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The Significance of Regional Arms Control Efforts for the Future of Conventional Arms Control in Europe, Exemplified by the Arms Control Negotiations in Accordance with the Dayton Agreement

The Discussion of Regional Arms Control in the Forum for Security Cooperation

Since the end of the East-West conflict, the biggest security risks in Europe have perhaps resulted from regional crises. Recent years have shown how quickly national or ethnic tensions, often further complicated and sharpened by religious, social or economic factors, can degenerate into open conflict. And we have discovered how great is the danger of such conflicts expanding, particularly in parts of Eastern and Southeastern Europe. We can see the terrible consequences in Bosnia and in the Caucasus as well: war, expulsion and economic decline.

Viewed from a strategic standpoint, however, Europe appears more secure than ever before. The danger of a nuclear conflict has been virtually eliminated. Nor are we any longer exposed to any immediate strategic threat by conventional armed forces.

The pathbreaking arms control treaties concluded during the period of great change in Europe have contributed substantially to this situation. Through implementation of the Treaty on Conventional Armed Forces in Europe (CFE) approximately 50,000 heavy weapons systems have been eliminated. The capacity for surprise attacks and large-scale offensive actions has been eliminated. The CFE Treaty and such agreements as the Vienna Document and the Treaty on Open Skies (which has not yet entered into force) have laid the groundwork for an unprecedented development toward transparency, trust and cooperation. Military confidence- and security-building has in recent years contributed greatly to the normalization of relations between erstwhile opponents. However, until the peace negotiations on Bosnia and Herzegovina in the fall of 1995 arms control did comparatively little to solve the newly erupted *regional* problems, if bilateral agreements on confidence-building measures are excepted. Such measures should not, however, easily be equated with a gain in security for *all*; they can also have the purpose of forming an alliance at the expense of a third party.

We have long been aware of the potential value of "regional tables" at which regional security matters are discussed and regionally applicable measures

for confidence-building and arms control can be negotiated. At the same time that the OSCE's Forum for Security Cooperation (FSC) was established at the CSCE Summit in Helsinki in 1992, a "Programme for Immediate Action" for the FSC was adopted which, among other things, provides for working out regional measures, "including, where appropriate, reductions or limitations". This tasking of the FSC was confirmed by successive CSCE/OSCE Summits and Ministerial Councils, emphasis being placed on efforts to stabilize Southeastern Europe.

There is agreement in the FSC on the nature of regional measures. They should be "custom tailored" and should complement other arms control regimes in the OSCE area. They should concern themselves with concrete problems in a definable area. They may not harm the security of other OSCE States but should, if possible, enhance it. They can be used preventively or in the aftermath of a conflict. Theoretical approaches to regional Confidence- and Security-Building Measures (CSBM), based mainly on alteration of the parameters for the CSBMs contained in the "Vienna Document", have also been introduced in the FSC; they assumed small units and areas rather than large units and movements over big territories. Strategy and "option" papers were drawn up for Southeastern Europe listing possible arms control measures to stabilize the region, arranging these by chronological phases and evaluating them. These discussions in the FSC represented valuable preliminary work for the negotiations on arms control in the former Yugoslavia which took place in the framework of the peace talks beginning in October 1995 in Dayton, Ohio, and later on the Petersberg near Bonn and in Vienna. Apart from that, however, the discussion on regional measures has so far produced scarcely any concrete results.

There are a number of reasons for this. There is unmistakable suspicion in the affected countries that their participation in regional tables might hurt their existing or hoped-for security relationships with third countries. NATO members are afraid of being "singled out" in the Alliance. NATO "candidates" suspect that the membership they seek might be prejudiced in a difficult phase of adaptation or that regional regimes might come to be seen as a satisfactory "substitute" for admission into the Alliance. Still other countries, even if they are not aiming at NATO membership, fear a decoupling from the United States, along with consequences for the global strategic balance which ultimately provides the basis for their own security as well. Related to that is the suspicion in these countries that they could be forced into an unwanted role as guarantor, a role which they could not in any case fulfill. Considerations such as these play a big part in the widespread skepticism in Scandinavia about a regional table in the Baltic area.

There is also a fear of the consequences for existing arms control treaties. Thus the decision of the OSCE Ministerial Council on Bosnia and Herze-

govina of 8 December 1995, states expressly with regard to the regional arms control negotiations provided for in the Dayton Agreement (see below) that rights and obligations, including ceilings, already fixed in connection with multilateral treaties, are to be respected.

Wherever there are small countries alongside an extremely powerful neighbor, efforts at regional arms control must take account of fears that the establishment of a regional table could provide that neighbor with a vehicle for carrying out possible hegemonial schemes. The question of some kind of lasting involvement of states from outside the region is therefore of special importance to the small countries.

Political psychology should not be underestimated. Countries occasionally do not want to be assigned to a certain region. Slovenia, for example, regards itself as a Central European country, not as Southeast European and certainly not as "Balkan". There are similar views in other countries.

There is a prevailing view in the OSCE that arms control initiatives should, ideally, come "from the region itself". But some of the newly-arisen small countries have very limited experience in this field. And so it is possible that the contribution which confidence-building and arms control can make to the improvement of general political relations has still not been fully recognized everywhere.

As a consequence, the general stagnation of regional arms control could not be overcome until the conclusion of the peace agreement for Bosnia and Herzegovina in fall 1995.

Before the Dayton Peace Negotiations

When in the summer of 1995 the possibility of a peaceful settlement of the conflict in Bosnia and Herzegovina began to take shape the Federal German government actively introduced the subject of arms control into discussions in the OSCE, NATO and the Contact Group. The underlying thought was that lasting stabilization in the former Yugoslavia and in Southeastern Europe generally could only be achieved if, along with settlement of the political issues, a process of military confidence-building was set in motion and limits on military strength could be agreed to. Owing to the risk of a regional arms race and an undermining of the CFE Treaty, this process should at an appropriate time include the neighboring countries (which unlike the states of former Yugoslavia have in their majority adhered to the CFE Treaty).

The challenge was a complicated one. Stability and a balanced military situation were to be established in three geographic areas, resembling concentric circles:

- *within Bosnia and Herzegovina*, where the Bosnian Serbs had far more weapons at their disposal than did the Federation;
- *between the states concerned by the war*, i.e. the Republic of Yugoslavia, Croatia and Bosnia and Herzegovina (where, once again, the internal relationships in Bosnia had to be considered); here, an imbalance in favor of Yugoslavia characterized the situation at the beginning;
- *between these states and their neighbors*. A special difficulty here was that neither former Yugoslavia nor Albania had subjected themselves to any limitations on the weaponry or the personnel strength of their armies, while Hungary, Bulgaria, Romania, Greece and Turkey belong to the CFE Treaty and the CFE Ia Agreement which impose limitations on both weapons and personnel.

In view of the hatred and bitterness among the people in former Yugoslavia and considering also the unpredictability of political developments, the preliminary discussions on establishing an arms control regime, rather theoretical in nature for lack of any clear peace outlook, assumed that the arms control negotiations would first deal with Confidence- and Security-Building Measures (CSBM) and only later include arms limitations and possibly also disarmament measures. This was in line with the notion that arms control is a process that can only proceed successfully on the basis of established trust and which moves from the relatively "simple" measures involved in confidence-building to more complex arrangements (arms limitations) and finally to the most difficult task (disarmament).

Even before the Dayton talks began it became clear that there was no time for a slow, "textbook" approach of this kind. Rather, it was important to use the political momentum to obtain confidence-building, arms control and disarmament insofar as possible at the same time, or at least in close chronological order.

At the meeting of the NATO Defense Ministers on 5 October 1995 in Williamsburg the American Secretary of Defense, Perry, picked up on a point which the Federal German government had repeatedly emphasized since summer 1995: a peace settlement, Perry said, must include an obligation undertaken by the parties to the conflict to enter into negotiations on arms control. The goal would be a reasonable balance of military strength between the parties, preferably one achieved by reductions. If it were not achievable through negotiations, however, the United States stood ready to assist the Bosnian government forces. Without this clear American position on the precedence of disarmament, successful arms control negotiations in Dayton would have been unthinkable.

The Arms Control Negotiations in Dayton

The participants in the peace negotiations for Bosnia and Herzegovina in Dayton, Ohio, in October and November 1995 were, in addition to the five Parties (Federal Republic of Yugoslavia, Croatia, the Bosnian Central Government, the Federation of Bosnia and Herzegovina and the Serbian territory in Bosnia and Herzegovina, Republika Srpska): the five states of the Contact Group (Germany, France, Great Britain, Russia, the United States); Spain, which held the Presidency of the European Union; Carl Bildt, as the mediator of the European Union; and Hungary, as the OSCE Chair. The Bosnian Serbs were not at the negotiating table, however, but were represented by the Yugoslav government. Germany, like the other members of the Contact Group with the exception of the United States, was represented only by a small delegation. The working out of the arms control portion of the peace agreement was pushed ahead mainly by the United States and Germany.

After extraordinarily difficult and dramatic negotiations, the peace agreement for Bosnia was initialed on 22 November in Dayton and signed in Paris on 14 December. The General Framework Agreement regulates the relationship of the Parties to one another in accordance with international standards (Charter of the United Nations, Helsinki Final Act), including the requirement that the sovereign equality, territorial integrity and political independence of Bosnia and Herzegovina be respected. This General Framework Agreement has eleven Annexes.

Annex I-B ("Agreement on Regional Stabilization") includes the following stipulations which are important for arms control:

1. Four strands of negotiation on arms control:
 - a. Negotiations between the parties to the conflict in Bosnia and Herzegovina (Central Government, Republika Srpska, the Federation of Bosnia and Herzegovina) on Confidence- and Security-Building Measures (Art. II); to begin within seven days after Treaty signature; first agreements within 45 days;
 - b. Negotiations between all five Parties on the limitation of offensive weapons in accordance with the five categories of the CFE Treaty (Art. IV): tanks, armoured combat vehicles, artillery (from 75 mm caliber; CFE Treaty: from 100 mm), attack helicopters, combat aircraft; verification with OSCE support; begin negotiations within 30 days of signature of the Peace Agreement, conclude them within 180 days; if no agreement on limits has been reached within 180 days the ones set forth in the Treaty will apply;

- c. negotiations between all Parties on limitation of military personnel (Art. IV); negotiations to begin within 30 days after signature of the Peace Agreement, open ended;
 - d. negotiations between all Parties and (unnamed) neighboring states on the establishment of a "regional balance in and around the former Yugoslavia", under the auspices of the OSCE Forum for Security Cooperation; no time frame (Art. V).
2. For the event that the negotiations produced no generally acceptable solution on arms limitations the Agreement provided for establishing ceilings between the Federal Republic of Yugoslavia, Croatia and Bosnia and Herzegovina in the proportion of 5:2:2 - more or less in accordance with population - with the Bosnia and Herzegovina share divided on a 2:1 basis between the Federation and Republika Srpska. The current level of Yugoslav armaments, declared by Belgrade, verified with the assistance of the OSCE and then reduced by 25 percent, were to serve as a basis for calculation.
 3. Limitation of weapons imports (Art. III): the arms control negotiations were tied to the lifting of the arms embargo. Thereafter, the importation of all categories of weapons into the territory of former Yugoslavia would continue to be prohibited for the first 90 days after the arms embargo was lifted (until 13 March 1996). During the following 90 days or until conclusion of the Art. IV Agreement (14 June 1996), the importation of weapons up to 100 mm caliber was permitted; since that time the importation of heavy weapons has been allowed only within the established limits. Security Council Resolution 1021 of 22 November 1995, providing for a phased lifting of the arms embargo, reflects these provisions. The danger of an arms race was thus turned aside.
 4. OSCE support for the negotiation, implementation and verification of the named agreements (Art. IV,4 and V).

The establishment of limits as a fall-back position, the time requirements set for the negotiations and their being tied to the lifting of the arms embargo were all important conditions for rapid and success-oriented negotiations.

The "Petersberg Conference on Confidence-Building and Disarmament" on 18 December 1995

The negotiations on confidence-building in Bosnia and Herzegovina in accordance with Annex I-B, Article II, and on limits on heavy weapons and military personnel in accordance with Article IV, were opened in Bonn on 18 December 1995, only four days after signature of the peace treaty, by

invitation of Foreign Minister Kinkel at the "Petersberg Conference on Confidence-Building and Arms Control". 32 governments were represented, half of them at the ministerial level, as well as organizations such as the OSCE and NATO. The remaining OSCE States participated as observers. This "kick-off conference" provided the Parties with a vivid demonstration not only of Germany's interest but that of the entire community of states in arms control in the former Yugoslavia. This had a positive effect on the negotiations in the ensuing period.

Apart from the delivery of this political signal, agreement was reached at the Petersberg Conference on the modalities of the negotiations. In addition to the Parties, the Contact Group, the EU Presidency, and the OSCE Chair were to take part in the negotiations. The "Personal Representatives" of the OSCE Chairman (Ambassador Gyarmati of Hungary for "Article II"; General Eide of Norway for "Article IV") were designated as negotiation leaders. A reporting responsibility vis-a-vis the OSCE was established and a negotiating "route" laid out. The principle of verification of the agreements once concluded was reaffirmed.

The negotiations were then carried on in Vienna, under the roof of the OSCE although not formally integrated into its organizational structure.

*The "Agreement on Confidence-Building in Bosnia and Herzegovina"
(Article II)*

The negotiations on Confidence- and Security-Building Measures in Bosnia and Herzegovina were completed within the prescribed time on 26 January 1996, after only 45 days. The voluminous Agreement (86 pages including seven Annexes) between the Bosnian Central Government, the Federation of Bosnia and Herzegovina and Republika Srpska is based on the "Vienna Document on Confidence-Building" whose CSBMs, in modified form, were taken over in their full range. An additional basis is provided by the requirements set forth in Annex I-B (e.g. monitoring of weapons manufacturing) and by the CFE Treaty, whose strict verification regime served as a model.

The Agreement, which entered into force upon signature, provides for fifteen confidence-building measures, in particular an exchange of information on heavy weapons, personnel strength and command structures broken down by units up to the level of brigade and independent battalions; the exchange of information on weapons manufacturing, the importation of weapons, military training and defense expenditures and planning; limitations on deployment of heavy weapons; limitation and observation of military activities; a program of military contacts; the establishment of military liaison offices; the establishment of a Joint Consultative Commission and creation of a

comprehensive verification regime. In principle all of the data exchanged is to be verifiable on-site. The leading role assigned to the OSCE was innovative in two particular areas:

a. In verification: International teams including representatives of the Bosnian Parties are to be entrusted with verification responsibilities at the latest by the end of 1997. In setting up a verification regime and putting together the teams, the Personal Representative is to take the lead. The inspection teams will have up to nine members of whom at least three will belong to the so-called "lead nation", i.e. the country to which, in view of the Parties' lack of know-how, the direction of the inspection has been assigned. The "lead nations" in the initial inspections were France and Germany. Altogether, ten OSCE countries served as "lead nation" and 15 additional OSCE States provided associate inspectors for verifying the data exchanges between the three Parties during the "Baseline Validation Period" (1 March - 30 June 1996) during which there was a particularly large number of inspections - a model of international cooperation.

b. As mediator: In disputes between the Parties, mediation is expected first and foremost from the OSCE. In the Joint Consultative Commission, which includes no countries except the Parties (not even the Contact Group states), the Personal Representative will hold the Chairmanship until the end of 1997.

The Article II Agreement was a new challenge for the OSCE. But it provided an opportunity to demonstrate the Organization's competence in the (cooperative) implementation of arms control agreements, thus giving new vigor to the process of arms control in all of Europe. The OSCE made use of this opportunity.

The "Agreement on Sub-Regional Arms Control" (Article IV)

The negotiations on the limitation of heavy weapons and military personnel turned out to be more difficult than the Article II negotiations. The biggest problems did not stem from arms control as such but were of a general political nature. There was controversy over the status of both Bosnian "entities"; and reservations were expressed over the OSCE's participation in verification. The example of the CFE Treaty, which subjects the Contact Group countries to strict inspection rules, made it easier for the Parties to accept a comparably strict regime.

The voluminous agreement on the limitation of heavy weapons and military personnel (87 pages, including six "Protocols" and five unilateral statements of the Parties on military personnel limitations) between the Bosnian Central Government, the Federation of Bosnia and Herzegovina, Republika Srpska,

Croatia and the Federal Republic of Yugoslavia - an agreement that had taken six months to negotiate - was signed during the "Peace Implementation Conference" in Florence on 14 June 1996 and thereupon entered into force. Owing to differences over the status of the two Bosnian "entities", which lasted almost until the time of signature, the deadlines established at Dayton and at the Petersberg Conference could not be fully met.

The Agreement is to a large extent modelled after the CFE Treaty. The most important provisions include the establishment of limits for the five weapons categories of the CFE Treaty, whereby the relationship of 5:2:2 (2:1) set forth in Annex I-B was consistently applied and the weapons belonging to paramilitary forces were in principle included; a comprehensive exchange of information; an intrusive verification regime; a relatively short reduction period, in two phases - about a third of reduction liabilities must be completed by the end of 1996 and by the end of October 1997 all of them must have been carried out; unilaterally declared limitations for military personnel; participation of the Personal Representative and of third countries in the implementation process.

At the request of the Parties, representatives of third countries can be asked to assist in verification until the end of the reduction period (31 October 1997). The Personal Representative will coordinate such missions. He will hold the Chairmanship of the Joint Consultative Commission until the end of 1996. Thereafter he will be an ordinary member.

The conclusion of the Article IV Agreement signifies the completion of another important step toward security- and confidence-building between the Dayton Parties. The danger of an arms race has been turned aside. The process of confidence-building, having begun, will be continued. The regular exchange of military information and inspection visits will create transparency. On the basis of *provisional* figures the stocks of heavy weapons of the three Parties must be reduced in the next sixteen months by 5,000 or 6,000 systems from the present level of about 15,000. The largest part of this is artillery, the major weapons system of the earlier war. The "growth potential" was limited to 770 systems. It is mainly tanks and armoured combat vehicles that are involved here.

The bottom line is that the stocks of heavy weapons in the region, according to these figures, will be reduced by about a third. When reductions are complete, *all* Parties will have fewer weapons than before. However, while the Federation and Croatia, apart from their substantial reduction liabilities in artillery systems, have some growth potential in tanks and armoured combat vehicles, the Federal Republic of Yugoslavia and Republika Srpska must reduce tanks and combat aircraft to a substantial degree, as well as artillery. This is a good result which hardly anyone would have expected a year ago. We must expect problems in implementation, however.

The German Role since the Petersberg Conference

As a member of the Contact Group, Germany has participated steadily in the negotiations in Vienna. It has contributed to the good results through substantive proposals and through persuasion on all levels. In addition, Germany offered at an early stage to supply expertise. The expert negotiations on verification and reduction issues were led by the German General Oldigs. The Centre for Verification Tasks of the *Bundeswehr* participates in inspections in the Treaty area and in the training of arms control specialists from the Parties.

The Negotiations on the Establishment of "a Regional Balance in and Around the Former Yugoslavia" (Article V)

With the conclusion of the Art. IV Agreement the most important condition for the regional arms control negotiations "with the goal of establishing a regional balance in and around the former Yugoslavia", foreseen in Annex I-B Art. V, has been fulfilled. The most important objective of these negotiations will be to embed the results of the Article II and Article IV negotiations in a larger regional context and to stabilize them. This is all the more important because the role of the OSCE in the implementation of the Article II and IV Agreements will over the medium term become less significant. The Article IV Agreement's structural similarity to and substantial equality with the CFE Treaty, along with the comparable limits, provide a good basis for integration into a surrounding area where arms control has been largely determined by the CFE Treaty.

According to Annex I-B the Article V negotiations are to take place "under the auspices of the OSCE Forum for Security Cooperation" (FSC). No decision has yet been made about participation, substance or schedule.

Dayton: A Model for Regional Arms Control Regimes?

In view of the unpredictability of developments in the former Yugoslavia as well as the fact that arms reductions have not yet begun and negotiations in accordance with Article V must still be held, it is impossible at the present time to make more than a provisional evaluation of the arms control process in accordance with the Dayton Agreement.

Despite a number of complicating factors - e.g. the suddenness of the transition from war to peace, difficulties inherent in the overall political development, the hatred that exists in parts of the population and their readiness as a

result to engage in conflict - the arms control process in the aftermath of Dayton has so far followed a successful course.

A number of factors have contributed to this. The involvement of the international community of states should certainly be mentioned first. With the participation of the United States and Germany, Dayton had two important advocates of arms control. And even afterwards the importance of the issue was again and again made clear to the Parties; and hand in hand with this, there was the offer of the Contact Group and other countries to provide concrete assistance in the negotiations and in the implementation of their results. It is natural that the presence of the community of states in Bosnia and Herzegovina, beginning with IFOR, also promoted the negotiations in Vienna. Putting the process under the auspices of the OSCE gave additional legitimacy to the efforts of the community of states. That the conflict was clearly limited, actually and geographically, also had a favorable effect as did the example of the CFE Treaty; in essence, all that was being asked of the Parties in the Article IV negotiations was that they assume obligations which the majority of the OSCE community had long since assumed through the conclusion of the CFE Treaty.

Political conditions in other parts of Europe are completely different from those in former Yugoslavia. In most cases the contribution which arms control can make to regional confidence-building and conflict settlement - whether in the Mediterranean or Baltic areas, in the Caucasus or even in Central Asia - are likely to be of a preventive nature and not involve post-conflict measures as has been the case in former Yugoslavia. As a rule the most appropriate approach would be an orthodox one: CSBMs first and "hard" arms control only later.

It is thus an open question to what extent the experience garnered in the Dayton process can be used as a model. But there is one particular aspect that seems to me promising for the future - the participation of the OSCE and of third countries in a cooperative approach to implementation. This is an approach that we should continue to pursue.