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Strengthening Conventional Arms Control in Europe:

Small steps to overcome big hurdles

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September 2020

*Research completed from May to August 2020 during an internship at the Fondation pour la recherche stratégique with funding from the EU Non-Proliferation and Disarmament Consortium

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Acknowledgement

This report has been prepared under the supervision of Benjamin Hautecouverture, Senior Research Fellow (FRS), as part of a research internship at the Fondation pour la Recherche Stratégique (FRS), funded by the European Union (EU) Non-Proliferation and Disarmament Consortium as part of a larger EU educational initiative aimed at building capacity in the next generation of scholars and practitioners in non-proliferation policy and programming. The views expressed in this paper are those of the author and do not necessarily reflect those of the FRS, the EU Non-Proliferation and Disarmament Consortium or other members of the network.

Table of Contents

INTRODUCTION	4
SECTION 1: TECHNICAL AND IMPLEMENTATION HURDLES	5
SECTION 2: POLITICAL HURDLES	10
SECTION 3: SMALL STEPS FORWARD	13
CONCLUSION	22
BIBLIOGRAPHY	24

Introduction

Is conventional arms control in Europe fated to flourish, flail or outright fail? Pundits increasingly warn that it is tracking down one of the latter two paths.¹ The European conventional arms control and confidence-building architecture consists of the Conventional Armed Forces in Europe (CFE) Treaty of 1990, the Open Skies Treaty (OST) of 1992 and the Vienna Document on Confidence- and Security-Building Measures (VD), originally adopted in 1990 and most recently updated in 2011. For close to two decades, these agreements underpinned Europe's security and stability, having both symbolic importance and noteworthy real-world effects.² However, over time they began to unravel and, particularly in recent years, support for them has withered – as demonstrated by Moscow's de facto withdrawal from the CFE in March 2015, its consistent efforts to obstruct any modernisation of the VD, and the US declaration in May 2020 to formerly withdraw from the OST. This already dire state of affairs in conventional arms control has been made more precarious by (and partly because of) the following: significant increases in military exercises in the Euro-Atlantic region, hardening military postures – with states boosting spending on, modernising³ and, in some cases, expanding, their armed forces – and the re-emergence of pronounced, widely contrasting threat perceptions. Despite this unstable and unpredictable security environment, cooperative effort across the Euro-Atlantic⁴ to strengthen the framework on conventional arms control (hereafter referred to as CAC) remains notably absent.

This report is thus chiefly concerned with addressing two major questions. Firstly, which factors are contributing most significantly to the disintegration of the Euro-Atlantic system of conventional arms control? Secondly, what action – if any – can European states take to arrest this downward trajectory, and instead promote substantive engagement on strengthening the CAC regime and confidence and security-building measures (CSBMs)? The report is organised in line with its main aims. Section 1 examines the technical and implementation problems that contribute to the CAC regime's diminishing potency, including its failure to cover new and evolving technologies and combat scenarios in Europe. This section also surveys the manifold proposals made during the last

¹ See for example, Nicholas Williams Simon Lunn, "Modernising Conventional Arms Control: An Urgent Imperative", European Leadership Network, March 2020, 2.

² For example, the CFE treaty resulted in the destruction of more than seventy thousand weapons systems, more than five thousand on-site inspections were conducted, and tens of thousands of notifications about military exercises and movements were exchanged. See Kimberly Marten, "Reducing Tensions Between Russia and NATO," Council on Foreign Relations, Council Special Report No. 79, March 2017, 16.

³ See Pavel Baev, "Ukraine: A Test for Russian Military Reforms", *Focus Stratégique*, Institut français de relations internationales, no. 56, May 2015; and, Bettina Renz, "Russian Military Capabilities After 20 Years of Reform," *Survival* 56, no. 3 (2014).

⁴ The geographic scope of the Euro-Atlantic here is understood as those countries within the Organisation for Security and Cooperation in Europe (OSCE) – that is, comprising NATO and non-NATO countries in Europe and those parts of Asia on the European periphery.

decade to address these technical deficits and thus modernise the out-dated architecture. Section 2 provides an analysis of the current political realities that both contribute to the CAC regime's gradual dismantlement and impede progress towards reviving it. Finally, Section 3 offers some small, practical steps designed to help overcome these political challenges (or at the very least reduce their salience) and thereby lay the groundwork for an eventual relaunch of CAC negotiations in Europe.

Section 1: Technical and implementation hurdles

Technological and military realities have evolved considerably since the early post-Cold War period, when the CFE, the VD and the OST were established or entered into force, yet without an attendant adjustment in the provisions of these agreements. This failure to keep pace with today's security environment, combined with numerous disputes over State Parties' implementation, have rendered the agreements increasingly ineffective and out-dated.⁵ Canvassed below are the major technical limitations and implementation problems that plague Europe's CAC instruments, alongside measures to resolve them and thereby bolster the CAC regime. It should be noted that these weaknesses and proposed remedies are by no means exhaustive; the paper seeks only to offer a glance at those deemed most significant.

1.1 – Conventional Forces in Europe Treaty (CFE)

The CFE's bloc-to-bloc parameters no longer accord with today's geopolitical reality. The CFE's basic objective to maintain an equal force balance between two military 'blocs' has long been out-dated, serving to deepen the political divide across the European-Atlantic. Indeed, this outdated aspect of the CFE has long been acknowledged, including during the negotiations towards the Adapted CFE (ACFE) in the mid-late 1990s. As such, recommendations for any new or updated treaty include replacing the CFE's bloc-to-bloc structure with individual national and territorial ceilings,⁶ as well as ensuring that any new arrangement is no longer limited to CFE States Parties but instead takes into account the security interests of all states with territory or forces in the area of application between the Atlantic and the Ural Mountains⁷ (akin to the ACFE).

⁵ See for example, Torben Schütz, "Asymmetrical Arms Control: How to Account for Innovation and Diversity in European Armed Forces," DGAPkompakt, no. 12 (June 2019).

⁶ Wolfgang Richter, "Return to Security Cooperation in Europe: The Stabilizing Role of Conventional Arms Control," *Deep Cuts*, Working Paper no. 11, September 2017, 14.

⁷ Wolfgang Richter, "Towards a Political Framework for Militarily Significant Conventional Arms Control in Europe" in *International Workshop: Conventional Arms Control in Europe: New Approaches in Challenging Times*, ed. Wolfgang Zellner, CORE Working Paper no. 26, April 2015, 35-37, 36.

The treaty's national ceilings across its five weapons categories are too high. The CFE's national ceilings are currently significantly higher than most member states' actual holdings – partly due to reduced force levels after the Cold war – which renders them relatively meaningless and could in fact permit large-scale armaments.⁸ To address this technical limitation, it is proposed that the current national ceilings be lowered to existing holdings, and a concomitant regime of verifiable transparency measures is incorporated.

The treaty's emphasis on numerical balances fails to adequately address the location and activity of armed forces and equipment that could be used for cross-border offensive operations. The national ceilings of TLE (Treaty Limited Equipment), while still necessary, are less critical than *where* the units with that equipment are located – both in relation to international borders and garrisons.⁹ Limitation zones or CSBMs could therefore be established to constrain military activities and/or force accumulations in sensitive geographical zones of political and strategic relevance. Such measures could include limiting permanent deployments of substantial combat forces and geographical minimum distances between such forces (comprising ground-based air or maritime defence systems); limiting the stationing of foreign forces (even with a host nation's consent);¹⁰ and, limiting follow-on forces in adjacent areas deemed politically or militarily significant.

The treaty fails to set limits – either partly or entirely – on new offensive and defensive military technologies. The CFE focuses on ensuring a numerical balance of forces (i.e. equipment *numbers*) between countries, but the emergence of critical new technologies and modern war-fighting capabilities calls increasing attention to questions of weapon *quality*. Some experts go so far as to argue that this quantitative focus of arms control incentivises quality improvements in the regulated equipment categories (and a stronger emphasis on non-regulated categories),¹¹ thus failing to ensure a sustainable increase in military predictability.

Accordingly, it is recommended that the scope of the CFE's traditional armament categories be expanded to include a new catalogue of TLE.¹² The CFE's updated provisions, or those of any

⁸ On this point, see Hans-Joachim Schmidt, "A Fresh Start of Conventional Arms Control in Europe Will Face Many Structural Problems," Peace Research Institute Frankfurt (PRIF) Report No. 151 (2017), 8, 11; and, Gregory G. Govan, "Conventional Arms Control in Europe: Some Thoughts About an Uncertain Future", *Deep Cuts*, Issue Brief no. 5, July 2015, 2.

⁹ Govan, "Conventional Arms Control in Europe," 2.

¹⁰ Paul Schulte, "Developing a New Approach to Conventional Arms Control," *OSCE Security Days*, Vienna, 4 March 2013, 5.

¹¹ See for example Schütz, "Asymmetrical Arms Control," 2.

¹² Peter Van Ham, "Modernizing Conventional Arms Control in the Euro-Atlantic Region," Clingendael Report, September 2018, 25.

future CAC Treaty, could include information exchanges on the existing and planned development of these new weapons systems, alongside corresponding inspection regimes with requirements for yearly visits to relevant facilities to verify the information provided during such information exchanges.¹³ A new catalogue of TLE might comprise of the following:

- transport capabilities that allow the rapid deployment of conventional forces and the high-speed concentration of conventional military firepower, such as strategic airlift of air and land forces;¹⁴
- network-centric warfare capabilities such as electronic warfare, which enable smaller forces compared to Cold War postures to operate with fire support located far from a potential combat area;¹⁵
- naval forces, of which the relevance for contemporary military operations on land is increasing due to their equipment with accurate long-range missiles and deck-based aircraft that can also be used against land targets;¹⁶
- autonomous/unmanned weapons systems,¹⁷ such as drones and unmanned aerial vehicles;
- air and missile defence systems and long-range conventional strike systems;¹⁸ and,
- other emerging critical capabilities, such as hypersonic strike capabilities deemed most capable of conducting conventional counterforce operations at intercontinental range.¹⁹

1.2 – Open Skies Treaty (OST)

Though less beset by technical flaws than the CFE Treaty, the Open Skies Treaty nonetheless also suffers from issues of compliance – chief among them **Russia’s unilateral restrictions on the conduct of observation flights over its territory**, specifically within 500 kilometres of the Kaliningrad Oblast. No treaty mechanism permits such a sub-limit,²⁰ yet Russia justifies it based

¹³ For a comprehensive analysis of the evolving and future military technologies and practices that affect European stability, as well as proposals for improving the CAC and CSBM infrastructure, see Corentin Brustlein, “The Erosion of Strategic Stability and the Future of Arms Control in Europe,” *Proliferation Papers*, Institut français de relations internationales, No. 60, November 2018.

¹⁴ Hans-Joachim Schmidt, “Back to Basics: Conventional Arms Control,” *Security Community* 1 (2014), 10.

¹⁵ Van Ham, “Modernizing Conventional Arms Control,” 25.

¹⁶ See for example Schmidt, “A Fresh Start of Conventional Arms Control in Europe,” 9; and, PIR Center Press, “Prospects of conventional arms control in Europe,” 18 May 2017, accessed 11 August 2020 at <http://pircenter.org/en/news/6917-prospects-of-conventional-arms-control-in-europe>.

¹⁷ See for example, German Federal Foreign Office, “Speech by Federal Foreign Minister Sigmar Gabriel at the Opening of the Conference Making Conventional Arms Control Fit for the 21st Century,” 6 September 2017, accessed 5 August 2020 at <https://www.auswaertiges-amt.de/en/newsroom/news/170906-bm-conventional-arms-control/292366>.

¹⁸ Brustlein, “The Erosion of Strategic Stability,” 53.

¹⁹ *Ibid.*, 65.

²⁰ The OST allows different limits for territories separated from the mainland to ensure ‘effective observation’ on two conditions: if the territory is separated by more than 600km, or if it is located beyond 35% of the maximum flight distance from a designated Open Skies airfield. But neither of these conditions apply to the Kaliningrad region. See Alexander Graef, “The End of the Open Skies Treaty and the Politics of Compliance,” *Lawfare*, 6 July 2020.

on its desire to avoid a repetition of the disruption of Kaliningrad's airspace that occurred during a Polish OS flight in 2014. To overcome this implementation issue, the Open Skies Consultative Commission (OSCC) could develop an additional protocol that codifies some mutually agreeable distance limitations over Kaliningrad in exchange for waiving flight restrictions over Alaska and Hawaii.²¹ Alternatively, a compromise could be reached that designates Kaliningrad as an Open Skies airport with its own flight distance restriction – one that refrains from overburdening local airspace, but which might deviate slightly from Russia's unilateral determination.²² That Russia allowed a US-Estonia-Lithuanian flight into the 500-kilometer zone in February 2020 is cause for some optimism regarding a future resolution on this matter.²³

Russia also imposes unilateral proximity restrictions on observation flights over the Russian-occupied Georgian regions of Abkhazia and South Ossetia, to which Georgia has responded by suspending Russia's right to observe its territory since 2012.²⁴ Russia denies flights within a 10km zone along its border with these regions, because it considers them as independent states (contrary to Georgia and most other states) and therefore applies the treaty rule of keeping observation flights a 10km distance from the border of non-States Parties. Proposals to enable OST flights to resume between Russia and Georgia focus largely on seeking a "status-neutral" compromise solution, in which the contested status claims of the OSCE parties involved are circumvented by delineating the territory purely through geographical coordinates.²⁵ For example, drawing on the 1993 OSCE document on "Stabilising Measures for Localised Crisis Situations,"²⁶ and without altering either Russian or Georgian national positions on the status of Abkhazia or South Ossetia, a third-party such as the OSCE could provide OSCE-operated aircraft to facilitate overflight of Russian and Georgian territory and even overflight of the breakaway territories – though the latter territories would not be mentioned by name in the agreement.²⁷

²¹ Alexandra Bell, Wolfgang Richter, Andrei Zagorski, "How to Fix, Preserve and Strengthen the OST", *Deep Cuts*, Issue Brief no. 9, March 2020, 3.

²² Wolfgang Richter, "Attack on the Open Skies Treaty: President Trump Wants to Withdraw from the Open Skies Treaty," Stiftung Wissenschaft und Politik (SWP) Comment, No. 29, June 2020.

²³ Névine Schepers, "Keeping the Skies Open over Europe," *CSS Policy Perspectives* 8, no. 8, July 2020, 2.

²⁴ Thomas Frear, "Open Skies: A Status Neutral Approach for Georgia and Russia," ELN Policy Brief, August 2017, 4.

²⁵ On the 'status-neutral approach,' see for example, Johan Engvall, Gudrun Persson (ed.), Robert Dalsjö, Carolina Vendil Pallin, and Mike Winnerstig, "Conventional Arms Control: A Way Forward or Wishful Thinking?" Stockholm, Sweden: Swedish Defence Research Agency, ROI-R—4586—SE, April 2018, 66; Anne Witkowsky, Sherman Garnett and Jeff McCausland, "Salvaging the Conventional Armed Forces in Europe Treaty Regime: Options for Washington," Arms Control Series Paper 2, Brookings, March 2010, 18; and, Richter, "Return to Security Cooperation in Europe," 13.

²⁶ OSCE, "Stabilising Measures for Localised Crisis Situations", Programme for Immediate Action Series, No. 2, 25 November 1993, accessed at <https://www.osce.org/files/f/documents/7/b/42314.pdf>.

²⁷ Thomas Frear, "A Status Neutral Approach," 7.

1.3 – Vienna Document (VD)

Technical and implementation issues have also undermined the Vienna Document 2011 (VD 2011) and its main objectives of transparency and confidence- and security-building. A key limitation of the VD 2011 is that its thresholds **for giving notice of and observing military activities are too high.**²⁸ **Moreover, its notification and inspection mechanism does not apply to short-notice “snap” exercises.** Russia has exploited these loopholes: it has reportedly routinely declared the number of troops involved in its exercises as just below the 13,000-troop threshold (regardless of the actual size of its exercises)²⁹ or sliced large-scale exercises into smaller ones under different commands so as to avoid the need for prior reporting and external observation.³⁰ Moreover, it has arguably abused the provision exempting snap exercises from advance notification by routinely conducting such activities.³¹ Western proposals to modernise the VD 2011 are therefore aimed at lowering the threshold for prior notifications and observation of personnel, material and exercises, and including snap exercises.

Verification of states’ compliance with the VD is limited, especially in crisis situations. As highlighted during the Russia-Ukraine conflict, the number of three permitted inspections per year and country for monitoring military activities is too low in crisis situations, and regulations that permit follow-up inspections outside of the usual quotas during crises are also lacking.³² To address these deficits in the Document’s crisis mechanism, recommended updates include permitting more intrusive³³ and frequent inspections in crises; updating the definition of ‘unusual military activities;’ and establishing a special mechanism for the transparency and verification of unusual military activities and force concentrations in crisis situations, with the right to conduct follow-on

²⁸ Parties to the arrangement are only required to admit inspectors if the total strength of manoeuvring forces exceeds 13,000 troops, 300 tanks, 500 armoured combat vehicles, or 250 pieces of artillery. Unannounced snap exercises are allowed under the VD. See Gustav Gressel, “Under the Gun: Rearmament for arms control in Europe,” ECFR Policy Brief, No. 273, November 2018, 5.

²⁹ For example, once Russia’s Tsentr exercise began in 2015, TASS reported 95,000 troops were involved and Russia Today reported that 100,000 troops participated. Similarly, after the Kavkaz 2016 exercises ended, TASS reported “more than 120,000 military troops and civilian personnel involved.” Russia declared neither exercise to the OSCE as exceeding 13,000 troops. See Lee Litzenberger, “Beyond Zapad 2017: Russia’s Destabilizing Approach to Military Exercises,” War on the Rocks, 28 November 2017.

³⁰ This was the case for several of its annual exercises. For example, in the case of Zapad 2017, troops were exercised in areas of Russia north and south of the Belarussian exercise. See *ibid*; and, Schmidt, “A Fresh Start of Conventional Arms Control in Europe,” 10.

³¹ President Putin reinstated large-scale snap exercises in 2013, of which four to six are conducted annually at various levels. See Dave Johnson, “VOSTOK 2018: Ten Years of Russian Strategic Exercises and Warfare Preparation,” *NATO Review*, 20 December 2018.

³² Schmidt, “A Fresh Start of Conventional Arms Control in Europe,” 10.

³³ Lucien Kleinjan, “Conventional Arms Control In Europe: Decline, Disarray, And the Need for Reinvention,” *Arms Control Today* 46, no. 5 (June 2016), p. 24.

inspections and fact-finding missions/inspections by a neutral party such as the OSCE's Conflict Prevention Centre or the Secretary General in certain circumstances.³⁴

Finally, the VD's **regulations do not address naval and air defence forces, nor do they adequately capture the impact of modern war-fighting capabilities**, such as long-range precision-guided munitions.³⁵ Recommended updates therefore relate to reviewing categories of information exchange and broadening such categories to include naval forces, air and missile defence systems, UAVs and cruise and ballistic missiles.

Section 2. Political hurdles

*“Nations do not mistrust each other because they are armed;
they are armed because they mistrust each other.”*

-Ronald Reagan, 1986

Several major political challenges compound the aforementioned technical and implementation problems. These challenges, which have caused Europe's CAC infrastructure to atrophy and blocked efforts to expand or modernise such infrastructure, are examined below.

2.1 – A political-military climate plagued by mistrust

It requires no great perspicacity to observe the burgeoning levels of mistrust that characterise relations between NATO-Russia. This distrust is first and foremost the product of divergent threat perceptions. An account of the sources of each other's competing threat narratives extends beyond this paper's purview; however, it suffices to say that Moscow's messaging consistently points to NATO countries' hostile policy towards Russia, while most Western countries are increasingly wary of Moscow's renewed military ambitions following its illegal annexation of Crimea and aggression in eastern Ukraine. These competing threat narratives fuel suspicion at the highest political level as well as much further downstream, for example in non-governmental experts' risk analysis assessments, resulting in recent and ongoing enhancements to Russian and NATO forces and capabilities,³⁶ and large-scale military manoeuvres and “snap” exercises.³⁷ Additionally, such mistrust poisons the political atmosphere to the extent that precludes any substantive engagement

³⁴ On this point, see for example Teija Tiilikainen, ed., “Reviving Co-operative Security in Europe through the OSCE,” *The OSCE Research Network*, 25; and, Łukasz Kulesa, Denitsa Raynova and Thomas Frear, “Avoiding Hazardous Incidents in the Euro-Atlantic Area: Report on the Workshop Held in Brussels, 21-22 September 2016,” European Leadership Network, October 2016, 8.

³⁵ Van Ham, “Modernizing Conventional Arms Control,” 17-18.

³⁶ Katarzyna Kubiak, ed., “Towards a More Stable NATO-Russia Relationship,” ELN-RIAC Euro-Atlantic Security Report, February 2019, 3.

³⁷ Van Ham, “Modernizing Conventional Arms Control,” 3.

on developing new CSBMs and CAC measures. Indeed, Russia has repeatedly emphasised that today's unfavourable political climate – one dominated by what it describes as a “current deficit of trust”³⁸ and NATO's “policy of containment of Russia”³⁹ – is not conducive for productive talks on modernising the VD or negotiating new CSBMs.

Further deepening the distrust is Russia and NATO members' divergent visions of the future European security order. For Russia, the current European security order is perceived as rigged towards Euro-Atlantic organisations. Moscow almost certainly strives to establish an alternative order that affords it a sphere of interests in its immediate neighbourhood, possibly linked to having a veto on further (eastern) NATO enlargement.⁴⁰ By contrast, for the West, defending the comprehensive and cooperative European security order of the post-Cold War era has been the priority. Along these lines, the US and a group of European states⁴¹ purport that CAC and CSBMs are only meaningful if embedded in a rules-based order,⁴² thus maintaining that there can be no negotiations on new CAC until Russia returns to compliance with “the very principles that would need to provide the basis for any new conventional arms control effort.”⁴³ To discuss European security in general and CAC and CSBMs in particular with Russia, would, in their eyes, signal “business as usual,”⁴⁴ possibly signalling a legitimisation of Russia's violations of core principles of international law, while also reawakening discussion of Moscow's proposals to reshape the European security system in its interests.⁴⁵

³⁸ Andrei Belousov, Russia's Deputy Permanent Representative to the United Nations Geneva office, noted that “[...] given the current deficit of trust, one cannot expect a serious breakthrough in the sphere of control over additional armaments in Europe.” See TASS, “Russia Rejects Proposals to Modernize Vienna Document,” 31 October 2019.

³⁹ This perception of a NATO ‘containment policy’ was reiterated by Russia's Foreign Minister Sergey Lavrov in December 2019: “In a situation, when instead of dialogue we are facing aggressive containment of our country, we see no sense in a debate on modernizing the 2011 Vienna Document.” See OSCE, “Statement by the Delegation of the Russian Federation,” 834th Plenary Meeting, FSC Journal No. 840, Agenda item 1, 9 November 2016; and, TASS, “Russia Sees No Sense in Modernizing Vienna Document Amid Containment Policy – Lavrov,” 5 December 2019.

⁴⁰ Engvall and Persson (ed.), “A Way Forward or Wishful Thinking?” 5.

⁴¹ Within the OSCE, states that share this view include the UK, Canada, Poland, and Romania. The Baltic states and Finland share a similarly sceptical view of the prospects for a new CAC regime in a situation where Russia has violated existing agreements. See Christian Nünlist, “Under Pressure: The Uncertain Future of the OSCE Structured Dialogue,” *Security and Human Rights Monitor*, 29 November 2018.

⁴² Engvall and Persson (ed.), “A Way Forward or Wishful Thinking?” 68.

⁴³ In recent years, Department of State officials have concluded that new arms control initiatives are difficult to contemplate. See for example, US Department of State, “Revitalizing Military Confidence-Building, Risk Reduction, and Arms Control in Europe,” Remarks by Bruce I. Turner, Deputy Assistant Secretary, Bureau of Arms Control, Verification and Compliance, at the OSCE Security Days RoundTable on Re-launching Conventional Arms Control in the OSCE Context, Vienna, Austria,” 3 October 2016.

⁴⁴ Justyna Gotkowska, “The German Initiative for Arms Control: Time for a Dialogue With Russia”, *Centre for Eastern Studies – OSW*, 9 September 2016.

⁴⁵ Engvall and Persson (ed.), “A Way Forward or Wishful Thinking?” 66-67.

2.2 – Increasing perception that costs of conventional arms control outweigh its benefits

Tied closely to the aforementioned challenge is the increasing perception among key actors that subscribing to the existing European CAC regime, or engaging in the process of its modernisation, poses greater costs than benefits. For example, the recent US decision to exit the OST was almost certainly fuelled by an unfavourable cost-benefit ratio calculation for remaining a State Party, including the perception of significant cost to US national security⁴⁶ and the US taxpayer.⁴⁷ Intensifying US-Sino strategic competition has also probably amplified Washington’s view of the costs associated with any limits on US conventional capabilities, especially given the European CAC construct does not yet constrain those of China.⁴⁸

2.3 Leadership proclivities, priorities and political band-width

The goals, abilities and foibles of leaders are “crucial to the intentions, capabilities, and strategies of a state”⁴⁹ – including their approach towards CAC and foreign relations. This paper’s scope does not allow an examination of President Trump and President Putin’s psychological profiles; however, it is worth underlining several key leadership tendencies that are likely to make a revival of European CAC more challenging. Chiefly, both Presidents are preoccupied with avoiding perceptions of weakness or appeasement – a characteristic which may become increasingly pronounced in President Trump as the current presidential-election campaign progresses. For example, Milan Uhrík, a member of the Delegation to the EU-Russia Parliamentary Cooperation Committee, suggests that the underlying reason for President Trump’s uncompromising stance on arms control agreements is “to show US citizens (and voters) that he is not under Russian influence, that the US is “strong again.”⁵⁰ Andrei Kozyrev, who served as foreign minister in the Yeltsin government, notes the similarities between the current US and Russian leadership: both Presidents

⁴⁶ The current US Administration’s view is that the OST may facilitate Russian spying: “Russia may now be using imagery gathered on these flights to support its new doctrine of targeting US and European critical infrastructure with conventionally-armed missiles.” See for example, US Department of State, “Russian Arms Control Compliance and the Challenge of the Next Agreement: Remarks by Dr Christopher Ashley Ford, Assistant Secretary Bureau of International Security and Non-Proliferation,” 23 June 2020.

⁴⁷ For example, some Senators vociferously contested the spending of “nearly one quarter of a billion dollars in recapitalisation money for the OC-135 Open Skies Aircraft Fleet,” in light of the “technically defunct, outdated and irrelevant” nature of the Treaty. See Tom Cotton, “Cotton Statement on Withdrawal from Open Skies Treaty,” 21 May 2020, accessed at https://www.cotton.senate.gov/?p=press_release&id=1367 .

⁴⁸ Russia is but one of several major factors driving the US’s strategic posture. For example, the debate over the extension of the New START treaty has centred heavily on the US Administration’s desire to pursue an agreement that includes both Russia and China.

⁴⁹ Daniel Byman and Kenneth Pollack, “Let us Now praise Great Men: Bringing the Statesman Back,” *International Security* 25, no. 4 (2001), 109.

⁵⁰ Milan Uhrík, Member of the delegation to the EU-Russia Parliamentary Cooperation Committee, quoted in Sputnik, “Pundits: US Uncompromising Stance on Open Skies Treaty May Result in Europe Losing Patience One Day,” 19 July 2020, accessed at <https://sputniknews.com/analysis/202007191079924401-us-uncompromising-stance-on-open-skies-treaty-may-result-in-europe-losing-patience/> .

“[...] care less for democracy and values, and more for personal success, however that is defined.”⁵¹ Along these lines, foreign policy leadership and global diplomatic engagement, including US alliance relationships, are arguably far lower on the Trump Administration’s agenda than on previous administrations’. Equally, the priority of new arms control initiatives has been eclipsed by the COVID-19 pandemic⁵² and the need to manage its protracted economic fallout – not just for the US but also Russia and many European countries. Such a crisis limits political bandwidth and governments’ subsequent capacity to push for new arms control policies or initiatives, especially those that might trigger domestic infighting or consume limited resources.⁵³

Section 3: Small Steps forward

These political challenges reveal a climate that is in no way ripe for the development of a new European conventional arms control agreement. So long as the deep-seated distrust and confrontation permeating NATO-Russia (and US-Russia) relations endures, so too will the deadlock in conventional arms control because such political dynamics block the requisite deep, constructive engagement on CAC and relevant CSBMs and impede progress towards implementing the technical recommendations outlined in Section 1. What, then, might enable a renaissance of CAC in Europe? More specifically, are there any feasible steps that European countries could take at this juncture – as a kind of preparatory phase – to foster the necessary conditions for launching productive negotiations on a new or updated CAC framework?

3.1 – Reduce distrust and defuse the escalation potential between Russia and NATO

First and foremost, concerted focus and energy should be dedicated towards defusing immediate escalation potential and reducing mistrust between Russia and NATO, and between Russia and the US in particular. As Russian Deputy Foreign Minister Sergei Ryabkov recently elaborated, Moscow has “lost trust in Washington as a contractor and [...] there is the need to start gradually restoring it [through] the tactics of small steps.”⁵⁴ Perhaps the most critical mechanism for restoring trust is an open, sustained, disciplined dialogue between Russia and the West that seeks to clarify concerns and enhance mutual understanding of respective capabilities, motives and alternative threat narratives. This kind of dialogue has occurred in recent years, albeit in a limited number of

⁵¹ Andrei Kozyrev quoted in Evan Osnos, David Remnick and Joshua Yagga, “Trump, Putin and the New Cold War,” *The New Yorker*, 6 March 2017, accessed at <https://www.newyorker.com/magazine/2017/03/06/trump-putin-and-the-new-cold-war> .

⁵² Political bandwidth is limited as governments across the Euro-Atlantic are beleaguered by COVID-19. On this point, see for example Dr Ian Davis, ed., “Verification and Implementation: A collection of Analysis on International Agreements for Security and Development, 2019,” 2019 VERTIC Yearbook, July 2020, vii – viii.

⁵³ Gressel, “Under the Gun: Rearmament for Arms Control in Europe,” 24.

⁵⁴ TASS, “Russia, US Need to Restore Trust by Small Steps, Senior Diplomat Says,” 6 July 2020, accessed at <https://tass.com/politics/1175453>.

international fora: the OSCE and its Structured Dialogue (SD), and the NATO-Russia Council (NRC) meetings at ambassadorial level.⁵⁵ All other former instruments for East-West communication were temporarily frozen following Russia's illegal annexation of Crimea in 2014, including the high-level political dialogue between Russia and the EU and the NRC Arms Control, Disarmament and Non-Proliferation Working Group meetings. These latter communication channels are unlikely to resume in the near term, given the political conditions. Nor are new ones likely to be established – let alone prosper – since key players such as the US are unlikely to provide the requisite buy-in (noting its aversion to any perception of rewarding Russian “bad behaviour” and what it regards as an already “crowded field of discussion platforms and institutions.”)⁵⁶ Acknowledging this reality, greater investment in the NRC ambassadorial level dialogues, the OSCE Structured Dialogue and Track II dialogues will be crucial, as well as more tailored agenda-setting of such dialogues. For reasons of scope, this paper's recommendations focus exclusively on the OSCE Structured Dialogue and Track II dialogues.

3.1.1 – The OSCE Structured Dialogue

Following the then-German Foreign Affairs Minister Frank-Walter Steinmeier's proposal to “re-launch a dialogue on CAC and CSBMs in the OSCE,”⁵⁷ OSCE participating states initiated the Structured Dialogue in December 2016⁵⁸ to discuss concerns in the OSCE's politico-military sphere, including arms control, military exercises and military encounters. The SD brings together senior officials from member states' foreign and defence ministries to discuss such challenges in an informal working group format, as well as in the Military Expert Level workshops. Its inclusive, multilateral nature and provision of direct military-to-military contacts make it a useful tool for confidence-building. Yet it is also a fragile tool – vulnerable to politicisation and contestation between OSCE states over its desired purpose and content. For example, the SD's agenda initially focused on threat perceptions in the OSCE emanating from force postures and military exercises,⁵⁹

⁵⁵ NATO, “Statement by NATO Foreign Ministers,” Press Release 062, 1 April 2014, accessed 12 July 2020 at https://www.nato.int/cps/su/natohq/news_108501.htm .

⁵⁶ Van Ham, “Modernizing Conventional Arms Control,” 2.

⁵⁷ See Frank-Walter Steinmeier, “More Security for Everyone in Europe: A Call for a Re-launch of Arms Control,” *Frankfurter Allgemeine Zeitung*, 26 August 2016, accessed 27 July 2020 at <http://www.osce.org/cio/261146?download=true> .

⁵⁸ OSCE, “From Lisbon to Hamburg: Declaration on the Twentieth Anniversary of the OSCE Framework for Arms Control,” MC.DOC/4/16, 9 December 2016, para. 4, accessed 27 July 2020 at <http://www.osce.org/cio/289496?download=true> .

⁵⁹ Risk reduction and incident prevention was also allegedly discussed in April 2018, May 2019 and September 2019. For a chronological list of SD meetings that have occurred, see “News and Events,” OSCE Network of Think Tanks and Academic Institutions, accessed 25 July 2020 at <https://osce-network.net/coordinators-of-arms-control-and-csbms/news-and-events/>.

but in 2018 and 2019 expanded to include discussion of terrorism and hybrid threats, with Russia recently warning it would abstain from the Dialogue should the latter topic continue to be included.⁶⁰

To ensure the SD maintains widespread support and momentum, its agenda needs a refocus. Maintaining high-level, constructive political engagement from key players in the SD, and thus momentum towards rebuilding trust, requires a narrower programme of dialogue than that which currently exists. Therefore, a more circumscribed scope for the SD is suggested, centred purely on those topics with direct relevance to CAC and interstate tensions of a politico-military nature.⁶¹ As affirmed by Oleg Shakirov, PIR Center consultant and European security expert, by concentrating on a more concrete, limited range of issues, the SD's efficiency will likely increase.⁶²

The states who generally support the aforementioned narrower focus for the SD, including Germany, France, Switzerland and Austria, could lead a diplomatic effort in collaboration with the current Spanish Chairmanship to develop and advocate strongly for such an agenda through the remainder of 2020 and 2021. They should point to the scarcity of active forums in which to address diverging threat perceptions among OSCE members, and the insufficient lines of communication for managing destabilising, imminent and longer-term inter-state risks. However, obtaining consensus on this renewed scope may ultimately prove unfeasible, given the likely strong opposition from those states preferring a broader approach that discusses transnational threats.⁶³ In such a case, an alternative might be to maintain this broader dialogue in the formal SD working group, while augmenting the frequency of Military Expert Level workshops that cover the more CAC-relevant topics – a recommendation that is elucidated below.

3.1.2 – The OSCE SD's Military Expert Level Workshops

The Military Expert Level workshops that occur within the SD's framework represent perhaps the most critical way to build trust through dialogue between the uniformed personnel of OSCE members on how conventional force capabilities and postures shape risk perceptions. Since 2016, there have been at least 5 such workshops covering military capabilities, postures and exercises, though public information on the details and outcomes of such consultations is unavailable due to

⁶⁰ *Ministry of Foreign Affairs of the Russian Federation*, "Remarks by Acting Head of the Russian Federation Delegation Andrey Vorobyov at the OSCE Annual Security Review Conference (ASRC), June 24, 2020," 25 June 2020, accessed 2 August 2020 at https://www.mid.ru/en/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/4173812.

⁶¹ Nünlist, "The Uncertain Future of the OSCE Structured Dialogue."

⁶² Oleg Shakirov quoted in "Prospects of Conventional Arms Control in Europe," 18 May 2017.

⁶³ The most likely candidates here are the US, UK, Canada, Norway, Turkey, Poland and the Baltic states.

their confidential nature. Moving forward, the SD's Military Expert Level workshops should be directed towards **more deeply surveying the military capabilities and concomitant operational doctrines that OSCE states consider as *most destabilising and/or imminently dangerous***. A useful foundation on which to build here might be the common factual baseline about military capabilities, postures and doctrines that was established during the SD's Mapping Exercise between November 2017 and 2018.⁶⁴ Deepening and multiplying the frequency of the Expert Level workshop discussions on capabilities and postures could promote deeper understanding among OSCE states of their adversary's mindset on strategic matters, while also enabling important clarifications of the recent posture changes or modernisations plans that cause most alarm on the other side. It therefore carries strong potential to defuse misperceptions and increase confidence amongst parties. Nonetheless, there is also the risk that accusations come to dominate any sustained, in-depth discussion of divergent threat narratives. Success here will thus partly depend on deft diplomacy and intensive efforts within the SD to limit politicisation and navigate any such finger-pointing. It will also depend on the capacity of (and preparation by) official representatives to both help others better understand their state's domestic frames and reconcile the other's interests. Indeed, if open, honest dialogues on conflicting threat perceptions and interests were possible at the height of the Cold War confrontation, they should not be impossible now, either.

As a follow-on from these discussions, **the Military Expert Level workshops should increasingly explore whether and how these critical military capabilities could be restrained**. The objective here should not yet be to produce concrete risk reduction or CAC measures around these capabilities. Such a goal, though desirable, is probably unfeasible – not least because, as retired Russian General Evgeny Buzhinskiy attests, working out definitions for new weapons can take years,⁶⁵ let alone agreeing on mutually satisfactory limitations on them. Rather, a more modest aim could be to **find consensus across OSCE participating states on where the greatest challenges are with regards to developing relevant CSBMs for priority military capabilities**, and conversely those areas that might offer the best prospects for success in implementing stabilising steps. This process could entail discussing definitions for weapon categories not listed in the CFE, articulating state positions on the level of adequacy of existing arrangements and canvassing whether there exist agreements or codes of conduct limiting similar weapons and that might serve as a model. Ultimately, such a dialogue would be useful for developing concrete risk

⁶⁴ See "News and Events," OSCE Network of Think Tanks and Academic Institutions, accessed 25 July 2020 at <https://osce-network.net/coordinators-of-arms-control-and-csbms/news-and-events/>.

⁶⁵ Evgeny Buzhinskiy, "Back to Basics: Conventional Arms Control," *Security Community* 1 (2014), 9.

reduction measures and would lay important groundwork for a time when NATO-Russian relations improve and sufficient political space opens.

Finally, the Military Expert Level workshops should **increasingly devote attention to the issue of imminent risks emanating from hazardous military activities and incidents**.⁶⁶ It is essential to bolster the level of dialogue on this issue primarily because the likelihood of serious military escalation between NATO and Russia is, according to the Chairman of the Munich Conference on Security Policy, Ambassador Wolfgang Ischinger, “higher than ever before since the end of the Cold War.”⁶⁷ Future workshops could zero in on a mechanism for managing close military encounters, with sensitivity towards avoiding accusations over the alleged responsibility for specific previous incidents. For example, one topic that merits deliberation – and which Russia recently expressed a desire to discuss in the SD⁶⁸ – is coordinating the distance of closest approach for aircraft and ships. This might entail scoping similar de-confliction line practices agreed upon in other settings, which could serve as a model for military coordination in sensitive areas in the Baltic and Black Sea regions.⁶⁹

The primary objective of these discussions would be to lay the foundations for establishing narrow, military-to-military dangerous-incident arrangements between Russia and other European states – such as a code of conduct on the operation of air and maritime systems in international territory to prevent escalation or confrontation between Russia and the West.⁷⁰ These agreements as well as the process of arriving at them would help to reduce misunderstanding and introduce more stability into the NATO-Russian relationship, which in turn could enable a graduation to larger arms control negotiations – such as the modernisation of the VD. Indeed, to make any successor treaty and/or CSBM arrangement achievable, it is necessary to first find evidence that sufficient common ground can be found.⁷¹

⁶⁶ At least one expert-level workshop (occurring in May 2019) has covered a topic of this nature, with key note speakers from the US and Russian military. It discussed practical suggestions for reducing risks stemming from certain military activities including SNAP exercises, and current mechanisms for prevention and management of military activities that could lead to incidents. See “News and Events,” OSCE Network of Think Tanks and Academic Institutions; and, “Netherlands Chairs its First Meeting of the OSCE Structured Dialogue with Capital Representatives,” OSCE Press Release, 13 May 2019, accessed at <https://www.osce.org/chairmanship/419405>.

⁶⁷ Quoted in Ulrich Kühn, *Preventing Escalation in the Baltics: A NATO playbook*, (Carnegie Endowment for International Peace: Washington, D.C, 2018).

⁶⁸ *Ministry of Foreign Affairs of the Russian Federation*, “Remarks by Acting Head of the Russian Federation Delegation Andrey Vorobyov,” 25 June 2020.

⁶⁹ Such as that along the contact line in Syria. See Viktor Mizin, “Budushchee kontrolia nad vooruzheniiami v Evrope,” 129, 139., quoted in Engvall and Persson (ed.), “A Way Forward or Wishful Thinking?” 37.

⁷⁰ Gustav Gressel, “Under the Gun: Rearmament for Arms Control in Europe.”

⁷¹ Schulte, “Developing a New Approach to Conventional Arms Control,” 6.

3.1.3 – Multilateral Track 1.5 and 2 dialogues and initiatives

There is also a need for more multilateral non-governmental dialogues, focused on tailored aspects of the European CAC issue. Over the last 5 years, a handful of track 1.5 or 2 initiatives have taken place,⁷² including the 2018 seminars organised as part of the ELN-RIAC⁷³ project “Towards a more stable NATO-Russia relationship,”⁷⁴ the regular meetings of the international Task Force on Cooperation in Greater Europe,⁷⁵ and the workshops and reports of the Deep Cuts Commission.⁷⁶ Dialogues such as these, which bring together NGO experts and former military, diplomatic and political officials from Russia, NATO and the EU, are beneficial for numerous reasons. Firstly, under a de-politicised umbrella, they can strengthen communication networks among stakeholders and contribute to intersubjective understandings and greater strategic empathy,⁷⁷ potentially spilling over into official channels.⁷⁸ They are also critical in boosting public awareness of the issue, which, in turn, helps to build political momentum. Finally, they have a strong capacity to complement and enhance the work carried out in the OSCE SD by generating creative, well-informed ideas for inter-governmental work.

Accordingly, the European Union (EU) should increase its investment in similar civil service initiatives. This could include **establishing and funding a high-profile, bi-annual, multilateral Track 2 forum that focuses exclusively on European CAC and CSBM issues, combining conventional arms control experts and political or military representatives in an unofficial**

⁷² These include a Track 1.5 Conference in Berlin titled “Making Conventional Arms Control Fit for the 21st Century (September 2017), a brainstorming session organised by PIR Centre on “the Prospects of Conventional Arms Control in Europe” (April 2017), a conference hosted by Wilton Park on “Status-neutral cooperation security measures in the European context” (January 2017) and a conference titled “In Times of Eroding Cooperative Security – how to save Conventional arms control in Europe?” (June 2018).

⁷³ The ELN (European Leadership Network) is an independent, non-partisan, pan-European NGO with a network of nearly 200 past, present and future European leaders working to provide solutions to what it judges to be the gravest risks to Europe’s security. The RIAC (Russia International Affairs Council) is a non-profit academic and diplomatic think tank, which aims to facilitate Russia’s peaceful integration into the global community, partly by organising greater cooperation between Russian scientific institutions and foreign analytical centers/scholars on the major issues of international relations.

⁷⁴ European Leadership Network, “ELN-RIAC Seminar: Towards a more Stable NATO-Russia Relationship,” 17 July 2018.

⁷⁵ At the 2019 meeting of the Task Force on Cooperation in Greater Europe, experts discussed new threats to security in the Euro-Atlantic, challenges presented by emerging military technologies, and issues such as international cooperation in the current military-political situation. See “The Task Force on Cooperation in Greater Europe reflects on the challenges of emerging military technologies,” ELN Commentary, 28 May 2019, accessed at <https://www.europeanleadershipnetwork.org/networks/task-force/>.

⁷⁶ The Deep Cuts project involves a trilateral Commission of experts from the US, Russia and Germany. The project aims at actively participating in and contributing to the wider debate on weakened or non-functioning arms control regimes, conceptual improvements of existing stability mechanisms and a prospective analysis of destabilising developments.

⁷⁷ Strategic empathy can be defined as “a mental tool for understanding that gathers information on another actor with the sincere goal of completely understanding them and any situation through their eyes such that one can respond with perception in the advancement of the national interest. See John Dale Grover, “Strategic Empathy as a Tool of Statecraft,” *Center for the National Interest*, October 2016, 6.

⁷⁸ Aleix Nadal Campos, “Seizing Opportunities and Playing the Long Game: An EU Agenda for the Weapons of Mass Destruction Free Zone in the Middle East,” *Instituto Affari Internazionali- Next Generation Paper*, May 2020, 19.

capacity from across the OSCE area. It might also involve harnessing the capacity of the EU Non-Proliferation and Disarmament Consortium (EUNPDC), a European network of independent think-tanks and academic institutions created in 2010 to encourage political and security-related dialogue. As part of its mandate, the Consortium is expected to cover issues not only related to the non-proliferation and disarmament of WMD and their delivery systems, but also those related to conventional weapons.⁷⁹ In light of this mandate and the relevance of conventional arms control for the future of Europe's security, the EU could therefore mandate a programme of work within the EUNPDC that centres more explicitly on addressing challenges related to conventional weapons, including through a major annual conference or ad-hoc seminar for experts.

It would be important not to overload the agenda of these forums, and to **ensure that the topics they cover dovetail neatly with those of upcoming OSCE SD meetings so that their results seamlessly feed into and support the SD's work.** For example, either in the lead up to, in parallel with, or following the SD Military Expert Level workshop discussions on hazardous military activities, the Track 2 forum could identify possible responses to an incident involving Russian and NATO countries' air or naval forces, develop clear off-ramp procedures for interaction between crews and test how certain signals might be received, with the results and recommendations being eventually briefed at the Structured Dialogue and integrated into policy work more widely. Of equal value might be a series of regular, structured roundtable meetings convened to examine in-depth the CAC challenges associated with regulating emerging destabilising technologies (such as autonomous weapons systems, hypersonic strike systems and other such capabilities listed in Section 1.1), and pathways towards – at the very least – setting norms around their use in the Euro-Atlantic.⁸⁰ Once again, sifting ideas on tailored subjects in these types of settings may pay large dividends for when it comes to readiness for the next step in conventional arms control.

3.2 – Improve the US and Russia's cost-benefit ratio of subscribing to CAC

A second, related path towards halting and reversing the negative trend in Europe's conventional security landscape involves enhancing the US and Russia's perceived benefits of CAC activities, and lowering their perceived costs. Underpinning this recommendation is the assumption that these

⁷⁹ This mandate is detailed in both the 2010 and 2018 council decisions of the Council of the European Union. See Council of the European Union, "Council Decision (CFSP) establishing a European network of independent non-proliferation think tanks in support of the implementation of the EU strategy against Proliferation of Weapons of Mass Destruction," Brussels, 26 July 2010 (2010/430), Art. 1.2; and, Council of the European Union, "Council Decision (CFSP) promoting the European Network of Independent Non-Proliferation and Disarmament Think-Tanks", Brussels, 26 February 2018 (2018/299), Art. 1.2.

⁸⁰ For some of the challenges raised by modern conventional arms control, see also Hans-Joachim Schmidt, *Verified Transparency: New Conceptual Ideas for Conventional Arms Control in Europe*, Frankfurt-am-Main: Peace Research Institute Frankfurt, 2013, 14-25. See also Gressel, "Under the Gun: Rearmament for Arms Control in Europe," 29.

actors will be less reluctant to adhere to the existing CAC regime or effectively engage in a process towards a modern arms control regime when it is seen as “more necessary or more attractive” and at the same time “it is made less costly and challenging.”⁸¹ This recommendation applies to the entirety of Europe’s conventional arms control architecture, but it has particular relevance to salvaging the Open Skies Treaty – which some characterise as “the last island in the archipelago of conventional arms control treaties”⁸² – as discussed below.

While it is almost certain that the US withdrawal from the OST will take effect in late November (especially in light of Trump’s leadership proclivities and priorities), there is nonetheless a small window of opportunity to shift Washington’s calculus and incentivise it to remain in the treaty or, failing this, to lay the groundwork for a swift US return to the treaty (in the case where a new administration takes office in January 2021).⁸³ In order to incentivise a US return to the treaty, European parties to the OST should **launch a more public, coordinated appeal to the US that speaks out for the preservation of the agreement** – an approach that has been largely absent since the US’s withdrawal announcement.⁸⁴ Indeed, with greater unity and strength in numbers, Europe’s voice is more likely to carry weight and raise the US perception of the political costs associated with leaving the treaty.

Taking this perspective, a **series of joint, high-level EU statements that seek to persuade the US to remain a party to the OST is recommended**, in tandem with ongoing private diplomatic efforts and work to resolve Russian compliance issues (such as those outlined in Section 1.2). For example, ahead of the OST’s October Review Conference, a group of prominent Members and Supporters of the Pan-European Task Force on Cooperation in Greater Europe⁸⁵ could issue a co-signed Task Force Position Paper that appeals to the leadership of the countries in the Euro-Atlantic area, emphasising the enduring value of the OST and the need to preserve and ensure its full implementation. Meanwhile, European states that have already been active in promoting the OST and have strong incentives to ensure its continuation (such as Germany, Sweden and France) could lead in organising additional declarations in support of Open Skies. They could seek to attain even

⁸¹ Renaud Chatelus, “Limiting the Proliferation of WMD Means of Delivery: A Low-Profile Approach to Bypass Diplomatic Deadlocks,” January 2018, 5.

⁸² Vadim Kozyulin, “Open Skies Treaty: From Dusk to Dawn in Vienna,” Valdai Discussion Club, 11 August 2020.

⁸³ Even if Democratic Party presidential nominee Joe Biden (who has expressed support for the OST) is elected in November, a complicated process of US re-accession to the treaty would nevertheless result, with Washington having to sign an agreement to all decisions made by the advisory commission during the US absence.

⁸⁴ Aside from one joint public statement issued by 12 European governments in May 2020 that expressed regret for the US decision to exit the OST, there has been no coordinated appeals to the US in the public domain.

⁸⁵ This includes former foreign and defence ministers and senior officials from Russia, the UK, Turkey, Poland, Germany, Italy and Finland.

wider EU backing than the joint May Statement,⁸⁶ including by drawing on the Group of like-minded States.⁸⁷

The messaging of this campaign and, for that matter, any future entreaty should clearly highlight the treaty’s major benefits from a US perspective, alongside the likely ramifications of its withdrawal:

- Firstly, this entails emphasising the opportunity to prevent misperceptions and lower tensions with Russia, including through the vital and virtually sole remaining channel of military-to-military cooperation it provides with the US.
- Secondly, the Treaty’s relatively untapped value in terms of supporting international organisations. For this point to be more influential, the Group of like-minded states could convene meetings to detail the manifold ways in which the OST might be used to verify additional treaties and strengthen other bodies, such as the UN, the IAEA, the OPCW.
- Thirdly, the opportunity to demonstrate US solidarity and strengthen ties with its European allies, while preserving US credibility in honouring its arms control commitments and the sincerity of its calls for military transparency.⁸⁸
- Finally, the provision of tamper-proof, and thus incontrovertible, information that is otherwise unavailable to the US. While US reconnaissance satellites collect similar information to that acquired during OS observation flights, the short-notice obligation permitted by such flights increases the odds that they capture an accurate assessment of military assets (unlike satellite overpasses), plus OS aircraft can “double back” and provide more comprehensive imagery than can fixed-orbit satellites.⁸⁹

Countering the US perception that the Treaty undermines its national security may prove more difficult, especially as recent remarks by US military officials lend credibility to such arguments.⁹⁰ Nevertheless, **small steps can be taken to emphasise that what Washington obtains is outweighed by what Moscow learns through the treaty.** For example, European states could more consistently highlight statistics that reveal the far greater number of times the US has

⁸⁶ See French Ministry of Foreign Affairs, “Statement of the Foreign Ministries of France, Belgium, Czech Republic, Finland, Germany, Greece, Italy, Luxemburg, Netherlands, Portugal, Spain and Sweden on the Announcement by the US to Withdraw from the Open Skies Treaty,” 22 May 2020.

⁸⁷ Richter, “Attack on the Open Skies Treaty,” June 2020.

⁸⁸ On this point, see Timothy Wright, “Open Skies, Closed Minds?” *IJSS Military Balance Blog*, 10 June 2020, accessed at <https://www.ijss.org/blogs/military-balance/2020/06/us-withdrawal-open-skies>.

⁸⁹ Alexandra Bell and Anthony Wier, “Open Skies Treaty: A Quiet Legacy Under Threat,” *Arms Control Today*, January/February 2019.

⁹⁰ See the remarks of then-Defence Intelligence Agency Director General Vincent Stewart in Joe Gould, “Pentagon Official Decries Russian Flights Over US,” *DefenceNews*, 2 March 2016.

conducted OS flights over Russia than Russia over the US.⁹¹ Additionally, more rigorous attempts could be made – for which the non-governmental sector may be better positioned – to rebuff the Trump Administration’s allegations of Russian spying via the OST. For example, key NGO aerospace or imagery experts from across Europe could co-write an authoritative technical brief on the implausibility of Russia espionage given the limited resolution of Open Skies sensors, the joint nature of the data collection method and the established procedures for data processing.⁹²

Concurrently, steps must be taken to ensure Moscow does not conclude that it has few incentives to remain in the Treaty without the US. Accordingly, in the lead up to the October OST Review Conference, European parties should more vociferously express their interest in preserving the OST, while emphasising major OS advantages from the Russian perspective in their interactions with Moscow. These include Russia’s continued insights into Western strategic planning and ability to reconnoitre European states and Canada – which together currently account for more than 87 percent of Russia’s active quota flights.⁹³ Undoubtedly, the resumption of flights between Russia and Georgia (brought about through proposals such as those outlined in Section 1.2) would also significantly increase Moscow’s perception of the relevance of Open Skies, and the benefits of remaining in the Treaty. Finally, European states and Canada should issue a strong public statement pledging not to share treaty data with non-parties in the event of a US exit, though it is not certain such a promise would sufficiently assuage Moscow’s concerns about US allies transferring OST information about Russia to Washington.⁹⁴

Conclusion

Amidst the current political-military climate, shoring up Europe’s crumbling conventional arms control architecture presents a formidable challenge. Nonetheless, a renaissance of conventional arms control remains conceivable in the medium to long term provided that concerted, collective effort is channelled towards fostering the necessary conditions for productive consultations on a new or updated CAC framework. These conditions predominantly relate to re-establishing lost trust, defusing escalation, and altering the US and Russia’s cost-benefit calculus regarding the

⁹¹ For example, up until 2016, the US had flown over Russia around 200 times, while Russia over the US only 70 times. See *US Department of State*, “Key Facts about the Open Skies Treaty,” Fact Sheet, Bureau of Arms Control, Verification and Compliance, 6 June 2016.

⁹² See for example, Graef, “The End of the Open Skies Treaty,” 6 July 2020.

⁹³ Alexander Graef and Moritz Kütt, “Visualising the Open Skies Treaty,” 27 April 2020, accessed 20 July 2020 at <https://openskies.flights>.

⁹⁴ As senior VCDNP fellow, Nikolai Sokov, explains, “The US will continue to enjoy full access to data NATO will collect over Russia. I simply cannot fathom a situation when all European NATO states will deny Washington the data they have at their disposal. Some might, some will not under any circumstances.” Quoted in Faizan Hashmi, “US Exit from Open Skies Unlikely to Severely Damage Treaty’s Value for Remaining Parties,” *UrduPoint*, 7 July 2020.

utility of CAC. Accordingly, this report has called Europe to act in an increasingly animated and coordinated manner – whether to express consternation over the US exit from the Open Skies Treaty or to convince Russia of the overwhelming advantages in remaining a state party to OST. It has also called for a balance between informal, confidential, high-level OSCE SD meetings (with a recalibrated scope, limited to topics that pertain directly to CAC and interstate tensions of a politico-military nature), and unofficial, multilateral Track II initiatives focused on carefully chosen, complementary topics.

Over the following year, pending the political momentum established and the outcomes attained through the aforementioned activities, the West should begin opening additional channels of communication with Moscow. Insisting on penalising Russia for annexing Crimea and breaking international law and the Helsinki principles is understandable; however, there is little reason to believe that the current suspension in the EU’s high-level dialogue and NATO’s working group-level dialogue will compel Russia to reverse such policy decisions or return to compliance with current CAC agreements. Nor is there merit to the idea that by resuming such dialogue, the West is softening its principles and political position or legitimising Russia’s past behaviour.⁹⁵ Rather, a resumption of wider dialogue with Moscow could, for example, be emphasised as demonstrating support for NATO’s Warsaw Summit declaration which commits to conventional arms control⁹⁶ and signalling resolve to reinstall the principles of the European security order, of which conventional arms control is recognised as a cornerstone.⁹⁷ In practical terms, reinstating these dialogues would widen the scope for reducing misunderstanding by addressing factors that fuel instability in Russia’s relationship with the West. This, in conjunction with the small, stabilising steps offered in Section 3, may provide fertile ground for substantive, effective engagement across the Euro-Atlantic on a new or modified CAC framework.

⁹⁵ Petri Hakkarainen and Christian Nünlist, “Trust and Realpolitik: The OSCE in 2016,” *CSS Policy Perspectives* 4, No. 1 (January 2016), 2.

⁹⁶ NATO Warsaw Summit Communiqué, 9 July 2016, Art. 69, accessed at https://www.nato.int/cps/en/natohq/official_texts_133169.htm.

⁹⁷ Richter, “The Stabilizing Role of Conventional Arms Control,” 13.

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