

**Confidence- and Security-Building
Measures in the New Europe**

Stockholm International Peace Research Institute

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Confidence- and Security-Building Measures in the New Europe

SIPRI Research Report No. 18

Zdzislaw Lachowski

OXFORD UNIVERSITY PRESS
2004

OXFORD

UNIVERSITY PRESS

Great Clarendon Street, Oxford OX2 6DP

Oxford University Press is a department of the University of Oxford.
It furthers the University's objective of excellence in research, scholarship,
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Oxford New York

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Published in the United States
by Oxford University Press Inc., New York

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First published 2004

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British Library Cataloguing in Publication Data
Data available

Library of Congress Cataloging in Publication Data
Data available

ISBN 0-19-829788-2

ISBN 0-19-829789-0 (*pbk*)

Typeset and originated by Stockholm International Peace Research Institute

Printed in Great Britain on acid-free paper by

Biddles Ltd., King's Lynn, Norfolk

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Preface

The Organization for Security and Co-operation in Europe (OSCE)—formerly the Conference on Security and Co-operation in Europe (CSCE)—has always been something of a Cinderella among European institutions, and confidence- and security-building measures (CSBMs) are perhaps among its least-known and least-heralded achievements. These measures for openness and restraint in the field of defence activity have, however, played several worthwhile roles during the long transition from the cold war's East–West confrontation to the present-day Europe 'whole and free'. Operating as a kind of 'soft arms control', they helped to ease inter-bloc tension in the 1970s and 1980s and, in 1989–91, to ensure a militarily uneventful end to the Soviet Union and the alliance that it led. For the many new nations created in the 1990s, CSBMs complemented the North Atlantic Treaty Organization (NATO) Partnership for Peace as a school for responsible and cooperative defence behaviour. They helped to stabilize relations between successor republics of the former Yugoslavia following the Balkan wars. On the foundation of policy convergence and the sense of military community which these measures created, OSCE nations in the past decade have been able to build other cooperative policies suited to the needs of a new age, for example on small arms, anti-personnel mines, conventional arms transfers in general, weapons of mass destruction proliferation, and combating terrorism.

In this research report, based on long study of CSCE and OSCE developments, Zdzislaw Lachowski painstakingly charts the institutional development of CSBMs and matches it with a hard-headed review of compliance and impact. He shows that the CSBM process has been most sterile when elaborated as a procedural end in itself and most impotent in the 'foul weather' setting of actual local and internal conflicts. It has worked best when adapted in a timely and flexible way to the demands of changing circumstances in Europe: the new strategic and political geography, the new generic threat perceptions, and the needs and openings for confidence building in more specific, bilateral and sub-regional contexts. It could possibly bring benefits in further, non-European regions, too, on condition that its inherent limitations are understood and a number of dos and don'ts about extrapolating from European experience are respected.

Zdzislaw Lachowski's comments on these last points deserve reflection in the context of current debates on security building in the 'greater Middle East' and elsewhere. The report as a whole gives rise to other, not entirely comfortable questions about how security is managed in Europe itself. Have we sufficiently appreciated the importance of CSBMs, and of the OSCE in general, in smoothing the path of pan-European integration processes and mending the security fabric after local conflicts? Is enough being done to preserve and reapply these traditional strengths for challenges like the new dividing lines of NATO and European Union enlargements, and the still conflict-ridden parts of the post-Soviet space? Or is the present disdain in some quarters for any kind of traditional, reciprocal restraint threatening to kill off this Cinderella along with other, more glamorous and better-publicized victims? I am very grateful to Zdzislaw Lachowski for his thorough and thought-provoking work, and to Jetta Gilligan Borg for editing this report.

Alyson J. K. Bailes
Director, SIPRI
November 2004

Acknowledgements

This study emerged from the research carried out at SIPRI for a decade and a half while I reported annually on various arms control developments to the SIPRI Yearbook. The research report would not have been possible without the assistance of many persons, members of the diplomatic missions and officials from the CSCE/OSCE participating states. The documentation furnished by them was of invaluable help in getting the task of writing this book done.

I remain primarily indebted to the former Director of SIPRI, Professor Adam Daniel Rotfeld, for his constant encouragement and support for this endeavour. Much help was rendered by the current SIPRI Director, Alyson J. K. Bailes, who kindly reviewed the final draft and offered numerous insightful suggestions with regard to both its content and language.

Several other experts reviewed the manuscript, provided valuable information and gave helpful comments on it. They are Professor Victor-Yves Gheballi, Dr Pál Dunay and Mieczyslaw Kuzinski. My warm thanks go to Martin Sjögren, research assistant in SIPRI's Conventional Arms Control project, who helped with preparation of the tables in the report and provided assistance in other ways. I am also thankful to other former assistant researchers—Stefanie Bailer, Patrick Henrichon and Pia Kronestedt.

The editors at SIPRI deserve the author's heartfelt gratitude and praise for their work, perception and patience—Jetta Gilligan Borg, the principal editor of the book, as well as Connie Wall and David Cruickshank.

The views expressed in the book are my own and do not represent the position of SIPRI.

Dr Zdzislaw Lachowski
November 2004

Acronyms

ACCS	Air Command and Control System
ACV	Armoured combat vehicle
AEMI	Annual exchange of military information
AIAM	Annual Implementation Assessment Meeting
AIFV	Armoured infantry fighting vehicle
AIFV LAL	Armoured infantry fighting vehicle look-alike
APC	Armoured personnel carrier
APC LAL	Armoured personnel carrier look-alike
APM	Anti-personnel mine
ASEAN	Association of South-East Asian Nations
ASRC	Annual Security Review Conference
BLACKSEAFOR	Black Sea Naval Cooperation Task Group
BTWC	Biological and Toxin Weapons Convention
CANE	Confidence Annual Naval Exercise
CBM	Confidence-building measure
CCW	Certain Conventional Weapons (Convention)
CFE	Conventional Armed Forces in Europe (Treaty)
CIO	Chairman/person-in-Office
CIS	Commonwealth of Independent States
COC	Code of Conduct on Politico-Military Aspects of Security
CPC	Conflict Prevention Centre
CSBM	Confidence- and security-building measure
CSECE	Conference on Security and Co-operation in Europe
CSEM	Confidence- and security-enhancing measure
CSO	Committee of Senior Officials
CTBT	Comprehensive Nuclear Test-Ban Treaty
CWC	Chemical Weapons Convention
DRS	Department for Regional Stability
DSC	Department for Security Cooperation
EAPC	Euro-Atlantic Partnership Council

EC	European Community
ESDP	European Security and Defence Policy
EU	European Union
EUC	End-user certificate
EUS	End-user station
FRG	Federal Republic of Germany
FRY	Federal Republic of Yugoslavia
FSC	Forum for Security Co-operation
FYROM	Former Yugoslav Republic of Macedonia
GDP	Gross domestic product
GDR	German Democratic Republic
GEMI	Global Exchange of Military Information
HACV	Heavy armoured combat vehicle
IAEA	International Atomic Energy Agency
IFOR	Implementation Force
JCC	Joint Consultative Commission
JNA	Yugoslav National Army
MANPADS	Man-portable air defence systems
MBFR	Mutual and Balanced Force Reduction
MTCR	Missile Technology Control Regime
NAC	North Atlantic Council
NACC	North Atlantic Cooperation Council
NATO	North Atlantic Treaty Organization
NNA	Neutral and non-aligned
NPT	Non-Proliferation Treaty
NSSM	Norm- and standard-setting measure
OHR	Office of the High Representative
OSCE	Organization for Security and Co-operation in Europe
OSCC	Open Skies Consultative Commission
P5	Permanent Five (members of the UN Security Council)
PPF	Partnership for Peace
RACVIAC	Regional Arms Control Verification and Implementation Assistance Centre

RRF	Rapid-reaction force
SALW	Small arms and light weapons
SEEDM	South Eastern Europe Defence Ministerial
SEESAC	South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons
SFOR	Stabilization Force
SHAPE	Supreme Headquarters Allied Powers Europe
SRCC	Sub-Regional Consultative Committee
START	Strategic Arms Reduction Treaty
TLE	Treaty-limited equipment
UN	United Nations
UNROCA	UN Register of Conventional Arms
WEU	Western European Union
WMD	Weapons of mass destruction
WTO	Warsaw Treaty Organization

1. Introduction

Many political and military security axioms changed during the post-cold war period. At the time of bloc confrontation and division, the function of confidence-building measures (CBMs) and confidence- and security-building measures (CSBMs) was to reinforce stability in a frozen status quo and therefore lessen the risk of a surprise attack and mass-scale war in Europe.¹ In the qualitatively new politico-military conditions after the cold war, CSBMs have taken on a new role as a tool to manage the changes that are occurring in Europe and to enhance cooperative relations among its states based on partnership, mutual reassurance and transparency.

The status and role of arms control have shifted significantly. Arms control was a product of the cold war and its importance and usefulness were questioned in the new political climate. As with other elements of international security relations, CSBMs had to prove their continuing relevance and applicability in the new environment.

The theory behind CBMs, which were first introduced in the mid-1950s, is that they provide a propitious atmosphere for arms control.² Traditional 'structural' (hard) arms control deals with the size and composition of weapons and manpower. 'Operational' (soft) arms control addresses military confidence building; it aims to eliminate misperceptions and concerns, provide reassurance about military intentions, reduce the danger of inadvertent war, decrease military options and create better conditions for introducing hard arms control measures.³ In short, the basic objective of CSBMs is to stabilize

¹ According to Johan Jørgen Holst, the first CBMs (up to the mid-1980s) were designed to 'inhibit the political exploitation of military force'; their successor, CSBMs, were designed to 'reduce the danger of surprise attack'. Holst, J. J., 'Confidence-building measures: a conceptual framework', *Survival*, vol. 25, no. 1 (Jan./Feb. 1983), pp. 2–15.

² There is an abundant literature on CBMs/CSBMs. On the concept, purpose and origins of CBMs see, e.g., Birnbaum, K. E. (ed.), *Confidence Building and East–West Relations*, Laxenburg Paper no. 5 (Wilhelm Braumüller Universitäts-Verlagsbuchhandlung: Vienna, Mar. 1983). It is arguable whether European CBMs/CSBMs led directly to the creation of a 'hard' arms control regime. Although they may have been a catalyst, it was political change and the 'peaceful revolutions' in the Soviet Union and Eastern Europe which resulted in the negotiation of the 1990 Treaty on Conventional Armed Forces in Europe (CFE Treaty).

³ Christoph Bertram made the following distinction between the structural and operational forms of arms control: 'Because [a CSBM] concentrates explicitly on what the other side can do rather than on what military quantities it has at its disposal, this approach represents a fundamental change, a change from a focus on the military *input*—men, tanks, missiles—to a

2 CSBMs IN THE NEW EUROPE

Table 1.1. The 55 participating states of the Organization for Security and Co-operation in Europe, as of 2004

Participating state	
Albania	Liechtenstein
Andorra	Lithuania
Armenia	Luxembourg
Austria	Macedonia (Former Yugoslav
Azerbaijan	Republic of, FYROM)
Belarus	Malta
Belgium	Moldova
Bosnia and Herzegovina	Monaco
Bulgaria	Netherlands
Canada	Norway
Croatia	Poland
Cyprus	Portugal
Czech Republic	Romania
Denmark	Russia
Estonia	San Marino
Finland	Serbia and Montenegro
France	Slovakia
Georgia	Slovenia
Germany	Spain
Greece	Sweden
Holy See	Switzerland
Hungary	Tajikistan
Iceland	Turkey
Ireland	Turkmenistan
Italy	United Kingdom
Kazakhstan	Ukraine
Kyrgyzstan	United States
Latvia	Uzbekistan

Sources: The OSCE Internet site, at URL <http://www.osce.org/general/participating_states/>. See also table 3.1.

relations between actors (mainly states) by providing assurances with regard to the purpose and character of military activities and defence postures.

focus on the military *output*—a surprise attack, pre-emptive nuclear strike, etc.’. Bertram, C., *The Future of Arms Control, Part II, Arms Control and Technological Change: Elements of a New Approach*, Adelphi Paper 146 (International Institute for Strategic Studies: London, 1978), p. 19 (emphasis added).

CBMs and CSBMs were discussed intensely during the period of bloc division in Europe, but a common definition of these terms was never agreed.⁴ It was thus sometimes difficult ‘to convince foreign policy practitioners of the applicability and utility of the CBM concept’.⁵ However, most analysts and experts agreed on the usefulness and desirability of such measures. As cooperative, common security broke fresh ground in the final decade of the 20th century, most of the concerns and fears that were expressed before the end of the cold war (1989–90) became less acute or irrelevant at the pan-European level

From their inception, CBMs and later CSBMs were integral to the process initiated by the Conference on Security and Co-operation in Europe (CSCE). The CSCE was renamed the Organization for Security and Co-operation in Europe (OSCE) on 1 January 1995 (see table 1.1), but this did not change the character of its political commitments, including CSBMs, nor its status and institutions.⁶

In the early 1990s strong emphasis continued to be placed on CSBMs. Later, as political relations evolved and new challenges and threats emerged, CSBMs were perceived as being less useful. Rapid developments even led to concern that the measures existed to perpetuate themselves. New approaches and institutional frameworks were also being developed by the main European security organizations—the European Union (EU), the North Atlantic Treaty Organization (NATO) and the OSCE. These included cooperative endeavours such as preventive diplomacy, crisis management, and conflict prevention and resolution, all of which were seen as more suited to meet the emerging challenges. Before admitting new members, NATO created stability-enhancing and transparency-promoting mechanisms and structures such as the North Atlantic Cooperation Council (NACC), the Partnership for Peace (PFP) and the Euro-Atlantic Partnership Council (EAPC) to support the applicants’ progress, to strengthen politico-military confidence and to provide reassurance to its former adversaries and to other European partners. The NATO–Russia Permanent Joint Council, which was created in 1997 and

⁴ An often-cited definition of confidence building was that it ‘involve[d] the communication of credible evidence of the absence of feared threats’. Birnbaum (note 2), p. 115.

⁵ Richter, A., *Reconsidering Confidence and Security Building Measures: A Critical Analysis* (Centre for International and Strategic Studies, York University: Toronto, Canada, 1994), pp. 1, 3.

⁶ The OSCE has no legal status under international law but is a security institution and forum for consultation and negotiation for its participating states. For OSCE documentation see the select bibliography in this volume and URL <<http://www.osce.org/docs/>>.

became the NATO–Russia Council in May 2002, paved the way to enhanced dialogue between the NATO states and Russia.⁷ In addition, since the early 1990s the EU has pursued its European Security and Defence Policy (ESDP). It includes the development of common positions and joint actions as well as of a military capability for crisis-management tasks and is open to ad hoc contributions by partners outside the European Union.

The threats and challenges which have emerged in parts of Europe, such as regional crises, conflicts and civil wars, have, on the other hand, strengthened the *raison d'être* of CSBMs. In the first half of the 1990s steps were taken towards establishing for the new Europe a harmonized arms control regime of partners, not adversaries. The legally binding 1990 Treaty on Conventional Armed Forces in Europe (CFE Treaty) and the politically binding 1992 Concluding Act of the Negotiation on Personnel Strength of Conventional Armed Forces in Europe (known as the CFE-1A Agreement) contain various provisions of a confidence-building and stabilizing nature (e.g., information exchange, constraints, notification of military-related activities, compliance, consultation and assessment).⁸ The provisions of these two agreements, which are monitored by a joint review mechanism, were originally tailored to the requirements of the members of NATO and the Warsaw Treaty Organization (WTO). Follow-on negotiations were conducted to adapt them further to post-cold war conditions. (The 1999 Agreement on Adaptation of the CFE Treaty,⁹ which adapts the treaty to the new security environment in Europe, has not yet entered into force.) However, the OSCE has failed to realize the idea of combining and streamlining the diverse arms control commitments, obligations and rights applying in Europe. In effect, the European stra-

⁷ North Atlantic Treaty Organization (NATO), 'NATO–Russia relations: a new quality, declaration by Heads of State and Government of NATO member states and the Russian Federation', 28 May 2002, Rome, URL <<http://www.nato.int/docu/basicxt/b020528e.htm>>.

⁸ For discussion of conventional arms control in Europe see the relevant chapters in editions of the SIPRI Yearbook. For the text of the CFE Treaty, the Protocols, the CFE-1A Agreement and the parties to the CFE Treaty see the OSCE Internet site at URL <<http://www.osce.org/docs/english/cfee.htm>>.

⁹ For the text of the 1999 Agreement on Adaptation of the CFE Treaty see the OSCE Internet site at URL <<http://www.osce.org/docs/english/1990-1999/cfe/cfeagree.htm>>. A consolidated text showing the amended CFE Treaty as adapted in accordance with the Agreement on Adaptation is reproduced in Lachowski, Z., *The Adapted CFE Treaty and the Admission of the Baltic States to NATO*, SIPRI Policy Paper no. 1 (SIPRI: Stockholm, Dec. 2002), pp. 35–52, available at URL <<http://editors.sipri.se/recpubs.htm>>.

tegic space is still characterized by a dual-track arms control and CSBM approach.

Although there have been attempts to supplement the CSBMs with economic, ecological and other measures (e.g., so-called confidence- and security-enhancing measures, CSEMs), there has been little support for such measures because of the fear that they would weaken or undermine the distinct and well-established character of this European military security regime. The ties of these supplementary measures to the OSCE's comprehensive, all-inclusive concept of security are, however, unquestionable and worth pursuing at (sub-)regional levels.

The evolution of the politically binding confidence- and security-building process is currently occurring on three levels, all of which are related to the OSCE process: (a) in the pan-European context (the Vienna Document regime, which encompasses all the participating states); (b) through related arrangements with a confidence-building effect, so-called norm- and standard-setting measures (NSSMs), sometimes extending beyond the OSCE area; and (c) below the regional European level (i.e., tailored to sub-regional, bilateral and intra-state contexts).¹⁰ These arrangements are complemented by a legal agreement, the 1992 Treaty on Open Skies. Since the end of the cold war CSBMs have been developed almost continuously, both horizontally (through the evolution of the Vienna Document on the negotiation of CSBMs) and vertically (in regional and other arrangements), and have also been expanded and made more elaborate and intrusive. In the latter half of the 1990s this process began to focus more intensely on regional solutions. An increasing number of states have thus become covered by additional confidence-building arrangements of varying scale and extent. Together with the CFE Treaty regime, CSBMs form the most advanced system of military openness, confidence building, transparency and predictability currently in existence.

The European CBM/CSBM process provides inspiration and a pattern for other regions to emulate, especially those in conflict or crisis, which seek to pursue a security and stability regime that is supported by confidence- and security-building dialogue. Although the scope

¹⁰ In this report 'regional' refers to areas below the European/OSCE level. Formally, the OSCE is a *regional* arrangement under Chapter VIII of the United Nations Charter. Several arrangements in the OSCE's geographical area should thus be considered *sub-regional*. To illustrate the definitional difficulties in this regard, e.g., the Balkan (sub-)region has a sub-regional arms control dimension (parts of the former Yugoslavia).

and level of accomplishment in other parts of the world vary, the importance of the European process is widely acknowledged and appreciated.

This volume examines and analyses military CSBMs in the CSCE and in the OSCE area after the end of the cold war. Chapter 2 presents an overview of the evolution of CBMs and CSBMs in the period since World War II. Chapter 3 deals with the changes made after 1989–90 in order to better organize the work of the expanding CSBM regime (in terms of both geography and number of members) and the attempts to streamline and improve the operation of CSBMs as an element of European arms control. Chapter 4 analyses the measures contained in the Vienna Document and its development since the early 1990s. The successful implementation of CSBMs constitutes the main criterion of their viability, and chapter 5 deals with the relevance of CSBMs in ‘all-weather’ situations—especially in time of crisis.

In order to enhance the confidence- and stability-building process in the OSCE area, the participating states decided to supplement the existing CSBMs with several additional measures that provide a set of norms and standards which determine the conduct and behaviour of these states. The implementation and evolution of these steps are addressed in chapter 6.

Regional CSBMs are a tool which has been long discussed and, increasingly, successfully used in the arc ranging from North-Eastern (the Baltic Sea states) through Central Eastern to South-Eastern (the Balkans) Europe. Chapter 7 deals with various solutions that have been found in the regional dimension of building confidence and security. Chapter 8 outlines the evolution of the Treaty on Open Skies. In chapter 9 the prerequisites for application of the CBM and CSBM approach outside Europe are briefly discussed. The conclusions are presented in chapter 10 together with an analysis of the status of CSBMs after a decade and a half of operation and adaptation in the changed, post-cold war security environment.

2. From the cold war to cooperative security: an overview

I. Introduction

In the 1980s CBMs and CSBMs were extensively discussed and analysed in numerous publications.¹¹ With the end of the cold war, interest in measures to enhance security and stability and in other instruments of arms control dwindled as their applicability to the new risks and challenges emerging in Europe became moot. Nevertheless, the search for new measures, mechanisms and other approaches has continued.

At least six major elements characterized the inception of the confidence-building dialogue during the cold war. *First*, the number of actors was limited to two major politico-military blocs with antagonistic ideologies and political systems, which nonetheless shared an interest in avoiding serious military conflict. An important and constructive, although less conspicuous, role was played by the European neutral and non-aligned (NNA) countries. *Second*, a fairly high degree of stability in the European security system accompanied the acute tension and confrontation in East–West relations. *Third*, the European actors had only recently become antagonistic, and there was no deep-seated, historical ideological hostility to prevent dialogue between them. The successive crises of the 1960s (Berlin, Cuba and Czechoslovakia) had convinced both Eastern and Western leaders of the need to elaborate measures to prevent an East–West war. A number of developments cleared the way for inter-bloc détente and dialogue: (a) the 1969 NATO Harmel Report, which introduced the concept of balancing defence and deterrence with détente;¹² (b) the settlement of certain aspects of the German question, for example, the 1971 Quadripartite Agreement on Berlin and the agreements between the Federal

¹¹ This chapter is an expanded version of part of Lachowski, Z. and Rotfeld, A. D., ‘Success or failure? CSBMs in the post-cold war environment’, Institute for Peace Research and Security Policy, University of Hamburg, *OSCE Yearbook 2001* (Nomos Verlagsgesellschaft: Baden-Baden, 2002), pp. 315–30. For a catalogue of more than 160 CBM proposals considered in the cold war period see Gillian, B. J., Crawford, A. and Buczek, K. (eds), *Compendium of Confidence-Building Proposals*, 2nd edn (Department of National Defence: Ottawa, Nov. 1987).

¹² NATO, ‘The Harmel Report: full reports by the rapporteurs on the future tasks of the Alliance’, URL <<http://www.nato.int/archives/harmel/harmel.htm>>.

Republic of Germany (FRG) and its neighbours—the German Democratic Republic (GDR), Poland and the Soviet Union; and (c) the development of the FRG’s Ostpolitik (policy towards the East), which increasingly stressed the renunciation of the use of force (Gewaltverzichtpolitik) in the late 1960s and early 1970s. *Fourth*, both sides wanted to avoid inadvertent major military conflict or nuclear annihilation. The configuration of massive conventional and nuclear armaments, especially in Central Europe, called for some measure of mutual reassurance in the absence of disarmament or arms control. *Fifth*, a political framework for the negotiation, elaboration and review of implementation of agreed measures, and cooperation between all states in Europe—the CSCE—was created. *Sixth*, the European states shared common values and goals that were conducive to mutual understanding, albeit not always in equal measure and often limited by ideological and political constraints.

Six stages can also be distinguished in the evolution of European confidence-building discussions and endeavours; they are briefly discussed in sections II–VII of this chapter.

II. The ‘pre-history’ phase: before the CSCE talks

After World War II, the allied powers tried to inject confidence into their mutual relations, especially in the light of the deepening East–West bloc confrontation. One potentially important step in that direction was the 1947 Huebner–Malinin Agreement on Military Liaison Missions,¹³ which was signed by the Soviet and US deputy commanders-in-chief of their respective German zones of occupation. At the height of the cold war, with its excessively militant strategies and postures, there was little room for institutionalized military-related measures to enhance confidence. In spite of this, or perhaps because of it, the idea of elaborating a plan for implementing CBMs first took shape in the mid-1950s as the ‘Geneva spirit’ of détente developed between the two superpowers, the Soviet Union and the United States, and the countries associated with them. Various propos-

¹³ ‘Agreement on Military Liaison Missions accredited to the Soviet and United States Commander[s] in Chief of the Zones of Occupation in Germany’, URL <<http://www.uslm.org/home/hmagreement.jpg>>. The agreement was named for the US and Soviet generals who signed it on 5 Apr. 1947. For broader discussion of the confidence-building impact of the agreement see Hansen, L. M., ‘Confidence building in Europe: problems and perspectives’, Birnbaum (note 2).

als on information exchange and inspection were put forward in talks and political exchanges between the occupying powers (and the FRG and the GDR) about German reunification, overcoming the East–West divide and the 1958–62 crisis related to the status of Berlin. The specific areas discussed included an all-European security arrangement, German reunification and disarmament schemes, direct communication between the blocs, prior notification of military exercises, exchange of military missions, overlapping radar systems, aerial inspections, ground observation posts and inspections along the demarcation lines in Central Europe.¹⁴

In 1955 US President Dwight D. Eisenhower proposed an ‘open skies’ agreement,¹⁵ which envisaged unrestricted aerial reconnaissance and ground observers at key locations for the purpose of certifying the accuracy of exchanged data. The Soviet Union denounced the proposal as an attempt to legitimize espionage against it. Nevertheless, Eisenhower’s proposal and Soviet suggestions to create ground control posts and aerial photography zones within NATO and WTO territories initiated a process that led to the 1958 Geneva Surprise Attack Conference and to proposals for nuclear weapon-free zones (e.g., the 1957 Rapacki Plan).¹⁶ In the early 1960s the Soviet Union and the USA made another unsuccessful attempt to revive such proposals.¹⁷ While these potentially valuable initiatives fell victim to the deep distrust and divergent outlooks of the antagonists—the Soviet broad ‘political–declaratory’ approach versus the Western ‘military–technical’ approach—they set a precedent for a multilateral East–West forum to exchange views on CBMs. The first period of détente ended

¹⁴ For more on this and the list of various related measures see Planck, C. R., *Sicherheit in Europa: die Vorschläge für Rüstungsbeschränkung und Abrüstung, 1955–1965* [Security in Europe: the proposals for armament limitations and disarmament, 1955–1965] (R. Oldenbourg Verlag: Munich, 1968).

¹⁵ The ‘Statement by President Eisenhower at the Geneva Conference of Heads of Government: aerial inspection and exchange of military blueprints, 21 July 1955’ is reproduced in US Department of State, *Documents on Disarmament, 1945–59, vol. I, 1945–56* (US Government Printing Office: Washington, DC, 1960), pp. 486–88, and is also available at URL <<http://www.presidency.ucsb.edu/site/docs/pppus.php?admin=034&year=1955&id=166>>.

¹⁶ The ‘Geneva détente’ period is documented in US Department of State, *Documents on Disarmament, 1945–59, vol. II, 1957–59* (US Government Printing Office: Washington, DC, 1960).

¹⁷ See, e.g., ‘US working paper submitted to the Eighteen-Nation Disarmament Committee: reduction of the risk of war through accident, miscalculation, or failure of communication, Geneva, 12 Dec. 1962’, reproduced in US Department of State, *Documents on Disarmament, 1962* (US Government Printing Office: Washington, DC, 1963), pp. 1214–25.

with the Cuban and Berlin crises in the early 1960s. The open skies proposal could thus not be realized until the end of the cold war.¹⁸

While the first attempt to inject some measure of stability and openness into the divided Europe proved unsuccessful, the dialogue provided a conceptual basis for the future confidence-building process. After the near-catastrophe of the Cuban missile crisis, several Soviet–US CBMs were instituted. Such arrangements as the direct ‘hotline’ communication links between the Soviet Union and the USA (1963 and 1971), France and the Soviet Union (1966) and the Soviet Union and the United Kingdom (1967), and measures to reduce the risk of outbreak of nuclear war (the 1971 Nuclear Accidents Agreement and the 1973 Agreement on the Prevention of Nuclear War), helped enhance the sense of strategic security and prepare the way for European solutions during the second era of détente in East–West relations, in the 1970s.¹⁹

III. The first generation of confidence-building measures

The next stage introduced what was later called the first generation of CBMs. The 1973–75 Helsinki–Geneva Conference on Security and Co-operation in Europe was not primarily focused on CBMs. Its main aims were political arrangements (the Declaration on Principles Guiding Relations between Participating States) and humanitarian accords (concerning human rights and the free flow of people, ideas and information). CBMs were dealt with in a small section of the 1975 Final Act²⁰ and were initially included to justify the word ‘security’ in the title of the conference, rather than to promote significant dialogue. The Mutual and Balanced Force Reduction (MBFR) negotiations launched in 1973 and the ‘associated measures’ were intended to address the main security issues in relations between NATO and the WTO.²¹ For NATO—which at this time still tended to regard the

¹⁸ The evolution of the 1992 Treaty on Open Skies is discussed in chapter 8.

¹⁹ See Goldblat, J., Peace Research Institute Oslo (PRIO) and SIPRI, *Arms Control: The New Guide to Negotiations and Agreements* (SAGE Publications: London, 2002), pp. 299–309.

²⁰ Conference on Security and Co-operation in Europe (CSCE), ‘Document on confidence-building measures and certain aspects of security and disarmament’, in ‘Final Act’, Helsinki, 1 Aug. 1975, URL <<http://www.osce.org/docs/english/1990-1999/summits/helfa75e.htm>>.

²¹ North Atlantic Council, ‘Final communiqué’, 10–11 Dec. 1973, URL <<http://www.nato.int/docu/comm/49-95/c731210a.htm>>. NATO’s approach envisaged several kinds of

CSCE as a Soviet invention of greater benefit to the East than the West—the inclusion of CBMs in the CSCE package was an additional test of the WTO's goodwill with regard to détente. CBMs were intended to be security measures of a political and psychological nature and function, but they became one of the most difficult and controversial topics at the 1972–75 Helsinki–Geneva CSCE negotiations.²²

The idea of CBMs was reluctantly accepted by the Soviet Union and its allies, which preferred that CBMs follow, rather than precede, troop and armament reductions.²³ In addition, the Soviet Union and the WTO, which enjoyed supremacy in conventional forces in Europe, were not eager to accept significant constraints. Accepting Western proposals fully would have radically curtailed the freedom to apply military pressure on the Soviet Union's more restive allies.

With hindsight, it can be said that the Helsinki CBMs were extremely modest. They were, in the words of the Final Act, intended to 'contribute to reducing the dangers of armed conflict and of misunderstanding or miscalculation of military activities which could give rise to apprehension, particularly in a situation where states lack clear and timely information'. Their area of application did not cover the whole of Europe. For the Soviet Union and Turkey the measures applied only to the area within 250 kilometres (km) of their European borders, thus placing them in a privileged position. CBMs which dealt with ground forces were voluntary (with varying degrees of commitment)²⁴ and were in accordance with basic parameters. Advance notification of major troop manoeuvres was more strongly emphasized than other measures, and observations were to be conducted on a bilateral basis, with no set parameters.

The implementation of CBMs in 1975–85 was generally disappointing and did little to inspire confidence between the two blocs.

'associated measures': CBMs affecting military activities, reduction or freezing of military budgets and verification procedures.

²² See, e.g., Ferraris L. V. (ed.), *Report on a Negotiation: Helsinki–Geneva–Helsinki, 1972–1975* (Sijthoff & Noordhoff International Publishers BV: Alphen aan den Rijn, 1979), pp. 44–46, 179–203.

²³ See the discussion in Rotfeld, A. D., *Europejski system bezpieczeństwa in statu nascendi* [The European security system *in statu nascendi*] (Polski Instytut Spraw Międzynarodowych (PISM): Warsaw, 1990), pp. 109–74.

²⁴ The Soviet insistence that the measures must be on 'a voluntary basis' was odd as the entire Final Act was a politically binding document, thus 'voluntary'. Nevertheless, the resulting 'double voluntariness' demonstrated the extent to which the Soviet Union was reluctant to agree to the measures.

Although formally correct, the conduct of the Soviet bloc with regard to its CBM commitments was unsatisfactory and did not conform with the spirit of the Helsinki Final Act. Information provided by the WTO was of limited use because it was incomplete and unclear, and invitations to observers generally ignored the NATO states. Poland's experience in 1980–81 demonstrated that the procedures established for CBMs could easily be used in a way that was counter to the idea of building confidence and assurance; that is, they could be used to pressure a state to change its behaviour or to blackmail it through the threat of military intervention.²⁵ The acrimonious debate at the Follow-up Meetings in Belgrade in 1977–78 and Madrid in 1980–83 demonstrated the totally divergent views of the blocs to the CSCE process,²⁶ including as to the role of CBMs, and proved that the confidence-building process in its Helsinki incarnation was ineffective at best.

IV. Confidence- and security-building measures

The 1984–86 Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe led to a breakthrough and a more advanced generation of CBMs—confidence- and *security*-building measures. This occurred after a period of political stalemate caused by the Soviet nuclear deployments in Europe in the latter half of the 1970s, which led to NATO's December 1979 dual-track decision on the deployment in 1983 of US intermediate-range missiles

²⁵ In Aug. 1980, the GDR announced a 'Waffenbrüderschaft-80' ('Brotherhood-80') exercise of *c.* 40 000 troops on East German territory and 'adjacent parts of the Baltic' to be conducted in the first half of Sep. 1980. Ferm, R., 'Notifications of military manoeuvres in 1980', *World Armaments and Disarmament: SIPRI Yearbook 1981* (Taylor & Francis: London, 1981), pp. 495–96. In the spring of 1981, the WTO did not notify the 'Soyuz-81' ('Union-81') exercise on Polish territory, which involved 4 WTO armies, because it allegedly did not exceed the threshold of 25 000 troops. In the autumn of 1981, Moscow 'forgot' to notify the designation of another manoeuvre (it was later mentioned in the Soviet press) and its numerical strength (apparently, *c.* 100 000 troops). Moreover, the area where the exercise was carried out was loosely described as the Belorussian and Baltic military districts and the Baltic Sea, a zone approximately as large as Poland. Ferm, R., 'Notifications of military manoeuvres in 1981', *World Armaments and Disarmament: SIPRI Yearbook 1982* (Taylor & Francis: London, 1982), pp. 60–61. For more on WTO compliance after the Helsinki Final Act see Gheballi, V.-Y., *La diplomatie de la détente: la CSCE, 1973–1989* [The diplomacy of détente: the CSCE, 1973–1989] (Etablissements Emile Bruylant: Brussels, 1989), pp. 157–60.

²⁶ While the Western participants emphasized the 'review' aspect of the Follow-up Meetings, the Eastern delegations preferred to avoid the discussion of implementation and focused on further development of ('follow-up' to) the CSCE obligations.

in Europe, the December 1979 Soviet invasion of Afghanistan and the December 1981 imposition of martial law in Poland. The stalemate was broken in the mid-1980s with the espousal of the doctrine of 'glasnost' (transparency) by the new Soviet leader, Mikhail Gorbachev. After an almost three-year negotiation, the participating states agreed to adopt measures that would meet four criteria outlined in the 1986 Document of the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe convened in accordance with the agreement reached at the 1980–83 Madrid CSCE Follow-up Meeting: (a) to be politically binding; (b) to be militarily significant; (c) to be verifiable, when possible; and (d) to extend from the Atlantic Ocean to the Ural Mountains.²⁷ These criteria, particularly those regarding verification and compliance, justified the new name given to these measures.

The CSBMs provided more substantial advance notification and observation parameters, were expanded to include other land activities (amphibious landings and parachute drops), and contained constraints on the size and frequency of major military manoeuvres. Annual calendars of military activities were to be exchanged. For the first time the WTO, including the Soviet Union, accepted on-site inspections without the right of refusal except for *force majeure* situations.

CSBMs were received positively in the atmosphere of Soviet glasnost and 'new thinking'. Their coverage was expanded in the Vienna Document 1990 of the Negotiations on Confidence- and Security-Building Measures convened under the mandate of the 1986–89 Vienna CSCE Follow-up Meeting.²⁸ In addition to improving on the Stockholm Document, the Vienna Document 1990 provided for the annual exchange of static and dynamic military information, including current and projected military budgets; employed the Conflict Pre-

²⁷ The original idea of making CBMs more substantial was launched in May 1978 by French President Valéry Giscard d'Estaing. In Feb. 1981, Soviet Communist Party General Secretary Leonid Brezhnev agreed to extend the area of application in the Soviet Union to the Ural Mountains. The Stockholm Document also strengthened the Eastern-backed 'declaratory' measure of refraining from the threat or use of force (as opposed to the operational measures advocated by the West). Document of the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe Convened in accordance with the Relevant Provisions of the Concluding Document of the Madrid Meeting of the Conference on Security and Co-operation in Europe, Stockholm, 17 Jan. 1984 to 19 Sep. 1986. For this and other CSCE and OSCE documents see the select bibliography.

²⁸ Vienna Document 1990 of the Negotiations on Confidence- and Security-Building Measures Convened in Accordance with the Relevant Provisions of the Concluding Document of the Vienna Meeting of the Conference on Security and Co-operation in Europe, Vienna, 17 Nov. 1990.

vention Centre (CPC)—as mandated by the 1990 Paris CSCE Summit Meeting—as a risk-reduction mechanism; established the Annual Implementation Assessment Meeting (AIAM) as a forum for a yearly implementation assessment of the Vienna Document; set up a communications network to streamline CSBM information; increased military contacts; and allowed each state to inspect any other (as requested by the non-Soviet WTO states). It also contained an innovative procedure for raising questions about ‘unusual military activity’ and ‘hazardous incidents of a military nature’ by a CSCE participating state. Despite high expectations, agreement was not reached in the Vienna Document 1990 on stricter limitations of military exercises than those contained in the 1986 Stockholm Document. Although there was strong Soviet pressure and NNA support for comprehensive coverage of naval forces and activities in the static information exchange and in the notification and observation regime (as first proposed by the Soviet Union at the Stockholm Conference), NATO and the USA succeeded, as they had done previously, in blocking the proposals.

V. Enhancing cooperative security

The breakdown of the East–West bloc system and the break up of the Soviet Union also heralded changes in the approach to military security processes in Europe. The early 1990s demonstrated the inadequacy of measures designed for the former bloc division in the light of new challenges and requirements. Outside the CSBM framework, on 24 March 1992, the participants at the CSCE Helsinki Follow-up Meeting signed the Treaty on Open Skies,²⁹ a legally binding document to promote ‘openness and transparency’ and covering the area ‘from Vancouver to Vladivostok’. The participants at the 1992 CSCE Helsinki Summit adopted a Programme for Immediate Action covering *inter alia* CSBMs. They also created the CSCE Forum for Security Co-operation (FSC), a multilateral arms control body for European states, with the aim of ‘establishing among themselves new security relations based on *co-operative and common approaches to security*’, including new CSBMs.³⁰ It was anticipated that the CSBMs would

²⁹ The text of the Treaty on Open Skies is available at URL <<http://www.osce.org/docs/>>.

³⁰ CSCE, ‘Helsinki Decisions’, Helsinki Document 1992, 9–10 July 1992, URL <<http://www.osce.org/docs/english/1990-1999/summits/hels92e.htm>>, emphasis added.

also have a regional character. The participating states strove both to improve and supplement the CSBMs and to elaborate new ones. The Vienna Document 1992 of the Negotiations on Confidence- and Security-Building Measures, convened in accordance with the above-mentioned mandate of the 1986–89 Vienna Follow-up Meeting of the Conference on Security and Co-operation in Europe, sought to address some of the new needs and challenges of the enlarged CSCE.³¹ The major changes and additions included: (a) extension of the area of application and the number of participants (by including the new post-Soviet Central Asian republics);³² (b) demonstration of new types of weapon and equipment; (c) further lowering of the thresholds for notification and observation; (d) additional constraints on major military exercises; and (e) stronger verification measures. In 1993–94 the CSCE adopted a series of confidence- and security-building documents that were dubbed norm- and standard-setting measures.

The subsequent Vienna Document 1994 of the Negotiations on Confidence- and Security-Building Measures³³ and the work of the FSC introduced further changes, among the most important of which were a detailed section on defence planning, a programme on military contacts and cooperation, and the extension of thresholds to other categories of heavy equipment (armoured combat vehicles and heavy artillery). All the changes made since the early 1990s constituted third-generation CSBMs in interstate relations. However, the process of confidence and security building was slowed by crises and conflicts in the CSCE/OSCE area, notably in the Balkan and Caucasus regions. The situation was exacerbated by the poor applicability of CSBMs and other mechanisms to these new regional challenges and threats; the lack of a clear vision of the role and place of CSBMs in the new pursuit of positive and cooperative security endeavours; the advances of other forums that sought strengthened security (e.g., the EAPC, the PFP, the NATO–Russia Permanent Joint Council and enlarging NATO); and the shift towards general adaptation of the hard arms control process in the second half of the 1990s.

³¹ Vienna Document 1992 of the Negotiations on Confidence- and Security-Building Measures Convened in Accordance with the Relevant Provisions of the Concluding Document of the Vienna Meeting of the Conference on Security and Co-Operation in Europe, Vienna, 4 Mar. 1992.

³² See chapter 3.

³³ Vienna Document 1994 of the Negotiations on Confidence- and Security-Building Measures, Vienna, 28 Nov. 1994.

VI. Towards regionalization

Regional approaches to building confidence have been advocated and explored at least since the first Balkan crisis, in 1991. A new chapter in the history of CSBMs opened with the Vienna Document 1999 of the Negotiations on Confidence- and Security-Building Measures.³⁴ A two-year negotiation (1997–99) had produced numerous proposals, some of them ‘reincarnations’ of earlier versions (e.g., naval measures proposed by Russia) and some new initiatives. Despite such efforts, the outcome testified to the fact that the development process of CSBMs had lost momentum. The particular merit of the revised document lay, however, in the adoption of a new chapter which envisaged complementing OSCE-wide CSBMs with voluntary (political) and legally binding *measures tailored to regional needs*. The FSC became the repository of regional CSBM agreements and was given responsibility to assist in developing, negotiating and implementing regional measures. The chapter on regional CSBMs presented a range of measures that would apply to regions and border areas. A list of proposals and a compilation of bilateral and regional measures prepared by the CPC and included in the document were designed to serve as a ‘source of inspiration and reference’ for the participating states. In 1991–2004, more than 20 political regional, sub-regional and bilateral agreements on particular CSBMs were concluded.

Another significant step was the OSCE Document on Small Arms and Light Weapons (SALW), which was adopted in 2000 with the aim of controlling the spread of these weapons, mainly to conflict-prone and -afflicted regions, especially by combating illicit trafficking in small arms, managing small arms stockpiles and developing a programme of efforts aimed at early warning, conflict prevention, crisis management and post-conflict rehabilitation.³⁵

VII. CSBMs and the new threats

Two major developments have determined the quality of Europe’s security environment at the threshold of the 21st century: first, the election of Vladimir Putin as President of Russia and his launch of a

³⁴ Vienna Document 1999 of the Negotiations on Confidence- and Security-Building Measures, Istanbul, 16 Nov. 1999.

³⁵ OSCE, Document on Small Arms and Light Weapons, 24 Nov. 2000.

pragmatic pro-Western foreign policy with its implications for *inter alia* arms control; and second, the threat of international terrorism. The 11 September 2001 terrorist attacks on the USA resulted in a shift of international attention (especially that of the USA) from traditional and (especially) multilateral formal arms control towards combating global terrorism and towards the non-proliferation of weapons of mass destruction (WMD), where necessary using active military methods. Nevertheless, Europe has not abandoned traditional arms control goals and measures, including CSBMs. Rather, the OSCE participating states have begun to examine the applicability of the OSCE's politico-military commitments to the combating of terrorism, with a special emphasis on the relevance and possible further development of the 1994 Code of Conduct on Politico-Military Aspects of Security (Code of Conduct, COC)³⁶ and the SALW Document. Partly as a response to the threat of terrorism and partly in order to better address the legacy of the cold war and successive regional conflicts, the OSCE in November 2003 adopted a Document on Stockpiles of Conventional Ammunition.³⁷ The OSCE has only recently started in this context to look also at new aspects of politico-military stability and new threats, such as low-intensity, 'asymmetric' conflicts stemming from weak or failed states and armed actions by non-state actors.

³⁶ CSCE, 'Budapest Decisions, V. Code of Conduct on Politico-Military Aspects of Security', Budapest Document 1994: towards a genuine partnership in a new era, Budapest, 5–6 Dec. 1994, URL <<http://www.osce.org/docs/english/1990-1999/summits/buda94e.htm>>.

³⁷ OSCE, Document on Stockpiles of Conventional Ammunition, 19 Nov. 2003.

3. CSBMs in the post-cold war period

I. Introduction

In November 1990, 22 NATO and WTO members signed a Joint Declaration in Paris declaring that they were no longer adversaries and would build new partnerships. The countries affirmed that ‘security is indivisible and that the security of each of their countries is inextricably linked to the security of all the States participating in the Conference on Security and Co-operation in Europe’. The CSCE signatories of the 1990 Charter of Paris for a New Europe vowed that the unprecedented reduction of conventional armaments (the CFE Treaty) and new approaches to security and cooperation ‘will lead to a new perception of security in Europe and a new dimension in our relations’.³⁸ The 34 heads of state and government of the CSCE participating states endorsed ‘the adoption of a substantial new set of confidence- and security-building measures which will lead to increased transparency and confidence among all participating States’. The post-cold war Vienna Document 1990 not only developed and extended the scope of CSBMs but also institutionalized the process of providing information about and developing consultation and cooperation in the field of military activities of the CSCE participating states.

II. New participants and extending the zone of application

At the first meeting of the CSCE Council³⁹ in Berlin in June 1991, Albania (which had remained outside the CSCE process since its inception) was accepted as a participating state following its adoption, on 18 June 1991, of all CSCE documents, including the CSBM obligations. The three Baltic states, Estonia, Latvia and Lithuania, joined the CSCE on 10 September.

³⁸ ‘Joint Declaration of Twenty Two States, Paris, 19 Nov. 1990’, URL <<http://www.fas.org/nuke/control/cfe/text/paris1.htm>>; and CSCE, 1990 Summit, Charter of Paris for a New Europe, Paris, 19–21 Nov. 1990.

³⁹ The CSCE Council (now the OSCE Ministerial Council) comprises the foreign ministers of the participating states. It is convened in those years when no summit meeting takes place and reviews CSCE/OSCE activities and makes appropriate decisions. OSCE, ‘Structures and institutions’, URL <http://www.osce.org/structures_institutions/>.

Following the break up of the Soviet Union, the Russian Federation assumed the CSBM commitments of the former Soviet state on Russia's European territory on 7 January 1992 (see table 3.1 and table 3.2). At the CSCE Council of Foreign Ministers meeting in Prague on 30 January 1992, 10 former Soviet republics—Armenia, Azerbaijan, Belarus, Moldova, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Ukraine and Uzbekistan—became CSCE participants. Georgia, which was plagued by civil strife at that time, did not. The new participants had submitted letters of accession on 29 January 1992, stating that each government 'agrees to apply all the provisions of the Vienna Document on CSBMs, and to an understanding that the geographic scope of its application should be revised as soon as possible in order to ensure full effect of the rules of transparency, predictability and conflict prevention on its territory'.⁴⁰

Croatia, Georgia and Slovenia submitted letters of accession on 24 March 1992. On 30 April 1992, Bosnia and Herzegovina was accepted as the 52nd CSCE participating state.

On 8 July 1992, the CSCE Committee of Senior Officials (CSO) suspended the Federal Republic of Yugoslavia (FRY, Serbia and Montenegro) from the CSCE for three months for its failure to comply with CSCE norms and principles and then prolonged the suspension indefinitely. On 1 January 1993, the Czech Republic and Slovakia joined the CSCE, after the formal division of Czechoslovakia. The number of CSCE states and adherents to the Vienna Document thus rose to 53 (from the original 35), including the suspended Yugoslavia.

At the same time, the zone of application for CSBMs was extended to cover the territories of several former non-European Soviet republics, thus embracing the areas defined in the Concluding Document of the 1983 CSCE Follow-up Meeting in Madrid ('the whole of Europe as well as the adjoining sea area and air space') plus the territories of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan.⁴¹

⁴⁰ CSCE, Second Meeting of the Council, Prague, Jan. 1992, Summary of conclusions, annex, URL <<http://www.osce.org/docs/english/1990-1999/mcs/2prag92e.htm>>. In late 1991 some CSCE participating states expressed reservations about admitting former Soviet republics which were either in the grip of a civil conflict (Georgia) or fighting over disputed territory (Armenia and Azerbaijan) and which, consequently, could not meet human rights or CSBM criteria. Armenia and Azerbaijan eventually agreed to accept rapporteur missions as a condition of joining the CSCE.

⁴¹ Annex I to the Vienna Document 1992 (note 31) states that the commitments undertaken by the remaining 10 former Soviet republics have the effect of extending the application of CSBMs to the territories of those states 'insofar as their territories were not covered already by them'. See Helsinki Document 1992 (note 30), Chapter IV, paras 9–11. An 18 Mar. 1992

Table 3.1. New participants in the CSBM regime^a

Date joined	Participants
3 Oct. 1990	Germany ^b
19 June 1991	Albania
10 Sep. 1991	Estonia, Latvia, Lithuania
7 Jan. 1992	Russia ^c
30 Jan. 1992	Armenia, Azerbaijan, Belarus, Moldova, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Ukraine, Uzbekistan
24 Mar. 1992	Croatia, Georgia, Slovenia
30 Apr. 1992	Bosnia and Herzegovina
1 Jan. 1993	Czech Republic, Slovakia ^d
12 Oct. 1995	Former Yugoslav Republic of Macedonia
25 Apr. 1996	Andorra
10 Nov. 2000	Yugoslavia (Serbia and Montenegro) ^e

^a The original participants of the Conference on Security and Co-operation in Europe (CSCE) were Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, the German Democratic Republic (GDR), the Federal Republic of Germany (FRG), Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, the Soviet Union, Spain, Sweden, Switzerland, Turkey, the United Kingdom, the United States and Yugoslavia.

^b The 2 German states, which were the original participating states of the CSCE, were unified on 3 Oct. 1990, with the GDR being incorporated into the FRG; therefore, legally, the status of the unified FRG did not change.

^c The Soviet Union ceased to exist on 8 Dec. 1991, and Russia, as its successor state, continued as a CSCE participating state.

^d Czechoslovakia split into 2 independent republics in Dec. 1992.

^e In the aftermath of the break up of the Socialist Federative Republic of Yugoslavia and the Balkan wars in 1991–92, the Federal Republic of Yugoslavia was suspended from participation in the CSCE on 8 July 1992—first provisionally and, as of 13 Dec. 1992, indefinitely. Yugoslavia changed its name to Serbia and Montenegro on 4 Feb. 2003.

When the former Soviet republics joined the CSCE in early 1992, the question was raised of CSBM implementation in the contiguous areas of those republics which share frontiers with non-European non-

Norwegian paper proposed extending the area of CSBM application to longitude 90°E (Yenisey River) to cover the Siberian area of military significance. The USA had rejected the Russian demand made at the 1992 Helsinki Follow-up Meeting for ‘compensation’ concerning North American territory and a deal was therefore made for Russia to provide ‘east-of-the-Urals’ data on a voluntary basis.

participating states. This matter was referred to future Annual Implementation Assessment Meetings, and it has yet to be fully resolved.⁴² It was also hoped that stability would be ensured by the eventual extension of the CSBM provisions to areas beyond the zone of application.

In 1997 a statement was made regarding the extension of the application zone for CSBMs to the territories of the Former Yugoslav Republic of Macedonia (FYROM), which had had observer status since 1993, and of Andorra.⁴³ Both countries had observer status at the time the Vienna Document 1994 was negotiated. The FYROM joined the OSCE on 12 October 1995, and Andorra became a participating state on 25 April 1996. On 10 November 2000, Yugoslavia (now Serbia and Montenegro) was admitted to the OSCE as the 55th participating state and became a participant in the CSBM regime. The zone of application of CSBMs was thus extended to the territories of these countries.⁴⁴

Some measures are not limited to the zone of application. The measures relating to defence planning are not restricted to the zone, and some of the norm- and standard-setting measures also have application beyond the zone. For example, the Global Exchange of Military Information (GEMI) has worldwide applicability.⁴⁵

⁴² The Chairman's statement in Annex IV to the Vienna Document 1992 (note 31). This statement was also annexed to both the Vienna Document 1994 (note 33) and the Vienna Document 1999 (note 34). The issue of military confidence building was, however, addressed in the 1996–97 arms control agreements of the 'Shanghai Five'—China, Kazakhstan, Kyrgyzstan, Russia and Tajikistan, outside the OSCE context.

⁴³ FSC, 'Forum for Security Co-operation, 179th Plenary Meeting', *Journal*, no. 185 (23 Apr. 1997).

⁴⁴ FSC, 'Chairman's statement', *Journal*, no. 185 (note 43), annex; and OSCE document PC.DEC/380, 10 Nov. 2000. Greek–Turkish disputes and tensions have affected the application of CSBMs with regard to Cyprus and the so-called 'demilitarized status of specific territories' (i.e., the Greek Aegean and Dodecanese islands). Greece has also sought to redefine the area of application as 'the whole land area of Europe', thus attempting to remove Turkey's 'exclusion zones' on its borders with non-CSCE/OSCE states. It did not succeed but reserved the right to pursue that goal in future. Both Greece and Turkey attached their interpretative statements on the respective issues to the Vienna Documents 1994 and 1999.

⁴⁵ For discussion of the zone of application see also Joseph, J.-C., 'Les zones d'application des mesures militaires adoptées par la CSCE' [The zones of application for military measures adopted by the CSCE], *Défense nationale*, vol. 49 (May 1993), pp. 139–49 and (June 1993), pp. 107–17. It was agreed that the geographical scope of the new measures could differ: 'Each measure to be negotiated in the Forum [for Security Co-operation] will have an area of application according to its nature. The areas of application for negotiations under the Programme for Immediate Action are set out therein in relation to its relevant elements. This is without prejudice to subsequent negotiations in arms control, disarmament and confidence- and security-building or security co-operation in the Forum. Consideration of decisions concerning the area of application will take into account existing agreements and the need for

Table 3.2. The zone of application of CBMs/CSBMs

CSBM document	Area of application
Helsinki Final Act, 1975	'on the territory, in Europe, of any participating State as well as, if applicable, in the adjoining sea area and air space'. In case of countries whose territory extends beyond Europe (i.e., Turkey and the Soviet Union), CBMs only apply in an area 250 km from their frontiers 'facing or shared' with other European states
Madrid Follow-up Meeting Document, 1983	'will cover the whole of Europe [including European Turkey and the Soviet Union to the Urals] as well as the adjoining sea area [including the adjoining ocean area] and air space'; in the adjoining sea area and air space 'whenever . . . activities affect security in Europe as well as constitute a part of activities taking place within the whole of Europe'; 'Nothing in the definition of the zone given above will diminish obligations already under the Final Act. The confidence- and security-building measures to be agreed upon at the Conference will be applicable in all areas covered by any of the provisions in the Final Act'
Stockholm Document, 1986, and Vienna Document 1990	Reproduce relevant part of the Madrid Document (Annex 1)
Vienna Document 1992	Same coverage as the Madrid Document (Annex 1), plus Albania, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan
Vienna Document 1994	Same coverage as the Vienna Document 1992 (Annex 1), including Croatia and Slovenia, Bosnia and Herzegovina; minus the former Yugoslav Republic of Macedonia (FYROM) and suspended Yugoslavia
Vienna Document 1999	Same coverage as the Vienna Document 1992 (Annex 1), plus FYROM and Andorra
Since Vienna Document 1999	Same coverage as the Vienna Document 1999 (Annex 1), plus Yugoslavia (Serbia and Montenegro)

greater transparency'. 'Chapter V: The CSCE Forum for Security Co-operation, para. 28, Area of application', Helsinki Document 1992 (note 30).

III. The institutional framework

The political change and security challenges in Europe called for different and more functionally adapted procedures and institutions. Under the 1990 Charter of Paris, the Conflict Prevention Centre was set up to assist the CSCE Council 'in reducing the risk of conflict'. Despite the CPC's ambitious title it has essentially administrative functions. It initially focused on CSBMs and was intended to support the implementation of the new measures, which included: (a) a mechanism for consultation and cooperation regarding unusual military activities; (b) an annual exchange of military information (AEMI); (c) a communications network; (d) AIAMs; and (e) cooperation as regards hazardous incidents of a military nature. The CPC's Consultative Committee, comprising the CSBM representatives from all participating states, was responsible for holding meetings convened under the unusual military activities mechanism and the AIAMs; preparing seminars on military doctrine and other relevant subjects; providing a forum for discussion and clarification of information exchanged under agreed CSBMs; and operating the communications network.⁴⁶ Some states felt that the new CSBMs required that working groups be set up to carry out further work. In the light of opposition to that idea a Committee of the Whole, a less formal body, was created in April 1991.

The 1992 Helsinki CSCE Summit decided to open a new negotiation on arms control, disarmament and CSBMs and, for that purpose, set up the Forum for Security Co-operation, with a strengthened CPC.⁴⁷ The FSC provides the institutional framework for the implementation and coordination of all existing conventional arms control agreements, ensures their continuity and works out new priorities for future arms control negotiations.⁴⁸

⁴⁶ CSCE, 'Supplementary document to give effect to certain provisions contained in the Charter of Paris for a New Europe', in 'Charter of Paris for a New Europe', URL <<http://www.osce.org/docs/english/1990-1999/summits/paris90e.htm>>.

⁴⁷ Helsinki Document 1992 (note 30). The agenda of the FSC was larger than arms control, CSBMs and disarmament and comprised 3 areas: arms control, security enhancement and cooperation, and conflict prevention. The first 2 were handled by the Special Committee; the third area was to be dealt with by the Consultative Committee.

⁴⁸ The origin of the FSC is discussed in Möller-Gulland, N., 'The Forum for Security Co-operation and related security issues', ed. M. R. Lucas, *The CSCE in the 1990s: Constructing European Security and Cooperation* (Nomos Verlagsgesellschaft: Baden-Baden, 1993), pp. 31–60.

The FSC holds regular weekly meetings in Vienna. It is an autonomous body, and the chairperson of the FSC does not report to the Chairperson-in-Office (CIO). The FSC, which began its work on 22 September 1992, was divided into two committees: the Special Committee and the Consultative Committee.⁴⁹ The Special Committee's tasks were twofold: (a) to carry out negotiations on arms control, disarmament and CSBMs; and (b) to consider or conduct a 'goal-oriented' dialogue on the elaboration or negotiation of proposals for security enhancement and cooperation. As a result, in November 1992, special Working Groups A and B were established.⁵⁰ Working Group A addressed measures that could be adopted and implemented relatively quickly, such as harmonization and non-proliferation measures. Working Group B dealt with defence planning and the proposed code of conduct.⁵¹ The Consultative Committee was made responsible for the existing and future tasks of the CPC.

In order to streamline the decision-making process in the fields of arms control, disarmament and CSBMs, the 1993 CSCE Council Meeting in Rome dissolved the Consultative Committee of the CPC. Its tasks were assigned to the newly established, Vienna-based Permanent Committee of the CSCE for political consultations and decision making and to the FSC. The Permanent Committee was *inter alia* tasked with holding meetings under the unusual military activities mechanism, as envisaged in the Vienna Document. The FSC assumed responsibility for (a) the implementation of CSBMs; (b) preparing military doctrine seminars; (c) holding AIAMs; and (d) providing the venue for discussion and clarification, as necessary, of information exchanged under agreed CSBMs.⁵² The tasks of the Permanent Committee and the Special Committee overlapped in a number of areas, and joint meetings were arranged to deal with such issues under the joint chairmanship of the chairpersons of both committees.

In early 1994 the overly complex organizational structure of the FSC was simplified. On 1 January 1994, the CPC was integrated into the CSCE Secretariat, and political and security discussions and con-

⁴⁹ 'Helsinki Decisions' (note 30), Chapter V, para. 30.

⁵⁰ FSC, *Journal*, no. 8 (11 Nov. 1992).

⁵¹ Austrian Committee for European Security and Cooperation, 'Reports on the negotiations in Vienna in the CSCE framework about building confidence and disarmament in Europe', *Focus on Vienna*, no. 28 (Nov. 1992), p. 2.

⁵² CSCE, 'Fourth Meeting of the Council, CSCE and the New Europe: Our Security is Indivisible, Decisions of the Rome Council Meeting, Rome, 30 Nov.–1 Dec. 1993', URL <<http://www.osce.org/docs/english/1990-1999/mcs/4rome93e.htm>>.

sultations were moved to the Permanent Committee; only the Special Committee remained.

The tasks of the FSC were expanded at the 1994 Summit Meeting in Budapest in order to provide further momentum to arms control and CSBMs, which led to controversy over the priorities of its work and the validity of the 1992 Helsinki Programme for Immediate Action.⁵³ There was also disagreement as to whether the two working groups should be revitalized or whether another structure would be more desirable. In early 1995 various delegations submitted their views on the issue. For example, Poland proposed the creation of a European agency on arms control and verification and the Netherlands proposed that implementation issues be discussed in a standing working group. It was also proposed that a special implementation body or working group be established in the FSC to deal with day-to-day implementation rather than waiting until the AIAM, and that the AIAM continue to deal with general problems and long-term planning.

As the only body of the FSC, the Special Committee soon became synonymous with it. On 11 January 1995, on a Swedish initiative, the Special Committee of the FSC decided to use the name Forum for Security Co-operation henceforth. Other changes were introduced to enhance its effectiveness and ensure better continuity, such as (a) extending the rotating chairmanship of the FSC to one month; (b) assigning chairmanship of the meetings of formal subsidiary working bodies to the same delegation; (c) supporting the chairperson's work by the preceding and succeeding chairpersons (FSC Troika); (d) broadening the tasks of the chairperson; and (e) considering establishment of a subsidiary body to address implementation.⁵⁴

The controversy about the best working procedure was resolved in early April 1995 when two new subsidiary working groups were set up. Working Group A was to continue to develop new approaches to items in the 1992 Helsinki mandate; monitor and discuss the implementation measures, decisions and commitments adopted by the FSC; and prepare the AIAMs. In the light of problems arising over implementation by the participating states, Working Group A was also instructed to ensure appropriate follow-up to the AIAMs and to devote

⁵³ Budapest Document 1994 (note 36); and 'OSZE—Tätigkeitsbericht' [OSCE—report on activities], *Österreichische Militärische Zeitschrift*, no. 2 (1995), p. 204.

⁵⁴ FSC, *Journal*, no. 96 (11 Jan. 1995), annex.

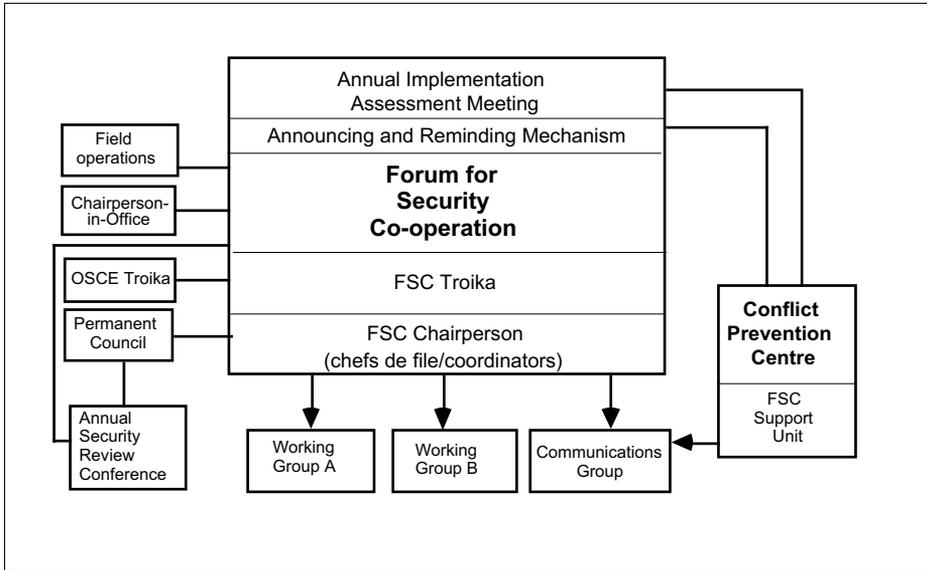


Figure 3.1. The organizational framework for CSBM implementation, 2004

one meeting each month entirely to implementation questions. Working Group B was to address future challenges and risks to military security in the OSCE region and, in particular, to develop a framework for stability and security both in the OSCE area and at the regional level. Within this framework, an agenda for establishing new arms control measures was to be determined by Working Group B.⁵⁵ The FSC also began sponsoring seminars on security issues, such as one on ‘a security model for the 21st century’, held in September 1995.

In compliance with the decisions taken at the 1996 Lisbon OSCE Summit, steps were taken to improve the synergy and synchronization of the work between the FSC and the Permanent Council,⁵⁶ such as joint sessions on issues of mutual interest. Representatives of the CIO also normally took part in FSC Troika meetings. In addition, the Lisbon Summit participants committed themselves to make available the experience of the FSC to the Mediterranean Partners for Co-operation (Algeria, Egypt, Israel, Morocco and Tunisia).

In 2000 the FSC again reorganized its working groups, without changing their mandates. A third working group, the OSCE Commun-

⁵⁵ FSC, *Journal*, no. 109 (5 Apr. 1995), annex.

⁵⁶ The Permanent Council is the main regular decision-making body of the OSCE. It convenes weekly in Vienna to discuss current developments in the OSCE area and to make appropriate decisions. OSCE, ‘Structures and institutions’ (note 39).

ications Group, was given the tasks of addressing issues in accordance with the OSCE Communications Network Document and reporting regularly to the FSC (see figure 3.1).⁵⁷ The country which chairs the FSC also chairs Working Groups A and B, with the assistance of the FSC Troika.⁵⁸ The CPC participates in all meetings of the FSC and its working groups and provides assistance in accordance with its mandate. It assists the Troika and supports the activities of the working groups, particularly regarding questions of implementation.

After the 11 September 2001 terrorist attacks on the USA, 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.⁵⁹ There was discussion of the relevance of such documents as the 2000 OSCE Document on Small Arms and Light Weapons, the 1994 Code of Conduct, the 1994 Principles Governing Non-Proliferation and the 1993 Conventional Arms Transfers Questionnaire.⁶⁰ The inclusion of the Vienna Document 1999 was also suggested. The list, from which the FSC was to select key documents, covers most agreed documents.⁶¹

The 2001 OSCE Bucharest Ministerial Council Meeting decided to strengthen the role of the OSCE by making the Permanent Council the permanent forum for political dialogue among participating states. As

⁵⁷ OSCE, FSC document FSC.DEC/1/00, 26 Jan. 2000.

⁵⁸ The FSC Troika meets on a weekly basis; it comprises the chairperson and the previous and succeeding chairpersons. It has no formal right to table proposals. The current chairperson issues a schedule of meetings for the subsidiary working bodies based on proposals from delegations. After discussion in the Troika, weekly draft agendas are prepared. The working groups report to the FSC on their activities. Their work is organized on a rolling schedule and additional meetings are convened as necessary. The working groups may also recommend that the FSC hold seminars on specific topics.

⁵⁹ 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.

⁶⁰ OSCE, Document on SALW (note 35); 'Budapest Decisions' (note 36); CSCE, 'Principles Governing Non-Proliferation', 5 Dec. 1994, available at URL <<http://www.osce.org/fsc/documents/>>; and OSCE, 'Questionnaire on participating states' policy and procedures for the export of conventional arms and related technology', FSC document FSC.DEC/10/95, Annex 2, 26 Apr. 1995, URL <<http://projects.sipri.se/expcon/oscefsc116.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 Document on SALW and the Code of Conduct), and to examine the relevance of other documents. OSCE, 'Bucharest Plan of Action for Combating Terrorism', annex to MC(9).DEC/1, Ninth Meeting of the Ministerial Council, Bucharest, 3–4 Dec. 2001, URL <<http://www.osce.org/docs/english/1990-1999/mcs/9buch01e.htm>>.

⁶¹ OSCE, 'Decision no. 5/02: roadmap for the FSC for implementation of the Bucharest Plan of Action for combating terrorism', FSC document FSC.DEC/5/02, 20 Mar. 2002. An expert meeting on combating terrorism in the politico-military dimension of the OSCE was held on 14–15 May 2002 in Vienna.

the body responsible for reviewing the implementation of OSCE commitments and negotiating arms control and CSBMs, the FSC was to address the aspects of the new security environment which fall within its mandate and act to strengthen the politico-military dimension. It retained its autonomy and decision-making capacity but was 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 CIO. In order to facilitate interaction between the Permanent Council and the FSC, the CIO is represented at the FSC Troika meetings, and the FSC chairperson is represented at the OSCE Troika meetings on matters of FSC concern.⁶² By June 2004 this interaction was functioning satisfactorily, although there was a need for streamlining and clearer division of tasks to avoid overlap.

At the end of 2001 the duration of the chairmanship of the FSC was extended from one month to four months. Under the current system, the chairmanship rotates at the end of the recess following each of the three OSCE sessions.⁶³ The new system began to operate in February 2002.

Since 2003 special associates—*chefs de file* and coordinators—have been appointed by the chairperson from among the FSC delegations to facilitate the work of the chairperson; to avoid duplication of work; to ensure a smooth flow of information on discussions in the FSC and the Permanent Council; and to systematize and consolidate tasks, views, ideas and other input by the delegations in the areas addressed by the FSC.⁶⁴

The FSC Support Unit

The mandate of the FSC Support Unit is derived from a number of documents from the early 1990s. These documents outlined its core

⁶² OSCE, 'Decision no. 3: fostering the role of the OSCE as a forum for political dialogue', MC(9).DEC/1 (note 60). The OSCE Ministerial Troika is composed of the current CIO, the CIO of the preceding year and the incoming CIO.

⁶³ OSCE, FSC document FSC.DEC/9/01, 12 Dec. 2001.

⁶⁴ In 2003, the *chefs de file* were responsible for 3 key issues: the Annual Security Review Conference (ASRC), development of the OSCE Strategy to Address Threats to Security and Stability in the 21st Century, and the review of the OSCE role in peacekeeping. In 2004, two *chefs de file* were appointed for the ASRC and interactions with other international organizations, and two coordinators for the projects concerning conventional ammunition and SALW.

tasks, including the facilitation of information exchanges, maintenance of the Communications Network and support for additional politico-military activities of the OSCE. The FSC Support Unit, which is part of the Conflict Prevention Centre, covers politico-military aspects of security in the OSCE area. It compiles databases of information exchanged by the participating states as part of their commitments under the various politico-military documents. The FSC Support Unit also fosters implementation of these agreements—in particular, the Vienna Document 1999, the 1994 Code of Conduct and the 2000 OSCE SALW Document. It administers the Communications Network and chairs the OSCE Communications Group, through which delegations exercise technical oversight. In addition, it develops projects in the security dimension and provides support to OSCE field missions in this sphere to help individual participating states implement their politico-military commitments.

The implementation assessment mechanism

In 1990 the participating states decided to hold annual meetings to discuss current and future implementation of agreed CSBMs. These meetings address clarification of questions arising from such implementation, operation of agreed measures and implications of the information originating from the implementation of any agreed measures for the process of confidence and security building in the framework of the CSCE/OSCE. The annual meetings to discuss CSBMs are themselves a CBM. Originally, the CPC served as the forum for such meetings, but later the Special Committee of the FSC took on the task. The FSC is thus responsible for the implementation of existing CSBMs, including the AIAMs.

The first AIAM was held on 11–15 November 1991. In the first years, not all participating states attached equal importance to the AIAMs (e.g., some of them were not represented at the meetings or did not provide the required information). Since the first AIAM the CPC has produced informal surveys of proposals and suggested improvements to the Vienna Document. In accordance with the Vienna Document 1994, the CPC began to distribute a survey of exchanged annual information prior to the assessment meetings. It was agreed that, no later than a month after the AIAM, the CPC would circulate a survey of suggestions made at the meeting. The

CPC also provided written summaries ‘of an informal status’ concerning the debates; since the 1999 AIAM the chairperson of the closing plenary session of the meeting has submitted a formal report to the FSC, based on the reports of the working group coordinators. Generally, the agenda of the AIAMs covers all chapters of the Vienna Document. As the Vienna Document has expanded, new items have been added to the topics discussed at the assessment meetings. Apart from the topics covered by the Vienna Document, in the mid-1990s the AIAMs began to discuss other measures agreed outside it. Each of the NSSMs entering the politico-military dimension of the CSCE/OSCE has automatically been added to the area of competence of the AIAMs.

The role of the AIAM should be to increase the efficiency of existing measures, to improve their application and to provide inspiration for the development of new measures in the FSC. Compliance issues have always played a prominent role in the discussions. As a rule, discussions at the AIAMs have been cooperative, but there have been exceptions.⁶⁵ Proposals have been made to deal with various cases of non-compliance (e.g., preparing maps, charts, etc. by the CPC in order to facilitate the analysis of data by participating states; submitting a survey to states asking them to submit missing information one month before the AIAM; offering implementation assistance from other states; and raising the issues of compliance at the FSC before the AIAM). Some of these and other suggestions were addressed in the Vienna Document 1994 (Chapter X).

With the exception of the first, five-day AIAM, the assessment meetings have usually lasted two to three days. As the agenda of the meetings expanded, especially after the mid-1990s, there was criticism that the time for discussion of individual items had become too limited. In order to streamline the discussions at the AIAMs, the 2003 meeting was held under the changed modalities: the delegates decided to omit plenary statements and, instead, distributed their views in writing, thus allowing more time for implementation assessment and debate on the way forward.

⁶⁵ Prominent examples are the issue of militarization of the islands in the Aegean Sea involving Greece and Turkey and the problems related to Cyprus. The ritual at the AIAMs of questioning (by Turkey) and rebutting (by Greece) of the claims concerning the military information provided by Greece in the context of alleged militarization of the Greek islands continues. See note 44 and the discussion in chapter 7 of this volume.

Since the AIAM in 1998, the Mediterranean Partners for Co-operation and the Asian Partners for Co-operation (Japan and South Korea) have been invited to attend the opening and closing plenary sessions of the AIAM. Thailand and Afghanistan joined the latter group in 2000 and 2003, respectively. At the AIAM in 2004, the representatives of both groups of partners were for the first time invited to attend the working group sessions.

Reminding mechanism

Since the first AIAM, in 1991, there has been a demand that all CSBM-related information should be forwarded to the CPC. A suggestion was made that the CPC Secretariat should prepare reports on the application (or non-application) of the agreed CSBMs.⁶⁶ Various suggestions were put forward in the following years on how to deal with states that failed to provide the required information (e.g., by drawing up a table of those that delivered information, those that provided incomplete data and those that failed to provide any information; by entrusting the CPC to enquire about the failure to provide information or to issue reminders to states; by having the CPC clearly recommend that states provide information, etc.).

In response to the reporting difficulties of the participating states, in the autumn of 1998 the FSC created an Announcing and Reminding Mechanism,⁶⁷ which began to function on 1 January 1999. It authorized the CPC to remind the participating states of their commitments two months before the deadline for providing information ('level A') and obligated them to explain in writing the reason for missing a deadline no later than two weeks after the missed deadline. A delinquent state was also required to specify a new date for providing the information. If an explanation was not made within two weeks, the FSC CIO would send a reminder letter to the state that it had not fulfilled its commitment ('level B'). Since the mechanism had rarely

⁶⁶ *Focus on Vienna*, no. 30 (Aug. 1993), pp. 7–9.

⁶⁷ OSCE, 'Decision no. 10/98', FSC document FSC.DEC/10/98, 25 Nov. 1998. Currently the list of annual deadlines comprises: the information exchange on the Code of Conduct (15 Apr.); the GEMI (30 Apr.); the information exchange and questionnaire on conventional arms transfers and information exchange on small arms (30 June); the questionnaire on the process of ratification of the Chemical Weapons Convention (1 Sep., until ratification); the annual calendars, constraining provisions and information on the plans for contact (15 Nov.); the questionnaire on anti-personnel landmines and the annual exchange of military information (15 Dec.); and defence planning and military budget (3 months after national adoption).

been used and worked unsatisfactorily, in 2002 the FSC took an additional decision to complement it with a 'level C' step: if there was no explanation a month after the reminder letter had been sent, the CIO would contact the delinquent participating state to determine the reason for failure or the obstacle to compliance and to suggest possible assistance and solutions.⁶⁸ The reports from the 2003 AIAM signalled that the functioning of 'level C' was unsatisfactory and called for further assistance by the FSC chairperson and the CPC.⁶⁹

The Annual Security Review Conference

In the face of new risks, threats and challenges, at the 2002 Porto OSCE Ministerial Council Meeting the participating states agreed to strike a better balance between the politico-military dimension and the economic, environmental and humanitarian dimensions. A regular forum, the Annual Security Review Conference (ASRC), was established in Vienna to enhance security dialogue and review various aspects of security. The ASRC is intended to encourage debate between representatives of the participating states, the delegations in Vienna and outside experts. In the broader context, it is meant to help review and update the OSCE Strategy for the 21st Century,⁷⁰ which was adopted by the 2003 Maastricht OSCE Ministerial Council Meeting. The ASRC agenda is elaborated annually, but arms control and CSBMs are recognized as relevant and important items.⁷¹ In operational terms, the ASRC is also a testing ground for enhanced interaction between and an integrated approach by the FSC and the Permanent Council.

⁶⁸ OSCE, 'Decision no. 10/02: revised announcing and reminding mechanism', FSC document FSC.DEC/10/02, 10 July 2002. In May 2002 the Swiss delegation submitted a 'food-for-thought' paper on 'improvement of procedures of the FSC with a view to strengthening the implementation of existing commitments', which suggested possible ways to address the problem. OSCE, FSC document FSC.DEL/235/02, 8 May 2002.

⁶⁹ OSCE, FSC document FSC.AIAM/16/03, 4 Mar. 2003.

⁷⁰ OSCE, Strategy for the 21st Century, URL <<http://www.osce.org/docs/english/1990-1999/mcs>>.

⁷¹ The 2002 OSCE Porto Ministerial Meeting on the ASRC envisaged reviewing the OSCE work on politico-military aspects and stated that '[t]he Conference may also provide an opportunity to exchange views on issues related to arms control and confidence- and security-building measures, including the CFE and Open Skies'. OSCE, 'Decision no. 3', OSCE document MC(10).DEC/3, 6–7 Dec. 2002.

Public access to the CSBM data

The CSCE decisions presented at the 1992 Helsinki Summit outlined measures to ‘increase openness of the CSCE institutions and structures and ensure wide dissemination of information on the CSCE’.⁷² However, signs soon appeared that this pledge of transparency was not being honoured. There were even some steps backward—the press centre at Vienna was closed, accreditation of media representatives was abandoned and access to information on the work of the FSC was curtailed.⁷³

With the collapse of the cold war division, the progressive removal of the shroud of secrecy and the significant broadening of the flow of military data among states, two general problems have arisen: (a) elaborating, systematizing and disseminating the unprecedented amount of information exchanged among participating states; and (b) keeping track of all the information and making some of it available to the broader public. The CPC was responsible for the organization of a data bank and dissemination of information to the public. However, for a number of reasons (including disagreements about what such a yearbook should contain), in 1991 and 1992 the CPC failed to produce a yearbook. States were not in agreement on its form and content. Some participants viewed the data which they provided to the CPC as classified or strictly confidential, and there were fears that sensitive information could be used for terrorist or other hostile purposes. Some participants were relatively forthcoming and cooperative in their responses to requests from independent research institutions for access to CSBM data. Other states, which in the past had demanded maximum transparency and openness, took a restrictive or negative position on public access to CSBM information. In effect, the yearbook idea reached a deadlock.⁷⁴

⁷² Helsinki Document 1992 (note 30), Helsinki Decisions, Chapter IV, paras 12–18.

⁷³ *Focus on Vienna*, no. 28 (Nov. 1992), p. 11.

⁷⁴ In order to fill the information gap, in 1995 the Institute for Peace Research and Security Policy at the University of Hamburg (IFSH) began to produce the *OSZE-Jahrbuch/OSCE Yearbook*, published by Nomos Verlagsgesellschaft, Baden-Baden; and the SIPRI Yearbooks, published by Oxford University Press, Oxford, have reported on CSBM implementation since 1987. Information on SIPRI publications is available at URL <<http://home.sipri.se/publications.html>>. Since 1990 the Netherlands Helsinki Committee has published the quarterly *Helsinki Monitor*, URL <<http://www.nhc.nl/helsinki.php>>.

IV. The evolution of military confidence and security building

In the first years after the collapse of the cold war order, CSBMs gained prominence as the international community attached much weight and hope to the role that they could play in building new relations among the participating states. This was all the more so as the sense of threat of surprise attack significantly diminished with the signature, ratification and implementation of the CFE Treaty. In the first five years of the 1990s, three CSBM accords were adopted both to satisfy the 'delayed demand' from the cold war and to open new avenues to enhance security and promote cooperation. Since 1989–90 the CSCE/OSCE participating states have continued the CSBM negotiations under the same mandate for the negotiations that led to the successive versions of the Vienna Document in 1990, 1992, 1994 and 1999. The confidence- and security-building process builds up and adds to the measures contained in each previous Vienna Document. Sets of new CSBMs are thus integrated with measures adopted earlier.

The changed political climate and enhanced cooperation made it possible for the former adversaries to start overcoming mutual suspicions and fears and to embark on a businesslike negotiation devoid of adversarial tactics, propaganda tricks and attempts at unilateral gains. There were, however, setbacks to and limitations on this new spirit because of developments such as the data discrepancies concerning Soviet/Russian CFE obligations, the crisis in Yugoslavia, the poor conduct of the Central Asian states in the CSBM field, and so on. Soon, apart from the improved CSBMs, the CSCE negotiating and assessing bodies were flooded with proposals for measures, procedures, mechanisms and institutional solutions. In the early 1990s some observers came to fear that the burgeoning number of measures, the cost of their implementation, and the growing complexity and intrusiveness of the CSBM regime would decrease rather than increase confidence among states, and that the participants would begin to perceive the negotiation as an aim in itself rather than as a means to enhance security.⁷⁵

⁷⁵ See the discussion in Macintosh, J., 'Future CSBM options: post-Helsinki arms control negotiations', eds H. Chestnutt and S. Mataija, *Towards Helsinki 1992: Arms Control and the Verification Process* (Centre for International and Strategic Studies, York University: Toronto, 1991).

With the establishment of the FSC in September 1992, the security scope of the CSCE expanded considerably. Work in the FSC was guided by the Programme for Immediate Action adopted at the 1992 Helsinki Summit.⁷⁶ CSBMs and related measures were central items on the agenda, which included harmonization of related arms control obligations, development of the Vienna Document, further enhancement of stability and confidence, global exchange of military information, and non-proliferation and regional measures. All these areas involved or implied various confidence- and security-building approaches.

Pursuing harmonization of arms control obligations

The decision taken at the 1986–89 Vienna CSCE Follow-up Meeting to hold a separate CFE negotiation in the bloc-to-bloc framework affected the subsequent Vienna CSBM and CFE talks in 1989–90. Two parallel sets of measures were thus negotiated in the ‘23’ (CFE states) and ‘35’ (CSCE participants) frameworks, which resulted in two regimes with partly overlapping and partly diverging measures.⁷⁷

The 1990 Charter of Paris provided for continuation of the CSBM negotiations under the same mandate and sought to conclude them not later than the March–July 1992 CSCE Follow-up Meeting in Helsinki. The participating states also undertook to seek more structured cooperation among themselves with the aim of a possible merger of the CSBM and CFE negotiations in 1992, after the Helsinki meeting, in the form of ‘new negotiations on disarmament and confidence and security building open to all participating States’.

Harmonization was the linchpin of the Programme for Immediate Action.⁷⁸ The aim of the negotiations was to harmonize the commitments and rights of all participating states derived from the three agreements on the military dimension that had been reached in the CSCE framework—the 1990 CFE Treaty, the 1992 CFE-1A Agreement and the Vienna Document 1992. Harmonization, in the form of a

⁷⁶ It is reproduced in Helsinki Document 1992 (note 30). Despite its intended urgent nature, the programme was not of limited duration.

⁷⁷ The similarities and differences between NATO’s CFE ‘measures of information, stabilization, verification and non-circumvention’ and the Vienna Document measures are discussed in Borawski, J., *Security for a New Europe: The Vienna Negotiations on Confidence- and Security-Building Measures 1989–90 and Beyond* (Brassey’s: London, 1992), pp. 69–74.

⁷⁸ The other segments of the Programme for Immediate Action dealt with security enhancement and cooperation and conflict prevention.

politically binding act rather than a treaty, was meant to place all the CSCE states on a common footing for setting goals and working out agreements on future military matters.

Harmonization of arms control, disarmament, and the confidence- and security-building commitments and rights of all CSCE states involved such elements as information exchange, verification, limitations and institutional arrangements. Proposals made during negotiations in the FSC to this end were actively discussed, but there were clear indications that harmonization would be a difficult and probably gradual process. Harmonized provisions for information exchange would have required all CSCE states to provide more detailed information than was required at that time under the Vienna Document 1992.

Various proposals and working papers were submitted. The first proposal, the so-called Visegrad Group (Czechoslovakia, Hungary and Poland) 'position paper', submitted in October 1992, proposed a harmonization process which would extend basic CFE Treaty commitments to non-CFE states. It covered five main areas: (a) national force levels, (b) appropriate commitments to information exchange, (c) verification, (d) the review mechanism, and (e) the area of application.⁷⁹ A NATO proposal suggested expanding Vienna Document provisions under the headings of information exchange, notification, verification, limitations and common institutions, with a special emphasis on providing information in line with CFE Treaty standards (e.g., more detailed parameters regarding weapons and equipment as well as the structure and level of forces).⁸⁰ The NATO and Visegrad concepts generally aimed to maintain two regimes: the CFE Treaty and a harmonized regime available to all (the 'CFE-down' approach).

An Austrian position paper called for information exchange measures similar to those of the CFE regime but without automatic alignment of the CSBM and CFE regimes, and for a balance between the rights and duties to be granted to states not parties to the CFE

⁷⁹ CSCE document CSCE/FSC/SC.1, 7 Oct. 1992. The suggestion that the participating states will consider possibilities for concerted action in defence of democracy, human rights and the rule of law gave rise to NATO concerns that the authors of the document, not members of NATO, sought a security guarantee or a collective security/defence arrangement.

⁸⁰ CSCE document CSCE/FSC/SC.2, 14 Oct. 1992. The NATO document contained greater detail and was illustrated with charts to visualize the practical application in a Mar. 1993 British 'concept paper'. CSCE document CSCE/FSC/SC/A.1, 24 Mar. 1993.

Treaty.⁸¹ Generally, such an approach was supported by states from the former NNA group (the ‘Vienna Document–up’ position).⁸²

Russia presented its position in a March 1993 working paper and was by far the strongest in stressing the importance for all CSCE participating states of establishing a unified information and verification regime based on, and in fact replacing, the CFE and CFE-1A agreements and the Vienna Document 1992.⁸³

Harmonization proved more intractable than anticipated, and political and military objections were expressed by most CFE non-parties. The delegations devoted a significant amount of their work to the topic but encountered a series of problems regarding: (a) the scope of the proposed new document; (b) the form of the harmonization process (a multi-stage process or a one-step comprehensive document); (c) expansion of more detailed CFE Treaty rules and restrictions to states not party to the CFE Treaty; (d) solution of the question of the CFE Treaty bloc-related ‘group of states’ category; and (e) changing the CFE inspection process and allocations. Difficult points to resolve were those of weapons in storage and notification of reserve call-ups. Some NNA states and small states that were not parties to the treaty perceived no benefit in joining a CFE-like regime and expressed the view that detailed information on their armed forces (primarily or exclusively defensive and non-active) would weaken the effectiveness of their defence deployments and put them at a disadvantage vis-à-vis neighbours with larger forces at their disposal.⁸⁴ The unsettled relations of the early 1990s, both in the former Soviet space and between Russia and the West, would have exposed such states to considerable risks had they joined an intrusive transparency regime. For these reasons, in the spring of 1994 the CSCE participating states focused their attention on the subject of information exchange. Debates in the working group on harmonization were far from conclusion, and there

⁸¹ CSCE document CSCE/FSC/SC.4, 28 Oct. 1992.

⁸² See also the Swedish proposal in CSCE document CSCE/FSC/SC/A.2, 7 July 1993.

⁸³ CSCE document CSCE/FSC/SC.12, 24 Mar. 1993.

⁸⁴ *Focus on Vienna*, no. 30 (Aug. 1993), p. 4; Institute for Defense and Disarmament Studies, *Arms Control Reporter* (IDDS: Brookline, Mass.), sheet 407.B.319-320, 1993. At the CSCE Council meeting in Rome on 30 Nov. 1993, Swiss Foreign Minister Flavio Cotti stated that his state would accept CFE-type limits on its armed forces as part of the harmonization. *Arms Control Reporter*, sheet 402.E-2.4, 1994. The non-aligned Nordic states developed their defence philosophies on the tenets of territorial defence and mobilization and their deployment plans were based on secrecy and dispersed small weapon-storage sites.

were serious doubts whether the target dates of the 1994 Budapest Review Conference and the 1994 Budapest Summit would be met.

Developments in Europe (especially the growing controversy and suspicion between Russia and NATO as the latter prepared to launch its 'expansion' process) affected the work of the FSC. Some headway was made but the rate of progress clearly decelerated. On the topics of information exchange, verification, institutional arrangements and new ceilings, only the working group on information exchange was making progress. However, this helped to overcome the impasse over elaborating the Vienna Document 1994.⁸⁵ In September 1994 the French delegation submitted a 'food-for-thought' paper calling for a political declaration by the heads of state and government to be made at the December 1994 Budapest Summit with regard to harmonization. The paper was intended to promote continuation of the work and commit non-CFE states in the CSCE to declare their ceilings for weapons and personnel before the CFE Treaty Review Conference to be held in Vienna in the spring of 1996. In return, the 30 CFE parties would inform all other CSCE participating states about their weapon and manpower holdings. This proposal was not accepted since many states were afraid of singling out the issue and undermining the CFE Treaty itself. Their preference was to handle these issues after the 1996 Review Conference in the pan-European arms control context. Moreover, the relationship between harmonization and regional arms control arrangements was in need of clarification.⁸⁶

In this state of affairs, on 7 November 1994, it was agreed to temporarily discontinue discussion of harmonization in the FSC and to let the Budapest Summit decide its future.

Seeking to reinforce arms control

At the 1994 Budapest Summit it was agreed to develop a framework for arms control which would 'serve as a basis' for an agenda to establish new measures, including CSBMs, in particular 'with a view

⁸⁵ The only suggestion with regard to verification was a Swedish proposal, although NATO intended to present its own proposal. 'Das KSZE-Forum für Sicherheitskooperation: Tätigkeitsbericht' [The CSCE Forum for Security Co-operation: report of activities], *Österreichische Militärische Zeitschrift*, no. 5 (1994), p. 535.

⁸⁶ 'Das KSZE-Forum für Sicherheitskooperation: Tätigkeitsbericht' [The CSCE Forum for Security Co-operation: report of activities], *Österreichische Militärische Zeitschrift*, no. 6 (1994), p. 660.

to strengthening the network of security commitments that participating States undertake to each other'. Such measures, the Budapest Document stated, 'may vary in order to address the particular security needs of individual States or regions but may also embrace further CSCE-wide measures'.⁸⁷ The wording of the Budapest Document reflected the sense of uncertainty as to the future form and function of arms control as well as the growing recognition that there was a need for a wider concept of security beyond that contained in the old ideas and solutions, some of which appeared to be becoming outdated and/or redundant.

On 24 July 1995, NATO submitted a working paper on arms control entitled Contribution to the Further Reflection of the Forum for Security Cooperation on the Development of a Framework for Arms Control. It stressed: (a) building and enhancing the security partnership among OSCE states, (b) addressing specific security problems as part of an overall OSCE structure, (c) creating a web of interlocking and mutually reinforcing security agreements, and (d) providing structural coherence to the interrelationship between existing and future arrangements. It proposed negotiation of both OSCE-wide arms control measures and regional approaches based on the principles of sufficiency, transparency (through information exchange), verification and the acceptance of limits on forces. It also suggested that such measures (CSBMs and arms control) should 'be negotiated separately, but would be integral to the framework concept and annexed to it in the same way as existing agreements'. In order to build, maintain and improve stability and security in the OSCE area the NATO working paper proposed the evaluation of the effectiveness of OSCE arms control and confidence- and security-building efforts; the enhancement of existing and the development of new measures and agreements to address both new and continuing security challenges; the development of more effective implementation assessment methods; and moving the discussion of regional security issues in the FSC to a more practical and concrete phase.⁸⁸

The question of harmonization of arms control obligations remained stalled in Working Group A. Russia continued to promote its proposal to create a single pan-European arms control regime. However, this was soon undermined by its decision to form the 58th Army in the

⁸⁷ CSCE, Budapest Document 1994 (note 36).

⁸⁸ OSCE, FSC document FSC/192/95, 24 July 1995.

Caucasus, which called its compliance with the CFE Treaty into question.⁸⁹ Western OSCE delegations were prepared to continue talks only in the areas of information exchange and verification, in which agreement had already been achieved, in order to supplement the relevant provisions of the Vienna Document 1994. Austria demanded agreement on harmonization goals prior to further negotiation.⁹⁰

With a continuing deadlock on harmonization and with the end of the CFE Treaty reduction process approaching, the attention of the participating states shifted to the future framework of arms control in Europe. In Working Group B, the USA sought to clarify the meaning of the term 'framework for arms control', as formulated in the 1994 Budapest Decisions.⁹¹ This approach was criticized by other delegations (Austria and Poland) as potentially sacrificing regional measures for the sake of a pan-European arms control regime. Eventually, it was agreed that an exchange of views on specific military challenges to security should be held in order to consider future arms control negotiations.

In 1996 the FSC continued to shift its focus towards the future framework for arms control (Working Group B). Its results were highly criticized at the end of year: in the two years since the 1994 Budapest Summit, it had not agreed on a single document. A number of reasons were given: the rapid evolution of the security situation in the OSCE area, with the forthcoming decision on NATO enlargement eastward into Central Europe; uncertainty about the new Euro-Atlantic strategic environment; the parallel debate on a future security model for Europe;⁹² and the lack of interest in many participating countries. Since neither the Programme for Immediate Action of the Helsinki Document 1992, nor the further tasks set out in Chapter V of the 1994 Budapest Decisions,⁹³ had adequately addressed the new requirements and challenges, the participating states at the Lisbon Summit decided that the FSC should revise its priorities and focus on a new agenda. Section III of the 1996 Lisbon Document, on a frame-

⁸⁹ The last reduction phase under the CFE Treaty ended on 16 Nov. 1995.

⁹⁰ 'OSZE-Tätigkeitsbericht' [OSCE report of activities], *Österreichische Militärische Zeitschrift*, no. 4 (1995), p. 449.

⁹¹ 'Budapest Decisions' (note 36).

⁹² OSCE, 'Review Meeting 1996, Reports by the Rapporteurs', Vienna, 22 Nov. 1996 and Lisbon, 29 Nov. 1996, URL <<http://www.osce.org/docs/english/1990-1999/rcs/rerap96e.htm>>.

⁹³ 'Further tasks of the CSCE Forum for Security Co-operation', Budapest Document 1994 (note 36).

work for arms control, and section IV, on the development of the agenda for the FSC, aimed to restore and strengthen the role of arms control in enhancing stability and security and to coordinate and harmonize it with other instruments—such as preventive diplomacy and post-conflict rehabilitation across the OSCE area—through a variety of approaches.⁹⁴

The 1996 OSCE Lisbon Summit agreed that the FSC should stress full implementation of all agreed arms control agreements; emphasize regional measures; develop a web of arms control agreements and the security dialogue function of the FSC to ensure regular information exchange on progress in separate arms control negotiations; strengthen agreed measures and develop new ones to promote CSBM regimes, increase transparency and predictability and examine how to use the regimes in preventive diplomacy, crisis management and post-conflict rehabilitation; and develop NSSMs.⁹⁵

The framework for arms control adopted by the Lisbon Summit⁹⁶ was envisaged as a guide for future arms control negotiations and as a basis for the establishment of a flexible agenda for future work on arms control. Apart from general declarations contained in its agenda for the FSC and the framework for arms control, the Lisbon Summit only managed to produce a list of non-consensual suggestions advanced by one or more participating states. This was done at the insistence of several states and reflected their concerns regarding the expansion of the CSBM regime, regional challenges, the future of the CFE Treaty and forthcoming NATO enlargement.⁹⁷

⁹⁴ OSCE, 1996 Lisbon Summit, Lisbon Document 1996, 2–3 Dec. 1996, URL <<http://www.osce.org/docs/english/1990-1999/summits/lisbo96e.htm>>. See particularly section III, 'A framework for arms control', FSC document FSC.DEC/8/96, and section IV, 'Development of the agenda of the Forum for Security Co-operation', FSC document FSC.DEC/9/96.

⁹⁵ Lisbon Document 1996 (note 94), section IV.

⁹⁶ Lisbon Document 1996 (note 94), section III.

⁹⁷ The list included: extension of CSBMs to naval activities; exchange of information to internal security forces and measures concerning the stationing of armed forces; cooperation in defence conversion; measures concerning the deployment of armed forces on foreign territories, including their border movements; regular seminars on military doctrine, preferably at a high military level; an 'OSCE White Paper' on defence issues, based on existing OSCE information and drawing on national experience; studying the possibility of the creation of zones in Europe free of nuclear weapons; voluntary participation, on a national basis, in verification and information exchange of regional regimes; transparency with regard to structural, qualitative and operational aspects of armed forces; and unilateral declarations of weapons ceilings. 'Appendix to Annex 2: development of the agenda of the Forum for Security Cooperation', Lisbon Document 1996 (note 94).

The Lisbon Summit declaration of a ‘common and comprehensive security model’ and the setting of the terms of reference for CFE Treaty adaptation overshadowed⁹⁸ both the agenda for the FSC and the framework for arms control. Neither of these arms control-related documents demonstrated a sense of political direction, nor did they offer specific proposals to achieve the objectives. Consequently, they were not expected to give new impetus to the arms control process. As mentioned above, a number of factors slowed the process: (a) the crises and conflicts in the OSCE area and the poor applicability of CSBMs and other mechanisms to the new regional challenges and threats; (b) the lack of a clear vision of the role and place of those measures in the new-style security endeavours; (c) the advances made by other forums seeking increased security (the PFP and the EAPC); (d) the challenge of NATO enlargement; and (e) the general shift towards arms control adaptation in the second half of the 1990s. Nonetheless, both the CFE and CSBM forums continued their work in these areas.

The OSCE’s 1999 Istanbul Summit gave the participating states the task of conducting a substantial (‘political’) security dialogue in the framework of the FSC. In 2000 the FSC focused on this theme and devoted its main attention to the role of conventional arms control and military doctrines. The participants concluded that arms control remained topical for European security but also agreed that, at the threshold of the 21st century, there was no urgent need for new agreements.⁹⁹

Towards a new Vienna Document

In the 1994 Budapest Decisions the participating states undertook to devote more attention to improving the implementation of the existing CSBMs and the adoption of new ones in order to meet new challenges. In addition to the pursuit of an arms control framework, since

⁹⁸ ‘Document adopted by the States Parties to the Treaty on Conventional Armed Forces in Europe on the scope and parameters of the process commissioned in paragraph 19 of the Final Document of the First CFE Treaty Review Conference, 1 Dec. 1996, DOC.S/1/96, 3 Dec. 1996’, appendix to the Lisbon Document 1996 (note 94).

⁹⁹ OSCE, ‘Permanent Delegation of Finland, contribution to the security dialogue’, FSC document FSC.DEL/381/00, 6 Sep. 2000.

1995 the OSCE participating states have discussed and agreed successive amendments to the Vienna Document 1994.¹⁰⁰

In the autumn of 1995 the FSC took two decisions, which were annexed to the Vienna Document 1994, with regard to the observation of certain military activities and the annual exchange of information on defence planning, respectively. After the sixth AIAM (1996) decisions were taken on the future of the Vienna Document with respect to airbase visits, communications, defence budget information, information from states which do not have armed forces and on constraining provisions.¹⁰¹

In 1997 the FSC continued to adapt the Vienna Document 1994 to the new European security context by annexing amendments on multi-national (bilateral or trilateral) evaluation teams;¹⁰² clarifying the procedures to be followed if inspections or evaluation visits cannot be conducted (*force majeure*);¹⁰³ strengthening constraining provisions with regard to armoured combat vehicles (ACVs);¹⁰⁴ and standardizing the declaration format for countries with no armed forces and for replies to invitations for visits to events or military sites.¹⁰⁵

On 22 October 1997, the FSC Chair commissioned an initial review of the Vienna Document.¹⁰⁶ After presenting an interim report in early December,¹⁰⁷ the FSC made the formal decision to review the document with the aim of completing the process during 1998. The review was based on the existing Vienna Document and aimed to: (a) update the Vienna Document to reflect agreements already reached; (b) consider the addition of new measures and amendments to improve the

¹⁰⁰ These efforts are documented in Lachowski, Z., 'Confidence- and security-building measures in Europe', *SIPRI Yearbook 1997: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 1997), pp. 503–504; Lachowski, Z. and Henrichon, P., 'Confidence- and security-building measures in Europe', *SIPRI Yearbook 1998: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 1998), pp. 532–33; and Lachowski, Z. and Kronestedt, P., 'Confidence- and security-building measures in Europe', *SIPRI Yearbook 1999: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 1999), pp. 646–49.

¹⁰¹ All the decisions are reproduced in OSCE, 'Annex to the Vienna Document 1994 of the Negotiations on Confidence- and Security-Building Measures: relevant decisions of the Forum for Security Co-operation (1995–1996), Vienna 1997', FSC document DOC.FSC/2/95, Annex, 17 Feb. 1997.

¹⁰² OSCE, 'Decision no. 2/97', FSC document FSC.DEC/2/97, 19 Feb. 1997.

¹⁰³ OSCE, 'Decision no. 6/97', FSC document FSC.DEC/6/97, 9 Apr. 1997.

¹⁰⁴ OSCE, 'Decision no. 7/97', FSC document FSC.DEC/7/97, 9 Apr. 1997.

¹⁰⁵ OSCE, 'Decision no. 8/97', FSC document FSC.DEC/8/97, 21 May 1997.

¹⁰⁶ OSCE, 'Chairman's statement', FSC document FSC.JOUR/204, 22 Oct. 1997.

¹⁰⁷ OSCE, 'Report by the co-ordinator on the initial review of the Vienna Document 1994', FSC document FSC.DEL/127/97, 3 Dec. 1997.

transparency, predictability and cooperative nature of the Vienna CSBM process (including the regional level); and (c) consider the relationship of the document to other FSC documents.¹⁰⁸

This attempt to consolidate the Vienna Document framework and to adapt it to the new politico-military challenges in Europe focused on both general and technical aspects of the document. France, Germany and Poland proposed that the review should seek to accomplish four main reforms: (a) enhancement of transparency and predictability and strengthening of verification procedures; (b) lowering of notification thresholds to reflect the replacement of the large-scale military exercises of the cold war period by limited multilateral training exercises, peacekeeping operations and paramilitary activities; (c) inclusion of 'à la carte provisions' under which regional CSBM agreements could be reached; and (d) enhancement and consolidation of cooperation between participating states at the political and military levels, especially by the establishment of a regular dialogue on defence planning and military doctrine. The proposal suggested including paramilitary forces in the information exchange; reducing the notification threshold for planned increases in personnel strength and for temporary reactivation of non-active formations; introducing a particular verification regime for multinational inspections in crisis situations; reducing the threshold values needed for notification; and introducing special notification thresholds for peacekeeping operations.¹⁰⁹

Technical recommendations made at the 1996 and 1997 AIAMs were compiled for further study in a document addressing each of the 10 chapters of the Vienna Document 1994.¹¹⁰ In February 1998 the FSC established an Ad Hoc Working Group on Vienna Document Revision, which concluded the first phase of its work in September of that year.

On 16 September 1998 a 'rolling text' of the revised draft Vienna Document was presented by the coordinator of the FSC Ad Hoc Working Group, and there appeared to be agreement that its proposals could serve as the basis for further negotiation (which did not mean they would all be included in the new document). The suggestions were based on previous discussions held in 1997 and 1998 in the FSC

¹⁰⁸ OSCE, FSC document FSC.DEC/15/97, Annex, 10 Dec. 1997.

¹⁰⁹ FSC, 'Proposals on further development of the Vienna Document 1994, submitted by the delegations of France, Germany and Poland', *Journal*, no. 193 (18 June 1997), annex.

¹¹⁰ OSCE, 'Conflict Prevention Centre: synopsis of suggestions relating to the Vienna Document 1994', FSC document FSC.GAL/33/97, 4 Nov. 1997.

and at the AIAMs. The text also suggested some editorial changes (including incorporating footnotes into the text, adding FSC decisions and rearranging the annexes to the document). A series of new annexes with further proposals for amendment was included.

The major changes proposed included: (a) provision of information on certain geographical areas located in the zone of application and designated as major ground combat training areas for routine training of military forces; (b) annual submission of information on new or substantially improved military infrastructure, subject to evaluation; (c) multinational inspections to clarify military activities which had raised concern; (d) visits to new or improved military airfields and to naval bases; (e) annual plans for contacts; (f) lower notification and observation thresholds and inclusion of new parameters for constraints; (g) inclusion of provisions on naval activities in prior notifications, observation and calendars; (h) notification of the largest military activity, arrival or concentration of forces if no notifiable military activity, arrival or concentration had taken place; (i) notification of non-routine concentrations of military forces; and (j) information on regional CSBMs.

As the negotiations had to accommodate other essential changes in the field of European security (NATO enlargement) and arms control (adaptation of the CFE Treaty), they could not be completed in 1998. The scope and complexity of some of the proposals led the FSC to decide that it needed more time to complete the review.

On 16 November 1999, the FSC adopted the Vienna Document 1999 in Istanbul. Apart from the inclusion of a chapter on regional measures, the other changes and additions were rather modest. The Vienna Document 1999 entered into force on 1 January 2000. Since that time, especially after the terrorist attacks of September 2001, suggestions have been made to consider negotiating a new Vienna Document. However, these have been opposed by several OSCE states.

4. Developing the provisions of the Vienna Document

I. Introduction

The efforts made by the CSCE/OSCE states since the watershed of 1989–90 have been twofold: to build on past experience; and to look for new measures, solutions, procedures and mechanisms to better cope with the qualitatively new risks and challenges. This chapter documents the general evolution of the individual sections of the Vienna documents on confidence- and security-building measures in the post-cold war period, assesses what they have achieved in practice, and illustrates the response of the CSBM regime to the new tendencies and developments. Both the work of the FSC and the AIAMs have enabled thorough discussion of all aspects of implementation and have provided numerous proposals and suggestions for improvement of the CSBMs and the effectiveness of the Vienna Document. Many of the issues which were discussed at the annual meetings are reflected in the successive versions of the Vienna Document.

The main dilemma in developing the confidence- and security-building process centres on the competition between the development of CSBMs—the focus of this chapter—and their better implementation. Discussions at the negotiating and assessment forums are complex and difficult because they involve more than 50 states with different military security experiences, views, alliances, interests, arms structures and capabilities. Discussions in the FSC and at the AIAMs have produced many formal proposals, assessments, non-papers, food-for-thought documents and other materials which contain hosts of suggestions, amendments, new provisions or organizational modalities, clarifications, explanations and interpretations. These suggestions for change often concern small details, rephrasing the provisions of the Vienna Document, and the like. Consensus is sought through thorough discussion of all the proposals and ideas.

The controversies over such items as the definition of various terms in the Vienna Document, the size of inspection teams, the number of auxiliary personnel, the equipment used, the duration of visits and the time frame, the expeditious transport of inspectors in transit, and other technicalities may seem unimportant. In reality, they demonstrate the

pursuit of a balance between political confidence building, openness and reassurance, on the one hand, and the changing perceptions of military security and secrecy, on the other. Some proposals that were unacceptable for some participating states in the past have since become feasible, as circumstances have changed. The accumulative process being carried out in the CSBM bodies and mechanisms is an expression both of developing resolve and of the progress which has been made in relations among the participating states. It also demonstrates their desire to further build on that progress and develop cooperative partnerships.

II. The annual exchange of military information

The annual exchange of military information was included for the first time in the Vienna Document 1990 (as Chapter I). It was welcomed as an important transparency measure for enhancing openness in military matters (see table 4.1). Most military information to be exchanged under this measure had previously been classified 'top secret'. Moreover, for the non-CFE states parties this was the first comprehensive military information available, and even the CFE Treaty signatories judged the new information about the military situation in Europe to be useful and important. Only rarely did the AEMI cause serious concern. For example, in late 1991, Yugoslavia did not provide military data, which gave rise to suspicion that it was preparing for a major reorganization of its forces. Some of the newly admitted states (e.g., Azerbaijan and Georgia) encountered reporting difficulties and failed to take part in the subsequent exchanges because the development of their military structures and implementation procedures was still under way.

The Vienna Document 1992 addressed for the first time the issue of 'force generation' (mobilization and reconstitution of forces), which had been growing in importance with the declining levels of active-duty forces. To alleviate the concerns of the NNA countries, the thresholds for temporary activation of non-active units and formations were set at relatively high levels.

Since the adoption of exchange of information provisions in the Vienna Document 1992 this measure has been well observed, and the

Table 4.1. The annual exchange of military information^a

Document	Relevant provisions and information exchange requirements
Vienna Document 1990	Information on land/air forces provided by 15 Dec. each year (valid as of 1 Jan. the following year) regarding: command organization, subordination (down to brigade/regiment level); peacetime authorized personnel strength; holdings in major weapon and equipment systems (battle tanks, helicopters, armoured combat vehicles, ACVs), anti-tank missile launchers, artillery and armoured vehicle launched bridges) and plans for their deployment Military budgets: defence expenditures on the basis of the the United Nations Instrument for Standardized International Reporting of Military Expenditures provided within 2 months of approval of the budget; requests for clarification
Vienna Document 1992	Same coverage as the Vienna Document 1990 plus more detailed information on ACV ^b holdings; increases of personnel strength if longer than 21 days and by more than 1500 troops (combat unit) or 5000 troops (active formation); activation of non-active formation or combat units by 2000 troops for more than 21 days; and data and photographs of major weapon and equipment systems
Vienna Document 1994	Same coverage as the Vienna Document 1992 plus annual exchange of information on defence planning (see table 4.2)
Vienna Document 1999	Same coverage as the Vienna Document 1994 plus revised parameters regarding increases of personnel strength if longer than 21 days and by more than 1000 troops (combat unit) or 3000 troops (active formation)

^a The 1975 Helsinki Final Act and the 1986 Stockholm Document did not contain provisions for an annual exchange of military information.

^b ACV holdings cover armoured personnel carriers (APCs), armoured infantry fighting vehicles (AIFVs), heavy armoured combat vehicles (HACVs), armoured personnel carrier look-alikes (APC LALs) and armoured infantry fighting vehicle look-alikes (AIFV LALs).

participating states have generally been satisfied with these provisions. Some shortcomings have been noted, particularly in relation to the timeliness of the information exchange (failure to meet the

15 December deadline), and small discrepancies have been identified in the data exchanged.¹¹¹

Generally, the debate in this area has addressed such issues as lowering the thresholds for force generation and the reduction of its duration (planned increases in personnel strength and planned temporary activation of non-active formations); synchronization of dates for the AEMI and the Global Exchange of Military Information; and inclusion of paramilitary forces which are equivalent to conventional military forces with respect to their equipment, including the definition of such forces. New types of aircraft and information on major weapon and equipment systems outside the military forces were proposed to be covered by the AEMI. Other measures have also been proposed, including the introduction of quality parameters for weapon systems, information on infrastructure and on conversion of military armaments and equipment, and additional voluntary exchange of military information throughout the year.¹¹²

Many fewer changes to the AEMI were accepted in the Vienna Document 1999 than those proposed. The parameters for reporting planned increases in personnel strength were lowered for both active combat units and for active formations.¹¹³ The proposals which were put forward but not included in the Vienna Document 1999 addressed *inter alia* major weapon and equipment systems ‘operated either outside the command organization of the military forces or of the military forces as a whole’ and provision of information on additional aircraft.¹¹⁴ A US proposal to include information in Chapter I on major ground combat training areas was not accepted either.¹¹⁵

The conflict in the Russian republic of Chechnya, which resumed in the autumn of 1999, prompted the suggestion that regular updates of information should be provided in cases of protracted military activ-

¹¹¹ Until recently, only a few participating states failed to provide information. Bosnia and Herzegovina, which had had constant difficulties with the provision of its AEMI, submitted its first information in 2000. In 2002, only 1 state failed to provide AEMI information.

¹¹² See OSCE, ‘Synopsis of suggestions relating to the Vienna Document 1994, Vienna, 3 Nov. 1997’, FSC document FSC.GAL/33/97, 4 Nov. 1997.

¹¹³ Under the Vienna Document, units are defined as brigades, regiments and their equivalents, and formations are defined as armies, corps and divisions and their equivalents.

¹¹⁴ These included transport, tanker and/or airborne early-warning and control aircraft, and/or helicopters in air formations and air units of the air forces, air defence aviation and naval aviation permanently based on land. OSCE, FSC document FSC.DEL/135/97, 10 Dec. 1997; and OSCE, ‘Coordinator of the Ad Hoc Working Group, “Chairman’s perception” of the Vienna Document [2000] on the negotiations on confidence- and security-building measures’, FSC document FSC.VD/30/99, 7 July 1999.

¹¹⁵ OSCE, FSC document FSC.VD/14/98, 29 Apr. 1998.

ities, crisis situations and multinational peacekeeping operations. (Russia had failed to provide information on the extent to which notifiable thresholds had been exceeded.)

In response to EU and NATO military projects, an information exchange on rapid-reaction forces (RRF) within the AEMI (composition of forces, missions and major equipment systems) was suggested.¹¹⁶ The FSC agreed that data relating to all major weapon and equipment systems would be exchanged in electronic form starting on 15 December 2002.¹¹⁷ An increase in automated data exchange was seen as a welcome addition to the traditional manner of exchanging data in writing. Today the majority of the participating states furnish their military information on time, and two-thirds of them do so via automated data exchange.¹¹⁸ A proposal was submitted to the AIAM for the CPC to build an electronic database which could be accessed by all the participating states and which would improve the quality of reports, but agreement has yet to be reached on the proposal.¹¹⁹

III. Defence planning

Originally, military budgets were submitted and reviewed under the rubric of AEMI. The significance of information on military budgets, as agreed in the Vienna Document 1990, consisted in the fact that all CSCE states undertook to exchange the information on the basis of the categories set out in the 1980 United Nations Instrument for Standardized International Reporting on Military Expenditures.¹²⁰ However, comparing military budgets is a complex undertaking, and a number of CSCE states had never participated in the UN exchange

¹¹⁶ This Russian proposal is seen as warranting further study, but it is pointed out that such forces represent temporary, sometimes ad hoc arrangements, drawn from a pool of units that might have cyclical states of readiness. OSCE, 'Consolidated summary: chairperson's report, reports of the working sessions rapporteurs, 2003 Annual Implementation Assessment Meeting, Vienna, 4–5 Mar. 2003', FSC document FSC.AIAM/51/03, 12 Mar. 2003, p. 10.

¹¹⁷ OSCE, FSC document FSC.DEC/6/01, 14 Nov. 2001. The German proposal even suggested abandoning the data exchange in written form altogether. OSCE, FSC document FSC.AIAM/5/03, 4 Mar. 2003.

¹¹⁸ The number of national returns in recent years were as follows: 55 for 2001; 54 for 2002; and 51 for 2003.

¹¹⁹ This proposal by Germany is presented in OSCE, FSC document FSC.AIAM/6/03, 4 Mar. 2003.

¹²⁰ United Nations, General Assembly Resolution 35/142 B, 12 Dec. 1980. The Instrument for Standardized International Reporting on Military Expenditures is available at URL <<http://disarmament2.un.org/cab/milex.html#STANDARDIZED%20REPORTING%20FORM>>.

before. Already at the first AIAM, in 1991, the complexity of the problem was acknowledged, but it was considered that, with additional instruction and time, it would be possible to take further steps to improve implementation.

The importance attached to this measure increased in the 1990s. The Vienna Document 1994 introduced a new sub-chapter on Defence Planning as part of the AEMI (see table 4.2). The 1993 Document on Defence Planning¹²¹ was prepared on the basis of the NATO proposal¹²² as well as a Polish–Hungarian paper and a Dutch working document,¹²³ which merged the two former proposals and took into account the outcome of an FSC seminar on defence planning, held in the spring of 1993.¹²⁴ The agreed document was ‘to provide transparency about each CSCE participating State’s intentions in the medium to long term as regards size, structure, training and equipment of its armed forces, as well as defence policy, doctrines and budgets related thereto, based on their national practice and providing the background for a dialogue among the participating States’. Accordingly, it dealt with defence policy and doctrine; force planning (size, structure, personnel, major weapon and equipment systems, and deployment of armed forces and the changes to them);¹²⁵ and information on forthcoming expenditures and budgets (the coming year, the two subsequent fiscal years and the last two of the coming five years¹²⁶). It envisaged requests for clarification of the information provided, annual discussion meetings, and study visits to increase and improve knowledge of national planning procedures and promote dialogue. In addition, it called on states to provide other information reflecting defence policy, military strategies, and doctrines and related materials.

Numerous participating states had not provided any information on defence planning in an international context for a long time, if ever, and the quality of the information submitted was not satisfactory—

¹²¹ FSC, ‘Forum for Security Co-operation’, *Journal*, no. 49 (24 Nov. 1993), annex 4.

¹²² CSCE document CSCE/FSC/SC.3, 21 Oct. 1992.

¹²³ CSCE document CSCE/FSC/SC.B.3, 17 June 1993.

¹²⁴ *Focus on Vienna*, no. 30 (Aug. 1993), p. 3.

¹²⁵ Similar information may be provided on other forces, including paramilitary forces, on a voluntary basis and as appropriate (para. 15.2).

¹²⁶ Less rigorous data are required for the last 2 years of the forthcoming five-year period. The requirement of information on forthcoming expenditures and budgets was especially difficult to abide by for some newly formed European and Central Asian states.

Table 4.2. Defence planning^a

Document	Relevant provisions and information exchange requirements
Vienna Document 1994	Defence planning exchange of information (as part of the AEMI) provided within 2 months after approval of the military budget: defence policy and doctrine; force planning; previous military expenditure; military budget for the forthcoming fiscal year and the next 4 fiscal years at varying levels of detail; clarification, review and dialogue; and other information reflecting defence policy, military strategy and doctrines (voluntary)
Vienna Document 1999	The annual exchange of defence planning becomes a separate chapter; more information provided 3 months after approval of the military budget; more clarification Periodic high-level military doctrine seminars envisaged

^a The 1975 Helsinki Final Act and the 1986 Stockholm Document did not contain provisions for defence planning. The Vienna Documents 1990 and 1992 provided for information on military budgets (see table 4.1).

either incomplete or unclear. This was especially true of the post-Soviet republics: the South Caucasian states,¹²⁷ the Central Asian republics¹²⁸ and Moldova as well as Bosnia and Herzegovina and several other small NNA countries. In the first half of the 1990s, less than half the participating states submitted their defence planning and military budget documents.¹²⁹ In mid-1997 the FSC was obliged to remind states to use the UN standardized reporting instrument to provide data on their military expenditure.¹³⁰

Non-compliance may have resulted from the security concerns of newly formed states, some of which were involved in conflicts at the time. However, not all the failures stemmed from the reluctance of states to provide information; in part the problem was their inability to meet the requirements of the measure. Numerous suggestions were made for improving the quality and clarity of the information provided, for example, by establishing qualitative criteria for its analysis

¹²⁷ Azerbaijan and Georgia have not furnished information on their military budgets and defence planning; Armenia provided information on its defence planning only once (in 1999).

¹²⁸ These states, except Turkmenistan, began to provide information more regularly at the end of the 1990s. Turkmenistan still fails to provide any information.

¹²⁹ Delegation of Sweden to the OSCE, Informal working paper Doc.431//195, 12 Mar. 1995.

¹³⁰ OSCE, FSC document FSC.DEC/10/97, 16 July 1997.

and by creating appropriate forms to facilitate replies. Various proposals were submitted in the run-up to the conclusion of the Vienna Document 1999 with the aim of enhancing the dialogue on defence planning. The major proposals concerned: (a) regular dialogue on defence planning and defence policy and military strategy to enable more substantive discussions (AIAM discussions were perceived as too brief and formal); (b) information indicating changes in defence planning; (c) better use of requests for clarification; and (d) regional and bilateral sharing of defence planning information. Compiling annual information on new or substantially improved infrastructure (e.g., military airfields, storage facilities, fixed air defence sites, training areas and ranges, headquarters and pipelines serving military facilities) was suggested with the aim of alleviating Russian concerns about NATO infrastructure in its new member states (the Czech Republic, Hungary and Poland).¹³¹

In the Vienna Document 1999 the defence planning section was given the status of a separate chapter (Chapter II). It calls for the annual information to include the date on which the military budget for the subsequent year was approved by the national authorities and for details of the identity of these authorities. The information is to be provided not later than three (formerly two) months after approval of the military budget. States are obliged to notify and explain any inability to meet this deadline and to give an envisaged date for submission. States with no armed forces provide 'nil reports' with their annual military information. If necessary, discrepancies between expenditures and previously reported budgets should be clarified and states should also provide information on the relation of the military budget to gross national product as a percentage. Another clarification concerns information on budgets. The chapter also encourages states to hold periodic high-level OSCE military doctrine seminars.

An increased number of countries have completed the returns since 1999, and the quality of the returns has improved. Only seven states did not provide any information for 2002 under the heading of defence planning.¹³² Support has been expressed for a regular dialogue

¹³¹ OSCE, FSC document REF.FSC/158/97, 16 Apr. 1997.

¹³² For comparison, 22 states did not furnish information in 1994; 16 states failed to provide this information in 1997. The time for submission of information differs from state to state, depending on the timing of approvals by parliaments. Late submissions are no longer topical for other participating states. In this context, it has been proposed that a reminding mechanism be set up for this CSBM.

on defence planning, especially with regard to defence and military doctrines. A seminar on this topic was deemed desirable in the light of the signing of the 1999 Agreement on Adaptation of the CFE Treaty and the resulting changes in defence structures.¹³³ Some participants expressed their interest in receiving more information on both national planning processes and defence plans. As a measure for clarifying changes in annual military budgets, it was suggested that figures for percentage change be added to the data submitted.¹³⁴

At present, other suggestions under consideration concern expanding the AEMI to cover information on rapid-reaction forces (definitions and legislative basis of their establishment, goals for which RRFs are established and ways of achieving these goals as set out in military doctrines and concepts, a questionnaire, etc.); and various improvements in the manner of presenting and submitting national information on defence planning.

IV. Military doctrine seminars

OSCE military doctrine seminars are intended to contribute to confidence and security building, including particularly the military-to-military dimension. The first seminar on military doctrine was held on 16 January–5 February 1990 as part of the CSBM negotiations which led to agreement on the 1990 Vienna Document. The seminar was mandated not to propose substantially new CSBMs, but rather to help develop confidence and understanding through a free and open exchange. The first military doctrine meeting did not reflect the political changes under way in Europe; it was too early for some of the East European participants to have made real changes in their doctrines. However, the Eastern participants demonstrated their willingness to change their doctrinal approach. This was reflected in their rejection of counterattack strategies and a shift towards a non-offensive defence posture, in contrast to the cold war secrecy about military affairs, and by the emerging divisions inside the WTO. The practical results of the first seminar were an exchange of information

¹³³ At the 1999 AIAM the Swedish delegation held a defence planning workshop. See also note 9.

¹³⁴ Some states noted that it was difficult to observe the new Vienna Document 1999 deadline of 3 months for the submission of budget returns (from when budgets are approved).

on military budgets and an agreement to hold AIAMs to discuss the current and future implementation of CSBMs.¹³⁵

The second military doctrine seminar was held in Vienna on 8–18 October 1991 and reflected changes in military thinking. The extent of military rapprochement in Europe was discussed as well as the areas on which the participants in the European security dialogue agreed or disagreed. The purpose of the seminar was ‘to allow for a discussion on military doctrine in relation to posture, structure and activities of conventional forces in the zone in particular with a view to current and prospective restructuring of forces and other developments in Europe and their implications for the military doctrines of the participating States’.¹³⁶ A major difference from the first seminar was the absence of discussion on military budgeting and planning, which was taken over by the AIAMs.

Owing to various circumstances (the 1991 Gulf War, the debate on NATO’s transformation, the dissolution of the WTO, etc.), the second seminar focused on doctrines in transition. Thus indications of trends and directions in the development of doctrines were sought, not definite answers. Consensus emerged on the following: (a) offensive postures and doctrines were no longer desirable or effective, although how to define defensive activities and reorient the armed forces remained unclear; (b) arms control ought to be continued and promoted; (c) openness and transparency had become integral to military matters; (d) all participants shared common problems stemming from lower military budgets, personnel reductions, base closures, political constraints on military activity, the conversion of the defence industry, and the like; and (e) with the exception of the Soviet Union, all delegations recognized the relevance of NATO to European security.¹³⁷

A number of suggestions were made at the meeting, including one to identify certain common elements of doctrines which could constitute a code of military security conduct. Furthermore, in-depth studies of individual topics—‘mini-seminars’—were proposed as a follow-up to the military doctrine seminars.¹³⁸ In view of the sometimes

¹³⁵ See also Krohn, A., ‘The Vienna military doctrine seminar’, *SIPRI Yearbook 1991: World Armaments and Disarmament* (Oxford University Press: Oxford, 1991), pp. 501–11.

¹³⁶ CSCE document CSCE/WV/Dec. 3, 15 May 1991. The Soviet Union proposed holding a seminar on naval doctrines (concepts) but the proposal was not accepted by the USA.

¹³⁷ Silverman, W., ‘Talking “sufficiency” in the Hofburg Palace: the second seminar on military doctrine’, *Arms Control Today*, Dec. 1991, p 17.

¹³⁸ Two specialized seminars were held in early 1992. Czechoslovakia sponsored a seminar on the Conversion of Military Industry to Civilian Production, in Bratislava,

incompatible terminology used by states, it was proposed that the CPC develop a comparative list of terms and concepts used in doctrines. The need to standardize the nomenclature both for the formulation of military doctrines and for future discussions of this type was noted.

The 1991 seminar was actually a new attempt to speak a common language and to find common ground among all European participants regarding cooperative military thinking. It demonstrated the prevailing military conservatism in adapting to new circumstances, but the will to attempt to understand each other's concerns and problems was also illustrated. Its deficiencies notwithstanding, the seminar was a useful confidence-building event as a platform for military-to-military contacts, and it helped to overcome the stereotypes and psychological barriers still lingering among former adversaries.¹³⁹

More than seven years passed before the FSC held the third Vienna seminar on defence policies and military doctrines, on 26–28 January 1998. It was attended by over 350 representatives of the armed forces of the 54 OSCE states, and the heads of delegations included over 30 chiefs of staff. Representatives of NATO, the Commonwealth of Independent States (CIS) and Western European Union (WEU) also attended. The discussion at the seminar was organized around three broad topics: (a) evolution of the European security environment and its influence on defence policies and military doctrines; (b) defence policies and international aspects of military doctrines; and (c) reform and restructuring of the armed forces. Many participants acknowledged that, in order to adapt to the new risks and challenges in the OSCE area, internal reform of the military was needed and that common security interests also ought to be further defined because regional and intra-state conflicts were increasingly of concern to all the OSCE countries. Ideas were shared on restructuring and adapting armed forces to the security environment anticipated for the 21st century, the use of armed forces in crisis management and peacekeeping,

19–21 Feb. 1992. Poland and Hungary, sponsored a seminar on Armies in Democratic Societies, in Vienna, 4–6 Mar. 1992. Both seminars were convened by the CPC, and, unprecedented in the CSCE, NATO was invited to send representatives to the forums.

¹³⁹ For broader discussion see Lachowski, Z., 'The Vienna Second Seminar on Military Doctrine', *SIPRI Yearbook 1992: World Armaments and Disarmament* (Oxford University Press: Oxford, 1992), pp. 496–505.

and ways to enhance transparency in the development of defence policy and military doctrine.¹⁴⁰

The participants acknowledged that the threat of large-scale war driven by offensive defence policies had subsided and that the primary risks and threats lay elsewhere, mainly at the regional level and below. In the pursuit of reassurance among the participants, cooperative security, democratic control over the military, flexibility and openness were the major elements of what one speaker called the 'era of partnership'.¹⁴¹ The armed forces were now deemed to be confronting new tasks. Their main objectives had shifted from defence of national territory towards managing the threats that might endanger international security. Political control of military operations was much greater and more precise than in the past. The self-protection of expeditionary forces had become a major and unavoidable priority. (Two different cases proved this: the 1991 Gulf War and the 1994–96 conflict in Chechnya, in which the high casualties affected domestic political support and made the Russian Government seek a negotiated compromise.) The most significant change in the shaping of military doctrines was political. Here the seminar found that there was no threat that would create enduring alliances between states.¹⁴² Instead, like-minded states would form ad hoc coalitions when deciding which regional crises deserved attention and response.

There was also a realization that the world was facing a spectrum of uncertainties. Three factors of particular interest were mentioned as challenging the international community: (a) the difficult and turbulent nature of democratic transition; (b) the expansion of worldwide economic markets, information systems, transport systems and communication technologies (globalization), which bring nations together but also create various growing transnational concerns (terrorism, organized crime, refugees, migrations, etc.); and (c) the mistrust lingering from the bipolar era.¹⁴³ Other new threats were identified which

¹⁴⁰ OSCE, 'Letter of the Chairman of the Forum for Security Cooperation to the Minister of Foreign Affairs of Poland, Chairman of the Seventh Ministerial Council of the OSCE', FSC document FSC.DEL/275/98, 25 Nov. 1998.

¹⁴¹ OSCE, Press Release, no. 08/98, 28 Jan. 1998.

¹⁴² OSSCE, 'Evolution of defence policies and military doctrines, Seminar on Defence Policies and Military Doctrines 26–28 January 1998, Preliminary Draft (distributed at the request of the Italian delegation)', 11 Jan. 1998, FSC document FSC.MD.DEL/18/98, 26 Jan. 1998.

¹⁴³ OSCE, 'Executive summary, Remarks by General Henry H. Shelton, Chairman of the Joint Chiefs of Staff, USA, to be delivered Jan. 26, 1998, at the Military Doctrine Seminar', FSC document FSC.MD.DEL/7/98, 20 Jan. 1998.

required defence policies combining military, political and economic measures, such as the proliferation of weapons of mass destruction, terrorism, the fragmentation of nation states, ethnic or extreme religious fundamentalist movements, international crime, the emergence of new 'rogue' states, and the like.¹⁴⁴ These threats created new scenarios which the armed forces had to confront by shifting their focus from the defence of national territory to multidisciplinary functions—including management of crises and prevention or reduction of risks, peace support operations, peace enforcement and policing.

The Vienna Document 1999 encouraged the participating states to 'hold periodic high-level military doctrine seminars similar to those already held'.¹⁴⁵ 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 of defence ministries, the military, other state institutions, policy-oriented organizations and the academic community. The seminar focused on: (a) changes and challenges in the security environment relevant to defence policy and military doctrine; (b) military doctrine and reform of the armed forces; and (c) multilateral 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 their different perceptions and interpretations, the participating states acknowledged the low threat of global military conflict and the greater risk of local wars and regional military conflicts as the result of inter-ethnic, territorial and religious differences. The participants emphasized the threat of low-level regional conflicts, the proliferation of WMD, international and national terrorism, organized crime, and ecological and humanitarian disasters.¹⁴⁶ Most countries perceived the need to adapt their military doctrines and forces appropriately. Smaller, more flexible, more rapidly deployable, mobile, interoperable and self-sustained forces were considered better able to carry out missions with multiple functions and to cooperate with civilian (e.g., police) agencies and organizations.

¹⁴⁴ FSC document FSC.MD.DEL/18/98 (note 142).

¹⁴⁵ Vienna Document 1999 (note 34), Chapter II, para. 15.7.

¹⁴⁶ OSCE, '4th Seminar on Military Doctrines and Defence Policies in the OSCE Area, Vienna, 11–13 June 2001, Report of the Working Session Rapporteur', FSC document FSC.GAL/66/01, 13 June 2001.

The chairman of the seminar outlined four major directions for the future work of the FSC: (a) discussion of new risks and challenges with a view to agreeing a comprehensive OSCE approach to addressing them; (b) recognition of 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 their military doctrines by states at the FSC plenary meetings; and (d) adaptation of 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 (e.g., CSBMs for crisis situations, giving the Code of Conduct some operational functions such as functions in peacekeeping operations, etc.) and the elaboration of new CSBMs.¹⁴⁷ It was proposed that a fifth military doctrine seminar be held in 2004.

The chairman's conclusions were not binding, and in the latter part of 2001 they were overtaken by the dramatic events of the terrorist attacks on the USA. In their aftermath, the OSCE began to reassess the relationship between military doctrine and multilateral security cooperation with regard to prioritizing the tasks and missions of armed forces.

V. Risk reduction

'Risk reduction' was included as a new item in the Vienna Document 1990, and two measures were envisaged: (a) a mechanism for consultation and cooperation as regards unusual military activities; and (b) a procedure for cooperation as regards hazardous incidents of a military nature. The former mechanism was originally intended to reveal covert operations that might conceal preparations for a military assault.¹⁴⁸

The CSCE risk-reduction mechanism, which allows each participant to seek an explanation from another country when an unusual or unscheduled military activity takes place, was soon put to a hard test

¹⁴⁷ OSCE, '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', FSC document FSC.DEL/338/01, 4 July 2001.

¹⁴⁸ As a supplement to the risk-reduction provisions (Chapter III), the participating states adopted a catalogue of stabilizing measures for localized situations. For more on stabilizing measures see chapter 6.

Table 4.3. Risk reduction^a

Document	Relevant provisions
Vienna Document 1990	<i>Mechanism for Consultation and Co-operation as Regards Unusual Military Activities</i> : phase 1—request for an explanation to the participating state where the unusual activity raising security concern is taking place; the reply to be provided within 48 hours; phase 2—the requesting state may request a meeting to be convened within 48 hours to discuss the matter with the responding state; possibility for third states to participate in the meeting; phase 3—the requesting state may ask for a meeting with all participating states at the CPC <i>Co-operation as Regards Hazardous Incidents of a Military Nature</i> : designation of points of contact in case of such incidents; provision of information ‘in an expeditious manner’ by a state whose forces are involved; matters relating to information may be discussed at the CPC or the AIAM
Vienna Document 1992	Vienna Document 1990 provisions plus <i>Voluntary Hosting of Visits to Dispel Concerns about Military Activities</i>
Vienna Document 1994	Vienna Document 1992 provisions
Vienna Document 1999	Vienna Document 1992 provisions plus the requesting or responding state may request phase 3, and the roles of Chairman-in-Office and the Permanent Council and the Forum for Security Co-operation envisaged regarding the unusual military activities mechanism

^a The 1975 Helsinki Final Act and the 1986 Stockholm Document did not contain provisions on risk reduction.

when it was invoked three times during the Yugoslav crisis of 1991–92. The risk-reduction mechanisms failed because of their inherent drawbacks—lack of a clear definition of ‘unusual activities’, the consensus rule, and lack of peacekeeping capabilities or peace enforcement.¹⁴⁹

¹⁴⁹ For discussion of risk reduction see chapter 5. Some states proposed that an emergency meeting of the CPC be held in Jan. 1991 to help prevent Soviet actions against the Baltic republics. The Soviet delegation opposed this proposal claiming that the measures applied only to a ‘threat to security in international relations’. This position was criticized by the US representative. Institute for Defense and Disarmament Studies, *Arms Control Reporter* (IDDS: Brookline, Mass.), sheet 402.B.282, Feb. 1991.

There has been much criticism of the failure to use risk-reduction capabilities adequately. In drafting the Vienna Document 1992, the CSCE participating states decided to supplement the risk-reduction chapter with a section on voluntary hosting of visits in order to dispel concerns about military activities. The participating states were encouraged to invite other participating states to designate personnel 'to take part in visits to areas on the territory of the host State in which there may be cause for such concerns'.¹⁵⁰ It was felt that the hosting of such visits could be made obligatory and become more operational, but that it should not duplicate the CSBM inspection regime. Since then, this part of the Vienna Document has not undergone any major change in the successive versions (see table 4.3).

There is a paradox regarding the implementation of the risk-reduction chapter. On the one hand, there appears to be general agreement among states that risk-reduction mechanisms should be used more frequently and efficiently, after an adaptation to new circumstances and types of conflict; but, on the other hand, the provisions are still used extremely rarely. Many participants hold the view that the risk-reduction provisions could play some role in arrangements to 'restore confidence' in 'situations giving rise to concern'. The problems related to the use of this measure were discussed in detail during the work on modernization of the Vienna Document 1994, but the Vienna Document 1999 failed to reflect the content of the debate despite the vigorous efforts of the 'Weimar triangle' of France, Germany and Poland.¹⁵¹

It was proposed that a special verification regime to conduct multinational inspections could be introduced at the request of a participating state in the event of concerns about military activities, in order to enable information to be gathered in an impartial manner. Such an inspection could provide the means to verify the information and clarify the situation in the crisis area in an impartial manner.¹⁵² This proposal was motivated by Russia's conduct in Chechnya. However, owing to Russia's opposition, the proposal failed to be included in the Vienna Document 1999.

¹⁵⁰ Para. 19. This provision was inspired by a more detailed British-Bulgarian proposal. CSCE, CSCE document CSCE/WV.27, 11 Dec. 1991. Accordingly, Bulgaria invited an overflight of its territory from Yugoslavia when the latter suspected that the former was massing troops on the common frontier. Institute for Defense and Disarmament Studies, *Arms Control Reporter* (IDDS: Brookline, Mass.), sheet 402B.299, Mar. 1992.

¹⁵¹ FSC (note 109).

¹⁵² See 'Chairman's perception' (note 114).

New provisions strengthen the unusual military activities mechanism in Chapter III (formerly Chapter II) of the Vienna Document 1999. They entitle both requesting and responding states to ask other states that have expressed concern to participate in meetings to discuss such an activity. The meetings are to be chaired by the CIO or his or her representative, who will prepare a report on the meeting for all participating states. The requesting or the responding state or both may ask for meetings of all participating states. The CIO or the CIO representative will convene such meetings, at which both the requesting and responding states will present their views. The Permanent Council and the FSC will provide a joint forum for such meetings and will jointly assess the situation. Appropriate measures may be recommended to the states involved.

In discussions at the AIAMs it has been proposed that the three existing measures (on unusual activities, hazardous incidents and dispelling concerns about activities) be combined in one mechanism. The 1993 document on Stabilizing Measures for Localized Crisis Situations could be incorporated into the risk-reduction section,¹⁵³ but consensus was not reached on the Swedish proposal to include the document as an annex to Chapter III of the Vienna Document 1999. In 2002–2003 a German proposal on the use of CSBMs in crisis situations was discussed, and Russia submitted a proposal on a Vienna Document chapter on ‘a mechanism for the implementation of CSBMs in crisis situations’, which embraced all the provisions of Chapter III (which would be revised) and the stabilizing measures document.¹⁵⁴

Until the end of the 1990s, the absence of any formal recourse to risk-reduction mechanisms was taken as a sign of a stable security situation in the OSCE area. However, there is room for improvement in this context. For example, it has been argued that the absence of a clearly defined risk-reduction role for the OSCE Permanent Council may make states reluctant to use these provisions in conflict preven-

¹⁵³ FSC, ‘Stabilizing Measures for Localized Crisis Situations’, *Journal*, no. 49 (note 121), 25 Nov. 1993, URL <<http://www.osce.org/fsc/documents/>>. See also the discussion in chapter 6.

¹⁵⁴ OSCE, ‘Annual Implementation Assessment Meeting 2002: survey of suggestions’, FSC document FSC.AIAM/43/02, 27 Mar. 2002; and OSCE, FSC document FSC.AIAM/27/03, 4 Mar. 2003. A special FSC meeting has been suggested to discuss the Russian proposal.

tion.¹⁵⁵ Delegations still differ on how to enhance the risk-reduction CSBMs. Some favour enhancing the consultation and cooperation mechanism for unusual military activities; other delegations call for proper utilization of the existing mechanism and its better harmonization with the political context of a given situation. The discussion on the other two risk-reduction measures (on dealing with hazardous incidents and dispelling concern about activities) demonstrates that it is still difficult to achieve consensus on these matters.

VI. Contacts

Contact measures were first envisaged in the 1975 Helsinki Final Act and reaffirmed in the 1986 Stockholm Document. The Vienna Document 1990 provided for visits to normal peacetime airbases¹⁵⁶ (considered restricted areas in the Stockholm Document) and for military-to-military contacts between senior military and defence representatives and other military experts. The Vienna Document 1992 included a measure for the demonstration of new types of major weapon and equipment systems: the first participating state to deploy a new type of such a weapon or system with its forces will arrange a demonstration for all other CSCE participants at the earliest opportunity.

In the early 1990s, apart from a flurry of mutual visits of NATO and former WTO high-ranking defence officials and officers in Brussels and other European capitals, as well as other contacts on lower levels, the most significant event was the 1991 second military doctrine seminar, a follow-up to the first such seminar.¹⁵⁷ Another significant event was NATO's invitation for officers from CSCE states to attend special courses at its Defense College in Rome, Italy, and at the NATO School in Oberammergau, Germany, in line with a North Atlantic Council (NAC) decision taken in Copenhagen in June 1991.¹⁵⁸ The

¹⁵⁵ However, it is also claimed that the open discussion atmosphere in the Permanent Council helps facilitate peaceful resolution of problems without activating those mechanisms.

¹⁵⁶ It was the first (NATO-proposed) measure applicable to air forces that is not related to ground activities. This measure has a limited impact as each state is expected to arrange at least 1 such visit in any 5-year period.

¹⁵⁷ See section IV above.

¹⁵⁸ See statement by the NATO spokesman in *NATO Review*, no. 4 (Aug. 1991), p. 14. For more details see Watt, A., 'The hand of friendship—the military contacts programme', *NATO Review*, no. 1 (Feb. 1992), pp. 19–21.

Table 4.4. Military contacts and cooperation

Document	Relevant provisions and areas covered
Helsinki Final Act, 1975	Promote exchanges, by invitation, among military personnel, including visits by military delegations
Stockholm Document, 1986	Same coverage as the Helsinki Final Act
Vienna Document 1990	Visits to airbases—1 in 5 years obligatory, up to 2 visitors from each state; and military contacts
Vienna Document 1992	Same coverage as the Vienna Document 1990; plus invitations to the Demonstration of New Types of Major Weapon and Equipment Systems
Vienna Document 1994	Same coverage as the Vienna Document 1992; plus Programme of Military Contacts and Co-operation provisions on further military contacts; joint military exercises and training (voluntary); visits to military facilities and formations; observation visits of military activities below thresholds; provision of experts; Conflict Prevention Centre seminars on cooperation in the military field; and information exchange on agreements on military contacts and cooperation
Vienna Document 1999	Same coverage as the Vienna Document 1994; plus Provision of Information on Contacts (for the ensuing year)

courses started in October 1991. Their aim was to ‘promote greater awareness of NATO’ and better responses to the changing politico-military situation in Europe.¹⁵⁹ Various arrangements for enhanced cooperation among the military under the CFE Treaty also had a confidence-building effect. In the light of experience gained from such military contacts, it was suggested that written reports be prepared and distributed after all visits under the Vienna Document and to forward information on contacts to the CPC Secretariat in order to

¹⁵⁹ NATO created the North Atlantic Cooperation Council (NACC) in Dec. 1991. It was established to help break down East–West divisions and build up mutual trust after the end of the cold war by bringing together NATO allies with former WTO countries in a forum for security dialogue and cooperation. Three years later, in Jan. 1994 the Partnership for Peace was launched to enable partner countries to develop individual programmes of practical cooperation with NATO as a complement to the opportunities for multilateral political dialogue afforded by the NACC. The Euro-Atlantic Partnership Council was created in 1997 to replace the NACC and build on its achievements. The EAPC brings together 20 partners and 26 allies for regular consultations on issues encompassing all aspects of security and all regions of the Euro-Atlantic area, although its focus is now shifting towards the eastern periphery of Europe—the South Caucasus and Central Asia.

have it circulated to the participating states. Scepticism was also expressed about codifying contacts which were already taking place.

Nevertheless, in the Vienna Document 1994 the OSCE participating states adopted a broad programme for: (a) military contacts ('on a voluntary basis and as appropriate') and cooperation, encouraging voluntary exchanges and joint training and exercises; (b) more binding visits to military facilities and formations; (c) observation of military activity below the notifiable levels (particularly aimed at neighbouring states); (d) provision of experts in defence and security matters; and (e) seminars and information exchanges (see table 4.4).

The major problems regarding military contacts and cooperation discussed at the AIAMS in the latter half of the 1990s concerned planning and scheduling visits to airbases, visits to military facilities or military formations, and demonstrations of new types of weapon and equipment systems. The possibility of combining and synchronizing visits with other CSBMs was addressed. The adoption of a new five-year period (1997–2001) within which every state would host one airbase visit was urged. The strengthened role of the CPC in distributing information, monitoring new weapon systems and reminding participating states of their obligations in this regard was stressed.¹⁶⁰

In the negotiation of the Vienna Document 1999, NATO proposed holding visits to new or improved military airfields, while Russia renewed its proposal on naval base visits.¹⁶¹ Both proposals failed to be included in the Vienna Document 1999. The proposal that information on contacts for the ensuing year be presented was included.

Since the adoption of a five-year period for airbase visits in January 1997, visits have been scheduled more intensively. However, several states have not met the obligation to host such visits.¹⁶² It has been claimed that during the visits too much importance is given to demonstrations of infrastructure and too little to explaining airbase routines. It has been proposed that in the current five-year period (2002–2006) states with more than one airbase should organize visits to different bases from those presented in the previous period.

¹⁶⁰ See, e.g., FSC document FSC.GAL/33/97 (note 112).

¹⁶¹ OSCE, 'Draft only: Vienna Document [1998] of the Negotiations on Confidence- and Security-Building Measures', FSC document FSC.VD/31/98, 16 Sep. 1998.

¹⁶² In the first 5-year period, 8 of 36 participating states with air combat units failed to invite other participating states to their airbases. With regard to the problems facing the Central Asian states, a common visit to airbases has been proposed to save resources and decrease organizational work; the CPC would provide assistance in this regard.

The major changes in Vienna Document 1999 (Chapter IV) are that each state will arrange at least one visit to an airbase in any five-year period and will provide annual information on its plans for contacts for the ensuing year.

With regard to military cooperation, it has been noted that only 18 OSCE participating states had enabled other states to visit a military facility in the first five-year period. Synchronization of the period of implementation of the various measures providing for visits and observation of military activities was proposed. Demands for synchronization were met in the autumn of 2000 by an agreement that common five-year periods for airbase visits will also apply to visits to military facilities, military formations and observation of certain military activities.¹⁶³ The record in this area is disappointing. By 2002, 15 of the 47 states with armed forces had not issued any invitations to military facilities, to military formations and for the observation of certain military activities. A special reminding mechanism has been recommended for states regarding the hosting of visits to airbases, military facilities, military formations and observation of certain military activities.¹⁶⁴

VII. Military activities

Prior notification and observation of certain military activities have always been among the primary CBM/CSBM measures. Originally, under the 1975 Helsinki Final Act, they were voluntary in nature. They became obligatory in the 1986 Stockholm Document, and the Vienna Document 1990 enhanced them by the addition of a requirement for the exchange of more detailed information. The successive versions of the Vienna Document added new parameters of 'notifiability' of activities (see table 4.5). Details of planned notifiable activities are provided in advance in annual calendars. The Vienna Document significantly improved the conditions for observation of exercises by calling for better information on an observed military activity, more detailed maps, the permitted use of certain equipment, possible aerial support by the host state, the possibility of discussion with

¹⁶³ OSCE, 'Chairperson's statement', FSC document FSC.JOUR/313, 22 Nov. 2000.

¹⁶⁴ Additionally, the CPC proposed that at the beginning of the last year of each five-year period, the FSC Chair send an appropriate reminding letter to those participating states that had neither offered such visits during the previous 4 years nor announced their plans for the fifth year.

host officials and military representatives, and the involvement of media from all participating states.

The developments in the early 1990s in Eastern and Central Europe, and especially the events leading to dissolution of the Soviet Union, profoundly affected military activities in Europe. For example, in 1990, 21 major activities were notified in the annual calendars, of which 17 were either scaled back or cancelled.¹⁶⁵ Six of the 10 activities originally announced in the annual calendars submitted by the participating states for 1991 were scaled down below the notifiable or observable levels or cancelled altogether. The military structures of the WTO ceased to exist in March 1991. The economic crisis and budgetary constraints experienced by all former WTO countries have since then had a considerable effect on limiting the military activities of the individual states. The abortive August 1991 coup in the Soviet Union ushered in the final phase of the dismantling of that state and, in the military area, led to cutbacks or cancellation of its planned notifiable manoeuvres. Of the four exercises foreseen by the Soviet Union in 1991, three were reduced in size to below the notifiable level and the fourth was cancelled.¹⁶⁶ Except for Russia and Belarus, no Central and East European state has since then carried out any notifiable military activities in the CSBM zone.¹⁶⁷

The new climate and developments in international relations in Europe also affected the size and character of NATO exercises. The largest NATO exercise, 'Certain Shield 91', was reduced in scope and involved only 28 400 troops (instead of the planned 42 850).¹⁶⁸ The NNA states previously conducted a rather constant number of two or three military exercises per year, but Finland and Sweden have con-

¹⁶⁵ Krohn A., 'Implementation of the Stockholm Document and calendar of planned notifiable military activities in 1991', *SIPRI Yearbook 1991* (note 135), p. 494.

¹⁶⁶ Lachowski, Z., 'Implementation of the Vienna Document 1990 in 1991', *SIPRI Yearbook 1992* (note 139), p. 483.

¹⁶⁷ In 1999–2000 Russia notified its military operations in Chechnya. In 1999 Russia was asked by Germany for clarification under para. 135 of the Vienna Document 1994 regarding its large-scale command and staff exercise 'Zapad-99' ('West-99'), carried out in June. It simulated an attack by NATO against Belarus and the Kaliningrad *oblast*, an enclave of Russian territory between Poland and Lithuania. It was alleged to have involved up to 50 000 troops from 5 military districts. The exercise was claimed not to have met the notifiable levels under the Vienna Document. A similar clarification, with a similar response given, was requested by Switzerland from Russia in Feb. 2004. Belarus conducted an exercise in 2003.

¹⁶⁸ For the first time the 'Certain Shield' exercise scenario did not foresee a real enemy.

Table 4.5. Prior notification of certain military activities

Document	Relevant provisions/areas covered
Helsinki Final Act, 1975	Voluntary notification of ‘major military manoeuvres’ (21 days in advance, more than 25 000 troops), ‘other military manoeuvres’ and ‘major military movements’
Stockholm Document, 1986	Obligatory notification of certain military activities through the exchange of annual calendars and forecasts for ensuing years, including exercise activity, amphibious landing or parachute assault, transfer of land forces from outside the zone of application and concentration of land forces according to the following parameters: 42 days in advance, at least 13 000 troops or 300 battle tanks if organized into divisional structure or at least 2 brigades/regiments, or 3000 airborne or amphibious troops, or 200 aircraft sorties; and information detail: divisional level
Vienna Document 1990	Same coverage as the Stockholm Document plus information detail: brigade/regiment level
Vienna Document 1992	Same coverage as the Vienna Document 1990 plus revised parameters: at least 9000 troops or 250 battle tanks if organized into divisional structure or at least 2 brigades/regiments; and information detail: brigade/regiment level
Vienna Document 1994	Same coverage as the Vienna Document 1992; plus new parameters: at least 500 ACVs or 250 artillery pieces, ^a if organized into divisional structure, or at least 2 brigades/regiments; 3000 troops in amphibious or heliborne landing or parachute assault; and information detail: brigade/regiment level
Vienna Document 1999	Same coverage as the Vienna Document 1994

^a Artillery pieces cover self-propelled and towed artillery pieces, mortars and multiple rocket launchers (at least 100-mm calibre).

tinued to conduct activities subject to notification.¹⁶⁹ With the loss of the insight into the military activities of other states a ‘transparency deficit’ has been perceived (see table 4.6).

The activities subject to notification and observation have continued to decline in number owing to: (a) the change in the international pol-

¹⁶⁹ After 1993 Sweden conducted 3 large manoeuvres in 1994, 1998 and 2003. The 2003 manoeuvre was later notified as being below the threshold. Finland carried out notifiable exercises in 1990, 1994, 1996, 2000 and 2004.

itical climate and the concomitant dwindling need for more transparency; (b) the dramatically diminished perceptions of threat; (c) profound transformations in military strategies, structures and doctrines; and (d) reductions in military manpower and expenditures. Environmental factors and the burden placed by military movements and exercises on individuals have also been increasingly taken into consideration. More and more activities were command post or staff exercises that use computer simulations, or rapid-reaction force manoeuvres requiring less manpower or equipment, and thus below the thresholds subject to notification under the CSBM provisions.

The problem of the parameters for notification and observation thresholds has been constant for the participating states since the onset of the CSCE process. In the cold war era, the Western states insisted on lowering the thresholds in order to make WTO military activities more transparent. In the 1990s East European and NNA participants expressed concern about a security vacuum east of the NATO area and were also eager to lower the thresholds still further. The NATO states argued that if the parameters were any lower, they would affect and actually impede daily training activities. Furthermore NATO pointed out that the original aim of notification and observation was to dispel concern about a possible threat ‘of military significance’ and that the lowering of thresholds would compromise this goal.¹⁷⁰ A compromise was eventually reached, and the Vienna Document 1992 made some changes and supplements. However, this did not resolve the issue of the reduced applicability of the military activities measures (see table 4.7).

The decrease in the number of notifiable activities in the 1990s and the early 21st century was a positive indicator of a more secure and peaceful environment in Europe. However, it demonstrated that the current thresholds no longer corresponded to the new conditions. The notification and observation regimes were playing an increasingly minor role. In order to meet concerns about the widening ‘transparency gap’, various alternative steps were proposed to be taken in

¹⁷⁰ In 1991, however, the German delegation argued that with a gradual transition to substantially lower degrees of presence and readiness of armed forces the concept of military relevance should be reconsidered. CSCE, ‘Delegation of the Federal Republic of Germany, Statement by Ambassador Dr Günter Joetze, Head of Delegation, on the occasion of the “Annual Implementation Assessment Meeting” in the framework of the Conflict Prevention Centre on 11 November 1991’, unnumbered CPC document, 11 Nov. 1991. In 1991 Germany also proposed notification and inspection of command field/command post exercises.

Table 4.6. Notifiable military activities, 1987–2003

Year	NATO	WTO/former WTO	NNA	Total
1987	21	25	2	48
1988	14	22	3	39
1989	10	14	3	27
1990	4	4	2	10
1991	4	–	1	5
1992	6	–	–	6
1993	3	–	1	4
1994	6	–	2	8
1995	5	–	–	5
1996	2	–	1	3
1997	4	–	–	4
1998	7	–	–	7
1999	3	1	–	4
2000	3	1	3	7
2001	1	–	–	1
2002	2	–	1	3
2003	–	1	–	1

NATO = North Atlantic Treaty Organization; WTO = Warsaw Treaty Organization; NNA = Neutral and non-aligned; – = Nil

Sources: Based on SIPRI Yearbooks 1987–2001; figures for 2002 are based on OSCE, ‘Annual CPC survey on CSBM information exchanged, 1/02 updated, as of 31 Mar. 2002’, FSC document FSC.GAL/40/02, 4 Apr. 2002; figures for 2003 are based on OSCE, ‘Annual CPC survey on CSBM information exchanged in 2003, 4/2003, as of 24 Feb. 2004’, FSC document FSC.GAL/5/04/Rev.1/Corr.2, 24 Feb. 2004. All figures are for notifiable military exercises carried out according to the provisions of the 1986 Stockholm Document (1987–90 exercises), the Vienna Document 1990 (1991–92), the Vienna Document 1992 (1993–94), the Vienna Document 1994 (1995–99) and the Vienna Document 1999 (2000–2003). The original data provided in SIPRI Yearbooks have been modified owing to changes such as cancellations, scaling back or combining of exercises.

future such as: (a) lowering the thresholds for notification and observation to capture ‘militarily significant’ activities; (b) making observation dependent on the percentage of the total forces of a state (e.g., 10–15 per cent) engaged in the exercise; (c) observing at least one exercise in a certain period of time; (d) obliging states to notify their largest activity if none of their exercises reaches the thresholds; and (e) inviting observation of one manoeuvre every five years or of the largest one over a certain period. It was also proposed that

transparency measures should pertain not only to military exercises with a certain number of troops but also to staff exercises, command post exercises and manoeuvres involving high mobility (e.g., rapid-reaction forces) or a greater level of preparedness. Some states, however, expressed the view that the issue of lower thresholds should be addressed mainly in a regional context.

The AIAM participants considered how implementation of the Vienna Document could be ensured in crisis situations and whether it ought to be adapted to ‘foul-weather’ conditions. While observations in crisis or conflict situations are difficult to conduct, it was nevertheless decided that they should be carried out and notification effected. In this context, it was felt that peacekeeping activities ought to be taken into account. In 1995–96 the CPC was notified of the deployment of British, French, Italian and US contingents in the NATO Implementation Force (IFOR) in Bosnia and Herzegovina.¹⁷¹ The Kosovo crisis also led to notification and observation of NATO’s concentration of troops and armaments in Albania and the FYROM in February 1999. Russia notified its ‘anti-terrorist operations’ against the Chechen rebels for the first time in September 1999 and declared the levels of manpower and weapons in the region in 2000.¹⁷²

As well as the traditional issue of lowering thresholds (see table 4.8), debate has also focused on such items as definitions and the application of the Vienna Document rules to multinational activities, for example, the NATO-led Stabilization Force (SFOR) in Bosnia and Herzegovina. It was suggested that the scope of notification, and hence of observation, be enlarged to cover ‘military activities’ instead of only ‘exercises’. The question of paramilitary forces was perceived to be particularly important in this regard, and it was proposed that the term ‘military significance’ be redefined to cover situations which imply a risk of regional destabilization.

In the latter half of the 1990s, there was an increasing trend for states to notify ‘non-notifiable’ (below the thresholds) military activities. The AIAMs discussed the voluntary nature of many current noti-

¹⁷¹ OSCE, ‘CPC Survey on CSBM information exchanged in preparation of the 1997 AIAM’, OSCE document REF.SEC/24/97/Rev.1, 27 Feb. 1997.

¹⁷² OSCE, ‘Quarterly CPC Survey on CSBM information exchanged in preparation of the AIAM 2000’, FSC document FSC.GAL/7/00, 25 Jan. 2000; and OSCE, ‘Quarterly CPC Survey on CSBM information exchanged in preparation of the AIAM 2001’, FSC document FSC.GAL/23/01, 23 Feb. 2001.

Table 4.7. Observation of certain military activities

Document	Relevant provisions and areas covered
Helsinki Final Act, 1975	Voluntary invitation of observers on reciprocity
Stockholm Document, 1986	Obligatory invitation of observers, parameters: at least 17 000 troops or 5000 troops in amphibious landing or parachute assault; opportunities to meet with troops and commanders; instruction of observers; and maximum of 2 observers/state
Vienna Document 1990	Same coverage as the Stockholm Document; plus measures to provide diplomatic status to observers and to increase their safety (improved observation equipment); opportunities for aerial observation; final discussion with host state representatives; and media representatives encouraged to observe activities
Vienna Document 1992	Same coverage as the Vienna Document 1990; plus new parameters: at least 13 000 troops or 300 battle tanks or 3500 troops in amphibious landing or parachute assault
Vienna Document 1994	Same coverage as the Vienna Document 1992; plus new parameters: at least 500 armoured combat vehicles or 250 artillery pieces (at least 100 mm) or 3500 troops in amphibious/heliborne landing or parachute assault
Vienna Document 1999	Same coverage as the Vienna Document 1994

fications, the implications of the tendency towards multinational military activities, the notification of activities below the thresholds or in certain specific zones, and using the AIAM to clarify non-compliance with certain provisions of the Vienna Document.

In the wake of the Kosovo and Chechnya conflicts, it was noted that military conflicts in 1999 had revealed ‘grey areas’ in the application of CSBMs in crisis situations, particularly regarding notification, observation of military activities and conduct of inspections. While supporting the all-weather character of the CSBMs, the 2000 AIAM noted that the provisions of the Vienna Document 1999 were inadequate and could not be fully implemented: further discussion of these problems was needed in order to strengthen confidence and security. However, some states insisted that the nature of a given situation and the need for ‘operational security’ should be taken into account in

applying CSBMs. The time frame for observation of activities in which notifiable levels have been exceeded was discussed, as were the mutual complementarity of CSBMs and political instruments at the regional level to ensure conflict prevention and resolution and post-conflict rehabilitation. The problem was also raised of adjusting threshold levels and expanding the provisions for notification and observation set out in the Vienna Document 1999. However, the prevailing view was that this should occur on the bilateral or sub-regional level.

The changes which appeared in the Vienna Document 1999 were insignificant. Military activities, 'including those where forces of other participating States are participants' (paragraph 40), must henceforth be notified. The parameters for notifications and observation were retained.

Consensus was not reached on a proposal requiring notification of transfers of formations of land forces of one or more participating states through the territory of another participating state into or within the zone of application in order to participate in a notifiable military activity or an ad hoc troop concentration.¹⁷³ Two other amendments discussed in 1998 failed to be introduced: (a) notification of the largest military activity when no activity reaches the notification thresholds;¹⁷⁴ and (b) notification of non-routine concentrations. The Ukrainian proposal to lower the observation thresholds also failed to be agreed.¹⁷⁵ Russia's suggested naval measures (notification, observation and annual calendars) did not win consensus.¹⁷⁶ This was also the case with the 1997 French–German–Polish proposal to lower notification thresholds to reflect the replacement of the large-scale military exercises of the cold war period by limited training exercises, peace-keeping operations and paramilitary activities.¹⁷⁷

¹⁷³ See 'Chairman's perception' (note 114), and OSCE, 'Draft only: Vienna Document [1998] (note 161), 16 Sep. 1998. See also Lachowski and Kronstedt (note 100), p. 647.

¹⁷⁴ Nevertheless, e.g., Turkey began in 2003 to notify its largest military exercise falling below the Vienna Document thresholds.

¹⁷⁵ OSCE, FSC Document FSC.VD/14/98, 29 Apr. 1998.

¹⁷⁶ 'Chairman's perception' (note 114). The Soviet Union/Russia and some NNA countries have unsuccessfully sought stronger naval measures since the 1977–78 Belgrade CSCE Follow-up Meeting. The main opponent of this idea, the USA, has only agreed to notification and observation of major amphibious landing activities, as contained in the Stockholm Document.

¹⁷⁷ FSC (note 109). The proposal provided for a lowering of the notification threshold to 5000 troops or 150 tanks or 250 ACVs or 150 pieces of artillery. In mid-1999, higher thresholds (but still below the Vienna Document 1994 thresholds) for ACVs (350) and artillery (200) were considered. See 'Chairman's perception' (note 114).

Table 4.8. Proposed notification and observation thresholds and constraints on military activities

CSBM	Proposals for a Vienna Document [1998]
Notification	<p>Thresholds as Vienna Document 1994,^a with 2 amendments: (a) if no activity reaches the notifiable thresholds, the largest military activity, will be notified where the minimum notifiable level will be no less than battalion level; and (b) if an amphibious or heliborne landing or parachute assault does not reach the threshold of 3000 troops, the largest military activity will be notified</p> <p>Non-routine concentrations of military forces will be notified whenever they take place outside a major ground combat training area and involve at least 5000 troops or 150 tanks, 250 ACVs or 150 artillery pieces; obligatory notification of such concentration no later than 7 days after its commencement</p>
Observation	13 000 troops, 300 tanks, 500 ACVs or 250 artillery pieces; 3500 troops in airborne or heliborne landing or parachute assault ^b
Constraints	<p>Maximum of 1 activity with more than 40 000 troops, 900 tanks, 2000 ACVs or 900 artillery pieces within 3 calendar years; maximum of 6 activities with 13 000–40 000 troops, 300–900 tanks, 500–2000 ACVs or 300–900 artillery pieces within 1 calendar year; only 3 such activities may exceed 25 000 troops, 400 tanks, 800 ACVs or 400 artillery pieces each; maximum of 3 simultaneous activities with more than 13 000 troops, 300 tanks, 500 ACVs or 300 artillery pieces each; information due on 15 Nov. each year on military activities with more than 40 000 troops, 900 tanks, 2000 ACVs or 900 artillery pieces planned for second subsequent calendar year; and no activities of more than 40 000 troops, 900 tanks, 2000 ACVs or 900 artillery pieces unless communicated as above and included in annual calendar by 15 Nov. each year</p>

^a See table 4.4 for Vienna Document 1994 thresholds. France, Germany and Poland proposed lowering thresholds to 5000 troops, 150 tanks, 250 ACVs and 150 artillery pieces. Russia proposed the following thresholds for naval activities in the waters adjacent to Europe: 20 combat ships (each of 1500 displacement tonnes), including support ships and vessels, or 10 combat ships (5000 displacement tonnes) or 80 naval combat aircraft, including carrier-based aircraft. In an arrival or concentration of naval forces, the thresholds would be 10 combat ships (1500 displacement tonnes), 5 combat ships (5000 displacement tonnes) or 30 naval combat aircraft.

^b Ukraine proposed thresholds of 9000 troops, 250 tanks and 3000 troops in airborne and heliborne landing or parachute assault.

Source: OSCE, 'Draft only: Vienna Document [1998] of the Negotiations on Confidence- and Security-Building Measures', FSC document FSC.VD/31/98, 16 Sep. 1998.

The armed forces in many countries have become more effective, and currently the most important military goals can be achieved with reduced forces, below the Vienna Document thresholds. States and alliances thus now generally submit an annual nil return for military activities subject to notification.¹⁷⁸

The idea of ‘constraining measures’ stemmed from the experiences of the cold war period (see table 4.9). Since the 1977–78 Belgrade Follow-up Meeting, the Eastern bloc had called for various measures to limit the scale of or even ban some (e.g., in border areas) military activities. NATO opposed the Soviet idea of banning all military manoeuvres above 40 000–60 000 troops. Its membership was much larger than that of the WTO, and although NATO conducted fewer exercises, they involved a much larger number of troops than the WTO exercises.¹⁷⁹ In the run-up to the Vienna Document 1990 the USA made progress in this area contingent on the success of the parallel negotiations on the CFE Treaty.¹⁸⁰ It was only in 1992 that the participating states agreed to impose some constraining ‘provisions’ on large activities, although no absolute ceilings on military exercises were then, or later, adopted. However, the measures soon became of less value because fewer exercises subject to notification were held in the new security environment. The Vienna Document 1999 introduced further constraints on the time frame between significant military activities, the new parameters and new types of armament—ACVs and artillery.¹⁸¹ At present, most of the participating states exchange the annual calendars of notifiable activities and information on constraining provisions. This itself is a positive sign, although their utility remains small.

¹⁷⁸ E.g., in 2001, 5 states notified planned military activities. Only 1 state did so in 2002, and in 2003, 4 states informed of military activities planned for 2004.

¹⁷⁹ The USA opposed using the word ‘constraint’ because it might restrict military flexibility. Had constraints been introduced earlier, the Soviet intimidation of Poland in 1980–81 might have been more ‘visible’ and better contained.

¹⁸⁰ J. J. Maresca, US chief delegate to the Vienna negotiations, pointed out that ‘when we think of constraints, we think of something which can only happen in the context of reductions down to equal force levels in Europe’. Cited in Borawski, J., *Security for Europe: The Vienna Negotiations on Confidence- and Security-Building Measures, 1989–90 and Beyond* (Brassey’s: London, Washington, DC, New York, 1992), p. 27.

¹⁸¹ The FSC decisions on these parameters were adopted in 1996–97. OSCE, ‘Decision no. 7/96’, FSC document FSC.DEC/7/96, 13 Nov. 1996; and OSCE, ‘Decision no. 7/97’ (note 104).

Table 4.9. Constraining provisions^a

Document	Relevant provisions/areas covered
Stockholm Document, 1986	Information provided 2 years in advance on planned military activity involving more than 40 000 troops; no military activity involving more than 75 000 troops unless notified 2 years in advance; no military activity involving more than 40 000 troops unless notified 1 year in advance (previous annual calendar); and minimized activities in addition to those contained in annual calendar
Vienna Document 1990	Same coverage as Stockholm Document but no military activity involving 40 000 troops or more unless notified 2 years in advance
Vienna Document 1992	Maximum of 1 activity per state every 2 years with more than 40 000 troops or 900 battle tanks; maximum of 6 activities per state involving 13 000–40 000 troops or 300–900 battle tanks with at least 3 of these below 25 000 troops or 400 battle tanks; maximum of 3 simultaneous exercises with more than 13 000 troops or 300 battle tanks; and no military activity involving 40 000 troops or 900 battle tanks or more, unless notified 2 years in advance
Vienna Document 1994	Same coverage as the Vienna Document 1992; plus mandatory nil returns for activities involving 40 000 troops or 900 battle tanks in the second subsequent year
Vienna Document 1999	Maximum of 1 activity per state every 3 years involving more than 40 000 troops, 900 battle tanks, 2000 armed combat vehicles (ACVs) or 900 artillery pieces; maximum 6 activities per state every year involving more than 13 000 troops, 300 battle tanks, 500 ACVs or 300 artillery pieces, with at least 3 of these below 25 000 troops, 400 battle tanks, 800 ACVs or 400 artillery pieces; maximum 3 simultaneous exercises with more than 13 000 troops or 300 battle tanks or 500 ACVs or 300 artillery pieces; no military activity involving 40 000 troops, 900 battle tanks, 2000 ACVs or 900 artillery pieces, unless notified 2 years in advance

^a The 1975 Helsinki Final Act did not contain constraining provisions.

VIII. Compliance and verification

A significant element marking the new post-cold war era was the interpretative statement by Hungary (also on behalf of Czechoslovakia and Poland) which was made at the end of the CSBM negotiations in

November 1990. It indirectly terminated the 1986 Stockholm interpretative statement that the WTO countries would not inspect each other. The new declaration stated that each of the three countries 'has the right to carry out inspections and evaluation visits on the territory of any other participating states and is ready to accept on its territory such inspections and evaluation visits' under the Vienna Document 1990 (see table 4.10).¹⁸²

Inspections had become a widely accepted, routinely used instrument for verification and for gaining insight into military activities. With the number of notifiable military activities systematically decreasing, there was a hope that raising the quota of inspections would help maintain the achieved standard of openness. In addition, by forming larger and multinational inspection teams, more countries would be given the opportunity to take part in compliance and verification activities.

The Vienna Document 1990 introduced the evaluation of exchanged military information (AEMI) as a new CSBM. Originally the evaluation measure applied only to active units.¹⁸³ Some countries, particularly those whose strategies relied largely on mobilization (the Soviet Union, Sweden and Switzerland) claimed that the new provisions would put them at a disadvantage in their freedom to conduct defence operations and burden them with the requirement of constantly providing information.

The Vienna Document 1992 introduced innovations in this area which envisaged the possibility of forming multinational inspection teams headed by the inspecting states and making non-active formations and combat units that were temporarily activated available for evaluation during the period of such an activation. The Vienna Document 1994 also provided for mandatory information when evaluation visit quotas had been filled. It encouraged furnishing voluntary

¹⁸² FSC, 'CSCE Negotiations on confidence- and security-building measures, Vienna 1989', *Journal*, no. 241 (17 Nov. 1990), Rev. 1, plenary meeting. A similar statement regarding intra-alliance, on-site inspections was then made by those 3 states at the CFE negotiation forum.

¹⁸³ Annex V to the Vienna Document 1990 provided that 'an adequate solution will be found to evaluate non-active formations and units which are activated for routine training purposes'. According to the Vienna Document definition, 'non-active units' have less than 15% of combat strength.

Table 4.10. Compliance and verification^a

Document	Relevant provisions/areas covered
Stockholm Document, 1986	A state is not obligated to receive more than 3 on-site inspections per calendar year; a state is not obligated to receive more than 1 on-site inspection per calendar year from the same state; a reply will be given within 24 hours of the request; the inspection will begin within 36 hours of the request; the inspection will last up to 48 hours; and a maximum of 4 inspectors per inspection team
Vienna Document 1990	Same as the Stockholm Document plus evaluation of information provided on military forces and plans for deployment of major weapon and equipment systems; quota of 1 visit per 60 reported units, but maximum of 15 visits received by a state per year; maximum of one-fifth of visits from the same state; maximum of 2 visits to same unit/formation and only once by the same state; and request to be given 5 days in advance and reply to be made within 48 hours; diplomatic status for inspectors and members of the evaluating teams granted during visit
Vienna Document 1992	Same as the Vienna Document 1990 plus possible participation of inspectors from other OSCE states in teams; and evaluation of non-active formation/unit during their temporary activation
Vienna Document 1994	Same as the Vienna Document 1992 plus states to inform other states when their evaluation visit quotas have been filled; use of personal observation equipment during the evaluation visit better assured; and states encouraged to (voluntarily) provide information on and invitation of observers to activities below threshold level and those conducted close to borders
Vienna Document 1999	Same as the Vienna Document 1994 plus multinational inspection teams and evaluation teams (up to 3 nationalities); inspection requests due 36 hours prior to entry of team but not more than 5 days in advance; evaluation requests due 5 days prior to visit, but not more than 7 days in advance; and maximum of 2 evaluation visits per month in a state

^a The 1975 Helsinki Final Act did not contain provisions on compliance and verification.

information on non-notifiable activities close to borders and invitation of observers to such activities.¹⁸⁴

In the run-up to the signing of the Vienna Document 1999 and after its adoption more major changes were suggested.¹⁸⁵ The bulk of them concerned the quotas for inspection and evaluation, including: (a) reviewing and equitably distributing them ('utilization') over the year and among participating states;¹⁸⁶ (b) increasing their number according to various criteria; (c) converting inspection quotas into evaluation quotas or use of unused inspection quotas for evaluation visits; (d) possibly coordinating quotas through the CPC, FSC or AIAMs; and (e) using the CFE mechanism of planning a year before, and so on. Moreover, some states called for an increase in the number of inspection and evaluation teams. There were proposals, among others, to establish an OSCE arms control agency¹⁸⁷ and to develop a mechanism to ensure the conduct of inspections and of evaluations in crisis situations.¹⁸⁸

A number of changes were made to Chapter IX of the Vienna Document. Failure to carry out or accept an inspection owing to *force majeure* was addressed in detail.¹⁸⁹ Representatives of forces of states other than the receiving state are obliged to cooperate in relevant phases of the inspection. Requests for an inspection are to be submitted at least 36 hours but no more than five days before the estimated entry into the territory of the receiving states.¹⁹⁰ The inspection team, consisting of up to four inspectors, may include nationals from up to three participating states (however, the status of interpreters was

¹⁸⁴ A *signum temporis* was the change in one of the first paragraphs of the sub-section regarding inspection in the Vienna Document 1992, para. 78: 'Any participating State will be allowed to address a request for inspection to another participating State on whose territory, within the zone of application for CSBMs, compliance with the agreed confidence- and security-building measures is in doubt'. In the Vienna Document 1994, para. 78 was rephrased, and the reference to 'doubt' was dropped.

¹⁸⁵ See, e.g., OSCE, FSC document FSC.GAL/33/97 (note 112).

¹⁸⁶ The persistent problem is the rapid exhaustion of the quotas of inspections and evaluation visits at the beginning of the year and the concentration of visits in the first quarter of the year.

¹⁸⁷ The idea, popular in the mid-1990s, was later dropped.

¹⁸⁸ See, e.g., OSCE, FSC document FSC.GAL/33/97 (note 112).

¹⁸⁹ Para. 78. Nevertheless a common definition of *force majeure* is still pursued.

¹⁹⁰ An attempt to set parameters for the size and shape of the 'specified area' has failed. Russia has long advocated its proposal to give specific parameters to the size of the specified area: 18 000 square km with the distance between 2 points not to exceed 200 km.

not agreed).¹⁹¹ Aircraft are to be provided by the receiving country unless otherwise agreed.

There were also changes to the evaluation section. No participating state is obliged to accept more than two visits per calendar month.¹⁹² Requests for evaluation visits are to be submitted no earlier than seven (and no later than five) days before the estimated entry into the territory. Cases of *force majeure* are dealt with as under inspections. The teams are to consist of no more than three (formerly two) persons unless otherwise agreed. More detailed provisions are included on the size of the team, nationalities and the content of the request. The inspecting and evaluating teams are permitted to use additional equipment for the inspection, to be specified in the request and subject to the specific consent of the receiving state.¹⁹³ The report of the inspection or evaluation must be communicated to all states within 14 days.

The problem of the rapid utilization of the quotas of inspection and evaluation visits in the first months of the calendar year has persisted despite the steps taken to solve it. It has been suggested that: (a) changes be made with regard to inspections and evaluations; (b) the scope of multilateral inspections, evaluation visits and bilateral measures be widened; and (c) reporting should be improved. The issue of quotas for inspections and evaluation visits has been alleviated, in part, by the increase in the number of the (sub-)regional measures, which have been on the rise since the mid-1990s.¹⁹⁴

The discussion on streamlining compliance measures continues. Apart from the above-mentioned suggestions, states are seeking to facilitate the work of inspectors, elaborate options for the conduct of inspections in countries affected by economic and financial hardships, regulate the transit of inspectors¹⁹⁵ and reach other common understandings.

¹⁹¹ The participating states eventually 'expressed their willingness' to accept interpreters in inspections and evaluation visits as 'auxiliary personnel'; they should not be counted against the overall number of inspectors or members of the evaluation teams. OSCE, FSC document FSC/JOUR/434, 21 July 2004, Annex 1.

¹⁹² This is intended to better distribute the quota of visits throughout the year.

¹⁹³ Proposals regarding use of the Global Positioning System and mobile telephones by inspectors/evaluators were not accepted.

¹⁹⁴ See chapter 7 on regional measures.

¹⁹⁵ Steps were taken in 2003 to resolve difficulties faced by verification teams while in transit. OSCE, 'Statement by the Chairperson', FSC document FSC.JOUR/408/Corr.1, Annex 8, 8 Oct. 2003.

IX. Communications

Establishment of a network for direct communication between the capitals of CSCE states was envisaged for the transmission of messages relating to CSBMs. In the 1980s only diplomatic channels were available for this kind of communication. The Vienna Document 1990 provided for the establishment of 'a network of direct communications between the capitals for the transmission of messages relating to agreed measures' to complement the existing use of normal diplomatic channels. A joint statement by US Secretary of State James Baker and German Foreign Minister Hans-Dietrich Genscher, on 10 May 1991, recommended endorsement of the CPC communications facilities as a 'hotline' for emergency communication between CSCE capitals.¹⁹⁶ However, this suggestion was not explicitly supported by NATO. In the face of an impending crisis in Yugoslavia, the CSCE foreign ministers agreed, at their 19–20 June Berlin CSCE Council Meeting, that the Communications Network should preferably be used for all communications in emergency situations. In this connection the CSCE Secretariat was to be integrated into the network.¹⁹⁷

The Netherlands was entrusted with the task of setting up and managing the Communications Network, which became operational in November 1991 (see table 4.11). By the end of 1992, 27 (out of 53) participating states were connected to the network. However, some countries preferred to rely on bilateral communication systems (chiefly via embassies). Other countries were hampered by financial or technical obstacles; and some smaller countries stated that they did not intend (despite earlier pledges) to connect their capitals to the network. In any case, all militarily significant states (i.e., those with the most important information to send) were already integrated in the system.

Various solutions have been sought to make the network comprehensive, embracing all the participating states as soon as possible (e.g., by using private firms to establish communications links or by employing satellite communications). The network was intended not

¹⁹⁶ *Dispatch*, vol. 2, no. 19 (13 May 1991), pp. 345–47.

¹⁹⁷ CSCE, 'Summary of conclusions' and 'Mechanism for consultation and co-operation with regard to emergency situations (Annex 2)', First Meeting of the Council, Berlin, June 1991, URL <<http://www.osce.org/docs/english/1990-1999/mcs/1berl91e.htm>>.

Table 4.11. Communications^a

Document	Relevant provisions and areas covered
Stockholm Document, 1986	Diplomatic channels
Vienna Document 1990	Establish network of direct communication between capitals; and national points of contact for transmitting communications
Vienna Document 1992	Same as the Vienna Document 1990
Vienna Document 1994	Same as the Vienna Document 1992 plus use of standard operating procedures; and establishment of a Communications Group to discuss ways of enhancing the effectiveness of the network
Vienna Document 1999	Separate OSCE Communications Network Document ^b

^a The 1975 Helsinki Final Act did not contain provisions on communication.

^b OSCE, FSC document FSC.DEC/5/99, 6 Oct. 1999.

only to support the CSBM information exchange but also all other security-related communications. (CFE Treaty-related information has also been sent via the network.)

In 1993 the Communications Network linked 35 end-user stations: three CSCE institutions and the foreign ministries of 32 participating states.¹⁹⁸ It had already proved to be useful in sending notifications of inspection and evaluation documents; and it facilitated other exchanges. Information was also exchanged on annual military calendars, budgets, military forces and armaments as well as on CSCE meetings. It was planned that, together with handling CSBM and CFE Treaty information, the Communications Network would play a key role for the 1992 Open Skies Treaty. Despite various objective and subjective obstacles, by the mid-1990s it was recognized that the network had become an integral part of the CSBM regime, and participating states could no longer simply declare that they did not want to

¹⁹⁸ All stations with readily available personal computers transferred and received messages which were routed to a central computer in the Foreign Ministry of the Netherlands, which automatically relayed them to all intended recipients. NATO, especially the UK and the USA, planned to provide communications equipment and training to the former Soviet republics. Russia was already connected to the Communications Network.

be hooked up to it. The Vienna Document 1994 envisaged setting up a Communications Group to address questions relating to rules of procedure, working methods, formats and other measures to enhance the viability and effectiveness of the Communications Network, including issues relating to the use of modern information technology for data exchange.

By the end of the 1990s the obstacles to connecting all the OSCE participating states remained partly technical and partly political in nature. Unlike the preceding Vienna Document, the Vienna Document 1999 states that the use and arrangements of the Communications Network are to be governed by the relevant OSCE documents. On 6 October 1999 the FSC adopted a separate OSCE Communications Network Document which superseded *inter alia* Chapter IX of the Vienna Document 1994.¹⁹⁹

In 1999 the OSCE Communications Network underwent a significant change because of the phase I year 2000 upgrade.²⁰⁰ The upgrade involved the replacement of hardware, operating systems and communications software in use at each end-user station (EUS) and at the central mail server. By the time of the AIAM 2000, 34 states and the OSCE and NATO had been connected by new EUSs, while 12 countries had not yet ordered new EUSs. Several countries were not connected to the network at all. The cost of an EUS, the difficulty for some countries to establish a reliable means of communication, and the availability and affordability of information technologies were discussed, and measures to address individual cases were proposed.

Phase II of the upgrade provides 24-hour connectivity to the network at reduced cost and will increase participation. A new, integrated notification application network software system implements the notification provisions of the CFE Treaty, the Treaty on Open Skies and the Vienna Document 1999. In June 2000 the FSC tasked the technical subgroups with designing, developing and presenting a network solution, taking into account various general requirements, including the participation of all OSCE states, common standards, compatibility with existing EUS hardware and notification applications, centraliza-

¹⁹⁹ OSCE, 'Decision no. 5/99', FSC document FSC.DEC/5/99, 6 Oct. 1999, URL <www.osce.org/docs/english/fsc/1999/decisions/fed9905.pdf>. The OSCE Communications Network is broader in scope than the Vienna Documents 1994 and 1999. It is also used for information exchange under the CFE Treaty, the Open Skies Treaty and in other OSCE correspondence. At present, some 250 000 messages are delivered annually.

²⁰⁰ Phase II was intended to seek alternative means of communication and appropriate information security mechanisms after Jan. 2000.

tion of the network administration, integrity and privacy of messages, and so on.²⁰¹

On 1 July 2001, the Netherlands ceased to host the OSCE Communications Network, and the central electronic mail server was transferred to Vienna. The FSC established a back-up procedure for the operation of the Communications Network until completion of the work on phase II of its modernization.²⁰² In the autumn of 2002 a contract was signed for the establishment of an efficient and cheaper operational system. The network was successfully upgraded to an Internet-based system in 2003. It is claimed that the switch to modern technology has vastly reduced communication costs, and the total number of participants in the Communications Network consequently rose to 47 states at the end of 2003.²⁰³

²⁰¹ OSCE, 'Decision no. 6/00: solution for Phase II of the upgrade of the OSCE Communications Network', FSC document FSC.DEC/6/00, 21 June 2000, URL <<http://www.osce.org/docs/english/fsc/2000/decisions/fed0006.htm>>.

²⁰² 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, 'Back-up procedure for the operation of the OSCE Communications Network', FSC document FSC.DEC/3/01, 20 June 2001, URL <www.osce.org/docs/english/fsc/2001/decisions/fed0103.htm>.

²⁰³ Before the launching of the new Communications Network it took up to 30 minutes to distribute a message to all states in the network. Average delivery time is now 30 seconds. 'Exchanging military information in a flash', *OSCE Newsletter*, no. 7 (Nov./Dec. 2003), pp. 10–11.

5. The compliance record

I. Introduction

The relevance and viability of an international agreement can be measured by the extent to which the agreement is implemented and by the degree of compliance with its terms. The record of CSBM implementation is generally positive, but the history of post cold-war CSBM compliance also provides numerous cases in which states have not conformed or have only partially conformed to the provisions of the Vienna Document.

The end of the cold war did not result in immediate, automatic change among states in the military sphere. Although the CSCE states declared that they were partners, not enemies, and promptly agreed on the second Vienna Document, the process of strengthening confidence and security in the first years after the end of the cold war encountered problems. Several factors were responsible. First, time was needed to assure the countries of the West and the East European countries that the new political climate was durable and lasting. Second, the Soviet Union had been evasive about military measures in its negotiations with NATO on conventional armaments in 1989–90, which had done little to foster the cooperative security atmosphere that both sides claimed to be seeking. Third, most of the new measures and mechanisms were of NATO origin, and some participants from the former Soviet bloc had to learn (at times reluctantly) the arms control and CSBM culture. Fourth, the dismantling of the Soviet Union and of the Socialist Federative Republic of Yugoslavia was imminent, and the CSCE soon had to confront a dozen or more new, post-Soviet and post-Yugoslav states with varying experience in the realm of arms control, disarmament and CSBMs. Fifth, in the new security environment the role of CSBMs and arms control as a whole was undergoing a change. In short, it was easier to adopt measures than to carry them out.

The European CSBM arrangements are not legal documents.²⁰⁴ Even after the end of the cold war the participating states confirmed

²⁰⁴ This is the case except for the Treaty on Open Skies (discussed in chapter 8) and the 1991 Hungarian–Romanian open skies regime agreement, which are outside the purview of the Vienna Document. The politically binding character of CSBMs does not make them inferior to legal instruments. The OSCE participating states are expected to honour their

that these measures should retain their political character since the confidence- and security-building regime was of a dynamic nature and was perceived as constituting a process. The successive CSBM agreements have thus been politically binding international commitments of military significance. In the cold war period their aim was to help prevent surprise attack and provide a measure of assurance between two adversarial politico-military blocs. CSBM implementation was therefore a litmus test of goodwill and cooperation between the participants in the area of military security. Since 1989, with their scope markedly expanded and their content enriched, the measures have been applied (for the most part) in the changed environment of partnership, mutual reassurance and cooperative security.

In the first phase of the history of CBMs, when they were voluntary, their implementation was formally correct. However, in a time of crisis their impact on such developments as Soviet military conduct in the neighbourhood of Poland in 1981—massive troop movements and large military exercises, aimed at bullying the Solidarity movement—was almost nil. Only the 1986 ‘Stockholm Document criteria’ (military significance, politically binding character, verifiability and Atlantic-to-the-Urals applicability) made it possible to demand conformity with the agreed measures. Fortunately, up to the end of the cold war, there were no major infringements of CSBM implementation. The overall implementation of the Stockholm Document, carried out in the benign climate of the ‘Gorbachev era’, demonstrated the improvement of security relations and enhanced cooperation among participating states, especially in the areas of notification, inspection and observation. Problems stemming from the different interpretations of the Vienna Document (e.g., the content of notifications, observation modalities, etc.) were resolved through consultations, practice and, later, the new versions of the document.

Concern about various such problems continued after the collapse of the bloc confrontation. Although the first AIAM, in 1991, was generally successful, several delegates warned against excessive optimism and noted that future situations might not be of a fair-weather nature.²⁰⁵

political commitments, and violation of them is considered impermissible as in the case of legal obligations.

²⁰⁵ In the first annual exchange of military data, Turkey did not provide information on its forces in northern Cyprus. Later, in Nov. 1991, it disseminated this information among CSCE participants at the AIAM, stating at the same time that it did so without prejudice to its reser-

When the former Soviet republics were admitted to the CSCE in early 1992 the other participating states were aware that they would encounter numerous problems because many of the new participants were not familiar with the details of CSCE practice, including those relating to the security dimension. Consequently, they required a period of education and special treatment. It was agreed that practical problems which might arise in the initial stages of the implementation of CSBMs in these states would be 'taken into consideration' by other participants but that this would not constitute a precedent.²⁰⁶ Bearing in mind the experience in the former Yugoslavia and elsewhere, the Visegrad states—the Czech Republic, Hungary, Poland and Slovakia—and Ukraine proposed to go further and called for consideration of 'possible action in cases of non-compliance' in crises and application of a 'consensus-minus-one' voting procedure in the event of clear, gross and uncorrected violations of CSCE military security commitments.²⁰⁷

On the whole, however, non-compliance issues were perceived as minor and/or stemming from various administrative, technical or financial causes, or related to inexperience. Therefore, as a rule, they were overlooked or 'let pass' by the other participants in the regime. In the early 1990s, it was noted that the problems were caused by the novelty and complexity of the measures adopted (particularly the AEMI) and by the political changes in Europe.²⁰⁸ Generally, the participants have withheld criticism of new members, have been fairly forbearing in the criticism which has been given and have also been ready to assist the new partners. They have instead pointed to general

variation regarding the issue of the status of northern Cyprus. The accuracy of Turkish information was questioned by the representatives of Cyprus and Greece, but the supplementary military information given by the Turkish representatives was welcomed as a reflection of the new climate in European relations. While negotiating huge reductions of armaments, the Soviet Union relocated large amounts of its heavy weapons beyond the Urals in 1989–90, which created reporting difficulties for it. This evasion did not contribute positively to the general atmosphere of confidence. Despite the favourable assessment of the first annual exchange under the Vienna Document, the Soviet Union's restrictive approach to (and even manipulation of) the interpretation of the Vienna Document was noted and criticized. The most useful contribution by the Soviet Union at the first AIAM meeting was its explanation adjusting Soviet information on the provisions of the AEMI. As of Jan. 1992, the Soviet Union's successor, Russia, and other members of the CIS remained unable to provide information on their planned military activities.

²⁰⁶ 'Chairman's statement', Vienna Document 1992, Annex V (note 31).

²⁰⁷ CSCE, FSC document CSCE/FSC/SC.13, 31 Mar. 1993.

²⁰⁸ Statement by Ambassador Dr Günter Joetze at the Annual Implementation Assessment Meeting, Vienna, 11 Nov. 1991 (note 170).

problems with the information provided while seeking and exhorting non-compliant states to resolve misunderstandings and discrepancies. In addition, the CSBM operations have generally taken place in fair-weather conditions, that is, in peacetime (except in the cases of the South Caucasus and of Yugoslavia).

Obstacles to implementation of the Vienna Document by some participating states in the post-cold war period tended to erode the confidence- and security-building regime. This was the case with some of the former Soviet republics in Central Asia and the Caucasus (and, until recently, Bosnia and Herzegovina), which had limited experience of complex CSBM procedures and scant resources to meet all the requirements of compliance. These states have generally complied with verification measures,²⁰⁹ but their record on the provision of various kinds of information (e.g., on military activities and on defence planning and budgets) has remained deficient.²¹⁰ The other participating states have organized bilateral and multilateral seminars, demonstrations and other meetings to foster the CSBM *acquis* among the new partners.

Disquieting cases of non-compliance have taken place in the implementation and interpretation of the provisions of the Vienna Document. For example, in 2000 two such situations occurred, both concerning Uzbekistan. In March the USA requested inspection of an area in Uzbekistan in which army-level activity could have been conducted. The Uzbek authorities denied a US request for inspection on the date requested because they could not resolve 'organizational issues' in the short time frame envisaged. They suggested that the inspection be carried out at a later time and subsequently claimed that they lacked sufficient resources to receive an inspection because of the demands of an ongoing military exercise. The reply also suggested that the area which the USA had requested to inspect exceeded the Vienna Document application framework, and a readjustment of the specified area was proposed. The Uzbek response was met with harsh criticism by the USA.²¹¹ Generally, Uzbekistan has argued that specific regional security concerns, such as instability on its southern

²⁰⁹ However, in Sep. 1993 Armenia declined to accept a Turkish inspection team during the Armenian–Azerbaijani conflict.

²¹⁰ E.g., Uzbekistan provided its first AEMI as late as 1994.

²¹¹ Statement on Uzbekistan delivered by Ambassador David T. Johnson to the Forum for Security Co-operation, 'US Statement on Uzbekistan to Security Cooperation Forum', 10 Apr. 2000, URL <<http://www.usembassy-israel.org.il/publish/press/security/archive/2000/april/ds10411.htm>>.

borders, the arms race in Asia and the proximity of nuclear weapons to its borders, have caused problems for it in implementing the OSCE documents. This has resulted in the submission of incomplete annual military information to the OSCE and restrictions on inspections within a 200-km area adjacent to the border with Afghanistan.²¹²

In August 2000 Uzbekistan refused a second US inspection request because of financial and technical problems and because another inspection had been carried out by Italy 10 days earlier. Similarly, Tajikistan refused to accept a Spanish inspection visit in October 2000.

In 2000 there were also other cases of refusal. Moldova refused an inspection by Germany, claiming *force majeure*, which Germany did not accept. There was also a complaint by Belarus regarding denied access to a US base in Germany. The USA pointed out that the Belarusian request to grant its inspection team access to military installations pertained to another Vienna Document regime—that for evaluation visits. In 2000–2002 the delegations of Belarus, Russia and Ukraine complained about the constraining interpretation of the provisions of the Vienna Document 1999 (paragraphs 82 and 98) concerning briefings that were not given to the inspectors by the commanders of US formations and units stationed in the West European participating states.²¹³

All such cases are intensely discussed in the FSC, and OSCE participants have proposed ways to address the deficiencies in implementation and improve the operation of the Vienna Document (e.g., by additional assistance and advice from more experienced countries).

II. The relevance of CSBMs in crisis situations

The problem of implementation of the Vienna Document in crisis situations has accompanied the debates in the CSCE/OSCE bodies (e.g., AIAMs, the CPC and the FSC) since their inception in the 1990s, but especially after the crisis in Yugoslavia in the summer of 1991. State-

²¹² OSCE, 'Information on seminars on implementation of the Code of Conduct and CSBMs, Dushanbe and Tashkent, 12–16 May 2003', OSCE document SEC.GAL/103/03, 10 June 2003. In 2004 Uzbekistan declined 2 Western inspections.

²¹³ In response to these concerns, the USA reviewed its implementation procedures, and decided, as a matter of goodwill, to provide information regarding those forces, but not at the level provided on forces outside its garrisons or undergoing evaluation visits. FSC document FSC.AIAM/51/03 (note 116).

ments that CSBMs ‘should be made applicable in times of crises’ have been made repeatedly, and the FSC has considered ways to improve the applicability of the Vienna Document in crisis situations. To this end, the participating states have agreed both on changes in the successive versions of the Vienna Document, such as its provisions relating to risk reduction, military cooperation and inspections, and on measures outside the Vienna Document (e.g., stabilizing measures for localized crisis situations). The infrequent use of these tools seems to indicate either reluctance to use them or the poor knowledge of the existence of such measures. The alleged inadequacy, even irrelevance, and the fair-weather character of the Vienna Document and the related documents has also been noted. There appears, however, to be a common understanding among the participating states that new CSBMs for foul-weather situations need not be developed, but rather that existing ones should be studied with the aim of making better use of them in such situations. There is certainly room for further improvement and streamlining in this regard. Since conflicts can vary in nature, each calls for a specific type of CSBM. The overarching question remains whether the technical and procedural arrangements can be effective if they are not supported by sufficient political will and consensus.

III. The Balkan crisis, 1991–92

The first serious politico-military test of CSBMs came during the 1991 crisis in Yugoslavia.²¹⁴ After Croatia and Slovenia declared their independence on 25 June, the Yugoslav Government repudiated their declarations and ordered the Yugoslav National Army (JNA) to take control of Yugoslavia’s international borders in those two republics. On 27 June Austria, supported by Italy, requested that the CPC Consultative Committee convene to examine ‘unusual military activities on the part of the Yugoslav army’ (under the Vienna Document risk-reduction mechanism). On the same day, WEU asked the CSCE to convene a meeting of the Committee of Senior Officials under another ‘more political’ (compared to the CPC) CSCE emergency procedure—the mechanism for consultation and cooperation with regard to emergency situations, established one week before at the Berlin CSCE

²¹⁴ In early 1991 the Soviet Union effectively blocked an initiative to urgently act on its brutal conduct in the Baltic states. See also note 149.

Council Meeting.²¹⁵ From then on, the Yugoslav crisis was dealt with in parallel in those two mechanisms.

Two days later, Yugoslavia responded to the request by Austria and Italy for information, in accordance with the required 48-hour deadline. The next day, Austria, which was dissatisfied with Yugoslavia's response, requested a full meeting of the CSCE at the Vienna CPC. The meeting took place on 1 July and called for an immediate ceasefire and the return of all troops to their barracks.²¹⁶

In August, the unusual military activities mechanism was triggered again. This time the delegations of Hungary and Yugoslavia met bilaterally at the Secretariat of the CPC to settle the tension between them stemming from repeated violations of Hungarian air space and troop movements along their mutual border.²¹⁷ After Yugoslav aircraft bombed the Hungarian town of Barcs on 27 October, the Hungarian Government sent a note verbale, on 30 October, to protest against the incident and referred to the Vienna procedure on cooperation as regards hazardous incidents of a military nature.

In the late summer of 1991 it appeared that the European Community (EC) was better equipped to deal with the crisis than were the cumbersome CSCE consensus mechanisms, and the latter soon virtually ceded efforts to resolve the crisis to the EC's political cooperation mechanism. However, the EC countries were unable to reach a common position and NATO was paralysed by the resistance of certain of its members (the UK and the USA) to involve it militarily in Yugoslavia. In this situation, some European countries (Germany, in particular) wanted to entrust the CSCE with the authority to intervene militarily in ethnic and nationality conflicts in individual states and

²¹⁵ 'Summary of conclusions' (note 197), Annex 2.

²¹⁶ On 3–4 July, the Senior Officials Committee meeting, held in Prague, called for a ceasefire and offered the 'good offices' of the CSCE to promote the peace process in Yugoslavia. It also backed up the EC monitor mission, which was to observe the Slovenian ceasefire. After the failure of ceasefire efforts in Aug., Germany called for a second CSCE emergency meeting, held in Prague on 8–9 Aug., which agreed to expand the international observer force in Yugoslavia into Croatia and to include non-CSCE countries. On 4 Sep., the CSCE crisis-management session in Prague called on all states to 'refrain, for the duration of the crisis in Yugoslavia, from supplying arms and military equipment to all Yugoslav parties'.

²¹⁷ Ghebali, V.-Y., *L'OSCE dans l'Europe post-communiste, 1990–1996: vers une identité paneuropéenne de sécurité* [The OSCE in post-Communist Europe, 1990–1996: towards a pan-European security identity] (Etablissements Emile Bruylant: Brussels, 1996), p. 206. Hungary did not use the multilateral format as the EC-negotiated ceasefire had not yet been exhausted. Dunay, P., 'Coping with uncertainty: the "Vienna and Berlin mechanisms" in light of the first decade of their existence', *OSCE Yearbook 2000* (Nomos Verlagsgesellschaft: Baden-Baden, 2001), pp. 135–36.

across national borders.²¹⁸ This was strongly resisted, and Europe was left unable to define its role in defusing and resolving the existing disputes and those to come. The failure of the CSCE in 1991 clearly demonstrated that its mechanisms were ill-equipped, and that it had too few instruments at its disposal, to handle the Yugoslav civil war. Each time the Belgrade federal government was able to block CSCE resolutions that were contrary to its interests.²¹⁹ Evidently, it was too early for the new CSCE risk-reduction mechanisms to be effectively applied.

A risk-reduction procedure was invoked for the third time in April 1992, when Yugoslavia demanded that Hungary explain alleged military activities involving Croatian and Hungarian forces. Hungary simply rejected these claims.

The risk-reduction procedure concerning hazardous military incidents was invoked in January 1992 by Portugal, on behalf of the EC, after a helicopter carrying the EC monitor team was shot down by Yugoslav National Army fighter aircraft over Croatian territory. The JNA apologized, but also partially blamed the EC team. The explanation given did not satisfy the EC states, but the other CSCE states took no further action.

IV. The first war in Chechnya, 1994–95

The first war in Chechnya put the CSBM regime to a serious compliance test in late 1994. When Russia began its military activities in Chechnya in December, it failed to notify the other participants of the transfer of its armed forces to a place of troop concentration, as required under the Vienna Document 1994 (paragraph 38.3). In

²¹⁸ In the wake of the Aug. coup in the Soviet Union, Hans-Dietrich Genscher stated in the Bundestag, on 4 Sep. 1991, that the CSCE conflict-prevention mechanism should be enlarged to become a 'security council' capable of taking action, e.g., by setting up its own peace-keeping force. Der Bundesminister für Auswärtigen informiert, Mitteilung für die Presse no. 1192/91, Bonn, 4 Sep. 1991.

²¹⁹ In response to mounting criticism of the unwieldy CSCE conflict-prevention and crisis-management mechanism, the CSCE Council meeting in Prague (30–31 Jan. 1992) decided to amend the consensus rule and consider 'appropriate [political] action', if necessary in the absence of the consent of the state concerned, whenever 'clear, gross and uncorrected violations' of CSCE commitments take place. See CSCE, 'Prague Document on further development of CSCE institutions and structures', Prague, 30 Jan. 1992, URL <<http://www.osce.org/docs/english/1990-1999/mcs/2prag92e.htm>>. At the AIAM in Nov. 1991, a proposal was made to hold CPC meetings earlier than the envisaged 48-hour deadline if deemed necessary by the Chairman of the Consultative Committee.

response to admonitions from other countries, it claimed that the CSBM provisions on notification and observation were inapplicable in a domestic crisis and argued that transparency regarding the conflict was ensured by the media coverage. The aim of the military action in Chechnya, according to Russia, was to exercise its right of self-defence under Article 51 of the UN Charter and to defend its territorial integrity. It also claimed that such action did not endanger the security of any state. The Russian delegates sought to introduce a difference between fair-weather and foul-weather (e.g., internal crisis situations) approaches under the Vienna Document, the latter allegedly not being subject to scrutiny by other states.²²⁰ These arguments were questioned and rejected by other CSCE delegations, which stressed the applicability of CSBMs to internal crises and considered media coverage as an inadequate substitute for Vienna Document notification. The claim that no external security threat existed was deemed to run counter to the principle of indivisibility of security in the CSCE area. Nevertheless, the discussions at the AIAM in March 1995 were conducted in an open and cooperative spirit, and Russia eventually accepted the relevance of CSBMs with regard to Chechnya.²²¹ More ominous in this context was Russia's failure to respect the provisions of the 1994 Code of Conduct on Politico-Military Aspects of Security concerning the non-use of armed forces in domestic security missions and the proportionality rule in such missions.

V. The Kosovo crisis, 1999

The question of whether CSBMs are of relevance in foul-weather conditions arose again in 1999. The Kosovo crisis and the second war in Chechnya were litmus tests of the viability of CSBMs *inter arma*.

In the course of the conflict in Kosovo,²²² on 19 May 1999, the Russian delegation protested in the FSC with regard to the inspection

²²⁰ OSCE, 'Kyrgyzstan's delegation, Chairman's summary, Annual Implementation Assessment Meeting 1995, 13–15 March 1995', FSC document 518/95, 15 Mar. 1995.

²²¹ 'OSZE—Tätigkeitsbericht' [OSCE—report of activities], *Österreichische Militärische Zeitschrift*, no. 3 (1995), p. 342.

²²² In Apr. 1999 Belarus invoked the risk-reduction mechanism and requested justification of the Kosovo campaign in the context of the principles of international law from 7 participating states, as well as information about the size and duration of operation of the NATO forces. Two weeks later Belarus deplored the fact that 3 of those states (the FYROM, Italy and the UK) failed to meet the Vienna Document's 48-hour limit for replying, while 1 state—

it had carried out in the FYROM earlier that month. Russia complained that its inspection team had been denied access to all areas and facilities where NATO formations and units were stationed, in contravention of the provisions of the Vienna Document. Later, Russia stated that it had encountered similar obstacles during its inspection visit to Albania in mid-May, claiming that: (a) the flight of Russian inspectors to the specified area was unduly delayed and directed to a point of entry other than that designated; (b) its inspection teams were denied inspection from the air; (c) Russia's inspection teams were also not allowed into areas where US armed forces and equipment were concentrated; and (d) its inspection teams were refused access to briefings by US commanders of formations in Albania and the FYROM. Russia also claimed that there were more than 13 000 NATO troops in the FYROM; thus they were subject to observation. The USA had allegedly failed to notify the concentration in advance, and observers were invited only after the Russian inspection team had informed the participating states about its work in the area.

Albania, the FYROM and NATO responded that the 'hostile environment' justified denial of access on the basis of exceptions for 'areas or sensitive points' under the Vienna Document for safety, security and force protection reasons. NATO claimed that its main function in the FYROM was to provide humanitarian assistance. NATO had expressed the hope that the Russian team would inspect the work at refugee centres but, because the Russian team was interested in areas where 'difficult and potentially dangerous' conditions existed, it was shown a training exercise involving NATO forces. Both Albania and the FYROM pleaded technical reasons for not providing a helicopter for inspection purposes (those available allegedly fell short of the required safety standards). Changing the entry points for inspectors was said to have been done to accommodate ongoing humanitarian airlift operations. Concerning non-compliance with the observation threshold, the FYROM stated that it would issue invitations at a later date. The Russian observation visit eventually took place in July 1999, well after the end of the NATO campaign in the FRY.²²³

Bosnia and Herzegovina—failed to respond at all. However, Belarus did not convene an unusual activities meeting to further discuss the issue. Dunay (note 217), pp. 135–36.

²²³ During the NATO bombing of the FRY, Russia requested challenge inspections of NATO airbases in Aviano, Italy, and Taszár, Hungary, in accordance with CFE Treaty provisions. The base at Aviano was the primary facility used for the air operation. Despite the ongoing offensive, NATO accepted the request and the inspections were carried out, confirming compliance with the terms of the treaty.

The FYROM incident occurred because the US command perceived the implementation of CSBMs in the 1999 Kosovo crisis as a threat to NATO's 'operational security'. The USA alleged that, because Russia might hand over sensitive information (apparently, to Yugoslavia) on NATO military equipment in the vicinity of the FRY, it had to postpone the inspection request. Other NATO states, such as Germany and the UK, had allowed their commanders in the FYROM to provide information to the Russian inspectors. Germany, in particular, judged US arguments about the sensitive nature of the equipment in the FYROM unconvincing, since the operation there served clearly humanitarian needs.

VI. The second war in Chechnya, 1999–2000

Another challenge to compliance with the Vienna Document 1994 arose in the autumn of 1999. On 8 October Russia confirmed that its concentration of forces in the North Caucasus had exceeded some of the thresholds, and it provided additional information to this effect in late October.²²⁴ Unlike the NATO concentrations in Albania and the FYROM, the concentration in Chechnya comprised forces engaged in war. Russia claimed that it had demonstrated exceptional goodwill and transparency in providing updated information on the conditions of military operations against the Chechen 'bandits and terrorists'. The NATO states demanded that Russia provide not only numbers but also details on the purpose, level of command, time frame and envisaged area of the operation, as well as other relevant information. Western countries repeatedly urged Russia to update its information and allow an observation visit in accordance with the Vienna Document. The feasibility and safety of conducting an observation inside Chechnya during the domestic war were, however, questionable. As during the first war in Chechnya, in 1994, the EU and NATO countries pointed out that, apart from its CSBM non-compliance, Russia had probably violated the provisions of the Code of Conduct on Politico-Military Aspects of Security, especially in respect of taking due care to avoid

²²⁴ For more on CSBM compliance in the second Chechen war see Lachowski, Z., 'Confidence- and security-building measures in Europe', *SIPRI Yearbook 2000: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2000), pp. 615–16.

injury to civilians and their property and to avoid the indiscriminate and disproportionate use of force.

In February 2000 Russia provided additional information and invited a German inspection of the area adjacent to Chechnya. At the time of the German inspection Russia announced its intention to hold an additional observation visit in mid-2000, and in May representatives of the OSCE participating states were invited by Russia to take part in such a visit to the North Caucasus. The number of participants was limited to 15 for security reasons. Doubts were expressed about the value of the visit because of the limited number of observers invited, the lack of both adequate security arrangements and updated information regarding the military situation, the failure to abide by the formal provisions of the invitation, and so on. A number of delegations pointed out that such visits were no substitute for a regular observation under the provisions of the Vienna Document 1999. However, it was recognized that the visit was to take place under special circumstances not outlined in the Vienna Document 1999. Ultimately, 22 states were represented at the visit, held on 19–22 June 2000, to two military divisions: one in Khankala/Grozny (Chechnya) and one in Botlikh (Dagestan)—the latter designated as a ‘region of military activities’. The observers met with Russian commanders, who provided information about the number of Russian military forces, although they failed to include information on other armed forces (e.g., internal security forces and border guards). Despite these minor deficiencies the visit was highly appreciated, given that it was conducted in a region of active conflict, and it was deemed a useful precedent for future missions in similar circumstances.

In February 2000 some 375 tanks, 2210 armoured combat vehicles and 740 artillery pieces were notified by Russia as being engaged in ‘anti-terrorist operations’ in Chechnya. The official number of Russian troops involved in the hostilities was approximately 46 000 troops (later increasing to some 49 000). By the autumn of 2000 the number of Russian troops had dropped to about 44 000. The figures apparently did not include tens of thousands of internal security troops (probably totalling 100 000 troops) in the region.

6. Stabilizing and norm- and standard-setting measures

I. Introduction

With the establishment of the Forum for Security Co-operation in 1992, the security scope of the CSCE expanded considerably. Work in the FSC was guided by the Programme for Immediate Action adopted by the 1992 Helsinki Decisions and covering 14 priority areas including those for arms control, CSBMs, and other measures leading to security enhancement and cooperation.

It was expected that some new agreements would be completed by the time of the CSCE Council Meeting in Rome, on 30 November–1 December 1993, and that others would be ready for the 1994 Budapest Review Conference. In the run-up to the Rome meeting the FSC and its Working Groups A and B focused on a series of new measures: (a) a code of conduct for security, (b) stabilizing measures, (c) non-proliferation and arms transfers,²²⁵ (d) military contacts and cooperation, (e) information exchange on defence planning, and (f) global exchange of military information.²²⁶

In late November 1993 the Special Committee of the FSC met in Vienna. Despite its heavy agenda, it successfully prepared and adopted four texts on subjects considered less difficult: stabilizing measures, conventional arms transfers, military contacts and defence planning.²²⁷ Since the participating states had not reached consensus on the content of the principles governing non-proliferation, the other measures could not be endorsed by the 1993 Rome meeting. At that time the FSC had not yet decided what form its adopted decisions

²²⁵ In Jan. 1992 the Prague CSCE Council Meeting adopted the Declaration of the CSCE Council on non-proliferation and arms transfers. The meeting decided that the question of non-proliferation, including the transfer of sensitive expertise, and the establishment of a responsible approach to international armaments transfers should be included as a matter of priority in the work programme for the post-Helsinki arms control process. CSCE, Second Meeting of the Council, Prague, Jan. 1992, URL <<http://www.osce.org/docs/english/1990-1999/mcs/2prag92e.htm>>.

²²⁶ *Focus on Vienna*, no. 29 (Apr. 1993); and *Focus on Vienna*, no. 30 (Aug. 1993).

²²⁷ FSC, 'CSCE Forum for Security Co-operation, 49th Plenary Meeting of the Special Committee', *Journal*, no. 49 (note 121). For broader discussion of the 4 measures see Ghebali, V.-Y., 'The first arms control agreements of the CSCE: the achievements of the Forum on Security Cooperation between Helsinki and Budapest', *Helsinki Monitor*, vol. 5, no. 3 (1993), pp. 61–68.

would take—a separate general document or a set of decisions to be built into a new Vienna Document 1994.

Having agreed the four documents, the participating states continued their work to elaborate and finalize other CSBM-related programme items for the Budapest Review Conference: a code of conduct in the security area, development of the Vienna Document 1992, principles of non-proliferation and global exchange of military information. In November and December 1994 all the relevant documents were adopted.

Eventually, two of the negotiated documents were incorporated in the Vienna Document 1994: defence planning, and the programme of military contacts and cooperation. The remaining measures were called norm- and standard-setting measures. They were considered ‘weaker’, less verifiable than the Vienna Document-type ‘classic’ CSBMs and more politically oriented. They were also voluntary and aimed at committing the participating states to better abide by the principles and norms of other international agreements or arrangements. Comprising a variety of arrangements, both general (conventional arms transfers and non-proliferation) and detailed (stabilizing measures for localized crisis situations, the code of conduct and the GEMI), they aimed at promoting transparency and monitoring, enhancing confidence and imposing certain constraints. Later, other items (landmines, small arms and surplus ammunition) were added to this group of measures. The NSSMs remained outside the scope of the Vienna Document, although attempts have since then been made to have some of them incorporated in it. Their implementation is subject to discussion at the AIAMs. Owing to the general and ‘less binding’ character of NSSMs, states have encountered various problems and obstacles in implementing them. The qualitatively changed situation after 11 September 2001 unexpectedly highlighted some of these measures and, consequently, they have been elaborated further. At present, two measures—the 1994 Code of Conduct on Politico-Military Aspects of Security and the 2000 OSCE Document on Small Arms and Light Weapons—are of paramount importance.

II. Stabilizing measures

The 1992 Helsinki Decisions envisaged ‘negotiation of new stabilizing measures and confidence-building measures related to conven-

tional armed forces, including, with due regard to the specific characteristics of the armed forces of individual participating States, measures to address force generation capabilities of active and non-active forces'.²²⁸ It was hoped that these measures might 'prove particularly important in complementing a political process of peace settlement in the context of existing conflicts'.²²⁹ They might be of a constraining nature and could also be applicable to areas adjacent to the CSCE zone. A list of measures that could be applied in regional crises was sought. A NATO proposal set forth an inventory of temporary measures 'to reduce tension and to prevent the outbreak of fighting in crisis situations at [the] regional level'.²³⁰ The measures were regarded as options for crisis management and peaceful prevention and settlement of conflicts (a 'golf bag' of measures). They would not enjoy automatic application or priority use, nor were they perceived as comprehensive or exhaustive. Any kind of other measures might be elaborated in particular cases. CSCE bodies (the CSCE Council or the Committee of Senior Officials) would identify the parties involved in the given crisis and, as necessary, any third parties (if a good-offices or a mediating function were required). They would choose measures and determine which of them should be applied, over which geographical area and for how long; what role CSCE institutions and structures should play; and other modalities of application and implementation. The measures would also have to be coordinated with peacekeeping operations and monitoring and fact-finding missions. They would require the prior consent and support of the parties involved in a crisis. Military measures would be applicable to the armed forces involved in a particular crisis and would be applied either before an armed conflict had broken out or after a ceasefire had been established.

The 1993 FSC document on Stabilizing Measures for Localized Crisis Situations,²³¹ based on the NATO proposal, contained measures for crisis situations on: transparency, constraint (possibly monitored by third parties), reinforcing confidence, and monitoring compliance and evaluation (possibly by CSCE and/or third-party representatives; see table 6.1).

²²⁸ Helsinki Document 1992 (note 30).

²²⁹ CSCE, *Annual Report 1993 on CSCE Activities*, p. 13, URL <<http://www.osce.org/docs/english/misc/anrep93e.html>>.

²³⁰ CSCE document CSCE/FSC/SC.15, 21 Apr. 1993.

²³¹ FSC, 'CSCE Forum for Security Co-operation', *Journal*, no. 49 (note 121), annex 2.

Table 6.1. Stabilizing measures for localized crisis situations

Type of measure	Description
General	Third party/OSCE role in monitoring; not obligatory
Transparency	Extraordinary information exchange; notification of certain military activities in crisis area; and notification of plans for acquisition and deployment of major weapon and equipment systems
Constraints	Introduction and support of ceasefire; establishment of demilitarized zones; cessation of military flights over specified areas/border areas, deactivation of certain (heavy) weapon systems; subordination, disbandment and disarmament of irregular forces; and constraints on certain military activities
Reinforcing confidence	Public statements relevant to crisis; observation of certain military activities; (multinational) liaison teams; direct communication 'hot lines'; joint expert teams for crisis management; and joint coordination commissions and teams
Monitoring compliance or evaluation	Evaluation of data provided under extraordinary information exchange; more inspections, including challenge inspections; observation of demilitarized zones; verification of heavy weapons; and aerial observation

Source: Based on FSC, 'Annex 2: stabilizing measures for localized crisis situations', *Journal*, no. 49 (24 Nov. 1993).

The document introduced a new generation of CBMs for crisis situations, involving various actors (states, non-state actors or third parties) and new tasks (crisis management). Its main weakness was its optional rather than obligatory character.²³² In addition, the language of the document is ambiguous in places (e.g., regarding the geographic scope of application, the notions of 'military units' and 'activities', etc.) because of Russia's efforts not to have its 'peacekeeping' leeway in the 'near abroad' restrained. The crisis-management process might therefore easily have been hindered by a concerned participating state or states. Consequently, in their interpretative statement, Austria, Hungary and Poland proposed that the rule of consensus-minus-one (already applicable to the human dimension of the CSCE) should be pursued in future.²³³

²³² 'The catalogue does not commit any participating State to agree to the adoption of any of the measures contained therein in a given situation' (para 1.3).

²³³ FSC, 'Interpretative statements', *Journal* no. 49 (note 121).

Some of the ideas contained in the document were later used in the 1996 Agreement on CSBMs in Bosnia and Herzegovina.²³⁴ The inspiration for the stabilizing measures is discernible, for example, in the commitment not to deploy heavy weapons in the range of demilitarized zones or other areas agreed and not to store and/or 'corral' certain weapon systems in specified areas under the control of the OSCE and/or third-party observers. Applications for such measures have been discussed at the review conferences. Some elements have also been included in other bilateral and regional CSBM agreements.

There were proposals that the measures could be adapted to internal conflicts and possibly to incorporate them in the Vienna Document 1999 or, at least, keep them in a catalogue for future use.²³⁵ However, stabilizing measures remained virtually unused in subsequent crises. This issue has repeatedly been raised in the FSC and at the AIAMs, where participating states have urged that the measures be made more operational, with greater practical regional and domestic application, and that they be complemented by more adequate ones. A stimulus was provided by events in Kosovo and Chechnya in 1999 and the international community's disappointing lack of tools for foul-weather response which these cases revealed. A significant attempt was made to enhance the status of the agenda item on stabilizing measures at the 2001 and 2002 AIAMs, and this was discussed together with risk-reduction mechanisms and procedures. Despite the hope that both stabilizing measures and Chapter X of the Vienna Document 1999 (regional measures) could be of use in regional situations, both before and after a conflict, this is not the case. A number of delegations supported the idea put forward at the 2002 AIAM that the stabilizing measures document should be used as a 'mini-Vienna Document 1999'.

III. Conventional arms transfers

A document on Principles Governing Conventional Arms Transfers was prepared in 1993 on the basis of a proposal submitted to the FSC

²³⁴ See the discussion in section IV in chapter 7.

²³⁵ OSCE, 'Annual Implementation Assessment Meeting 1997: survey of suggestions', OSCE document REF.SEC/199/97, 27 Mar. 1997.

Table 6.2. The 1993 Principles Governing Conventional Arms Transfers

Type of measure	Description
General	Promote international peace and security with the least diversion of human and economic resources for armaments; pursue transparency and restraint; and acknowledge threat to peace and security emanating from arms build-up
Transparency	Adhere to the principles of transparency and restraint; exchange information about legislation and practices, and mandatory annual information exchange on conventional arms transfers ^a
Constraints	Ensure that arms are not transferred in violation of the purposes and principles of the United Nations Charter; take into account situations, requirements and needs in defence and security; and identify circumstances necessitating avoidance of transfers
Reinforcing confidence	Reflect principles regarding arms transfers in national policy documents; and mutually assist in establishing national mechanisms for control of transfer
Monitoring compliance	Need for effective national mechanisms for controlling transfers of arms and related technology; questionnaire on policy, practices and procedures for export of arms and related technology

^a OSCE, FSC document FSC.DEC/13/97, 16 July 1997.

Source: Based on FSC, 'Principles Governing Conventional Arms Transfers', *Journal*, no. 49 (24 Nov. 1993), Annex 3.

by Denmark on behalf of the EC,²³⁶ NATO, several Central European states (Bulgaria, the Czech Republic, Hungary, Romania and Slovakia) and Finland. The document contained many of the principles already laid down in other international documents, such as the Guidelines for Conventional Arms Transfers (1991)²³⁷ of the five permanent members (P5) of the UN Security Council and the Common Criteria for Arms Exports of the EC States (1991 and 1992).²³⁸ However, it did not go beyond a declaration of principles, as some CSCE participants would have wished. The complexity of the problems

²³⁶ CSCE document CSCE/FSC/SC.16, 28 Apr. 1993. On 1 Nov. 1993, the EC became the European Union.

²³⁷ CSCE, 'Principles Governing Conventional Arms Transfers', 25 Nov. 1993, available at URL <<http://www.osce.org/fsc/documents/>>.

²³⁸ Anthony, I. *et al.*, 'The trade in major conventional weapons', *SIPRI Yearbook 1992* (note 139), pp. 295–96; and Anthony, I. *et al.*, 'Arms production and arms trade', *SIPRI Yearbook 1993: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 1993), p. 461.

involved made it impossible to set up effective international control of conventional arms transfers. The adoption of common principles by the CSCE states was intended to improve national mechanisms and thereby possibly achieve cuts in arms transfers. It was hoped that states that did not yet have regulations for arms export licensing would be prompted to set up such a system.²³⁹ In effect, however, the Principles Governing Conventional Arms Transfers amounted to 'loose and rather hollow recommendations both for action and abstention' (see table 6.2).²⁴⁰

The 1993 document consists of two sets of recommendations.²⁴¹ The first of these lists aspects, principles and requirements of the internal and international situation and of security that are to be 'taken into account'. The second set identifies circumstances in which states should 'avoid' transfers. In addition, the states commit themselves: (a) to 'reflect' the principles of arms transfers in their national policy documents; (b) to mutually assist in establishing effective national mechanisms to control the transfer of conventional arms and related technology; and (c) to exchange information about national legislation and practices in this area. Some countries considered the principles 'too general in nature' (Poland) or not sufficiently 'strict and compelling' (Sweden).²⁴²

In the spring of 1995, the FSC decided to hold a seminar to ensure a follow-up to the decision on Principles Governing Conventional Arms Transfers.²⁴³ At the seminar held in June, views were exchanged on national legislation and practices in the transfer of arms and related technology and on the mechanisms to control these transfers. In order to facilitate the work of the seminar, a questionnaire was sent to the participating states before the seminar and the CPC presented the information which was obtained.

The seminar resulted in numerous proposals and suggestions to improve the implementation of the principles in the areas of export

²³⁹ *Focus on Vienna*, no. 30 (Aug. 1993), p. 3. The geographical scope of the Principles also covers 'those territories for which members of the European Union bear external responsibilities'. FSC, 'Chairman's statement', *Journal*, no. 49 (note 121), Annex 3.

²⁴⁰ Gheballi (note 227), p. 66.

²⁴¹ The document is reproduced in FSC, *Journal* (note 121).

²⁴² 'Interpretative statements' (note 233). France also presented its interpretative statement to the Principles concerning the scope of transfers; the issue of a country's diversion of its resources; 'consent to re-export on the part of first exporter'; and the bearing of the exchange of information on national legislation and practices.

²⁴³ FSC, *Journal*, no. 110 (26 Apr. 1995).

control law, control lists, licences, enforcement practices and procedures, international cooperation to prevent undesirable or unauthorized transfers, increased transparency through international efforts, coordination of control agencies and combating illegal transfers.²⁴⁴ Mutual assistance among states was encouraged, especially on drafting legislation and setting up export control systems. It was agreed that the questionnaire should be distributed annually by the CPC to the OSCE participating states. The FSC was instructed to examine the further development of the questionnaire.²⁴⁵ The FSC urged that states publish the guidelines governing arms transfers and requested that they provide the CPC with national control lists and precise data and designate a contact point in the national enforcement bodies. The states also committed themselves to annually circulate their contributions to the UN Register of Conventional Arms (UNROCA) in the FSC framework.²⁴⁶ In 1997 the FSC decided to make this mandatory.²⁴⁷

From 1998 an obligatory information exchange was annexed to the document on Principles Governing Conventional Arms Transfers with regard to the transfer of weapon and equipment systems. It employs the categories and formats used by the UNROCA.²⁴⁸ This was considered a useful complement to the annual questionnaire, but some 50 per cent of all the replies submitted since 1998 have not been furnished on time. In addition, the work of the 1995 seminar was not developed further, and there was a lack of consensus about how to do so. Towards the end of the 1990s, the EU efforts aimed at combating the spread of small arms and illicit trafficking in conventional arms met with increasing interest among other states.²⁴⁹ The exchange of

²⁴⁴ FSC, 'Seminar on Principles Governing Conventional Arms Transfers: chairman's perception', FSC document REF.FSC/113/95, 21 June 1995.

²⁴⁵ The FSC adopted a decision regarding the questionnaire on participating states' policy and/or national practices and procedures for the export of conventional arms and related technology. OSCE, FSC document FSC.DEC/20/95, 29 Nov. 1995.

²⁴⁶ FSC, *Journal*, no. 121 (19 July 1995), annex 1. The UN Register on Conventional Arms was established in 1991; it calls on all member countries to report the number of arms in 7 categories (battle tanks, attack helicopters, ACVs, heavy artillery systems, combat aircraft, warships, and missiles and launchers) exported or imported during the calendar year. See also Wezeman, S. T., *The Future of the United Nations Register on Conventional Arms*, SIPRI Policy Paper no. 4 (SIPRI: Stockholm, Aug. 2003), available at URL <<http://editors.sipri.se/recpubs.html>>.

²⁴⁷ The exchange of information is due no later than 15 May each year. OSCE, 'Decision no. 13/97', FSC document FSC.DEC/13/97, 16 July 1997.

²⁴⁸ OSCE, 'Decision no. 13/97' (note 247).

²⁴⁹ OSCE (note 92); and OSCE, 'Review Conference 1999 Vienna–Istanbul: Consolidated Document', 10 Nov. 1999.

information on arms transfers is perceived as a useful complement to other frameworks, such as the 1998 EU Code of Conduct on Arms Exports, the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies and the armaments-related provisions in regional platforms, such as the Stability Pact for South Eastern Europe.²⁵⁰ At the 2004 AIAM, ‘reactivation’ of the information exchange on arms transfers was urged in order ‘to shift the issue more toward the center of attention’ in view of the new risks and challenges arising from the illicit transfers of conventional weapons and related technology.²⁵¹

IV. The Global Exchange of Military Information

On 28 November 1994, the CSCE participating states adopted a document on the Global Exchange of Military Information in which they agreed ‘to exchange annually information on major weapon and equipment systems and personnel in their conventional armed forces, on their territory as well as worldwide’ (see table 6.3).²⁵² Such information is exchanged annually by 30 April and reflects the situation as of 1 January of that year.

The geographical scope and content of the GEMI differ from those of the Vienna Document. The GEMI aims to provide all other OSCE participating states with annual information on the military forces of participants located outside the zone of application of CSBMs (i.e., Canada, France, Russia, Turkey, the UK and the USA). It is separate from other information exchange regimes (the 1990 CFE Treaty, the 1992 CFE-1A Agreement and the Vienna Document) and is not subject to verification, constraints or limitation. For the first time, the USA agreed to allow such a document to cover naval forces and their

²⁵⁰ European Union, ‘European Union Code of Conduct on Arms Exports’, 5 June 1998, URL <ue.eu.int/uedocs/cmsUpload/8675_2_98_en.pdf>. See the Wassenaar Arrangement Internet site at URL <<http://www.wassenaar.org/>>. See the Stability Pact for South Eastern Europe Internet site at URL <<http://www.stabilitypact.org/>>. See also ‘Joint Declaration on Responsible Arms Transfers’ and ‘Statement on Harmonization of End-Use/End-User Certificates’, Regional Conference on Export Controls, Sofia, 14–15 Dec. 1999.

²⁵¹ See the German proposal in OSCE, FSC document FSC.AIAM/5/04, 1 Mar. 2004.

²⁵² CSCE, ‘Global Exchange of Military Information’, FSC document DOC.FSC/5/96, 28 Nov. 1994, URL <http://www.osce.org/documents/fsc/1994/11/462_en.pdf>.

Table 6.3. The Global Exchange of Military Information

Type of measure	Description
General	Politically binding; applicable worldwide; 30 April exchange reflecting situation on preceding 1 January; separate from other information exchange regimes
Transparency	Information exchange on: <ul style="list-style-type: none"> <li data-bbox="308 489 1018 551">(a) command structure and personnel (general or equivalent staff, command organization of the forces, personnel strength); <li data-bbox="308 555 1028 802">(b) holdings of major weapon and equipment systems, including technical data and photographs (battle tanks; armoured combat vehicles; armoured vehicle launched bridges; anti-tank guided missile launchers; self-propelled and towed artillery; combat, military transport and primary trainer aircraft; attack, combat support and military transport helicopters; surface warships greater than 400 tonnes displacement; and submarines greater than 50 tonnes submerged); <li data-bbox="308 806 1045 1159">(c) levels of disaggregation (command organization: for land forces—division or equivalent or the next higher level of command; for other forces—army or equivalent or down to the next lower level of command; all land forces within the territory of the reporting state—from the highest level down to and including the level of army or equivalent or down to the next lower level of command; all other forces within the territory of the reporting state—down to the level of service; all forces stationed beyond the territory of the reporting state—down to the level of service, specifying the numbers for each respective region in which such forces are stationed); <li data-bbox="308 1163 1012 1253">(d) technical data and photographs, including the type, name and general description of characteristics and capabilities, of each category listed under (b); and <li data-bbox="308 1256 1018 1318">(e) information on major weapon and equipment systems as specified under (b) and which have newly entered into service
Reinforcing confidence	Clarifications, if appropriate, to all states
Monitoring compliance	Not subject to limitations, constraints or verification; reference to other exchanges possible

Source: CSCE, 'Global Exchange of Military Information', FSC document DOC.FSC/5/94, 28 Nov. 1994, URL <www.osce.org/documents/fsc/1994/11/462_en.pdf>.

bases. The proposals by Russia and by NATO were quite similar,²⁵³ but a number of provisions had to be negotiated, including those on figures and parameters. For example, Russia proposed exchanging data on naval vessels of 5000-tonne displacement and above, while the USA preferred a 100-tonne threshold. The level of information disaggregation for services also differed (the Russian proposal being more intrusive).

The implementation of the GEMI has not given rise to controversy. Each year the information exchange is preceded by a workshop on automated data exchange, which has been attended by an increasing number of states. The proposed changes to the GEMI have been of a technical nature. For example, synchronization of the AEMI and the GEMI has been proposed in order to rationalize the verification work related to exchanged information.²⁵⁴ In 1998 an analysis was made by Germany and Sweden which drew attention to discrepancies in reporting on personnel strength, particularly in the categories of 'authorized' and 'actual' figures. A workshop held by Sweden on the margins of the 1998 AIAM helped improve implementation, but some differences (e.g., in total numbers) remained. Many states are often late in providing the data required by the GEMI, and some Western countries have offered assistance in completing returns to those states which have failed to provide information.

In recognition of the desirability of a 'cluster approach' to measures concerning information exchange, implementation of the GEMI was discussed at the 2001 AIAM together with the AEMI and defence planning.²⁵⁵ Compliance with the provisions of the GEMI is generally satisfactory (some 80 per cent of the participants provide information), but some countries have never submitted any information.

²⁵³ CSCE document CSCE/FSC/SC.10, 17 Feb. 1993 (Russia); and CSCE document CSCE/FSC/SC.11, 10 Mar. 1993 (NATO).

²⁵⁴ The annual exchange is completed by 15 Dec., and the GEMI is provided by 30 Apr. The proposal was to set the date at 15 Jan. for both exchanges with the start of verification not earlier than 1 Feb..

²⁵⁵ This, however, was a one-off case.

Table 6.4. The 1994 Code of Conduct on Politico-Military Aspects of Security

Type of measure	Description
General	Indivisibility of security and cooperative security approach; solidarity with a victim of the threat or use of force; right to change membership status in international organization or alliance; democratic accountability; international law applicable to armed forces, defence policy and doctrine; prohibition of military dominance/hegemony; combating terrorism
Transparency	Control of forces by legitimate constitutional authorities; no accidental or unauthorized use of military means; legislative approval of defence expenditures; transparency and public access to information related to the armed forces
Constraints	Maintain military capabilities commensurate with security needs; restraint in military expenditures; stationing of armed forces abroad only on the basis of freely negotiated agreement; the domestic use of armed forces compatible with the needs of enforcement (proportionality); no excessive role for paramilitary forces; recruitment and conduct of armed forces in accordance with human rights and fundamental freedoms; individual accountability of armed force personnel
Reinforcing confidence	Implement in good faith commitments to arms control and CSBMs; create conditions for political solutions; democratic control of military, paramilitary and internal security forces; political neutrality of armed forces; wide dissemination of the Code of Conduct
Monitoring compliance	OSCE consultations if state authority fails; assessment and review procedures; request appropriate clarifications; and annual information exchange questionnaire on the Code of Conduct, including the steps taken for its implementation ^a

^a OSCE, FSC document FSC.DEC/4/98, 8 July 1998; and OSCE, FSC document FSC.DEC/4/03, 9 Apr. 2003.

Sources: CSCE, 'Budapest Decisions, V. Code of Conduct on Politico-Military Aspects of Security', Budapest Document 1994: towards a genuine partnership in a new era, Budapest, 5–6 Dec. 1994, URL <<http://www.osce.org/docs/english/1990-1999/summits/buda94e.htm>>; and OSCE Conflict Prevention Centre, 'Development of confidence- and security-building measures in the CSCE/OSCE framework', 19 Mar. 2001.

V. The Code of Conduct on Politico-Military Aspects of Security

The 1994 Code of Conduct on Politico-Military Aspects of Security²⁵⁶ was designed to create a body of norms and rules for behaviour in the security field for all participating states, governing in particular the conduct of armed forces in both peace and crisis situations. In its normative function, the Code of Conduct addresses not only the politico-military relations between OSCE states, but also the politico-military conditions within states. It developed from a German proposal, which was made in response to a French recommendation that the CSCE security obligations be embodied in a legally binding treaty. After the USA opposed the French proposal, Germany proposed a code of military behaviour that was intended to help the post-Soviet states to better integrate the new CSCE obligations (see table 6.4).²⁵⁷

The discussion on the new Code of Conduct was expected to lead to a document that might be adopted at the 1994 Budapest Review Conference. Individual or collective proposals and suggestions by the CSCE participating states²⁵⁸ provided the basis for discussion.

The first proposal, made by Poland, dealt with a range of security matters and suggested such elements as: (a) norms guiding defence policies and postures; (b) norms for a cooperative approach to international security; (c) principles guiding conduct in the prevention of conflict and use of force; and (d) norms guiding conduct in the event of a conflict. NATO, in particular, criticized the Polish proposal for including elements of future security guarantees in the COC (recognition of the right to assistance by CSCE participating states that are the object of armed aggression), the principle of the non-use of force or coercion against peoples peacefully pursuing self-determination, and the alleged encroachment on sovereign internal affairs.²⁵⁹ It was

²⁵⁶ 'Budapest Decisions' (note 36).

²⁵⁷ Dean, J., *Ending Europe's Wars. The Continuing Search for Peace and Security* (Twentieth Century Fund Press: New York, 1994), p. 316.

²⁵⁸ See the following CSCE documents, all submitted in Vienna: CSCE/FSC/SC.5/Rev. 1, 18 Nov. 1992 (Poland); CSCE/FSC/SC.7, 16 Dec. 1992 (UK/EC plus Canada, Iceland and Norway—'elements' for a code of conduct); CSCE/FSC/SC.8, 16 Dec. 1992 (Turkey); CSCE/FSC/SC.17, 5 May 1993 (Austria, Hungary and Poland); CSCE/FSC/SC/B.2, 3 June 1993 (France's working paper); CSCE/FSC/SC.21, 30 June 1993 (Denmark/EC and Iceland and Norway); and CSCE/FSC/SC.22, 15 Sep. 1993 (Austria and Hungary).

²⁵⁹ Ghebali, V.-Y., 'The CSCE Forum for Security Cooperation: the opening gambits', *NATO Review*, June 1993, p. 27; and Borawski, J. and Bruce, G., 'The CSCE Forum for Security Cooperation', *Arms Control Today*, Oct. 1993, p. 15.

feared that the document would constitute a *de facto* basis for a mutual defence pact for the CSCE states.

The EC–NATO proposals (made without the participation of Turkey and the USA) were initially advanced by France. They addressed an impressive range of topics, many of which were included in the final COC.²⁶⁰ The proposal by Austria and Hungary emphasized the comprehensive concept of security,²⁶¹ including non-military aspects such as human rights, ethnic rights and the environment. (Turkey presented a separate proposal, which was intended to counterbalance and neutralize the above-mentioned EC–NATO proposal, which Turkey considered as incompatible with its interests.) These three positions generally determined the framework and scope of the COC.

Enforcement of the Code of Conduct was the area of greatest disagreement. A May 1993 FSC seminar in Vienna focused on the issue. Some seminar participants, such as the EC, wanted to retain CSCE mechanisms and procedures and, at most, consider the extension of fact-finding missions to apparent breaches. Others (e.g., Austria, Hungary and Poland, in their ‘implementation provisions’ proposal) desired an amended ‘Berlin emergency situation mechanism’ which could be used when needed.²⁶² Other states sought new mechanisms or procedures to ensure more effective implementation of the COC.

The scope of the COC was also discussed. There was disagreement about whether it should cover only politico-military aspects of security or address a wider spectrum of security matters such as national minorities, the environment, the economy, human rights and the like. Divergent views on these issues led to a stalemate, and it was suggested that two parallel negotiations be held, either within the same body or in another special body in order to treat the politico-military

²⁶⁰ These included: (a) the principle of the non-use of force and the questions related to borders; (b) indivisibility of security and legitimate security interests; (c) arms control and disarmament; (d) early warning, conflict prevention, crisis management and peaceful settlement of disputes (commitment to consult and cooperate in situations of potential crisis and to use the existing CSCE mechanisms); (e) peacekeeping and other CSCE missions (within the CSCE and in the context of cooperation with UN missions); (f) democratic political control of armed forces; (g) rules of use of armed forces; and (h) observation and monitoring.

²⁶¹ It was originally presented by Hungary alone.

²⁶² CSCE document CSCE/FSC/SC.17, 5 May 1993.

and broader issues separately.²⁶³ The idea of devoting the COC to politico-military aspects, in principle, won out.

The Code of Conduct is a politically binding agreement. Its cornerstones are democratic, civilian control of the armed forces; a commitment to respect international humanitarian law by the personnel of armed forces; restraint in military spending; and proportionate and adequate use of force in domestic missions. Potentially, it is an instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation.²⁶⁴

The COC's adequacy and effectiveness, in particular its provisions on the use of force for internal security, were put to the test soon after its adoption. The conflict in Chechnya which took place from late 1994 until mid-1996 (and the conflict which began in 1999) ruthlessly revealed the vagueness of the COC commitments and an inability to enforce compliance.

The participating states were supposed to provide the CPC with information on national measures to enact the COC, but this was not done consistently or on a timely basis. By 1996 it was suggested that compliance with the COC was of a 'purely formal nature',²⁶⁵ and states were urged to adjust their patterns of behaviour and report clear violations committed by other states. In 1995–96 seminars on the COC were held in Germany, the Netherlands and Sweden. Other implementation seminars, presentations and workshops were held at other locations in subsequent years. As a result, several suggestions were made concerning the creation of a pool of experts to supervise the implementation of the COC, a stronger role for the CPC in the control of implementation, development of a verification mechanism and preparation of a questionnaire.²⁶⁶

²⁶³ 'Das KSZE-Forum für Sicherheitskooperation—Tätigkeitsbericht' [The CSCE Forum for Security Co-operation—report of activities], *Österreichische Militärische Zeitschrift*, no. 5 (1994), pp. 533–36.

²⁶⁴ For detailed analysis of the COC see e.g. Ghebali, V.-Y., 'Revisiting the OSCE Code of Conduct on Politico-Military Aspects of Security', eds H. Hänggi and T. Winkler, *Challenges of Security Sector Governance* (LIT Verlag: Münster, 2003), URL <<http://www.dcaf.ch/coc/index.htm>>.

²⁶⁵ OSCE, 'Report of the chairman of the FSC on the implementing aspects of the CSBMs discussed within the FSC in 1996', FSC document REF.FSC/71/96, 3 Mar. 1997. In parallel, the Dutch representative, acting also in his capacity as the EU representative, noted that the Code of Conduct did not seem to 'trickle down' to all who might benefit from its guidance.

²⁶⁶ 'Annual Implementation Assessment Meeting 1997: survey of suggestions' (note 235). Since 1995 the COC has been briefly assessed at the AIAMs.

In September 1997 the first COC Follow-up Conference was held in Vienna. Many proposals and suggestions were discussed, and numerous concrete measures to improve implementation and monitoring were presented.²⁶⁷ These included CSBM and arms control measures, such as: (a) making the CPC a central point of contact; (b) developing and following up implementation in regular assessment meetings in connection with the AIAM or in separate meetings; (c) verifying implementation in conjunction with CSBMs; and (d) exploring the potential value of the confidence- and security-building function of the COC at the regional level of arms control.²⁶⁸ A verification regime and an enforcement procedure or mechanism were discussed but not approved.²⁶⁹

As a result of the conference, the FSC initiated an information exchange on the implementation of the COC to be carried out by 15 April each year. Despite general approval of the utility of the questionnaire, which was adopted in 1998,²⁷⁰ it was criticized for addressing only parts of the COC. In order to continue the discussion of the first Follow-up Conference, the FSC decided to hold a second conference in 1999.²⁷¹

Delegations at the second Follow-up Conference, held in Vienna on 29–30 June 1999, put forward many proposals concerning the implementation, assessment and further development of the COC. Its ambiguity and lack of clarity in some areas were noted and suggestions made for improvement. The impact of the 1999 conflict in Kosovo was reflected in the debate. The proposals included: (a) holding a joint session of the OSCE Permanent Council and the FSC on the provisions of the COC and the application of lessons learned from the events in the Balkans; (b) including paramilitary forces in the information exchange; (c) revising the questionnaire with further distinction between armed forces and internal security forces; (d) providing additional documents on legislation regarding parlia-

²⁶⁷ The problem of providing information was raised repeatedly. E.g., the EU and its associated states offered to assist non-compliant participating states to meet their commitments.

²⁶⁸ OSCE, 'Follow-up Conference on the OSCE Code of Conduct on Politico-Military Aspects of Security: summary', FSC document FSC.GAL/15/97, 30 Sep. 1997.

²⁶⁹ See 'Follow-up Conference on the OSCE Code of Conduct on Politico-Military Aspects of Security: summary' (note 268). Russia and Turkey opposed a more obligatory verification mechanism.

²⁷⁰ OSCE, FSC document FSC.DEC/4/98, 8 July 1998.

²⁷¹ OSCE, FSC document FSC.DEC/16/97, 10 Dec. 1997.

mentary control of armed forces; (e) convening an early special meeting for parliamentarians to discuss parliamentary control of armed forces (considering the role of parliamentarians in securing democratic control of armed forces); (f) holding monthly discussions of COC topics in FSC Working Group B; (g) assessing the applicability of the COC for peacekeeping; and (h) creating a code of conduct to combat terrorism.²⁷²

Various COC issues have since been discussed in the FSC and at the AIAMs, particularly in the light of the events in Kosovo in 1999 and Chechnya in 1999–2000. Many OSCE participating states expressed their regret that Russia had not complied with the provisions on the use of force, on armed forces being subject to the rule of law and on the exercise of civil rights.

The COC gained new relevance with the expanded involvement of armed forces in international peace-support operations and other crisis-management efforts. It was therefore recommended that the COC be included as a key element in training programmes for military personnel. The importance of full implementation of the COC in times of crisis and conflict was strongly emphasized, but in 2001 a number of states had not yet provided a national programme for its implementation. The states agreed among themselves that questioning and evaluating implementation activities, and responding frankly to questions about them, was important. Assistance in implementation was also recommended for states in political, societal and military transition.

The terrorist attacks on the USA in September 2001 set a new tone for the COC discussions and activities. The new priorities were reflected in the December 2001 Bucharest Plan of Action for Combating Terrorism,²⁷³ which emphasized *inter alia* the relevance of the COC in this context. In 2002, 52 states submitted responses to the questionnaire, which was an improvement on earlier years.²⁷⁴ It was

²⁷² See OSCE, ‘Chairman’s perception’, FSC document FSC.DEL/235/99, 1 July 1999; and OSCE, ‘Summary of suggestions tabled during the Second Follow-up Conference on the Code of Conduct’, FSC document FSC.GAL/84/99/Rev.1, 19 July 1999. The involvement of the OSCE in combating terrorism was, however, questioned by a number of delegations which warned of the risk of duplicating or replicating the work of the UN General Assembly. OSCE, ‘Review of the implementation of all OSCE principles and commitments, politico-military aspects of security: report of the rapporteur’, OSCE document RC(99).JOUR/10, 1 Oct. 1999.

²⁷³ ‘Bucharest Plan’ (note 60).

²⁷⁴ 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

also the first year in which the results of the information exchange were posted on an OSCE Internet site (although access is restricted to delegations).

Two weeks before the third Follow-up Conference, held on 23–24 September 2002, the CPC prepared an overview of the general trends in the answers to the questionnaire.²⁷⁵ There were three topics on the agenda of the Follow-up Conference. Working Group 1 ('Review of the information exchange and assessment of overall implementation') discussed problems encountered with the information exchange questionnaire and possible improvements to it.²⁷⁶ In Working Group 2 ('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 involved in promoting and implementing it. 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 suggested that the existing CSBM mechanisms, such as visits to airbases and other military installations, should be used to educate military personnel about the COC.²⁷⁷ In Working Group 3 ('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. In 2002 a decision was taken for a 'technical update' of the questionnaire along this line,²⁷⁸ superseding the 1998 decision on an annual exchange of information. In April 2003 the OSCE participating states provided additional information on national efforts to combat terrorism.

The FSC continues to review and seek to improve both the implementation of the COC and its annual questionnaire. In 2003–2004 it also sought to raise awareness in participating states about the COC. The OSCE held seminars in the Central Asian states, the Caucasus

the opening plenary of the Third Follow-up Conference on the Code of Conduct', OSCE document SEC.GAL/169/02, 23 Sep. 2002, p. 2

²⁷⁵ OSCE, 'Decision no. 7/02: overview of the Information Exchange on the Code of Conduct on Politico-Military Aspects of Security', FSC document FSC.DEC/7/02, 5 June, 2002

²⁷⁶ OSCE, 'Third Follow-up Conference on the OSCE Code of Conduct on Politico-Military Aspects of Security: consolidated summary', FSC document FSC.GAL/122/02, 8 Oct. 2002, pp. 3–4

²⁷⁷ OSCE, 'Third Follow-up Conference on the OSCE Code of Conduct on Politico-Military Aspects of Security: survey of suggestions', FSC document FSC.GAL/123/02, 8 Oct. 2002.

²⁷⁸ OSCE, 'Decision no. 4/03', FSC document FSC.DEC/4/03, 9 Apr. 2003.

and Ukraine and also took steps to provide guidance and assistance in the implementation of the COC.

The Code of Conduct now offers an impressive set of standards and norms and has a growing record of application. Apart from the current interest in its use in combating terrorism, there is room for improvement. In the politico-military dimension, such issues as the regime of democratic control of paramilitary forces, intelligence services and police as well as of the use of force domestically deserve further attention. In addition, a closer linkage between the COC and the Vienna Document could be established, which would allow better insight into the implementation of the COC.²⁷⁹ More active cooperation to foster wider acceptance and implementation of the COC beyond the OSCE area is now being advocated to develop and reform the security sector as a whole.²⁸⁰

VI. Non-proliferation

The Principles Governing Non-Proliferation were adopted at the 1994 CSCE Budapest Review Conference as a common expression of the awareness of the newly emerged threat of proliferation after the end of the cold war, chiefly in the former Soviet Union.²⁸¹ The participating states expressed their determination to combat the threat (see table 6.5). In accordance with the January 1992 CSCE Council Declaration on Non-Proliferation and Arms Transfers,²⁸² and the recommendations contained in a NATO–Central European proposal submitted in the FSC in November 1992,²⁸³ the ministers of foreign affairs of the CSCE participating states pledged at the Stockholm CSCE Council Meeting in December 1992 that their states would become original signatories to the 1993 Chemical Weapons Convention (CWC)²⁸⁴ and would seek to ratify it as soon as possible. In addi-

²⁷⁹ Ghebali (note 264), pp. 22–24.

²⁸⁰ OSCE, ‘German intervention in Working Group B of the Annual Security Review Conference’, Permanent Council document PC.DEL/718/03, 25 June 2003.

²⁸¹ ‘Principles Governing Non-Proliferation’ (note 60).

²⁸² CSCE, ‘Second Meeting of the CSCE Council, Prague, 30–31 Jan. 1992, Declaration on Non-Proliferation and Arms Transfers’, CSCE document CSCE/2-C/Dec.1, 31 Jan. 1992.

²⁸³ CSCE document CSCE/FSC/SC.6, 18 Nov. 1992.

²⁸⁴ The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (corrected version), 8 Aug. 1994, is reproduced at URL <<http://projects.sipri.se/cbw/docs/cw-cwc-texts.html>>. The 31 Oct. 1999

Table 6.5. The 1994 Principles Governing Non-Proliferation

Type of measure	Description
General	Prevent proliferation of nuclear weapons; prevent acquisition, development, production, stockpiling and use of chemical and biological weapons; and control of the transfer of missiles capable of delivering weapons of mass destruction and related technology
Transparency	Ensure that states' legislation, regulations and procedures governing non-proliferation reflect the above commitments; exchange information on national laws, regulations and measures to ensure implementation; and application of non-proliferation regimes
Constraints	Full and universal adherence to the Non-Proliferation Treaty and its indefinite and unconditional extension; improve national nuclear export control policies; sign and ratify the Chemical Weapons Convention (CWC); support the Australia Group's controls regarding chemical precursors, dual-use equipment and biological pathogens and dual-use items; control the export of missiles, technology and equipment; and prevent citizens from activities violating principles of non-proliferation
Reinforcing confidence	Support efforts to negotiate a treaty banning the production of fissile material; support negotiations on the Comprehensive Nuclear Test-Ban Treaty; support universal adherence to the CWC; adapt legislation, regulations and procedures to reflect these commitments; and support cooperative efforts to redirect scientists to peaceful endeavours
Monitoring compliance or verification	Strengthen International Atomic Energy Agency safeguards; strengthen the Biological and Toxin Weapons Convention by appropriate verification measures; support Missile Technology Control Regime (MTCR) guidelines; and encourage submission of the questionnaire on the CWC ratification process ^a

^a OSCE, FSC document FSC.DEC/5/96, 26 June 1996.

Sources: CSCE, 'Principles Governing Non-Proliferation', 5 Dec. 1994, available at URL <<http://www.osce.org/fsc/documents/>>; and OSCE Conflict Prevention Centre, 'Development of CSBMs in the CSCE/OSCE framework', Vienna, 19 Mar. 2001.

amendment to Part VI of the Verification Annex of the CWC is reproduced at URL <<http://projects.sipri.se/cbw/docs/cw-cwc-verannex5bis.html>>. Complete lists of parties and signatory and non-signatory states are available on the SIPRI CBW Project Internet site at URL <<http://projects.sipri.se/cbw/docs/bw-btwc-mainpage.html>>.

tion, all the CSCE participating states that were not yet parties to the 1972 Biological and Toxin Weapons Convention (BTWC)²⁸⁵ and the 1968 Non-Proliferation Treaty (NPT)²⁸⁶ pledged to become parties to those agreements in the shortest possible time and to work for the indefinite extension of the NPT.²⁸⁷ The proposal submitted in the FSC also urged all the CSCE participants to commit themselves to making the UNROCA fully operational. In the spring of 1993, the FSC took a decision to that effect, but because of Russian–Ukrainian disagreement on nuclear weapon issues it was not possible to adopt a document on non-proliferation in the autumn of 1993. However, the success of the difficult subsequent negotiations between the USA, Russia and Ukraine—with the latter eventually acceding to the NPT—facilitated agreement on the Principles Governing Non-Proliferation in the 1994 Budapest Decisions.

The efforts within the OSCE in this area have since 1994 been limited to the annual questionnaire on the process of ratification of the CWC. The Principles Governing Non-Proliferation are recognized as having a potentially important role in the campaign against terrorism and as a useful tool in the OSCE ‘toolbox’. Nevertheless, it is recognized that the OSCE is not the main actor in this area and that duplication of efforts should be avoided.

These limitations notwithstanding, since 11 September 2001 the OSCE has attempted to become more active on the issues of non-proliferation and on export and transfer control. The FSC has begun to develop a structured dialogue on non-proliferation. Together with a voluntary exchange of information on national initiatives to prevent the proliferation of WMD, this could constitute a valuable contribution to transparency and security.

²⁸⁵ The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction is reproduced on the SIPRI Chemical and Biological Warfare Project Internet site at URL <<http://projects.sipri.se/cbw/docs/bw-btwc-text.html>>. Complete lists of parties and signatory and non-signatory states are available at the SIPRI CBW Project Internet site at URL <<http://projects.sipri.se/cbw/docs/bw-btwc-mainpage.html>>.

²⁸⁶ The full text of the Treaty on the Non-Proliferation of Nuclear Weapons is available at URL <<http://www.iaea.org/Publications/Documents/Treaties/npt.html>>. See also the UN NPT Internet site at URL <<http://disarmament2.un.org/wmd/npt/index.html>>.

²⁸⁷ CSCE, ‘Third Meeting of the Council, Summary of Conclusions of the Stockholm Council Meeting, Stockholm, 15 Dec. 1992’, available at URL <<http://www.osce.org/docs/english/1990-1999/mcs/3stoc92e.htm>>.

VII. Landmines

The so-called Ottawa Process refers to the activities aimed at a complete ban on anti-personnel mines (APMs) which were initiated by Canada and like-minded states after the negotiation of the 1996 Amended Protocol II (on landmines) to 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).²⁸⁸ Similar initiatives were taken by the OSCE.

Germany was particularly instrumental in this area and was the first state to raise the issue of APMs at the FSC in the autumn of 1996.²⁸⁹ As a result of its activities, the 1996 Lisbon Document called on the OSCE participating states 'to consider measures for complementing (but not duplicating) the international community's efforts in relation to an effective solution regarding anti-personnel mines'.²⁹⁰ In 1997 a mandatory information exchange was agreed, based on a questionnaire on landmines which includes a query regarding the ratification status of the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (APM Convention).²⁹¹ The participating states were invited to provide each other and the CPC with written replies to the questionnaire by 15 March 1998 and, subsequently, by 15 December each year. The questions concern: the signing and/or ratification of the Amended Protocol II and the APM Convention; landmine-related efforts in the Conference on Disarmament; adopted legislation or other measures regarding APMs; and de-mining efforts and victim assistance.²⁹²

²⁸⁸ The Amended Protocol II is reproduced in *SIPRI Yearbook 1998* (note 100), pp. 559–67.

²⁸⁹ For more on the German steps and initiatives see OSCE, 'Statement by the German delegation to the Forum for Security Co-operation', FSC document FSC.JOUR/210, annex, 3 Dec. 1997.

²⁹⁰ Lisbon Document (note 94).

²⁹¹ The text of the convention is reproduced in *SIPRI Yearbook 1998* (note 100), pp. 567–74. It entered into force on 1 Mar. 1999.

²⁹² OSCE, FSC document FSC.DEC/14/97, 3 Dec. 1997.

In this spirit, in March 1999 Bulgaria and Turkey signed an agreement (subject to ratification) on the non-use of APMs and their removal or destruction in border areas.²⁹³

The scope of this OSCE transparency measure is not comparable with the APM Convention, but it sends an important signal that the participating states are aware of the inhumane nature of these weapons. As of August 2004, 43 OSCE states were parties to the convention, 2 were signatories and 10 had yet to sign it. In addition, 39 OSCE states are parties to the Amended Protocol II. In the light of this and of the November 2003 adoption of the CCW Convention Protocol V on explosive remnants of war, several participating states proposed that the OSCE questionnaire be updated to reflect the new situation.²⁹⁴

VIII. Small arms and light weapons

Although acute international awareness of the havoc wrought by small arms dates back to the first half of the 1990s, the spread of small arms and light weapons was not seriously addressed by the OSCE until 1999.²⁹⁵ On 16 November, on the initiative of the European Union and Canada, the OSCE states decided to include the problem of the spread of small arms as a prioritized item on its agenda after the OSCE summit meeting in Istanbul and to launch ‘a broad and comprehensive discussion on all its aspects’.²⁹⁶ FSC Working Group B was tasked with analysis of the issue, and a seminar to examine concrete meas-

²⁹³ Bulgarian–Turkish Agreement on Non-use of Anti-Personnel Mines and their Removal from or Destruction in the Areas Adjacent to their Common Border, Sofia, 21 Mar. 1999. The text is reproduced in OSCE, ‘Overview of regional and bilateral agreements on confidence- and security-building measures and other specific security issues related to the OSCE area, update February 2004’, FSC Document FSC.GAL/20/04,corr.1, 26 Feb. 2004. Bulgaria ratified the APM Convention on 4 Sep 1998; Turkey acceded to it on 25 Sep. 2003.

²⁹⁴ OSCE, ‘Delegations of Belarus, Canada, Croatia, Germany, Norway, Poland and the Netherlands, an updated questionnaire on landmines and explosive remnants of war: food for thought’, FSC document FSC.DEL/65/04, 3 Mar. 2004. For a list of parties and signatories see the International Campaign to Ban Landmines Internet site at URL <<http://www.icbl.org>> and the UN Internet site at URL <<http://disarmament.un.org:8080/TreatyStatus.nsf/CCWC%20Amended%20Protocol%20II?OpenView>>.

²⁹⁵ In this chapter the term ‘small arms’ is used for ‘small arms and light weapons’, for which there is as yet no internationally agreed definition. The OSCE Document on Small Arms and Light Weapons offers one definition.

²⁹⁶ OSCE, ‘Decision no. 6/99’, FSC document FSC.JOUR/275, 16 Nov. 1999. In the early stages of SALW negotiations some states (e.g., Poland and Turkey) suggested that the issue of ammunition should also be included in the future document.

Table 6.6. Small arms and light weapons

Type of measure	Description
General	Combat illicit trafficking of small arms in all its aspects; reduce and prevent destabilizing accumulation and uncontrolled spread of small arms; restraint in transfers; secure stockpiles; contribute to early warning, conflict prevention, crisis management and post-conflict rehabilitation; combat terrorism
Transparency	Information exchanges on national marking systems; national procedures for the control of manufacture; national legislation and practice in export policy; control over international arms brokering; destruction techniques and procedures; the import and export of small arms in the OSCE area; small arms seized and destroyed; stockpile management and security procedures; and national points of contact
Constraints	National control over the manufacture, marking and record-keeping on small arms; common export criteria based on the 1994 OSCE document on Principles Governing Conventional Arms Transfers; the import, export, transit procedures, documentation and control over international brokering; reduction in surplus weapons and national management and security of stockpiles; and identification of destabilizing accumulation of small arms that threatens the security environment; export controls on MANPADS
Reinforcing confidence	Cooperation in law enforcement; best-practice guides; voluntary invitations to observe small arms destruction; menu of confidence-building, security and transparency measures; and FSC's expert advice on SALW destruction
Monitoring compliance	Regular review of national implementation in the Forum for Security Co-operation: ad hoc meetings of small arms experts; scope and content kept under regular review

Sources: OSCE, Document on Small Arms and Light Weapons, 24 Nov. 2000, URL <<http://www.osce.org/docs/english/fsc/2000/decisions/fscew231.htm>>; OSCE Conflict Prevention Centre, 'Development of CSBM in the CSCE/OSCE framework', 19 Mar. 2001; OSCE, 'Decision no. 7/03: man-portable air defence systems (MANPADS)', FSC document FSC.DEC/7/03, 23 July 2003; and OSCE, 'Decision no. 3/04: principles for export controls of man-portable air defence systems (MANPADS)', FSC document FSC.DEC/3/04, 26 May 2004.

ures was held on 3–5 April 2000. The aim of the seminar was to identify areas within which the FSC might develop specific measures. It focused on related norms and principles such as combating illicit

trafficking, on issues related to the reduction of small arms and on post-conflict stabilization.²⁹⁷ The FSC began negotiation of an OSCE document on small arms in the summer of 2000. Three draft documents which had been submitted to the FSC served as the basis for negotiation. Since the start of the talks most of the OSCE states had aimed to create a 'living' (evolving) document. Their intention was both to overcome the reluctance of Russia and the other CIS states and to achieve a satisfactory outcome.

The OSCE Document on Small Arms and Light Weapons took effect on 24 November 2000 with the aim of providing 'a substantial contribution' to the 2001 UN Conference on Illicit Trade in Small Arms and Light Weapons in All Its Aspects.²⁹⁸ The document is a declaration of the political will of the participating states to combat illicit trafficking in small arms, but it does not create a regime, nor does it envisage enforcement mechanisms. Its main instruments are voluntary transparency measures, constraints and information exchanges (see table 6.6). In this sense, it constitutes another norm- and standard-setting measure, supplementing in particular the 1993 Principles Governing Conventional Arms Transfers and the 1994 Code of Conduct on Politico-Military Aspects of Security.

Most of the world's major arms producer and supplier states are OSCE participating states. Many of them are also recipients of small arms or are affected by the trade in small arms—especially those states located in Central Asia, the Caucasus and South-Eastern Europe. Actions taken by the OSCE provide a regional dimension that can support and complement the implementation of global measures.

The document on SALW contains a comprehensive Programme of Action to introduce strict standards and measures to restrain transfers, secure stockpiles and remove weapons from circulation. It focuses on goals, norms, principles and transparency measures for small arms as well as on common export criteria and export controls (e.g., information exchanges; import, export and transit procedures and documentation; control over international arms brokering; measures to improve cooperation in law enforcement; and transparency measures).

The OSCE states seek to combat illicit trafficking, reduce excessive accumulation of small arms and control their spread by a variety of

²⁹⁷ OSCE, FSC document FSC.DEC/4/00, 8 Mar. 2000.

²⁹⁸ The document was adopted at the FSC on 24 Nov. 2000. OSCE, FSC document FSC.DOC/1/00, 24 Nov. 2000.

means. These include: (a) exercising restraint on their own holdings of small arms; (b) ensuring that small arms are produced, transferred and held for only 'legitimate defence and security needs'; (c) developing appropriate confidence-building, security and transparency measures; (d) ensuring that small arms are assessed by the OSCE as part of an overall security assessment of individual countries; and (e) developing measures to regulate small arms in post-conflict situations.

The regulation of small arms will become an integral part of the OSCE's broader efforts in the areas of early warning, conflict prevention, crisis management and post-conflict rehabilitation. Various measures are envisaged to this end, such as the identification of destabilizing accumulations or the uncontrolled spread of small arms; collection and control programmes for small arms in post-conflict stabilization activities; ensuring that individuals with appropriate expertise are included in relevant OSCE field missions; extension of the mandate of future OSCE missions to include small arms issues; promoting sub-regional cooperation, especially in areas such as border control, in order to prevent the resupply of small arms through illicit trade; and sponsoring public education and awareness programmes that highlight the negative aspects of small arms.

The document contains a set of commitments for the 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.²⁹⁹

At the multilateral level, exchanges are to be held on: (a) national marking systems; (b) national procedures for the control of arms manufacture; (c) national legislation and current export policy practice, procedures and documentation; (d) control over international arms brokering; and (e) destruction techniques and procedures.³⁰⁰ All of these are one-off exchanges, but updated information is submitted when necessary.

²⁹⁹ The states agreed to review the scope and content of the document regularly. Small arms have also been discussed at the AIAMs of the OSCE since 2001.

³⁰⁰ 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.

The participating states began to exchange information in 2002, and continue to do so on an annual basis, on exports and imports from other OSCE states and on illegal small arms seized and destroyed on their territory.³⁰¹ By 30 June 2002 they had exchanged information of a general nature about their national stockpile management and security procedures. At the SALW overview meeting, on 30 June 2001, the participating states 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 January 2002 the Conflict Prevention Centre presented the results of the SALW information exchange overview, which had taken place on 30 June 2001.³⁰² The overview covered the above-mentioned five areas of information exchange. Most reports reviewed by the CPC contained extensive and detailed information on several of these items. In general, however, some elements were under-reported, especially as regarded marking systems, export policies and arms brokering. Only the item on the destruction of small arms was viewed as being well reported, although even here the periods covered by the reports varied. Consequently, it was determined that there was a need for more thorough and consistent information. The FSC developed 'templates' for the 2002 information exchange in order to standardize the reports in March 2002.

The CPC provided a 'model answer' in time for the 2001 exchange. It created reporting guidelines for those states that had not submitted reports and for those states that intended to provide an update of their reports.³⁰³ The model answer was also transmitted to the UN for distribution among its members.³⁰⁴

In July 2002 the FSC decided to develop a set of best-practice guides (rules) on eight different areas relating to various stages of the service life of SALW.³⁰⁵ The elaboration of the best-practice guides

³⁰¹ A format for this exchange is attached to the SALW Document. The deadline is 30 June each year.

³⁰² 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', FSC document FSC.GAL/9/02, 23 Jan. 2002

³⁰³ OSCE, 'Model answer for the OSCE information exchange on SALW 2001', FSC document FSC.GAL/39/02, 27 Mar. 2002.

³⁰⁴ OSCE, 'Decision no. 9/02: provision of the model answer for the OSCE information exchange on SALW to the United Nations', FSC document FSC.DEC/9/02, 3 July 2002.

³⁰⁵ These areas are the following: (a) national controls over manufacture; (b) marking, record-keeping and traceability; (c) national procedures for stockpile management and security; (d) national control of brokering activities; (e) export control; (f) definition and indicators

was completed in mid-2003, and the results were presented to the first Annual Security Review Conference in June 2003. A handbook compiling the guides was published at the end of 2003.

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.³⁰⁶ In November 2002 the FSC provided its first 'expert advice' to the Permanent Council on how to implement Section V, and the proposal was considered at the Porto OSCE Ministerial Council Meeting on 6–7 December 2002.³⁰⁷ The Ministerial Council declared that full implementation of the SALW Document is an important aspect of the OSCE's work to combat terrorism.³⁰⁸ In 2003 Belarus was the first country to request the FSC's expert advice on its project for destruction and control of excess SALW.

In response to concerns expressed by the participating states at the first ASRC regarding shoulder-fired rockets (so-called man-portable air defence systems, MANPADS) and their potential diversion into the illicit market and access to them by terrorists, the FSC noted that the SALW Document could effectively address the threat. Consequently, it promoted the application of effective and comprehensive export controls for MANPADS and the use of existing mechanisms under the document to destroy excess holdings of these weapons and ensure the security and integrity of national stockpiles.³⁰⁹

In the light of the attractiveness of small weapons for non-state actors, including terrorists, the issue of SALW supplies to such actors is currently being reviewed. At the first ASRC, in 2003, the question was raised whether the OSCE standards in this field should be applicable to transfers outside the OSCE area.

In December 2003 the 33 members of the Wassenaar Arrangement agreed to increase export controls on MANPADS, institute tougher

of a surplus; (g) national procedures for destruction; and (h) best-practice guide on SALW in disarmament, demobilization and reintegration (DD&R) processes. The text is available at URL <<http://www.osce.org/events/mc/netherlands2003/handbook/>>.

³⁰⁶ 'Bucharest Plan' (note 60). See also OSCE roadmap (note 61).

³⁰⁷ OSCE, 'Decision no. 15/02: expert advice on implementation of section V of the OSCE Document on Small Arms and Light Weapons', FSC document FSC.DEC/15/02, 20 Nov. 2002.

³⁰⁸ OSCE, 'OSCE Charter on preventing and combating terrorism', OSCE document MC(10).JOUR/2, Annex 1, 7 Dec. 2002, para. 27.

³⁰⁹ OSCE, 'Decision no. 7/03: man-portable air defence systems (MANPADS)', FSC document FSC.DEC/7/03, 23 July 2003.

national legislation regulating arms brokers and exchange information on their exports of small arms. In response, the OSCE states agreed to adopt principles developed under the Wassenaar Arrangement and incorporate them into their national practices or regulations (i.e., as regards surface-to-air missile systems, strict control conditions and evaluation criteria).³¹⁰ This action essentially doubled the number of nations that have pledged to abide by these controls. The participating states will report transfers and re-transfers of MANPADS using the OSCE SALW Document's information exchange requirements. The participating states also agreed to promote the application of these to non-OSCE countries.

As of mid-2004, two aspects of the SALW Document were on the FSC agenda: a draft decision concerning the elaboration of Standard Elements for End-user Certificates (EUCs), and norms for small arms brokering (Verification Procedures, Principles on the Control of Brokering in Small Arms). Some states expressed the hope that, after having concluded the EUC decision and brokering issues, an 'enhancement analysis' of the whole spectrum of all SALW efforts could be undertaken.

IX. Surplus ammunition

A problem which has provoked increasing interest is the issue of excessive surplus stockpiles of ammunition, explosive material and detonating devices, which generally are a legacy of the cold war and of conflicts in the first post-cold war decade.³¹¹ The presence of surplus ammunition in the OSCE area creates various risks and has the potential to harm both people and the environment. In addition, possible illicit trafficking and the uncontrolled spread of surplus ammunition, especially to terrorists and criminal groups, may adversely affect the security of the OSCE participating states. In 2002 France and the Netherlands proposed that the FSC include in its work programme the issue of security risks created by surplus stockpiles of

³¹⁰ OSCE, 'Decision no. 3/04: principles for export controls of man-portable air defence systems (MANPADS)', FSC document FSC.DEC/3/04, 26 May 2004.

³¹¹ For broader discussion of the legacy of the cold war, see Bailes, A. J. K., Melnyk, O. and Anthony, I., *Relics of Cold War: Europe's Challenge, Ukraine's Experience*, SIPRI Policy Paper no. 6 (SIPRI: Stockholm, 2003), available at URL <<http://editors.sipri.se/recpubs.html>>.

Table 6.7. The 2003 OSCE Document on Stockpiles of Conventional Ammunition

Type of measure	Description
General	Avoid harm to local populations and the environment as well as prevent terrorists and criminal groups from acquiring it; enhance transparency on surplus stocks; establish a practical procedure, requiring minimal administration, to provide assistance in the destruction of stockpiles and/or upgrading stockpile management and security practices; list categories of conventional ammunition, including small arms and light weapons, major weapon and equipment systems including missiles, rockets, anti-personnel and other mines, other conventional ammunition, explosive material and detonating devices; note states' responsibility for their stockpiles; and establish the Conflict Prevention Centre (CPC) as the point of contact
Transparency	Voluntary exchange of information on surplus stockpiles; states requesting assistance provide information about the stockpiles concerned on a 'model questionnaire'; donor states that offer assistance or funds provide information on another 'model questionnaire'; and both questionnaires to be provided to all participating states and the CPC
Reinforcing confidence	Procedure for providing assistance, including direct and indirect OSCE involvement; forms of assistance: financial, information collection, risk assessment, elaborating programmes for stockpile destruction, teams of experts and training of personnel; regular review of the scope, content and implementation of the document; and possible development by the Forum for Security Co-operation of a best-practice guide for destruction, management, and control techniques and procedures

Sources: Compiled by the author; and OSCE, 'Document on Stockpiles of Conventional Ammunition', FSC document FSC.DOC/1/03, 19 Nov. 2003.

ammunition and explosives for use in conventional armaments (other than small arms) and by stocks awaiting destruction in the OSCE area.³¹² The purpose of the initiative was to develop principles, standards and measures to address such situations and to administer offers

³¹² 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', FSC document FSC.DEC/18/02, 27 Nov. 2002.

of assistance by OSCE participating states (see table 6.7).³¹³ An OSCE workshop was held in May 2003 to discuss various aspects of the problem.³¹⁴ Several such conventional ammunition stockpiles are already covered by disposal programmes. For example, NATO contributes to a programme to dispose of the surplus stockpiles in Albania; the OSCE has a similar project in Georgia; and Belarus and the Czech Republic carry out national programmes. However, current efforts are not sufficient to deal with the magnitude of the problem. Furthermore, the problem is likely to increase rather than decrease in some countries as more ammunition becomes redundant.

On the basis of the experience of states and the exchange of views at the May workshop, on 1 December 2003 the OSCE participants adopted a new document, the OSCE Document on Stockpiles of Conventional Ammunition,³¹⁵ which complements the Document on Small Arms and Light Weapons. The new document is politically binding and encompasses all categories of conventional ammunition. It aims to enable the participating states to strengthen their national capacities so that they can deal with their own specific problems related to stockpiles of conventional ammunition. The document includes measures of a voluntary, transparent and complementary character. The CPC will act as a clearing house and bring together countries which request assistance, donor countries and other international actors. Belarus and Russia have requested the OSCE to help them destroy excess stockpiles of ammunition under their control.

The experience gained in the destruction of ammunition, management of stockpiles and security is expected to be used to develop a best-practice guide, similar to that for small arms. It is hoped that the Document on Stockpiles of Conventional Ammunition will serve as a reference tool for other organizations, regions and countries.

³¹³ OSCE, 'Statement on the proposed draft decision submitted by France and the Netherlands to the Forum for Security Cooperation', FSC document FSC.JOUR/369, 10 July 2002.

³¹⁴ OSCE, Workshop on Security Risks Arising from Stockpiles of Ammunition and Explosives for Use in Conventional Armaments in Surplus or Awaiting Destruction in the OSCE Area, Vienna, 27–28 May 2003; OSCE, 'Delegation of France, delegation of the Netherlands: Chair's report', FSC document FSC.DEL/247/03, 17 June 2003. During the workshop, several countries were identified as having particularly large stockpiles of surplus ammunition and explosives. These are Albania (108 000 tonnes), Belarus (99 000 tonnes), the Czech Republic (100 000 tonnes), Georgia (thousands of tonnes) and Ukraine (250 000 tonnes). Other countries known to have large stockpiles on their territory are Russia and Moldova (the latter possessed some 20 000 tonnes in early 2004).

³¹⁵ OSCE, 'Document on Stockpiles of Conventional Ammunition', FSC document FSC.DOC/1/03, 19 Nov. 2003.

7. Regional CSBMs

I. Introduction

Since the end of the cold war the focus of CSBMs in Europe has shifted towards specific European regions,³¹⁶ which is where the main challenges to peace and stability have arisen. The CSCE/OSCE participating states have always been aware that such challenges would present themselves, but finding the best way to utilize CSBMs to address the problem of regional crises and conflicts has nonetheless been difficult. The formidable obstacle was the fear of fragmentizing, and thus undermining, European security. The Balkan crisis and the break up in the early 1990s of two federative states—the Soviet Union and Yugoslavia—demonstrated both the relative inadequacy of traditional CSBMs and the need for solutions below the pan-European level. New measures were clearly needed to meet the challenges arising from the changes in Europe. Such measures should not necessarily have state-to-state application or a status quo-preserving function but should instead serve to strengthen confidence and stability in an environment where violations of commitments largely stem from intra-state, national, historical and ethnic roots. In such an environment, the elaborate parameters established for cold war-related threats of a mass-scale attack or other similar contingencies appear to be of relatively minor value. The OSCE states have employed new, more appropriate measures to address regional situations. They have also faced the challenge of further strengthening the European confidence-building regime without creating divisions among its participants or singling out any state for special treatment.

II. The Forum for Security Co-operation and regional measures

The development of new stabilizing measures for military forces and of new CSBMs designed to ensure greater transparency in the military area were among the objectives proclaimed by the Forum for Security Co-operation. The participating states agreed that such measures

³¹⁶ For the use of the term 'region' in this report, see note 10.

could be of a regional character and/or apply in relation to certain border areas.³¹⁷

Regional problems were of particular concern for the states that felt disadvantaged in terms of their local security, and two proposals on regional security issues were tabled in the FSC soon after it began its work. The three Baltic states submitted a proposal for an informal, open-ended group to initiate work on a conceptual definition of regional issues and measures and on the identification of possible regional subjects for discussion and negotiation in the framework of ad hoc working groups.³¹⁸ A proposal submitted by Cyprus suggested criteria for defining regional issues and for steps and procedures that could be applied to deal with such an issue.³¹⁹ In addition, the FSC discussed a proposal made by an informal CSCE grouping, the so-called 'Friends of Bosnia' (Albania, Austria, Bosnia and Herzegovina, Croatia, Hungary, Slovenia, Turkey and the USA), in a 'Conceptual Outline' for an Arms Control Arrangement for the South-Eastern European Region. It called for the establishment of limitations and reductions of conventional arms and equipment and of military and paramilitary personnel 'in the space' of the former Yugoslavia.³²⁰

The FSC's discussion of regional security began in March 1994 but ground to a halt. In June 1994 Poland submitted a paper on 'illustrative regional CSBMs complementary to the Vienna Document 1992', which entailed lower thresholds than those in the CSBM regime. In September, Poland also proposed an all-European arms control and verification agency and a single implementation assessment body, which would deal with regional cooperative measures.³²¹ A November 1994 US proposal advocated short-term measures on transparency; exchange of information on force size, structure and location; hot-lines; CSCE civilian monitoring; withdrawal of forces from certain

³¹⁷ 'Helsinki Decisions' (note 30). The idea of 'regional tables', at which the representatives of states of a region or sub-region could develop arms control, CSBM or conflict prevention agreements was launched as early as the run-up to the Helsinki Summit 1992. *Focus on Europe*, no. 26 (Dec. 1991), p. 5. Russia was particularly afraid of being singled out as a result of such schemes.

³¹⁸ CSCE document CSCE/FSC/SC.19, 16 June 1993.

³¹⁹ CSCE document CSCE/FSC/SC.20, 23 June 1993.

³²⁰ For more on these ideas see Kokkinides, T., British American Security Information Council (BASIC), 'Reducing military tensions in South-Eastern Europe', *Basic Reports*, no. 37 (11 Apr. 1994), pp. 1–2. Hungary was the first to introduce, at the London peace conference in Aug. 1992, the idea for a South-East European regional security framework.

³²¹ CSCE document CSCE/FSC/DOC.3385, 22 June 1994; and CSCE document CSCE/FSC/SC.29, 7 Sep. 1994.

areas; limits on certain military activities; and the disbanding of irregular forces. In addition, at a later stage, the US proposal envisaged further measures such as limitations on various categories of military equipment and manpower and reductions to stable, balanced force levels accompanied by appropriate verification and information procedures and cooperatives measures. The initiative was initially limited to the former Yugoslavia, with the intention of expanding it later to embrace other South-East European states.³²² The 1994 Budapest CSCE Decisions instructed the FSC to place special emphasis on such regional issues (including crises) and to use approaches that were appropriate for each case. This was connected *inter alia* with CSBMs and the need to address small arms, which had wrought havoc in regional conflicts. The Vienna Document 1994 encouraged states to take bilateral, multilateral and regional measures to increase transparency and confidence regarding military activities below the thresholds for notification and close to national borders, to invite observers to non-notifiable exercises, and to provide information on such measures to the CPC.³²³

An FSC seminar on regional arms control was held in Vienna on 10–12 July 1995. Among the items on the agenda were the role of various CSBMs and stabilizing measures, tailoring and applying them to regional concerns, further tasks for the FSC and integration of regional CSBMs into the FSC framework.³²⁴ The seminar established guidelines for regional and bilateral accords in order to ensure complementarity with OSCE-wide efforts and avoid fragmentation of Europe's security space. As a follow-up to the seminar, the FSC decided to accelerate its efforts on regional security problems, including crises. It entrusted Working Group A with the task of developing regional measures, including those aimed at arms control, disarmament and CSBMs. The measures covered a broad spectrum of situations ranging from conflict prevention to conflict settlement.³²⁵

The idea of 'regional tables' within the OSCE was discussed in this context. Various proposals were made for a catalogue of regional measures (by Poland and the UK), the principles for such measures

³²² British American Security Information Council, 'The CSCE Review Conference and Summit: decisions made and deferred', BASIC Papers, Occasional Papers on International Security Issues, no. 7 (4 Jan. 1995), p. 4.

³²³ Vienna Document 1994 (note 33), Chapter VIII. Compliance and verification, para. 136.

³²⁴ FSC, *Journal*, no. 114 (24 May 1995).

³²⁵ OSCE, FSC document FSC.DEC/16, 4 Oct. 1995.

(by Austria and Poland) and verification at the regional level (by the UK). Sweden proposed that states should tackle the broader issue of regional security cooperation instead of regional arms control. The possible candidates for such regional measures included the Balkans, the Baltic Sea region, the Caucasus and Central Asia.³²⁶

In the discussion of the regional measures to be included on the future agenda of the FSC, France, Germany and Poland proposed launching a process of informal and open-ended regional consultations on the development of confidence- and transparency-building measures, especially in border areas (e.g., joint commissions and military contacts); on regional instabilities affecting the internal and external security of states; on lessening the concentration of forces in border areas (e.g., through additional transparency measures); and on exchange of information and dialogue in the context of naval cooperation on a regional basis.³²⁷

At the Vienna OSCE Review Meeting 1996, held on 4–22 November, attention focused on the Balkan regional agreements, the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement) and the 1996 Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina,³²⁸ and on the 1996 Agreement on Sub-Regional Arms Control (Florence Agreement) for the former Yugoslavia.³²⁹ The participants concluded that the regional initiatives taken since the 1994 Budapest Review Conference had not been successful for various reasons: the difficulty of defining the region and the measures to be employed; the risk of regional approaches becoming an excuse for a policy of domination

³²⁶ *Österreichische Militärische Zeitschrift*, no. 5 (1995), p. 573.

³²⁷ OSCE, FSC document REF.FSC/368/96, 25 Sep. 1996. The USA, which strongly opposes any OSCE-wide naval measures, is willing to support regional arrangements of this type.

³²⁸ General Framework Agreement for Peace in Bosnia and Herzegovina, Dayton, Ohio, 14 Dec. 1995, Annex 1-B, Regional Stabilization, URL <<http://www.oscebih.org/essentials/gfap/eng/annex1b.asp>>; and Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina, 26 Jan. 1996, URL <http://www.oscebih.org/regional_stab/pdf/article2-eng.pdf>.

³²⁹ The Florence Agreement, also known as the Article IV Agreement, was signed by Bosnia and Herzegovina and its two entities (the Muslim–Croat Federation of Bosnia and Herzegovina and the Republika Srpska) and by Croatia and the Federal Republic of Yugoslavia (now Serbia and Montenegro). It remains the only structural (i.e., dealing with arms reductions and limitations) regional arms control arrangement still operating below the European level. Its distinguishing feature is that compliance is monitored and assisted by the international community. The military security of the sub-region is built on a balance of forces among the local powers. The text of the Florence Agreement is available at URL <http://www.oscebih.org/security_cooperation/?d=4>.

by one local power; and the challenge of maintaining a proper balance between the regional approach and the general framework (Vienna Document). As the rapporteur stated, 'a great deal of work remained to be done'.³³⁰

The 1996 Lisbon Summit reaffirmed, both in the OSCE Framework for Arms Control and in drawing up the agenda for future OSCE work, that the FSC should continue to address regional measures 'where implementation had so far been less than satisfactory and an agreed conceptual framework was still far off'.³³¹ The 1996 Review Meeting and the Lisbon Summit reiterated the value of the regional approach, but the OSCE participants failed to make progress on a conceptual framework. The Lisbon Document encouraged states to address regional challenges both in the FSC and on an informal and open-ended basis and recommended a more effective use of 'stabilizing measures for localized crisis situations', as agreed in 1993. Such initiatives might include measures tailored to the region and complementing OSCE-wide efforts, with the aim of consolidating or increasing transparency and predictability, promoting good relations in the military field and reducing tension. The experience in the former Yugoslavia was of major importance in this regard. Bilateral solutions also gave inspiration for the better use of existing mechanisms and measures in a sub-regional context.

The FSC decision to review the Vienna Document envisaged measures 'aimed at strengthening regional transparency, predictability and cooperation within the overall framework of OSCE commitments'.³³² The 1998 AIAM demonstrated the divergent views of states on regional CSBMs. Some states argued in favour of regional steps, while others warned of 'fragmentation' of European security. Smaller countries, especially Latvia and Lithuania, expressed concern that a Dutch proposal on regional CSBMs might create competition between the OSCE-wide and regional measures, weakening the former at the expense of the latter.

³³⁰ OSCE, Review Meeting 1996, Reports by the Rapporteurs, Vienna, 22 November 1996, REF.RM/321/96, 22 Nov. 1996, available at URL <<http://www.osce.org/docs/english/1990-1999/rcs/rerap96e.htm>>.

³³¹ Lisbon Document (note 94), section IV.

³³² OSCE, 'Decision no. 15', FSC document FSC.DEC/15/97, 10 Dec. 1997.

A menu of regional CSBMs

In March 1998 the Netherlands submitted a proposal for a 'menu of confidence and security building measures in support of regional security processes',³³³ which elaborated on earlier suggestions by France, Germany and Poland. It was to serve as a reference list for countries willing to engage in regional dialogues and processes. The Netherlands suggested that the list could be included in a revised Vienna Document as an optional chapter or added as an optional protocol or annex. The Dutch list included both military and non-military regional measures. However, it favoured military measures. In 1998 the Dutch and other proposals and initiatives (by Finland, Germany, Poland, Sweden and other states) prompted intensive discussion in the FSC and in its working group on regional issues.

The regional CSBMs proposed by the Dutch delegation covered measures inspired by the Vienna Document, the CFE Treaty, the Open Skies Treaty, the stabilizing measures for localized crisis situations and proposals concerning maritime activities. The military measures could be built on existing CSBMs and refined according to the specific situation. The potential refinements might concern: (a) more frequent information exchanges on force planning, military strategy and doctrines; (b) more frequent inspections and evaluations for neighbouring countries; (c) intensification of military contacts and cooperation; (d) strengthened provisions for military activities, especially with regard to border areas; and (e) further development of the provisions on risk reduction and the like.

As regards exchange of information, the states could provide additional and more detailed information (e.g., on paramilitary forces, border guards, reserve forces, internal security forces, etc.) down to battalion or company levels and notify some qualitative changes. Lowering information thresholds (e.g., on 75-mm instead of 100-mm artillery) was suggested. Other measures could concern existing mechanisms for notification of unusual military activities, such as the obligation to notify in cases of unusual and unscheduled activities; the establishment of hotlines between the respective capitals, defence and interior ministries, military staff operational headquarters and units in bordering areas; and the reduction of the time limits for responding to requests for explanations from another state. Exchange programmes

³³³ FSC document FSC.DEL/53/98, 11 Mar. 1998.

for military attachés and obligatory and more frequent visits to army and naval bases could be considered. A proposal was made for the lowering of the thresholds for notification of military activities and for invitations for observation of non-notifiable exercises, including those in border areas, by observers and representatives from other states. As regards constraints, a further reduction in the maximum number of large military activities could be envisaged. Also encouraged were additional inspections and evaluation visits; increased evaluation teams, preferably of multinational character; the use of national technical means as well as bi-national and regional verification agencies; and regional implementation assessments meetings and seminars.

Along with suggestions to negotiate regional arms control accords (based on the CFE Treaty and the Florence Agreement), open skies arrangements were suggested (i.e., voluntary additional observation flights by neighbouring countries, and widening the range and scope of such flights). States were encouraged to establish demilitarized zones in border areas, with restrictions on the presence of heavy equipment and military personnel, and to stop flights by armed aircraft over specific border areas.

For maritime activities, the OSCE participating states could also refrain from conducting exercises in the immediate vicinity of naval forces of another country, especially in border areas; notify and invite observers to some exercises; invite neighbouring countries to participate in such exercises; ensure transparency and rapid communication between vessels of neighbouring states; and cooperate in and provide information on emergency situations, search-and-rescue operations, and maritime peacekeeping operations and exercises.³³⁴

Since June 1998 the FSC plenary meetings have concentrated on the regional dimension of security and on regional measures. General principles have been proposed as guidelines for regional efforts.³³⁵ Regional measures should not conflict with existing obligations nor be pursued at the expense of furthering the CSBM process; initiatives should stem from the states directly concerned and all participants should enjoy equal status; measures should be tailored to the specific needs of each participant and implemented as an expression of the free will of the regional partners; the regional framework should be open-

³³⁴ FSC.DEL/53/98 (note 333); and OSCE, 'Vienna Document revision: regional issues, note by the co-ordinator', FSC document FSC.VD/29/98, 3 Sep. 1998.

³³⁵ See the Polish position paper, OSCE, 'Regional CSBMs in the modernized Vienna Document', FSC document FSC.DEL/237/98, 2 Sep. 1998.

ended and transparent; and regional measures should be linked to broader Euro-Atlantic security processes. The OSCE should facilitate and support the implementation of regional CSBMs: regular FSC meetings should be devoted to regional security, the OSCE should serve as the depositary or repository of agreements and as a forum for negotiation; and technical assistance should be provided.

On 16 November 1999 the Vienna Document 1999 was adopted in Istanbul by the FSC. The most important addition is Chapter X, which envisages complementing OSCE-wide CSBMs with voluntary political and legally binding measures tailored to regional needs. Chapter X set out criteria (principles) for the creation of such measures, which should: (a) be in accordance with the basic OSCE principles; (b) contribute to strengthening security and stability in the OSCE area; (c) add to existing transparency and confidence; (d) complement existing CSBMs; (e) comply with international laws and obligations; (f) be consistent with the Vienna Document; and (g) not endanger the security of third parties in the region.

It has been proposed that the FSC be the repository of regional CSBM agreements and assist to develop, negotiate and implement regional measures. Chapter X also presents possible measures for regions and border areas. A list of proposals and a compilation of bilateral and regional measures prepared by the Conflict Prevention Centre are to serve as a 'source of inspiration and reference' for participating states. However, Chapter X does not specify the types of situation which they might address.

Generally, there is agreement that regional measures successfully complement OSCE-wide CSBMs and are often better tailored and more specific, focused, cost-effective and flexible. Such measures should not be imposed by outside actors but should help increase stability, transparency, openness and confidence among states. They frequently go beyond the strictly military dimension to embrace non-military steps and mechanisms. However, the growing importance of regional arrangements is perceived as a risk for the Vienna Document. Some analysts fear that the latter might decline in significance in the future unless the relevance of the CSBM network in the OSCE area as a whole is preserved and promoted.³³⁶

³³⁶ OSCE, FSC document FSC.AIAM/51/03, 12 Mar. 2003.

III. Regional arrangements and initiatives

In parallel with the OSCE dialogue on CSBMs, since the early 1990s the participating states have sought to put into effect the ideas which have been discussed at the (sub-)regional and bilateral levels. Since 1991 more than 20 CSBM-related bilateral and multilateral agreements and arrangements have been entered into by European states with the aims of enhancing transparency, openness and confidence; developing military contacts and cooperation; and exchanging detailed information (see table 7.1). The major underlying motives have been to overcome historical resentments, distrust and conflicts; meet NATO and/or EU membership criteria; and encourage neighbouring states to modify their security policies (*vide* Russia vis-à-vis the Baltic states).

The first bilateral agreements were reached in the Balkan region between historical adversaries. The Hungarian–Romanian open skies agreement was the forerunner of the 1992 Treaty on Open Skies³³⁷ and was intended to help overcome the long-standing mistrust between the two countries in the military field. In the following years, two CSBM border agreements were reached between Bulgaria and Turkey (Edirne, 1992) and Greece and Bulgaria (Athens, 1993).³³⁸ In 1995 in Tirana, a document on mutually complementary CSBMs and military contacts was signed by Albania and Turkey, and, in Skopje, a similar agreement was reached between the FYROM and Turkey. They were followed by agreements between Bulgaria and Romania (1995) and Hungary and Romania (1996). These CSBM agreements provided for notification and observation of military activities, inspection of certain border areas and/or military contacts (visits, joint exercises, exchanges of military personnel). Most of these agreements were concluded in the shadow of the conflict in Bosnia.

Additional agreements and arrangements were reached in the latter half of the 1990s. The negotiation of the Vienna Document 1999 stimulated this type of regional endeavour, and states began to provide more information to the FSC and the AIAMs on the implementation of the regional agreements. Hungary, Slovakia and Ukraine signed

³³⁷ See the discussion in chapter 8.

³³⁸ The Bulgarian–Greek ‘Athens Document’ was later replaced by the Vienna accord: Agreement on Complementary Confidence and Security Building Measures, 4 Apr. 2001. See also Bulgarian–Turkish Agreement on Non-use of Anti-Personnel Mines and their Removal from or Destruction in the Areas Adjacent to their Common Border (note 293).

bilateral accords on complementary CSBMs with each other in 1998 and 2000. In 1998 Finland and Sweden each voluntarily accepted one additional inspection and one evaluation visit a year beyond their Vienna Document obligations. Hungary unilaterally offered four additional evaluation quotas in 1998–99. Russia entered bilateral arrangements with Estonia, Finland and Lithuania on additional evaluation visits and exchange of information. Belarus entered into CSBM agreements with Lithuania and Ukraine in 2001. In 2004 Belarus and Poland as well as Poland and Ukraine signed bilateral agreements on complementary CSBMs in their respective border areas.³³⁹

NATO has enlarged by taking in new states, and it can be presumed that some of the bilateral CSBM arrangements between its members will be phased out in coming years. In 1999–2001 voluntary inspections under the bilateral CSBM agreements accounted for some 10 per cent of the total number of such missions in the OSCE area, while voluntary evaluation visits comprised more than 20 per cent of the total for such visits. In 2003 these figures rose to 14 per cent and 39 per cent, respectively.

In the Black Sea region there are also other forums for regional confidence-enhancing security dialogue: the Black Sea Naval Cooperation Task Group (BLACKSEAFOR) for maritime search-and-rescue, humanitarian, de-mining, environmental protection and other operations³⁴⁰ and the South Eastern Europe Defence Ministerial (SEEDM) meetings, which have taken place annually since 1997.

CSBM initiatives in the Baltic Sea region

Since 1994 Poland has been particularly active in promoting both CSBMs and non-military confidence- and security-enhancing measures (CSEMs) in the Baltic Sea region. The various Polish initiatives have been met with interest, but concern has also been expressed.³⁴¹

³³⁹ Belarus and Ukraine informed the 2001 AIAM of their intention to negotiate a CSBM agreement with Poland. The Belarusian–Polish agreement encountered some obstacles (mainly owing to the negotiated area of application) but was signed on 20 July 2004.

³⁴⁰ BLACKSEAFOR was set up by Bulgaria, Georgia, Romania, Russia, Turkey and Ukraine in Apr. 2001. It aims to contribute to the ‘further strengthening of friendship, good relations and mutual confidence’ among the participants through the enhancement of cooperation and interoperability among the naval bases of these countries.

³⁴¹ CSCE document FSC/CSCE/DOC.385, 22 June 1994; and CSCE document REF.FSC/136/95, 7 June 1995.

Table 7.1. Bilateral, sub-regional and regional CSBMs in Europe

Participants	Document and date	Provisions
Hungary, Romania	Agreement on the Establishment of an Open Skies Regime, 15 May 1991 (legally binding)	<i>Observation</i> : right to conduct 4 observation flights/year with a maximum length of 3 hours and a maximum distance of 1200 km; reciprocity as to number of flights per year that must be allowed and accepted; and observed state has the right to 2 flight monitors onboard the observation aircraft and the right to access all areas of the aircraft during the flight <i>Monitoring</i> : Hungarian–Romanian Open Skies Consultative Commission established to promote the objectives and implementation of the provisions of the agreement
Bulgaria, Turkey	‘Edirne Document’ on mutually complementary CSBMs and military contacts, 12 Nov. 1992	<i>Notification</i> : at least 42 days in advance of military activities or start of the transfer of units from outside the zone of application; at least 7500 troops, including support troops, or 150 battle tanks or 150 artillery pieces (at least 100-mm calibre); in a specified zone of application adjacent to the common border <i>Observation</i> : at least 10 000 troops, including support troops, or 200 battle tanks or 200 artillery pieces (at least 100-mm calibre); and once a year observers are to be invited to a military exercise at the level of battalion task force or higher <i>Constraint</i> : exercises involving maximum 2 battalions in 15-km border area in the zone of application <i>Compliance</i> : right to 1 additional inspection/year and 2 evaluation visits/year Additional military contacts
Bulgaria, Greece	‘Athens Document’ Vienna Document 1992 complement- ary CSBMs, ^a 4 Oct. 1993	<i>Notification</i> : at least 7500 troops, including support troops, or 200 battle tanks or 200 artillery pieces (at least 100-mm calibre) in a specified zone of application adjacent to the common border; any military activity at the level of an augmented battalion, a battalion task force or higher scheduled to be conducted in areas adjacent to the signatories’ common borders in a depth of 15 km; and at least

42 days before mobilization of at least 3500 reservists for a division or 1500 reservists for a brigade or 1000 reservists for a regiment

Observation: at least 9000 troops, including support troops, or 250 battle tanks or 200 artillery pieces (at least 100-mm calibre); a military exercise at the level of an augmented battalion, a battalion task force or higher

Compliance: right to 1 additional inspection/year and 2 evaluation visits/year

Observation: observers to be invited to major military exercises at least twice/year

Military *contacts* through mutual visits at flag- and staff-officer level, joint exercises, and exchange of personnel or units; naval visits

Monitoring: annual implementation assessment meeting

Albania,
Turkey

Tirana Document on mutually complementary CSBMs and military contacts, 6 Feb. 1995

Former Yugoslav Republic of Macedonia, Turkey

Skopje Document on mutually complementary CSBMs and military contacts, 20 July 1995

Observation: observers to be invited to major military exercises at least twice/year

Military *contacts* through mutual visits at flag- and staff-officer level, joint exercises, and exchange of personnel or units

Monitoring: annual implementation assessment meeting

Notification: at least 42 days in advance of military activities: at least 6000 troops, including support troops, or 100 battle tanks or 200 armoured combat vehicles (ACVs) or 100 artillery pieces (at least 100-mm) in the specified zone adjacent to the common border

Observation: at least 7500 troops, including support troops, or 150 battle tanks or 300 ACVs or

100 artillery pieces (at least 100-mm) in the zone of application; and a maximum of 4 observers to be invited annually to an exercise at the level of a battalion task group or higher in the zone of application

Constraints: Military exercises above the battalion level may not be conducted in a 15-km zone on both sides of the shared border; no naval bridge unit activities on the Danube

Bulgaria,
Romania

Document on mutually complementary CSBMs and military contacts, 19 Dec. 1995

Participants	Document and date	Provisions
Hungary, Romania	Agreement on CSBMs complementing the Vienna Document 1994 and the development of military relations, 6 Sep. 1996	<p><i>Compliance:</i> right to 2 additional evaluation visits/year and 1 evaluation visit/year to a unit in the zone of application; additional inspections</p> <p><i>Military contacts</i></p> <p><i>Monitoring:</i> annual assessment meeting</p> <p><i>Notification:</i> at least 42 days in advance of military activities; at least 6000 troops, including support troops, or 100 battle tanks or 150 ACVs or 75 artillery pieces (at least 100-mm) or 50 aircraft sorties, including combat helicopters, within an 80-km zone adjacent to the common border</p> <p><i>Observation:</i> up to 5 observers to each notifiable activity; and up to 5 observers to be invited to a military exercise at the level of a mechanized or tank battalion</p> <p><i>Constraints:</i> only military activities at the battalion level within a 30-km zone adjacent to the common border</p>
Hungary, Slovakia	Agreement on CSBMs complementing the Vienna Document 1994 and on the development of military relations,	<p><i>Compliance:</i> right to 2 additional inspections/year and 2 evaluation visits/year</p> <p><i>Military cooperation:</i> 1–2 annual joint training and exercises at the sub-unit level; annual visit to a military facility; constant direct communication line between the defence ministries</p> <p><i>Monitoring:</i> annual assessment meeting</p> <p><i>Notification:</i> at least 42 days in advance of military activities; at least 6000 troops, including support troops, or 100 battle tanks or 150 ACVs or 75 artillery pieces (at least 100-mm); and air force included in notification if 100 or more combat aircraft/helicopter sorties</p> <p><i>Observation:</i> all notifiable activities; and annual invitation of observers to a military exercise at the level of a mechanized infantry or tank battalion task group or higher</p> <p><i>Compliance:</i> right to 2 additional evaluation visits/year and 2 inspections/year</p>

4 Feb. 1998	Agreement on CSBMs and on the development of bilateral military relations, 27 Oct. 1998	Hungary, Ukraine
	<p><i>Cooperation:</i> 1–2 annual joint training and exercises at sub-unit level; annual visit to a military facility</p> <p><i>Monitoring:</i> annual implementation assessment meeting</p> <p><i>Notification:</i> at least 42 days in advance of military activities; at least 6000 troops, including support troops, or 100 battle tanks or 150 ACVs or 75 artillery pieces (at least 100-mm calibre); air force included in notification if 50 or more combat aircraft/helicopter sorties; and zone of application extends in both countries to areas adjacent to state borders to a depth of 125 km</p> <p><i>Observation:</i> invitation of up to 5 observers to a notifiable activity; and annual invitation of up to 5 additional observers to a military exercise at the mechanized or tank battalion level or higher</p> <p><i>Constraint:</i> no exercises at the level of battalion or above in 20-km areas adjacent to the common border</p> <p><i>Compliance:</i> right to 2 additional evaluation visits/year and 1 inspection/year; possible invitation of up to 3 members of the national assemblies and journalists</p> <p><i>Cooperation:</i> 1 annual joint training and exercise at the sub-unit level on the territory of the other state; constant direct communication line between the defence ministries</p> <p><i>Monitoring:</i> annual implementation assessment meeting</p> <p><i>Compliance:</i> 1 additional evaluation visit/year and 1 additional inspection/year</p> <p>Arrangement continues automatically each year</p>	
Finland, Sweden, bilaterally with Denmark, Estonia, Latvia, Lithuania	Arrangement based on an exchange of verbal notes, since 1998	

Participants	Document and date	Provisions
Estonia, Russia	Arrangement based on annual exchange of notes in Vienna, since 1998	<i>Compliance:</i> 1 additional evaluation visit/year <i>Exchange of additional information</i> in accordance with the CFE Treaty information exchange format
Slovakia, Ukraine	Agreement on complementary CSBMs, 30 Aug. 2000	<i>Notification:</i> at least 42 days in advance of military activities: at least 6000 troops, including support troops, or 100 battle tanks or 150 ACVs or 75 artillery pieces (at least 100-mm calibre); air force included in notification if participation of at least 50 combat aircraft/helicopter planned; zone of application extends in both countries to areas adjacent to state borders to a depth of 100 km <i>Observation:</i> invitation of up to 4 observers to notifiable activities over 48 hours duration <i>Constraints:</i> no exercises at the battalion division level or above in a 20-km area adjacent to the common border <i>Compliance:</i> right to 1 additional evaluation visit/year and 1 inspection/year <i>Cooperation:</i> constant direct communication line between defence ministries <i>Monitoring:</i> annual meetings to assess implementation <i>Compliance:</i> 1 additional evaluation visit/year (for Russia only in the Leningrad Military District) Arrangement continues automatically each year
Finland, Russia	Arrangement based on an exchange of verbal notes, since 2000	
Lithuania, Russia	Exchange of notes between the states' missions to the OSCE on complementary CSBMs, 19 Jan. 2001	<i>Compliance:</i> 1 additional evaluation visit/year to Lithuania and the Kaliningrad <i>oblast</i> , respectively Annual <i>exchange of additional information</i> on military forces in Lithuania and the Kaliningrad <i>oblast</i> according to CFE Treaty requirements

Greece, Bulgaria	Agreement on complementary CSBMs, 4 Apr. 2001 ^b	<p><i>Notification:</i> at least 42 days in advance of military activities: at least 7500 troops, including support troops, or 150 battle tanks or 400 ACVs or 150 artillery pieces (at least 100-mm calibre) in the specified zone of application; any military activity at the level of a reinforced battalion or higher scheduled to be conducted in areas adjacent to the signatories' common border to a depth of 15 km, and at least 42 days in advance of mobilization of at least 3000 reservists for a division or 1500 reservists for a brigade or 1000 reservists for a regiment</p> <p><i>Observation:</i> at least 9000 troops, including support troops or 200 battle tanks or 400 ACVs or 200 artillery pieces (at least 100-mm calibre); observers once a year to a military exercise at the level of a reinforced battalion, battalion task force or higher</p> <p><i>Compliance:</i> right to 1 additional inspection visit/year and 2 evaluation visits/year</p> <p>Increased military <i>contacts</i>; and increased military <i>cooperation</i></p>
Belarus, Lithuania	Agreement between the states' missions to the OSCE on complementary CSBM provisions, 19 July 2001	<p><i>Notification:</i> the 'most extensive military activity' carried out which does not reach the Vienna Document notification thresholds</p> <p><i>Compliance:</i> 1 additional evaluation visit/year and 1 additional inspection/year</p> <p><i>Exchange of additional information</i> on armed forces in the bilaterally agreed format</p> <p><i>Monitoring:</i> assessment of the implementation of these CSBMs by meetings of experts</p>
Belarus, Ukraine	Agreement on complementary CSBMs, 16 Oct. 2001	<p><i>Notification:</i> at least 42 days in advance of military activities: at least 5000 military personnel, 100 tanks or 150 ACVs or 75 artillery pieces (at least 100-mm calibre) or 50 sorties of combat aircraft and/or attack helicopters in the zone of application (the border areas of both states) and 1000 military personnel in helicopter or parachute landing; and must inform the other party of the use of military units exceeding agreed levels in emergencies caused by a natural or technological disaster</p> <p><i>Observation:</i> all notifiable military activities</p> <p><i>Compliance:</i> 1 additional inspection visit/year and 1 evaluation visit</p>

Participants	Document and date	Provisions
Bulgaria, Georgia, Romania, Russia, Turkey, Ukraine	Joint declaration and document on CSBMs in the naval field in the Black Sea, 25 Apr. 2002	<p>Bilateral <i>exchange of military information</i> (deployments and activities at and above the level of regiment/brigade) in an agreed format</p> <p><i>Monitoring</i>: annual assessment of implementation of the agreement</p> <p><i>Risk reduction</i>: a mechanism for consultation and cooperation as regards unusual military activities; information to be provided within 48 hours</p> <p><i>Notification</i>: annually provide information on the 2 largest planned national naval activities in the zone of application</p> <p><i>Observation</i>: every 6 years each participating state invites representatives of all other participating states to one of its naval bases or auxiliary naval bases; and on a rotating basis each participating state designates one of its naval exercises as a Confidence Annual Naval Exercise and invites naval representatives and/or units from all other participating states to take part</p> <p><i>Voluntary cooperation and contacts</i> in the naval field: communication channels between the naval commanders; exchange of various types of information (e.g., navigational, ecological etc.); visits between naval experts and officers, invitation of ships to ports or naval bases and exchange programmes for naval officers; and exchange of information on aggregate number of surface combat ships with fully loaded displacement of 400 tonnes (t) and above, submarines with submerged displacement of 50 t and above, amphibious ships and peacetime authorized naval personnel strength deployed by participating states in the zone of application</p> <p><i>Bilateral exchange of naval visits</i> to Finnish bases at Upinniemi or Pansio and Russian bases at Kaliningrad or Kronstadt</p> <p>Since 2000 a number of CBMs have been agreed both in bilateral meetings between the political directors of the foreign ministries and in the North Atlantic Treaty Organization (NATO), including:</p>
Finland, Russia	Bilateral agreement, 16 Oct. 2002	
Greece, Turkey	Bilateral arrangements, 6 Dec. 2000–	

23 July 2003	direct communication channels at foreign and defence minister level; mutual invitations for officers to an annual large-scale exercise; mutual notification of exercise schedules in the Aegean Sea; cooperation between national defence colleges in fields such as science, NATO issues, military doctrine, crisis management, peacekeeping, natural disasters and environmental issues; and exchange of 3–5 personnel for training in the Partnership for Peace Training Centres at Kilkis and Ankara
Belarus, Latvia	<p><i>Notification:</i> the ‘most extensive military activity’ not exceeding the Vienna Document 1999 thresholds</p> <p><i>Exchange of additional information</i> on armed forces on their respective territories, in the bilaterally agreed format</p> <p><i>Compliance:</i> 1 additional evaluation visit/year and 1 additional inspection/year</p> <p><i>Monitoring:</i> expert meetings to evaluate CSBMs, recommend improvements and discuss arms control</p> <p><i>Notification:</i> at least 42 days in advance of military activities in the agreed zone of application; at least 6000 troops including support troops or 150 tanks or 250 ACVs or 150 artillery pieces (at least 100-mm calibre) or 1500 troops engaged in helicopter landing or parachute assault or 100 combat aircraft and/or attack helicopter sorties; in case of activities conducted without advance notice, notification given at beginning of the activity</p> <p><i>Observation:</i> all notifiable military activities; up to 3 observers; no obligation to invite observers to a notifiable activity conducted without advance notice unless it lasts more than 72 hours</p> <p><i>Constraint:</i> no military activity at the battalion level or above, inside the 10-km border area</p> <p><i>Compliance:</i> in the zone of application, 1 additional evaluation visit/year and 1 additional inspection/year; refrain from conducting visits/inspections when third countries hold evaluation visit/inspection</p> <p><i>Monitoring:</i> annual assessment of implementation and working out further recommendations</p> <p><i>Notification:</i> at least 42 days in advance of military activities by armed and paramilitary forces in the agreed border zone: at least 6000 troops including support troops or 100 tanks or 150 ACVs or 75 artillery pieces (at least 100-mm calibre) or 50 combat aircraft and/or attack helicopter sorties</p> <p><i>Observation:</i> all notifiable military activities; in addition, annually up to 5 observers to a military</p>
Poland, Belarus	<p>Set of complementary CSBMs, 20 July 2004</p>
Poland, Ukraine	<p>Agreement on complementary CSBMs, 2004^c</p>

Participants	Document and date	Provisions
		<p data-bbox="257 765 278 1300">activity at the level of a combat battalion or above</p> <p data-bbox="290 320 310 1300"><i>Constraint:</i> no military activity at the battalion level or above, inside the 10-km border area</p> <p data-bbox="322 219 378 1300"><i>Compliance:</i> up to 2 additional evaluation visits and 1 additional inspection; possible invitation of up to 3 parliamentarians and journalists to evaluation visits and inspections</p> <p data-bbox="390 213 410 1300"><i>Monitoring:</i> annual assessment of implementation and working out recommendations for cooperation</p>

^a It was replaced by the 4 Apr. 2001 Agreement on complementary CSBMs.

^b It replaced the 4 Oct. 1993 'Athens Document'.

^c Has not yet entered into effect.

Source: Compiled by the author; and OSCE, 'Overview of regional and bilateral agreements on confidence- and security-building measures and other specific security issues related to the OSCE area, update February 2004', FSC document FSC.GAL/20/04, corr. 1, 26 Feb. 2004.

The Nordic states noted that such endeavours might result in a security division in Europe, leaving them facing the formidable Russia alone. The Baltic states expressed similar concerns as well as the view that a regional regime might be perceived as a substitute for their entry into NATO.³⁴²

As part of the Russian campaign of 'cooperative engagement' in the Baltic Sea region, on 5 September 1997, at a conference organized by Lithuania and Poland in Vilnius, Russian Prime Minister Viktor Chernomyrdin proposed a set of CSBMs for the Baltic Sea states with the aim of making the region into a zone of low military activity.³⁴³ Some of these suggestions were reiterated and supplemented with other suggestions in a speech by President Boris Yeltsin in Stockholm on 3 December.³⁴⁴ The proposed measures included: (a) a hotline between the military commands of the Kaliningrad region and the Baltic states for fast decision making on safe sea and air passage;³⁴⁵ (b) Russia's commitment to hold only training manoeuvres in the Kaliningrad *oblast*; (c) mutual notification of large-scale military exercises in the Baltic states and the neighbouring parts of Russia, including exercises involving forces from non-Baltic states, and the invitation of observers; (d) agreement on procedures for visiting military sites, going beyond the provisions of the Vienna Document; (e) the definition of Baltic Sea areas in which countries would refrain from naval exercises; (f) more reciprocal visits by warships; (g) a zone for joint military control over the airspace of the Baltic states, including these three states, the neighbouring parts of Russia, Poland, Finland and other Nordic countries; (h) joint exercises of military transport aviation; and (i) measures to prevent natural and man-made disasters.

³⁴² Nowak, J. M., 'Regional arms control in Europe (theory and practice)', *Polish Quarterly of International Affairs*, vol. 6, no. 1 (winter 1997), pp. 54–58.

³⁴³ 'Russia: Chernomyrdin offers incentive for Baltic non-alignment', Interfax (Moscow), 5 Sep. 1997, in Foreign Broadcast Information Service, Daily Report—Central Eurasia (FBIS-SOV), FBIS-SOV-97-248, 5 Sep. 1997.

³⁴⁴ 'Text of Yeltsin address on Baltic security', ITAR-TASS World Service (Moscow), 3 Dec. 1997, in FBIS-SOV-97-337, 3 Dec. 1997.

³⁴⁵ After the Stockholm address, the Commander of the Russian Baltic Fleet, Admiral Vladimir Yegorov, stressed that the strengthening of CBMs in the region was a priority—particularly lines of direct communication between the commanders and between their duty services and rescue teams. He stated that such a communication line had already been installed between the air-defence commands of the Russian Baltic Fleet and Poland. 'Russia: Baltic Fleet chief calls for military cooperation in region', ITAR-TASS (Moscow), 8 Dec. 1997, in FBIS-SOV-97-342, 8 Dec. 1997.

Chernomyrdin also stressed that Russia would prefer additional restrictions on military exercises in the Baltic Sea region and the creation of a special arms control zone on the basis of the adapted CFE Treaty. However, all these arrangements were on condition that the Baltic states remain outside any military alliance (e.g., NATO or an alliance with Finland and Sweden). The Russian proposals were received with scepticism. The rhetoric notwithstanding, the other Baltic countries were concerned about the effect that the Russian suggestions would have on their security and political status. Critics pointed out *inter alia* that mutual participation in major exercises, as proposed by Moscow, could occur and was taking place through Partnership for Peace activities; yet Russia had so far been a reluctant participant in this kind of endeavour. The idea of joint control of airspace, a critical question for military integration, would effectively hinder the aspirations of the Baltic states to join NATO. Moreover, the omission of Norway, a NATO member, from the confidence-building area in the Baltic region suggested that Russia's goal was not so much military security collaboration in the eastern Baltic Sea as control of the security policies of the states concerned.

The sweeping CBM initiatives taken in the autumn of 1997 by Russia were unsuccessful chiefly because of the unacceptable conditions attached, which aimed to deny the Baltic states future entry into NATO. Instead, a careful, step-by-step process of confidence building seemed to be developing. On 21 April 1998, Finnish Foreign Minister Tarja Halonen and Swedish Foreign Minister Lena Hjelm-Wallén launched a new initiative for deeper security cooperation in the region at a meeting of the Nordic foreign ministers. The main aims of the proposal were: (a) an increase of the voluntary military inspections carried out among the states in the Baltic Sea region in addition to the quotas of inspections envisaged in the Vienna Document 1998; (b) more efficient cooperation in the areas of crime prevention, border protection, search-and-rescue capabilities, and the safety of civil and military traffic; (c) expanded training in peacekeeping activities; and (d) regional and deeper cooperation within the framework of the Euro-Atlantic Partnership Council.³⁴⁶ With regard to CSBMs, Finland and Sweden declared their intention to exceed the mandatory provisions of the Vienna Document 1994 and to raise their respective passive quotas for evaluation visits unilaterally by one visit each and for

³⁴⁶ *OSCE Review*, vol. 6, no. 1 (1998).

inspections by one inspection each. This offer was made to each of the neighbouring countries in the region (Denmark, Estonia, Germany, Latvia, Lithuania, Norway, Poland and Russia). Denmark, Estonia, Latvia and Lithuania responded positively to the notes verbales from both countries, although the extra quotas have not since been used.

Initially, Russia rejected the initiative of bilateral arrangements across the Baltic Sea, citing financial reasons. Only in 2000 were Finland and Russia able to reach a separate CSBM agreement on one extra mutual evaluation visit—in Russia's case, to take place in the Leningrad Military District. In 2001 Lithuania agreed with Russia on one additional evaluation visit in both Lithuania and the Kaliningrad *oblast* (see table 7.1). The opening of the Kaliningrad region to such an agreement symbolized Russia's changing attitude towards its Baltic Sea neighbours and its willingness to allow greater insight into the military activities of this heavily armed and formerly closed area.

In October 2002 Finland and Russia reached a bilateral agreement on the exchange of naval visits.³⁴⁷ 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 are arranged according to the provisions of Chapter IV (contacts) and Chapter X (regional measures) of the Vienna Document 1999.

In 2004 Belarus and Lithuania reached a CSBM similar to the 2001 Belarusian–Latvian agreement. In 2004 Belarus and Poland exchanged diplomatic notes on a 'set' of complementary military CSBMs for their border zones. A 2004 agreement between Poland and Ukraine went further and covers the armed forces and the internal and border units of both states in their respective border areas (see table 7.1). A notable exception is the lack of this type of arrangement between Latvia and Russia and Poland and Russia, respectively.

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

³⁴⁷ OSCE, 'Statement by the Finnish delegation at the FSC, Permanent Mission of Finland to the OSCE, Vienna, 16 Oct. 2002', FSC document FSC.DEL/560/02, 17 Oct. 2002.

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 Kiyv.³⁴⁸ The agreement began to be implemented on 1 January 2003.

Unlike many other regional CSBM arrangements, the document does not refer directly to the Vienna CSBM regime. It comprises five areas of cooperation: (a) general cooperation in the naval field, (b) contacts, (c) invitations to naval bases, (d) exchange of information, and (e) Confidence Annual Naval Exercises (CANEs). The application zone covers the territorial waters of the coastal states and activities ‘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 navy 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 have agreed 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 to 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.

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 also exchange information on aggregate numbers of surface combat ships with fully loaded displacement of 400 tonnes or more, on submarines with submerged displacement of 50 tonnes or more, on amphibious ships and on peacetime authorized naval personnel strength in the zone of appli-

³⁴⁸ OSCE, ‘Joint Declaration of the Republic of Bulgaria, Georgia, Romania, the Russian Federation, the Republic of Turkey and Ukraine’, FSC 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.

cation. The participating states furnish information on their two largest annually planned national naval activities within the zone of application no later than on 1 January of each year.

On a rotating basis, each participating state designates one of its naval exercises as a Confidence Annual Naval Exercise and invites naval representatives and/or units from all other participating states to take part in it or in related activities. The exercise may last up to six days and can be at the operational or tactical level. Participation of invited states in the CANE is 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 level and size of participation of each state—are communicated by the host state to the other states at least two months in advance.

As a rule, consultations are held annually to discuss the implementation of the document on naval CSBMs in the Black Sea and to consider amendments to it. Decisions are taken by consensus.

The Aegean Sea region

Against the background of the many post-cold war CSBM arrangements in South-Eastern Europe, the conspicuous exception was the lack of a similar agreement between Greece and Turkey, which were unable to enter into a bilateral arrangement because of deep mutual distrust. However, a prior framework for building confidence between the two countries did exist in the form of weak CBMs based on the Athens Memorandum of Understanding of 27 May 1988 and on the Istanbul Guidelines for the Prevention of Accidents and Incidents on the High Seas and International Airspace of 8 September 1988, signed by Foreign Minister Karolos Papoulias of Greece and Foreign Minister Mesut Yilmaz of Turkey. Under the two agreements both sides were committed to reduce tensions and avoid dangerous incidents in the Aegean region by avoiding harassment or interventions in international waters and airspace; refraining from conducting long-term exercises; implementing a moratorium on military exercises in the summer months; and making international rules, regulations and procedures the basis for activities on the open sea and in international airspace.³⁴⁹

³⁴⁹ The Greek–Turkish CBMs provide certain provisions for: (a) avoiding interference with smooth shipping and air traffic; (b) avoiding isolating certain areas; (c) not blocking

South-Eastern Europe attracted new attention in the latter half of the 1990s as a result of the arms control and confidence-building efforts in the former Yugoslavia under the 1995 Dayton Agreement;³⁵⁰ a move to start a military security debate among the eight Balkan countries (in the SEEDM); and concerns about continuing tension between Greece and Turkey, mainly over Cyprus.

Following unresolved disputes and tensions between Greece and Turkey in the Aegean and over Cyprus, with the two countries almost going to war over an islet in the Aegean Sea in January 1996, hopes for reducing the risk of accidental conflict were pinned, among other things, on CBMs between these two NATO states which were brokered by the USA in May 1997.³⁵¹ The Republic of Cyprus promised not to invite Greek aircraft to overfly the island during the Greek 'Toxotis Vergina' military exercise. Turkey, in turn, committed itself not to overfly Cyprus so long as Greek aircraft did not do so. This step followed other CBMs such as the installation of hotlines between Greece and NATO and between Turkey and NATO and, from February 1997, a test programme sending photographs of activity in the Aegean to NATO headquarters in Naples.³⁵² However, renewed incidents and the military exercises carried out in the autumn of 1997 soon revived tensions in the region. In October, Greece and the Republic of Cyprus held the yearly 'Nikiforos' exercise; in November, Turkey and Turkish Cypriots responded with the 'Toros' manoeuvre. In the course of these exercises, the parties involved violated and broke the moratorium on military overflights of Cyprus signed only six months previously.

exercise areas for long periods of time; (d) not holding exercises in the peak tourist periods and main national and religious holidays; (e) providing due communication through diplomatic channels when required; (f) refraining by naval units from acts of harassment of each other while operating in the high seas; (g) maintaining a position that does not hamper the smooth conduct of ships of the other party under surveillance during firing operations and other military activities; and (h) exercising utmost caution by pilots when flying in proximity of aircraft of the other party and not manoeuvring or reacting in a manner that would be hazardous to the safety of the flight and/or affect the conduct of the mission of the aircraft. 'Memorandum of Understanding between Greece and Turkey, Athens, 27 May 1988; and Guidelines for the Prevention of Accidents and Incidents on the High Seas and International Airspace', Istanbul, 8 Sep. 1988.

³⁵⁰ See note 328.

³⁵¹ 'Text: Burns statement May 9 on Cyprus overflights', 9 May 1997, URL <http://www.hri.org/news/usa/usia/1997/97-05-09_1.usia.html>.

³⁵² Migdalovitz, C., 'Greece and Turkey: Aegean issues, background and recent developments', CRS Report for Congress, Congressional Research Service (CRS), Library of Congress, Washington, DC, 21 Aug. 1997, p. 4.

In 1998 the tensions in the Aegean Sea region continued, but efforts were also being made within NATO to make progress on CBMs. On 4 June 1998, then NATO Secretary General Javier Solana announced that the permanent representatives of both states had informed him of their intentions to implement the agreed CBMs fully.³⁵³ In the June statement the two sides declared their willingness, where necessary, to clarify and, where possible, to strengthen and complement the CBMs. The opportunities presented by the emerging NATO Air Command and Control System (ACCS) for greater mutual exchange of information and coordination were also explored. However, rising tensions later in the year over Cyprus—including the planned deployment of S-300 anti-aircraft missiles on the Greek Cypriot part of the island, and later on Crete—and violations of the airspace of the Republic of Cyprus by Turkish aircraft, hampered progress in following up on the June declaration.

The assistance exchanged between Greece and Turkey for the victims of the earthquakes which occurred in the two countries in 1999 and other developments, such as progress on Turkey's pursuit of EU membership at the end of the year, led to hope that advances might be made in building military confidence and trust. However, Greece and Turkey were still locked in two major disputes: over Cyprus and on issues related to the Aegean Sea area. Because the Cyprus question remained intractable, efforts focused on the Aegean Sea.

In early 2000 Turkey presented a plan for CBMs which was later discussed by Turkish Foreign Minister Ismail Cem and Greek Foreign Minister George A. Papandreou.³⁵⁴ In mid-2000 efforts were made to

³⁵³ NATO, 'Statement by the Secretary General on confidence building measures between Greece and Turkey', NATO Press Release (98)74, 5 June 1998.

³⁵⁴ Turkey's plan envisaged: (a) reducing the size, number and range of the Greek and Turkish manoeuvres in the Aegean; (b) equipping all aircraft flying in the Aegean with foe-or-friend recognition systems; (c) installing a transitional joint air operation centre; (d) carrying out unarmed flights of Turkish and Greek aircraft over the Aegean; (e) conducting joint military and Partnership for Peace exercises in the Aegean and the Mediterranean; (f) allowing reciprocal visits of warships to each other's ports; (g) extending mutual invitations to monitor each other's manoeuvres; (h) monitoring training flights under an open skies agreement; (i) installing a direct line of communication between the chiefs of the general staff (later omitted, but still supported by Turkey); and (j) establishing a joint military committee (later dropped). '10 point plan awaiting response', *Istanbul Hurriyet* (Ankara), 4 Aug. 2000, in 'Turkish, Greek people said implementing Turkish plan for military trust in Aegean', Foreign Broadcast Information Service, *Daily Report—West Europe (FBIS-WEU)*, FBIS-WEU-2000-0806, 14 Aug. 2000. Except for points b, c and d, Greece was reportedly either positive or 'not negative' to the proposals. 'First test of trust', *Ta Nea* (Athens), 18 Sep. 2000, in 'Papandreou—Cem agreement on CBMs to undergo initial test 29 September', FBIS-WEU-2000-0921, 18 Sep. 2000.

prepare an agreement.³⁵⁵ Suggestions were made at various bilateral meetings to reduce the level of armament and the resulting financial burden on both countries.³⁵⁶ In the June NATO 'Dynamic Mix 2000' exercise, 150 Turkish soldiers took part in a mock landing on a Greek beach and Turkish aircraft flew over Greek territory. However, a violation of the 1998 'summer moratorium' informal agreement on overflights by Turkey and the landing of Turkish fighter aircraft in Northern Cyprus once again halted further discussion.

The greatest test of Greek–Turkish rapprochement came in October, during another NATO exercise, 'Destined Glory 2000'. The exercise was intended to confirm the climate of goodwill between Greece and Turkey, but problems arose when Greek aircraft flew over two Greek islands off the Turkish coast.³⁵⁷ Greek and Greek Cypriot forces, carrying out the 'Nikiforos–Toxotis' exercise on Cyprus, exacerbated the situation by engaging in intense mock dogfights with Turkish aircraft. Turkey responded by essentially closing its airspace to Greek aircraft, and Greece pulled out of the manoeuvre on 22 October 2000.

Since 2000, 11 CBMs have reportedly been agreed between Greece and Turkey, 3 of which were brokered at NATO meetings. On 6 December 2000, NATO Secretary General Lord Robertson announced that the CBM talks between Greece and Turkey had led to a modest agreement to notify each other in advance of respective national exercises scheduled for 2001. Subsequent changes or additions to the schedules were to be notified through the usual diplomatic channels on a case-by-case basis.³⁵⁸ Under this measure, in 2001–2003 both countries exchanged exercise programmes for the ensuing years. This modest confidence-building measure was supplemented with two more CBMs agreed in 2003: (a) cooperation between the respective national defence colleges (on subjects such as NATO issues, military doctrines, crisis management, peacekeeping, natural disasters, environmental issues, etc.); and (b) an exchange of personnel for training

³⁵⁵ E.g., an adviser to Turkish Prime Minister Bülent Ecevit suggested that the Turkish Aegean Army be disbanded. 'Turkey considers scaling back military challenge to Greece', *New York Times*, 8 June 2000.

³⁵⁶ 'They discuss arms reductions', *Athens Exousia*, 4 Oct. 2000, in 'Greek, Turkish defence ministers discuss arms reductions within CBMs framework', FBIS-WEU-2000-1004, 4 Oct. 2000.

³⁵⁷ Turkey claims that they are in a demilitarized zone.

³⁵⁸ NATO, 'Statement by the Secretary General of NATO, Lord Robertson, on confidence-building measures between Greece and Turkey', NATO Press Release (2000)118, 6 Dec. 2000.

purposes in the PFP Training Centres of the two countries. Both sides promised to continue to seek additional CBMs on the basis of the list agreed between them.³⁵⁹

The remaining eight bilateral measures were developed in 2001–2003 in talks between the political directors in both countries' ministries for foreign affairs. They cover direct communication between the foreign ministries; reciprocal invitations to the 'distinguished visitors day' of an annual large-scale exercise; exchange of views between the chiefs of joint staff; a direct telephone line between the defence ministers; visits of staff officers to the General Staff of either army, navy or air force; and exchange of visits between the military academies. Two other measures concern combating pollution of the border rivers and cooperation between two military hospitals.

The CBM agreements notwithstanding, tension continues. For example, although since 2001 the two countries have not conducted military exercises in Cyprus, the dispute over the extension of Greek airspace into the Aegean Sea gives rise to almost regular air skirmishes between the Greek and Turkish air forces. This suggests that the existing CBMs are not supported by strong political determination, but are symbolic and insufficient to reduce tension between the two states.

IV. The Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina

The Balkan security situation was the most critical threat to and challenge for the international community in the first half of the 1990s. Arms control in the Balkans became a part of the OSCE endeavours and was designed to play an important stabilizing role in post-conflict security building. Under the terms of the Agreement on Regional Stabilization, Annex 1-B to the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement), reached on 21 November 1995, 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 except the FYROM and Slovenia (Article IV) and establishing 'a regional balance in and

³⁵⁹ NATO, 'Greece and Turkey agree confidence-building measures', *NATO Update*, 23 July 2003.

Table 7.2. CSBMs in Bosnia and Herzegovina

Type of measure	Description
Exchange of military information	<p>Annual exchange of information to include information on the command organization of all forces under control of a party or in territory under its control; information to be supplied on a party's total equipment holdings in these categories: battle tanks; ACVs; artillery pieces with a calibre of 75-mm and above; combat aircraft; combat helicopters; and anti-tank guided missile launchers</p> <p>Data relating to major weapons and equipment systems</p> <p>Demonstration of new types of major weapons or equipment systems at the earliest opportunity, but not later than 90 days after deployment has started</p> <p>Information on plans for the deployment of major weapons and equipment systems</p> <p>Information on defence-related matters, including size, structure, personnel, major weapon and equipment systems and deployment of armed forces; training programmes for armed forces; and procurement of major equipment</p>
Notification of changes in command structure or equipment holdings	Provide notification not later than 10 days before such changes occur
Risk reduction	Mechanism for consultation and cooperation as regards unusual military activities; and cooperation as regards hazardous incidents of a military nature
Notification and observation of and constraints on military activities	<p><i>Notification:</i> at least 42 days before notifiable military activities if more than 1500 troops (including support), 25 battle tanks, 40 ACVs, 40 artillery pieces, 3 combat aircraft and 5 combat helicopters; air force participation to be included if more than 60 sorties by combat aircraft or combat helicopters</p> <p><i>Observation:</i> each party may send up to 2 observers and the OSCE may send up to 4 observers</p> <p><i>Constraining measures/annual calendars:</i> only 1 military activity in 1996–97 with more than 4000 troops (including support), 80 tanks, 100 ACVs, 100 artillery pieces, 15 combat aircraft or 20 combat helicopters; thereafter only 1 military activity per 2 calendar years with more than 16 000 troops (including support), 80 tanks, 100 ACVs, 100 artillery pieces, 25 combat aircraft or 30 combat helicopters; not more than 3 military activities</p>

Type of measure	Description
Restrictions on military deployments and exercises in certain geographic areas	<p>per calendar year with more than 7000 troops (including support), 75 battle tanks, 100 ACVs, 100 artillery pieces, 15 combat aircraft and 20 combat helicopters; and not more than 2 such exercises at the same time</p> <p>All military activities to be conducted within cantonments or barracks or other previously designated areas; and no notifiable activities (outlined above) to be conducted within 10 km of an international border, the Inter-Entity Boundary Line between the Federation of Bosnia and Herzegovina and the Republika Srpska, the city limits of Gorazde and Brcko, and all areas in the Posavina Corridor</p>
Restraints on the reintroduction of foreign forces	Foreign forces withdrawn from Bosnia and Herzegovina not to be reintroduced to its territory
Withdrawal of forces and heavy weapons to cantonments, barracks or other designated areas	Withdrawal of forces to be completed by 18 Apr. 1996; other forces to be demobilized and disbanded by the same date; and removal of forces and heavy weapons for exercises permitted only if 21 days advance notice given
Restriction on locations of heavy weapons	All heavy weapons to be kept in cantonments or barracks or other designated areas until 31 Dec. 1997, but may be temporarily removed for exercises (see above)
Notification of disbandment of special operations and armed civilian groups	All special operations and armed civilian groups to be disbanded
Identification and monitoring of all weapon manufacturing capabilities	Provide a list of all weapon manufacturing facilities identifying their name and location by 15 Dec. each year (first information provided by 12 April 1996); and monitoring visits of such facilities may be made at the request of any party or the CIO (Chairperson-in-Office) Personal Representative
Military contacts and cooperation	Military contacts (voluntary) between members of the armed forces, military institutions, and academics and experts; military cooperation (voluntary), including joint military exercise and training, provision of experts, seminars on cooperation in the military field and exchange of information on agreements on military contacts and cooperation; and visits to military bases for each party and the Personal Representative, not more than 2 visits/year and establishment of military liaison missions

Type of measure	Description
Principles governing non-proliferation	All parties are to contribute to preventing the proliferation of weapons of mass destruction and control the transfer of missiles capable of delivering such weapons
Verification and inspection	Verification and inspection to occur through on-site inspections, observations and monitoring, in accordance with the Protocol on Verification
Communication	Direct communication lines between the commanders/chiefs of armed forces and with the Personal Representative
Implementation assessment	Creation of the Joint Consultative Commission composed of one high-level representative of each party and the Personal Representative

around the former Yugoslavia' (Article V).³⁶⁰ The underlying idea was of three concentric circles constructed with regard to the purpose and scope of the military security process in the region: (a) CSBMs in a state ravaged by war—Bosnia and Herzegovina; (b) an arms control regime among the major parties to a recent conflict—parts of the former Yugoslavia; and (c) broader regional stabilization and reintegration in the wider European security space. Owing to a lack of agreement in the second 'circle', CSBMs were not instituted there, and the confidence-building function was left to the hard arms control regime. In 2000 the gap was filled when Yugoslavia became a participant of the OSCE and Vienna Document regime; Bosnia and Herzegovina and Croatia were already participants.³⁶¹ The characteristic features of all these arms control endeavours are that compliance with their terms is both monitored and assisted by the international community and their implementation is carried out alongside foreign military presence. In contrast to the general situation in Europe, the military security of the sub-region is built on a balance of forces among the local powers, which have not developed a satisfactory degree of security cooperation.

³⁶⁰ General Framework Agreement for Peace in Bosnia and Herzegovina (note 328).

³⁶¹ For more on the provenance of the measures see Vetschera, H., *Arms Control Regimes under the Dayton Agreement*, Occasional Papers Series no. 6 (Arms Control and Disarmament Cluster, Geneva Center for Security Policy: Geneva, Aug. 2000); and Vetschera, H., 'Military stabilization and arms control in Bosnia and Herzegovina five years after the Dayton Agreement', *Österreichische Militärische Zeitschrift*, no. 3 (2001), pp. 311–18 and no. 4 (2001), pp. 465–72.

In the aftermath of the conflict in Bosnia, the Dayton Agreement instituted (sub-)regional CSBMs for the entities of Bosnia and Herzegovina. As parties to the Agreement on Regional Stabilization, the FRY, Croatia, the Republic of Bosnia and Herzegovina and its constituent entities—the Federation of Bosnia and Herzegovina and the Republika Srpska—agreed to devise a regional structure for stability, to include CSBMs based on the Vienna Document 1994 as well as regional CSBMs and measures for sub-regional arms control to be negotiated within 45 days of the entry into force of the Annex (14 December 1995, when the Agreement was signed). The measures initially covered: (a) restrictions on military deployments and exercises in certain geographical areas; (b) restraints on the reintroduction of foreign forces; (c) restrictions on location of heavy weapons; (d) troop and heavy weapon withdrawals; (e) disbandment of special-operations and armed civilian groups; (f) notification of planned military activities including international military assistance and training programmes; (g) identification and monitoring of weapon production capabilities; (h) immediate data exchange on holdings in the five weapon categories covered by the CFE Treaty;³⁶² and (i) immediate establishment of military liaison missions between the heads of the armed forces of the Federation of Bosnia and Herzegovina and the Republika Srpska.

The parties also agreed not to import any arms for 90 days after the Annex entered into force nor to import heavy weapons³⁶³ or heavy weapon ammunition, mines, military aircraft or helicopters for 180 days or until an agreement on armament levels took effect.

The 1996 Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina was negotiated under Article II of Annex 1-B of the Dayton Agreement (commonly called the Article II Agreement, see table 7.2).³⁶⁴ The negotiation started on 4 January 1996 and on 26 January 1996 the CSBM agreement was signed by Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska.³⁶⁵ The Article II Agreement was thus the

³⁶² Artillery pieces were defined as those of 75-mm calibre and above (the CFE Treaty set the threshold at 100-mm calibre for heavy artillery).

³⁶³ In this context, 'heavy weapons' refers to all tanks and ACVs, all artillery of 75-mm calibre and above, all mortars of 81-mm and above and all anti-aircraft weapons of 20-mm and above.

³⁶⁴ See note 328.

³⁶⁵ Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina (note 328).

first CSBM accord tailored to an intra-state situation. It was largely based on the Vienna Document 1994 but also derived from some parts of the 1990 CFE Treaty (provisions on verification and inspections) and the 1994 CSCE Document on Non-Proliferation. In addition, it included a number of restrictions and restraining measures on military posture, deployments and exercises that had previously not been addressed by the OSCE, such as notification and monitoring of weapon manufacturing capabilities.

The framework

The parties to the Agreement on CSBMs in Bosnia and Herzegovina created a Joint Consultative Commission (JCC) composed of one high representative of each of the three parties and the Personal Representative of the OSCE Chairperson-in-Office. Accordingly, the OSCE became a quasi-party to the agreement. The OSCE Mission to Bosnia and Herzegovina, and especially its Office (later Department) for Regional Stabilization, was instrumental in the implementation of CSBMs in pursuit of cooperative security in the region. The JCC dealt with the issues of compliance or possible circumvention of the provisions; resolving ambiguities and differences of interpretation; considering measures to enhance the effectiveness of the agreement; and other relevant matters.³⁶⁶ Its work was supported and monitored by representatives of the international community: the head of the OSCE Mission to Bosnia and Herzegovina, the OSCE CIO Personal Representative, the Office of the High Representative (OHR), the Contact Group in Vienna,³⁶⁷ the NATO Headquarters and the commander of the Implementation Force and, from December 1996, of the Stabilization Force. The JCC established several working groups whose task was to resolve or refine implementation issues, such as improving the exchange of information; interpreting the definitions of certain terms in the agreement; agreeing on formats for submission of required information and communications; and the like.

Bimonthly (instead of twice yearly) meetings of the JCC play a key role. As of mid-2004, the JCC had met on some 40 occasions, includ-

³⁶⁶ The JCC plays the same role as the AIAM under the Vienna Document. Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina (note 328), Annex 5, Protocol on the Joint Consultative Commission.

³⁶⁷ In 1994 a Contact Group to facilitate a peaceful solution in Bosnia and Herzegovina was established comprising France, Germany, Russia, the UK and the USA.

ing the implementation review meetings. The coordination of its activities with the OHR and SFOR has steadily been improving. A solution was found to the protracted problem of choosing the head of the Bosnian–Croatian Federation’s delegation to the JCC. Originally, the Permanent Representative was to chair the JCC until 1997; thereafter the parties were to do so on the basis of rotation. Since 1998 the Permanent Representative has remained the chairman of the JCC, reaffirmed by the third and fourth implementation review conferences in 2001 and 2003.

In 2002 consultations were held between the CIO’s Personal Representative and the OSCE delegations on future efforts, including the transfer of ‘ownership’ of the Article II Agreement to the parties themselves. The situation has normalized (as confirmed by NATO’s decision to substantially reduce SFOR’s presence in Bosnia and Herzegovina in 2004), and the Article II Agreement Review Conference, in February 2003, agreed that more responsibility for oversight of the agreement will be transferred from the OHR to the Department for Security Cooperation (DSC) of the OSCE Mission to Bosnia and Herzegovina.

Working in the context of Articles II and IV of the 1995 Agreement on Regional Stabilization, the DSC was to help create a framework in Bosnia and Herzegovina which could be sustained after the withdrawal or major reduction of SFOR. The DSC worked in conjunction with the OHR, SFOR and members of the international community. Accordingly, it aided the Personal Representative in the implementation of the arms control agreements and helped to create conditions for the implementation of the Article V Agreement, helped to carry out the politico-military aspects of defence reforms, and monitored Bosnia and Herzegovina’s compliance under OSCE agreements.³⁶⁸

Implementation

Although assisted by the Personal Representative, the implementation of the CSBM Agreement had a difficult start. It was put into effect immediately after the end of a bloody war, in foul-weather conditions, among three parties (two entities and the state to which they belonged) and two armed forces divided by a gulf of mutual strong

³⁶⁸ OSCE, ‘Mission to Bosnia and Herzegovina: supporting democratic control of the armed forces’, URL <http://www.oscebih.org/security_cooperation/wedo.asp?d=4>.

mistrust (the Bosnian Serb and the Bosnian–Croatian Federation armies, the latter of which was also not monolithic). The agreement had been negotiated and implemented under considerable pressure and control by the international community (the OSCE, IFOR/SFOR and the Contact Group). Instilling a minimum degree of confidence among the local players was thus bound to be a difficult and time-consuming process. In addition, the CSBM process was carried out in parallel with the arms control process laid down by the Dayton Agreement for the region, the latter affecting the pace of implementation of the former. On all these accounts, sub-regional confidence building was a unique challenge, and its success or failure was to determine future international efforts in dealing with other local crisis and conflict situations. The assistance of the OSCE states was critical in promoting cooperation, transparency and mutual confidence between the parties.

The political developments in and around Bosnia and Herzegovina have had a remarkable effect on the incipient process of confidence and security building. Apart from the dependence of Bosnia and Herzegovina on a strong international engagement and presence, several major domestic factors have determined the level of military security. The two components of the Federation were not integrated in security terms. Formally, two separate armed forces existed but, in reality, there were three armed forces. Communications between the entities' armed forces encountered difficulties.³⁶⁹ There was also a lack of transparency in the military budgets, and the joint institutions were extremely weak.

It took roughly one year before enough confidence was achieved among the parties to enable fairly smooth implementation in a businesslike atmosphere.³⁷⁰ During that time the Personal Representative

³⁶⁹ A military hotline was established in June 1996. After the relocation of the Republika Srpska General Staff to the north-east (Bijeljina), direct communication became impossible. In June 1997 this measure was reinstated in part: a hotline cable was laid by the Republika Srpska in the area of the Inter-Entity Boundary Line near Lukavica to facilitate direct telephone contact between the military forces headquarters and the OSCE. Later, the relocation of the General Staff of the Bosnian Serb armed forces from Bijeljina to Banja Luka caused another operational problem for the Bosnia–Muslim military liaison office.

³⁷⁰ OSCE, 'Talking points for Ambassador Marton Krasznai, Personal Representative of the OSCE Chairman-in-Office, Article II, A short overview of the implementation of the Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina', FSC document REF.FSC/9/97, 22 Jan. 1997; and OSCE, 'A short overview of the implementation of the Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina (from January 1996 to January 1997)', FSC Document REF.FSC/9/97, 22 Jan. 1997.

had to work to contain the negative effects of various crises that erupted in 1997 and defy the parties' attempts to score political gains at the expense of the agreement. Some of the political and military leaders in the entities did not rule out the use of military force as an instrument for pursuing security. After one year of implementation of the agreement it was still too soon to definitively judge its effectiveness as an instrument to promote and enhance confidence and security. Overall, incorporating CSBMs into the integrated and harmonized military and civilian implementation of the Dayton Agreement was perceived as essential to promote peace in the region.³⁷¹

In this context, the Personal Representative proposed: (a) to develop the confidence-building process in an integrated approach with other military security and civilian endeavours; (b) to broaden the scope of CSBMs (such as seminars on doctrines and the Code of Conduct); (c) to help the parties to gradually take over all aspects of implementation; (d) to gradually develop voluntary measures in addition to the compulsory measures; and (e) to try additional measures, such as an open skies agreement.³⁷²

The paradox of the implementation of the Dayton Agreement is that its arms control part has been more successful than its other, civilian, chapters. In the period 1997–2003 the overall record of CSBM implementation in Bosnia and Herzegovina was for the most part satisfactory. Progress was noted in each of the yearly OSCE CIO Personal Representative's reports in that period, despite various problems, interpretation issues and concerns.³⁷³ In the beginning, general con-

³⁷¹ 'Talking points for Ambassador Marton Krasznai' (note 370).

³⁷² 'Talking points for Ambassador Marton Krasznai' (note 370).

³⁷³ OSCE, 'Status of Implementation of the Vienna and Florence Agreements (Dayton Annex 1-B, Art II, IV)', OSCE Secretariat document REF.SEC/230/97, 16 Apr. 1997; 'Status of Implementation of Article II and IV, Annex 1-B, General Framework Agreement for Peace in Bosnia and Herzegovina and Outlines of 1999 Planning, General Carlo Jean, Personal Representative of the OSCE Chairman-in-Office for Articles II and IV', OSCE document CIO.GAL/70/98, 29 Oct. 1998; OSCE, 'Status of Implementation of Article II (Confidence- and Security-Building Measures in Bosnia and Herzegovina) and Article IV (Sub-Regional Arms Control), Annex 1-B, Dayton Peace Accords in 1999), Lt-Gen. Carlo Jean, Personal Representative of the OSCE Chairman-in-Office, Istanbul, 17–18 Nov. 1999'; OSCE, 'Yearly Report on the Implementation of Articles II and IV, Annex 1-B, Dayton Peace Accords, 2000, 1 Jan.–27 Nov. 2000, Lt-General Carlo Jean (Italian Army, rtd), Personal Representative of the OSCE CIO'; 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 1-B, Dayton Peace Accords), 1 January–30 November 2001, Major General Claudio Zappulla (Italian Air Force), Personal Representative of the OSCE CIO', OSCE document CIO.GAL/72/01, 26 Nov. 2001; OSCE, 'Annual Report on the Implementation of the Agree-

cerns related to the incomplete implementation of certain measures, the vulnerability of implementation to political problems, attempts to misuse arms control for political purposes, and the like.³⁷⁴ The atmosphere between the parties to the agreement improved steadily, and a synergy developed between CSBMs and the regional arms control process with regard to transparency and confidence between the armed forces of the two entities. These developments were confirmed by the review conferences held in February 1998, March 1999, February 2001 and February 2003. Generally, despite the initial difficulties, implementation problems could be put down to technical, organizational and administrative shortcomings rather than a manifest lack of political will. The review conferences took decisions to update the existing agreement, to elaborate new, more adequate protocols and notification formats, and so on.

In general, no major implementation problems arose that would undermine the Article II Agreement regime. Even the 1999 NATO intervention in Kosovo did not substantially interrupt the conduct of scheduled inspections or the transmission of required notifications. The decision of the Republika Srpska not to participate in voluntary activities (visits, seminars, workshops, etc.) organized by or in NATO countries taking part in the air campaign required some rescheduling of events, with Austria, Sweden and Switzerland taking over the tasks. Some activities took place, others were postponed, and there were some modifications regarding inspections and visits to weapon manufacturing facilities. However, the Republika Srpska maintained a remarkably low profile and soon the situation returned to normal.³⁷⁵ After the fall of Yugoslav President Slobodan Milosevic, in October 2000, circumstances changed significantly, although in 2001 minor political disturbances continued to affect implementation occasion-

ment 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. 2002, Major-General Claudio Zappulla (Italian Air Force), Personal Representative of the OSCE CIO', OSCE document CIO.GAL/99/02, 28 Nov. 2002; and 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 1-B, Dayton Peace Accords), 1 Jan.–1 Dec. 2003, Major General Claudio Zappulla (Italian Air Force), Personal Representative of the OSCE CIO', OSCE document CIO.GAL/106/03, 28 Nov. 2003.

³⁷⁴ Talking points for Ambassador Marton Krasznai, Personal Representative of the OSCE Chairman-in-Office, FSC document CIO.GAL/6/97, 10 Sep. 1997.

³⁷⁵ 'Status of Implementation of Article II . . . Istanbul, 17–18 Nov. 1999' (note 373).

ally.³⁷⁶ In 2002 the implementation of the agreement was reported as being ‘almost flawless’.³⁷⁷

The year 2003 was assessed to have been ‘twelve months of complete cooperation, transparency and good will’.³⁷⁸ The most important event was the adoption on 1 December of the first central defence law unifying the command of the country’s separate ethnic armies, which opens the path to further domestic politico-military normalization and to NATO and PFP membership for Bosnia and Herzegovina. The Fifth Review Conference, in 2004, was to assess the impact of the defence reform on the implementation of the agreement (e.g., regarding the advisability of discontinuing some of the provisions of the Agreement).

In June 2004 the Personal Representative of the CIO announced that the CSBM Agreement would be formally suspended in September 2004 as a result of both extensive and successful reforms (creation of a defence ministry, the appointment of a minister for defence in Bosnia and Herzegovina, and the adoption of a new law on defence) and the generally high level of confidence, openness and transparency between the armed forces of the entities.³⁷⁹

The review below highlights several major areas of implementation of the Article II Agreement.

Exchange of information and notification

In the first phase of implementation of the exchange of information and notification the problems stemmed chiefly from the move from wartime mobilization to peacetime deployments, the reduction of cantonments and barracks (under SFOR’s supervision), and the reorganization of the armed forces under the 1996 Agreement on Sub-Regional Arms Control. Information was sometimes imprecise and perceived as inadequate as regards the role of the police and internal security forces in the internal crisis in the Republika Srpska. Initially, the parties used different formats and standards, and notification of military activities did not meet the standards that had been set. How-

³⁷⁶ In Mar. 2001, the FSC Support Unit and the FRY organized a round-table meeting in Belgrade on implementation of CSBMs. The success of the meeting was because of the willingness of the FRY to fully implement its politico-military commitments.

³⁷⁷ OSCE document CIO.GAL/99/02 (note 373).

³⁷⁸ OSCE, ‘Annual Report 2003’ (note 373).

³⁷⁹ OSCE, ‘OSCE announces that confidence- and security-building agreement for Bosnia and Herzegovina will end in September 2004’, Press Release, 24 June 2004.

ever, the parties have since then streamlined their exchanges of information. At the June 1999 JCC meeting the parties agreed to a new format for quarterly notification of any changes to the annual information exchange. In December 1999 it was noted that the quality and transparency of the annual exchange of information had considerably improved, although some problems remained. In 2000, the problem of notification of cantonal police forces was solved and, for the first time, all 10 cantons exchanged information. Consequently, the full-fledged annual exchange of military information occurred for the first time in 2000.

The Protocol on Existing Types of Conventional Armaments and Equipment has been updated several times. A revised protocol was 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. Subsequent annual reports indicated that the information exchanges had shown a marked improvement in transparency, completeness of data and compliance with the agreed formats. In 2003 a decision was taken to explore the exchange of information on air defence systems.

Military budgets

The transparency of defence budgets in the two entities of Bosnia and Herzegovina is a priority issue for the implementation of the Article II Agreement. Since the OSCE Mission to Bosnia and Herzegovina began full-scale activities in early 1996, the Department for Regional Stabilization, on behalf of the Personal Representative of the OSCE CIO, has been actively involved in working with the Entity Armed Forces to improve transparency and analyses of defence budgets and reduce these to more sustainable levels. The core priorities of the department were to improve transparency in the Entity Armed Forces expenditure and budgets, including foreign military assistance, and to work towards further education in defence planning and budgeting. On balance, military expenditure in Bosnia and Herzegovina has been far too high, some 6 per cent of gross domestic product (GDP), as compared to an average of 1.5 per cent of GDP in Europe.³⁸⁰

³⁸⁰ Not all actual expenditures were reflected in the entity defence budgets so the real percentage was perhaps between 8–10% of the gross domestic product.

In 1999–2000 notable progress was made as regards transparency in military spending. Exchanges of information on defence-related matters were accompanied by mutual assessments of the parties' annual information. In 1999 the parties exchanged information on matters related to defence, to some extent replicating the format of the Vienna Document 1994. For the first time, with the help of the UK as the OSCE Coordinator, all three parties notified their defence outlays for 1998 and exchanged data on their military budgets for 1999. Data on foreign military assistance were also exchanged for the first time.

In 1999 two seminars on military budgets and budget transparency were held. However, the planned audit of the budgets did not take place because only the Bosnian part of the Federation agreed to accept the international team of auditors. In December 2000 the JCC decided to proceed with an audit of the military budget of the Bosnian–Croatian Federation, which 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 Bosnian–Croatian Federation's budget was completed; it then prepared its own internal audit and provided a report on the audit to the CIO Personal Representative. In subsequent years, emphasis has continued to be placed on greater transparency of the military budgets.

Risk reduction

By September 1997 the risk-reduction mechanism had been utilized three times and oral complaints had also been answered. In 2000, under a Memorandum of Understanding between the OSCE and SFOR, agreement was reached on modalities for risk reduction (Measure III) and on specified area inspections with the use of helicopter overflights. Aerial observation was formally linked to risk-reduction measures, but in reality it was to become a tool for Measure XI (military contacts and cooperation). At the 2003 Review Conference the parties agreed to further clarify the terms 'unusual military activities' and 'hazardous incidents of a military nature'.

Military contacts and cooperation

In the first stages of implementation of the agreement a significant lack of willingness was noted as regards implementing the voluntary,

non-obligatory measures on military contacts and cooperation. Consequently, the OSCE Mission organized a series of seminars to better acquaint the parties with the measures. As time has passed, voluntary measures under Measure XI (contacts and cooperation) have gained in importance. Efforts by the international community and the CIO Personal Representative, in particular, have increased in this area. In 1997 visits and military contacts between the two entities became more frequent. A voluntary visit, in June 1997, to Hadzici, where materiel for the US-led Train and Equip programme was stored, was important in dispelling the concerns of the Bosnian Serbs.³⁸¹

Another important voluntary confidence-building measure, the start of the work of the individual Military Liaison Missions as envisaged by Annex 7 to the agreement, was delayed until June 1996. A major psychological breakthrough was needed in order to send military liaison officers to the chiefs of the armed forces of another party. Not until June 1998 were the Military Liaison Missions established. At that time, the operation of the Military Liaison Missions between the defence staffs began to be governed by standard operating procedures agreed by the chiefs of the defence staffs of the Federation and the Republika Srpska. In the first years of the next decade, discussions were initiated in the JCC about the future of the Military Liaison Missions. The military commanders of the respective entity armed forces had also established direct contact and were actively engaged in the Joint Military Committee.

An important role is played by the seminars and workshops organized by NATO, the OSCE, other organizations and individual Western states to better acquaint the parties to the agreement with various aspects of security building, military cooperation, arms control and CSBMs. This practice began in late 1996 and has evolved constantly since then. Various CSBM-related topics have been addressed: (a) democratic control of security policies and armed forces; (b) military doctrines and reductions and transparency in budgets; (c) integra-

³⁸¹ In 1996, with the aim of creating a balance of forces in Bosnia and Herzegovina, the USA began its Train and Equip Program envisaging the shipment of weapons and services to the underarmed Federation of Bosnia and Herzegovina. In Oct. 2002 the US-led military Train and Equip Program 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. US Department of State, 'State Department on Bosnia Military Train and Equip Program', *Washington File* (US Department of State, International Information Program: Washington, DC, 30 Oct. 2002).

tion of the OSCE Code of Conduct into the military doctrines and practice of the participating states; (d) aerial observation;³⁸² (e) establishment of a distinct 'security and defence identity' in Bosnia and Herzegovina; (f) consolidation of joint institutions (especially the Standing Committee on Military Matters³⁸³); and (g) arms control and CSBMs for the Stability Pact for South Eastern Europe. A network of independent security experts linked to similar institutions in OSCE countries was created at the universities of Bosnia and Herzegovina. Special attention is paid to topics on this list which are devoted to developing a security and defence dimension for the country.

Inspections and visits to weapon manufacturing facilities

In March 1997 two (French- and German-led) teams conducted the first set of dual inspections in Bosnia and Herzegovina (the Federation and the Republika Srpska) to demonstrate the kind of problems which inspectors would have to deal with. As of April 1997, regular inspections were carried out to verify the 120-day baseline data (end of June 1996), which had been submitted and exchanged by the parties on 15 February, on military formations, units and armaments. During the course of these on-site inspections, inspectors from OSCE states offered their assistance to train the parties in the mechanics of conducting such inspections. The OSCE countries served as lead nations for the inspection teams, furnished half of the inspectors and team equipment, and covered the costs of the inspectors and the technical support. Inspectors from the parties were an integral part of the inspection teams, and responsibility for inspection visits was subsequently transferred to the parties. By 31 December 1997, 131 inspections had been completed 'in a professional and friendly manner'. These were judged to have been the most successfully implemented measures. The OSCE Verification Coordinator was in charge of coordination of inspections. With OSCE assistance, verification agencies were created to help the parties gain experience and professional skills. The Department for Regional Stabilization (DRS) of the OSCE Mission to Bosnia and Herzegovina played a key role in organizing the inspections. Cooperation between the parties regarding visits,

³⁸² For more on aerial observation in Bosnia and Herzegovina see chapter 8.

³⁸³ This body is foreseen in the Bosnian Constitution. In June 1999 the SCMM set up its secretariat and several working groups to deal with some outstanding issues, such as security policy, reductions of weapons, fulfilment of international obligations, etc.

inspections, meetings, and the like proceeded with openness and goodwill.

Some difficulties in achieving better implementation of the agreement were, nonetheless, identified in 1998. These related to the Bosnia and Herzegovina inspection teams and the establishment of a verification centre (initially located in the Verification Operations Section of the DRS, OSCE Mission in Bosnia and Herzegovina). A successful experiment with challenge inspections (at 'specified sites') was conducted with the support of Germany and the UK by means of training and practice exercises. Additional challenge inspections were planned and carried out in 1999, despite the Kosovo intervention. All such inspections were conducted successfully and all the required notifications were transmitted.

With substantial assistance from OSCE assistants and inspectors, inspections continued and only some minor discrepancies were revealed. Training also continued for inspectors and the personnel of the verification centres, and the OSCE and the NATO School at Oberammergau held courses for assistants and inspectors.³⁸⁴ By November 2000 more than 450 individuals from each of Bosnia's Croat, Serb and Muslim populations had participated, including the defence ministers and their deputies, chiefs of defence and other top military, defence and political personnel.

In contrast to the regional inspections, by 1999 Bosnia and Herzegovina had still not received OSCE-related inspections, including the Vienna Document inspections, and had not conducted the Article IV (arms control in the former Yugoslavia) inspections scheduled for Croatia and the FRY. In 2000 Bosnia and Herzegovina received its first inspection under the Vienna Document 1999. It failed, however, to conduct the scheduled Article IV Agreement inspections in Croatia and the FRY.

The inspections of 2001, unlike those of 1999 and 2000, were carried out almost without incident. One inspection was interrupted because of political turbulence, and one was not completed because of a coordination problem with SFOR. As a result, the OSCE and SFOR changed their guidelines to allow greater flexibility. The parties regarded these interruptions as minor, and the spirit of the agreement was maintained. However, SFOR discovered that Orao (a state-owned weapon factory in Bijeljina, Republika Srpska) was linked to illegal

³⁸⁴ For information on the NATO school see URL <<http://www.natoschool-shape.de/>>.

exports of weapon systems components through the FRY to Iraq.³⁸⁵ The CIO Personal Representative therefore sought verification of the NATO claim with the Bosnian Serb member of the JCC. He continued to focus on overseeing the inspection regime, but there has been a considerable shift towards voluntary measures.

The parties provided their lists of visits to weapon-manufacturing facilities soon after the entry into effect of the agreement, and monitoring activities under Measure X (identification and monitoring) began. The Federation offered a detailed and comprehensive list. The Republika Srpska first notified that it had no capabilities to report but later provided a list. The scope of visits to entity armaments factories continued to be discussed, and voluntary visits were planned to solve the problem. In 1998 the parties agreed on a number of visits for 1998–99. In 1999 an amendment to the protocol on visits to weapon manufacturing facilities was approved. Definitions of ‘weapon manufacturing facility’ and of various types of forces were among the issues which had not been resolved. The agreed annual visits began in 1999 and no major discrepancies were discovered. In accordance with the 1999 Interim Protocol on Visits to Weapon-Manufacturing Facilities, which was amended by the JCC in 2000 and 2001 (including the definition of ‘weapon manufacturing facility’), visits to such factories have continued successfully. In general, the inspection/visit regime has been implemented regularly and in a professional manner.

V. Article V negotiations and agreement

The successful conclusion of weapon reductions under the 1996 Florence Agreement and the smooth implementation of CSBMs in Bosnia and Herzegovina opened the way for the process of regional stabilization ‘in and around the former Yugoslavia’, as foreseen under Article V of Annex 1-B of the Dayton Agreement.

Prior to the OSCE Ministerial Council meeting, held in Copenhagen on 18–19 December 1997, the CIO appointed his Special Representative to help organize and conduct negotiations under Article V. The meeting invited the Special Representative to start consultations on a precise mandate and to begin work as soon as possible so that the

³⁸⁵ US Department of State, ‘NATO says Republika Srpska factory sold arms to Iraq’, *Washington File* (US Department of State, International Information Programs: Washington, DC, 30 Oct. 2002).

initial efforts could be evaluated by the summer of 1998. The Ministerial Council proposed premises for the negotiations:

1. States not party to the Dayton Agreement should participate on a voluntary basis depending on their specific security environment.

2. Bosnia and Herzegovina must be represented at all negotiations related to Article V by a single delegation appointed by the common institutions.

3. The development of CSBMs and other appropriate measures adapted to specific regional security challenges could be considered, and information exchange and verification activities could be agreed in line with existing regimes.

4. Such activities could be agreed between states which currently do not have the opportunity to exchange information with each other or inspect each other under legally binding arms control agreements.

5. The guiding principles should include military significance, practicality and cost-effectiveness.

6. Steps in this context should not prejudice the integrity of existing arms control and CSBM agreements. In particular, Article V talks should not alter obligations under the CFE Treaty or under the Article II or Article IV agreements.³⁸⁶

It was not until the autumn of 1998 that consensus was reached on a number of important points regarding the way that negotiations should be conducted. Although the preliminary discussions were contingent on the satisfactory implementation of Articles II and IV, the volatile situation in the Balkans and the unfinished business of CFE Treaty adaptation also affected the pace of the consultations. On 28 October 1998, the CIO Special Representative for Article V negotiations reported to the Permanent Council that a general understanding had been developed on what should be contained in the agreement. It had been agreed that the region would remain undefined, and 20 states from both within and outside the region had indicated their willingness to be involved in the process.³⁸⁷ One challenge, according to the Special Representative, was to achieve 'a synthesis between the

³⁸⁶ OSCE, 'Decision no. 2', Ministerial Council document MC(6).DEC/2, 19 Dec. 1997, URL <<http://www.osce.org/docs/english/1990-1999/mcs/6cope97e.htm>>.

³⁸⁷ These are the 5 former Yugoslav republics plus all states adjacent to the former Yugoslavia: Albania, Austria, Bulgaria, Greece, Hungary, Italy, Romania; the Contact Group states: France, Germany, Russia, the UK and the USA; and the interested states: the Netherlands, Spain and Turkey.

dialectic of balancing regional concerns with the indivisible nature of security'. In addition, the interests of states within the region ought to be balanced with those outside states that had an interest in the security of the region.³⁸⁸

Work on the mandate of the Article V negotiations concluded on 27 November. Although the original idea behind the regional stabilization negotiations was to bridge the arms control obligations of Article IV and the neighbouring CFE states parties, the mandate was eventually directed at CSBMs, transparency, verification and risk-reduction measures rather than weapon limitations. The talks were to begin in mid-January 1999 but were postponed because of the dramatic situation in Kosovo and the Rambouillet negotiations. They were not resumed until September 1999.

The OSCE Istanbul Summit urged the participants to complete their work by the end of 2000.³⁸⁹ In 2000 the negotiations made headway despite some setbacks resulting from political demonstrations by the FRY.³⁹⁰ Since the end of 1999, the 20 participating states have tabled 12 proposals for measures that could contribute to security in the region in and around the former Yugoslavia on the following areas: exchange of military information, military contacts and cooperation, aerial observation, increased transparency of the defence budgets and planning, and small arms and light weapons.³⁹¹

As long as President Milosevic was in power in the FRY, the prospects for progress in the talks were uncertain. There was also disagreement among the participants as to whether the Balkans was a special security case needing to be dealt with separately from the rest of Europe. Incompatibilities were indicated on various issues: (a) the

³⁸⁸ *OSCE Newsletter*, vol. 5, no. 10 (Oct. 1998).

³⁸⁹ OSCE, 'Istanbul Summit Declaration', OSCE document SUM.DOC/2/99, Istanbul, 19 Nov. 1999, URL <<http://www.osce.org/e/docs/summits/istadec/99e.htm>>, para. 41.

³⁹⁰ The worsening domestic situation in the FRY led to its exclusion from the Peace Implementation Council, held on 23–24 May in Brussels, and to its not being invited to a conference to review the Florence Agreement scheduled for June 2000. (The USA had opposed inviting the FRY to the conference with the aim of internationally ostracizing the FRY Government.) On 25 May the FRY decided to halt its participation in the Sub-Regional Consultative Commission. The Republika Srpska also declined an invitation to take part in an informal review meeting, which was to be held instead of the postponed review conference. In July both the FRY and the Republika Srpska resumed their participation in the implementation of the Florence Agreement, and the review conference and some inspections were rescheduled.

³⁹¹ OSCE, 'Statement by Ambassador Henry Jacolin, Special Representative of the OSCE Chairperson-in-Office for Article V of Annex 1-B (Regional Stabilization) to the Joint Meeting of the Permanent Council and the Forum for Security Co-operation: What is the status of Article V of Dayton/Paris today?', OSCE document CIO.GAL/48/20, 6 July 2000.

choice of regional versus European features; (b) whether the FRY should be covered only by Vienna Document obligations or by other, more comprehensive obligations; (c) equal or selective application of measures in the context of a possible unintended or undesirable impact on countries adjacent to the region; and (d) different arms control obligations under the external (CFE, Open Skies) and intra-region agreements (Articles II and IV).

The discussion reflected to some degree the mood (particularly before Milosevic stepped down) of Western dissatisfaction with the rate of progress, and the re-emerging calls for 'getting out of the Balkans'. The proponents of carrying on with regional stabilization argued that the credibility of the international community was at stake. If the regional order broke down for lack of an Article V agreement, the entire region would face grave consequences (e.g., the independence of Bosnian Serbs or the secession of Kosovo), and the FRY would be constrained only by obligations under Article IV (which was hardly likely in the light of the two temporary 'suspensions' by Belgrade³⁹²), without any other commitments above the sub-regional level. The context of the debate altered with the political change in Belgrade in September, and the regional stabilization talks took a new turn. On 26 October the FRY was admitted to the Stability Pact for South Eastern Europe. The November 2000 OSCE Ministerial Council Meeting recognized the significance of the FRY's readmission to the European community of nations and called on the states participating in the Article V talks to conclude their work as soon as possible and by no later than the next OSCE Ministerial Council.³⁹³

One important argument was that Article V provided an indispensable instrument for the implementation of the Stability Pact for South Eastern Europe and an essential security and defence component of the pact.³⁹⁴ Conversely, the pact lent coherence to the objectives of

³⁹² The FRY twice 'suspended' implementation of the Florence Agreement on Yugoslav territory; first, during NATO's air intervention in Kosovo, and, second, against the background of the deepening Kosovo crisis and not having been invited to the Article IV review conference in 2000. See more on this in Lachowski, Z., 'Conventional arms control agreements: issues of compliance', eds I. Anthony, I. and A. D. Rotfeld, *A Future Arms Control Agenda: Proceedings of Nobel Symposium 118, 1999* (Oxford University Press: Oxford, 2001), pp. 237–38.

³⁹³ OSCE, 'Vienna Declaration on the role of the OSCE in South-Eastern Europe', Eighth Meeting of the Ministerial Meeting, Vienna, 27–28 Nov. 2000, URL <<http://www.osce.org/docs/english/1990-1999/mcs/8wien00e.htm>>.

³⁹⁴ Stability Pact for South Eastern Europe (note 250).

Article V, which previously had been an isolated endeavour focused on military security.³⁹⁵

On 18 July 2001, the 20 states participating in the negotiations under Article V of the Agreement on Regional Stabilization reached consensus on a politically binding joint document. The Concluding Document of the negotiations ended a long and, at times, difficult negotiating process. The original mandate of the negotiation—to link the arms control obligations of the parties to the Florence Agreement with those of the neighbouring parties to the CFE Treaty—was not attained. The 1999 Agreement on Adaptation of the CFE Treaty superseded this mandate by introducing a new framework for arms control in Europe, including individually set ceilings for military holdings. Structural arms control measures were not dealt with since certain participating states did not wish to address future arms control limitations until the time of their accession to the adapted CFE Treaty. The participants also could not agree on a binding information exchange regime which would go beyond their existing obligations. Moreover, since many countries in the region were already parties to various bilateral and multilateral agreements and considered that their participation in the latter effectively ensured their security, there was no major incentive to expand such measures. Finally, the admission of the FRY to the OSCE, in November 2000, helped change the political situation and relax tensions and fears in the region.

The Concluding Document provides a list of voluntary CBMs, 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 evaluation visits, de-mining and destruction of APMs and SALWs. A commission of participating states was established to review the implementation of the measures, and it undertook to cooperate closely with the Stability Pact for South Eastern Europe. The measures took effect on 1 January 2002.³⁹⁶

The Sub-Table on Defence and Security of the Stability Pact's Working Table III on Security Issues welcomed the conclusion of the

³⁹⁵ See 'Statement by Ambassador Henry Jacolin' (note 391).

³⁹⁶ OSCE, 'Concluding Document of the Negotiations under Article V of Annex 1-B of the General Framework Agreement for Peace in Bosnia and Herzegovina', Article V document ArtV.DOC/1/01, 18 July 2001; and 'Statement by Ambassador Henry Jacolin, Special Representative of the OSCE for Article V (Regional Stability)', Joint PC/FSC Meeting, Vienna, 19 July 2001.

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 Assistance Centre (RACVIAC) also declared its desire to contribute to the implementation of the agreement.³⁹⁷

Following its first meeting in October 2002 the Article V Commission reached consensus on its procedures and working methods, which became effective on 1 March 2003. The annual meeting of the participating states, held on 31 October 2003, reviewed activities, some of which are carried out under the Stability Pact for South Eastern Europe. The participating states provided information on activities planned for 2004, including accommodation of additional inspections and evaluation visits, engagement in information exchange extending beyond the Vienna Document 1999 provisions, the intensification of CBMs, and the evaluation of further possible cooperation and assistance on the issues of anti-personnel mines and small arms and light weapons.³⁹⁸

Assessment of the purpose, negotiation and final outcome of Article V makes clear that, despite great effort, little was achieved. The situation in the Balkans is stabilizing and the security credentials of those states are improving (e.g., as demonstrated by the suspension of the Article II Agreement). The modest confidence-building measures being employed in the region are largely of symbolic value but, nonetheless, can play a potentially significant role in the efforts leading towards greater stability and predictability in security matters.

³⁹⁷ OSCE, Working Table III on Security Issues. Fifth Meeting of the Working Table on Security Issues, Chairman's Conclusions, State Secretary Kim Traavik, 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. In recent years the RACVIAC has focused more on security sector reform than on arms control. The South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) plays a central role in the Stability Pact approach to SALW issues.

³⁹⁸ Delegation of Germany, Chairman of the Article V Commission, 'Information of the OSCE Permanent Council and the Forum for Security Co-operation on activities of the Commission of the Participating States established under the Concluding Document of the Negotiations under Article V of Annex 1-B of the General Framework Agreement for Peace in Bosnia and Herzegovina following their 2003 Meeting on 31 October 2003', Article V Document Art V.DEL/5/03, 26 Nov. 2003.

8. Open Skies

I. The Treaty on Open Skies

The open skies proposal was first advanced by US President Dwight D. Eisenhower in 1955 and relaunched in an expanded version by President George Bush in 1989 with the aim of allowing flights by unarmed reconnaissance aircraft over the territories of the Soviet Union, the USA and their allies.³⁹⁹ Although not the breakthrough it might have been at the apogee of the cold war period, the proposal offered several considerable military and political security benefits, such as enhancing verification of arms control agreements; increasing openness and transparency, including through access by many countries to the information provided by open skies overflights; risk reduction; and a conflict prevention and crisis-management potential.⁴⁰⁰

In the run-up to the conclusion of the open skies negotiation, on 15 May 1991 Hungary and Romania signed an agreement on the establishment of an open skies regime that had a stimulating effect on the negotiation. The implementation of the Hungarian–Romanian agreement was a success and proved the confidence-building potential of open skies and the technical feasibility of cost-effective cooperative procedures.⁴⁰¹

On 24 March 1992, 25 states signed the Treaty on Open Skies at Helsinki (see table 8.1).⁴⁰² The treaty aims to ‘improve openness and transparency, to facilitate the monitoring of compliance with existing or future arms control agreements and to strengthen the capacity for conflict prevention and crisis management’ in the CSCE framework and other relevant international institutions.⁴⁰³

³⁹⁹ The original 1955 US proposal covered only the superpowers.

⁴⁰⁰ For more on these and other, more near-term, motivations (such as offsetting the Gorbachev disarmament offensive) at that time, see Tucker, J. B., ‘Back to the future: the Open Skies talks’, *Arms Control Today*, Oct. 1990, pp. 20–24.

⁴⁰¹ See, e.g., Spitzer, H., ‘Open Skies Treaty: a cooperative approach to confidence building and verification’, eds D. Schroeder and A. Pascolini, *The Weapons Legacy of the Cold War: Problems and Opportunities* (Ashgate: Brookfield, Vt., Singapore, Sydney, 1997), pp. 172–75.

⁴⁰² Under Article XVII of the treaty, former Soviet republics were allowed to join it, without specific approval of the states parties, if they signed before the treaty entered into force.

⁴⁰³ The preamble of the treaty also envisages the possible extension of the regime into additional fields, such as the protection of the environment. The NNA countries expressed their desire to participate in the treaty at the time it was signed. However, the major obstacle

Table 8.1. Status of the 1992 Open Skies Treaty, as of 24 August 2004

Parties	Date of deposit ^a
Belarus	2 Nov. 2001
Belgium	28 June 1995
Bosnia and Herzegovina	21 Aug. 2003
Bulgaria	15 Apr. 1994
Canada	21 July 1992
Czech Republic	21 Dec. 1992
Denmark	21 Jan. 1993
Finland	12 Dec. 2002
France	30 July 1993
Georgia	31 Aug. 1998
Germany	27 Jan. 1994
Greece	9 Sep. 1993
Hungary	11 Aug. 1993
Iceland	25 Aug. 1994
Italy	28 Oct. 1994
Kyrgyzstan ^b	–
Latvia	13 Dec. 2002
Luxembourg	28 June 1995
Netherlands	28 June 1995
Norway	14 July 1993
Poland	17 May 1995
Portugal	22 Nov. 1994
Romania	5 June 1994
Russia	2 Nov. 2001
Slovakia	21 Dec. 1992
Slovenia	25 July 2004
Spain	18 Nov. 1993
Sweden	28 June 2002
Turkey	30 Nov. 1994
UK	8 Dec. 1993
Ukraine	20 Apr. 2000
USA	3 Dec. 1993

^a The treaty enters into force for a state 60 days after the date of deposit of its instrument of accession.

^b Kyrgyzstan signed but has not ratified the treaty.

Source: Canadian Department of Foreign Affairs and International Trade, 'Treaty on Open Skies', 24 Aug. 2004.

to the accession of other CSCE states was the Turkish position. Turkey wanted to block accession by Cyprus and therefore opposed membership for NNA countries.

The treaty focuses on four major issues: territory, means of observation (aircraft), sensors and quotas. The entire territory of all parties must be accessible to aerial observation. Only flight safety considerations may restrict the conduct of observation flights. Unarmed aircraft provided by either the observing or observed country can be used. All aircraft and sensors must pass specified certification and inspection procedures to ensure they meet the standards of the Open Skies Treaty, taking into account the legitimate interests of the observed state party. Aircraft may have video, panoramic and framing cameras for daylight photography, infrared line scanners for a day/night capability and sideways-looking synthetic aperture radar for a day/night all-weather capability.

Image quality must permit recognition of major military equipment,⁴⁰⁴ allowing significant transparency regarding armed forces and activities. Sensor categories and capabilities can be improved by agreement. All equipment used must be commercially available to all states parties. Data from the flights are to be immediately shared by the observing and observed parties, and may be purchased by other parties to the treaty. Each party agreed to annual quotas of observation flights it is willing to receive.

The treaty is important for states that lack other means of observation, such as satellite reconnaissance capabilities. The egalitarian nature of the agreement, with the acquired data to be widely shared, makes the Open Skies regime particularly valuable for small states.⁴⁰⁵

After Kyrgyzstan signed the treaty in December 1992, and the division of Czechoslovakia on 1 January 1993, the number of signatories rose to 27. By establishing a multilateral regime for the conduct of observation flights by unarmed reconnaissance aircraft over the territories of states parties in the area 'from Vancouver to Vladivostok' (i.e., much larger than both the areas of application for the CFE Treaty and CSBMs), the treaty became potentially the most extensive confidence-building and stability-enhancing venture to promote openness and transparency about military forces and activities.

However, the ratification of the treaty proceeded slowly. There were a number of reasons for this, including the fact that many of the political objectives of the treaty had become outdated. The original,

⁴⁰⁴ E.g., it will make it possible to distinguish a tank from a truck.

⁴⁰⁵ Bailer, S., 'The Treaty on Open Skies', *SIPRI Yearbook 1995: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 1995), p. 821.

mainly US/NATO, intention of making the military sector of the Soviet Union/Russia more transparent had already been achieved in other ways. Another important reason was the cost of implementing the provisions of the Open Skies Treaty; many CSCE states claimed that they could not afford to observe other states on their own because the financial burden was too great. With military budget squeezes across the CSCE area, the treaty seemed to have been de-emphasized.

Many countries have not rushed ratification of the Open Skies Treaty for non-political reasons, such as issues of higher priority on their agenda.⁴⁰⁶ Russia, however, had distinct political problems. The treaty was long prevented from entering into force because of the continuing failure of Belarus, Russia and Ukraine to ratify it; Russia's reluctance to proceed with ratification was the greatest obstacle. The opposition in the Russian Duma claimed that the treaty discriminated against Russia because the NATO states had agreed not to conduct overflights of each other's territory. Therefore Russia and Belarus would have to accept an excessive number of overflights compared with, for example, Germany and the USA because the former two states functioned as a single entity for quota allocation purposes. Although the Western European Union states had voluntarily offered Russia additional overflights, the opponents to the treaty in the Duma did not change their minds. Evidently, the treaty was being 'held hostage' to other outstanding political and military issues—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). For its part, Belarus was apparently just waiting for Russia's ratification.

Ukraine failed several times in the 1990s to ratify the treaty. One of the reasons was financial. Many Ukrainian deputies also voiced concern that ratification might lead to a deterioration in Ukrainian–Russian relations and that participation in the treaty might become an engine for (undesirable) integration with NATO.⁴⁰⁷

Meanwhile, Western governments were more anxious for other prominent arms control agreements to be reached or enter into force:

⁴⁰⁶ Institute for Defense and Disarmament Studies, *Arms Control Reporter* (IDDS: Brookline, Mass.), sheet 409.B.49, Dec. 1995.

⁴⁰⁷ Hryshchenko, K. (Deputy Foreign Minister of Ukraine), 'The road to the Open Skies', *Holos Ukrayiny* (Kiev), 31 July 1998, in 'Ukraine: Minister on Open Skies Treaty', Foreign Broadcast Information Service, *Daily Report—Central Eurasia (FBIS-SOV)*, FBIS-SOV-98-224, 12 Aug. 1998.

the 1993 Chemical Weapons Convention, the 1993 START II Treaty and an adapted CFE Treaty.

The 1999 Istanbul OSCE summit meeting nevertheless reaffirmed the significance of the treaty, and urged early completion of the process of its ratification and entry into force. The OSCE participants underlined that trial flights were in no way a substitute for the regime of observation flights as set forth in the treaty.⁴⁰⁸ On 2 March 2000, the Ukrainian Parliament ratified the treaty. Russia had to wait until the change of policy in 2001, when both it and Belarus ratified the treaty and deposited their instruments of ratification on 2 November 2001. The Treaty on Open Skies entered into force on 1 January 2002.⁴⁰⁹

Once the treaty had entered into force, additional OSCE states could apply for participation in the Open Skies regime until 1 July 2002, and after that any country could request to accede to the treaty.⁴¹⁰ On 5 November 2001 Sweden and Finland announced their intention to accede to the treaty. In 2002 the applications for accession by Bosnia and Herzegovina, Croatia, Finland, Latvia, Lithuania and Sweden were approved by the Open Skies Consultative Commission (OSCC). As of September 2004, four additional states had become parties to the treaty—Bosnia and Herzegovina, Finland, Slovenia and Sweden. Several other states were in the process of becoming members (Croatia, Estonia and Lithuania). Turkey continued to block the accession of Cyprus, which still constitutes a challenge for OSCE diplomacy to overcome.

II. The OSCC and overflights

The Open Skies Consultative Commission was established to oversee the implementation and operation of the treaty, to resolve ambiguities which might arise and to consider applications for and agree to technical and administrative measures on accession by other states. It held

⁴⁰⁸ 'Istanbul Summit Declaration' (note 389), para. 42.

⁴⁰⁹ 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.

⁴¹⁰ For 6 months after entry into force of the Treaty on Open Skies (until 1 July 2002), any other OSCE participating state was able to apply for accession by submitting a written request to one of the depositaries for consideration by the OSCC. Applications were subject to consensus agreement by the OSCC. The treaty enters into force 60 days after a state has ratified it. After 1 July 2002 the OSCC was to consider the application for accession of any other state. The text of the treaty is available at <<http://www.osce.org/docs/>>.

regular and informal meetings in Vienna, chiefly dealing with the technical and procedural issues of implementing the treaty. In the first years after the signing of the treaty, the work of the OSCC progressed slowly. Several informal working groups were set up on costs, sensors and calibration rules, flight rules and procedures and their legal implications, data exchanges and notifications. They aimed to resolve and gain consensus on controversial issues and facilitate the functioning of the OSCC.⁴¹¹ Mock certification inspections were conducted by states. On the basis of the work of these groups, the OSCC added legally binding 'Decisions' to the treaty. The agreed texts were to become effective together with the treaty. The OSCC also resolved such matters as that of Czech and Slovak flight quotas and considered the establishment of a new scale for the distribution of administrative costs.

Just before the entry into force of the treaty in 2002, the OSCC decided to establish three informal working groups on certification, sensors, and rules and procedures. During the initial certification period, 16 states parties certified their observation aircraft and sensor configuration in accordance with the provisions of the Open Skies Treaty. A number of other parties indicated that they intended to do so in the future. The certifications made it possible for formal observation flights to begin in August 2002.

Another major factor in the run-up to the entry into force of the treaty was the overflight experience gained in the period of its provisional application (1992–2001). The parties were interested in arranging mutual trial flights with the aim of developing and testing procedures and for training purposes. Every year since 1992 a growing number of such flights have been carried out. While Open Skies observation aircraft, equipment and flight operation are costly, further agreements on pooling equipment and operations are expected. In 1993 Belgium, Luxembourg and the Netherlands concluded a cooperation agreement under which they would operate jointly from the Belgian Air Force base at Melsbroek.⁴¹² In October 1993, it was reported that, in order to cut back on the anticipated costs of implementing the treaty, 11 nations, including Canada and the Benelux countries, were considering sharing a single Open Skies aircraft with a limited sensor

⁴¹¹ For more on the agenda of the OSCC see the SIPRI Yearbooks 1993, 1994 and 1995.

⁴¹² *Trust and Verify*, no. 42 (Nov. 1993). The 3 states are regarded as a single state party for the purposes of the treaty.

package consisting of video and panoramic cameras. As an additional cooperative venture, the WEU states considered the formation of a pool of aircraft for the same purpose.⁴¹³

The signatories carried out an intensive programme of reciprocal overflights, and failure to ratify the treaty did not prevent Russia from participating in the informal trial flights. After a stalemate of more than a year, in 1997 the Russian Defence Ministry consented to a new round of bilateral trial flights. In July–August 1997 Russia conducted its first surveillance flight over the United States (following Ukraine, which was the first former WTO country to fly over the USA in April). Some of the flights were ‘taxi’ flights, that is, crews flew in the host country’s aircraft and used the host’s sensors.⁴¹⁴

In 1996–2001 more than 350 such trial flights took place. These flights have resulted in steady interest in sustaining the Open Skies regime.⁴¹⁵ In 2002, 67 observation flights were conducted; 82 such missions were planned for 2004.

At the end of October 2003, the first annual review of active quotas for observation flights for 2004 was completed by the OSCC.⁴¹⁶ Italy certified its observation aircraft and sensor configurations, and several other states indicated their intentions to do so. In late November, Latvia was allocated a passive quota of (four) observation flights, ending a dispute between it and some other parties over this issue. A number of other issues were addressed by the OSCC in 2003, many of which arose in connection with the entry into force of the treaty in 2002. One of the main issues was how to deal with the fact that some states had changed the location and number of Open Skies airports since signing the treaty. This causes problems since it affects the relationship between maximum flight distances, flight quotas, and the number and location of Open Skies airports. Other issues addressed

⁴¹³ Institute for Defense and Disarmament Studies, *Arms Control Reporter* (IDDS: Brookline, Mass.), sheet 409.B.41, Dec. 1993.

⁴¹⁴ Institute for Defense and Disarmament Studies, *Arms Control Reporter* (IDDS: Brookline, Mass.), sheet 840.B.31, June 1997; and *Atlantic News*, no. 2939 (31 July 1997), p. 4; and no. 2974 (18 Dec. 1997), p. 3.

⁴¹⁵ OSCE, ‘All conditions fulfilled for Open Skies Treaty to enter into force’, 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. OSCE, ‘Report on the information seminar on the Treaty on Open Skies, Vienna, 1 and 2 October 2001’, OSCE document OSCE.DEL/35/01, 5 Oct. 2001.

⁴¹⁶ OSCC, ‘Decision no. 18/03 to the Treaty on Open Skies: redistribution of active quotas for observation flights 2004’, OSCC document OSCC.DEC/18/03, 27 Oct. 2003.

included transits necessary during observation flights and the distribution of costs related to the implementation of the treaty.

With the Treaty on Open Skies operating fully and with new OSCE states continuing to accede to it, its tasks can now be reappraised and adapted to the new security environment. In the run-up to the 2005 review conference various suggestions have been floated, including: (a) the geographical expansion of the regime by accession of the former Yugoslav states (see below) and the South Caucasus and Central Asian countries; (b) revamping its conflict prevention and crisis-management functions and activating its non-proliferation capability; (c) facilitating the monitoring of compliance with arms control agreements (e.g., the CFE, the CWC) and other arrangements (e.g., the GEMI); and (d) extending it to the other original purpose—monitoring environmental protection.⁴¹⁷

III. Open Skies flights in the Balkans

In the wake of the Dayton Agreement, the international community sought to improve cooperation between the parties to the Article II Agreement on CSBMs in Bosnia and Herzegovina. An OSCE Seminar on Regional and Bilateral Confidence and Security Building and Open Skies took place in Sarajevo on 12–13 February 1997. The participants learned of the experience of a number of states which had implemented and monitored CSBMs and also discussed the importance of confidence-building and Open Skies measures for Bosnia and Herzegovina.⁴¹⁸ Such regional experiments offer several advantages: the relatively low cost and high efficiency of carrying out overflights above the rough and inhospitable terrain, effective deterrence of possible preparation for a surprise attack, efficient observation of the development of military infrastructures, the ‘visibility’ of such measures, and so on.⁴¹⁹

The Open Skies voluntary demonstration overflights of Bosnia and Herzegovina in 1997 created interest and were praised as a useful cooperative endeavour despite certain political and technical difficulties. In June 1997 Hungary and Romania, the pioneers of a regional

⁴¹⁷ There have been attempts to transplant the Open Skies idea to other regions, especially Latin America. See Dunay, P. *et al.*, *Open Skies: A Cooperative Approach to Military Transparency and Confidence Building* (UNIDIR: Geneva, 2004), pp. 166–82.

⁴¹⁸ *OSCE Newsletter*, vol. 4, no. 2 (Feb. 1997).

⁴¹⁹ Dunay *et al.* (note 417), pp. 158–59.

open skies enterprise in Europe, undertook the first two joint trial flights, involving representatives of the three parties to the CSBM Agreement and international observers. Photographs were taken of military sites of the entities and made available to all the parties to the agreement.⁴²⁰ In August another trial overflight of Bosnia and Herzegovina was carried out under OSCE auspices, using the German Tu-154M aircraft.⁴²¹ The next Open Skies flight, a joint US–Russian project, took place on 3–7 November 1997.⁴²² A subsequent seminar was organized in 1998 on aerial observation.

In 1999 an aerial observation system was approved to be linked to the risk-reduction measure (III) of the Article II Agreement, but also with the aim of expanding the initiative as a CSBM in the area around the Inter-Entity Boundary Line.

In 2000 the Czech Republic and the OSCE sponsored an aerial observation initiative with active support from Denmark, which provided equipment and training. Trial flights were conducted over the territories of each of the entities. In October 2000 an aerial observation exercise was carried out over the territory of Bosnia and Herzegovina, with assistance from Czech, Danish, Stabilization Force and entity experts.⁴²³ A proposal for an Aerial Observation System was drafted and submitted to the Joint Consultative Commission under measure III with the aim of furthering transparency.⁴²⁴ Following the 1998 decision of the JCC, a Protocol on Aerial Observation in Bosnia and Herzegovina was agreed and adopted at the third conference to review the implementation of the Article II Agreement to clarify the concerns of the parties or the CIO Personal Representative in regard to unusual military activities.⁴²⁵ The original aim of augmenting measure III has since been expanded by providing the aerial observation with humanitarian missions.

⁴²⁰ *Trust and Verify*, issue 75 (May/June 1997), pp. 4–5.

⁴²¹ The flight covered 2300 km, photographing some 120 civilian and military sites, 60 each in the Federation and the Republika Srpska. *Trust and Verify*, issue 77 (Sep. 1997), p. 2.

⁴²² *OSCE Newsletter*, vol. 4, no. 11 (Nov. 1997).

⁴²³ The Czech Antonov-30 flew in tandem with MI-8 helicopters from each entity's forces. In 1997–99, 5 demonstration flights were carried out in Bosnia and Herzegovina in order to train the military personnel of the Federation and the Republika Srpska for such missions.

⁴²⁴ 'Yearly Report on the Implementation of Articles II and IV', 2000 (note 373).

⁴²⁵ OSCE, 'Protocol on Aerial Observation in Bosnia and Herzegovina', Annex D, 'Final Document of the Third Conference to review the Implementation of the Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina', Vienna, 19–21 Feb. 2001.

In 2002 the parties envisaged that in future they would use their own equipment and resources to conduct flights.⁴²⁶ The idea of aerial observation was also briefly addressed at the Article V talks, but concrete measures failed to materialize. As noted above, in 2003–2004 Bosnia and Herzegovina and Slovenia acceded to the Open Skies Treaty. Croatia is well advanced in its efforts to join the regime.

⁴²⁶ A serious impediment is the lack of a fixed-wing aircraft fitted with cameras; the 3 parties (Bosnia and Herzegovina and its 2 entities) have instead used helicopters.

9. Inspiring the non-European CSBM debate

The normalization of military relations in Europe has not been adequately paralleled by similar steps in other regions of the world. The successive generations of confidence- (and security-) building measures were tailored to the specific context of a divided Europe and its specific post-cold war context. The experience of some non-European regions seems to prove the exclusivity rather than the universality of European CSBMs.⁴²⁷ Various attempts to utilize them in other politico-military contexts have yielded mixed results. In the Association of South-East Asian Nations (ASEAN) region and Latin America, military CBMs have been agreed within packages of broader, loose confidence-enhancing steps, and the political and military authorities have endeavoured to test more and more of them. In Central Asia CSBM and arms control agreements were reached in 1996–97 by the ‘Shanghai Five’ (China and Russia plus three Central Asian states). These were clearly inspired by the CFE Treaty and the European CSBM record of accomplishments, but they also introduced some indigenous elements.⁴²⁸ In other conflict-ridden parts of the world, such as the Korean peninsula, South Asia and the Middle East, such ambitions have hardly gone beyond discussion and proposals by analysts and theoreticians.⁴²⁹

Currently, the European model is unique, and it will continue to be difficult for non-European regions to emulate it, especially as long as they remain entangled in rivalries and mutual mistrust or are divided

⁴²⁷ For discussion of non-European CSBM approaches see, e.g., Krepon, M., McCoy, D. M. and Rudolph, C. J. (eds), *A Handbook of Confidence-Building Measures for Regional Security* (Henry Stimson Center: Washington, DC, 1993); Richter (note 5); and Krepon, M. et al. (eds), *Global Confidence Building. New Tools for Troubled Regions* (Macmillan Press Ltd: Scranton, Pa., 2000); and Desjardin, M.-F., *Rethinking Confidence-Building Measures*, Adelphi Paper no. 307 (Oxford University Press: Oxford, 1996). For overviews of developments in non-European contexts see also *SIPRI Yearbooks 1997–2004*.

⁴²⁸ For Central Asian CSBM application see Trofimov, D., ‘Arms control in Central Asia’, Bailes, A. J. K. et al., *Armament and Disarmament in the Caucasus and Central Asia*, SIPRI Policy Paper no. 3 (SIPRI: Stockholm, July 2003), pp. 46–56, available at URL <<http://editors.sipri.se/recpubs.html>>.

⁴²⁹ In mid-2004 India and Pakistan agreed a set of ‘nuclear and strategic’ confidence-building measures, including a hotline, a pledge to notify each other in advance of tests of nuclear-capable missiles and a continuation of the moratorium on tests of nuclear warheads. It remains to be seen whether there will be adequate political will to implement these measures in the long run. ‘India and Pakistan set up nuclear hotline’, *Financial Times*, 20 June 2004.

by enmities and lack the political will to overcome them. On the whole, outside Europe, basic confidence building is being pursued actively in regions which either already enjoy a sufficiently high degree of security dialogue or which lack major incentives to engage in an arms race. (Although the term ‘confidence- and security-building measure’ is used for some of the non-European measures, they are in fact closer to the first generation of European CBMs than to CSBMs.) The CBM issue has been reviewed by the UN since 1981 when the group of intergovernmental experts submitted a study on CBMs to the General Assembly.⁴³⁰

If it were assumed that the historical premises for CBMs/CSBMs in Europe, which are listed in chapter 2 (a limited number of actors, high stability, no long-standing deep antagonisms, fear of inadvertent nuclear catastrophe, an institutional framework and affinity of values), are the absolute conditions for applying such measures outside the OSCE area, their application would be out of the question. In reality, each region has its own political, social, economic and military characteristics, as well as specific peculiarities, which should be taken into account when embarking on the road towards strengthening confidence among states.

Both intuition and experience suggest that once any group of states is ready to adopt the view that the benefits of peaceful relations outweigh the costs of confrontation and conflict among them, there is room and a starting point for a confidence-building process.⁴³¹ Some of the OSCE experience discussed above could then be of relevance in designing a regime adapted to local circumstances. In any such effort, several premises ought to be taken into account.

It is important that the beneficiaries of future confidence-building measures understand their capabilities and limitations. CBMs are not a cure-all for international security problems. They constitute part of the outcome of a wider cooperative process of reconfiguring inter-state relations, rather than creating it.

Stability and predictability in the given region are preconditions for confidence. This can be achieved only against a broader background of political, economic and social relationships in the area of applica-

⁴³⁰ See General Assembly Resolution 34/87 B, 11 Dec. 1979; and General Assembly, ‘Comprehensive study of the Group of Governmental Experts on confidence-building measures’, General Assembly document A/36/474, annex, 6 Oct. 1981.

⁴³¹ The following observations are largely inspired by the analysis in Richter (note 5).

tion. Confidence is definitely a fair-weather feature and can hardly exist in a state of crisis or conflict.

Convergence of the norms and values pursued by the parties to an agreement is desirable. It is a challenge to ensure that the obligations undertaken are respected. In non-democratic regimes, decisions and pledges can be made easily, but they can just as easily be abandoned. Democracies (even the not-so-perfect ones) require protracted, sometimes tortuous, processes to adopt obligations, but when an essential decision has been made it is more difficult for them to retreat from it.

C(S)BMs are not of value per se; they serve broader objectives. It is advisable that a strong overarching goal is shared by parties which are in pursuit of better mutual relations, whether it is to avert war or build durable peace. In the northern hemisphere, the goal has been cooperative security. Elsewhere, advanced cooperative undertakings are not yet in place. Armed forces are instead perceived to be the main tool for enhancing state security, and rarely are the interests and perceptions of neighbouring countries taken into account by states. Moreover, such tenets as the renunciation of violence, non-violation of borders and non-intervention have not been addressed in earnest in other regions. In order to implement CBMs in a non-European context, a comprehensive political framework within which such measures could be elaborated, reviewed and/or verified will thus be needed, against the background of a set of broader political commitments and principles.

The existing 'political culture' is also a factor. Countries at different stages of state formation, with various political habits and outlooks, risk mutual misunderstanding and misconceptions about each other. Some observers point especially to the psychological aspect of launching a CBM process; if it is poorly timed, the introduction of confidence-building measures may be counterproductive or simply fail.

The multitude of actors involved in introducing such a system might make it desirable to adopt a bottom-up, incremental approach. Sub-regional and bilateral solutions appear to hold more promise for the pursuit of confidence at the early stages of a CBM process than the introduction of an overall regime as an instant 'package solution'.

As mentioned above, a CBM regime cannot simply be transferred from Europe to other regions. The design of a local process would have to be carefully considered. It should be a well-prepared, well-

timed, earnestly executed incremental exercise and may have to start in a different place from the European functional process. In the western hemisphere, traditional CSBMs may well be enhanced with non-traditional measures—non-military ‘confidence-enhancing measures’—which are better suited to address multidimensional risks and threats, such as terrorism, transnational organized crime, drug trafficking, natural disasters, health concerns and the like. Similar ideas have been propounded in South-East Asia. It has sometimes been suggested that other regions, especially the Middle East, could start with different, non-military dimensions of security, such as water supplies, cooperation in case of natural disasters, and so on. In any case, a ready-made blueprint ought not to be applied.

In the light of these general premises, the following factors could be taken into account if a CBM and arms control dialogue were to be pursued outside Europe.⁴³²

1. *Gradualism, or a step-by-step approach.* This strategy was successfully employed in the European CSBM process. It started with a few crude measures on which the edifice of CBMs and arms control in Europe was then incrementally built and developed over a period of years.

2. *Selectiveness.* Pursuing an all-encompassing approach should be avoided because this creates the risk of total collapse in the event of a major disagreement or difference over one element of the whole. Linkages between various areas of negotiation can easily hamper or hamstring progress in arms control talks. Therefore it is advisable to separate the negotiations on a range of issues. As a result of such an approach, the deadlocked MBFR talks did not impair the C(S)BM dialogue in the 1970s and the 1980s.

This approach need not prevent the parties from conducting parallel dialogues on both military and non-military security issues. The goal is to avoid a situation in which the entire security-building process might easily become hostage or fall victim to lack of progress in the military sphere.

3. *Flexibility.* In the light of the European East–West talks, in the early stages it is advisable not to emphasize stringent legal agree-

⁴³² See also ‘The Reshaping of European Security Relations, 1980–2000: Confidence and Security Building Measures and Conventional Arms Control’, Wilton Park Conference WPS 01/12, Wilton Park, 30 May–1 June 2001, URL <<http://www.wiltonpark.org.uk/web/conferences/reportprintwrapper.asp?confref=WPS01-12>>.

ments. Politically binding accords are preferable. Some unilateral gestures are allowable, but they should be made with caution.

4. *Institutional framework.* A forum for developing C(S)BMs ought to be provided with a mandate (aim, principles, modalities, zone of application, etc.) and an agenda. This will help ensure regular and continuous contact and communication and, later, enable verification and improvement of implementation. Such a role was and is played by the CSCE/OSCE and its arms control-related bodies. In the early 1980s, the arms control forums additionally provided the major powers with a venue for dialogue during the political deadlock caused by Russia's nuclear armament and NATO's dual-track missile deployment/arms control policy.

5. *Mutual advantage* and win-win approaches should be sought and *political will* sustained rather than pursuing the logic of zero-sum games and negative rhetoric. Sending positive signals is of essential importance for the political climate of negotiations and dialogue. In addition to militarily significant measures, politically symbolic and declaratory measures—such as non-use of force—can be useful.

6. The participation of a *third party or parties* is sometimes advisable. Third parties can serve as brokers, help to break deadlocks and suggest new solutions. The European NNA countries played a positive role in the cold war-related bloc negotiations, especially in dealing with stalemates.

7. Arms control is a *continuing process*. Once started it cannot merely be stopped at some stage and declared complete. Even in the most advanced regime, the dynamism of international relations calls for its cultivation and further development and adaptation.

The European record far exceeds anything that has so far been agreed and put into effect elsewhere. Given the role that confidence-building measures might play in helping to resolve the security problems in non-European regions, the OSCE has recently shown willingness to actively share its experience with interested parties. In October 2000 it held a seminar on CBMs/CSBMs for its Mediterranean Partners for Co-operation.⁴³³ In March 2001, the applicability of CSBMs in the Korean peninsula security environment was discussed between interested states and international institutions at a meeting organized

⁴³³ Mediterranean Seminar on Confidence-Building Measures and Confidence- and Security-Building Measures: the OSCE Experience and its Relevance for the Mediterranean Region, Portoroz, Slovenia, 30–31 Oct. 2000.

in Seoul by the OSCE and South Korea. As a follow-up to that conference, a workshop of the OSCE and the South Korean Ministry of Foreign Affairs and Trade was held in 2003 in Seoul.⁴³⁴

With the growing proliferation of threats in the first decade of the 21st century, the OSCE has begun to seek possibilities for expanding its relevant principles, norms and measures to adjacent and other regions, particularly in cooperation with its Partners for Co-operation (Afghanistan, Japan, South Korea and Thailand) and with the Mediterranean Partners for Co-operation (Algeria, Egypt, Israel, Jordan, Morocco and Tunisia). The OSCE participating states have encouraged these partner states to take part in a number of existing information exchanges and other endeavours within the CSBM framework and in exchanges regarding mutual early warning.⁴³⁵ In addition, the OSCE has declared its intent to explore the scope for wider sharing of OSCE norms, principles and commitments with ‘adjacent areas’.⁴³⁶

⁴³⁴ OSCE–Korea Conference 2001: Applicability of OSCE CSBMs in Northeast Asia, Seoul, 19–21 Mar. 2001. Workshop documents are available in *Applicability of OSCE CSBMs in Northeast Asia Revisited: Consolidated Summary and Papers* (Institute of Foreign Affairs and National Security: Seoul, 2003), URL <http://www.osce.org/documents/sg/2003/11/1108_en.pdf>.

⁴³⁵ OSCE, ‘OSCE Strategy to address threats to security and stability in the twenty-first century’, OSCE Ministerial Meeting, Maastricht 2003, OSCE document MC(11).JOUR/2, Annex 3, 2 Dec. 2003. Accordingly, for the first time the Partners for Co-operation were invited to attend all AIAM sessions in 2004 (9–10 Mar. 2004). In that context, the FSC chairperson has pointed out: ‘Our Chairmanship takes the challenge of “outreach” seriously. . . . However, . . . it takes two to tango; our Partners must demonstrate that they are ready to proceed beyond spectatorship and become active participants in that process’. OSCE, ‘Report by the Chairman of the Forum for Security Cooperation to the Second Annual Security Review Conference’, OSCE document PC.DEL/571/04, 24 June 2004.

⁴³⁶ OSCE, ‘Further dialogue and co-operation with the Partners for Co-operation and exploring the scope for wider sharing of OSCE norms, principles and commitments with others’, Permanent Council document PC.DEC/571/Corr.1, 2 Dec. 2003.

10. Conclusions

The confidence- and security-building measures of the OSCE are unique and remain the most elaborate and successful system and framework of this type in the world. In a sense, the OSCE CSBM regime is a barometer of broader security relations among the participating states. The CSBM process in Europe started slowly, forced its way past various cold war obstacles and twists of policy and eventually generated an extensive collection of cooperative measures, norms and mechanisms. The question now is how current political changes will affect its status, form and content.

The standing of CSBMs in the new Europe differs significantly from the role played by the CBM/CSBM regime in the last 15 years of the cold war. New norms, political commitments, military–technical measures, procedures and mechanisms emerged in the 1990s within the broader institutional framework of the CSBM regime. The premises for confidence and security building changed dramatically after the end of the cold war, and the new spirit of cooperation helped to accelerate the progress of the regime. Paradoxically, this took place in inverse proportion to the status of the Vienna Document, which seemed to fall victim to its success and decreased in importance.

The period when arms control and CSBMs functioned best as tools of cold war security policy is over. Other European structures and institutions devoted to security cooperation compete with them and often prevail in the area of military security. The development of the European military confidence-building regime was controversial in the 1970s and 1980s. Since that time, however, it has become a vital part of the OSCE security landscape. It has expanded in both substance and its area of coverage. The regime has been pursued with varying degrees of success, but generally with goodwill, in the peripheral and non-European parts of the zone of application. All in all, although the CSBM regime may be criticized as insufficient in the new security environment, it is not irrelevant.

In the post-cold war period, CSBMs have developed intensively and have evolved in quantitative rather than qualitative terms—as if the quantity of agreements could meet the actual needs. The Vienna Documents 1990, 1992, 1994 and 1999 were based on the achievements of the former era and each built on the preceding documents.

Understandably, in the early 1990s there was a desire to take advantage of a 'window of opportunity'. The future of the post-cold war era was uncertain, and there was a need to catch up with the postponed demands of the 1980s for measures that would enhance confidence, openness and transparency among the CSCE/OSCE participating states. At that time the area of application was also expanded to encompass states which had little or no experience in this area. These developments called for adjustment, not bold innovation.

Despite appeals to urgently address the emerging risks and challenges, in the 1990s the CSCE and from 1995 the OSCE community continued for the most part to follow old patterns and directions. This resulted in a host of incrementally expanding obligations, procedures and mechanisms and in growing costs to implement and sustain them. States coped with the resource- and time-consuming burden of the provision of detailed military information; carried out programmes of military cooperation and contacts; tackled numerous notification, observation, inspection and evaluation tasks and obligations; and dealt with communications problems. All this might have responded to the requirements of the participating states in the cold war era, but in the new Europe such measures were perceived as less adequate and belated responses to the new breed of regional crises and intra-state instabilities, crises and conflicts.

The basic weakness of the norms, procedures and mechanisms agreed in the Vienna CSBM framework was that they aimed to prevent increasingly unlikely armed conflicts between states or groups of states. In fact, the main threats to international security since the end of the cold war have been generated by situations within states: conflicts stemming from ethnic, religious, economic, historical and cultural differences. The situations which CSBMs were designed to help avoid—preparation for a sudden, unexpected, mass-scale attack by one state or military bloc against another—can no longer arise in Europe. In this light, proposals to improve the implementation of CSBMs have ranged from selective, limited measures to more substantial reform. However, the international community has long remained essentially helpless in the face of new challenges and risks.

In a way, the elaboration of new versions of old measures was also a kind of 'escape forward'. It illustrated the insufficient ability of states to quickly conceptualize change and respond with more appropriate approaches to confidence and security building and the required

instruments. The last round of modernization of OSCE CSBMs (1997–99) considered more than 100 proposals, but the outcome was modest, mostly aimed at further elaborating and streamlining the existing measures. It may also have demonstrated that the Vienna Document regime had reached a point of saturation. Nonetheless, this attempt to address especially regional issues was the right albeit delayed action. The separate Vienna framework was maintained while the OSCE community sought to address urgent needs in flexible ways based on either voluntary approaches or measures that did not necessarily cover the entire OSCE area or even stretch beyond it. Consequently, three broad types of CSBM currently exist: (a) Vienna Document-type measures and the Open Skies regime; (b) norm- and standard-setting arrangements; and (c) a variety of regional, sub-regional and intra-state forums, some of them outside the remit of the Vienna Document.

At least in Europe, the development of arms control processes after the East–West bloc confrontation contradicted the long-standing belief that CSBMs should play a role subordinate to disarmament, as a stage preceding and leading to it. Immediately after the end of the cold war, quantitative arms control was relegated to a secondary place as an ostensibly outdated political instrument. The Balkan wars and other security threats and uncertainties emerging on the periphery of Europe soon brought military security tools into prominence again. The military legacy of the cold war also had to be re-evaluated in the wake of the profound changes on the territory of the former Soviet Union and the other WTO states. Having accomplished the adaptation of the CFE Treaty (although the adapted treaty has not yet entered into force) in 1999, the European arms control system is now undergoing a significant further evolution. Six general tendencies will determine its status and development and have led to relevant changes.

1. *The move from hard to soft arms control measures.* The European arms control system is gradually turning away from traditional arms control measures—limitations on and reductions of arms—towards less stringent arrangements made in a cooperative spirit and enabling a flexible approach in a dynamic environment. These include confidence-building, risk-reduction, transparency and other stability-enhancing measures. An important factor is that Russia, once the main antagonist of the West, now demonstrates pragmatism in its foreign and security policy and a growing realization of its limited power-

projection capacity, particularly since Vladimir Putin assumed leadership of Russia in 2000 and the terrorist attacks on the USA of 11 September 2001. The pace of the cooperative military security dialogue between Russia and its European partners has also accelerated. Although the threat of a large military attack in Europe is small or non-existent, there continues to be a need for institutionalized stability and predictability. Russia's chronic distrust of its neighbours and of the West in general, and vice versa, will remain both a hindrance to and a rationale for the continuing search to improve security relations. As soon as the adapted CFE Treaty is in force, it should facilitate the transformation of the treaty into a pan-European (and perhaps later an all-OSCE) system. This would stimulate the further evolution of the CSBM regime and eventually bring both major arms control regimes even closer to each other.

The future CSBM agenda is also bound to be affected by other factors: the changing pattern of European military forces (which are currently typically lighter than the CFE and CSBM categories, more agile and smaller), a continuing process of rearmament and major changes in the nature of warfare (as a result of the Revolution in Military Affairs) and more aggressive acquisition of weaponry for rapid-reaction, crisis management, peacekeeping and other missions.

2. *The expanding purview of confidence- and stability-enhancing measures.* In the 1990s an additional category of confidence-building cooperative norms emerged which no longer address the threat of a mass-scale conventional military attack as was the case with traditional CSBMs. The new arrangements (NSSMs) do not necessarily meet the 'Stockholm' criterion of verifiability, which was so important in the cold war era, because they are underpinned by security sharing rather than an assurance-seeking philosophy. They emphasize the political will of individual states to apply norms and standards of behaviour and conduct that are subject to a looser collective review and assessment. The purposes of NSSMs vary and include: (a) committing the participants more strongly in political terms to certain international agreements, including those of global application; (b) setting patterns of behaviour in fields where states are not yet ready for firmer, CSBM-like obligations but demonstrate willingness to abide by some standards and share interest in advancing them further; (c) addressing new threats such as the existence of hostile, non-state actors; (d) helping combat terrorism (currently, mainly

through the 2000 SALW Document and the 1994 Code of Conduct on Politico-Military Aspects of Security); (e) dealing with excessive and/or redundant weapon and ammunition stockpiles; and (e) promoting stricter export controls on some types of weapon, such as shoulder-fired missiles.

3. *Regionalization of the European confidence- and stability-building process.* The rationale for OSCE-wide measures has undergone a change as NATO has expanded to include new member states which accept its democratic principles and partnership mechanisms. These states no longer demand additional confidence building among themselves (with the worrisome exceptions of Greece and Turkey). The EU's growing security profile has had a similar impact on its member states.

It took the CSCE/OSCE participating states a decade to give a pronounced blessing to regional CSBM solutions. The spectre of fractured European security resulted in the hampering of bolder endeavours in this respect. Nevertheless, arduous work in the 1990s provided the CSCE/OSCE with measures and tools which enabled it to smoothly tailor its CSBMs to sub-regional and regional use. Since the early 1990s a number of bilateral and sub-regional agreements as well as unilateral initiatives have been put into effect in North-Western, Central-Eastern and South-Eastern Europe. The motives for these measures have been to better address specific security concerns and defuse tensions in, for example, a neighbour-to-neighbour framework; to overcome historical resentments and eventually abandon them; to substitute for the lack of CFE assurances; and to allow participating states to meet NATO and/or EU political and security-related criteria and thus demonstrate eligibility for membership in these organizations. They also aimed to encourage neighbouring states to modify their security policies, such as Russia's attempt to dissuade the Baltic Sea states from joining NATO. In turn, the emergence of new NATO member states on Russia's border with the organization's March 2004 enlargement may lead Russia to request more advanced CSBMs (such as the previously rejected proposal to provide increased transparency on military infrastructure) with those states, in addition to CFE safeguards.⁴³⁷

⁴³⁷ In this context, the Russian Minister of Foreign Affairs stated: 'There is a need for additional confidence-building measures, measures of reciprocal control, measures to stave off hazardous military actions'. Transcript of remarks by the Minister of Foreign Affairs of Russia, Sergei Lavrov, at the press conference following the NATO–Russia Council meeting,

The stabilizing measures and the 1994 Code of Conduct pointed to a shift of perspective from the interstate to an intra-state focus. The 'Bosnian experiment' in confidence building (the 1996 Article II Agreement) became the main successful test of the viability of intra-state politico-military relations, supported by international assistance and monitoring. Finally, the Vienna Document 1999, the most recent version, encouraged states to develop measures tailored to (sub-) regional needs. The turn of events in another regionally oriented endeavour, the Article V (wider Balkan) negotiations, demonstrated that well-founded plans can be overtaken by a favourable political change.

With CSBMs in place for Bosnia and Herzegovina, similar measures in Kosovo and the FYROM may well be addressed. Other cases of 'frozen' or low-intensity conflicts continue to pose a threat to regional security such as those in the Nagorno-Karabakh Armenian separatist entity in Azerbaijan, the secessionist Abkhazian and South Ossetian regions in Georgia, and the self-proclaimed Trans-Dniester republic in Moldova.⁴³⁸ The low-intensity civil war in Chechnya may sooner or later require a military security-related solution under or parallel with a broader agreement. The political obstacles to resolving these conflicts now appear insurmountable. Although all of these conflict-ridden regions and areas of instability are formally subject to the Vienna Document regime, more intrusive regimes tailored to the local needs seem advisable at some stage of the post-conflict processes. The experience of existing regional CSBMs, which focus on border security and military activities in the vicinity of the borders, as well as other measures could be readily applied to deadlocked conflicts which for the most part are perpetuated by lack of goodwill on the part of the countries involved. Unlike the cooperative arrangements prevailing elsewhere in Europe, such measures would be closer to those designed for conflict avoidance.

The regional dimension also promises to expand, through the 'back door', the scope of CSBMs where the Vienna Document has failed to

Istanbul, 28 June 2004, URL <<http://www.in.mid.ru/ns-dvbr.nsf/6786f16f9aa1fc72432569ea0036120e/432569d800226387c3256ec3002ae1a7?OpenDocument>>.

⁴³⁸ In June 2004 the OSCE proposed a package of measures concerning demilitarization and confidence building for consideration between Moldova and the separatist Trans-Dniester entity that was based on the experience of the Dayton Agreement, the CFE Treaty and the Vienna Document. OSCE, 'OSCE Chairman-in-Office calls for settlement and easing of tension in Moldova', Press Release, 22 June 2004., URL <http://www.osce.org/news/show_news.php?id=4175>.

reach. The adverse effect of long-standing US opposition to naval CSBMs, which have persistently been promoted by Russia and some non-aligned (and even smaller NATO) states, is now being mitigated by steps cautiously exploring this type of endeavour in the Black Sea region or in bilateral Finnish–Russian relations. If such steps are successful, this could lead in future to more advanced naval confidence-building regimes.

Despite their benefits, regional arrangements also present certain hazards. With the growing tendency towards security ‘subsidiarity’, an emerging challenge for the international community is the need to reconcile the pan-European process of enhancing confidence and stability with local schemes.

4. *All-weather applications.* There have also been attempts to employ CSBMs in foul weather, mainly in regional and domestic missions. The logic of the cold war meant that CSBMs could only address interstate, fair-weather conditions; acute tensions ruled out confidence-building activities. For a long time, the European states have discussed whether cooperative responses are feasible in foul-weather contingencies such as crises, near-crisis situations, preventing situations from escalating and contributing to post-conflict confidence building. It appears that lack of political will, not insufficient mechanisms and measures, is what prevents states from using CSBMs in such situations. The unproductive discussion on the application of OSCE stabilizing measures and risk-reduction mechanisms in crisis situations is illustrative of this. After the abortive efforts made in the first half of the 1990s (Yugoslavia, Chechnya), the implementation of the Dayton Agreement demonstrated that arms control and CSBMs can play an important role in post-conflict stabilization. The experience of applying CSBMs during the Kosovo intervention was a partial success, but a step forward was made by Russia in 2000 when it arranged an observation visit by representatives of other European states to an area of ‘ongoing military activities’ in Chechnya. This, however, was a voluntary, one-off event.

CSBMs such as risk-reduction and stabilizing measures may readily be used in frameworks of preventive diplomacy and in early-warning mechanisms for foul-weather situations, especially those arising in local contexts. The optimal environment for their use will be after a political settlement has been agreed. A considerable gap is still perceived between arms control and confidence building on the one hand,

and crisis management on the other, which merits closer consideration and a possible rethinking of the web of existing arms control agreements. For example, the conflict prevention and crisis management functions of the 1992 Treaty on Open Skies might be revamped at its 2005 Review Conference.

5. *Integrating CSBMs in other cooperative enterprises.* During the cold war, despite the inclusion of some provisions with confidence-building effect in the hard arms control agreements, soft arms control played a relatively autonomous role in dispelling mistrust. In the framework of ‘comprehensive security’, the trend is to enhance the impact of such measures either by harmonizing them with other arms control instruments (the CFE Treaty, the CFE-1A Agreement, the Open Skies Treaty, etc.) or by combining them with or integrating them into other security mechanisms and institutions under an international umbrella, as was done in the Stability Pact for South Eastern Europe. The political fair weather in the Balkans after the fall of President Milosevic weakened the drive for arms control (*vide* the outcome of the Article V talks), and its tools were subsumed in the broader ‘security sector reform’ agenda of the Stability Pact. Nevertheless, their relevance is reflected in the work and activities of the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC). Another regional initiative, the South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) in Belgrade, is an example of such thinking and approach. There is room for improved cooperation between the FSC and sub-regional arrangements of this kind as well as with such security organizations as the EU and NATO, although it remains unclear how and to what extent this would function well.

It has been proposed that education on and implementation of the 2000 SALW Document and the 1994 Code of Conduct be integrated into OSCE field missions with the aim of promoting the politico-military *acquis* in a conflict situation. The resulting synergy might enhance the chances for peace and stability in volatile sub-regions and in Europe as a whole. The concept of engaging the FSC in field operations and missions is, however, still underdeveloped.

Such incipient moves call for the development of a firm conceptual and intellectual basis. The challenge is to combine and balance arms control measures, including CSBMs, with general and positive security sector reform endeavours, which today may range from security

assistance to humanitarian and anti-terrorist military intervention. The ‘negative’ (restraint) and ‘positive’ (action) aspects of security building should be considered as parts of a single constructive approach taking account of their relative strengths and weaknesses.⁴³⁹

Another approach is sometimes favoured as an alternative to the existing stalemate in the CSBM field. Given the lack of interest on the part of NATO in developing additional CSBMs and its refusal to accept Russia’s familiar, successively ‘repackaged’ initiatives in this regard, non-military confidence- and security-*enhancing* measures have been suggested. These proposed civilian measures do not yet constitute a coherent system and embrace various steps in the fields of environmental pollution, radiological security, border management, combating organized crime, joint sea rescue, preventing accidents at sea, and the like. The cooperative nature of such CSEM arrangements makes them similar to current international security-building efforts. However, although they are valuable and complementary and help to provide a new stimulus to further develop confidence-building arrangements, it would be wrong to promote them at the cost of undermining or weakening the existing regimes. The role of CSEMs should also be considered carefully. Artificial incorporation of CSEMs into the body of existing CSBMs should be avoided. In addition, regional and local (border) solutions should be tested first rather than pursuing pan-European schemes.

6. *Responding to new threats and developments.* The global terrorist threat and the activities of non-state actors spurred an examination of the relevance of all OSCE politico-military commitments to combat terrorism and crime and to enhance stability in weak or failed states, including CSBMs. The process of reviewing CSBM applicability in the new OSCE Strategy has only begun. Two documents have been initially identified as the most relevant in this context: the 1994 Code of Conduct and the 2000 SALW Document, the latter with its emphasis on export and transfer controls. The main effort has so far been focused on these as well as on the 2003 Document on Stockpiles of Conventional Ammunition. Stabilizing measures are also perceived as a promising basis for tackling the issue of preventing the recurrence of hostilities. A structured dialogue on the non-proliferation of WMD

⁴³⁹ Bailes, A. J. K., ‘Trends and challenges in international security’, *SIPRI Yearbook 2003: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2003), pp. 11–13.

(and possibly on sensitive materials and technologies) might soon reinforce the principles governing non-proliferation by giving added value to other international efforts in this area. The potential contribution of other measures is still under review, although, ultimately, they are bound to play a limited role in the overall anti-terrorist effort.

The implications of the changed character of armed conflicts and changes in armed forces—including international preventive and preemptive actions, the use of rapid-reaction forces and other peace support operations—for confidence and security building in the OSCE area need to be addressed. In the meantime, better implementation and swift adaptation are being emphasized.

The CSBM process is both a kind of insurance policy and a continuing exercise. Related mainly to conventional ground forces in Europe, during the cold war the regime was directed at the most threatening activities and parts of armed forces and equipment. For the most part, the Vienna Document regime has accomplished its task successfully and has apparently reached the peak of its development in its present form. The changed political landscape and the new security threats of the ‘post post-cold war’ environment have shifted the focus of the operation of CSBMs. Such measures as notification of large-scale military exercises and activities or annual calendars have lost their salience (although they are retained, ‘just in case’ or until lower parameters or other criteria can be agreed). Other, hitherto less used measures, such as risk reduction, are gaining in importance in the face of crisis situations. In turn, global terrorism has unexpectedly concentrated the attention of states on democratic control of the armed forces and on the fairly recent mechanisms which address small arms and surplus ammunition.

In general, the urgency of dealing with terrorist threats since 2001 has somewhat narrowed the horizon of interests of the participating states, making it more difficult for them to refocus their attention to other areas where confidence building has long been seen as advisable, such as naval and air force measures or CBMs related to tactical nuclear weapons.⁴⁴⁰ In this connection, some states have proposed a

⁴⁴⁰ In Dec. 2000 NATO made public its Report on Options for Confidence and Security Building Measures (CSBMs), Verification, Non-Proliferation, Arms Control and Disarmament. The most interesting parts of the document concern confidence-building, transparency and non-proliferation measures to be agreed between NATO and Russia. NATO Press Release M-NAC-2(2000)121, Dec. 2000, URL <<http://www.nato.int/docu/pr/2000/p00-121e.home.htm>>.

new generation of CSBMs, and perhaps a new Vienna Document. Other states argue that the pursuit of full implementation of the existing provisions should be sought first, as the best way to enable the CSBMs to fulfil their intended role. The latter position is shared by most OSCE delegations and is related to continuing concerns about compliance. This illustrates that what is needed most is a renewed commitment by all participating states rather than an overhaul of the tenets and mechanisms of the regime.

While the place and role of CSBMs have changed in the past 15 years, respect for norms and compliance with the obligations which states have adopted remain the *sine qua non* condition of the international order. Otherwise the CSBM regime, like any other international system, risks gradual erosion. It is a truism, but worth recalling, that respect for old commitments is indispensable when entering into new ones. In other words, the evolution of future norms, rules and principles should be firmly rooted in current observance. The new rules and tenets of international life in the OSCE area—cooperative and inclusive security, mutual reassurance and partnership—allow states to react with restraint to each case of non-compliance and to maintain a rational approach. The former bloc confrontation and threats of surprise attack are gone, and the political atmosphere is conducive to broader cooperation and confidence.

Compliance is not a static condition that can be pursued with the aim of achieving absolute perfection at some stage of implementation. It should be measured not so much by the degree of progress towards a definite end, but rather by the efficiency with which breaches and cases of abuse are tackled. Certainly, further institutional and procedural steps should be promoted, but this cannot be done for its own sake without regard to the usability and relevance of the instruments proposed. It must be borne in mind that compliance is primarily a part and a function of the complex web of wider political processes, interests and differences. The main problem is not so much a lack of measures and procedures as the unwillingness or inability to use them in a full, harmonized and timely manner, or to activate them for specific cases of crisis management or risk reduction.

Concerns persist with regard to the equal treatment of states. There have been cases in which a big power's interests or those of an alliance have taken precedence over conformity with a state's obligations. The conflicts in Chechnya and over Kosovo are blatant exam-

ples. However legitimate the principle of equal treatment of a non-compliant big power and a small- or medium-size state 'of concern', the reality is still not what it ought to be.

Evidently, new challenges and risks put a new strain on the status quo. Responses to intra-state crises and conflicts and to terrorism are the most exigent ones. Domestic upheavals and non-state actors create situations that are sometimes incompatible with the existing international frameworks. In this context, the fairly steady and consistent development of the multifaceted European CSBM regime with a view to better handling new contingencies is a good example of the response by the international community. New states also have problems 'socializing' the new arms control and CSBM obligations into which they have entered. Along with censure and encouragement to conform with these agreements, they need continued special assistance from other, more experienced and better-off participants of the regimes.

As would be expected in such an unwieldy body, views differ among the 55 OSCE participating states as to how to tackle future challenges and tasks. All OSCE states are aware of the need to adapt the CSBM instruments to the new environment, but they do not necessarily wish to change their fundamental basis. This view is supported by the recent actions of CSBM-related bodies which have focused on fine-tuning, not renegotiating, the Vienna Document. It appears that OSCE participants may be willing to consider such approaches as periodic reviews of these instruments with the aim of checking their relevance and improving or updating them; more thorough assessment of implementation to identify both specific issues and the problems underlying partial or complete failure to implement CSBMs; and the possible development of standards, along the line of SALW best-practice guides, the better to meet new threats. Continuing determination and goodwill among the partners will be needed to overcome lingering concerns or reluctance motivated by regional and strategic interests.

The OSCE Outreach Programme for the Asian Partners for Co-operation and the Mediterranean Partners for Co-operation has the potential to foster *inter alia* the 'CSBM culture' outside the zone of application. Carefully elaborated, selective approaches in this context could be tested and developed in these and other adjacent countries.

The new situation in Europe after the end of the cold war has gradually brought the commitments made and the obligations assumed under the adapted CFE Treaty, the CFE-1A Agreement regime and the Vienna Document closer to each other. This evolution holds out hope of extending the coverage of hard arms control to the entire OSCE area. The cold war way of thinking is fading, and a bolder and more imaginative rethinking of European military security is needed. Ideally, a single comprehensive regime would offer the value of clarity, better operability and the guaranteed equality of all participants. The 'OSCE Europe', because of its history, diversity and actual divisions, is still far from being such a paragon. The long-standing dilemma remains whether to revitalize the idea of harmonization and apply the existing commitments more widely or to elaborate an entirely new system. Confidence- and security-building measures may lose their autonomy if they are incorporated into either regime, but they will certainly maintain their relevance and utility as a flexible and versatile tool in the dynamically changing environment.

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