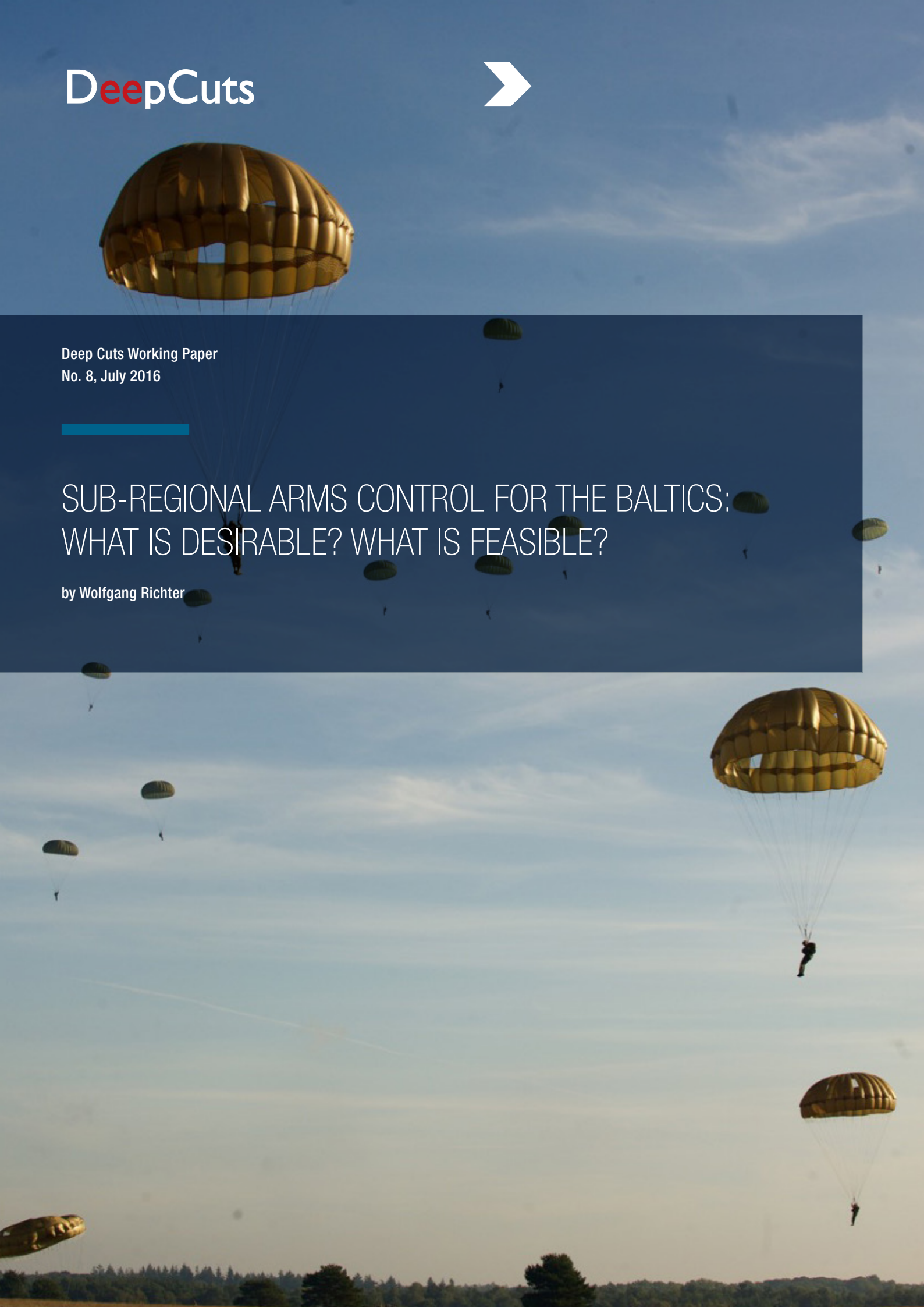




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SUB-REGIONAL ARMS CONTROL FOR THE BALTICS: WHAT IS DESIRABLE? WHAT IS FEASIBLE?

by Wolfgang Richter



Introduction

This paper assesses the current mutual threat perceptions by NATO, in particular the Baltic States and the Eastern European allies, and the Russian Federation. With a particular view to the Baltic region, it analyzes the respective force postures, reinforcement plans and military activities, assesses the plausibility of mutual scenarios, questions possible options to deal with the situation and gives concrete recommendations in the realm of possible arms control agreements and Confidence- and Security-Building Measures (CSBMs). As an annex it contains an overview of existing bilateral CSBMs in the Baltic region.

1. Threat perceptions

NATO, in particular Baltic States and Eastern European Allies

(1) *Nature of threat.* Western allies believe that Russian strategies might pose a security risk (for some, a direct threat) to the sovereignty and territorial integrity of the Baltic States. This assessment is not based on a concrete Russian force accumulation in the Baltic region exceeding force postures existing since the accession of the Baltic States to NATO in 2004. Rather, it is derived from an assessment of Russian strategic *intentions* and military *capabilities*, in combination with military *activities* such as snap exercises:

- Russian political and military actions in Crimea and Eastern Ukraine are regarded as severe breaches of the principles of international law and the foundations of the European security order. In addition, the Russian justification for implementing the “*responsibility to protect*” Russian-speaking minorities in Ukraine has caused particular concern in the Baltic region in view of the large Russian-speaking minorities in Estonia and Latvia. Allies fear that Russia could use similar reasons for intervening militarily in the Baltic States, pretending to ‘rescue those minorities from political

suppression and violence by indigenous right wing forces’.

- NATO member states assess the latest modernization of Russian forces as a significant improvement in rapid regional intervention capabilities. Its main elements are enhanced flexibility, mobility and air defense of land forces as well as long-range precise strike capabilities.
- In the latter context, frequent Russian snap exercises in border areas seem to simulate offensive scenarios, which are regarded a military threat. The geography favors Russian rapid regional force accumulations over NATO’s reinforcements with respect to distances, time and possibilities for denying regional access to the adversary.

(2) *Scenarios.* Against this background, two scenarios are viewed as possible: *First*, a Russian surprise attack based on rapid force concentrations (possibly in the disguise of a snap exercise) and exploiting geographical advantages; *second*, a hybrid destabilization of the Baltic States, which would combine stirring unrest among Russian-speaking populations through propaganda, initiating and actively assisting armed anti-government movements, dispatching irregular armed forces in support and threatening direct military intervention through concentrations of regular armed forces in border areas.

Russian Federation

(1) *NATO’s enlargement versus strategic restraint agreements.* Russia’s concerns are based on a long-term evaluation of NATO’s enlargement policies and a deeply felt distrust of its perceived anti-Russian intentions. Russia claims that the West did not honor its commitments of the 1990s to create a common space of equal security, without dividing lines, from Vancouver to Vladivostok. In the Russian view, the U.S.-led alliance had, instead,

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implemented new geopolitical strategies against Russia, particularly by extending the military alliance and force postures towards Russian borders. While Russia was prepared to strike a compromise related to NATO's first enlargement, NATO allies did not implement their core commitments to alleviate Russian concerns; that is, to strengthen the Organization for Security and Co-operation in Europe (OSCE), establish close NATO-Russia security cooperation and adapt the Conventional Armed Forces in Europe (CFE) Treaty. Instead, with the second enlargement to include the Baltic States, NATO created a geographical zone for potential force build-ups at Russian borders close to St. Petersburg, which is not restricted by any legally binding limitations. Furthermore, the United States stationed combat forces in the Black Sea region (Romania and Bulgaria) and initiated missile defense installations in Eastern Europe while, at the same time, rejecting definitions for the restraint commitments contained in the 1997 NATO-Russia Founding Act.

(2) Russia's "strategic defense" against perceived Western hybrid regime change politics. In the Russian view, breaking points in its relations with the West were the western recognition of Kosovo (March 2008), NATO's invitation to Ukraine and Georgia to join the alliance

(April 2008) and Georgia's attack against Russian peacekeepers in South-Ossetia in summer 2008, with U.S. military advisors present in the country. The threat of then-President of Ukraine, Viktor Yushchenko, to curtail harbor rights of the Russian Black Sea Fleet in Sevastopol and Crimea and Western support for regime change movements (as demonstrated during the OSCE Ministerial Council in December 2013 in Kiev) added to the Russian assessment that the West was crossing "red lines". Russia assessed the February 2014 events on the Maidan in this context and believed it was acting in "strategic defense" to maintain its fleet capabilities at Crimea.

(3) NATO-Russia confrontation in the Baltic region as part of a larger strategy. In the Russian view, NATO's military activities in the Baltic region are not a response to a concrete Russian threat against the Baltic States, but are part of a larger strategy of confrontation with Russia intended to punish Russia for its actions in Ukraine. In this context, Russia criticizes the OSCE security dialogue in Vienna for not duly taking into account the findings of observation flights conducted under the Treaty on Open Skies (OS) and inspections conducted under the OSCE's Vienna Document (VD). Russia also perceives NATO's military activities in the Baltic re-

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gion as intended to create a military basis for mounting pressure on Russia. It holds that the Kaliningrad exclave is geographically exposed and vulnerable to hostile military action.¹ Russia does not rule out responding in kind should NATO terminate its commitment to maintain restraint with respect to the stationing of additional substantial combat forces in the region.

2. Current force postures, reinforcement plans and military activities

Regional Russian force capabilities

According to a recent RAND study, Russia could, at short notice, assemble from its Western Military District, including the Kaliningrad Oblast, 25 maneuver battalions for offensive operations in the Baltic region.² They would be supported by ten artillery and six attack helicopter battalions and approximately 27 air combat squadrons. In addition, two Iskander and three Tochka short-range ballistic missile battalions are available. The study concludes that the Russian army corps is capable of winning a combined arms battle in the region and taking Riga and Tallinn within three days after launching offensive operations. Thus, Russia would be capable of confronting NATO with a *fait accompli* and “unpleasant choices”.

Baltic and current allied force capabilities assigned to the region

According to the RAND study, Baltic indigenous forces are estimated to consist of only three infantry brigades with limited light artillery, but no tank battalions or air forces. While allies assist in air policing, U.S. and UK forces assigned to the region could, after a short warning, provide 9 battalions including two Stryker and two attack helicopter battalions, which would bring the number of battalions available for initial operations to 20. Their weakness, however, is the lack of armor and heavy artillery. Although allies could mount significant air power in the Baltic Sea



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region, it would be insufficient to offset the weaknesses of the allied land forces available for initial operations.

The study concludes that, under these conditions, NATO would not be capable of defending Estonia and Latvia. Furthermore, augmenting available ground forces with reinforcements from Central Europe is assessed as difficult: moving from Poland to the Baltic region – a distance of between 600 and 1,000 km – they would have to pass the “*Kaliningrad Gap*” (a 70 km broad strip between the Kaliningrad Oblast and Belarus) and could be slowed down by Russian air and flank attacks.

Allied reinforcements

NATO’s reassurance initiative, agreed upon at its Wales Summit in September 2014, is a reaction to growing threat perceptions of Baltic and other Eastern allies. The decisions taken aim at improving rapid reaction capabilities (*Readiness Action Plan*) and establishing a *persistent presence* along NATO’s Eastern borders. To that end, the NATO Response Force (NRF) will be further developed to an *Enhanced NRF*, its strength increased from 19,000 to 40,000 personnel, the readiness of an advanced element of 5,000 enhanced to enable short-term deployment (*Very High Readiness Joint Task Force*, VJTF) and the headquarter-

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ters of the Multinational Corps North-East (MNC NE) in Szczecin augmented. In addition, the frequency and size of NATO land and sea exercises in Eastern Europe, the Baltic Sea and the Black Sea were significantly increased, their areas enlarged and the number of reconnaissance flights multiplied. Eight small headquarter elements and logistical units are being stationed in the Baltic States, Poland, Slovakia, Hungary, Romania and Bulgaria to prepare for command and control as well as logistical support of reinforcements after arrival (*NATO Force Integration Units*).

Bilaterally, the United States undertook to maintain a continuing presence in Eastern Europe with a focus on the Baltic region and Poland by rotating land and air combat units and increasing the number of bilateral exercises. Furthermore, Washington has initiated the forward deployment of 250 armored vehicles and other materials in the Baltic States, Poland, Romania, Bulgaria and Germany. This

“European Activity Set” (EAS) can be activated for exercises and deployment of an armored brigade of 5,000 personnel strength, which would be flown in from outside the region. While such rotating assets are assessed to be compatible with the restraint commitment contained in the NATO-Russia Founding Act, a number of allies as well as academicians believe that these measures are insufficient. They deem it indispensable to station substantial combat forces in the region permanently in order to credibly defend allies and deter aggression. In this context, the above-mentioned RAND study concludes that the short term availability in the Baltic region of seven brigades, including three heavy armored brigades, was necessary to conduct initial operations to *“fundamentally change the strategic picture from Moscow”*.

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Military activities

In 2014/15, the number of land and sea exercises and close-border overflights of both sides reached the highest level since the end of the Cold War: In 2014, NATO states conducted 162 multinational and 40 national exercises. In 2015, there were approximately 270 exercises.³ Half of them served to reassure Eastern allies. In March 2015, the spectacular show of force of a U.S. Cavalry Regiment parading through Eastern Europe with armored vehicles (“*Draagoon Ride*”) drew particular public attention.

Russia also conducted a high number of exercises in the Western Military District including short-term alert exercises (*snap exercises*) involving Northwestern border areas, without the regular 42 days advance notification. According to U.S. sources they comprised up to 150,000 personnel.

Between March 2014 and March 2015, the European Leadership Network recorded 66 incidents of close encounters between Russian air and sea forces and those of NATO countries, Sweden and Finland. NATO recorded 400 intercepts of Russian aircraft in 2014, four times higher than in 2013. Russia record-

ed more than 3,000 flights of NATO aircraft near its borders, twice as many as in 2013.⁴ In 2015, these figures increased again.

3. Plausibility of scenarios

Russian hybrid action to destabilize the Baltic States

This scenario focuses on the possibility that Russia could stir unrest among the Russian speaking minorities in Latvia and Estonia (25-30 percent of the populations)⁵ and support it with covert paramilitary action while intimidating national governments through force concentrations at the borders. To assess the plausibility of this scenario, four basic questions must be answered: To what extent are these minorities vulnerable to agitation, e.g. through lacking economic or political integration? What can the Baltic States do to increase their resilience? What could NATO’s role be in supporting them? And, is there plausible reasoning for why Russia might wage hybrid warfare against NATO countries?

(1) It appears that economic integration of Russian speaking minorities has generally been successful. Politically, they are allowed to speak their languages, pursue their traditions and culture, freely voice their opinions and assemble peacefully. “State citizens” of Russian

The fact that about 50 percent of Russian speaking minorities are not “state citizens” and are, thus, excluded from the right to vote gives rise to concern.



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origin can represent their interests in political parties, national parliaments and local administrative functions. However, the fact that about 50 percent of Russian speaking minorities are not “state citizens” and are, thus, excluded from the right to vote gives rise to concern.⁶ On the other hand, accepting incorporation into the Russian Federation does not seem to be an attractive alternative for most of the well-integrated Russian speakers.

(2) Estonia and Latvia, with high proportions of (mainly Russian speaking) 15 percent “*non-state citizens*”, could improve resilience by facilitating the acquisition of citizenship, granting voting rights to more Russian speaking people and promoting societal cohesiveness.

(3) NATO’s role in support of Estonia and Latvia in case of internal unrest is limited. A hybrid scenario lacks the element of surprise, is rather the result of a developing crisis and requires policing rather than full-fledged military operations. More importantly, dealing with internal unrest is, first and foremost, a national task and involves internal security forces. Foreign military intervention in support of governments against parts of the population would be counterproductive and fuel allegations of suppressing people’s demonstrations and intervening in internal affairs. Allies could, however, guard borders in order to prevent third states from launching military interventions in support of rebels. However, such involvement would require careful consideration of the legal and political implications and would certainly not warrant permanent stationing of additional combat troops.

(4) The main limitation of this scenario is the lack of a convincing political rationale. Why should the Russian Federation want to destabilize a NATO member state in peacetime and, thus, risk direct strategic confrontation with the West? What would its purpose be and which strategic implications would Russia be willing to cope with? There is no advantage to be gained for Russia by waging hybrid action in two geographically exposed NATO

member states and thereby risk pan-European and global countermeasures by the West (see below).

Russian sub-regional surprise attack

(1) Given current force postures and the exposed geography of the Baltic States, Russia has the military potential to gain operational advantages in a limited area by launching a surprise attack. Ignoring the strategic implications of such a scenario, NATO would be left with two choices for responding *symmetrically* to this perceived risk: establishing the sub-regional force balance by the permanent stationing of substantial combat forces or ensuring rapid reaction by reinforcements from outside, together with the capability to enforce access.

(2) However, such a narrow sub-regional focus does not take into account the strategic implications of a Russian attack against a NATO member state. In accordance with Article 5 of the Washington Treaty, an attack against one member state is regarded an attack against all, i.e., a sub-regional Russian attack would trigger a war between Russia and the whole alliance, which would have an advantage from its general military superiority in Europe and beyond.

In this context, NATO’s reaction would not (have to) be confined to *symmetric* responses in the sub-region. *Asymmetric* responses could exploit Russian vulnerabilities, from the geographically exposed Kaliningrad Oblast to Russian outposts in disputed territories in Europe, in Syria or Russian naval groups abroad. Also, internal unrest could pose risks to the security and defense of the Russian Federation.

Furthermore, political isolation and the complete loss of economic links to the West would be the inevitable consequences of a Russian attack against a NATO country. Russia’s current course of returning to strategic cooperation as a global power on an equal footing with the United States, such as common action against terrorism and other global security threats, would be thwarted.

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In short, the surprise attack scenario would be driven by a narrow focus on limited sub-regional capabilities without taking into account strategic consequences. Therefore, it lacks a convincing strategic rationale. Why would Russia choose to exchange comparatively small and probably short-term territorial gains for a strategic disaster?

Also the reaction by Russia's ally, Belarus, to a Russian attack against the Baltic States might pose a risk to Russian calculations. Military action from Belarus' territory would be crucial for Russian attempts to close the gap towards Kaliningrad in order to secure augmentation and logistical supply and to block NATO's land movements intended to reinforce the Baltic States.

In short, the surprise attack scenario would be driven by a narrow focus on limited sub-regional capabilities without taking into account strategic consequences. Therefore, it lacks a convincing strategic rationale. Why would Russia choose to exchange comparatively small and probably short-term territorial gains for a strategic disaster?

Unintended escalation risks of current military activities

The number and size of current unusual military activities of both sides, particularly in border areas, harbor high risks of unintended incidents and escalation. This is aggravated by the lack of verifiable restraint, limited transparency and the absence of direct military-to-military contacts in the region. Also, the poor state of the security dialogue contributes to misperceptions. Such a fragile situation undermines security, not only in the region, but in the whole of Europe.

4. Options

Permanent stationing

NATO's permanent stationing of substantial combat forces in the Baltic region would entail the break-down of the NATO-Russia Founding Act. It would deepen mutual distrust and might incite reciprocal Russian action. A race for dislocation of troops in the region might result in the creation of a new line of politico-military confrontation throughout Europe with incalculable consequences for the security in Europe and the globe. It would destroy any hope of returning to security cooperation in the OSCE area for



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the foreseeable future. Countries facing territorial conflicts would suffer most from a new split of Europe.

Rapid reinforcement

Rapid reinforcement would not necessarily aim at establishing an operational force balance in the sub-region, but rather at building up a credible deterrence to reassure allies. A multinational response force would demonstrate the political determination of all NATO countries to defend allies that face aggression and confront the aggressor with strategic consequences. Strengthening rapid response capabilities and stationing limited force integration units on the spot might be kept within the restraint commitments contained in the NATO-Russia Founding Act. Such action could be stabilized by (re)confirming mutual restraint commitments and enhancing CSBMs.

Arms control and Confidence and Security-Building Measures (CSBMs)

Arms control and CSBMs aim at limitation of military *capabilities*, restraint of military *activities* as well as transparency and verification of both in order to stabilize the situation and, at least, ensure early warning. To that end, arms control and CSBMs must respond to concrete security concerns and be militar-

To be relevant, arms control should calculate the space and time needed to concentrate significant combat forces at the line of departure for offensive operations.

ily relevant, i.e. they must take into account plausible military scenarios and likely courses of operations. Arms control and CSBMs do not evaluate intentions, but contribute to confidence building by verified compliance.

(1) *Limitations.* Limitations of key armaments can help curtail the capabilities needed for offensive operations. However, the definition of the *area of application* is crucial. Limitations in the vicinity of the line of contact can help stop a destabilizing accumulation of forces in border areas. However, their military relevance is small if such limited areas are too narrow and do not consider reinforcement capabilities from adjacent areas as well as long-range air power. Thereby, geographical asymmetries must be taken into account. To be relevant, arms control should calculate the space and time needed to concentrate significant combat forces at the line of departure for offensive operations.

Against this backdrop, the bipolar CFE Treaty applied the following military logic: Pan-European limitations of holdings were meant to reduce overall attack capabilities and prevent large-scale offensive operations after full preparation. The purpose of regional limitations was to (1) establish a balance of land forces at the line of confrontation at reduced levels in order to prevent surprise attacks; (2) limit capabilities of follow-on echelons and reinforcements in adjacent areas of both sides and balance the times needed for their deployment to the front line; (3) increase the time needed for their mobilization through special storage site rules; (4) gain further early warning time through information and notification as well as verification on the spot.

(2) *CSBMs.* Early CSBMs (1970s/1980s) responded to the concerns at the time that unusual military activities, such as large-scale military exercises, could be used for launching surprise attacks or building bases for large-scale offensive action. Therefore, CSBMs aimed at early notification and observation of such activities in order to win early warning time to prepare needed defenses. Such provisions are still part of the core elements

of the Vienna Document. Thus, transparency measures, combined with verification and observation, could help to ease tensions, avoid misperceptions and reduce the dangers of escalation.

(3) *Political restraint commitments.* In a less formal way, mutual political commitments - such as those contained in the NATO-Russia Founding Act - to exercise restraint about the permanent stationing of additional substantial combat forces in sensitive geographical areas helped in the past to avoid destabilizing force concentrations even where CFE limitations did not apply. Such reciprocal commitments could also be taken bilaterally, e.g. under the umbrella of the Vienna Document Chapter X (see below).

Ideally, a combination of such measures should be agreed upon to respond to security concerns and ease tensions in the Baltic Region.

5. Feasibility: Status of Arms control agreements and CSBMs

CFE Treaty and ACFE plus

The Baltic States are not States Parties to the CFE Treaty of 1990. Before they left the CFE area of application (1991), the Baltic region belonged to the CFE region IV.3. Special limitations for that region were intended to limit the second strategic echelon of the Soviet land forces and, therefore, also comprised the Belarus and Carpathian Military Districts. The CFE Treaty did not, however, envisage that the former Baltic Military District would ever become NATO territory. Therefore, the CFE regional limitation regime of 1990 would not have any conceptual relevance to a NATO-Russia force balance or restraint in the Baltic region.

Up to 2009, NATO States claimed that the Baltic States could only become CFE States Parties once the CFE Adaptation

No legally binding agreement exists in the Baltic region about limitations of national and stationed forces in Estonia, Latvia, Lithuania and the Russian Federation. Furthermore, the intrusive CFE information and verification regime cannot be applied.

Agreement (ACFE) had entered into force. At the same time, they rejected starting ACFE ratification procedures by linking it to further political ends.⁷ While the entry into force of the ACFE was pending⁸, the Baltic States joined the Alliance in 2004. In consequence, for the first time since 1990, NATO's second enlargement included an area that directly bordered Russia, but was not subject to legally binding limitations of national or stationed forces. Repeated Russian requests in 2006 and 2007 that the ACFE be ratified and the Baltic States accede to CFE remained unsuccessful. By the end of 2007, Russia suspended its participation in the CFE Treaty.

A new attempt to revive conventional arms control was made in 2010 with informal talks in a new format ("at 36"), which included six Baltic and West-Balkan NATO member states that were not States Parties to the CFE Treaty. The talks failed due to renewed U.S.-Russian contention over host nation consent to Russia's stationing of forces in disputed territories in Georgia. Since then, no substantial dialogue on reviving pan-European conventional arms control, which could have a bearing on the situation in the Baltic region, has been initiated. The prospects are dim that this situation will change soon.

In consequence, no legally binding agreement exists in the Baltic region about *limitations* of national and stationed forces in Estonia, Latvia, Lithuania and the Russian Federation. Furthermore, the intrusive CFE *information* and *verification* regime cannot be applied. Therefore, regional CSBMs can be implemented only on the basis of the far more limited provisions of the Vienna Document and the Open Skies Treaty.

It should be noted though that the CFE Treaty is still being applied in neighboring Belarus and Poland and is, therefore, relevant to transparency and restraint of force capabilities in countries adjacent to the Baltic region. That could be enhanced through additional bilaterally agreed measures.

Vienna Document (VD)

Since the politically binding Vienna Document (VD) belongs to the whole OSCE community, Russia and the Baltic States are participating in its implementation. The VD does not entail any limitations of holdings and its information and verification regime is far less intrusive than that of the CFE Treaty. It provides for notification and observation of unusual military activities based on threshold values agreed upon in 1992. Long term transparency of the development of force structures and capabilities is based on annual information exchanges, area inspections and troop evaluation visits, though with limited scope and quotas:

- The VD scope is limited to combat and combat support troops of regular armed forces.
- Its passive inspection and evaluation quotas are small (three inspections per country, one evaluation visit each for Estonia, Latvia and Lithuania and two for Russia).
- Threshold values for notifications and observations of maneuvers and other unusual military activities still represent Cold War levels (9,000 respectively 13,000 combat troops involved).
- Notification of "snap exercises", without advance notice to troops involved, does not need to be 42 days ahead, but only once the "troops involved commence such activities" and the duration of the exercise exceeds 72 hours.
- Notification of multiple simultaneous exercises is not required if they are not linked by a common operational purpose and joint command and control and if any individual one does not exceed the thresholds.

In consequence, notification of large exercises is not required if participating combat troops do not exceed the thresholds. Notification of multiple simultaneous exercises is also not necessary if they are not linked to one common operational purpose under a single

operational command. Notice of snap exercises must be given only shortly before they are initiated. Such stipulations leave room for circumvention of the spirit of the VD or, at least, may potentially lead to misperceptions.

Within these limits, a number of inspections and observations have been carried out in the region, including by Baltic States and other allies in neighboring Russian territories, e.g. in Pskov and Kaliningrad. No unusual military activity or stationing of additional combat forces has been observed.

NATO member states have made detailed proposals in the Forum for Security Cooperation to modernize the Vienna Document and offset its shortcomings. Russia is not likely to agree soon since it insists on linkages to reviving conventional arms control and generally improving the security atmosphere in Europe. Within the Alliance, a consensus for launching another conventional arms control initiative does not seem to exist either. It is high time that both sides terminate linkages and embark on a two-pronged approach to increasing CSBMs and revitalizing conventional arms control.

Regional Measures (Vienna Document Chapter X)

VD Chapter X encourages participating States to agree on and implement additional bilateral and regional measures with neighboring countries to deescalate tensions, with a focus on border areas. Such measures are of a voluntary nature and are often used in a sub-regional context.

In the Baltic region, additional bilateral CSBMs were agreed upon between Russia and the Baltic States at the beginning of the past decade, among them CFE-like information exchanges. The latter were terminated by Russia after it suspended its participation in the CFE Treaty. In addition, in 2001 Russia and Lithuania had agreed to allow for one reciprocal evaluation visit beyond the regular Vienna Document

quota to be carried out in the territories of the Kaliningrad Oblast and Lithuania. This provision was cancelled by Russia in April 2014 after Lithuania had taken action in support of Kiev.

It is noteworthy that, in the areas adjacent to the Baltic States and the Russian oblasts Pskov and Kaliningrad, further regional measures are still in existence: In 2001 and 2004, Belarus had agreed to one more reciprocal evaluation visit each with Lithuania, Latvia and Poland. Poland and Belarus agreed to permit one more inspection, expand the scope of military information and give notification of one military exercise below VD thresholds. Also, Russia and Finland agreed to allow for one more reciprocal evaluation visit above the regular quota.

In order to contain and deescalate the current crisis, VD regional measures offer a flexible tool for stabilizing measures, such as intensifying cross-border security cooperation, lowering thresholds for mutual notification and observation of exercises, allowing for more frequent inspections and evaluation visits, particularly in border areas, and establishing an incident prevention and response mechanism through direct military-to-military contacts. Such special measures do not require a consensus by all VD participating States in the Forum for Security Cooperation, but could be agreed upon on a bilateral or multilateral basis without prejudice to principal positions.

Open Skies Treaty (OS)

After the beginning of the Ukraine crisis Western countries and the Ukraine carried out a high number of Open Skies observation flights over Russian territories adjoining Ukraine and the Baltic States, including the Kaliningrad and Pskov Oblasts. There, no stationing of additional substantial combat forces or unusual military activities in violation of VD provisions was observed. Generally, the high number of

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passive quotas for observation flights over the territories of Russia and Belarus (42 per year) is conducive to maintaining regular observations of Russian military activities.

Also the Baltic States and Poland are States Parties to the Open Skies Treaty. Their annual passive quota, to be used by the Russian Federation and Belarus, amounts to one each for Estonia, Latvia and Lithuania and two for Poland.

Open Skies observation flights are of high value for surveying the situation in the region and should continue on a regular basis. What is worrying, however, are certain tendencies to denounce the Treaty as a means of “espionage” and to introduce artificial restrictions which are intended to diminish transparency of military activities of the states being observed. States Parties to the Treaty should counter such tendencies, live up to their treaty obligations and underline its value for increasing transparency and stability.

Security Dialogue at the OSCE Forum for Security Cooperation in Vienna

On several occasions in 2014 and 2015, conflict prevention mechanisms, in accordance with Chapter III of the Vienna Document,

were invoked in the Forum for Security Cooperation in Vienna in the contexts of the Ukraine crisis and the tensions in the Baltic regions. Surprisingly, in the security dialogue, the results of VD inspections and OS observation flights did not play a significant role in discussion and easing tensions. States should make better use of such findings to base the discussion on indisputable facts found by the cooperative use of agreed CSBMs.

NATO-Russia Founding Act

In the context of the envisaged first enlargement of the Alliance, the NATO-Russia Founding Act (1997) stipulates that no additional substantial combat forces would be permanently stationed. The commitment was made subject to a *rebus sic stantibus*-clause. A reciprocal commitment was agreed to by Russia with respect to the regions bordering the Baltic States and Poland (Kaliningrad and Pskov Oblasts). It was formalized in an annex to the Istanbul CFE Final Act (1999). On a bilateral basis, Russia and Norway have concluded a similar agreement relevant to Northern Europe.

Since 2006 Russia has requested that such terms be defined and has made concrete proposals, which were rejected by the United

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States. In 2007, the United States stationed rotating brigade combat groups in Romania and Bulgaria and defined them as “not substantial”.

The reassurance initiative, agreed upon at the Wales NATO summit in September 2014, maintained the understanding that logistical preparations and small headquarter elements as well as a rotating presence of smaller combat units in the Baltic region were in line with the provisions of the Founding Act. At NATO’s Warsaw summit in July 2016, further decisions will be taken which could call into question its validity and continued applicability. Claiming that Russia had broken agreed principles and referring to the *rebus sic stantibus* clause, a number of allies, including the Baltic States, believe that the Founding Act is obsolete.

In the absence of the CFE-Treaty in the region, the Founding Act is the only remaining political agreement on mutual restraint. It should be kept as a basis for limiting destabilizing accumulations of forces and as a threshold against which military activities can be measured. In this context, it would be useful to combine such restraint with general VD transparency measures and regional CSBMs so that the transparency of unusual military activities would be increased once they significantly exceed this threshold.

Rome Declaration and NATO-Russia-Council (NRC)

The Rome Declaration of 2002 stipulated the terms under which the NATO-Russia Council should have proceeded. Accordingly, members of the Council should have acted in their national capacities to avoid confronting Russia with block positions. The Declaration also provided for a comprehensive list of items for common deliberations, including conventional arms control. Such proceedings were not implemented and the Council was suspended at the beginning of the Ukraine crisis. However, the NRC could still provide a venue for discussions on arms

control, including for the Baltic region, once it returns to regular operation.

6. Summarizing recommendations

The following recommendations are geared to maintaining politico-military stability in NATO-Russia relations, avoiding a spiral of escalatory military build-up measures, scaling-down the risks of unintended military clashes and deescalating the situation, particularly in the Baltic Region:

(1) Based on the NATO-Russia Founding Act, states could confirm their commitment to keep restraint with respect to the permanent stationing of additional substantial combat forces in the Baltic States and the Kaliningrad and Pskov Oblasts. Similar bilateral commitments of Russia and Norway could be reconfirmed as well. At the same time, neither side would be prevented from enhancing the capabilities of rapid reaction forces, preparing logistics for their reception on the spot and conducting exercises.

(2) Such an agreement could be based on the understanding that exercises in the region, particularly those in border areas, which significantly exceed the above threshold, will be placed under strict transparency through early notification and observation. To that end, both sides should agree on intensified cooperation of neighboring states as foreseen in chapter X of the Vienna Document and, in particular, lower the current observation thresholds (Chapter V, VI) and allow for more frequent inspections and evaluation visits than foreseen in Chapter IX.

(3) Open Skies observation flights should be used and intensified to further increase transparency in the region. Additional and reciprocal voluntary observation flights could be considered at a sub-regional level. States should make full use of the potential of the Open Skies Treaty, including the use of advanced cameras, once they have been certified in accordance with Treaty provisions.

States Parties to the OS Treaty should live up to their treaty obligations and allow requested OS flights to be carried out in line with treaty provisions. They should refrain from introducing artificial restrictions, which are intended to diminish transparency of the military capabilities of the country being observed. In particular, they should counter tendencies to denounce the OS Treaty as a means of “espionage” and underline its value for increasing transparency and stability.

(4) Where applicable, CFE inspections should be used to survey areas adjacent to the Baltic region. To intensify transparency and build trust, additional and reciprocal voluntary inspections could be considered on a bilateral basis, e.g. between Belarus, Poland and Germany.

(5) As a further measure, states involved in the region through military activities should consider establishing an Incident Prevention and Response Mechanism (IPRM) in order to avoid miscalculations and escalation. To that end, direct military-to-military communication links are needed. In addition, for patrol flights, a five mile distance from international borders in the Baltic Region and beyond should be maintained and mutually agreed upon.

(6) Given the strategic nature of the tensions between NATO and Russia, such regional

measures should be imbedded in a larger détente process aiming at restoring security cooperation and rebuilding trust in Europe on the basis of the OSCE acquis. It should address intentions and perceptions as well as capabilities. To that end, mutual (re)confirmation of compliance with the principle of non-intervention in internal affairs of states seems as important as the revitalization of conventional arms control.

(7) Russia should particularly address the fears of the Baltic States and formally state that it has no intention of interfering in the internal affairs of neighboring countries. Allies should recommit to relinquishing active pursuance of regime change policies while upholding the OSCE acquis of common norms and standards. Both sides should recommit to the OSCE objective of creating a common area of undivided cooperative security based on shared principles.

(8) Restoring security and rebuilding trust is possible only if established fora are used to renew dialogue. To that end, the security dialogue should be resumed, not only in the OSCE but also in the NATO-Russia Council. CSBMs and conventional arms control should be put back on the agenda. When considering the security situation in Europe, the facts found through the implementation of cooperative arms control and CSBMs should be duly taken into account.

Annex: Bilateral Agreements on Confidence- and Security-Building Measures in the Baltic Region

(1) Arrangement on complementary CSBMs, 15 May 2000

Participants:

- Finland, Russian Federation

Objectives:

- One additional evaluation visit

(2) Agreement on complementary CSBMs, 19 January 2001

Participants:

- Lithuania, Russian Federation

Objectives:

- One additional evaluation visit; (*suspended 2014*)
- Exchange of additional military information on armed forces in Lithuania and Kaliningrad area in CFE format (*suspended 2008*)

(3) Agreement on Vienna Document 1999 Complementary CSBMs, 19 July 2001

Participants:

- Belarus, Lithuania

Objectives:

- Increasing the number of evaluation visits and inspections;
- Exchange of additional military information;
- Joint assessment meetings

(4) Declaration on additional CSBMs, 5 March 2004

Participants:

- Belarus, Latvia

Objectives:

- Conduct of one additional VD 99 evaluation visit;
- Exchange of additional military information;
- Information exchange on most significant military activities

(5) Set of CSBMs complementary to VD 99, 20 July 2004

Participants:

- Belarus, Poland

Objectives:

- Conduct of one additional VD 99 evaluation visit;
- Conduct of one additional VD 99 inspection;
- Exchange of additional military information;
- Prior notification of the largest military activity below the VD 99 threshold;
- Expanding the scope of military information exchanges

Source: OSCE

1 See Stephan Frühling, Guillaume Lasconjarias, "NATO, A2/AD and the Kaliningrad Challenge," in *Survival* 58: 2 (2016), pp. 95-116. <https://www.iiss.org/en/publications/survival/sections/2016-5e13/survival--global-politics-and-strategy-april-may-2016-eb2d/58-2-07-fruhling-and-lasconjarias-de87>.

2 David A. Shlapak, Michael W. Johnson, *Reinforcing Deterrence on NATO's Eastern Flank. Wargaming the Defense of the Baltics*. (2016) Rand Corporation www.rand.org/t/rr1253.

3 Rainer L. Glatz, Martin Zapfe, NATO Defence Planning between Wales and Warsaw. Politico-military Challenges of a Credible Assurance against Russia (SWP Comments 5, January 2016). http://www.swp-berlin.org/fileadmin/contents/products/comments/2016C05_glt_Zapfe.pdf.

4 Ian Kearns, Lukasz Kulesa, Thomas Frear, *Russia – West Dangerous Brinkmanship Continues*. European Leadership Network. March 2015. www.europeanleadershipnetwork.org/russia-west-dangerous-brinkmanship-continues_2529.html.

5 In Lithuania the Russian-speaking population amounts to 6 percent. Only 0.7 percent of the population is "foreign". Lithuania does not share common borders with the Russian Federation except for the Russian Kaliningrad exclave.

6 In November 2014, 24.6 percent of the registered population of Estonia was declared as "Russian speaking" (excluding those of Belarusian origin). 6.5 percent of them were registered as persons with "undetermined" citizenship; 8.5 percent held citizenship of the Russian Federation. Cf. "Citizenship", Estonia.eu, January 12, 2015, <http://estonia.eu/about-estonia/society/citizenship.html>. In: Merle Maigre: *Nothing New in Hybrid Warfare: The Estonian Experience and Recommendations for NATO*. GMF Policy Brief, February 2015.

7 NATO claimed that Russia had to fulfill all "Istanbul Commitments" first. However, no unified interpretation existed among allies about what these conditions meant exactly. In summer 2007, NATO replaced its position with a "Parallel Action Plan" (PAP). Sporadic Russian-U.S. PAP Talks petered out in 2008 and ended with the Russo-Georgian war in summer 2008. An evaluation of NATO's changing positions is not a subject of this paper.

8 Only Russia, Belarus, Kazakhstan and Ukraine have ratified the ACFE.



About the Author

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The Deep Cuts project is a research and consultancy project, jointly conducted by the Institute for Peace Research and Security Policy at the University of Hamburg, the Arms Control Association, and the Primakov Institute of World Economy and International Relations of the Russian Academy of Sciences. The Deep Cuts Commission is seeking to devise concepts on how to overcome current challenges to deep nuclear reductions. Through means

of realistic analyses and specific recommendations, the Commission strives to translate the already existing political commitments to further nuclear reductions into concrete and feasible action. Deep Cuts Working Papers do not necessarily reflect the opinion of individual Commissioners or Deep Cuts project partners.

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