

The Adapted CFE Treaty and the Admission of the Baltic States to NATO

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Preface

On the international scene in late 2002 arms control often appears to be fighting for its life. Events in Iraq offer a harsh test of whether disarmament can be achieved by international edict and inspection or whether—as many in the United States believe—non-compliance can only be stopped and punished by force of arms. Some familiar arms control regimes of the cold war period have been denounced, others bypassed or blocked from further development. Launching new disarmament initiatives either in a US–Europe or a North–South framework has become so difficult that only the keenest enthusiasts seem willing still to attempt the task. Such new measures for weapons limitation and destruction as are being agreed, notably in the US–Russian context, are typically of a political nature and involve practical, non-monitored cooperation rather than formal and verified restraints.

The challenge to arms control must be taken seriously but is liable to be exaggerated and distorted by an over-selective view. Current debates are sharpest over the most exotic—nuclear, chemical and biological—categories of weapons, and over instruments for regulating and limiting their possession. There is still a broad interstate consensus on the value of export controls as a way of stopping both conventional and mass-destruction weapons from getting into the wrong hands in the first place. Concern about transfers to terrorists (as well as irresponsible state or sub-state users) has if anything reinforced the relevance of such measures. Similarly, new awareness of the dangers of sub-global armed conflict—on Europe’s own periphery and in other regions—has focused attention on the flow of small arms and the options for post-conflict demilitarization.

Zdzislaw Lachowski’s original and timely study of the prospects for Europe’s own regional disarmament regime—the adapted Treaty on Conventional Forces in Europe—offers an antidote to several stereotypes including the one about the demise of arms control. It shows that the one treaty which par excellence could be viewed as a cold war instrument has managed to find a new rationale (or rather, several) during the past decade: and that its further extension may now complement, rather than conflict with, the spread of positive military integration to Europe’s easternmost borders. Under even the harshest of Zdzislaw’s three scenarios of how the adapted treaty might be extended to the Baltic States, there would be more constraints on and more transparency about arms levels in Northern Europe than if the CFE regime did not exist. All the scenarios also give rise to provocative questions about how much longer the North’s non-allied states can afford to stand aside from the process. Pessimism intervenes only in the

study's final words about the difficulty of applying the CFE model to non-European regions: and even here one might query whether the difficulty lies in the sharpness of regional enmities, or rather in the lack (which is not irremediable) of positive multilateral integration movements.

Apart from Zdzislaw's own contribution, I would like to acknowledge the encouragement and help given in preparing this work by Dr Pál Dunay of the Geneva Centre for Security Policy, the editing skills of Jetta Gilligan Borg and the interest shown by government officials in Sweden and elsewhere on whom the paper's theses were first tried out. We hope the results will stimulate debate among both policy makers and analysts, and we would very much welcome feedback which could be mailed to lachowski@sipri.org and bailes@sipri.org.

Alyson J. K. Bailes
Director of SIPRI
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Acronyms

ACV	Armoured combat vehicle
AIFV	Armoured infantry fighting vehicle
APM	Anti-personnel mine
ATTU	Atlantic-to-the-Urals
CFE	Conventional Armed Forces in Europe (Treaty)
CSBM	Confidence- and security-building measure
EU	European Union
ESDP	European Security and Defence Policy
HACV	Heavy armoured combat vehicle
JCG	Joint Consultative Group
MAP	Membership Action Plan
MD	Military district
NATO	North Atlantic Treaty Organization
NC	National ceiling
OSCE	Organization for Security and Co-operation in Europe
RMA	Revolution in military affairs
TC	Territorial ceiling
TLE	Treaty-limited equipment
UN	United Nations
WTO	Warsaw Treaty Organization

1. Introduction

Twelve years after conventional arms control began in Europe, the process is about to enter a new, critical stage as it extends to cover the entire continent. This will eventually rid it of the cold war ‘straitjacket’ and consolidate political and military security in the space extending from the Atlantic to the Urals.

Since the cold war, the situation in Europe and elsewhere has changed radically. The priorities, the rules of the game, and the groups and actors on the political stage are different. Consequently, ways of thinking about security and the options available are also changing. Military security has evolved and its role differs from that of the past. The conventional arms control regime, which was negotiated and agreed during the final stages of the cold war, needed to be modernized to adapt to the developments that have occurred since 1989–90. Consequently, in recent years momentous decisions have been taken regarding both the enlargement of the North Atlantic Treaty Organization (NATO) and the adaptation of the conventional arms control regime.

The politico-military setting has changed in a number of ways since the first wave of NATO enlargement in 1999, when the Czech Republic, Hungary and Poland joined the alliance and the 1990 Treaty on Conventional Armed Forces in Europe (the CFE Treaty)¹ was reshaped by the 1999 Agreement on Adaptation of the CFE Treaty (Agreement on Adaptation).² First, Russia has altered its attitude and policy towards the West, as evidenced by the actions of the administration of President Vladimir Putin. Second, NATO’s eastward enlargement brings it closer to Russia’s borders, which Russia views as necessitating new politico-military arrangements. Third, the invitation to Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia to join the alliance, most likely in 2004, which was issued at the 21–22 November 2002 NATO summit meeting in Prague, will certainly affect the alliance’s role as well as its shape. Fourth, some of these states are not members of an arms control system. Fifth, in the wake of the

¹ The Treaty on Conventional Armed Forces in Europe, 19 Nov. 1990, is reproduced at URL <<http://www.osce.org/docs/english/1990-1999/cfe/cfetreat.htm>>.

² Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe, Istanbul, 19 Nov. 1999, URL <<http://www.osce.org/docs/english/1990-1999/cfe/cfeagree.htm>>. A consolidated text showing the amended CFE Treaty as adapted in accordance with the 1999 Agreement on Adaptation is reproduced in the appendix to this volume. It was originally presented in *SIPRI Yearbook 2000: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2000), pp. 627–42.

2 THE ADAPTED CFE TREATY

Table 1. Total CFE Treaty regime limits and holdings, 1990–2002

Holdings, Nov. 1990	CFE limit, 1990	Holdings, Nov. 1995	Adapted CFE limit, 1999	Holdings, Jan. 2002
201 005	154 712	130 813	145 653	116 638

Source: Harahn, J. P. and Kuhn, J. C., *On-Site Inspections Under the CFE Treaty* (On-Site Inspection Agency, US Department of Defense: Washington, DC, 1996); and Crawford, D., *Conventional Armed Forces in Europe (CFE): A Review and Update of Key Treaty Elements* (Arms Control Bureau, US Department of State: Washington, DC, Jan. 2002).

11 September 2001 terrorist attacks on the United States, the axiom of military balance in Europe has further lost its cold war relevance. In addition, NATO is undergoing a dramatic evolution, which reinforces its political role while curtailing and transforming its former military function.

NATO's 'open door' policy has ushered in an important new stage in the development of the alliance. Russia, which opposes the current round of enlargement in principle, has recently signalled that it 'feels no fear' of NATO's presence in the Baltic region. However, Russian officials have warned that if the enlarged NATO is not constrained by the regime comprising the CFE Treaty and the Agreement on Adaptation (hereafter referred to as the adapted CFE Treaty or adapted treaty) Russia's security could be threatened and the principles of cooperative security compromised.

The CFE Treaty set equal ceilings within its Atlantic-to-the-Urals (ATTU) area of application on the major categories of heavy conventional armaments and equipment of the groups of states parties—originally the members of NATO and the Warsaw Treaty Organization (WTO). There are 30 parties to the CFE Treaty.³

The parties to the CFE Treaty are among the 55 members of the Organization for Security and Co-operation in Europe (OSCE), which acts as a primary instrument for early warning, conflict prevention and crisis management.⁴ The Baltic states are gaining in importance because of their geo-

³ The parties to the CFE Treaty are Armenia, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Kazakhstan, Luxembourg, Moldova, the Netherlands, Norway, Poland, Portugal, Romania, Russia, Slovakia, Spain, Turkey, the United Kingdom, Ukraine and the USA.

⁴ The members of the OSCE are Albania, Andorra, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Holy See, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia (Former Yugoslav Republic of), Malta, Moldova, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, Russia, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Turkmenistan, the UK, Ukraine, the USA, Uzbekistan and Yugoslavia. Of these states, 5 are located in Central Asia; 6 states are former Yugoslav or Balkan states, including 3 states embraced by the 1996 Agree-

political location. Once they join the adapted CFE Treaty this will probably advance the process of extending the regime to other European states.

In the 1990s the Baltic states played a minor role in European military security policy. The admission of Estonia, Latvia and Lithuania to NATO will sooner or later necessitate their accession to the adapted treaty. They will probably be the first of the new NATO candidate states to accede to the treaty. The question is not whether they will re-enter the conventional arms control regime which they left in the early 1990s, but when and in what fashion.

This report considers the prospects for the entry into force of the 1999 Agreement on Adaptation of the CFE Treaty. It also focuses on the accession of the Baltic states to the adapted CFE Treaty, which has become more urgent now that they have been invited to join NATO. The policy status of Kaliningrad and of the two non-aligned Nordic states—Finland and Sweden—is also briefly reviewed in this connection. These cases are important because of the significance of the Baltic Sea region with respect to the enlargement of the European Union (EU) and NATO, the proximity of the area to Russia, the ‘special relationship’ of Finland and Sweden to the Baltic states and the ongoing informal discussion about NATO membership in Finland, which may lead to a reappraisal of the political and military status of both Finland and Sweden in the near future (see the discussion in section 5).

Background

The CFE Treaty is by far the most ambitious arms control agreement on conventional arms, and it is commonly considered a cornerstone of European security and military stability. The treaty entered into force in 1992, and its main purpose—carrying out deep cuts in heavy weapons (see table 1)—was basically achieved by the end of 1995. The removal of over 63 000 pieces of treaty-limited armaments and equipment (TLE) within and outside the area of application, the ATTU area, helped to improve the political situation, enhance the sense of security and stability and, through

ment on Sub-Regional Arms Control (Florence Agreement, also known as the Article IV Agreement)—signed by Bosnia and Herzegovina and its 2 entities (the Muslim–Croat Federation of Bosnia and Herzegovina and the Republika Srpska), Croatia and the Federal Republic of Yugoslavia (FRY, Serbia and Montenegro). It is the only regional arms control arrangement operating below the European level which deals with arms reductions and limitations. The Florence Agreement is reproduced in *SIPRI Yearbook 1997: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 1997), pp. 517–24.

4 THE ADAPTED CFE TREATY

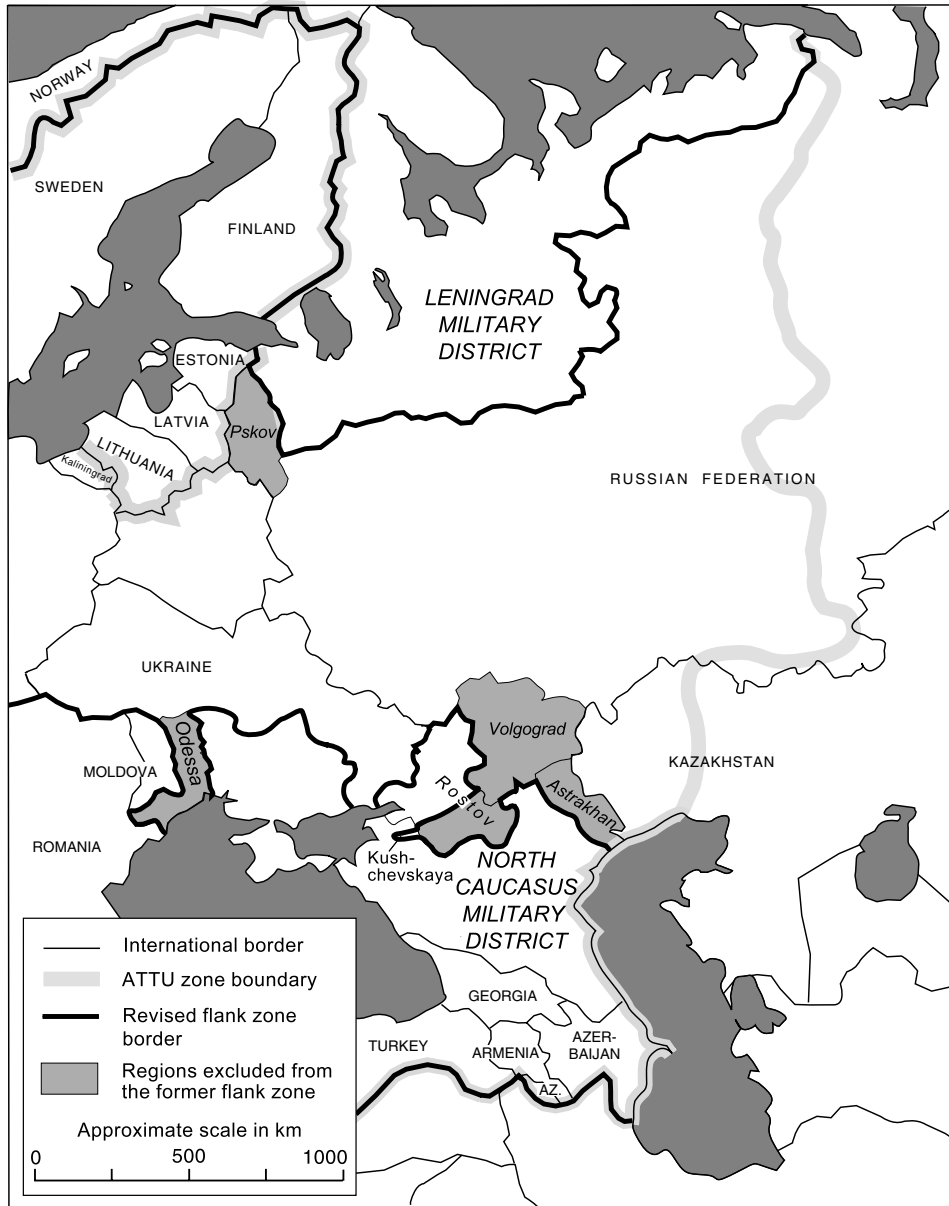


Figure 1. The revised CFE Treaty flank zone

Source: Lachowski, Z., 'Conventional arms control', *SIPRI Yearbook 1997: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 1997).

verification, promote transparency and mutual confidence in Europe—particularly between Russia and NATO. The conclusion of the CFE Treaty also had the positive effect of moving arms control to a lower position on the list of post-cold war European security priorities.

The signatories of the treaty soon realized that the accord had been overtaken by the dramatic political events of the late 1980s and the early 1990s, including the dissolution of the WTO. However, the need remained to eliminate thousands of heavy weapon items, which could potentially destabilize the new security system *in statu nascendi*. The process of arms reductions was accompanied by the difficult transformation of politico-military relations in Europe as a result of the break-up of the Soviet Union and Yugoslavia, the Balkan wars, the withdrawal of former Soviet troops and the growing security problems on Russia's southern rim, which led to the outbreak of hostilities in Chechnya in late 1994. This affected the implementation of the treaty, leading to its gradual adaptation to the changed situation.

Six months after the completion of the reductions, the parties to the CFE Treaty agreed the so-called 1996 Flank Document, which provisionally amended the relevant provisions of the treaty, addressing some of the concerns expressed by Russia and Ukraine.⁵ It reorganized the flank areas geographically and numerically, allowing both countries to deploy more TLE along their borders (see figure 1). In 1997 talks began on adaptation (but not revision) of the CFE Treaty. At the same time, NATO assured Russia, through political declarations, that it would not deploy nuclear weapons or substantial conventional weapons on the territory of its new members in peacetime. The adaptation negotiations took longer than expected but managed to survive the harsh tests of the first wave of NATO enlargement, NATO's intervention in Yugoslavia and Russia's violation of CFE provisions in Chechnya, all of which occurred in 1999. The negotiations produced the Agreement on Adaptation of the CFE Treaty, which was signed in November 1999. Although it now has been partially implemented, the Agreement on Adaptation has not yet entered into force.

⁵ Final Document of the First Conference to Review the Operation of the Treaty on Conventional Armed Forces in Europe and the Concluding Act of the Negotiation on Personnel Strength of Conventional Armed Forces in Europe, Vienna, 15–31 May 1996, URL <<http://www.osce.org/docs/english/1990-1999/cfe/cfe1reve.htm>>. The flank zone countries are Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Iceland, Moldova, Norway, Romania, Russia, Turkey and Ukraine.

2. Adaptation of the CFE Treaty regime

The future CFE Treaty regime will be defined by two legally binding accords—the 1990 CFE Treaty and the 1999 Agreement on Adaptation—and by various related political commitments and assurances. The Agreement on Adaptation introduced a number of amendments to the original CFE Treaty in order to make it conform to the new security situation in Europe (see figure 2).⁶ The basic tenets of the agreement are different from those of the CFE Treaty. The Agreement on Adaptation no longer needs to balance the armed forces of two hostile politico-military blocs; instead it emphasizes the rights, limits and obligations of individual countries. In place of rivalry and division, the principle of a common and indivisible security space is underscored. The balance of power is replaced by peaceful security cooperation. In addition, the European conventional arms regime was opened to other European countries.⁷

The new limitations

Two state-related types of ceiling replace the now obsolete alliance-based structure: national ceilings covering all five categories of armaments (battle tanks, armoured combat vehicles (ACVs), artillery, combat aircraft and attack helicopters) and territorial ceilings (to allow the stationing of foreign troops) covering the land categories of weapons.⁸ The parties set the ceilings in accordance with ‘a restrained approach’ declared in 1997. The states have pledged to work towards ‘maintaining a secure, stable and balanced overall level of conventional armed forces in Europe lower than heretofore’ (preamble). The aggregate national levels of heavy armaments have been reduced by more than 9000 TLE items (mainly due to NATO’s pledges—the former WTO members were less eager to lower their national ceilings), but the total number of holdings is currently nearly 30 000 TLE below the

⁶ For a detailed discussion of the adapted CFE Treaty see Lachowski, Z., ‘Conventional arms control’, *SIPRI Yearbook 2000* (note 2), pp. 589–600.

⁷ Because it was a bloc-to-bloc construct, the CFE Treaty contained no accession clause. The Agreement on Adaptation envisages that any OSCE member state whose land territory lies in the geographical ATTU area may accede to the Agreement on Adaptation (note 2), Article 18, amending Article XVIII of the CFE Treaty.

⁸ The national ceilings still have 2 sub-ceilings: for active units and for subcategories of armoured combat vehicles (ACVs), which include armoured infantry fighting vehicles (AIFVs) and heavy armoured combat vehicles (HACVs). Russia and Ukraine have additional territorial sub-ceilings for their flank areas. Territorial ceilings do not apply to Canada and the USA, because they are outside the area of application.

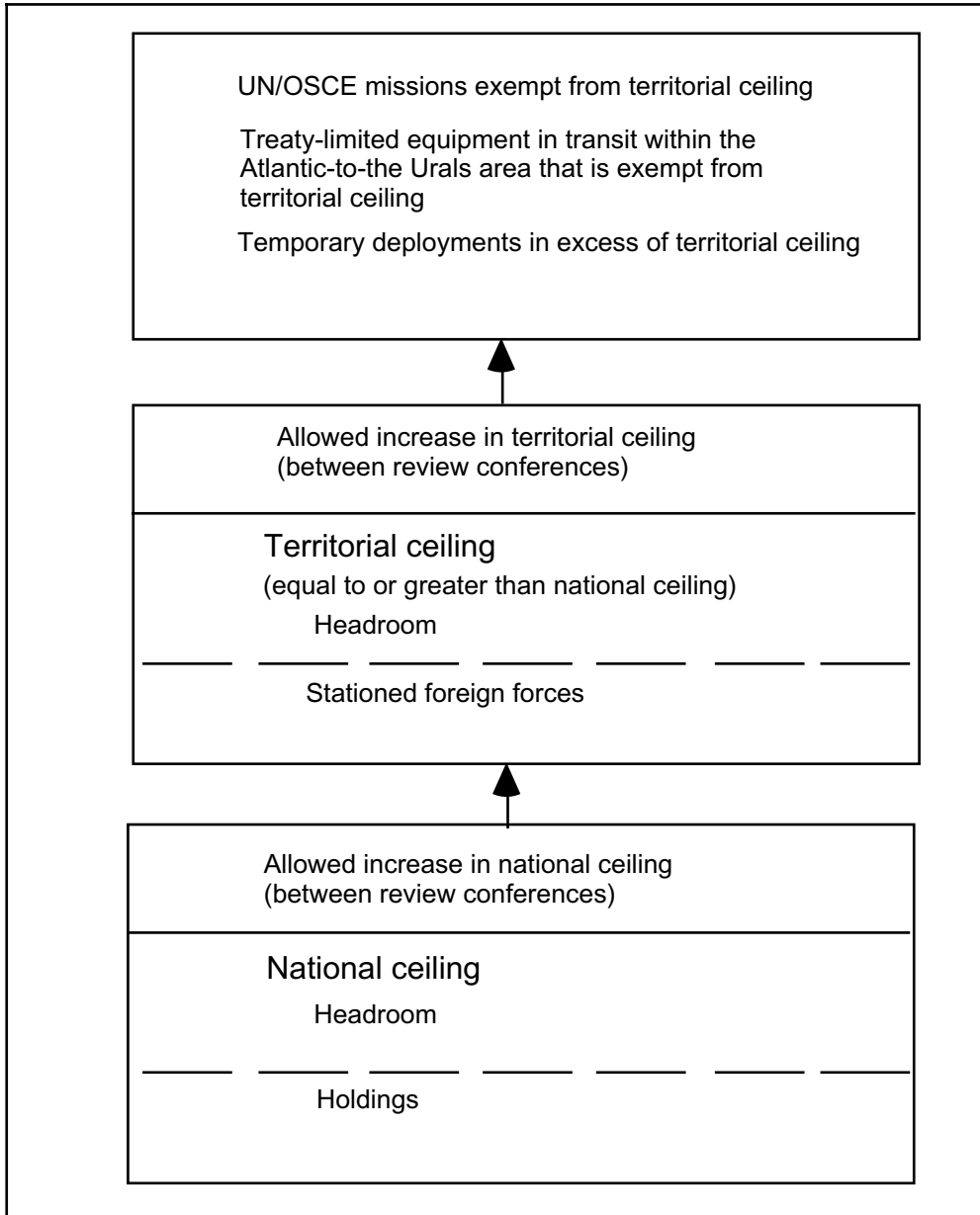


Figure 2. The structure of limitations and deployment of treaty-limited equipment under the 1999 Agreement on Adaptation of the 1990 CFE Treaty

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Table 2. National ceilings and sub-ceilings for TLE categories in active units

State	Battle tanks	ACVs ^a	Artillery	Aircraft	Helicopters
Armenia	220	220	285	100	50
Azerbaijan	220	220	285	100	50
Belarus (1)	1 800	2 600	1 615	294	80
Belgium	300	989	288	209	46
Bulgaria	1 475	2000	1 750	235	67
Canada	77	263	32	90	13
Czech Republic (2)	957	1 367	767	230	50
Denmark	335	336	446	82	18
France	1 226	3 700	1 192	800	390
Georgia	220	220	285	100	50
Germany	3 444	3 281	2 255	765	280
Greece	1 735	2 498	1 920	650	30
Hungary (3)	835	1 700	840	180	108
Iceland	0	0	0	0	0
Italy	1 267	3 127	1 818	618	142
Kazakhstan	50	200	100	15	20
Luxembourg	0	0	0	0	0
Moldova	210	210	250	50	50
Netherlands	520	864	485	230	50
Norway	170	275	491	100	24
Poland (4)	1 730	2 150	1 610	460	130
Portugal	300	430	450	160	26
Romania	1 375	2 100	1 475	430	120
Russia(5)	6 350	11 280	6 315	3 416	855
Slovakia (6)	478	683	383	100	40
Spain	750	1 588	1 276	310	90
Turkey	2 795	3 120	3 523	750	103
Ukraine (7)	4 080	5 050	4 040	1 090	330
United Kingdom	843	3 017	583	855	365
United States	1 812	3 037	1 553	784	404

^a Armoured combat vehicles.

(1) Of which no more than 1525 tanks, 2175 ACVs and 1375 artillery pieces in active units.

(2) Of which no more than 754 tanks, 1223 ACVs and 629 artillery pieces in active units.

(3) Of which no more than. 658 tanks, 1522 ACVs and 688 artillery pieces in active units.

(4) Of which no more than 1362 tanks, 1924 ACVs and 1319 artillery pieces in active units.

(5) Of which no more than 5575 tanks and 5505 artillery pieces in active units.

(6) Of which no more than 376 tanks, 611 ACVs and 314 artillery pieces in active units.

(7) Of which no more than 3130 tanks, 4350 ACVs and 3240 artillery pieces in active units.

Source: Protocol on National Ceilings for Conventional Armaments and Equipment limited by the Treaty on Conventional Armed Forces in Europe, Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe, 19 Nov. 1999. It is available on the OSCE Internet site at URL <<http://www.osce.org/docs/english/1990-1999/cfe/cfeagree.htm>>.

Table 3. Territorial ceilings and sub-ceilings for ground TLE categories

State	Tanks	ACVs	Artillery
Armenia (3)(4)	220	220	285
Azerbaijan (3)(4)	220	220	285
Belarus (5)	1 800	2 600	1 615
Belgium	544	1 505	497
Bulgaria (3)(4)	1 475	2 000	1 750
Czech Republic (5)	957	1 367	767
Denmark (5)	335	336	446
France	1306	3 820	1 292
Georgia (3)(4)	220	220	285
Germany (5)	4 704	6 772	3 407
Greece	1 735	2 498	1 920
Hungary (3)(4)	835	1 700	840
Iceland (3)(4)	0	0	0
Italy(5)	1 642	3 805	2 062
Kazakhstan (5)	50	200	100
Luxembourg (5)	143	174	47
Moldova (3)(4)	210	210	250
Netherlands (5)	809	1 220	651
Norway (3)(4)	170	282	557
Poland (5)	1 730	2 150	1 610
Portugal (5)	300	430	450
Romania (3)(4)	1 375	2 100	1 475
Russia (5)	6 350	11 280	6 315
of which (1)(3)(4)	1 300	2 140	1 680
Slovakia (5)	478	683	383
Spain(5)	891	2 047	1 370
Turkey (3)(4)	2 795	3 120	3 523
Ukraine (5)	4 080	5 050	4 040
of which (2)(3)(4)	400	400	350
United Kingdom (5)	843	3 029	583

(1) In the Leningrad MD, excluding Pskov *oblast*; and in North Caucasus MD, excluding: Volgograd *oblast*; Astrakhan *oblast*; that part of Rostov *oblast* east of a line extending from Kushchevskaya to Volgodonsk *oblast* border, including Volgodonsk; and Kushchevskaya and a narrow corridor in Krasnodar *kray* leading to Kushchevskaya. This territorial sub-ceiling shall not be exceeded pursuant to Article VII for military exercises and temporary deployments in the category of ACVs.

(2) In the Odessa *oblast*.

(3) States parties which shall not increase their territorial ceilings (TCs) or territorial sub-ceilings pursuant to Article V(5), only in conjunction with a corresponding decrease, pursuant to Article V(4)(A), in the TCs or territorial sub-ceilings of other states parties, as identified by this footnote.

(4) States parties which shall not exceed their TCs or territorial sub-ceilings pursuant to Article VII by more than 153 tanks, 241 ACVs and 140 artillery pieces.

(5) States parties which shall not exceed their TCs or territorial sub-ceilings pursuant to Article VII by more than 459 tanks, 723 ACVs and 420 artillery pieces.

Source: Protocol on Territorial Ceilings for Conventional Armaments and Equipment limited by the Treaty on Conventional Armed Forces in Europe, Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe, 19 Nov. 1999.

Agreement on Adaptation limits (see tables 2 and 3). In addition, the four Visegrad Group countries (the Czech Republic, Hungary, Poland and Slovakia) have promised to lower their aggregate ceilings by 1700 TLE ground items by 2003.

Flexibility mechanisms

The rigidity of the structure of the adapted CFE Treaty created a need to add flexibility mechanisms. One mechanism is the upward revision of national and territorial limits. Any upward revision of the national ceiling of one party must be compensated by a corresponding lowering of the national ceiling on the same TLE category of one or more other parties. (A national ceiling may also be lowered by a party, but this confers no right on others to increase their national ceilings.) Between quinquennial review conferences, national ceilings can be increased by a certain limited amount of TLE. There are similar rules and parameters for upward increases of territorial ceilings.

Another example of flexibility is related to United Nations and OSCE peace missions and armaments and equipment in transit within the ATTU area. They are exempt from the territorial ceilings of the party on whose territory such TLE is present.

Since the upward revision of ceilings is a cumbersome procedure, temporary deployments were acknowledged to be a more expedient alternative, especially in cases of military exercises or security crises. The Agreement on Adaptation provides for two kinds of temporary deployments in excess of territorial ceilings: (a) a 'basic' deployment up to the equivalent of a brigade (up to 153 tanks, 241 ACVs and 140 artillery pieces); and (b) for 'exceptional circumstances'—a deployment in each state party outside the former flank area of up to three brigades, or two NATO-type divisions.

The problem of hosting foreign equipment

The problem of the stationing of foreign armed forces has accompanied the adaptation talks since their start. Nineteen countries, including all former WTO members and post-Soviet states and several NATO states, have set territorial limits equal to their national ceilings for ground categories. In effect, if any of these countries desires to host foreign equipment on its territory it must lower its national limits accordingly. For Russia, this constitutes an important barrier to the deployment of NATO ground forces in the new member states located close to its borders and provides assurance that NATO enlargement will not cause a cumulative increase in weapons in those countries.

The flank issue revisited

The flank (or Article V) zone was designed to prevent equipment being pulled back from Central Europe from being amassed in the ‘flanks’ facing the states located in the outermost areas, in the north and the south, of the treaty application zone. The treaty limited the number of TLE categories that may be deployed in the flank areas to three: tanks, ACVs and artillery. The role of the flank areas has changed substantially since Article V was negotiated. Previously a rear, peripheral area, the southern flank now includes Russia’s forward line of defence, facing the volatile Caucasus region. Russia has repeatedly claimed that relevant treaty provisions should be modified since they are no longer adequate for Russian security requirements.

Russia has been in non-compliance with the flank-related provisions of the treaty since the completion of the TLE reductions. The NATO states were willing to countenance this breach for at least two major reasons: first, the violation did not concern the Central European theatre; and second, they acknowledged to a certain degree Russia’s legitimate security concerns regarding the southern flank.

While it does not refer explicitly to the flank zone, the Agreement on Adaptation retains the zone’s function of limiting weapon accumulations. The adaptation talks were complicated by Russia’s announcement that it would not abide by the quantitative limitations for ground forces under the 1996 Flank Document (see table 4).⁹ In addition, in the autumn of 1999 Russia stated that it had been forced to exceed the flank limits in North Caucasus as a result of its conflict in Chechnya. Several former Soviet republics, particularly Georgia and Moldova, have also taken issue with Russia over the implementation of the CFE flank provisions.

At the 1999 OSCE Istanbul summit meeting Russia and Georgia signed a joint statement to the effect that Russia would reduce the levels of its heavy ground weapons on Georgian territory to the equivalent of a brigade, meeting the requirements of the Agreement on Adaptation, by the end of 2000.¹⁰ The Russian TLE at the Vaziani and Gudauta bases and the repair facilities in Tbilisi would also be withdrawn, and the bases would be dismantled and closed down by mid-2001. In return, Georgia undertook to grant Russia

⁹ Eventually, the other parties agreed to an increase in the number of ACVs in Russia’s revised northern and southern flank areas—from 580 ACVs (plus 800 in storage), as laid down in the 1990 CFE Treaty, to 2140 ACVs (without a storage constraint).

¹⁰ Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe, CFE.DOC/2/99, Istanbul, 19 Nov. 1999, URL <<http://www.osce.org/docs/english/1990-1999/cfe/CFEfinact99.htm>>, Annex 14, Joint Statement of the Russian Federation and Georgia.

Table 4. Russian and Ukrainian entitlements in the former flank zone and the revised flank zone

	Tanks	ACVs	Artillery
<i>Russia</i>			
Flank zone entitlements ^a (1990 CFE Treaty)	700	580	1 280
plus those in storage	(600)	(800)	(400)
Temporary deployments (1996 Final Document)	1 897	4 397	2 422
in original flank zone (31 May 1996–31 May 1999)			
Sub-limits in original flank zone (May 1999)	1 800	3 700 ^b	2 400
Territorial sub-limits for revised flank ^c (1999 Agreement on Adaptation)	1 300	2 140	1 680
<i>Ukraine</i>			
Flank zone entitlements ^d (1990 CFE Treaty)	280	350	390
plus those in storage	(400)	(–)	(500)
Territorial sub-limits for the Odessa <i>oblast</i> (1996 Final Document; 1999 Adaptation Agreement)	400	400	350

^a The Leningrad and North Caucasus Military Districts (MD).

^b No more than 552 located within the Astrakhan and Volgograd *oblasts*, respectively; no more than 310 within the eastern part of the Rostov *oblast* (as described in note c); and no more than 600 within the Pskov *oblast*.

^c In the Leningrad MD, excluding the Pskov *oblast*; and in the North Caucasus MD, excluding the Volgograd *s*; the Astrakhan *oblast*; that part of the Rostov east of the line extending from Kushchevskaya to the Volgodonsk *oblast* border, including Volgodonsk; and Kushchevskaya and a narrow corridor in the Krasnodar *kray* leading to Kushchevskaya.

^d The Odessa MD.

the right to a basic temporary deployment of its TLE at the Batumi and Akhalkalaki bases. The issue of the Russian withdrawal is complicated by the volatile developments in Georgia, especially in Abkhazia, and near its border with Chechnya. Russia has withdrawn its equipment from Vaziani, but the status of Gudauta (Abkhazia) remains unclear. The future of the Batumi and Akhalkalaki bases is also uncertain.

Moldova's 1994 agreement with Russia on the withdrawal of Russian troops has not entered into force. Moldova's constitution proclaims the country as permanently neutral, and it has contested Russia's right to station troops and armaments on its territory. Its relations with Russia are further complicated by the issue of Trans-Dniester, where one of Europe's largest arsenals of munitions is located. (The OSCE and other Western states have repeatedly criticized Russia for lack of progress in the withdrawal of its troops and armaments from the Trans-Dniester region.) At the Istanbul

summit meeting, Moldova again renounced the right to receive a temporary deployment on its territory, while Russia pledged to withdraw and/or destroy Russian treaty-limited conventional armaments and equipment by the end of 2001.¹¹ This Russian pledge was kept and officially confirmed by the OSCE Ministerial Council in Bucharest in December 2001.¹² However, the issue remains of Russia's pledge to withdraw all Russian troops from Moldova by the end of 2002.

The Agreement on Adaptation set out a number of 'principles and modalities' to guide the 'maintenance and reconciliation' of the substance of the modified Article V (flank) provisions in the adapted treaty. The principles include: (a) the legally binding character of the provisions; (b) preventing a build-up of forces; (c) initial territorial ceilings equal to initial national ceilings and up-to-date maximum national levels for holdings at the date of signature of the adapted treaty; (d) upward revision of the relevant territorial ceilings and sub-ceilings only through transfers among the flank states; (e) brigade-level temporary deployment limits only ('basic deployments'); and (f) an enhanced regime of verification and information exchange. The modalities prescribed single sub-ceilings for Russia and Ukraine and the subordination of Russian forces in other countries both currently and in future to general rules regarding national and territorial ceilings. Other problems of Russian military presence abroad are subject to the political obligations and decisions contained in the CFE Final Act and the OSCE Summit Declaration adopted in Istanbul.

Foreign military presence

The long-standing issue of an (unwanted) foreign military presence on the territory of a state party was addressed in the context of Russia's relations with its southern neighbours. Together with the bilateral agreement between Georgia and Russia and Russia's pledge to withdraw its armed forces from Moldova, the Agreement on Adaptation provides for a 'host nation consent' formula to the effect that the TLE of a party 'shall only be present on the territory of another State Party in conformity with international law, the explicit consent of the host State Party, or a relevant resolution of the United Nations Security Council' (Article I). Such consent must be given in

¹¹ Final Act (note 10), Annex 13, Statement on behalf of the Republic of Moldova, 19 Nov. 1999; and OSCE, Istanbul Summit Declaration, Istanbul, 19 Nov. 1999, URL <<http://www.osce.org/docs/english/1990-1999/summits/istadec199e.htm>>.

¹² Decision no. 2, Statements by the Ministerial Council, (2), OSCE Ministerial Council, Bucharest, 2001, OSCE document MC(9).DEC/2, 4 Dec. 2001.

advance and be reflected through the appropriate notifications under the Protocol on Information Exchange, which is appended to the CFE Treaty.¹³

Central European stability

Russia has demonstrated particular interest in the question of limiting the military consequences of NATO enlargement in Central Europe. Although NATO has made a number of assurances and at an early stage of the adaptation talks proposed the creation of a special regime in Central Europe, Russia has demanded unilateral concessions from NATO states and other states parties. The countries directly concerned, particularly Poland, have actively opposed the Russian position and the pressure from some NATO states. As a result, plans for the establishment of an ‘enhanced stability’ zone were not formalized in treaty form. Instead, a compromise was worked out, and a series of political declarations were later appended to the CFE Final Act. The concessions were intended to alleviate Russian unease about NATO enlargement. The compromise consisted of several elements.

Belarus, the Czech Republic, Hungary, Poland and Slovakia stated that their national and territorial ceilings would equal their maximum national entitlements. Together with Germany and Ukraine they undertook to freeze their territorial ceilings. The Visegrad Group countries pledged to reduce their respective territorial ceilings in ground armaments and equipment through full or partial conversion of storage entitlements over the next several years. However, all of the countries reserved the right to host exceptional temporary deployments up to an equivalent of three brigades.¹⁴

In response, Russia promised to show ‘due restraint’ regarding ground TLE and deployments in the Kaliningrad and Pskov *oblasts* and not to significantly increase its air and ground combat forces on a permanent basis. It also reserved the option for operational reinforcement, including temporary deployments.

Enhanced transparency

Together with reductions, information exchanges and verification constitute the central pillar of the CFE Treaty regime.¹⁵ The Agreement on Adaptation builds on the information and verification provisions of the CFE Treaty. Among the most important innovations is the increased number of annual

¹³ Agreement on Adaptation (note 2), Article 14, amending Article XIII of the CFE Treaty.

¹⁴ Final Act (note 10), annexes 3 and 10.

¹⁵ The protocols on notification and exchange of information and on inspections comprise the bulk (some 80 pages) of the 108-page Agreement on Adaptation.

inspections that a state party must permit on its territory. Inspections in the so-called designated areas (i.e., areas within which territorial ceilings are exceeded as a result of military exercises or temporary deployments) have been added. Russia and Ukraine are obliged to accept more inspections owing to the changes on the flank.

Most major changes with regard to the information exchanges were introduced as a result of the new structure of limitations. Some changes stem from the experience of CFE Treaty implementation. Other modifications concern the issues on which the parties sought greater transparency.¹⁶

¹⁶ Transparency under the adapted CFE Treaty is discussed in Lachowski (note 6), pp. 599–600.

3. Challenges to the adapted CFE Treaty regime

The entry into force of the Agreement on Adaptation will open the way to turning the CFE Treaty into a pan-European regime. The process of extending the regime to all the states of Europe cannot be accomplished in a single step but will occur in stages. Two major concerns have been of importance in this context. First, the CFE Treaty was the product of the cold war bloc confrontation. Although its character changed after the cold war, little notice was taken of the views of potential new members. The Agreement on Adaptation may therefore not fully address their security perceptions. Second, the intrusiveness of the adapted CFE Treaty regime of information exchange and verification presents a challenge for some of its potential participants. The first parties to accede will probably be the Baltic states and, possibly, Slovenia.¹⁷ The next group of candidates could include the militarily non-aligned states (Finland and Sweden, probably followed by Austria and Switzerland). Owing to the volatile and complex situation in the Balkans, the non-CFE countries of the region (except for Slovenia) are likely to continue to participate for some time in their sub-regional arms control arrangement (Florence Agreement) or to remain in a state of ‘no-arms-control limbo’ (Albania and Macedonia).

In accordance with Article XXI of the CFE Treaty, the Second Conference to Review the Operation of the Treaty on Conventional Armed Forces in Europe and the Concluding Act of the Negotiation on Personnel Strength (CFE-1A) was held in Vienna on 28 May–1 June 2001. The aim of the conference was to assess the implementation of the CFE Treaty and its associated documents since the first review conference, which was held in 1996.¹⁸ Talks are being held in the Joint Consultative Group (JCG) on categorizing, updating and expanding the lists of types of equipment limited by the treaty, on verification, on the exchange of information and on other aspects of preparation for entry into force of the Agreement on Adaptation. A number

¹⁷ Slovenia, which has been invited to join NATO and is far advanced in its Membership Action Plan (MAP) implementation, remains outside the Balkan ‘hard’ arms control agreement—the Florence Agreement (note 4). Slovenia constitutes a bridge between the southern NATO states, and its great distance from Russia makes it unlikely that Russia would object to Slovenia’s CFE accession.

¹⁸ The Final Document (note 5); and Annex A, Document agreed among the States Parties to the Treaty on Conventional Armed Forces in Europe of 19 November 1990 (the Flank Document) are reproduced in *SIPRI Yearbook 1997* (note 4), pp. 511–17. Formal Conclusions of the Second Conference to Review the Operation of the Treaty on Conventional Armed Forces in Europe and the Concluding Act of the Negotiation on Personnel Strength, CFE document CFE.DOC/1/01, 1 June 2001, URL <http://www.osce.org/docs/english/1990-1999/cfe/cfetr_2revconfe.htm>.

of proposals have been put forward (e.g., regarding limitation of aviation), but they do not have top priority currently.

The future enlargements of the EU and NATO in 2004 and the new security policies of both organizations do not seem to be causing a ‘rearmament drive’ among their members of the kind which could have a major impact on the adapted CFE Treaty. The flexibility mechanisms with regard to exceeding the ceilings (e.g., in peace operations), armed interventions, weapons and equipment used (e.g., precision-guided missiles and unmanned aviation) ought to ensure that there is no interference with the operational capabilities in out-of-area missions led by the EU or NATO.

Currently, the adapted treaty faces two challenges. The first is the issue of the entry into force of the Agreement on Adaptation, which has been hamstrung by Russia’s non-compliance with its treaty and political arms control-related obligations. The second challenge is the enlargement of NATO in the vicinity of ‘Russia proper’ in Central Europe. (NATO and Russia already share the border between Poland and the Kaliningrad *oblast*.)

Entry into force of the Agreement on Adaptation

When the Agreement on Adaptation was signed in Istanbul in November 1999, the NATO states stressed that its entry into force could only ‘be envisaged in the context of compliance by all states parties with the treaty’s limitations’.¹⁹ (Apparently, US President Bill Clinton proposed a more liberal condition—until the Russian forces in the North Caucasus ‘have in fact been reduced to the flank levels set forth in the adapted treaty’.²⁰) Six months later, the NATO foreign ministers stated that the NATO states were ‘engaged’ in preparing for the implementation of the adapted treaty, but they made its entry into force contingent on compliance with the ‘treaty’s agreed levels of armaments and equipment, consistent with the commitments contained in the CFE Final Act’.²¹ (‘Agreed levels’ refers to the higher ceilings set in the Agreement on Adaptation.) Later communiqués demanded ‘full’ implementation and compliance. This demonstrates that NATO expects not only relevant reductions (on the southern flank), but also

¹⁹ Final Communiqué, Ministerial Meeting of the North Atlantic Council held at NATO Headquarters, Brussels, on 15 Dec. 1999, NATO Press Release M-NAC2(99)166, URL <<http://www.nato.int/docu/pr/1999/p99-166e.htm>>.

²⁰ United States Information Service (USIS), ‘Clinton statement on conventional armed forces in Europe treaty’, *Washington File* (US Embassy: Stockholm, 19 Nov. 1999).

²¹ Final Communiqué, Ministerial Meeting of the North Atlantic Council held in Florence on 24 May 2000, NATO Press Release M-NAC-1(2000)52, URL <<http://www.nato.int/docu/pr/2000/p00-052e.htm>>.

Table 5. Russia's entitlements and alleged holdings in the flank zone under the 1999 Agreement on Adaptation

	Tanks	ACVs	Artillery
Territorial sub-limits for revised flank zone ^a	1 300	2 140	1 680
<i>Holdings in the revised flank</i>			
Oct. 1999	1 493	3 534	1 985
Nov. 2000	1 327	2 790	1 746
May 2001	1 304	2 246	1 609
Dec. 2001	1 294	2 044	1 557

ACVs = armoured combat vehicles

^a In the Leningrad Military District (MD), excluding the Pskov *oblast* and in the North Caucasus MD, excluding: the Volgograd *oblast*; the Astrakhan *oblast*; that part of the Rostov *oblast* east of the line extending from Kushchevskaya to the Volgodonsk *oblast* border, including Volgodonsk; and Kushchevskaya and a narrow corridor in the Krasnodar *kray* (territory) leading to Kushchevskaya.

Source: Based on Russia's statements to the Joint Consultative Group plenaries in 1999–2001.

fulfilment of the remaining political commitments undertaken by Russia at the Istanbul summit meeting. Some parties insisted that the commitments regarding removal of Russian weapons and ammunition from Moldova, which are envisaged in the Istanbul Summit Declaration, should also be respected.

Of the 30 signatories only Belarus has ratified the Agreement on Adaptation and deposited its instrument of ratification with the depositary, the Netherlands. Ukraine has ratified the agreement but has not deposited its ratification document.²² The Agreement on Adaptation will not enter into force until it has been ratified by *all* signatories.

Putin and other Russian officials have reassured NATO since the autumn of 1999 that Russia 'intends to restore the regime of the treaty in that zone as soon as the necessary conditions are created. The withdrawal . . . will be carried out immediately after we take the situation in Chechnya under control and thwart the activities of terrorists'.²³ Russia has reported its reductions in heavy equipment in the region, but hostilities have hampered the process several times. On 18 December 2001 it announced that it had

²² Belarus ratified the agreement on 18 July 2000; Ukraine ratified it on 21 Sep. 2000. Russia claims that its ratification process has reached an advanced stage.

²³ ITAR-TASS (Moscow), in 'Russia: Putin notes significance of OSCE summit', Foreign Broadcast Information Service, *Daily Report—Central Eurasia (FBIS-SOV)*, FBIS-SOV-1999-1101, 1 Nov. 1999.

made the appropriate reductions in weapons in the Caucasus and was now in compliance with its CFE obligations (see table 5).²⁴ The NATO states welcomed this declaration and called on Russia to enable them to verify it as soon as possible.²⁵ Since then Russia has hosted more than 20 inspections from NATO states.

At the November 2002 NATO summit meeting in Prague the member states welcomed the ‘significant results’ of Russian reductions in the flank area but urged ‘swift fulfilment’ of the outstanding commitments made at the Istanbul summit meeting.²⁶ On the day after the summit meeting, at a meeting of the NATO–Russia Council, the foreign ministers agreed to work cooperatively towards ratification of the Agreement on Adaptation by all states parties and its entry into force.²⁷ Russia responded that its commitments with regard to Georgia and Moldova have been fully met and that it deplored NATO’s ‘artificial linkage’ of the ratification of the Agreement on Adaptation with the Istanbul summit meeting commitments ‘that have nothing to do with the CFE Treaty’.²⁸

NATO enlargement and the adapted CFE Treaty

Formally, the realm of conventional arms control has nothing to do with the political process of enlarging NATO, and NATO has insisted on a clear separation of the two issues. Nevertheless the NATO countries have sought to allay Russia’s concerns about changes in Europe that might affect its security. This was expressed in, e.g., the March 1997 North Atlantic Council statement on non-deployment of substantial conventional forces on the territory of the new members²⁹ and the NATO proposal on transparency

²⁴ The Russian claim of meeting the allowed levels of heavy armaments in the flank zone was made public in Jan. 2002. Interfax (Moscow), 11 Jan. 2002, in ‘Russia expects NATO to ratify adapted treaty on conventional forces’, FBIS-SOV-2002-0111, 11 Jan. 2002

²⁵ Final Communiqué, Ministerial Meeting of the North Atlantic Council held in Reykjavik on 14 May 2002, NATO Press Release M-NAC-1(2002)59, URL <<http://www.nato.int/docu/pr/2002/p02-059e.htm>>.

²⁶ Prague Summit Declaration Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Prague on 21 November 2002, NATO Press Release (2002)127, URL <<http://www.nato.int/docu/pr/2002/p02-127e.htm>>.

²⁷ Statement by NATO Secretary General, Lord Robertson, in his capacity as Chairman of the NATO–Russia Council at the NATO–Russia Council Meeting at the Level of Foreign Ministers, NATO Press Release, 22 Nov. 2002, URL <<http://www.nato.int/docu/pr/2002/p021122e.htm>>. The NATO–Russia Council was established in May 2002 replacing the NATO–Russia Permanent Joint Council. Declaration by Heads of State and Government of NATO Member States and the Russian Federation on NATO–Russia Relations: A New Quality, 28 May 2002, Rome, URL <<http://www.expandnato.org/natoruss.html>>.

²⁸ Statement by the Delegation of the Russian Federation to the Joint Consultative Group, Joint Consultative Group document JCG.JOUR/481, 26 Nov. 2002, annex 1.

²⁹ Statement by the North Atlantic Council, NATO Press Release (97)27, 14 Mar. 1997, URL <<http://www.nato.int/docu/pr/1997/p97-027e.htm>>.

in the field of military infrastructure³⁰ as well as the political commitments made by the Central European (including new NATO) states regarding stability in the region.

NATO's negotiating strategy in the 1997–99 adaptation talks was generally aimed at preventing steps which could slow down or hamper its 'open door' policy, and safeguarding its operational flexibility and capability for the future.

Russia's position was different. It strove to link military security with the European and global political processes and demanded a kind of military equilibrium in Europe which would have inevitably resulted in deep cuts on the part of the West. When this proved unrealistic, Russia sought stronger security guarantees. The Agreement on Adaptation addressed some of the Russian concerns, mainly with regard to Central Europe and the southern flank. In turn, Russia granted a number of concessions. It signed the Agreement on Adaptation despite its earlier militant rhetoric and warnings (a threatened deployment of tactical nuclear weapons close to the NATO area) and in spite of its diplomatic and political defeats—the admission of the Czech Republic, Hungary and Poland to NATO; NATO's intervention in Yugoslavia; and the sharp criticism by the West of Russian military operations in Chechnya.

The panoply of Russian policy instruments was varied—from the threats of reprisals or withdrawal from various arms control agreements and the drawing of geopolitical boundaries for NATO enlargement eastward to the exertion of pressure and persuasion on the states concerned. Such arguments were introduced during the first stage of NATO enlargement, so it can be assumed that—the radical change in NATO–Russia relations notwithstanding—the future Russian position will be affected by the continuing distrust among its political and, particularly, military elites towards the West.

³⁰ OSCE Forum for Security Co-operation. NATO proposal on transparency measure on infrastructure, Forum for Security Co-operation document REF.FSC/158/97, 16 Apr. 1997.

4. NATO membership for the Baltic states and the adapted CFE Treaty

Until 2001 the Russian view was that NATO membership for the Baltic states was a line which NATO could not cross without grave political and military consequences.

In October 1991 the three Baltic republics formally dissociated themselves from the CFE Treaty regime because of a fear that treaty participation would legitimize a prolonged Soviet military and political presence and influence in the region. While this decision was warranted by the existing situation, it effectively excluded the Baltic states from shaping this important politico-military framework. Nevertheless, they enjoyed the benefits of the flank provisions of the CFE Treaty—particularly Estonia and Latvia—because of the additional limitations imposed on Russian holdings.

In 1996 the Baltic states were surprised when the states parties agreed in the Flank Document that the permitted size of Russian military presence could be increased threefold in the Pskov *oblast* adjacent to their borders (from 180 to 600 ACVs). The Baltic states are sandwiched between Russia proper and the Kaliningrad *oblast*, with its excessive armaments, and they perceived this development as a major deterioration of their regional security.³¹ The high price of remaining outside the CFE Treaty became apparent. The Baltic states therefore closely monitored the negotiations and sought, through bilateral channels, to ensure that the future adapted regime would be open to them as NATO candidate countries. Estonia and Lithuania were particularly active, while Latvia seemed somewhat indecisive.³²

The Baltic states were at a crossroads. Participation in the CFE Treaty would significantly benefit them through greater insight into and monitoring of Russian politico-military activities. (Their own armed forces are almost non-existent compared with the Russian units deployed near their borders, even though the Leningrad Military District (MD) is Russia's least militarized district, see table 6.) However, they were afraid that accession to the CFE Treaty might lessen their chances of joining NATO. As the 2002 NATO summit meeting in Prague approached, these fears waned.

³¹ Latvian Foreign Minister Valdis Birkavš stated on 3 June 1996: 'The issue is more about the preservation of the agreement [i.e., the CFE Treaty] than about the Baltic states. The Baltics are to some extent sacrificed for the benefit of general interest. . . . The agreement is very fragile . . . and if it is not extended our situation will be worse'. *Baltic Times*, no. 12 (6–12 June 1996), pp. 1, 8.

³² Bolving, K., *Baltic CFE Membership* (Danish Institute of International Affairs, DUPI: Copenhagen, 2001), pp. 33–34.

Table 6. Holdings of CFE-related equipment in the Baltic states and north-western Russia

State	Tanks	ACVs	Artillery	Aircraft	Helicopters
Estonia	..	23	18
Latvia	3	..	54
Lithuania	..	53	42
<i>Russia in</i>					
Leningrad MD	320	103	690	18	52
Kaliningrad <i>oblast</i>	811	865	345	18	16

Source: Vienna Document 1999, Annual Exchange of Military Information, 2002, Ministry of National Defence, Republic of Lithuania, valid as of 1 Jan. 2002; Vienna Document 1999, Global Exchange of Military Information, valid as of 1 Jan. 2002, Republic of Latvia; Vienna Document 1999, Annual Exchange of Military Information, 2002, Ministry of National Defence, Republic of Estonia, valid as of 1 Jan. 2001; and International Institute for Strategic Studies, *The Military Balance 2002/2003* (Oxford University Press: Oxford, 2002), p. 93.

The bilateral arrangements that have been reached between the Baltic states and Russia were perceived as a substitute for the potential benefits of the CFE Treaty regime of verification and transparency. They include confidence- and security-building measures (CSBMs) that go beyond those of the Vienna CSBM Document 1999³³ (e.g., Lithuania obtained insight into military activities in the Kaliningrad *oblast* via the bilateral arrangement with Russia³⁴).

The accession of a state to the adapted CFE Treaty is not a prerequisite for joining NATO, but membership of NATO implies that the CFE TLE of a state will be subject to regulation. Accession to the adapted treaty will have to take place soon after admittance to NATO (i.e., at the NATO summit meeting in 2004 at the earliest). The Baltic states have argued that joining the adapted treaty is out of the question until the Agreement on Adaptation has been ratified by all signatories.³⁵

³³ Vienna Document 1999 of the Negotiations on Confidence- and Security-Building Measures, OSCE document FSC.DOC/1/99, 16 Nov. 1999, URL <www.osce.org/docs/english/1990-1999/csbs2/vienn99e.htm>.

³⁴ It was agreed in the form of an exchange of diplomatic notes between the Lithuanian OSCE Permanent Mission and the Russian Delegation on Military Security and Arms Control in Vienna. Statement of H. E. Ambassador Sarunas Adomavicius at the plenary meeting of the Forum for Security Co-operation on 24 January 2001, Forum for Security Co-operation document FSC.DEL/20/01.

³⁵ While all the Baltic states have declared their willingness to join the adapted CFE Treaty as soon as it enters into force, there are subtle differences in their pledges. Latvian Prime Minister Andris Berzins stated that when Latvia is a member of NATO his country 'shall simply be obliged to join this treaty'. ITAR-TASS (Moscow), 20 Aug. 2002, in 'Latvian PM says joining NATO would not

The eastward expansion of NATO towards Russia's borders may have compelled Russia to alter its position on the advisability of the prompt entry into force of the adapted treaty. Until 1997, when the first NATO enlargement was decided, Russia treated the Baltic states as an 'annoyance' (mostly because of the Russian minority status in these countries and the militant anti-Russian rhetoric of the governments) but not as a military security problem. Once NATO's enlargement policy became clear, Russia launched a policy of 'cooperative engagement' towards its small Baltic neighbours.³⁶ The new policy consisted, among other things, of a set of naval and land CSBMs in the region (starting with a proposal by Russian Prime Minister Viktor Chernomyrdin in September 1997) in return for not joining NATO.³⁷

The conflict in Chechnya is likely to continue, but Russia has made efforts to reduce its military presence in the region in order to remove this obstacle to the entry into force of the Agreement on Adaptation. This move was presumably prompted by Russia's desire to get the Baltic states into the adapted CFE Treaty regime. However, this is not tantamount to Russian approval of their NATO membership. Russia has reluctantly acquiesced to it but is keen to take military precautions.³⁸ Its historical experience (the lin-

affect relations with Russia', FBIS-SOV-2002-0820, 20 Aug. 2002. The President of Lithuania, Valdas Adamkus, stated that Lithuania will sign the adapted treaty 'when it comes into force and becomes open to all democratic countries in Europe'. Baltic News Service (Tallinn), 13 Sep. 2002, in 'Lithuania leader ready to sign treaty on conventional forces', FBIS-SOV-2002-0913, 13 Sep. 2002. However, Lithuanian Foreign Minister Antanas Valianis added a caveat to this pledge: 'unless it does not impair [Lithuania's] national interests'. ITAR-TASS (Moscow), 28 Nov. 2002, in 'Lithuania to act as NATO member regarding deployment of nukes', FBIS-SOV-2002-1128, 28 Nov. 2002. A senior Estonian Foreign Ministry official stated that his country 'is seriously considering joining the conventional armed forces in Europe treaty in future'. Baltic News Service (Tallinn), 31 July 2002 in 'Estonia calms Russian fears on NATO enlargement', FBIS-SOV-2002-0731, 31 July 2002.

³⁶ Pavel Baev coined the term 'co-operative discouragement' in reference to the Baltic states' rush to join NATO. Baev, P., 'Boris woos the Baltics, but are Russians for real', *Jane's Intelligence Review* (Feb. 1998), pp. 9–12.

³⁷ Lachowski, Z., 'Building military stability in the Baltic Sea region', *NEBI Yearbook 2000: North European and Baltic Sea Integration* (Springer-Verlag–Nordregio: Berlin, 2000), pp. 259–73.

³⁸ Russia's position on NATO membership for the Baltic states had moderated by the time of the Nov. 2002 NATO summit meeting in Prague. Defence Minister Sergey Ivanov reportedly stated on 21 Nov. 2002 that Russia is 'absolutely calm' about NATO's invitation to the 7 candidate countries. He also stated: 'We are not a member of NATO or a candidate for membership, and so this is none of our business'. He also defined the military situation in northern and north-western Europe as 'one of the least favourable'. ITAR-TASS (Moscow), 21 Nov. 2002, in 'Russian defense minister wants Baltic NATO members in conventional forces treaty', FBIS-SOV-2002-1121, 21 Nov. 2002.

gering sense of the risk of surprise attack, the ‘encirclement’ obsession, distrust towards the West, etc.) and the tradition of perceiving its security in terms of military equilibrium and its insistence on solid legally binding safeguards are still determinants of the Russian view. Russia has not elaborated its official position on CFE issues, but it has begun to send out informal signals. On this basis and the analysis of its past conduct as well as the change that followed the events of 11 September 2001, several options for a future Russian position on the CFE regime can be considered.

Options

Russia’s response to a NATO enlargement that includes the Baltic states and the impact on the military situation near its borders illustrates the hesitancy and discomfort of the Russian political and military elites. The main theme of the Russian statements in 2002 at the JCG forum and those made by Russian officials and parliamentarians is that the Baltic states should be constrained by CFE limits prior to their admission to NATO.³⁹ This demand is similar to that made in 1999 at the time of NATO’s first enlargement. It took place almost simultaneously: first, the Czech Republic, Hungary and Poland acceded to the 1949 North Atlantic Treaty (Washington Treaty),⁴⁰ and then the Agreement on Adaptation, which was based on a political understanding adopted in the JCG in March 1999, was signed. Currently, Russia insists on the precedence of CFE accession since the presence of new NATO members on Russia’s borders will give rise to ‘scores of questions’.⁴¹ On the whole, the Russian ‘warnings’ are calm and devoid of confrontational undertones. Russian Foreign Minister Sergey Ivanov stated on 29 July that Russia ‘feels no fear’ of NATO in the Baltic Sea region but pointed out the risk of a ‘legal black hole’ along Russia’s border, where NATO could

³⁹ Vladislav Chernov, Russian chief delegate to the Joint Consultative Group in Vienna, stated: ‘It is necessary to urge Lithuania, Latvia and Estonia to join the adapted CFE Treaty and, before its entrance [entry into force], to show restraint towards accumulating conventional weapons and deploying foreign troops on their territories’. ITAR-TASS (Moscow), 29 July 2002, in ‘Russian official says NATO expansion should not infringe on stability in Europe’, FBIS-SOV-2002-0729, 29 July 2002.

⁴⁰ The North Atlantic Treaty, Washington, DC, 4 Apr. 1949, URL <<http://www.nato.int/docu/basicxt/treaty.htm>>.

⁴¹ Russian Defence Minister Sergey Ivanov stated: ‘If the Baltic states’ accession to NATO is followed by the construction of airfields and large-scale military training, if military planes start flying 200 km away from St Petersburg, there may be one kind of reaction [from Russia], and if nothing of that sort takes places, Russia will react differently’. Interfax (Moscow), 18 July 2002, in ‘Russia: DM Ivanov on possible “military action” if Baltic states accede to NATO’, FBIS-SOV-0718, 18 July 2002.

deploy forces.⁴² Russia not only insists that the Baltic states should promptly accede to the adapted treaty, but it also possesses a means to exert pressure on them—the ratification of all signatories is required for the accession of new parties. Russia will undoubtedly use this tool to try to impose conditions on the Baltic states.

The Baltic states rejected the Russian demands and considered them an attempt to discourage the West from supporting their membership of NATO. They insisted on the disjunction of the issues of alliance membership and adapted CFE Treaty accession and argued that the issue is irrelevant since the Agreement on Adaptation has not entered into force. Their uncompromising position, in part a negotiating tactic, was understandable for historical and military reasons and apparently stemmed from a measure of distrust of the NATO–Russian Council.⁴³ The situation is likely to change gradually because of pressure from NATO, greater ‘self-assurance’ stemming from the invitation to join NATO, a more realistic assessment of Russian–Baltic relations and so on. However, the process will be an uneasy one for both governments and the political and military elites.

NATO is in the process of elaborating its response to the implications of the second wave of enlargement for the adapted treaty. The NATO states will continue the philosophy of cooperative security while insisting on maintaining unfettered operational capability and flexibility in the military area and mutual reassurance, pragmatism and partnership with Russia as regards arms control issues (in the NATO–Russia Council). At the 2002 Prague summit meeting the NATO states (and, naturally, Russia) praised those non-CFE countries which have announced their intention to request accession to the CFE Treaty regime ‘upon its entry into force’. In this context, three options may be considered.

A ‘hard-line’ option

A ‘hard-line’ option assumes that Russia adopts a rigid stance aimed at forcing the Baltic states and the NATO members to meet its demands.

1. The Baltic states would have to accede to the adapted CFE Treaty prior to their admission to NATO, under the threat of Russian ‘countermeasures’.

2. NATO would have to consolidate its March 1997 political commitment—perhaps by giving it an international legal character—not to station

⁴² ‘Moscow “feels no fear” at Nato in the Baltic’, *Financial Times*, 30 July 2002. Sergey Ivanov stated: ‘We are not going to respond to this by building up our forces in the Kaliningrad region and sabre rattling’. *Atlantic News* (no. 3406), 1 Aug. 2002.

⁴³ Poland also reacted strongly to the alleged ‘conspiracy’ of Russia and NATO at the expense of the Czech Republic, Hungary and Poland and the pressure brought to bear on them in the final stage of admission in 1999.

or deploy substantial conventional armaments on the territory of the new members in peacetime.

3. The military holdings of the Baltic states would be frozen or drastically limited, practically demilitarizing these countries.

4. A special zone status would be imposed on the Baltic states with much stronger restrictions than those for other states parties, including Russia.

5. The Baltic states would pledge not to develop or build up an infrastructure that would enable them to host major military contingents and equipment from NATO allies.

6. Limitations (e.g., on aircraft) would be required close to Russia's borders.

Although implementation of a hard-line option appears unrealistic, it is possible that Russian negotiators might present this type of 'opening bid' in the initial stage of negotiation.

An 'optimistic' option

An 'optimistic' option assumes a generous Russian stance. Such a policy would reflect the letter and spirit of the adapted CFE Treaty and the political commitments of the CFE Final Act, adjusted to the situation of the Baltic states. It would reflect the changes in Putin's policy after 11 September 2001, including abandoning the position that the former Soviet space must remain inviolate. Such a scenario is unlikely to be realized, even if the Baltic states were to make the goodwill gesture of early accession to the adapted treaty.

A 'moderate' option

The 'moderate' option would be a compromise. This approach seems most advisable. It would envisage the following measures.

1. Having obtained the appropriate political commitments from NATO,⁴⁴ Russia would agree to the 'CFE after alliance membership' procedure or (almost) parallel accessions to NATO and the adapted CFE Treaty for the Baltic states.

⁴⁴ At the NATO–Russia summit meeting in Rome on 28 May 2002, both sides confirmed the political assurances contained in the 1997 Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation, including the clauses on the non-deployment of nuclear weapons and substantial conventional armaments in new member states in peacetime. URL <<http://www.nato.int/docu/basicxt/fndact-a.htm>>. The NATO states have assured Russia that these commitments apply to all current and future members of NATO. Statement by the Delegation of the United States of America on behalf of the North Atlantic Alliance to the Joint Consultative Council, Joint Consultative Group document JCG.JOUR/475, 15 Oct. 2002.

2. NATO would reaffirm its commitment to moderate deployment of its conventional armed forces on the territory of the new NATO members.

3. The national and territorial ceilings of the Baltic states would be consistent with the military sufficiency rule, on the one hand, and would take account of Russia's genuine security concerns, on the other. The Baltic national limits would be higher than the current holdings. Most likely, the limits in all five categories of equipment would be set close to the lowest levels for the current states parties to the CFE Treaty (see table 7).⁴⁵

4. Because, in accordance with the NATO doctrine, the Baltic states would have no permanently stationed foreign troops and armaments on their territory, their territorial ceilings (higher than the national ones) would enable them to receive reinforcements and temporary deployments. Military sufficiency and the limits and flexibility mechanisms provided for in the Agreement on Adaptation would serve to reassure both the Baltic states and Russia that the common goal is stability and that the security interests of all parties would be taken into account.

5. Russia would certainly insist that no increase be made in NATO's overall limits following enlargement, although a bloc-related solution is no longer applicable under the adapted treaty. However, because NATO has large 'headrooms' between its existing aggregate holdings and the aggregate ceilings of its members, it should be able to accommodate the entitlements of the Baltic states.

6. The issue of force concentration near the borders of Belarus and Russia would be of critical importance.⁴⁶ It might be possible to include the Baltic states (or at least Estonia and Latvia) in the flank area, where no exceptional temporary deployments (up to an equivalent of two NATO divisions) are allowed. However, a solution would be sought on the basis of reciprocity with Belarus and Russia, and would cover the regions (in addition to the Pskov *oblast*) that adjoin the Baltic states.

7. The CFE status of Kaliningrad would also be re-examined (see below).

8. The Baltic states should have the right to create a military infrastructure. In this regard, instead of a ban on its build-up, transparency measures would be reassuring and would build confidence.

⁴⁵ For a detailed discussion of military sufficiency for the Baltic states see Bolving (note 32), pp. 124–34. It can be assumed that, after the accession of the Baltic states to the adapted treaty, a rearmament process will start with their NATO allies filling the entitlements of the Baltic states.

⁴⁶ The erratic policies of Alexander Lukashenko, President of Belarus, make it nearly impossible to envisage his response. However, Russia will probably exert diplomatic persuasion and political influence on Belarus.

Table 7. ‘Sufficiency’ proposals for treaty-limited equipment ceilings in the Baltic states

TLE	Estonia NC/TC	Latvia NC/TC	Lithuania NC/TC
Tanks	150/200	150/200	200/250
ACVs	200/250	200/250	250/300
Artillery	325/400	325/400	400/500
Aircraft	30/40	30/40	50/60
Helicopters	25/30	25/30	25/30

NC = National ceiling; TC = territorial ceiling

Source: Bolving, K., *Baltic CFE Membership* (Danish Institute of International Affairs, DUPI: Copenhagen, 2001), p. 132.

The Kaliningrad factor

The Kaliningrad *oblast* is the only remaining Russian portion (an area of *c.* 15 000 km²) of the former Soviet Baltic MD. Ironically, the CFE Treaty allows Russia to deploy sizeable armed forces there. In the treaty context, the other CFE parties cannot officially challenge Russia’s right to maintain armed forces in the area unless these exceed the entitlement, which is for some 15 000 heavy ground weapons. Russia has gradually reduced its TLE in the region since the early 1990s and the quantity of military equipment there is relatively modest (some 2000 ground TLE). However, the Russian military entitlement in the region has not been accordingly modified and set under the adapted treaty. At the 1999 OSCE Istanbul summit meeting, Russia only pledged not to significantly increase its air and ground combat forces in the Kaliningrad *oblast*.

The past excessive concentration of forces in the *oblast* is no longer perceived as a military threat but as a troublesome cold war relic and a bargaining chip for Russia vis-à-vis its Baltic and NATO/EU partners. In the context of EU enlargement, Kaliningrad’s future economic, trade and customs status as well as transport and transit to and from the *oblast* on which a preliminary agreement was reached at the EU–Russia summit meeting of 11 November 2002⁴⁷) are of greater importance than its ageing military arsenal there. Nevertheless, although they have been greatly reduced, the Russian forces in the area remain a source of some concern for Poland and

⁴⁷ Joint Statement on transit between the Kaliningrad region and the rest of the Russian Federation, Brussels, 11 Nov. 2002, URL <http://europa.eu.int/comm/external_relations/russia/summit_11_02/js_kalin.htm>.

Lithuania and the other Baltic Sea states. The issue of accommodating the Kaliningrad TLE in a broader regional and Europe-wide conventional arms regime will be a key test of the cooperative security regime.

Similarly, the issue of the alleged presence of tactical nuclear weapons in the Kaliningrad *oblast*⁴⁸ could be resolved through an extension of NATO's December 1996 political commitment with regard to the non-deployment of nuclear weapons in the new member countries. This commitment could be reciprocally extended in order to include north-western Russia, probably in an indirect relation ('linkage') with the CFE-related arrangements.

A consistent and patient *quid pro quo* policy between NATO and Russia in the south-eastern part of the Baltic Sea rim, implying various political and military steps and gestures (e.g., the Baltic states' 'good behaviour' towards Russia and vice versa,⁴⁹ reductions of heavy equipment, CSBMs, transparency measures and closer military cooperation) may in the long term help to overcome lingering mistrust and fear regarding the Kaliningrad region.

⁴⁸ *Washington Times*, 3 Jan. 2001 and 15 Feb. 2001.

⁴⁹ The considerable improvement of Polish–Russian relations since Poland's accession to NATO is often mentioned. It is hoped that a similar scenario will characterize the entry of the Baltic states into NATO.

5. The non-aligned Nordic states and the adapted CFE Treaty

The accession of the Baltic states to the adapted CFE Treaty is bound to be carefully monitored by the non-aligned Nordic countries both because of the special political interest of Finland and Sweden in the Baltic states and because of a possible revision of their attitude to the adapted treaty. The neutral states developed their defence philosophy on different tenets from those of the parties to the CFE Treaty (e.g., territorial defence and mobilization and deployment plans based on secrecy and dispersed small weapon storage sites system). Joining an intrusive transparency regime such as the CFE Treaty was perceived as potentially exposing these states to considerable risks because of the uncertain relations of the 1990s (both in the former Soviet space and between Russia and the West). This is why in the early 1990s, when a harmonization of all arms control obligations and commitments (a de facto merging of the CFE, CFE-1A⁵⁰ and CSBM negotiations) was discussed, the neutral and non-aligned countries were reluctant to take more radical steps, preferring instead a further cautious elaboration of CSBMs, both under the Vienna CSBM Document and sub-regionally.⁵¹

The adaptation of the CFE Treaty was carried out in large measure with a view to accommodating NATO's enlargement. This also created problems for the military security policies of the non-applicant states, which rely on their own capabilities. In general, the neutral countries enjoyed the benefit of the existence of the adapted CFE Treaty as 'hard security recipients' while remaining hesitant, for various reasons, to make a major contribution as 'hard security providers'. The adapted treaty enhanced transparency, apparently raising the hurdle for these states to accede to the treaty if they should so desire.

The recent major changes in the political climate—mainly in Russia–NATO relations, new military challenges and the responses to them in Europe as well as the forthcoming accession by the Baltic states to NATO and the adapted treaty—have stimulated a review of Nordic security and defence policies and have helped to overcome scepticism. The Nordic states are now all willing to support the accession of the Baltic states to NATO

⁵⁰ The 1992 Concluding Act of the Negotiation on Personnel Strength of Conventional Armed Forces in Europe (CFE-1A Agreement), established limits on the manpower of conventional land-based armed forces within the ATTU area. URL <<http://www.osce.org/docs/english/1990-1999/cfe/cfe-1ae.htm>>. CFE-1A was implemented beginning on 17 July 1992.

⁵¹ Vienna CSBM Document (note 33). One example was the Finnish–Swedish initiative of Apr. 1998 to increase the number of voluntary inspections and evaluation visits among 10 states in the Baltic Sea region.

and the adapted treaty. The perspective of extending that regime beyond the former bloc-to-bloc structure has contributed to changing the views of the political and military elites in Finland and Sweden. This process is facilitated by the fact that Finland and Sweden have long stressed the value of conventional arms control for the limitation of military capabilities and the development of transparency and stability building in Europe, including their own vicinity.

Finland

The crucial actor is Finland, because of its geographical proximity to Russia. Although its official security and defence documents do not indicate an intention to change its non-allied status, Finland has not ruled out the option of joining the adapted CFE Treaty in future.⁵² The Finnish Government has expressed its approval of the limitations on forces in Russia's north-western flank area.⁵³ An important factor affecting Finnish security policy is the allegedly adverse impact of adapted treaty accession on the country's defence system and the considerable cost of carrying out changes to mobilization schemes. The cold-war era perceptions and logic of 'preparing for the worst' continue to guide Finland's determination not to sign the adapted CFE Treaty and the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction (APM Convention).⁵⁴ In this context the development of additional bilateral CSBMs may encourage Finland to join the CFE regime.⁵⁵

Finland is now reassessing its attitude towards NATO. Security and arms control issues are increasingly being discussed in the NATO–Russia Council, and this may also induce Finland to reconsider its security policy. A

⁵² As one Finnish expert argues, although the 2001 mid-term Security and Defence Policy Report did not call for changes in Finland's security policy, it contains an 'evolutionary clause' to the effect that the country is constantly reassessing its military non-alliance status and security cooperation in Europe. Finland supports the entry into force of the adapted CFE Treaty but remains concerned about the adverse impact of its verification mechanisms on the Finnish mobilization system. Tasanen, A., 'A Finnish perspective on the CFE Treaty', *Baltic Defence Review*, no. 7 (2002), pp. 185–89.

⁵³ Apart from the flank limitations, in recent years Russia has considerably reduced its military manpower and dismantled military facilities and installations in north-western Russia. *Krasnaya Zvezda*, 6 May 1999, p. 1, quoted in Lachowski (note 37), pp. 264–65.

⁵⁴ Pursiainen, C. and Sinikukka, S., *Et tu Brute! Finland's NATO Option and Russia*, UPI Report 1/2002 (Finnish Institute of International Affairs: Helsinki, 2002), p. 7. The APM Convention is summarized and the parties and signatories, as of 1 Jan. 2002, are listed in *SIPRI Yearbook 2002: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2002), pp. 782–83.

⁵⁵ In 2000 Russia and Finland agreed a CSBM arrangement which gives each country the right to an extra evaluation visit (for Russia, in the Leningrad MD). This arrangement is renewed automatically each calendar year. Bilateral military relations (visits, contacts, etc.) are also being developed. Finland recently reached an agreement with Russia on the exchange of naval visits as another bilateral CSBM.

change in its relationship with NATO would further facilitate reconsideration of its position on the adapted CFE Treaty.

Sweden

Sweden appears less constrained than Finland by the legacy of the cold war as regards conventional arms control. However, the Swedish Government is more cautious than Finland about its relationship with NATO. In coming years, because of increasingly convergent pressures for change in the Nordic non-aligned states and the concern of each not to get left behind, Sweden's policy might move closer to Finland's regarding the adapted CFE Treaty as well as the NATO question in general. Sweden has not officially announced a position on the adapted treaty, but the international security situation, the diminished threat of massive attack and internal budgetary constraints make it unreasonable in the long run for Sweden to maintain its 'go-it-alone' defence and security policy. Overcoming the long-standing domestic resistance to NATO and the rivalry between the political and the military elites will probably be a tortuous process. A serious review of its doctrine and security policy will be made easier for Sweden by external developments such as the admittance of the Baltic states to NATO and the adapted CFE Treaty, Finland's NATO policy, Russia's growing predictability and cooperation, the reductions and diminished importance of heavy armaments elsewhere in Europe, and so on.

There are signs that some change is under way in the Swedish political and military establishment, as exemplified *inter alia* by the military reform and modernization of the weapon storage system (less equipment at fewer sites), the change in the perception of outside threats and a moderation of the view of the adapted treaty as a bloc construct.⁵⁶

⁵⁶ Dalsjö, R., 'A Swedish perspective on the treaty on conventional forces in Europe', *Baltic Defence Review*, no. 7 (2002), pp. 171–84.

6. Conclusions

Once it had been adapted to the new security environment, conventional arms control in Europe seemed destined to fall victim to its own success. NATO enlargement beyond the confines of the original CFE area of application has given the adapted CFE Treaty a new lease of life. Despite the obstacles to the entry into force of the Agreement on Adaptation and a subsequent pan-European system of conventional arms control, the prospects for success are good. Today no one questions the need to control major armaments in Europe. Until recently Russia opposed crossing established politico-military boundaries. Now it demonstrates pragmatism in its foreign and security policy, particularly after the attacks of 11 September 2001, and the pace of the cooperative military security dialogue between Russia and its European partners has accelerated. Consequently, Russia is no longer inclined to hold arms control agreements, including the adapted treaty, hostage to what it perceives as acceptable political conduct by the West. However, it remains to be seen whether Russia has made a lasting commitment to European security or is acting expediently.

Arms control in Europe is no longer based on suspicion-driven bean counting, bloc-related balances and ideological hostility and has instead become a model for military capability, transparency and predictability. NATO enlargement is the prime engine of change, as a process gradually embracing a growing number of Central, East and South European actors. The accession of the Baltic states will be the first and most important step towards a pan-European arms control regime. If additional European states join the alliance this would lead to further regulation of their military status vis-à-vis the adapted CFE Treaty. The accession of the Nordic non-aligned states to the adapted treaty may also pave the road for other European neutral and non-aligned countries to join the regime.

The threat of a large military attack in Europe is gone, but there continues to be a need for more institutionalized stability and predictability on its periphery. The geographical extension of the adapted treaty is conducive to this goal. As NATO enlarges into the former Soviet space, a psychological threshold is also being crossed. Apart from Russia's reluctant acquiescence to this process, its distrust of the West (and vice versa, although to a lesser degree) will remain a stumbling block to the pursuit of an optimal pattern of security relations. Flank limits and special status zones along Russia's borders are likely to remain in place. It is to be hoped that progress towards the goal of cooperative security will be facilitated by mutual reassurance,

better partnership and rapprochement between Russia and other European countries as well as advanced politico-military cooperation.

Various factors may further weaken the rationale for maintaining large arsenals of heavy weapons and help to overcome existing security concerns. They include: enhanced dialogue within the NATO–Russia Council, new military capability trends (e.g., smaller, more flexible, rapidly deployable and interoperable forces), the development of the EU’s military capability for crisis-management tasks and Russia’s cooperation with the European Security and Defence Policy (ESDP) to address new risks and challenges. On the other hand, it may also result in new, mostly qualitative, rearmament (as a result of the Revolution in Military Affairs, RMA) and more aggressive acquisition of weaponry for rapid-reaction, crisis-management and other missions.

The normalization of military relations in Europe is not paralleled by similar steps in other regions of the world. At present the European model is unique and it will continue to be difficult for non-European regions to emulate it, especially as long as they remain entangled in rivalries and mutual mistrust or are divided by enmities and lack the political will to overcome them.

Appendix. The adapted CFE Treaty

Unofficial text

Note: The Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe, signed on 19 November 1999, introduces amendments to the 1990 Treaty on Conventional Armed Forces in Europe. This consolidated text prepared at SIPRI shows the amended CFE Treaty as adapted in accordance with the provisions of the Agreement on Adaptation; the protocols are not included. The reader is referred to the OSCE Internet site for the full original texts. For the 1990 CFE Treaty see URL <<http://www.osce.org/docs/english/1990-1999/cfe/cfetreat.htm>>, and for the 1999 Agreement on Adaptation see <<http://www.osce.org/docs/english/1990-1999/cfe/cfeagree.htm>>.

The preamble of the Agreement on Adaptation and its two concluding provisions, Articles 30 and 31, are reproduced here in italic text.

The Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus, the Kingdom of Belgium, the Republic of Bulgaria, Canada, the Czech Republic, the Kingdom of Denmark, the French Republic, Georgia, the Federal Republic of Germany, the Hellenic Republic, the Republic of Hungary, the Republic of Iceland, the Italian Republic, the Republic of Kazakhstan, the Grand Duchy of Luxembourg, the Republic of Moldova, the Kingdom of the Netherlands, the Kingdom of Norway, the Republic of Poland, the Portuguese Republic, Romania, the Russian Federation, the Slovak Republic, the Kingdom of Spain, the Republic of Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, hereinafter referred to as the States Parties,

Conscious of the fundamental changes that have occurred in Europe since the Treaty on Conventional Armed Forces in Europe was signed in Paris on 19 November 1990, hereinafter referred to as the Treaty,

Determined to sustain the key role of the Treaty as the cornerstone of European security,

Noting the fulfilment of the objective of the original Treaty of ensuring that the numbers of conventional armaments and equipment limited by the Treaty within the area of

application of the Treaty would not exceed 40,000 battle tanks, 60,000 armoured combat vehicles, 40,000 pieces of artillery, 13,600 combat aircraft and 4,000 attack helicopters,

Have agreed as follows:

The Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus, the Kingdom of Belgium, the Republic of Bulgaria, Canada, the Czech Republic, the Kingdom of Denmark, the French Republic, Georgia, the Federal Republic of Germany, the Hellenic Republic, the Republic of Hungary, the Republic of Iceland, the Italian Republic, the Republic of Kazakhstan, the Grand Duchy of Luxembourg, the Republic of Moldova, the Kingdom of the Netherlands, the Kingdom of Norway, the Republic of Poland, the Portuguese Republic, Romania, the Russian Federation, the Slovak Republic, the Kingdom of Spain, the Republic of Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, hereinafter referred to as the States Parties,

Guided by the Mandate for Negotiation on Conventional Armed Forces in Europe of 10 January 1989,

Guided by the objectives and the purposes of the Organization for (formerly

Conference on) Security and Co-operation in Europe, within the framework of which the negotiation of this Treaty was conducted in Vienna,

Recalling their obligation to refrain in their mutual relations, as well as in their international relations in general, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes and principles of the Charter of the United Nations,

Conscious of the need to prevent any military conflict in Europe,

Conscious of the common responsibility which they all have for seeking to achieve greater stability and security in Europe, and bearing in mind their right to be or not to be a party to treaties of alliance,

Striving to develop further and consolidate a new pattern of security relations among all the States Parties based on peaceful cooperation and thereby to contribute to establishing a common and indivisible security space in Europe,

Committed to the objectives of maintaining a secure, stable and balanced overall level of conventional armed forces in Europe lower than heretofore, of eliminating disparities prejudicial to stability and security and of eliminating the capability for launching surprise attack and for initiating large-scale offensive action in Europe,

Affirming that this Treaty is not intended to affect adversely the security interests of any State,

Having taken note of the Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe held in Istanbul from 17 to 19 November 1999, as well as of the statements made by certain States Parties concerning their political commitments referred to therein,

Affirming their commitment to continue the conventional arms control process including negotiations, taking into account the opening of the Treaty for accession by other participating States of the Organization for Security and Co-operation in Europe with territory in the geographic area between the Atlantic Ocean and the Ural

Mountains as well as future requirements for European stability and security in the light of political developments in Europe,

Have agreed as follows:

Article I

1. Each State Party shall carry out the obligations set forth in this Treaty in accordance with its provisions, including those obligations relating to the following five categories of conventional armed forces: battle tanks, armoured combat vehicles, artillery, combat aircraft and combat helicopters.

2. Each State Party shall also carry out the other measures set forth in this Treaty designed to ensure security and stability.

3. Conventional armaments and equipment of a State Party in the categories limited by the Treaty shall only be present on the territory of another State Party in conformity with international law, the explicit consent of the host State Party, or a relevant resolution of the United Nations Security Council. Explicit consent must be provided in advance, and must continue to be in effect as provided for in Article XIII, paragraph 1 *bis*.

4. This Treaty incorporates the Protocol on Existing Types of Conventional Armaments and Equipment, hereinafter referred to as the Protocol on Existing Types, with an Annex thereto; the Protocol on National Ceilings for Conventional Armaments and Equipment Limited by the Treaty on Conventional Armed Forces in Europe, hereinafter referred to as the Protocol on National Ceilings; the Protocol on Territorial Ceilings for Conventional Armaments and Equipment Limited by the Treaty on Conventional Armed Forces in Europe, hereinafter referred to as the Protocol on Territorial Ceilings; the Protocol on Procedures Governing the Reclassification of Specific Models or Versions of Combat-Capable Trainer Aircraft into Unarmed Trainer Aircraft, hereinafter referred to as the Protocol on Aircraft Reclassification; the Protocol on Procedures Governing the Reduction of Conventional Armaments and Equipment Limited by the Treaty on Conventional Armed Forces in Europe,

hereinafter referred to as the Protocol on Reduction; the Protocol on Procedures Governing the Categorisation of Combat Helicopters and the Recategorisation of Multi-purpose Attack Helicopters, hereinafter referred to as the Protocol on Helicopter Recategorisation; the Protocol on Notification and Exchange of Information, hereinafter referred to as the Protocol on Information Exchange, with an Annex on the Format for the Exchange of Information, hereinafter referred to as the Annex on Format; the Protocol on Inspection; and the Protocol on the Joint Consultative Group.

Each of these documents constitutes an integral part of this Treaty.

Article II

1. For the purposes of this Treaty:

(A) [deleted]

(B) The term 'area of application' means the entire land territory of the States Parties in Europe from the Atlantic Ocean to the Ural Mountains, which includes all the European island territories of the States Parties, including the Faroe Islands of the Kingdom of Denmark, Svalbard including Bear Island of the Kingdom of Norway, the islands of Azores and Madeira of the Portuguese Republic, the Canary Islands of the Kingdom of Spain and Franz Josef Land and Novaya Zemlya of the Russian Federation.

In the case of the Republic of Kazakhstan and the Russian Federation, the area of application includes all territory lying west of the Ural River and the Caspian Sea.

In the case of the Republic of Turkey, the area of application includes the territory of the Republic of Turkey north and west of a line extending from the point of intersection of the Turkish border with the 39th parallel to Muradiye, Patnos, Karayazi, Tekman, Kemaliye, Feke, Ceyhan, Dogankent, Gözne and thence to the sea.

(C) The term 'battle tank' means a self-propelled armoured fighting vehicle, capable of heavy firepower, primarily of a high muzzle velocity direct fire main gun necessary to engage armoured and other targets, with high cross-country mobility, with a high level of self-protection, and which is

not designed and equipped primarily to transport combat troops. Such armoured vehicles serve as the principal weapon system of ground-force tank and other armoured formations.

Battle tanks are tracked armoured fighting vehicles which weigh at least 16.5 metric tonnes unladen weight and which are armed with a 360-degree traverse gun of at least 75-millimetres calibre. In addition, any wheeled armoured fighting vehicles entering into service which meet all the other criteria stated above shall be deemed battle tanks.

(D) The term 'armoured combat vehicle' means a self-propelled vehicle with armoured protection and cross-country capability. Armoured combat vehicles include armoured personnel carriers, armoured infantry fighting vehicles and heavy armament combat vehicles.

The term 'armoured personnel carrier' means an armoured combat vehicle which is designed and equipped to transport a combat infantry squad and which, as a rule, is armed with an integral or organic weapon of less than 20-millimetres calibre.

The term 'armoured infantry fighting vehicle' means an armoured combat vehicle which is designed and equipped primarily to transport a combat infantry squad, which normally provides the capability for the troops to deliver fire from inside the vehicle under armoured protection, and which is armed with an integral or organic cannon of at least 20 millimetres calibre and sometimes an antitank missile launcher. Armoured infantry fighting vehicles serve as the principal weapon system of armoured infantry or mechanised infantry or motorised infantry formations and units of ground forces.

The term 'heavy armament combat vehicle' means an armoured combat vehicle with an integral or organic direct fire gun of at least 75 millimetres calibre, weighing at least 6.0 metric tonnes unladen weight, which does not fall within the definitions of an armoured personnel carrier, or an armoured infantry fighting vehicle or a battle tank.

(E) The term 'unladen weight' means the weight of a vehicle excluding the weight of

ammunition; fuel, oil and lubricants; removable reactive armour; spare parts, tools and accessories; removable snorkelling equipment; and crew and their personal kit.

(F) The term 'artillery' means large calibre systems capable of engaging ground targets by delivering primarily indirect fire. Such artillery systems provide the essential indirect fire support to combined arms formations.

Large calibre artillery systems are guns, howitzers, artillery pieces combining the characteristics of guns and howitzers, mortars and multiple launch rocket systems with a calibre of 100 millimetres and above. In addition, any future large calibre direct fire system which has a secondary effective indirect fire capability shall be counted against the artillery ceilings.

(G) [deleted]

(H) The term 'designated permanent storage site' means a place with a clearly defined physical boundary containing conventional armaments and equipment limited by the Treaty which are counted within national ceilings but which are not subject to limitations on conventional armaments and equipment limited by the Treaty in active units.

(I) The term 'armoured vehicle launched bridge' means a self-propelled armoured transporter-launcher vehicle capable of carrying and, through built-in mechanisms, of emplacing and retrieving a bridge structure. Such a vehicle with a bridge structure operates as an integrated system.

(J) The term 'conventional armaments and equipment limited by the Treaty' means battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters subject to the numerical limitations set forth in Articles IV, V, VII, the Protocol on National Ceilings and the Protocol on Territorial Ceilings.

(K) The term 'combat aircraft' means a fixed-wing or variable-geometry wing aircraft armed and equipped to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons, or other weapons of destruction, as well as any

model or version of such an aircraft which performs other military functions such as reconnaissance or electronic warfare. The term 'combat aircraft' does not include primary trainer aircraft.

(L) The term 'combat helicopter' means a rotary wing aircraft armed and equipped to engage targets or equipped to perform other military functions. The term 'combat helicopter' comprises attack helicopters and combat support helicopters. The term 'combat helicopter' does not include unarmed transport helicopters.

(M) The term 'attack helicopter' means a combat helicopter equipped to employ anti-armour, air-to-ground, or air-to-air guided weapons and equipped with an integrated fire control and aiming system for these weapons. The term 'attack helicopter' comprises specialised attack helicopters and multi-purpose attack helicopters.

(N) The term 'specialised attack helicopter' means an attack helicopter that is designed primarily to employ guided weapons.

(O) The term 'multi-purpose attack helicopter' means an attack helicopter designed to perform multiple military functions and equipped to employ guided weapons.

(P) The term 'combat support helicopter' means a combat helicopter which does not fulfill the requirements to qualify as an attack helicopter and which may be equipped with a variety of self-defence and area suppression weapons, such as guns, cannons and unguided rockets, bombs or cluster bombs, or which may be equipped to perform other military functions.

(Q) The term 'conventional armaments and equipment subject to the Treaty' means battle tanks, armoured combat vehicles, artillery, combat aircraft, primary trainer aircraft, unarmed trainer aircraft, combat helicopters, unarmed transport helicopters, armoured vehicle launched bridges, armoured personnel carrier look-alikes and armoured infantry fighting vehicle look-alikes subject to information exchange in accordance with the Protocol on Information Exchange.

(R) The term 'in service', as it applies to conventional armed forces and conventional

armaments and equipment, means battle tanks, armoured combat vehicles, artillery, combat aircraft, primary trainer aircraft, unarmed trainer aircraft, combat helicopters, unarmed transport helicopters, armoured vehicle launched bridges, armoured personnel carrier look-alikes and armoured infantry fighting vehicle look-alikes that are within the area of application, except for those that are held by organisations designed and structured to perform in peacetime internal security functions or that meet any of the exceptions set forth in Article III.

(S) The terms ‘armoured personnel carrier look-alike’ and ‘armoured infantry fighting vehicle look-alike’ mean an armoured vehicle based on the same chassis as, and externally similar to, an armoured personnel carrier or armoured infantry fighting vehicle, respectively, which does not have a cannon or gun of 20 millimetres calibre or greater and which has been constructed or modified in such a way as not to permit the transportation of a combat infantry squad. Taking into account the provisions of the Geneva Convention ‘For the Amelioration of the Conditions of the Wounded and Sick in Armed Forces in the Field’ of 12 August 1949 that confer a special status on ambulances, armoured personnel carrier ambulances shall not be deemed armoured combat vehicles or armoured personnel carrier look-alikes.

(T) The term ‘reduction site’ means a clearly designated location where the reduction of conventional armaments and equipment limited by the Treaty in accordance with Article VIII takes place.

(U) The term ‘reduction liability’ means the number in each category of conventional armaments and equipment limited by the Treaty that a State Party commits itself to reduce pursuant to the provisions of the Treaty, in order to ensure compliance with Article IV.

2. Existing types of conventional armaments and equipment subject to the Treaty are listed in the Protocol on Existing Types. The lists of existing types shall be periodically updated in accordance with Article XVI, paragraph 2, subparagraph (D) and Section IV of the Protocol on Existing

Types. Such updates to the existing types lists shall not be deemed amendments to this Treaty.

3. The existing types of combat helicopters listed in the Protocol on Existing Types shall be categorised in accordance with Section I of the Protocol on Helicopter Recategorisation.

Article III

1. For the purposes of this Treaty, the States Parties shall apply the following counting rules:

All battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters, as defined in Article II, within the area of application shall be subject to the numerical limitations and other provisions set forth in Articles IV, V, VII, the Protocol on National Ceilings and the Protocol on Territorial Ceilings, with the exception of those which in a manner consistent with a State Party’s normal practices:

(A) Are in the process of manufacture, including manufacturing-related testing;

(B) Are used exclusively for the purposes of research and development;

(C) Belong to historical collections;

(D) Are awaiting disposal, having been decommissioned from service in accordance with the provisions of Article IX;

(E) Are awaiting, or being refurbished for, export or re-export and are temporarily retained within the area of application. Such battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters shall be located elsewhere than at sites declared under the terms of Section V of the Protocol on Information Exchange or at no more than 10 such declared sites which shall have been notified in the previous year’s annual information exchange. In the latter case, they shall be separately distinguishable from conventional armaments and equipment limited by the Treaty;

(F) Are, in the case of armoured personnel carriers, armoured infantry fighting vehicles (AIFVs), heavy armament combat vehicles (HACVs) or multi-purpose attack helicopters, held by organisations designed

and structured to perform in peacetime internal security functions; or

(G) Are in transit through the area of application from a location outside the area of application to a final destination outside the area of application, and are in the area of application for no longer than a total of seven days.

2. If, in respect of any such battle tanks, armoured combat vehicles, artillery, combat aircraft or attack helicopters, the notification of which is required under Section IV of the Protocol on Information Exchange, a State Party notifies an unusually high number in more than two successive annual information exchanges, it shall explain the reasons in the Joint Consultative Group, if so requested.

Article IV

1. Within the area of application, each State Party shall limit and, as necessary, reduce its battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters so that the numbers do not exceed the national ceiling, the subceiling for active units and the subceiling for sub-categories established in accordance with this Article and the Protocol on National Ceilings for that State Party. The subceiling for active units shall establish the maximum number of battle tanks, armoured combat vehicles and pieces of artillery that a State Party may hold in active units within the area of application. The subceiling for active units shall be equal to the national ceiling unless otherwise specified by the Protocol on National Ceilings. Any battle tanks, armoured combat vehicles and pieces of artillery under a national ceiling in any category in excess of the corresponding subceiling for active units shall be located in designated permanent storage sites. The subceiling for sub-categories shall establish the maximum aggregate number of armoured infantry fighting vehicles and heavy armament combat vehicles and the maximum number of heavy armament combat vehicles that a State Party may hold

within the area of application in the category of armoured combat vehicles.

2. Within the area of application all conventional armaments and equipment in the categories limited by the Treaty: shall be accounted for and controlled by a State Party; shall, in accordance with the provisions in Article III, be counted against the national ceiling of a State Party; shall in the area of application be transferred only to other States Parties as provided for in this Treaty; and shall be subject to the provisions of the Protocol on Information Exchange. In the case that a State Party is unable to exercise its authority in this respect, any State Party can raise the matter in accordance with the provisions in Article XVI and Article XXI with a view to addressing the situation and ensuring full observance of Treaty provisions with respect to such conventional armaments and equipment in the categories limited by the Treaty. The inability of a State Party to exercise its authority in respect of the above mentioned conventional armaments and equipment in the categories limited by the Treaty shall not in itself release a State Party from any Treaty obligations.

3. Each State Party shall have the right to change its national ceiling, its subceiling for active units and its subceiling for sub-categories as follows:

(A) Each State Party shall have the right, in accordance with paragraphs 4 and 6 of this Article, to increase its national ceiling, its subceiling for active units and its subceiling for sub-categories in any category or sub-category of conventional armaments and equipment limited by the Treaty. Any such increase shall be preceded or accompanied by a corresponding decrease in the national ceiling, the subceiling for active units or the subceiling for sub-categories of one or more other States Parties in the same category or sub-category, except as provided for in paragraph 6 of this Article. The State Party or States Parties undertaking the corresponding decrease in their national ceiling, subceiling for active units or subceiling for sub-categories shall notify all States Parties of their consent to the corresponding increase in the national ceiling,

subceiling for active units or subceiling for sub-categories of another State Party. No national ceiling for a State Party with territory in the area of application shall exceed that State Party's territorial ceiling in the same category of conventional armaments and equipment limited by the Treaty.

(B) Each State Party shall have the right to decrease unilaterally its national ceiling, subceiling for active units or subceiling for subcategories in any category or subcategory of conventional armaments and equipment limited by the Treaty. A unilateral decrease in the national ceiling, subceiling for active units or subceiling for sub-categories of a State Party shall by itself confer no right on any other State Party to increase its national ceiling, subceiling for active units or subceiling for sub-categories.

4. Within each five-year period between conferences of States Parties held in accordance with Article XXI, paragraph 1, each State Party shall have the right to increase its national ceiling or subceiling for active units:

(A) In the categories of battle tanks, armoured combat vehicles and artillery by no more than 40 battle tanks, 60 armoured combat vehicles and 20 pieces of artillery or 20 percent of the national ceiling established for that State Party in the Protocol on National Ceilings for battle tanks, armoured combat vehicles and artillery, whichever is greater, but in no case exceeding 150 battle tanks, 250 armoured combat vehicles and 100 pieces of artillery;

(B) In the categories of combat aircraft and attack helicopters by no more than 30 combat aircraft and 25 attack helicopters.

Each State Party shall have the right to increase its national ceiling or subceiling for active units in excess of the levels set forth in paragraph 4, subparagraphs (A) and (B) above, subject to the consent of all other States Parties.

5. A State Party intending to change its national ceiling, subceiling for active units or subceiling for sub-categories shall provide notification to all other States Parties at least 90 days in advance of the date, specified in the notification, on which such a change is to take effect. For increases sub-

ject to the consent of all other States Parties, the change shall take effect on the date specified in the notification provided that no State Party, within 60 days of the notification, objects to the change and notifies its objection to all other States Parties. A national ceiling, a subceiling for active units or a subceiling for sub-categories shall remain in effect until a change to that ceiling or subceiling takes effect.

6. In addition to the provisions of paragraph 4, any State Party with a subceiling for active units lower than its national ceiling in the categories of battle tanks, armoured combat vehicles and artillery shall have the right to increase that subceiling, provided that:

(A) The increase in the subceiling for active units is accompanied by a decrease in its national ceiling in the same category of conventional armaments and equipment limited by the Treaty;

(B) For each battle tank, armoured combat vehicle or piece of artillery by which a State Party increases its subceiling for active units, that State Party will decrease its national ceiling by four in the same category of conventional armaments and equipment limited by the Treaty;

(C) The resultant subceiling for active units does not exceed the new national ceiling achieved through the decrease mandated by subparagraph (B) above.

Article V

1. Within the area of application, as defined in Article II, each State Party shall limit the total number of its battle tanks, armoured combat vehicles and artillery on its territory and of battle tanks, armoured combat vehicles and artillery of other States Parties that it permits to be present on its territory and each State Party shall limit its battle tanks, armoured combat vehicles and pieces of artillery present on the territory of other States Parties so that the overall numbers do not exceed the territorial ceilings and the territorial subceilings established in accordance with this Article and the

Protocol on Territorial Ceilings, except as otherwise provided for in Article VII.

2. Battle tanks, armoured combat vehicles and artillery present on the territory of a State Party for an operation in support of peace conducted under and consistent with a resolution or a decision of the United Nations Security Council or the Organization for Security and Co-operation in Europe shall be exempt from that State Party's territorial ceiling or territorial subceiling. The duration of the presence of these battle tanks, armoured combat vehicles and artillery on the territory of a State Party shall be consistent with such a resolution or decision.

Battle tanks, armoured combat vehicles and artillery present on the territory of a State Party for an operation in support of peace pursuant to this paragraph shall be subject to notification in accordance with the Protocol on Information Exchange.

3. Battle tanks, armoured combat vehicles and artillery in transit shall be exempt from the territorial ceilings of transited States Parties and from territorial subceilings without prejudice to the exemption from counting rules under Article III, paragraph 1, subparagraph (G), provided that:

(A) Battle tanks, armoured combat vehicles and artillery in transit to a location within the area of application do not cause the territorial ceiling of the State Party of final destination to be exceeded, except as otherwise provided for in Article VII. For battle tanks, armoured combat vehicles and artillery in transit to a location outside the area of application there shall be no numerical limit;

(B) Battle tanks, armoured combat vehicles and artillery in transit do not remain on the territory of the transited States Parties in the area of application longer than a total of 42 days; and

(C) Battle tanks, armoured combat vehicles and artillery in transit do not remain on the territory of any single transited State Party, or on a territory with a territorial subceiling, in the area of application longer than 21 days.

Battle tanks, armoured combat vehicles and artillery in transit under this paragraph

shall be subject to notification in accordance with Section XII of the Protocol on Information Exchange. Any State Party may request clarification in the Joint Consultative Group with regard to a notified transit. The States Parties involved shall respond within seven days of the request.

4. Each State Party shall have the right to change its territorial ceiling or territorial subceiling as follows:

(A) Each State Party shall have the right, in accordance with paragraph 5 of this Article, to increase its territorial ceiling or territorial subceiling for battle tanks, armoured combat vehicles and artillery in any category. Any such increase shall be preceded or accompanied by a corresponding decrease in the same category in the territorial ceiling or territorial subceiling of one or more other States Parties, subject to the provisions of the Protocol on Territorial Ceilings regarding relevant territorial ceilings and territorial subceilings. The State Party or States Parties undertaking the corresponding decrease in their territorial ceiling or territorial subceiling shall notify all States Parties of their consent to the corresponding increase in the territorial ceiling or territorial subceiling of another State Party.

(B) Each State Party shall have the right to decrease unilaterally its territorial ceiling or territorial subceiling for battle tanks, armoured combat vehicles and artillery in any category; however, no territorial ceiling in any category shall be at any time lower than the corresponding national ceiling. A unilateral decrease in the territorial ceiling or territorial subceiling of a State Party shall by itself confer no right on any other State Party to increase its territorial ceiling or territorial subceiling. Any decrease in a national ceiling under the provisions of Article IV, paragraph 6, shall result in a decrease of the corresponding territorial ceiling by an amount equal to the decrease in the national ceiling.

5. Subject to the provisions above, within each five-year period between conferences of States Parties held in accordance with Article XXI, paragraph 1, each State Party shall have the right to increase its territorial ceiling or territorial subceiling by no more

than 40 battle tanks, 60 armoured combat vehicles and 20 pieces of artillery or 20 per cent of the territorial ceiling or territorial subceiling established for that State Party in the Protocol on Territorial Ceilings for battle tanks, armoured combat vehicles and artillery, whichever is greater, but in no case exceeding 150 battle tanks, 250 armoured combat vehicles and 100 pieces of artillery.

Each State Party shall have the right to increase its territorial ceiling or territorial subceiling in excess of the levels set forth in this paragraph, subject to the consent of all other States Parties.

6. A State Party intending to change its territorial ceiling or territorial subceiling in any category shall provide notification to all other States Parties at least 90 days in advance of the date, specified in the notification, on which such a change is to take effect. For increases subject to the consent of all other States Parties, the change shall take effect on the date specified in the notification provided that no State Party, within 60 days of the notification, objects to the change and notifies its objection to all other States Parties. A territorial ceiling or a territorial subceiling shall remain in effect until a change to that ceiling or subceiling takes effect.

Article VI [deleted]

Article VII

1. Each State Party shall have the right to exceed on a temporary basis, for military exercises and temporary deployments, the territorial ceilings and territorial subceilings established in the Protocol on Territorial Ceilings, subject to the provisions of this Article.

(A) Military exercises:

(1) Each State Party shall have the right to host on its territory military exercises which cause its territorial ceiling to be exceeded, and, for States Parties with a territorial subceiling, to conduct or host exercises which cause its territorial subceiling to be exceeded in accordance with the Protocol on Territorial Ceilings;

(2) The number of battle tanks, armoured combat vehicles and pieces of artillery present on the territory of a State Party in excess of its territorial ceiling or territorial subceiling for a military exercise, alone or in combination with any other military exercise or any temporary deployment on that territory, shall not exceed the number of battle tanks, armoured combat vehicles and pieces of artillery specified for each State Party in subparagraph (B), sub-subparagraph (1), of this paragraph and in the Protocol on Territorial Ceilings;

(3) A military exercise or successive military exercises notified in accordance with the Protocol on Information Exchange, that result in a territorial ceiling or a territorial subceiling being exceeded for more than 42 days shall thereafter be considered a temporary deployment as long as the territorial ceiling or territorial subceiling continues to be exceeded.

(B) Temporary deployments:

(1) Each State Party shall have the right to host on its territory temporary deployments in excess of its territorial ceiling, and, for States Parties with a territorial subceiling, to conduct or host temporary deployments in excess of their territorial subceiling. For this purpose, territorial ceilings and territorial subceilings may be exceeded, on a temporary basis, by no more than 153 battle tanks, 241 armoured combat vehicles and 140 pieces of artillery, unless otherwise set forth in the relevant provisions of the Protocol on Territorial Ceilings. In exceptional circumstances and unless otherwise set forth in the relevant provisions of the Protocol on Territorial Ceilings, a territorial ceiling may be exceeded, on a temporary basis, by no more than 459 battle tanks, 723 armoured combat vehicles and 420 pieces of artillery.

(2) Upon notification of a temporary deployment exceeding a territorial ceiling by more than 153 battle tanks, 241 armoured combat vehicles, and 140 pieces of artillery, the Depositary shall convene a conference of the States Parties in accordance with Article XXI, paragraph 1 *bis*.

2. Should a military exercise, in conjunction with a temporary deployment taking place simultaneously on the territory of the

same State Party, cause the territorial ceiling to be exceeded by more than 153 battle tanks, 241 armoured combat vehicles or 140 pieces of artillery, any State Party shall have the right to request the Depositary to convene a conference of the States Parties in accordance with Article XXI, paragraph 1 *bis*.

For exercises and temporary deployments pursuant to paragraph 1, subparagraphs (A) and (B), of this Article, an explanatory report shall be provided to the Joint Consultative Group by the States Parties involved. In the case of temporary deployments, the report shall be submitted as soon as possible and in any case no later than the notification foreseen in Section XVIII, paragraph 4, subparagraph (A), sub-subparagraph (2), and subparagraph (B), sub-subparagraph (2), of the Protocol on Information Exchange. Subsequent updates shall be provided every two months until the territorial ceiling or the territorial subceiling is no longer exceeded.

Article VIII

1. Any battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters in excess of the numerical limitations set forth in Article IV and in the Protocol on National Ceilings shall be eliminated only by means of reduction in accordance with the Protocol on Reduction, the Protocol on Helicopter Recategorisation, the Protocol on Aircraft Reclassification, the footnote to Section I, paragraph 2, subparagraph (A), of the Protocol on Existing Types and the Protocol on Inspection. In the case of accession, any reductions by the acceding State as well as the time limit within which they shall be carried out shall be specified in accordance with the provisions of the Agreement on Accession.

2. The categories of conventional armaments and equipment subject to reductions are battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters. The specific types are listed in the Protocol on Existing Types.

(A) Battle tanks and armoured combat vehicles shall be reduced by destruction, conversion for non-military purposes, placement on static display, use as ground targets, or, in the case of armoured personnel carriers, modification in accordance with the footnote to Section 1, paragraph 2, subparagraph (A), of the Protocol on Existing Types.

(B) Artillery shall be reduced by destruction or placement on static display, or, in the case of self-propelled artillery, by use as ground targets.

(C) Combat aircraft shall be reduced by destruction, placement on static display, use for ground instructional purposes, or, in the case of specific models or versions of combat-capable trainer aircraft, reclassification into unarmed trainer aircraft.

(D) Specialised attack helicopters shall be reduced by destruction, placement on static display, or use for ground instructional purposes.

(E) Multi-purpose attack helicopters shall be reduced by destruction, placement on static display, use for ground instructional purposes, or recategorisation.

3. Conventional armaments and equipment limited by the Treaty shall be deemed to be reduced upon execution of the procedures set forth in the Protocols listed in paragraph 1 of this Article and upon notification as required by these Protocols. Armaments and equipment so reduced shall no longer be counted against the numerical limitations set forth in Articles IV, V, the Protocol on National Ceilings and the Protocol on Territorial Ceilings.

4. Reduction of conventional armaments and equipment limited by the Treaty shall be carried out at reduction sites, unless otherwise specified in the Protocols listed in paragraph 1 of this Article, within the area of application. Each State Party shall have the right to designate as many reduction sites as it wishes, to revise without restriction its designation of such sites and to carry out reduction and final conversion simultaneously at a maximum of 20 sites. States Parties shall have the right to share or

co-locate reduction sites by mutual agreement.

5. Any reductions, including the results of the conversion of conventional armaments and equipment limited by the Treaty for non-military purposes, shall be subject to inspection, without right of refusal, in accordance with the Protocol on Inspection.

Article IX

1. In the case of removal from service by decommissioning of battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters, within the area of application:

(A) Such conventional armaments and equipment limited by the Treaty shall be decommissioned and awaiting disposal at no more than eight sites which shall be notified as declared sites in accordance with the Protocol on Information Exchange and shall be identified in such notifications as holding areas for decommissioned conventional armaments and equipment limited by the Treaty. If sites containing conventional armaments and equipment limited by the Treaty decommissioned from service also contain any other conventional armaments and equipment subject to the Treaty, the decommissioned conventional armaments and equipment limited by the Treaty shall be separately distinguishable; and

(B) The numbers of such decommissioned conventional armaments and equipment limited by the Treaty shall not exceed, in the case of any individual State Party, one percent of its notified holdings of conventional armaments and equipment limited by the Treaty, or a total of 250, whichever is greater, of which no more than 200 shall be battle tanks, armoured combat vehicles and pieces of artillery, and no more than 50 shall be attack helicopters and combat aircraft.

2. Notification of decommissioning shall include the number and type of conventional armaments and equipment limited by the Treaty decommissioned and the location of decommissioning and shall be provided to all other States Parties in accordance with Section X, paragraph 1, subparagraph (B), of the Protocol on Information Exchange.

Article X

1. Designated permanent storage sites shall be notified in accordance with the Protocol on Information Exchange to all other States Parties by the State Party to which the conventional armaments and equipment limited by the Treaty contained at designated permanent storage sites belong. The notification shall include the designation and location, including geographic coordinates, of designated permanent storage sites and the numbers by type of each category of its conventional armaments and equipment limited by the Treaty at each such storage site.

2. Designated permanent storage sites shall contain only facilities appropriate for the storage and maintenance of armaments and equipment (e.g., warehouses, garages, workshops and associated stores as well as other support accommodation). Designated permanent storage sites shall not contain firing ranges or training areas associated with conventional armaments and equipment limited by the Treaty. Designated permanent storage sites shall contain only armaments and equipment belonging to the conventional armed forces of a State Party.

3. Each designated permanent storage site shall have a clearly defined physical boundary that shall consist of a continuous perimeter fence at least 1.5 metres in height. The perimeter fence shall have no more than three gates providing the sole means of entrance and exit for armaments and equipment.

4. Conventional armaments and equipment limited by the Treaty located within designated permanent storage sites shall be counted as conventional armaments and equipment limited by the Treaty not in active units, including when they are temporarily removed in accordance with paragraphs 7, 8 and 10 of this Article.

Conventional armaments and equipment limited by the Treaty in storage other than in designated permanent storage sites shall be counted as conventional armaments and equipment limited by the Treaty in active units.

5. Active units or formations shall not be located within designated permanent storage sites, except as provided for in paragraph 6 of this Article.

6. Only personnel associated with the security or operation of designated permanent storage sites, or the maintenance of the armaments and equipment stored therein, shall be located within the designated permanent storage sites.

7. For the purpose of maintenance, repair or modification of conventional armaments and equipment limited by the Treaty located within designated permanent storage sites, each State Party shall have the right, without prior notification, to remove from and retain outside designated permanent storage sites simultaneously up to 10 percent, rounded up to the nearest even whole number, of the notified holdings of each category of conventional armaments and equipment limited by the Treaty in each designated permanent storage site, or 10 items of the conventional armaments and equipment limited by the Treaty in each category in each designated permanent storage site, whichever is less.

8. Except as provided for in paragraph 7 of this Article, no State Party shall remove conventional armaments and equipment limited by the Treaty from designated permanent storage sites unless notification has been provided to all other States Parties at least 42 days in advance of such removal. Notification shall be given by the State Party to which the conventional armaments and equipment limited by the Treaty belong. Such notification shall specify:

(A) the location of the designated permanent storage site from which conventional armaments and equipment limited by the Treaty are to be removed and the numbers by type of conventional armaments and equipment limited by the Treaty of each category to be removed;

(B) the dates of removal and return of conventional armaments and equipment limited by the Treaty; and

(C) the intended location and use of conventional armaments and equipment limited by the Treaty while outside the designated permanent storage site.

9. [deleted]

10. Conventional armaments and equipment limited by the Treaty removed from designated permanent storage sites pursuant to paragraph 8 of this Article shall be returned to designated permanent storage sites no later than 42 days after their removal, except for those items of conventional armaments and equipment limited by the Treaty removed for industrial rebuild.

Such items shall be returned to designated permanent storage sites immediately on completion of the rebuild.

11. Each State Party shall have the right to replace conventional armaments and equipment limited by the Treaty located in designated permanent storage sites. Each State Party shall notify all other States Parties, at the beginning of replacement, of the number, location, type and disposition of conventional armaments and equipment limited by the Treaty being replaced.

Article XI [deleted]

Article XII

1. Armoured infantry fighting vehicles held by organisations of a State Party designed and structured to perform in peacetime internal security functions are not limited by this Treaty.

2. The foregoing notwithstanding, in order to enhance the implementation of this Treaty and to provide assurance that the number of such armaments held by such organisations of a State Party shall not be used to circumvent the provisions of this Treaty, any such armaments in excess of the levels set forth in subparagraphs (A), (B) or (C) of this paragraph, whichever is greater, shall constitute a portion of the permitted levels in the category of armoured combat vehicles, as established in Articles IV and V and in the Protocol on National Ceilings and the Protocol on Territorial Ceilings, and changed in accordance with Articles IV and V:

(A) Holdings of armoured infantry fighting vehicles held, within the area of application, by organisations designed and structured to perform in peacetime internal secur-

ity functions, present on the territory of the State Party as notified pursuant to the information exchange effective as of 19 November 1990; or

(B) Five percent of the national ceiling established for the State Party in the Protocol on National Ceilings in the category of armoured combat vehicles, as changed in accordance with Article IV; or

(C) 100 such armoured infantry fighting vehicles.

In the case of acceding States, the numbers shall be established in the Agreement on Accession.

3. Each State Party shall further ensure that organisations designed and structured to perform in peacetime internal security functions refrain from the acquisition of combat capabilities in excess of those necessary for meeting internal security requirements.

4. A State Party that intends to reassign battle tanks, artillery, armoured infantry fighting vehicles, combat aircraft and attack helicopters in service with its conventional armed forces to any organisation of that State Party not a part of its conventional armed forces shall notify all other States Parties no later than the date such reassignment takes effect.

Such notification shall specify the effective date of the reassignment, the date such equipment is physically transferred, as well as the numbers, by type, of the conventional armaments and equipment limited by the Treaty being reassigned.

Article XIII

1. For the purpose of ensuring verification of compliance with the provisions of this Treaty, each State Party shall provide notifications and exchange information pertaining to its conventional armaments and equipment and to the conventional armaments and equipment of other States Parties that it permits to be present on its territory, in accordance with the Protocol on Information Exchange.

1. *bis* The presence of conventional armaments and equipment of a State Party on the territory of another State Party as set forth in Article V, paragraph 1, for transit as set

forth in Article V, paragraph 3, for military exercises as set forth in Article VII, paragraph 1, subparagraph (A), and for temporary deployment as set forth in Article VII, paragraph 1, subparagraph (B), shall be in accordance with Article I, paragraph 3. Consent of the host State Party shall be reflected through the appropriate notifications in accordance with the Protocol on Information Exchange.

2. Such notifications and exchange of information shall be provided in accordance with Article XVII.

3. Each State Party shall be responsible for its own information; receipt of such information and of notifications shall not imply validation or acceptance of the information provided.

Article XIV

1. For the purpose of ensuring verification of compliance with the provisions of this Treaty, each State Party shall have the right to conduct, and the obligation to accept, within the area of application, inspections in accordance with the provisions of the Protocol on Inspection.

2. The purpose of such inspections shall be:

(A) To verify, on the basis of the information provided pursuant to the Protocol on Information Exchange, the compliance of States Parties with the numerical limitations set forth in Articles IV, V, VII, the Protocol on National Ceilings and the Protocol on Territorial Ceilings;

(B) To monitor any reductions of battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters carried out at reduction sites in accordance with Article VIII and the Protocol on Reduction;

(C) To monitor the certification of recategorised multi-purpose attack helicopters and reclassified combat-capable trainer aircraft carried out in accordance with the Protocol on Helicopter Recategorisation and the Protocol on Aircraft Reclassification, respectively.

3. No State Party shall exercise the rights set forth in paragraphs 1 and 2 of this

Article in order to elude the objectives of the verification regime.

4. In the case of an inspection conducted jointly by more than one State Party, one of them shall be responsible for the execution of the provisions of this Treaty.

5. The number of inspections pursuant to Sections VII and VIII of the Protocol on Inspection which each State Party shall have the right to conduct and the obligation to accept during each specified time period shall be determined in accordance with the provisions of Section II of that Protocol.

6. The number of inspections, pursuant to Section IX of the Protocol on Inspection, that each State Party shall have the right to conduct and the State Party whose territorial ceiling or territorial subceiling is temporarily exceeded shall have the obligation to accept shall be determined in accordance with the provisions of that Section.

7. Each State Party which carries out disposal of conventional armaments and equipment limited by the Treaty in excess of reduction liabilities shall provide for confirmation of the results of the disposal either by inviting an observation team or through the use of cooperative measures, in accordance with the provisions of Section XII of the Protocol on Inspection.

Article XV

1. For the purpose of ensuring verification of compliance with the provisions of this Treaty, a State Party shall have the right to use, in addition to the procedures referred to in Article XIV, national or multinational technical means of verification at its disposal in a manner consistent with generally recognised principles of international law.

2. A State Party shall not interfere with national or multinational technical means of verification of another State Party operating in accordance with paragraph 1 of this Article.

3. A State Party shall not use concealment measures that impede verification of compliance with the provisions of this Treaty by national or multinational technical means of verification of another State Party operating

in accordance with paragraph 1 of this Article. This obligation does not apply to cover or concealment practices associated with normal personnel training, maintenance or operations involving conventional armaments and equipment limited by the Treaty.

Article XVI

1. To promote the objectives and implementation of the provisions of this Treaty, the States Parties hereby establish a Joint Consultative Group.

2. Within the framework of the Joint Consultative Group, the States Parties shall:

(A) Address questions relating to compliance with or possible circumvention of the provisions of this Treaty;

(B) Seek to resolve ambiguities and differences of interpretation that may become apparent in the way this Treaty is implemented;

(C) Consider and, if possible, agree on measures to enhance the viability and effectiveness of this Treaty;

(D) Address, upon the request of any State Party, questions concerning the intention of any State Party to revise its national ceiling upwards under Article IV, paragraph 4, or its territorial ceiling under Article V, paragraph 5;

(E) Receive and consider the explanatory report, and any subsequent updates, provided in accordance with Article VII, paragraph 2;

(F) Update the lists contained in the Protocol on Existing Types, as required by Article II, paragraph 2;

(G) Consider measures of cooperation to enhance the verification regime of the Treaty, including through the appropriate utilisation of results of aerial inspections;

(H) Resolve technical questions in order to seek common practices among the States Parties in the way this Treaty is implemented;

(I) Work out or revise, as necessary, rules of procedure, working methods, the scale of distribution of expenses of the Joint Consultative Group and of conferences convened under this Treaty and the distribution

of costs of inspections between or among States Parties;

(J) Consider and work out appropriate measures to ensure that information obtained through exchanges of information among the States Parties or as a result of inspections pursuant to this Treaty is used solely for the purposes of this Treaty, taking into account the particular requirements of each State Party in respect of safeguarding information which that State Party specifies as being sensitive;

(K) Consider, upon the request of any State Party, any matter that a State Party wishes to propose for examination by any conference to be convened in accordance with Article XXI; such consideration shall not prejudice the right of any State Party to resort to the procedures set forth in Article XXI;

(L) Consider any request to accede to this Treaty, pursuant to Article XVIII, by acting as the body through which the States Parties may establish, and recommend approval of, the terms under which a requesting State accedes to the Treaty;

(M) Conduct any future negotiations, if the States Parties so decide; and

(N) Consider matters of dispute arising out of the implementation of this Treaty.

3. Each State Party shall have the right to raise before the Joint Consultative Group, and have placed on its agenda, any issue relating to this Treaty.

4. The Joint Consultative Group shall take decisions or make recommendations by consensus. Consensus shall be understood to mean the absence of any objection by any representative of a State Party to the taking of a decision or the making of a recommendation.

5. The Joint Consultative Group may propose amendments to this Treaty for consideration and confirmation in accordance with Article XX. The Joint Consultative Group may also agree on improvements to the viability and effectiveness of this Treaty, consistent with its provisions. Unless such improvements relate only to minor matters of an administrative or technical nature, they shall be subject to consideration and con-

firmation in accordance with Article XX before they can take effect.

6. Nothing in this Article shall be deemed to prohibit or restrict any State Party from requesting information from or undertaking consultations with other States Parties on matters relating to this Treaty and its implementation in channels or fora other than the Joint Consultative Group.

7. The Joint Consultative Group shall follow the procedures set forth in the Protocol on the Joint Consultative Group.

Article XVII

The States Parties shall transmit information and notifications required by this Treaty in written form.

They shall use diplomatic channels or other official channels designated by them, including and in particular, the OSCE Communications Network.

Article XVIII

1. Any participating State of the Organization for Security and Co-operation in Europe whose land territory lies in Europe within the geographic area between the Atlantic Ocean and the Ural Mountains may submit to the Depositary a written request to accede to this Treaty.

2. The requesting State shall include in its request the following information:

(A) The designation of its existing types of conventional armaments and equipment;

(B) Its proposed national and territorial ceilings and the related subceilings for each category of armaments and equipment limited by the Treaty; and

(C) Any other information deemed relevant by the requesting State.

3. The Depositary shall notify all States Parties of the request and of the information provided by the requesting State.

4. The requesting State may modify or supplement this information. Any State Party may request additional information.

5. States Parties shall, beginning no later than 21 days after the notification pursuant to paragraph 3 of this Article, hold meetings of the Joint Consultative Group at which the States Parties shall address the request, con-

duct negotiations and establish the terms for accession. The requesting State may be invited to attend meetings of the Joint Consultative Group if the States Parties so decide.

6. Each request shall be considered individually by the States Parties in an expeditious manner. Any decision shall be taken by consensus.

7. The agreed terms for accession shall be enshrined in an Agreement on Accession between the States Parties and the requesting State, which shall be circulated to all States Parties and the requesting State by the Depositary and deposited in the archives of the Depositary.

8. Upon the receipt of confirmation of approval of the Agreement on Accession by all States Parties, the Depositary shall so inform all States Parties and the requesting State. The requesting State may then, subject to ratification in accordance with its constitutional procedures, submit an instrument of accession to the Treaty that shall acknowledge the terms and conditions of the Agreement on Accession.

9. This Treaty shall enter into force for the requesting State 10 days after the deposit of its instrument of accession to the Treaty with the Depositary, at which time the requesting State shall become a State Party to the Treaty.

Article XIX

1. This Treaty shall be of unlimited duration. It may be supplemented by a further treaty.

2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardised its supreme interests. A State Party intending to withdraw shall give notice of its decision to do so to the Depositary and to all other States Parties. Such notice shall be given at least 150 days prior to the intended withdrawal from this Treaty. It shall include a statement of the extraordinary events the State Party regards as having jeopardised its supreme interests.

3. Each State Party shall, in particular, in exercising its national sovereignty, have the right to withdraw from this Treaty if another State Party increases its holdings in battle tanks, armoured combat vehicles, artillery, combat aircraft or attack helicopters, as defined in Article II, which are outside the scope of the limitations of this Treaty, in such proportions as to pose an obvious threat to the balance of forces within the area of application.

Article XX

1. Any State Party may propose amendments to this Treaty. The text of a proposed amendment shall be submitted to the Depositary, which shall circulate it to all the States Parties.

2. If an amendment is approved by all States Parties, it shall enter into force in accordance with the procedures set forth in Article XXII governing the entry into force of this Treaty.

Article XXI

1. Forty-six months after entry into force of this Treaty, and at five-year intervals thereafter, the Depositary shall convene a conference of the States Parties to conduct a review of the operation of this Treaty, to include, *inter alia*, a review of the operation and the levels of national ceilings, territorial ceilings and territorial subceilings, and related commitments, together with other Treaty elements, taking into account the need to ensure that the security of no State Party is diminished.

1. *bis* Upon notification of a temporary deployment exceeding a territorial ceiling by more than 153 battle tanks, 241 armoured combat vehicles or 140 pieces of artillery, or upon request by a State Party pursuant to Article VII, paragraph 2, the Depositary shall convene a conference of the States Parties at which the hosting and deploying States Parties shall explain the nature of the circumstances which have given rise to the temporary deployment. The conference shall be convened without delay but no later than seven days after the notification and shall

continue for up to 48 hours unless otherwise agreed by all States Parties. The Chairman of the Joint Consultative Group shall inform the Permanent Council and the Forum for Security Co-operation of the Organization for Security and Co-operation in Europe of the situation.

2. The Depositary shall convene an extraordinary conference of the States Parties if requested to do so by any State Party which considers that exceptional circumstances relating to this Treaty have arisen. In order to enable the other States Parties to prepare for this conference, the request shall include the reason why that State Party deems an extraordinary conference to be necessary. The conference shall consider the circumstances set forth in the request and their effect on the operation of this Treaty. The conference shall open no later than 15 days after receipt of the request and, unless it decides otherwise, shall last no longer than three weeks.

3. The Depositary shall convene a conference of the States Parties to consider an amendment proposed pursuant to Article XX, if requested to do so by three or more States Parties. Such a conference shall open no later than 21 days after receipt of the necessary requests.

4. In the event that a State Party gives notice of its decision to withdraw from this Treaty pursuant to Article XIX, the Depositary shall convene a conference of the States Parties which shall open no later than 21 days after receipt of the notice of withdrawal in order to consider questions relating to the withdrawal from this Treaty.

Article XXII

1. This Treaty shall be subject to ratification by each State Party in accordance with its constitutional procedures; it shall be open for accession by States pursuant to Article XVIII. Instruments of ratification and, in the case of accession, instruments of accession shall be deposited with the Government of the Kingdom of the Netherlands, hereby designated the Depositary.

2. This Treaty shall enter into force 10 days after instruments of ratification have been deposited by all States Parties listed in the Preamble.

3. The Depositary shall promptly inform all States Parties of:

(A) The deposit of each instrument of ratification or accession;

(B) The entry into force of this Treaty;

(C) Any withdrawal in accordance with Article XIX and its effective date;

(D) The text of any amendment proposed in accordance with Article XX;

(E) The entry into force of any amendment to this Treaty;

(F) Any request to accede to the Treaty pursuant to Article XVIII;

(G) Any request to convene a conference in accordance with Article XXI;

(H) The convening of a conference pursuant to Article XXI; and

(I) Any other matter of which the Depositary is required by this Treaty to inform the States Parties.

4. This Treaty shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

Article XXIII

The original of this Treaty, of which the English, French, German, Italian, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the Depositary. Duly certified copies of this Treaty shall be transmitted by the Depositary to all States Parties.

...

Article 30

1. Changes to maximum levels for holdings, notified under the provisions of the Treaty during the period between signature and entry into force of the Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe, hereinafter referred to as the Agreement on Adaptation, shall also be considered changes to the levels specified in the Protocol on National Ceilings and, if the State Party concerned so

requests, to the Protocol on Territorial Ceilings, provided that:

(A) Such changes are consistent with the limitations set forth in Article IV, paragraphs 3 and 4, and Article V, paragraphs 4 and 5, of the Treaty, and

(B) The numerical limits set forth in Article IV, paragraph 4, and Article V, paragraph 5, of the Treaty are applied in proportion to the time that has elapsed between signature and entry into force of the Agreement on Adaptation.

2. In the case where such changes would require the consent of all other States Parties as set forth in Article IV, paragraph 4, and Article V, paragraph 5, of the Treaty, such changes shall be considered changes to the levels specified in the Protocol on National Ceilings, provided that no State Party provides a written objection to such changes within 60 days of entry into force of the Agreement on Adaptation.

3. Notwithstanding the provisions of paragraph 1 and 2 of this Article, notified changes shall not be considered changes to the Protocol on National Ceilings and the Protocol on Territorial Ceilings where a State Party is notifying a unilateral decrease in its maximum levels for holdings, unless that State Party so requests.

Article 31

1 This Agreement on Adaptation shall be subject to ratification by each State Party in accordance with its constitutional procedures.

2 Instruments of ratification shall be deposited with the Depositary.

3. This Agreement on Adaptation shall enter into force 10 days after instruments of ratification have been deposited by all States Parties listed in the Preamble, after which time the Treaty shall exist only in its amended form.

4. Upon entry into force of this Agreement on Adaptation, the numerical levels set forth in Article IV, paragraph 4, and Article V, paragraph 5, of the Treaty shall be reduced in proportion to the time remaining between the date of entry into force and the next

review conference pursuant to Article XXI, paragraph 1.

5. The original of this Agreement on Adaptation, of which the English, French, German, Italian, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the Depositary. Duly certified copies of this Agreement on Adaptation shall be transmitted by the Depositary to all States Parties.

6. This Agreement on Adaptation shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

In witness thereof, the undersigned duly authorised have signed this Agreement on Adaptation.

Done at Istanbul, this nineteenth day of November nineteen hundred and ninety-nine, in the English, French, German, Italian, Russian and Spanish languages.

Source: SIPRI Yearbook 2000: Armaments, Disarmament and International Security (Oxford University Press: Oxford, 2000), pp. 627–42.
