

Russia's withdrawal from the CFE Treaty: Consequences for the East European security

At the request of the East European Security Research Initiative, a selection of experts from Georgia, Latvia, Moldova, Slovakia and Ukraine commented on Russia's withdrawal from the CFE Treaty and its consequences for the East European security.

Marek LENČ, Lecturer at the Faculty of Political Science and International Relations at the Matej Bel University in Banská Bystrica, Slovakia

The CFE Treaty was an important tool for arms control, transparency in military activities and confidence-building measures between the NATO Member States and Russia after the end of the Cold War in Europe. Russia's decision to exit the Joint Consultative Group underlines its long lasting refusal to comply with Adapted CFE Treaty, including withdrawal of its armaments from Georgia and Moldova.

In the current situation of significant lack of trust between the West and Russia, it raises serious concerns about Russia's ability to honour its obligations. With previous violations of its bilateral and multilateral commitments on Ukraine, the withdrawal from CFE Treaty indicates that Russia's foreign policy driven by the siege syndrome is open to further hardly predictable moves, and increases the insecurity of former post-soviet countries.

In regards with Minsk II Agreements, it also questions the commitments of Moscow undertaken over its implementation. In another words, the treaties (trust) are going to be exchanged with deterrence (fear) as the main guarantor of European security order.

Alexandru POSTICA, Researcher at the Institute of History, State and Law of the Academy of Sciences of Moldova

Evidently, the participation of Russia in this Treaty offers conventional arms control over the way this member state respects the agreed holding of Treaty limited equipment. Even though Russia ignored repeatedly certain commitments, renouncing this Treaty would lead to losing even the strictly formal control over the way Russia amplifies its military potential.

Once Russia leaves this treaty, the de-facto administrations of separatist regimes that are supported by Russia could receive weapons uncontrollably. Moreover, we could suppose that this background might fuel the resumption of conflicts to be now frozen.

According to its military strategy, Russia would be interested in creating buffer zones close to the EU border, which would lead to maintaining and further consolidating such zones. An eloquent example is the Transnistrian region of the Republic of Moldova. Contrary to the existing international commitments, Russia maintains on this territory at least 19,916 tons of ammunition and military equipment.

Kornely KAKACHIA, Executive Director of the Georgian Institute of Politics in Tbilisi, Professor at Ivane Javakhishvili Tbilisi State University

I guess this is not good news neither for Eastern Europe nor for international community. Russia, which is already grossly violated international law and considered as a troublemaker in its neighborhood, could end up becoming pariah state. On the other hand, this may compel Russia's neighbors more actively seek security guarantees from other international actors, as NATO or EU, to assure their own security. It could endanger European security, as well as world history shows security system that is not based on trust prone to failure.

Samuel GODA, Research Fellow within the "International Security" program at the Research Centre of Slovak Foreign Policy Association

This step undertaken by Russia is rather another official confirmation of its ambition to revise the European security environment. In my opinion, the CFE Treaty is still one of the European security cornerstones, however, finding itself in deep agony for several years, and for many experts it was already dead. Although some experts argue that the CFE Treaty has been violated several times.

Indeed, one conclusion is clear - such step does not improve the security situation in the East European region, also concerning the conflict in Ukraine. In my opinion, this move will prolong the status quo or even worsen current security situation, particularly in Moldova and Georgia, with broader consequences for Caucasus. I am also skeptical regarding the Russian declaration to propose a new treaty – it took decades to negotiate the existing CFE Treaty, and I do not think it will be very different under current circumstances. All in all, I would like to hear a proposal to revise the CFE Treaty or to elaborate a new document, which would adapt the legal basis to new environment (including technological improvements, hybrid warfare, etc.) in order to prevent the situation when we could find ourselves in politico-legal limbo.

Raimonds RUBLOVSKIS, Researcher at Riga Stradins University, former National Military Representative of Latvia at NATO SHAPE

The consequences of Russia's withdrawal from the CFE Treaty will lead to renegotiating all aspects of that Treaty, taking into account that it was signed 25 years ago. There are new conventional military capabilities, which also should be negotiated within possible new legal framework on the conventional arms control in Europe.

Oleksandr TYTARCHUK, Associate Research Fellow at the Foreign Policy Research Institute, Ukraine; former Military Adviser of the Ukrainian Delegation to the OSCE

If you try to scrutinize the above-mentioned statement of the Russian Federation from a legal point of view, you could hardly discover any words about formal withdrawal from the Treaty on Conventional Armed Forces in Europe (CFE), as envisaged by this Treaty. Hence, Moscow still remains to be one of the 30 Member States of the CFE Treaty. The Russian side voluntarily suspended fulfillment of its obligations under the CFE Treaty as far back as 2007, thus making the first "unpunished" step in provoking current crisis.

Russia's present step, namely the withdrawal from the CFE Joint Consultative Group (JCG), is actually the next logical attempt to escalate situation around revitalizing conventional arms control in Europe directly influencing the ongoing security developments. Such a situation reflects the general "nihilistic" course of Moscow's behavior in meeting all the undertaken international obligations, which are not only political but also legally binding. At the same time, Russia has reserved the right to return to the negotiations within the JCG in the future under more favorable conditions, if any, meanwhile handing over its voice to Belarus being a kind of Russia's "mouthpiece", so moving away from the main "firing line" of sharp criticism giving a black eye.

From purely procedural issues, refusal to participate in the activities of the JCG does not spell out in the CFE Treaty itself and the Protocols thereto. So that it could be considered as a kind of new Moscow-style "hybrid diplomacy" invention, to which Russia has been particularly rich in recent years. This invention could also bring additional financial benefits to the RF in "saving" its money being one of the main contributors to the JCG budget, and at the same time remaining formally a Member State of the CFE Treaty.

To tell the truth, the total collapse of the existing Pan-European conventional arms control system has not occurred yet. In addition to the CFE Treaty, which is currently lost its practical significance, there are other documents that still remain to be operational to some extent, namely the Vienna Document of 2011 on Confidence and Security-Building Measures (VD), and the Open Skies Treaty of 1990 (OST). Although their effectiveness raises many questions on the backdrop of current security developments in and around Ukraine as well as wide application of contemporary hybrid warfare. However, in the absence of other alternatives there is an obvious need to use all available CSBM instruments actively harmonizing them with arms control measures.

Destructive actions of the Russian Federation are aimed not only on the CFE Treaty, but also on the VD and the OST, leading to significant limitation of their crisis management capacity. These actions are intended to make the Western partners more concessive and forcing them to accept Moscow's position, which is extensively backed up by using pressure on Ukraine.

Taking into account the agreed withdrawal procedure as provided in Article XIX, para 3 of the CFE Treaty, when one Member State increases its holding of the Treaty limited equipment (TLE) "to pose an obvious threat to the balance of forces within the area of application", it would be worthwhile for Ukraine in exercising national sovereignty to announce its withdrawal from the CFE Treaty, but not for the RF. Such a decision would help to intensify actions of Western partners and demonstrate wide discrepancy of the existing international obligations to current state of affairs. It would be another case dissimilar to the Budapest Memorandum, whose interpretation is twofold.

Uncontrolled arms transferring both to the annexed Crimea and occupied eastern regions of Ukraine, considerable increase of the TLE holding as well as actual transformation of the agreed area of application due to occupation by the Russian Federation of the part of Ukrainian territory – all these facts make it simply impossible to use the existing CFE Treaty provisions. Therefore, any revitalizing of the CFE Treaty could only be possible after termination of the Russian aggressive policy against Ukraine, full withdrawal of all Russian troops from the annexed Crimea and occupied territories of Luhansk and Donetsk regions. However, all these issues remain to be a matter of distant and uncertain perspective. The very progress of recent developments will require decisive actions from all parties involved.

At this stage, the regional arms control measures that were successfully tested in the Western Balkans could serve as a possible partial alternative for gradual recovering of the conventional arms control regime in Europe. These are the provisions of Article IV of the Dayton

Agreement of 1996, good progress in the implementation of which was broadly supported by the OSCE. The above document was designed to prevent a new arms race in the region and reduce the risk of new escalation after the Balkans war.

Current agreed mandate of the Special Monitoring Mission to Ukraine (SMM) could be somewhat analogous to such regional measures being launched in Ukraine under the auspices of the OSCE as a part of the monitoring activities on the implementation of the Minsk II Agreements. Thus, the SMM is responsible for executing control and providing verification on the withdrawal of heavy weapons from the line of battle clash. Interestingly enough, that Russia actively supports the involvement of the SMM potential for arms control in the eastern part of Ukraine, apparently following its own tactical objectives mainly sticking to the peacekeeping idea.

On the backdrop of formal diminishing of the U.S. interest in further implementation of the CFE Treaty, there is a considerable growth of such interest among the EU Member States, who starting to reconsider their security priorities. Hence, the number of active players in the field of arms control in Europe is currently increasing.

Given the main thrust of EU policy towards Russia (primarily oriented on preventing Moscow transition to the so-called "dead defense"), it is reasonable to expect in the near future some attempts to expand cooperation with Russia, including with the aim of improving military transparency and revitalizing of the conventional arms control regime.

Moreover, the idea of creation a comprehensive and indivisible security are in Europe still exists. Thus, primary attention here would be diverted to the implementation of agreed transparency measures, building trust and maintaining security, as well as adjusting conventional arms control in Europe to address hybrid warfare challenges that was clearly given by Berlin in preparing to chair the OSCE in 2016.

East European Security Research Initiative (EESRI) is an informal discussion, analytical and information-sharing international platform aimed at uniting efforts of the experts and researches from various countries to find effective ways for strengthening security in the Eastern Europe as the most vulnerable region of the contemporary Europe.

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