

Will the “Cornerstone of European Security” Come Crashing Down? On the Current Crisis of the (Adapted) CFE Treaty

On 13 July 2007, the Russian President Vladimir Putin issued a decree “On Suspending the Russian Federation’s Participation in the Treaty on Conventional Armed Forces in Europe and Related International Agreements”¹ that threatened the suspension of the CFE Treaty if the Adapted CFE (ACFE) Treaty was not ratified and put into force within 150 days and other related requests of the Russian Federation fulfilled. An extraordinary conference of the CFE states parties, summoned on the request of Russia on 12-15 June 2007,² could not deflect this move. As there have been no conclusive negotiations on these questions up to early December 2007,³ the CFE Treaty, frequently called a “cornerstone of European security” in OSCE documents, is in acute danger of being destroyed.

This article details the most important differences between the CFE Treaty and the ACFE Treaty. It then reviews the various perceptions of the so-called Istanbul commitments on the withdrawal of the Russian armed forces from Georgia and Moldova: NATO states insist on that these commitments must be fulfilled before they will consider ratifying the ACFE Treaty. This is followed by an analysis of the new demands issued by the Russian Federation in its decree of 13 July. Finally, some conclusions are drawn for the future of the ACFE Treaty, European arms control, and relations between the NATO states and the Russian Federation.

From the Group Principle (CFE) to National and Territorial Ceilings (ACFE)

The original CFE Treaty,⁴ which was signed at the CSCE Paris Summit on 19 November 1990, was shaped by the bipolar structure of the Cold War. Its ceilings for the five categories of treaty-limited equipment (TLE) refer to two “group[s] of States Parties that signed the Treaty of Warsaw of 1955” or “the

1 Information on the decree “On Suspending the Russian Federation’s Participation in the Treaty on Conventional Armed Forces in Europe and Related International Agreements” of 13 July 2007 is available at: <http://www.mid.ru>.

2 Cf. Ministry of Foreign Affairs of the Russian Federation, Press Release, *Convening an Extraordinary Conference to Discuss CFE Treaty*, 28 May 2007, at: http://www.mid.ru/brp_4.nsf.english.

3 This manuscript was last updated on 12 December 2007.

4 Treaty on Conventional Armed Forces in Europe, at: http://www.osce.org/documents/doclib/1990/11/13752_en.pdf.

Treaty of Brussels of 1948 or the Treaty of Washington of 1949”.⁵ The Treaty’s system of regional limitations (Article IV) is also completely framed by the group principle. Although these stipulations were already outdated at the time of the Treaty’s signature, they were bearable until the first three states within the long since fictitious Eastern group of states parties – the Czech Republic, Hungary, and Poland – acceded to NATO in March 1999.

The Russian Federation had been demanding a “modernization” of the Treaty since 1994, arguing that, without such a modernization, NATO enlargement would amount to a violation of the treaty. In May 1996, after years of hesitation on NATO’s part, the states parties decided at the first CFE Review Conference to “immediately start a thorough process aimed at improving the operation of the Treaty in a changing environment”.⁶ In January 1997, negotiations within the Treaty’s Joint Consultative Group (JCG) were started with the intention of preserving the original accomplishments of the CFE Treaty, while establishing a new structure of limitations to secure stability and transparency. The negotiations were concluded at the 1999 Istanbul Summit Meeting with the signing of two documents on the adaptation of the CFE Treaty by its 30 states parties.⁷

The overarching goal of the ACFE Treaty remains the same as that of the original CFE Treaty: “eliminating disparities prejudicial to stability and security and [...] eliminating the capability for launching surprise attack and for initiating large-scale offensive action in Europe”.⁸ The single most important innovation of the ACFE Treaty is the replacement of the collective ceilings for the two groups of states by national and territorial ceilings for the individual states.⁹ A national ceiling limits the number of TLE each state may possess, irrespective of where these TLE are deployed. Territorial ceilings limit the number of TLE in three categories of land forces deployed within a territorial unit, usually a state’s territory, irrespective of whether these are national or foreign forces. States are allowed to raise their national and territorial ceilings unilaterally by 20 per cent within a five-year period. Both ceilings together, spread over the whole area of application, create – at least in principle – a kind of territorial network that enhances stability and the

5 Ibid., Article II, 1 (A). According to Article IV, 1, the number of TLE for each group of states parties is not to exceed 20,000 battle tanks, 30,000 armoured combat vehicles (ACV), 20,000 pieces of artillery, 6,800 combat aircraft, and 2,000 attack helicopters.

6 *Final Document of the First Conference to Review the Operation of the Treaty on Conventional Armed Forces in Europe and the Concluding Act of the Negotiation on Personnel Strength*, Vienna, 15-31 May 1996, at: http://www.osce.org/documents/doclib/1996/95/13755_en.pdf, p. 5.

7 Cf. *Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe*, 19 November 1999, at: http://www.osce.org/documents/doclib/1999/11/13760_en.pdf (CFE Adaptation Agreement); *Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe*, 19 November 1999, at: http://www.osce.org/documents/doclib/1999/11/13761_en.pdf (CFE Final Act).

8 *CFE Adaptation Agreement*, Article 1.

9 Cf. *ibid.*, Articles 5 and 6.

ability to defend, while at the same time limiting military flexibility and capabilities for offensive action.

Precisely this relationship between stability on the one hand and military flexibility on the other developed into the main bone of contention during the ACFE negotiations. In June 1998, the NATO states, mainly driven by US aspirations, proposed two variants of a specific flexibility instrument called “Temporary Deployment”.¹⁰ According to those proposals, under a “Basic Temporary Deployment” a state is allowed to exceed its territorial ceilings by 153 tanks, 241 armoured combat vehicles (ACVs), and 140 pieces of artillery. Under an “Exceptional Temporary Deployment”, a state is even allowed to exceed its territorial ceilings by three times as many TLE, i.e., 459 tanks, 723 ACVs, and 420 pieces of artillery. This rule is applied on a state-by-state basis and can thus be used by several states at the same time. The term “temporary” was not defined in any way, thus leaving open how long a temporary deployment could last.

Originally, the Russian Federation was not prepared to agree to such a high level of flexibility, calculating that NATO, using all its flexibility instruments, could raise its holding in the three new NATO states, the Czech Republic, Hungary, and Poland, by 1,799 tanks, 4,142 ACVs, and 2,142 artillery pieces.¹¹ Thus, the negotiations reached a critical stage leaving only three options on the table: *first*, a weakening of the flexibility instruments, and particularly temporary deployment; *second*, a renunciation by some states of the option of using some of these instruments; *third*, a further decrease of the territorial ceilings of some Central European states.

As the US was not ready to tone down the flexibility instruments, a solution was found by combining the second and third options, whereby the Czech Republic, Hungary, Poland, and the Slovak Republic decreased their territorial ceilings by 1,700 TLE.¹² In addition, these four states, along with Belarus, Germany, and Ukraine, declared that they had no intentions of raising their territorial ceilings.¹³ For Poland, in particular, this was made easier by a Russian declaration that there are “no reasons, plans or intentions to sta-

10 *Proposal on Certain CFE Treaty Mechanisms by the Kingdom of Belgium, Canada, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Republic of Iceland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, the Portuguese Republic, the Kingdom of Spain, the Republic of Turkey, the United Kingdom of Great Britain and Northern Ireland, and the United States of America*, JCG.DEL/28/98, 22 June 1998.

11 Cf. Wolfgang Zellner, *Der KSE-Vertrag – Anpassung an veränderte strategische Bedingungen* [The CFE Treaty – Adapting to Changed Strategic Conditions], in: *Die Friedenswarte*, 75/2000, 2, p. 193.

12 Cf. *CFE Final Act*, cited above (Note 7), Annex 1, Statement on behalf of the Czech Republic; Annex 2, Statement on behalf of the Republic of Hungary; Annex 3, Statement on behalf of the Republic of Poland; Annex 4, Statement on behalf of the Slovak Republic.

13 Cf. *ibid.*, Annex 6, Statement on behalf of the Republic of Belarus; Annex 7, Statement on behalf of the Czech Republic; Annex 8, Statement on behalf of the Federal Republic of Germany; Annex 9, Statement on behalf of the Republic of Hungary; Annex 10, Statement on behalf of the Republic of Poland; Annex 11, Statement on behalf of the Slovak Republic; Annex 12, Statement on behalf of Ukraine.

tion substantial additional combat forces, whether air or ground forces”¹⁴ in the Kaliningrad and Pskov oblasts. On the basis of all these statements, Russia was ready to accept the stipulations on basic and exceptional temporary deployments that were incorporated in the ACFE Treaty. With respect to regional limitations, the system of concentric zones in the centre of Europe and the sufficiency rule were abolished, while a modified version of the 1996 flank agreement was maintained.¹⁵

The Adapted CFE Treaty reinforces the territorial sovereignty of individual states parties. The right of each state party to decide whether to permit or forbid the deployment of foreign military forces on its territory was reinforced by strengthening the requirements for host nation consent to the presence of foreign forces. A key provision in this respect is that all parties must be notified about whether such consent has been granted.¹⁶ Information exchange and the inspection regime were also strengthened, with the number of inspections being increased by about a third. Following its entry into force, the ACFE Treaty is open for accession by any OSCE participating State with territory within the Treaty’s area of application.¹⁷ This is particularly relevant in view of the fact that the armed forces of the newly admitted NATO states Estonia, Latvia, Lithuania, and Slovenia as well as any foreign armed forces that may be stationed on their territory are not yet limited by the CFE regime.¹⁸

Disagreement over the “Istanbul Commitments”

The ratification and entry into force of the Adapted CFE Treaty has faced substantial problems since 1999. Up to now, only Russia, Ukraine, Belarus,

14 Ibid., Annex 5, Statement on behalf of the Russian Federation.

15 The regional limitations of the 1990 CFE Treaty provided three concentric ceilings in the “centre” of Europe (Article IV) aimed at limiting the concentration of forces at the “front-line”, the inner-German border. An additional flank rule limited TLE in the northern and southern areas (Article V). The sufficiency rule (Article VI), which could only be applied to the Soviet Union, limited the TLE of *one* state party to about one third of the TLE of all states parties. At the 1996 CFE Review Conference, states parties agreed on a new flank rule. Accordingly, the old flank ceilings of the Russian Federation (1,300 tanks, 1,380 ACV, 1,680 artillery pieces) were applied to a considerably smaller area (“new geography and old figures”), while substantially higher ceilings were applied to the old Russian flank region (1,800 tanks, 3,700 ACV, 2,400 artillery pieces), (“old geography and new figures”), (cf. *Final Document of the First CFE Review Conference*, cited above [Note 6], Annex A: Document agreed among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990, Articles II and III). In the CFE Adaptation Agreement, the smaller Russian flank region was combined with the ceilings of the 1990 Treaty, with the exception of ACVs, where the ceiling was raised to 2,140 (cf. *CFE Adaptation Agreement*, cited above [Note 7], Article 6, and *Protocol on Territorial Ceilings for Conventional Armaments and Equipment Limited by the Treaty on Conventional Armed Forces in Europe*).

16 Cf. *CFE Adaptation Agreement*, cited above (Note 7), Articles 2 (3) and 14 (2).

17 Cf. *ibid.*, Article 18 (1).

18 Especially regarding the ACFE Treaty’s stipulations on Basic and Exceptional Temporary Deployments, which apply to every single State.

and Kazakhstan have ratified the treaty. While the major obstacle between 1999 and 2001 consisted in the fact that Russian holdings in the flank area substantially exceeded both the flank ceilings agreed in 1996 and those of the ACFE Treaty, after the 2002 NATO Prague summit, Russia's unfulfilled commitment to withdraw its armed forces from Georgia and Moldova has been the main factor preventing the NATO states from ratifying the treaty.

At the time of the signing of the ACFE Treaty, Russian holdings in the flank area (whichever version thereof) substantially exceeded the agreed ceilings. In a statement of 1 November 1999, the Russian Federation had explicitly acknowledged its commitment to comply with all obligations under the treaty.¹⁹ At their ministerial meeting at Florence in May 2000, the NATO states "noted Russia's assurances that this breach of CFE limits will be of a temporary nature and expect Russia to honour its pledge to reduce to CFE limits as soon as possible". They also declared that it "is on this basis that Allies will continue to work towards bringing the Adapted Treaty into force".²⁰ At the end of 2001, Russia declared that it had met the flank ceilings, and at its 2002 Prague Summit, NATO "welcome[d] the significant results of Russia's effort to reduce forces in the Treaty's Article V area to agreed levels".²¹ This removed the first obstacle to ratification.

The second and, as further developments were to show, more substantial impediment to the ratification of the ACFE Treaty by NATO states has consisted in the Russian Federation's failure to fulfil its commitment to withdraw its forces from Georgia and Moldova – the so-called Istanbul commitments. These are derived from the Istanbul Summit Declaration, in which the participating States "welcome the commitment of the Russian Federation to complete withdrawal of the Russian forces from the territory of Moldova by the end of 2002".²² Russia's commitment to withdraw its forces from Georgia is contained in a "Joint Statement of the Russian Federation and Georgia" annexed to the CFE Final Act, in which it pledged to reduce its TLE located in Georgia to 153 tanks, 241 ACV, and 140 artillery pieces by 31 December 2000, to withdraw all TLE from its military bases at Vaziani and Gudauta by 31 December 2000, and to disband these two military bases by 1 July 2001. Further on, the two sides declared their intention to "complete negotiations regarding the duration and modalities of the functioning of the Russian mili-

19 Cf. *CFE Final Act*, cited above (Note 7).

20 NATO, *Ministerial Meeting of the North Atlantic Council held in Florence on 24 May 2000, Final Communiqué*, paragraph 51, at: <http://www.nato.int/docu/pr/2000/p00-052e.htm>.

21 NATO, *Prague Summit Declaration*, Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Prague on 21 November 2002, paragraph 15, at: <http://nato.int/docu/pr/2002/p02-127e.htm>.

22 Istanbul Summit Declaration, in: Organization for Security and Co-operation in Europe, *Istanbul Summit 1999, Istanbul Document 1999*, PCOEW389, January 2000/Corr., paragraph 19, at: http://www.osce.org/documents/mcs/1999/11/4050_en.pdf.

tary bases at Batumi and Akhalkalaki and the Russian military facilities within the territory of Georgia”²³ during the year 2000.

The NATO states’ current position that they will only be willing to ratify the ACFE Treaty after Russia has fulfilled its Istanbul commitments emerged only three years after Istanbul at the 2002 NATO Prague summit meeting. At their 2000 ministerial meeting in Florence, NATO states had declared that they were “look[ing] for early and effective implementation of Russia’s commitments to reduce and withdraw its forces from Moldova and Georgia”²⁴ without having linked this issue to ratification of the ACFE Treaty. The German government’s annual disarmament report for 2002 goes even further and explicitly argues for a decoupling of the ratification issue from the Istanbul commitments: “But some states are also insisting on the fulfilment by Russia of these non-CFE-relevant commitments [author’s note: withdrawal from Georgia and Moldova] contained in the Istanbul Document. This would make the ratification of the adaptation agreement dependent upon the solution of some issues of rather less importance, and there would be a danger that the entry into force of the arms control agreement, which is of such basic importance for the security and stability of the whole European continent, would be delayed or even made impossible.”²⁵ And precisely this has come to pass: At the 2002 Prague NATO Summit, Germany was apparently unable to uphold its position, and NATO states made the following statement: “We urge swift fulfilment of the outstanding Istanbul commitments on Georgia and Moldova, which will create the conditions for Allies and other States Parties to move forward on ratification of the Adapted CFE Treaty.”²⁶ Thus, the NATO states created a firm link between their ratification of the treaty and the withdrawal of Russian forces from Georgia and Moldova – something that has been vehemently rejected by Russia. In this way, the NATO states tried to use the ratification of the ACFE Treaty as leverage to achieve the withdrawal of the Russian forces, and, furthermore, indirectly as a means to solve the related territorial conflicts in Georgia and Moldova.

In the context of this contribution, it is not possible to follow in detail the painstaking debate on the withdrawal of the Russian armed forces from Georgia and Moldova that has taken place since 1999. The current state of affairs is that after years of blockage, the withdrawal of the Russian armed forces from Georgia in accordance with a Georgian-Russian agreement from March 2006 has been completed one year ahead of schedule. The remaining

23 *CFE Final Act*, cited above (Note 7), Annex 14: Joint Statement of the Russian Federation and Georgia.

24 NATO, *2000 Florence Ministerial Meeting*, cited above (Note 20), paragraph 15.

25 *Bericht der Bundesregierung zum Stand der Bemühungen um Rüstungskontrolle, Abrüstung und Nichtverbreitung sowie über die Entwicklung der Streitkräftepotentiale (Jahresabrüstungsbericht 2002)* [Report of the Federal Government on the State of the Arms Control, Disarmament, and Non-Proliferation Efforts and on the Development of Military Potential (Annual Disarmament Report 2002)], Berlin 2002, p. 87 (author’s translation).

26 NATO, *Prague Summit Declaration*, cited above (Note 21), paragraph 15.

difficulties are the presence of Russian (CIS) peacekeeping forces in Abkhazia and South Ossetia, and the handing over of the military base in Gudauta, which is situated in Abkhazia and therefore not under Georgian control. In this case, an OSCE fact-finding mission, as proposed by Germany, might help.²⁷ In Moldova (Transdniestria), there is still a Russian depot containing about 20,000 tons of ammunition as well as Russian guards.²⁸ There are also Russian (CIS) peacekeeping troops in Transdniestria. A specific problem on NATO's side consists in the fact that the NATO states do not agree on whether these Russian peacekeeping forces fall under the Istanbul commitments. While, the US, the UK, Romania, Poland, the Czech Republic, and the Baltic states, among others, say that they do, Belgium, Germany, France, Italy, Luxembourg, and several others are of the opposite opinion. However, more recently the US has shown considerable flexibility on the issue of the Istanbul commitments in general and the peacekeeping forces in particular.

All in all, the NATO states' linking of the fulfilment of the Istanbul commitments and the putting into force of the ACFE Treaty has proven to be a serious miscalculation. While it has effectively delayed the ratification and entry into force of the ACFE Treaty and might even contribute to the destruction of the whole CFE Treaty regime, it has neither facilitated the withdrawal of the Russian armed forces from Georgia and Moldova nor the resolution of the related territorial conflicts there.

Russia's Threat to Suspend CFE – End of the “Cornerstone of European Security”?

After the Extraordinary Conference of the CFE states parties on 12-15 June 2007 had failed to find a solution, Russia's President Putin issued a decree on 13 July considering the suspension of the CFE Treaty. This step was substantiated by means of a number of “exceptional circumstances” and related demands that go far beyond the ratification of the ACFE Treaty by the NATO states. In more detail, the decree addresses the following questions.²⁹

- The decree criticizes the “failure of Bulgaria, Hungary, Poland, Romania, Slovakia and the Czech Republic to make the necessary changes

27 Cf. *Bericht der Bundesregierung zum Stand der Bemühungen um Rüstungskontrolle, Abrüstung und Nichtverbreitung sowie über die Entwicklung der Streitkräftepotenziale (Jahresabrüstungsbericht 2006)* [Report of the Federal Government on the State of Arms Control, Disarmament, and Non-Proliferation Efforts and on the Development of Military Potential (Annual Disarmament Report 2006)], Berlin 2006, p. 43, at: <http://www.auswaertiges-amt.de/diplo/de/Infoservice/Broschueren/ABRBericht2006.pdf>.

28 Cf. *ibid.*

29 All quotations in the following enumeration are from the Russian decree on suspending the CFE Treaty, cited above (Note 1).

- in the composition of group of states party to the Treaty on the accession of these countries to NATO”.
- It mentions the “negative impact of the deployment of America’s conventional forces in Bulgaria and Romania” and asks for the elaboration of a “common understanding of the term ‘substantial combat forces’”. The background for this claim are statements by NATO that it will not station “substantial combat forces” in newly admitted NATO states.
 - Russia criticizes the failure of NATO states to ratify the ACFE Treaty and demands “the coming into force or at least starting to apply the interim Adapted Treaty no later than 1 July 2008”.
 - Russia finds fault with the “failure of Hungary, Poland, Slovakia and the Czech Republic to comply with commitments accepted in Istanbul to adjust their territorial ceilings”. Indeed, these states have not yet notified their territorial ceilings. However, the precondition for that would be the entry into force of the Adapted CFE Treaty.
 - Russia notes that “Estonia, Latvia and Lithuania’s failure to participate in the CFE Treaty has adverse effects on Russia’s ability to implement its political commitments to military containment in the northwestern part of the Russian Federation” and asks for the inclusion of the three Baltic states in the CFE Treaty regime. This is only possible after the ACFE Treaty has entered into force.
 - The Russian Federation demands “the reduction of the permissible [...] Treaty-limited equipment for NATO countries in order to compensate for the widening of the NATO alliance”. This equates to the reintroduction of the outdated idea of an East-West balance of armed forces, something that the ACFE Treaty was intended precisely to overcome.
 - Finally, in line with earlier requests, Russia is demanding the “abolition of flank restrictions on Russian territory”.

The Russian Federation threatened to suspend the operation of the treaty if these demands are not addressed within 150 days, that is by 12 December 2007. Two informal conferences of the CFE states parties plus the newly admitted NATO states of Estonia, Latvia, Lithuania, and Slovenia in October and November 2007, convened on the joint initiative of France and Germany, provided a lot of ideas, but no breakthrough. And although the US had shown much more flexibility on the Istanbul commitments in the weeks prior to the 2007 OSCE Ministerial Council meeting on 29/30 November, negotiations there also failed. President Putin put his decree, which had been approved by the parliament in November, into force on 30 November, while the Ministerial Council meeting was taking place. However, Russia indicated that it remains ready to negotiate even after the 12 December deadline has passed.

The Russian move seems to be a result of more than domestic factors. Certainly, the coming parliamentary and presidential elections provide an op-

portunity for the Russian president to make a show of strength. And the growing authoritarianism within the Russian Federation together with its strengthened resource base definitely have an impact on the hardened position it has been adopting in regional conflicts. However, the key factor is rather Russia's increasingly troubled relations with the Western countries, and the US in particular. Seen from a Russian perspective, the West under the leadership of the US has revived a policy of politico-military containment of Russia, implemented by means of further rounds of NATO enlargement, forward deployment of US armed forces, and the project of a global missile defence shield, with elements deployed in Europe. Thus, the Russian threat of suspending the CFE Treaty is more an attempt to escape from a situation perceived as unacceptable than an offensive step. And, as so often with Russia, it is more a reaction than part of a deliberate strategy. After all, it is Russia that has to expect the most severe disadvantages from the collapse of the CFE regime.

Forward into the Past? The Threat of a Redivided Europe

The Cold War was not a unique period that can be isolated from the broader course of history, but was only one, if extremely aggravated, *form* of Europe's East-West divide. The *substance* of this divide, which has been valid for centuries, has more to do with varying levels of social and political modernization, including related dimensions such as dominant values and the character of society and state institutions. It is therefore wrong to ask whether the deepening dividing lines in Europe are leading to a return of a bipolar confrontation comparable with the Cold War. Of course they are not, if only because the emergence of China and India will not allow any return to a bipolar global constellation. The question is rather that of how Europe's existing dividing lines – and they will still exist for a long period – are politically managed, whether they are deepened or ameliorated by bonds of co-operation. And it is in this context that the future of the CFE regime matters, primarily in a political sense.

Although it is difficult to anticipate possible scenarios for the further development of the CFE regime and their consequences for the broader European context and *vice versa*, some preliminary conclusions can be drawn.

First, there is no way back to the old 1990 CFE Treaty, neither in a political sense nor in terms of implementation. If the CFE Treaty has any future, then it must be in the form of the adapted 1999 version, probably also including additional new elements.

Second, until 2006, it would have been possible to ratify and bring into force the ACFE Treaty without inciting further Russian demands. Now, the long delay in ratification on the part of the NATO states has provoked Russia

to ask for more. It seems rather unlikely that it will be possible to successfully decouple these demands from the ratification issue.

Third, as the 12 December deadline approached, the US showed far more flexibility on the Istanbul commitments, including the issue of the Russian peacekeeping forces. In only a few weeks, a solution appeared to be emerging with regard to this matter, which had been treated as a holy cow for eight years. It appears that the US neither wanted to be held responsible for the failure of CFE nor to strain good relations with Russia, which were needed for dealing with other conflicts, including the situation in Iran. Unfortunately, however, positions on Russia's three additional key demands have remained entrenched. First, although the US is not particularly interested in the flank rule, Turkey definitely is, while Norway has shown much more flexibility. Second, it is difficult to imagine that NATO could accept the Russian idea of a NATO alliance ceiling, which amounts to a regression to the old pre-1990 bloc-based concept. And third, the Russian demand for immediate provisional application of the ACFE Treaty is difficult to fulfil, because this would require new legislation in most NATO countries. It is rather ironic that, just as the Istanbul commitments that have delayed the ratification of ACFE since 1999 have become solvable, other and currently more difficult obstacles have emerged.

Fourth, the suspension of the CFE Treaty, not to mention a complete breakdown of the treaty regime, will entail a number of consequences, some of them immediate, others developing over time:

- Information exchange and inspections will stop. That means the end of co-operative transparency in favour of unilateral transparency for those who have satellites – a severe blow for a co-operative security policy in Europe.
- As the actual holdings of almost all states parties are significantly below their national ceilings, there is little concern that the suspension or breakdown of the CFE regime might lead to a general build-up in the five TLE categories. However, what could happen is that sub-regional re-concentrations of armed forces could emerge, particularly in the southern flank zone, as well as in the Kaliningrad and Pskov oblasts.
- Related to this, it is an open question how long the political commitments annexed to the CFE Final Act will survive a longer period of suspension of the CFE Treaty.

All in all, there is a serious danger that the treaty regime will gradually start to unravel during a protracted period of suspension. There might be only a window of opportunity of a few months before the CFE Treaty collapses.

Fifth, the collapse of the CFE regime would make the Vienna Document 1999 (VD 99) highly vulnerable, thereby undermining the whole system of

co-operative security in Europe. All the more so as this key document of arms control in the OSCE's own sphere of competence is outdated in large parts, and NATO states are reluctant to discuss Russian proposals on its adaptation to a changed environment. Compared with the VD 99, the rest of the OSCE arms control *acquis* – with the exception of the primarily normative Code of Conduct on Politico-Military Aspects of Security – is of secondary importance. Thus, if CFE fails and the VD 99 comes under pressure, the OSCE will lose one of its last working fields in which the Russian Federation is still interested, namely arms control. This would leave it more or less entirely focused on the human dimension, something a number of participating States including Russia are not at all interested in.

Sixth, there is declining interest in arms control in a number of European capitals and in the US. It would be more than optimistic to expect that this will substantially change under the next US president. Against this background, it will be interesting to see whether the crisis of European arms control will serve to stimulate those who have dismissed the whole field or rather those who are willing to defend and reconstitute it. Despite recent appearances of greater flexibility, the chances of such an initiative coming from the US are rather small. Consequently, the EU states must act far more decisively if they want to maintain what they have in brighter times called a “cornerstone of European security”. The worst possible scenario would be for the CFE Treaty regime to come to an end with a whimper, and without any attempt at an organized effort to maintain this key element of the European arms control regime.

All in all, there is a danger that a growing number of dividing lines between East and West are acting in mutually reinforcing ways without being neutralized – or at least mitigated – by cross-cutting bonds of co-operation. It is hard to deny that there is a normative divide between Russian and other CIS states on the one hand and the West on the other. This is already being aggravated by differences over regional conflicts and concerns relating to energy security. In this environment, the breakdown of one key element of the existing European regime of co-operative security might have a negative catalytic effect – far less in a narrow military sense than in a broader political one – and could lead to an overall perception of a re-divided European continent. Another source of deepening tension with Russia (but not only with Russia) is also looming: the possibility of a unilateral declaration of Kosovan independence. Whether the CFE states parties, and particularly the EU states, will be able to defend the CFE Treaty in such an environment will become a test of their commitment to effective multilateralism.