The adapted CFE Treaty: A building block for cooperative security in Europe

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Introduction
After nearly three years of negotiations, on November 19 of last year at the OSCE Summit in Istanbul the 30 states parties to the Conventional Armed Forces in Europe (CFE) Treaty signed a treaty adaptation agreement which replaces the outdated, Cold War era structure of the original treaty. This article briefly addresses, first of all the history of the CFE Treaty. Then the main revisions to the treaty and the major obstacles which had to be overcome during the negotiations will be analysed. It ends with some concluding remarks.

History
The CFE Treaty is a legacy of the Cold War. It has been used, however, as an important building block for a European cooperative security regime. A system of cooperative security implies the general acceptance of, and compliance with, binding commitments which limit military capabilities and military actions. As a result, a cooperative security system rests on the following precepts:
- confidence based on openness, transparency and predictability;
- cooperation and reassurance; and
- legitimacy, which depends on the acceptance by members of the cooperative security regime of the military constraints inherent in that regime in that.

The CFE Treaty, which can be considered as the implementation of these principles, was originally signed by the NATO countries and by the then members of the Warsaw Treaty Organization within the framework of the Conference on European Security and Cooperation on 19th November 1990 in Paris. The aim of this treaty was to establish lower levels of conventional arms. The agreement determined for the then two existing military blocs the quantities of conventional arms which they could possess within five categories with subsequent modifications. Under the original treaty, NATO and the Warsaw Pact were each allotted limits of 20,000 tanks, 30,000 armoured combat vehicles (ACVs), 20,000 artillery pieces, 6,800 combat aircraft and 2,000 attack helicopters. This matériel is collectively referred to as treaty-limited equipment (TLE).

Many observers were of the opinion that the treaty was already outdated after the developments of 1989-1991. Besides the end of the Warsaw Pact, especially the Soviet Union’s disintegration was considered to render the treaty unworkable. But as a testimony both to its contribution to European security and to the importance participating states attached to the treaty, there was a delay in its entry into force. The treaty was not provisionally applied until 17 July 1992. It became legally binding on all parties on 19 November 1992.

By 17 November 1995, the deadline for the treaty’s full implementation, over 58,000 items of treaty-limited equipment (TLE) had been destroyed, and approximately 2,500 monitoring missions had been conducted to ensure
compliance.

The CFE Treaty was also adapted in order to accommodate other political changes. The Baltic states — Latvia, Lithuania and Estonia — were removed from the area of CFE application on 18 October 1991 after they regained their independence. The other former Soviet States met in Tashkent, Uzbekistan, on 15 May 1992 and agreed on respective totals consistent with the total Soviet allocation. The Czech Republic and Slovakia also allocated individual limits as part of the dissolution of Czechoslovakia on 31 December 1992.

**Mandate for a revision of the CFE Treaty**

At the Lisbon Summit of the OSCE on 2 December 1996, the treaty parties, the number of which had grown from 22 to 30 as a result of the breakup of the Soviet Union and Czechoslovakia, adopted a Document on the Scope and Parameters for Negotiations on a Revision of this Treaty. The Document mentions as one of its principles that the CFE Treaty 'must be consistent with the OSCE’s concept of comprehensive, indivisible and cooperative security, while bearing in mind States Parties’ other security arrangements and obligations, their inherent right to choose or change security arrangements, the legitimate security interests of other States Parties, and the fundamental right of each State Party to protect its national security individually'.

**The adapted CFE Treaty**

Concluding nearly three years of negotiations, the 30 states parties to the CFE Treaty signed a treaty adaptation agreement on 19 November 1999. Although the December 1996 'scope and parameters' for the adaptation negotiations declared that the talks would 'avoid wholesale renegotiation of the treaty', the adapted treaty is nevertheless a complete restructuring. The treaty mission, however: to preserve European stability and security, remains the same.

The adaptation agreement replaces the CFE Treaty's existing bloc and zone limits with a system of national and territorial weapon ceilings. With the 1991 breakup of the Warsaw Pact and the 1997 offer of NATO membership to the former Eastern bloc members of Poland, Hungary and the Czech Republic, these bloc limits lost all relevance and were replaced by national ceilings for the same five weapons categories. For the adapted treaty, countries proposed their own limits, with the understanding that they would take a 'restrained approach' and work towards the overriding objective of 'achieving a significant lowering in the total amount of TLE in Europe'.

In keeping with the shift from a bloc-structure to national ceilings, the adapted treaty eliminates the zone-structure and sets territorial ceilings for each state. These territorial ceilings cap the total amount of ground TLE, both national and foreign-stationed, that a country can have within its borders.

**National ceilings**

Together, the 19 NATO members lowered their cumulative national limits from 89,062 TLE to 79,967. Current NATO weapons holdings only add up to 64,091