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The OSCE Forum for Security Co-operation (FSC) – Stocktaking and Outlook¹

Foundation and Tasks of the FSC

The Forum for Security Co-operation (FSC) was established at the CSCE Summit in Helsinki in 1992. It is the decision-making body in which representatives of the OSCE participating States meet weekly to negotiate and consult on concrete measures aimed at strengthening security and stability throughout Europe. Initially it consisted of the Special Committee and the Consultative Committee of the Conflict Prevention Centre (CPC), which had been established by the Supplementary Document of the 1990 Charter of Paris. Following the disbandment of the Consultative Committee, the Special Committee became the FSC proper on 11 January 1995. The Forum is – alongside the Permanent Council – one of the OSCE's two consulting and decision-making bodies, which meet on a weekly basis in Vienna. The FSC is concerned with arms control and politico-military security issues in the OSCE area. Its key responsibilities are:

- Negotiating and adopting politically binding decisions in the areas of arms control, disarmament, and confidence- and security-building measures (CSBMs).
- Implementing the commitments entered into by the participating States within the FSC context, verifying compliance, and supporting participating States in their implementation.
- Holding intensive consultations on security-relevant issues aimed at reducing the risk of conflict and managing conflicts, where necessary.

It should be noted, however, that the FSC does not hold any exclusivity in dealing with politico-military questions within the OSCE. Because the sets of signatories of the Treaty on Conventional Forces in Europe (CFE), the Treaty on Open Skies, and the Dayton Peace Agreement do not exactly match the list of OSCE participating States, each of these regimes has established a consultative and decision-making body in Vienna, consisting of representatives of the respective member states.

The 2001 OSCE Ministerial Council in Bucharest charged the FSC with addressing specific aspects of new challenges to security. The OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century, adopted at the 2003 OSCE Ministerial Council in Maastricht, identified these

¹ The views expressed in this contribution are the authors' own.

new challenges. It also assigned the FSC, alongside the Permanent Council, with a major role in managing them by means of the adoption and implementation of norms and principles supported by all the participating States, upon which they are politically binding. The Security Committee, which reports to the Permanent Council, was established in 2007 to deal with non-military aspects of security. It tackles issues such as combating international terrorism, border security and management, and police-related matters, including organized crime.

Composition and Modus Operandi of the FSC

The FSC consists of the accredited delegations of the 56 OSCE participating States in Vienna, with each state generally represented by diplomats and/or military advisers. The Chair of the FSC rotates between the participating States in alphabetical order, changing hands three times every year. Spain, Estonia, and Finland chaired the FSC in 2008, while France will take the first term in 2009, followed by Georgia and the United Kingdom. The task of the Chair is to lead the work of the FSC and to represent the Forum to the outside world. The work of the FSC is supported by the FSC troika, which consists of the current Chair, and its immediate predecessor and successor. The troika determines the FSC's agenda and plays a co-ordinating role that ensures the continuity of its work. The Chair is also supported by co-ordinators chosen from among the delegations, and who are responsible for the continuity of the Forum's work in their areas of competence. At present there are co-ordinators dealing with projects on small arms and light weapons (SALW) and stockpiles of conventional ammunition, as well as a co-ordinator on the Code of Conduct on Politico-Military Aspects of Security. There is also an informal group of friends on SALW, again chaired by a member of the delegations, which is carrying out work to further develop norms relating to small arms and light weapons. The work of the FSC is also assisted by the Conflict Prevention Centre of the OSCE Secretariat (CPC), which has a dedicated support section for this purpose, the FSC Support Section. The CPC advises the Chair on procedural matters, gathers data for information exchanges agreed between participating States, and reports regularly to the FSC. The CPC also provides expertise that can be used to support the implementation of normative OSCE documents. This can be achieved by means of organizing seminars and workshops, for instance, but also via the development and execution of projects in the participating States. The CPC's FSC Support Section is also responsible for operating the OSCE Communication Network, which facilitates the exchange of information and allows notifications relating to the Vienna Document, the CFE Treaty, the Open Skies Treaty, and the Dayton Agreement between the 50 participating States that are currently connected. In addition, the FSC Support Section chairs the OSCE Communications

Group, through which experts from OSCE delegations provide input and oversight, supporting the work of the FSC.

The weekly sessions of the FSC consist of plenary and working-group meetings. The main tasks of the plenary meetings are to hold the security dialogue on current politico-military questions and to adopt FSC decisions. New proposals concerning the better implementation or adaptation of agreed measures are also presented to the plenary meeting before they are hammered out in the working groups. Working Group A is concerned with the implementation of all existing obligations. The mandate of Working Group B is the further development of the OSCE's politico-military instruments. In between, there is a not-inconsiderable grey area, as it is not always easy to explain whether a given topic serves to improve the existing *acquis*² or is an independent, new measure.

As well as ordinary sessions, the FSC holds special plenary and working-group sessions on a range of topics, frequently with the participation of experts from participating States or international organizations, NGOs, and research institutes. In 2008, special meetings were held on OSCE projects related to SALW and stockpiles of conventional ammunition, on the problem of landmines, and on the implementation of the UN programme of action on SALW. The FSC regularly meets with the Permanent Council once per chairmanship period to discuss current security issues that have politico-military and non-military aspects. The Annual Security Review Conference (ASRC), established on the basis of the Porto mandate, has a similar function, presenting the national delegations with an opportunity to discuss current issues relating to security in the OSCE area. In addition, the FSC organizes the annual meeting to assess the implementation of obligations under the Vienna Document and other documents (AIAM, Annual Implementation Assessment Meeting).

The Politico-Military Acquis of the FSC

Over the years, within the framework of the FSC – that is to say aside from the CFE and Open Skies Treaties and the Dayton Peace Accords, which are independent – the OSCE has developed a globally unique system of confidence- and security-building measures, which has created an extremely high degree of stability and security in the OSCE region through transparency and predictability.

The Vienna Document

The *Vienna Document of the Negotiations on Confidence- and Security-Building Measures* is the most comprehensive politically binding agreement

2 The totality of normative documents and politically binding decisions.

on CSBMs in Europe. This document, signed in Paris in 1990, comprises the third generation of CSBMs based on the Helsinki Final Act of 1975 and the decisions of the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe of 1986. Since then, the Vienna Document has been developed further in three stages in 1992, 1994, and 1999. Its primary goal is the consolidation of 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 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, and the US and Canada are only included with respect to their troops stationed in Europe.

The most important elements of the current version of the Vienna Document (1999) include:

- an annual information exchange on conventional land and air forces;
- an annual information exchange on defence planning and defence budgets taking into account the programme for defence planning adopted in 1993;
- a mechanism for consultation in the case of unusual military activities and hazardous 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, taking account of the 1993 programme of military contacts and co-operation;
- the notification and observation of military activities of a certain magnitude;
- the limitation of the number of military activities;
- comprehensive verification of reported data on conventional armed forces and military activities; and
- the encouragement to create additional regional and bilateral agreements that can go beyond the measures and limitations contained in the Vienna Document.

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.

Stabilizing Measures for Localized Crisis Situations (1993)

This is a catalogue of measures for OSCE crisis management, including irregular forces, non-governmental actors, and domestic conflicts. It has, however, so far never been applied by the participating States.

Global Exchange of Military Information (1994)

This is an annual exchange of information on command structures and personnel and on holdings of major weapon and equipment systems. It is the only confidence- and security-building measure that extends to naval forces and goes beyond the OSCE area.

Principles Governing Non-Proliferation (1994)

This is so far the only norm-setting OSCE document that deals with issues related to the non-proliferation of nuclear, chemical, and biological weapons and the spread of missile technology.

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

The Code of Conduct remains one of the most important FSC documents. It was created as a direct answer to the changing role and position of armed forces in societies in transition and lays down norms in this regard. With its comprehensive range of objectives focused on the rule of law, it goes beyond the OSCE's politico-military dimension. It is also the only document within the politico-military dimension that sets domestic norms. Although its implementation is the prerogative of the participating States, the FSC is involved via the mandatory annual report that each state is required to submit and, in September 2002, it conducted the Third Follow-Up Conference on the Code of Conduct. Its key features are as follows:

- Its fundamental principle is that of democratic political control of the armed forces and other security agencies. Accordingly, the armed forces must be integrated in society and under the effective control of democratically legitimized authorities, which must also have control of related expenditure.
- The Code applies to internal as well as external conflicts.
- Members of the armed forces must be informed about the international humanitarian law of war.
- States may neither support nor tolerate forces that are not accountable to or controlled by their constitutionally established authorities.
- The participating States are obliged to co-operate closely to prevent and combat terrorism. The annual questionnaire each country is required to fill out on its progress in implementing the Code also contains a question regarding membership of international conventions on combating terrorism and on their implementation at the national level.

OSCE Document on Small Arms and Light Weapons (2000)/

OSCE Document on Stockpiles of Conventional Ammunition (2003)

Small arms and light weapons and surplus stocks of conventional ammunition – mostly stemming from the Cold War – can represent a significant danger to populations, infrastructures, and the environment. Moreover they can

become a more general security risk if they fall into the hands of terrorists. The OSCE documents on small arms and light weapons and on stockpiles of conventional ammunition concern themselves with the dangers that arise from uncontrolled proliferation and excessive stockpiles, and formulate commitments requiring the participating States to combat these dangers. At the same time, they offer them a framework for requesting and providing assistance in securing and destroying surplus SALW and conventional ammunition. On the basis of the funding mechanism adopted in the 2003 document, OSCE participating States have provided extra-budgetary contributions amounting to some 9.6 million euros for projects related to small arms and ammunition in the OSCE area since 2005.

The OSCE Document on Small Arms and Light Weapons sets down norms, principles, and concrete measures to limit the destabilizing accumulation and uncontrolled proliferation of SALW. The approach it takes is comprehensive, covering control of the manufacture of weapons, their trade and transit, and including commitments on surplus weapon stocks, safe storage, and destruction. The participating States are committed to comprehensive information exchange on their national policies and practices regarding SALW, including the import and export of such weapons. Concrete support provided by the participating States in the form of project work also plays a major role. In 2008, projects were underway in Belarus (improving the management and security of stockpiles) and Tajikistan (securing, managing, and destroying stockpiles). A further project for Moldova is planned.

The OSCE Document on Stockpiles of Conventional Ammunition also covers explosive material, rockets, mines, and the highly toxic liquid rocket fuel “*mélange*”. It defines a procedure whereby the participating States can apply for assistance with destroying and/or upgrading the management and security of stockpiles. A 2008 project undertook the decommissioning of *mélange* in Albania. A major project is also being planned to dispose of large quantities of melange in Ukraine (16,500 tonnes in total), 3,000 tonnes of which is to be destroyed in the first phase.

*OSCE Principles for Export Controls of Man-Portable Air Defence Systems (MANPADS) (2004)*³

This document details principles for the export control of MANPADS, the basic elements of which are drawn from the Wassenaar Arrangement.

OSCE Principles on the Control of Brokering in Small Arms and Light Weapons (2004)

The key elements of this document are norms for state control of arms brokering and the prevention of illicit brokering in small arms and light weapons.

3 Updated in FSC Decision No. 5/08 from 26 May 2008.

Standard Elements of End-User Certificates and Verification Procedures for SALW Exports (2004)

This document establishes a framework for state norms and procedures for the effective control of SALW exports.

The Current Position of the FSC

A neutral observer of ongoing FSC activities would miss the dynamic and effective work that characterized the Forum until around 2004. There are many reasons for this development, which regularly becomes apparent at OSCE Ministerial Council meetings and the Annual Security Review Conferences. On the one hand, the perception of the threat posed by the military forces of other states now plays only a subordinate role in many national security strategies, and the importance of arms-control measures within the comprehensive concept of security declines as a result. Furthermore, the highly detailed and extensive system that has been established since 1990 is, on the whole, functioning effectively in the area of arms control and CSBM.⁴ This also partially explains why no consensus can currently be found among the 56 participating States regarding the necessity of developing new norm-setting documents. While the initiatives introduced by some participating States (unfortunately only a few) that aim at improving the implementation of the existing *acquis* do, after intensive discussions, often lead to concrete FSC decisions, several states are unwilling to cross the line of entering into new commitments. The OSCE's drawn-out crisis over the CFE Treaty, which reached its peak so far in Russia's 2007 suspension of its treaty commitments, has contributed significantly to encouraging this attitude. The armed conflict in Georgia in August 2008 has further diminished the prospects for agreeing on new commitments, especially if they are proposed by Russia.

Many participating States can be described as indifferent, find themselves somewhere between the proponents and opponents of new commitments, and rarely contribute to discussions on new resolutions. A further reason can be seen in the fact that measures for conventional arms control and CSBMs have only a limited ability to effectively counter new threats such as terrorism, organized crime, and so on. Nor should it be forgotten that the FSC today finds itself in a fundamentally different geopolitical and security-policy environment compared to 15 years ago. The member states of the European Union and NATO are the clearly dominant group within the OSCE and agree upon collective positions to take.

Taking into account all these framework conditions, it must be observed that the weight of the OSCE has declined in comparison to other international

4 However, here it must be noted that the OSCE records the fulfilment of reporting commitments only statistically. No analysis of the reports' contents, let alone any "naming and shaming" of participating States that have failed to fulfil their commitments, takes place.

organizations active in the field of security policy within the same geographical area. The FSC has not been unaffected by this development. Furthermore, the relative importance of the politico-military dimension, and hence the FSC, is also tending to decline within the OSCE itself. The lack of interest on the part of many participating States in continuing to develop the *acquis* adds to this, as does the outsourcing of key security areas such as terrorism, border security, and police-related activities to the Permanent Council (Security Committee). As a result, the FSC now only rarely deals with these topics, although they frequently include politico-military elements.

Germany in the FSC

Germany has experienced the value of a functioning arms control and CSBM system like few other states in the OSCE area. As a result of this, Germany actively supports the enhancement of the *acquis*. In 2007, Germany's six-month Presidency of the EU Council was used to introduce new initiatives and to gain EU support for them. For instance, the FSC held a special meeting on the OSCE Code of Conduct on the urging of Germany in May 2007. The proposals generated at that meeting are likely to lead to an FSC decision on improving the implementation of the Code of Conduct before the spring of 2009. In October 2007, another special meeting, which Germany instigated together with France and Russia, discussed existing and future arms-control and CSBM measures in the OSCE area. However, here, as already in the high-level seminar on military doctrine in February 2006, the FSC's dilemma became clear: Only a few participating States are seriously interested, as Germany is, in enhancing the *acquis* and are willing to discuss this constructively. In January 2008, the FSC held a special meeting, on the initiative of Germany and France, to consider strengthening the OSCE's role in the fight against landmines. In the resulting food-for-thought paper, the co-sponsors proposed concrete measures that the OSCE could take. Germany is also concerned to strengthen the position of the FSC within the OSCE. In this way, it was possible to pass a decision at the 2007 Madrid Ministerial Meeting that charged the FSC with producing progress reports on the implementation of the OSCE documents on small arms and light weapons and stockpiles of conventional ammunition, and on measures in the area of arms control and CSBMs. The recent OSCE Ministerial Council Meeting (Helsinki, 4-5 December 2008) noted and welcomed these progress reports, thus once more concerning itself with the content of the FSC's work. Additionally, a decision was taken by the ministers to request the FSC to remain seized of matters related to SALW and stockpiles of conventional ammunition, and to organize an OSCE meeting on SALW in 2009 to review the OSCE Document on SALW and its supplementary decisions.

Germany is also involved in efforts to make the OSCE's experience of arms control and CSBMs known in other parts of the world. The League of Arab States has shown a particular interest in the OSCE *acquis* on SALW, and its representatives have held discussions with the OSCE in Vienna several times brokered by Germany. Germany was also responsible for establishing contacts with the ASEAN Regional Forum (ARF) on the issue of CSBMs.

Outlook

It will only be possible to update and enhance the *acquis* if all participating States are equally interested in seeing an improvement of pan-European security and can muster the necessary political will to enter into constructive negotiations. Nonetheless, even as things stand, there are areas in which the FSC's work is vital.

Since the signing of the Vienna Document 1999 at the OSCE's Istanbul Summit in November of that year, the FSC's work has concentrated more strongly on what are known as "new threats and challenges to security". The first major results of this were the documents on SALW (2000) and stockpiles of conventional ammunition (2003). Work in this area was driven by an understanding that the threats posed by the unrestricted spread of small arms and light weapons and sometimes massive stockpiles of ammunition created new challenges for the international community. Subsidiary documents, such as those dealing with arms brokering and MANPAD exports, have recently been added to the *acquis*. Since a further tightening of regulations in the OSCE region would serve the security interests of all OSCE participating States, this is a key area in which consensus can still be found for additional politically binding decisions. However, this would also bring with it the risk of duplicating the work of other international organizations such as the United Nations and the Wassenaar Arrangement.⁵ In the areas of export control of MANPADS and efforts to combat the trafficking of small arms by air, the OSCE States make use of the existing principles of the Wassenaar Arrangement, applying them to the 23 OSCE participating States that are not party to the Wassenaar Arrangement. In this way, the FSC – and hence the OSCE – contributes to non-proliferation. In addition, there is a broad consensus within the FSC that the implementation of the OSCE Code of Conduct on Politico-military Aspects of Security should be improved. One can therefore broadly say that, the FSC's work today concentrates on the areas of SALW, ammunition, non-proliferation, and the Code of Conduct and – in terms of the concrete results it achieves – is limited to these.

5 However, attempts to find solutions within the OSCE framework to specific issues that cannot be resolved at the level of the United Nations because of diverging particular interests, such as controls on privately held small arms, have regularly failed.

Beyond that, the escalating situation in Georgia, culminating in an armed conflict in August 2008, has demonstrated the usefulness of the FSC with regard to conflict situations. One example is the weekly security dialogue in the FSC, where the participating States can discuss current politico-military questions and address security concerns. Georgia and Russia have been using this forum for consultation and dialogue intensively in recent months. Furthermore, the FSC has recently been increasingly called upon to provide its expertise in the area of crisis management. Not long before the armed conflict in August 2008, for instance, the OSCE Chairman-in-Office requested that it deal with the shooting down of an unmanned aerial vehicle over Abkhazia (Georgia). In this connection, the FSC organized debates in the framework of the security dialogue and in joint sessions with the Permanent Council after both Georgia and Russia had invoked the mechanism for consultation and co-operation as regards unusual military activities as contained in Chapter III of the Vienna Document 1999. The review of existing OSCE conflict prevention and crisis management mechanisms in terms of their relevance and applicability that was initiated in this connection gives the FSC an opportunity to make its independent contribution to the security policy discussion, and thereby also to assume the importance within the OSCE to which it is entitled as the Organization's oldest and most venerable decision-making body. Finally, the initiative of Russia's President Dmitry Medvedev to negotiate a new, comprehensive, and legally binding treaty on European security could provide OSCE and the FSC in particular with new momentum. The proposal of French President Nicolas Sarkozy to hold an OSCE Summit on pan-European security in 2009 constitutes an important opportunity for the OSCE to strengthen its relevance for the designing of the future security architecture in the region between Vancouver and Vladivostok. This historic chance should not be missed.