

“Substantial Combat Forces” in the Context of NATO-Russia Relations

by William Alberque¹



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Introduction

On 18 March 2014, Russia announced the annexation of the Crimean Peninsula. This announcement came in the context of massive and unprecedented deployments of Russian military forces throughout the Russian Federation Western Military District, all along NATO's eastern border. Russia's military activities had a profound impact on the 2014 NATO Summit in Wales, shifting the Alliance's attention away from the transition in Afghanistan to Operation Resolution Support and towards NATO's collective defence mission. The Wales Summit Declaration included the announcement of a full range of measures to assure Allies in the East, including the presence of persistent rotational Allied forces and changes to military infrastructure to support reinforcement, followed by the recent announcement of four NATO multinational battalions to be deployed to Eastern Europe.² Russia's official response to the changes announced by NATO included accusations that the Allies are in violation of the NATO-Russia Founding Act of 1997 (NRFA), specifically the pledge related to Substantial Combat Forces (SCF). However, this paper shows that none of the changes announced at the Wales or Warsaw Summits has approached the thresholds described in the SCF pledge.

This paper reveals the historical context of the SCF pledge, focusing on the political circumstances under which it was formulated and introduced. The SCF pledge played a significant bridging role during the negotiations of the Adapted Conventional Armed Forces in Europe Treaty (ACFE) and the fourth wave of NATO enlargement (1999).

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² Press conference by NATO Secretary General Jens Stoltenberg following the North Atlantic Council meeting at the level of NATO Defence Ministers, 14 June 2016, http://www.nato.int/cps/en/natohq/opinions_132349.htm?selectedLocale=en



The paper seeks to answer the question: what did the SCF pledge mean to NATO and to Russia at the time it was given? It will clarify, through a close examination of the historical record, the meaning of the SCF pledge as it was understood by those who made it (NATO Allies) and the intended audiences (the then-prospective NATO Allies and Russia).

Substantial Combat Forces

NATO's Substantial Combat Forces pledge was made on 14 March 1997, as a "Unilateral Statement" by the North Atlantic Council:

In the current and foreseeable security environment, the Alliance will carry out its collective defense and other missions by ensuring the necessary interoperability, integration, and capability for reinforcement rather than by additional permanent stationing of substantial combat forces.³

This pledge was made in the midst of multiple rounds of negotiations on the content of the NATO Russia Founding Act and the basic elements for the Adaptation of the Conventional Armed Forces in Europe Treaty (ACFE). The purpose of the pledge was to reinforce these ongoing negotiations to incorporate Russia into the Euro-Atlantic security architecture after the end of the Cold War, without creating unintentional military tensions or the appearance of taking advantage of Russia's diminished status.

The Historical Origins of the SCF Pledge

The collapse of the Soviet Union signalled the end of the Cold War and the beginning of a process of reorientation of the security order in the Euro-

Atlantic region. This reorientation built upon a structure of international agreements and treaties designed during the Cold War to stabilize the competition between the superpowers and their associated blocs. These included the Helsinki Final Act and the Stockholm Document, the Mutual and Balanced Force Reduction talks and Conventional Armed Forces in Europe (CFE) Treaty negotiations, and the bilateral Strategic Arms Limitation Talks. The post-Cold War period was marked by the collapse of the Soviet Union, the withdrawal of Soviet forces from Central and Eastern Europe, and the disbanding of the Warsaw Pact and its military and political structures.

In the early 1990s, the debate on the future of Europe focused on what organization or organizations would fill the emerging "security vacuum" in Central Europe.⁴ As the Soviet forces began the long process of withdrawal and demobilization, the countries caught within this "vacuum" looked to Brussels. NATO engaged itself fully in the debate, inviting the Soviet Union and Warsaw Pact states to participate in a new structure, called the North Atlantic Cooperation Council (NACC),⁵ for consultation. The first meeting was convened on 20 December 1991 at the level of Foreign Ministers. Allies used this first meeting to encourage these countries to continue observing the arms control and confidence- and security-building measures (CSBMs), and, in particular, to decide on how to distribute their obligations under these agreements. During the meeting, the Soviet Union announced its dissolution, and, in Moscow, the head of the Russian Federation announced Russia's intention eventually to join NATO.⁶

Two other NATO bodies, the High-Level Task Force on Conventional Arms Control (HLTF) and the High-Level Working Group (HLWG), embarked on the complicated process of trying to bring the CFE

³ 14 March 1997 Statement by the North Atlantic Council, PR(97)27.

⁴ Kramer, Mark, "The Myth of a No-NATO-Enlargement Pledge to Russia," *The Washington Quarterly*, the Center for Strategic and International Studies, April 2009.

⁵ "North Atlantic Cooperation Council Statement on Dialogue, Partnership and Cooperation," Press Release M-NACC-1(91)111, Brussels, 20 December 1991.

⁶ Friedman, Thomas, "SOVIET DISARRAY; Yeltsin Says Russia Seeks to Join NATO," *New York Times*, 21 December 1991.



Treaty into force with the newly-emerging former Soviet states, to help verifiably reduce military forces in Central Europe, and to prevent destabilizing concentrations of heavy equipment. In this context, arms control and CSBMs were playing the role of creating both the context for transparent and verifiable reductions in force as well as a new “rules for the road” governing military affairs in the Euro-Atlantic area, while seeking to facilitate and manage the peaceful withdrawal of Soviet forces from Eastern Europe.

Success in cooperation with Russia in this endeavour gave Allies confidence that relations between NATO and Russia could be maintained on a positive track. This positive assessment came in spite of Russia's reaction to crises in the Balkans and Chechnya, focusing instead on its moves to withdraw its forces from Eastern Europe, verifiably destroy its heavy armour through the CFE Treaty, eliminate nuclear capabilities through the US-Russian Strategic Arms Reduction Treaty (START) and Cooperative Threat Reduction Program (CTR), revise its military doctrine, curtail its military exercises, and engage diplomatically in Vienna and in Brussels. It appeared at the time that NATO countries and all the countries in the post-Soviet space were headed toward more predictable, stable regional security environment.

NATO and the Fourth Wave of Enlargement, 1995-1999

NATO engagement with Russia created the conditions for stability, with both sides engaging constructively. The continuing positive trends in NATO-Russia cooperation assured Allies that any problems related to NATO enlargement could be addressed constructively through developing NATO-Russia relations in a series of overlapping economic, political and military arrangements. The political arrangements would have the complementary effects

of engaging Russia in Western institutions and values and providing a practical platform for cooperation and political consultations. Russia, as this paper demonstrates, engaged with NATO in the hope of halting its enlargement and arresting the movement of military capabilities closer to its borders, as well as having a greater say in NATO's affairs. In the meantime, many of the other states in the region began their efforts to join the Alliance. The question of how Russia would adapt to a rapidly-changing security environment remained unresolved.

Russia had signed the NATO Partnership for Peace (PfP) Framework Document on 22 June 1994, to develop relations with NATO reflecting common objectives, and agreed to an Individual Partnership Program (IPP) with NATO on 31 May 1995. The IPP was a tool available to all PfP partner nations to define specific areas of cooperation. Russia's IPP not only focused on areas of cooperation with NATO, but also formed the basis to build a special relationship with NATO. Thus, Russia sought to go beyond the IPP towards further institutionalization of a NATO-Russia cooperative structure.

After a period of internal and external consultation, NATO published its *Study on Enlargement* on 3 September 1995.⁷ The Study described, among other topics, the importance of working with Russia to address its concerns and the potential security impact on NATO of enlarging the Alliance. The Study made specific reference to the need for new Allies to consider permanent stationing on their territory:

...based on their approach and that of the Allies to the stationing of foreign forces on their territory, and the relevant reinforcement capabilities of Alliance forces, including strategic mobility. The Alliance will also have to ensure the accessibility of its forces to new members' territory for reinforcement, exercises, crisis management, and, if applicable, stationing.⁸

⁷ *Study on Enlargement*, NATO Headquarters, Brussels, 3 September 1995. A timeline is provided at the conclusion of this section, to aid in following developments in the NATO-Russia relationship in this period.

⁸ *Study on Enlargement*, *ibid.*



The *Study* addressed Russia’s concerns by seeking to avoid “surprise decisions by either side,” and ensure that “associated military arrangements will threaten no-one.” The Study also mandated that NATO and Russia would establish a political framework on basic principles for security cooperation and a format for mutual political consultations.

These talks, informal at first, evolved into the

negotiations of the NATO-Russia Founding Act. All of these discussions took place in the context of the early phases of CFE implementation and NATO’s efforts to address Russian concerns about the Treaty, which focused on the fulfilment of its reduction obligations, particularly the limitations on Russian forces in the Caucasus, and the vexing issue of stationing within the Treaty-defined national groupings.

Table 1. NATO and Russia: A Selected Timeline from 1994-1999 (table compiled by the author).

Date	Event
1994 Jun 22	Partnership for Peace Membership for Russia
1995 May 31	Individual Partnership Program for Russia and the “Areas for Pursuance of a Broad, Enhanced NATO-Russia Dialogue and Cooperation” agreed
1995 Sept 3	NATO Study on Enlargement published
1995 Nov 17	Joint JCG Statement issued on revising the flank agreement in time for the May 1996 CFE RevCon
1996 Mar 20-21	Russia asked NATO for legal guarantees of no basing of nuclear weapons, conventional forces, or new infrastructure near Russian borders
1996 May 15-31	First CFE Review Conference concluded with a Final Document and the CFE-1A agreement
1996 Sept 6	US requests NRFA negotiations
1996 Dec 1	Lisbon Document adopted by CFE State Parties on the “Scope and Parameters of CFE Adaptation”
1996 Dec 10	NATO Ministerial Communique with nuclear 3-no’s and intention for NATO-Russia charter
1997 Jan 19-21	1st round of NRFA negotiations in Moscow
1997 Feb 21-23	2nd round of NRFA negotiations in Brussels – Primakov says no infrastructures or forces eastward
1997 Feb 24	US Congress published the report “NATO Enlargement and Russia”
1997 Mar 9-10	3rd round of NRFA negotiations in Moscow
1997 Mar 14	NATO issued its unilateral SCF pledge
1997 Mar 20-21	US-Russian Summit in Helsinki: Yeltsin dropped demand for legally-binding NRFA
1997 Apr 9	Russia issued a statement opposing new NATO infrastructure
1997 Apr 15	4th round of NRFA negotiations in Moscow
1997 Apr 16	NATO infrastructure proposal tabled in the FSC
1997 May 2	Russia demanded no nuclear weapons or military bases in Poland, Czech or Hungary
1997 May 6	5th round of NRFA negotiations in Moscow
1997 May 13-14	6th round of NRFA negotiations in Moscow
1997 May 27	NATO-Russia Founding Act signed
1997 July 8-9	NATO Madrid Summit admitted Poland, Hungary, Czech Republic
1997 July 23	Basic Elements for ACFE agreed in the JCG
1998 Dec 8	Statement on CFE by NATO and the Three Invited Countries
1999 Nov 19	ACFE signed in Istanbul



The NATO-Russia Founding Act Negotiations and the CFE Treaty

Despite the evolving cooperation, dialogue, and consultation between NATO and Russia, the latter continued to raise objections to NATO's impending enlargement. Russia's objections focused on fears of encroaching NATO military capabilities, particularly with the possibility that new NATO members would host nuclear weapons, and the problem of CFE-defined national groupings. That is to say, the CFE Treaty defined a Western group of nations, corresponding to NATO in 1990,⁹ and an Eastern group, corresponding to the Warsaw Pact,¹⁰ with an overall limit in forces for each group. The Treaty, at its core, is legally binding and was intended to prevent a large-scale surprise attack in central Europe, to limit the amount of heavy military equipment in both the East and West, to provide transparency about where and how much military equipment was based or stored in Europe, and to provide verifiable elimination of excess equipment. It also contained a provision which was meant to prevent the Groups from removing forces from the centre and massing them in the north and south (the so-called "flank rule").

NATO enlargement included nations from the CFE-defined Eastern Group joining NATO, with no mechanism available to change the Treaty.¹¹ Russia almost immediately began pressing the Allies to modify the CFE Treaty so as to address this issue and better reflect both the new military and political realities in Central Europe, and take into account its

need to move large amounts of heavy forces into the Caucasus, in violation of its flank limit. To address these concerns, on 31 May 1996, CFE parties agreed to increase Russia's flank limits for heavy equipment, and agreed to embark upon a thorough modernization or adaptation of the Treaty.¹²

During a meeting with NATO Secretary General Javier Solana in Moscow on 20-21 March 1996, Russian Foreign Minister Yevgeny Primakov requested legally binding guarantees that NATO would not base nuclear weapons, Allied conventional forces, or NATO infrastructure on the territory of new members, and that it would postpone any enlargement beyond this round of enlargement (which included the Czech Republic, Hungary, and Poland).¹³ Russia initiated a set of discussions in Washington, Brussels, and Allied capitals on how to accommodate Russia's concerns¹⁴ (see Table 1 for a chronology of events). After several months of consultations, the United States requested that Allies consider negotiating a NATO-Russia agreement. Then US Secretary of State Warren Christopher announced publicly on 6 September 1996 that "Russia's cooperation with NATO should be expressed in a formal charter. This charter should create standing arrangements for consultation and joint action between Russia and the Alliance"¹⁵ and take into account the role of CFE in managing NATO-Russia military stability and predictability.

In parallel with the discussions on a charter, the CFE Parties continued to work on the scope and parameters of the adaptation of the CFE Treaty, agreeing to a

⁹ Belgium, Canada, Denmark, France, Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey, United Kingdom, and the United States.

¹⁰ Bulgaria, Czechoslovakia, Hungary, Poland, Romania, and the Soviet Union.

¹¹ Changing the group structure of the Treaty would have required re-ratification by all states, which was seen as impossible considering that parties had agreed already that CFE required a full adaptation. In addition, CFE has no accession clause.

¹² "Final Document of the Conference to Review the Operation of the Treaty on Conventional Armed Forces in Europe and the Concluding Act of the Negotiation on Personnel Strength," Joint Consultative Group, Vienna, 15-31 May 1996.

¹³ "Yeltsin Promises a Tough Line with NATO Boss Solana," Reuter Information Service, 21 March 1996.

¹⁴ Woehrel, Steven, "NATO Enlargement and Russia," Report 97-477E, Congressional Research Service, Washington, DC, 14 April 1998.

¹⁵ "A New Atlantic Community for the 21st Century," Speech by Secretary of State Warren Christopher in Commemoration of Secretary of State James Byrnes' 1946 Speech of Hope, Stuttgart, Germany, 6 September 1996.



framework document in Vienna on 1 December 1996. The agreed document included a statement on restraint for the duration of negotiations:

States Parties commit themselves to exercise restraint during the period of negotiations as foreseen in the document in relation to the current postures and capabilities of their conventional armed forces – in particular with respect to their levels of forces and deployments – in the Treaty’s area of application, in order to avoid that developments in the security situation in Europe would diminish the security of any State Party.¹⁶

The scope and duration also addressed a number of Russian concerns, including “accession to the Treaty by individual States who might request it, and related modalities.”

Then, on 10 December 1996, Allies decided during the NATO Foreign Ministerial in Brussels to respond to Russia’s desire to link a NATO-Russia charter to the CFE adaptation process in a Communiqué with four important elements:

- 1) Allies agreed to consider the membership of new Allies at the July 1997 NATO Summit in Madrid.
- 2) Allies sought to negotiate a framework agreement with Russia to define NATO-Russia relations by the Madrid Summit.
- 3) Allies reaffirmed the 1 December 1996 CFE adaptation statement on restraint:

The members of the Alliance reaffirm the commitment made at Lisbon to exercise

restraint during the period of negotiations as foreseen in the document in relation to the current postures and capabilities of their conventional armed forces - in particular, with respect to their levels of forces and deployments - in the Treaty’s area of application.¹⁷

- 4) Allies made a pledge on restraint regarding nuclear weapons, known as the “3-nos”:

Enlarging the Alliance will not require a change in NATO’s current nuclear posture and therefore, NATO countries have no intention, no plan, and no reason to deploy nuclear weapons on the territory of new members nor any need to change any aspect of NATO’s nuclear posture or nuclear policy, and we do not foresee any future need to do so.¹⁸

NATO’s “3-nos” was an important pledge of restraint. It is a unilateral restriction on deployments of nuclear weapons on the territories of “new members,” but with a caveat based on the foreseen needs at the time of the pledge. Primakov met with the NATO Foreign Ministers after the Brussels Ministerial, and responded to the Communiqué at the press conference afterwards by applauding the decision to limit nuclear deployments, but stated his disappointment with the decision to enlarge the Alliance and move its non-nuclear infrastructure closer to Russia.¹⁹ He said that Russia would continue to seek “ways to prevent that and to resolve any concerns that we may have.”²⁰

The first round of negotiations on a NATO-Russia agreement was held between Secretary General Solana and Foreign Minister Primakov on 19-21 January 1997 in Moscow, where the sides laid out

¹⁶ Document Adopted by the States Parties to the Treaty on Conventional Armed Forces in Europe on the Scope and Parameters of the Process Commissioned in Paragraph 19 of the Final Document of the First CFE Treaty Review Conference, Lisbon, 1 December 1996.

¹⁷ “Final Communiqué Issued at the Ministerial Meeting of the North Atlantic Council,” Press Communiqué M-NAC-2 (96)165, Brussels, Belgium, 10 December 1996, paragraph 21.

¹⁸ “Final Communiqué,” 10 December 1996, paragraph 5.

¹⁹ Moseley, Ray, “Russia Backs Talks with NATO,” Chicago Tribune, Chicago, 12 December 1996.

²⁰ Press Conference of NATO Secretary General Javier Solana and Russian Federation Foreign Minister Yevgeny Primakov, Meeting of the North Atlantic Cooperation Council in Ministerial Session, NATO HQ, Brussels, 11 December 1996.



their initial arguments, with Russia seeking a legally-binding agreement. Both sides were far apart from the start, with further disagreements on its scope. The second round of negotiations took place in Brussels on 21-23 February 1997. Primakov gave Solana proposals which would have prevented any NATO forces or infrastructure being placed on the territory of new NATO members, as well as to make the agreement legally binding. At the press conference with then US Secretary of State Madeleine Albright afterwards, Primakov took into account Albright's pledge to reduce the levels of US armed forces in Europe, saying:

...that we are interested in not having the NATO infrastructure move eastward in our direction. And even those reduced levels of armed forces in Europe, which my colleague so very beautifully and so colourfully has described as reduced levels, would be best even if those forces not move in our direction.²¹

NATO had offered Russia a good deal of assurance during the run-up to and opening round of the NATO-Russia Founding Act negotiations, pledging to show restraint on conventional force deployments and nuclear weapons posture and policy. However, these pledges were not enough to satisfy Russia. Further assurances would be needed.

Substantial Combat Forces: A Unilateral Statement

On 4 March 1997, Primakov outlined his continued opposition to NATO enlargement and movement of its military capabilities to the east in a conversation with the press:

“Do you want us to applaud if the military

infrastructure we established in these countries [the Baltics] were to be occupied by NATO? If it happens, it will undermine our relations with NATO entirely.”²²

Allies reacted to Primakov's dissatisfaction with a “Unilateral Statement” of the North Atlantic Council on 17 March 1997. The Statement sought to address Primakov's concerns, facilitate the conclusion of the NRFA negotiations, bolster talks on ACFE, and complement bilateral US-Russian negotiations. Building upon the statement on restraint from the 10 December 1996 NATO Communiqué, the NAC declared that:

In the current and foreseeable security environment, the Alliance will carry out its collective defense and other missions by ensuring the necessary interoperability, integration, and capability for reinforcement rather than by additional permanent stationing of substantial combat forces.²³

This NAC statement (based on a proposal by the United States) constitutes the NATO SFC pledge. Note that it does not define its core terms (substantial combat forces, permanent stationing), nor does it differentiate geographically between the then-current Allies and prospective new members. However, it does seek to mitigate tensions during the transition period of negotiations on NRFA and ACFE, provide a degree of predictability to Russia, and facilitate future cooperation between NATO and Russia.

On 20-21 March 1997, Presidents Boris Yeltsin and Bill Clinton met in Helsinki to attempt to heal rifts over the Balkans and the NATO-Russia negotiations. At the meeting, Yeltsin gave up his insistence on a legally-binding NATO-Russia agreement, and

²¹ Secretary of State Madeleine K. Albright and Foreign Minister Yevgeny Primakov, Press Conference at Ministry of Foreign Affairs, Moscow, U.S. Department of State, 21 February 1997.

²² Gordon, Michael R., “Russia Accepts Eastward Growth of NATO, but Only Inch by Inch,” *New York Times*, New York, 4 March 1997.

²³ 14 March 1997 Statement by the North Atlantic Council, PR(97)27.



both Yeltsin and Clinton agreed “to preclude any destabilizing build-up of forces in different regions of Europe.”²⁴ Yeltsin expressed his concern that NATO enlargement would lead to a potentially threatening build-up of permanently stationed forces of NATO near to Russia, but Clinton assured him that the Alliance did not contemplate such action, restating that the United States was firmly committed to its “3-nos” pledge.²⁵ Yeltsin’s softening of his policy on the legal status and scope of NRFA was widely thought to be a quid pro quo for membership in the G-7.²⁶ His decision set off a flurry of activity to close the negotiations on NRFA.

Just before the fourth round of NRFA negotiations in April 1997, Primakov announced his intention to conclude the NATO-Russia agreement if it was ready in time for a meeting of Heads of State and Government of NATO Allies and Russia in Paris on 27 May 1997. Primakov called NATO enlargement a “very serious mistake” and said that NATO and Russia “have to agree on not creating infrastructure to enable the forward deployment of those [substantial ground] forces.”²⁷ NATO rejected this call. Yeltsin, in the meantime, had resigned himself to NATO enlargement, saying it was time to shift his efforts instead “to limit the negative consequences for Russia.”²⁸ Allies sought to allay Primakov’s concerns on infrastructure by proposing to exchange information on new military infrastructure in Europe through the Vienna Document.²⁹ This proposal did

not gain traction, and Allies instead returned their focus to the ACFE negotiations.

Russia, in the meantime, sought specific, quantifiable guarantees on NATO force deployments to new members’ territory, as well as the prevention of any new military infrastructure on Allied territory.³⁰ Secretary Albright told Congress after the fourth round of NRFA negotiations that “Russia would also like us to make absolute commitments in the charter about the deployment of nuclear and conventional forces on the territory’s new members. But we will not compromise on this issue.”³¹ Russia also proposed that the Adapted CFE Treaty would include a limit on the total amount of heavy equipment for NATO Allies,³² but the US countered with flexible limitations on the amount of forces that any state could host from other states.³³ Russia sought an outright ban on NATO deployments to new member states’ territories,³⁴ and then to limit them as much as possible – no more than five percent of CFE Treaty-limited equipment (TLE) present on the territory of new NATO members could be foreign – but these limits also were rejected.³⁵

Finally, on 14 May 1997, at the close of the sixth round of NATO-Russia negotiations in Moscow, a deal was announced.³⁶ Primakov attempted to pose the agreement as a “big victory for Russia,” but Russia had failed to receive any geographical limits, or any quantification on limits of permanent stationing,

²⁴ Joint US-Russian Statement on European Security, the White House, Office of the Press Secretary, Helsinki, Finland, 21 March 1997.

²⁵ Joint US-Russian Statement, *ibid.*

²⁶ Cloud, David, “Yeltsin Reaps NATO Deal’s Harvest at Summit of 8,” *Chicago Tribune*, Chicago, 21 June 1997.

²⁷ Whitney, Craig, “Russia Talks of a Possible NATO Pact,” *New York Times*, 10 April 1997.

²⁸ Cloud, David, “Albright Off on a Tricky Moscow Mission,” *Chicago Tribune*, Chicago, 1 May 1997.

²⁹ Proposal by Belgium, Canada, Denmark, France, Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey, the United Kingdom, and the United States on Transparency Measure on Infrastructure, FSC/158/97, 16 April 1997.

³⁰ Cloud, David, “Albright Off on a Tricky Moscow Mission,” *Chicago Tribune*, Chicago, 1 May 1997.

³¹ “Albright Plans Talk on NATO, Rules out Deal on Security Pact,” *Chicago Tribune*, Chicago, 24 April 1997.

³² Biegun, Steve, Wilson, Beth, and Haltzel, Mike, “Hearings on NATO-Russia Relations,” Memorandum, Committee on Foreign Relations, Washington, 29 October 1997.

³³ “Russia Eases Objections to Proposed NATO Troop Levels,” *New York Times*, New York, 3 May 1997.

³⁴ Biegun, Wilson, and Haltzel, *ibid.*

³⁵ Gordon, Michael, “Russia Agreed to NATO Plan Pushed by Clinton to Admit Nations from Eastern Bloc,” *New York Times*, New York, 15 May 1997.

³⁶ Gordon, *ibid.*



thus acquiescing to additional permanent stationing anywhere in the Alliance up to an undefined level of “substantial combat forces.” In the end, the final text of the NATO-Russia Founding Act contained an expanded version of the original March 1997 SCF pledge, adding reference to “adequate infrastructure,” in addition to the capability for reinforcement and exercises:

NATO reiterates that in the current and foreseeable security environment, the Alliance will carry out its collective defence and other missions by ensuring the necessary interoperability, integration, and capability for reinforcement rather than by additional permanent stationing of substantial combat forces. Accordingly, it will have to rely on adequate infrastructure commensurate with the above tasks.

In this context, reinforcement may take place, when necessary, in the event of defence against a threat of aggression and missions in support of peace consistent with the United Nations Charter and the OSCE governing principles, as well as for exercises consistent with the adapted CFE Treaty, the provisions of the Vienna Document 1994 and mutually-agreed transparency measures. Russia will exercise similar restraint in its conventional force deployments in Europe.³⁷

The definition and scope of the Russian pledge in the last sentence above is also left undefined, although Russia would expand this definition in the Organization for Security Cooperation in Europe (OSCE) Istanbul Summit Statement of 1999. Three other elements of the NRFA are significant in relation to the then-underway negotiations on the Adaptation of the CFE Treaty:

- 1) The text specifies that the “CFE Treaty adaptation should include a significant lowering in the total amount of Treaty-Limited Equipment³⁸ permitted;”
- 2) “An adapted CFE Treaty should also further enhance military transparency by extended information exchange and verification, and permit the possible accession by new States Parties;” and
- 3) All parties shared “the objective of concluding an adaptation agreement as expeditiously as possible.”³⁹

These three elements imply that all sides agreed to far fewer forces in Europe as a result of ACFE, as well as increased transparency and accession by all NATO Allies, together with a rapid conclusion of the Treaty negotiations. This third element – that NATO and Russia shared the objective of concluding ACFE expeditiously – is particularly important in the context of the SCF pledge. All CFE parties, and then NATO, had pronounced their intention to show restraint on deployments and stationing during the ACFE negotiations. However, the adaptation process and entry-into-force of the new treaty was not expected to take a long time. The agreement to adapt CFE was taken on 31 May 1996, and the scope and parameters of the negotiation were agreed at the OSCE Lisbon Summit on 1 December 1996, along with a timeline for ongoing action. Parties expected that the basic elements of the adaptation would be agreed in time for the May 1997 signing of the NATO-Russia Founding Act, or at least the July 1997 NATO Summit (a target missed by two weeks), and that the adapted treaty text would be completed in the summer of 1998.⁴⁰ Then the questions of CFE groups and future accession (i.e., by the Baltic States) could be addressed. Thus, the SCF pledge can be seen as a temporary bridge to the more restrictive, defined, legally binding, and verifiable limits in ACFE.

³⁷ Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation, 27 May 1997.

³⁸ Also known in the CFE Treaty as “TLE,” it includes five defined categories of heavy military equipment: battle tanks, armored combat vehicles, artillery, combat aircraft, and attack helicopters.

³⁹ Founding Act, *ibid.*

⁴⁰ Hain-Cole, Crispin, “Taking up the Challenge of CFE Adaptation,” NATO Review No. 6, Vol. 45, Brussels, Nov-Dec 1997. The agreement on Certain Basic Elements for Treaty Adaptation was agreed 23 July 1997 in the Decision Adopted by the States Parties to the Conventional Armed Forces in Europe Treaty Concerning Certain Basic Elements for Treaty Adaptation, JCG Decision no. 8/97.



Adaptation of the Conventional Armed Forces in Europe Treaty and Restraint

The SCF pledges from both Russia and NATO Allies in the NATO-Russia Founding Act contributed to the ACFE negotiations by constraining permanent stationing of substantial combat forces. ACFE would complement this stability by restricting temporary deployments of large military forces in geographically-defined areas. These restrictions were being constructed on the basis of those already present in the CFE Treaty under the so-called “flank rule.” The original CFE Treaty limits temporary deployments in the north and the south of the area of application “to ensure that the security of each State Party is not affected adversely at any stage.”⁴¹ It also limits temporary deployments by other states into states within the flank zone that exceed 153 battle tanks, 241 armoured combat vehicles, and 140 artillery pieces. This amount of equipment roughly corresponded to the U.S. Army requirements in 1997 for a reinforced heavy brigade combat team. Non-flank states were limited to temporary deployments of 459 battle tanks, 723 ACVs, and 420 pieces of artillery.⁴² ACFE would further develop these limits by defining the duration of any allowed temporary deployments, as well as defining national holdings and the total forces that nations could host from other parties.

Russian Liaison Ambassador to NATO Vitaly Churkin made the link between NRFA and ACFE explicit in talks with NATO civilian and military arms control experts in 1998:

The Russian government signed the NATO-Russia Founding Act on the basis of a clear mutual understanding that the CFE Treaty

had to be adapted; “concluding an adaptation agreement was expeditiously as possible” was referred to in the act as a shared objective. The link here is a direct one.⁴³

Russia had sought to limit new NATO member states from hosting any foreign forces, even temporarily, and to give NATO itself a total limit of forces. NATO counter-proposed that ACFE would include national limits on each nation’s forces within its own territory, and national limits on the temporary or permanent hosting of forces that apply to all states. According to Russia’s calculations, under an early NATO proposal, Allies could temporarily or permanently station thousands of battle tanks, armoured personnel carriers, and artillery systems on the territory of the new NATO members. To address this shortfall, Russia sought to develop a bilateral definition of the allowable permanent stationing forces under the SCF pledge with NATO. In the Russian analysis:

...such parameters cannot form a basis for seeking a mutually acceptable solution to this problem. Russia’s position is that stationing of NATO forces outside the area of 16 [the number of NATO members at the time] should be limited to a level of forces equivalent to three standard Bundeswehr brigades, it being understood that not more than one brigade will be stationed in the territory of any one state. In our view, these parameters are commensurate with NATO’s obligations not to station “substantial combat forces” in the territory of new members of the Alliance, as laid down in the NATO-Russia Founding Act.⁴⁴

If NATO could agree to this limitation – that NATO would be allowed to station permanently one brigade

⁴¹ Article V, Paragraph 1, Treaty on Conventional Armed Forces in Europe, Paris, 19 November 1990.

⁴² Article V, Paragraph 1, sub paragraphs 1(A) and 1(B), CFE Treaty.

⁴³ Churkin, Vitaly, “Summary of Statement by the Representative of the Russian Federation,” 16+1 meeting on ACFE, NATO Headquarters, Brussels, 16 July 1998.

⁴⁴ “Analysis of NATO proposals on 23rd June 1998 on certain CFE Treaty machinery,” Rear Admiral V.S. Kuznetsov, Russian Federation Statement, 16+ 1 meeting on ACFE, Brussels, 16 July 1998.



on the territory of each of the three prospective new NATO member states, Russia would be assuaged and could move on to agree upon the scale of temporary deployments allowable under ACFE.⁴⁵ This Russian proposal clarifies that Russia had long accepted that NATO would station permanently *some* forces on the territory of the new NATO states, but that “substantial” would be defined as not exceeding one brigade each on the territory of each of the three prospective new Allies, not to exceed three brigades in total, consistent with the CFE flank limits. Allies were satisfied with the shared understanding of SCF, and continued their efforts to define limitations on temporary deployments in ACFE. Reflecting this broad agreement, in December 1998, NATO released a further Statement on CFE on its ongoing policy of restraint in association with the three invited countries:

On 14 March 1997 the North Atlantic Council stated that: “In the current and foreseeable security environment, the Alliance will carry out its collective defence and other missions by ensuring the necessary interoperability, integration, and capability for reinforcement rather than by additional permanent stationing of substantial combat forces” which is and remains undefined. The governments of the 16 members of the Alliance reaffirm and the governments of the Czech Republic, the Republic of Hungary, and the Republic of Poland associate themselves with this Statement, in its entirety.

This Statement covers ground and air combat forces. It does not relate to headquarters or other military support activities needed to meet our military requirements for reinforcement, interoperability or integration. We will provide fur-

ther evidence of our intentions as to any future stationing through increased transparency with regard to our defence plans and programmes.⁴⁶

The Statement was intended to assert NATO’s right to permanently station ground and air forces up to an unspecified limit, to include headquarters and other infrastructure to support reinforcement. It also sought to assure Russia that the Alliance’s tabled proposals in ACFE negotiations on temporary deployments were not an attempt to achieve military advantage over Russia. It associated the three invitees with the SCF pledge and gave a further commitment for transparency of plans and programmes to cover any future stationing, but did not provide specific limits.

ACFE Limits and the Commitments Made in Istanbul, 1999

ACFE negotiations would continue for another year, with the final agreement reached at the OSCE Istanbul Summit in November 1999. The ACFE defined a “temporary” deployment as comprising 42 days or fewer,⁴⁷ solving another part of the SCF puzzle. On the definition of a substantial combat force, ACFE is not definitive, but it does provide an analogous definition. The ACFE Treaty defined two different types of temporary deployments that any party would be allowed to host from other parties, even if the temporary deployment would exceed the host’s limits. These deployments were defined as a Basic Temporary Deployments (BTDs) and Extraordinary Temporary Deployments (ETD). A BTD was defined as a deployment by one State Party to the territory of another State Party comprising 153 tanks, 241 armoured combat vehicles, and

⁴⁵ Russia’s representative to the Joint Consultative Group of the CFE Treaty, Colonel Vyacheslav Proshkin, proposed to set “the maximum scope of deployments non-prejudicial to the security of other nations at broadly three NATO-standard brigades, with no more than one such brigade allowable in any one country, with one more brigade deployable on a temporary basis.” Kuzar, Vladimir, in “The Partners Are Not Ready: The CFE and Russia’s Concerns,” *Krasnaya Zvezda*, Moscow, 14 July 1998.

⁴⁶ Statement on CFE, NATO Ministerial Meeting of the North Atlantic Council with the Three Invited Countries, 8 December 1998, M-NAC-D-2(98)141.

⁴⁷ Signed by OSCE Heads of State and Government in Istanbul, 19 November 1999.



140 artillery pieces. An ETD was defined as comprising three BTDs (459 tanks, 723 armoured combat vehicles, and 420 pieces of artillery).⁴⁸ These deployments were considered at the time by Allies to be sufficient to defend against foreseeable contingencies, and were accepted by all State Parties.

The BTD definition, then, offers a basis for understanding what a substantial combat force would be. Temporary deployments under the BTD threshold (fewer than 153 tanks, 241 ACVs, or 140 pieces of artillery) clearly were not considered substantial enough to limit under the ACFE Treaty. In addition, the BTD definition corresponds roughly to a heavy brigade, and, as shown earlier, Russia accepted that SCF meant up to a full brigade could be based within each of the three then-prospective NATO Allies. Thus, Russia and Allies agreed on an implicit definition of a permanent deployment (exceeding 42 days), and the size of a substantial combat force (exceeding a single brigade).

It appeared, then, that between the understanding with NATO on SCF and the limitations under ACFE, Russia had achieved its goals. In turn, Russia further expanded and refined its SCF pledge from the NATO-Russia Founding Act in the Final Document of the OSCE Istanbul Summit 1999:

In the context of the political commitments and efforts of other States Parties to the Treaty on Conventional Forces in Europe, in particular those aimed at further strengthening stability in Central Europe, the Russian Federation will show due restraint with regard to ground TLE levels and deployments in the region which includes the Kaliningrad oblast and the Pskov oblast. In the present politico-military situation, it has no reasons, plans or intentions to station substantial additional combat forces, whether air or ground

forces, in that region on a permanent basis. If necessary, the Russian Federation will rely on the possibilities for operational reinforcement, including temporary deployments, in a manner compatible with the CFE Treaty mechanisms.⁴⁹

Belarus also pledged at Istanbul to rule out stationing of foreign land forces on its territory and that it would not seek to increase its TLE ceilings.⁵⁰

It appeared, then, that the matter of SCF and restraint was settled. The issue of restraint on stationing had been relegated to the background while waiting for ACFE to come into force. Allies carefully monitored Russia's fulfilment of its commitments made in Istanbul on the signing of the ACFE – particularly as they regarded the status of Russian forces in Moldova and Georgia. The NATO-Russia Founding Act and its mechanism for consultation, known as the Permanent Joint Council (PJC), led to a wide range of cooperation on practical topics, including arms control, non-proliferation, and nuclear security. Reflecting the spirit of cooperation and in response to the 11 September 2001 attacks, Russia's new President Vladimir Putin proposed joining NATO to help it transform into a political organization with fighting terrorism as its central mission.⁵¹

NATO and the Fifth Wave of Enlargement, 2002-2007

The 14 May 2002 NATO-Russia PJC Ministerial Communiqué made no reference to the SCF pledge or any other restraints, as befitted the new spirit of cooperation engendered by NRFA. At the NATO Summit on 28 May 2002, NATO and Russia reaffirmed the “goals, principles, and commitments” of the NATO-Russia Founding Act, with no specific

⁴⁸ The BTD and ETD numbers in ACFE are based on the original Article V “flank limits” in the CFE Treaty.

⁴⁹ Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe, Organization for Security and Cooperation in Europe (OSCE), 19 November 1999.

⁵⁰ Final Act, *ibid.*

⁵¹ McMahon, Colin, “NATO, Russia Manoeuvre as Baltics Watch,” *Chicago Tribune*, 3 January 2002.



mention of any restraints.⁵² This Summit also established the NATO-Russia Council (NRC) as a replacement of the PJC, with Russia as a full voting member.

At the Prague Summit on 21 November 2002, NATO invited Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to join the Alliance, but again made no reference to any commitments to restraint on stationing of forces. The inaugural NATO-Russia Council Meeting, held the next day, did include a statement that repeated the reaffirmation of the goals, principles and commitments with no mention of restraint.⁵³ Throughout this period, Russia pressed for ratification of the ACFE Treaty, which would allow the Baltics to apply to join the Treaty and negotiate limits. However, ACFE ratification continued to be delayed by Allies indefinitely in light of Russia's failure to fulfil its commitments made at the 1999 Istanbul OSCE Summit commitments on the withdrawal of forces from Georgia and Moldova.

In the absence of ACFE ratification, Russia pressed Allies to make a public statement recommitting themselves to restraint on permanent stationing. As a result, the NRC Ministerial statement on 4 June 2003 included a qualified reference to restraint:

We reiterated the goals, principles, and commitments contained in the Founding Act on Mutual Relations, Cooperation and Security, and in the Rome Declaration, which apply to all current and future members of the Alliance. We recalled that NATO's position on providing political assurances of restraint, expressed in these same documents, has not changed.⁵⁴

Russia expressed growing frustration with Allies' refusal to ratify ACFE. On 7 February 2004, Russia's Minister of Defence, Sergei Ivanov, expressed displeasure about this state of affairs, and while conceding that new NATO bases in Romania and Bulgaria were acceptable, stated that new bases in Poland and the Baltic states would be unacceptable to Russia.⁵⁵ Russian officials complained repeatedly about the lack of legally binding arms control covering the Baltic States (although bilateral CSBMs existed with each), culminating in the Russian decision to "suspend" its CFE Treaty obligations in 2007. In his speech at the Munich Security Conference on 10 February 2007, Putin said that "NATO has put its frontline forces on our borders, and we continue to strictly fulfil the treaty obligations and do not react to these actions at all."⁵⁶ The long and unexpected delay in ACFE's entry-into-force, largely brought about by Russia's inability to resolve the questions over its troop presence in Georgia and Moldova, began to erode confidence in the SCF pledge and other unilateral or politically-binding pledges of restraint by NATO.

Russian "Suspension" of CFE

On 14 July 2007, President Putin announced that Russia would suspend the CFE Treaty if its conditions were not met, including "working out a common understanding of the term "substantial combat forces" and "showing cooperation and restraint prior to coming to an agreement."⁵⁷ Allies did not meet Russia's conditions (which included the ratification of ACFE by all Allies and the immediate

⁵² NATO-Russia Relations: A New Quality, Declaration by the Heads of State and Government of NATO Member States and the Russian Federation, Rome Summit, 28 May 2002.

⁵³ The NATO-Russia Council Chairman's Statement at the NRC Meeting at the Level of Foreign Ministers of 22 November 2002.

⁵⁴ "Statement," Meeting of the NATO-Russia Council at the level of Ministers of Foreign Affairs, Madrid, 4 June 2003.

⁵⁵ "Defence Minister Says CFE Treaty Is Outmoded and Calls for On-Site Monitoring of NATO Bases," Newline, Radio Free Europe/Radio Liberty, 10 February 2004.

⁵⁶ President Vladimir Putin, "Speech and the Following Discussion at the Munich Conference on Security Policy," Kremlin Archives, Moscow, 10 February 2007.

⁵⁷ Information on the decree "On Suspending the Russian Federation's Participation in the Treaty on Conventional Armed Forces in Europe and Related International Agreements," Kremlin Archives, Moscow, 14 July 2007.



subsequent re-opening of the treaty for negotiation on the flanks), specifically because of Russia's non-fulfilment of its Istanbul commitments. Russia suspended its participation in CFE in December 2007, setting out five corrective steps to restore the Treaty, including agreement on:

...the parameters for "substantial combat forces" (under the 1997 Founding Act between Russian and NATO they must not be stationed on a permanent basis within foreign territories) and that the appropriate restraint be shown until this point.⁵⁸

Allies announced on 28 March 2008 a willingness to address Russia's concerns as part of the Parallel Actions Package, including to "develop a definition of the term 'substantial combat forces' as it is used in the NATO-Russia Founding Act."⁵⁹ However, NATO and Russia were unable to come to quick agreement on these actions. In response to the growing impasse, Russia circulated a proposed definition of SCF in the Joint Consultative Group in Vienna on 15 July 2008, limiting forces to 41 tanks, 188 armoured combat vehicles, and 90 pieces of artillery.⁶⁰ Talks ended a few weeks later with the Russia-Georgia war of August 2008 and Russia's subsequent declaration of the independence of the Georgian provinces of Abkhazia and South Ossetia. Russia's unilateral declaration put resolution of Russia's Istanbul Commitments out of reach.

On 29 November 2009, Russia tabled a draft European Security Treaty in the OSCE and in capitals that mentions the SCF pledge, but did not provide any definition of size or duration. Specifically, Article 6 of the draft treaty includes a "renunciation of additional permanent stationing

of substantial combat forces abroad." Russia also attempted to define SCF as part of Russian Foreign Minister Lavrov's proposed NATO-Russia treaty on 4 December 2009.⁶¹ The draft "Agreement on Basic Principles Governing Relations among NATO-Russia Council Member States in the Security Sphere" limited deployments on the territory of NATO members that joined after 27 May 1997, defined permanent as more than 42 days, and sought to establish specific numerical limits on heavy equipment, at roughly the level of a light brigade, wing, or attack helicopter battalion on the territory of all other states in Europe, as well as giving Russia a veto over NATO deployments.⁶²

Conclusions

This analysis leads to five conclusions:

1. The SCF pledge (along with the 3-nos) predates the NATO-Russia Founding Act.
2. The SCF pledge was not intended as a permanent constraint, but rather as a temporary, politically binding measure, reflecting positive actions taken by Russia in the course of NRFA and ACFE negotiations. Its restraining role would be replaced by legally-binding limits in the ACFE Treaty.
3. The SCF pledge does not quantify the size of forces under the threshold of substantial, nor the duration of stationing under the threshold of permanent, but includes the assumption that some NATO forces and infrastructure would be stationed on the territory of any Ally without violating the pledge.

⁵⁸ "Russia suspends the observance of the CFE Treaty," Statement of the Russian Foreign Ministry, Moscow, 24 December 2007.

⁵⁹ "Statement by the North Atlantic Council on the Treaty on Conventional Armed Forces in Europe (CFE)," NATO Press Release (2008)047, Brussels, 28 March 2008.

⁶⁰ Dembinski, Matthias, Schmidt, Hans-Joachim, Schoch, Bruno, and Spanger, Hans-Joachim, "After the Caucasian War: Engaging, not Containing, Russia," PRIF Reports no. 86, 31 August, 2008 and the SIPRI Yearbook 2009: Armaments, Disarmament, and International Security, Stockholm, 2009.

⁶¹ Neuger, James, "NATO to Rebuff Russian Bid for Separate Treaty, Officials Say," Bloomberg, 18 January 2010.

⁶² Nassauer, Otfried, "The 2009 Lavrov Treaty: A NATO-Russia Proposal Never Discussed in Substance," Berlin Information-Center for Transatlantic Security, 30 April 2010, and Nopens, Patrick, "A New Security Architecture for Europe? Russian Proposals and Western Reactions Part II," Security Policy Brief, April 2010.



4. The SCF pledge does not differentiate among Allies by geography nor by the date of joining, but rather applies to the whole territory of the NATO Alliance.

5. Russia (and Belarus in the Istanbul Commitments) made reciprocal pledges of restraint on new permanent stationing of forces within its borders, though within strictly defined geographical limits.

These five conclusions have significant political implications. After the breakup of the Soviet Union, NATO Allies tried to incorporate the emerging states into the Euro-Atlantic security structures, and to adapt those structures as appropriate. For most of the states placed between Russia and the NATO Alliance, membership in NATO was the most logical solution to their security dilemma. For other states, neutrality or alignment with Russia were more suitable. Russia sought to adapt the security structure of the region, specifically the CFE Treaty, to align the states on its borders with its own foreign policy, and to find an accommodation with a growing NATO Alliance. NATO Allies sought to accommodate Russia by working together to adapt the CFE Treaty and to build a unique NATO-Russia structure through the NATO-Russia Founding Act.

However, NATO's efforts failed to satisfy Russia. Russia sought limits on NATO's military infrastructure and capabilities, both temporary deployments and permanent stationing, through a combination of the SCF pledge and the ACFE Treaty. Russia's efforts to limit NATO also failed, even during a period of relatively good relations. Subsequently, Russia's relationship with NATO soured significantly, as did its relationship with several key non-NATO states, culminating with its war with Georgia and its annexation of Ukrainian territory. After these actions, any prospect for entry-into-force of ACFE is impossible, and the temporary palliative provided by NATO's SCF assurances had long since lapsed in significance.

Allies, now confronted with a sharply deteriorating security situation across the Euro-Atlantic region,

are adapting to the possibility of attacks on NATO's eastern members. The NATO Wales Summit of 2014 was a landmark change in NATO's defence posture and mind-set, and the Warsaw Summit of 2016 will be another key milestone. In this context, Russia has accused NATO of violating the SCF promise in its assurance and adaptation measures. An examination of this historical record shows that NATO can remain well within the shared definition of the SCF pledge by stationing permanently up to a brigade on the territory of Poland, Hungary, and the Czech Republic. NATO's statements during its fourth and fifth waves of enlargement did not introduce any new limitations on stationing, and thus Allies are free to allow permanent stationing of NATO forces on its territory of up to a brigade in size. Nothing proposed for the Warsaw Summit comes near the level of the additional permanent stationing of a brigade on the territory of an Ally, thus NATO will remain in full compliance with any reasonable interpretation of the SCF pledge.

Further questions are raised by the applicability of the NATO's SCF pledge in the current security environment. The SCF pledge, as well as its subsequent repetitions and elaborations, all came with an important caveat: "in the current and foreseeable security environment." That security environment – of the Euro-Atlantic area in March 1997 – has changed radically from when the statement was written. Many of the conditions that defined Russia's behaviour at the time, including the ongoing withdrawal of its forces from Eastern Europe, the positive changes in its military doctrine, and the reduction in the overall size of its forces, have all been reversed. In addition, Russia's violation of the Helsinki Final Act in carving out so-called independent states in Georgia and its annexation of Crimea, as well as its refusal to withdraw its remaining forces from Moldova and its proxy war in Ukraine's eastern provinces, are all changes to the security environment that were not foreseen in 1997. In addition, Russia's concomitant pledges on restraint have been ignored by the international community, further calling the validity and applicability of NATO's pledge into question.



Revoking the NATO-Russia Founding Act will not eliminate NATO's self-imposed obligation regarding SCE. The North Atlantic Council, or NATO Ministers, or NATO Heads of State and Government, would have to decide on its abrogation to be clear of it. As this paper has demonstrated, nothing NATO has done or plans to do would require making such a decision, but certainly the option is available.