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## ADAPTING THE CFE TREATY TO NEW REALITIES AND CHALLENGES

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*By Craig Gordon Dunkerley*



*Since its inception, “CFE (Conventional Armed Forces in Europe) has become both a process and a venue for continuous dialogue on the security concerns of its participants and, whenever possible, cooperative solutions,” says Dunkerley, Special Envoy for CFE. “This dynamic within CFE — between reinforcing stability and addressing change — will remain one of its greatest strengths.”*

**“AT A TIME WHEN WE ARE TRYING TO END A PATTERN OF ESCALATING INSECURITY, BRUTALITY, AND ARMED CONFLICT IN THE BALKANS, I AM GRATIFIED THAT THESE 30 COUNTRIES, COMPRISING THE VAST MAJORITY OF EUROPEAN NATIONS, ARE MOVING IN A DIFFERENT DIRECTION. TOGETHER, WE ARE BUILDING A EUROPE IN WHICH ARMIES PREPARE TO STAND BESIDE THEIR NEIGHBORS, NOT AGAINST THEM, AND SECURITY DEPENDS ON COOPERATION, NOT COMPETITION.”**

President Bill Clinton

Since early 1997, negotiations have been under way in Vienna to update the CFE Treaty to take account of dramatic changes throughout Europe since the treaty was originally signed in 1990. These negotiations, taking place among the 30 States Parties within the CFE Joint Consultative Group (JCG), are intended to preserve the treaty’s critical benefits, even while establishing a new structure of limitations providing increased stability and transparency.

Conceived and concluded during the final years of the Cold War, the CFE Treaty has been a landmark in defining Europe’s post-Cold War military environment. Under CFE, conventional force levels in Europe are at their lowest levels in decades. The treaty has capped the ground and air combat equipment holdings of the major conventional armies in Europe, those of the members of NATO and of the former Warsaw Pact within the treaty’s area of application, running from the Atlantic Ocean to the Ural Mountains. Through its

ceilings and extensive information exchange, CFE has ensured unprecedented predictability and transparency with regard to future military holdings. To accomplish the substantial reductions required by this treaty, the States Parties have completed the destruction, or conversion to non-military uses, of more than 53,000 pieces of heavy military equipment, including tanks, armored combat vehicles, artillery pieces, combat aircraft, and attack helicopters. To verify this process, these countries have conducted and accepted, on short notice, nearly 3,000 intrusive on-site inspections.

But during this time fundamental political change has continued as well. Since signature of the CFE Treaty in November 1990, the Warsaw Pact has disappeared, the Soviet Union has dissolved, and the North Atlantic Alliance has been transformed and enlarged. The number of parties to the treaty has grown from the original 22 signatories to 30 sovereign states, as a result of the dissolution of the USSR. Not least, the nature of the immediate security challenges that Europe faces has evolved significantly since the past period of Cold War confrontation, even as new opportunities for cooperative action among nations in meeting these challenges have multiplied.

And so the foremost task for policymakers and negotiators in recent years has become both to maintain and to modernize CFE for the coming new century — or in the words of NATO’s North Atlantic Council, to ensure the treaty’s longer-term effectiveness by adapting it to new security realities.

On March 30, 1999, negotiators in Vienna took a major step forward in that effort. In a special decision, the CFE Joint Consultative Group agreed on solutions to some of the toughest adaptation problems. The substance of this agreement, and of earlier progress within the negotiations, was based in large part on proposals that NATO members have put forward over the past two years to update and strengthen all major aspects of the treaty. These have included:

— Replacement of the current two-group structure within the treaty, originally established to maintain a balance of forces between NATO and the Warsaw Pact, by a system of individual national ceilings on major ground and air combat equipment, more appropriate to today's European security landscape.

— Replacement of the current treaty's structure of geographical zones with a more constraining series of nationally based territorial ceilings on ground combat equipment, together with the necessary flexibilities for each State Party to temporarily exceed those limits for peace support operations mandated by the United Nations or the Organization for Security and Cooperation in Europe (OSCE), exercises, or temporary deployments.

— Reconciliation with this new treaty structure of the legally binding substantive constraints of the "Flank" regime within CFE, aimed at preventing destabilizing concentrations of forces in both the North and South of the treaty's area of application, even while allowing for modest flexibilities in light of changing circumstances in the region.

— Reinforcement of the right of States Parties to decide whether to permit foreign military forces on their territory through the workings of the treaty's new structure of limits and flexibilities. (This will, among other things, require withdrawal of Russian military forces from Moldova and reductions in their troop levels now in Georgia).

— Enhancement of the treaty's provisions for verification and information exchange to enable the States Parties to have undiminished confidence in future compliance with these new and more demanding limits.

— Opening the adapted treaty, upon its entry into force, to voluntary and case-by-case accession by other European states. (Europe's traditional "neutrals," the Baltic states, and the successor states of the former Yugoslavia are not currently party to the original CFE.)

At the same time, individual States Parties have set out projected levels for their future national and territorial ceilings under an adapted CFE Treaty. For many of them, this would involve reductions in their permitted levels in two or more categories of Treaty-Limited Equipment. (In light of the drastic change in circumstances from the 1980s to the present, for example, the United States proposes to cut by more than 50 percent the number of tanks it has been permitted to have in Europe under the treaty. This does not imply a major change to the United States' actual military presence, but rather recognition that original CFE-permitted levels need to adjust to a new security environment.)

Additionally, some States Parties are prepared to commit politically, through national statements, to additional individual obligations or restraints in the context of a satisfactorily adapted treaty and comparable restraint from other Parties. Such Central European countries as the Czech Republic, Hungary, Poland, and Slovakia, as well as Germany, Ukraine, and Belarus, are prepared to forego use of treaty mechanisms to increase their future territorial ceilings under such circumstances. In addition to its other treaty obligations, the Russian Federation is likewise prepared to pledge additional restraint with regard to its future levels and deployments in regions immediately bordering the Baltic States.

For the United States and its allies, this approach will preserve NATO's ability to fulfill its post-Cold War political and military responsibilities, while keeping the alliance free to pursue enlargement as well as deeper engagement with cooperation partners, including the Russian Federation and others. While preserving necessary operational flexibility — such as the right to deploy equipment temporarily to the territory of an ally in a crisis — the emerging agreement's web of new national and territorial limits will be significantly more constraining than the structure of the current treaty. For all countries, including the Russian Federation, an

adapted treaty along these lines will bring greater predictability, transparency, and restraint to the overall military picture.

That this critical negotiating progress on the future rules of Europe's conventional military environment was achieved in the spring of 1999 — even in the midst of sharp political disagreement between members of NATO and the Russian Federation over events in Kosovo — reflects the importance that all participating states attach to maintaining and strengthening CFE. It is also evidence of the degree to which adaptation is seeking to address the legitimate security concerns of all States Parties.

On the basis of this JCG Decision on March 30, the immediate goal of the negotiators in Vienna is to have an adapted treaty ready for signature by the OSCE Summit in Istanbul in mid-November — a target first advanced by President Clinton with President Yeltsin in the fall of 1998 and subsequently endorsed by all 30 CFE States Parties in December 1998.

But much still needs to be done. There are tough decisions ahead for all parties. Translating the work done thus far, and the underlying political agreements, into legal treaty text is a major task. Important details are still open — especially if we are to secure the necessary transparency this future CFE regime will require. No less critical are the continued efforts of the United States and its allies to ensure the full and timely implementation of all existing CFE obligations under the current treaty and its associated documents. Implementation is the foundation on which successful adaptation can go forward.

Looking further ahead, work on CFE will not end at Istanbul. From its inception, CFE has become both a process and a venue for continuous dialogue on the security concerns of its participants and, whenever possible, cooperative solutions. This dynamic within CFE — between reinforcing stability and addressing change — will remain one of its greatest strengths. ●