

## V. Confidence- and security-building measures

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In most parts of the world there have, at some point in time, been efforts to elaborate confidence- and security-building measures (CSBMs), not as an aim in themselves, but as part of a broader discussion of a security regime in which the behaviour of states is rendered understandable and predictable. The exact nature of the CSBMs should be tailored to each region's specific conditions.

In Europe, the Vienna Document on CSBMs is the most important element of the CSBM regime, complemented by the 1992 Treaty on Open Skies. In South America, the Union of South American Nations (Unión de Naciones Suramericanas, UNASUR) has become a focal point for the elaboration of CSBMs. Brazil has set an example during the process of elaborating tailor-made CSBMs for South America by providing UNASUR partners with a voluntary report on military activities based on the content of the Vienna Document.

### **Confidence building in South America<sup>1</sup>**

The elaboration of CSBMs by UNASUR culminated in the adoption of a resolution at a meeting of the ministers of foreign affairs and defence on 27 November 2009 creating a 'mechanism to build confidence and security'.<sup>2</sup> This was a tangible outcome of the decision made by UNASUR heads of state in August 2009 at Bariloche, Argentina, to strengthen South America as a zone of peace.<sup>3</sup>

The UNASUR ministers outlined five categories of CSBM: (a) the exchange of information and transparency; (b) advance notification of any defence exercises or manoeuvres along the border of another state; (c) a promise to take action to prevent the presence or operations of illegal armed groups on national territory; (d) a promise never to use force against another UNASUR member state; and (e) provisions for visits and increased military-to-military contact, in particular in border regions, with a mechanism for raising any disputed issues to the level of head of state.<sup>4</sup>

<sup>1</sup> This subsection was written by Ian Anthony.

<sup>2</sup> UNASUR, Extraordinary meeting of the ministers of foreign affairs and defence, Resolution, 27 Nov. 2009. For a brief description and list of members of UNASUR see annex B in this volume.

<sup>3</sup> UNASUR, Joint Statement of the Special Meeting of the Council of Heads of State of the Union of South American Nations, San Carlos de Bariloche, 28 Aug. 2009, <<http://www.comunidadandina.org/unasur/28-8-09bariloche.htm>> (in Spanish).

<sup>4</sup> UNASUR (note 2). See also US Embassy in Quito, 'UNASUR establishes confidence building mechanism', Cable to US Department of State, no. 09QUITO1009, 1 Dec. 2009, <<http://wikileaks.org/cable/2009/12/09QUITO1009.html>>. On the exchange of information and transparency in Latin

At a meeting of the South American Defence Council (Consejo de Defensa Suramericano, CDS) on 11 November 2011, the UNASUR defence ministers finalized the methodology for one element of the CSBM on exchange of information and transparency: military spending.<sup>5</sup> The development of regional CSBMs has also been facilitated by the creation of a UNASUR Centre for Strategic Defence Studies (Centro de Estudios Estratégicos de la Defensa, CEED), which was inaugurated in May 2011.<sup>6</sup> The CEED is staffed by military personnel from all UNASUR countries and is located in Buenos Aires, Argentina.

### Revision of the Vienna Document

At the Ministerial Council meeting in Vilnius, Lithuania, on 6–7 December 2011, the OSCE participating states welcomed a revised version of the Vienna Document—the Vienna Document 2011 on Confidence- and Security-building Measures (VD2011)—which had been adopted by the Forum for Security Co-operation (FSC), the OSCE’s negotiation and decision-making body for arms control, a week earlier.<sup>7</sup> The revision had been mandated in 2009 when the Ministerial Council called on the FSC to address ‘the role of arms control and CSBMs in the evolving security environment’.<sup>8</sup> By the end of 2010 the FSC had agreed on its approach to updating the previous version, the Vienna Document 1999 of the Negotiations on Confidence- and Security-Building Measures (VD99), and the Astana Commemorative Declaration anticipated the update.<sup>9</sup>

America see Bromley, M. and Solmirano, C., *Transparency in Military Spending and Arms Acquisitions in Latin America and the Caribbean*, SIPRI Policy Paper no 31 (SIPRI: Stockholm, Jan. 2012).

<sup>5</sup> South American Defence Council, Declaration of Lima, 10–11 Nov. 2011, <[http://www.unasur.cds.org/index.php?option=com\\_content&id=484](http://www.unasur.cds.org/index.php?option=com_content&id=484)> (in Spanish); and Camacho, C., ‘South American defense ministers discuss regional security issues in Lima’, NTN24 News, 11 Nov. 2011, <<http://www.ntn24.com/news/news/south-american-defense-ministers-discuss-regional-security-issues-lima>>.

<sup>6</sup> South American Defence Council, Statute of the Center for Strategic Defense Studies of the South American Defense Council, May 2010, <[http://www.unasur.cds.org/index.php?option=com\\_content&id=434](http://www.unasur.cds.org/index.php?option=com_content&id=434)>; and Santos, L., ‘UNASUR founds a Center of Strategic Studies of Defense’, Just the Facts, 6 June 2011, <<http://justf.org/blog/2011/06/06/unasur-founds-center-strategic-studies-defense>>.

<sup>7</sup> Vienna Document 2011 on Confidence- and Security-building Measures, adopted by OSCE, Forum for Security Co-operation, Decision no. 14/11, FSC.DEC/14/11, 30 Nov. 2011, entered into force 1 Dec. 2011, <<http://www.osce.org/fsc/86597>>. See also OSCE, Ministerial Council, Vilnius 2011, ‘Issues relevant to the Forum for Security Co-operation’, Decision no. 7/11, MC.DEC/7/11/Corr.1, 7 Dec. 2011.

<sup>8</sup> OSCE, Ministerial Council, Athens 2009, ‘Issues relevant to the Forum for Security Co-operation’, Decision no. 16/09, MC.DEC/16/09, 2 Dec. 2009. For developments related to the Vienna Document up to 2010 see Lachowski, Z., ‘Conventional arms control and military confidence building’, *SIPRI Yearbook 2011*, pp. 416–19. For a brief description of the VD2011 and its predecessors see annex A in this volume.

<sup>9</sup> OSCE, Summit Meeting, Astana 2010, ‘Astana Commemorative Declaration: towards a security community’, SUM.DOC/1/10/Corr.1\*, 3 Dec. 2010, <<http://www.osce.org/cio/74985>>.

Despite this preparation, negotiations did not produce substantial changes. Almost all of the nine decisions that prepared the way for VD2011 were of a purely technical and procedural nature, as assessed by an interpretative statement by Germany and supported by 38 other (Western) states, and five of them had already been taken in 2010.<sup>10</sup> The only new decision with any substantive impact concerned a clarification of how briefings for inspectors should be structured and that new measures adopted by all participants should enter into force immediately.<sup>11</sup>

Many substantive proposals that were tabled during the negotiations could not be agreed. Member states of the North Atlantic Treaty Organization (NATO), supported by some others, concentrated their proposals on lowering the thresholds for prior notification of certain military activities while raising the quota of inspections and evaluation visits. In July 2011 a group of 33 states—the 28 NATO member states joined by Cyprus, Bosnia and Herzegovina, Malta, Sweden and Switzerland—proposed lowering the thresholds for prior notification of military activities to 5000 troops (from 9000 in VD99), 100 battle tanks (from 250 in VD99), 200 armoured combat vehicles (from 500 in VD99) and 80 artillery pieces (from 250 in VD99).<sup>12</sup> This proposal would have led to more notifications as most current military activities are below the VD99 thresholds. The USA proposed raising the number of inspections and evaluations per state and calendar year.<sup>13</sup>

Russia rejected these proposals partly because it is not in favour of additional military transparency during the ongoing process of restructuring its armed forces. However, Western and Russian representatives in Vienna agreed that the added military value of the data exchanged under the VD99 is rather limited, and the main impact of the failure to adopt new proposals is political.<sup>14</sup> Western proposals, in particular raising the number of inspections and evaluation visits, were seen by Russia as an attempt to use the Vienna Document to circumvent Russia's suspension of participation in the

<sup>10</sup> OSCE, MC.DEC/7/11 (note 7), Attachment, 'Interpretative statement under paragraph IV.1(A)6 of the Rules of Procedure of the Organization for Security and Co-operation'. The list of 9 decisions is contained in OSCE, FSC.DEC/14/11 (note 7), annex.

<sup>11</sup> OSCE, Forum for Security Co-operation, 'Vienna Document Plus: amendments and additions to Chapter IX "Compliance and verification" paragraphs 98 and 127', Decision no. 7/11, FSC.DEC/7/11, 27 July 2011.

<sup>12</sup> OSCE, Forum for Security Co-operation, Delegations of Albania, Germany, the USA, Belgium, Bosnia and Herzegovina, Bulgaria, Cyprus, Croatia, Denmark, Spain, Estonia, Finland, France, the United Kingdom, Greece, Hungary, Ireland, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden, Switzerland and the Czech Republic, 'Lowering thresholds for prior notification of certain military activities—Vienna Document 1999', FSC.DEL/107/10/Rev.3/corr.2\*, 11 July 2011.

<sup>13</sup> OSCE, Forum for Security Co-operation, US Mission to the OSCE, 'Proposal for a draft decision on inspection quotas', FSC.DEL/92/10, 21 Sep. 2010; and OSCE, Forum for Security Co-operation, US Mission to the OSCE, 'Proposal for a draft decision on quotas for evaluation visits', FSC.DEL/91/10, 21 Sep. 2010.

<sup>14</sup> This paragraph is based on author interviews with members of several OSCE delegations, Vienna, Sep. 2011.

CFE Treaty—not without reason as the effort to upgrade the document was seen by some Western delegations as ‘Plan B’ should CFE negotiations fail to ensure at least some kind of transparency in the Russian armed forces (see section IV above). Thus, lack of progress in the talks ‘at 36’ has also blocked progress on the Vienna Document.

Russia also tabled substantive proposals that could not be agreed. A long-standing Russian request to exchange information on naval forces was retabled in October 2010.<sup>15</sup> This proposal has always been rejected by the USA. Two other long-standing Russian proposals—notification of large-scale transits and of the activities of multinational rapid-reaction forces—also failed.<sup>16</sup> The lack of political will to compromise is illustrated by the failure of a joint proposal by Russia, some NATO members and some other states to notify one military exercise per year that is below the current threshold if there is no exercise above the threshold.<sup>17</sup> This proposal failed even though it is already practiced by a number of states on a voluntary basis.

The Vienna Document 2011 represents at best minimal progress over the 1999 document; the objective of adapting to changed military realities has certainly not been achieved. Moreover, the process and its outcome do not provide strategic direction to the FSC, and so it is unclear what its next steps will be. If this trend is not reversed, the Vienna Document regime will continue to lose military and political relevance—a process that is already well under way. Large-scale military manoeuvres have become too costly to conduct and technology has provided other means to evaluate the quality of military training. Even if the remedy proposed by the Western states—lowering the thresholds for the kinds of activities that should be notified—could be agreed, the information gained by inspections would be of less military relevance than one or two decades ago.

<sup>15</sup> OSCE, Forum for Security Co-operation, Russian Delegation, ‘Proposal for a draft FSC Vienna Document Plus decision on the exchange of information on naval forces’, FSC.DEL/134/10, 21 Oct. 2010.

<sup>16</sup> OSCE, Forum for Security Co-operation, Russian Delegation, ‘Proposal for a draft FSC Vienna Document Plus decision on notification of military activities of multinational rapid reaction forces’, FSC.DEL/98/10/Rev.1, 21 Oct. 2010; and OSCE, Forum for Security Co-operation, Russian Delegation, ‘Proposal for a draft FSC Vienna Document Plus decision on prior notification of large-scale military transit’, FSC.DEL/133/10/Corr.1, 16 Nov. 2010.

<sup>17</sup> OSCE, Forum for Security Co-operation, Delegations of Russia, the United Kingdom, Greece, Hungary, Austria, Belgium, Kazakhstan, Ireland, Germany, Sweden and Cyprus, ‘Proposal for a draft FSC Vienna Document Plus decision on prior notification of major military activities’, FSC.DEL/97/10/Corr.4, 21 July 2011.

## Blockade of the Open Skies Consultative Commission

In implementing the Open Skies Treaty, only one observation flight was denied in 2011.<sup>18</sup> In the first half of the year Romania proposed an observation flight in Russia close to the border with Georgia—presumably to test again how Russia would interpret the treaty with regard to the territorial conflicts in Georgia.<sup>19</sup> The treaty obliges observation flights to maintain a distance of 10 kilometres from the border of non-state parties. Georgia is party to the Open Skies Treaty, and the mission and flight plan proposed by Romania passed a short distance from the Georgian border. Russian opposition was based on recognition of Abkhazia as an independent state, requiring the 10-km distance to be observed. Romania was unwilling to adapt the flight plan according to the Russian interpretation and the mission was cancelled. While the unresolved territorial conflict limited the observation rights of the parties in this case, other missions over Russia were conducted in accordance with the treaty rules. On 14–18 March 2011 Russia and the USA conducted their first joint observation flight (over Sweden) and Russian observer flights flew over the USA on 26 September–1 October, which underlines the support for the treaty in both states.<sup>20</sup>

The dispute between Greece and Turkey over the unresolved conflict on Cyprus has blocked the membership of Cyprus in the Open Skies Treaty since 2002. Greece has raised the topic at every meeting of the Open Skies Consultative Commission (OSCC) and Turkey has always opposed it. After this issue was mentioned in the Final Document of the Second Review Conference, in 2010, Turkey decided to suspend participation in formal meetings of the OSCC if Greece continued to raise this issue.<sup>21</sup> Because the OSCC can only work by consensus, it was forced to stop its formal activities in February 2011.<sup>22</sup> Informal and extraordinary meetings are still possible and a German proposal for a new informal working group on sharing assets to discuss cooperation and coordination of observation aircraft was accepted in April.<sup>23</sup> Each year, the OSCC must decide the observation flight

<sup>18</sup> For a summary and other details of the Treaty on Open Skies see annex A in this volume.

<sup>19</sup> On a similar incident in 2010 see Lachowski (note 8), p. 422.

<sup>20</sup> US Department of State, 'First U.S.–Russian joint Open Skies observation flight', Media note, 14 Mar. 2011, <<http://www.state.gov/r/pa/prs/ps/2011/03/158252.htm>>; and 'Russian inspectors to make observation flight over US territory', ITAR-TASS, 26 Sep. 2011, <<http://www.itar-tass.com/en/c154/233547.html>>.

<sup>21</sup> Second Review Conference on the Implementation of the Treaty on Open Skies, Final Document, OSCC.RC/39/10, 9 June 2010.

<sup>22</sup> See e.g. Gottemoeller, R., US Assistant Secretary of State for Verification, Compliance and Implementation, 'Statement at the Annual Security Review Conference', Vienna, 1 July 2011, <<http://www.state.gov/t/avc/rls/167477.htm>>.

<sup>23</sup> German Bundestag, 'Deutschlands Rolle im KSE-Prozess' [Germany's role in the CFE process], Response of the federal government to the question by MPs Inge Hoeger, Wolfgang Gehrcke, Sevim

quotas for the next year; in an extraordinary meeting on 21 October 2011 at which Greece agreed not to raise the Cyprus issue, all countries were able to agree on the quotas for 2012. This special procedure assured continued implementation of the regime in 2012. However, it is uncertain how issues will be decided beyond that.

Important technical decisions will soon be required on the certification of new inspection aircraft and digital equipment that was authorized in principle at the 2010 review conference. The regime also faces the challenge of a shortage of observation aircraft, which needs further discussions, coordination and cooperation among the states parties. Events in 2011 raised the risk that, like the CFE regime, the Open Skies regime could also become a hostage to unresolved territorial disputes, this time between Greece and Turkey over Cyprus.