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A European Military Balance Organization and Dynamic Conventional Arms Control

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Abstract

The Russo-Ukraine War has capped the decay of conventional arms control (CAC) agreements and security institutions designed and evolved in large part to prevent this type of conflict. At its root is the rivalry between Russia and NATO, and Russian concerns over the military balance. The Conventional Armed Forces in Europe (CFE) Treaty was the cornerstone agreement to stabilize the military balance, but the treaty and other security institutions such as the Organization for Security and Cooperation in Europe (OSCE) failed to adapt to NATO expansion. This article explores the role of various organizations in Europe in CAC and proposes a unique approach to future CAC agreements, dynamic CAC, implemented by a dedicated organization called the European Military Balance Organization (EMBO) which would continuously assess the military balance between NATO and Russia.

Keywords:

Conventional Arms Control; CFE Treaty; Russo-Ukraine War; Military balance; International Organizations.

What may have been the cause of conventional arms control (CAC) agreement failures in Europe, and how might these be mitigated? Russia's invasion of Ukraine in February 2022 capped the decay of adversarial arms control agreements in Europe since the Treaty on Conventional Armed Forces in Europe (CFE) entered into force in 1992, if not earlier with the establishment in 1975 of the Conference Security and Cooperation in Europe (CSCE), which later became the Organization for Security and Cooperation in Europe (OSCE)¹. While most of the treaties and organizations still exist, they failed to prevent the war in Ukraine. The Russo-Ukraine War's revelation of CAC failures offers an opportunity for scholars and practitioners to identify ways to improve upon previous CAC weaknesses, alter existing institutions and agreements, and create new ones to, hopefully, prevent another major European conflict in the future. This article proposes several approaches to resolving the issue of alterations in the military balance between NATO and Russia – one of the key causes of the Russo-Ukraine War.

¹ See Graef (2021) and Kühn (2020). Though Kühn's book predates the war, his assessment of decay was only further reinforced with other arms control agreement failures up until the invasion. Adversarial CAC agreements are between states or groups of states that have a competitive relationship.

These agreements are different from universal arms control agreements which usually aim to address a humanitarian concern rather than deal with potential conflict.

² One reason to avoid renegotiating treaties is to avoid the US Senate ratification process which can result in a treaty's failure. See, for example, Kühn (2019).

³ This article will hereafter refer to the "conventional military balance" as the "military balance." The military balance does not necessarily imply an equal distribution of military capabilities between two or more states, but refers to the net difference in (conventional) military capabilities between two or more states.

Conventional weapons and armed forces refer to any military system that is not nuclear, chemical, or biological. Any system or capability that is dual use is discussed and considered as necessary in one or all categories.

This article proposes that greater adaptation can be built into a CAC agreement in Europe which involves the continuous quantitative assessment of the military balance in order to maintain and update a NATO-Russia CAC agreement based on an agreed military capabilities balance, preventing the need to make major treaty changes or draft a new treaty altogether with the commensurate problems of renegotiation and ratification². This assessment would be done through a proposed European Military Balance Organization (EMBO) and would recommend adjustments to the military balance through alterations of treaty-limited equipment (TLE), personnel, and other military capability reductions and ceilings based upon a treaty-agreed baseline military balance. As discussed further below, an EMBO institution could be a single concrete international organization, an office or department within an existing international organization, or a network of national representatives with or without a standing body.

The decay of CAC

One of the Russo-Ukraine War's principal causes was Russia's perception of an unacceptable conventional military balance³ that was not addressed by existing or Russia-proposed CAC agreements (Lippert, Forthcoming). The Cold War ended relatively "gently" in part because the CFE Treaty established a system of transparency and confidence. However, within a decade the agreement which had been founded upon military parity between the North Atlantic Treaty Organization (NATO) and the Warsaw Treaty Organization (WTO) was irrelevant due to the WTO's dissolution, NATO expansion, and Russia's inability to match NATO's military strength.

The 1999 Adapted CFE (A/CFE) Treaty was an attempt to address Russia's dissatisfaction by incorporating new limits on equipment, but the treaty did not enter into force. However, NATO expansion followed by NATO deployments, especially following the 2014 annexation of Crimea and Russia's support for eastern Ukraine separatists convinced Moscow that their "indivisible security" was not being respected, despite agreements and statements committing the US, NATO, and other European states (including Russia) to do so ([Kühn 2020](#); [Kvartalnov 2021](#)).

Most peacetime adversarial CAC agreements reflect the military balance at the time of signature and the desired military balance, which themselves are largely based on the overall geopolitical situation. The problem occurs when the geopolitical or military situation on which a CAC agreement is based significantly changes. The geopolitical situation could be something as dramatic as the WTO's dissolution and NATO expansion, and the military situation could be the general collapse of one state's military capabilities or significant changes in technology that affect the military balance on which the agreement is based. Confronted with realities that clash with CAC agreements, states are compelled to revise the treaty, draft a new one, violate it, or withdraw from it. As Maurer stated, states will only remain in an arms control agreement as long as it benefits their security ([Maurer 2018](#)). However, these four options are rife with disadvantages, including the level of effort required, reopening negotiations and arguments between states, potentially sharpening diplomatic disputes, and returning to arms racing.

The Role of Intergovernmental Organizations and European CAC

There is no singular international organization that is primarily responsible for CAC in Europe that is comparable to the IAEA's mandate of ensuring the peaceful use of nuclear energy and preventing nuclear weapons proliferation (IAEA n.d.) or the Organization for the Prohibition of Chemical Weapons (OPCW)'s mandate to prevent the production and use of chemical weapons (OPCW n.d.). There may be several reasons why there is no single organization for broad CAC in Europe. First, some CAC agreements are either bilateral or multilateral among a small number of countries in contrast to the IAEA and CWC which have global mandates. For example, the Intermediate-Range Nuclear Forces (INF) Treaty, which included prohibitions of conventional land-based shorter and intermediate-range missiles, was a bilateral agreement between the US and USSR. The CFE Treaty covered all NATO and Warsaw Pact members, but its management was multilateral through the JCG and occasional high-level meetings with inspections conducted by state parties⁴. The Minsk Agreements ([OSCE 2015](#)), which dealt with ceasefires and the

⁴ Article XXI of the CFE Treaty states that "the Depository shall convene a conference of the States Parties to conduct a review of the operation of this Treaty."

removal of certain types of weapons along the line of contact in eastern Ukraine, were signed by the OSCE, Ukraine, and Russia. The OSCE had an important direct role in monitoring the conflict with representatives on the ground, as well as serving as a forum for discussing the conflict and promoting stabilization and peace in the region (OSCE n.d.; OSCE 2021a).

At the international level, the primary organization concerned with CAC in Europe is the OSCE. Van Ham summarizes the OSCE's role in arms control as: "1) Work towards a consensus on the basic principles underlying arms control; 2) Create a shared appreciation of the facts and figures in the broad area of arms control; and 3) Generate the requisite political will to work towards a new, formal arms control regime," (Ham 2018). The OSCE has a broad mandate to deal with peace and security issues in Europe, and Russia has continuously pushed for the organization to have greater authority (Kühn 2010) but its effectiveness is hampered by the organization's requirement to reach a consensus on major decisions and policies (Schlager 2020). The OSCE has extensive experience with monitoring ceasefires and peace agreements (Meier 2017; Tanner 2021) and the organization serves as a host and organizer for the CFE's JCG and the related Open Skies Treaty's Consultative Commission ("OSCE-Related Bodies" n.d.).

While the OSCE may not have extensive monitoring, verification, and inspection experience outside of the Minsk agreements (OSCE 2021a) and the Balkans Agreement Sub-Regional Arms Control (OSCE 1996; OSCE 2021b), it is the most qualified, existing international organization to assume such tasks.⁵ Among the many capabilities the OSCE has to offer are its international staff; its established host country agreements; field offices with experienced field officers; various existing governing and discussion bodies such as the Forum for Security Cooperation (FSC) and the Permanent Council, and the Parliamentary Assembly composed of member country representatives; subject matter experts; and institutional acceptance by member countries. The tasks required to adopt the tasks of an EOMB would require the organization's expansion, but this would not be unrealistic especially if most of the OSCE's work is in assessment, receiving reports from member countries, adjudicating disputes, and open-source research with the more labor and resource-intensive tasks of inspections and verification left to member countries and alliances.

There are several obstacles, however, to the OSCE taking on the EMBO's tasks. As Zagorski notes, "the Organization has been a hostage to the relations among its participating States. Each time, complications and rising tensions led to stagnation and failures in its work," (Zagorski 2014). An EMBO that is under the OSCE may struggle to deliver impartial judgments and recommendations on military balancing without fear of dissolution or sanctions by member states.⁶

⁵ Govan (2015), for example, assesses that the OSCE has experience and expertise to carry out various CAC and CSBM tasks.

⁶ For example, Russia voted to end OSCE field missions in Georgia and Ukraine (Reuters 2009; U.S. Department of State 2022).

The UN Conference on Disarmament (UNCD) is a global forum focused on arms control issues, although it currently focuses on universal disarmament and nuclear, biological, and chemical arms restrictions (UNODA n.d.; UNODA 2019). The UN Office for Disarmament Affairs (UNODA) focuses on humanitarian issues related to arms and universal arms control rather than adversarial balancing. Nonetheless, the UNCD and UNODA have a political role in promoting and supporting arms control institutions. The UN General Assembly can have a significant role in managing the UN, including arms control-related activities; and resolutions can play an important role in supporting arms control institutions and practices. The UN Security Council (UNSC) can lend its weight to CAC by affirming agreements and supporting implementation. Presumably, any major CAC agreement in Europe will be approved by four out of the five permanent UNSC members if they have already made an agreement multilaterally, thus all but ensuring UNSC support. While the UN and its bodies have an ancillary role in supporting CAC measures in Europe due to the primacy of member countries and the OSCE, the UN could play an important role if so delegated by member countries, especially if implementation is politically or operationally supported by non-European states. Among the established roles that the UN could fulfill are use of its peacekeepers to ensure compliance with cease-fires, including limitations of troops and weapon systems. Alternatively, the UN has the capability and authority to establish an EMBO, whether within existing UN agencies or an entirely new agency.

The Role of NATO and the EU

NATO and the EU have essential CAC roles in Europe because of their size, scope, and mandate. Unlike the OSCE or UN, neither would strive or be expected to be neutral or impartial. They would advocate their members' interests and represent their perspectives with a single voice, consolidate information, and coordinate policies and activities. NATO has a much stronger historical foundation of arms control work based on Cold War experience; in particular the organization's role in drafting, negotiating, and implementing the CFE Treaty.⁷ NATO has several roles in treaty implementation. Two of its most relevant bodies are the Verification Coordinating Committee (VCC) which is "responsible for coordinating and making recommendations on all activities in arms control verification, which have been agreed by countries as being appropriate for handling on a cooperative basis within the Alliance," (NATO 2022b) and the High-Level Task Force on Conventional Arms Control (HLTF) which is "the consultative and advisory body that brings together government experts to channel advice on conventional arms control issues to ministers of foreign affairs and defence," (NATO 2022a).

⁷ Houser (1990), for example, compared and contrasted NATO and WTO CFE Treaty proposals.

NATO could contribute to an EMBO by providing information, contributing to policies, contesting findings as necessary, and lending institutional support. Inspections could be organized and executed by NATO rather than by individual state parties. Intelligence units might contribute to assessments of Russian compliance primarily by pooling together national intelligence reporting. NATO's senior leadership might contribute to formulating CAC policy and lead diplomatic discussions with Russia concerning implementation and disputes.

Currently, the EU has a minimal role in adversarial CAC as it is neither a party to the CFE nor it likely accepts NATO and member country primacy on the issue. However, there are several factors and trends which may elevate the EU's role in CAC in Europe. In 2008 when Russia invaded Georgia, the EU led negotiations to end the hostilities, with the agreement including a CAC element in the form of the removal of forces to pre-conflict positions (Sarkozy 2008). The EU is substantially supporting Ukraine during the present conflict with measures including coordinating military aid, sanctioning Russia, and supporting war crimes investigations of Russian officials (EEAS 2022; European Council 2023a).

There are several reasons why the EU may have a major role in a future CAC agreement. The EU might work with and through an EMBO as several EU members are not NATO members, and this might be especially relevant if the EU itself is a signatory to any CAC agreement or all of its members are signatories. Second, some EU-supported and EU-led initiatives such as military transportation infrastructure (European Commission 2022) and military procurement (PESCO n.d.) might fall under the purview of a CAC agreement, especially as these capabilities would likely affect the military balance. The EU is likely to be able to advocate member positions more strongly than if they attempt to do so on a bilateral basis with Russia; and an increased EU role would be in line with the general trend of increased delegation of policy from member states to the EU (Drewski 2022; Kühnhardt 2009).

The Role of Transnational Actors

A final category of CAC-concerned organizations would be NGOs, think tanks, government contractors, and businesses – collectively referred to as transnational actors (TNAs) (Tallberg et al. 2013). Lacking any direct authority, they may nonetheless have an indirect role in CAC and an EMBO. Some think tanks, such as RAND Corporation and Brookings, write reports on arms control issues, offering proposals and providing assessments with some reports written with direct input or data from official government representatives and databases. These reports may have the advantage of being drafted by subject matter experts, made available to the public, and not necessarily biased for any particular institution, country, or view of CAC. For an EMBO, these organizations can complement, affirm, or criticize EMBO findings and activities.

Military-industrial companies, generally distinct from think tanks in that they have a hardware rather than intellectual focus, have competing interests in CAC. On the one hand, limits can decrease government purchases; but on the other, implementation of a CAC agreement might require companies to provide tools and equipment for inspections and equipment destruction, and possibly staff to support or even conduct inspections.⁸

Dynamic Conventional Arms Control

This article proposes a new approach to CAC called dynamic conventional arms control because, unlike past agreements, this method would not be based on fixed quantitative equipment or personnel limits, but would incorporate the ability for treaty implementers to determine and implement changes to EU/NATO and Russia's treaty-authorized equipment and personnel ceilings to maintain an agreed-upon, fixed ratio of military capability.

The need, if not the feasibility, for a new CAC is clear. A CAC agreement will provide a legal and transparent basis for NATO and Russia to reduce the likelihood of arms racing which itself can become a contributor to deteriorating relations (Glaser 2004). A CAC agreement can serve as an important avenue of diplomacy, maintaining and even improving upon diplomatic relations (Freedman 1991). Ideally, a CAC agreement will stabilize the military competition between NATO and Russia by preserving mutual deterrence through the reduction of offensive weapons and the threat of a surprise attack, thereby mitigating the security dilemma. Even in a situation in which the balance is very uneven, for example in a scenario in which Russia's military has been largely decimated while NATO's has grown, an agreement can lock in an imbalance which can reduce the sources of friction and misunderstanding.⁹ Any future agreement will need to reflect important changes since 1990, including a much larger NATO which shares a long border with Russia, and Russia which is dwarfed by its neighbors but enjoys significant time-distance advantages.

Examples of fixed, ratio-based CAC include the CFE and A/CFE Treaties discussed above, and the 1922 Washington Naval Treaty which set an unequal ratio of capital ships based on tonnage between Britain, the United States, Japan, France, and Italy as well as a suspension of capital ship construction ("The Washington Treaty" 1922). The fundamental problem with static TLE-focused treaties is that any number of factors can change the fundamental military balance. In the case of the CFE Treaty, the change was dramatic and rapid, occurring between the treaty's signature (1990) and entry into force (1992). A short-term measure to address the changes was to retain the distribution between the groups of state parties (NATO and the

⁸ Two examples of contractor companies being used in arms control verification are discussed in Harahan and Kuhn (1996) and Russel (2001). For a general article on high expenditures for a large number of services provided by US Defense Department contractors see Hartung (2021).

⁹ While the post-World War One agreements largely failed in keeping the defeated Axis military capabilities at 1919 levels, the post-World War 2 Finnish-Soviet agreement which set limits on Finland's armed forces can be considered a success.

former WTO); with former Soviet states allocating TLE between themselves (nuke.fas.org 1990). The military balance might have remained stable had the former WTO members maintained a close security relationship. Instead, many former WTO members joined NATO and by the early 2000s Russia was confronted with an extremely unfavorable military balance.

Another challenge with the fixed TLE approach is that weapons systems advance over time, and not necessarily at equal rates between states. While some efforts can be made to lock in capabilities within CAC agreements, such as with the London Naval Treaties of 1930 and 1936 which restricted the tonnage and firepower of different ship classes, anticipating specific evolutions and military technology within treaties can be difficult. For example, while the CFE Treaty limited the number of combat aircraft, it did not account for the performance jump that stealth and precision weapons offered.¹⁰ Similarly, advances in thermal imagery increased tank performance.¹¹ Basic infantry soldiers can improve in quality due to their equipment, such as night vision devices, body armor, and radios.¹²

Measuring military capabilities, however, is difficult, and comparing the various methods of doing so is beyond the scope of this article ([Rohn 1990](#)). This article assumes that various methods to measure the military balance would be used, each offering advantages and disadvantages; and that some level of disputes would likely result between state parties and organizations. The proposed EMBO would have a central role in adjudicating differing assessments of the military balance including provision of its own assessment.

The EMBO

An effective EMBO would likely need to be a stand-alone international organization with formal links to the OSCE and UN. The organization's function at a minimum would be to continuously assess the military balance between groups of state parties, generally defined as NATO and Russia and its allies within the Area of Application (AoA). The international staff, including its head, would need to be as independent as possible in order to offer an impartial, unbiased assessment of the military balance. The IAEA and OPCW are examples of international organizations involved in security that can serve as models for an EMBO. If the EMBO's sole responsibility is to assess the military balance based on member state contributions and open-source research,¹³ this work could be done with under a dozen staff.

However, a truly effective organization would have inspection functions. Depending on the rules and number of inspectors and inspections, an EMBO could become quite large with significant autonomy. While existing

¹⁰ Deptula (2001) discusses the impact on stealth and precision on warfare; Some reports recommend that stealth aircraft in particular should be subject to CAC measures in Europe by keeping them a certain distance from the common Russia-NATO border; see Charap et al (2020) and Williams and Lunn (2020).

¹¹ The advantages of thermal imagery in armored vehicles became clear in the 1991 Gulf War. See, for example, Zaloga and Laurier (2009).

¹² For an overview of current or upcoming infantry technologies, see Turner (2020).

¹³ Open-source information could provide significant insights and information for the EMBO. Open sources can provide information about technology changes, acquisition plans, military system capabilities, and quantities. Depending on resources, the EMBO could use resources such as commercial imagery, social media, and news reporting from specialist companies such as Jane's to complement and even contradict state reports. Large military items such as ships and strategic bombers may be especially difficult to conceal from open sources.

arms treaties such as the CFE and nuclear arms control agreements between the US and Russia rely on national inspection teams, the EMBO could complement national teams or replace them entirely, replicating the IAEA and OPCW. The number of inspections should be determined by what state parties and the EMBO assess may be militarily significant violations or the baseline sampling necessary for an accurate assessment of military capabilities ([Dunn 1990](#)).

Staff expertise and independence will be critical to the EMBO's credibility. This should generally preclude officials seconded to the organization from member countries (although liaison officers or other national representatives may be necessary, but pose no threat to the organization's independence). The organization could employ non-state party nationals who may be less biased than nationals of state parties.¹⁴ However, funding challenges might create a gulf between the organization's capabilities and goals. This might be partly addressed by permitting secondment by non-state party officials – especially if the secondments are approved by the member states. Another advantage of third-country staff (salaried or seconded) would be the reduced threat of intelligence collection during inspection activities as state parties are more likely to engage in non-treaty related intelligence collection compared to a third party.¹⁵ Taking UN peacekeeping operations as an example, third-party national contingents may even be assigned responsibility for inspections and verifications.

As with many international organizations, an EMBO might have a governing body composed of member country representatives¹⁶ and might have a parliamentary assembly of state parties to vote on major issues such as the selection of leadership, the budget, and mandate changes.¹⁷ Summits attended by heads of state and government could take place periodically to deal with major organizational and treaty revisions or otherwise merely as an opportunity to discuss a range of security issues.

How and When to Balance

The EMBO's mandate would be closely linked to the need to balance the blocs based on an agreed framework and ratio. Taking, for example, a treaty in which Russia and EU/NATO have agreed upon a 2:3 ratio of military capability within a certain AoA and based on a certain set of military systems such as CFE TLE and personnel, plus weapon systems such as surface-to-air missiles (SAMs), drones, radar systems, and naval vessels (nuclear weapons¹⁸ and internal security forces would likely be excluded), the EMBO might begin its calculations based on specific inventories of current or intended (agreed) military forces. One challenge for the CAC agreement and EMBO

¹⁴ Some international organizations such as INTERPOL and OSCE require staff to be nationals of their member countries, while some international organizations such as the International Criminal Court (ICC) do not.

¹⁵ One example of an inspected party being concerned about intelligence collection not related to an arms control agreement was Iraq between 1991 and 2003. Iraq feared that inspectors concerned with WMD would collect intelligence on Saddam's personal security ([Coe and Vaynman 2020](#)). Sweden and Finland were concerned about military secrets being revealed if they became parties to the CFE Treaty ([Dalsjö 2002](#); [Olin 2000](#)).

¹⁶ For example, the OSCE has the Permanent Council for its working-level governing board which meets weekly, and INTERPOL has an executive committee approximately quarterly.

¹⁷ OSCE has its Ministerial Council which meets annually and "is the central decision-making and governing body of the Organization" while the INTERPOL General Assembly also meets annually and is the "supreme governing body, comprising representatives from each of our member countries" (OSCE 2017; INTERPOL n.d.).

¹⁸ This is not a given, as tactical nuclear weapons were under consideration in the MBFR discussions, with the possibility of NATO exchanging tactical nuclear weapons for WTO armored divisions; Jozef Goldblat, *Arms Control: The New Guide to Negotiations and Agreements* (Los Angeles, CA; London: SAGE, 2002); p. 221. The CFE Treaty specifically exempted interior security forces.

is determining which systems to control, which partly comes down to the question of which systems are more offensive than defensive (Biddle 2001). The Russo-Ukraine War has not yet revealed if the five categories of TLE (main battle tanks, armored vehicles, artillery, attack helicopters, and combat aircraft) should still be considered as primarily offensive, if additional weapons systems such as drones should be added, or weapon systems which had previously been considered in US/NATO-Soviet/Russian negotiations but ultimately not included such as naval systems should now be part of a CAC agreement. Dual use and emergent capabilities, including private military contractors, cyber warfare capabilities, and unmanned ground and sea systems, hypersonic missiles might also be considered.

Then, during the life of the treaty, the EMBO would need to continuously assess and reassess the military balance based on state party declarations to the organization, open sources, and other information. First, the EMBO would likely establish that state parties have met their intended and stated military capability goals as stated in the treaty. If, as with the CFE Treaty, the military capabilities at signature or entry-into-force are above the agreed-upon capabilities, then signatories will need to reduce their inventories by agreed-upon methods such as destruction or relocation.

Again, using the 2:3 Russia-NATO ratio as an example, during the course of the treaty a number of military significant changes could occur. These include: 1) Russia or NATO's military capability significantly decreases while the other's remains the same; 2) Russia or NATO's military capability significantly increases while the other's remains the same; 3) One significantly increases while the other significantly decreases; and 4) both increase or decrease at approximately the same rate. During the post-Cold War period's first decade, NATO expansion and Russian military stagnation are an example of point 3.¹⁸

¹⁸ Russia's decline in military power from the end of the Cold War to approximately 2008, including in comparison to NATO, is discussed by Boston et al. (2018). Graphs of Russian military expenditures in total USD and as a percentage and GDP are available at (The World Bank | Data. n.d.).

The EMBO's primary task would be to assess if the 2:3 ratio is being maintained; and if not, for what reasons and by how much. The EMBO might recommend measures to re-establish the agreed balance, and discussions on the matter could take place within EMBO-related decision-making processes. In general, the resolutions include: 1) if one side's military capability has decreased or increased, the other side can similarly decrease or increase, respectively; 2) If one side has increased, it could – once the extent to which the increase was agreed (due in part to the EMBO's assessment) – restructure its forces so that the increase was only temporary; or 3) renegotiate the ratio of military capabilities.

Problems Solved

A dynamic CAC agreement with an EMBO would make a significant contribution to resolving a number of CAC agreement problems. One of the most significant roles of the EMBO would be to provide an objective measurement of the military balance, reducing disputes between blocs about the level of threat each poses to another. While the threat, especially the likelihood of a successful surprise attack,²⁰ is defined by more than quantitative force counts (Biddle 2006; 2001), an objective assessment of the military balance can facilitate dialogue between blocs and make the path toward resolution easier.²¹

As previously stated, a dynamic CAC agreement augmented by an EMBO will assist in addressing changes in alliances by calculating the impact of alliance member additions²² or departures and then facilitating negotiations about how to address the proportional changes, if any. This would be a significant accomplishment because the current, static approach to adversarial CAC in Europe is more likely to lead to disputes and frustration when bloc memberships change or when one bloc significantly alters its force posture, as demonstrated by recent NATO-Russia disputes about the military balance.²³

Another advantage of this approach is that it increases the capacity to deal with extraordinary situations such as internal security challenges and local conflicts. An EMBO can first ascertain to what extent any surge of forces results in a military significant imbalance, such as NATO deployments to the Balkans during the Balkan wars, particularly the 1999 Kosovo-Serbia conflict (McCausland 2011), or the Chechen conflicts in southwest Russia (Clinton 1997; Falkenrath 1995). In these situations, the EMBO can objectively assess the impact on the military balance of these deployments and facilitate resolutions such as an agreement that the opposing side could proportionately increase their forces.²⁴

A Balancing Act

This article makes two interlinked proposals: first, a dynamic CAC agreement that focuses on the military balance between NATO and Russia can make a significant contribution to long-term peace and stability in Europe; and second, an EMBO would be instrumental in effectively implementing a dynamic CAC agreement. An EMBO's most important task would be to objectively identify changes to the military balance, creating a common picture for adversaries to negotiate and address.

The EMBO would become a new focus of a CAC community in Europe composed of international organizations, national agencies, NGOs, and

²⁰ A core objective of the CFE Treaty is to “eliminating, as a matter of high priority, the capability for launching surprise attack and for initiating large-scale offensive action in Europe” (OSCE 1990).

²¹ An objective assessment of the military balance might also reduce the risk of war, as one cause of war is disagreements about relative power and bargaining strength (Reiter 2009).

²² Moscow specifically noted NATO expansion as one reason for its suspension of the CFE Treaty in 2007; (President of Russia 2007).

²³ NATO itself summarized its various military and geopolitical disputes with Russia in (NATO 2023).

²⁴ Peters discusses the impact on CFE of local and regional conflicts, noting that some did not exceed TLE limits. Nonetheless, a surge of forces could still result in an adversary's concern, and an EMBO can assist in alleviating this (Peters 2000).

other experts. The construction of a new CAC institution would assist in informal dispute resolution through the “fashioning of consensual norms and procedures for resolving disputes” (Kupchan 1991). This new CAC institution would promote peace and security by establishing a new mechanism by which states will need to consider the shadow of the future.

A new CAC agreement and an EMBO are not guaranteed to resolve underlying problems and disputes, but are merely one among many means to do so. CAC’s collapse over the past two decades was not due to a lack of institutions, organizations, and forums. On the one hand, an agreement that satisfied Russia’s desire for a better and guaranteed military balance might have improved relations NATO-Russian relations; yet other areas of disagreement such as US/UK sanctions against Russia related to human rights, Russian election interference in the West, and Russian attacks against dissidents, including with the use of chemical weapons;²⁵ as well as general geopolitical competition in the Middle East and elsewhere, would probably still strain relations.

²⁵ For US and UK sanctions against Russia prior to the February 2022 invasion of Ukraine and their reasons see Rennack and Welt (2019) and Mills (2022).

Moreover, even a well-designed and conceived CAC agreement with an EMBO leaves open two major areas of disagreement. The first is that assessing military capabilities is subjective in the best of circumstances. Well-intentioned, objective experts may disagree. Self-interested treaty parties are even more likely to disagree when their own security is at stake, with the likelihood that they will underestimate their own capabilities while overestimating that of their adversary. EMBO experts will have the necessary but difficult task of developing estimative and calculative methodologies to assess military capabilities and convince state parties of their assessment’s accuracy. The likelihood of state parties disagreeing over an EMBO’s findings, however, is not an obstacle to its creation or functioning. State parties regularly disagree with IAEA and OPCW reports (Associated Press 2008; Masterson 2020).

As with other adversarial, peace-time CAC agreements, another challenge will be their enforcement. An EMBO is unlikely to have the means or mandate to enforce any agreement, leaving state parties to do so.

This article suggests several areas for further research. First, it is unclear what the impact of differing degrees of delegation to treaty implementation bodies is on CAC agreement success. The extent of delegation may reflect a CAC implementing body’s capabilities and effectiveness, as well as the trust that state parties have in the organization. Thus, the question is whether or not agreements whose treaty implementers have higher levels of delegation are more effective than implementers with lower levels. Second, it is unclear what impact an international organization’s placement within the universe of international organizations affects its impact. How much does it matter if an EMBO is part of the UN system, falls under the OSCE’s work and mandate,

or is wholly independent like INTERPOL? Or would it be sufficient to be a semi-independent office within an international organization such as the International Narcotics Control Board (INCB) or even function without any secretariat such as the Group of Eight (G8)?

Lastly, under what conditions is the creation of an EMBO more or less likely? Is it more or less likely if one side is a clear victor, or if there is a stalemate? To what extent would its creation be linked to other issues arising from the war, including war crimes accusations, reparations, territorial disputes, and sanctions? And what are the tradeoffs, in detail, of creating a new organization versus embedding the EMBO in the OSCE or UN? The history of CAC implementation bodies since World War One may provide some insights.

Not all wars end with a peace agreement, but many do.²⁶ Yet the Russo-Ukraine War is not only a war between Ukraine and Russia, but a conflict caused by the overall imbalance of the military-geopolitical order from, to use the CFE Treaty's AoA, the Atlantic to the Urals (ATTU).²⁷ Thus, a bilateral agreement between Kyiv and Moscow will not address the continental-wide security disagreements. A larger, continental security agreement that is focused on or at least includes a CAC component may be essential to preventing another, major war in Europe.

While a dedicated CAC organization such as the proposed EMBO formed around a CAC treaty may not succeed in preventing another war, the outbreak of the Russo-Ukraine War following almost twenty years of CAC agreement decay occurred without a dedicated international organization with a central mandate to manage the CFE Treaty. This might suggest that the lack of a dedicated CAC treaty organization significantly increases the chances of failure. Moreover, the CFE Treaty approach may demonstrate what does not work. In the search for success, this article not only proposes an international organization, but it also recommends incorporating third-party states and experts into the international organization's operations, unlike the CFE Treaty approach.

Creating and operating a new international organization is not without costs in time, effort, or funds; and depending on its mandate and activities, there could be costs to sovereignty. However, a large organization with field activities such as the OSCE has an annual budget of almost 140 million Euros (OSCE 2021c), a paltry figure compared to the costs of war wherein, for example, as of March 2023 the World Bank estimated reconstruction costs would be over 400 billion USD, and the US and European Union (the EU and its members) have contributed at least 70 billion USD each (Masters and Merrow 2023; European Council 2023b), while Russian costs are likely

²⁶ Fortna (2004), for example, assesses peace agreements and ceasefires from 1948-1994.

²⁷ See for example President Putin's speech (2022) immediately following the invasion of Ukraine which repeatedly accuses of the US and NATO of provoking and necessitating the "special military operation".

at least 75 billion USD (Rosen 2023). On top of these continuing expenditures and financial losses are the costs in lives and livelihoods. No less worrisome is the increased threat of nuclear conflict and a broader war.²⁸

²⁸ Three scenarios of nuclear weapon use in Ukraine are discussed by Gannon (2022). Another concern, in the author's opinion, is that an unrelated accident might lead the US or Russia to believe that an attack might be underway or imminent, compelling them to launch in perceived self-defense. A detailed discussion of such accidents can be found in Schlosser and Brick (2013).

Reasonable but bold measures need to be taken to prevent another major conflict in Europe. If, as Maurer believes (2018), states remain in an arms control agreement only as long as it serves their security interests, then an agreement needs to be crafted and institutions created or refined to increase the likelihood that all state parties' security interests are preserved. A broad, dynamic CAC agreement in Europe with an EMBO focused on military balancing which covers in the least the ATTU area may be an essential approach. A new NATO-Russia CAC agreement and the establishment of an EMBO may be difficult, but the need to prevent another, and possibly broader war compels us to consider rebirthing a revised CAC regime.

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