

STRUCTURING SECURITY

**Dialogue and Arms
Control in the OSCE Area**

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Vienna Center for Disarmament
and Non-Proliferation

Structuring Security – Dialogue and Arms Control in the OSCE Area


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EXECUTIVE SUMMARY

Dialogue and cooperation in the area of the Organization for Security and Co-operation in Europe (OSCE) are taking place against the background of serious political and military tensions. At the same time, arms control agreements are in retreat. One key lesson from the Cold War is that arms control is possible even in times of severe political tensions if there is an overarching and shared interest in avoiding open military conflict.

Today's situation of mutual insecurities might best be approached through an incremental process, consisting of small steps, akin to the early Cold War negotiations on confidence- and security-building measures (CSBMs). History shows that to kick-start such a process, regular and focused consultations in smaller formats are a necessary starting point, in which the parties agree at the outset on the purpose of talks and are represented at the highest level. Subsequent negotiations should be shielded against outside events and should treat political linkages with caution. If, at some point, it becomes necessary to expand the scope of negotiations, issues might perhaps better be tackled in parallel or in sequence.

The OSCE's Structured Dialogue – a valuable but fragile confidence-building measure in itself – could become the ideal forum for exploring early CSBMs and, in particular, risk-reduction measures. In order to advance the Structured Dialogue, participating States could seek to include

information on incident-prevention arrangements in the mapping exercise of the Structured Dialogue and they could use additional information from third countries and organizations to prepare a catalogue of available instruments and best practices. Participating States could also explore options for additional bilateral or multilateral risk-reduction agreements as well as additional Vienna Document (VD) Chapter X measures.

At some point in the future, more far-reaching CSBMs and arms control instruments in the conventional and nuclear realms should complement risk-reduction measures. For example, future restraint measures could be modelled along the lines of the 1997 NATO-Russia Founding Act and be complemented by an updated version of the VD. In parallel with efforts to modernize the VD, status-neutral CSBMs and arms control for application in disputed regions could be developed. In the nuclear realm, the on-going crisis surrounding the Intermediate-Range Nuclear Forces (INF) Treaty looms large. INF compliance concerns might best be approached in the context of improving European security while aiming to preserve the wider nuclear arms control architecture. One possible option would be for States Parties to the INF Treaty to explore specific reciprocal on-site inspections that would help clarify compliance concerns.

INTRODUCTION

Dialogue and arms control in the area of the Organization for Security and Co-operation in Europe (OSCE) is negatively affected by a return to confrontation. The guiding principles of the 1975 Helsinki Final Act, the 1990 Charter of Paris and subsequent key documents of the OSCE have been disregarded in recent years. Relations between the West (i.e. NATO and EU member States) and Russia have fallen to a state that some describe as a new Cold War. A fundamental loss of trust among States and the violation of shared norms and principles characterize the current security situation in Europe. At the same time, the arms control regimes designed to preserve peace and stability are disintegrating.

This negative trend pertains to almost all areas of cooperative security. Bilateral U.S.-Russian arms control agreements in the nuclear realm are under increasing stress due to mutual allegations of non-compliance. The multilateral instruments of conventional arms control and confidence- and security-building measures (CSBMs) under the auspices of the OSCE in particular are either outdated or no longer politically viable. More generally speaking, dialogue as a precondition for cooperation on arms control has been hampered by mutual recriminations and a lack of constructive engagement.

On 20 February 2017, an open-ended Informal Working Group of the OSCE was created, pursuant to the 2016 Declaration on the Occasion of the 20th Anniversary of the OSCE Arms Control Framework, to provide a forum for a Structured Dialogue on the current and future challenges and risks to security in the OSCE area. As of now, the Structured Dialogue is the only multilateral and inclusive forum for creating an environment conducive to reinvigorating arms control and CSBMs in Europe. Although it has already proven its merits in this regard, the challenges ahead for the Structured Dialogue are considerable.

It was against this background that the Vienna Center for Disarmament and Non-Proliferation (VCDNP), with the support of the Austrian Federal Ministry for Europe, Integration and Foreign Affairs, conducted a one-day workshop on “Arms Control Dialogue in the OSCE Area: Lessons from the Past, Prospects for the Future?” on 13 April 2018 for OSCE participating States in Vienna. This report builds on the workshop’s discussions and offers concrete recommendations on how to revitalize dialogue and arms control in the OSCE area. It follows a three-stage approach for structuring security. The first stage focuses on how to regain trust through diplomatic dialogue based on lessons learned from the Cold War. The second stage explores a new generation of CSBMs with a particular focus on risk-reduction measures as currently discussed in the framework of the Structured Dialogue. The third stage outlines future and more far-ranging CSBMs and arms control measures for Europe in the conventional and nuclear realms. Each stage comes with a number of key takeaways.

STAGE ONE

Regaining Trust through Dialogue – Some Lessons from the Past

Achieving and maintaining dialogue in times of political tension is difficult for various reasons. Actors may prefer an uncompromising stance over cooperation due to perceptions of insecurity. For instance, appearing unpredictable might be seen as beneficial in order to offset the other side's superior military capabilities. Domestic reasons might loom large if confrontation promises to fortify one's own domestic hold onto power. Domestic interest groups that reap economic profits from rearmament programmes might work to impede dialogue on arms control. Diverging interpretations or selective application of international norms and principles, such as the right of States to freely choose their security arrangements, might create disagreements that spill over into other policy areas.

The current political tensions between the West and Russia result from a murky mix of the aforementioned insecurity vectors. Further complicating the setting, many of the mutual grievances and allegations predate the current crisis, which ultimately was triggered by the Russian annexation of Crimea in 2014. Even before Crimea, disagreements over the design and scope of Europe's security structures had hardened, making it extremely difficult to identify a starting point for a viable dialogue.

One crucial lesson from the past, however, is that arms control and, more generally, dialogue and cooperation, are possible even in times of severe political tensions if the opposing sides have an overarching and shared interest in avoiding open military conflict. One such interest might derive from the currently dominating security concept of nuclear deterrence between NATO member States and Russia. Nuclear, and by implication conventional, deterrence aims at preventing large-scale conflict. But deterrence relationships are not necessarily stable, as the Cold War has proven. At times, they can undergo periods of instability if one or both sides enter into a security dilemma of mutually reinforcing perceptions of insecurity. In such circumstances, deterrence can lead to misunderstandings and a costly arms race. This is where arms control efforts might come into play, ideally helping to stabilize deterrence relationships by providing for a modicum of mutually defined transparency and predictability. Toward that end, deterrence can help to enable dialogue and cooperation. However, at the same time, deterrence can impede cooperation as it might work to prolong mutual mistrust and over-reliance on one's own military capabilities at the expense of dialogue.

Another shared interest is closely tied to deterrence and might derive from the need to avoid accidental escalation that no side intended in the first place. Here, so-called risk-reduction measures, such as constantly available hotlines, military-to-military contacts and

communications channels, or regional accords for preventing and perhaps managing military incidents, can help deal with this acute form of inadvertent conflict.

Today, these prerequisites for dialogue and cooperation on arms control and risk-reduction measures are again present. NATO and Russia are about to enter a security dilemma, if they haven't already done so. The first contours of a new arms race, though on a much smaller scale than during most of the Cold War, are once more visible, particularly with regard to nuclear and conventional precision-guided weapons. Emphasizing deterrence while deferring simultaneous dialogue is again a recurring theme. Dangerous military close-calls over the Baltic and Black Seas occur on a regular basis. But these negative developments do not necessarily translate automatically into a political process that leads to tangible arms control agreements.

The Cold War history offers a number of valuable lessons on how to tackle mutual insecurities, first, through a sustained diplomatic effort at regaining trust. Building trust may sound elementary and obvious. However, it is anything but easy. It takes time and the necessary contacts. One lesson from the Cold War days is that large plenary meetings such as the 1975 Helsinki Summit have their place, but they need to be carefully prepared and planned well in advance in smaller groups, in one-on-one discussions or during informal working lunches. Such means of continuous consultations offer a necessary starting point to negotiations. Consultations should have the mandate to informally explore ideas and non-papers that will not be leaked to the press in order to play to one's own domestic audience. As was seen, for example, during the early Strategic Arms Limitation Talks (SALT) of the 1970s, this requires all sides to be highly disciplined and focused – an effort perhaps easier to achieve amongst a smaller number of players, at least at the outset of consultations.

Early high-level meetings should perhaps best be limited to general statements of intent. However, at the same time the parties should agree on the purpose of talks at the very beginning and at the highest level. As the negotiation record of a number of arms control treaties, including for instance the Partial Nuclear Test Ban Treaty, has shown: the clearer the mandate, the higher the chance of reaching agreement in the end. In the process of agreeing on a mandate, the parties should be wary of confusing internal domestic goals with preconditions for international negotiations.

During negotiations, parties should agree to isolate discussions from outside events not related to the subject matter. In addition, political linkages should be treated with caution because they can – deliberately or inadvertently – lead to paralysis the more separate issues are lumped together. Instead, negotiators should approach issues in parallel or in sequence. As an example, U.S.-Soviet negotiations on an Intermediate-Range Nuclear Forces (INF) Treaty during the 1980s proceeded in parallel to the Strategic Arms Reduction Talks. Once the INF Treaty was successfully concluded in 1987, parties moved on to negotiate the Conventional Armed Forces in Europe (CFE) Treaty in 1989. In some circumstances, it might even be helpful to postpone certain topics indefinitely, such as when the Soviet Union demanded to address British and French nuclear forces in its negotiations with Washington. On the other hand, it might be necessary to broaden the scope of talks. For instance, any future nuclear negotiations between Moscow and Washington might not succeed if issues such as Russia's large tactical nuclear weapons arsenal, U.S. and NATO missile defence, conventional

precision-guided munitions, hypersonic missiles and/or third country nuclear forces are left unattended.

Last but not least, the parties should strive to put effective mechanisms for dispute resolution in place. Once problems occur, they should not be allowed to fester, as underscored by the current compliance crisis surrounding the INF Treaty.

Key Takeaways

- Arms control is possible even in times of severe political tensions if the parties have an overarching and shared interest in avoiding open military conflict.
- Regular and focused consultations in smaller formats are a necessary starting point, with parties agreeing on the purpose of talks at the very beginning and at the highest level.
- Subsequent negotiations should be shielded against outside events and political linkages should be treated with caution.
- If it is necessary to expand the scope of negotiations, issues would better be tackled in parallel or in sequence.
- Any tangible agreement should have effective mechanisms for dispute resolution in place, thus, preventing compliance issues to fester.

STAGE TWO

Exploring Early CSBMs – The Structured Dialogue

Unlike during the Cold War, today's strategic communities do not have to start from square one. In fact, they can rely on the existing institutions and contacts, including in the OSCE. In order to agree on some practical measures, all parties might be well advised to start with small incremental steps. The Cold War history shows that once tentative and non-binding CSBMs, akin to the 1975 "Document on confidence-building measures and certain aspects of security and disarmament", were put into place, the parties had enough trust to move on to a second stage of conventional arms control talks on "Mutual and Balanced Force Reductions".

In that regard, the OSCE's Structured Dialogue could become the ideal forum for exploring early CSBMs before moving to more ambitious arms control goals in the conventional and nuclear realms. So far, the Structured Dialogue has concentrated on discussing converging and diverging threat perceptions in the OSCE area, military doctrines and force postures, military-to-military contacts and a detailed mapping of trends in military force postures and military exercises over a longer period of time. The mapping exercise in particular, as compartmentalized as it may seem, could provide a much-needed basis for jointly assessing political and military threat perceptions in the OSCE area.

But a word of caution is necessary here. The Structured Dialogue is a very fragile confidence-building measure in itself. Parties should be careful not to overload the agenda or to raise unrealistic expectations too early. While everyone seems to agree that a new generation of arms control measures for Europe is urgently needed, the challenge is translating that need into action. The same issue that makes arms control so necessary today – the deep political crisis between Russia and the West – also makes the endeavour politically challenging. In that regard, it is a positive signal that participating States share an overall assessment of the Structured Dialogue as the right type of venue in which to discuss new approaches. At the same time, the Structured Dialogue will likely take significant time. Therefore, it will be necessary for participating States to prepare for the long haul and develop approaches and solutions that could be implemented rather quickly once political circumstances are right.

One issue the Structured Dialogue should continue to discuss is the acute problem of preventing accidental escalation and therewith managing hazardous incidents through means of risk reduction. Even though the overall number of dangerously close military encounters has gone down and visible progress has been made in avoiding and managing civil-military incidents, the possibility of such events occurring in the future should not be discarded,

especially in the context of the new confrontation between Russia and NATO and the intensified military activities on both sides.

In order to have more readily available information at hand for all OSCE participating States, the Structured Dialogue could include information on incident-prevention arrangements in its mapping exercise. This could lead participating States subsequently to discuss the practical value and implementation of these arrangements. In addition, participating States could reach out for additional information and lessons learned from OSCE partner States, from civil aviation organizations and from countries involved in the Syrian de-confliction agreements. States could use the information to prepare a catalogue of available instruments and best practices for application by participating States. In a next stage, these lessons learned could be drawn upon in the process of modernizing the OSCE's Vienna Document (VD) or in the framework of devising a new CSBM instrument.

In parallel to the Structured Dialogue, participating States could explore options for additional bilateral or multilateral agreements akin to the U.S.-Russian Agreement on the Prevention of Incidents On and Over the High Seas (INCSEA) and the Agreement on the Prevention of Dangerous Military Activities (DMA) as well as additional measures under Chapter X of the VD. States that do not have INCSEA- or DMA-like agreements in place could publish their national principles of due regards as well as review their national approaches to military encounters and interdiction, and introduce restraint as a general rule. States could as well harness the experience gained in the framework of the Baltic Sea Project Team and seek similar frameworks, for instance for the Black Sea and Eastern Mediterranean regions.

Key Takeaways

- The Structured Dialogue is a valuable but fragile confidence-building measure in itself that should be shielded against too high expectations or over-ambitious agendas.
- Participating States could seek to include information on incident-prevention arrangements in the mapping exercise of the Structured Dialogue.
- Participating States could use additional information from third countries and organizations to prepare a catalogue of available instruments and best practices.
- Participating States could explore options for additional bilateral or multilateral INCSEA- and DMA-like agreements as well as additional Vienna Document Chapter X measures.
- Participating States could seek to devise frameworks akin to the Baltic Sea Project Team for regions such as the Black Sea and the Eastern Mediterranean.

STAGE THREE

The Future – Conventional and Nuclear Arms Control for Europe

Although formal and mutually verifiable arms control treaties are still seen by many participating States as desirable, there is wide-ranging agreement in the OSCE area on first focusing on a new generation of CSBMs as outlined in the previous chapter. This approach is very much in line with previous experiences during the Cold War when the early CSBM process of the 1970s later graduated to the level of force reductions. That way, CSBMs with a focus on risk reduction can be seen as the right approach, also given the current political challenges. However, at some point in the future, more far-reaching CSBMs and arms control instruments should be added to the mix. Limitations on conventional equipment and activities on the European continent would be particularly useful.

In especially sensitive areas close to international borders or zones of conflict, special and more restrictive rules could be applied in order to lower tensions and avoid misperceptions. Appropriate restraint measures do not need to be invented from scratch but could be modelled along the lines of existing instruments, such as the 1997 NATO-Russia Founding Act on Mutual Relations, Cooperation and Security, which devised geographical restraint in the conventional and nuclear realms. Once agreed thresholds – however general or detailed – are exceeded temporarily, additional intrusive transparency measures, appropriate ceilings and time limits could be envisaged together with necessary geographical distances from international borders to avoid incidents and potential escalation. However, such sub-regional arms control regimes would have to be perceived by all parties as providing more security than the currently dominant concept of mutual deterrence. In addition, the value of sub-regional mechanisms would have to be balanced against the principle of the indivisibility of security in the OSCE area.

In parallel to such restraint measures, an updated regime on military activities, especially close to border areas, could help bolster transparency. The VD in its current form contains a number of loopholes. First, large-scale exercises, normally subject to prior notification, may be sliced into smaller ones under different commands, however maintaining the same objective/scenario in order to avoid prior notification or observation. Second, so-called ‘snap exercises’, conducted within a very short timeframe, might fall below the time limit for prior notification. Third, modern military capabilities such as long-range precision-guided munitions, fall outside of the scope of the VD. Fourth, naval and air defence forces are not

tackled under VD regulations. In addition, international agreements such as the VD cannot be implemented in disputed areas where non-state actors are involved. Though such actors seek recognition via international agreements, central governments are not willing to lend them such status.

An update to the VD could therefore aim at lowering the threshold for prior notifications of certain military activities from the existing number of 9,000 personnel to 5,000, and the observation thresholds from 13,000 to 9,000. It would be up to the parties involved to define which offensive as well as defensive weapons systems of what ranges should be included in an updated VD. Given the OSCE's protracted conflicts that also played a prominent role in the demise of the CFE regime, developing tailor-made status-neutral CSBMs and arms control for disputed regions in parallel with efforts to modernize the VD might be worth the effort.

Keeping in mind that conventional and nuclear deterrence postures are once more increasingly intertwined in Europe, arms control efforts, at some point, would have to have a nuclear component. In this context, perhaps most prominently, the INF Treaty comes into play. Ongoing efforts to resolve INF compliance issues in bilateral U.S.-Russian talks have so far failed. In 2017, the U.S. Congress mandated the Department of Defense to initiate a research and development programme for a conventionally-armed ground-launched cruise missile, an action in accordance with the INF Treaty as long as any such U.S. missile does not undergo flight-testing.

Mutual accusations of INF Treaty violations should be taken very seriously, given that a further festering of the INF crisis could have a devastating effect on European security and on the future of other arms control agreements, most notably the New START agreement which is set to expire in 2021. Because of the wider ramifications, any further course of action might best be seen in the context of improving European security while aiming to preserve the wider nuclear arms control architecture. One of the lessons from the Cold War is that deploying INF-weapons did not result in any major military advantage for either side. The same holds true today.

Therefore, the States Parties to the INF Treaty should not give up on diplomacy, but rather should explore potential CSBMs on a reciprocal basis. One such approach might be 'trading transparency for transparency'. On the one hand, Russia's concerns about a potential dual-use applicability of U.S. missile defence systems in Romania and Poland could be addressed by offering on-site demonstrations of the system to Russian inspectors. On the other hand, U.S. concerns could be clarified by showing U.S. inspectors the fuel tank capacity of the Russian missile under suspicion. That way, mutual compliance concerns could be depoliticized and handled by the technical experts on both sides.

Key Takeaways

- At some point in the future, more far-reaching CSBMs and arms control instruments in the conventional and nuclear realms should complement risk-reduction measures.
- Future restraint measures could be modelled along the lines of the 1997 NATO-Russia Founding Act and be complemented by an updated version of the Vienna Document.
- Status-neutral CSBMs and arms control measures for application in disputed regions could be developed in parallel with efforts to modernize the Vienna Document.
- INF compliance concerns might best be approached in the context of improving European security while aiming to preserve the wider nuclear arms control architecture.
- States Parties to the INF Treaty could explore reciprocal on-site inspections helping to clarify mutual compliance concerns.

