

CHAPTER SEVEN

Reconciling Limitations *on Non-Strategic Nuclear Weapons, Conventional Arms Control, and Missile Defense Cooperation*

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Turning missile defense into a cooperative U.S.-NATO-Russian enterprise and resuscitating a conventional arms control regime in Europe remains intimately connected with the overall state of relations between Russia and the United States as well as Russia and NATO. This reflects an ironic truism: when arms control and military cooperation are most feasible, they are least needed; when they are most needed, they are least feasible. When relations are good or improving, finding common ground grows easier, but the urgency of doing so also diminishes. When deteriorating relations constrains military competition, progress becomes more difficult. Hence, it is no small matter that transforming U.S. missile defense plans from a source of U.S.-Russia friction into an important area of cooperation has brightened because the tenor and character of the overall relationship has improved markedly since 2008. Similarly, although salvaging the CFE treaty or some facsimile is dimmer, what optimism exists derives largely from the evolution of Russia's sour, friction-laden relationship with NATO into the tentative engagement of the post-2008 period, with its accent on small cooperative steps.

The intimate connection tying the larger political context to the prospects for missile defense cooperation and conventional arms control, however, constitutes only the first and most general way that different but key dimensions intersect. The fate of missile defense cooperation and conventional arms control is also inter-linked with developments in other military spheres, much like the symbolic rings of the Olympic Games. These other spheres include, in particular, outcomes surrounding non-strategic nuclear weapons (NSNW), nonproliferation efforts, and nuclear disarmament. The scope of the problem facing efforts to build a common missile defense system and, even more so, the obstacles standing in the way of conventional arms control in Europe cannot be addressed effectively or perhaps at all without coming to terms with the way these issues overlap.

CHAPTER SEVEN: KEY FINDINGS

- ▶ The fate of missile defense cooperation and conventional arms control is inter-linked with developments in other military spheres, much like the symbolic rings of the Olympic Games. These other spheres include outcomes surrounding NSNW.
- ▶ The scope of the problem facing efforts to build a common missile defense system and, even more so, the obstacles standing in the way of conventional arms control in Europe cannot be addressed effectively or perhaps at all without coming to terms with the way these issues overlap.
- ▶ How U.S., Russian, and NATO policymakers view the connections and create linkages among them will decide whether and what form cooperation on missile defense takes and how conventional arms in Europe are managed. Poorly chosen linkages become an obstacle to progress, as do dueling linkages that set one side against the other. In contrast, well-conceived linkages that respect the natural connections among issue areas are essential if progress on missile defense and a safer, more stable military balance in Europe are to be achieved.
- ▶ Of the three issues the one that suffers the deepest imprint from context is the future of U.S. and Russian NSNW. But it is also the central “ring” joining nuclear and conventional arms control. Unless it is addressed successfully, progress in either of the other two areas has limited prospects.
- ▶ With respect to conventional arms control, good reasons exist for making more effort to keep intact the core benefits of the Conventional Forces in Europe (CFE) regime, along with those of its critical auxiliaries—the Open Skies Treaty and the Vienna Document’s Confidence- and Security-Building Measures (CSBMs), which have continued to function despite the dispute over the CFE Treaty. Any approach will require greater political investment and flexibility by all parties, which involves a mutual willingness to discard preconditions and linkages that have precluded both creativity and progress.
- ▶ Unlike the other two spheres, the idea of missile defense cooperation has a certain momentum, with national leaders in Washington, Moscow, and within NATO appearing more determined to succeed. Indeed, the momentum and determination have significantly raised the stakes for all sides: failure to capitalize will be a significant and broad setback in Euro-Atlantic security, whereas success will surely create a more positive context for progress on broader nuclear issues and efforts to advance conventional arms control.
- ▶ Several general propositions emerge when one steps back and contemplates what unites the three areas:
 - ▶ First, the single largest impediment on achieving constructive, stabilizing outcomes in all three instances is the burden of mistrust. Unless policymakers make a first-order priority to put their minds to devising concrete steps aimed at eroding existing levels of mistrust, the other elements in their negotiating packages will not go very far very fast.
 - ▶ Second, whether one devises a strategy that links aspects of the different issue areas or simply acknowledges their existence, progress in each issue area likely depends on parallel developments in one or more of the other areas.
 - ▶ Third, for at least two of the three issue areas—missile defense and NSNW—any arrangement will have to consider relevant third-country factors, whether China, Iran, or Pakistan.
 - ▶ Fourth, for all the technical and operational obstacles impeding agreement in all three areas, at the end of the day, any agreement ultimately depends on political will. That has been the single most important missing factor in all three cases and it remains a vital uncertainty looking ahead.

This basic proposition, however, leads to another that bears still more directly on achieving agreement on ballistic missile defense and conventional forces in Europe. The overlap among these issue areas is one thing; what the different sides make of the interconnections is another. How U.S., Russian, and NATO policy-makers view the connections and create linkages among them will decide whether and what form cooperation on missile defense takes and how conventional arms in Europe are managed. Poorly chosen linkages become an obstacle to progress, as do dueling linkages that set one side against the other. In contrast well-conceived linkages that respect the natural connections among issue areas are essential if progress on missile defense and a safer, more stable military balance in Europe are to be achieved. It is the harmful versus helpful interplay of the linkages drawn by Russian and U.S. officials that forms the analytical basis for what follows.

KEY CONTRASTS

At a basic level, the three issues differ considerably. Missile defense cooperation has not only acquired a political momentum that the other two lack, it would now be a “game changer.” That is, beyond offering a better answer to an intrinsic problem, a mutually acceptable, cooperative approach to Euro-Atlantic missile defense is capable of transforming the general character of Russia’s relations with the Western powers. In his March 2011 speech to Moscow University students, Vice President Joseph Biden used this language, predicting that collaboration on missile defense “will be a game-changer if we can get it done.”¹ NATO Secretary-General Anders Fogh Rasmussen, a year earlier, stressed that “the more that missile defense can be seen as a security roof in which we all have a share, the more people from Vancouver to Vladivostok would know that they were part of one community.”² If missile defense becomes a common enterprise, the ulterior motives that Russians attribute to U.S. missile defense plans would have to be rethought and their NATO threat analysis recalibrated. NATO members would have to leaven their lingering mistrust of Russia with a new readiness to work with Russia on a key element of NATO security. Sovereign responsibility for national security may be the reigning principle, but missile defense cooperation will inevitably entail striving for mutual compatibility and a positive dependency if it is to have any practical meaning.

In contrast, although conventional arms control in Europe is important for both Russia and NATO, and at various points national leaders on both sides have

1. Vice President Joseph Biden (remarks at Moscow State University, March 10, 2011), The White House, Office of the Vice President, <http://www.whitehouse.gov/the-press-office/2011/03/10/vice-president-bidens-remarks-moscow-state-university>.

2. Anders Fogh Rasmussen, “Building a Euro-Atlantic Security Architecture,” (speech to the Brussels Forum, March 27, 2010), http://www.nato.int/cps/en/natolive/opinions_62395.htm.

urged renewed efforts to salvage the imperiled CFE Treaty, the issue has neither the political momentum nor the priority of missile defense cooperation. Rather than being treated as a game changer—a role it probably could not play even if it were made a priority—conventional arms control in Europe remains a problem that, if ill-managed, risks creating real dangers in some distant future, but that the parties have neither the wit nor will to get an adequate grip on now.

Dealing with NSNW is still again different. Despite the obstacles that impede agreement on missile defense and the lethargic progress on conventional arms control, both sides claim a readiness to engage one another. Not so in the case of NSNW. Up to this point, Russia has shown no interest in responding to Western entreaties. This reluctance—indeed, among some powerful Russian players who adamantly oppose any thought of discussing the matter—creates a fundamentally different starting point from that in the other two cases.

At another level, however, all three issue areas have in common an important contrast. The ostensible concerns motivating each country sometimes obscure the deeper factors at work, or more often reveal only half the story. For example, in the case of NSNW, the United States and NATO emphasize Russia's large advantage in the number of its weapons and their deployment near Baltic borders, but behind this concern looms the challenge of finding a solution that does not compromise the United States' nuclear guarantee to Europe or NATO's readiness to share the nuclear burden. Russia stresses the threat posed by nuclear weapons deployed outside national borders, but its real worries are centered on an incipient Chinese military threat, NATO's military superiority, and the Alliance's ever-nearer presence on Russian borders.

In the case of the CFE Treaty, the United States and NATO insist that the key issue is Russian forces on foreign territory without host-nation consent and the loss of transparency as the result of Russia's 2007 decision to suspend compliance with the treaty's monitoring and verification provisions. These, indeed, represent genuine concerns, but they are part and parcel of a larger frustration over Russia's role in the region's protracted conflicts. Russia, conversely, faults NATO for failing to ratify the Adapted Conventional Armed Forces in Europe Treaty (ACFE), the Baltic States' escape from its provisions, and the unequal effect of the treaty's flank limitations. But, again, the deeper impulses behind Russia's stance trace back to anger over NATO's evolving posture and capabilities.

In the case of missile defense, the gap between publicly stated concerns and deeper impulses is less conspicuous. U.S. defense planners want to avoid involvements with Russia—or for that matter, within NATO—that risk delaying or unduly complicating the initial stages of the European Phased Adaptive Approach (EPAA). In some circles, however, and certainly among some NATO members, the wariness takes a harsher form; they worry either that Russia wants cooperation only to constrain or undermine progress on missile defense or that it seeks to draw the United States into arrangements that would give Russia an exclusive right to

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defend territory contiguous to its borders. Russian leaders, in turn, claim they are not convinced that later stages of the United States' phased adaptive approach will not threaten Russia's nuclear deterrent. In fact, however, Russian apprehensions appear to run much deeper, and reflect lingering suspicions that EPAA and its global extension are simply a piece of a broader U.S. program designed to create a usable defense against Russian strategic missiles and thereby achieve U.S. nuclear superiority over Russia. More immediately, they also harbor a suspicion that the United States wants to put in place missile defense in order to create a shield permitting it, at some point, to launch major military actions against Iran.³

Thus, when assessing what might come of missile defense cooperation or conventional arms control in Europe, context matters. Both the way one sphere intersects another and the effect of each side's deeper, unarticulated concerns compose a context that further complicates the already difficult detail swirling about these three issues.

NON-STRATEGIC NUCLEAR WEAPONS (NSNW)

Of the three issues, the one that suffers the deepest imprint from context is the future of U.S. and Russian NSNW. But it is also the central "ring" joining nuclear and conventional arms control. Unless it is addressed successfully, progress in either of the other two areas has limited prospects.

What gives NSNW prominence now, however, has less to do with the intrinsic threat they pose to a safer and more stable U.S.-Russian nuclear balance or the risk they raise of greater crisis instability in Europe. The reasons are more fundamentally political. In the United States those who see U.S. military strength as reason to give no quarter to the Russian side and certainly no reason to tolerate the asymmetrical advantage Moscow has in NSNW have made eliminating this advantage a key requirement for any further nuclear arms control progress. NATO's new Strategic Concept also sets it as an objective, presumably because the asymmetry in numbers casts a political shadow over its newest members. On the Russian side, making national basing the ultimate standard has less to do with the threat Russian military planners see in NATO's Dual Capable Aircraft (DCA) and B-61 gravity bombs—neither of which in combination figure in operational war plans—but rather with a determination to roll back NATO's swelling profile.

The primary obstacle hindering an agreement on limiting NSNW is not the asymmetry in numbers but the asymmetry in stakes. For the United States, the principal value of having approximately 200 B-61 nuclear bombs forward-based in reportedly five European countries is political and symbolic. They serve as a physical measure of the United States' good faith nuclear guarantee to its European

3. Private conversation with a senior official in the Russian Foreign Ministry, October 19, 2010.

Allies, even if they add little or nothing to the other nuclear capabilities by which the United States would make good that guarantee. When mated with Allied DCA, they also represent a tangible expression of the European Allies' role in NATO's nuclear defense.

Russia's stake in its arsenal of NSNW, in contrast, appears to be principally military. Russian defense planners see them as a potential force enhancer (and deterrent) compensating for conventional force inferiority.⁴ That is, they are assigned the role of deterring or blunting a conventional attack were Russia's conventional forces overwhelmed on the battlefield. Second, they are viewed as critical to the selective or tailored use of nuclear weapons in the event of war and, hence, an important means of controlling escalation—a mission Russian military strategists label “nuclear de-escalation.”⁵ Third, they are embraced as the best available response to the United States' stand-off conventional attack capabilities (i.e., U.S. conventional ballistic and cruise missiles guided by space-based intelligence and information systems). And, fourth, they are seen as a legitimate counterpart to the short- and medium-range nuclear weapons held by third countries.

The heart of the problem created by asymmetrical stakes leads back to the “Olympic rings”—the entangled relationship among issue areas. Virtually every military mission assigned to Russian NSNW, even when these weapons are a poor second-best solution, is driven by Russia's conventional military inferiority and its apprehensions over modernization plans for U.S. strategic forces and prompt conventional global strike capabilities. NSNW may be an anachronistic and implausible remedy for the disparities Russian defense officials fear, but as long as they view their own situation as so disadvantaged when it comes to a prospective conflict with NATO—however improbable this may be—they will not easily put these weapons on the table. Nor are they likely to divorce any agreement to limit them from constraints placed on potential U.S. conventional counterforce capabilities.⁶

The United States with its NATO Allies, conversely, freed from the military anxieties that prevailed during the Cold War, understandably have less reason to cast these weapons in terms of the overall military balance between Russia and NATO and to focus instead on their political and broader security implications. Here too the “rings” intersect, but the overlap is more with the nuclear than the

4. These and the other military uses listed here come from Alexei Arbatov, Vladimir Dvorkin, Sergey Oznobishchev and Alexander Pikaev, *NATO-Russia Relations: Prospects for New Security Architecture, Nuclear Reductions, CFE Treaty*, (MEMO RAN, 2010), 34-35.

5. For partially conflicting views of this role's current standing, see Andrei Zagorsky, “Russia's Tactical Nuclear Weapons: Posture, Politics and Arms Control,” *Hamburger Beiträge zur Friedensforschung unter Sicherheitspolitik*, February 2011, 24-26, and Arbatov, “Gambit or Endgame?,” 6.

6. This, however, begs the question of why Russia insists on holding a disproportionately large number of these weapons when a far smaller number would be sufficient to meet their putative mission.

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conventional. In the first instance, the nuclear realm involves the United States and NATO's own anachronism: the felt need to preserve extended deterrence. NATO Europe's nuclear protection in this form can, at this juncture, only be intended for a potential Russian threat. This is something well-reflected in the fear of Baltic state leaders that a decision to remove the B-61 gravity bombs from Europe will be read in Moscow as a weakening U.S. security guarantee.

Undistracted by worries over trends in core military areas, the United States emphasizes instead the danger of nuclear proliferation posed by NSNW. As a result, prominent voices in the West—far more than their Russian counterparts—view these weapons from the perspective of their vulnerability to theft or unauthorized use.⁷ Both their forward basing and at times questionable security are thought to make them easier targets for terrorists; their characteristics (lighter and possibly with fewer locking devices) are thought to make them more attractive to terrorists. Here too an interconnection exists, but with the broader realm of nuclear proliferation and with a priority altogether different from that of Russia.

Two factors further complicate a way forward: first, Russian leaders have dismissed any chance of discussing the issue until they are persuaded that the United States takes seriously Russian concerns over missile defense, conventional arms in Europe, and conventionally armed strategic missiles. Whether this is simply a maximum opening bid or a way of closing the door to negotiations, their stance clouds any prospective engagement. So does the conviction in influential U.S. political quarters that the Russians want these weapons, not because they are genuinely concerned about the military balance with NATO, but because they cling to a handy instrument by which to intimidate their new neighbors. To the degree that it influences the way that the United States frames the issue, it too will waylay progress. Both factors impinge on possible approaches to the challenge posed by NSNW, heavily influencing the chances of each.

CONVENTIONAL ARMS CONTROL AND THE CFE TREATY

In no sphere are the effects of negative or “dueling” linkages more damaging than in managing conventional arms in Europe. Framing the issue as each side has, brought the regime created by the Soviet Union and NATO in 1990 to near collapse. Since May 2011 the painful, unproductive last-ditch effort to save in some form conventional arms control in Europe has simply stopped. If the pause while the sides rethink their positions yields only further paralysis, the loss will lie tangled in the interplay of the two sides' grievances and demands. The simple overshadowing virtue of the original CFE Treaty was to “prevent dangerous con-

7. See, for example, Sam Nunn, “NATO, Nuclear Security and the Terrorist Threat,” *The International Herald Tribune*, November 16, 2010.

centrations of military forces, and to inhibit the potential for launching surprise attack”—the essence of a system designed to eliminate the gravest danger inherent when opposing armies remain in place.⁸

Admittedly this achievement seems less compelling when one of the two opposing military alliances has disintegrated and its Russian core has been left but a shadow of its former self, while the other alliance has voluntarily shrunk its military holdings to levels that are roughly 50 percent of what it could have under the CFE Treaty's terms. As a result, each side has felt free to indulge its frustrations over broader political issues, underscoring once more the link between the overall state of relations and the prospects for arms control noted at the outset.

For Russia the formal reason for delaying the process has been the six preconditions first laid out at the Vienna CFE review conference in June 2007: (1) an end to the flank limitations on Russian forces; (2) ratification of the 1999 ACFE Treaty by the United States and other NATO parties to the treaty; (3) the formal acceptance of the treaty by the Baltic States; (4) a mutually acceptable clarification of NATO's pledge in the 1997 NATO-Russian Founding Act not to station “substantial combat forces” in the new member states; (5) the rollback of force levels in Romania and Bulgaria to compensate for the imbalance created with their entry into NATO; and (6) a commitment to begin negotiating the transformation and modernization of the ACFE immediately after it enters into force.⁹

The deeper, more visceral linkage, however, has always been NATO expansion and Russian apprehensions over the open-ended nature of NATO's further evolution. Hence, while Russia's preconditions—only momentarily softened in response to the compromise “parallel actions package” that NATO offered in 2007 and 2008 (discussed below)—constituted for much of the period after 2007 the immediate bar on progress from the Russian side, the real obstacle resided in the political realm, where a more diffuse set of developments matter, such as NATO's evolving self-identity, including its new Strategic Concept, the dynamic within the NATO-Russia Council, and the course of U.S.-Russian relations.

For their part, the United States and its NATO partners have also linked the fate of the ACFE Treaty to political concerns that reach beyond the immediate scope of the treaty. Long before the 2008 Russo-Georgian war and the impasse created by the redeployment of Russian forces into Abkhazia and South Ossetia, NATO

8. Anne Witkowsky, Sherman Garnett, and Jeff McCausland, “Salvaging the Conventional Armed Forces in Europe Treaty Regime: Options for Washington,” *Brookings Arms Control Series*, Paper 2, (March 2010), 4, http://www.brookings.edu/papers/2010/03_armed_forces_europe_treaty.aspx.

9. These have been articulated by Russian officials in several forms before and after the 2007 Russian decision to suspend the treaty, but the most official version is in the announcement issued at the time of the decision to suspend the treaty. (See Information on the Decree, “On Suspending the Russian Federation's Participation in the Treaty on Conventional Armed Forces in Europe and Related International Agreements,” President of Russia, July 14, 2007, <http://archive.kremlin.ru/eng/text/docs/2007/07/137839.shtml>.)

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members had made the 1999 supplementary Russian undertaking to remove its remaining troops and equipment from Georgia and Moldova a prerequisite for ratifying the adapted treaty.¹⁰ Although the continued presence of Russian forces in these regions is obviously relevant to the principle of host-nation consent contained in the original treaty and, in the case of the Georgian territories, to the limits placed on Russian treaty-limited equipment (TLE) in the southern flank, from the start the issue had as much to do with U.S. and NATO's objections to Russia's role in the separatist conflicts and Russia's perceived manipulation of the troop issue to pressure the Georgian and Moldovan governments. By linking the fate of the adapted treaty to these protracted conflicts, a related but separate matter, they not only placed the treaty in indefinite limbo, they also opened the process to the deeper paralysis produced by the 2008 war.

True, had NATO countries kept these issues separate and ratified the adapted treaty, Russian leaders could still have insisted on their remaining preconditions. Separating these issues, however, would have meant facilitating the removal of residual Russian arms and troops by trying harder to achieve progress on the protracted conflicts, rather than the other way around—an approach that would have created a sound basis for addressing the far more portentous post-2008 Georgian problem, while giving the adapted treaty a chance it otherwise lost. Instead the treaty is close to becoming a dead letter, and the uninspired task of the day has become how to achieve a “soft landing” as it dies, notwithstanding the earnest effort on the part of some Obama administration officials to coax the various sides to come up with new ideas.

Before considering how these negative linkages might have been overcome or, indeed, with sufficient political will could still be overcome, it is worth contemplating the reasons for making the effort. They fall into different categories, and, when added together, the ensemble deserves a much higher priority than Moscow, Brussels, or Washington has given them.

- ▶ First, as noted earlier, the seminal achievement of the original CFE agreement was to deny either side the ability to concentrate forces on a scale making a surprise attack feasible. However unfavorable the Russians may find the overall ratio of NATO to Russian forces today, were the treaty or its equivalent preserved, this benefit to Russia would be as well.
- ▶ Second, the combination of transparency and constraints produced by data exchange, the regular presence of inspectors at military exercises, and the limits on the number of tanks, artillery, combat aircraft, armored combat vehicles,

10. President Bill Clinton announced at the November 1999 Istanbul OSCE conference where the adapted treaty was approved that he would not submit it for Senate review until Russian troops were gone. (See Jeffrey D. McCausland, *The Future of the CFE Treaty: Why It Still Matters*, The East-West Institute, June 2009, 3.)

and combat helicopters offer a critical measure of security for states like Belarus, Moldova, and Ukraine bordering Russia and outside NATO.

- ▶ Third, the treaty affords a level of transparency and the possibility of monitoring neighboring military forces otherwise absent among the smaller states on Russia's borders, beginning with Armenia and Azerbaijan, whose rivalries contain their own risks.
- ▶ Fourth, although transparency, both between NATO and Russia and at the subregional level, constitutes an important stabilizing factor in Euro-Atlantic military relations, the treaty's critical contribution is the predictability that comes from a legal framework that places a ceiling on the quantity of heavy armament and the freedom of military movements along the region's fault lines. Today is today, but how confident can today's statesmen be that the same will hold if in the future poorly managed relations and shifting capabilities renew an arms competition within the Euro-Atlantic security space?¹¹
- ▶ Fifth, the CFE provision for short-notice inspection can help in crisis management, as Russian inspections at Aviano Air Base during the 1999 Kosovo conflict demonstrated by avoiding misinterpretation of the U.S. air campaign.¹²
- ▶ Sixth is the negative side to a point made earlier: if salvaging and strengthening the CFE Treaty, whatever the chances, would likely facilitate agreement on NSNW, the collapse of the Treaty will most assuredly lead the Russian military to insist on maintaining and perhaps modernizing these weapons beyond what has already been done with the Iskander system.

Choosing among Approaches to Conventional Arms Control in Europe

Thus, good reasons exist for making a far more strenuous effort to keep intact the core benefits of the CFE regime, along with those of its critical auxiliaries—the Open Skies Treaty and the Vienna Document's CSBMs, which have continued to function despite the dispute over the CFE Treaty. But how might this be done? The answers come in two forms, with multiple variations on each.

11. Ulrich Kuehn frames this point more generally: Given that the real threats facing Russia come from the East and South and that the course of U.S. policy toward Russia over time is unpredictable, Russia should want to secure its western border without forcing it into an arms buildup that will simply induce countermeasures on the part of NATO. Hence "Europe needs CFE because Russia needs CFE." Ulrich Kuehn, "CFE: Overcoming the Impasse," *Russia in Global Affairs*, July 7, 2010, http://eng.globalaffairs.ru/print/number/CFE:_Overcoming_the_Impasse-14892.

12. Witkowsky et al., "Salvaging the Conventional Armed Forces in Europe Treaty," 8, make this point.

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“SOFT LANDING” AND DIALOGUE. Initially, once the road-accident occurred, and the Russians suspended compliance with the ACFE’s monitoring and verification provisions in fall 2007, the United States and its partners tried to restart the search for a compromise over the ill-fated ACFE Treaty in March 2008 by offering a “parallel actions package” (PAP). NATO signatories to the adapted treaty were to begin the ratification process if Russia would resume troop and equipment withdrawals from Georgia and Moldova, and they would then complete the ratification process when Russia completed its withdrawals. Once ratified, the Baltic States would accede to the adapted treaty, and NATO would consider lowering its weapons ceilings “where possible.” It would have also then been ready to discuss the limitations placed on Russian forces in the flank zones.

By early 2009, PAP and its various emendations had come undone, gutted by the stalemate over Russia’s military moves in Abkhazia and South Ossetia following the August 2008 war, and the sides were settling into a search for modest ways to salvage some minimum level military cooperation. In February German Chancellor Angela Merkel and French President Nicolas Sarkozy jointly suggested reversing the linkage between at least one of the protracted conflicts and ratification of the ACFE. In a joint editorial, they argued that a “rapid solution” to the Transnistrian issue should be sought in order “to create a different atmosphere” permitting the ACFE to go forward.¹³ A year later the Obama Administration in a May 2010 speech by Vice President Biden also urged moving in a different direction—one focused on a more basic understanding of what the “size and location of conventional forces” should be in a new Europe, a Europe in which “our militaries” are “steer[ed] away from basing their exercises on scenarios that bear little resemblance to reality.”¹⁴

By then the administration had begun pushing for, as a first step, agreement on a framework statement that would spell out principles to guide negotiations on a revised treaty. From June 2010 to May 2011, the 36 countries struggling with the future of CFE tried different combinations of ideas, all to no avail. In the end the effort collapsed over Russia’s refusal to act on the other side’s two preconditions: acceptance of the principle of host-nation consent for deploying external forces and Russia’s renewed compliance with the monitoring and other transparency measures of the CFE Treaty.

The core of the edifice for managing conventional arms in Europe—the CFE Treaty—by fall 2011 remained not only at an impasse, but risked unraveling

13. Nicolas Sarkozy and Angela Merkel, “Security Our Joint Mission,” *le Monde*, February 9, 2009, www.ambafrance-uk.org/Security-our-joint-mission.html. Presumably this formed part of the thinking behind the bilateral Merkel-Medvedev June 2010 proposal to create a new EU security committee to deal with issues like Transnistria, and then the follow-up initiative among Merkel, Sarkozy, and Medvedev at the October 2010 Deauville summit.

14. Joseph R. Biden Jr., “Advancing Europe’s Security,” *The International Herald Tribune* (May 6, 2010).

entirely. After four years of Russia's non-compliance with the Treaty's monitoring and verification requirements, pressures were building in other states, including the United States, to reciprocate by refusing to exchange further data when the next reporting deadline arrived in December. At the OSCE Annual Security Review Conference in July 2011, Rose Gottemoeller appealed to "all of us" involved in the CFE negotiations "to spend some time considering the current security architecture, and to ask ourselves some questions about what our future needs will be and what types of measures will help achieve those security goals."¹⁵ It was a heartfelt attempt to breathe life into a dying enterprise, welcomed by many in her audience, including her Russian counterpart. But it co-existed with a powerful lethargy on the part of most, who were more focused on attending to the problems surrounding the Open Skies Treaty and the CSBM regime of the Vienna Document 1999—both of which had their own considerable problems.

ALTERNATIVE APPROACH: A REVISED EUROPEAN CONVENTIONAL ARMS CONTROL REGIME. The alternative indisputably ambitious approach starts from the assumption that each side must set aside the preconditions that have brought the CFE regime to this pass, and seek another path to solving the problems they address.¹⁶ This, of course, places the second approach at odds with the inertia of the moment. The political obstacles preventing each side from yielding on its preconditions loom large. That said, the second approach argues that the goal of securing the withdrawal of Russian forces from Abkhazia, South Ossetia, and Transnistria should be done in the context of addressing Georgian-Abkaz/South Ossetian relations and Georgian-Russian relations (almost certainly progress on the latter will depend on movement in the former). Limits on the number, nature, and role of Russian forces in Abkhazia and South Ossetia might—indeed, should—be part of any reconstruction of a conventional arms control regime, but framed in a status-neutral fashion. The Russian side, for its part, should move away from whatever preconditions are left over from before, agree to resume verification and monitoring, and engage in a serious discussion of how the "host nation" principle might be implemented in mutually acceptable fashion.

From here the process would begin with the most feasible and from there move to the more difficult. The easiest (albeit not easy) might be the idea advanced by Sam Nunn in this volume and echoed in Gottemoeller's call at the 2011 OSCE Annual Security Review Conference to begin a dialogue. At a minimum

15. "Statement by Rose Gottemoeller, Assistant Secretary of State for Arms Control, Verification and Compliance, State Department of the United States" to the OSCE Annual Security Review Conference, Vienna, Austria, Session III, July 1, 2011, PC.DEL/545/11/Corr.1, June 29, 2011.

16. Wolfgang Zellner, for example, makes the argument in, "Can This Treaty Be Saved? Breaking the Stalemate on Conventional Forces in Europe," *Arms Control Today Online* (September 2009), http://www.armscontrol.org/act/2009_09/Zellner. NATO has apparently agreed internally on what "substantial" combat forces means, but, if so, this has not been conveyed to Russia.

this dialogue would focus on all parties' principal concerns, notion of threats, and sense of the best way to deal with them. Somewhat more ambitious might be, as Nunn suggests, a dialogue among military leaders over operational doctrine with the aim of adjusting it to give others increased warning and decision-making time.

Second, there are a set of issues that, were the paralyzing preconditions removed, should be soluble. Russia's legitimate complaint that the original TLE ceilings have become unbalanced with the last round of NATO enlargement ought not to be difficult to resolve. The United States and its NATO partners earlier indicated that, were the obstacles to ratification of the ACFE Treaty removed, they are ready to discuss lower ceilings. Because actual NATO equipment levels are already considerably lower than the formal ceilings, unless, as is unlikely, anyone in NATO is contemplating major new equipment acquisitions, simply codifying current holdings as the new ceiling would be one way to solve the problem.

Similarly, the problem of defining what each side means when pledging not to move "substantial" combat forces into the "new" NATO states or the southern flank zone, while more fraught, should also be open to progress. NATO has said that it is willing to address the issue.¹⁷ Finally, even the central and more contentious issue of host-nation consent should be amenable to solution. It is an integral part of the original CFE Treaty to which Russia is party. It should not be in dispute as a principle applicable to Transnistria. Russian military presence in the separatist territories of Georgia is another matter. Already during the ultimately unfruitful 2010-2011 negotiations, the United States signaled a readiness to find a flexible interpretation of the principle's application in the Georgian case, if the Russia side accepted the principle itself. The Russian side never responded, sparing Washington what surely would have been Georgian opposition had the idea gone forward.

Assuming that the baseline for a new agreement would remain the adjusted standard in the ACFE (that is, equipment limits applied to individual states with territorial ceilings for total forces), two major issues would remain: regulating forces on the flanks and subregional limitations. The Soviet and Russian military never cared for the CFE Treaty and particularly abhorred the constraints placed on its forces in the Caucasus and Baltic military districts. As early as 1993, Russian defense officials were making the case against what they saw as their inequity and inappropriateness, and twice NATO has agreed to alter the terms of those limitations. The Russians, however, want them eliminated entirely.

That would be a bad idea because limitations on military maneuvers, troop concentrations, and freedom of reinforcement in the most sensitive parts of the Euro-Atlantic region are key to a stable Euro-Atlantic security system. To be effective, however, they must apply equally to both sides. Limitations designed only for

17. The issue, however, is complicated by the added pledge that forces that were introduced would not be permanent and the U.S. claim that its new bases in Romania and Bulgaria are "temporary," when they are clearly intended to be long term.

Russian territory (and a small portion of Ukrainian territory) are not sufficiently sturdy building blocks for what might be better thought of as “safety zones”—i.e., areas of reciprocal restraint in which each side limits the nature of military exercises, the kinds of equipment forward deployed, and the scale of permitted troop reinforcements from outside the area, in addition to the territorial TLE ceilings that are part of an amended CFE agreement.¹⁸

The idea of safety zones in the Baltic and Caucasus/Balkan regions links to the other difficult but important issue, that of subregional limitations. European security, if it is to be enhanced by conventional arms control, entails not only the stability of the NATO-Russian military balance, but also the stability of subregional balances. The conversion of the original CFE Treaty’s bloc-to-bloc TLE ceilings to the state-by-state limitations in the ACFE preserved, as John Peters noted, unequal force-ratio balances between a number of states (such as Russia and Ukraine, Ukraine and Poland, and Poland and its neighbors).¹⁹ These disparities cannot be completely eliminated, but they might be reduced sufficiently to provide greater confidence between neighbors. Still, more important, there are other ways to introduce stability into key bilateral relationships. Hungary and Romania long ago agreed to aerial observation arrangements resembling those under the Open Skies Treaty, and this example, along with other tailored CSBMs, could well be duplicated elsewhere, particularly if safety zones were created in Europe’s north and south.²⁰

The second, alternative approach, therefore, consists of tiered elements, beginning with steps short of formal negotiations for a treaty and advances through steps that would require formal agreement, some of which in treaty form. But in its entirety it is animated by a vision of what a modernized, more stable and predictable European conventional arms control regime should look like. And it places this vision front and center when contemplating the path to a genuinely enhanced European security system.

MISSILE DEFENSE COOPERATION

Unlike the other two spheres, the idea of missile defense cooperation has a certain momentum. In contrast to the three prior failed attempts, this time national leaders in both Washington and Moscow, reinforced by support within NATO, appear more determined to succeed.

18. Kuehn develops the idea more fully in “CFE: Overcoming the Impasse.”

19. John E. Peters, *The Changing Quality of Stability in Europe: The Conventional Forces in Europe Treaty toward 2001*, National Defense Research Institute RAND, 2000, 5–9.

20. Peters makes the point in *The Changing Quality of Stability in Europe*, 11.

Achieving accommodation on missile defense, however, remains far from certain.

Achieving accommodation on missile defense, however, remains far from certain. Despite the obvious seriousness with which all parties are approaching the task, formidable obstacles remain. In the months since the November 2010 Lisbon commitment to forge Russian-NATO-U.S. cooperation on missile defense, progress has been real but fitful. The Russian side, until mid-July 2011, publicly insisted on a unified system and a legal guarantee that the system will never be capable of jeopardizing its nuclear deterrent, whereas the United States and NATO advocate coordinated but separate systems and regard a formal legal guarantee as both impractical and politically unacceptable. Behind the scenes, however, negotiators from the three sides are inching forward. Progress is being achieved on developing fusion centers and relaunching staff command exercises. On the eve of the Deauville U.S.-Russian presidential summit in May, the two sides had begun developing a joint statement that addressed four issues, including a legal guarantee (by substituting the looser notion of political assurances). By the close of the July NATO-Russia Sochi meeting, Russian Foreign Minister Lavrov acknowledged that a joint missile system would not be possible and the Russian sectoral approach was no longer at issue.²¹

That the process has been as tortured as it has been and that leaders left Deauville, the June Brussels NRC ministerial, and the July Sochi NATO-Russia meeting disappointed owe to a fundamental problem afflicting all three issue areas. Peel away the layers of disagreement and at the core remains the corrosive factor of mistrust. All three original official Russian demands and a fourth that Sergei Ivanov added trace back to this factor. Russian officials simply do not trust that, whatever the Obama Administration's current intentions, a U.S.-designed ballistic missile defense system will not at some point be directed against their country's nuclear deterrent. Their initial insistence on a joint system, their notion of a "sectoral approach," Ivanov's off-the-cuff comment that Russia must have its finger "on the red button,"²² and, in particular, their grudging and vacillating retreat from the demand for a legal guarantee that missile defense will not target Russian forces, all have this common inspiration. Mistrust is what impels the

21. See his comments at the press conference following the meeting in "Russia Admits No Chance of Sectoral Missile Approach with NATO," *RIA-Novosti*, July 4, 2011, <http://en.rian.ru/russia/20110704/165016655.html>. Since then, however, the demand has resurfaced and is implicit in ideas that Russian negotiators continue to push.

22. Ivanov's comment was on the sidelines of a conference in Florida and appeared to be his personal innovation. (See Simone Baribeau and Henry Meyer, "Ivanov Says Russia Wants 'Red-Button' Rights on U.S. Missile-Defense Plan," *Bloomberg*, April 8, 2011.) As a further sign of progress, however, after the NATO-Russia meeting in Sochi in July 2011, President Medvedev's special representative for missile defense, Dmitri Rogozin formally repudiated this idea. "Giving anyone access to this virtual red button," he said, "is something that can never happen. It is impossible.... We will not put our system of strategic nuclear forces and system of aerospace defense under anyone's control." See his comments at the press conference following the meeting in "Russian Lawmaker Calls on NATO to Halt Fielding Missile Defense," *Global Security Newswire*, June 1, 2011, http://gsn.nti.org/gsn/nw_20110601_5870.php.

Russian leadership to cloud the present with the future—to insist that what matters are the last two phases of the U.S. administration’s EPAA or whatever variations successor administrations may introduce—plans that are nearly a decade away for weapons that do not yet exist.

Mistrust, however, exists on the U.S. side as well. It is evident in the letter 39 Republican senators sent to the president warning that, in negotiations over missile defense, Russia “will seek to obtain whatever missile defense concessions it can and that such concessions could undermine the security of the United States and our Allies.”²³ The letter goes on to ask for written assurances that the United States will not in any agreement provide Russia with sensitive data nor will the administration allow Russia to influence deployment decisions nor will it heed Moscow’s concerns over phases 3 and 4 of the EPAA. Behind these demands is the suspicion that Russia will share sensitive data and technologies with “states such as Iran and Syria,” but this, as the letter makes plain, is part of a more basic perception of Russia as still a hostile competitor engaged in serious espionage activity against the United States.

Thus, the lesson in the case of missile defense is the same for conventional arms control and for dealing with NSNW: real progress can come only if addressing the pernicious impact of mistrust becomes an important objective, and, from the outset, is built into the negotiating framework. In the case of missile defense cooperation, this, as reflected in the concept proposed by the Euro-Atlantic Security Initiative’s Working Group on Missile Defense, would have several elements.²⁴

First, cooperation would best be launched on issues accessible to agreement, while postponing the more divisive issues until a moment when they must be addressed. The relatively noncontentious aspects of the first two phases in the EPAA should be used to fashion a cooperative missile defense system, leaving ways of dealing with phases 3 and 4 for later and within the context of a functioning cooperative framework.

Second, there should be agreement that developing and deploying an effective missile defense system are two different things, and that deployment will be tailored to the threat that emerges. In this way differences over current threat assessments can be set to the side.

Third, the sides should ensure that data (or “fusion”) and operational centers are manned by U.S./NATO and Russian officers working together to fashion a common threat picture, and not simply virtual centers. Human interaction at this operational level is an important confidence-building measure and will promote greater understanding of the sides’ missile defense systems and their limitations.

23. Daniel Halper, “No Red Button for the Russkies,” *The Weekly Standard*, April 15, 2011.

24. “Missile Defense: Toward a New Paradigm,” The Working Group on Missile Defense, Euro-Atlantic Security Initiative, May 2011.

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Fourth, the threat should be framed in precise terms to eliminate a misreading of intentions. For the moment the threat from states like Iran arises from medium- and intermediate-range missiles (2,000–4,500 kilometers), and a missile defense system designed for this threat cannot be a threat to the Russian nuclear deterrent, because under the INF treaty Russia does not have such weapons.

Fifth, it is important to resume joint command-staff exercises on ballistic missile defense, and to expand their scope to include defense against medium- and intermediate-range missiles. These have been done before, would be instantly feasible, and should be among the first steps undertaken.

Finally, because much of the discord over the capabilities attributed to U.S. present and prospective missiles depends on the assumptions built into the models that defense planners run, the United States and Russia, within the normal rules of disclosure, should organize joint modeling exercises. This may help to mitigate stubborn Russian suspicions that EPAA missiles will by the fourth stage threaten Russian forces in a way that U.S. assurances to this point have not. All of these steps are features essential to an effective cooperative missile defense system, but they are also means by which the sides can erode the mistrust that narrows their vision of what is possible.

Any missile defense system drawing the United States, NATO, and Russia together that stands a chance of being realized, however, will almost surely have to possess four characteristics. First, it will have to be a system based on full partnership. Even if in the early stages the contributions of different parties are unequal, the underlying principle must be equal responsibility and, from the beginning, an equal voice in determining the system's architecture and purposes.

Second, it must respect the sovereign right of each participating state to defend its own territory. Where practical and desirable this does not preclude the sides from negotiating protocols in advance permitting—or, indeed, committing—one country to intercept missiles targeted on another country as they cross its territory.

Third, within the normal limits applied to the exchange of sensitive technology, countries should be ready to share technologies and other resources permitting a more effective coordinated system.

And, fourth, the system should be based on open architecture, and accessible to any country willing to renounce the development of medium- and intermediate-range missiles as well as to commit itself to protecting the nonproliferation regime.

In the end, it is clear that any collaborative missile defense system will not be unified and joint but separate and coordinated, a reality that only slowly is being accepted in Moscow. As for Russia's other demands, its leadership will have to decide whether it gains more by being inside a program whose U.S. component it cannot prevent, rather than standing outside and struggling to fulfill its threat to offset a U.S.-NATO system. And perhaps the better way to assure themselves that

the EPAA does not pose a threat to their country is by actively working side-by-side with United States and NATO in building the system rather than by insisting on formal legal guarantees in advance. As Russian officials have acknowledged, failure to achieve agreement on missile defense will carry a very heavy price, and perhaps that realism will ultimately be decisive. Still, as history demonstrates, wisdom does not always carry the day when bureaucratic inertia and the vagaries of politics stand in the way.

CONCLUSION

Ultimately we are brought back to the point where we started. Whether a cooperative ballistic missile defense system can be worked out in Europe; whether Europe will be blessed with new arrangements that bring greater predictability, stability, and mutual confidence to military relations; and whether NSNW can be removed as a factor of concern will depend on the course of political relations between the United States and Russia and Russia and its European neighbors. Positive for now, nothing guarantees that these trends will survive the outcome of critical Russian and U.S. national elections in 2012, and nothing yet suggests that if these trends continue they will acquire the added momentum needed to achieve the breakthroughs that this limited moment of opportunity provides.

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