

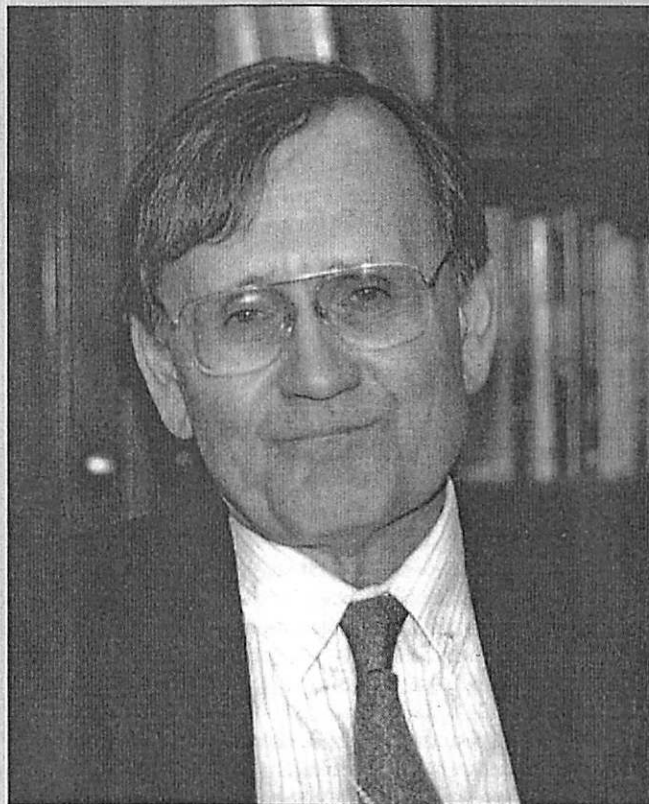
The CFE Treaty Review Conference: Strengthening The 'Cornerstone' of European Security

On May 15, the United States and the other 29 states-parties to the 1990 Conventional Armed Forces in Europe (CFE) Treaty will meet in Vienna, Austria, for the accord's first review conference. Ambassador Thomas Graham, Jr., special representative of the president for arms control, non-proliferation and disarmament since 1993, will lead the U.S. delegation.

Ambassador Graham, who served as the senior Arms Control and Disarmament Agency (ACDA) representative and legal adviser to the U.S. CFE delegation in 1989 and 1990, has held a number of top positions at ACDA, including general counsel (1983 to 1994), acting director (January 1993 to November 1993) and acting deputy director (November 1993 to August 1994). He has also served as legal adviser to the U.S. SALT II delegation (1974-1979), senior ACDA representative to the U.S. Intermediate-Range Nuclear Forces negotiations (1981-1982), legal adviser to the U.S. Nuclear and Space Arms delegation (1989-1990), and legal adviser to the U.S. START I delegation (1991) and START II delegation (1992).

Most recently, Ambassador Graham played a key role in U.S. efforts to secure the indefinite extension of the nuclear Non-Proliferation Treaty at the 1995 review and extension conference in New York.

On April 25, Arms Control Association (ACA) Deputy Director Jack Mendelsohn and ACA senior analyst Sarah Walkling interviewed Graham on the impact of the CFE Treaty on European security and the major issues that will be addressed at the May 15-31 review conference. The following is an edited version of his remarks.



Jack Mendelsohn

Arms Control Today: What role does the CFE Treaty play in the overall security environment in Europe?

Ambassador Thomas Graham, Jr.: I often hear spokesmen for our NATO allies say the Conventional Armed Forces in Europe [CFE] Treaty is the cornerstone of European security. In fact, some have said, "Couldn't we find some other word than cornerstone, we use it so often referring to CFE." But that is the best word because that is what it is. The CFE Treaty is the basis on which security measures in Europe are built. It is one of the main pillars of the security structure now and it is likely to be for the indefinite future. The U.S. certainly hopes that will be the case.

The treaty was negotiated right at the end of the Cold War, perhaps the only time it could have been negotiated. Prior to this period, it would have been difficult to negotiate CFE with the Soviet Union. The Mutual and Balanced Force Reductions talks went nowhere for a long period of time. And it would have been very difficult to negotiate the treaty during the tremendous changes that took place after the Cold War ended. So, we were fortunate to negotiate it when we did.

Although the treaty was built on the then-existing security situation in Europe, it contains fundamental rules, fundamental guidelines and a fundamental structure for European security that, we believe, will be appropriate for the indefinite future. CFE is a

fragile instrument in the sense that it requires the continuous support of all 30 parties to be viable. I believe all 30 parties care a great deal about the treaty and want to see it prosper and continue to be the cornerstone of European security.

ACT: What happened to the treaty after it was signed?

Graham: The treaty was signed on November 19, 1990, but we had a few hurdles to overcome after signature such as the dispute over the status of Soviet naval infantry, the question of Soviet treaty-limited equipment [TLE] moved behind the Ural Mountains before signature, the breakup of the former Soviet Union, the independence of the Baltic states and several other issues. As a result of some of these changes, even though 22 countries signed the treaty, 29 states eventually had to ratify it—30 are now parties to the treaty—largely because of the dissolution of the former Soviet Union.

We were very anxious to bring the treaty into force at the Helsinki meeting of the Conference on Security and Cooperation in Europe in July 1992, in part because we thought it was high time that it be done, in part because this meeting was a very good time to do it, and lastly because it appeared at that time that there was going to be a further breakup of parties; that is, the breakup of Czechoslovakia into two states. In fact, there were 29 CFE parties

in July 1992; that became 30 once Czechoslovakia split in two in January 1993.

However, the legislatures of two countries—Armenia and Belarus—were unwilling to act in a timely fashion to bring it into force before the Helsinki meeting. This was due to their own internal reasons; it had nothing to do with the treaty itself. So the parties adopted the expedient of making a technical change to the treaty's provisional application protocol, provisionally bringing the treaty into force on July 17, 1992, for four months—the baseline inspection period. This enabled the verification apparatus to be put into place and allowed the treaty to begin operation in the hopes that during that four-month period the Armenian and Belarusian legislatures would act. And they did. So, the actual entry into force date was November 9, 1992.

ACT: Since that time, how well has the treaty functioned and how well has it done the job it was designed to do?

Graham: In my judgment, the treaty has been an outstanding success and it has unquestionably done the job it was designed to do. Over 50,000 pieces of treaty-limited equipment have been destroyed. The enormous disparities in conventional forces that existed between East and West, which caused the great instabilities in Europe, are now a thing of the past, in large part as a result of the operation of the CFE Treaty. Its fundamental purpose, to reduce the confrontation in Central Europe and establish a regime that would make war—in particular, aggressive, blitzkrieg-type war—less likely by reducing the heavy conventional weapons that would form the nucleus of such an attack, has been accomplished. The stability that was the objective of the treaty has been achieved.

Now, in making an overall statement like that one cannot ignore the fact that there have been compliance questions. There's a significant ongoing and unresolved question about Russian observance of Article V's numerical ceilings, which limit deployments in the treaty's so-called "flank zone." There are also some other more minor compliance problems, but I believe that eventually these will be worked out. With a treaty of this complexity and importance, it's not surprising that there are, from time to time, compliance questions, even serious compliance questions. They cannot be ignored. They've got to be taken seriously and they must be resolved. It's very important that treaty limits be observed. But overall, I think the CFE Treaty has been a great success, which has significantly added to peace and stability in Europe, and indeed, the entire world.

ACT: Obviously, U.S. interests are focused on Russian compliance. Apart from the flank issue, has Russian compliance with the treaty's general terms been satisfactory?

Graham: The Russians, as a general matter, have complied with the overall limits applicable to Russia, and, in general terms, have cooperated with the verification, inspection and information exchange regime established by the treaty. It hasn't been perfect, but overall I think it's been very good, putting the flank question aside.

ACT: What is the purpose of the CFE Treaty review conference? When will it take place? How long will the review conference run? What will be its primary agenda? Will there be a final document?

Graham: All arms control treaties have provisions calling for review conferences. The CFE Treaty is no exception. The purpose of the conference is to review the "operation" of the treaty, and that

essentially is what is going to happen at the conference. It is scheduled to take place from May 15 to May 31 in Vienna.

The timing of the first review conference is somewhat different than what is found in other arms control treaties. The first review conference, pursuant to the treaty, is scheduled to take place 46 months after the treaty's entry in force, a period comprising the four-month baseline inspection and verification period, the 36-month reduction period and an additional six months. Subsequent review conferences are to take place at five-year intervals.

There are many technical- and housekeeping-type issues which need to be and which will be addressed. Also, outstanding compliance issues will be addressed. We hope that the ongoing compliance issue related to the flanks will be resolved prior to the review conference.

In any case, it is very much our hope that we don't have to address the substance of the flank issue at the review conference. There will inevitably be comments, statements and speeches made on this issue if it has not been finally resolved by then. More generally, there's also been much comment already about the future of the treaty and what the parties should contemplate doing in the future to modify or adjust the treaty to reflect changed realities. So there will be attention paid to that subject as well.

These issues, particularly compliance and the treaty's future, and certainly, we hope, a ringing endorsement of the success and the present and future value of this treaty, will find their way into a final document, which will have to be negotiated among the 30 parties. We'll have to find language on those various issues with which all parties can live. It's normal to have a final document at the close of an arms control treaty review conference and CFE is no exception. But in this case the final document probably will be the centerpiece of the conference, in that that product will largely indicate our success in achieving a meeting of the minds of the parties on these issues.

ACT: What falls under the rubric of housekeeping issues?

Graham: There are some housekeeping issues I would define as very small adjustments that are called for in the verification regime and elsewhere to make the process work a little better. I distinguish issues involving procedures or small technical changes from provisions that are of a more significant nature. I'm not talking here about anything of great importance, just the kind of tidying up of the treaty regime that needs to be done from time to time.

ACT: When you say you hope you won't have to address the substance of the flank issue, are you referring to the hope of the U.S. delegation or the conference as a whole?

Graham: We have a great deal to work on at the conference already to easily fill two and a half weeks: technical issues; looking to the future of the treaty; what the Joint Consultative Group should be focusing on; assessment of the operation of the treaty; assessment of the value of the treaty, present and future; and assessment of how successful it's been.

If the flank issue is resolved by the time of the conference, there will have to be something in the final document reflecting this and what the parties think about it. If the flank issue is not resolved by the time of the conference, likewise, there will have to be something in the final document reflecting what the parties think about the issue as it stands then. We would very much prefer that the actual substance of the flank issue not be brought directly into the conference because it would leave us little time to do anything else.

ACT: Was there a meeting of the minds at the recent Clinton-Yeltsin summit as to the desirability of getting the flank issue resolved before the review conference?

Graham: Yes, there was a meeting of the minds that it was important to resolve this issue prior to the review conference. Hopefully, that will be the case. We think that the discussions in Moscow were positive, and we hope that they will lead us to a solution of the issue prior to the conference. But in these matters one can never be sure until it actually happens.

ACT: Will the conference address any of the so-called "modernization issues," such as expanding the treaty's membership or lowering the equipment ceilings or overall limits?

Graham: Undoubtedly, states-parties will comment on those issues, but it is our expectation that the parties at the review conference will not be drawn into any kind of substantive review, discussion or negotiation of such issues. The subject of modernization will have to be addressed in the final document in general terms, but it is our expectation that these modernization issues, such as the ones that have already been raised by the Russian delegation at the Joint Consultative Group, will be the subject of discussions, provided key compliance questions have been resolved, during negotiations that will take place at some point in the future.

I might add that the time allotted to the review conference—17 days—is too short to have any kind of meaningful in-depth discussion of these issues. It is one thing to say that modernization is a legitimate subject of discussion, but once one actually begins to consider some of the ideas that the Russians have proposed, one is immediately impressed by their enormous complexity. It's going to take a long time to fully discuss these issues and fully understand their effect on the provisions of the treaty. There just won't be time during the conference to do anything like that.

ACT: In that case, what is the potential for discussing modernization issues after the review conference?

Graham: That remains to be seen, but that is one thing that the conference is going to address: what the final document will say about the establishment of a process for addressing these questions on the assumption that the flank issue is resolved. It will be one of the main subjects at the conference.

ACT: What are the goals the United States hopes to achieve at the review conference, and how do they compare to or differ from those of the other parties, in particular Russia and other NATO members?

Graham: I think I'm accurate in saying that the U.S. goal at the conference is to secure a strong endorsement of the treaty—a statement agreed to by all parties that says that the treaty has been a success, that it is and will remain the cornerstone of European security, and that all countries are and will remain pledged to its continued viability and success. That is the U.S. goal.

I don't think that differs very much from the goals of almost all other states-parties. The Russians want a significant, and to a degree precise, commitment to a process for adapting or modernizing the

treaty. A few other states-parties have some sympathy for this view, but all—including the Russians—want to support the regime and none want to do anything that would weaken the treaty or cause it to unravel.

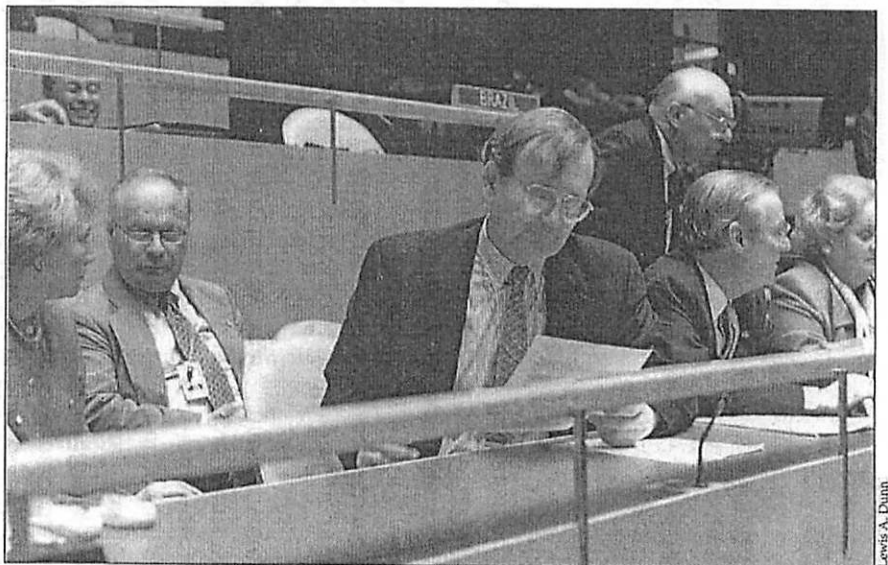
The Russians want to see more of an immediate emphasis on modernization, and one or two other countries agree with that. We, of course, recognize that this is an important and legitimate subject, but we want to be careful in approaching it that we don't do anything that would weaken the treaty. To a degree, it's a difference of emphasis, not of fundamental objectives, that distinguish the goals of the various states-parties.

The United States, for its part, is prepared, provided the flank issue is resolved, to initiate a process at the review conference which will lead ultimately toward the modernization of the treaty to reflect changed realities. We realize that's necessary to establish the viability of this regime for the indefinite future. To the degree there are differences between us and the Russians and one or two other countries, it's more a question of tactics or timing. There is not really any significant difference as to the overall objective, which is to strengthen the regime and secure the support of all the states-parties for its continued role as a cornerstone of European security, and, more specifically, a commitment to a process leading to its modernization.

ACT: Would you comment on French statements about eliminating the overall group limits?

Graham: The French have said that they think that in order to enable the regime to be viable for the indefinite future, the group limits will have to be done away with and replaced by national limits. And, indeed, that may be eventually what will happen. The French perhaps want to make a more specific and short-term commitment to getting that done than we do. But these are legitimate differences of tactics.

Both countries recognize that a process needs to be established which will ultimately lead to the modernization of the treaty. One option for achieving this would be to move away from the group



Ambassador Thomas Graham, Jr., (center) will lead the U.S. delegation to the first review conference of the 1990 Conventional Armed Forces in Europe (CFE) Treaty, which begins May 15 in Vienna. Graham, who played a key role in U.S. efforts to secure the indefinite extension of the nuclear Non-Proliferation Treaty during the 1995 review and extension conference (above), says the U.S. goal at the CFE review conference is to ensure that all 30 states-parties remain pledged to the treaty's continued viability and success.

or bloc limits that exist in the treaty and set national limits. It's difficult at this time to predict exactly how all of this is going to come out because it's a very complex issue. Everyone understands that the Cold War is over. The treaty needs to be adapted to that fact because we want it to last indefinitely and it needs to be adjusted so that it reflects the reality that exists.

Certainly, one possible outcome would be to move to national limits and do away with group limits entirely. Or, there may just be a modified version of this idea which is eventually agreed upon. Again, it's more a difference in emphasis and timing than objective among all of the parties.

ACT: Is the issue of Russian equipment beyond the Ural Mountains still up in the air? What is the status of efforts to resolve this issue? Will this be discussed at the conference, and is it a fair topic since it does not involve a formal treaty commitment?

Graham: I think it is a fair topic for the conference. It's not a treaty commitment; it was a political commitment made at the same time that they made their treaty commitment on naval infantry. Undoubtedly, it will come up. The pace of Russian destruction east of the Urals has been a problem. Hopefully, Russia will move more rapidly in the direction of resolving the remaining problems that exist with the equipment over the Urals. It's not as significant to the regime as the flank compliance issue because it doesn't involve directly the treaty obligations. But it is an associated commitment that we expect Russia to honor. And we believe eventually they will, and the sooner the better.

ACT: How close are the parties to resolving the issues of Azerbaijan and Nagorno-Karabakh, Armenia and its request for new destruction procedures for armored combat vehicles, and Ukrainian equipment and the Black Sea Fleet debate? Will they be discussed at the conference?

Graham: The question of Ukrainian equipment and the Black Sea Fleet debate undoubtedly will be discussed at the conference. We want to see both Russia and Ukraine fully comply with all their obligations. This is something they have to work out between themselves. I'm sure eventually they will, but in the meantime it adds somewhat of an element of unavoidable confusion when making an exact accounting under the CFE Treaty. I would hope this issue will be resolved in the relatively near future.

I don't think the dispute between Armenia and Azerbaijan over Nagorno-Karabakh will be brought up at the conference in any specific way, but its effect on treaty compliance undoubtedly will be. Azerbaijan says it has a problem meeting its treaty obligations because equipment that it might otherwise destroy has been captured by the other side and therefore it can't destroy it. Armenia, of course, has similar concerns. Probably the problems that have been caused by this conflict will be referred back to the Joint Consultative Group for further consideration.

ACT: Haven't Belarus and Armenia been given extensions on meeting their reduction deadlines?

Graham: Belarus was unable to complete all of its required reductions by the November 17, 1995 deadline, and they so informed their treaty partners. The Belarusians said that they would complete these reductions in the near future and the latest communication we have from them is that they will complete everything by April 26. Today is April 25. I hope that that proves to be the case but whether they make the April 26 deadline or not, we're confident they will soon fully meet their obligations.

ACT: Russia has often linked the future survival of the CFE Treaty to NATO expansion. What do you see as the connection between NATO enlargement and the treaty? Is this likely to be a topic at the review conference?

Graham: Obviously, there is a relationship between NATO enlargement and the CFE Treaty—a political relationship not a legal one. The treaty governs the security situation in Europe. NATO is a military alliance.

If two or three countries which are now part of the Eastern group under the treaty become NATO members and the treaty is not changed, they will become NATO members but they will still be members of the Eastern group of parties. It legally can be done, but certain complications would follow.

For example, the flexibility that exists among the Western group of parties to raise or lower their levels of equipment under Article VII wouldn't apply to new NATO members who remain members of CFE's Eastern group.

There are a number of different ways the treaty could be modified to allow nations to leave the Eastern group and join the Western group. But then you're into modernization and you're tinkering with the group structure, which is one of the questions that we believe will be discussed in the context of long-term treaty modernization.

From a political, not a legal, point of view, NATO enlargement would have a profound effect on the CFE regime and this needs to be taken into account when considering what prudently should be done to adapt and modernize the treaty.

You say in your question that Russia has linked the future survival of the CFE Treaty to NATO expansion. In my judgment, Russia wants to preserve the treaty just as all the other parties do. And Russia has expressed concern about NATO enlargement. It is our hope that the process of NATO enlargement can go forward under conditions that will be reassuring to Russia. One of those conditions will be the appropriate modernization of the CFE Treaty.

ACT: Is there any interest in other regions of the world in establishing CFE-like arms control regimes?

Graham: In the past few years, I've spoken with diplomats from many countries who admire the CFE regime and express the hope that something similar could be done in their region of the world. The negotiation of the CFE Treaty was a major arms control and foreign policy achievement. Its like has never been seen anywhere in the world. Other regions are interested in this precedent. In particular, I've spoken with a number of Latin American diplomats who, even though they have much lower levels of equipment, would like to see something similar in their region to head off the kinds of conflicts that have been taking place there, most recently between Ecuador and Peru.

I've also talked with diplomats from the Middle East, who, while recognizing they live in a much different environment, hope that eventually their region could have a regime like CFE. I've spoken with diplomats from South Asia who recognize that they are far from seriously contemplating such a regime for South Asia, but nevertheless hope that eventually it could be achieved. I've spoken with South Asian diplomats, for example, about the possibility of CFE-like confidence-building measures, which could help to reduce the risk of war in that region. CFE not only plays a central role in European security, it has set a precedent for establishing sounder and stronger security regimes in other regions of the world.

ACT