

European arms control in crisis – understanding the sources, Russian position and future prospects

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Abstract: The paper presents the research on the sources of the crisis and the future prospects for European arms control, taking into account the Russian position on this matter. The crisis of European arms control is approached through the concept of systemic international crises, with the authors claiming that the crisis of arms control in Europe is the result of two-fold crises – one of strategic stability and the other of European security architecture. It also uses a constructivist assumption on the importance of a learning process and perception of threats and causes of crisis, as well as of identities and interests of main actors, the ways they communicate and understand them, and interact in order to create mutually acceptable solutions or resolution of conflicts. The article concludes that if key states of international order do not want to end up in turmoil, chaos, or war, they have to find proper mechanisms for the management of their fears, where arms control proves to be the best option. The build-up of a new arms control architecture in Europe must start with the settlements of the issues of NATO enlargement and territorial integrity of all European states, be followed by strong confidence and security building measures (CSBMs) and negotiations on de-escalation in the bordering regions of NATO and Russia. The nuclear arms control could then be conducted between the USA, European states, and Russia, with a close look and joint approach toward China, India, and other nuclear weapon states.

Keywords: European arms control, Russia, NATO, conventional arms control, nuclear arms control, EDTs.

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The paper presents the findings of a study developed as a part of the research project “Serbia and challenges in international relations in 2023”, financed by the Ministry of Science, Technological Development and Innovation of the Republic of Serbia and conducted by the Institute of International Politics and Economics, Belgrade.

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Introduction

Has arms control in Europe become obsolete? Certainly not. “A crisis of the world order”, as the new Concept of Foreign Policy of the Russian Federation (2023, point 12) describes the current state of international affairs, opens up a new chapter for arms control in Europe that is still to be written. Maintaining strategic stability and achieving international security and peace would be impossible without coming to a common understanding about how to escape the security dilemma and growing distrust between the main actors on the international stage today. Arms control agreements are one of the expressions of this common understanding and reflect the common will and interest of the actors to achieve and maintain international peace and stability.

This paper deals specifically with European arms control – its crisis and future prospects – as well as the Russian position on it. It explains the current crisis of the European arms control architecture, which culminated with the war in Ukraine in 2022, as the result of two great or systemic international crises: one is the crisis of strategic stability that started in 2001, and the other of the European security architecture that started to emerge after the dissolutions of the Warsaw Pact and Soviet Union (USSR). Both crises are the results of the shaken balance of power among the “basic actors” of European arms control – the United States of America, the North Atlantic Treaty Organization (NATO), and the Russian Federation. With the European Union emerging as a separate strategic actor, the arms control equation for Europe could be further extended, but not necessarily meaning complicated, since the EU might play a facilitating role. It also uses a constructivist assumption on the importance of a learning process and perception of threats and causes of crisis, identities, and interests of main actors, and ways they communicate, understand them and interact in order to create mutually acceptable solutions or resolutions of conflicts. It dives into the analysis of the arms control agreements that were applied to Europe, both in the conventional and nuclear fields, which unfortunately no longer exist or serve their cause. It presents the Russian position on arms control, its main principles but also lessons learned that shaped the Russian perspective during the last three decades. The concept of the balance of power and interests remains the basis of the Russian concept of the world order that also influences the Russian position on arms control, usually referred to as “equal and undivided security” for all.

The article concludes that in a contested multipolar international system the states and groups of states would have to find mechanisms for

coordination, if not cooperation, among themselves if they do not want to end up in turmoil, chaos, or war. Among these mechanisms, the arm control agreements prove to be the best option to this end. They must start with the settlement of two paramount political issues for future arms control – the issue of NATO enlargement and the position on the territorial integrity of Serbia (regarding Kosovo) and Ukraine (regarding Crimea and Donbas). This settlement is to be followed by strong CSBMs and negotiations on de-escalation in the bordering regions of NATO and Russia, as well as the conventional arms control that would provide verification measures that underscore mutual cooperation and interaction. The nuclear arms control could then be conducted between the USA, European states, and Russia, with a close look and joint approach toward China, India, and other nuclear weapon states.

Arms control as an international institution and two international crises

Theoretical approach to arms control crisis

The two leading traditions in international relations theory, realism, and liberal institutionalism, hold different assertions regarding the nature of international politics, the possibility of cooperation between states, and consequently, the role of international institutions. Realism maintains that international politics are mired in ceaseless security competition and dilemmas. States pursue their national interests in an anarchical system, and self-help is the only way to survive (Devetak, Burke, and George 2012, 40). Realists do accept that cooperation happens, but recognize its limits, and claim that international institutions cannot be anything more than a reflection of the distribution of power. A realist conclusion is that institutions are not an important cause of peace, and do not play a crucial role in preventing war (Baylis, Smith, and Owens 2020, 244; Mearsheimer 1994, 7-9). Liberalism, on the other hand, explains that there are alternatives to security competition. They ascertain that in complex interdependence, a hallmark of contemporary international relations, international institutions contribute to peace by fostering cooperation and a sense of shared interests (Devetak, Burke, and George 2012, 29 and 55). Institutions, therefore, do not merely reflect the preferences and power relations of states; they themselves shape and alter those preferences and change the behaviour of the units (Keohane 1988, 382; Mearsheimer 1994, 7).

International institutions can be defined as sets of rules that stipulate the ways in which states should cooperate and compete with each other, prescribing acceptable forms of behaviour, and proscribing those which are unacceptable (Mearsheimer 1994, 8). Besides a set of principles and rules that regulate states' behaviour, international institutions also include ideas, patterns of action, and interaction (Holsti 2004, 18-22), as well as identities and interests (Wendt 1992, 401). This means that institutions constrain activities, shape expectations, and prescribe actors' roles (Keohane 1988, 383). Arms control as an international institution can contribute to mitigating the risks of conflict through cooperation between states, and in this sense, it is not fully comfortable with the realist pessimistic viewpoint. Simultaneously, institutionalist claims are not fully rendered into effect either, as it happens that states, from time to time, escape arms control constraints when they perceive them to be disadvantageous. For these reasons, a middle ground seems to be needed to consider the relevance, strengths, shortfalls, and subtlety of arms control. Such an approach might be offered by the "English School," which argues that, despite the existence of anarchy, there is such a thing as an international society, based on common rules, institutions, and norms, and that this establishes and maintains order among states, which are conscious of common interests and values (Devetak, Burke, and George 2012, 245-247). In this international society, security is not provided by the concentration of military power in a superior authority, but rests on a balance of power and international institutions, with a common understanding of the basic principles, practices, and procedures of conduct. However, military balances do not remain stable for long periods of time, but are inherently temporal, and their unsettling effects of change can be mitigated and stabilized through adjustments in armaments (Bull, in O'Neill and Schwartz 1987, 41-43). Therefore, there is recognition that if military balance were to last a longer period of time, this would have to be achieved by efforts of a nature alike to the practice of arms control (Ibid.).

To fully understand why arms control occurs, it does not suffice to take for granted that it represents an international institution that states tend to in order to sustain the balance of power. The practice of arms control itself did not come or occur naturally; rather it was a learned behaviour (Krepon 2021, 3). It is necessary to go beyond the objectivity of international politics and the idea of balance of power and take into account the key actors' interests and positions which leads to the possibility of reaching arms control agreements. The notion of interest and position is best understood by referring to the constructivist theory of international relations. Their

disciples share a number of underlying assumptions with the realist school, foremost that international politics is anarchic, with survival being the ultimate goal (Baylis, Smith, and Owens 2020, 245). However, they introduce a conception of anarchy similar to the one of the “English School,” the one “no longer emptied of content,” a thick layer of anarchy, comprised of rules, norms, and institutions (Devetak, Burke, and George 2012, 106). According to this view, international institutions are fundamentally cognitive entities that do not exist apart from actors’ ideas about how the world works (Wendt 1992, 399). Ultimately, stability is not presumed. Rather, efforts are required for it to be sustained, which is a joint exercise in so much as it relies on the coordinated activities of multiple actors. In this regard, constructivism emphasizes the social and collective efforts that go into making and maintaining the international system, which includes arms control.

The two-fold international crisis of arms control

Not every crisis in the international system is an international crisis. To gain this status, a crisis has to be a *severe or acute crisis*, a *systemic crisis*, that involves great powers with large-scale destructive capabilities, or a series of interlocking crises that seriously challenges the stability of the whole international system, which is no longer capable to overcome the crisis (Young 1968, 4). In the situation of crisis, normal or ordinary patterns of interaction between nations change significantly, and relationships between the main actors are quantitatively altered compared to the pre-crisis stage (Isyar 2008, 6-7; Young 1968, 6-7, 14). The crisis of arms control is one such crisis, which is why it is of special importance.

An international crisis refers to an urgent situation that breaks the routine processes in a system (Isyar 2008, 1, 2). Although it contains a “turning point”, which is usually one single event, like the beginning of a war in Ukraine in February 2022, it is actually a *process* of “acute transition in the state of a certain system or...a decisive or critical stage in the flow of events that together constitute an acute transition” (Young 1968, 6-7). Moreover, an international crisis contains a probability that “large-scale violence” will arise, and a war in Ukraine might turn into a large-scale devastating nuclear war, having in mind the parties involved. But, as Young observed (1968, 14): “The feeling that violence is increasingly likely is often sufficient to catalyse actions leading either to the termination of a crisis or to the development of “rules” and procedures to keep it manageable.” Because of their scale, these crises can be resolved only by great powers

themselves, since the very system of existing rules is no longer able to regulate relations and resolve crises. This is exactly why the feeling that we are on the brink of total nuclear war should lead states to develop a new set of rules, procedures, and practices to manage the crises and provide stability.

The arms control crisis is the result of the unforeseen changes in the balance of power in the European continent after the break-up of the USSR and the Warsaw Pact and the changed nature of security threats after September 11, 2001. These events caused a two-fold crisis when it comes to arms control: a crisis of the European security architecture from 1991 onward, which concerns the conventional arms control regime in Europe (underpinned by the Conventional Forces in Europe Treaty (CFE), the Open Skies Treaty, and the Vienna Document) and a crisis of strategic stability from 2001 onward, which concerns the defensive and offensive strategic and intermediate- and shorter-range nuclear forces and their respective arms control regimes. The first crisis started after the break-ups of the Warsaw Pact and the USSR in 1991, NATO's open door policy and first enlargements, as well as the new interpretations on the use of force marked by the 1999 NATO military intervention on the Federal Republic of Yugoslavia. The strategic stability international crisis started in 2001 with the terrorist attacks on the US, the rise of new asymmetrical threats that questioned the US reliance on mutual vulnerability with Russia, and withdrawal from the Anti-Ballistic Missile Treaty (ABM). It evolved with NATO and the US anti-ballistic missile shields in Europe, the crisis and demise of INF, serious dysfunction of the Open Skies Treaty with the US and Russian withdrawals, and the suspension of the New START. Despite the differences in their principal causes and trajectories of development, these two crises are closely interlinked and have culminated in the 2022 war in Ukraine. This, however, must open a window for new, maybe a comprehensive arms control agreement for Europe, to take place.

All the arms control agreements were based on the principles of parity and reciprocity, as well as policy coordination among two superpowers and blocks – NATO and the Warsaw Pact. With the dissolution of the Warsaw Pact and the USSR, arms control with a new democratic Russia, or Russia as a new Western partner, first seemed superfluous and unnecessary. In addition, there were views in the West that arms control was no longer necessary with Russia, not because this country was no longer perceived as a threat, but because Russia was no longer equal to the US (Костић Шулејић 2022, 30, 55-56). However, both parties did their best to preserve the existing arms control agreements in light of the mutually desired

cooperation between the USA and NATO, on the one side, and Russia on the other in order to preserve stability both in Russia and in Europe. Both parties continued to behave as if they were equals and the balance of power was not significantly disturbed. Thus, the CFE Treaty was supplemented with the Flank Agreement in 1996, and later amended, while the NATO-Russia Founding Act was signed in 1997. However, the demands of the Eastern European countries, former members of the Warsaw Pact, for membership in NATO, as the primary instance by which they would be consolidated, as well as the already manifested perception that their main threat came from Russia, caused increasingly loud protests of Russia for the expansion to take place. However, with the major expansion in 2004, when the three Baltic states became NATO members and this alliance came to the very borders of Russia, it became clear that it would expand further, which strengthened the Russian sense of threat from encirclement, which she saw, and still sees today, as an existential threat. Bearing in mind the exclusive nature of modern integrations in the European area, the inclusion of the countries of the former Soviet Union in the EU and NATO would mean the exclusion of Russia and its influence from these areas, which created a kind of *win-lose* situation between NATO and Russia (Kostić 2019). The exclusion of Russia from the area of new members of NATO and the EU was reflected in the economic, military-industrial, and energy sectors, where any expansion of these organizations meant a gain for them and a loss for Russia. In addition, the encirclement of Russia from the direction of the Black Sea, which has always been vital for Russian trade and security, would call into question the survival of the Black Sea Fleet and free passage to the Mediterranean, which it saw as a threat to its survival and well-being. In the mix of these geopolitical and geoeconomic circumstances, first in 2014, Crimea was annexed to Russia, and then, the four Ukrainian provinces were declared as part of Russia.

Structure of the Erstwhile Arms Control Architecture in Europe

The arms control architecture created at the end of the Cold War served Europe for almost three decades. It was not only devised to prevent large-scale military conflict and potential nuclear war but also reflected a delicate (and sometimes dynamic) balance of power on the continent. These instruments are here addressed in two categories, depending on whether they are of relevance for nuclear or conventional arms control.

Nuclear Arms Control: The Intermediate Nuclear Forces (INF) Treaty

Between 1972 and 2010 the US and the USSR/Russia signed eight legally-binding agreements that limited and then reduced the numbers and types of deployed nuclear weapons and their delivery vehicles (Woolf 2023, 9). Most of them were not of direct concern to Europe but addressed strategic offensive weapons, including nuclear. This is not unusual, since the talks on strategic offensive arms control included only the two above-mentioned countries. This does not mean that there were no requests to make this process multilateral. As early as the first Strategic Arms Limitation Talks, the USSR strived to include the British and French nuclear forces, but never succeeded in this venture, as the US and NATO were adamant in excluding them from any nuclear arms control agreement, thus retaining a bilateral character of such treaties. For these countries to become part of strategic arms control several preconditions appear: the change of the relevant US/NATO position, their attitude that first reduction of US and Russian arsenals should be significantly reduced in order to gain a rough equality between Nuclear Weapon States which could only then negotiate on equal footing, and a more conducive strategic environment (Kostić 2021, 29-30). On the other hand, the US has been more and more vocal about including China in a trilateral strategic arms control agreement, given the rapid and non-transparent build-up of its nuclear arsenal. But, this country also set its preconditions for the involvement in strategic arms control such as 1) the quantitative reduction of the number of US and Russian nuclear weapons to the level of China, 2) the reduction of the role that nuclear weapons play in the military and security strategies of great powers, 3) the reduction of the role of nuclear weapons as a status symbol of a superpower or great power, and 4) the achievement of multilateral international agreement (not a trilateral one) on nuclear weapons (Kostić 2020, 697). However, what should be kept in mind is that both the US and Russia have constantly repeated that the bilateral arms control has been exhausted and that the centre-piece of nuclear arms control regime – the Non-Proliferation Treaty (NPT 1968) – in its Article VI states “Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.”

There was, however, one instrument that was directly consequential for security in Europe, and that was the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of

Their Intermediate-Range and Shorter-Range Missiles (INF Treaty). It eliminated a whole class of weapons that could have caused a nuclear exchange on the European continent, provided the contours for the new security architecture in Europe, and initiated a process that resulted in a densely institutionalized network of arms control and confidence and security-building measures (Kühn 2021, 359; Gassert, Geiger, and Wentker 2021, 13). The INF Treaty was originally meant to solve the “missile crisis” in Europe that came about with the deployment of Soviet intermediate-range missiles in the European part of the USSR, which could potentially target European NATO members. NATO responded by taking a “double track” approach, which meant deploying US missiles of the same range in the territory of European member states and pursuing arms control in parallel to reduce the threat. Despite initial Soviet reluctance to the so-called zero option, i.e. the proposal to dismantle all INF missiles, the negotiations saw a breakthrough in the framework of the Nuclear and Space Talks, which coupled negotiations on INF systems, strategic arms reductions, and missile defence (Krepon 2021, 201-202 and 230). The INF Treaty was signed in 1987 between the US and the USSR, with the objective of abolishing all of their land-based nuclear missiles with ranges between 500 and 5,500 km (2,692 in total), their launchers and associated support structures. The Treaty also prohibited the production and flight testing of new INF systems or launchers. Its outcomes were distinctly asymmetric, since the USSR destroyed 1,846 missiles, while the US eliminated 846 missiles (Kühn 2021, 359).

For thirty years the INF Treaty worked surprisingly well due to its unprecedented verification system, which laid down rules for defining, counting, and verifying all relevant armaments and accompanying equipment, and for monitoring the final destruction of INF systems. Inspections continued on until mid-2001 when they were replaced by national technical means, a full ten years after the covered INF systems were destroyed (Kühn 2021, 359). The Treaty helped the US and the USSR overcome the conflict and arguably alleviated tensions, relieving Europe of concerns over a nuclear arms competition (Krepon 2021, 257). In the post-Cold War order, the Treaty’s value slowly diminished, particularly as the relations between the US and RF started to plummet. Both the US and Russia wanted to see this treaty universalized. By 2010 the US had its suspicion that RF was not in compliance with its obligations. In 2014 the INF crisis reached a new level when the US officially declared that Russia was in violation of its obligations under the INF by developing a ground-launched cruise missile of the prohibited range. Russia rejected these accusations and put forward its own list of grievances suggesting US non-compliance with the

INF Treaty, first and foremost because of its missile defence interceptors that could allegedly be converted into ground-launched cruise missiles (CRS 2019, 2 and 24). In addition to Russian non-compliance, the US leadership, especially during the Trump administration, became more and more concerned that other countries, China, in particular, were not constrained in developing and deploying INF missiles, as well as the fact that the INF Treaty was becoming technologically outdated, as it did not cover sea- and air-launched missiles (Bolton 2020, 160). The fallout could not be avoided – the US declared its intention to withdraw from the treaty on 20 October 2018, suspended its compliance with the INF Treaty on 2 February 2019, and decided to suspend its participation in the INF Treaty and officially withdrew in August 2019, thereby rendering the Treaty void. Russia followed suit but proposed a moratorium on the deployment of this category of weapons in Europe, which she unilaterally follows since the NATO and USA did not agree with such a proposition. However, the production of land-based missiles of the range between 500 and 5500 km, although considered conventional but still dual-capable, is gaining its acceleration and creates possibilities for a new “Euromissile” crisis.

The removal of the INF Treaty is a threat to the arms control system as it might lead to a renewed arms race, involving strategic, intermediate-range, and tactical nuclear and conventional weapons (Arbatov 2019). As Maître (2023) observes, the development of these systems “shows that planning for a missile war in Europe is becoming increasingly relevant for NATO militaries.”

Conventional arms control in Europe

At its time, the European conventional arms control system was by far the most advanced regime of its type. It not only significantly reduced the threat of large-scale military attacks, but also contributed to enhancing confidence and mutual reassurance in Europe (Lachowski 2003, 693). The three pillars of conventional arms control in Europe were the Treaty on the Conventional Forces in Europe, the Open Skies Treaty, and the Vienna Document. They have a distinct evolution and were not initially conceived as coordinated mechanisms; however, in combination, they provided an overarching conventional arms control framework, a web of interlocking and mutually reinforcing obligations and commitments. Together they were supposed to reduce the risk of major conflict in Europe, with the CFE Treaty establishing a balance of conventional forces between NATO and the

Warsaw Pact, the Open Skies Treaty providing a transparency mechanism among its member states, and the Vienna Document instituting confidence- and security-building measures regarding military activities (Schmitt 2018, 271). In time, however, with the withdrawals of key actors from the CFE and Open Skies Treaty, and the incoming fading of the importance of the Vienna Document, the state of conventional arms control in Europe dramatically diminished, some even describing it as deplorable (Zellner 2019, 100).

Conventional Forces in Europe Treaty

The CFE Treaty was the first European conventional weapons arms control treaty ever, described as the cornerstone of European security (Bolving 2000, 31; Aybet 1996; McCausland 1995, 2), with the purpose of establishing a secure and stable balance of conventional armed forces in Europe at lower levels, thus eliminating disparities prejudicial to stability and security, and also removing the capability to launch a surprise attack. It was also meant to prevent military conflict and replace military confrontation with a new pattern of relation (CFE, Preamble). The area of application stretched from the Atlantic and the Urals, which means that it covered the European territory of member states of NATO and the former Warsaw Pact, referred to in the CFE Treaty as “groups of states parties”. This territory was further subdivided into five geographic zones and flanks. The idea behind the zoning concept was to eliminate the heavy concentration of conventional weapons in Central Europe. In addition, separate zonal aggregate caps were introduced for flank regions to address concerns that there would be a flow of conventional weapons from Central Europe. In this way each alliance was prevented from concentrating conventional arms and equipment close to the borders between them, thereby reducing the possibility of an attack by either side on a short warning. Similarly significant for conventional weapons stability were the individual national ceilings agreed within each group, which was of importance as the block structure was becoming less relevant (Koulik and Kokoski 1991, 5). The parity of the Treaty was achieved by establishing a “dynamic balance of forces”, reflected in equal aggregate numbers for all five categories of conventional weapons (which were as follows: 20,000 tanks, 30,000 armored combat vehicles, 20,000 artillery pieces, 6,800 combat aircraft, and 2,000 combat helicopters), which were further trimmed down in smaller regions and the flanks (CFE, Article IV). In terms of verification, state parties had the right to conduct inspections, with a Joint Consultative

Group established to address questions relating to compliance. The implementation of the Treaty was complex, as it required either removing or destroying a vast amount of treaty-limited equipment (TLE). The detailed verification regime which accompanied the treaty text included a number of different types of on-site inspections, in order to verify compliance with the numerical limitations and to monitor the reduction of TLE carried out.

The completion of the Treaty was overshadowed by the deterioration of the Warsaw Pact and the dissolution of the USSR. Even after the dissolution of the Warsaw Pact, the bloc character of the treaty remained, with national entitlements for each member negotiated within the two alliances (McCausland 1995, 3). Serious difficulties also arose when Russia and Ukraine made requests in the early 1990s to be relieved of limitations on the amount of TLE that can be located in flank areas of their countries, arguing their unfavourable position compared to other state parties (McCausland 1995, 3). NATO members recognized that the significant changes to political borders in the flank region raised legitimate questions that needed to be addressed. In the end, they did not scrap the flank concept, nor increase the holdings of TLE, but agreed to reduce the size of the flanks. This decision was codified in the so-called Flank Agreement, which was concluded among the state parties in November 1996, as a legally binding agreement.

The Treaty succeeded in surviving these obstacles, and this was a testimony of its value (McCausland 1995, 1). However, there was still an underlying need to discard the bipolar concept of a balance of forces incarnated in the original CFE Treaty. Moving toward these goals the state parties adopted the Adapted CFE Treaty at the 1999 Istanbul Conference. In it, the area of application remained the same, but it opened the treaty up to new European countries. It was based on national and territorial ceilings, instead of alliance division, because of which the term “groups of states” was removed (Bolving 2000, 33-34; Lachowski 2003, 693-694). However, the Adapted CFE Treaty never entered into force, as NATO members and most other states refused to ratify the Treaty due to alleged Russia’s non-compliance with the commitments made at the 1999 Istanbul Summit to withdraw Russian troops from Moldova and Georgia. In response to this, Russia suspended the implementation of the original CFE in 2007, and later on its participation in the Joint Consultative Committee. NATO members, on the other hand, announced the suspension of certain aspects of the CFE Treaty in respect of the Russian Federation (Casey-Maslen 2021, 125). More than a year into the war in Ukraine, in May 2023, the Russian Federal Council approved Putin’s proposal to formally withdraw from the CFE

Treaty, which will be finalized in November same year (*Interfax* 2023, *TASS* 2023). As a result of this, the CFE Treaty appears moribund (Casey-Maslen 2021, 125), if not entirely defunct, and probably, the other state parties to the Treaty will question the values of the continuation of their participation in the Treaty (Dunay 2023).

The Open Skies Treaty

The open skies idea was first proposed in 1955 as a transparency and confidence-building measure between the US and the USSR. The idea was revived in 1989 again as a bilateral measure between the two countries, but in time its scope evolved and became multilateralized with the inclusion of other NATO and Warsaw Pact member states (Dunay et al. 2004, 23). However, at the very Open Skies Conference held in Ottawa in early 1990, the negotiations slowly reflected ongoing international changes. Although the bloc structure of negotiations was retained at the Conference, the USSR no longer claimed to speak on behalf of other delegations, while some Eastern European countries were less inclined to see themselves as Soviet allies but more as mediators. The most peculiar feature of the process was visible in reaching the decision on the distribution of overflight quotas when it became clear that parties, including Warsaw Pact members, were primarily interested in overflying the USSR (Dunay et al. 2004, 29). In the end, unlike the CFE Treaty, the Open Skies Treaty was drafted for 23 states, and not two alliances and it was subsequently open to all other CSCE participating States (Dunay et al. 2004, 27-28). Nonetheless, despite there being 34 members at the time, the Open Skies Treaty effectively consisted of two camps – NATO members (all but three – Albania, Montenegro, and North Macedonia) on one hand, and Russia and Belarus, plus other non-aligned states and countries not formally associated with any military alliance, such as Georgia, Sweden, and Ukraine, on the other (Visualizing the Open Skies Treaty, n.d.).

The Open Skies Treaty was not in itself meant to be a full-fledged arms control agreement but was conceived as a confidence-building and compliance instrument, intent on improving openness and transparency via aerial observation (The Open Skies Treaty 1992, Preamble). State parties were given the right to conduct unarmed observation flights over each other's territory using sensors with a predefined resolution (Graef 2020, 1). The principle of parity was embodied in the rule that each state party had the right to conduct a number of observation flights over the territory of any other state

party equal to the number of observation flights that that other state party had the right to conduct over it (Article III). Likewise, observation flights were meant to be allowed over other states' entire territory at short notice, without the possibility of exempting any part of the territory from overflight (Casey-Maslen and Vestner 2019, 60). In addition, the area of application included not only the land between the Atlantic to the Urals but also the entire territory of the US and the Russian Federation, as well as Canada.

Against its great value, the implementation of the treaty was not devoid of problems, as over time a number of concerns arose, particularly between the US and Russia. The US accused Russia of abating implementation by denying overflights within its 10 km border zone to Georgia, a consequence of the fact that the RF recognized the two breakaway regions of Georgia as sovereign states not parties to the treaty. There was likewise a problem with imposing a 500-kilometre sub-limit for overflights over the Kaliningrad Oblast (Reif and Bugos 2020). Russia had its list of counter-accusations, prominently with regard to the refusal of Georgia to allow Russian overflights, as well as the imposition of maximum flight distance over Hawaii (Schepers 2020, 3). The US announced in May 2020 the decision to leave the Treaty due to Russia's non-compliance and submitted an official withdrawal notice that took effect in November. Even in such circumstances, it was argued that salvaging the Treaty would be beneficial both to European NATO members and to Russia. There were signs that the US might change its decision. Right after taking office, the Biden administration commenced a review of the decision and held consultations with allies and partners, but in the end, no decision was taken to re-join the treaty (Reif and Bugos 2021). The Russians were concerned that the US could have continued access to data obtained by flights over Russian territory, because of which European state parties were requested to reassure in a legally binding way that the data would not be shared outside of the membership. However, it was clear that the balance within the Treaty was altered after the US withdrawal, and in such circumstances Russia's departure from the Open Skies Treaty was inevitable. The decision to withdraw was announced in January 2021 and took effect six months later.

The Vienna Document

The Vienna Document was initially adopted in 1990 and was subsequently reissued in 1992, 1994, 1999, and 2011. It was agreed within the CSCE framework, and it is still handled within the OSCE, by the Forum

for Security and Cooperation (Schmitt 2018, 270). The need for its adoption was evident as the CFE-mandated conventional weapons parity between the two alliances did not include separate provisions relating to the prevention of large-scale deployments of military forces during military exercises from being used in surprise attacks (OSCE, n.d.). Unlike the CFE and the Open Skies Treaty, the Vienna Document is not an international treaty, but a politically binding agreement and a soft law instrument, which means that non-compliance and even violations of its provisions do not constitute breaches of international law (Schmitt 2018, 271-272). Its purpose was to increase transparency on military activities in the OSCE zone of application (Stefanović 2021, 64). Participating States are required to provide each other, on an annual basis, information on their military forces, including with respect to manpower, and major conventional weapons and equipment systems, as well as deployment plans and budgets and notifications about major military activities such as exercises. Verification is *inter alia* conducted through the obligation to host inspections at military sites, up to three per year, in order to check whether military activities are taking place, for what purpose, the validation of the reported numbers of troops and amount of military material, and consultations in case of unusual military activity or increasing tensions (Casey-Maslen and Vestner 2019, 60).

The first years of the Vienna Document were successful. The Vienna Document was enhanced by decreasing the threshold of personnel and battle tanks required for prior notification, expanding the zone of application, and introducing the obligation for states to provide information on command structure, major power systems, and strength and location of forces. Even when challenges occurred, the result was the further strengthening of the process (Schmitt 2018, 272-273). In 2010, the modernization of the Vienna Document was further enabled by instituting a new mechanism for its continuous updating, called the “Vienna Document Plus”. This made it possible for the Vienna Document to be reissued again in 2011, in order to take into account technical issues regarding visits (Shakirov 2019, 5-6). At the same time, the first obstacles appeared, as it was impossible to reach a consensus on substantial issues, notably the reduction in the threshold for prior notifications of certain military activity (Schmitt 2018, 277). Mutual threat perception also re-emerged, particularly after the outbreak of the war in eastern Ukraine in 2014. Ukraine made unsuccessful attempts to use the Vienna Document measures in relation to the territories not controlled by the government and an OSCE visit to Crimea shortly before the 2014 referendum was denied (Shakirov 2019, 6). These events

were followed by further failures to update the Document, which were put forward in 2016 and 2018.

The 2011 Vienna Document continued to be implemented, as inspections were being held, and none of the participating States suspended its implementation. However, concerns regarding its application started to pile up, as there were large military exercises on both sides, frequently close to borders and often on short notice, inevitably accompanied by mutual accusations (Rosa-Hernandez 2023). Ultimately, and after the commencement of the War in Ukraine, Russia decided to *de facto* suspend the implementation of the Vienna Document, by refusing to provide information about its armed forces for 2023 (Rosa-Hernandez 2023). In conclusion, the crisis in Ukraine showed that the Vienna Document is essentially a “too weak a tool in a severe crisis situation” (Engvall 2019, 50).

Russian position and the prospects for future arms control in Europe

The overview of the erstwhile arms control agreements gave us a detailed look at the character, structure, status, and problems that arms control is facing in Europe. In this part of the paper, we will analyse the Russian positions in each matter and the prospects of these various categories that were regulated under arms control under new conditions set up after the Russian invasion of Ukraine on 24 February 2022. In each case, we will consider the prospects for future arms control in relation to nuclear and conventional weapons, as well as EDTs. What needs to be noted prior to this consideration is that the overall global context and competition that emerged over the interpretations of the rules-based international order hamper the possibility of finding the common ground for any international agreement, including in the sphere of arms control. As the newly adopted Foreign Policy Concept (2023, point 9) states: “The international legal system is put to the test: a small group of states is trying to replace it with the concept of a rules-based world order (imposition of rules, standards and norms that have been developed without equitable participation of all interested states). It becomes more difficult to develop collective responses to transnational challenges and threats, such as the illicit arms trade, proliferation of weapons of mass destruction and their means of delivery...The culture of dialogue in international affairs is degrading, and the effectiveness of diplomacy as a means of peaceful dispute settlement is decreasing. There is an acute lack of trust and predictability in international affairs.”

Besides, further arms control would not be possible before the war in Ukraine ends, and arms control options would depend on how the war ends (Williams and Adamopoulos 2022, 8; Pifer 2022). Since arms control cannot be managed outside the political and security considerations of one state, these concerns have to be addressed first. Russia remains committed to future arms control, especially for the purpose of maintaining strategic stability by strengthening and developing the system of international treaties and political foundations (arrangements), the prevention of arms race in all domains, and increasing predictability in international relations through CSBMs (Foreign Policy Concept 2023, point 27). This is why we will take a closer look at the Russian position on arms control in fields that were previously covered by the arms control arrangements, as shown in the previous part of the paper, and present some of the future prospects for the new arrangements to take place in the European context.

*Principles and lessons learned that affect
the Russian position on arms control*

During the period after the Cold War, in its strategies and proposals on security architecture in Europe from 2008/2009 and 2021/2022, Russia based its arms control policy on several principles. Firstly, there are principles of cooperation, indivisible, equal, and undiminished security of state parties (USA, Russia, NATO members). For Russia, these principles meant mutual respect for and recognition of each other's security interests and concerns, avoidance of undertaking, participation, or/and support of activities that affect the security of the other Party, avoidance of implementation of security measures adopted by each Party individually or in the framework of an international organization, military alliance or coalition that could undermine core security interests of the other Party. The Russian draft Treaty between The United States of America and the Russian Federation on security guarantees (2021, Article 5) contained the following provision: "The Parties shall refrain from deploying their armed forces and armaments, including in the framework of international organizations, military alliances or coalitions, in the areas where such deployment *could be perceived by the other Party as a threat* (emphasize added) to its national security, with the exception of such deployment within the national territories of the Parties." Moreover, Article 1 of the draft Agreement on measures to ensure the security of The Russian Federation and member States of the North Atlantic Treaty Organization (2021) stated that the parties "shall not strengthen their

security individually, within international organizations, military alliances or coalitions *at the expense of the security of other Parties* (emphasize added).“

Secondly, a principle that nuclear war cannot be won and must never be fought, which is rooted in the famous Gorbachev – Regan summit in Geneva in 1985, is one of the basis of all Russia-US strategic and nuclear arms control agreements and is still often heard in the documents and speeches of the US and Russian leaders, as well as other P5 members. It means that nuclear weapons states shall tend to avoid any *direct* military confrontation and armed conflict between them that might lead to nuclear weapon use. However, this principle is nowadays significantly challenged by the principle of humanitarian consequences of any possible nuclear weapon use, thus adjusting the previously mentioned statement that a nuclear war cannot be fought not because it cannot be won, but because of the humanitarian consequences that any use of nuclear weapons would have.

Thirdly, the national principle on the possession, deployment, and expertise of use of nuclear weapons – in the Draft agreements between Russia and the USA and Russia and NATO from December 2021, this principle applied to the: a) deployment of ground-launched intermediate-range and shorter-range missiles outside the national territories as well as in the areas of the national territories of the parties, from which such weapons can attack targets in the national territory of the other Party (these systems were previously forbidden by the INF Treaty in the European theatre), b) deployment of nuclear weapons outside parties’ national territories and return of such weapons already deployed outside their national territories, as well as elimination of all existing infrastructure for deployment of nuclear weapons outside national territories of the parties, c) refraining from the training of military and civilian personnel from non-nuclear countries to use nuclear weapons.

In the end, regarding the parties, after 1999 Russia preferred to sign agreements with NATO member states, not with NATO or the EU as unitary actors, which was also the case with the proposed agreements for the new European security architecture. What was missing, however, from the Russian plans were the security interest of smaller states in the European continent, which felt they would be left without protection if NATO closed the door for future enlargements, and the issue of freedom of each state to choose the alliances, including in the security field. That means that Russian security interests should not have precedence over the security interests of other states. However, the solutions to these issues should find a compromise, which was unfortunately lacking for the last thirty years.

The developments in these thirty years have led Russia to learn some lessons. According to the social-constructivist paradigm, the learning process leads to the evolution of the decision-making process and public policies, including the security and defence fields. These lessons include:

1. Lesson learned on NATO enlargement – cooperation with the US or Western Europe will not prevent the NATO enlargement to the Russian borders, which undermines the principle of equal and undiminished security for all, as Russia perceived it.
2. Lessons learned since the NATO intervention on FRY i.e. the use of force in 1999 – the absence of the UN Security Council authorization on the use of force will not prevent the US and their partners from conducting a military intervention anywhere in the world, which undermines the principles of territorial integrity, non-interference in internal affairs and the use of force in the manner consistent with the UN Charter.
3. Lessons learned since 1999 onward “colour revolutions” – regime change might occur through the great support of various groups inside one’s country, which Russia considers as an unconstitutional change of power.

Since Russia did not manage to prevent these unfavourable events for her from happening through agreements and cooperation with the West, Russia started to implement the strategy of counter-hegemony, sometimes with other emerging powers, especially China, which has led to the creation of a multipolar world order that lacks universal consensus and is rather contested in nature (Kostić 2018). In the area of arms control this means that, in this shifting period, all sides are taking and consolidating their positions, in order to be prepared to negotiate a new set of international regimes that would reflect new realities and interests.

Nuclear arms control

Regarding strategic nuclear arms control, with the consequences for the European states, is the US position that China must be involved in future nuclear arms control. As the US National Security Advisor Jake Sullivan stated in June 2023, “the limits on the U.S. nuclear arsenal in any new arms control arrangement with Russia after 2026 will be affected by the size of and the capabilities in China’s nuclear arsenal” (cited according to Bugos 2023). This means that the US will go for trilateralization of strategic nuclear arms control that takes into account the combined Russo-Chinese nuclear forces, although Sullivan emphasized that the US did not need to increase its nuclear forces “to outnumber the combined total of our competitors in

order to successfully deter them” (cited according to Bugos 2023). Even before the New START was signed in 2010, the Russian Foreign Policy Concept 2008, for example, contained a provision that a strategic stability issue can no longer be addressed exclusively within the framework of Russia-US relations. The 2013 Foreign Policy Concept (point 70) also stated that there was “the necessity to transform nuclear disarmament into a multilateral process” and the one from 2016 (point 27f) mentioned a *phased* “reduction of nuclear potentials based on the growing relevance of giving this process a multilateral character”.

Since reciprocity and a balance of forces remained the basic principles of US-Russia strategic arms control, and according to Russian previous statements, we can expect that the US demands on the involvement of China be followed by the Russian demands on the involvement of the French and British strategic nuclear forces into the nuclear strategic arms control talks, leading them to further multilateralization. This will be, however, a very hard task to achieve if the Chinese, British, and French preconditions for this involvement remain the same. Since the strategic stability is based on the significant disparity between the USA and Russia, on the one side, and the rest of the nuclear-weapon states, on the other, it would be extremely hard for the US and Russia to accept the lowering of their forces to the level of others in order to start disarmament talks (Kostić 2022, 35). Thus, the future regarding strategic weapons could have several scenarios: 1) increasing the strategic nuclear forces of all nuclear-weapon states having in mind the “strategic circle” effect (Kostić 2022, 224) on the size of nuclear arsenals of all nuclear-weapon states, 2) freeze of existing nuclear arsenals, 3) another round of bilateral strategic arms control agreements among the US and Russia, 4) acceptance of other nuclear weapon-states to adhere to the multilateral nuclear arms control talks on the US and Russian conditions, and 5) at this moment the least realistic, but significant to mention, accession of all nuclear-weapon states to the Treaty on the Prohibition of Nuclear Weapons that entered into force in January 2021 and 6) also less realistic, bilateral US-Chinese strategic arms control deal.

Regarding the INF systems, the Russian position after the demise of the INF Treaty was that ground-based systems should not be deployed in the areas, including national, from which it could target NATO member states or the US, on the basis of reciprocity. However, prior to this flow of events, both the US and Russia (Concept of the Foreign Policy of the Russian Federation 2013, Point 32c), but also some states like France, promoted the universalization of the INF treaty in order to include all countries, but

primarily with China in mind. Even if not universal, France also expressed the position that other arms control agreement that concerns Europe must involve all European states and not be bilateral – between the USA and Russia (ACA 2020). Thus, the future arms control in this field could be: a) unilateral Russian and NATO member states moratorium on the deployment of ground-based INF systems in Europe, b) making a new agreement that would involve the US, Russia, and other European states as well, c) creating a universal mechanism that would end or put a cap on all kinds of INF missile systems.

On tactical nuclear weapons arms control, which is one of the US conditions for new strategic arms control, Russia continued to dismiss the prospects of arms control talks, especially until the US “withdraws from Ukraine” (Bugos 2023). Until 2023 the Russian position on tactical nuclear weapons was the same as with the strategic, i.e. based on the national principle and condemning the US nuclear sharing with European allies. But, since the 25 May 2023 agreement, Russia has formalized a nuclear sharing agreement with Belarus and according to Putin the first nuclear warheads have been delivered to Belarus and there will be more (Bugos 2023). This calls into question the longstanding Russian principle on the deployment of nuclear weapons only on the national territory and might lead Russia to extend its deterrence even beyond Belarus. This, however, only confirms the priority of the principles of equality and reciprocity in conducting the relations with the US.

Conventional arms control

The balance of forces principle continued to lead Russia in its position toward conventional arms control, although the Warsaw Pact was dissolved and the issue of Russian capability to be perceived as an equal partner was raised. During the early years of the new century, Russia wanted to prevent its isolation from the European security system and the development of NATO in that direction. Russia wanted to “fix the imbalances” (The Foreign Policy Concept of the Russian Federation 2008, IV. Regional priorities¹ that occurred in the sphere of conventional arms and armed forces reduction, to ensure bringing the conventional arms control regime in Europe into line with the “current reality” (Concept of the Foreign Policy of the Russian Federation 2013, Point 32k) and to adopt new confidence-building measures.

Russian preoccupation was not with NATO as an organization, but with its enlargement to the Russian borders and assumed intention to take global

roles and use the force on its own terms (MID 2010). Thus, Russia tried to limit the deployment and expansion of NATO, its military infrastructure, troops, and weapons systems, both conventional and nuclear, and the assumption of global functions that NATO might take (The Military Doctrine of the Russian Federation 2010). Russia also intended to curb the deepening of the military and economic cooperation between the US and post-Soviet states, especially to prevent the establishment of foreign military bases in the territory of the former Soviet states that are not NATO members. Russian endeavours were concentrated on maintaining the NATO force on the line before the first NATO enlargement in the 1990s. Thus, the draft Agreement from 2021 (Article 4) contained the provision: “The Russian Federation and all the Parties that were member States of the North Atlantic Treaty Organization as of 27 May 1997, respectively, shall not deploy military forces and weaponry on the territory of any of the other States in Europe in addition to the forces stationed on that territory as of 27 May 1997.”

The best modality of arms control in this field for Europe would still be the agreement on non-aggression and limitation of the number of forces in the bordering and flank regions (a kind of a new CFE Treaty) and strong CSBMs. However, prior to this or as part of the negotiating process of one such agreement, there must be a consensus on the political issues regarding Serbia, Ukraine, Moldova, and Georgia, as well as future NATO enlargement. If NATO does not want to be in conflict with both Russia and China, together with the states that gravitate toward them, NATO would have to reconsider its policy of extension around these two countries, as well as the possible assumption of global roles that would involve the use of force.

Emerging and Disruptive Technologies

From its onset, Russia was against the US national missile-defence shield that could undermine its strategic forces and tried to preserve the ABM Treaty as long as it could. However, the US withdrawal from the ABM treaty in 2001, due to the changed perception of the nature and actors of threat, marked the beginning of the strategic stability international crisis and, in the wake of the expiration of START I, in 2008 Russian Foreign Policy Concept (III, point 3), Russia expressed opposition to the deployment of weapons in outer space and unilateral actions in the field of strategic anti-missile defence. Instead, Russia proposed the establishment of a system of collective response to potential missile threats on an equal basis. However, these propositions were not acceptable to the US or NATO side, but, instead,

the original plans of the US national missile defence were modified under the Obama administration in order not to be able to erode Russian strategic deterrence. This, however, did not dissuade Russia from developing new kinds of weapons that could undermine the US and NATO defence shield – first of all hypersonic missiles. Together with China, Russia is one of the main promoters of the legally based approach to the prevention of militarization of space and regulation of Internet and information security. Both in space and cyber domains Russia is seeking the achievement of legal instruments that would be based on the principles of sovereign equality, non-interference, indivisible security, and balance of interests. Prior to negotiating such instruments, what has to precede are the CSBMs and mutual understanding of the contested issues in these domains, including the role of the private companies.

Besides space and cyber domains, the nature of conflict has also changed with the development of warfare drones, Artificial Intelligence (AI), and autonomous weapons systems. At this moment, there are no Europe-specific arms control restraints on EDTs. Discussion on their regulation, and potential prohibition, are being conducted predominantly in UN-led bodies and forums, such as the Group of Governmental Experts on Lethal Autonomous Weapons Systems, the Open-Ended Working Group on Reducing Space Threats through Norms, Rules, and Principles of Responsible Behavior, as well as two working groups operating at the apex of cyber and international security. With regard to missiles and their accompanying technology, apart from being addressed in bilateral arms control instruments between the US and Russia, there are also non-legally-binding instruments, such as the Hague Code of Conduct against Ballistic Missiles Proliferation, and the Missile Technology Control Regime, that are of importance for curbing the spread of missiles and their technology. Again, these instruments are of a more universal nature, and not specific to the European context.

In the long run, the most pressing problems would be encountered when addressing cyber and AI, as they account for “intangible” assets that escape traditional arms control, unlike hypersonic missiles and space systems which have the potential to be subsumed under already existing arms control instruments (Lissner 2021, 11). At the same time, the destabilizing effects of many emerging technologies remain largely prospective, and much still depends on their future development and their potential adoption by militaries. Moreover, they have the potential for future arms control

regimes and be beneficial for verifying compliance with obligations (Lissner 2021, 12).

The mechanisms for the establishment of new security architecture in Europe, that Russia proposed through its draft agreements with NATO and the US in 2021, were the urgent bilateral or multilateral consultations, including the NATO-Russia Council, regular and voluntary exchange of assessments of contemporary threats and security challenges, informing of each other about military exercises and manoeuvres, and main provisions of their military doctrines, using of all existing mechanisms and tools for confidence-building measures. These CSBMs included the establishment of telephone hotlines to maintain emergency contacts between the Parties and a dialogue and interaction on improving mechanisms to prevent incidents on and over the high seas (primarily in the Baltics and the Black Sea region).

Conclusion

This paper tried to offer an explanation of the crisis in European arms control through the concept of international crisis and constructivist theoretical assumptions and to provide for some future prospects for arms control in Europe, both in the nuclear and conventional domains. These prospects we considered by presenting and taking into account the Russian position on arms control. By giving an overview of the erstwhile arms control instruments in Europe, the paper showed the main logic behind them and the reasons for their demise or ineffectiveness. The paper, then, considered the possibilities of a new arms control arrangement in all domains covered by the previous or ineffective treaties, by taking into account the Russian perspectives and principles for arms control.

The current arms control crisis in Europe, which reflects the international crises of strategic stability and European security architecture, and which culminated with the war in Ukraine in 2022, can lead to several scenarios. First is Europe in a proliferation crisis, which leaves Europe in a security dilemma, with the galloping arms race and militarization and without any arms control legal instruments or coordinating mechanisms. The other scenario is Europe in the status of frozen armed capabilities and frozen conflict in Ukraine (together with already existing ones in Moldova, Georgia, and Serbia), where some political coordination and unilateral caps or reductions on weapon possession and deployment would be established among the US and NATO, on the one, and Russia on the other side. And the third scenario is a Europe with a new arms control architecture,

including international treaties, which would reflect new compromises and a willingness to establish a common European security. Regarding the actors, this would include the true multilateralization of a nuclear arms control that would involve France and Britain, but could also involve the European Union as a whole, as well, in both nuclear and conventional domains. It could also take the form of bilateral or trilateral treaties among Russia and certain European states, or Russia, the USA, and a certain interested state. Regarding the content, besides the strategic arms control, new arrangements ought to be made on intermediate- and shorter-range nuclear and dual-capable systems, possibly also with multilateral character, tactical nuclear weapons in some form of arms control (together with the strategic and INF systems or as a separate category), and first of all, the conventional arms control in Europe.

The new conventional arms control in Europe would first have to deal with the increase in confidence and trust among the main actors in the European continent since, otherwise, Europe could not escape further militarization and possible confrontation. It would also have to regulate the traditional armaments, but emerging technologies with warfighting capabilities, as well. An agreement on the basic principles of world order, primarily on the respect of territorial integrity and human rights and on the use of force needs to be found. The freedom of states to choose their alliances and foreign and security policies in a way that is not threatening to others is also one of preconditions for the peace on the European continent. In a contested multipolar international system the states and groups of states would have to find mechanisms for coordination, if not cooperation, among themselves, if they do not want to end up in turmoil, chaos, or war, and arms control agreements are the best option to this end.

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