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Success or Failure? CSBMs in the Post-Cold War Environment[1]

Introduction

The European experience with confidence- and security-building measures (CSBMs) is generally and rightly regarded as a success story. In conditions of enmity and distrust, two politico-military groupings entangled in the complexities of the Cold War managed to negotiate and agree on a regime that helped overcome a lack of confidence in each party's intentions both on the military and political planes. While the 1973-1987 inter-alliance talks on Mutual and Balanced Force Reductions (MBFR), a "hard" arms control enterprise, fizzled out, confidence-building measures not only survived but were also developed further and paved the way towards enhanced political dialogue and more substantial and militarily significant steps. Since the end of the Cold War, the CSBM *acquis* within the Conference on/Organization for Security and Co-operation in Europe (CSCE/OSCE) has been reviewed repeatedly and attempts have been made to use some of its achievements in various security environments. With the end of the Cold War, arms control was eclipsed by other co-operative security tools: crisis management, conflict prevention and peacekeeping operations. The change of the international security environment, the new rules for regulating international relations and the qualitatively different threats and challenges justify the question whether the steps elaborated in another period are still relevant in addressing the altered conditions, whether they are of use after the end of the Cold-War confrontation and in view of the widespread use of new instruments for dealing with contingencies.

This article examines the experience as well as the place, role and tasks of military-related confidence and security building in Europe after the Cold War. First, a historical review of the evolution of CSBMs, their role and status is presented. Then, the nature and tasks of such measures are addressed. This is followed by the examination of the compliance record of CSBMs since 1989. Finally, we set out to assess the relevance of the experience of Europe for non-European contexts.

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1   This article is a revised and updated version of the paper presented by the authors at the OSCE seminar for its Mediterranean partners on "Confidence-Building Measures and Confidence- and Security-Building Measures: The Experience and Its Relevance for the Mediterranean Region", held in Portoroz (Slovenia), from 30-31 October 2000.

From Cold War to Co-operative Security

Confidence-building measures (CBMs) and CSBMs have been discussed and analysed in numerous publications.[2] They drew interest particularly in the heyday of the 1980s. That interest in measures to enhance security and stability, and in other instruments of arms control, dwindled with the end of the bloc confrontation in Europe and the world, as their applicability to deal with new risks and challenges emerging on the continent became a moot point. However it was never completely abandoned, and the search for new measures and approaches has continued since then.

There were at least six major premises for the confidence-building dialogue. The *first* was the limited number of actors - two major politico-military blocs with antagonistic ideologies and political systems, but nonetheless sharing an interest in avoiding serious military conflict. An important, though less conspicuous role was also played by the group of the neutral and non-aligned countries. The *second* premise was the fairly high degree of stability of the European security system accompanying the high tension and confrontation in East-West relations. The *third* element was the fairly recent emergence of the antagonism between the European actors. There was no deep-seated historical ideological hostility obstructing a dialogue between the adversaries. The successive crises of the 1960s (Berlin, Cuba, Czechoslovakia) brought home to Western and Eastern leaders the necessity to elaborate measures for staving off an outbreak of war between East and West. The 1969 NATO Harmel Report, the settlement of certain aspects of the German question (the Quadripartite Agreement on Berlin, the agreements between the FRG and its partners and neighbours: the USSR, Poland and GDR) and the German *Ostpolitik* stressing the renunciation of use of force (*Gewaltverzichtspolitik*) at the threshold of the 1960s and the 1970s - each in its own way cleared the path to inter-bloc détente and dialogue. The *fourth* premise was the spectre of inadvertent major military conflict or nuclear annihilation that both sides wanted to avoid. The configuration of massive armaments, conventional and nuclear, especially in Central Europe, called for some measure of mutual re-

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2   For a catalogue of more than 160 various CBM proposals discussed at that time see Brian J. Gillian/Alan Crawford/Kornel Buczek (Eds.), Compendium of Confidence-Building Proposals, second edition, Ottawa 1987. See also e.g., Wolf Graf von Baudissin (Ed.), From Distrust to Confidence. Concepts, Experiences and Dimensions of CBMs, Baden-Baden 1983; Karl E. Birnbaum (Ed.), Confidence-Building and East-West Relations, Laxenbourg Papers 3/1983; Rolf Berg/Adam Daniel Rotfeld (ed. by Allen Lynch), Building Security in Europe. Confidence-Building Measures and the CSCE, New York 1986; James E. Goodby, The Stockholm Conference: A Report on the First Year, in: Department of State Bulletin, February 1985; Kevin N. Lewis/Mark A. Lorell, Confidence-Building Measures and Crisis Resolution. Historical Perspectives, in: Orbis, summer 1984; Stephen F. Larrabee/Dieter Strobe (Eds.), Confidence-Building Measures in Europe, New York 1983; Sverre Lodgaard/Karl. E Birnbaum (Eds.), Overcoming Threats to Europe: A New Deal for Confidence and Security, Oxford/New York 1987; James Macintosh, Confidence (and Security) Building Measures in the Arms Control Process: A Canadian Perspective, Ottawa 1985.

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assurance in the absence of disarmament or arms control. The *fifth* factor was the creation of a political framework (the CSCE) for elaboration, negotiation and review of implementation. The *sixth* factor was the civilizational and cultural affinity of the states concerned - their shared values and goals were conducive to mutual understanding, albeit not always in equal measure and often stifled for ideological and political reasons.

At least five stages can be distinguished in the history of confidence-building discussions and endeavours.

1. *The "pre-history" phase*. In the post-World War II period, the powers tried to inject a sense of confidence into their mutual relations, especially in the face of the deepening East-West bloc confrontation. At the peak of the Cold War, with its excessively militant strategies and postures, there was hardly any room for institutionalized military-related measures to enhance confidence. Nevertheless, or maybe because of it, the idea took shape in the mid-1950s with the "Geneva spirit" of détente between the two superpowers and blocs. President Dwight D. Eisenhower's proposal on Open Skies of 21 July 1955[3] was hastily interpreted by the Soviet Union as an attempt to legitimize espionage against the USSR. Nevertheless this and the Soviet suggestions to exchange observers at strategic places within NATO and Warsaw Treaty Organization (WTO) territories set in motion a process towards the Geneva Surprise Attack Conference of 1958 and concepts of nuclear-weapon free zones (the Rapacki plan[4]). While these potentially valuable initiatives fell victim to the deep mistrust and divergent outlooks of the antagonists - the Soviet broad "political-declaratory" *versus* the Western "military-technical" approaches - they set a precedent for a multilateral East-West forum to exchange views on CBMs. The first period of détente ended definitively with the Cuban and Berlin crises in the early 1960s. The concept for an Open Skies negotiation was to wait until the end of the Cold War, when President George Bush put forward a new proposal for such a regime. As a result, the Treaty on Open Skies was signed in 1992.

2. The next stage embraced *the first generation of confidence-building measures*. However, the 1973-1975 Helsinki Conference on Security and Co-operation in Europe was not primarily focused on CBMs. Its main aim was political arrangements (the Declaration on principles guiding relations between participating States) and humanitarian accords (human rights, contacts between people and the free flow of ideas and information). CBMs were covered by a small appendix, initially meant to justify the word "security" in the name of the Conference rather than to aim at a significant dialogue. The MBFR and its associated measures were designed to address the main issues of security in relations between the two blocs, NATO and the WTO. For

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3   Statement by President Eisenhower at the Geneva Conference of Heads of Government, Aerial Inspection and Exchange of Military Blueprints, 21 July 1955, in: The Geneva Conference of Heads of Government, 18-23 July 1955, Department of State publication 6046, 1955, pp. 56-59.
4   Original text in: Zbior Dokumentow/Recueil de documents, 11-12/1964, p. 1571.

NATO, the inclusion of CBMs in the CSCE package was to be an additional test of the WTO's goodwill. The idea of confidence-building measures was reluctantly accepted by the Soviet Union, which would have preferred they followed rather than preceded troop and armament reductions.[5] (Another reason was that the USSR, enjoying supremacy in conventional forces in Europe, was not eager to accept any constraints.)

Seen from today's vantage point, the Helsinki CBMs were very modest. Their area of application did not even cover the entire area of Europe. For the USSR (and Turkey), the measures were applied to the strip within 250 kilometres of its European borders, thus placing it in a privileged position. CBMs dealt with ground forces exclusively and notifications of manoeuvres were voluntary and in accordance with some basic parameters (25,000 troops; 21 days in advance); advance notifications of major troop movements and observation measures were also voluntary, observations were to be conducted on a bilateral basis, and with no set parameters.

3. It was at the 1984-1986 Stockholm Conference that a more advanced generation of CBMs, the so-called *confidence- and security-building measures* (CSBMs), was elaborated. In the face of a political stalemate and in the wake of the new Soviet doctrine of *glasnost,* in the 1986 Stockholm Document, states agreed to adopt measures that would meet four criteria: They would be (*a*) politically binding; (*b*) militarily significant; (*c*) verifiable, when possible; and they would (*d*) extend from the Atlantic to the Urals.[6] These criteria justified the new name given to these measures.

The CSBM parameters on advance notification and observation of military manoeuvres were more substantial, were expanded to include other land activities (amphibious landing and parachute drops from airborne vehicles) and included several constraints on the size, numbers and notification requirements for major manoeuvres. Moreover, annual calendars of military activities were to be exchanged. For the first time the WTO (the Soviet Union) accepted on-site inspections without the right of refusal.

The CSBM package was further expanded in the 1990 Vienna Document.[7] In addition to some improvements on the Stockholm Document, it provided for the exchange of information on current and projected military budgets; established a Conflict Prevention Centre as an element of a risk reduction mechanism and a forum for the annual assessment of the implementation of the Vienna Document (Annual Implementation Assessment Meeting, AIAM); set up a communications network to convey CSBM information; increased military contacts; and allowed each participating State to conduct in-

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5   See more on this in Adam Daniel Rotfeld, Europejski system bezpieczenstwa in statu nascendi [The European Security System in Statu Nascendi], Warsaw 1990, pp. 109-174.

6   It was French President Valéry Giscard d'Estaing who launched the original idea of making CBMs more substantial in May 1978. As early as February 1981, CPSU General Secretary Leonid Brezhnev agreed to the extension of the area of application deeper in the USSR to the line of the Ural Mountains.

7   For documentation and a detailed discussion of the successive Vienna Documents, see the relevant sections of the appropriate SIPRI Yearbook, Oxford et al., 1991-2000.

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spections on the territory of any other participating State (as requested by the non-Soviet WTO states). It also contained an innovative procedure for questioning military activity by a participating State that falls outside normal conduct ("unusual military activities" and "hazardous incidents").

4. 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 an old political and military configuration, the former bloc division, in the face of new challenges and requirements. Participants at the 1992 CSCE Helsinki Summit called into being the CSCE Forum for Security Co-operation (FSC), a single multilateral arms control body for all European states, with the aim of "establishing among themselves new security relations based on *co-operative and common approaches to security*"[8], including new CSBMs. Among the latter, measures with a regional character were envisaged. The participating States strove both to further improve and supplement the existing CSBMs and elaborate new ones. The new version of the Vienna Document adopted in 1992 sought to address at least some of the new needs and challenges. The major changes and additions included the extension of the area of application and the number of participants (by including the new post-Soviet Central Asian republics); provisions on the demonstration of new types of weapon and equipment systems; further lowering of the thresholds for notification and observation; more constraints on major military exercises; and stronger verification measures.

The subsequent Vienna Document 1994 and the work of the FSC introduced some further changes, among the most important of which were a detailed section on defence planning, a programme on military contacts and co-operation, and the extension of thresholds to other categories of heavy equipment (armoured combat vehicles and heavy artillery). All these changes warranted the name of "*third generation*" CSBMs in inter-state relations.

5. A new chapter in the history of CSBMs has now been opened with the latest accord - the Vienna Document 1999. Two-year negotiations (1997-1999) produced a host of proposals, some long-standing (e.g. naval measures, as proposed by Russia), and some new ones. However, the success of the revised document lies in the adoption of a new chapter which envisages complementing OSCE-wide CSBMs with voluntary political and legally binding *measures tailored to regional needs*. However, this success is relative: It is the beginning of the road rather than the culmination of efforts by the participating States. It has been proposed that the FSC be the repository of regional CSBM agreements, as well as assist in developing, negotiating and implementing regional measures. The chapter on regional CSBMs also includes a

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8   CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, in: Arie Bloed (Ed.), The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993, Dordrecht/Boston/London 1993, pp. 701-777, here: p. 735 (emphasis by the authors).

range of 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 (CPC) and included in the Vienna Document is to serve as a "source of inspiration and reference" for the participating States.

CSBMs in the Post-Cold War Period

The role and status of CSBMs have changed since 1989: They are less conspicuous and seem less useful in the face of new challenges and threats. The evolution of the confidence- and security-building process in the qualitatively changed security environment took place on three general levels: in the pan-European context (Vienna Document), below the European level (regional, subregional, bilateral), and through arrangements with a confidence-building effect.

As regards the Vienna CSBMs, the post-Cold War period has witnessed quantitative rather than qualitative changes. The successive versions of the Vienna Document (1990, 1992, 1994 and 1999) were based on the achievements of the former era, building on preceding accords. Despite all the commitments and appeals that the new risks and challenges, especially those related to intra-state crises and conflicts, should be urgently addressed and dealt with, the OSCE community stuck to its old patterns and orientations, which resulted in a host of incrementally growing obligations, procedures and mechanisms as well as the costs of implementing and sustaining these. States have to cope with the costly and time-consuming burden of providing detailed military-related information, tackle numerous inspection and evaluation tasks and obligations, handle communications problems, and so on, which would have satisfied and reassured participating States in the former period, but do little to stave off a Chechnya-type crisis, for example.

In a way, the elaboration of "new-old" measures was a kind of escape forwards. It showed the states' inability to quickly conceptualize the change and translate it into more appropriate approaches to and instruments of confidence and security building. At the recent round of modernizing CSBMs (1997-1999), more than 100 proposals concerning new measures were considered, but results were modest, which signalled that the process in its traditional form has largely reached an impasse.

The centre of gravity of CSBMs in Europe is shifting towards the regions from which the main challenges to peace and stability come. The Balkan crises, which started in the early 1990s, showed both the inadequacy of traditional CSBMs and the need for new solutions. In the aftermath of the Bosnian tragedy, the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton Agreement) instituted (sub)regional CSBMs for the entities of Bosnia and Herzegovina. The 1996 Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina (negotiated under

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Article II of Annex 1-B of the Dayton Agreement) was modelled on the Vienna Document, but also derived from some parts of the 1990 CFE Treaty.[9] The regional CSBM experiment in the volatile environment of Bosnia and Herzegovina has been proceeding fairly well, under the umbrella of and parallel to international institutions and foreign military protection. It is to be hoped that, in addition to political and civilian arrangements, the network of various regional accords related to arms control there and the arms control and CSBM sections of the Stability Pact for South Eastern Europe will inject enough stability and security into the Balkans to help make the peace process in the region irreversible.

Arrangements in other regions of Europe, reached with no prodding from the outside, are also promising. The "regionalization" of CSBMs is by no means new: There are examples of regional arrangements in the Baltic Sea region (CSBMs), the Black Sea region (maritime operations), and South Eastern Europe (defence ministers' meetings). In the past decade there have been more than 20 initiatives by OSCE States to supplement their Vienna Document obligations with additional bilateral and unilateral commitments. These endeavours range from open skies arrangements (*vide* the Hungarian-Romanian accord of 1991) through numerous confidence-building agreements between Balkan states, especially with regard to border areas (though, notably, there are no substantial Greek-Turkish accords), to the Baltic Sea states' bilateral CSBM arrangements and unilateral commitments (the latter by Finland and Sweden introducing passive quotas for evaluation visits).

These and other arrangements can now draw on the new Vienna-based framework, criteria and guidelines. The Vienna Document 1999 set principles according to which regional CSBMs were to be created. The measures were to: (*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.

The third strain of confidence-building solutions are the so-called norm- and standard-setting measures, which encompass the Code of Conduct on Politico-Military Aspects of Security, the Global Exchange of Military Information, the Principles Governing Conventional Arms Transfers, and the Principles Governing Non-Proliferation as well as Stabilizing Measures for Localized Crisis Situations. Documents establishing these measures were adopted in the mid-1990s and serve as additional instruments for enhancing the OSCE role with regard to inter-state and intra-state matters. The Code of Conduct is of particular interest. It contains a kind of solidarity rule with respect to states

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9   See more on this in: Hans-Joachim Schmidt, Konventionelle Rüstungskontrolle: Instrument zur Stabilisierung des Friedensprozesses im ehemaligen Jugoslawien? [Conventional Arms Control: An Instrument to Stabilize the Peace Process in the Former Yugoslavia?], HSFK-Report 10/1996; Zdzislaw Lachowski, Confidence- and security-building measures in Europe, relevant sections on (sub)regional CSBMs in the SIPRI Yearbooks 1997-2000.

that have fallen victim to the threat or use of force. Under current conditions, however, its most relevant provisions are those related to the use of force in performing domestic security missions. They were invoked both in the Chechen crises and the Kosovo crisis. The Code still has untapped capabilities and, certainly, further elaboration of its provisions would be most desirable to eliminate the vagueness of its relevant commitments and to strengthen the enforcement of compliance.

The Compliance Record

The implementation of international agreements is a measure of their relevance and viability. The history of compliance with the CSBM documents abounds in cases where states have not conformed to the provisions of the Vienna Document. Minor non-compliance issues are usually of a non-political character and stem from various technical or financial causes or those related to inexperience. Therefore, as a rule, they are overlooked or tolerated by other participants in the system.

The European CSBM arrangements are not legal documents, however, they are politically binding international commitments of military significance. During the Cold War, their aim was to help prevent surprise attack and provide a measure of confidence between two adversarial politico-military blocs. CSBM implementation was therefore a litmus test of goodwill and co-operation between the participants in the field of military security. After 1989, with their scope considerably expanded and their content substantiated, these measures work in the changed environment of partnership, mutual reassurance and co-operative security. For a long time their weakness was that they addressed state-to-state relations, while dangers to security were becoming increasingly domestic in character. This incompatibility was remedied to some degree only in 1999, when the participants agreed upon a set of principles for measures tailored to regional needs.

In the first phase of the implementation of CBMs, when they were carried out voluntarily, their impact on such developments as Soviet military conduct in the neighbourhood of Poland in 1981 (massive troop movements and a big military exercise) aimed at bullying the Solidarność movement, was almost nil. It was only the criteria of the Stockholm Document that made it possible to demand conformity with the agreed measures. Fortunately, up until the end of the Cold War, no major infringements were witnessed during CSBM implementation. The first politico-military test came during the Yugoslav crisis in the summer of 1991, when Austria and Hungary sought unsuccessfully to set in motion the mechanism for consultation and co-operation as regards unusual military activities; when Yugoslav aircraft later bombarded a Hungarian town, Budapest lodged a protest, referring to the Vienna Document provision on co-operation as regards hazardous incidents of a military nature.

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These moves did not produce any results as other CSCE States took no follow-up action.[10]

That some participating States put obstacles in the way of the implementation of the Vienna Document in the post-Cold War period tended to erode the confidence- and security-building regime. This mostly applied to some of the former Soviet republics (and until recently, Bosnia and Herzegovina) who have rather limited experience in complex CSBM procedures and scant resources to meet all the requirements for compliance. So far, they have generally complied with verification measures, while the provisions of various kinds of information (e.g. on military activities, defence planning and budgets) remains their Achilles' heel. Another aspect is that the CSBM operation has taken place in "fair-weather" conditions, that is, during peacetime (Yugoslavia was suspended indefinitely from the CSCE in July 1992 after its aggressive conduct in the Balkans). The other, compliant, participants have therefore been rather moderate in voicing their criticism and ready to render assistance to their less experienced partners.

The basic weakness of the norms, procedures and mechanisms agreed within the Vienna CSBM framework is that they have been addressed to preventing armed conflicts *between* states, not *within* them. 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, historical and cultural differences. The dangers which CSBMs were designed to ward of - preparations for a sudden, unexpected attack launched by one state (or rather military bloc) against another - no longer exist.

The Major Non-Compliance Cases

The First War in Chechnya 1994-1995

After the suspension of Yugoslavia from the CSBM regime, another compliance test came in late 1994, during the first war in Chechnya. Starting its military activities in that region in December, Russia failed to notify to other participants the transfer of its armed forces to places of high troop concentration. It claimed that CSBM provisions on notification and observation were inapplicable during the domestic crisis and argued that transparency on the conflict was being ensured by media coverage. The aim of military action in Chechnya, according to Russia, was to defend its territorial integrity. It did not endanger the security of any other state. These arguments were questioned and rejected by other OSCE delegations. They stressed the applicability of CSBMs for internal crisis situations, and considered media coverage to be no substitute for Vienna Document notification. The claim that no external

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10   Cf. Zdzislaw Lachowski, Implementation of the Vienna Document 1990 in 1991, in: SIPRI Yearbook 1992, Oxford et al. 1992, pp. 486-487.

security threat existed was considered counter to the principle of indivisibility of security in the application area. Nevertheless the discussions at the Annual Implementation Assessment Meeting in early 1995 were conducted in an open and co-operative spirit, with Russia accepting the relevance of CSBMs with regard to the Chechen issue.[11] More ominous in this context was the fact that Russia did not respect the provisions of the 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.

The question of whether the CSBMs are of relevance in "foul-weather" conditions was again thrown into stark relief in 1999. The Kosovo crisis and the war in Chechnya were litmus tests for the viability of CSBMs *inter arma*.

CSBMs and the Kosovo Crisis[12]

In the course of the Kosovo conflict, on 19 May 1999 the Russian delegation protested in the FSC with regard to the inspection carried out in the former Yugoslav Republic of Macedonia (FYROM) earlier that month. It complained that in contravention to the provisions of the Vienna Document, the Russian inspection team had been denied access to all areas and facilities where NATO formations and units were stationed. Later Russia stated that it had encountered similar obstacles during its inspection visit to Albania in mid-May, claiming that: (*a*) the flight of the Russian inspectors to the specified area had been unduly delayed and directed to a point of entry other than that designated; (*b*) their inspection teams had been denied inspection from the air; (*c*) their inspection teams had not been allowed into areas where US armed forces and equipment were concentrated; and (*d*) their inspection teams had been 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 US had allegedly failed to notify the troop concentration in advance, and observers were invited in only after the Russian inspection team had informed the participating States of its work in the area.

NATO, Albania and the FYROM responded that the "hostile environment" justified denial of access on the basis of those exceptions mentioned in the Vienna Document for "areas or sensitive points to which access is normally denied or restricted" for safety, security and force protection reasons. The Atlantic Alliance claimed that its main function in the FYROM was to provide humanitarian assistance. NATO had hoped that the Russian team would inspect the work at refugee centres but, as they were interested in areas where "difficult and potentially dangerous" conditions existed, they were shown a

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11   Cf. OSZE Tätigkeitsbericht, in: Österreichische Militärische Zeitschrift 3/1995, p. 342.
12   For more on CSBM compliance during the Kosovo and Chechnya conflicts: Zdzislaw Lachowski, Confidence- and security-building measures in Europe, in: SIPRI Yearbook 2000, Oxford et al. 2000, pp. 615-616.

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 to accommodate ongoing humanitarian airlift operations. As far as non-compliance with the observation threshold was concerned, the FYROM said it would issue invitations at a later date. Eventually, the Russian observation visit took place well after the end of the NATO campaign in the Federal Republic of Yugoslavia, in July 1999.

The FYROM incident reportedly arose because the US command perceived the implementation of CSBMs during the 1999 Kosovo crisis as a threat to NATO's "operational security". The US alleged that because Russia would have been able to hand over (apparently, to Belgrade) sensitive information on NATO military equipment in the vicinity of the Federal Republic of Yugoslavia, they 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, found US arguments on the sensitive equipment in the FYROM rather unconvincing, since the operation there served clearly humanitarian needs. The sophisticated Apache helicopters stationed in Albania were of course a different matter.

CSBMs and the Second War in Chechnya

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 in late October and in February 2000. Unlike the NATO concentrations in Albania and the FYROM, the concentration in Chechnya comprised forces engaged in war. Russia claimed that it had demonstrated exceptionally goodwill and transparency in providing updated information on the conditions of military operations against the Chechen "bandits and terrorists". The NATO states however demanded that Russia provide not only numbers but also details on the purpose, level of command, time frame and envisaged area of the operation, and other relevant information. Western countries repeatedly urged Russia to update its October information and allow an observation visit in accordance with the Vienna Document. The feasibility of conducting an observation mission as well as the security of the observers inside Chechnya during the war were, however, questionable. Russia allowed a German team to inspect areas adjacent to Chechnya in February 2000, and it was only in June 2000 that an OSCE multinational observation team was allowed to visit the Russian units stationed in the "combat zone" in Chechnya. As during the first war in Chechnya in 1994, the NATO and EU countries have pointed out that, in addition to non-compliance with CSBMs,

Russia has probably violated the provisions of the Code of Conduct on Politico-Military Aspects of Security, especially that the armed forces take due care to avoid injury to civilians and their property and to avoid the indiscriminate and disproportionate use of force.

Central Asia

Two cases involving compliance issues, both concerning Uzbekistan, drew attention in 2000. In March, the US requested inspection of an area in Uzbekistan in which army-level activity could have been conducted. The Uzbek authorities denied the 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 date 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 US had requested to inspect did not fall under the Vienna Document application framework, and a readjustment of the specified area was proposed. The Uzbek response was met with harsh criticism by the US.[13] In August, Uzbekistan refused a second US inspection request because of financial and technical problems and because another inspection had been carried out by Italy ten days earlier. A similar case was that of Tajikistan's refusal to accept a Spanish inspection in October.

All the cases were discussed intensely in the FSC, and many states expressed concern over the poor implementation of the provisions of the Vienna Document 1999 and suggested ways to improve it.

The Relevance of CSBMs in Other Regions: A Few Reflections

CBMs/CSBMs were tailored to the specific context of a divided Europe. The experience of some non-European regions seems to prove the exclusivity rather than universality of European CSBMs. Various attempts to implant them in other politico-military contexts have borne mixed results. In the Association of South-East Asian Nations (ASEAN) region, Central Asia and Latin America, military CBMs have been agreed upon within packages of broader confidence-enhancing steps and tested by the political and military authorities. In other conflict-ridden parts of the world, such as the Korean peninsula or the Middle East, such ambitions have not gone beyond discussions and concepts offered by analysts and theoreticians. On the whole, outside Europe basic confidence building is being pursued actively in regions

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13   Cf. Statement on Uzbekistan delivered by Ambassador David T. Johnson to the Forum for Security Co-operation: US Statement on Uzbekistan to Security Cooperation Forum, Washington File, 10 April 2000, at: http://www.usembassyisrael.org.il/publish/press/security/archive/2000/april/ds10411.htm.

that either enjoy a sufficiently high degree of security dialogue (South-East Asia) or lack major incentives to engage in an arms race (Latin America).

Nevertheless, the OSCE has recently been willing to share its experience more actively with the interested actors. In October 2000, the Organization held a seminar for its Mediterranean partners on CBMs/CSBMs. In March 2001, the applicability of CSBMs in the Korean peninsula security environment was discussed between interested states and international institutions at the Seoul meeting organized by the OSCE and South Korea.

If it was assumed that the historical premises for CBMs/CSBMs in Europe as listed further above (a *de facto* limited number of actors; high stability; no long-standing deep antagonisms; fear of inadvertent nuclear catastrophe; an institutional framework; and affinity of values) should be the *sine qua non* conditions for applying the measures outside the OSCE area, their applicability would be out of the question. Moreover, it is a truism that 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.

However, both intuition and experience suggest that once states are ready to believe that the benefits of peaceful relations outweigh the costs of confrontation and conflict among them, there is a starting point for a confidence-building process. Some of the OSCE experiences, as analysed above, could be of relevance. In seeking such a regime, several premises ought to be taken into account:

For the beneficiaries of future confidence-building measures it is important to understand their capabilities and limitations. CBMs are not a cure-all for international security problems. They constitute part of the outcome of a wider co-operative process of reconfiguring inter-state relations rather than creating them.

Stability and predictability in the region are preconditions for confidence. This can be achieved only against a broader background of political, economic and social relations and ties in the area of application. Confidence is a "fair-weather" feature and can hardly exist in a state of crisis or conflict.

Convergence of the norms and values pursued by parties to an agreement is desirable. It is a great challenge to ensure that the obligations undertaken are respected. In non-democratic regimes decisions and pledges can be made easily, but they are just as soon abandoned; democracies require protracted processes of adopting obligations, but when an essential decision has been made it is more difficult to back down from it.

C(S)BMs are not a value per se; they serve some broader objectives. It is advisable that strong overarching goal(s) be shared by parties in their pursuit of better mutual relations, whether it is simply to avert war or build durable peace. In the northern hemisphere, the goal has been co-operative security. Elsewhere, advanced co-operative undertakings are not yet in place. Rather, it is the armed forces that are seen as the main instrument 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 are not addressed in earnest in other regions. To implement CBMs in a non-European context, therefore, a comprehensive political framework within which such measures could be elaborated, reviewed and/or verified will be needed, against the background of a set of broader political commitments and principles.

Another element is political culture. Countries at different stages of state formation, with various political cultures and outlooks, risk mutual misunderstanding and misconceptions. Some observers point especially to the psychological aspect of launching a CBM process; if poorly timed, the introduction of confidence-building measures may turn out to be counterproductive or simply a non-starter.

Because of the multitude of actors involved in introducing such a system, it might be desirable to adopt a bottom-up incremental approach. Subregional and bilateral solutions seem 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.

In sum, a CBM regime cannot simply be transferred from Europe to other regions. The process will have to be thought through: It should be a well-prepared, well-timed, earnestly executed incremental exercise rather than a ready-made blueprint.

Conclusion

Conventional arms control is not *en vogue* today. Even the Second CFE Treaty Review Conference which took place in May 2001 was not expected to give a fresh impetus to these kinds of efforts. This is mostly because of Russian non-compliance in Chechnya and its difficulties with troop withdrawals from former Soviet republics (Moldova and Georgia), but also as a result of the successful adaptations of two major European accords reached in 1999: the CFE Treaty and the Vienna Document.

The CFE adaptation talks succeeded in removing the bloc straitjacket from the Treaty, freeing it to adjust to the new security environment. Although the adapted CFE Treaty's entry into force remains stalled, it already provides a new basis for security co-operation among the States Parties to the Treaty, and eventually it will expand to embrace the remaining European states.

Having completed this job, European arms control is undergoing a significant evolution. Four general tendencies characterize its status.

First, it is turning from "hard", structural steps (that is, limitation and reduction) towards "soft", less stringent arrangements made in a co-operative spirit: CSBMs, risk reduction, transparency and other stability-enhancing measures.

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The *second* element is the "regionalization" of European arms control. Since the early 1990s numerous bilateral and subregional accords as well as unilateral initiatives have been put into effect in East Central and South-eastern Europe. The underlying motives have been to overcome historical resentments and conflicts, meet NATO and/or EU membership criteria, and encourage neighbouring states to modify their security policies (e.g., Russia vis-à-vis the Baltic states). The latest version of the Vienna CSBM Document encourages states to develop measures tailored to (sub)regional needs.

The *third* phenomenon is an attempt to employ CSBMs in "all-weather", domestic-related missions. The Cold War logic could only address inter-state "fair-weather" conditions; tensions ruled out confidence. For some time, the European states have discussed whether "foul-weather" co-operative responses are feasible. It appears that lack of political will, rather than insufficient mechanisms, is what prevents states from making headway.[14] A first step forward was made by Russia in 2000 when it invited other European states to make an observation visit in an area of "ongoing military activities" in Chechnya.

Fourth, during the Cold War, arms control played a relatively autonomous role in dispelling mistrust. The new trend is to enhance the impact of such measures by combining them with other "soft" security measures and institutions under an international umbrella, as is being done within the Stability Pact for South Eastern Europe, or through the recent OSCE small arms accord. It is hoped that the resulting synergy will enhance the chances for peace and stability in volatile subregions and in Europe as a whole.

Customized to conventional ground forces in the OSCE area, the European CSBM regime was directed at the most threatening parts of armed forces and equipment during the Cold War. For the most part it has accomplished its task successfully and apparently reached the stage of fulfilment in its present shape. The changed political landscape and the new security principles underlying the post-Cold War environment make it possible for the participating States to turn their attention to other areas where confidence building is seen as advisable, such as some measures related to the navy and air force or CBMs related to tactical nuclear weapons.[15] This, however, calls for more determination and co-operation among the partners in overcoming the still lingering fears and reluctance motivated by strategic interests.

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14   An interesting observation, apparently in the context of Yugoslavia, was made by the Russian delegate: "A state or a group of states can conduct a mass-scale military activity, making use of only the naval or air component of its armed forces" (i.e., not subject to the Vienna Document regime). OSCE document FSC.AIAM/29/00, 1 March 2000.

15   In December 2000, NATO made public its "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 proposed to be agreed between the Alliance and Russia. Cf. NATO Press Release M-NAC-2(2000)121, December 2000.