

Despite this potential, the Code of Conduct - like other OSCE documents - remains a politically, as opposed to legally, binding document. Many participating states have yet to inform the FSC about a national programme for implementing its provisions, and the agendas of FSC meetings frequently include discussions of states' lack of compliance. More troubling is the failure of the Code to prevent or regulate the use of force by OSCE states in the latter half of this decade, particularly with regard to internal conflicts. Efforts to raise more "intrusive" approaches to such issues in the Code have been successfully resisted; as a result, the principle of territorial integrity retains a privileged status. Nonetheless, at the second follow-up conference on the Code of Conduct (June 1999), the key issues of contention surrounded the applicability of international humanitarian law and the use of armed forces in internal security situations.

In the future, the effectiveness of the Code will depend to an important degree on whether it can formulate appropriate responses to intra-state conflicts and help participating States to address the contradiction between the principle of territorial integrity and the principle of self-determination, a point underlined by the current conflict in Chechnya.

3) *Continuing Arms Control and Disarmament*

The FSC's role in arms control has been an important contribution to politico-military security in Europe during the 1990s. At the Lisbon Summit in 1996, the FSC presented a series of recommendations under its new "Framework for Arms Control" and set guidelines for future negotiations. In response to the growing concerns among some participating States about the emergence of different security zones in Europe, the document commits the FSC to creating a web of mutually reinforcing obligations that would express the principle of "indivisible security".

The foundation for the OSCE's armaments regime is the 1990 CFE Treaty, the Open Skies Treaty, and the 1999 adaptation of the CFE⁹. The FSC's role is to secure observance of these military arrangements and to facilitate discussion on future arms control programmes. In the words of Polish Foreign Minister Bronislaw Geremek, who served as OSCE Chairman-in-Office in 1998: "At the moment, the Forum is the only disarmament negotiator on behalf of the OSCE and also the only agency of its kind in Europe with representatives of almost all European states taking part in it."¹⁰

⁹ The impetus for change came from the challenges posed by NATO enlargement, and the need to address the disintegration of the Warsaw Pact. The agreement on adaptation, which was negotiated by the CFE's Joint Consultative Group and finalised at Istanbul, contains three main elements. First, the agreement adjusts the disarmament provisions of the CFE by replacing the *collective* ceilings for East and West with *national* and *territorial* ceilings for each individual State. Second, the new agreement decreases the overall level of conventional armaments in Europe by a further 10%. And third, it opens up the adapted CFE Treaty for accession by States that have not been members of NATO or the Warsaw Pact.

¹⁰ Bronislaw Geremek, "The Organization for Security and Co-operation in Europe - Its Development and Prospects", OSCE Yearbook (1998), pp. 27-36 (p. 34).