The End of Conventional Arms Control and the Role of US Congress

Ulrich Kühn

Institute for Peace Research and Security Policy, University of Hamburg; Nuclear Policy Program, Carnegie Endowment for International Peace, Hamburg, Germany

ABSTRACT
The renewed conflict between Russia and NATO has brought back security concerns over nuclear and conventional deterrence and defence in Europe. Since the days of the Cold War those two elements are closely intertwined, with direct ramifications on arms control policies. This article recalls the post-Cold War history of conventional arms control in Europe. It focuses on the under-explored impact of the US legislative during the mid-to-late-1990s. Relying on open sources from US Congress, the article traces the political standstill on conventional arms control to a crucial Congressional decision in the year 1997 which ultimately tied the future of this arms control regime to the solution of two protracted conflicts in the post-Soviet space. The article challenges the mainstream view that Russia is solely to blame for the dissolution of conventional arms control and concludes that without solving the standstill, nuclear arms control for Europe will as well remain deadlocked.

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Introduction
The 2018 US Nuclear Posture Review (NPR) highlights renewed concerns over extended nuclear deterrence in Europe. Suggestions for a new sea-based tactical deterrent underscore US worries over the credibility of its nuclear commitments in light of concerns over NATO’s most exposed eastern allies (Office of the Secretary of Defense 2018). In particular, US military planners fear a dual misfortune for which they see the alliance as underprepared. First, and similar to concerns over West Berlin during the Cold War (Schelling 2008, 47), NATO correctly assesses that allies could not defend against a conventional Russian attack on one or all of the three Baltic States. Second, certain indicators point towards the possibility of Russia being prepared to escalate to limited nuclear first use to suppress a NATO response to a Russian conventional attack, thereby hoping to coerce allies into accepting a military fait accompli out of fear of further nuclear escalation. The NPR seeks to remedy the latter by providing allies with additional tactical capabilities to deter and counter potential Russian nuclear first use. But that leaves the question of how to credibly deter and defend against conventional attack still open, particularly since many Eastern European allies see NATO’s current
trip wire approach as insufficient.\footnote{Under the so-called Enhanced Forward Presence, agreed at the 2016 Warsaw Summit, NATO decided to deploy four multi-national battalions on a rotational basis. See Shlapak (2017).} Given the regional conventional imbalance vis-à-vis Russia, which can muster up to 100,000 military personnel within a few days only, it is an open secret that NATO could not defend the Baltics against a conventional attack. This insight, hopes for a rapprochement with Russia, and NATO’s lack of consensus on a full-fledged deterrence by denial approach has led some allies to call for conventional arms control with Russia (Steinmeier 2016).

Historically seen, conventional arms control in Europe has been closely intertwined with bilateral efforts to curb the Cold War nuclear arms race by the erstwhile two superpowers. When Washington and Moscow embarked on a process of limiting their strategic arms buildup in the SALT (Strategic Arms Limitation Talks) process and established equal limits for missile defence deployments (the Anti-Ballistic Missile Treaty, ABM), immediately, European fears of either abandonment or entanglement surfaced. In his famous 1977 Alastair Buchan Lecture, West German Chancellor Helmut Schmidt sought to convince Moscow and Washington to address the problem of Soviet conventional superiority in the central European theatre more forcefully in the Vienna-based Mutual and Balanced Force Reductions (MBFR) talks (Schmidt 1978). When ten years later, Ronald Reagan and Mikhail Gorbachev sealed the deal on Intermediate-range Nuclear Forces (INF), the abolition of a whole category of nuclear arms also helped to unlock the MBFR standstill and ushered in a far-ranging agreement to massively cut back conventional equipment – the Conventional Armed Forces in Europe (CFE) Treaty. Again, a decade later, the George W. Bush administration’s loathe of arms control policies, signified by the 2001 decision to opt out of the ABM Treaty, resulted in Moscow slowing down and finally abrogating the CFE process.

It is difficult to dispute the conventional-nuclear link in Europe, particularly in light of this history. At the same time, today’s problems in the nuclear realm cannot easily be remedied by a conventional arms control process only. At best, conventional confidence- and security-building measures might cushion some of the concerns about military non-transparency and general political unpredictability (Richter 2016). But in the absence of a novel nuclear arms control approach for Europe, even such a modest approach in the conventional realm seems rather unlikely in the current environment. So far, conventional arms control was only successful in the wake of a nuclear arms control process. On top of the political problems straining the recent US–Russian relationship, conventional arms control also suffers from a historical record of 20 years of mutual disappointments, grievances, and accusations of moral and legal misconduct (Kulesa 2018).

This article recalls why conventional arms control in Europe has become such an object of political dispute, and what policies led to the current standstill. It challenges the mainstream narrative that Moscow is solely to blame for its deterioration. Instead of only focusing on Russia, the article also explores the impact of domestic US politics and the role of US Congress in particular in the years prior to the 1999 Istanbul Summit of the Organization for Security and Co-operation in Europe (OSCE). Employing a historical process-tracing approach which relies on publicly available records from US Congress, it highlights the almost forgotten arms control policies of Congress with
regards Russia, the CFE Treaty, and the first round of NATO enlargement during the mid to late 1990s.²

The Long History of Conventional Arms Control in Europe

The history of conventional arms control in Europe dates back to the early 1970s when NATO first tried to address the military superiority of the Warsaw Pact through the prism of arms control talks in the MBFR framework. Not before the end of the Cold War did those talks yield significant results. In 1990, member states of both competing blocs signed the CFE Treaty, agreeing to hitherto unprecedented disarmament steps, including the destruction of more than 70,000 pieces of military equipment. CFE provided Europe with a highly verifiable system of regional limitations on conventional military holdings and established a force balance based on numerical and geographical limitations. Amongst the many provisions, CFE States Parties agreed to the stationing of foreign forces “provided that no State Party stations conventional armed forces on the territory of another State Party without the agreement of that State Party”.³ This so-called principle of host nation consent dates back to the 1975 Helsinki Final Act of the Conference on Security and Co-operation in Europe (CSCE) when both blocs signed on to the mutual principles of sovereignty, territorial integrity, and non-interference in internal affairs.⁴ When CFE emerged under the auspices of the CSCE (the latter OSCE), particularly members of the eastern bloc such as Hungary pushed for the inclusion of the principle out of concern that the Soviet Union might impair their new-found sovereign rights.⁵

Almost thirty years later, it has become established knowledge, particularly prevalent amongst US security scholars, that the decay of conventional arms control is solely Russia’s fault. According to Fatton (2016), “the Russian case [of CFE withdrawal] is another example of a country disengaging from conventional arms control when relations with other member states deteriorate” (Fatton 2016, 200). Wittkowski, Garnett, and McCausland (2010, 13) see Russia’s disengagement from the CFE Treaty as “a reflection of Russia’s wounded pride and frustration over deals that the Russian government accepted in the 1990s, which are viewed today within the Russian government as unfair to Russia”. Kroenig (2015) attests Russia to be “tearing up the most important post-Cold War arms-control agreements, including […] CFE”.

All those assessments concentrate exclusively on Russia. But the history of the end of conventional arms control is much more complex. What is true is that Russia has failed until today to meet the so-called Istanbul Commitments, i.e., to withdraw its remaining troops from the breakaway region of Transnistria (Moldova) and to withdraw forces from and dismantle military bases in the secessionist entities of South Ossetia and Abkhazia (both in Georgia). In all three cases, Russia is stationing forces on foreign

²The article does explicitly not question the fact that the presence of Russian forces on Moldovan and Georgian territory was and is not in line with the CFE principle of “host nation consent”. It does also not aim at qualifying the questionable Russian policy of spheres of privileged interest in its so-called "near abroad".

³CFE Treaty (1990), Article IV, P. 5. All documents related to the OSCE are accessible through www.osce.org.

⁴See CSCE Final Act (1975), principles I, IV, and VI.

⁵Correspondence of the author with Pál Dunay, then participant of the Hungarian delegation to the CFE negotiations.
territories without the consent of the central authorities. In all three cases, neither Moldovan nor Georgian authorities hold any control over the disputed territories.

The Istanbul Commitments are a number of politically binding side-agreements[6] concluded at the time of the signing of the Adapted CFE Treaty (ACFE)[7]—the successor agreement to the original CFE Treaty—at the OSCE Istanbul Summit in 1999. Because of Moscow’s failure to meet these commitments, NATO member states decided at their 2002 Prague Summit,8 not to ratify ACFE as long as Russia was in non-compliance with the host nation consent principle in Moldova and Georgia. On 12 December 2007, the Russian Federation announced its suspension of the CFE Treaty as “the result of exceptional circumstances […] that affect Russia’s security” (Russian Federation 2007, Annex, 1). Only a few months later, during the five-days war between Russia and Georgia in August 2008, Russian forces moved into South Ossetia and Abkhazia, further cementing the presence of Russian forces on the ground. For a number of years, NATO member states, insisting on fulfilment of the Istanbul Commitments, engaged in a cumbersome dialogue with Moscow aimed at breaking the deadlock on conventional arms control, without any significant success. In 2015, Russia finally withdrew from the Joint Consultative Group (JCG), the regular body responsible for the CFE accords. Without Russia, the accord has largely lost its relevance. More importantly, without any conventional arms control agreement limiting Russian and NATO forces in place, Europe has lost a great deal of military predictability and transparency, a fact that is particularly problematic against the current situation in the Baltic region. But interwoven with this well-known story of CFE’s demise is another, so far completely unexplored line of political events that preceded the 1999 Istanbul Summit and Russia’s Istanbul Commitments.

The Unipolar Moment and Partisan Politics

In late 1993, two political events became subject to the 103rd US Congress debate on Russia. The first one was the constitutional crisis in Russia, which reached its climax in the shelling of the Russian Parliament. Concerns were voiced in Washington that President Boris Yeltsin owed his victory over Parliament solely to the military and would thus be susceptible to blackmail in the future.[9] The second event was the release of the Russian military doctrine which, for the first time, officially legitimized military operations in the so called “near abroad” if Russian national security interests were at stake (Russian Federation 1993).

In the view of a number of Senators from both sides of the aisle, these developments heralded the beginning of the end of political reforms in Russia and the return to a policy of an aggressive, revanchist, and even neo-imperialist power. Republican
Senator Jesse Helms (R-NC), long-term Chairman of the Senate Foreign Relations Committee, commented critically “that Russia and several of the other States of the former Soviet Union continue many of the bad habits of the Soviet Union. [...] I am troubled by Russia’s growing interventionist tendencies in areas such as Moldova, Central Asia, and Georgia, for example”. Helms’ criticism was generic of a growing tendency to harsh rhetoric, especially amongst Republican Senators, when it came to US–Russian relations. Richard Lugar (R-IN) determined that “we are not partners with Russia. We are tough-minded rivals”. John McCain (R-AZ) denounced Russian “imperial outposts from Moldova to Estonia”.

Congress followed up the rhetoric with action. The Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 obliged the administration to report to Congress on the involvement of Russian armed forces in conflicts in Armenia, Azerbaijan, Georgia, Moldova, and Tajikistan. Furthermore, Congress questioned America’s financial support of Russia, wondering aloud about cutting down monetary aid as long as Moscow was not willing to withdraw its forces from Latvia, Estonia, and Moldova. International financial institutions should be used to block further loans for Russia, some in Congress claimed.

Parallel to levelling criticism at Moscow, the Clinton Administration’s Russia policy came under Congressional fire. “What we need is a fundamental reassessment of United States’ policy toward Russia”, Bob Dole (R-KS) urged the White House and, in the words of McCain, a prospective US policy toward Moscow “should be premised only on that principle upon which all democracies prosper – enlightened self-interest”. How widely the perceptions of Russia’s policy towards the post-Soviet space differed between Congress and the administration was illustrated during the 1994 bilateral US-Russian Summit in Moscow. With a view to the situation in Georgia, Bill Clinton publicly compared Russia’s military involvement in the Caucasus to US interventions in Panama and Grenada.

The US debate on how to handle Russia came at a distinct time. On the one hand, America was looking outward in defining its new role in the post-Cold War era. In 1993/94, US policy-makers were not alone in falling for self-delusions about America’s global omnipotence. Prominent US scholars and pundits predicted either the “end of history” (Fukuyama 1992) or a US “unipolar moment” (Krauthammer 1991). According to this logic, neither Russia nor any other foreign country could match US power, and democracy would, as a matter of historical determination, prevail globally.

On the other hand, having lost its long-term rival, the Soviet Union, America was looking inward and soon found itself in bitter partisan battles over almost all topics of domestic and foreign affairs. Particularly with the Republican-dominated 104th and 105th US Congress, partisan politics accelerated and the White House became the
constant target of hefty attacks on almost all political accounts. On foreign politics, the close relationship between Bill Clinton and Boris Yeltsin in particular – back then pejoratively dubbed “the Bill and Boris Show” (Safire 1993) – came under scrutiny.

In addition, many in the US foreign policy establishment were still historically backward looking. Given that the Cold War had significantly defined their political careers, many ex-Cold War warriors in Congress were struggling to coming to terms with the end of the bloc confrontation and appeared to emulate long-term structural behaviours reflexively when it came to Russia. In many Congressional debates, the extinct Soviet Union rhetorically changed place with the Russian Federation and the cry for freedom of the former Warsaw Pact Members became the call for sovereignty of the newly independent states on Russia’s periphery. With NATO enlargement already looming on the strategic horizon the willingness of Congress to subordinate US–Russian relations to the long-term goals of enlargement and consolidation of America’s supremacy accelerated whilst cooperation with the administration of Bill Clinton reached a low-point (Brands 2018). For several reasons, two newly emerging states – Moldova and Georgia – gained centre stage in these debates.

The Newly Emerging States and the Flank Problem

The rapid disintegration of the Soviet Union had sparked a number of secessionist conflicts within Russia and in the newly emerging states. Amongst those was the conflict about Transnistria, a tiny strip of mostly Russian-populated land, wedged between Moldova and Ukraine. In early 1992, fighting between the Transnistrian separatists and Moldovan forces escalated with the 14th Soviet Guards Army finally siding with the Russian-speaking separatists. A ceasefire agreement, signed in July 1992, stopped the fighting and established a trilateral peacekeeping force consisting of Moldovan, Transnistrian, and Russian peacekeepers. The conflict as such remained unresolved and the de facto independent statelet of Transnistria soon became a notorious hub for criminal activities. In Georgia, rattled by various ethnic conflicts, fighting in the breakaway region of South Ossetia had resulted in a 1992 Russian-brokered ceasefire agreement which as well established a joint peacekeeping force in South Ossetia, including Russian peacekeepers.

Soon, the fact of the Russian troops in Moldova and Georgia became the subject of intensified debate in the US Senate and the House of Representatives. In May 1994, Senator Dennis DeConcini (D-AZ) attested a violation of the Helsinki Accords and urged Russia to remove its units from both countries. In October, Senate Resolution 78 and House Resolution 308 requested the Russian Federation “to provide for the withdrawal of the military forces of the Russian Federation from Moldova and urge[d] the Administration to continue to use every appropriate opportunity, including multilateral and bilateral diplomacy, to secure removal of the military forces of the Russian Federation from Moldova”. Even though no one in Congress mentioned the CFE Treaty in connection with the Russian forces in Moldova and Georgia at that point, the suggested use of “multilateral and bilateral diplomacy” was a clear invitation to use all available diplomatic means.

18 Congressional Record, Senate, 6 May 1994, Page S5326.
19 S. Con. Res. 78 and H. Con. Res. 308, 103rd Congress 2nd Session (5 October 1994).
The 1995 Freedom and Self-Determination for the Former Soviet Union Act renewed the attempt by Congress to condition financial support for Russia on the withdrawal of its forces from Moldova. In the ensuing floor debate, Senator Gerald Solomon (R-NY) was outspoken. According to Solomon, Russia were to “occupy Moldova with 10,000 troops and enough weaponry for a 200,000-man army. Russia used classic Soviet-style divide-and-rule tactics to bring Georgia to heel, and is now preparing to occupy the country militarily. [...] She is also seeking to wiggle out of the CFE accords, due to take effect in November”. Solomon’s reference to the CFE Treaty came against the background of Moscow’s violation of the so-called flank limits set forth in the treaty. According to the 1990 agreement, the Soviet Union was obliged to limit its conventional military equipment to the North and South of Europe to prevent the scenario of large-scale force concentrations at the NATO-Soviet contact zones other than Central Europe. With the breakup of the Soviet Union, Russia inherited these limits which significantly constrained its military ability to deploy forces in its northern-and southernmost European regions. As early as 1993, the Russian military had determined the need for enhanced military deployments on its southern flank – namely in the North Caucasus – because of a number of secessionist conflicts, most notably in Chechnya. In late 1994, the fighting in Chechnya escalated to an open civil war leading Russia to exceed its CFE flank obligations.

This was especially worrisome as the end of 1995 marked the official deadline for CFE member states to be in compliance with the mandatory limits imposed by the treaty. The Russian violation, therefore, would have meant violating the limits even before they were fully in force, thereby weakening the agreement significantly. Against this background, Clinton and Yeltsin met in May 1995 for another bilateral US-Russian Summit in Moscow. Amongst a host of other issues, three topics with direct relevance for European security were on the agenda: NATO enlargement, the Russian CFE flank violations, and Moscow’s demand for an early adaptation of the CFE Treaty which did not reflect the political realities at the time of its signing in 1990 anymore.

On the most critical issue of the Summit – NATO enlargement – consensus between Moscow and Washington was still out of sight despite Moscow’s decision to join NATO’s newly established cooperation mechanism of the Partnership for Peace Program (PfP). At the concluding press conference, Bill Clinton reiterated that “it’s important for all of you to understand, NATO has not agreed on [enlargement]” and “our NATO expansion plans should enhance the interests, the security interests of all of our partners, including Russia” (Clinton 1995). Despite the Russian flank violations, Yeltsin did not announce any explicit Russian assurances to return to compliance with the CFE limits any time soon. And Bill Clinton expressed his support for the Russian demand that “some [CFE] modifications are in order. We are supporting the Russian position there” (Clinton 1995).

20H.R. 519, 104th Congress 1st Session (13 January 1995).
21Congressional Record, House, 19 January 1995, Page H374.
22CFE Treaty (1990), Article IV.
23It was Boris Yeltsin who, in a formal demarche to the leaders of the United States, Great Britain, France, Germany and the other flank states, first pointed to the fact that the problem of the Russian flank limits might pressure Russia into decisions not compatible with the restrictions contained in the framework of the flank limitation mechanism. According to the letter, Russia would need a substantial military presence on its southern borders in order to secure peace and security. Cf. Letter of President Yeltsin to German Chancellor Kohl from 17 September 1993, in Hartmann and Heydrich (2002).
When asked whether there was any kind of linkage possible between the problem of the Russian flank violations and Moscow’s resistance to NATO enlargement, Yeltsin denied it and referred to his US counterpart: “Bill was the first to bring this matter [the flank restrictions] up. And he said that he will surely support us on this difficult issue because it is true we are sort of in a trap with that issue” (Clinton 1995).

Bill Clinton did not publicly object to this portrayal of events and it is not far-fetched to conclude that his administration used the flank problem and Russia’s desire to adapt the CFE Treaty to somewhat cushion the Kremlin’s aversion to NATO enlargement (IISS 1997, 1–2).24 If that was the case, Congress could interpret that as a clear attempt to accommodate Russia. Just one day after the press conference, Bob Dole responded with an unconcealed threat: “Congress will respond by looking closely at all forms of aid to Russia – especially aid to the government”.25

The Cohen Amendments

In July 1995, Senator William S. Cohen (R-ME) introduced Amendment No. 1885 to the Foreign Relations Revitalization Act of 1995. Comprising four points, the amendment urged the President to report to Congress inter alia about Russian compliance with the Russian-Moldovan withdrawal agreement of 24 October 1994.26 In this agreement, Moscow had committed to withdraw its forces from the disputed territory of Transnistria three years from the date of entry into force of the agreement (Gribincea 2009). However, the Russian Duma never ratified the agreement. Cohen’s amendment failed as well and did not make it into the final bill.

Only two months later, Cohen used another legislative debate to introduce his amendment once again, this time accompanying the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1996. The difference this time was that Cohen’s Amendment No. 2724 included a fifth point: “Russian compliance with the Treaty on Conventional Armed Forces in Europe and the Organization on Security and Cooperation in Europe’s Code of Conduct on the Politico-Military Aspects of Security”.27 Neither Chechnya nor the flank dispute was addressed with a single word.

In contrast to Cohen’s first amendment of July, Amendment No. 2724 made it into the Foreign Operations Act of 1996 together with a third amendment. This third Amendment, No. 2766, in turn, referred to the Russian excess military equipment in the flank zone and labelled Russia’s failure to meet its obligations as “non-compliance with the [CFE] Treaty”.28

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24As a commentary concluded in 1997, “revising the CFE Treaty is likely to be the key to reducing Moscow’s concerns with NATO enlargement” (IISS 1997).
25Congressional Record, Senate, 11 May 1995, Page S6505 et seq.
26Congressional Record, Senate, 31 July 1995, Page S10977.
27Congressional Record, Senate, 21 September 1995, Page S14088.
28“The failure by the Russian Federation to meet any obligation under the Treaty of the Conventional Armed Forces in Europe shall constitute non-compliance with the Treaty; the United States should insist on full compliance by the Russian Federation with all of the obligations of the Treaty on Conventional Armed Forces in Europe; the Treaty on Conventional Armed Forces in Europe provides adequate means by which the Russian Federation can meet its claimed military requirements for treaty-limited equipment in the flank zone defined by Article V of the Treaty, including movement of equipment within the flank zone, temporary deployment of additional equipment to the flank zone, and the temporary removal of equipment from designated permanent storage sites located in the flank zone”. H.R. 1868 104th Congress 1st Session (25 September 1995), pp. 147 et seq.
Summarizing Cohen’s three amendments, the first addressed the Russian forces in Moldova without mentioning CFE. The second again focused on Russia’s troops, this time referring to CFE without determining a violation of the treaty. Finally, the third amendment determined a violation of CFE in Russia’s flank, prompting the administration to insist on Russian compliance. It seems that Cohen split his amendments because he saw Moscow exceeding the flank in the North Caucasus and the Russian forces in Moldova as two separate issues. Nevertheless both have one connection in his amendments: the CFE Treaty.

Another detail of the Foreign Operations Act of 1996 was hidden under Pt. 192 Sec. 708. With reference to the NATO Participation Act of 1994, the suggestion was made that the wording “European countries emerging from Communist domination” be clarified. Under the Act of 1994, this circuitous diction was meant to encompass those countries, possibly qualifying for NATO membership at a later stage. For the first time, the revision of 1995 actually named those countries. Moldova, among others, was on the list.

Yet, in 1995, Moldovan NATO membership was a far cry from the reality on the ground. The problem of Transnistria remained unsolved. The central Moldovan authorities could not claim full sovereignty over their territory. And Russia had still stationed a couple of thousand servicemen on Moldovan/Transnistrian soil. Yet, the Cohen amendments had opened up a possible alternative pathway for US foreign policy towards the post-Soviet space. If Russia were not willing to withdraw its forces, maybe the CFE Treaty could be the vehicle to achieve that aim. And if the Clinton Administration was not willing to use that tool, maybe Congress could force the administration in the process of adapting the treaty. Fifteen months later, Bill Clinton appointed William Cohen Secretary of Defense. In this position, Cohen had a clear impact on the CFE adaptation negotiations.

**Resolving the Flank Dispute – or Maybe Not?**

In November 1995, States Parties to the CFE Treaty agreed on a new round of negotiations with the aim of solving the flank dispute. The clock for implementing the southern flank restrictions was stopped. The aim was to get a solution before the First CFE Review Conference in May 1996. Nevertheless, this deadline did not hold. After hard negotiations a solution was found during the Review Conference. The compromise can be summed up in a short formula: “new geography – old figures, old geography – new figures”. More precisely, that meant that the agreed-upon Flank Document increased the limits for Russian military equipment in the “old area” of the southern flank and, at the same time, introduced a smaller area of application for Russian as well as Ukrainian territory tied to the old equipment limits. Redrawing the CFE map thereby allowed Russia to deploy an increased number of military equipment in the North Caucasus.

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29This section dates back to a joint Republican-Democratic introduced amendment, the so called Brown Amendment No. 2749. See Congressional Record, Senate, 21 September 1995, Page 514090.
30H.R. 4426, 103d Congress 2d Session (15 July 1994).
31Hartmann and Heydrich (2002) provides the most comprehensive account of the Flank negotiations and the ensuing adaptation negotiations.
32The official term for the document is Annex A of the 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.
Although the new Flank Document had clear legal implications, NATO’s legal experts argued that the document merely resulted in a revision of the map, which was not an integral part of the treaty. Hence, it would not be subject to renewed ratification by national parliaments (IISS 1995, 2).33 The final notification of the Dutch CFE Treaty depositary was supposed to happen by 15 December 1996.

While negotiations were already overshadowed by the looming enlargement of the alliance, NATO members firmly denounced any linkage between the two processes from the very beginning. Yet, Moscow still insisted on a further and more comprehensive revision of the whole treaty. The OSCE Lisbon Summit of December 1996 finally mandated negotiations to adapt the treaty as a whole. As a matter of fact, prior to any full-fledged adaptation the Flank Document had to be in place. Further complicating the process, it turned out that NATO’s legal experts were wrong in their initial judgment. The Flank Document did need ratification by all States Parties.

In view of the flank dispute, a study by the RAND Corporation of September 1995 warned the US Administration not to underestimate possible complications in the process of ratification. “The Clinton administration […] cannot control the reactions of the Congress”, the authors wrote. In their view, “the U.S. Senate might take unilateral actions of their own against Russia, such as cancelling the Nunn-Lugar program”. They concluded that “it would seem worthwhile for the U.S. government to invest considerable effort in trying to manage the reactions of the Congress” (Falkenrath and Asmus 1995).

Meanwhile, Congress had not lost sight of the issue of Moldovan sovereignty. Resolution 145 (1996) again urged Russian withdrawal34 and Gerald Solomon accused the White House of an “appeasement policy” towards Russia. “It is silly to oppose NATO enlargement with talk of drawing lines in Europe”, the Senator argued, “There already is a line, and because of it, stability has been fostered in those countries west of it. Quite frankly, the farther east that line is, the better”. According to Solomon, Russia continues its “illegal occupation” of Moldovan territory and behaves like the former Soviet Union. To the same effect, he denounced America’s “slavish devotion to arms control” and concluded with a clear warning: “Some of these naive policies can be overturned by us in Congress”.35

A remark by Bill Clinton during the 1996 US-Russian Summit in Moscow revealed how far apart the positions of the administration and Congress already were. In addition to not publicly criticizing Russia’s actions in Chechnya, he compared the events in the North Caucasus to the bloody battles of the American Civil War and stressed Russia’s territorial integrity.36

Apart from the bad omen of totally differing perceptions of Russia by Clinton and the Congress, a bulging agenda of ground-breaking decisions and events was ahead. The 1996 CFE Review Conference would take place directly prior to the Russian presidential elections and NATO was about to zero in on enlargement. The announcement of the aspiring countries in the fall of 1996 was about to overlap with the

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33At the same time the legal experts of the White House came to the same conclusion. See “Berger Letter to Lott on Treaty Change Approval” (25 March 1997), Inside Missile Defense (9 April 1997).
34H. Con. Res. 145, 104th Congress 2nd Session (1 February 1996).
35Congressional Record, Extension of Remarks, 24 January 1996, Page E80f.
36See the President’s News Conference with President Boris Yeltsin of Russia in Moscow (21 April 1996). In his conversations with Yeltsin, Clinton made it abundantly clear how much leeway he was giving the Kremlin on Chechnya. Cf. The White House. 1999. Memorandum of Conversation. Meeting with Russian President Yeltsin, 19 November 1999, Istanbul, p. 6, https://clinton.presidentiallibraries.us/items/show/57569.
presidential election campaigns in the United States and, finally, the signing of the NATO-Russia Founding Act was slated for the first half of 1997.

On 4 June 1996, Congress passed the NATO Enlargement Facilitation Act of 1996, identifying Poland, Hungary, and the Czech Republic as eligible for NATO membership. A number of other countries were to enjoy US support “in activities for qualifying for NATO membership.” Among those ten countries was Moldova.

In August 1996, the administration submitted the Flank Document to Congress expecting approval by a simple majority vote of both the House and Senate. In a first response Jesse Helms and Bill Roth (R-DE) objected to Clinton’s proposal, stressing the expected legal implications of the document. They demanded ratification by the Senate which would have meant a mandatory two-thirds majority. At the same time, they criticized the results of the Flank Document as too far-reaching concessions to Russia particularly in view of Moscow’s using its excess military equipment to intimidate its neighbours. Therefore, the President, in their view, should make available to the Senate all diplomatic documents related to the flank negotiations. In his reply to the Senator’s letter, Clinton rejected this position and claimed that, in the view of White House legal experts, a simple majority vote in both houses could suffice just as well as a two-thirds majority in Senate. According to Congressional proceedings this meant that it was up to the willingness of the Senate to become engaged with the Flank Document. If, in the view of the Senate, the CFE map realignment constituted a legal change to the treaty, the Senate had to become engaged. In this case, the Flank Document would need a two-thirds majority in the Senate.

Clinton’s reply to the Helms/Roth letter took two full months, thus reaching the Senate after the adjournment of the 104th Congress on 4 October 1996. Obviously, it was the President’s intention to wait for the results of the elections, hoping that a less Republican-dominated 105th Congress would be more cooperative. This hide-and-seek tactic set back the Flank Document’s coming into effect. The December 15 deadline passed and the CFE States Parties extended the already provisional application of the new flank limits until 15 May 1997. By then, the Senate would have to ratify. Otherwise the whole CFE adaptation process would be at risk and with it one of the basis pillars for a shared understanding between NATO and Russia about enlargement.

37S. 1830, 104th Congress 2nd Session (4 June 1996), pp. 5 et seq.
38“Helms/Roth Letter on CFE” (23 August 1996), Inside the Pentagon (29 August 1996).
39“White House Response to Senate CFE Questions” (31 October 1996), Inside the Pentagon (31 October 1996).
40Louis Fisher, Senior Specialist of the Congressional Research Service stated the same opinion during a briefing of the “Helsinki Commission”. See Briefing of the Commission on Security and Cooperation in Europe (“Treaty on Conventional Armed Forces in Europe”, 20 February 1997), pp. 9 et seq. (Documents of the “Helsinki Commission” are available at: http://www.csce.gov).
41Samuel R. Berger, Assistant to the President for National Security Affairs, stressed this link in a letter to the Senate Majority Leader Trent Lott (R-MI): “We now face a complex situation. At the Lisbon OSCE summit in December, the 30 States Parties to the CFE Treaty agreed to extend the deadline for confirmation of approval to 15 May 1997. In recent months, it has become evident that the flank agreement underpins the new negotiations in Vienna on ‘CFE adaptation,’ which in turn underpins NATO’s efforts to define the new security environment in Europe as NATO enlarges. In addition, both adaptation of the CFE Treaty and the admission of new states to NATO will be effected through agreements that will be submitted for the advice and consent of the Senate”. “Berger Letter to Lott on Treaty Change Approval” (25 March 1997), Inside Missile Defense (9 April 1997).
Showdown on Capitol Hill

Much to Clinton’s disappointment, the 105th Congress was once more not only dominated by Republicans in both chambers but again started with exactly the same policy line as the previous Congress. Resolution 331 condemned the Russian presence in Moldova and called for an end to all financial aid to Russia as long as Moscow was not in strict compliance with its arms control obligations.\(^42\)

Meanwhile, the administration approached the Senate asking for advice and consent to the Flank Document “provided the Senate will act on this crucial matter before May 15”.\(^43\) At the same time, Cohen’s appointment as Secretary of Defense signalled a gesture of reconciliation to the Republican majority. Despite these positive signs, the battle lines were already drawn. In the debate about the NATO-Russia Founding Act the Senate urged that the document “include commitments from the Russian Federation […] to station its armed forces on the territory of other states only with the consent of such states and in strict accordance with international law”.\(^44\) Furthermore, the CFE adaptation process should not in any way affect US security interests in Europe or curtail the effectiveness and flexibility of the Alliance. Additionally, it was the sense of the Senate that Romania, Estonia, Latvia, and Lithuania “upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date”.\(^45\)

Clinton transferred the Flank Document to the Senate only about a month before the May 15 deadline. By so doing he urged the legislature for an early decision and built up strong pressure to succeed. Towards that end, the Senate found itself in a position where a document against which most lawmakers had strong reservations had to be ratified. Otherwise, NATO enlargement was at risk.\(^46\) The question was whether the Senate would swallow the bitter pill.

On 29 April 1997, the Senate Committee on Foreign Relations convened a hearing on the implications of the revision of the flank agreement. After a unanimous vote of 17 to 0 the Committee transferred the Flank Document to the Senate, together with a report about the agreement. Part of this report was a resolution comprising 14 conditions to be ratified together with the Flank Document.

The report underscored the sense of the Committee that the relevance of the flank agreement was rather in its possible negative effects on the sovereignty of the newly independent states than in strengthening the CFE regime as a whole. The American course of negotiation was criticized as “confused and sloppy”, leading to an agreement which, for the most part, the Senate found wrong and redundant.\(^47\) Furthermore, in the

\(^{42}\)H.R. 331, 105th Congress 1st Session (7 January 1997).
\(^{43}\)See Berger Letter (1997) in footnote 41.
\(^{44}\)H.R. 1431, 105th Congress 1st Session (24 April 1997).
\(^{45}\)H.R. 1431, 105th Congress 1st Session (24 April 1997).
\(^{46}\)In his letter of transmittal Clinton again referred to the long-term implications of the decision. “Timely entry into force of the Flank document will ensure that these key principles are not a matter of debate in the negotiations we have just begun in Vienna to adapt the CFE treaty to new political realities, including the prospect of an enlarged NATO. […] Therefore, I urge the Senate to give early and favorable consideration to the Flank document and to give advice and consent prior to 15 May 1997”. Letter of Transmittal, The White House (7 April 1997), in “Flank Document Agreement to the CFE Treaty”, Message from The President of the United States, 105th Congress 1st Session, Senate, Treaty Doc. 105–5.
\(^{47}\)Flank Document Agreement to the CFE Treaty, 105th Congress 1st Session, Senate, 9 May 1997, Exec. Rept. 105–1, pp. 15 et seq.
view of the Committee, Washington was accommodating Russia with a number of far-reaching concessions. In conjunction with NATO enlargement, Senator Joe Biden (D-DE) wanted to know how far this accommodation went. During the April 29 hearing he raised concerns that the administration “made a deal to keep Russia in line as it relates to NATO expansion […] We want to know, did you sell out the Caucasus in order to get Poland in”?\textsuperscript{48} Administration officials denied any such link, responding that without an agreement Russia would go totally unchecked on its southern flank. Moreover, they argued, the agreement was necessary to sustain the momentum for conventional force reductions in Europe. General Gary M. Rubus, testifying before the Committee, acknowledged the fact that without increased limits in the North Caucasus “it would have been extremely difficult for any Russian officer to advise political authorities to stay in the treaty”.\textsuperscript{49}

Nevertheless, the 14 conditions attached to the report ultimately reflected the Republican’s Russia-critic stance. In detail, condition no. 1 stated that “nothing in the CFE Flank Document shall be construed as altering the policy of the United States to achieve the immediate and complete withdrawal of any armed forces and military equipment under the control of the Russian Federation that are deployed on the territories of the independent states of the former Soviet Union […] without the full and complete agreement of those states”. As a consequence thereof, condition no. 2 requested that “the Secretary of State should, as a priority matter, initiate discussions with the relevant States Parties with the objective of securing the immediate withdrawal of all armed forces and military equipment under the control of the Russian Federation deployed on the territory of any State Party without the full and complete agreement of that State Party”. Both conditions clearly pointed to Moldova and Georgia and the specification part of the report identified with a view to the second condition “namely Moldova”.\textsuperscript{50}

The third condition reinforced the sovereignty principle of the Helsinki Decalogue and urged the President to stand up for the rights of the newly independent states in any future negotiations – meaning ACFE. Condition no. 5 set specific briefing procedures for the administration and called for an annual compliance report by the President as well as a corresponding report by the Secretary of State about Russian forces and equipment withdrawals with respect to condition no. 2. Thereby, the Senate ensured that the issue would remain on its agenda. The fulfilment of the 14 conditions was made binding upon the President.

The adoption of the report together with the 14 conditions seemed to indicate a common understanding among the Senators. But quite the contrary was the case. In the supplementary views of Senators Biden and Kerry (D-MA), attached to the report, the stance of the Republican Committee members towards arms control was harshly criticized as “arrogant” and unilateral.\textsuperscript{51} Some of the conditions, John Kerry noted, “reflect a degree of fear and anxiety on the part of some members”. The real objective should be “to keep the CFE Treaty in operation in order to continue to derive

\textsuperscript{48}``Treaty on Conventional Armed Forces in Europe (CFE): Revision of the Flank Agreement”, Hearing before the Committee on Foreign Relations, 105th Congress 1st Session, Senate, 29 April 1997, S. HRG. 105–56, pp. 30 et seq.
\textsuperscript{49}``Ibid.
\textsuperscript{50}``Ibid., p. 20.
\textsuperscript{51}``Ibid., pp. 56 et seq.
its benefits to security in Europe and a reduction in the risk of conflict there”. Nevertheless, because of the tight schedule and the great importance of the Flank Document, Kerry decided not to oppose the 14 conditions but rather to use the floor debate in the Senate to state his objections. This was a concession to the artificially built-up pressure by the White House. Therewith the tactic by the administration to pressure the Senate for consent of the agreement was turned around by the Committee by tying America’s future CFE policy to those 14 conditions.

On 14 May 1997, just one day before the deadline, the Senate adopted the Flank Document and the supporting resolution together with its 14 conditions with a unanimous vote of 100 to 0. The same day, President Clinton reacted with two letters to the Senate and Congress. In addition to congratulating the Senate on its decision, he criticized the resolution: “These Conditions all purport to direct the exercise of authorities entrusted exclusively to the President under our Constitution, including for the conduct of diplomacy and the implementation of treaties. The explicit limitation on diplomatic activities in Condition 3 is a particularly clear example of this point. […] Nevertheless, without prejudice to my Constitutional authorities, I will implement the Conditions in the resolution”. The showdown was over; the Republican majority in the Senate had won.

**Georgia and the Caspian Sea’s Natural Resources**

Having achieved a victory over the administration, CFE and the beginning adaptation process somewhat vanished from the agenda of the Congress during the following months. In the meantime, Georgia and the natural resources of the Caspian Sea, particularly its natural gas and crude oil reserves, came into the limelight. Among the various international state and non-state players engaged in this “New Great Game”, Washington was pushing for a pipeline connecting the Caspian with the Mediterranean Sea. The idea behind the proposed Baku-Tbilisi-Ceyhan Pipeline (BTC) was to avoid “routes through countries, such as Russia and Iran that may have a geopolitical interest to choke off those pipelines at some point in the future”, Representative Benjamin Gilman (R-NY) explained to the House.

If the aim was to circumvent Russian territory, Georgia as a potential transit country would be critical. But Georgia shared the same problem as Moldova with two secessionist conflicts and the permanent presence of Russian peacekeepers in South Ossetia. Consequently, the Silk Road Strategy Act of 1997 urged the US Administration to “support the establishment of neutral, multinational peacekeeping forces to implement peace agreements reached between belligerents in the countries of the South Caucasus and Central Asia”.

The year 1998 brought a setback for Washington’s Silk Road Strategy as the conflict between the Georgian central government and the separatists in Abkhazia re-ignited earlier that year. “For the corridor to function, stability […] is essential”, Senator Sam

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52 Message to the Senate on Conditions to the Flank Document of the Conventional Armed Forces in Europe Treaty (14 May 1997) and Message to the Congress on Conditions to the Flank Document of the Conventional Armed Forces in Europe Treaty (14 May 1997).

53 Congressional Record, Extension of Remarks, 8 November 1997, Page E2241.

54 H.R. 2867, 105th Congress 1st Session (7 November 1997), p. 6.
Brownback (R-KS) laid out. In his view, “Russia is the problem, the aggressor and the single-most threat to stability in Georgia and the entire Caucasus. [...] It is time for the Administration to demand the removal of the bogus Russian peacekeepers, and to insist on their replacement by an independent force of peacekeepers”. Only a few days later Senator Herbert Kohl (D-WS) requested his administration “to end its neglect of this situation and become actively engaged”. As a matter of priority, Kohl insisted, Russian hegemony vis-à-vis Georgia had to come to an end. And again Brownback: “These Russian peacekeepers do not want peace. Rather, they seek to extend the hostilities so that Georgia will find it difficult to consolidate its hold over this breakaway region”. The interests of America in the region were at stake, he warned, especially as “Georgia is a key strategic ally for America in a region in which America has few strategic anchors”.

It is hard to explain the sudden US interest in Georgia without referring to obvious economic interests. To secure the future transit of oil and gas through the Southern Caucasus, Georgia, as a kind of strategic corridor, had to be stable. Yet, the skirmish of early 1998 triggered serious concerns. Again the Senate approached the issue by levelling rhetorical attacks against Russia and issuing support for Georgia’s NATO aspirations. A third line of policy would have been exploiting the CFE adaptation process to secure Russian troop withdrawal. However, that was no longer necessary as the White House already had to act in accordance with the 14 conditions of the flank resolution. But what if the President were not to act according to the Senate’s conditions?

**The Road to Istanbul**

For the Clinton Administration, adjusting the US negotiating position in the ongoing CFE talks in Vienna to the 14 conditions of the Senate was a *conditio sine qua non* if the final agreement were to have a serious chance for Senate approval. While Deputy Secretary of State, Strobe Talbott, with respect to Moldova “urged all parties to build upon the considerable progress to date by setting a fixed timetable for full withdrawal of foreign troops and for facilitating the proper disposal of arms and ammunition in Transnistria” during the OSCE Ministerial Council meeting in December 1997, the CFE negotiations moved forward without addressing the issue (Hartmann and Heydrich 2002, 103). Jesse Helms reminded Clinton of the Senate’s conditions: “Any U.S. effort to conclude CFE negotiations without having brokered the withdrawal of Russian troops from these countries [Moldova and Georgia] will be regarded by many in the Senate as a failure to discharge the principal duty assigned the administration in the CFE Flank Document resolution”. Furthermore, Helms threatened to kill the adapted treaty in the Senate. “A more considered approach thoroughly addressing the Senate’s concerns is absolutely essential to secure support for the adapted treaty”.

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55 Congressional Record, Senate, 4 June 1998, Page S5654 et seq.  
56 Congressional Record, Senate, 17 June 1998, Page S5604.  
57 Congressional Record, Senate, 30 July 1998, Page S9488.  
58 Georgia became a PfP Member State in 1994.  
59 Deputy Secretary Talbott, Intervention at the OSCE Ministerial, Copenhagen, 18 December 1997.  
60 “Helms Letter to Clinton on CFE Treaty” (3 February 1999), *Inside the Pentagon* (18 February 1999).
Helms signalled that an adapted treaty which would not secure significant progress on Moldova and Georgia would not have any chance in the Senate. In a joint GOP letter to the President, Republican Senators finally underscored their understanding of the core objective of CFE adaptation. According to the letter it was “to facilitate the removal of foreign forces from the territories of the newly independent states of the former Soviet Union”.

It cannot be substantiated what impact Helms’ threat and accompanying Republican pressure had on the US negotiating position. Nevertheless, the Decision of the Joint Consultative Group on CFE Treaty Adaptation of 30 March 1999 stressed “the desirability of early mutually acceptable results to bilateral discussions on the configuration and consequent reduction of Russian forces in Georgia and of the withdrawal of Russian forces from Moldova”. Even a rather diffuse time frame was set.

Probably as the result of increasing pressure by the US delegation, Russia showed some flexibility for concessions on this delicate issue. Yet, the Senate was not satisfied with the administration’s efforts. In another letter, Helms mounted another attack on the course of negotiations. “Far less important than getting an agreement is the need to get the right agreement”, he claimed. The 14 conditions were “the yardstick against which the Senate measures any adapted treaty. The Senate will provide, or withhold, consent for the CFE Treaty on the basis of the extent to which its advice was heeded”, he reminded Clinton.

Meanwhile, the adaptation talks were facing another serious setback when rising tensions in the North Caucasus were quickly escalating into the Second Chechen War. Again, Russia exceeded its CFE flank limits; however, at the same time it provided CFE States Parties with data about the strength of its forces in the region in accordance with the information exchange stipulations of the CFE Treaty. Therewith, Moscow underscored its commitment to stick to the mechanisms provided by the treaty and thus its principle interest in the regime (Hartmann and Heydrich 2002, 166).

In the wake of this development, Republican Senators urged Clinton to withhold his signature to the adapted treaty. But the interest of the main international players in keeping CFE alive was too strong. During a late-night meeting on the eve of the Istanbul Summit, the Secretaries of State of Georgia, Moldova, and Russia finally agreed on specific withdrawal schedules (Hartmann and Heydrich 2002, 173). On the morning of 19 November 1999, the attending Heads of State and Government signed ACFE. Russia agreed on the withdrawal of its excess equipment and troops from both Moldova and Georgia in a number of politically-binding side-agreements, such as in the CFE

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61 GOP Senators’ Letter to Clinton on Chechnya (1 December 1999), http://defensenewsstand.com/cs_newsletters.asp?NLN=PENTAGON.

62 “These arrangements will be implemented at the entry into force of the new Treaty or by the time specified in the Treaty”, the document stated under subparagraph 14.2.7. Decision of the Joint Consultative Group on CFE Treaty Adaptation (Vienna, 30 March 1999) at: http://www.bits.de/ac-archive/3ru/on/cfe/JCG.htm.

63 Responsible for the newly independent states, Madeleine Albright’s advisor Stephen Sestanovich during a Senate hearing pointed to the significance of this matter. “If this treaty is to be as, I said, a serious instrument for increasing the security of all states, it has got to serve the interests of Georgia, of Moldova, as you noted. These are countries that are now involved in negotiating the final terms of this treaty with the Russians. If those negotiations are a success, then the treaty will be a success. If it is not, then it will not serve the purposes that we all agree it needs to”. “Chechnya: Implications for Russia and the Caucasus”, Hearing before the Committee on Foreign Relations, 106th Congress 1st Session (4 November 1999), p. 11.

64 GOP Senators’ Letter to Clinton on Chechnya” (10 November 1999), Inside Missile Defense (1 December 1999).
Final Act and the Istanbul Summit Declaration (Para. 19). Also with a view to the contentious Chechnya issue, Yeltsin underscored Moscow’s view of the Declaration: “when states begin to tie in the Charter [for European Security] with the final declaration that has wording unacceptable to us, that’s when we’ll say no. And responsibility for this, will fall fully on the West”.

The same day, Bill Clinton publicly announced that he would only submit the ACFE Treaty to the Senate for advice and consent to ratification “when Russian forces have, in fact, been reduced to the flank levels set forth in the adapted treaty”. His statement, which indirectly referred to the Russian military operations in Chechnya, contained no reference to the Russian forces in Moldova and Georgia though. A few days later, NATO followed suit: “Entry into force of the Adapted Treaty can only be envisaged in the context of compliance by all States Parties with the Treaty’s limitations. It is on this basis that we will work towards bringing the Adapted Treaty into force”, NATO defence ministers proclaimed.

As the sidelines of the Istanbul Summit Azerbaijan, Georgia, Turkey, and Kazakhstan signed an agreement paving the way for opening up Caspian crude oil reserves. Bill Clinton, who attended the signatory ceremony, praised the kickoff of the BTC Pipeline as one of the “most important policy achievements of 1999” (Baran 2005, 107).

**America’s Turn Away from Arms Control**

With the transition from Bill Clinton to George W. Bush, America turned away from arms control. The scepticism of Republican neoconservatives during the late 1990s in Congress was only the prelude to subsequent administrative policies. Already in 1999, America’s conservatives successfully thwarted ratification of the Comprehensive Nuclear-Test-Ban Treaty, another prime target of Jesse Helms and others’ loathe of US restraint. In reaction to the 9/11 attacks and against repeated Russian warnings, Washington abrogated the ABM Treaty in 2001. The 2002 Strategic Offensive Reductions Treaty (SORT) with Moscow had no provisions for assessing compliance. A study by the US National Defense University concluded that “the philosophy and practice of traditional arms control are no longer contributing effectively to the goal of reducing threats to US national security” (Sokolsky 2001). This shift affected NATO’s CFE policy as well. Had Bill Clinton only urged Russian compliance with ACFE flank limits in conjunction with Chechnya as precondition for US ratification, in May 2000 the alliance additionally requested compliance “consistent with the commitments contained in the CFE Final Act”. Even though that claim was not yet an official...

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65 [The White House. 1999. Memorandum of Conversation. Meeting with Russian President Yeltsin, 19 November 1999, Istanbul, p. 6, https://clinton.presidentiallibraries.us/items/show/57569.](https://clinton.presidentiallibraries.us/items/show/57569)

66 [Statement on the Agreement Modifying the Conventional Armed Forces in Europe Treaty (19 November 1999), (Presidential speeches and documents are available at http://www.presidency.ucsb.edu/index_docs.php).](http://www.presidency.ucsb.edu/index_docs.php)

67 [Final Communiqué, Meeting of the North Atlantic Council in Defence Ministers Session held in Brussels, 2 December 1999.](http://www.presidency.ucsb.edu/index_docs.php)

68 [“Senate Rejects Comprehensive Test Ban Treaty; Clinton Vows to Continue Moratorium”, Arms Control Today (1 September 1999), https://www.armscontrol.org/act/1999_09-10/ctbs099.](https://www.armscontrol.org/act/1999_09-10/ctbs099)

69 [Final Communiqué, Ministerial Meeting of the North Atlantic Council held in Florence, 24 May 2000.](http://www.presidency.ucsb.edu/index_docs.php)
precondition, NATO requested the “early and effective implementation of Russia’s commitments to reduce and withdraw its forces from Moldova and Georgia”.

By May 2002, Russia was back in compliance with its flank limits, having reduced its numbers in the North Caucasus. In addition, Moscow had withdrawn excess military equipment from Moldova, consistent with the flank restrictions. According to NATO’s position from December 1999, Russia had fulfilled all legal requirements for NATO ratification. What remained to be fulfilled was Russia’s politically-binding Istanbul commitment of closing two Russian military bases in Georgia. But meanwhile, NATO had introduced new linkages. In May 2000, the alliance had urged “compliance […] consistent with the commitments contained in the CFE Final Act”, meaning withdrawal of all Russian forces from Moldova and Georgia (including the peacekeepers) and closure of the two remaining Russian military bases in Georgia. In November 2001, US Ambassador to the OSCE, David Johnson, suddenly also referred to the huge stockpile of Soviet-era ammunition, based in Kolbasna (Transnistria), and welcomed Russian “preparations […] for withdrawal and destruction” in connection with Russia’s Istanbul Commitments. NATO’s claims piled up.

The 2002 Prague Summit marked the critical turning point in NATO’s CFE policy. The passage of the Summit Declaration was short and crisp: “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”. From now on, full Russian withdrawal of the ammunition stockpiles and peacekeepers from Moldova as well as the closure of the two remaining bases in Georgia were the conditio sine qua non for ACFE ratification. Earlier statements by Bill Clinton and NATO became void.

The effects of this linkage policy and Washington’s loathe of arms control under George W. Bush are well known. As early as 2003 Russia began to slow down its removal of ammunition from Moldova (Gribincea 2009). NATO and Washington reacted with a mantra-like reiteration of the Prague formula until Russia officially threatened to withdraw from the treaty. Meanwhile Congress was fully occupied with the aftermath of 9/11 and the subsequent adjustment of America’s foreign policy. NATO enlargement continued with two further rounds in 2004 and 2007. Russia’s suspension of CFE in 2007 and the war against Georgia in 2008 only accelerated the dissolution of conventional arms control. With the illegal annexation of Crimea in 2014, Moscow finally sealed the fate of the post-Cold War European

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70This fact was also recognized by NATO, see Final Communiqué, Ministerial Meeting of the North Atlantic Council held in Reykjavik, 14 May 2002.

71Final Communiqué, Ministerial Meeting of the North Atlantic Council held in Florence, 24 May 2000.

72Statement to the Organization for Security and Cooperation in Europe, Permanent Council, Ambassador David Johnson, 22 November 2001.

73Prague Summit Declaration issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Prague, 21 November 2002.

74Already during the 3rd CFE Review Conference from May 30 to 2 June 2006, the Russian Delegation clarified, that “Russia is interested in this regime [CFE] to the same degree as the other participants in it as well – no less, but also no more. […] The entire responsibility for the fate of the Treaty now rests with our western partners”. Quoted from Statement by the Delegation of the Russian Federation at the Extraordinary Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE-EC(07).JOUR, 12 June 2007, Annex 2), p. 1. Nevertheless NATO’s 2006 Riga Summit Declaration just repeated the already known phrase about the Istanbul Commitments. On 26 April 2007, Russian President Putin officially envisaged a moratorium on the observance of the Treaty in his Annual Address to the Federal Assembly and convened an extraordinary conference on CFE, which ended without any significant result, (speeches by the President of the Russian Federation are available at: http://eng.kremlin.ru/).
order and turned away from the principles and norms that had underpinned European security since the days of the Helsinki Final Act.

Conclusions

The history of the disintegration of conventional arms control in Europe marks the prelude to the Republicans’ turn away from policies of restraint, including in the realm of nuclear arms control. In hindsight, it set the stage for a return to military competition between Moscow and Washington and, thus, the current poor state of almost all bilateral arms control and multilateral agreements in the nuclear realm. It also contributed to the loss in military transparency that continues to plague European security today. But most of all it is not a one-sided story. One-dimensional accounts that attribute the failure of CFE exclusively to Russian wrongdoings miss the point that the treaty’s evolution was influenced by divergent, sometimes contrasting logics in Washington and Moscow. While the initial Cold War objective of CFE was already vanishing with the dissolution of the Warsaw Pact and even more so with the crumbling of the Soviet Union, NATO enlargement gave both the Clinton and Yeltsin administrations new, and quite different motives for holding on to the treaty. While the Clinton administration saw it as a way of cushioning the Russian unease with NATO enlargement, Russia saw it as a hedge against future potential large-scale military buildups of NATO forces closer to Russian territory (Alberque 2016). For the majority in the Clinton-sceptical US Congress, CFE represented the vehicle to give Moldova and Georgia full sovereignty over their national territories, thereby ignoring the intricacies of the respective secessionist conflicts and the larger Russian interest in the post-Soviet space.

The 14 conditions attached to the 1997 flank ratification instrument mark the turning point of America’s CFE policy. Their legal consequences tied the Clinton administration and all subsequent US administrations to long-held Congressional positions, particularly advanced by Republican Russia hawks. From that point on, CFE was inseparably linked to the resolution of the conflicts in Moldova and Georgia – a linkage policy that achieved neither their solution nor the preservation of conventional arms control. Instead, in the end, all sides lost.

Identifying a single overarching interest behind Republican policy during the mid to late 1990s is not possible without at least a grain of imprecision. However, certain key motivations are well documented, including in this article. Amongst them is a deep-seated mistrust bordering open enmity vis-à-vis Russia; a bitter partisan atmosphere which worked against a common US foreign and security agenda; a hyperbole view of America’s role in the world coupled with a messianic approach to the freedom and sovereignty of the newly independent states; the willingness to subordinate arms control agreements to that approach; a hasty and sometimes inconsiderate push for NATO enlargement; misjudgement or outright ignorance with regards core Russian interests; and, not least, also economic implications. In the words of then-US official Strobe Talbott, “[The Clinton Administration] had several opportunities to give Russians some room, not for revanchist expansion, but for genuine security of the Russian state. And the opponents on the hill accused us of being naive and letting the bear back out of its lair. . . . I think a lot of it was not based on strategic perspicacity; it was more about partisan politics. . . . They did everything they could . . . to put a stick in the spoke of the wheel”.75

75 Interview by the author with Strobe Talbott on 31 May 2017, Washington, DC.
In hindsight, the battles over Russia in Congress can be viewed as the early end of the short period of the post-Cold War US-Russian rapprochement. Twenty years later, the various reasons for mutual disappointments, disagreements, and misperceptions have led to a deplorable state of European security where once again conventional arms control is needed for its most basic objective: the prevention of unintended war.

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Notes on Contributor

Ulrich Kühn, PhD, is Deputy Head of the Arms Control and Emerging Technologies Program at the Institute for Peace Research and Security Policy at the University of Hamburg, and a Nonresident Scholar with the Nuclear Policy Program of the Carnegie Endowment for International Peace. Previously, he worked for the Vienna Center for Disarmament and Non-Proliferation of the James Martin Center for Nonproliferation Studies and for the German Federal Foreign Office. He is the founder of the trilateral Deep Cuts Commission, an alumnus of the ZEIT Foundation Ebelin und Gerd Bucerius, and a former Stanton Nuclear Security Fellow. He has published on arms control and non-proliferation, international security institutions, and transatlantic security. His articles and commentary appeared inter alia at Foreign Affairs, The New York Times, Bulletin of the Atomic Scientists, The Washington Quarterly, and The Nonproliferation Review.

ORCID

Ulrich Kühn http://orcid.org/0000-0001-6877-9098

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