

PERCEPTIONS
JOURNAL OF INTERNATIONAL AFFAIRS

December 1997-February 1998

Volume II - Number 4

DECISION ADOPTED BY THE STATES PARTIES TO THE CONVENTIONAL ARMED FORCES IN EUROPE TREATY (CFE) CONCERNING CERTAIN BASIC ELEMENTS FOR TREATY ADAPTATION-23 July 1997

273rd Meeting

JCG Journal, Agenda item 2

DECISION No. 8/97

1. In accordance with the Document agreed at Lisbon on 1 December 1996, defining the scope and parameters for the process commissioned in paragraph 19 of the Final Document of the First CFE Treaty Review Conference, the States Parties have agreed upon certain of the Basic Elements which will govern the adaptation of the CFE Treaty; and have identified certain other Basic Elements upon which further work will be done. Both are recorded below.

GENERAL

2. The States Parties have decided that the bloc-to-bloc structure upon which the existing Treaty is based should be replaced. The Treaty will be adjusted to incorporate a specific system of national and territorial ceilings for Treaty Limited Equipment (TLE). The States Parties are agreed that there will be no increase in total numbers of TLE permitted in each category within the Treaty's area of application. Each State Party will base its agreement to the provisions of the adapted Treaty on its projections of the current and future situation in Europe.

A. National Ceilings

3. National ceilings will be set, for each of the Treaty's five categories of TLE, at levels which recognise the legitimate security concerns of all States Parties and the need to ensure that the security of no State Party is diminished. While eliminating the group-to-group system of limitations, the setting of ceilings will be guided by the extant security circumstances within the area of application, including the relative security situation of each State Party whether individually or in association with others, with the purposes of ensuring equal security for all States Parties irrespective of their membership of a politico-military alliance and of strengthening their security relations and building trust and mutual reassurance.

4. In setting these ceilings, the States Parties reaffirm that they will take a restrained approach, maintaining only such military capabilities, individually or in conjunction with others, as are commensurate with individual or collective legitimate security needs, taking into account their international obligations, including the CFE Treaty.

5. For the existing 30 States Parties initial national ceilings may equate to, but not exceed, the

up-to-date Maximum National Levels for Holdings (MNLHs) which have been notified under the existing Treaty. From this basis, in the spirit of restraint which States Parties are showing during the period of negotiation, and through a transparent and co-operative process, they will reach conclusions regarding reductions they might be prepared to take, with the aim of achieving a significant lowering in the total amount of TLE permitted in the area of application compatible with the legitimate defence requirements of each State Party. All relevant information on TLE within the area of application will be taken into account. National ceilings will be:

- Codified as binding limits in the adapted Treaty for all TLE in the area of application once agreed by the consensus of all States Parties;
- Reviewed at the Treaty review conference in 2001 and at five-year intervals thereafter, taking into account relevant developments in the security situation and security structures. In conducting these reviews, States Parties, using agreed procedures, will balance the requirement for certainty and continuity of ceilings once established with flexibility to reflect new security realities as they may emerge and the need to ensure that the security of no State Party is diminished;
- Subject to rules and procedures which will be devised to govern the process of revisions to ceilings between Treaty review conferences, to ensure that no destabilising accumulations of forces may occur. These should, inter alia, permit States Parties freely to declare and notify lower national ceilings at any time between such Treaty review conferences.

6. In setting national ceilings, States Parties will take into account all the levels of TLE established for the Atlantic-to-the-Urals area by the original CFE Treaty, the substantial reductions that have been carried out since then and those which States Parties will decide to carry out in the future, the changes to the situation in Europe, and the need to ensure that the security of no State Party is diminished.

7. They take note of the statements by certain States Parties which are annexed to this Decision.

8. Each State Party will base its agreement to the provisions of the adapted Treaty on all national ceilings of the States Parties, on its projections of the current and future security situation in Europe.

9. The States Parties will undertake further work to determine how to handle the Treaty's existing provisions relating to Designated Permanent Storage Sites (DPSS) in the context of Treaty adaptation.

B. Preventing destabilising accumulations of forces

10. The States Parties are determined to sustain and strengthen the Treaty's effectiveness in preventing destabilising accumulations of indigenous and stationed forces. They will seek to strengthen stability by further developing measures to prevent any potentially threatening build-up of conventional forces in particular regions. Treaty adaptation will include the following measures to this end:

Territorial Ceilings

11. The existing structure of zones will be replaced by a system of territorial ceilings covering both national and stationed TLE, thus establishing total levels permitted on a permanent basis on the

territory in the area of application of each State Party, or, if so decided, a portion thereof. These might be termed territorial units.

12. Individual territorial ceilings will be derived from current notified MNLHs, taking account of decisions reached in relation to DPSS provisions (paragraph 9) and of stationed forces. This does not preclude States Parties from notifying lower territorial ceilings.

Specific Stabilising Measures

13. The adaptation process will include consideration of the possibility of establishing specific stabilising measures, which might include measures of restraint or constraints in particular regions and areas of the Treaty's area of application, including Central and Eastern Europe, in order to prevent any potentially threatening build-up of conventional forces.

Stationed Forces

14. In relation to stationed forces, the States Parties:

- Consider that the decisions taken at the First CFE Treaty Review Conference in relation to the provisions of Article IV, paragraph 5, must be fulfilled;
- Decide to develop additional information requirements and measures of transparency in respect of stationed forces, including pre-notification of changes in the equipment holdings of a stationed forces unit;
- Confirm that stationed forces must count against the national ceilings of the stationing State Party;
- Agree that territorial ceilings may constitute a means to constrain the TLE held by stationed forces;
- Take note that the statement made by the North Atlantic Council on 14 March 1997 covers all five categories of TLE;
- Will welcome further statements clarifying the intentions of States Parties on this issue.

15. In addition, and in conjunction with their efforts to promote the goals of enhancing stability and predictability in Europe, the States Parties will consider the possibility of developing, where appropriate, limitations or sub-ceilings on additional stationing of TLE. If such sub-ceilings are agreed to be feasible, the format, scope of application and details will be determined accordingly. Such limitations would have to be consistent with the inherent right of States to choose the means to ensure their own security. They would also be contingent upon detailed provisions for setting territorial ceilings and temporarily exceeding them being worked out to the satisfaction of all States Parties.

C. Relationship between Treaty adaptation and Article V as modified by the Document agreed among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990, which forms Annex A to the Final Document of the First CFE Treaty Review Conference, May 1996

16. States Parties agree that the substance of Article V as modified by the Document agreed among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990,

which forms Annex A to the Final Document of the First CFE Treaty Review Conference, May 1996, which has recently entered into force, will be maintained but reconciled with the structure of the adapted Treaty as it emerges in detail through the negotiation, ensuring that the security of each State Party is not affected adversely at any stage.

D. Provisions for temporarily exceeding territorial ceilings

17. The States Parties have decided to include provisions to allow a State Party temporarily to receive, with its express consent, forces on its territory that would exceed its territorial ceiling for notified military exercises or as temporary deployments provided both are consistent with the objectives of an adapted Treaty.

Definitions, modalities, transparency, verification and consultation arrangements, and appropriate limitations will be negotiated.

18. The provisions developed for an adapted Treaty will allow for territorial ceilings to be temporarily exceeded by missions in support of peace under a mandate from the United Nations or the OSCE.

E. Accession by new Parties

19. The States Parties have decided that the adapted Treaty will be open to accession by States who may request it. This would be upon a case-by-case basis and would require the agreement of all States Parties. They will work together to draft the necessary accession clause, the details of which will reflect the revised Treaty structure as set out above.

F. Co-operative and consultative mechanisms

20. The States Parties will work co-operatively to establish:

- The necessary rules and mechanisms to govern arrangements for revising national ceilings, in accordance with the considerations set out in paragraphs 3 and 4;
- The necessary rules and mechanisms to govern arrangements for revising territorial ceilings, ensuring that such revisions do not lead to destabilising accumulations of forces.

21. The State Parties recognise that the basis upon which they intend to adapt the Treaty, as outlined above, also requires certain modifications to the verification arrangements established in the Treaty, while retaining all their scope and detail, including possible additional inspection quotas and adjustments to quotas. The adaptation process also provides an opportunity for enhancement to the Treaty's verification and information exchange provisions. They will adopt a co-operative approach to devising the necessary modifications and in order to establish:

- The additional information requirements in respect of stationed forces referred to in paragraph 14;
- The definitions, modalities, transparency, verification and consultation arrangements, and limitations referred to in paragraph 17;
- The provisions referred to in paragraph 18.

CONCLUSION

22. This Decision does not preclude other suggestions that are consistent with the Scope and Parameters agreed at Lisbon from being raised as the negotiation proceeds on this basis to its conclusion in accordance with the timetable established in the Scope and Parameters Document.

Statement on behalf of

Belgium, Canada, Denmark, France, Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey, the United Kingdom and the United States of America

Mr. Chairman,

We have just adopted a JCG Decision Concerning Certain Basic Elements for Treaty Adaptation. The 16 would like to take this opportunity to thank the Chairman of the Negotiation Group, Mr. Crispin Hain-Cole, for his tireless efforts to bring the work on this important document to a successful end. We would also like to thank all our Treaty partners for the co-operative spirit and the mutual understanding they have shown in the course of the very difficult negotiations that lie behind us.

Mr. Chairman,

The 16 are convinced that the document we just have adopted will serve us as a compass throughout the future negotiations on Treaty adaptation, guiding us not only on matters of broad agreement, but also on matters where further work is needed after the summer recess.

In connection with this Decision, the 16 would like to record their understandings on the following points:

1. National and stationed TLE to be covered by a system of territorial ceilings referred to in paragraph 11 of the Decision adopted by the States Parties to the CFE Treaty Concerning Certain Basic Elements for Treaty Adaptation includes only the categories of TLE currently covered by zonal limitations of the CFE Treaty.
2. The substance of the Flank regime, which includes Article V as modified by the Flank Agreement referred to in paragraph 16 of the Decision adopted by the States Parties to the CFE Treaty Concerning Certain Basic Elements for Treaty Adaptation includes the numerical limitations, geographic scope, scheduled dates and transparency measures specified in the document agreed among the States Parties to the Treaty on Conventional Armed Forces in Europe of 19 November 1990, which forms Annex A to the Final Document of the First CFE Treaty Review Conference, May 1996.
3. The term “using agreed procedures” referred to in paragraph 5 of the Decision adopted by the States Parties to the CFE Treaty Concerning Certain Basic Elements for Treaty Adaptation refers to existing procedures for the conduct of Review Conferences or to procedures that would be derived as needed from those now in place.

None of the above understandings will come as a surprise to our Treaty partners. But, Mr. Chairman, I ask you to ensure that the text of this statement is attached to the Decision Concerning Certain

Basic Elements for Treaty Adaptation.
