

13. Conventional arms control

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I. Introduction

In 2001 there were a number of positive changes in the multilateral and regional conventional arms control regimes. The general trend was a focus by the international community on regional and domestic sources of conflict and relevant arms control measures, particularly operational measures. In Europe the focus was on the implementation of agreed measures and, after the 11 September terrorist attacks on the United States, the search for new approaches to the politico-military dialogue.

The second conference to review the operation of the 1990 Treaty on Conventional Armed Forces in Europe (CFE Treaty) was held in 2001. Russia's continued non-compliance with its agreed flank levels has hindered the entry into force of the 1999 Agreement on Adaptation of the CFE Treaty (Agreement on Adaptation). However, Russia has met its commitments regarding troop withdrawals from Moldova. In Georgia the future of one Russian military base and the continued presence of Russian forces remain to be resolved. The Balkan arms control regimes worked well, and the agreement on regional stabilization 'in and around Yugoslavia' was successfully concluded. Regional and bilateral confidence- and security-building measures (CSBMs) continued to work smoothly, and new bilateral CSBMs were introduced in Europe. The Organization for Security and Co-operation in Europe (OSCE) military doctrine seminar evaluated the new threats and challenges and identified possible additional directions for the work of the OSCE in the CFE zone of application. After years of deadlock the 1992 Treaty on Open Skies entered into force on 1 January 2002, after Belarus and Russia ratified it in 2001.

The number of parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (APM Convention) continued to increase. The Second Review Conference of the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (CCW Convention or 'Inhumane Weapons Convention') extended the application of the convention to domestic armed conflicts.

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Table 13.1. CFE and CFE-1A ceilings and holdings in the ATTU zone, as of 1 January 2002^a

| State | Tanks | | ACVs | | Artillery | | Aircraft | | Helicopters | CFE 1A Manpower | | |
|-------------|----------|----------|----------|----------|-----------|----------|----------|----------|-------------|-----------------|-----------|----------|
| | Ceilings | Holdings | Ceilings | Holdings | Ceilings | Holdings | Ceilings | Holdings | Ceilings | Holdings | Ceilings | Holdings |
| Armenia | 220 | 110 | 220 | 146 | 285 | 229 | 100 | 6 | 50 | 7 | 60 000 | 44 618 |
| Azerbaijan | 220 | 220 | 220 | 210 | 285 | 282 | 100 | 48 | 50 | 15 | 70 000 | 69 966 |
| Belarus | 1 800 | 1 608 | 2 600 | 2 507 | 1 615 | 1 471 | 294 | 212 | 80 | 58 | 100 000 | 79 870 |
| Belgium | 334 | 146 | 1 005 | 743 | 320 | 270 | 232 | 135 | 46 | 46 | 70 000 | 39 123 |
| Bulgaria | 1 475 | 1 475 | 2 000 | 1 885 | 1 750 | 1 738 | 235 | 232 | 67 | 43 | 104 000 | 54 495 |
| Canada | 77 | 0 | 263 | 0 | 32 | 0 | 90 | 0 | 13 | 0 | 10 660 | 0 |
| Czech Rep. | 957 | 622 | 1 367 | 1 241 | 767 | 585 | 230 | 112 | 50 | 34 | 93 333 | 49 491 |
| Denmark | 353 | 238 | 336 | 311 | 503 | 479 | 106 | 68 | 18 | 12 | 39 000 | 25 293 |
| France | 1 306 | 1 084 | 3 820 | 3 339 | 1 292 | 764 | 800 | 588 | 374 | 284 | 325 000 | 184 988 |
| Georgia | 220 | 90 | 220 | 114 | 285 | 109 | 100 | 7 | 50 | 3 | 40 000 | 40 000 |
| Germany | 4 609 | 2 460 | 3 281 | 2 382 | 2 445 | 1 725 | 900 | 386 | 280 | 202 | 345 000 | 271 806 |
| Greece | 1 735 | 1 735 | 2 498 | 2 176 | 1 920 | 1 901 | 650 | 523 | 65 | 20 | 158 621 | 158 621 |
| Hungary | 835 | 743 | 1 700 | 1 478 | 840 | 834 | 180 | 92 | 108 | 49 | 100 000 | 33 408 |
| Italy | 1 348 | 1 253 | 3 339 | 2 934 | 1 955 | 1 404 | 650 | 497 | 142 | 133 | 315 000 | 173 522 |
| Kazakhstan | 50 | 0 | 200 | 0 | 100 | 0 | 15 | 0 | 20 | 0 | 0 | 0 |
| Moldova | 210 | 0 | 210 | 209 | 250 | 148 | 50 | 0 | 50 | 0 | 20 000 | 7 227 |
| Netherlands | 743 | 328 | 1 040 | 689 | 607 | 392 | 230 | 143 | 50 | 14 | 80 000 | 37 981 |
| Norway | 170 | 141 | 275 | 245 | 491 | 184 | 100 | 72 | 24 | 0 | 32 000 | 14 733 |
| Poland | 1 730 | 1 144 | 2 150 | 1 392 | 1 610 | 1 482 | 460 | 207 | 130 | 111 | 234 000 | 162 693 |
| Portugal | 300 | 187 | 430 | 353 | 450 | 363 | 160 | 101 | 26 | 0 | 75 000 | 36 751 |
| Romania | 1 375 | 1 258 | 2 100 | 2 051 | 1 475 | 1 384 | 430 | 204 | 120 | 22 | 230 000 | 109 143 |
| Russia | 6 350 | 5 066 | 11 280 | 9 647 | 6 315 | 5 874 | 3 416 | 2 406 | 855 | 523 | 1 450 000 | 650 802 |
| Slovakia | 478 | 272 | 683 | 534 | 383 | 374 | 100 | 79 | 40 | 19 | 46 667 | 32 366 |
| Spain | 891 | 698 | 2 047 | 1 002 | 1 370 | 1 054 | 310 | 191 | 80 | 28 | 300 000 | 160 372 |
| Turkey | 2 795 | 2 445 | 3 120 | 2 831 | 3 523 | 2 990 | 750 | 343 | 130 | 28 | 530 000 | 515 749 |
| Ukraine | 4 080 | 3 895 | 5 050 | 4 725 | 4 040 | 3 705 | 1 090 | 855 | 330 | 205 | 450 000 | 305 000 |
| UK | 1 015 | 608 | 3 176 | 2 344 | 636 | 459 | 900 | 511 | 356 | 267 | 260 000 | 206 762 |
| USA | 4 006 | 657 | 5 152 | 1 639 | 742 | 327 | 784 | 228 | 396 | 132 | 250 000 | 98 232 |

^a Iceland and Luxembourg have no TLE in the application zone.

Source: *Conventional Armed Forces in Europe (CFE): A Review and Update of Key Treaty Elements* (US Department of State: Washington, DC, Jan. 2002).

II. European arms control

European arms control remains the most advanced regime of its type worldwide. In the past 12 years it has evolved remarkably, embracing pan-European, regional, structural and operational measures and mechanisms to address the emerging threats and challenges in Europe. European arms control has reduced the threat of large-scale military attack and has enhanced confidence, cooperation and mutual reassurance in Europe.

The Treaty on Conventional Armed Forces in Europe

The 1990 CFE Treaty set equal ceilings within its Atlantic-to-the-Urals (ATTU) zone of application on the major categories of heavy conventional armaments and equipment of the groups of states parties—originally the members of the North Atlantic Treaty Organization (NATO) and the Warsaw Treaty Organization (WTO). There are 30 parties to the CFE Treaty.¹ The main reduction of excess treaty-limited equipment (TLE) was carried out in three phases from 1992 to 1995. In January 2002 Russia appeared not to object to the Baltic states joining NATO, provided that they first become parties to the CFE Treaty.²

The 1999 Agreement on Adaptation introduced a new regime of arms control that discards the bipolar concept of a balance of forces. It is based on national and territorial ceilings, codified in the agreement's protocols as binding limits, and opens the CFE Treaty to European states which are not yet parties.³ The agreement has not entered into force, mainly because of the refusal of the NATO and other states to ratify it in the face of Russia's continuing violation, in the North Caucasus, of the provisions of the CFE Treaty. Only Belarus has ratified the Agreement on Adaptation and deposited its instrument of ratification with the depositary, the Netherlands. The CFE Treaty and the associated documents and decisions therefore continue to be binding on all parties, and the Joint Consultative Group (JCG)—established to monitor implementation, resolve issues arising from implementation and consider measures to enhance the viability and effectiveness of the CFE Treaty—continues to prepare for the entry into force of the Agreement on Adaptation.

By 1 January 2001 more than 63 500 pieces of conventional armaments and equipment within and outside the ATTU zone had been scrapped or converted to civilian use by the parties, with many parties reducing their holdings to

¹ The parties to the CFE Treaty are listed in annex A in this volume. For discussion of conventional arms control in Europe before 1999 see the relevant chapters in previous editions of the SIPRI Yearbook. For the text of the CFE Treaty and Protocols see Koulik, S. and Kokoski, R., SIPRI, *Conventional Arms Control: Perspectives on Verification* (Oxford University Press: Oxford, 1994), pp. 211–76; and the OSCE Internet site at URL <<http://www.osce.org/docs/english/1990-1999/cfe/cfetreat.htm>>.

² Interfax (Moscow), 11 Jan. 2002, in 'Moscow sources: Russia may quit arms treaty if Baltic states join NATO', Foreign Broadcast Information Service, *Daily Report—Central Eurasia (FBIS-SOV)*, FBIS-SOV-2002-0111, 11 Jan. 2002. As of Apr. 2002 there was no official Russian position on this issue. The view of the NATO states is that no formal linkage can exist between NATO enlargement and the CFE.

³ For the text of the Agreement on Adaptation see *SIPRI Yearbook 2000: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2000), pp. 627–42.

lower levels than required. Data on CFE ceilings and holdings in the treaty application zone as of 1 January 2002 are presented in table 13.1.

The Second CFE Review Conference

In accordance with Article XXI of the CFE Treaty, the Second Conference to Review the Operation of the Treaty on Conventional Armed Forces in Europe and the Concluding Act of the Negotiation on Personnel Strength (CFE-1A) was held in Vienna on 28 May–1 June 2001. The aim of the conference was to assess the implementation of the CFE Treaty and its associated documents since the first review conference, which was held in 1996.⁴ The general assessment by the parties was that the regime has operated in a satisfactory manner. The participants reaffirmed all of the obligations and commitments undertaken at the 1999 OSCE Istanbul Summit Meeting.⁵ They also noted that some issues required further consideration and resolution in the JCG, including treaty operation and implementation, unaccounted-for and uncontrolled treaty-limited equipment (UTLE), other non-compliance matters and arrangements for the entry into force of the Agreement on Adaptation of the CFE Treaty.⁶

Treaty operation and implementation issues

The second review conference addressed issues related to entry into force and focused on updating the Protocol on Existing Types of Conventional Armaments and Equipment (POET) before entry into force of the Agreement on Adaptation. The parties have modernized their arsenals, removing various types, models and versions of equipment and introducing new ones. Since some treaty definitions are unclear or ambiguous, different national interpretations of the definitions have developed, resulting in different national implementation practices. If the list of weapons to be covered by the adapted treaty is not clarified this will cause political and legal problems, hamper the work of inspectors and cause ambiguity and friction. It will also complicate the accession of new parties after entry into force of the adapted treaty, since they would probably possess new types of equipment. The second review confer-

⁴ The Final Document of the First Conference to Review the Operation of the Treaty on Conventional Armed Forces in Europe and the Concluding Act of the Negotiation on Personnel Strength, Vienna, 31 May 1996; and Annex A, Document agreed among the States Parties to the Treaty on Conventional Armed Forces in Europe of 19 November 1990 (the Flank Document) are reproduced in *SIPRI Yearbook 1997: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 1997), pp. 511–17.

⁵ OSCE, Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe, Istanbul, 17 Nov. 1999. The text is reproduced as appendix 10B in *SIPRI Yearbook 2000* (note 3), pp. 642–46.

⁶ Formal Conclusions of the Second Conference to Review the Operation of the Treaty on Conventional Armed Forces in Europe and the Concluding Act of the Negotiation on Personnel Strength, CFE document CFE.DOC/1/01, 1 June 2001. The conference was chaired by Italy. For a detailed analysis of the Second CFE Review Conference see Dunay, P., 'Der KSE-Prozess nach der Zweiten Überprüfungs-konferenz des Vertrags' [The CFE process after the Second Review Conference of the Treaty], *OSZE-Jahrbuch 2001: Jahrbuch zur Organisation für Sicherheit und Zusammenarbeit in Europa (OSZE)* (Nomos Verlagsgesellschaft: Baden-Baden, 2001), pp. 321–40.

ence therefore urged the JCG to update POET in line with the agreement reached at the first review conference: to correct any inaccuracies, including removal of types, models and versions of equipment that do not meet the treaty criteria;⁷ to discuss an annual update by the JCG, if appropriate; and to consider the creation of an electronic version of the lists in all official languages.

Other implementation issues were discussed, including limitations and related treaty obligations, interpretation of treaty counting rules, notifications and exchange of information, verification, and preparation for entry into force of the Agreement on Adaptation and its implementation.⁸

Special emphasis was put on the issue of UTLE. This type of equipment is present in several places in the area of application: in Nagorno-Karabakh (Armenia/Azerbaijan), the Abkhazia and Tshinkvali region and South Ossetia (Georgia), and the Trans-Dniester region (Moldova). Resolution of the UTLE issue lies in achieving a political settlement in these regions rather than in military–technical arrangements. The parties noted that this situation adversely affects the CFE regime and promised to continue to address the issue in the JCG, as tasked by the first review conference. In 2001, as in previous years, there remained an unresolved discrepancy of 1970 TLE items between actual levels and the aggregate amount of TLE that the eight former Soviet republics were committed to destroy or convert based on Soviet data submitted at the signing of the CFE Treaty in 1990. Most of the UTLE is believed to be derelict or not under government control in the Caucasian states.

Although abiding by its overall treaty limitations,⁹ since 31 May 1999 Russia had been in breach of the 1996 Flank Document.¹⁰ Its holdings of TLE in the flank zone exceeded the agreed limits, although the excess of equipment has been progressively diminishing. The Second CFE Review Conference acknowledged that Russia had met its obligations regarding equipment east-of-the-Urals under Annex E of the 1996 Flank Document.¹¹ Russia had completed the destruction of the total quantity of TLE necessary to meet its commitments and continued to scrap 2300 tanks, as required.

⁷ According to the chairman of the POET Working Group, the goal should be a comprehensive update of the protocol including: adding new types of equipment, deleting possible types that do not meet treaty definitions, renaming types that are listed under the wrong names, reclassifying types that are listed under the wrong categories/subcategories, and identifying types that are no longer in operational service. Joint Consultative Group document JCG.TOI/10/01, 30 Oct. 2001.

⁸ Denmark cited the occasional lack of common understanding of treaty definitions, instances of refusal to allow inspection of areas associated with declared sites, the taking of photographs during inspections, etc. The problem of the status of some TLE at Russian repair facilities as ‘not combat capable’ also remains unsettled. Denmark declared that its aim was not to criticize but to ‘make practice correspond better’ to the spirit and letter of the CFE Treaty. Delegation of Denmark to the OSCE, Opening Statement, Second Review Conference of the CFE Treaty, Second Review Conference document RC.DEL/22/01, 28 May 2001.

⁹ In 2000 and 2001 Russia was requested to clarify its movements of artillery systems in order to alleviate concern that it might be exceeding its treaty limits.

¹⁰ See note 4.

¹¹ CFE, Final Document (note 4), Annex E: Statement of the Representative of the Russian Federation to the Treaty on Conventional Armed Forces in Europe. Annex E is reproduced in *SIPRI Yearbook 1997* (note 4), pp. 515–17. Under its 14 June 1991 political commitment, the Soviet Union was to reduce a total of 14 500 items outside the ATTU zone.

In October Ukraine announced the completion of its reduction obligations under the extended deadline for conversion of some of its TLE. In 2001 it converted the remaining 131 ACVs.¹² There was also a dispute between Azerbaijan and Armenia about an alleged inconsistency in the Armenian data furnished to the JCG concerning the number of 'recovered' tanks.¹³

The JCG Group on Treaty Operation and Implementation (TOI) continued to work on such issues as the distribution of inspection costs between the inspected and inspecting states parties, establishing the notification formats that will be required to implement the Agreement on Adaptation,¹⁴ declared site diagrams and access within declared sites. The TOI Group agreed on formats for scheduled and ad hoc notification and exchange of information, and formats for certain verification activities were actively considered at the end of 2001. However, although some progress was made, the problem of 'paid' (i.e., conducted at the expense of the inspecting or observing party) inspections was not resolved.¹⁵

Russian non-compliance with flank limitations

Since the autumn of 1999 the Russian equipment in Chechnya have exceeded the numbers allowed by the CFE Treaty's flank limitations. Russia has also sought to ensure its CFE partners that the increase in equipment was of a temporary nature and has gradually reduced its TLE quantities. On 22 January 2001, President Vladimir Putin announced a plan to hand over responsibility for operations in Chechnya to the Federal Security Service (Federal'naya Sluzhba Bezopasnosti, FSB) and to reduce Russia's armed forces in Chechnya to a 15 000-man army division and 7000 internal security troops. Neither a timetable nor details of equipment reduction were provided.¹⁶ However, in the light of the hostilities in Chechnya, Putin stopped the troop withdrawals in early May.

At the second review conference Russia provided new data indicating that the quantity of its equipment in the flank zone had decreased considerably to 100 armoured combat vehicles (ACVs) in excess of the agreed level (see table 13.2). Russia referred to the 'obviously tangible tendency towards full implementation of the flank obligations' and called on other states to follow

¹² Ukraine converted 121 BMP-1 AIFVs and 10 BTR-60 APCs to civilian use. Joint Consultative Group document JCG.Jour/438, 23 Oct. 2001.

¹³ In Oct. 2001 Armenia informed the JCG about 8 additional T-54/55 tanks 'recovered from various parts retrieved from the scene of border clashes' in 1992-94. Azerbaijan claimed that the notified loss of tanks by Armenia concerned T-72s exclusively. Armenia replied that it had recovered the tanks from the Azerbaijani losses. Joint Consultative Group documents JCG.DEL/29/01, 30 Oct. 2001; JCG.DEL/30/01, 6 Nov. 2001; and JCG.DEL/32/01, 13 Nov. 2001.

¹⁴ The CFE adaptation process resulted in additional inspections equal to 25% of the passive declared site inspection quota of the states, which are to be conducted at the expense of the inspecting state.

¹⁵ Letter from the Chairman of the Joint Consultative Group to the Minister of Foreign Affairs of Romania, Chairman of the Ninth Meeting of the Ministerial Council of the OSCE, Joint Consultative Group document JCG.DEL/37/01/Rev.1, 27 Nov. 2001.

¹⁶ 'Putin scaling down war despite new fighting', *New York Times* (Internet edn), 23 Jan. 2001, URL <<http://www.nytimes.com/2001/01/23/world/23RUSS.html>>.

the example of Belarus and ratify the Agreement on Adaptation; Russia also reiterated its intention to do so.¹⁷ In addition, Russia warned against harming the CFE Treaty by withdrawal from key non-proliferation and nuclear arms control agreements, upsetting the complex balance of military capabilities in Europe as a whole or in specific regions, using or threatening the use of force without the sanction of a United Nations Security Council resolution or conducting an ill-advised bloc policy. Russia cautioned against admitting the Baltic states to NATO because of the potentially adverse effect on the key provisions of the CFE Treaty, especially those concerning the flank and the Central European stability zone.¹⁸

The parties welcomed Russia's provision of new information. However, most delegations demanded that Russia supply more data and be more transparent in a manner consistent with CFE counting rules and procedures, including additional inspections to monitor the TLE withdrawals.¹⁹ The NATO countries insisted that the often repeated Russian commitments concerning the flank zone (prompt reduction of Russian holdings to agreed levels) must be met before they initiate national ratification processes.

The change in the Russian–US relationship in the wake of the 11 September terrorist attacks and the US decision, on 13 December, to withdraw from the 1972 Treaty on the Limitation of Anti-Ballistic Missile Systems (ABM Treaty) affected the evolution of Russia's position on European security.²⁰ In November, the Russian delegate to the JCG announced that the Russian Defence Ministry had approved plans to finalize reductions of the Russian forces in North Caucasus in line with the agreed flank ceilings.²¹ In January 2002 Russia announced that it had complied with the agreed limitations and renewed its call for the NATO states to ratify the Agreement on Adaptation.²²

Withdrawal of Russian TLE from Georgia

At the Istanbul OSCE Summit Meeting Russia pledged that it would reduce the level of its heavy ground weapons on Georgian territory to the equivalent of a brigade.²³ The Russian TLE located at Vaziani and Gudauta (Abkhazia)

¹⁷ Statement by the Director of the Department for Security Affairs and Disarmament Issues, Russian Ministry of Foreign Affairs Yuri S. Kapralov, delivered at the Second CFE Review Conference, Second Review Conference document RC.DEL/23/01, 28 May 2001. Ukraine also ratified the Agreement on Adaptation but did not deposit its instrument of ratification.

¹⁸ Kapralov (note 17).

¹⁹ E.g., the US representative demanded that 'the excess Russian holdings and "temporary presence" must be eliminated in a way that Treaty partners can readily understand and verify'. Opening remarks. Assistant Secretary of State Avis. T. Bohlen, Second Review Conference document RC.DEL/1/01/Rev.1, 28 May 2001.

²⁰ See chapter 10 in this volume.

²¹ Joint Consultative Group document JCG.DEL/38/01, 28 Nov. 2001.

²² Russia also reportedly suggested further changes in the adapted CFE Treaty regime, including tougher restrictions on combat aircraft and more stringent regulations regarding temporary deployments of NATO forces in areas adjacent to Russia. Interfax (Moscow), 11 Jan. 2002, in 'Russia expects NATO to ratify adapted treaty on conventional forces', FBIS-SOV-2002-0111, 11 Jan. 2002.

²³ OSCE (note 5); and *SIPRI Yearbook 2000* (note 3), p. 646. The basic temporary deployment is 153 tanks, 241 ACVs and 140 artillery pieces.

Table 13.2. Russian entitlements and holdings in the flank zone under the 1999 Agreement on Adaptation, 1999–2002

| | Tanks | ACVs | Artillery |
|--|-------|-------|-----------|
| Territorial sub-limits for revised flank zone ^a | 1 300 | 2 140 | 1680 |
| <i>Holdings in the revised flank</i> | | | |
| Oct. 1999 | 1 493 | 3 534 | 1 985 |
| July 2000 | 1 442 | 3 017 | 1 857 |
| Nov. 2000 | 1 327 | 2 790 | 1 746 |
| May 2001 | 1 304 | 2 246 | 1 609 |
| Jan. 2002 | 1 294 | 2 044 | 1 557 |

ACVs = armoured combat vehicle

^a In the Leningrad military district (MD), excluding the Pskov *oblast* (region); and in the North Caucasus MD, excluding: the Volgograd *oblast*; the Astrakhan *oblast*; that part of the Rostov *oblast* east of the line extending from Kushchevskaya to the Volgodonsk *oblast* border, including Volgodonsk; and Kushchevskaya and a narrow corridor in Krasnodar *kray* (territory) leading to Kushchevskaya.

were scheduled to be removed, and those two bases as well as the repair facilities at Tbilisi were to be closed by 1 July 2001. Georgia agreed that Russia could temporarily deploy TLE at the Batumi and Akhalkalaki bases. The OSCE established a voluntary fund to help Russia finance the withdrawal of forces, and several OSCE states have contributed to it.²⁴ By the end of 2000 Russia had completed the scheduled reductions and destroyed additional quantities of heavy ground weapons.²⁵

The withdrawal is complicated by the volatile situation in Georgia and near its borders. Progress was slowed in 2001 by accusations by Georgia and Russia against each other in the JCG and by a lack of dialogue between the two states. In the first half of 2001 the future use of the Vaziani and Gudauta bases remained unresolved, as did the issue of the long-term presence of Russian forces in Batumi and Akhalkalaki. Russia handed over control of its Vaziani base to Georgia on 29 June 2001, but it failed to pull out of the Gudauta base by 1 July. The failure was alleged to be ‘beyond the control of the Russian side’ and because of the ‘opposition of [the] local Abkhaz and Russian population and [the] lack of conditions for a safe withdrawal of the Russian personnel and military equipment, which the Abkhaz armed forces could take possession of and use in new hostilities against Georgia’.²⁶ Russia

²⁴ OSCE, Final Act (note 5), para. 19.

²⁵ Lachowski, Z., ‘Conventional arms control’, *SIPRI Yearbook 2001: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2001), pp. 556–57.

²⁶ Interfax (Moscow), 2 July 2001, in ‘Russia defends itself against Georgian criticism of slow troop withdrawal’, FBIS-SOV-2001-0702, 2 July 2001; and Radio Free Europe/Radio Liberty, ‘Russia hands over one military base to Georgia on schedule’ and ‘... But not a second’, Radio Free Europe/Radio Liberty, *RFE/RL Newslines*, 2 July 2001, URL <<http://www.rferl.org/newsline/2001/07/020701.asp>>. Russian Foreign Minister Igor Ivanov suggested that ‘with the support of Chechen and international terrorists, the Georgian side provoked hostilities in Abkhazia, which clearly made it even more difficult

proposed that 300 Russian military personnel be permitted to remain at the base to conduct peace operations and guard equipment. Georgia rejected the demand as unacceptable, and the two governments held talks to find a compromise, such as allowing Russian troops to remain temporarily at Gudauta. In early November Russia declared that the military base had been dismantled and the troops withdrawn. However, Georgia alleged that Russia had not complied with transparency measures regarding the remaining Russian military personnel at Gudauta and the schedule for the pullout. Georgia refused to confirm the Russian withdrawal pending the resolution of these and related issues. In December the OSCE called for the resumption of Georgian–Russian negotiations concerning transparency measures with regard to the closure of the base at Gudauta.²⁷ The terms of the Russian withdrawal from Batumi and Akhalkalaki have not been agreed. Georgia has proposed a three-year withdrawal period; Russia has suggested a 14-year withdrawal schedule.²⁸ The situation was complicated in October by allegations that Chechen military forces were fighting alongside Georgian partisans in the breakaway province of Abkhazia.²⁹ Talks between Georgian and Russian experts were resumed in the JCG in February 2002.

The issue of Russian TLE in Moldova

Under its 1994 constitution, Moldova is permanently neutral and refuses to host foreign forces on its territory. However, the 1994 agreement with Russia on the withdrawal of Russian troops has not entered into force. At the 1999 Istanbul OSCE Summit Meeting, Russia pledged to withdraw and/or destroy Russian treaty-limited conventional armaments and equipment by the end of 2001 and to pull out its troops by the end of 2002.³⁰ A decision was taken to facilitate the withdrawal and destruction of Russian armaments and to establish an OSCE-administered fund for that purpose.³¹

The OSCE and other Western states have repeatedly criticized Russia for lack of progress in the withdrawal of its troops and armaments from the Trans-Dniester region, noting that the last shipment of Russian arms and military equipment from the region was in November 1999. Concerns have been expressed regarding Russia's ability to meet the schedule for withdrawals. However, Russia has consistently stated that it will carry out its CFE/OSCE commitments (weapon destruction or withdrawal plus disposal of some 42 000 tonnes of Soviet-vintage munitions). Russia blamed the delay on inadequate funds, the unsettled relations between Moldova and its separatist Trans-

to reach agreement with Sukhumi'. Letter of the Minister of Foreign Affairs of the Russian Federation, 12 Nov. 2001, OSCE document SEC.DEL/29/01, 15 Nov. 2001 (in Russian).

²⁷ Decision no. 2, Statements by the Ministerial Council, (2), OSCE Ministerial Council, Bucharest, 2001, OSCE document MC(9).DEC/2, 4 Dec. 2001.

²⁸ Interfax (Moscow), 9 June 2001, 'Georgia insists on withdrawal of Russian bases within three years', FBIS-SOV-2001-0609, 9 June 2001.

²⁹ 'Tensions between Russia and Georgia reach new heights', *Financial Times*, 12 Oct. 2001, p. 7.

³⁰ OSCE, Final Act (note 5), para. 19. The c. 42 000 tonnes of ammunition stored in the Trans-Dniester region pose a grave threat to this unstable region.

³¹ OSCE, Final Act (note 5), para. 19.

Dniester region, the obstruction of the Trans-Dniester administration and its economic demands. Following confirmation that the OSCE would fund the disposal of the Russian armaments remaining in eastern Moldova, the destruction of heavy weapons at the Operative Group of Russian Forces (the former 14th Army) base in Tiraspol began in June, under the supervision of the OSCE Mission to Moldova.³² In July and August significant progress was made in the dismantling and withdrawal of 108 T-64 tanks, 131 ACVs and 125 heavy artillery pieces. After a brief pause in early September the reduction process was renewed, and the opposition of the Tiraspol authorities was overcome by a deal with Russia for the reduction of the Trans-Dniester region's debt. In mid-November Russia announced the completion of the withdrawal of its TLE from Moldova.³³ The announcement was welcomed by the OSCE, which expressed its expectation that the withdrawal would be officially confirmed at the Bucharest OSCE ministerial meeting in December 2001.³⁴ The Ministerial Council in Bucharest commended Russia on accomplishing the withdrawal ahead of schedule, which it hailed as a model for constructive and fruitful cooperation in dealing with other issues.³⁵

Regional arms control in Europe

Arms control in the Balkans is designed to play an important stabilizing role in post-conflict security building.³⁶ The 1996 Agreement on Sub-Regional Arms Control (Florence Agreement, also known as the Article IV Agreement)—signed by Bosnia and Herzegovina and its two entities (the Muslim-Croat Federation of Bosnia and Herzegovina and the Republika Srpska) Croatia and the Federal Republic of Yugoslavia (FRY, Serbia and Montenegro)—remains the only structural (i.e., dealing with arms reductions and limitations) regional arms control arrangement still operating below the European level.³⁷ The characteristic feature of this arms control agreement is that compliance with its terms is both monitored and assisted from outside by the international com-

³² 'OSCE submits plan to dispose of 40 000 tons of Russian munitions in Moldova', OSCE Press Release, 4 Oct. 2001, URL <http://www.osce.org/news/generate.php3?news_id=2026>

³³ According to the Russian military, all the equipment was to be transferred beyond the Urals. ITAR-TASS (Moscow), 14 Nov. 2001, in 'Russia fulfils obligation to withdraw weapons from Dniester region', FBIS-SOV-2001-1114, 14 Nov. 2001.

³⁴ 'US statement on removal of Russian equipment from Moldova', *Washington File*, 23 Nov. 2001, URL <<http://usinfo.state.gov/cgi-bin/washfile/display.pl?p=/products/washfile/topic/intrel&f=01112301.wpo&t=/products/washfile/newsitem.shtml>>.

³⁵ These issues include the withdrawal from the Trans-Dniester region of the Russian equipment not limited by the CFE Treaty and the withdrawal or destruction of ammunition belonging to Russia. Decision no. 2 (note 27).

³⁶ Under the terms of the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement), 21 Nov. 1995, Annex 1-B, Agreement on Regional Stabilization, negotiations were launched with the aim of agreeing on CSBMs in Bosnia and Herzegovina (Article II), reaching an arms control agreement for the former Yugoslavia (Article IV) and establishing 'a regional balance in and around the former Yugoslavia' (Article V). The Agreement on Regional Stabilization is reproduced in *SIPRI Yearbook 1996: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 1996), pp. 241–43.

³⁷ In this section 'regional' in the OSCE context refers to areas below the CFE/OSCE level. The text of the Florence Agreement is reproduced in *SIPRI Yearbook 1997* (note 4), pp. 517–24.

munity. In contrast to the general situation in Europe, the military security of the subregion is built on a balance of forces among the local powers, which have not developed a satisfactory degree of security cooperation.

The Florence Agreement

In 2001 stability prevailed following two years of problems related to the implementation of the Florence (Article IV) Agreement. The quality of the annual exchange of information improved. The parties focused on the difficult issues of inspections by Bosnia and Herzegovina and exempted equipment (under Article III) and on voluntary reductions of holdings in the five categories of weapon covered by the agreement. Inspections, with one group of exceptions, were carried out with relative ease, and OSCE assistants took part as observers in most inspections.

Two major issues are unresolved. The first issue concerns inspections by Bosnia and Herzegovina (the agreement gives all parties the right to carry out inspections). It has not been able to conduct such inspections because the Republika Srpska is blocking the inspections. The second issue is how to encourage the parties to reduce their levels of agreement-limited armaments (ALA) that are exempt from the counting rules and to lower their ceilings for ALA.³⁸

III. European CSBMs

In 2001 the implementation of the Vienna Document 1999 of the Negotiations on Confidence- and Security-Building Measures in Europe proceeded smoothly.³⁹ The eleventh Annual Implementation Assessment Meeting (AIAM) took place in Vienna on 26–28 February 2001. The delegations emphasized the need to adapt the document to changed circumstances, if necessary, rather than to renegotiate it. Many delegations stressed the importance of the 2000 OSCE Document on Small Arms and Light Weapons (SALW) and called for its early and full implementation.⁴⁰ The Forum for Security Cooperation (FSC) held extensive discussions on the SALW document in order to assist states in their preparation for the first information exchange, held on 30 June 2001. The FSC later decided to hold a SALW workshop in Vienna on 4–5 February 2002.⁴¹

³⁸ Annual Report on the Implementation of the Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina (Article II, Annex 1-B), and the Agreement on Sub-Regional Arms Control (Article IV, Annex 1-B, Dayton Peace Accords), 1 Jan.–30 Nov. 2001. Major General Claudio Zappulla (Italian Air Force), Personal Representative of the OSCE CIO, OSCE document CIO.GAL/71/01, 26 Nov. 2001.

³⁹ Vienna Document 1999 of the Negotiations on Confidence- and Security-Building Measures, OSCE document FSC.DOC/1/99, 16 Nov. 1999.

⁴⁰ The text of the document is reproduced in *SIPRI Yearbook 2001* (note 25), pp. 590–98. The 2001 UN conference on the illicit trade of SALW is discussed in appendix 13A in this volume.

⁴¹ The decisions are presented in OSCE document FSC.DEC/5/01, 17 Oct. 2001; and OSCE document FSC.DEC/8/01, 28 Nov. 2001.

Workshops were held on the 1994 OSCE Code of Conduct on Politico-Military Aspects of Security⁴² (in Switzerland and Ukraine) and the Global and Annual Exchanges of Military Information (GEMI and AEMI, the latter within the purview of the Vienna Document 1999, held in Vienna).

As of 1 July 2001, the Netherlands no longer hosts the OSCE Communications Network, which the Dutch Ministry of Foreign Affairs has maintained for 10 years. The network, which has been relocated to Vienna, is vital to the CSBM/CFE notification and information exchange system. The FSC established a back-up procedure for the operation of the Communications Network until work on phase II of its modernization has been completed.⁴³ With Yugoslavia having joined the network, the number of connected participating states rose to 39.

The FSC decided that by December 2002 an information exchange of updated data relating to major weapons and equipment systems should be conducted in electronic form (on CD-ROM). The Conflict Prevention Centre (CPC) will be provided with a copy of the data exchange and will report on the implementation of the decision as well as coordinate the provision of technical assistance to participating states.⁴⁴

The fourth Vienna military doctrine seminar

The Vienna Document 1999 encouraged the participating states to 'hold periodic high-level military doctrine seminars similar to those already held'.⁴⁵ On 11–13 June 2001 the FSC held the fourth Vienna seminar on military doctrines and defence policies. It was attended by experts and high-level representatives from defence ministries, the military, other state institutions, policy-oriented organizations and academics. The seminar focused on: (a) changes and challenges in the security environment relevant to defence policy and military doctrine; (b) military doctrine and reforms of the armed forces; and (c) multi-lateral security approaches in the OSCE area.

The seminar addressed such general issues as the difference between threats and risks, the methodology of risk assessment and the causes of change in the security environment. Despite different perceptions and interpretations the participating states acknowledged the low threat of global military conflict and the greater potential for local wars and regional military conflicts as the result of inter-ethnic, territorial and religious differences. The seminar participants emphasized the threat of low-level regional conflicts, the proliferation of weapons of mass destruction, international and national terrorism, organized

⁴² Budapest Document 1994, Budapest Decisions IV, Code of Conduct on Politico-Military Aspects of Security, URL <<http://www.osce.org/docs/english/summite.htm>>.

⁴³ The central electronic mail server was relocated in early Sep., and operations resumed on 1 Oct. 2001. For details of the back-up procedure see OSCE document FSC.DEC/3/01, 20 June 2001.

⁴⁴ OSCE document FSC.DEC/6/01, 14 Nov. 2001.

⁴⁵ Vienna Document 1999 (note 39), chapter II, para. 15.7.

crime, and ecological and humanitarian disasters.⁴⁶ Most countries see the need to adapt their military doctrines and forces. Smaller, more flexible, more rapidly deployable, mobile, interoperable and self-sustained forces are considered better able to carry out missions with multiple functions and cooperate with civilian agencies (e.g., police) and organizations.

Four major directions of the future work of the FSC were outlined as a result of the seminar: (a) discussion of new risks and challenges with a view to agreeing a comprehensive OSCE approach to counter them; (b) the growing role of multinational structures in the OSCE area; (c) continued discussion of the evolution of military doctrines and security policies including presentation of the military doctrines by states at the FSC plenaries, further clarification of the nature and objectives of military doctrines and defence policies, the FSC contribution to the process of bringing closer military doctrines and the existing arms control regimes, the impact of the military and technological revolution on the possible use of force, strategic stability and arms control prospects, elaboration of a unified technology for the OSCE states used in their military doctrines and so on; and (d) adaptation of the FSC activities to the evolving OSCE security environment through better coordination of FSC and Permanent Council activities, adjustment to the new political and military activities (CSBMs for crisis situations, entrusting the Code of Conduct with some operational functions, such as with regard to peacekeeping operations and the like) and the elaboration of new CSBMs.⁴⁷ However, the chairman's conclusions are not binding, and in the latter part of 2001 they were overtaken by dramatic events. In the light of the terrorist attacks on the USA, the OSCE is certain to reassess the relationship between military doctrine and multilateral security cooperation with regard to prioritizing the tasks and missions of armed forces.

Enhancing security cooperation after 11 September

After the 11 September attacks discussion was initiated on how to combat terrorism using existing FSC instruments and documents, including CSBMs, and on the kind of new measures that ought to be developed.⁴⁸ There was discussion of the relevance of such documents as the OSCE Document on SALW, the Code of Conduct, the 1994 Principles Governing Non-Proliferation and the Conventional Arms Transfers Questionnaire.⁴⁹ The inclusion of the Vienna

⁴⁶ OSCE Forum for Security Co-operation, 4th Seminar on Military Doctrines and Defence Policies in the OSCE Area, Vienna, 11–13 June 2001, Report of the Working Session Rapporteur, OSCE document FSC.GAL/66/01, 13 June 2001.

⁴⁷ Summary Report by the Chairman of the 4th Seminar on Military Doctrines and Defence Policies in the OSCE Area to the OSCE Forum for Security Co-operation, OSCE document FSC.DEL/338/01, 4 July 2001.

⁴⁸ These issues were addressed in various proposals made at the FSC in the autumn of 2001 concerning the future role of the FSC and a new agenda for it. E.g., the Russian proposal, OSCE document FSC.JOUR/340, 19 Sep. 2001; the Slovenian chairmanship proposal, OSCE document FSC.DEL/441/01, 3 Oct. 2001; the EU proposal, OSCE document FSC.DEL/450/01/Rev. 1, 17 Oct. 2001; and the Swedish chairmanship draft proposal, OSCE document FSC.DEL/483/01/Rev 1., 20 Nov. 2001.

⁴⁹ OSCE Document on SALW (note 40); Code of Conduct (note 42), Principles Governing Non-Proliferation, CSCE Forum for Security Co-Operation, Vienna, 3 Dec. 1994, reproduced at URL <<http://>

Document 1999 was also suggested. The list, from which the FSC will need to select key documents, covers most agreed documents.

The OSCE Bucharest Ministerial Meeting decided to strengthen the role of the OSCE by making the Permanent Council the permanent forum for political dialogue among participating states. As the body responsible for reviewing the implementation of OSCE commitments and negotiating arms control and CSBMs, the FSC is to address the aspects of the new security environment which fall within its mandate and act to strengthen the politico-military dimension. It is intended to retain its autonomy and decision-making capacity but to work more closely with other OSCE bodies on security issues, provide expert advice to the Permanent Council and OSCE field operations and advise the Permanent Council or the Chairman-in-Office (CIO). In order to facilitate interaction between the Permanent Council and the FSC, the CIO will be represented at its Troika meetings, and the chairman of the FSC will be represented at Troika meetings on matters of FSC concern.⁵⁰ The Troika has proposed a 'road map' for the FSC in its efforts to combat terrorism.⁵¹

In the autumn of 2001 a Russian proposal that an expert meeting on terrorism be held under the auspices of the FSC was supported by many delegations. At the end of 2001 the FSC took a step towards reform by extending the duration of the chairmanship (to a four-month term).⁵²

The CSBM Agreement in Bosnia and Herzegovina

The 1996 Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina—negotiated under Article II of Annex 1-B of the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement)—outlines a set of measures to enhance mutual confidence and reduce the risk of conflict in the country. The parties to the agreement are Bosnia and Herzegovina and its two entities. Stability and peace remain dependent on a strong international engagement and presence. Several domestic factors also determine the level of military security. Formally, two separate armed forces exist, but in reality there are three because two components (the Croats and Bosnian Muslims) of the Federation of Bosnia and

www.fas.org/nuke/control/osce/text/NONPROLE.htm; 'Questionnaire on participating states' policy and procedures for the export of conventional arms and related technology', OSCE document FSC.DEC/10/95, Annex 2, 26 Apr. 1995, reproduced at URL <<http://projects.sipri.se/expcon/oscefscl16.htm>>. The participating states pledged, among other things, to use the FSC to strengthen their efforts to combat terrorism, to enhance the implementation of existing politico-military commitments and agreements (including the SALW and the Code of Conduct), and to examine the relevance of other documents. The Bucharest Plan of Action for Combating Terrorism, Annex to MC(9).DEC/1, Ninth Meeting of the Ministerial Council, Bucharest, 3–4 Dec. 2001.

⁵⁰ Decision no. 3, Fostering the Role of the OSCE as a Forum for Political Dialogue, MC(9).DEC/1, Ninth Meeting of the Ministerial Council, Bucharest, 3–4 Dec. 2001. The OSCE Ministerial Troika is composed of the current CIO, the CIO of the preceding year and the incoming CIO.

⁵¹ Decision no. 1, Combating Terrorism, MC(9).DEC/1, Ninth Meeting of the Ministerial Council, Bucharest, 3–4 Dec. 2001.

⁵² OSCE document FSC.DEC/9/01, 12 Dec. 2001.

Herzegovina have not been integrated. There is insufficient transparency in military budgets and the joint institutions are very weak.⁵³

In 2001 the greatest success was achieved under Measure XI, the programme of military contacts and cooperation. Three seminars were held by Finland, Germany and Romania for mid-level officers and senior non-commissioned officers, with the aim of introducing the OSCE Code of Conduct and the ways in which OSCE states have integrated it into their military doctrines and practice. Aerial observation exercises also proved successful. The parties have developed a protocol and measures that allow them to use military aircraft to support humanitarian missions. The original mandate was broadened from a mechanism to support a risk-reduction measure to encompass humanitarian assistance requirements within Bosnia and Herzegovina.

The issue of transparency in military budgets has also made considerable headway. The development of realistic defence budgets and defence postures is essential in this regard. Consequently, in December 2000 the Joint Consultative Commission (JCC) decided to proceed with an audit of the military budget of the Croat–Muslim Federation. The Federation completed its report and submitted it to both the CIO Personal Representative and the Head of the OSCE Mission to Bosnia and Herzegovina. Republika Srpska chose to abstain until the Federation's budget was completed, prepared its own internal audit and provided a report on it to the CIO Personal Representative. The process of improving budget transparency will continue in the future.

In contrast to the preceding two years, inspections were carried out almost without incident. One inspection was interrupted because of political turbulence, and one was not fully completed because of a coordination problem with the Stabilization Force (SFOR). As a result, the OSCE and SFOR changed their guidelines to allow greater flexibility. The parties therefore regarded these interruptions as minor, and the spirit of the agreement was maintained.

For several years, the parties have improved their exchanges of information. In mid-2001, they demilitarized equipment held in historical collections. The Protocol on Existing Types of Conventional Armaments and Equipment was reviewed and adopted at the third review conference, held on 19–21 February 2001. Recommendations were made to improve the Protocol on Notification and Exchange of Information. The parties also approved a new Protocol on Aerial Observation and updated the Protocol on Visits to Weapon Manufacturing Facilities. In addition, they agreed to update the Agreement on CSBMs by the summer of 2002 by incorporating the decisions taken since January 1996 by the JCC and the three review conferences. The parties agreed to maintain the CIO Personal Representative as the chairman of the JCC until the next review conference.⁵⁴

⁵³ The defence budget of Bosnia and Herzegovina amounts to about 6% of its gross domestic product. The country 'can in fact barely afford an army half of its current size'. 'Awareness raising campaign on military expenditure starts in Bosnia and Herzegovina', OSCE Press Release, 11 Oct. 2001.

⁵⁴ Annual Report (note 38); Annual Report 2001 on OSCE Activities (1 Nov. 2000–31 Oct. 2001), pp. 64–65; and Final Document of the Third Conference to Review the Implementation of the Agree-

Negotiations under Article V of the Agreement on Regional Stabilization

On 18 July 2001, the 20 states participating in the negotiations under Article V of the Agreement on Regional Stabilization, which aims to find lasting solutions for the regional stabilization of South-Eastern Europe ('in and around the former Yugoslavia'), reached consensus on a politically binding joint document. The Concluding Document of the negotiations ended a long and, at times, difficult negotiating process, which began in 1996 with the Article II and IV agreements. The original mandate of the negotiation—to bridge the arms control obligations of the parties to the Florence Agreement with the obligations of the neighbouring parties to the CFE Treaty—was not fully attained. Structural arms control measures were not addressed since certain participating states did not wish to address future arms control limitations until the time of their accession to the CFE Treaty. The participants also could not agree on a binding information exchange which would go beyond the existing obligations. Moreover, since many countries in the region are already parties to various bilateral and multilateral agreements and consider that their participation in the numerous organizations and initiatives effectively ensures their security, there was no major incentive to expand such measures. Finally, the admission of the FRY to the OSCE in November 2001 helped change the political situation and relax tensions and fears in the region.

As a result, the Concluding Document provides a list of voluntary CSBMs, for the most part inspired by Chapter X (regional measures) of the Vienna Document 1999. They cover defence-related information, expanded military contacts and cooperation, military activities, inspections and evaluations visits, demining and destruction of anti-personnel mines, and small arms and light weapons.

A commission of participating states was established to review the implementation of the measures, and the states undertook to cooperate closely with the 1999 Stability Pact for South Eastern Europe.⁵⁵ The measures took effect on 1 January 2002.⁵⁶

The Sub-Table on Defence and Security of the Stability Pact's Working Table III on Security Issues welcomed the conclusion of the Article V negotiation and stressed the need to establish close links between Working Table III and the Article V Commission, particularly through coordinated, regular joint meetings. The Regional Arms Control, Verification and Implementation

ment on Confidence- and Security-Building Measures in Bosnia and Herzegovina, Vienna, 19–21 Feb. 2001.

⁵⁵ The Stability Pact for South Eastern Europe is reproduced in *SIPRI Yearbook 2000* (note 3), pp. 214–20, and is available at URL <<http://www.stabilitypact.org/official%20Texts/PACT.HTM>>. A brief summary of the pact and the partners are listed in the glossary in this volume.

⁵⁶ The Concluding Document of the Negotiations under Article V of Annex 1-B of the General Framework Agreement for Peace in Bosnia and Herzegovina, ArtV.DOC/1/01, Vienna, 18 July 2001 is reproduced as appendix 13B in this volume. Statement by Ambassador Henry Jacolin, Special Representative of the OSCE for Article V (Regional Stability), at the Joint PC/FSC Meeting, Vienna, 19 July 2001.

Assistance Centre (RAVIAC) also declared its desire to contribute to the implementation of the accord.⁵⁷

New bilateral CSBM accords

The Vienna Document 1999 committed the participating states to pursue regional CSBM arrangements. In 2001 three new CSBM agreements were created: between Lithuania and Russia, Belarus and Lithuania, and Belarus and Ukraine.

The first agreement, established by the exchange of diplomatic notes on 19 January between the Lithuanian mission to the OSCE and the Russian delegation on Military Security and Arms Control in Vienna, provides for one additional evaluation visit to formations or units in Lithuania and Russia's Kaliningrad *oblast* and annual exchange of additional information about military forces on Lithuanian territory and the Kaliningrad *oblast*.⁵⁸ This accord symbolizes Russia's changing attitude towards its Baltic Sea neighbours and the will to allow more insight into the military activities of this formerly closed and heavily armed area.

The second agreement, in the form of a 19 July 2001 joint statement to the FSC,⁵⁹ envisages: one additional evaluation visit to assess military information and one additional inspection of the specified area in Belarus and Lithuania, above the quotas under the Vienna Document; exchange of additional information on the armed forces; provision of information concerning the 'most extensive military activity' being carried out on the territories of both countries which do not reach the Vienna Document notification thresholds; holding meetings of experts to assess implementation of these CSBMs; and possible automatic extension of the CSBM implementation after the end of the calendar year.⁶⁰

The third agreement was signed by Belarus and Ukraine on 16 October. It envisages: notification and observation of military activities in the border areas of both states;⁶¹ bilateral exchange of military information (deployments and activities at and above the level of regiment/brigade) in an agreed format;

⁵⁷ Working Table III on Security Issues. Fifth Meeting of the Working Table on Security Issues, Chairman's Conclusions, State Secretary Kim Travik, Budapest, 27–28 Nov. 2001. The Sub-Table on Defence and Security Issues has a supporting, facilitating and coordinating role in providing funding and resources for Article V measures. Arms control-related cooperation between Working Table III and the Article V forum is discussed in Lachowski (note 25), pp. 567–68.

⁵⁸ OSCE document FSC.DEL/20/01, 24 Jan. 2001. Russia was initially reluctant to respond to the 1998 Finnish–Swedish proposal to adopt the bilateral CSBM arrangements agreed by the other 8 states around the Baltic Sea. In 2000 Russia implemented bilateral CSBM accords (extra evaluation visit plus exchange of information) with Estonia and Finland.

⁵⁹ It also took the form of an exchange of notes between the 2 respective missions to the OSCE in Vienna.

⁶⁰ Joint Statement by the Permanent Delegation of the Republic of Belarus to the OSCE and the Permanent Representation of the Republic of Lithuania to the OSCE concerning additional confidence- and security-building measures at the Forum for Security Cooperation, OSCE document FSC.DEL/384/01, 19 July 2001.

⁶¹ The relevant parameters are: 42 days in advance; at least 5000 men; 100 tanks or 150 ACVs or 75 artillery pieces of 100 mm and above; or 50 sorties of combat aircraft and/or attack helicopters.

and a greater number of inspections and visits (one above the Vienna Document quotas in each instance). In addition, each side will inform the other about the use of military units exceeding the agreed levels in emergencies caused by a natural or technological disaster. They will meet at least once a year to assess the implementation of the agreement.⁶²

Poland and Ukraine have announced the negotiation of complementary CSBMs on the expansion of the scope of military information on planned activities, prior notification of certain military activities, observation, a greater number of evaluations and a joint assessment of the implementation of the measures.⁶³

The Treaty on Open Skies

The 1992 Treaty on Open Skies, based on a 1955 initiative by US President Dwight D. Eisenhower, was signed on 24 March 1992 by the members of NATO and the former Warsaw Treaty Organization.⁶⁴ The entry into force of the treaty was long blocked by the failure of Belarus and Russia to ratify this confidence-building instrument. It was 'held hostage' to other outstanding political and military issues (e.g., missile defence; the 1993 Treaty on Further Reductions and Limitations of Strategic Offensive Arms, START II Treaty; and the Comprehensive Nuclear Test-Ban Treaty, CTBT). Owing to Russia's change of policy in 2001, both states ratified the treaty and deposited their instruments of ratification on 2 November 2001. The treaty entered into force on 1 January 2002.⁶⁵

In the run-up to the entry into force of the treaty, the Open Skies Consultative Commission (OSCC) decided to establish three informal working groups on certification, sensors, and rules and procedures. The working group on certification started its work in November 2001.⁶⁶

Now that the treaty has entered into force additional OSCE states may apply for participation in the Open Skies regime until 1 July 2002, and after that any

⁶² Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Belarus on additional confidence- and security-building measures, Kiev, 16 Oct. 2001, submitted to the FSC, OSCE document FSC.DEL/476/01, 7 Nov. 2001.

⁶³ Statement by Poland and Ukraine at the AIAM, Vienna, 27 Feb. 2001. In early 2002 the agreement, which is an intergovernmental accord, was reported to be in the final stage of negotiation.

⁶⁴ For the terms of the treaty and the list of parties and signatories see annex A in this volume.

⁶⁵ Kyrgyzstan has signed but not yet ratified the treaty, but it does not belong to either of the categories of states whose ratification is necessary for its entry into force.

⁶⁶ The Aug. 2001 joint certification exercise in Fürstentfeldbruck, Germany, demonstrated that the certification of aircraft and sensors is the main priority of the states parties. Ukraine has proposed to arrange a joint certification of observation aircraft as a first practical approach to future activities under the treaty. The 2001 session of the Working Group on Certification agreed several issues, subsequently adopted by the OSCC plenary on 17 Dec. 2001: (a) the Decision on provisions for the initial certification period; and (b) the Chairperson's Statements on: issues related to certification of observation aircraft and sensors, the use of a standard CD-ROM format for distribution of certification documentation, the OSCC determination of the number of individuals participating in a certification, principles for the conduct of the C-130 H/POD-system certification, principles for joint certifications and the use of one calibration target for certification. It was not possible to agree on provisions for the use of a standard signature page for the Certification Report. The OSCC also adopted rules of procedure and working methods for the OSCC. *OSCC Journal*, no. OSCC.XXVI.JOUR/74 (17 Dec. 2001).

country may request to accede to the treaty.⁶⁷ On 5 November 2001 Sweden and Finland announced their intention to accede to the treaty.⁶⁸ Reciprocal voluntary unarmed reconnaissance overflights continued as in previous years. Since 1996 more than 350 such trial flights have taken place. These flights have resulted in increased interest in sustaining the Open Skies regime.⁶⁹

IV. Non-European CSBM arrangements

Outside Europe there is interest in the European CSBM experience and the possibility of applying it to the problems of lack of transparency, unpredictability and other military concerns. The Association of South-East Asian Nations (ASEAN) countries are continuing their confidence-building measure (CBM) dialogue, and China, Kazakhstan, Kyrgyzstan, Russia and Tajikistan are working to streamline the operation of their arms control agreements.⁷⁰ The OSCE states have recently activated a programme to share their CSBM experience with interested countries. In March 2001 the OSCE and South Korea discussed the applicability of CSBMs to the Korean peninsula.⁷¹

The ASEAN Regional Forum

The political and security dialogue within the ASEAN Regional Forum (ARF) covers both military and defence-related measures and non-military issues which have a significant impact on regional security.⁷² The ARF's flexible, step-by-step military security-related process is characterized by various national and international voluntary CBM undertakings (such as seminars and workshop meetings of defence and military officials, visits to defence facilities, documents and briefings on regional security concerns, etc.) carried out within the Track I (official) and Track II (unofficial) dialogues. It attempts to develop incremental confidence building through preventive diplomacy by the elaboration of approaches to conflicts that are designed to create the premises for agreement. Two meetings of the Intersessional Support Group on CBMs

⁶⁷ For 6 months after entry into force of the Treaty on Open Skies (until 1 July 2002), any other OSCE participating state may apply for accession by submitting a written request to 1 of the depositaries for consideration by the OSCC. Applications are subject to consensus agreement by the OSCC. After 1 July 2002 the OSCC will consider the application for accession of any other state. See annex A in *SIPRI Yearbook 2001* (note 25) and Annex A in this volume.

⁶⁸ Cyprus and Lithuania have also expressed interest in joining the regime.

⁶⁹ 'All conditions fulfilled for Open Skies Treaty to enter into force', OSCE Press Release, 5 Nov. 2001. The information seminar on the treaty, held in Oct. 2001, underlined the potential for application in such areas as environmental protection, humanitarian crises and natural disasters. Report on the Information Seminar on the Treaty on Open Skies, Vienna, 1 and 2 Oct. 2001, Vienna, 4 Oct. 2001, OSCE document OSCE.DEL/35/01, 5 Oct. 2001.

⁷⁰ China, Kazakhstan, Kyrgyzstan, Russia and Tajikistan, the 'Shanghai Five', established the Shanghai Forum in 2000. It was replaced in 2001 by the Shanghai Cooperation Organization (SCO). The Shanghai Forum is discussed in Lachowski (note 25), p. 569. For a brief description of the SCO see the glossary in this volume.

⁷¹ OSCE–Korea Conference 2001: Applicability of OSCE CSBMs in Northeast Asia, Seoul, 19–21 Mar. 2001.

⁷² The members of ASEAN and ARF are listed in the glossary in this volume.

(ISG on CBMs) are usually held between the annual meetings of the ARF. The ASEAN foreign ministers review annually the recommendations made by ISG and ARF senior officials. The ARF notes that the process continues to develop 'at a pace comfortable to all ARF participants' and on the basis of consensus and non-interference in internal affairs. However, this approach is often criticized as seeking the lowest common denominator by harmonizing common positions rather than striving for a more ambitious agenda.

In the intersessional period 2000–2001 the regional security situation was assessed by the ASEAN as relatively stable, and 'remarkable' progress was noted in the adoption by the ARF participants of papers concerning the three basic confidence-building areas: on the enhanced role of the ARF Chairman; the terms of reference for ARF experts/eminents persons; and on the concept and principles of preventive diplomacy. The second volume of the *Annual Security Outlook* (ASO), a regional document outlining security issues and the concerns of ARF members, was also published. The meeting of ARF foreign ministers meeting in Hanoi also agreed that the ASO will no longer be confidential.⁷³

Arms control in Central Asia

In 1996 and 1997 the Shanghai Five, the four CIS states and China agreed on CBMs and arms reductions in the 100 km-wide areas adjacent to the borders.⁷⁴ The agreements differ from the European solutions. The information exchanged under both agreements is confidential. For example, one of the CBMs requires notification of the temporary entry of river-going combat vessels into the border areas. The agreements have injected a measure of stability, cooperation and confidence in this part of Central Asia.

Following the completion of the ratification processes, both agreements began to be implemented in 1999 when trial inspections began. Verification differs from the CFE Treaty regime and has been adapted to meet regional needs (e.g., separate inspections of armed forces and border units, not more than two inspections annually in the Eastern and Western sectors, and so on). The parties have encountered some difficulties in their inspection activities because of the need first to coordinate inspections among the four CIS states and then with China. A Joint Control Group, headed by two co-chairmen from the four CIS states and China, addresses the implementation issues of the 1997 agreement on arms reductions. It has also recently been instructed to supervise

⁷³ See Co-Chairmen Summary Report of the Meeting of the ARF Intersessional Support Group (ISG) on Confidence-Building Measures (CBMs), Seoul, 1–3 Nov, 2000, and in Kuala Lumpur, 18–20 Apr. 2001, URL <<http://www.aseansec.org/print.asp?file=/amm/arf8doc.3.htm>>; and Chairman's Statement of the 8th ASEAN Regional Forum, Hanoi, 25 July 2001, URL <<http://www.aseansec.org/print.asp?file=/amm/hanoi05.htm>>. For ASEAN CBM developments in previous years see the *SIPRI Yearbooks 1998–2000*.

⁷⁴ The 1996 Agreement between Russia, Kazakhstan, Kyrgyzstan and Tajikistan (as a joint party) and China on Confidence Building in the Military Field in the Border Area; and the 1997 Agreement between Russia, Kazakhstan, Kyrgyzstan and Tajikistan (as a joint party) and China on the Mutual Reduction of Armed Forces in the Border Area.

the implementation of the 1996 CBM agreement. The modalities for this multilateral supervision are still being worked out because until recently monitoring has been conducted on a bilateral basis.⁷⁵

The OSCE–Korea CSBM seminar

In the wake of the June 2000 summit meeting between President Kim Dae-Jung of South Korea and President Kim Jong Il of North Korea, South Korea took the initiative to hold an OSCE–Korea Conference on the ‘Applicability of OSCE CSBMs in Northeast Asia’. Its focus was on information and experience sharing between the OSCE and North-East Asia, notably CBMs and CSBMs.⁷⁶

Three lessons were drawn from the OSCE experience. The first lesson was the need for a ‘gradual approach’, starting with a Helsinki-type first generation of CBMs that are acceptable to both sides.⁷⁷ Second, the success of CBMs is dependent on the political will of the parties. There are currently incentives for both sides to enter into and implement CBMs. Advances in military technology and strategy are bound to favour South Korea over time, whereas in North Korea the defence industry is a heavy economic drain. South Korea is interested in reducing the danger of a surprise attack.⁷⁸ However, there is discernible opposition to CBM arrangements among the South Korean military.

The third lesson to be learned from both Korean and European history is the importance of consolidating the process through a comprehensive and institutional approach. Europe’s former division into two blocs differs from the situation in North-East Asia, where bilateral alliance networks dominate. Moreover, the relative homogeneity in Europe is non-existent in North-East Asia, which until recently has lacked the tradition of multilateral dialogue or cooperation. Both North and South Korea are parties to the ARF. Positive results in the ARF have led to a call for the creation of a special forum between North Korea and South Korea as a way to address various security issues.

A fundamental issue is the form and role of the CBMs. North Korea perceives CBMs as a ‘top–down’ approach, that is, political agreements among

⁷⁵ Russian Federation delegation, ‘Some specific features and implementation experience of the agreements on strengthening confidence in [the] military sphere and on mutual armed forces reduction in the framework of [the] “Shanghai Five group”’, OSCE–Korea Conference 2001 (note 71), Conference document no. 022.

⁷⁶ ‘Co-chairmen’s summary’, OSCE–Korea Conference 2001 (note 71), Conference document no. 026.

⁷⁷ It was remarked that in the context of North-East Asia it would be easier and more appropriate to start from other CBMs (not military ones) so that confidence-building would not become a hostage to the lack of or slow progress in the military field. Tasanen, A., ‘OSCE CSBMs and Asian (ARF) CBMs—an attempt to synthesis between European and Asian views based on impressions from [the] ARF (Track One) seminar “Approaches to Confidence-Building”, held on 2–4 Oct. 2000 in Helsinki, Finland’, OSCE–Korea Conference 2001 (note 71), Conference document no. 015. A somewhat similar conclusion was drawn from the CSBM seminar for the Mediterranean Partners for Co-operation held in Portoroz, Slovenia, in 2000.

⁷⁸ Kyongsloo Lho, a South Korean scholar, noted: ‘North Korea’s extreme arrogance and South Korea’s hubris no longer constitute the impediments they once did to a potential confidence-building process on the peninsula’. Kyongsloo Lho, ‘Confidence- and security-building measures (CSBMs) for the Korean peninsula’, OSCE–Korea Conference 2001 (note 71), Conference document no. 019.

leaders to be followed by an implementation process in which the parties change their behaviour in accordance with a new political perception.⁷⁹ South Korea and the West prefer a ‘bottom-up’, incremental, step-by-step approach, in which progress in implementation builds confidence among the parties concerned. Part of the confidence-building process consists therefore of agreeing on terminology and definitions.

V. Landmines and certain conventional weapons

Landmines

According to recent estimates, 230–245 million anti-personnel mines (APMs) are stored in the arsenals of approximately 100 countries.⁸⁰ Some 215–225 million landmines are possessed by countries which have not signed the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (APM Convention). These estimates are 5–20 million lower than those for 2000. The largest stockpiles of APMs are alleged to be in China (110 million), Russia (60–70 million), the USA (11.2 million), Pakistan (6 million), India (4–5 million) and Belarus (4.5 million). Ukraine has revised its stockpile disclosure from 10 million to more than 6 million. Belarus disclosed the size of its stockpiles of APMs as between one-half and one-third of the estimated figure of 10–15 million APMs. Eight of the 12 largest producers and exporters of landmines are now parties to the APM Convention.⁸¹ Fourteen producers of landmines—including major producers such as China, India, Pakistan and Russia as well as several dozen mine-using countries involved in conflicts—have not signed the APM Convention.

Two multilateral agreements deal with landmines. The 1997 APM Convention aims at the elimination of *all* anti-personnel mines, but it is hampered by the absence of strong monitoring and enforcement provisions. The amended (landmine) Protocol II of the CCW Convention is a hybrid, combining humanitarian and arms control measures. The parties to the amended Protocol II of the CCW Convention include most major producer and user countries (e.g., China, India and Pakistan, but not Russia) and the convention

⁷⁹ Snyder, S., ‘Which CBMs for the Korean peninsula?’, OSCE–Korea Conference 2001 (note 71), Conference document no. 018.

⁸⁰ International Campaign to Ban Landmines, Landmine Monitor, *Landmine Monitor Report 2001: Towards a Mine-Free World*, 2001. The recent US estimates of the number of fatalities caused by landmines and unexploded ordnance were lowered from the previously reported 26 000 casualties annually to less than 10 000 a year. The number of buried APMs has fallen from 80–110 million to 45–50 million APMs in c. 60 countries. *To Walk the Earth in Safety: the United States Commitment to Humanitarian Demining* (US Department of State: Washington, DC, 2001), as quoted in ‘Fatalities from landmines drop dramatically worldwide’, US Department of State, International Information Program, 4 Dec. 2001, URL <<http://usinfo.state.gov/topical/pol/arms/stories/01120502.htm>>.

⁸¹ The 8 states are: Belgium, Bosnia and Herzegovina, Bulgaria, the Czech Republic, France, Hungary, Italy and the UK. *Landmine Monitor Report 2001* removed 2 countries, Turkey and Yugoslavia, from its list of 16 producers.

includes other 'inhumane' weapons not covered by the APM Convention, such as delayed-action weapons, anti-vehicle mines and booby traps.

The APM Convention

As of 1 January 2002, there were 122 parties to the APM Convention, and another 20 states had signed.⁸² However, 51 states have not acceded to the convention. These include three of the five permanent members of the UN Security Council (China, Russia and the USA), other major landmine producers, such as India and Pakistan, all but four former Soviet republics and many states in the Middle East and Asia. The signatories include all the states of the western hemisphere except Cuba and the USA, all the NATO nations except Turkey and the USA, all the EU member states except Finland, most of the African countries and numerous states in the Asia-Pacific region (the regional distribution is shown in table 13.3).

In March 2001 the US National Research Council issued a report commissioned by the Department of Defence which concluded that while some of alternative technologies could be ready by the 2006 deadline, 'in certain situations, some alternatives will not be ready until later, and anti-personnel landmines will need to be retained'.⁸³ Assistant Secretary of State for Legislative Affairs Paul Kelly stated in July 2001 that the US Administration had to 'examine the need for landmines on the modern battlefields of the future' and 'cannot undercut the effectiveness of [the US] military on the way to that future'.⁸⁴ On 19 December 2001, 124 members of Congress sent a bipartisan letter to President George W. Bush urging him to stick to the May 1998 pledge by President Bill Clinton and direct the ongoing US landmine policy review towards the goal of eliminating APMs from the US arsenal.⁸⁵

In 2001 it was claimed that Ugandan forces used APMs in the Democratic Republic of the Congo (DRC). Uganda, a party to the convention, denied the charge. There were also allegations that the following signatories used APMs in 2001: Angola, Burundi, Ethiopia, Rwanda (in the DRC) and Sudan. Landmines were used in armed conflicts by both rebel and government forces. Except for Angola, the governments of these countries denied the accusations. Most instances of the use of APMs were in ongoing conflicts (e.g., Russia in Chechnya, along the border between Tajikistan and Kyrgyzstan, and Nepal, the Former Yugoslav Republic of Macedonia (FYROM) and the FRY).⁸⁶

⁸² A summary of the convention, the parties and signatories are given in annex A in this volume.

⁸³ In May 1998 the USA indicated its willingness to join the APM Convention on certain conditions. Lachowski, Z., 'The ban on anti-personnel mines', *SIPRI Yearbook 1999: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 1999), pp. 656–57. Committee on Alternative Technologies to Replace Antipersonnel Landmines, Commission on Engineering and Technical Systems, Office of International Affairs, *Alternative Technologies to Replace Antipersonnel Landmines* (National Research Council, National Academy Press: Washington, DC, 2001), pp. 77–78, URL <<http://bob.nap.edu/books/0309073499/html>>.

⁸⁴ 'Bush team shies from Clinton landmine policy', *Arms Control Today*, News Briefs, Sep. 2001, pp. 38.

⁸⁵ 'Bush urged to redirect landmine policy review', *Arms Control Today*, News Briefs, Jan./Feb. 2002, p. 42.

⁸⁶ *Landmine Monitor Report 2001* (note 80).

Table 13.3. The status of the APM Convention, as of 1 January 2002

| Region | Signed but not ratified | Ratified or acceded | Not signed | Total |
|--------------------------|-------------------------|---------------------|------------|------------|
| Africa | 7 | 37 | 4 | 48 |
| Americas | 3 | 30 | 2 | 35 |
| Asia–Pacific | 5 | 15 | 19 | 39 |
| Europe/Central Asia | 5 | 35 | 13 | 53 |
| Middle East/North Africa | – | 5 | 13 | 18 |
| Total | 20 | 122 | 51 | 193 |

Source: Based on Mines Action Canada, 1 Jan. 2002, URL <<http://www.minesactioncanada.com>>.

The CCW Convention

In the run-up to the Second CCW Convention Review Conference, held on 11–21 December 2001, its Preparatory Committee held three sessions: in December 2000 and in April and September 2001. In addition, informal open-ended consultations were convened in August 2001. Sixty-three states parties, 4 signatory states and 13 states not parties to the CCW Convention as well as representatives of the International Committee of the Red Cross (ICRC) and the United Nations Children’s Fund (UNICEF) took part in the conference. Five issues were identified for consideration at the review conference.⁸⁷

1. *Expanding the scope of the convention to non-international armed conflicts.* By expanding the scope of the original Protocol II to cover civil wars and domestic conflicts, the amended Protocol II had broken new ground for changes in international practice (e.g., in the Hague International Criminal Tribunal). The aim of the new initiative was that all of the other protocols (I, III and IV) should apply to all types of conflicts—international and internal.⁸⁸ The conference extended the application of the convention to non-international armed conflicts (amended Article I). This is another important broadening of the trend towards making international humanitarian law applicable to all parties to an internal conflict, including non-state actors.⁸⁹

2. *Explosive remnants of war (ERW—also called unexploded ordnance, UXO).* The ICRC proposed that ‘explosive remnants of war’, especially cluster munitions, be included on the agenda of the review conference. However, because of the technical complexities, the importance of such weapons

⁸⁷ See also Matheson, M. J., ‘Filling the gaps in the Conventional Weapons Convention’, *Arms Control Today*, Nov. 2001, pp. 12–16.

⁸⁸ The US proposal of 14 Dec. 2000 is available at URL <<http://www.ccw-treaty.com/article1.html>>.

⁸⁹ This, however, does not constitute a rule for future protocols which may ‘apply, exclude or modify the scope of their application’ in relation to Article I. Final Declaration, Second Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, Geneva, doc. CCW/CONF.II/MC.I/1, 11–21 Dec. 2001, para 7, p. 6.

and the fact that the discussion of the issue is at an early stage, the 2001 conference was unable to adopt restrictions on ERW.⁹⁰ The review conference established an open-ended group of governmental experts with a coordinator to ‘discuss ways and means’ of addressing the issue of ERW, including: factors and types of ammunition; technical improvements which could reduce the risks of munitions becoming ERW; strengthening existing international humanitarian law to minimize post-conflict risks of ERW; ERW-related warning, assistance and clearance steps; and so on. The coordinator is to submit recommendations, adopted by consensus, ‘at an early stage’ (to the meeting in December 2002, if possible) for consideration by the states parties.⁹¹

3. *Mines other than anti-personnel mines.* These types of mines endanger the civilian population as well as civilian traffic and humanitarian relief operations and other peace missions. In April 2001 Denmark and the USA proposed a new, fifth CCW protocol to address anti-vehicle mines.⁹² The proposal would not prohibit anti-vehicle mines, but mines would be furnished with self-destructing and back-up self-deactivating mechanisms, making them easier to detect. In addition, the deployment of mines would be regulated. However, several major mine-using countries, such as China, India, Pakistan and Russia, oppose the proposal because anti-vehicle mines constitute an essential element of their national defence. Nevertheless, the review conference demonstrated considerable support for balanced restrictions on the use of anti-vehicle mines. In effect, the conference gave a mandate to the group of governmental experts to further explore the issue, and its coordinator is to submit a report, adopted by consensus, to the states parties.⁹³

4. *Stronger compliance mechanism.* Although the amended Protocol II provides for some monitoring and enforcement measures (such as sanctions against violators), it lacks regular procedures to address non-compliance. The USA proposed adding a provision for investigating allegations of non-compliance and conducting on-site inspections to be added to the amended Protocol II and the proposed anti-vehicle mines protocol.⁹⁴ China and other non-aligned countries felt that the US proposal would infringe on their national sovereignty and would also cause revision of the amended Protocol II. The US proposal therefore failed.

The EU states and South Africa presented proposals that were less far-reaching than the US proposal. The conference was unable to synchronize the proposals and settle the sensitive issues of sovereignty and security, cost and other matters as well as address the concerns of the developing countries. As a result, it was agreed that the ‘Chairman-designate’ should undertake consulta-

⁹⁰ While commending the ICRC proposal the USA claimed that, compared to traditional unitary bombs, improved, more reliable cluster bombs will cause less destruction, can shorten conflicts and benefit friendly forces, while reducing the harm to civilian populations during armed conflicts. Statement of Edward Cummings, Head of the US delegation to the Second Preparatory Conference of the 2001 CCW Review Conference, 5 Apr. 2001, URL <<http://www.ccw-treaty.com/ccw0405.html>>

⁹¹ Final Declaration (note 89), p. 7

⁹² The Danish-US proposal was revised in July 2001, RL <<http://www.ccw-treaty.com/usdan1.htm>>. Since then an additional 10 co-sponsors have been added.

⁹³ Final Declaration (note 89), p. 7.

⁹⁴ The US proposal can be accessed at URL <<http://www.ccw-treaty.com/comply1.htm>>.

tions on 'possible options' to promote compliance with the convention and its annexed protocols and report on this to the parties.⁹⁵

5. The Swiss Government proposed prohibiting the use of small-calibre weapons and ammunition that cause excessive damage inside the human body. This proposal was also not adopted by the parties.⁹⁶ It was given lukewarm support but no UN financing, and experts from interested states parties were given the task of dealing with the various aspects of the proposal.

Viewed in the light of the failures or stalemates in other areas of arms control in 2001 (e.g., those associated with the CTBT, missile defence and the proposed protocol to the 1972 Biological and Toxin Weapons Convention⁹⁷), the outcome of the Second CCW Convention Review Conference should be regarded as a success. The work of the conference is being continued by a group of governmental experts with two coordinators: one for explosive remnants of war and one for mines. The EWR issue seems to be gaining in importance, and the group may be able to produce a report for the meeting of the parties to be held in December 2002. However, there remains a risk that states parties which are not interested in further strengthening the CCW will obstruct this work.

VI. Conclusions

Measures aimed at promoting confidence, transparency, openness and security regained prominence in Europe after the conclusion of the 1999 Agreement on Adaptation of the CFE Treaty. The new qualitative changes that took place in Europe's security environment in 2001—the NATO–Russia rapprochement in the wake of the 11 September terrorist attacks and the forthcoming enlargements of NATO and the EU—will affect military cooperation in Europe, including arms control endeavours such as the extension of the CFE Treaty area of application, Russia's possible enhanced influence on the development of the European arms control regime, new regional challenges and CSBMs. Although the entry into force of the Agreement on Adaptation is being implemented, it is still stalled by Russia's insufficient progress towards compliance with the commitments which it made at the OSCE Istanbul Summit Meeting with regard to the CFE Treaty.

Arms control in the new security environment differs from arms control in the cold war period. The changed situation allows states to take a more balanced approach that lessens the risk of the irrational and disproportionate responses of the past. Efforts to reduce, limit and monitor armaments are less important, although they retain their unique role as an international 'insurance policy'. Against this backdrop, the building of confidence and security is changing in character, context, scope and function.

⁹⁵ Final Declaration (note 89), p. 7.

⁹⁶ Final Declaration (note 89), p. 7.

⁹⁷ See chapter 12 in this volume.

There are four characteristic features of the process of controlling weapons and consolidating military security in Europe today. First, the 'hard' (structural) steps to regulate armaments are being replaced by 'soft' (operational) arrangements, such as CSBMs, risk reduction, transparency and other cooperative mechanisms. Second, the new measures are increasingly becoming region-oriented—moving from the pan-European to the regional, subregional, bilateral and even domestic level. Third, there is debate as to whether CSBMs are applicable in times of crisis or conflict. There is no consensus on this issue, and one view is that new arrangements, mechanisms and institutions are needed. Others believe that the necessary instruments exist but that the political will is lacking. Fourth, the autonomous role of CSBMs in regulating relations between states is increasingly constrained by their inclusion in synergistic packages of military and non-military measures for crisis management, conflict prevention and post-conflict rehabilitation (e.g., the Stability Pact for South Eastern Europe) or in counter-terrorism arrangements. 'Soft measures' may be effective in resolving security problems in volatile regions and combating terrorism in Europe.

The Forum for Security Co-operation plays an important role in the proposed reform of the political and military dimension of the OSCE. In the wake of 11 September the agenda of the FSC is being adapted to meet new security challenges, involve the FSC more closely in operational security issues (e.g., by giving it an additional advisory role within the OSCE), make better use of its political and military expertise, and improve its organizational efficiency.

Although the European example of conventional arms control measures is seen as a positive model, conventional arms control remains a low security priority elsewhere in the world. The hopes for progress and the adoption of arms control measures on the Korean peninsula have not been fulfilled. The 11 September attack on the USA focused attention on the problem of international terrorism.

The regulation of excessively injurious conventional weapons or those that have an indiscriminate effect has gained prominence as concern has grown in the international community about the suffering of both civilians and combatants. The 2001 Second Review Conference of the CCW Convention extended the application of the convention to domestic armed conflicts and expressed support for additional work on other issues of humanitarian concern.