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**Conventional armaments control – the CFE Treaty and its implications
for the European Security and Defence Policy (ESDP)**

REPORT

submitted on behalf of the Defence Committee
by Mr Schloten, Chairman and Rapporteur

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*Conventional arms control –
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European Security and Defence Policy (ESDP)*

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¹ Adopted unanimously by the Committee on 19 April 2001.

² *Members of the Committee:* Mr Schloten (Chairman); MM Baumel, McNamara (Vice-Chairmen); MM Acosta Padrón (Alternate: *González de Txabarri*), de Arístegui San Román, Mrs Bakoyianni, MM Blaauw, Cioni, Colla, Contestabile, Cox, Dhaille, Díaz de Mera, Dolazza, Dreyfus-Schmidt, Glesener, Goris, Goulet, Henry, Irmer, Kotsonis, Koulouris, Leers, *Lemoine*, Medeiros Ferreira, Mota Amaral, Neumann, Pereira Coelho, *Polenta*, *de Puig*, Rapson, Lord Russell-Johnston (Alternate: *Wilkinson*), MM Selva, Siebert, Valk, Wilshire, Zierer.

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RECOMMENDATION 688¹***on conventional arms control – the CFE Treaty
and its implications for the European Security and Defence Policy (ESDP)***

The Assembly,

- (i) Stressing the important contribution made by the CFE Treaty to peace and security in Europe;
- (ii) Aware of the geopolitical and strategic changes that have taken place in Europe since its entry into force;
- (iii) Considering the need to preserve and develop the CFE Treaty *acquis* whilst taking account of such changes;
- (iv) Desirous that the ratification procedure for the adapted CFE Treaty be brought to completion as soon as possible;
- (v) Stressing the importance of opening up the adapted CFE Treaty to new signatories in order to strengthen security in Europe and in particular in the Baltic Sea area and south-eastern Europe;
- (vi) Aware of the persistence of problems linked to the application and interpretation of the Treaty provisions;
- (vii) Stressing the sustained commitment on the part of the Atlantic Alliance in applying the Treaty and its constructive role in searching for solutions acceptable to all States Parties, to the problems encountered in implementing the Treaty;
- (viii) Considering it essential for the Russian Federation to comply with all commitments it has undertaken within the Treaty framework, in particular as regards force levels in the Caucasus, and to withdraw the armed forces it has stationed in the territories of Georgia and Moldova within the agreed timeframe;
- (ix) Stressing the need to pursue the process of controlling conventional arms in Europe, combined with confidence-building measures covering air and naval equipment in accordance with arrangements to be defined between the States concerned;
- (x) Expressing the wish that European machinery to control trafficking in light and small-calibre weapons used in conflicts in Europe should be established as soon as possible, with the involvement of WEU, the OSCE, NATO and the EU,

RECOMMENDS THAT THE COUNCIL

1. Encourage WEU states not parties to the CFE Treaty to accede to the adapted CFE Treaty as soon as it comes into force;
2. Encourage exchange of information and cooperation between WEU countries on matters concerning control over conventional armaments, light and small-calibre weapons and confidence-building measures with reference to air and naval forces;
3. Systematically place on the agenda of its future meetings the question of armaments control in Europe and how this should evolve;
4. Encourage those WEU states which are also members of the OSCE, NATO and the EU to put forward proposals for joint action in this area;
5. Keep the Assembly regularly informed of its activities as regards armaments control and of the activities of those WEU states which are parties to the Open Skies Treaty.

¹ Adopted without amendment by the Assembly on 20 June 2001 (fifth sitting).

EXPLANATORY MEMORANDUM

submitted by Mr Schloten, Chairman and Rapporteur

I. Introduction

1. The Treaty on Conventional Armed Forces in Europe, which celebrated its tenth anniversary in November 2000, today remains a vital legal and political instrument in the field of armaments control in Europe, making an essential contribution towards maintaining an adequate level of security on the continent. The Treaty, signed on 19 November 1990 and effective from 17 July 1992, has survived the various crises that have occurred in Europe, both within its area of application and beyond. It was extended to cover military strengths in 1992, variously adapted between 1996 and 1999 and further possibilities open before it in 2001 both in terms of its wider application and extension to new signatories.

2. The CFE Treaty, which is allied to the CSBM (confidence and security-building measures) concept and incorporates an inspection system, one component of which is the “Open Skies” Treaty, was a source of inspiration for similar measures under the Dayton Accords that brought an end to armed conflict in Bosnia and Herzegovina in 1995. Proposals for setting up arms control regimes and measures to strengthen security in other parts of the world, particularly in Asia², often refer to it as an example. However, while it is tempting to try to imitate this model of stability, to which all the signatory states are committed notwithstanding the crises and tensions that at times have flared between them, it seems unlikely that it could be reproduced identically or find application outside Europe.

3. The Treaty’s ability to withstand the test of time and its flexibility stem in large measure from a shared wish on the part of the signatory states to avoid being locked once again in a confrontation with the potential for mass destruction, of which the continent of Europe would bear the brunt in the event of war. Alongside the INF (Intermediate-range Nuclear Forces) Treaty between the United States and the Soviet Union, signed on 8 December 1987, the CFE Treaty marked the beginning of a new era of security in Europe. These two instruments facilitated the peaceful transition to democracy, first in central Europe and then in the area that was formerly encompassed by the Soviet Union, without the fear of a possible upset in the military balance.

4. Ten years on, the Treaty is still widely regarded as successful in a geostrategic context radically different to the one that gave rise to its signature. Crises and conflicts in the Balkans and the Caucasus have put its durability to the test, yet good sense has invariably prevailed in ensuring that its legacy of mutual security still stands. However, this cannot be seen as a guarantee for the future and situations might arise in which its application, indeed its very existence, might be more seriously open to challenge. The various reworkings the Treaty has undergone have made it possible to respond to crises as these have arisen and to adapt it to changes in relation to conventional forces, even if they have failed really to get to grips with all the underlying problems, such as for example the perennial issue of forces and equipment ceilings in the areas of application known as the “flank” areas.

5. The dawn of the century has brought with it new circumstances and qualitative changes in Europe’s security, the effects of which will make themselves felt on the adapted CFE Treaty. The European Union is gradually emerging as a full-blown actor in this sphere, the Russian Federation is currently engaged in a process of redefinition and reaffirmation of its national interests and recovery of its influence within the geographic area occupied by the former Soviet Union, while the United States is preparing to embark upon an ambitious antimissile defence project and throwing wide the debate on the military use of outer space. These developments will impact on the future of the adapted Treaty and could considerably delay ratification, thus rendering it vulnerable in the event of a crisis arising in a sphere other than that of its area of application.

² See in this connection: “Impasse in Korea: A Conventional Arms-Accord Solution?”, Michael O’Hanlon and Pedro Almeida; Survival (IISS), Spring 1999; www.brook.edu (Brookings Institution).

6. In this context, the inclusion of this report in the session agenda of the WEU Assembly comes at a crucial juncture in terms of what might become of the CFE Treaty. The Defence Committee has devoted four reports to the subject since 1991, describing in detail the origins, implementation and application of the Treaty up to 1997. The present report aims first to review the main Treaty provisions and the situation as it is at present and then go on to examine how the Treaty might be applied in future in the light of the changes that have been wrought in Europe's geostrategic climate and especially of the commitments made at the conference of states parties to the Treaty, held in Istanbul in November 1999.

II. The CFE Treaty: provisions and application

7. The CFE Treaty is the corollary of the process of negotiation between NATO and the Warsaw Pact countries over the balance of forces, which took place in the late 1980s under the aegis of the Conference on Security and Cooperation in Europe (CSCE). Its completion was made possible by the coming to power in 1985 of a new Soviet leadership and an emphasis on the search for a lasting agreement with NATO countries over equipment and force levels. The signing of the Treaty in Paris, in November 1990, ushered in a new era in European security marked by the launch of a disarmament process, the effects of which are still being felt today.

8. Taking the provisions of the Treaty very much to heart, European states set about reducing both their forces and their defence budgets to levels that now give rise to a degree of apprehension. While, broadly speaking, the trend was a common one, it produced notable differences between east and west, largely due to their uneven levels of economic development and the impact of political and economic transition and upheavals on the defence budgets of the Warsaw Pact nations. The CFE Treaty also allowed NATO countries to reduce their stocks of equipment and the size of their forces and at the same time to modernise their weaponry and reorganise their troops into lighter, more mobile structures that could be used more flexibly.

9. Post 1990 and with the advent of "the new world order", the changes wrought in the USSR and later the Russian Federation repeatedly had repercussions for the Treaty. In 1992, after the demise of the Warsaw Treaty Organisation and the USSR, the number of signatories rose from 22 to 29³ even though the Treaty had only just become effective. In 1996 and again in 1999 the Chechen wars put the Russian Federation in a position of non-compliance with certain Treaty provisions relating to the Caucasus area and changes were introduced to reconcile the divergent interests this situation gave rise to.

1. Areas, equipment and forces

10. The Treaty signed in Paris, on 19 November 1990, is to this day a unique legal invention in terms of conventional weapons control. For the first time since 1945, 20 European states, plus the United States and Canada, agreed to make significant reductions in land-based and airborne military equipment deployed on the continent of Europe. The main objective was to substantially reduce the risk of a surprise armed attack and the triggering of major offensive operations. This instrument was supplemented in 1992 by a political undertaking as regards personnel, known as CFE-1A, concluded between 29 states following the demise of the Warsaw Treaty Organisation and the USSR.

(a) Geographic area of application of the Treaty: national and territorial limits

11. Article II.1.B states "The term 'area of application' means the entire land territory of the states parties in Europe from the Atlantic Ocean to the Ural Mountains, which includes all the European island territories of the states parties (...). In the case of the Union of Soviet Socialist Republics, the area of application includes all territory lying west of the Ural River and the Caspian Sea. In the case of the Republic of Turkey the area of application includes the territory of the Republic of Turkey north and west of a line extending from the point of intersection of the Turkish border with the 39th parallel (...)"

³ Following the separation of the Czech Republic and Slovakia in 1993, there are now 30 signatory states to the Treaty.

12. Within this overall area are sub-areas where the permitted numbers of pieces of equipment are subject to specific limitations corresponding essentially to the contact zones that existed formerly between NATO and the Warsaw Pact. These sub-areas, especially those in the region of St Petersburg and the North Caucasus, are a source of dissension over compliance by the Russian Federation with the provisions of the Treaty. States parties and groups of states parties are subject to two kinds of limit placed on equipment and personnel: limits on aggregate numbers and on holdings within a particular location. These provisions made a substantial contribution to the demilitarisation of a large part of central Europe, making it possible to channel resources into programmes for economic and social reform. Conversely they led to complications within the successor states of the former Soviet Union, notably Ukraine, Moldova and Georgia, which (along with Armenia and Kazakhstan) in 1992 “inherited” the Treaty obligations originally imposed on the USSR within their own specific geographic boundaries.

(b) Conventional armaments and equipment limited by the Treaty and subject to the Treaty

13. Article II.1.J defines Treaty-limited equipment (TLE) as “battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters”, while II.1.Q lists “conventional armaments and equipment subject to the Treaty”, which are subject to information exchange. This category includes both equipment intended for offensive action and support facilities such as “primary trainer aircraft, unarmed trainer aircraft, combat helicopters, unarmed transport helicopters, armoured vehicle launched bridges, armoured personnel carrier look-alikes and armoured infantry fighting vehicle look-alikes (...)”.

14. The precise drafting of the Treaty as regards the description of the various types of equipment is indicative of the states parties’ political resolve to achieve the most comprehensive agreement possible and prevent circumvention of the Treaty as a result of differing interpretations of the nature of the equipment or its functions. Such attention to detail is especially evident in the Protocol on Existing Types of Conventional Armaments and Equipment that forms an integral part of the Treaty and provides a near exhaustive description of the equipment limited by or subject to the Treaty. A distinction is also drawn between equipment in active units or held in “designated permanent storage sites”.

15. Reduction of equipment may be by destruction, conversion for non-military purposes, placement on static display or use as ground targets and for ground instructional purposes (aircraft and helicopters). The destruction process takes place at clearly designated “reduction sites”. Lists of existing equipment types are updated at regular intervals and each state party must notify the entry into service of “(a) any new type of conventional armaments and equipment which meets one of the definitions in Article II of the Treaty (...) and (b) any new model or version of a type listed in [the] Protocol”.

(c) Personnel

16. The process for the reduction of conventional forces in Europe would have been incomplete if the question of strengths had not also been addressed. The substantial reduction in equipment numbers and their redeployment within the Treaty areas of application produced a surplus of military personnel and in 1992 specific measures were taken to deal with this. Under Article XVIII, the states parties undertook to continue the negotiations on conventional armed forces with a view to concluding “an agreement on additional measures aimed at further strengthening security and stability in Europe (...) and including measures to limit the personnel strength of their conventional armed forces within the area of application”.

17. Thus in Helsinki, on 10 July 1992, 29 states signed the Concluding Act of the Negotiation on Personnel Strength of Armed Forces in Europe. The 1990 Treaty had been affected by the changes taking place in central and eastern Europe and the USSR during the course of 1991, which saw the demise of the Warsaw Treaty Organisation and the Soviet Union. One of the two groups of states parties no longer existed and the USSR had been replaced by eight different states in the area of application. The CFE-1A Agreement that came into force alongside the CFE Treaty was concerned solely with land-deployed personnel strengths, both those in active service and reserves.

18. As with equipment, the agreement describes in detail the categories of personnel it covers and sets numerical targets with which the states parties are required to comply. The following categories are not included within the scope of limitation specified in the Act: (Section I.2) “(A) personnel serving with organisations designed and structured to perform in peacetime internal security functions; (B) personnel in transit from a location outside the area of application to a final destination outside the area of application who are in the area of application for no longer than seven days; and (C) personnel serving under the command of the United Nations”. As in the case of the CFE Treaty, the states parties undertake to comply with the national targets set for them within a time limit of 40 months after the entry into force of the agreement. More than eight years on it can be said that those targets have been met successfully, by various means and with differing consequences for the states in question. Notwithstanding any difficulties over implementation, or the upheavals Europe has already undergone and is still experiencing, there has been no regression to the earlier state of affairs in terms of numbers.

2. Implementation and scope of the Treaty

19. A principal component of the Treaty is its verification and inspection regime. Extended in 1992 to cover personnel strengths, the application of this regime by the states parties has been one of the undeniable successes of the Treaty and represents a significant qualitative advance in the field of arms control in Europe. The system of notification and contact between states set up at this juncture and “institutionalised” through the Joint Consultative Group (JCG) is a factor which helps build security in Europe and puts paid to any challenge to the provisions of the Treaty other than by its denunciation. The states parties’ commitment to compliance with those provisions is indicative of their perception of the CFE system as a source of security for each of them enabling them to reorganise and upgrade their conventional forces without the balance already achieved suddenly being called into question.

(a) Inspections, verification and exchange of information

20. Articles XIII, XIV and XV of the Treaty, the Protocol on Information Exchange and the Protocol on Inspection are the key components in the machinery for the reduction of conventional weapons and forces in Europe set up in 1990. The conduct of inspections deserves particular attention as the latter represent a voluntary limitation on national sovereignty in the highly sensitive area of defence. Inspection both confers rights and places obligations on all states parties to “verify (...) compliance with numerical limits”, “monitor the process of reduction” of equipment and oversee the certification and reclassification of helicopters and aeroplanes limited by or subject to the Treaty.

21. The number of inspections⁴ is laid down in Section II of the Protocol on Inspection and each state party has “quotas” for inspections other than for the purpose of verification of the reduction process. Inspections fall into three categories “passive [declared site] inspection quotas”, “active inspection quotas” and “passive challenge inspection quotas”. The first are inspections which a state party is obliged to receive within a specified time period at declared inspection sites; the active quota represents the total number of inspections each state party is entitled to conduct within a specified time period; challenge inspections are carried out “within specified areas” defined as “an area anywhere on the territory of a state party within the area of application other than a site” otherwise liable to inspection. Inspections are carried out by teams in which several states parties may be involved, consisting of up to nine inspectors. The teams may divide themselves up into three sub-teams (maximum). The inspectors are accompanied on site by an “escort team” from the inspected state party. In principle the inspecting state party decides where and over what period the inspection shall take place.

22. In addition to site inspections states parties can also “use (...) national or multinational technical means of verification at its disposal in a manner consistent with generally recognised principles of international law” for purposes of ensuring verification of compliance with the provisions of the Treaty. This provision under Article XV of the Treaty is strengthened by a requirement that states party “shall not use concealment measures that impede verification of compliance with the provisions

⁴ In the adapted 1999 Treaty, the proportion of inspections that each state is obliged to receive has risen from 15% of its objects of verification (sites and units with Treaty-limited equipment) to 20%. However the actual number of inspections continues to fall due to the disappearance of a significant number of verification objects.

of this Treaty (...). Article XIV.6 adds “each state party shall have the right to conduct, and (...) the obligation to accept, an agreed number of aerial inspections within the area of application”. There have been difficulties with the implementation of this article, notwithstanding the signature of the Open Skies Treaty on 24 March 1992, which has not been ratified by all the states parties to it.

23. The instruments for verification and inspection are supplemented by provisions covering notification and exchange of information. According to Article XVII and the relevant Protocol these are to be transmitted in written form using diplomatic channels or other official channels “designated by them, including in particular a communications network to be established by a separate arrangement”. That network, set up under the aegis of the OSCE, today links the majority of states parties to the Treaty and the member states of the Organisation. Regular exchange of information also takes place in Vienna within the framework of the half-yearly meetings of the Joint Consultative Group.

(b) The Joint Consultative Group

24. The Joint Consultative Group was formed to oversee the working and application of the Treaty. The only limit on its powers is its mode of operation as it has to take decisions by consensus. Under Article XVI of the Treaty the Joint Consultative Group’s remit is as follows: to address questions relating to compliance with the Treaty; to seek to resolve differences of interpretation; to consider measures to enhance the Treaty’s effectiveness; to update the equipment lists; to resolve technical questions; to work out or revise “rules of procedure, working methods, the scale of distribution of expenses of the Joint Consultative Group and of conferences convened under this Treaty and the distribution of costs of inspections between or among states parties”; to consider any matter “that a state party wishes to propose for examination by any conference to be convened in accordance with Article XXI” and to consider “matters of dispute arising out of the implementation of this Treaty”.

25. The Joint Consultative Group, composed of representatives designated by each state party, who may be supported by alternates, advisers and experts, in principle meets twice yearly, usually in Vienna. Additional sessions may be convened at the request of one or more states parties. The sessions of the group last up to four weeks unless the Joint Consultative Group decides otherwise. The Group’s existence does not constitute an impediment to states parties “requesting information from or undertaking consultations with other states parties on matters relating to [the] Treaty and its implementation in channels or fora other than the Joint Consultative Group”.

26. This explains that within NATO there is a Verification Coordinating Committee (VCC) whose task it is to assist Alliance member countries with verification activities. The VCC has set up a joint database (VERITY) for this purpose and coordinates inspection procedures and distribution of strengths, trains and supplies staff for various support activities and contributes to the gathering and evaluation of intelligence pertaining to the application of the Treaty and compliance with obligations thereunder. The VCC also works with the Partnership for Peace countries. The NATO-Russia Permanent Joint Council set up under the Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation signed in Paris on 27 May 1997 is also a framework for bilateral consultation on the application of the CFE Treaty.

27. The JCG is the main instrument for day-to-day management of the application of the Treaty. However, major decisions regarding its adaptation or the introduction of important changes fall within the purview of the conferences of states parties. These are convened at five-year intervals by the Depository of the Treaty (Netherlands) or as requested “by any state party which considers that exceptional circumstances relating to [the] Treaty have arisen” (extraordinary conference) or if amendments to the Treaty are proposed by three or more states parties. The first CFE Treaty review conference was held in May 1996 and the second is due to be held in May 2001.

III. CFE Treaty: assessment and outlook

28. Over the ten years of its existence the CFE Treaty has proved successful in bringing about disarmament and controlling the number of conventional weapons in Europe. Notwithstanding the successive crises that have occurred within the area of its application, its fundamental objectives have

never been challenged and its coordinating and contact machinery have continued to function without impediment.

29. However, this success was not immediate, largely on account of the speed at which geostrategic change took place in Europe from 1990 to 1994. Indeed, no sooner had the Treaty begun to be implemented provisionally, pending completion of the ratification process, when, on 1 April 1991, one group of states parties, the Warsaw Treaty Organisation, was dissolved. By December of that year one of the CFE Treaty's principal signatories, the USSR, had been replaced by eight different states. In 1993, Czechoslovakia in its turn split into two distinct states. At the same time the states of central and eastern Europe embarked upon a period of political and economic change that relegated defence issues to the back burner.

30. For the Alliance states the effect of the Treaty was to pave the way for a thorough overhaul of their conventional forces requirement. The much heralded "peace dividend" led to a controlled, albeit sustained, reduction in defence budgets and to the development and establishment of new configurations of armed forces – most notably the move towards professional regular armies – and the introduction of programmes for modernising equipment. The Treaty also enabled some Alliance countries that were below the Treaty limits to receive equipment from other member states whose holdings exceeded those limits – while always remaining within the ceilings set for national and territorial compliance.

31. However, as far as the application of the Treaty goes, the dominant factor was Russia's continuing instability from 1992 to the end of the decade. The years from 1993 to 1999 marked a period of intense discussion between that country and, essentially, the NATO group of states parties, on adaptations and amendments to the Treaty calculated to take the new geostrategic situation in Europe and within Russia's borders into account. Both sides have at last managed to find an accommodation whereby the Treaty can be preserved and which is advantageous to their security.

32. There are still differences and areas of friction but the impetus of the CFE Treaty has not been lost. It is essential now, bearing in mind what has been achieved, to press ahead, in the spirit of the Treaty, by taking technological developments in armaments over the last ten years into account and extending the Treaty's area of application by throwing it open to new signatories.

1. Adaptation of the CFE Treaty

33. 22 states signed the CFE Treaty in 1990. In 1999, 30 states embarked upon a revision of the Treaty, which is due to be completed at the second review conference in 2001. In the intervening period European security has undergone major qualitative and quantitative changes whose effect has been, broadly speaking, beneficial in terms of disarmament and conventional forces limitation. That period was also marked by the wars in former Yugoslavia and by a number of conflicts in the Caucasus and elsewhere within the boundaries of the Commonwealth of Independent States (CIS). The latter have at times caused the application of the Treaty by one of its principal signatories, the Russian Federation, to be called into question, thus leading to Treaty adaptations.

(a) The flank zone and the 1996 revision

34. From 1992 onwards it became clear that the application of the Treaty in CIS territory was running into problems. The rapid demise of the USSR had led to the break-up of its military organisation and a redistribution of equipment and personnel among the new states, against a background of inter-communal strife (in Georgia and Moldova) or inter-state conflict (Armenia and Azerbaijan) in the Treaty application area. The return of Soviet forces stationed in the Warsaw Pact countries also gave rise to problems concerning their relocation or deployment within that area. Some units were assigned to the navy or security forces, which fell outside the scope of the Treaty, and others were transferred outside the application area.

35. This was the background to the signature by the Treaty states, on 15 May 1992, of the Tashkent Agreement redistributing the former USSR's equipment and strength targets among the signatories. Russia ratified the CFE Treaty on 8 July and it came into effect provisionally on 17 July. However, since 1993, Russia has called for a review of the limits set for the flank zone, which were formalised

on 17 September of that year in a letter from the then Russian President, Boris Yeltsin, to the heads of state of the states parties. At a JCG meeting held on 28 September, Russia called for suspension of the ceilings that applied in the flank zone.

36. The Treaty application area extending from the Atlantic to the Urals (ATTU) is divided into four concentric sub-zones, one of which, “the flank zone” is located at the northern and southern extremes of the ATTU area. This zone was made subject to specific limitation in order substantially to reduce the possibility of an encircling military manoeuvre. It is of major geostrategic importance as it covers territories belonging to Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Iceland, Moldova, Norway, Romania, Russia, Turkey and Ukraine. Following the break-up of the Soviet Union, the flank zone limits imposed further constraints on the relocation and stationing of Russian conventional forces within the areas of national territory subject to the Treaty. A similar situation applied on a lesser scale in the case of Ukraine, which also called for its flank limits to be reviewed.

37. The whole issue can be summed up as follows: the Treaty covers a specific zone in the extreme north and south of the application area, where the two military blocs come into contact, in which very tight limitations are imposed on equipment. These two extremes border directly on present-day Russia and Ukraine. The equipment in the St Petersburg, Odessa, Northern Caucasus and Transcaucasus military districts were accounted for within both the specific flank limits and the limits agreed by the Warsaw Pact Countries as a group of states parties. Equipment stationed in the European part of the USSR (now Belarus, Russia and Ukraine) were included in the overall Warsaw Pact limits.

38. In 1990, those military districts were a long way from the points of contact between the Warsaw Pact and NATO (except the far north, on the border between Norway and the USSR) and the USSR “left most of the flank entitlements to its WTO allies”⁵. Once the Northern Caucasus and Transcaucasian military districts no longer formed part of the USSR, they became border areas and their permitted TLE was redistributed among Russia, Armenia, Azerbaijan, Georgia, Moldavia and Ukraine. Political instability and the armed conflict that took place in the region, both between and within states, has resulted in compliance with the obligations agreed in 1990 being called into question.

39. In 1994 the onset of the first Chechen war (1994-1996) and the prospect of NATO enlargement to encompass the central European states were to continue to made the flank zone a matter of serious dispute between Russia and NATO over the application of the Treaty, with Russia repeatedly delaying reductions in equipment and forces and applying its flank zone commitments selectively. In order to break a deadlock with serious implications for the survival of the Treaty, on 20 September 1995, NATO proposed reducing the geographic area of the flank zone in which the limits applied and removing a number of Russian military districts from the zone. Discussions between the two sides led to an agreement between them in November 1995, which was ratified at the first Treaty review conference held from 15 to 31 May 1996.

40. Under this agreement, Russia “agrees to freeze its level of tanks, armoured combat vehicles (ACVs) and artillery in the original geographic area of the flank zone and to reduce those forces by May 31, 1999. In addition, by removing some oblasts from the original flank zone, a new, smaller zone is created that will be governed by the original flank limits”⁶. Russia also undertook to destroy, by 2000⁷, surpluses of equipment subject to the Treaty transferred west of the Urals prior to its signature in 1990. A large part of that equipment is now unusable owing to a lack of proper reception facilities (depots) and inadequate funding for its maintenance. On 1 December 1996, the states parties approved the document, submitted by the JCG following the May conference, on the scope and modalities of a revision of the Treaty.

⁵ “Russia and the CFE Treaty: the limits of coercion”; Adam Boger; Center for Defense Information, *The Defense Monitor*, No 10, December 2000, www.cdi.org

⁶ CFE chronology; www.fas.org

⁷ According to the UK Defence Ministry (House of Commons Select Committee on Defence, Fifteenth Special Report: “*The Adaptation of the Treaty on Conventional Forces in Europe*” (Appendix), 1 November 2000, www.parliament.uk) the Russian Federation declared the reduction had been completed on 26 September 2000.

(b) The Adapted CFE Treaty (1997-1999)

41. Discussions opened at the 1996 Conference on adaptation of the Treaty. The initial reduction targets for equipment and personnel were by and large achieved, except for the flank zone to which specific arrangements applied. The negotiations then became more political than military, in part as a result of progress in the Alliance's enlargement process, on which a statement of principle had been made in Madrid in 1995, with the acceptance of applications from the Czech Republic, Hungary and Poland. 1997 was also the year when the Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation was negotiated and signed. This also provided for consultations on bilateral application of the CFE Treaty.

42. Discussions in the Joint Coordinating Group (JCG) in January 1997 produced informal agreement on the basic principles for adapting the Treaty. These were in fact bilateral discussions between Russia and NATO and between Russia and the United States. In February the Alliance had suggested replacing area and bloc ceilings (i.e. ceilings covering groups of states parties) by national and territorial ceilings. To allay Russian anxieties over NATO enlargement it was proposed that stationed forces (i.e. forces of another state on the territory of a "host" state) should be included within the total permitted for the new territorial limit. In practice, in order to receive significant numbers of equipment and forces from an allied state, the host state would be compelled to reduce its own equipment and forces below the permitted limits. Combat aircraft and attack helicopters would be exempt from this rule.

43. The proposals put forward by Russia in March 1997 were intended essentially to limit the impact of NATO enlargement. To that end, the Russian Delegation proposed ceilings on stationed forces, the effect of which would be to place serious limitations on the Alliance's ability to deploy equipment or station forces on new members' territory. It also asked for the elimination of the flank zone, for exemptions to apply to equipment used in peacekeeping operations (a consequence of the problems encountered in Chechnya) and for a ceiling that was adequate to be set for the equipment that military organisations (NATO in this instance) had at their disposal. Russia also asked for airborne electronic warfare devices, in-flight refuelling capabilities and strategic airlift to be included in the category of combat aircraft limited by the Treaty.

44. On 23 July 1997, the 30 states parties agreed the Basic Elements for Treaty Adaptation. They decided that "the CFE Treaty's original bloc to bloc structure was outmoded and should be replaced by national limits for all TLE categories"⁸ and that:

- "national limits should not exceed existing allocations;
- rules governing TLE in storage must be changed;
- stabilising measures to preclude force concentrations were required;
- each state should adopt a territorial ceiling that equalled the total of national and stationed forces;
- rules governing 'temporary deployments' must be clarified; and
- an accession clause should be added to the Treaty"⁹.

45. On 16 September 1997, negotiations resumed in the JCG and on 30 March 1999 a preliminary agreement was signed. The agreement paved the way for the signature on 19 November 1999, in Istanbul, of a draft adapted Treaty. Bringing the negotiations to fruition further enhanced the Treaty's success and demonstrated its importance as a security factor for all signatories. In fact, a major political confrontation took place in 1999 between Russia and the Atlantic Alliance over NATO military operations against the Federal Republic of Yugoslavia (March-June 1999) and the start of Russia's military intervention in Chechnya (September-October 1999).

⁸ NATO and Russian approaches to "adapting" the CFE Treaty; Colonel Jeffrey D. McCausland. www.armscontrol.org, August 1997.

⁹ *Idem.*

46. The main adapted CFE Treaty provisions were as follows:

“National Ceilings:

Each country will have a specific limit on tanks, ACVs, heavy artillery, combat aircraft and attack helicopters – collectively referred to as treaty-limited equipment (TLE) –that it can deploy in the treaty’s area of application, which covers the area between the Atlantic Ocean and the Ural Mountains.

Territorial Ceilings:

Each country with territory in the treaty’s area of application will have a cap on the total number of tanks, ACVs and heavy artillery that can be deployed within its borders. This restricts national and foreign-stationed TLE. (...) Both Russia and Ukraine will have sub-ceilings establishing areas in which their ground TLE deployments on their own territories will be limited within their overall limits.

Temporary Deployments:

A country’s territorial ceilings can be exceeded by 153 tanks, 241 ACVs and 140 artillery [pieces] for military exercises and temporary deployments. In ‘exceptional circumstances’, countries outside the original Treaty’s flank zone, which limited ground TLE in the northern and southern flanks of Europe, can temporarily exceed their territorial ceilings by 459 tanks, 723 ACVs and 420 artillery [pieces]. ‘Temporary’ is not defined, but regular notifications are required for TLE exceeding territorial ceilings.

Transparency:

Countries will be required to permit inspections of 20 percent of their ‘objects of verification’, which are military units down to the regiment level and storage, repair and reduction sites with TLE present. Annual reports on the actual location of tanks, ACVs and artillery are required if they are different from their designated peacetime location. Quarterly reports must detail by territory the actual location of tanks, ACVs and artillery, as well as the total number of combat aircraft and attack helicopters in the entire treaty area. Changes of more than 30 tanks, 30 ACVs or 10 artillery [pieces] on a state’s territory must be reported. Any increase by 18 or more combat aircraft or attack helicopters in a country’s holdings in the entire treaty area must be notified to all states-parties”¹⁰.

47. In Istanbul, Russia also undertook to reduce and withdraw the military units it has stationed in Georgia and Moldova before 2002¹¹. In both cases, the issue is one of compliance with the Treaty provisions on the rules for stationing the armed forces of one state party on the territory of another. In this way the armies of both states can be developed within the limits allocated to them. Nevertheless the persistent violence in Chechnya and the tensions between Russia and Georgia are slowing down the withdrawal of the Russian troops. In Moldova, political changes following the March 2001 elections may make the issue a less sensitive one in terms of that country’s relations with Russia¹². The way both situations, and especially the case of Georgia, evolve could delay ratification of the adapted Treaty. Sustained commitment by the states parties is essential in order to resolve such matters and thereby avoid a stalemate that might prejudice the entry into force of the adapted Treaty, currently in the process of being ratified.

2. The CFE Treaty and developments in European security

48. Over the last ten years the CFE Treaty has proved a valuable “investment” in terms of Europe’s security. Drafted originally to deal with one geostrategic context and adapted in an entirely different environment, it has come safely through the crises and conflicts with which European security has

¹⁰ The adapted Conventional Armed Forces in Europe Treaty at a glance; Arms Control Association; www.armscontrol.org; May 2000.

¹¹ Pursuant to Article IV.5 of the 1990 CFE Treaty and new Article I.3 of the adapted Treaty.

¹² See “Russian troops may stay on in Moldova-paper”, abc News.com, 30 March 2001.

been fraught since 1990. Now open to further signatories, it could become the centrepiece of the continent's security. It has exceeded its original framework of application – achieving a military balance – to become a source of and model for security. The OSCE's Forum for Security Cooperation, the incorporation of provisions based on the CFE Treaty into the 1995 Dayton Accords that brought hostilities in Bosnia and Herzegovina to an end and the attention paid to the Treaty by NATO in the context of the Partnership for Peace, and in its relations with Russia, are all indicative of its importance for European security.

(a) The Forum for Security Cooperation (FSC)

49. The FSC came into being at the July 1992 Helsinki Summit of the Conference for Security and Cooperation in Europe (CSCE). The Forum made it possible to bring together the discussions on the implementation of confidence and security-building measures (CSBMs) and similar provisions under the CFE Treaty in a structure involving all of the 55 states comprising the present OSCE. This initiative contributed to strengthening the implementation of the Treaty by the states parties and extended some of its provisions, notably those concerning communications, information exchange and verification to non-signatory states.

50. The FSC's aims are "negotiations on arms control, disarmament and confidence and security building; regular consultations and intensive cooperation on matters related to security; and the further reduction of the risks of conflicts. It is also responsible for the implementation of confidence and security-building measures (CSBMs) and the Programme for Immediate Action¹³. Furthermore it provides a forum for discussing and clarifying information exchanged under agreed CSBMs (including the Annual Implementation Assessment Meeting) and is responsible for the preparation of seminars on military doctrine"¹⁴.

51. Discussions within the Forum cover a wide range of military activities such as information exchange, defence planning, exercises and notification thereof, implementation and verification of compliance measures, reduction of risks, contacts and communications. The Forum has consequently assisted in setting up a communications network between participant states to deal with such issues.

52. The aims of the FSC and the CFE Treaty complement one another while ensuring that the specific character of the latter remains intact, as recognised in the OSCE's Budapest Declaration (adopted in December 1994) which states in regard to the Forum: "The above work of the FSC will not affect in any way the integrity of the CFE Treaty, nor any rights or obligations of states parties to the Treaty. It will recognise the critical role of that Treaty in ensuring military security and stability". The combined objectives of the Forum and the Treaty thus form part of a wider and more ambitious project to create a durable military security environment in Europe.

(b) The Dayton Accords and the CFE Treaty

53. The General Framework Agreement on peace for Bosnia and Herzegovina adopted on 21 November 1995 in Dayton, USA, put an end to three years of inter-communal fighting in Bosnia. Some provisions of Annexes 1-A and 1-B of the text adopted in Dayton, which dealt with military aspects and regional stabilisation, made direct reference to or were based on the CFE Treaty. Those provisions were confirmed on 5 June 1996 when a regional armaments control agreement was signed. Annex 1-A, which deals essentially with the arrangements for the deployment of the Implementation Force (IFOR) under NATO command, contains similar provisions to the CFE Treaty in terms of zones, equipment locations, notification and verification procedures and calls for the establishment of "lasting security and arms control measures" (Article I-2-(c)).

54. Annex 1-B, the Agreement on Regional Stabilisation, commits the parties to the conflict to negotiating confidence and security-building measures under the auspices of the OSCE, consisting in particular of restrictions on military deployments and exercises in certain areas, restrictions on the location of heavy weapons, measures for notification, data exchange and the establishment of military

¹³ Adopted at the Helsinki Summit, July 1992.

¹⁴ Forum for Security Cooperation, www.osce.org

liaison missions between the Chiefs of the Armed Forces of the Federation of Bosnia and Herzegovina and the Republika Srpska. The equipment subject to control falls into the same categories as in the CFE Treaty and ceilings are imposed on each of the five categories in question. Implementation is phased as set out in the agreement, as is the case for the CFE Treaty.

55. This constitutes a somewhat singular regional application of the CFE Treaty involving different national components within a single state rather than states themselves. The underlying logic of this approach is the search for regional stability taking in countries bordering on Bosnia and Herzegovina, which might possibly negotiate the implementation of a CFE-type agreement between them in the OSCE framework. The prospect of the Treaty being thrown open for signature by other states could revive this project and make a decisive contribution to stabilising the entire Balkans area.

(c) The Atlantic Alliance, the CFE Treaty and European defence

56. The Atlantic Alliance is one of the groups of states parties referred to in the Treaty but is not a signatory. The Treaty remains an agreement between 30 sovereign states. The Alliance was, however, one of the initiators of the process that led to the drafting and signature of the Treaty. That process dates back to October 1973 when talks on Mutual and Balanced Force Reduction (MBFR) opened in Vienna between the United States, the USSR and the other NATO and Warsaw Treaty Organisation states. Right up to the point of signature of the Treaty and its entry into force, the Alliance was a centre for coordination, communication and data exchange between members through the relevant Verification and Implementation Coordination Section for the CFE Treaty and the Verification Coordinating Committee (VCC).

57. NATO's role was to take on a further dimension in 1993 with the development of relations with the central and eastern European states, including Russia, for matters covered by the Treaty. From 1990-1992, the Treaty's approach hinged upon the existence in Europe of two military blocs. The inspection regime had applied essentially between blocs and there was agreement in the Alliance that mutual inspections would not take place within a given bloc, notwithstanding the fact that there was nothing in the Treaty to prevent this. Nevertheless, following the dissolution of the Warsaw Treaty Organisation the practice of cross inspections between its former members became more widespread.

58. At the same time the Alliance launched its partnership with the central and eastern European countries, as defined in the Copenhagen Declaration, adopted in June 1991, which refers to exchange of experience in the domain of arms control (point 9 of the Declaration). The practice of central and eastern European states inspecting one another had the effect of reducing NATO's quota (which was shared between its members). To counter the reduction, at a seminar held at its headquarters in Brussels in January 1993, NATO proposed that the central European states participate in its inspections. On 16 March of the same year the first inspection conducted by a NATO member state (Italy) with the involvement of new partners (in the event Azerbaijan, Hungary and Poland) was carried out at a site in Romania. In November 1993, access to NATO's verification database, VERITY, was given to NATO partners that were parties to the CFE Treaty.

59. The deepening of relations between the Alliance and the central and eastern European states led to close cooperation over implementation of the Treaty obligations, thus contributing to drawing a large number of states in the region closer to the Atlantic Alliance. The Enhanced Cooperation Programme of January 1993, the PfP programme, begun in Brussels in January 1994, and enlargement of the Alliance to take in the Czech Republic, Hungary and Poland have all strengthened multinational and bilateral cooperation within NATO over the implementation of the CFE Treaty.

60. The Treaty is also a most important factor in NATO's relations with Russia. Restrictions in terms of the numbers, location and deployment of conventional forces in Europe (equipment and strengths) have mutual advantages for both parties and have to an extent served to lessen Russian fears about Alliance expansion. Russia is obviously still antagonistic to that process and its position is likely to harden further if NATO encroaches into the states bordering on the CIS. However, the very existence of the CFE Treaty serves substantially to play down the military aspects of the debate. Enlargement thus becomes a major topic for political discussion with the military dimension left in the background.

61. The CFE Treaty plays an extremely significant part in this, indirectly facilitating enlargement while at the same time providing reassurance for Russia as regards the possibility of rethinking present and future levels of conventional forces in Europe. This concern is evident in the Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation signed in Paris on 27 May 1997. The document stresses the importance of bilateral cooperation over conventional forces and of the dialogue on matters pertaining to the application of the Treaty¹⁵.

62. Section III of the Act, dealing with Areas for Consultation and Cooperation refers to “increasing transparency, predictability and mutual confidence regarding the size and roles of the conventional forces of member states of NATO and Russia”. Section IV on Political-Military Matters lays great stress on cooperation over the application and adaptation of the CFE Treaty in stating that “the Member States of NATO and Russia will work together in Vienna with the other States Parties to adapt the CFE Treaty to enhance its viability and effectiveness (...)”.

63. Cooperation between NATO and Russia in this area remains very important as it can help overcome areas of disagreement between the parties that could hold up discussions within the Joint Consultative Group (JCG). It benefits the Treaty and is also helpful to European security in a wider sense, if one thinks of cooperation between the Atlantic Alliance and the states involved in the PfP programme (irrespective of whether or not they are party to the CFE Treaty) over those same issues.

64. In this respect, extending the Treaty to the Baltic states could be a major factor for stability contributing to the lessening of tensions – in relationships between Russia and NATO – that may result from the possible accession of Estonia, Latvia and Lithuania to the Atlantic Alliance. Nevertheless, account must be taken of several political and military aspects specific to those states. Firstly, since they became independent, they have chosen not to accede to the CFE Treaty and consequently are not subject to limitation. They can therefore develop their defence capabilities to the level that best corresponds to what they feel to be their security needs. To link their accession to the Alliance to accession to the Treaty would appear to be a logical step, given that NATO has been involved in its application, but this has to be by free election on the part of each candidate state and not presented as a condition for accession.

65. The accession, which would in itself be desirable, of those states to the adapted CFE Treaty threatens to re-open the debate on the issue of the northern flank, including the Kaliningrad region. It is very unlikely, if their accession does go ahead, that Russia would agree to reduce its forces in the region (and this also applies to Belarus). In view of the tensions that their accession to NATO could create, Estonia, Lithuania and Latvia are unlikely to be inclined to restrict their defence capabilities and agree in the short run to ceilings on their equipment. If an agreement between these states, NATO and Russia is forthcoming, it is likely that the candidate countries (in view of the geostrategic climate) would seek to obtain high ceilings so as to have the flexibility they feel is necessary for dealing with crises in their own geographic vicinity.

66. Two courses are open to them in achieving those objectives: to have recourse to domestic resources or ask for allied equipment and personnel to be stationed in the region. Under the present economic circumstances, given their defence technological and industrial potential, the first option is difficult to achieve in the short to medium term – the more so since account must also be taken of the requirements of the European Union accession process. Calling in allied forces in the shorter term is also a complex matter dependent on risk assessment by the countries likely to make a contribution to stationing. The example of the Czech Republic, Hungary and Poland’s accession, following which NATO and its three new members imposed a form of self-limitation on the troops and forces stationed there (by agreeing to keep below the CFE ceilings) is an interesting one, but it is not the rule. The initiative represents a political concession by the three Alliance applicants calculated to facilitate negotiations between NATO and Russia in regard to the Founding Act.

¹⁵ Similar provisions are also contained in the Charter on a Distinctive Partnership between the North Atlantic Treaty Organisation and Ukraine, signed in Madrid on 9 July 1997.

67. It could be a good idea to create a precedent in this way which would apply to new entrants and in particular to the Baltic states; this would nevertheless be tantamount to setting up different levels of security within the Alliance, depending on how near or distant a country lies in relation to the Russian border. The Alliance continues to be based on what might be termed the principle of the indivisible nature of security¹⁶ enshrined in Article 5 of the Washington Treaty dealing with collective defence. In other words, Estonia, if it becomes a member, would have the same rights and obligations as Portugal, a founder member of NATO. To link Alliance membership with accession to the adapted CFE Treaty or the acceptance of ceilings consequent on the provisions thereof would run the risk, in a highly complicated and difficult diplomatic scenario, of diluting defence commitments entered into between sovereign states in the Alliance and calling into question CFE Treaty *acquis* in the Baltic region (especially the northern flank).

68. The accession of non-NATO EU member states – Austria, Finland, Ireland and Sweden – would open up new perspectives for European security and relations between the EU and the Alliance. If all members of the European Union were parties to the adapted CFE Treaty, a significant part of the coordination required to implement its measures could be assigned to the EU military bodies, working with NATO. This would constitute an important political marker in the development of the ESDP, looking beyond its crisis-management aspects, and would free up Alliance resources that could be redirected towards cooperation (on the Treaty) with the states of central, south-east and eastern Europe

69. On that assumption, a stronger commitment on the part of the EU to application of the Treaty could also be the answer to the question of how to reconcile the emergence within the EU of a European military capability – in terms of staff and equipment – with compliance with the provisions of the CFE Treaty. At the EU's present stage of development, such a question might appear to be premature, but it is a very important one. Firstly, it has been definitely established that forces made available to the EU are shared with the Atlantic Alliance. As far as equipment and personnel go, no new units have been created and there is no increase in the amount of equipment available. As the signatory states are for the most part below the authorised thresholds it would be quite possible, if necessary, to increase capabilities within the ceilings that have been fixed.

70. Secondly, as regards the question of the mandate in the event of intervention in the Treaty's application area (extended to cover any new accessions), new Article V.2 of the adapted Treaty provides that: "Battle tanks, armoured combat vehicles and artillery present on the territory of a State Party for an operation in support of peace conducted under and consistent with a resolution or a decision of the United Nations Security Council or the Organisation for Security and Cooperation in Europe shall be exempt from that State Party's territorial ceiling or territorial sub-ceiling. The duration of the presence of these battle tanks, armoured combat vehicles and artillery on the territory of a State Party shall be consistent with such a resolution or decision". Deployment is subject to notification in the first five days, with renewal every 90 days.

71. If there is no such mandate, where territorial ceilings or sub-ceilings are exceeded, the regime that applies is one of temporary deployment subject to notification¹⁷. Notification is given on the day the threshold is exceeded and renewed at 21 days and each time the overrun goes beyond the authorised limits. These are established as: 153 battle tanks, 241 armoured combat vehicles and 140 pieces of artillery¹⁸. Furthermore a conference of states parties is convened by the Treaty depository state. Compliance with these provisions requires rigorous planning to avoid any breach of obligations under the Treaty, which would certainly be denounced by any state or states not in favour of intervention.

¹⁶ Referred to by the Italian Prime Minister, Mr Giuliano Amato, during a press conference with President Chirac, following talks between France and Italy in Turin on 29 January 2001.

¹⁷ On the part of the state party whose ceilings or sub-ceilings have been exceeded and of the states parties involved in deployment.

¹⁸ This limit may be increased "in exceptional circumstances", to no more than 459 battle tanks, 723 armoured combat vehicles and 420 pieces of artillery: adapted CFE Treaty, new Article VII-(B)-(1).

72. Looking to the enlargement of the Treaty to further signatories in the next few years, with a widening of its geographic coverage and possible reallocation of ceilings, possible areas of crisis-management intervention in Europe for the EU (and NATO) will frequently coincide with the application area of the Treaty. Thus it is important that EU military planning bodies should take the implications of the adapted Treaty on board in the fullest possible way in their plans for intervention, preferably working with NATO and in consultation with other (non-EU) states parties that might be involved.

IV. Conclusions

73. The proven success of the CFE Treaty is the more remarkable given the sensitivity of an area such as that of the balance of conventional forces. Through its application, the number of TLE pieces has been reduced by over 70 000¹⁹; taken as a whole, the signatory states are below the limits to which they are entitled; more than 3 000 inspections²⁰ have taken place since 1992 and the number of armed forces personnel within the Treaty application area has been reduced by 1.2 million²¹. The commitment on the part of the states parties to overall compliance and keeping within the numerical ceilings set for equipment and strengths shows that it is universally perceived as a factor of security and stability which it is important both to preserve and enhance. The ten years that have elapsed have been marked by crises, conflicts and interminable discussion. However, at no time has the Treaty ever been seriously under threat.

74. This success also stems from the fact it allows a degree of flexibility. It is binding, yet can accommodate arrangements and understandings that avoid major or minor obstructions that might eventually undermine its effectiveness. The adaptations it has undergone – more are likely to follow – mean that it can cope with a new geostrategic situation, very different from the original one, and thus continue as one of the mainstays of European security in the early years of the 21st century.

75. The Treaty has attained its main objective which was to make it difficult, if not impossible, for a war of aggression to be unleashed in Europe, notwithstanding the political tensions that continue to exist between several signatories. This is the result of its patient and rigorous application, day in day out, week in week out, through information exchange, communication, constant notification and almost daily inspections. Confidence and transparency are essential for the successful pursuit of this collective undertaking to make the continent of Europe secure. Its success might make the idea of extending the Treaty to other areas, such as naval and air forces or control over conventional forces in internal conflicts, an attractive proposition.

76. The temptation is there. However such an approach could be damaging to current *acquis* and the Treaty's future. From the outset, naval forces were excluded from the 1989 discussions on the remit for the drafting of the Treaty. The only limits imposed in this area related to transfers to naval units of equipment and personnel limited by the Treaty and by the CFE-1A Agreement. If one day negotiations were to take place in this area, they would take place in a forum other than that for the CFE²² and would require the explicit agreement of the main European maritime powers and the United States, Canada and Russia. Besides the political difficulties in achieving a consensus in this area, technical difficulties would also arise concerning the definition of categories of naval weapons, their mobility

¹⁹ 50 000 of them destroyed in the early years of its application between 1992 and 1995, House of Commons Select Committee on Defence, Fifteenth Special Report: "The Adaptation of the Treaty on Conventional Forces in Europe" (Appendix) 26 July 2000; www.parliament.uk and "Executive Summary of the Adapted Conventional Armed Forces in Europe Treaty", Wade Boese, Arms Control Today, November 1999, www.armscontrol.org

²⁰ According to NATO, over 1 000 reduction inspections and over 2 000 site inspections of military installations. "The CFE Treaty in Transition: Current Issues and Future Challenges", *NATO Press Release PR/CP (2001) 019*; 13 February 2001; www.otan.nato.int.

²¹ Final Document of the First Conference to Review the Operation of the Treaty, II.5; Vienna, 15-31 May 1996.

²² Such matters are discussed for the time being (often informally) in the framework of the Forum for Security and Cooperation in conjunction with confidence and security-building measures.

and multi-use capability. Those two aspects also apply to air force equipment, limitation of which below the numbers provided for in the Treaty seems very difficult, if only because of their heightened importance in military strategy and tactics since the Gulf war.

77. To open up the Treaty as it is today to those areas would be tantamount to attempting to create a new “super-Treaty” on conventional armed forces in Europe in the air, on land and at sea. There would only need to be a stalemate in one of these areas for the whole process to fail, which would contribute to raising political and military tension. Such a situation would do untold damage to CFE *acquis* and run the risk of setting in train a further conventional arms race in Europe. The Treaty is not an icon; it opens up important and constructive perspectives on European security, it can serve as a model for other weapons control regimes, but its specificity and limits, which are agreed and accepted by all states parties, should be preserved.

78. Viewed in this light, throwing open the Treaty to new signatories is also an essential move in order to maintain conventional forces in Europe at levels acceptable to all concerned, which meet the needs of each individual state party without arousing feelings of insecurity in others. Force reductions have also had a positive economic spin-off, especially in central and eastern Europe and the extension of the Treaty to cover south-eastern Europe would make it possible, for the first time in ten years of warfare, to create a lasting climate of security that does not depend solely on long-term deployment of external armed forces. Nevertheless, to seek to apply it (in an appropriate form) to situations where internal conflict rages is a complicated and dangerous exercise. The case of Bosnia and Herzegovina is an unusual one, since the conflict was between three entities, each of them with some of the attributes of a state – political, executive and legislative powers, armed forces and internal security forces (police) and a territory which they governed.

79. The application of a “light” CFE regime follows the same rationale as the Treaty in its interstate mode. There are identifiable political and military authorities, directly responsible for the application of agreed provisions. The situation is different in the event of a conflict between a central authority and armed factions on a part of the national territory. Here the issue of control arises with greater acuity, implying that an already well-developed political negotiating process is in place upstream. One must take account of the fact that the legitimate central power can refuse to submit to restrictions that it regards as a curb on its sovereignty and which cast doubt on territorial integrity; furthermore, the forces in conflict are also themselves divided into groups with diverse and at times rival political interests. The difficulty of this form of armaments control has been tragically illustrated in recent events affecting Kosovo, southern Serbia and the Former Yugoslav Republic of Macedonia.

80. The Treaty spans ten years of European history – years of profound upheaval where an old order has been completely overturned – that have significantly altered the parameters for security on the continent as defined during the cold war. Today it is about to enter a new phase that seems more secure – there are no major disputes over its application – but one which will also be influenced by external factors that could bring the existing equilibrium into question. The Treaty’s bi-polarity remains its Achilles’ heel for, its multinational character notwithstanding, arguments, differences of view and instances of non-compliance, of a more temporary or lasting nature, have frequently set one party, Russia, apart from the group of states parties constituted by the Atlantic Alliance.

81. Good sense has invariably prevailed and both sides have succeeded in reaching the forms of accommodation necessary to preserve the Treaty and permit its continued application, while adapting it to changes in the European security climate. The feeling of security it engenders is shared and the prospect of exit from the Treaty would automatically entail deleterious consequences for the states parties and for the continent as a whole. A return to the arms race is to be avoided at all costs, given that it could generate an armed conflict of frightening intensity with the possibility of recourse to weapons of mass destruction.

82. For as long as the Treaty exists and continues to be implemented such a situation will remain within the realms of hypothesis as a mere “disaster movie” scenario. Hence the importance of ensuring that the process of ratification of the adapted Treaty is completed as soon as possible, so that it can be

extended to new signatories and other parts of the continent. The Treaty's *acquis* has already passed into history. It is its future that is essential in order to preserve the peace and security Europe needs to be able to take on the world role to which many European states aspire.

