

From the first basket of the CSCE to the politico-military dimension of the OSCE

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With regard to the first basket of the CSCE, the 1975 Helsinki Final Act established the **Decalogue of principles guiding relations between participating States** and opened the way, as part of the follow-up to the CSCE, to the continuation of cooperation in the fields of the peaceful settlement of disputes and confidence-building measures, a concept subsequently broadened to encompass ‘confidence- and security-building measures’.

As regards the **peaceful settlement of disputes**, the participating States were resolved to pursue the consideration and establishment of a generally acceptable method for the peaceful settlement of disputes aimed at complementing existing methods and to continue, to this end, to work upon the ‘Draft Convention on a European System for the Peaceful Settlement of Disputes’ submitted by Switzerland during the second stage of the CSCE in Geneva, as well as other proposals relating thereto and seeking the establishment of such a method. The CSCE was, therefore, already emerging as a framework for negotiation which, where appropriate, enabled treaties between the participating States to be drawn up and concluded.

Following the failure of the Meetings of Experts on Peaceful Settlement of Disputes held in Montreux in 1978 and in Athens in 1984, the impasse was broken after the third CSCE Follow-up Meeting. In the 1989 Concluding Document of the Vienna Meeting, the participating States accepted, in principle, the mandatory involvement of a third party when a dispute could not be settled by other peaceful means and decided to convene a Meeting of Experts in Valletta in 1991 to consider the related procedures and mechanisms. The Mechanism established in the February 1991 Valletta Report was finally adopted by the Council in June 1991. But it was never used because, in practice, it could be applied only with the consent of the parties to the dispute. At the Geneva Meeting in October 1992, the Valletta mechanism was complemented by a procedure involving a CSCE Conciliation Commission. In addition, provision was made for conciliation without the consent of the parties to the dispute. Finally, a CSCE Convention on Conciliation and Arbitration was drawn up. It was signed in Stockholm on 15 December 1992 and came into force on 5 December 1994.

As regards **confidence-building measures**, the Helsinki Final Act included a *Document on confidence-building measures and certain aspects of security and disarmament* in which the participating States undertook to notify their major military manoeuvres to all other participating States and to invite other participating States, voluntarily and on a bilateral basis, to send observers to attend military manoeuvres. Questions relating to disarmament were raised only so as to affirm the interest of all participating States in efforts aimed at reducing military confrontation and promoting disarmament, as well as to underscore the complementary nature of the political and military aspects of security. In fact, these matters were the subject of parallel negotiations between the blocs on mutual balanced force reduction (MBFR) which continued until 1989.

The 1983 Concluding Document of the Madrid Follow-up Meeting announced the decision to hold a Conference on Confidence- and Security-building Measures and Disarmament in Europe, which would form a substantial and integral part of the multilateral process initiated by the CSCE. The first stage, commencing in Stockholm in 1984, was devoted to the negotiation and adoption of a set of mutually complementary **Confidence- and Security-Building Measures (CSBMs)** designed to reduce the risk of military confrontation in Europe. The September 1986 Document of the Stockholm Conference on CSBMs included several advances on previous confidence-building measures: it strengthened the commitment to notify military manoeuvres, and invitations to send observers were made mandatory. In addition, it introduced two innovations: the exchange of annual calendars of military activities subject to prior notification, and a right, as a form of verification, for each participating State to conduct inspections on the territory of any other participating State within the zone of application for CSBMs.

In the 1989 Concluding Document of the Vienna CSCE Follow-up Meeting, the participating States decided to launch a new phase in the negotiations on confidence- and security-building measures with a view to the drawing up and adoption of a new set of mutually complementary confidence- and security-building measures. They also decided that these negotiations would commence in Vienna in March 1989, at the same time and in the same place as the Negotiations on Conventional Armed Forces in Europe (CFE), which were to take the

place of the MBFR Negotiations and involve 22 States (the members of the military alliances); it would henceforth be conducted as part of the CSCE process.

The two sets of negotiations resulted in the publication of two major documents:

— Firstly, the **November 1990 Vienna Document of the Negotiations on CSBMs** repeated the main provisions of the Stockholm Document (prior notification of certain military manoeuvres, observation of manoeuvres and annual calendars), strengthened the provisions on verification (inspection and evaluation) and added a whole series of innovations: annual exchange of military information (on military forces, on the deployment of major weapon and equipment systems and on military budgets), risk reduction (mechanism for consultation and cooperation as regards unusual military activities and cooperation as regards hazardous incidents of a military nature) and contacts (visits to air bases and military contacts). It also made provision for two practical complementary measures: the establishment of a network of direct communications and annual implementation assessment meetings. The new measures would take effect on 1 January 1991.

— Secondly, the **Treaty on Conventional Armed Forces in Europe**, signed in Paris on 19 November 1990, imposed an obligation on each State Party to the Treaty to limit or reduce certain categories of conventional weapons and equipment (battle tanks, armoured combat vehicles, artillery, combat aircraft and combat helicopters), instituted a system for inter-State verification of compliance (notifications and exchange of information, inspections) and established a Joint Consultative Group to promote the objectives and implementation of the provisions of the Treaty and to monitor the application of its provisions. The Treaty came into force on 9 November 1992.

On the basis of their respective mandates, the CSBM and CFE negotiations continued until their conclusion ahead of the Helsinki Follow-up Meeting held in July 1992. It should be noted that the Warsaw Treaty Organisation was officially wound up with effect from 1 July 1991.

— In March 1992, the Vienna Document 1992 of the negotiations on CSBMs included a set of new measures in the body of measures previously adopted. In particular, the annual exchange of military information would, henceforth, include data relating to major weapons and equipment systems, the risk reduction mechanisms would include the voluntary organisation of visits, and the contact arrangements would envisage the organisation of demonstrations of new types of major weapons and equipment systems.

— Also in March 1992, the Treaty on Open Skies was signed by members of NATO and of the former Warsaw Pact. It established a regime for aerial observation over the territory of States Parties to the Treaty to promote greater openness and transparency, facilitate the monitoring of compliance with existing or future arms control agreements and strengthen the capacity for conflict prevention and crisis management under the CSCE and other relevant international institutions. Open to signature by the participating States of the CSCE, it came into force on 1 January 2002.

— In addition, the Negotiation on Personnel Strength of Conventional Armed Forces in Europe (CFE-1A) ended in July 1992 with the adoption of an Agreement which came into effect on 9 November 1992.

Subsequently, within the new institutionalised CSCE, the **Forum for Security Cooperation (FSC)** was to ensure consistency and complementarity of efforts in the field of arms control, disarmament and confidence- and security-building by developing the *acquis* of the Vienna Documents of the negotiations on CSBMs, the CFE Treaty and the Open Skies Treaty.

The following are the main documents adopted by the FSC with a view to the Budapest Review Conference of December 1994:

— The **Code of Conduct on Politico-Military Aspects of Security**, dated December 1994, to some extent updated the Helsinki Decalogue of 1975 as regards inter-State relations and provided for new norms of intra-State conduct, particularly in the field of the democratic political control of armed forces.

— The Vienna Document 1994 of the Negotiations on CSBMs, which replaced the Vienna Document 1992, made some improvements to the existing CSBMs. In addition, it incorporated the Programme of Military Contacts and Cooperation and the text on Defence Planning adopted by the FSC in November 1993.

As part of its Programme for Immediate Action launched following its establishment, the FSC adopted a whole series of other texts: a new system for the global exchange of military information, a catalogue of stabilising measures for localised crisis situations (linking CSBMs to the question of crisis management), principles governing conventional arms transfers and principles governing non-proliferation.

The Budapest Review Conference initiated the discussion of a Common and Comprehensive Security Model for Europe for the Twenty-First Century, which led to the drafting of a **Charter for European Security**. Adopted in November 1999 at the Budapest Summit, the Charter included a commitment to adopt a **Platform for Cooperative Security**, in order to further strengthen cooperation between the OSCE and other international organisations and institutions, and to develop the OSCE's operational capacities in the field of early warning, conflict prevention, crisis management and post-conflict rehabilitation. The Charter stated that the Treaty on Conventional Armed Forces in Europe (CFE) must continue to serve as a cornerstone of European security and drew attention to the importance of adapting its provisions to ensure enhanced stability, predictability and transparency amidst changing circumstances. It also saw the OSCE Vienna Document 1999, together with other documents on politico-military aspects of security adopted by the FSC, which would continue to evolve, as providing valuable tools for strengthening mutual confidence and military transparency.