Introduction

In 2016, Russia refused to re-issue an updated version of the so-called Vienna Document (VD), an arms control agreement designed to increase transparency on military activities in Europe. Russia also withdrew the four proposals it had circulated to modernize the Vienna Document, arguing that the political climate was not appropriate for such negotiations, and has since then declined to engage on any update of the VD. These decisions occurred against the backdrop of increased Western concerns following the Russian invasion of Ukraine and a rise of military incidents involving Russian and Western forces (more than 60 between 2014 and 2016)\(^1\). This paper traces the origins of the Vienna Document, its place in the European security architecture, and shows that the current crisis is the crystallization of both weaknesses in the implementation of the VD and a long-standing Russian dissatisfaction with most conventional arms control agreements in Europe.

The Vienna Document in the European Security Architecture

The Vienna Document on Confidence- and Security-Building Measures

(usually referred to as the ‘Vienna document’) was initially adopted in 1990, and reissued in 1992, 1994, 1999 and 2011. It is originally a major result of the Cold-War era Helsinki process, which also enabled the transformation of the Conference for Security and Cooperation in Europe (CSCE) into the Organization for Security and Cooperation in Europe (OSCE) in 1995. The VD is still handled within the OSCE framework, by a special body called the Forum of Security and Cooperation (FSC). The core philosophy of the Vienna document is that increases in military transparency (especially military exercises) reduces the element of surprise, thus leading to improved trust in relationships, diminishing the risks of miscalculation and misperception, and benefiting the security of all parties to the document.

The Vienna document is part of the European security architecture, which is a complex entanglement of military alliances (such as NATO and the CSTO) and bilateral (or minilateral) military partnerships, economic-political organizations (such as the EU), as well as nuclear and conventional arms control mechanisms. As such, the Vienna document cannot be considered in isolation from other pillars of the European security architecture, and specifically other conventional arms control mechanisms.

Jozef Goldblat defines arms control as:

‘a wide range of measures [...] intended to: (a) freeze, limit, reduce or abolish certain categories of weapons; (b) ban the testing of certain weapons; (c) prevent certain military activities; (d) regulate the deployment of armed forces; (e) proscribe transfers of some militarily important items; (f) reduce the risk of accidental war; (g) constrain or prohibit the use of certain weapons or methods of war; and (h) build up confidence among states through greater openness is military matters’

In Europe, the three pillars of conventional arms control are,

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respectively, the Treaty on Conventional Armed Forces in Europe (also called CFE treaty), the Open Skies treaty and the Vienna document. Those three mechanisms are distinct evolutions from original initiatives, and were not initially conceived of as part of a coordinated agreement. Yet, in combination, they provide an overarching arms control framework with the CFE Treaty establishing a balance of conventional forces; the Open Skies treaty providing mechanisms of transparency (through aerial observation) and the Vienna document instituting confidence and security-building measures (CSBMs) related to military activities. In particular, the Vienna Document establishes CSBM concerning specific military activities conducted within its zone of application.

The mechanism is a ‘global exchange’ of military information, area inspections, notification of force structure and disposition, military-to-military contacts and observation visits. Overall, the intent is to ‘foster transparency and trust through purposely designed cooperative measures. They help clarify states’ military intentions, reduce uncertainties about potentially threatening military activities and constrain opportunities for surprise attack or coercion’. This is particularly important since Russia decided to suspend its participation to the CFE Treaty in 2007, denouncing the treaty’s ‘divorce from reality.’ While analyzing the motivations and consequences of this decision is outside the scope of this paper, this move weakens the European security architecture, but also results in reinforcing the importance of the Vienna document as a mechanism to reduce uncertainty on the status of military forces in Europe.

It is important to mention that the Vienna Document, unlike the CFE and Open Skies, is not an international treaty. It is a political agreement

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4 See the text of the Vienna document for specifics. Available at: https://www.osce.org/fsc/86597?download=true (last access: 11 April 2017).

which, in itself, is not subject to international law per se. Therefore, non-compliance, non-conformity or violations of the provisions of the document do not constitute breaches in international law. As a Western diplomat put it: ‘the potential cost of breaching the document is political: it is about publicly calling on a country and expose it as non-cooperative and non-transparent’\(^6\). This is related to the nature of arms control itself: one must never forget that arms control takes place in the context of an adversarial relationship. Countries carefully calibrate agreements by assessing the security benefits of limiting their own and their adversaries’ military resources: arms control agreements are a way to freeze the ‘race-to-the-bottom’ logic of security dilemmas, but they do not solve those dilemmas. Therefore, arms control agreements are not an end in themselves, but a means to facilitate a cooperative relationship. Inversely, those agreements are very sensitive to changes in the political climate between signatories, and their implementation is subject to fluctuations: ‘when it comes to the Vienna document, success is measured in enthusiasm. If states willingly exchange information, we can consider it a success; otherwise, it is a sign of increased political tensions’\(^7\). As such, enthusiasm for the Vienna document has been fluctuating since its initial adoption, mirroring the evolution of the political climate in the euro-Atlantic area.

First Steps of the Vienna Document

Just after the end of the Cold War, the Vienna document was quickly and significantly reinforced in several ways compared to the original 1990 iteration. The 1992 revision decreased the thresholds of personnel (13,000 to 9,000) and main battle tanks (300 to 250) requiring prior notification before conducting a military activity and the zone of application was expanded to include former members of the USSR. The 1994 re-issuance created the Global Exchange of Military Information (GEMI)
as a transparency measure, expanding the obligatory data provided by member states to include command structure, major weapons systems (and associated technical data), and strength and location of forces. Some problems of circumvention, violation and non-compliance were already emerging, specifically from countries actively or recently engaged in armed conflicts (notably Armenia, Azerbaijan, Moldova, Georgia and Uzbekistan). Yet support for the new regime was still high, overshadowing what was perceived as minor, and largely technical, issues. The 1994 CSCE annual report stated:

‘The Fourth Annual Implementation Assessment Meeting (12-14 April 1994) once again called the attention of participating States to the problems of compliance with all obligations stemming from the Vienna Document 1992, in particular with regard to information exchange. Those problems were essentially attributed to technical difficulties and inadequate knowledge of the relevant provisions’

The first major test for the Vienna document occurred during the first Chechen War (1994-1996), with Russia initiating major troop deployments, allegedly in contradiction to the provisions laid out in the VD. At the time, Russia justified withholding notifications of these movements, arguing that the Chechen operation was an internal Russian issue and that the military moves were of no consequence for other states. This interpretation was rejected by other signatories, and Moscow grudgingly acknowledged that the CSBMs were still applicable to internal security situations. The outcome was a testimony of the flexibility and utility of the CSCE/OSCE’s consultative mechanisms and conciliatory approach, but it must also be noted that the Chechnya operation initiated a Russian pattern of violating the provisions of the document when deemed suitable, with few consequences. Therefore, despite what could be considered a favourable outcome, an observer noted in 1997 that, ‘Russia displayed an utter disregard for its commitments under the Vienna regime in its Chechnya operation. The full implications of this

The interpretative disagreement regarding the universal application of CSBM provisions in case of domestic employment of military force also played out during the second Chechen War (1999-2009). NATO members continued to press Moscow for full disclosure of its military activities, which led Russia to host two inspection visits (albeit with a number of constraints). Moscow considered that it had demonstrated ‘exceptional goodwill and transparency’ but, despite several observations of Moscow’s non-compliance with the Vienna document and the Code of Conduct on Political-Military Aspects of Security (notably protection of civilians and proportionate use of force), there were no formal consequences, the OSCE and the member states accepting Moscow’s ‘good faith’ argument. This pattern of violation/acceptance of goodwill/no consequences was repeated many times during the second Chechen War, which led the OSCE to ‘at least allowing, if not excusing, Russian behavior in Chechnya,’ thus weakening the Vienna document because of those ‘egregious and hypocritical contradictions’. The 1999 NATO intervention in Kosovo created further challenges for the Vienna document. NATO countries initially failed to notify their military activities, leading Belarus to request clarification for the conduct of the operation. Russia also conducted specific area inspections in the Former Yugoslav Republic of Macedonia (FYROM) and Albania, later complaining that its inspection teams had been denied access to areas where NATO troops were stationed, in contravention of the Vienna document, specifically accusing the United States of blocking such inspections. NATO members justified their refusals by invoking safety and force protection measures (as well as intelligence concerns considering Moscow’s closeness to Serbia) and the ‘areas or sensitive points’ provided under paragraph 78 of the VD 1994. However, NATO countries were forced to acknowledge their lack

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of compliance with the VD provisions, which led to a 2002 update of NATO military guidance (MC 453), specifically taking into account the VD in the operational planning and into command post and field training exercises\textsuperscript{11}. Therefore, despite NATO’s goodwill in updating its procedures and Russia’s begrudging acceptance of the VD’s provisions, the regime was already facing its most important dilemma: how to ensure adherence to the VD’s fundamental provisions while at the same time keeping a ‘flexible approach’ towards violations in order to prevent states’ defection?

**Challenges of Compliance and Implementation**

Even so, international support for the VD was still high, as demonstrated by its 1999 re-issuing, which included a number of important updates including increased site visits, inspections and observations, and containing new chapters on defence planning and regional security. However, the new version of the VD failed to take into account the transformation of armed forces that followed the end of the Cold War, to the extent that the thresholds for notification were considered increasingly inadequate to tackle the new military realities:

‘While the general trend of force reductions in Europe has persisted, there has been a sharp increase of major weapon holdings in the Caucasus area. At force levels which would have been assessed ‘minor’ in Cold War Times, a war was fought. One might legitimately ask why the Vienna Document and other CSBMs have not played their expected role in early warning and conflict prevention during recent conflicts’\textsuperscript{12}.

Furthermore, between 2000 and 2007, the OSCE expanded its activities in numerous security-related issues, which strained resources and diverted attention from arms control instruments such as the CFE treaty and the VD. In that period, several instances of non-compliance

\textsuperscript{11} Interviews, NATO HQ, February 2017.

with the VD, particularly from Russia and Soviet successor states were reported, without further consequences. Such violations included several denials of access and entry, claims of ‘national procedures’ superseding VD provisions or extensive use of the notion of force majeure to deny visits and inspections\textsuperscript{13}. Russia’s suspension of its CFE treaty compliance in December 2007 and the conflict between Russia and Georgia in August 2008 compelled the OSCE to be more attentive to the implementation of the Vienna Document. Results were disappointing as many arms control practitioners noted the OSCE’s diplomatic tendency to inflate positive results and downplay observed violations. The 2009 Annual Implementation Assessment Meeting (AIAM) final report stated that 95% of the inspections and 96% of the evaluations conducted in 2008 ‘took place in full compliance with the provisions and often in spirit of the VD99’\textsuperscript{14}. This assessment was criticized by many practitioners as misguided and downplaying real issues of violations of VD provisions. It also seems that verification of non-compliance findings were on occasion challenged, and even overruled within some national chains of command owing to political decisions not to ‘name and shame’ specific countries for fear of their negative reactions. In the context of the aftermath of the Georgia crisis and the US-initiated ‘reset’ with Moscow, it seems that Russia’s violations were particularly overlooked out of concern that it would suspend its application of the VD as it had done with the CFE\textsuperscript{15}.

The 2011 re-issuance of the Vienna Document was perceived as a necessity, considering the evolution of the European security landscape since the previous 1999 iteration. The new version updated a number of technical issues related to timing, types, and format of visits and inspections. In addition, a new mechanism for the continuous update of the VD was adopted in 2010. Dubbed ‘Vienna Document Plus,’ this mechanism was supposed to grant greater flexibility to the document

\textsuperscript{13} Interviews with multiple arms control practitioners, March 2017.
\textsuperscript{14} OSCE, Nineteenth Annual Implementation Assessment Meeting, Vienna, 3 and 4 March 2009. Consolidated Summary, 26.
\textsuperscript{15} Interviews with multiple arms control practitioners, March 2017.
with decisions being implemented immediately, unless decided otherwise. Yet the VD 2011 failed to reach consensus on substantial issues, notably reductions in thresholds for prior notifications of certain military activities, or increases in inspection and evaluation quotas. Notably, despite an attempt to address the issue of non-compliance, major topics were left unaddressed and unresolved by the re-issuance and following meetings. Those issues include:

- Uzbekistan’s de facto abrogation of its participation to the VD;
- Russia’s repeated manipulation of information and other forms of deception (including the exhaustion of inspection quotas through ‘self-inspection,’ e.g. Belarus inspecting Russia, and fake declarations);
- Russia’s over-declarations of ‘areas of sensitive points’ to deny inspection;
- The abuse of force majeure provisions as a means of denying or delaying inspection.

Overall, Russia’s refusal to re-issue the document in 2016 must be placed in a larger context of the evolution of the VD since 1990. Most notable has been the tendency to overlook violations of the VD provisions in the name of good cooperation, especially with Russia. ‘The VD can only work if Western countries and Russia support it, and we must keep Russia in’\(^\text{16}\) was the dominating policy line in Western capitals and the OSCE secretariat for a long time, which led to many sanitized AIAM reports. This policy can certainly be placed in the context of a post-Cold War Western attempt to ‘socialize’ Russia within international institutions. Yet this policy also led to a relative weakening of the regime by circulating toothless assessments giving the (false) impression that violations were exceptional while at the same time signaling that such violations were inconsequential.

\(^{16}\) Interview with a Western diplomat, February 2017.
The Russian View

Russia has its own history of disappointments with the Vienna document. The Russian MFA considers that the 1992 and 1994 versions of the VD were ‘real effective,’ but that from the 1999 version onwards, changes and improvements were mostly cosmetic\(^\text{17}\). Yet, Russia was active in promoting changes and circulating proposals to revise the VD. For example, in 2004, Russia proposed ‘holding a high-level seminar on military doctrines and defense policy in the OSCE area’\(^\text{18}\). Over the years, Russia pushed forward several proposals, the most significant being:

- A suggestion that countries conducting large-scale trans-border redeployments of manpower and equipment should be obliged to notify other states prior to deployment;
- A simplification of the procedure regarding unusual military activities (chapter III of the VD);
- Exchanging information regarding multinational rapid reaction forces;
- An expansion of CSBMs to include naval forces\(^\text{19}\).

Those proposals were usually declined by Western states for two main reasons. First, they were perceived as a way for Moscow to acquire information about Western armed forces which could not be reciprocated. For example, the proposal regarding multinational rapid reaction forces is clearly targeted at NATO, since Russia does not have comparable forces: Moscow would then have gathered military information on NATO forces without providing any information on its own military activities. Similarly, trans-border redeployments were interpreted as a means to monitor and constrain NATO activities. The second criticism was the lack of precision of the proposals, notably including naval forces

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18 OSCE, ‘Statement by Mr. Sergei V. Lavrov, Minister for Foreign Affairs of the Russian Federation, at the 12\(^{th}\) Meeting of the OSCE Ministerial Council,’ 7 December 2004.
19 Interviews, OSCE, March 2017.
in the CSBMs. For example, the proposed zone of application included northern Africa (although no OSCE member-state is in the region), and it was unclear whether coast guards would be included in the proposal. A Western diplomat noted that this proposal was ‘similar to the Soviet style of diplomacy: proposing ambiguous and/or half-cooked ideas and letting us fill the blanks, so that they see how far we go and if they can obtain even more’. By 2011, the Russian position on the VD has changed ‘due to the country’s on-going military reform efforts and because the military did not wish to see additional CSBMs’. There is also a sense that Western countries use the VD and other arms control agreements as a means to constrain Russia. This interpretation is confirmed by a Western diplomat, who explains that ‘Russian delegates regularly accuse us of duplicity and of becoming more aggressive over time’. These statements are consistent with evolutions in Russian military doctrine, presenting NATO as a threat; and of the Russian national security strategy, concerned with Western countries creating and encouraging ‘flash points’ of tension in Eurasia, at the expense of Moscow’s interests.

As previously mentioned, arms control agreements are heavily dependent on the evolution of the political climate. As such, current tensions regarding the VD do not come out of nowhere: they can be understood as crystallizing long-standing challenges in its implementation, coupled with renewed security competition with Russia which is intrinsically challenging for arms control agreements.

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20 Interviews with Western diplomats, February-April 2017.
21 Interview with a Western diplomat, March 2017.
22 Pacer, *Russian Foreign Policy under Dmitry Medvedev*, p. 91.
23 Interview with a Western diplomat, March 2017.
The Ukraine Crisis and the Current Challenges to the VD

With Russia’s suspension of its application of the CFE treaty, the VD and the Open Skies treaty have become the main instruments to gather information about Russia’s military activities. In March 2014, an observation team was gathered by the OSCE to monitor military developments in Ukraine following Russia’s occupation of Crimea, conducting inspections along the Ukrainian border, but being denied access into Crimea. Moreover, Russia did not provide advanced notification of the estimated 40,000 Russian troops deployed near Ukraine’s eastern border. Yet, so far, according to the interviewees, the provisions of the Document are still (largely) being observed.26 The main issue is related to the re-issuance of the document, which was scheduled for 2016 but blocked by Moscow. The official Russian justification for blocking the re-issuance is worth quoting in full:

‘the fate of the Vienna Document is inseparable from the general situation regarding European Security. Today the view was expressed that the consensus rule implies the responsibility of each participating State for its actions. We agree with this and should like to recall that over a period of many years Russia proposed to its partners the modernization of the Vienna Document. However, our Western partners invariably told us that it “should not be opened up” (today for some reason it is not thought fit to remember this).

Our Western partners also frequently say that in the current politico-military situation ‘business as usual’ with Russia is no longer possible. We are also in agreement with this – we have no need for the kind of “business” in which ever more demands are made of Russia. However, for some reason, our distinguished colleagues are not bothered that the adoption of a new version of the Vienna Document would send a false political signal that everything is rosy in this area and that we are harmoniously implementing optimistic plans from five or six years ago as if nothing

26 Interviews, February-April 2017.
happened.

The anchoring in NATO documents of a policy of military containment of Russia and the Alliance’s concrete steps in the military sphere rule out the possibility of reaching agreements on confidence-building measures. We can envisage prospects for the modernization of the Vienna Document 2011 only if the North Atlantic Alliance abandons its policy of containment of Russia, recognizes and respects Russian interests, and restores normal relations with the Russian federation, including in the military sphere.”

This statement perfectly encapsulates Russia’s grievances and the reasons for the current deadlock, and they are worth discussing in detail. First, Russia acknowledges the current tensions in the European security architecture. There is no need to try to hide it: the conflict is there and even if it has not spiraled into armed hostilities between Western countries and Russia, the climate does not favour cooperation. As such, the Russian position is opposite to the approach favoured by Western countries. While the latter emphasize that because tensions are high, there is a need to develop CSBMs to manage the risks of misperceptions and escalation, Russia claims the opposite: because tensions are high, there can be no possibility of developing and implementing CSBMs. This also reveals the competing understanding of CSBMs measures: Western countries seem to conceive them as a technical step to manage tensions; Russia considers them as a political indicator of the quality of the relationship.

The second important element is the issue of linkage that Russia introduces by making future developments on CSBMs conditional to a general discussion of the European security architecture, most notably NATO. The language chosen by the Russian delegation is perfectly consistent with the narrative of an ever-expanding NATO slowly strangling Russia, an understanding of the evolution of European security which is the polar opposite of NATO members’ perception of an

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increasingly aggressive Russia. Russia’s constant messaging at the OSCE can be summarized as ‘we haven’t changed, you [Western countries] have’, while most Western countries are increasingly wary of Moscow’s renewed military ambitions. The language is also consistent with the idea initially presented by Dmitry Medvedev in 2009 of a ‘European Security Treaty’ which would encompass existing institutions but was resisted by Western countries on the grounds that it would duplicate the OSCE and give Russia the power of veto over NATO activities. Several Western diplomats were also hoping that the resumption of the NATO-Russia Council would be considered by Moscow as ‘normal relations in the military sphere,’ but that hasn’t been the case, and Russia has not explicitly described what is meant by ‘normal relations’. The current Russian refusal to engage with the VD is further demonstrated by Russian diplomats’ disinterest in the informal meetings organized by the FSC chair in order to voice concerns and discuss security issues in a more direct manner: they simply don’t attend such meetings.

Because of this tense situation, a number of important proposals which could help decrease tensions are not moving forward. In particular, a proposal to reduce the threshold of personnel (from 9000 to 5000) and material requiring prior notification has gathered wide-ranging support (with more than 40 countries in agreement), but is blocked by Moscow and allied Central Asian nations. This proposal is considered important among Western countries, since it is supposed to take into account the transformation of armed forces and military activities (towards force reduction and increase of firepower) since the end of the Cold War, when current thresholds were adopted. Other important proposals currently exist, notably regarding Chapter III of the VD: risk reduction. Specifically, there are efforts to update §16 (unusual military activities) and §17 (military incidents) in light of the military practices observed

29 Interviews with Western diplomats, February-April 2017.
30 Interviews with Western diplomats, February-April 2017.
during the Ukraine crisis. Here again, Russia’s refusal to engage blocks any development in those directions.

As previously stated, the VD cannot be considered in isolation from other arms control agreements. Therefore, Russian efforts to block any engagement with the VD (thus limiting to a maximum outside oversight of their military activities), coupled with a disengagement from the CFE (permitting a military build-up) but a maintenance of the Open Skies Treaty (which may allow Russia to gather intelligence on NATO countries), may be seen as a concerning signal. As a Western diplomat put it: ‘it is as if they were trying to make us completely blind on their military activities. The only question is why?’ 32 Indeed, assessing Russia’s intention is, in arms control as in other areas, the key challenge precluding any form of engagement. In a nutshell, the difficulty is to know whether Russia is an insecure state (acting in reaction to an intense perceived threat which could be mitigated through skillful diplomacy), or a ‘greedy’ state looking for material and/or symbolic satisfaction through a transformation of the current international system which can only be stopped through effective deterrence. 33 In the first hypothesis, the current deadlock is only temporary until Western countries and Russia manage to find some common ground to mitigate their mutual concerns and stop the race to the end of the security dilemma. In the second hypothesis, Russia has in fact already given up on arms control, its military considers it an unnecessary constraint, and Russian diplomats are only paying lip service to the OSCE until Moscow feels confident enough to completely shake off the current security architecture.

32 Interview with a Western diplomat, February 2017.
Conclusion

This paper has traced the evolutions of the Vienna Document, and provided some context to the current deadlock. It has argued that arms control agreements are particularly sensitive to the evolutions of political contexts, and the VD is no exception. As such, it is unsurprising that the current tensions between Western countries and Russia have affected it. But it has also illustrated that current difficulties are to some degree the result of a regime that was already weakened by permissive implementation measures and a culture of political consensus which overlooked past violations. The irreconcilable Western and Russian approaches to the VD (necessary because of the lack of trust versus unnecessary because it would signal ‘normal’ relations) make it impossible to foresee any rapid progression in the situation, despite the urgent need better to control the present volatile military situation in Europe.