

QUESTIONS AND ANSWERS ON CFE

INTRODUCTION

President Putin's speech of 26 April 2007 and subsequent statements of Russian officials have focused attention on the 1990 Treaty on Conventional Armed Forces in Europe (CFE) as a major bone of contention between Russia and its Partners. Without question the Treaty's provisions are complex, dealing with the sensitive issues of the military balance between NATO and the Warsaw Pact during a period of unprecedented change at the end of the Cold War. Despite fundamental changes in Europe's security environment, today CFE continues to provide the only verifiable legal ceilings on the military forces of the major players in Euro-Atlantic security.

BACKGROUND

CFE TREATY

The CFE Treaty was the result of over sixteen years of negotiations under various mandates. The underlying goal of these negotiations was to replace military confrontation with a new pattern of security relations based on peaceful cooperation, thereby helping to overcome the divisions of Europe that characterised the Cold War period. It was signed in Paris in 1990 and entered into force in July 1992, thereby codifying the end of the Cold War with a legally binding Treaty. It established a secure and stable balance of conventional forces in Europe at dramatically lower levels in five categories of Treaty-Limited Equipment (TLE) (tanks, armoured combat vehicles, artillery, attack helicopters, and combat aircraft). It also eliminated the capability to launch a surprise attack or large scale offensive action, by establishing a system of limitations, transparency (annual exchanges of information and notifications), verification (on-site inspection) and an emphasis on host-nation consent to the stationing of foreign forces. Since its entry into force, experts have considered the CFE Treaty to be a cornerstone of European security.

With the dissolution of the Warsaw Pact, the States Parties to the CFE Treaty met in Oslo in 1992 and agreed that the basis of verification would be the holdings of individual States Parties as provided for in the Treaty rather than the overall bloc-to-bloc system of limitations. In the course of implementing the Treaty, over 60,000 pieces of TLE have been destroyed and over 4000 on-site inspections have been conducted. Following the dissolution of the USSR, Russia raised concerns about the original flank regime and the division of the USSR's equipment entitlements, particularly in the North Caucasus. Because the original flank regime included strict limits on equipment holdings in this region, which then had to be further subdivided among six newly independent states, Russia was left with limited equipment entitlements in this increasingly unstable region. These concerns were addressed at the first CFE Review Conference in 1996 which resulted in a revised agreement on the "flank" region. However, following the first Chechen crisis, Russia requested a further revision of the flank limits. Other areas of concern that emerged in the late 1990s included continued stationing of Russian forces in the Republic of Moldova and Georgia, despite the objections of those states.

THE ADAPTED CFE TREATY AND THE ISTANBUL COMMITMENTS

In 1996, CFE States Parties agreed to initiate the process of adapting the CFE Treaty to the changed security realities. This was accomplished by transforming the bloc-to-bloc system of limitations to a system of national and territorial ceilings. The Adapted Treaty provides for increased transparency and predictability, more inspections, temporary deployments and new mechanisms designed to reinforce States Parties' ability to grant or withhold consent for the stationing of foreign forces on their territory. In the run-up to the OSCE's 1999 Istanbul Summit, the CFE Treaty community was concerned by three serious Treaty compliance problems: Russian equipment holdings in the "flank" region well in excess of agreed Treaty limits; a Russian military presence in Georgia beyond the level authorised by the Georgian authorities; and a Russian military presence in Moldova that lacked the explicit consent of the Moldovan authorities. The majority of CFE Treaty states, including all members of NATO, insisted on a package of measures designed to address these issues. At Istanbul, Russia agreed to withdraw from the Republic of Moldova, reduce her equipment levels in Georgia and agree with the Georgian authorities on the modalities and duration of the Russian forces stationed on the territory of Georgia, and reduce their forces in the flanks to the agreed levels of the Adapted CFE Treaty. These agreements became known as the Istanbul Commitments and are contained in 14 Annexes to the CFE Final Act and within the 1999 Istanbul Summit Declaration, and provided an essential condition permitting Allied and other Heads of State and Government to sign the Adapted CFE Treaty.

GEORGIA AND THE REPUBLIC OF MOLDOVA

Much progress has been made in implementing the original Istanbul Commitments. Just two commitments remain unfulfilled, between Russia and Georgia and Russia and the Republic of Moldova. Concerning Georgia, agreement was reached in March 2006 on the withdrawal of Russian forces and this withdrawal is proceeding ahead of schedule. There is essentially one remaining contentious Istanbul Commitments issue which is over the status of a Russian military base in Gudauta, which Russia says only houses military retirees and their families. Georgia does not agree and wishes all Russian forces to be withdrawn.

Concerning the Republic of Moldova, the Istanbul Summit Declaration states, "We welcome the commitment of the Russian Federation to complete withdrawal of the Russian forces from the territory of Moldova by the end of 2002." The Russians did withdraw 58 trainloads of equipment and ammunition from Transdniestria but no further withdrawals have occurred since 2004.

As a result of the 1992 Cease Fire Agreement between the Republic of Moldova and the break-away region of Transdniestria, Russia has maintained approximately 800 peacekeepers along the dividing line between the Republic of Moldova and Transdniestria. The Republic of Moldova has called for the withdrawal of Russian Peacekeepers and their replacement by a multi-national peacekeeping force.

In addition to its peacekeepers, Russia retains approximately 700 members of the former 14th Army, their equipment and some 20.000 tons of ammunition at the Kolbasna

Ammunition storage facility in Transdniestria. Experts estimate that Russia could, with a concerted effort, complete the withdrawal of its forces to include the disposition of the remaining ammunition within six months.

QUESTIONS AND ANSWERS

Q. Why isn't there more publicly accessible information on CFE implementation?

A. The Treaty contains a proprietary provision that prevents States Parties from divulging information provided by other States Parties. This includes, for example, Treaty information exchanges, notifications, the journal of the Treaty's executive (the Joint Consultative Group, which meets in Vienna), and the results of inspections. In addition, the deliberations of the NATO-Russia Council and its subordinate committees are restricted. Only when all 27 members of the NRC agree can information be released to the public.

Q. Where can the public find information on CFE?

A. The OSCE website contains the text of both the CFE and the Adapted CFE Treaty, the 1999 CFE Final Act, OSCE Ministerial and Summit Statements and public documents on the results of CFE Review Conferences.

The NATO website contains all of the Ministerial and Summit Communiqués and almost all of these contain statements of Alliance policy on CFE issues. In addition, the NATO website contains background papers and other public statements made by the Alliance concerning CFE.

Q. Why is the CFE Treaty important and what has it accomplished?

A. The Treaty provides the only legally binding and verifiable mechanism limiting the size of the conventional ground and air forces that States Parties may maintain within the Treaty's area of application (Atlantic to the Urals). The NATO website contains a paper on CFE accomplishments that addresses the strategic contribution of CFE to Euro-Atlantic security.

Q. What is meant by President Putin's call for a moratorium on implementation of the CFE Treaty?

A. There is no provision in the Treaty that would allow for a unilateral moratorium on implementation of the Treaty. Suspension of implementation of Treaty obligations would constitute a direct violation of the Treaty.

It would be most regrettable if Russia took unilateral extra-legal steps that risked undoing an agreement that has underpinned European security for the past 15 years. As Russia is the largest military power in Europe, its non-participation in the implementation of the Treaty would have a serious impact.

Q. President Putin and Minister Lavrov have cited several Alliance policies, including on CFE, which they claim are in direct confrontation with Russia's national security interests. How does the Alliance respond to these accusations?

A. It is not for the Alliance to attempt to define Russia's national security interests. Allies take the statements of senior Russian officials seriously and have clearly indicated their openness to discussing all issues of mutual concerns with a view to resolving them. It should be noted that the NRC had agreed before President Putin's speech to deepen its dialogue especially on the national security concerns of all 27 members of the NRC.

Q. President Putin has called for the CFE issue to be discussed in the NATO-Russia Council. Have these deliberations begun?

A. Yes. They were actually initiated at Ambassadorial level the day after President Putin's speech, and have been carried forward at expert level most recently on 16 May.

Q. What are the prospects of resolving these issues?

A. Without question, the issues that have been raised both by the Allies and Russia are complex in nature and have both political and legal aspects related to interpretation of Treaty provisions and associated documents. They are not easy to resolve. Nonetheless, the Allies are committed to the resolution process, and are ready to discuss them not only within the NRC but other appropriate diplomatic fora. With the proper political will, these issues can be resolved.

Q. A major issue concerning CFE is the 1999 Istanbul Commitments. Just what are these?

A. The Istanbul Commitments are a series of unilateral and bilateral statements which formed a "package deal" among the 30 CFE States Parties resulting in the signature of the 1999 CFE Final Act and agreement on the Adaptation of the CFE Treaty. The statements are focused on levels of holdings of Treaty-Limited Equipment, deployments and forces stationed on the territory of another state. They are contained in 14 Annexes to the CFE Final Act and in paragraph 19 of the OSCE's 1999 Istanbul Summit Declaration.

Q. How are the Istanbul Commitments linked to ratification of the Adapted CFE?

A. The linkage is both political and legal. Politically, Allied Heads of State and Government would have found it difficult to sign the Adapted CFE Treaty in 1999 in the absence of a serious effort to resolve the underlying Treaty compliance issues addressed by the Istanbul Commitments (respect for the Treaty's "flank" limits, and for host-state consent requirements in the Republic of Moldova and in Georgia). Allied parliaments (and certainly the Georgian and Moldovan parliaments) would be unlikely to ratify the agreement before these Treaty compliance issues are resolved.

Legally, the 1990 CFE Treaty allows stationing of conventional ground and air forces on the territory of another state "provided that no State Party stations conventional armed

forces on the territory of another State Party without the agreement of that State Party” (Article IV, Para. 5). By continuing to station forces on the territory of the Republic of Moldova without her consent, Russia is not complying with this legal requirement of the CFE Treaty for host-nation consent, contrary to one of the fundamental principles upon which the Treaty is based.

The Alliance position on this issue has been clear and consistent from the outset. It was reiterated during the Third CFE Review Conference in 2006 ([http://www.nato.int/topics/A-Z index/Arms control - conventional](http://www.nato.int/topics/A-Z/index/Arms%20control%20-%20conventional)). Furthermore, this position was endorsed by 26 (all 22 Allies who are States Parties to the Treaty, Georgia, Ukraine, Azerbaijan, and Moldova) of the 30 States Parties to the CFE Treaty.

Q. Since 1999, has there been any movement by Russia to fulfil its Istanbul Commitments?

A. Yes, there have been real efforts to fulfil the commitments, and much progress has been made. Of the original Istanbul Commitments, only two remain unfulfilled.

Concerning Georgia, agreement was reached in March 2006 on the withdrawal of Russian forces by 2008, and this withdrawal is proceeding ahead of schedule with the exception of a Russian military base in Gudauta, which the Russians say only houses military retirees and their families. Georgia does not agree and wishes all Russian forces to be withdrawn.

Concerning the Republic of Moldova, the Istanbul Summit Declaration states, “We welcome the commitment of the Russian Federation to complete withdrawal of the Russian forces from the territory of Moldova by the end of 2002.” The Russians did withdraw 58 trainloads of equipment and ammunition from Transdniestria but no further withdrawals have occurred since 2004.

As indicated in Alliance Communiqués beginning in 2002, Allies have acknowledged and welcomed progress in the fulfilment of the Commitments and have urged all of the parties involved (Russia, Georgia and the Republic of Moldova) to resolve their remaining issues so as to create the conditions necessary for all of the 26 States Parties who have not yet done so to ratify the Adapted CFE Treaty, thereby enabling its entry into force.

Q. Concerning the Republic of Moldova and fulfilment of the remaining Istanbul Commitments, what can the Alliance do to try to resolve this issue?

A. NATO Allies have offered to assist Russia with the cost of implementing their remaining commitments to the Republic of Moldova. Allies have not linked fulfilment to resolution of the overall issues between the Government of Moldova and the breakaway region of Transdniestria. The Allies will be as helpful as we can be, but only Russia can complete the commitments and create the conditions necessary for all CFE States Parties to ratify the Adapted CFE Treaty.

Q. What is the current situation regarding ratification of the Adapted CFE Treaty?

A. To date, of the 30 States Parties whose ratification and deposit of their instruments of ratification of the Adapted CFE Treaty is necessary for entry into force, only Russia, Belarus, and Kazakhstan have ratified and deposited their instruments with the depositary state (the Netherlands). Ukraine has ratified but not deposited. It should be pointed out that both the Republic of Moldova and Georgia must also ratify and deposit for the Adapted CFE Treaty to enter into force.

Q. When did Russia ratify the Adapted CFE Treaty?

A. The Russian State Duma voted to ratify the Adapted CFE Treaty in July 2004, and Russia deposited its instrument of ratification on 06 December 2004. The dates are significant because the Alliance position was well known and Russia's ratification occurred after the current Alliance membership was in place.

Q. Russia insists that the Baltic States immediately accede to the CFE Treaty so that all member states of the Alliance are under the legal parameters of the CFE Treaty. How does the Alliance respond to this?

A. The 1990 CFE Treaty, which was originally designed as a bloc-to-bloc agreement, does not contain an accession clause allowing new states to join the Treaty. The ACFE Treaty does have such a clause, and thus accession of new States Parties will be possible when the ACFE Treaty enters into force.

It should be pointed out that Lithuania, Latvia, and Estonia have repeatedly stated, at the highest levels of their Governments, their intention to request accession to the Treaty as soon as the ACFE enter into force. In addition to existing bilateral transparency measures with Russia, the Baltic States have offered CFE-like transparency measures to Russia as an act of good faith. Unfortunately, Russia has not responded positively to these offers.

Q. What is the Alliance's response to President Putin's assertions on the inconsistency of NATO forward deployments with NATO assurances to Russia on stationing?

A. NATO's policy on stationing of conventional armed forces is contained in a series of documents, including the NATO-Russia Founding Act. The most comprehensive statement of NATO policy in this area is the 8 December 1998 Ministerial Statement on CFE. The policy commits the Allies to carry out their "collective defence and other missions by ensuring the necessary interoperability, integration, and capability for reinforcement rather than by additional stationing of substantial combat forces." The statement covers ground and air combat forces but "does not relate to headquarters or other military support activities needed to meet the Alliance's military requirements for reinforcement, interoperability, or integration." Allies also committed to provide further evidence of their "intentions as to any future stationing through increased transparency with regard to our defence plans and programmes."

The planned U.S. deployments in Bulgaria and Romania are well within the parameters of announced NATO policy and Founding Act assurances. Based on this policy and through existing Treaty mechanisms, the US plans to deploy combat elements of a Brigade, stationed in Germany, on a rotational basis to training facilities in Romania and Bulgaria. These elements, which are by definition, lower than Brigade level, do not constitute “substantial forces”, and thus do not violate Alliance stationing policy or NATO-Russia agreements. In addition, they will not be permanently stationed in Bulgaria or Romania. With regard to the CFE Treaty, there is no provision that prohibits this activity as long as group ceilings are not violated and there is host-state consent to the stationing.

In support of Air Policing activities in the Baltic States, the Alliance is restoring certain facilities at the Siauliai airfield in Lithuania: these include the runway and taxiway; providing aircraft weather shelters and parking spaces; and ammunition and fuel depots. In addition, to achieve interoperability with other NATO airfields, a new parking platform of limited size is being provided to accommodate a small number of wide bodied aircraft. The NATO investment in these works at Siauliai is not considered to provide a strategic capability and is in accordance with the 8 December 1998 policy statement. On a rotating basis, Allies are deploying four aircraft to Lithuania to conduct air policing activities for all three Baltic States.

At the urging of Allies, Russia did conduct two Vienna Document on-site inspections in the Baltic States, one in October 2004 and the second in January 2005. During these inspections Russia was given complete access to the Air Policing facilities and aircraft. Although Russia continues to raise concerns about the presence of both the facilities and aircraft, it should be noted that Russia has not exercised her on-site inspection rights under either their Vienna Document or bilateral rights.

These activities appear to be the ones President Putin referred to in stating, “...they are taking advantage of the situation to build up their own system of military bases along our borders.” Considering their size and nature, these activities are well within the parameters of Alliance Policy and consistent with Treaty obligations and applicable NATO-Russia agreements.

Since the signing of the Treaty in 1990, Alliance total holdings of Treaty-Limited Equipment have been lowered from over 86,400 in 1990 to under 61,300 in 2007. In addition, whereas the 1990 totals were of the then 16 members of the Alliance, the 2007 totals include the additional holdings of the six new members of the Alliance who are States Parties to the CFE Treaty (Bulgaria, Czech Republic, Hungary, Poland, Romania, and Slovakia). Therefore, even though NATO has enlarged, the overall holdings of Treaty-Limited Equipment of Allies have actually decreased by almost 30% and further reductions have already been announced.