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## The Forum for Security Co-operation<sup>1</sup>

### *Establishment and Tasks of the FSC*

The Forum for Security Co-operation (FSC) is in addition to the Permanent Council the second of the two consultation and decision-making bodies of the OSCE that meet regularly in Vienna. The core function of the FSC can be traced back to the Negotiations on Confidence- and Security-Building Measures (NCSBMs) which were started in March 1989 in Vienna. At the CSCE Summit Meeting in 1992 in Helsinki, it was formally established with the title "Forum for Security Co-operation" and superseded the NCSBMs that ended that same year. Originally it consisted of a Special Committee and the Consultative Committee of the Conflict Prevention Centre (CPC). Since the Ministerial Council Meeting in Rome in 1993, at which the Consultative Committee was abolished, it has existed in its present form and is responsible for arms control and politico-military questions of security within the OSCE framework.

The principal tasks of the FSC are:

- negotiations on arms control and disarmament agreements as well as treaties on confidence- and security-building measures (CSBMs), including their further development;
- monitoring that obligations made within this framework have been met;
- consultations on the further reduction of conflict risks;
- conflict prevention and settlement with the help of the FSC acquis; if necessary, setting into motion one of the mechanisms provided for in the acquis for conflict settlement within the framework of the politico-military dimension;
- conducting a security dialogue.

The Helsinki Document of 1992 provided for the harmonization and subsumption of the various obligations within the framework of disarmament and arms control under one FSC umbrella. However, this was never implemented and thus today, the Treaty on Conventional Armed Forces in Europe (CFE), the Open Skies Treaty as well as the Dayton Accords have their own consultative and decision-making bodies in Vienna for the Parties to each Treaty.

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<sup>1</sup> This article reflects exclusively the personal opinions of the author and not those of the German Foreign Office.

### *FSC Working Methods*

The FSC consists as a rule of the members of the delegations of the 55 OSCE participating States; only the Russian Federation maintains an independent delegation in Vienna on politico-military issues. A special feature of FSC delegations is that they include diplomats as well as military advisers. In the weekly plenary sessions of the FSC, the security dialogue and topical issues are at the centre of the agenda. New initiatives to implement or further develop measures are also proposed here. In addition, the FSC also generally meets weekly in two working groups: Working Group A deals with such issues as implementing all obligations undertaken, while the mandate of Working Group B covers the further development of OSCE politico-military instruments. Alongside these, there is also a Communications Group doing preliminary work for the FSC.

Other work consists of organizing seminars and workshops with experts from the participating States on various topics that have been prepared and conducted by the FSC. During the year 2001, for example, a seminar on military doctrines was held, during 2002, a meeting on combating terrorism and a workshop on small arms and light weapons took place. In addition, the FSC holds the Annual Implementation Assessment Meeting on the commitments in the Vienna Document as well as in other documents. In September 2002, it conducted the Third Follow-Up Conference on the Code of Conduct on Politico-Military Aspects of Security.

The FSC Chair rotates between countries in alphabetical order, since the beginning of 2002, in a trimester system. The work of the Chair is assisted by the FSC Troika which includes the Chairperson, his or her predecessor and his or her successor who meet weekly and set the FSC agenda. For larger projects - the last two of these were the revision of the Vienna Document in 1999 and the development of the Document on Small Arms and Light Weapons in 2000 - the FSC tasks a co-ordinator from the circle of delegates, who assumes the leadership in the negotiations.

Furthermore, a support unit in the Conflict Prevention Centre (CPC) of the OSCE Secretariat provides assistance to FSC work and particularly to that of its Chair. Over and above the advisory and support function, the CPC compiles the data from the various different information exchanges within the framework of each CSBM regime and reports regularly on this. In addition, the CPC assists the participating States in setting up information exchanges when they so desire. The FSC also resorts to CPC expertise to promote the implementation of, for example, the Code of Conduct or the OSCE Document on Small Arms and Light Weapons in various different countries and regions by carrying out seminars and workshops. The CPC also operates and maintains a Communications Network through which the participating States exchange information and receive notification on e.g. inspections within the framework of the Vienna Document, the CFE Treaty and the Open Skies

Treaty. After lengthy negotiations within the Communications Group, this Communications Network was provided with new (Internet-based) technology during the course of 2002. It is hoped that this will induce more participating States to become connected to this network as up to this writing only about two-thirds had done so.

#### *The FSC's Politico-Military Acquis*

Throughout the years, the OSCE has within the framework of the FSC - that is, apart from the independent CFE and Open Skies Treaties as well as the Dayton Accords - developed a historically and globally unique acquis of confidence- and security-building measures, which have through a tight network of politically binding commitments created a high degree of transparency in the OSCE region.

#### *The Vienna Document (VD):*

The Vienna Document is the most comprehensive politically binding agreement on confidence- and security-building measures in Europe. This document, signed in Paris in 1990, comprises the third generation of confidence- and security-building measures based on the Helsinki Final Act of 1975 and the decisions of the Stockholm Conference of 1986. Since then, the Vienna Document has been developed further in three stages in 1992, 1994 and 1999. Its primary goal is to consolidate confidence and security, its central element is the participating States' commitment to refrain from the threat or use of force in their mutual relations as well as in their international relations in general. The Vienna Document does not cover the entire territory of the OSCE region; parts of the non-European territories of Russia and Turkey are excluded, the US and Canada are only included with respect to their troops stationed in Europe.

The most important measures of the current VD 99, which are assessed annually as to their implementation in a special meeting, include:

- an annual information exchange on conventional land and air forces;
- an annual information exchange on defence planning and defence budgets;
- a mechanism for consultation in the case of intra- or inter-state crises with unusual military activities as well as in the case of incidents of a military nature;
- a comprehensive programme of military contacts and co-operation including the demonstration of new types of major weapon and equipment systems;
- the notification and observation of military activities of a certain magnitude;

- the limitation of the number of military activities;
- intensive verification of reported data on conventional armed forces and military activities; as well as
- the possibility to make additional regional and bilateral agreements that can go beyond the measures and limitations set by the VD.

*Stabilizing Measures for Localized Crisis Situations (1993):*

This is a catalogue of measures on OSCE crisis management. Although for the most part, this document is forward-looking and also covers e.g. irregular forces, non-governmental actors and intra-state conflicts, the participating States - even in several crisis situations - have never applied it.

*Principles Governing Conventional Arms Transfers (1993):*

This document contains criteria on the transparency of the conventional arms trade. Since 1997, there has been a mandatory annual reporting requirement.

*Global Exchange of Military Information (1994):*

In an annual exchange, information on command structures and number of personnel as well as on major weapon and equipment systems are exchanged. This is the only confidence- and security-building measure that includes the naval forces and goes beyond the OSCE area.

*The Code of Conduct on Politico-Military Aspects of Security (1994):*

The Code of Conduct is still one of the most important FSC documents. It was created as the direct answer to the changing role and position of armed forces in societies in transition and lays down norms with regard to the position of armed forces in society. With its comprehensive objective directed towards the rule of law, it goes beyond the narrow definition of the politico-military dimension of the OSCE and is the only document that sets intra-state norms. Although its implementation is the prerogative of the participating States, the FSC is involved in filing the mandatory annual report and at the end of September 2002, it conducted the Third Follow-Up Conference on the Code of Conduct. The following elements are its most important features:

- Its fundamental principle is the democratic control of armed forces and other armed state organs. Accordingly, armed forces must be integrated in society and under the effective control of democratically legitimized organs that must also decide on the corresponding budgets.
- The Code includes internal as well as external conflicts.
- Members of the armed forces must be informed about the international humanitarian law of war.
- States are not to support or tolerate non-governmental paramilitary forces.

- Furthermore, the Code obligates states to co-operate closely to prevent and combat terrorism. The yearly questionnaire on the national status of the implementation of the Code also contains a question regarding membership in international conventions on combating terrorism as well as their national implementation.

*OSCE Document on Small Arms and Light Weapons (2000):*

The OSCE Document on Small Arms and Light Weapons is up to now the last in the series of FSC norm-setting documents. It determines norms, principles and concrete measures to limit the destabilizing accumulation as well as uncontrolled spread of small arms and light weapons. To achieve this goal, the document covers all relevant fields: controls on arms manufacture, import, export, transit, as well as commitments regarding surplus weapons stocks, stockpile management and destruction.

A series of measures, for example weapons collection programmes, are seen as a contribution to conflict prevention and post-conflict rehabilitation. The OSCE is currently working on the possibilities to implement these measures according to Section V of this document. In this endeavour, co-operation between the FSC and the Permanent Council is just as necessary as the involvement of field missions on a case-by-case basis.

In this document, participating States have committed themselves to a comprehensive information exchange on their national policies and practices regarding small arms, in particular also on trafficking in these weapons. The corresponding information exchanges were carried out in June 2001 and June 2002. The first assessment workshop took place in February 2002 in Vienna. With this document and its implementation, the OSCE has unquestionably set a worldwide standard with regard to greater transparency in trafficking in small arms.

*Defining the FSC Position*

In face of the significance of the FSC acquis in the area of arms control already described, it may seem astonishing that the FSC even more so than the OSCE as a whole has for some time now been searching to define a new position for itself. It makes one stop and think that the norm-setting documents mentioned above without exception only became possible at a time when the East-West confrontation, which was the real reason behind the efforts on arms control, had already been ended. This means - in somewhat reduced polemic terms - that norm setting was only possible at a time when it had clearly lost relevance.

Thus to a certain extent, the FSC shares the "crisis of meaning" of arms control in Europe as a whole: Its motivation and objective were most closely linked to the situation during the Cold War. Real major successes in co-op-

erative conventional arms control policy were only achieved during a “fair weather” phase. However, it should not be forgotten that also the substantial conventional disarmament within the OSCE framework through the CFE Treaty has been a major achievement, which has at least contributed to the fact that the “big war” is highly unlikely in Europe today.

The network of treaties and agreements on confidence- and security-building measures is today so closely intermeshed that no doubt (for the time being) this process has come to an end. That this *acquis* has become less relevant is due primarily to the fact that it was conceived for the actions of states with regard to inter-state conflicts. The types of conflicts that prevail in the OSCE region today, which most often are summarized under the heading “new security challenges”, are not really covered by the measures agreed upon, as in these conflicts we are dealing as a rule with intra-state or supranational conflicts and/or non-governmental actors. The OSCE participating States have up to now only shown partial willingness to adapt the existing *acquis* or to develop new norms to meet these new challenges; proposals in this direction have to a certain extent been met with decisive rejection.

However, the OSCE’s Asian partners for co-operation (Thailand, South Korea, Japan), the Mediterranean partners for co-operation (Algeria, Egypt, Israel, Jordan, Morocco, Tunisia) as well other regions of the world have indeed shown a sustained interest in OSCE experience with confidence- and security-building measures. A series of conferences and seminars on this topic have already taken place. Thus, it cannot be excluded that an adjusted version of OSCE CSBM *acquis* may acquire a “second life” as an export item.

In addition to questions on the substance of arms control is the fact that the OSCE as a whole and in particular the FSC are taking action in a totally changed geopolitical environment and must newly define their position there. The upcoming enlargement of NATO and the European Union, NATO’s Euro-Atlantic Partnership Council, NATO and Russia’s new partnership, and finally the further development of the EU Common Foreign and Security Policy are changing the entire strategic situation in a large part of the OSCE region fundamentally. In addition, these institutions are also implementing genuine arms control policy, which is not always easy to separate from that of the OSCE. Here, the necessary definition of position, which can only be characterized within the framework of newly balanced co-operation between the EU, NATO and the OSCE, is far from being reached. However, the OSCE has already been tasked correspondingly through the concept of the Platform for Co-operative Security, which was adopted as a part of the Charter for European Security in November 1999 at the Istanbul Summit Meeting. It is potentially significant that the OSCE, in contrast to the organizations mentioned above, has, on the basis of the 1992 Helsinki Document, the authority to mandate peacekeeping operations, however, up to now this power has never been used. Nevertheless, for some time now, the OSCE High Level

Planning Group has considered the possibility of such an operation in Nagorno-Karabakh at an appropriate time. Also the entire complex of OSCE conflict prevention and crisis management (in association with other organizations) could again be newly addressed in the context of a fundamental debate on the future European security structure. During the most recent crises in the OSCE region, these mechanisms have in any case not had any bearing.

#### *The FSC Discussion on Reform*

In particular during 2001, the FSC dealt with the direction of its future work on a fundamental basis and in great detail. This debate was focused on two points: One was more structural and in particular dealt with the working methods of this body, and one handled the question of the future subject matter of the work, that is a potential new agenda.

The fact that in this process an agreement was reached by the start of the Ministerial Council in December 2001 in Bucharest was primarily thanks to EU initiative, as incidentally was the development and adoption of the OSCE Document on Small Arms and Light Weapons the year before. With regard to FSC working methods, the monthly change of the Chair up to that date had already been recognized as problematic some time ago as it often stood in the way of greater continuity in the work. Here, only in the discussions of the last year a solution was to be found: In due time before the Ministerial Council Meeting in Bucharest, the FSC decided that the Chair should rotate alphabetically as in the past, but on a trimester basis with a change at Easter break, the summer break as well as at year end. In 2002, when the Czech Republic, Turkey and Yugoslavia all held the Chair in succession, this new regulation had already proved its worth beyond all expectations.

Within the framework of the continuing reform debate in the OSCE as a whole, the position of the FSC within the entire OSCE system was discussed in particular. Some delegations questioned in principle the right of an independent FSC to exist as an autonomous decision-making body also in future. In reality, this autonomy is in any case rather theoretical as the FSC - as already mentioned - with the exception of Russia, is in any event supplied from the same delegations as the other OSCE bodies. In this connection, primarily a proposal for a solution was discussed in which the OSCE as a whole was to have a structure made up of committees. The Permanent Council was to have three committees working under it among which the FSC was to become the committee for politico-military affairs; alongside this a committee for the human dimension as well as one for the economic and environmental dimension were to be established. However, this comprehensive approach to systemizing the structure of the OSCE has not been accepted.

This proposal was in opposition to the standpoint that the FSC should maintain its autonomy, in particular, in order not to further marginalize the poli-

tico-military dimension of the OSCE but, if possible, to even strengthen it. After long negotiations, the solution was found that the FSC on the one hand would retain its autonomy, but in addition, it would take on an advisory role to the OSCE Permanent Council on politico-military issues. Moreover, institutionalized consultations between the troikas of the two bodies were established. In this manner, the structure-related concerns about the existence of two independent bodies were partially met, and furthermore, through the co-operation between both organs, which was laid down at the Ministerial Council Meeting in Bucharest, the possibility was opened for a stronger accentuation of the politico-military dimension of the OSCE.

This new mechanism is now bearing fruit for the first time due to a decision by the Permanent Council of 18 July 2002 in which the FSC was requested to present its proposals on the implementation of Section V of the OSCE Document on Small Arms and Light Weapons, which deals with early warning, conflict prevention, crisis management and post-conflict rehabilitation. In this connection, the OSCE field missions, which are under the direction of the Chairman-in-Office and the Permanent Council, are to be given a possible role.

The question as to the substance of future FSC work was also highly controversial during the negotiations in the course of the year 2001. If made more pointedly, this question is whether the FSC should have a new agenda with new tasks. As a compromise, in the corresponding passage of the Ministerial Council Decision on fostering the role of the OSCE as a forum for political dialogue, the comprehensive term "agenda" was avoided, however it was very definitely established that the FSC should deal with new security challenges.

#### *Current Tasks and Outlook after the Ministerial Council in Bucharest*

The terrorist attacks of 11 September 2001 have also had a major effect on FSC work: Although in the debate on a potential new FSC agenda it had been controversial up to that point whether the FSC should address the issue of combating terrorism as one of the most important of the recognized new security challenges at all, thereafter the topic of combating terrorism dominated the FSC agenda directly. As is true in other areas this topic served and still serves as a door opener for the wide field of activities for both the OSCE and the FSC, whose goal has always been the improvement of security in the OSCE region, but here and there has faced resistance because of political reservations or a lack of motivation.

The Bucharest Plan of Action for Combating Terrorism tasked the FSC as well as the other OSCE bodies and institutions with preparing a road map including each of their specific contributions to combating terrorism. The FSC was tasked with providing for enhanced implementation of existing politico-



military commitments by the participating States and with examining which of its documents are relevant to combating terrorism. Here, the main interest was directed towards the Code of Conduct on Politico-Military Aspects of Security and the OSCE Document on Small Arms and Light Weapons. The FSC was to focus on and analyse both these documents in light of the new challenges and tackle targeted improvements in their implementation.

During the year 2002, the FSC placed great emphasis on this task. The requested road map was already drawn up in February. All documents were analysed again as to their specific relevance. In March, a meeting of experts on combating terrorism within the framework of the politico-military dimension was held, whose recommendations gave important stimulus to further FSC work.

The Document on Small Arms and Light Weapons deserves special attention here as stemming the flow of trafficking in small arms and light weapons is potentially one of the most important FSC contributions to combating terrorism. Endeavours were made to optimize the comprehensive information exchange through model questionnaire answers and templates developed by the CPC on behalf of the FSC. Among others, an expert workshop in February also served this purpose. In July, the FSC decided to tackle the development of best practices on the different aspects of the problem, which had already been called for in the Document on Small Arms and Light Weapons and which was also repeated in the Bucharest Plan of Action. As has already been mentioned, the FSC and the Permanent Council are working together on the implementation of Section V of the Document.

Within this framework, the Code of Conduct also has special importance. In Article 6, it is explicitly stated that participating States have an obligation to co-operate in combating terrorism. The first question on the yearly questionnaire within this framework is directed at the national implementation of the relevant international conventions on combating terrorism. It is here in particular that the debate on the improved implementation of the Code of Conduct started. The issue of whether, in light of the new topicality of the terrorism challenge, the questionnaire should be adapted or extended or even whether a new questionnaire related only to combating terrorism should be developed, played an important role at the Third Follow-up Conference at the end of September 2002. In the end, a new and more detailed Question 1, on the issue of combating terrorism, was decided by the FSC in November 2002. The subject of whether to technically update the questionnaire - following a recommendation by the Follow-up Conference with the aim of enhancing the implementation of the Code - is still being discussed in the FSC.

Also in another even more comprehensive respect, the experience of 11 September 2001 was a kind of door opener for the OSCE and FSC: Paragraph 8 of the Bucharest Ministerial Declaration contains a wide-reaching mandate, which would not have been possible without this background. This mandate reads: "We affirm our determination to address the threats to security and

stability in the 21st century. We request that the Permanent Council develop a strategy for the OSCE to do its part to counter these threats. We request the Forum for Security Co-operation to make its own contribution, within its competencies and mandate.”<sup>2</sup>

With this mandate, the OSCE not only faces up to the so-called new security threats in a comprehensive manner, where alongside terrorism it also has its eye in particular on organized crime, trafficking in drugs, weapons and in human beings, illegal migration as well as the use of force by non-governmental actors. Indeed, one of the greatest challenges to the OSCE is the task of developing this kind of a strategy itself, which - if it is truly taken seriously and the political will of those involved exists - could lead to the creation of a new comprehensive foundation and thus a new relevance for the entire Organization as well as its politico-military dimension. Essential discussions were begun during the summer of 2002. One reason to be optimistic is that the US and Russia, two participating States that in the past have not always towed the same line, have decided to give special attention to this topic, and namely to address it jointly.

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2 Organization for Security and Co-operation in Europe, Ninth Meeting of the Ministerial Council, Bucharest, 3 and 4 December 2001, reprinted in this volume, pp. 391-417, here: p. 393.