

17. Conventional arms control in Europe

ZDZISLAW LACHOWSKI*

I. Introduction

More than two years after the 1990 Treaty on Conventional Armed Forces in Europe (CFE Treaty) was modernized the conventional arms control adaptation process in Europe remains deadlocked with limited hope of opening it to other European states. Since the 1999 Agreement on Adaptation of the CFE Treaty was signed, it has been stalemated by the issue of non-compliance. Progress is blocked by questions related to Russia's compliance with the commitments it made at the 1999 Organization for Security and Co-operation in Europe (OSCE) Istanbul Summit Meeting, particularly those regarding Georgia and Moldova.

The changes on the international scene, including the rapprochement between Russia and the United States after the 11 September terrorist attacks on the USA and between Russia and the North Atlantic Treaty Organization (NATO) as regards its forthcoming enlargement, will affect the evolution of military stability in Europe. Russia no longer actively opposes the admission of the Baltic states to NATO, but it has expressed the view that they must first become parties to the CFE Treaty. Such signals from Russia have set the stage for a discussion of accession to the adapted CFE Treaty regime.

Security building in Europe is increasingly influenced by the fight against terrorism, and the OSCE has made efforts to adapt its arms control tools to better deal with this threat by improving the implementation of the politico-military commitments made by its participating states.

This chapter describes the major issues and developments relating to conventional arms control in Europe in 2002. Section II deals with critical aspects of the implementation of the CFE Treaty. Section III contains an analysis of the consequences for the CFE Treaty regime of the admission of the Baltic states to NATO. Section IV discusses arms control in the Balkans. OSCE activities related to European and regional European confidence- and security-building measures (CSBMs), including measures to facilitate combating terrorism, and the Treaty on Open Skies are addressed in section V. Section VI presents the conclusions. Appendix 17A reviews the issues of landmines and landmine destruction and demining efforts.

* Martin Sjögren contributed background material for the subsections on the OSCE Document on Small Arms and Light Weapons and the OSCE Code of Conduct on Politico-Military Aspects of Security.

Table 17.1. CFE and CFE-1A ceilings and holdings in the Atlantic-to-the-Urals zone, as of 1 January 2003^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	140	285	229	100	6	50	8	60 000	44 667
Azerbaijan	220	220	220	210	285	282	100	54	50	15	70 000	64 824
Belarus	1 800	1 586	2 600	2 504	1 615	1 499	294	210	80	55	100 000	72 964
Belgium	334	143	1 005	559	320	192	232	128	46	46	70 000	43 764
Bulgaria	1 475	1 474	2 000	1 857	1 750	1 737	235	216	67	35	104 000	49 608
Canada	77	0	263	0	32	0	90	0	13	0	10 660	0
Czech Rep.	957	541	1 367	1 235	767	528	230	125	50	34	93 333	57 062
Denmark	353	238	336	299	503	405	106	68	18	12	39 000	19 777
France	1 306	1 069	3 820	3 323	1 292	750	800	577	374	255	325 000	184 033
Georgia	220	86	220	108	285	110	100	7	50	3	40 000	24 584
Germany	4 069	2 368	3 281	2 381	2 445	1 672	900	375	280	199	345 000	269 726
Greece	1 735	1 723	2 498	2 141	1 920	1 901	650	505	65	20	158 621	143 933
Hungary	835	704	1 700	1 404	840	750	180	92	108	49	100 000	32 694
Italy	1 348	1 183	3 339	2 922	1 955	1 439	650	493	142	132	315 000	155 457
Kazakhstan	50	0	200	0	100	0	15	0	20	0	0	0
Moldova	210	0	210	210	250	150	50	0	50	0	20 000	7 254
Netherlands	743	283	1 040	676	607	381	230	135	50	22	80 000	37 981
Norway	170	165	275	205	491	182	100	66	24	0	32 000	17 437
Poland	1 730	947	2 150	1 388	1 610	1 132	460	195	130	111	234 000	143 633
Portugal	300	187	430	347	450	377	160	100	26	0	75 000	33 713
Romania	1 375	1 258	2 100	1 854	1 475	1 238	430	274	120	20	230 000	104 012
Russia	6 350	4 982	11 280	9 292	6 315	5 856	3 416	2 358	855	445	1 450 000	598 277
Slovakia	478	271	683	524	383	374	100	71	40	19	46 667	26 436
Spain	891	568	2 047	987	1 370	1 015	310	166	80	28	300 000	126 507
Turkey	2 795	2 317	3 120	2 846	3 523	3 007	750	358	130	28	530 000	498 834
Ukraine	4 080	3 784	5 050	4 740	4 040	3 692	1 090	801	330	191	450 000	295 500
UK	1 015	560	3 176	2 361	636	441	900	502	356	254	260 000	201 495
USA	4 006	684	5 152	1 397	2 742	312	784	235	396	115	250 000	101 285

^a Iceland and Luxembourg have no treaty-limited equipment (TLE) in the application zone. Luxembourg has the 900 manpower limit and 858 manpower.

Source: Joint Consultative Group (JCG), Group on Treaty Operation and Implementation, JCG document JCG.TOI/22/03, 23 June 2003.

II. European arms control

European arms control remains by far the most advanced regime of its type worldwide. It has not only significantly reduced the threat of large-scale military attack but has also enhanced confidence, cooperation and mutual reassurance in Europe. Conventional arms control has become an integral part of an inclusive, cooperative security system that needs to evolve in parallel with changes taking place in Europe.

The politico-military setting has changed in a number of ways since the first wave of NATO enlargement, in 1999, when the Czech Republic, Hungary and Poland joined the alliance and the CFE Treaty¹ was reshaped by the Agreement on Adaptation.² First, Russia has adopted a more pragmatic approach towards the West. Second, in the wake of 11 September 2001, the axiom of military balance in Europe has further lost its cold war relevance. NATO is also undergoing an evolution that reinforces its political role while transforming its former military function. Third, at the 21–22 November 2002 NATO summit meeting in Prague, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia were invited to join NATO.³ This will certainly affect NATO's goals as well as its shape. Fourth, four of these states—Estonia, Latvia, Lithuania and Slovenia—are not yet members of an arms control system. Fifth, NATO's eastward enlargement brings it closer to Russia's borders, which Russia views as necessitating new politico-military arrangements.

The Treaty on Conventional Armed Forces in Europe

The 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 NATO and the Warsaw Treaty Organization (WTO). There are 30 parties to the CFE Treaty. The main reduction of excess treaty-limited equipment (TLE) was carried out in three phases from 1992 to 1995, followed by further removals of heavy weaponry from the arsenals of states parties.

The Agreement on Adaptation introduces a new regime of arms control that discards the bipolar concept of a balance of forces. The CFE Treaty and the Agreement on Adaptation together constitute the adapted CFE Treaty regime. It is based on national and territorial ceilings, codified in the agreement's

¹ 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>>. The parties to the CFE Treaty are listed in annex A in this volume.

² 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; and the OSCE Internet site (note 1). A consolidated text showing the amended CFE Treaty as adapted in accordance with the 1999 Agreement on Adaptation is reproduced in Lachowski, Z., *The Adapted CFE Treaty and the Admission of the Baltic States to NATO* (SIPRI: Stockholm, Dec. 2002), URL <http://editors.sipri.se/pubs/CFE_Treaty_report.pdf>.

³ See chapter 1 in this volume.

protocols as binding limits, and opens the CFE Treaty to European states which are not yet parties.⁴ The Agreement on Adaptation will enter into force when it has been ratified by all the signatories. However, the NATO signatories and most other states are currently refusing to ratify it in the face of Russia's non-compliance with the CFE-related decisions and commitments Russia made at the 1999 OSCE Istanbul Summit Meeting.⁵ The original CFE Treaty and the associated documents and decisions therefore continue to be binding on all parties. The Joint Consultative Group (JCG) is the body established by the states parties to monitor implementation, resolve issues arising from implementation and consider measures to enhance the viability and effectiveness of the CFE Treaty regime.

By 1 January 2003 more than 63 500 pieces of conventional armaments and equipment within and outside the ATTU area⁶ had been scrapped or converted to civilian use by the parties, with many parties reducing their holdings to lower levels than required. Data on CFE ceilings and holdings in the treaty application zone as of 1 January 2003 are presented in table 17.1.

Treaty operation and implementation issues

Of the 30 signatories, only Belarus has ratified the Agreement on Adaptation and deposited its instrument of ratification with the depositary, the Netherlands. Ukraine has ratified the agreement but has not deposited its ratification document.⁷ Russia announced in late 2002 that its ratification process had reached an advanced stage.

In 2002 the JCG focused for the most part on issues related to promoting the entry into force of the Agreement on Adaptation in accordance with the provisions of the 2001 Second CFE Review Conference. The JCG sought to address more effectively the presence of unaccounted for and uncontrolled TLE within the ATTU area (mainly in the conflict-stricken areas of former Soviet republics), which have long adversely affected the operation of the CFE Treaty. Questions concerning access to declared sites and units subordinate to objects of verification (OOVs) were also examined.⁸

In order to ensure efficient operation of the adapted CFE Treaty when it enters into force several technical issues must be resolved. In 2002 negotiations on the adoption of new formats for inspection and observation visit reports were completed, and considerable progress was made on updating the 1990 Protocol on Existing Types of Conventional Armaments and

⁴ Agreement on Adaptation (note 2).

⁵ OSCE, Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe, Annex 14, Istanbul, 17 Nov. 1999. The text is reproduced as appendix 10B in *SIPRI Yearbook 2000* (note 2), pp. 642–46; and Istanbul Summit Declaration, para. 19, URL <<http://www.osce.org/docs/english/1990-1999/summits/istadec1999e.htm>>.

⁶ Within the ATTU area, the total of reductions was 52 252 TLE as of 1 Jan. 2003. Crawford, D., *Conventional Armed Forces in Europe (CFE): A Review and Update of Key Treaty Elements* (Arms Control Bureau, US Department of State: Washington, DC, Jan. 2003).

⁷ Belarus ratified the agreement on 18 July 2000; Ukraine ratified it on 21 Sep. 2000.

⁸ An OOV is any unit at the brigade/regiment, wing/air regiment, independent battalion/artillery battalion level, independent squadron or equivalent unit holding TLE. CFE Treaty (note 1), Protocol on Inspections, section I, definitions, (J).

Equipment—as urged by the Second CFE Review Conference. The issue of the costs for additional inspections and observation visits (conducted at the expense of the inspecting/observing party) remains to be addressed.⁹

Russia and CFE Treaty compliance

Since the autumn of 1999 the Russian equipment in Chechnya had exceeded the numbers allowed by the CFE Treaty's flank limitations.¹⁰ On 18 December 2001, Russia announced that it had made the appropriate weapon reductions and was now in compliance with its obligations.¹¹ The NATO states welcomed this declaration and called on Russia to enable them to verify it as soon as possible.¹² In the first six months of 2002 Russia hosted more than 20 verification inspections from NATO states.

At the 21–22 November 2002 NATO summit meeting in Prague, the member states welcomed the 'significant results' of Russian reductions in the flank area but urged 'swift fulfilment' of the outstanding commitments made by Russia at the OSCE Istanbul Summit Meeting.¹³ On the day after the NATO summit meeting, at a meeting of the NATO–Russia Council, the foreign ministers agreed to work cooperatively towards ratification of the Agreement on Adaptation by all states parties and its entry into force.¹⁴ Russia responded that its commitments with regard to Georgia and Moldova had been fully met. The Russian delegation to the JCG denounced NATO's 'artificial linkage' of the ratification of the Agreement on Adaptation with Russia's commitments regarding these two states 'that have nothing to do with the CFE

⁹ Letter from the Chairperson of the Joint Consultative Group of the CFE Treaty to the Minister for Foreign Affairs of Portugal, Chairperson of the Tenth Meeting of the Ministerial Council of the OSCE, Joint Consultative Group document JCG.DEL/30/02/Rev. 1, 5 Dec. 2002.

¹⁰ 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.

¹¹ In Jan. 2002 Russia claimed that it was meeting the allowed levels of heavy armaments in the flank zone. Interfax (Moscow), 11 Jan. 2002, in 'Russia expects NATO to ratify adapted treaty on conventional forces', Foreign Broadcast Information Service, *Daily Report—Central Eurasia (FBIS-SOV)*, FBIS-SOV-2002-0111, 11 Jan. 2002.

¹² NATO, 'Final Communiqué, Ministerial meeting of the North Atlantic Council held in Reykjavik on 14 May 2002', Press Release M-NAC-1(2002)59, 14 May 2002, URL <<http://www.nato.int/docu/pr/2002/p02-059e.htm>>.

¹³ NATO, 'Prague Summit Declaration issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Prague on 21 Nov. 2002', Press Release (2002)127, 21 Nov. 2002, URL <<http://www.nato.int/docu/pr/2002/p02-127e.htm>>.

¹⁴ NATO, 'Statement by NATO Secretary General, Lord Robertson, in his capacity as Chairman of the NATO–Russia Council at the NATO–Russia Council Meeting at the Level of Foreign Ministers', Press Release, 22 Nov. 2002, URL <<http://www.nato.int/docu/pr/2002/p021122e.htm>>. The NATO–Russia Council was established in May 2002 replacing the NATO–Russia Permanent Joint Council. NATO, 'Declaration by Heads of State and Government of NATO member states and the Russian Federation on NATO–Russia relations: a new quality', 28 May 2002, Rome, URL <<http://www.expandnato.org/natoruss.html>>.

Treaty' and warned that NATO's position could seriously complicate Russia's efforts in Georgia and Moldova.¹⁵

Withdrawal of Russian TLE from Georgia

At the OSCE Istanbul Summit Meeting, Russia pledged that it would reduce the level of its heavy ground weapons on Georgian territory to the equivalent of a brigade.¹⁶ The Russian TLE located at Vaziani and Gudauta (Abkhazia) 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 withdrawal process has been complicated by the volatile situation in Georgia and near its borders. Russia handed over control of its Vaziani base to Georgia in mid-2001, but it failed to pull out of the Gudauta base by 1 July. Russia asserts that the Gudauta military base has been dismantled and the troops withdrawn. However, Georgia refuses to confirm the Russian claims pending the resolution of outstanding issues, including an international inspection of the base.¹⁷ A visit by OSCE military experts to Gudauta, on 15 June 2002, was intended to contribute to a swift legal transfer of the facilities. Georgia, however, claims that Russia has not fulfilled its commitments regarding Gudauta and has declared that the closure and disbanding of the base are incomplete until Russia takes sufficient transparency measures and formally transfers the base to Georgia.

The terms of the Russian withdrawal from the Batumi and Akhalkalaki bases have not been agreed. Georgia proposes a three-year withdrawal period, while Russia suggests a 14-year withdrawal schedule. Closure of the bases would create problems for both countries because some 40–60 per cent of the personnel at the bases are local residents and a swift closure could cause serious social problems. Talks between Georgian and Russian experts in the JCG resumed in early February 2002. In July Russia suggested that it could shorten the withdrawal period to 11 years,¹⁸ but Georgia did not accept the proposal and the talks broke down. At the OSCE ministerial meeting in Porto, Portugal, on 6–7 December 2002, Georgia called on Russia to immediately resume negotiations and reach agreement on closing the two bases and other Russian facilities in Georgia. In this context, Georgia cited the CFE principle that a

¹⁵ Statement by the Delegation of the Russian Federation to the Joint Consultative Group, Joint Consultative Group document JCG.JOUR/481, 26 Nov. 2002, annex 1.

¹⁶ *SIPRI Yearbook 2000* (note 2), p. 645–46. The basic temporary deployment is 153 tanks, 241 armoured combat vehicles (ACVs) and 140 artillery pieces.

¹⁷ Georgia demanded that an appropriate degree of transparency be ensured, a legally-binding document be signed on the handover to Georgia of military installations at the base and that a mutually acceptable decision be reached on the presence there of a Russian peacekeeping contingent, military equipment and property. *Kavkasia-Press* (Tbilisi), 4 Feb. 2002, in 'Georgian–Russian military talks held in Tbilisi', FBIS-SOV-2002-0204, 5 Feb. 2002.

¹⁸ In Apr. 2002 Russian Deputy Foreign Minister Aleksandr Kosovan suggested that Russia would manage to complete withdrawal within 10 years. 'Georgia lukewarm over Russian offer to speed up closure of military bases', *Radio Free Europe/Radio Liberty, RFE/RL Newslines*, 22 Apr. 2002, URL <<http://www.rferl.org/newsline/2002/04/220402.asp>>.

state must freely consent to foreign military deployments on its territory.¹⁹ In December another unsuccessful attempt was made to produce a schedule for withdrawal,²⁰ although the Georgian foreign minister was somewhat positive towards an informal proposal by Russia to close its bases in six to seven years.²¹

The issue of Russian armed forces in Moldova

Under its 1994 constitution, Moldova is permanently neutral and refuses to host foreign forces on its territory. At the 1999 OSCE Istanbul Summit Meeting Russia pledged to withdraw or destroy its treaty-limited conventional armaments and equipment by the end of 2001 and to pull out its troops by the end of 2002.²² At the Porto OSCE ministerial meeting the timely completion of withdrawal of the Russian TLE from the Trans-Dniester region was acknowledged. However, the failure to achieve a comprehensive political settlement of the problem of the separatist Trans-Dniester region in 2002 affected the implementation of Russia's commitments to complete the withdrawal of its forces from Moldova by the end of the year. Some progress in the withdrawal and disposal of Russian ammunition and (non-CFE) military equipment was achieved,²³ and Russia assured the OSCE that it would complete the withdrawal of its forces as early as possible—by the end of 2003 'provided necessary conditions are in place'.²⁴ The Moldovan delegation stressed that the notion 'necessary conditions' refers solely to technical arrangements, not political circumstances.²⁵

III. NATO membership for the Baltic states and the CFE Treaty

The Baltic states will probably be among the first of the current NATO candidate states to accede to the CFE Treaty. The question is not whether they will re-enter the conventional arms control regime, which they left in the early 1990s, but when and in what fashion. In October 1991 the three Baltic Soviet

¹⁹ OSCE, Interpretative statement under paragraph 79 (chapter 6) of the Final Recommendations of the Helsinki Consultations, annex 3, attachment 2, OSCE document MC(10).JOUR/2, 7 Dec. 2002.

²⁰ Georgia warned Russia that it will tax Russia for the use of military bases on Georgian territory in 2003. Interfax (Moscow), 13 Dec. 2002, in 'Georgia to charge Russia \$700 million if withdrawals not agreed to by 2003', FBIS-SOV-2002-1213, 13 Dec. 2002.

²¹ ITAR-TASS (Moscow), 20 Dec. 2002, in 'Georgia ready to consider proposals on Russian bases pullout', FBIS-SOV-2002-1220, 20 Dec. 2002.

²² OSCE, Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe (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.

²³ The OSCE Forum for Security Cooperation decided to address the security risk posed in the OSCE area by surplus stocks of ammunition and explosives for use in conventional armaments and such stocks that await destruction. See the section on European CSBMs in this chapter.

²⁴ OSCE, Ministerial Council, Porto, 2002, Statements by the Ministerial Council, annex 3 (3), OSCE document MC(10)JOUR/2, 7 Dec. 2002.

²⁵ OSCE, Interpretative statement under paragraph 79 (note 19), attachment 1.

Table 17.2. Holdings of CFE-related equipment in the Baltic states and north-western Russia, as of 1 January 2003

State	Tanks	Armoured combat vehicles	Artillery	Aircraft	Helicopters
Estonia	..	21	24
Latvia	3	..	54
Lithuania	..	77	96
<i>Russia in</i>					
Leningrad Military District	320	103	690	18	52
Kaliningrad <i>oblast</i>	811	865	345	18	16

Source: Republic of Estonia, Vienna Document 1999, Annual Exchange of Military Information, valid as of 1 Jan. 2003; Republic of Latvia, Confidence- and Security-Building Measures, Annual Exchange of Military Information Pursuant to the Vienna Document 1999, valid as of 1 Jan. 2003; Republic of Lithuania, Ministry of National Defence, Annual Exchange of Military Information, 2003, valid as of 1 Jan. 2003; and International Institute for Strategic Studies, *The Military Balance 2002/2003* (Oxford University Press: Oxford, 2002), p. 93.

republics formally dissociated themselves from the CFE Treaty regime because of a fear that treaty participation would legitimize the prolonged Soviet military and political presence in the region. They later recognized that participation in the treaty would benefit them through greater insight into Russian politico-military activities. (Their own armed forces are almost non-existent compared with the Russian units deployed near their borders; see table 17.2.) However, there was concern that accession to the CFE Treaty might lessen their chances of joining NATO. As the 2002 NATO summit meeting in Prague approached these fears waned.

The accession of a state to the adapted CFE Treaty is not a prerequisite for joining NATO, but membership of NATO implies that the CFE-type equipment of a state will be subject to regulation. Accession to the adapted treaty will have to take place on or soon after admittance to NATO (i.e., at the NATO summit meeting in May 2004 at the earliest). All three Baltic states have declared their willingness to accede to the adapted CFE Treaty, although they argue that joining the adapted treaty is out of the question until the Agreement on Adaptation has been ratified by all signatories. This linkage has been supported by NATO.

Russia and the CFE-related consequences of NATO enlargement

The eastward expansion of NATO towards Russia's borders may have compelled Russia to alter its position on the advisability of the prompt entry into force of the adapted CFE Treaty. The conflict in Chechnya is likely to continue, but Russia has made efforts to reduce its military presence in the region in order to remove this obstacle to the entry into force of the Agreement on

Adaptation. Russia did this because it wanted to see the Baltic states join the adapted CFE Treaty regime. However, this is not tantamount to Russian approval of their NATO membership.²⁶ Russia's historical experience (the lingering fear of surprise attack, the 'encirclement' obsession, distrust towards the West, etc.), the tradition of perceiving its security in terms of military equilibrium and its insistence on solid, legally binding safeguards are still determinants of the Russian view.

Russia's response to a NATO enlargement that includes the Baltic states and the impact on the military situation near its borders illustrates the hesitancy and unease of the Russian political and military elites. In 2002 the main theme of the Russian statements at the JCG forum and those made by Russian officials and parliamentarians was that the Baltic states should be constrained by CFE limits prior to their accession to the adapted CFE treaty regime and their admission to NATO.²⁷ Similar demands were made in 1999 at the time of NATO's first enlargement, when the Czech Republic, Hungary and Poland acceded to the 1949 North Atlantic Treaty (Washington Treaty),²⁸ and when the Agreement on Adaptation (which was based on a political understanding adopted in the JCG in March 1999) was signed.²⁹ Currently, Russia insists on the precedence of CFE accession since the presence of new NATO members on Russia's borders will give rise to 'scores of questions'.³⁰

On the whole, the Russian expressions of concern are devoid of confrontational undertones. Russian Defence Minister Sergey Ivanov stated on 29 July that Russia 'feels no fear' of a NATO presence in the Baltic Sea region but pointed out the risk of a 'legal black hole' along Russia's border, where NATO could deploy forces.³¹ Nonetheless, Russia not only insists that the Baltic states should promptly accede to the adapted CFE Treaty, but it also possesses a subtle means to exert pressure on them—the ratification of all signatories is required before new parties can accede to the Agreement on Adaptation.

²⁶ In Sep. 2001 Putin indicated that Russia had largely accepted the prospect that the 3 Baltic states would eventually become NATO members. 'Tones of reconciliation during Putin visit', *Helsingin Sanomat* (International Internet edn), 4 Sep. 2001, URL <<http://www.helsinki-hs.net/news.asp?id=20010904IE3>>. Defence Minister Sergey Ivanov reportedly stated on 21 Nov. 2002 that Russia is 'absolutely calm' about NATO's invitation to the 7 candidate countries'. He also stated: 'We are not a member of NATO or a candidate for membership, and so this is none of our business. ITAR-TASS (Moscow), 21 Nov. 2002, in 'Russian defense minister wants Baltic NATO members in conventional forces treaty', FBIS-SOV-2002-1121, 21 Nov. 2002.

²⁷ Vladislav Chernov, Russian chief delegate to the Joint Consultative Group in Vienna, stated: 'It is necessary to urge Lithuania, Latvia and Estonia to join the adapted CFE Treaty and, before its entrance [entry into force], to show restraint towards accumulating conventional weapons and deploying foreign troops on their territories'. ITAR-TASS (Moscow), 29 July 2002, in 'Russian official says NATO expansion should not infringe on stability in Europe', FBIS-SOV-2002-0729, 29 July 2002.

²⁸ The North Atlantic Treaty, Washington, DC, 4 Apr. 1949, URL <<http://www.nato.int/docu/basicxt/treaty.htm>>.

²⁹ Lachowski, Z., 'Conventional arms control', *SIPRI Yearbook 2000* (note 2), pp. 597–98.

³⁰ Interfax (Moscow), 18 July 2002, in 'Russia: DM Ivanov on possible "military action" if Baltic states accede to NATO', FBIS-SOV-2002-0718, 18 July 2002.

³¹ 'Moscow "feels no fear" at NATO in the Baltic', *Financial Times*, 30 July 2002, p. 2. Sergey Ivanov stated: 'We are not going to respond to this by building up our forces in the Kaliningrad region and sabre rattling'. *Atlantic News* (no. 3406), 1 Aug. 2002.

The Baltic states have rejected the Russian demands and considered them an attempt to discourage the West from supporting their membership of NATO. They insist on the disjunction of the issues of alliance membership and accession to the adapted CFE Treaty and argue that the issue is irrelevant since the Agreement on Adaptation has not entered into force. Their uncompromising position, in part a negotiating tactic, is understandable for historical and military reasons and apparently stems from a measure of distrust of the NATO–Russia Council.³² The situation is likely to change gradually because of pressure from NATO, greater ‘self-assurance’ stemming from the invitation to join NATO, a more realistic assessment of Russian–Baltic relations and so on. However, the process will be an uneasy one both for Baltic governments and their political and military elites.

NATO’s assurances to Russia

NATO is in the process of elaborating its response to the implications of the second wave of enlargement for the adapted CFE Treaty. The NATO states insist on maintaining unfettered operational capability and flexibility in the military area as well as mutual reassurance, pragmatism and partnership with Russia as regards arms control issues in the NATO–Russia Council. At the 2002 Prague summit meeting the NATO states (and, naturally, Russia) praised those non-CFE countries which have announced their intention to request accession to the CFE Treaty regime ‘upon its entry into force’. Against this background (disregarding extreme scenarios for Russia’s conduct) it may be assumed that a reasonable compromise is achievable.³³

NATO has already made several political gestures, including reaffirmation of its commitment not to deploy substantial conventional forces on the territory of the new NATO members.³⁴ The NATO states have assured Russia that this commitment and the pledge not to deploy nuclear weapons in new member states in peacetime apply to all current and future members of NATO.³⁵

IV. Sub-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

³² Poland also reacted strongly to the alleged ‘conspiracy’ of Russia and NATO at the expense of the Czech Republic, Hungary and Poland and the pressure brought to bear on them in the final stage of admission in 1999. On the new NATO–Russia Council see chapter 1 in this volume.

³³ For a detailed discussion see Lachowski (note 2).

³⁴ At the NATO–Russia summit meeting in Rome on 28 May 2002, both sides confirmed the political assurances contained in the 1997 Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation. URL <<http://www.nato.int/docu/basicxt/fndact-a.htm>>.

³⁵ Statement by the Delegation of the United States of America on behalf of the North Atlantic Alliance to the Joint Consultative Council, Joint Consultative Group document JCG.JOUR/475, 15 Oct. 2002.

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 (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, now 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 implementation of the Florence Agreement was successful in 2002. The quality of the annual information exchange is steadily improving, and inspections were carried out as scheduled and in a professional manner. However, the long-standing issue of inspections by Bosnia and Herzegovina remains unresolved. The parties, although having reached a high level of competence, continue to request the presence of OSCE assistants as observers in most inspections. At the 2002 Third Review Conference of the Florence Agreement, decisions were made that resolved questions concerning some exempted equipment (under Article III large numbers of agreement-limited armaments were left outside the inspection regime). Two areas of exempted equipment remain unresolved: armaments possessed by internal security forces and those maintained for research and development (R&D). The Personal Representative of the OSCE Chairperson-in-Office, Major-General Claudio Zappulla, stated the OSCE's hope that a solution to these issues would be reached in 2003.

The process of transferring authority ('ownership') to the parties under Agreement IV is well under way. Because of the progress that has been made, Zappulla has suggested that his role ought to be reviewed and that the tasks of his office could soon be curtailed and limited to advisory functions, provision of technical support to inspections and analysis of the annual information exchange.³⁸

V. European CSBMs

In the wake of decisions at the 2001 OSCE Bucharest ministerial meeting to strengthen the role of the OSCE, new working modalities were introduced in 2002. The chairmanship of the Forum for Security Co-operation (FSC) was extended from one to four months (corresponding to a full session between

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 10), pp. 517–24. The characteristic feature of the agreement is that compliance is monitored and assisted by the international community. The military security of the subregion is built on a balance of forces among the local powers.

³⁸ OSCE, 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 1B, Dayton Peace Accords), 1 Jan.–30 Nov. 2002, Major General Claudio Zappulla (Italian Air Force), Personal Representative of the OSCE CIO, OSCE document CIO.GAL/99/02, 28 Nov. 2002.

recesses), as of 1 February 2002; and the interaction was increased between the FSC and the Permanent Council of the OSCE.³⁹

The work of the FSC in 2002 was largely influenced by the events of 11 September 2001. Its activities focused on two areas: traditional tasks regarding arms control and CSBMs, and the fight against terrorism. These areas overlap because the FSC devotes special attention to the relevance of existing politico-military commitments—in particular the 1994 OSCE Code of Conduct on Politico-Military Aspects of Security (COC) and the 2000 OSCE Document on Small Arms and Light Weapons (SALW)—and the overall contribution that arms control may make to fighting terrorism.⁴⁰

The 12th Annual Implementation Assessment Meeting (AIAM), held on 4–6 March 2002, acknowledged the progress made by OSCE participating states. States provided their annual exchange of military information for 2001; this was the first time that all states had provided such information. Most states provided other information under the Vienna Document 1999 of the Negotiations on Confidence- and Security-Building Measures in Europe, complied with requests for inspections and evaluations, and increased the frequency of reported military contacts.⁴¹ Concern was expressed about the lack of full participation by some states as regards providing information in a timely manner, hosting airbase visits and attending CSBM events. In the light of the AIAM, the participating states decided to revise the Announcing and Reminding Mechanism of 1998⁴² with the aim of authorizing the Chairperson of the FSC to take necessary action against any participating state that has not fulfilled its CSBM commitments.⁴³

As envisaged in the FSC Road Map,⁴⁴ an expert meeting on combating terrorism within the politico-military dimension of the OSCE was held on 14–15 May 2002. The meeting produced numerous proposals and suggestions for how terrorism could be fought within the OSCE framework, and these

³⁹ Lachowski, Z., 'Conventional arms control', *SIPRI Yearbook 2002: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2002), pp. 721–22. The Chairperson of the Porto OSCE ministerial meeting recommended further close coordination between the FSC and the PC on such issues as the OSCE Strategy for the 21st century, peacekeeping, the FSC's involvement in the Annual Security Review Conference and further operationalization of section V of the SALW Document. OSCE, Letter from the Chairperson of the Forum for Security Cooperation to the Minister for Foreign Affairs of Portugal, Chairperson of the Tenth Meeting of the Ministerial Council of the OSCE, OSCE document MC(19)JOUR/2, annex 2, 7 Dec. 2002.

⁴⁰ OSCE, 'Budapest Document 1994, Budapest Decisions IV, Code of Conduct on Politico-Military Aspects of Security', URL <<http://www.osce.org/docs/english/1990-1999/summits/buda94e.htm>>; and OSCE, 'Road Map of the FSC for implementation of the Bucharest Plan of Action for Combating Terrorism', OSCE document FSC.DEC/5/02, 20 Mar. 2002, URL <<http://www.osce.org/docs/english/fsc/2002/decisions/fed0205.htm>>. The text of the SALW is reproduced in *SIPRI Yearbook 2001: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2001), pp. 590–98.

⁴¹ Vienna Document 1999 of the Negotiations on Confidence- and Security-Building Measures, OSCE document FSC.DOC/1/99, 16 Nov. 1999. See also Statement delivered by deputy chief of US mission, Douglas A. Davidson, to the Twelfth Annual Implementation Assessment Meeting, United States Mission to the OSCE, *Washington File* (US Department of State, International Information Program: Vienna, 4 Mar. 2002).

⁴² See Lachowski, Z., 'Confidence- and security-building measures in Europe', *SIPRI Yearbook 2001* (note 40), p. 579.

⁴³ OSCE, Decision no. 10/02, Revised announcing and reminding mechanism, OSCE document FSC.DEC10/02, 10 July 2002.

⁴⁴ OSCE, Road Map (note 40).

were the subject of further FSC analyses in 2002. Working Group B of the FSC examined the relevance of all FSC politico-military commitments (except the COC and the SALW) in combating terrorism and presented its findings to the FSC.⁴⁵ Several states presented their national documents on defence planning in the context of the FSC security dialogue. This new practice was favourably regarded as strengthening transparency and building confidence.

At the initiative of France and the Netherlands, the FSC began to deal with the security risk created by surplus stockpiles of ammunition and explosives for use in conventional armaments (other than small arms) and those awaiting destruction in the OSCE area.⁴⁶ The purpose of the initiative is to develop principles, standards and measures to address such situations and to administer offers of assistance by OSCE participating states.⁴⁷ Representatives of the Wassenaar Arrangement, NATO, the Euro-Atlantic Partnership Council (EAPC) and the South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) briefed the FSC on their activities regarding SALW.⁴⁸

The FSC continued its efforts to modernize the OSCE Communications Network. In order to ensure the functioning of the existing communications network the FSC extended the back-up procedures for its operation.⁴⁹

The OSCE Document on Small Arms and Light Weapons

The OSCE Document on Small Arms and Light Weapons entered into force on 24 November 2000. This politically binding document contains a set of commitments for participating states, most of which are to be met at the national level. There are also measures, such as confidence-building and transparency measures (information exchanges) and 'best practice' guides, that are intended for use at the multilateral level. The FSC coordinates these activities and reviews national implementation. The document leaves open the issue of annual review meetings and meetings of experts on small arms.⁵⁰

At the multilateral level exchanges are to be held on: (a) national marking systems; (b) national procedures for the control of arms manufacture;

⁴⁵ The commitments include the Vienna Document 1999, the Global Exchange of Military Information, the Principles Governing Conventional Arms Transfers, the Principles Governing Non-Proliferation, Stabilizing Measures for Localized Crisis Situations, the Questionnaire on anti-personnel mines and the Questionnaire on the process of ratification of the Chemical Weapons Convention.

⁴⁶ OSCE, Decision no. 18/02, Security risk arising from stockpiles of ammunition and explosives for use in conventional armaments in surplus or awaiting destruction in the OSCE Area, OSCE document FSC.DEC/18/02, 27 Nov. 2002.

⁴⁷ OSCE, Statement on the proposed draft decision submitted by France and the Netherlands to the Forum for Security Cooperation, OSCE document FSC.JOUR/369, 10 July 2002.

⁴⁸ Letter from the Chairperson (note 39).

⁴⁹ OSCE, Decision no. 8/02, Extension of the back-up procedures for the operation of the OSCE Communications Network, OSCE document FSC.DEC/8/02, 19 June 2002; OSCE, Decision no. 12/02, Revised announcing and reminding mechanism, OSCE document FSC.DEC/12/02, 10 July 2002; OSCE, Decision no. 14/02, Extension of the back-up procedures for the operation of the OSCE Communications Network, OSCE document FSC.DEC/14/02, 20 Nov. 2002; and OSCE, Decision no. 19/02, Continuation of the OSCE Communications Network, OSCE document FSC.DEC.19, 11 Dec. 2002.

⁵⁰ The states agreed to review the scope and content of the document regularly. Small arms were discussed at the 11th and 12th AIAM of the OSCE states in 2001 and 2002, respectively.

(c) national legislation and current export policy practice, procedures and documentation; (d) control over international arms brokering; and (e) destruction techniques and procedures.⁵¹ All of these are one-off exchanges, but submission of updated information when necessary is envisaged.

The participating states were to exchange information, beginning in 2002⁵² and continuing on an annual basis, on exports and imports from other OSCE states⁵³ and on illegal small arms seized and destroyed on their territory. By 30 June 2002 they had exchanged information of a general nature about their national stockpile management and security procedures.

The FSC was to consider the development of 'best practices' in certain areas including: stockpile management and security, destruction, and minimum standards for import, export and transit documentation.⁵⁴ The FSC is considering the preparation of a best-practice handbook on SALW disarmament, dismantlement and reintegration measures, taking into account the work of other international organizations. At the SALW overview meeting, on 30 June 2001, the participating delegations suggested that the data collected through the information exchange could be used to shed light on the main trends and patterns in national legislation and practices.

In 2002 two important events occurred that dealt with SALW. First, in January the Conflict Prevention Centre (CPC) presented the results of the SALW Information Exchange Overview, which had taken place on 30 June 2001.⁵⁵ Second, a workshop was held on 4–5 February on the implementation of the OSCE SALW Document.⁵⁶ The overview covered the above-mentioned five areas of information exchange. Most reports reviewed by the CPC contained extensive and detailed information on some of these topics. In general, however, several elements were under-reported, especially those concerning marking systems, export policies and arms brokering. Only the topic of the destruction of small arms was viewed as well-reported, although even

⁵¹ As a voluntary CBM, states agreed to consider invitations, particularly in a regional and sub-regional context, to observe the destruction of small arms. OSCE Document on Small Arms and Light Weapons, para. IV(E)4. It is reproduced in *SIPRI Yearbook 2001* (note 40), pp. 590–98.

⁵² This was to occur not later than 30 June 2002.

⁵³ A format for this exchange is attached to the OSCE Document on Small Arms and Light Weapons (note 51).

⁵⁴ These are indirectly connected with information exchanges on national legislation and export policy practices.

⁵⁵ Submissions from other OSCE countries were received up to Jan. 2002. OSCE, Overview of the first OSCE information exchange on small arms and light weapons (SALW), 30 June 2001, OSCE document FSC.GAL/9/02, 23 Jan. 2002.

⁵⁶ The concrete objectives were: 'to study national answers submitted for the first exchange of information and the "lessons learned" from them; to identify the possible structure of a "best practice" handbook on small arms and DD and R [disarmament, dismantlement and reintegration] measures; to explore how this Document and its further implementation can contribute to the fight against terrorism and organized crime to identify what forms of assistance could be used to improve the implementation by participating States; to discuss how requests for monitoring of the destruction of small arms and technical assistance can best be coordinated through the CPC; to suggest possible guidelines/recommendations for the future information exchanges that will take place annually from June 2002; to explore the steps the OSCE needs to undertake in order to further improve implementation and to explore areas of possible co-operation with other organizations'. OSCE, Decision no. 8/01, Agenda, modalities and tentative timetable for a workshop on implementation of the OSCE Document on Small Arms and Light Weapons (SALW), OSCE document FSC.DEC/8/01, 28 Nov. 2001.

here there were problems since the periods covered by the reports varied. Consequently, it was determined that there was a need for more thorough and consistent information. It was suggested that the FSC develop 'templates' for the 2002 information exchange in order to standardize the reports. Such templates were created in March 2002.⁵⁷

The overview also suggested that a 'model answer' be developed for the 2001 exchange, and such a model was provided by the CPC on 27 March 2002. Its purpose was to create reporting guidelines for those states that had not submitted reports and for those states that intended to provide an update of their reports.⁵⁸ The model answer was also transmitted to the UN for distribution among its members.⁵⁹

In July the FSC took the decision to develop a set of best-practice guides (rules) on eight different areas related to the control of SALW.⁶⁰ Eleven delegations expressed their willingness to prepare the guides on seven of the eight topics concerned. On 27 November, the CPC informed the FSC that the states involved in the process had reviewed drafts of the guides dealing with national procedures for export and import control, definitions and indicators of a surplus, and techniques and procedures for destruction. The remaining guides were expected to be finalized by March 2003.⁶¹

Work continued on the implementation of Section V of the SALW Document, which deals with early warning, conflict prevention, crisis management and post-conflict rehabilitation. This was deemed especially important in the context of the 2001 Bucharest Plan of Action for Combating Terrorism.⁶² In November the FSC provided its first 'expert advice' to the Permanent Council on how to implement section V, and the proposal was considered at the OSCE ministerial meeting on 6–7 December 2002.⁶³ The Ministerial Council declared that full implementation of the SALW Document is an important aspect of the OSCE's work to combat terrorism.⁶⁴

The Code of Conduct on Politico-Military Aspects of Security

The OSCE Code of Conduct on Politico-Military Aspects of Security is an instrument to set norms not only for the politico-military relations between

⁵⁷ OSCE, Statement by the Chairperson of the Forum for Security Co-Operation on behalf of the FSC Troika members on templates for the OSCE information exchange on small arms and light weapons 2002, OSCE document FSC.JOUR/359, 20 Mar. 2002.

⁵⁸ OSCE, Model Answer for the OSCE information exchange on SALW 2001, OSCE document FSC.GAL/39/02, 27 Mar. 2002.

⁵⁹ OSCE, Decision no. 9/02, Provision of the Model Answer for the OSCE information exchange on SALW to the United Nations, OSCE document FSC.DEC/9/02, 3 July 2002.

⁶⁰ OSCE, Decision no. 11/02, Preparation of best practice guides on small arms and light weapons, OSCE document FSC.DEC/11/02, 10 July 2002.

⁶¹ OSCE, Decision no. 11/02 (note 60); and Letter from the Chairperson (note 39).

⁶² The text of the Plan of Action is available on the OSCE site at URL <<http://www.osce.org/docs/english/1990-1999/mcs/9buch01e.htm#22>>. See also OSCE, Road Map (note 40).

⁶³ OSCE, Decision no. 15/02, Expert advice on implementation of section V of the OSCE Document on Small Arms and Light Weapons, OSCE document FSC.DEC/15/02, 20 Nov. 2002.

⁶⁴ OSCE, OSCE Charter on preventing and combating terrorism, OSCE document MC(10).JOUR/2, annex 1, 7 Dec. 2002, para. 27.

OSCE member states, but also for the politico-military conditions within states. The continued relevance of the COC has been ensured by the regular follow-up conferences that were held in 1997 and 1999.

The tone for the COC discussions and activities in 2002 was set by the December 2001 Bucharest Plan of Action on Combating Terrorism, which emphasized the relevance of the COC in this context. Since 1999 annual information exchanges have taken place on the implementation of the COC in the form of responses to a questionnaire, submitted to the CPC. In 2002, 52 states parties submitted responses to the questionnaire, which was an improvement on earlier years (in 2001, 49 states parties submitted responses).⁶⁵ It was also the first year in which the results of the information exchange were posted on an OSCE Internet site—access to which is restricted to delegations.

In early June 2002, the CPC was asked to prepare an overview of the general trends in the answers to the questionnaire. This overview was to be limited to statistical data related to the implementation of the COC and was not intended to assess implementation. Its results were made available to delegations two weeks before the Third Follow-up Conference, held on 23–24 September.⁶⁶ Apart from collecting the responses to the questionnaire, the CPC is also responsible for supporting states in their implementation of the COC. In 2002 this was done mainly by organizing workshops, seminars and roundtables. These efforts will continue in the future.

There were three topics on the agenda of the Third Follow-up Conference: the information exchanged in response to the COC questionnaire, how best to implement the COC, and the contribution of the COC to combating terrorism.

Working Group 1, which was responsible for the ‘Review of the information exchange and assessment of overall implementation’, discussed problems encountered with the information exchange questionnaire and possible improvements to it.⁶⁷ The working group summarized the proposals made by the delegations for improving and clarifying the questionnaire. It was suggested that the existing questions be expanded, not rewritten; that ‘sub-questions’ be added to make the information provided more precise and focused; and that information about existing legislation be provided on a one-off basis and updated as necessary, not repeated every year. It was also suggested that the CPC create a model answer to assist states in the formulation of their responses.⁶⁸

Working Group 2 addressed the ‘Implementation of specific provisions’. Suggestions were made for improvement of the implementation of the COC, including a proposal that other OSCE institutions should become more

⁶⁵ However, the CPC did express concern that *c.* 50% of the submissions were made after the 15 Apr. deadline. OSCE, Statement by the Director of the Conflict Prevention Centre at the Opening Plenary of the Third Follow-up Conference on the Code of Conduct, SEC.GAL/169/02, 23 Sep. 2002, p. 2.

⁶⁶ OSCE, Decision no. 7/02, Overview of the Information Exchange on the Code of Conduct on Politico-Military Aspects of Security, OSCE document FSC.DEC/7/02, 5 June 2002.

⁶⁷ OSCE, Third Follow-up Conference on the OSCE Code of Conduct on Politico-Military Aspects of Security: Consolidated Summary, OSCE document FSC.GAL/122/02, 8 Oct. 2002, pp. 3–4.

⁶⁸ OSCE, Third Follow-up Conference on the OSCE Code of Conduct on Politico-Military Aspects of Security: Survey of Suggestions, FSC.GAL/123/02, 8 Oct. 2002.

involved in promoting the COC and its implementation. It was suggested that the CPC practice of conducting seminars and workshops in participating states in order to increase awareness and facilitate implementation of the COC be further developed and extended. It was also proposed that the existing CSBM mechanisms, such as visits to airbases and other military installations, should be used to educate military personnel about the COC.⁶⁹

The most extensive debate occurred in Working Group 3, which dealt with the 'Contribution of the Code of Conduct to combating terrorism'. The main suggestion was to expand Question 1 of the questionnaire, which addresses the efforts to combat terrorism. A presentation by the CPC demonstrated that there had not been a common understanding of what to include when answering the question.⁷⁰ In order to solve this problem, the Russian and US delegations jointly proposed expanding the question by adding sub-questions to specify what information should be included about relevant international agreements, national measures to implement such agreements, other relevant agreements to which the state is party, and national efforts unrelated to international agreements. The delegates supported a proposal to expand Question 5 to include the role of the armed forces in combating terrorism.⁷¹ In November the FSC adopted a decision to expand the information exchange concerning national efforts to combat terrorism. The only change from the Russian-US proposal was that the proposed expansion of Question 5 was included as a sub-question of Question 1.⁷² Additional suggestions were made to expand the questionnaire in order to address the efforts to combat terrorism by adding questions about the commitments and activities of the OSCE states regarding non-proliferation and efforts to combat SALW and human trafficking.⁷³

On 4–5 November 2002, a seminar on Democratic Control of Armed Forces and the Code of Conduct on Politico-Military Aspects of Security was held in Belgrade. It was organized jointly by the CPC and the OSCE Parliamentary Assembly and attended by parliamentarians and representatives from the defence and foreign ministries of Bulgaria, Croatia, Greece, the former Yugoslav Republic of Macedonia, Romania, Slovenia, Ukraine and the FRY. The seminar aimed to promote awareness of the COC among parliamentarians, share experiences regarding the democratic control of armed forces and highlight the importance of the COC in the fight against terrorism.⁷⁴

⁶⁹ OSCE, Third Follow-up Conference, Survey of Suggestions (note 68).

⁷⁰ OSCE, Third Follow-up Conference, Consolidated Summary (note 67).

⁷¹ OSCE, Draft Decision on Expanding the Code of Conduct questionnaire, FSC.DEL/533/02, 1 Oct. 2002.

⁷² OSCE, Decision no. 16/02, Expanding the Code of Conduct questionnaire, FSC.DEC/16/02, 27 Nov. 2002.

⁷³ OSCE, Third Follow-up Conference, Survey of Suggestions (note 68).

⁷⁴ The seminar stressed the importance of the democratic control of the armed forces as an essential part of the security policy-making process within states; the role of parliamentarians in providing the legislative basis for the democratic control of the armed forces; the importance of integrating the armed forces into society and of training them in international humanitarian law; the continuing role of the COC in combating terrorism; and the vital role of parliaments in this context. OSCE, Information about Seminar on Democratic Control of Armed Forces and the Code of Conduct on Politico-Military Aspects of Security, OSCE document FSC.GAL/146/02, 13 Nov. 2002.

CSBMs 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.⁷⁵ The parties to the agreement are Bosnia and Herzegovina and its two entities. Stability and peace remain dependent on an international engagement and presence.⁷⁶ 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 Herzegovina have not been integrated.⁷⁷ There is an ongoing process to reduce excessively high military budgets.⁷⁸

In 2002 no political disturbances occurred, and the implementation of the CSBMs was ‘almost flawless’.⁷⁹ However, the NATO-led Stabilization Force (SFOR) discovered that Orao, a state-owned weapons factory in Bijeljina, Republika Srpska, was linked to illegal exports of weapon systems components through the FRY to Iraq.⁸⁰ This caused the Personal Representative of the OSCE Chairperson-in-Office (CIO) to seek verification of the NATO claim with the Bosnian Serb member of the Joint Consultative Commission (JCC). Nevertheless, the annual military information exchanges continue to improve. The Personal Representative continues to focus on overseeing the inspection regime, but there has been a considerable shift towards voluntary measures. In particular, emphasis has been placed on greater transparency of the military budgets and the conduct of COC seminars. In 2002 Finnish and Swedish experts organized seminars for officers from the two entities; one aerial observation exercise was held; plans for the long-term command post and field training exercise along the Inter-Entity Boundary Line were under way; and a seminar was held in Portoroz, Slovenia, on the economic aspects of security.

⁷⁵ See note 36.

⁷⁶ In Oct. 2002 the US-led military ‘train and equip’ programme in Bosnia and Herzegovina ended because the security situation there was acknowledged as ‘greatly improved’. Over the 7 years of the programme’s existence the total value of goods and services provided amounted to some half a billion US dollars. ‘State Department on Bosnia military train and equip program’, *Washington File* (US Department of State, International Information Programs: Washington, DC, 30 Oct. 2002).

⁷⁷ During the 13 Mar. visit of the tri-presidency of Bosnia and Herzegovina to NATO Headquarters, NATO Secretary General Lord Robertson reiterated that a single military command and system of supervision of the armed forces in both Bosnian entities was a prerequisite for Bosnia and Herzegovina’s participation in the Partnership for Peace. ONASA (Sarajevo, Internet edn), 13 Mar. 2002, in ‘B–H: NATO says single army command “absolute precondition” for joining Pfp’, Foreign Broadcast Information Service, *Daily Report–East Europe (FBIS-EEU)*, FBIS-EEU-20020313, 13 Mar. 2002.

⁷⁸ The process of cuts in the military budgets of the Bosnian Serb and Muslim-Croat entities continued in 2002 with the aim of a 20% reduction by the end of the year. Agence France-Presse (Paris), 6 Aug. 2002, in ‘Bosnian Serb government says entity to cut army by 20 percent’, FBIS-EEU-2002-0806, 6 Aug. 2002.

⁷⁹ Annual Report (note 38).

⁸⁰ ‘NATO says Republika Srpska factory sold arms to Iraq’, *Washington File* (US Department of State, International Information Programs: Washington, DC, 30 Oct. 2002), URL <<http://usinfo.state.gov/regional/nea/iraq/text/1030nato.htm>>.

Consultations are being held between the CIO Personal Representative and the OSCE delegations on future efforts, including the transfer of ‘ownership’ of the Article II Agreement to the parties themselves.

New CSBM accords

The Vienna Document 1999 committed the participating states to pursue regional CSBM arrangements.⁸¹ In 2002 two international CSBM endeavours aimed at building confidence in the maritime environment. These CSBMs were the first to address naval activities. It was not previously possible to develop such measures at the pan-European level.

Naval CSBMs in the Black Sea region

The guidelines for the conduct of negotiations on CSBMs in the naval field in the Black Sea region were agreed on 23 February 1998 in Vienna, and talks were held, on 23 June 1998–1 November 2001, between the Black Sea coastal states—Bulgaria, Georgia, Romania, Russia, Turkey and Ukraine. On 25 April 2002, these states signed a politically binding joint declaration and a document on naval CSBMs in the Black Sea in Kiev, Ukraine.⁸² It began to be implemented on 1 January 2003.

Unlike numerous other regional CSBM arrangements, the document does not refer directly to the Vienna CSBM regime. It comprises five areas of cooperation: general cooperation in the naval field, contacts, invitations to naval bases, exchange of information and Confidence Annual Naval Exercises (CANE). The application zone covers the territorial waters of the coastal states and ‘beyond these territorial waters, when relevant’ as well as Black Sea naval or auxiliary naval bases.

Voluntary cooperation in the naval field envisages establishing communication channels between the naval commanders of the participating states, exchanging various types of information (e.g., navigational, hydrological, meteorological and ecological), conducting educational activities, promoting cooperation to combat terrorism and exploring further cooperation in search-and-rescue operations. The participating states pledge to take into account areas where there are extensive fishing and shipping activities when planning naval exercises, in order to avoid interfering with shipping and air traffic, and to avoid actions which may be perceived to pose a risk or be threatening or hazardous to the other participating states. Provisions have been made for the exchange of visits between naval experts and officers, contacts between naval institutions, invitations of ships to ports or naval bases, exchange programmes for naval and petty officers, and sports and cultural events.

⁸¹ Vienna Document (note 41).

⁸² OSCE, Joint Declaration of the Republic of Bulgaria, Georgia, Romania, the Russian Federation, the Republic of Turkey and Ukraine, OSCE document FSC.DEL/298/02, 27 May 2002. The Document on Confidence- and Security-Building Measures in the Naval Field in the Black Sea is attached to the Joint Declaration.

It was determined that every six years each participating state will invite representatives of all other states to one of its naval bases or to an auxiliary naval base (i.e., a seaport with military facilities to provide logistical support for naval forces). The states will also exchange information on: aggregate numbers of surface combat ships with fully loaded displacement of 400 tonnes and more; submarines with submerged displacement of 50 tonnes and more; amphibious ships; and peacetime authorized naval personnel strength in the zone of application. The participating states will furnish information on their two largest annually planned national naval activities within the zone of application no later than 1 January of each year.

On a rotating basis, each participating state will designate one of its naval exercises as a Confidence Annual Naval Exercise and invite naval representatives and/or units from all other participating states to take part in it or in related activities. The exercise will last up to six days and can be at the operational or tactical level. Participation of invited states in the CANE will be limited to a maximum of two to three ships and/or one to two senior officers. The other modalities of the CANE—including the general purpose, type, dates, and the level and size of participation of each state—will be communicated by the host state to the other states at least two months in advance.

As a rule, consultations will be held annually to discuss the implementation of the document and consider amendments to it. Decisions will be taken by consensus.

The naval CSBM between Finland and Russia

In line with Chapters IV and X of the Vienna Document 1999, in October 2002 Finland and Russia agreed a bilateral agreement on the exchange of naval visits.⁸³ Finland will biannually invite representatives of the Russian Baltic Sea Fleet to its naval bases at Upinniemi or Pansio, and Russia will reciprocate with visits by Finnish representatives to the Russian naval bases at Kaliningrad or Kronstadt. The visits will be arranged according to the provisions of the Vienna Document 1999.

The Treaty on Open Skies

The 1992 Treaty on Open Skies, which was signed on 24 March 1992 by the members of NATO and the former Warsaw Treaty Organization, entered into force on 1 January 2002;⁸⁴ 2002 was the first year of implementation of the treaty.

During the initial certification period, 16 states parties certified their observation aircraft and sensor configuration in accordance with the provisions of

⁸³ OSCE, Statement by the Finnish delegation at the FSC, Permanent Mission of Finland to the OSCE, Vienna, 16 Oct. 2002., OSCE document FSC.DEL/560/02, 17 Oct. 2002.

⁸⁴ For the terms of the treaty and the list of parties and signatories see annex A in this volume. Kyrgyzstan has signed but not yet ratified the treaty, but it is not in either of the categories of states whose ratification is necessary for the treaty's entry into force.

the treaty. A number of other parties have indicated that they will do so in the future. The certifications made formal observation flights possible; these began in August 2002. The experience gained in the period of provisional application of the treaty (1992–2001) has been of significant value.

The Open Skies Consultative Commission (OSCC) and its informal groups continued to resolve the questions which must be addressed for effective treaty implementation. The OSCC also worked on the certification process and on ensuring the smooth conduct of observation flights. In 2002 the applications for accession by Bosnia and Herzegovina, Croatia, Finland, Latvia, Lithuania and Sweden were approved by the OSCC. As of 1 January 2003, there were three new parties to the treaty—Finland, Latvia and Sweden.

VI. Conclusions

Currently, the conventional arms control regime in Europe faces two inter-related political challenges. The first is the deadlock over the entry into force of the Agreement on Adaptation of the CFE Treaty, which has been delayed by Russia's non-compliance with its treaty and political arms control obligations. The second challenge is the enlargement of NATO in the vicinity of 'Russia proper' by the admission of the Baltic states, due to join in 2004. Russia continues to be concerned about the military consequences of NATO enlargement. It sees an arms control 'gap' emerging on its borders because of the impending Baltic accession, and it is seeking a legal solution on the international level to this development. Most parties to the CFE Treaty demand Russian compliance not only with the letter of the treaty, but also with the spirit of cooperative security reflected in the commitments made by Russia at the 1999 OSCE Istanbul Summit Meeting. However, discussion of possible commitments and constraints to be adopted by the new NATO members has yet to begin within NATO.

As in 2001, the OSCE participants continued to focus their efforts on adapting and employing confidence-building measures to meet the threat of terrorism. The OSCE made considerable progress in this area by enhancing the confidence- and security building measures embodied in the SALW Document and the Code of Conduct.

At the regional level, the security situation in the Balkans has improved, and it may soon be possible to hand over responsibility for implementation of regional arms control and CSBM agreements to the regional actors. An interesting development in 2002 was the first attempt to use CSBMs in regard to naval activities in the Baltic and Black Sea regions.