means of arms control in the whole of Europe. Or, does it seem more appropriate to maintain a similar or equal level of security by adapting the means of arms control to changes in security? In the latter case, the principle of indivisible security should be reinterpreted for the outcome of security. If such a reinterpretation is acceptable, it would be important that all arms control elements that manage security issues with varied means should have equal value in an overall agreement.

The old CFE Treaty was designed to establish parity and stability on a lower level between the two alliances (groups of states parties) in order to prevent a 'surprise attack' or a 'large scale offensive action'.[18] Russia still has an interest in maintaining a certain level of parity vis-á-vis NATO since this would constrain the enlargement of the alliance. But NATO countries have rejected such proposals, as they will supposedly not significantly contribute to more stability, according to the Alliance. With the existence of one enlarged alliance, one smaller, less stable Collective Security Treaty Organization (CSTO), the European Union (EU), and an additional mix of larger and smaller independent states, the principle of parity is no longer applicable or valid for the whole of Europe. But the case is different on the regional level: The adaptation of the CFE Treaty upon the dissolution of the Soviet Union by the Tashkent Agreement in Mai 1992 supported the armistice agreements mediated by Russia in the unresolved territorial conflicts of Georgia, Moldova and between Armenia and Azerbaijan (Nagorno-Karabakh) to some degree. All these countries were forced to accept low weapon ceilings based on the principle of parity. Here, low limitations and the principle of parity could be still important.

16 See "Signing of the Helsinki Final Act", in: www.osce.org/who/43960 (28.2.2013).

17 In 1992 Russia initiated the Commonwealth of States Collective Security Treaty (CST) which was signed by Armenia, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan. In 1993, Georgia, Azerbaijan and Belarus signed the treaty which entered into force in 1994. In 1999, Azerbaijan, Georgia and Uzbekistan withdrew from the treaty. In 2002, it was updated to the Collective Security Treaty Organization and Uzbekistan entered it again in 2006 and left it in 2012.

18 See Preamble of the CFE Treaty, in: www.acq.osd.mil/tc/treaties/cfe/text.htm#preamble (28.2.2013).

The objective of preventing a 'surprise attack' or 'large scale offensive action '–repeated in Article 1 of the adapted CFE Treaty – has lost its previous value for NATO and Russia.[19] A large scale offensive action or a surprise attack seems very unlikely between most CFE states in Europe. But in the case of the unresolved territorial conflicts, the threat of a 'surprise attack' is real, as the Georgian military intervention against its entity South Ossetia demonstrated in 2008. Despite the government in Azerbaijan favoring a diplomatic solution for the conflict over Nagorno-Karabakh, there are also high-ranking Azerbaijani voices who do not exclude resorting to military force to end the conflict over the contested enclave.[20] Therefore, it is strongly recommended to maintain the goal of war prevention and the goal of prevention of surprise attack for a future agreement.

In this context, a new important objective will be to prevent destabilizing force concentrations of land forces between states parties. The prevention of destabilizing force concentrations supports the goal of war prevention and crisis stability.[21] The prevention of destabilizing force concentrations can also enhance confidence building, security, and stability in cases where new NATO members come close or even have a direct border with Russia and in cases where large countries like Russia border small neighbors. Here, the principle of reciprocity will play an important role. Regulations that prevent threatening and destabilizing force concentrations also offer the opportunity to replace the controversial flank limitations of the CFE Treaty.

The new main goal of conventional arms control should not be limited to maintaining military transparency, verification, and accountability of military potentials for all of its members. Verified transparency of military potential through the counting of military personnel, units, weapons, and other equipment alone is insufficient even if extended weapon categories and naval forces were included, as important qualitative factors would not be covered. The structure of forces, missions, and military weapons, equipment, its support and capabilities are changing. Military units are becoming smaller and more mobile and can be used far from their homeland. This has strengthened potential destabilizing intervention capabilities. Traditional military weapon systems like heavy battle tanks, armored combat vehicles and combat aircraft, mainly limited by the old CFE Treaty, will lose their value because of the improving efficiency and accuracy of modern munitions and missiles in the compound structure of intelligence, reconnaissance, communication, command and control, described as network-centric warfare capability. The growing

19 See Article 1, aCFE, in: www.acq.osd.mil/tc/treaties/acfe/adap_treaty.htm#intro (28.2.2013).

20 See the Azerbaijani First Deputy Speaker of Parliament Ziyafat Asgarov, who emphasized that Azerbaijan will use all means to free occupied lands. See "Azerbaijan to use all means to free occupied lands", in: Today.Az 9 July 2012, in: www.today.az/print/news/ politics/110061.html (9.7.2012).

21 In 2011, the Netherlands tabled a proposal in a similar direction for an update of the Vienna Document to clarify concerns about unusual military activities. See "OSCE Inspection for Clarification on military Activities giving rise to concern, The Netherlands," in: FSC. AIAM/12/11, March 1, 2011. Efforts to lower the threshold for the notification of military activities are also going into a similar direction: France, Albania, Denmark, Estonia, Spain, Finland, Italy, Luxembourg, Norway, Poland, Portugal, the Czech Republic, Slovakia and Sweden want to lower the threshold to 5,000 troops, 100 tanks, 200 ACVs, 80 artillery pieces. In: FSC.DEL/107/10/Rev.2/Corr.1, 2 February 2010.

vulnerability of such major weapon systems favors a trend towards more unmanned, smaller, semi-automatic weapon systems with stealth characteristics in future military activities. A simple increase of conventional weapon categories and the inclusion of all military services in conventional arms control would only partially match future capabilities of military forces.

A more comprehensive approach to conventional arms control is necessary, one which does not only look to the strengths of selected military weapon categories. Based on the conceptual ideas of verified transparency, a new objective should also include transparency of military capabilities and transparency of military intentions. Transparency of military capabilities would go beyond the simple bean counting-approach of military potentials and include important new qualitative factors into future conventional arms control which cannot be accounted for otherwise. It would allow for a more realistic assessment of what modern conventional forces can and cannot do with regard to their doctrinal objectives. This could reduce the overestimation of military capabilities and also threat perception. Transparency of military intentions records the goals of military forces which usually determine their strength, structure and capabilities. Verified transparency of military intentions could therefore demonstrate to what extent they are congruent with military potentials, structures and capabilities. They could additionally facilitate the renunciation of limitations or reduce their value. Military intentions with a defensive orientation and military forces and structures that are not oriented towards neighbors reduce demands for limitations and strengthen the concept of verified transparency.

However, verified transparency alone is always to the advantage of the strongest party militarily – currently the Western alliance (Hartmann/Schmidt 2011: 30). Therefore, the instrument of limitations as such is still important in order to balance this advantage. Limitations seem necessary in three distinct areas: First, to strengthen war prevention and crisis stability in the cases of local unregulated territorial conflicts. Second, limitations may be necessary to prevent possible future military instabilities. Finally, several countries like Russia, Turkey, Greece, Romania and Italy still believe in limitations for different political reasons. In the case of Turkey and Greece, they support regional stabilization. Therefore, limitations may be necessary to supplement the new conceptual ideas of verified transparency and should not be seen as a contradiction to them.

Hence, the CFE and aCFE objectives, "maintaining a secure and stable and balanced overall level of conventional armed forces in Europe lower than heretofore" and "of eliminating disparities prejudicial to stability and security" should be preserved.[22] They represent the goal of maintaining security on the lowest possible force levels in Europe and preventing disparities which can be a risk for future stability and security. Further, NATO member states should restate their commitments to restrain from deploying substantial combat forces in the new member countries as long as Russia seems willing to accept similar constraints in Belarus, Armenia and for the controversial entities South Ossetia and Abkhazia.

22 See Preamble of the CFE Treaty, in: www.acq.osd.mil/tc/treaties/cfe/text.htm#preamble (28.2.2013).

A very controversial objective is the principle of 'host nation consent'. It allows for the deployment of foreign troops only with the explicit consent of a host state. Russia is basically willing to accept this principle and the wording in the adapted CFE Treaty since it ratified the agreement in 2004. However, some state parties want to use this principle beyond arms control as a tool for the political regulation of their unresolved territorial conflicts. But this has stepped beyond the bounds of arms control. Therefore, the political regulation of the frozen conflicts in the Caucasus must be negotiated in the existing political institutions (Minsk Process for Nagorno-Karabakh, 5 + 2 Process for Transdniestre and Geneva Talks for South Ossetia and Abkhazia).[23] Unfortunately, the recognition of South Ossetia and Abkhazia by Russia in 2008 has complicated this problem since it enhanced the territorial conflict between Western capitals and Moscow. However, there is no other option than to separate arms control from the political solutions of these conflicts and seek workable compromises on the implementation of the host nation consent principle at the end of the negotiations.

Further, the goal of Global Zero for nuclear weapons has increased the importance of conventional asymmetries and their impact on stability in regards to nuclear deterrence. A new objective is recommended for this: Conventional arms control should contribute to nuclear disarmament and not create new obstacles to it. Finally, all OSCE member states in Europe should have the right to enter into a future European arms control regime. This shall cover all NATO, CSTO, and EU member countries and independent states.

5. Ways Towards a New Agreement

These new conceptual ideas are still in their early stages of development. Therefore, it is important to meet states and experts where they currently stand and listen to their concerns and adjust these ideas to them as far as possible. Before a multilateral discussion and negotiations over the new approach are initiated, it is important to begin with bilateral discussions. First, this makes it easier to explain the new approaches in all their facets; secondly, one can better respect the different views and concerns of the partner. Subsequently, the new approach should be discussed and developed in the Alliance before new negotiations with others can start.

Who should participate in these negotiations? The answer to this question is controversial. In the previous informal talks named 'to 36 format' between December 2010 and May 2011, all 30 CFE state parties and six new NATO countries (Albania, Croatia, Estonia, Latvia, Lithuania, and Slovenia) participated. Due to the enlargement of the alliance, these six

23 See also Rose Gottemoeller, acting head the Bureau of Arms Control and of International Security in the U.S. State Department, who said: "But, of course, international arms control agreements cannot and should not resolve all the bilateral and other problems, like the frozen conflicts you mentioned. Such agreements, can, however, build confidence between the parties to such territorial disputes and improve security in the zone of the conflicts." Cited: Interview by Elena Chernenko of Kommersant Daily, Moscow, 28 March 2012, in: www.state.gov/t/us/187052.htm (28.2.2013).

countries are not currently members of the CFE regime. With this step, NATO signaled that all Alliance countries could be covered by a new agreement. But Russia requested to open this format to other interested European states, thereby reducing the influence of the Alliance in these talks. Some countries, like Switzerland, have a growing interest in these talks. However, Western countries fear that an expansion towards other European countries like Cyprus could seriously hamper future talks. So a new compromise seems necessary, which could include some additional countries in Europe that support arms control.

Another question is the future structure of conventional arms control in Europe. Should the new concept be further developed into an independent CFE follow-up agreement and should the Vienna Document 2011 (see Annex II) be adapted to it, or should the new concept be incorporated into the Vienna Document and only create a single agreement? If one integrated and politically binding agreement is the goal, it seems easier to integrate the new concept into the Vienna Document. But there is no implicit necessity for following this resolution. If a legally binding treaty has priority, two separate agreements would be necessary since only the Vienna Document is politically binding. In this case, the Vienna Document could be adapted to the new objectives of conventional arms control. The integration of enhanced transparency for military doctrines and defense guidelines should also not cause too many difficulties. A new, single, integrated comprehensive military data exchange measure could be established either in the Vienna Document or the legally binding conventional arms control agreement. In the latter case, data exchanges in the Vienna document can either be reduced or terminated to minimize future workload.

What should happen to the Open Skies Treaty in this context? Due to the fact that the Open Skies Treaty is a legally binding regime, has a smaller body of membership, and can be used for transparency measures in all arms control agreements, it would be a severe mistake to try integrating it into a future conventional arms regime. But a future conventional arms control regime could try to make better use of Open Skies for the purpose of observations and inspections. This would further strengthen Open Skies.

Also, a mechanism would be necessary that regulates the transfer of participants from the Agreement on Sub-Regional Arms Control[24] to the new European-wide Agreement, thereby covering Croatia as a NATO member.

A further question is the binding character of this new agreement. Many states such as Russia, Turkey, Greece, Romania, Italy and conservative political forces in the U.S.[25] want

24 The Agreement on Sub-regional Arms Control had been imposed after the violent dissolution of the former Yugoslavia between the independent new states of Croatia, Serbia and Montenegro and Bosnia-Herzegovina in 1996 within the Dayton Peace Process of 1995. In 2006/7 Montenegro became an independent member of the agreement after its separation from Serbia. See OSCE Mission to Bosnia and Herzegovina, Agreement on Sub-Regional Arms Control in: Conventional, Florence, 4 June 1996, in: www.oscebih.org/documents/osce_bih_doc_19990730111206l6eng.pdf (28.2.2013).

25 See letter of the Chairman of Subcommittee of Strategic Forces, Committee on Armed Services, Mike Rogers, U.S. House of Representative to U.S. Vice President Biden, 30 January 2013, in: www.foreignpolicy.com/files/fp_uploaded_documents/130130_Rogers%20Letter%20to%20Biden%2001-30-2013.pdf (31.1.2013).

to preserve the legally binding character of conventional arms control. In principle, a legally binding treaty has higher value compared to a politically binding agreement and is therefore preferable. But ratification of a legally binding treaty would be a challenging task for several reasons: First, the divergent security views in Europe and in North America will surely increase difficulties for national ratification. Second, the management of territorial conflicts is controversial and can create an additional hurdle for ratification. Third, any new treaty will take several years to get be ratified. Fourth, the conservatives in the U.S. in particular may be very sensitive to the above-mentioned points and have the capacity to prevent ratification owning to the fact that the American constitution requires the support of two thirds of the Senate. Fifth, as the ratification of New START has shown, the price for ratification may be too high compared with any gains attained from a new agreement. Furthermore, the question of a new arms control agreement still being important enough to justify such a procedure with its inherent high risk of failure remains, along with the alternative of a multinational politically binding agreement seeming more appropriate. A multinational political agreement has more binding power than a bilateral agreement. The history of the multilateral politically binding CFE 1A agreement and the Vienna Document are good examples of this (Zellner 2012: 18). Such agreements offer the additional advantage of entering into force immediately after their signature and would facilitate future changes.

6. Instruments of Modernization for Conventional Arms Control

The new conceptual ideas of verified transparency would make it necessary to enlarge and redefine some known instruments, structure other means of conventional arms control in a new way and introduce new means and measures to meet the principles and objectives discussed above. But in spite of the necessary changes they should use excisting procedures, rules, measures, and means as much as possible. Here, these ideas are meant to differentiate among verified transparency of military potentials and military intentions. Verified transparency of military potentials would consist of the command structure of military forces (down to the battalion level), the arsenal of military weapons and military equipment, and (a new measure) the analysis and evaluation of military capabilities. This will make it necessary to enlarge the weapon categories and their support equipment in order to fulfill this task. Further, existing definitions of weapon categories should be adapted to their technological development. Verified transparency of military intentions would be a new instrument (see chapter 6.4).

The function of existing stabilizing limitations can be replaced and strengthened – wherever possible and acceptable – by the timely notification and the multinational observation of certain military activities if they reach a commonly defined military threshold. Other observable threshold measures should be added to enhance security, accountability and confidence (see chapter 6.3).

As in past, nuclear forces and weapons should be excluded from conventional arms control and dual capable weapons systems (nuclear and conventional) will only be counted and

verified in their conventional role. However, Russia has a growing interest in including what it calls 'conventional strategic weapons' into future bilateral START negotiations with the U.S.[26] This is currently rejected by the U.S. government, who deems these merely "conventional weapons with strategic range (beyond 5.500 km)". It seems very likely that this controversy will have an impact on future talks on the modernization of conventional arms control in Europe. In this regard, it should be emphasized that verified transparency, in its logic, covers all conventional weapons with strategic ranges that would be deployed in and around Europe to conduct missions in and for European security, should they not otherwise be regulated. New cyber weapon systems can, to a certain degree, substitute the military tasks of conventional forces by threats and attacks against civil and military infrastructure (telecommunication, electricity, water supply). But they will be excluded here due to their very different characteristics and low transparency and must be regulated in a separate manner.[27]

6.1 Transparency of conventional potentials

Transparency of military potentials provides the basis for all other measures. In contrast to the CFE regime, it should be based on an extended approach to cover all relevant new technological and military developments of conventional forces which can have an impact on military security and stability. This means existing weapon categories should be redefined to include new smaller and lighter weapon types with similar or enhanced fire power, as in the case of combat vehicles. All weapon and equipment definitions should cover semi-automatic and automatic systems as in the CFE Treaty since they are set to have a growing impact on future warfare capabilities. New weapon and force categories should likewise be added. Conventional air and missile defense systems,[28] which are mobile or can be used for area defense, like Patriot or SM-3 and the Russian SA-300/-400/-500, should be included, as should short range missile systems like the Russian SS-26 Iskander as their potential counterpart. Separate information is necessary for special and rapid response forces on account of their playing the greatest role for offensive operations and interventions. This must be supplemented by transparency of military air and sealift forces which are also important for the analysis and evaluation of sustainability, deployability and intervention capability. Paramilitary forces must be covered since they offer the opportunity to circumvent transparency of regular troops, especially if weapon systems are transferred to them. On the procedural level, any update of the Protocol of Existing Type

26 See Cernenko, Elena/Safronov, Ivan, No breakthrough on nuclear arms control, in: Russia Beyond the Headlines 18th February 2013, in: http://rbth.ru/international/2013/02/18/no_breakthroughs_on_nuclear_arms_reduction_23009.html (18.2.2013).

27 Since 2010, there have been bilateral talks between Russia and the U.S. on a code of conduct for cyber security. See Gorman, Siobhan, U.S. Backs Talks on Cyber Warfare, in: Wall Street Journal, 4 June 2010, in: http://online.wsj.com/article/ SB10001424052748703340904575284964215965730.html# (4.6.10).

28 It is in the logic of verified transparency to cover conventional missile defense in Europe, but this does not exclude a separate regulation (such as by military cooperation) for conventional missile defense in Europe outside a new conventional arms control agreement.

(POET) of Conventional Armaments and Military Equipment should no longer be based on the consensus of all participants in order to reduce the risk of a new blockade.[29]

In contrast to CFE, it is strongly recommended to move beyond the covered land and air forces and include conventional naval forces of the participants as well. Naval forces, which are not only procured for coastal defense, have a regional and global reach and can be concentrated in order to deny other states access to or from the high seas. They can further be used for the landing of land forces (marines) and also have a growing capability to threaten or attack targets at sea and on land with high precision long range cruise missiles or sea-based combat aircraft and helicopters (over 90 percent of the global land territory are in striking distance of naval weapon systems with a range of 900 nautical miles). Additionally, the Exclusive Economic Zone (EEZ) and its security are of growing value for many states with adjacent sea areas. Therefore, transparency and verification of naval forces can contribute to greater accountability and confidence building in this area too. A further argument for transparency of naval forces is that Russia has many of its sub-strategic nuclear weapons earmarked for its sea forces (Zagorski 2011: 17, 18) in order to balance conventional superiority of Western sea forces. More transparency of conventional naval forces increases their accountability and can thereby facilitate further reductions of naval sub-strategic nuclear weapons. Transparency measures should cover all conventional naval forces of European states and include all sea forces for the U.S. and Canada with missions/deployment in the North Atlantic and high sea areas around Europe for security tasks in Europe.

The enhanced transparency of conventional military equipment is not entirely new. Since 1994, the annual 'Global Exchange of Military Information' has contained ever more information about conventional land, air and naval forces.[30] Furthermore, the introduction of new major weapon systems must be notified. The Vienna Document even goes so far as to demand demonstrations of new weapon systems to other participants as a confidence-building measure (see Annex II). The 'Annual Exchange of Military Information of the Vienna Document' contains figures about active and non-active units and offers thereby basic information about mobilization capability. It also presents separate figures for land-based naval combat aircraft that were excluded from the CFE Treaty in 1991. Since 1994, the 'Annual Information Exchange on Defense Planning and Military Budgets' – now a part of the Vienna Document 2011 – contains, beyond that, additional data about transport aircraft and air defense missile systems. Additionally, it covers the

29 Since 1997, the update of this protocol has been blocked because of the consensus rule and the unresolved differences between Russia and the USA on the exact classification of certain combat vehicle types.

30 It includes information about armored combat vehicles with fixed antitank missile launchers, transport helicopters, and transport aircraft, all combat aircraft (with a separate figure of combat aircraft on aircraft carriers), primary trainer aircraft, surface warships with more than 400 t displacement fully loaded and submarines with more than 50 t displacement submerged (Global Exchange of Military Information 1994). Transparency measures of CFE include main battle tanks, armored combat vehicles, artillery systems (100 mm caliber and more), combat aircraft, attack helicopters, bridge laying equipment, primary trainer aircraft, and personnel strength of conventional land and air forces. See CFE Treaty, Art. II, Para. 1, Sub-para. q., in: www.osce.org/library/14087 (28.2.2013).

structure and aggregate data of naval forces, including figures on fleet strength, the medical service, and force support elements for all forces. Many elements of the necessary information for verified transparency are currently available to some degree in military data exchanges of various regimes. They must now only be adapted, integrated into a single exchange, and further developed according to a new function and role. In this context, several existing information exchanges can be considered and either closed or markedly reduced with a new agreement, thereby reducing workload and costs. A larger, single information exchange measure will also significantly facilitate the analysis and evaluation of military data.

Because the new conceptual ideas envisage no constraints, they will not limit military weapons or forces in any way against external threats outside the application area. Therefore, it no longer seems necessary to exclude certain territorial areas near the border of non-regime neighbors from transparency measures of this agreement, as in the case of Turkey (near the border of Iran, Syria and Iraq), under the legally binding CFE and the politically binding Vienna Document.[31]

Furthermore, all state parties should annually notify their complete conventional holdings of the covered weapon categories and other military equipment in Europe. The notification should include deployed forces in guest states and in unrecognized entities like Transdniestre and Nagorno-Karabakh or in entities with a controversial status like Abkhazia or South Ossetia, in the area of application. In particular, Armenia should no longer hide a large amount of its forces in Nagorno-Karabakh without informing member states. This would increase transparency and accountability between Armenian and Azerbaijani forces. In the case of Georgia, the issue is even more complicated since Russia has recognized South Ossetia and Abkhazia as independent states whereas Georgia and all other relevant countries oppose this new status. A dual track approach seems necessary to manage such conflicts. On the one hand, Russia should have no problem with declaring its troops in these 'independent states' as deployed forces. But Georgia and Western countries could not accept this due to the fact that it could be seen as an indirect recognition of these two entities. The other countries should accept Russian figures but reject the status of these two entities in a special diplomatic note. Spain's behavior with the notification of British weapons on Gibraltar can be used as a model.

6.2 Transparency of military capabilities

Transparency, analysis and evaluation of military capabilities could here be utilized as an entirely new instrument. The old CFE Treaty prevented two sorts of military capabilities: surprise and comprehensive attacks between alliances. But the new approach is not intended to limit or prevent military capabilities per se, as some might wrongly assume. It merely offers a new opportunity to receive more information on the quality of military

31 Turkey is also a member of the Open Skies Treaty, which covers, in contrast to CFE and Vienna Document, the whole territory of the country including all islands. Observation flights can only be changed or canceled if the observed party cannot guarantee flight safety.

forces. The main purpose of this measure is to show other participants the capabilities of conventional forces in order to enhance accountability and confidence.

The evaluation of military capabilities will be a purely national assessment and will generally not be fully comparable to the assessment of other states. As long as this assessment method increases transparency, accountability and trust and thereby calms security concerns, the measure should raise no further problems. If it increases security concerns for an inspecting party, then this state would be required to communicate its national assessment to other state parties and convince them to deal with the issue. In the latter case, this shall be seen as a warning signal for security and stability and could potentially lead to further negotiations and regulations. The analysis and evaluation of military capabilities can also facilitate nuclear disarmament, since it could be easier to identify potential destabilizing conventional developments and asymmetries for smaller and more vulnerable nuclear forces and weapons.

Answering the questions of which military capabilities should be covered and which information and data are necessary for each capability must be negotiated. The quality of confidence building depends on a sufficient number of capabilities and on the inclusion of modern capabilities that can enhance military fighting and fire power to a high degree, such as the stand-off capability or the capability of network-centric warfare operations. The number and definition of capabilities can be selected under a common sense rule. A possible list could potentially include the following military capabilities:

- Sustainability
- Deployability
- Readiness
- Stand-off capability
- Intervention capability
- Network centric warfare operations capability
- Intelligence and reconnaissance
- Interoperability
- Responsiveness
- Logistics

One problem of conventional arms control is that it can only be based on countable and verifiable items and categories. Therefore, it is necessary to determine key accountable and verifiable information elements in advance for every capability in order to create a reliable and valid basis for analysis and assessment. During negotiations, it may be helpful to arrange test data exchanges and test inspections to clarify the complexity of efforts and the quality of results.

6.3 Additional confidence and security building measures

Confidence building is the most important goal of the new agreement. It should be focused on covering regional and military areas where mistrust seems particularly high. Here, some new rules and the adjustment of others can enhance confidence and accountability.

Deployment rule

Owing to the fact that Russia still fears NATO enlargement, a strengthening of the Western commitment to not deploy substantial combat forces (air and land forces)[32] in (new) member states seems necessary, as long as no new threat arises. As a reciprocal measure, Russia should be willing to accept the same restraints including possible new deployments in Belarus and Armenia. Because of the unresolved status conflict of Abkhazia and South Ossetia, Russia should announce constraints in these entities. The state parties shall negotiate new thresholds for the notification and observation of such deployments (including temporary deployments): new deployments and withdrawals of small units will be announced, though they should not be deemed substantial deployments. Additionally, a new threshold should be defined for substantial deployments (including rotational deployments) of land and air forces.[33] In case this threshold is reached or exceeded, an additional notification is necessary in advance, with the inclusion of a strong rationale for it. Other participants shall have the right to observe this deployment. If it lasts for a longer time, this notification must be confirmed again after three months and can be observed again by other participants. The principle goal of this measure is to prevent the deployment of significant forces. It does not establish limits for the new deployment of foreign forces that serve the interests of Baltic States, but, for all intents and purposes, has the effect of approximating a limit. A major problem of this measure could be that observations in Abkhazia and South Ossetia will be not possible as long as the status conflict is not resolved. If necessary, this rule can be extended to possible deployments of conventional weapons with strategic ranges.

Concentration rule

Due to the growing mobility of conventional land forces, the capability of concentrating forces over great distances will continue to rise. This is particularly true for NATO, EU and CSTO members. Therefore, it is important to enhance stability and security and to reduce the concerns about unusual concentrations of land forces by their advanced announcement and through multinational regular observations without the right of refusal. Every concentration of land forces within a certain territorial area that is near a border[34] involving more than five percent of the national holdings should be notified. In deployments exceeding 10

32 See NATO Statement on CFE, Cypher 10, Brussels, 8 December 1998, in: www.nato.int/docu/pr/1998/p98-141e.htm (28.2.2013) and also Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation signed in Paris 27 May 1997, Part IV Political Military Matters, in: www.nato.int/cps/en/natolive/official_texts_25468.htm (28.2.2013). In 2008 NATO countries withdraw this commitment for the air forces. See NAC Statement on CFE, Cypher 5, Brussels, 28 March 2008 in: www.nato.int/docu/pr/2008/p08-047e.html (28.2.2013).

33 In 2008, Russia proposed that the deployment of a brigade, combat wing, attack helicopter battalion or 41 tanks, 188 ACVs, 90 artillery pieces, 24 combat aircraft or 24 attack helicopters could meet the definition of substantial combat forces (Antonov/Ajumov 2012: 44). NATO countries admit their readiness to develop a definition for substantial combat forces with Russia upon an agreement of the parallel action package. See NAC Statement on CFE, Brussels, 28 March 2008, Cypher 5 (see Fn. 32).

34 Russia and Kazakhstan have accepted similar restraints through the Agreement between the Russian Federation, the Republic of Kazakhstan, the Kyrgyz Republic, Tajikistan and China on Mutual Reduction of Military Forces in Border Regions (Moscow, 24 April 1997) towards China (Agreement on Mutual Reduction of Military Forces in Border Regions 1997).

percent, the activity should be observed by a multinational inspection team.[35] Mutual politically binding 'no-increase' commitments for military forces in certain regions and areas can further strengthen this rule.[36] Such a counting rule works fine for states of similar size and forces. However, in cases where a small state like Georgia borders a large state like Russia, this rule is inappropriate. Russia has 5.000 tanks and Georgia only 180. With a five or ten percent threshold, Russia can concentrate 249 to 499 tanks near Georgia without announcing it, whereas Georgia can only concentrate 8 to 17 tanks. Here, based on the principle of reciprocity, more appropriate thresholds should be negotiated for notifications and observations near the border on a multilateral level that better balance such asymmetries. Figures for the threshold can be oriented on a battalion sized level or slightly above.

Also, unusual concentrations[37] of sea forces (excluding submarines) near the coast of a state party (near or in the exclusive economic zone) beyond a defined threshold can be announced in advance and observed by a multinational observer team to enhance accountability and confidence. In such a case, observers should have the right to survey these concentrations either from the command room of the command ship and/or from a naval command center on land of the nation leading this force. Here, an observation on a command ship should be possible even on high seas, if no other opportunity exists to observe this activity.

Military activity rules

Military activities are much smaller than in the past because of the transformed force structures and the enhanced use of computer simulations for cost reasons. It therefore seems necessary to lower the thresholds for notification and observation of military activities in the Vienna Document 2011 in order to reestablish the lost level of accountability to some degree.[38] Independent, large air force activities or air-sea activities should also be announced in advance in order to enhance accountability and confidence. But, at present, it is not possible to observe large air force activities.

35 This measure can further be strengthened by the request of a concerned state party to convene a conference of all state parties. It is based on Article 8 (B) and Article 19, 2 of aCFE, in: www.acq.osd.mil/tc/treaties/acfe/adap_treaty.htm (1.3.2013).

36 With the signature of the adapted CFE Treaty, several states accepted special politically binding restraints in sensitive areas (such as Russia in the Oblast Pskov and Kaliningrad) in Istanbul in 1999. However, the value of these special commitments seems questionable in that the adapted treaty has never entered into force. Therefore, only the commitments of the NATO-Russia Founding Act (see Fn. 32) now seem valid.

37 Unusual force concentrations for the purpose of disaster relief or other emergencies are excluded. They are generally not accompanied by the mobilization of (large amounts) of munitions.

38 At present, state parties must notify announce military activities if they involve 9,000 troops, 250 tanks, 500 ACVs, 250 artillery pieces, 200 aircraft sorties (including helicopters) or 3,000 troops for amphibious landing, heliborne landing or parachute assault. See Vienna Document 2011, Cypher (40.1.1 – 40.2.1). France, Albania, Denmark, Estonia, Spain, Finland, Italy, Luxemburg, Norway, Poland, Portugal, the Czech Republic, Slovakia and Sweden propose lower thresholds of 5,000 troops, 100 tanks, 200 ACVs and 80 artillery pieces. See FSC.DEL/107/10/Rev.2/Corr.1 dated 2nd February 2010.

Transit Rule

The transit of land forces either to another country in the zone of application or through the zone of application should be notified in advance and not exceed a duration of 21 days through the zone and 42 days in the zone.[39]

These, partly overlapping, security and confidence building rules offer several additional advantages: They can be used to replace the controversial flank limits (see Annex I) of the CFE Treaty, thereby fulfilling an old demand by Russia and Ukraine. They also create better early warning measures for war preparations in the case of unregulated territorial conflicts with the unusual force concentration rule and the lowered threshold of observable military activities. Additionally, they can help minimize mistrust between East Central European NATO members and Russia. On the Western side, this is particularly true for the Baltic States. These countries are also opposed to the withdrawal of American sub-strategic nuclear weapons from Europe. Malcolm Chalmers described this problem as follows: "One of the ironies in this whole debate about nonstrategic nuclear weapons in Europe is the countries that have them don't want them and the countries that don't have them want the ones who don't want them to keep them.[40]" Such measures can likewise facilitate further withdrawal of U.S. sub-strategic nuclear weapons systems from Europe.

Further confidence building measures can be negotiated either on a multilateral or bilateral level. They can include the following measures: [41]

- one or more additional observations of small-scale military activity, particularly near a mutual border;
- mutual restraints in the increase of military forces, deployed forces;
- information of the deployment of new units and the introduction of new major weapons in a defined regional area;
- more frequent invitations for visits to military bases of all services;
- more mutual communication in military affairs, for example in regards to small-scale military activities and their regulations at the mutual border;
- regular exchanges of military personnel from all services.

This list of measures is surely not exhaustive. It demonstrates that there are enough means to enhance military confidence and accountability. The central question is whether there is enough political will on all concerned sides to enter into negotiations on such measures and implement them on a regular basis.

39 This measure is based on the transit rule of the adapted CFE Treaty, Art. 5, 3; in: www.acq.osd.mil/tc/treaties/acfe/adap_treaty.htm (28.2.2013).

40 Citation: Oswald, Rachel, "NATO Should Use Summit to Address U.S. Tactical Nukes in Europe, Experts Say," in. Global security newswire, 11 May 2012, in: www.nti.org/gsn/article/nato-should-use-summit-address-us-tactical-nukes-europe-experts-say/ (11.5.2013).

41 In this context, it should be noted that Poland and some other East Central European countries have several bilateral agreements with their neighbours for additional confidence building measures.

6.4 Transparency and verification of military intentions

Clearly it is impossible to analyze and evaluate military intentions with 100 percent certainty. But Europe has reached a stable security situation which is supported by a certain level of military dialogue and transparency. This quality in interstate relations makes it very unlikely that Europe will witness any sharp change in military intentions in the short term. Verified transparency of military intentions will strengthen this fact and thereby increase confidence. And verified information about defensive military intentions can contribute to balancing conventional military asymmetries as long as they have no impact on military stability.[42]

The new approach is based on some redundancy through several layers of information, analysis and evaluation of military intentions in order to increase the reliability of data. As a first layer, states should regularly disclose information about their military doctrines and defense guidelines, defense planning and defense budget. As a second layer, the regular observation of one or two of their largest military maneuvers should be allowed every two or three years with no right of refusal. In such maneuvers, military forces try to implement the goals of their military doctrines and defense guidelines. This measure goes beyond the present regulations of the Vienna document 2011, which allows the observation of military activities only in cases where certain very high thresholds are exceeded.[43] Therefore, the Vienna document or a new agreement should incorporate this additional measure. It can provide observers with some knowledge as to the extent to which military forces are able to fulfill their respective national defense doctrines and guidelines. As a third layer, transparency of the structure and deployment of forces will supplement the military picture in this regard. These instruments can, altogether, grant effective insight into military intentions with sufficient reliability.

The exchange of information on military doctrines and its discussion is not an entirely new measure. Many state parties, including Russia, publish their security and military doctrines voluntarily.[44] Many OSCE governments have participated in the exchange and discussion of their doctrines at the OSCE High Level military doctrine seminars in 1990, 1991, 1998, 2001, 2006 and 2011 on a voluntary basis.[45] Additionally, all OSCE members are obligated, according to chapter II of the Vienna Document (Defense Planning), to provide all other members with information about their military doctrine, defense policy, defense planning and defense budget (Vienna Document 2011: Cypher 15.1 – 15.4.4.2).

42 There exists no common definition of 'military stability' in spite of the fact that this term plays an important role for all state parties. It depends on the present security issue and the development of a common view on it to come to a common definition of military stability.

43 Observations of military activities are only possible if the following thresholds are reached: 13,000 troops, 300 tanks, 500 ACVs, 250 artillery pieces or 3,500 troops for amphibious landing, heliborne landing or parachute assault. See Vienna Document 2011, Cypher (47.7).

44 For example Bulgaria, Canada, the Czech Republic, Denmark, France, Germany, Great Britain, the Netherlands, Norway, Portugal, Russia, Spain, Turkey, and the USA have voluntarily published their doctrines.

45 See Vienna Document 2011, Cypher (15.7) and OSCE Press Release, Seminar on Military Doctrine promotes transparency, openness, Vienna, 14 February 2006, in: www.osce.org/fsc/47108 (28.2.2013).

Information and discussion of military doctrines are not only important for reasons of transparency but also a necessary precondition for greater military cooperation. So it would not seem to require a very large leap to do these things on a slightly more regulated and enhanced basis and in a regular exchange with other states.

Up until now, there has been no obligation for an information exchange on defense guidelines. However, a few states, like Germany (Defense Policy Guidelines 2011) and the USA, publish their defense guidelines on a voluntary basis. In the future, the term 'defense policy and doctrine' in the Vienna Document (Vienna Document 2011: Cypher 15.1) can be extended to 'defense policy, guidelines and doctrine' to cover defense guidelines and, in the annex of the document, the definition of these guidelines and their contents could be presented.

Within the defined initial phase of a new agreement, all participating states should exchange their newest military doctrines and defense guidelines. In order to reduce efforts and costs, they should only confirm the newest doctrine and guidelines in the following annual information exchange, being that most states revise them only after a major change of the security situation or after elections, and not every year. Every official revision of a military doctrine and a defense guideline should be recorded in the following annual information exchange.

6.5 Verification of military potentials

The CFE Treaty has the aim of verifying current holdings of covered weapon systems and evaluating their compliance with existing ceilings and limitations for each participant. Because the new approach has no limitations or ceilings, the new objective is different: it will only verify the notified actual holdings with some additional information.

The current practice of verification raises several problems for a future agreement. Russia has largely reduced the number of conventional arms control inspectors on account of suspending the CFE Treaty at the end of 2007 and has had no interest in raising the number to the previous level for cost reasons. Other states like the Netherlands and Great Britain have reduced their inspection agency for financial reasons as well or because they do not really believe in a future of conventional arms control. Many participants, like Portugal, Spain, Italy, Greece, and Hungary have a strong interest in lowering the burden of inspection costs. An additional issue is that the inspections of Western countries are primarily aimed towards Russia and Belarus, whereas Russia is primarily interested in inspections of NATO members. And both (NATO countries and Russia) control the countries with unresolved territorial conflicts to some degree. Furthermore, NATO countries have agreed through an MOU not to inspect one another. This has created a very unbalanced structure of inspections over time.

This raises the question as to whether a multilateral institution for inspections, similar to the OPCW or the IAEA, could better serve the interests of the state parties, particularly under tightened budgets and a likely growing number of participants. It would offer several advantages: Routine inspections of military potentials by the technical secretariat of the new agency based on random or on a certain key for the inspection of all participants

can solve the problem of the unbalanced structure. Additionally, a multinational inspection agency would help to reduce the costs for general evaluation, observation and inspection visits. The inspection of military equipment and units and the observation of military activities for examining military intentions and the observation of military concentrations beyond certain thresholds can both be conducted by this new agency. Also, all data and information exchanges and notifications can be gathered there and distributed to the participants. But there are also some disadvantages: A multinational inspection agency cannot build confidence in the same way and with the same efficiency as is the case in direct inspections between state inspection agencies. If confidence building is a major goal for a future agreement, a multinational inspection agency seems to be less well suited. And small states that only participate by passive inspections in an inspection regime for cost reasons may be forced to pay a little bit more for a multinational inspection agency.

At present, many state parties are forced to spend money for inspectors and inspections as well as for the analytical work, documentation, electronic archiving and other tasks. A central multinational agency would reduce such costs for every participant. And since all state parties would have access to the inspection reports, no duplication of an inspection would be necessary. A State can provide their inspectors and name certain experts for special inspections and/or offer a financial contribution for this new multinational verification agency according to their economic and financial situation and the agreed cost sharing.

As mentioned before, only the inspection of certain military capabilities should be conducted by a lead nation, being that such inspections are rare and need special expertise that a multinational institution presumably cannot provide in a cost-effective manner. Such direct inspections would also have a heightened effect for confidence building and would lower this disadvantage of a multinational agency.

In the past, the U.S. has always opposed such a multinational institution for several reasons: First, it was not willing to transfer such important control and steering rights to an external institution and, secondly, it feared it could strengthen conventional arms control too much and thereby further weaken NATO. But under the current situation, when most participants are forced to reduce their budget deficits, a multinational verification agency seems to be more cost effective. The U.S. government can further demonstrate its strong commitment to conventional arms control and conventional stability with its political support for such an agency and thereby increase its credibility for its Global Zero goal of nuclear weapons.

However, verification of conventional military forces of a state party near the border of countries which do not participate in the regime can be difficult or even impossible if they are involved in current operational missions that concern a state or states outside the agreement. In such a case, special verification exceptions may be necessary for defined territorial areas or zones (as little as possible) which verge on non-regime neighbors. In order to keep this possible loophole as limited as possible, all special verification exceptions should always be announced and this information should be repeated after a certain timeframe of three or six months. The notification of such exceptional events, which should, in principle, be as short and small as possible, should include details about their duration, the excluded area and the reason for it. A prolongation of this exception should be possible.

6.6 Verification of naval forces

Inspections of naval forces need special regulations since they are too expensive on or above the high seas and can seriously hamper ongoing sea operations. Furthermore, the control of sea forces on the international high seas does not seem possible in a reliable manner even by use of the Open Skies Treaty.[46] For these reasons they have been excluded here. Inspections of naval forces should be possible in European home ports only. Here, arms control regulations should not make a distinction between national and multinational forces and rather cover both categories. In 2012, Germany voluntarily invited observers to a visit of a marine base under the Vienna Document 2011 in the city of Kiel, including the visit of ships, which demonstrated that observation and verification of marine forces are possible at their home port locations (German FSC-Invitation 18 February 2012). However, this raises difficulties for the U.S. and Canadian navies since they have no home ports for their conventional vessels, ships and submarines in Europe.[47] For this reason, U.S. and Canadian vessels, ships and submarines that have no home port in Europe but are deployed and/or operate in European waters should be inspected in European ports as well, with consent of the host state. This measure would not completely serve the principle of reciprocity, but otherwise Canada and the USA would be forced to open their homeports on their territory along the Atlantic for inspections. If a state party demands a ship inspection from another participant in its homeport(s), the inspected party should consent within a certain timeframe of up to six months, as vessels, ships and submarines can stay outside of their homeports for several months during operational missions and any interruption would be to costly. This is also the reason why vessels, ships and submarines should be excluded from challenge inspections. They may not be possible in most cases, or would be too expensive and can seriously affect ongoing operations of the concerned sea unit.

6.7 Verification of military capabilities

Inspection of military capabilities is a new challenge. A new system of regular, annual data exchange should provide all the information necessary for verification of capabilities. For example, information as to transportation capability of forces is an important contributing factor for the analysis and evaluation of military capability, of sustainability, or intervention capability. Therefore, military transportation equipment from all services, which generally do not have combat missions and may not be heavily armed, should be defined, included and counted on a regular basis. Further voluntary data should be possible if one state is not fully satisfied with the results of such special inspection. Due to the much higher requirements, the frequency of capability inspections should be limited.

46 Here, I thank Hartwig Spitzer for his thoughtful advice.

47 In Europe, the U.S. Navy currently uses four major bases: Naval Station Rota in Spain, Naval Support Activity in Naples and Naval Air Station in Sigonella in Italy and Naval Support Activity Souda Bay in (Crete) Greece; U.S. ships are stationed in Italy but have no homeports there. See Commander Navy Installations Command, Regions and Installations, in: www.cnic.navy.mil/CNIC_HQ_Site/ RegionsAnd Installations/index.htm (28.2.2013).

Every active state party should have the right to one or two of these capability inspections within a time period of three to five years and every passive state party is not obliged to accept more than three inspections within the same time period in order to reduce workload and costs. Capability inspections can include several military bases, installations and sites at the same time and/or consecutively. Such measures do not compare with a simple inspection of weapon systems and other military equipment in one or two military bases presently called Objects of Verification (OoVs). Capability inspections should only be conducted under the responsibility of a lead nation and can be accompanied by inspectors and experts from other nations as well as a representative from the proposed multinational verification agency. The reason for this procedure was mentioned earlier in this report. Capability inspections require highly educated special experts who are usually too expensive for permanent duty in an international agency. Capability inspections need some time for preparation and cannot be arranged overnight. For this reason, they cannot be a part of challenge inspections.

7. Final Remarks

The new conceptual ideas of verified transparency demand a novel way of thinking about conventional arms control. Being that they are based on a certain degree of confidence, limitations would no longer seem necessary. The combination of verified military potentials, verified intentions and additional confidence and security building measures can substitute military limitations to a high degree, though perhaps not completely. The extent to which limitations are actually necessary needs to be further discussed, particularly in relation to military security of the unregulated territorial conflicts and for areas where they might be important for maintaining regional stability.

The extension of transparency by the integration of additional force and weapon categories, along with their support equipment, via the introduction of the analysis and evaluation of military capabilities and intentions is aimed at the main problem of European security: the growing mistrust, particularly in Russia. It should serve to alleviate the vicious circle of mutual growing mistrust and enhance military accountability and confidence on all sides. The analysis and evaluation of military capabilities can also facilitate the identification of new military instabilities.[48] The new confidence and security building measures strengthen war prevention and crisis stability, especially for state parties with unregulated territorial conflicts through the advanced announcement and observation of unusual force concentrations or deployments. Furthermore, these measures can functionally replace the controversial flank rule or flank limits. The new deployment rule would also increase military accountability for NATO enlargement. If significant land or air force combat troops were deployed in new member states, it would have to be notified in

48 See Grossman, Elaine M., Do Advanced Conventional Weapons Make Nuclear War More Likely? in: NTI Global Security Newswire 22 August 2012, in: www.nti.org/gsn/article/jury-out-do-advanced-conventional-weapons-make-nuclear-war-more-likely/ (28.2.2013).

advance, justified with convincing arguments and regularly observed in order to prevent such deployments. Russia and others members must accept the same rule in order to enhance the security of their neighbors.

The establishment of the proposed new verification agency could be a strong commitment for the future of conventional arms control in Europe. It could contribute in overcoming many structural problems of the current verification system and help to reduce the costs of verification.

The debate about the conceptual ideas of verified transparency has been initiated. Discussions should now be broadened in order to extend the discussion and learn from its pros and cons. The new instruments of verified transparency of military capabilities and the verified transparency of military intentions surely need further discussion to answer some remaining questions. Are they really necessary and how should they be structured? Is it possible to identify sufficiently detailed elements which are countable and verifiable for all the mentioned military capabilities? To what extent will they actually improve the qualitative assessment and knowledge about military forces? To which degree will it be possible and necessary to include naval forces related to European security in these new conceptual ideas? Should conventional missile defense be a part of a future conventional arms control agreement or separately regulated through measures of military cooperation? Should verification be organized in a new multinational verification agency or should the present structure of national organization be maintained? There are many questions which must be discussed on a government and expert level if the new conceptual ideas of verified transparency or elements can become a part of a novel alliance concept and future negotiations. Should this come to fruition, it would be worthwhile to establish several international experts groups alongside government talks. They could discuss selected questions in further detail and develop possible solutions and propose them to the track I level.

With the election of President Obama for a second term and the nomination of Chuck Hagel as the new head of the Defense Department and John Kerry as the new head of the State Department, the future fate of conventional arms control looks a little bit more hopeful. Conventional arms control still has a small chance of successful revival. The conventional military superiority of the U.S. is not necessarily an obstacle to an agreement since both Russia and the U.S. have a common interest in keeping the security situation in Europe stable and calm in order to have more military flexibility in Asia, the Middle East and other less stable areas. European states, deeply challenged by their financial and economic problems, should also welcome a new conventional arms control agreement since it will help them reduce costs.

However, a major hurdle for further talks on conventional arms control is the perspective of conventional missile defense in Europe. For Russia, it is the litmus test for future arms control.[49] President Obama must offer more transparency and accountability of

49 See Statement by Andrey Denisov, First Deputy Foreign Minister of the Russian Federation, at the Opening of the 11th European Conference on Security and Defense, Berlin, November 27, 2012, in: www.mid.ru/ brp_4.nsf/0/3FEF48B1980462A544257AC400293E26 (28.2.2013).

conventional missile defense in Europe (Pifer 2012: 2-3) as he hinted to the previous Russian President Medvedev in Seoul in March 2012. After the re-election of Obama, Moscow has lowered its demands for constraints on missile defense and it no longer insists on legally binding obligations.[50] The next meeting between Obama and Putin in 2013 will show if the reset in arms control will continue and Obama can offer more flexibility in missile defense in order to revive conventional arms control talks.

Following five years of Russian suspension of the CFE Treaty, there is a growing need to revive transparency of conventional Russian forces. Verification of Russian forces through Open Skies and the Vienna Document do not offer the same quality of information. In particular, smaller states like Georgia, Azerbaijan and the Baltic States should have a greater interest in receiving more information about Russian conventional force modernization efforts.

Even Eastern Central European alliance members and other state parties should recognize that we cannot solve our security problems in Europe by the Western alliance alone and exclude Russia, particularly under tightened budgets in Europe and the USA. This is only possible with a cooperative approach. The same is true for many unregulated territorial conflicts in Europe. Without Russia, no stable political regulation seems possible. A new arms control agreement could improve the outlook for a possible political solution to these territorial conflicts more than without. Therefore, Western countries should take Russian security concerns seriously and look for some common solutions. A future conventional arms control agreement could reestablish lost confidence, strengthen the OSCE and ease cooperation in other areas as well (Möckli 2012: 1-4). Conventional arms control in and for Europe thus needs more political attention in the next years; we could otherwise let this instrument slip from our hands and cause global Nuclear Zero to remain a distant dream.

50 See Fn. 26. In this context, it seems to be a constructive decision on the part of the new head of the U.S. Defense Department, Chuck hagel, to cancel the planned deployment of Phase IV missile defense missiles (SM-3B) in Europe for financial reasons. See N.N., US changes in missile defense plan may provide opening for new arms-control talks with Russia, in: Washington Post, 16 March 2013, in www.Washingtonpost.com/world/national-security/us-changes-in missile-defense-plan-may-provide-opening-for-new-arms-control-talks-with-russia/2013/03/16/88bdae86-8e0d-11e2-adca-74ab31da3399_story.html (20.3.2013). For the Russian reactions see N.N., Moscow Needs Explanations on US Missile Shield Changes, in: RIA Novosti 19.3.2013, in: http://en.rian.ru/military_news/20130319/180102366/Moscow-Needs-Explanations-on-US-Missile-Shield d-Changes.html (19.3.2013).

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9. Abbreviations

ACV	Armored Combat Vehicles
aCFE	adapted CFE Treaty
CFE	Conventional Forces in Europe (CFE Treaty)
CFE-1A	Concluding Act of the Negotiations on Personnel Strength of Conventional Armed Forces in Europe (CFE 1A Agreement)
CIS	Commonwealth of Independent States
CLRS	Conventional Long-Range Strike
CPGS	Conventional Prompt Global Strike
CPC	Conflict Prevention Center
CSBM	Confidence and Security Building Measure
CSCE	Conference on Security and Cooperation in Europe (since January 1995 OSCE)
CST	Collective Security Treaty
CSTO	Collective Security Treaty Organization
EEC	Exclusive Economic Zone
EU	European Union
FSC	Forum for Security Cooperation
HLTF	High Level Task Force
IAEA	International Atomic Energy Agency
JCG	Joint Consultative Group
MOU	Memorandum of Understanding
NATO	North Atlantic Treaty Organization
NPR	Nuclear Posture Review
NRC	NATO-Russia Council
OOV	Object of Verification
OPCW	Organization for the Prohibition of Chemical Weapons
OSCE	Organization on Security and Cooperation in Europe
POET	Protocol on Existing Types of Conventional Armaments and Equipment
START	Strategic Arms Reduction Talks
UAV	Unmanned Aerial Vehicles
VD	Vienna Document

Annex I: Main elements of the CFE Treaty

The CFE Treaty was signed in Paris on 19 November 1990 with unlimited duration. All 22 member states of NATO and the former Warsaw Pact (not the alliances themselves) became participants of the regime in two groups of state parties. The application area includes the entire territory of all member states from the Atlantic to the Ural Mountains. The regime limited the conventional land and air forces of its participants in five major weapon categories: battle tanks, armored combat vehicles (ACVs), artillery pieces with 100 mm caliber and above, attack helicopters and combat aircraft. The CFE Treaty was accompanied by the politically binding CFE 1A Agreement that limits the personnel strength of the land and air forces. An annual information exchange every December provides the data for the verification regime and allows the inspection of treaty limited items in declared sites without the right of refusal or challenge inspections outside declared sites with the right of refusal. Changes in the organizational structure of forces must be notified announced in advance. After the reduction phase, which ended in 1995, each group should hold no more than 20,000 tanks, 30,000 ACVs, 20,000 artillery pieces, 2,000 combat helicopters and 6,800 combat aircraft.

Its main goal was the prevention of a large-scale offensive and surprise attack between both groups based on the principle of parity on lower levels than heretofore. Both groups have accepted regional limits for the weapon categories of land forces. These constraints are the lowest in the central region[51] of Europe (7,500 tanks, 11,250 ACVs, 5,000 artillery pieces) on both sides, higher in the middle region[52] of Europe (10,300 tanks, 19,260 ACVs, 9,100 artillery pieces) and highest in the extended region[53] of Europe at the Atlantic or the Ural Mountains (15,300 tanks, 24,100 ACVs, 14,000 artillery pieces) in order fulfill the above-mentioned goals. For reasons of stability, the flank region[54] has been separately limited (4,700 tanks, 5,900 ACVs, 6,000 artillery pieces). The Joint Consultative Group shall permanently discuss and solve technical problems and ambiguities of the treaty and the review conference should survey the regime and its functions every five years.

Owing to the dissolution of the Soviet Union in 1991, the Baltic States did not enter the treaty, whereas Russia and seven other successor states (Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Moldova and Ukraine) divided up their rights and obligation in the Tashkent Agreement of 15 May 1992. With all these adjustments, the treaty finally entered into force on 9 November 1992. Russia and Ukraine were never satisfied with their

51 This region consists on both sides of Belgium, Germany, Luxembourg, the Netherlands, the Czech and Slovak Republics, Hungary and Poland.

52 This region additionally includes, on both sides, Italy, France, the United Kingdom, Denmark and the former Soviet military districts Baltic, Byelorussia, Carpathian and Kiev with separate limits for the district of Kiev.

53 This region further includes, on both sides, Spain, Portugal and the former Soviet military districts Moscow and Volga-Ural.

54 This region consists, on both sides, of Iceland, Norway, Greece, Turkey, Bulgaria, Romania, and the former Soviet military districts of Leningrad, Odessa, Transcaucasus and North Caucasus.

original flank limitations and negotiated a smaller territory for the same limits in 1997 (CFE Flank Agreement 1997) with the Flank Agreement.

Annex II: Main elements of the Vienna Document 2011

The Vienna Document on Confidence and Security Building Measures was first approved in 1990 and further updated in 1992, 1994, 1999, and 2011. The latest update contains only small technical improvements (see last mechanism). A major adaptation to the present security situation in Europe is still pending. Currently, the Vienna Document contains 12 major mechanisms:

The **Annual Exchange of Military Information** obliges all participants to publicize the command structure and the weapons of land and air forces based on single military units, including armored vehicles with antitank missile launchers and non-active units. The relocation of units and activation of non-active units beyond certain thresholds must be indicated in advance. It also covers the planned introduction and deployment of new major weapon systems and their figures.

The annual exchange of information on **Defense Planning** provides data on size, structure, training and equipment of armed forces (including naval forces), as well as defence policy, doctrines and budgets in the medium and long term. A request for clarification is possible and all participants are encouraged to provide voluntarily additional information.

The mechanism for **Risk Reduction** allows every participant to ask for clarification, consultation and co-operation with regard to unusual military activities within 48 hours. Additionally, a voluntary visit is possible to dispel concerns about military activities. Furthermore, a co-operative mechanism exists for the reporting and clarification of hazardous incidents of a military nature.

The number and quality of **Military Contacts** should be further strengthened among others by a visit of one air base within a five year period. New major weapon systems should be demonstrated to all other participants and programs for regular contacts (such as seminars, cultural and sports events) and military co-operation should be developed.

A **Prior Notification of Certain Military Activities** is necessary 42 days in advance, if they involve at least 9,000 soldiers or 250 tanks, or 250 artillery pieces or 500 armored combat vehicles (ACVs). If 200 or more sorties of combat aircraft are to be flown during such an activity, this must be also indicated. Additionally, an amphibious landing, heliborne landing or parachute assault activity with at least 3,000 soldiers must be notified in advance.

An **Observation of Certain Military Activities** is allowed if they involve at least 13,000 soldiers, 300 tanks, 500 ACVs or 250 artillery pieces. Further, an observation is allowed for amphibious landing, heliborne landing or parachute assault activities with at least 3,500 soldiers.

The **Annual Calendars of Military Activities** lists all certain military activities subject to prior notification for the subsequent year. If there is no such activity, this must be announced as well.

The **Constraining Provisions** for military activities subject to prior notification allow only one activity within three years that involves 40,000 soldiers, 900 tanks, 900 artillery pieces or 2,000 ACVs, if it is notified in the annual calendar. It allows only three of such military activities in one year that involve 25,000 soldiers, 400 tanks, 400 artillery pieces 800 ACVs and it allows only six of such military activities within one year which involves 13,000 soldiers, 300 tanks, 300 artillery pieces or 500 ACVs.

The Rules for **Compliance and Verification** allow inspections and evaluation visits. No participant must accept more than three inspections for one year. Evaluation visits should be conducted to examine annual military information and the deployment of new weapon systems. Every participant must accept one evaluation visit for 60 units of its land and air forces.

Regional Measures on the bilateral or regional levels should enhance accountability and confidence. This mechanism contains detailed criteria and a list of possible measures.

The **Annual Implementation Assessment Meeting** should evaluate the current and future implementation of the regime, discuss compliance issues and possible improvements.

The **Final Provisions** regulate the update of the VD in the FSC, the implementation of and information with the CPC, the use of the OSCE communication network and the information of the public and the partner states outside the OSCE. The final provisions contain the newest technical improvement of the VD. Every update of the VD will enter into force immediately with the consent of all participants.