

# 17. Conventional arms control

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## I. Introduction

More than four years after the 1999 Agreement on Adaptation of the 1990 Treaty on Conventional Armed Forces in Europe (CFE Treaty) was signed, the conventional arms control process in Europe remains deadlocked, and the states parties to the treaty are concerned about the possible adverse impact of the impasse on regional security.<sup>1</sup> Questions continue to be raised about Russia's compliance with the commitments it made at the 1999 Organization for Security and Co-operation in Europe (OSCE) Istanbul Summit, particularly those regarding Georgia and Moldova. Russia has also begun to suggest that the future of the CFE Treaty is uncertain in the new situation that exists following the enlargement of the North Atlantic Treaty Organization (NATO).

In the Balkans, regional arms control works smoothly, evidently unaffected by political, economic and other factors in the region. In 2003 the OSCE participating states remained focused on improving certain norm- and standard-setting measures (NSSMs) and developing new ones in order to better respond to the various threats and challenges facing Europe and its perimeter. In Latin America, work progressed on the further elaboration of confidence- and security-building measures (CSBMs). New parties continue to join the 1992 Treaty on Open Skies. The problem of inhumane weapons is receiving increased attention by the international community.

This chapter describes the major developments relating to conventional arms control in 2003. Section II deals with the arms control aspects of the first OSCE Annual Security Review Conference (ASRC) and critical elements of the implementation of the CFE Treaty. Section III analyses arms control and confidence building in the Balkans. Other efforts to promote stability in the OSCE area are addressed in section IV. Section V focuses on issues related to the Treaty on Open Skies. Section VI examines CSBM developments in the western hemisphere. The issue of explosive remnants of war is dealt with in section VII, and section VIII presents the conclusions.

<sup>1</sup> For discussion of conventional arms control in Europe before 1999 see the relevant chapters in previous editions of the SIPRI Yearbook. For the text of the CFE Treaty and Protocols see Koulik, S. and Kokoski, R., SIPRI, *Conventional Arms Control: Perspectives on Verification* (Oxford University Press: Oxford, 1994), pp. 211–76; and the OSCE Internet site at URL <<http://www.osce.org/docs/english/1990-1999/cfe/cfetreat.htm>>. For the text of the Agreement on Adaptation see *SIPRI Yearbook 2000: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2000), pp. 627–42; and the OSCE Internet site. A consolidated text showing the amended CFE Treaty as adapted in accordance with the 1999 Agreement on Adaptation is reproduced in Lachowski, Z., *The Adapted CFE Treaty and the Admission of the Baltic States to NATO*, SIPRI Policy Paper no. 1 (SIPRI: Stockholm, Dec. 2002), available at URL <<http://editors.sipri.se/recpubs.html>>. The parties to the CFE Treaty are listed in annex A in this volume.

**Table 17.1.** CFE and CFE-IA ceilings and holdings in the Atlantic-to-the-Urals zone, as of 1 January 2004<sup>a</sup>

State	Tanks		ACVs		Artillery		Aircraft		Helicopters		CFE-IA Manpower (2003)	
	Ceilings	Holdings	Ceilings	Holdings	Ceilings	Holdings	Ceilings	Holdings	Ceilings	Holdings	Ceilings	Holdings
Armenia	220	110	220	140	285	229	100	6	50	8	60 000	44 875
Azerbaijan	220	220	220	210	285	285	100	54	50	15	70 000	64 963
Belarus	1 800	1 579	2 600	2 482	1 615	1 060	294	206	80	39	100 000	63 911
Belgium	334	142	1 005	586	320	192	232	128	46	46	70 000	41 959
Bulgaria	1 475	1 473	2 000	1 856	1 750	1 111	235	212	67	24	104 000	41 658
Canada	77	0	263	0	32	0	90	0	13	0	10 660	0
Czech Rep.	957	303	1 367	756	767	397	230	108	50	33	93 333	48 734
Denmark	353	225	336	278	503	233	106	68	18	12	39 000	18 862
France	1 306	1 020	3 820	3 092	1 292	733	800	540	374	265	325 000	181 007
Georgia	220	86	220	108	285	85	100	7	50	3	40 000	20 309
Germany	4 069	2 171	3 281	2 406	2 445	1 641	900	361	280	199	345 000	252 693
Greece	1 735	1 683	2 498	2 141	1 920	1 909	650	543	65	20	158 621	142 950
Hungary	835	704	1 700	1 404	840	750	180	78	108	49	100 000	31 606
Italy	1 348	1 189	3 339	2 930	1 955	1 412	650	484	142	116	315 000	165 449
Kazakhstan	50	0	200	0	100	0	15	0	20	0	0	0
Moldova	210	0	210	196	250	148	50	0	50	0	20 000	6 059
Netherlands	743	298	1 040	724	607	385	230	141	50	22	80 000	37 981
Norway	170	165	275	209	491	112	100	57	24	0	32 000	18 565
Poland	1 730	1 036	2 150	1 380	1 610	1 112	460	180	130	110	234 000	136 688
Portugal	300	187	430	347	450	377	160	100	26	0	75 000	34 624
Romania	1 375	1 256	2 100	1 856	1 475	1 178	430	105	120	21	230 000	104 892
Russia	6 350	5 030	11 280	9 366	6 315	5 810	3 416	2 245	855	476	1 450 000	579 852
Slovakia	478	268	683	526	383	373	100	65	40	29	46 667	23 197
Spain	891	535	2 047	989	1 370	1 001	310	161	80	28	300 000	126 507
Turkey	2 795	2 357	3 120	3 015	3 523	1 573	750	358	130	28	530 000	364 136
Ukraine	4 080	3 512	5 050	4 596	4 040	3 644	1 090	676	330	189	450 000	265 000
UK	1 015	421	3 176	2 403	636	416	900	504	356	272	260 000	200 702
USA	4 006	564	5 152	1 308	2 742	272	784	214	396	115	250 000	100 315

<sup>a</sup> Iceland and Luxembourg have no treaty-limited equipment (TLE) in the application zone. Luxembourg has the 900 manpower limit and 858 manpower.

Source: Crawford, D., *Conventional Armed Forces in Europe (CFE)* (Arms Control Bureau, US Department of State: Washington, DC, Jan. 2004).

## II. European arms control

The arms control regime in Europe is by far the most advanced of its type worldwide. It has helped to significantly reduce the threat of large-scale military attack and has also enhanced confidence, openness, transparency and mutual reassurance in Europe. Conventional arms control has become an integral part of an inclusive, cooperative security system that should evolve in parallel with changes taking place in the OSCE area.

### **The First OSCE Annual Security Review Conference and arms control**

On 25–26 June 2003, the first OSCE Annual Security Review Conference was held in Vienna.<sup>2</sup> Its purpose was to enhance the status of the politico-military dimension of the OSCE agenda and to identify practical options for dealing with the changing security environment in the OSCE area. The ASRC also assessed the effectiveness of the OSCE in dealing with security-related tasks and identified ways to adapt it to the enlargement of the European Union (EU) and NATO.

A wide range of issues was discussed in the various working groups. Working Group B addressed arms control and CSBM questions under the heading ‘comprehensive security’. The continued relevance of the existing OSCE arms control instruments was noted, and it was suggested that some form of periodic review mechanism be set up in order to regularly update these instruments. The importance of their proper implementation was emphasized and, consequently, it was proposed that an inquiry be made into the reasons why some instruments were not being used appropriately. Some new steps were envisaged, such as using the 1994 OSCE Code of Conduct on Politico-Military Aspects of Security (COC) and the 2000 OSCE Document on Small Arms and Light Weapons (SALW) as models for the creation of similar standards in other areas—for example, man-portable air defence systems (MANPADS) and the non-proliferation of weapons of mass destruction (WMD).<sup>3</sup> Ways were to be sought to ‘export’ the OSCE’s arms control experience to other non-European regions.

Working Group B also discussed the applicability of arms control to new ‘asymmetric’ conflicts, the kind most commonly occurring within states. In this context, it was argued that ‘classical’ arms control measures should gradually be complemented by more flexible, generic mechanisms which could be adjusted case by case but which would continue to adhere to the basic

<sup>2</sup> OSCE, First Annual Security Review Conference, 25–26 June 2003, Vienna, Chair’s Report, OSCE document PC.DEL/835/03, 16 July 2003.

<sup>3</sup> OSCE, OSCE Code of Conduct on Politico-Military Aspects of Security (COC), OSCE document DOC.FSC/1/95, 3 Dec. 1994, URL <<http://www.osce.org/docs/english/pia/epia93-4.pdf>>; OSCE, OSCE Document on Small Arms and Light Weapons (SALW), OSCE document FSC.DOC/1/00, 24 Nov. 2000, URL <<http://www.osce.org/docs/english/fsc/2000/decisions/fscew231.htm>>. The SALW Document is reproduced in *SIPRI Yearbook 2001: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2001), p. 590.

objectives and principles of arms control. Such new mechanisms were to be based on the COC and its measures to regulate conditions within states.<sup>4</sup>

The importance of arms control instruments and CSBMs was also discussed in Working Group A, which dealt with ‘preventing and combating terrorism’. Issues such as MANPADS, the secure stockpiling of ammunition, and the role played by the COC and the SALW Document were considered.

### **The CFE Treaty and related commitments**

The CFE Treaty set equal ceilings in its Atlantic-to-the-Urals (ATTU) zone of application on the major categories of heavy conventional armaments and equipment of the groups of states parties—originally the members of NATO<sup>5</sup> and the Warsaw Treaty Organization (WTO).

The CFE Treaty and the Agreement on Adaptation together constitute the adapted CFE Treaty regime. The Agreement on Adaptation discards the bipolar concept of a balance of forces and introduces a new regime of arms control based on national and territorial ceilings, codified in the agreement’s protocols as binding limits, and opens the CFE Treaty to European states which are not yet parties. The agreement has not entered into force because of the refusal of NATO members and other states to ratify it in the face of Russia’s non-compliance with the CFE-related decisions and commitments it made at the 1999 OSCE Istanbul Summit (withdrawal of Russian armed forces from military bases in Georgia and of Russian troops and ammunition from the separatist Trans-Dniester region in Moldova, known as the ‘Istanbul commitments’).<sup>6</sup> The original CFE Treaty, and the associated documents and decisions, therefore continue to be binding on all parties. The Joint Consultative Group (JCG) is the body established by the parties to monitor implementation, resolve issues arising from implementation and consider measures to enhance the viability and effectiveness of the CFE Treaty regime.

By 1 January 2004 more than 63 500 pieces of conventional armaments and equipment within and outside the ATTU area of application had been scrapped or converted to civilian use by the parties, with many parties reducing their holdings to lower levels than required.<sup>7</sup> Data on CFE ceilings and holdings in the treaty application zone as of 1 January 2004 are presented in table 17.1.

#### *Treaty operation and compliance issues*

In 2003 Russia announced that it had fulfilled its commitment under the political pledge made by the Soviet Union in the JCG, on 14 June 1991, to

<sup>4</sup> OSCE, Working Group B, Brigadier General Dr Heinz Vetschera, Speaking notes, ‘Comprehensive security: the future role of arms control’. First Annual Security Review Conference (note 2).

<sup>5</sup> For a list of the NATO member states see the glossary in this volume.

<sup>6</sup> OSCE, Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe, Istanbul, 17 Nov. 1999. The text is reproduced as appendix 10B in *SIPRI Yearbook 2000* (note 1), pp. 642–46.

<sup>7</sup> 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. 2004).

destruction or convert 14 500 items of treaty-limited equipment (TLE) east of the Urals by 1995 (6000 tanks; 1500 armoured combat vehicles, ACVs; and 7000 artillery pieces). At the 1996 First CFE Treaty Review Conference the deadline was extended for Russia, with possible cooperation from Kazakhstan and Uzbekistan, until the end of 2000. Owing to alleged economic difficulties, Russia was allowed to substitute ACVs for a number of tanks scheduled for destruction and later to eliminate the shortfall with regard to tanks.<sup>8</sup> By 2000 Russia had complied with its commitment, but only in mid-2003 could it state that, together with Kazakhstan, it had completed the destruction of 6000 tanks.<sup>9</sup> The Russian statement was welcomed and endorsed by the NATO states.

Of the 30 signatories, only Belarus and Kazakhstan have ratified the Agreement on Adaptation and deposited their instruments of ratification with the depositary, the Netherlands (Belarus in 2000 and Kazakhstan on 14 November 2003). Ukraine has ratified the agreement but has not deposited its ratification instrument. Although Russia announced in late 2002 that its ratification process had reached an advanced stage, it did not complete it in 2003 and is, presumably, waiting for the NATO states to act.<sup>10</sup> Both Russia and NATO pledged in mid-2003 to 'work cooperatively' towards ratification.<sup>11</sup>

Russia's hardening policy vis-à-vis Georgia and Moldova led to a strong Western reaction at the end of 2003.<sup>12</sup> At the December 2003 OSCE Maastricht Ministerial Council Meeting, the NATO states criticized Russia's conduct. They reaffirmed their commitment to the early entry into force of the adapted CFE Treaty but reiterated that swift fulfilment of the Istanbul commitments would allow the NATO states and other parties to move forward on ratification.<sup>13</sup>

Russia still faces the dilemma of continuing its pro-Western foreign policy course and sustaining its political influence on its southern perimeter, although the latter effort exacerbates its continuing conflict with other parties to the CFE Treaty. Russia continued to claim that ratification of the Agreement on Adaptation and the Istanbul commitments are not directly related. Russia considers that it has fulfilled its treaty obligations and that the implementation of

<sup>8</sup> The text of the Russian representative's statement to the 1996 CFE Review Conference (Annex E) is reproduced in *SIPRI Yearbook 1997: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 1997), pp. 515–17.

<sup>9</sup> The Russian delegation announced that a total of 6064 tanks had been destroyed, with Kazakhstan scrapping 230 tanks and 708 ACVs. Statement by the delegation of the Russian Federation to the Joint Consultative Group, Joint Consultative Group document JCG.JOUR/498, Annex 1, 3 June 2003.

<sup>10</sup> The chairman of the Duma's International Affairs Committee, Konstantin Kosachev, noted that linking progress on the Istanbul commitments with Russia's ratification of the treaty jeopardized early ratification by the deputies. ITAR-TASS (Moscow), 22 Jan. 2004 in 'Russian MP predicts rough ride for conventional forces treaty in State Duma', Foreign Broadcast Information Service, *Daily Report—Central Eurasia (FBIS-SOV)*, FBIS-SOV-20040122, 22 Jan. 2004.

<sup>11</sup> Statement, Meeting of the NATO–Russia Council at the level of Ministers of Foreign Affairs, Madrid, Spain, 4 June 2003, available at URL <<http://www.nato.int/docu/comm/2003/06-madrid/0306-madrid.htm>>.

<sup>12</sup> See also chapter 1, sections V and VI in this volume.

<sup>13</sup> Statement by the delegation of Portugal, OSCE Ministerial Council, Maastricht 2003, OSCE document MC(11).JOUR/2, Annex 6, 2 Dec. 2003, reproduced in Eleventh Meeting of the Ministerial Council, p. 101, available at URL <<http://www.osce.org/docs/english/mincone.htm>>.

its political commitments is delayed by the complex situations in Georgia and Moldova. Belgium and Germany have reportedly indicated support for more flexibility as regards NATO's conditions for ratification of the Agreement, but NATO as a whole was not sympathetic to this view. At the end of 2003 Russia again rejected endeavours to link the two issues. Russia warned that it was being forced to seek 'alternative ways' to maintain a sufficient level of security and development of its defence capabilities.<sup>14</sup> One such option was the suggestion, made by Russian Defence Minister Sergei Ivanov at the February 2004 Munich Conference on Security Policy, that talks be initiated on 'a possible new system' of arms control and CSBMs in the NATO–Russia Council.<sup>15</sup>

### *Withdrawal of Russian TLE from Georgia*

At the OSCE Istanbul Summit Russia pledged that it would reduce the level of its heavy ground weapons deployed on Georgian territory to the equivalent of the temporary-deployment size of a brigade. The Russian TLE located at Vaziani and Gudauta (Abkhazia) were scheduled to be removed, and those two bases as well as the repair facilities at Tbilisi were to be closed by 1 July 2001. Georgia agreed that Russia could temporarily retain TLE at the Batumi and Akhalkalaki bases.<sup>16</sup> The withdrawal process has been complicated by the volatile internal situation in Georgia and along its borders. Russia handed over control of its Vaziani base to Georgia in mid-2001 but, in essence, retained the Gudauta military base, nominally transferring it to the Commonwealth of Independent States (CIS) 'peacekeeping force'. The terms of the Russian withdrawal from the Batumi and Akhalkalaki bases have not been agreed. Georgia insists on a three-year withdrawal period, while Russia has suggested a much longer timetable. In 2003 the tension between Georgia and Russia led to mutual accusations as regards CFE Treaty compliance. Georgia alleged that Russia had moved heavy weapons to South Ossetia, thus violating the CFE Treaty.<sup>17</sup> In turn, Russian officials claimed that the April 2003 Georgian–US Agreement on Defence Cooperation constituted a breach of the treaty.<sup>18</sup>

<sup>14</sup> Statement by the delegation of the Russian Federation, OSCE Ministerial Meeting, Maastricht 2003, OSCE document MC(11).JOUR/2, Annex 11, 2 Dec. 2003, reproduced in Eleventh Meeting of the Ministerial Council, p. 108, available at URL <<http://www.osce.org/docs/english/mincone.htm>>.

<sup>15</sup> Ivanov, S. B., 'International security in the context of the Russia–NATO relationship', Munich Conference on Security Policy, 7 Feb. 2004, available at URL <[http://securityconference.de/onferenzen/rede.php?menu\\_2004=&menu\\_konferenzen=&sprache=en&id=126&](http://securityconference.de/onferenzen/rede.php?menu_2004=&menu_konferenzen=&sprache=en&id=126&)>. However, this statement was disavowed 2 months later by the new Russian Foreign Minister Sergei Lavrov, who stated that 'we do not envisage an alternative to the entry into force of the adapted CFE Treaty'. 'Verbatim report of the press conference of the Minister for Foreign Affairs of Russia, S. V. Lavrov on the issues of the informal meeting of the foreign ministers of the NATO–Russia Council', Brussels, 2 Apr. 2004, URL <<http://www.ln.mid.ru/ns-dvbr.nsf/6786f16f9aa1fc72432569ea0036120e/432569d800226387c3256e6d002ea2f4?OpenDocument>>.

<sup>16</sup> *SIPRI Yearbook 2000* (note 1), pp. 645–46. The basic temporary deployment is 153 tanks, 241 ACVs and 140 artillery pieces. In Akhalkalaki and Batumi 82 tanks and some 5000 Russian personnel are reportedly stationed. *Nezavisimaya Gazeta*, 15 Jan. 2004, p. 5.

<sup>17</sup> It was reported that South Ossetia had received 19 battle tanks from Russia. Socor, V., 'Maastricht must not be another Porto—nor a mini-Yalta', *IASPS Policy Briefings: Geostrategic Perspectives on Eurasia*, no. 35 (Institute for Advanced Strategic & Political Studies: Washington, DC, 10 Nov. 2003).

<sup>18</sup> ITAR-TASS (Moscow), 4 Feb. 2003, in 'Russia's Kormiltsev refutes Georgia accusations over CFE treaty', FBIS-SOV-2003-0204, 4 Feb. 2003; and ITAR-TASS (Moscow), 10 Apr. 2003, in 'Senior



At the end of 2003, the withdrawal of Russian forces seemed even more remote than a year before. In Georgia, President Eduard Shevardnadze's resignation in November did not discernibly affect the issue of the withdrawal of Russian forces. By making demands (e.g., for financial compensation for the closure of the bases,<sup>19</sup> for guarantees that third countries not establish a military presence in Georgia, etc.) and suspending successive rounds of talks under various pretexts, Russia has effectively delayed resolution of the problem. Another delaying tactic employed by Russia is its insistence that Georgia as an integral state (including the Georgian separatist regions of Abkhazia, South Ossetia and Adzharia) sign a treaty on the withdrawal of Russian forces. Russia claims that this is necessary in order for Georgia to be able to guarantee the safety of the Russian forces during withdrawal.<sup>20</sup> Citing these obstacles, Russia claims that a further 11 years are needed for the withdrawal of its troops, although the period of time could be shortened if Georgia were to meet Russia's financial demands. Georgia continues to insist that three years would be a more suitable timetable for the Russian withdrawal.<sup>21</sup>

At the Maastricht OSCE Ministerial Council Meeting, Russia refused to accept the text of a political declaration and a regional statement on Georgia. It would have *inter alia* 'reminded' Russia of its Istanbul commitments regarding troop withdrawals and the conclusion of an early agreement on the duration and modalities of the functioning of the Russian military bases and other facilities on Georgian territory.<sup>22</sup>

### *The issue of Russian armed forces and ammunition in Moldova*

Under its 1994 constitution, Moldova is permanently neutral and foreign forces may not be hosted on its territory. At the OSCE Istanbul Summit Russia pledged to withdraw or destroy its treaty-limited conventional armaments and equipment from Moldova by the end of 2001 and to pull out its troops by the

Russian official says Georgian-US military agreement violates CFE treaty', FBIS-SOV-2003-0410, 10 Apr. 2003. The agreement is available at URL <<http://www.geplac.org/publicat/law/glr03n1eng/Chachava%20Eng.pdf>>.

<sup>19</sup> Russia demanded \$500 million as compensation for withdrawing its forces over the coming 11 years. It claimed that this amount was required in order to set up new facilities and provide housing for the armed forces in Russia. It warned of the danger of a situation similar to the chaos that followed the withdrawal of Russian forces from Germany and Eastern Europe in the early 1990s. *Izvestiya* (Moscow), 13 Jan. 2004, in 'Pullout of bases seen as major unresolved issue in future Georgia-Russia treaty', FBIS-SOV-2004-0114, 15 Jan. 2004. It should be noted, however, that comparison cannot be made between the post-cold war force withdrawals and the Georgia pull-out in terms of magnitude and logistics.

<sup>20</sup> By the same token, Russia wants Georgia to solve its internal conflicts before Russia withdraws its troops from the separatist entities. The problem is that these entities are dependent on Russia and its assistance.

<sup>21</sup> *Izvestiya* (note 19).

<sup>22</sup> See Statement by the delegation of Georgia, OSCE Ministerial Council, Maastricht 2003, OSCE document MC(11)JOUR/2, Annex 9, 2 Dec. 2003, reproduced in Eleventh Meeting of the Ministerial Council, p. 106, available at URL <<http://www.osce.org/docs/english/mincone.htm>>. For the impact on the general outcome of the Maastricht meeting see chapter 1, section V in this volume.

end of 2002.<sup>23</sup> Withdrawal of the Russian TLE was completed on time.<sup>24</sup> The failure to reach a political settlement of the problem of the Trans-Dniester region in 2002–2003 affected Russia's withdrawal of its forces and the disposal of munitions and equipment that are not regulated by the CFE Treaty.<sup>25</sup> Russia pledged to complete the withdrawal of its forces by the end of 2003 'provided necessary conditions are in place'.<sup>26</sup> In August the Moldovan and Trans-Dniester armed forces withdrew 37 ACVs from the security zone (the area separating the two sides to the conflict). However, at the end of 2003, 36 Russian ACVs had yet to be removed from Moldovan territory.<sup>27</sup>

As in the case of Georgia, at the Maastricht OSCE Ministerial Council Meeting Moldova was unsuccessful in its demand for a regional statement on its situation, including the complete and unconditional withdrawal of Russian forces.<sup>28</sup>

At the beginning of 2003 an estimated 42 000 tonnes of Russian munitions remained in Trans-Dniester.<sup>29</sup> Of these, a significant proportion cannot be withdrawn and must be dismantled on site. The Trans-Dniester authorities obstructed the withdrawal of Russian equipment until March, when the EU and the USA put pressure on Trans-Dniester to cooperate.<sup>30</sup> This, together with a deal in which Russia again pledged to write off \$100 million owed by Trans-Dniester for gas supplied by Russia, convinced the Trans-Dniester Parliament to cooperate and permit withdrawals to proceed. On 21 March, a train loaded with equipment departed for Russia, and equipment continued to be withdrawn at a steady rate of two trainloads per week. These withdrawals were monitored by the OSCE Mission to Moldova and also by the inspections carried out by various states under the CFE Treaty.<sup>31</sup> The steady withdrawals raised hope that they could be completed by the end of 2003.

<sup>23</sup> OSCE, Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe (note 6), para. 19. In addition, the ammunition stored in the Trans-Dniester region posed a grave threat to this unstable region.

<sup>24</sup> See Lachowski, Z., 'Conventional arms control', *SIPRI Yearbook 2002: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2002), pp. 717–18.

<sup>25</sup> In 2003 several plans and arrangements were proposed and discussed in an effort to resolve the conflict. The 2002 OSCE plan for a federation between the 2 parties continued to be discussed. In July 2003 the OSCE suggested that the EU could send a peacekeeping contingent to the region. Russia strongly opposed this suggestion, stating that its own 'peacekeepers' were sufficient. In Nov., Russia proposed another 'federalization' plan.

<sup>26</sup> OSCE, Ministerial Council, Porto, 2002, Statements by the Ministerial Council, annex 3 (3), OSCE document MC(10)JOUR/2, 7 Dec. 2002, available at URL <<http://www.osce.org/docs/english/mincone.htm>>. In this context, the Moldovan delegation stressed that the notion of 'necessary conditions' ought to refer solely to technical arrangements, not political circumstances.

<sup>27</sup> OSCE, Mission to Moldova, 'Peacekeepers begin withdrawal of armoured vehicles in Moldova', Press Release, 14 Aug. 2003, available at URL <[http://www.osce.org/news/generate\\_pf.php3?news\\_id=3473](http://www.osce.org/news/generate_pf.php3?news_id=3473)>; and Boese, W., 'Russian withdrawal from Moldova, Georgia lags', *Arms Control Today*, Dec. 2003, p. 43.

<sup>28</sup> Statement by the delegation of Moldova, OSCE Ministerial Council, Maastricht 2003, OSCE document MC(11)JOUR/2, Annex 10, 2 Dec. 2003, reproduced in Eleventh Meeting of the Ministerial Council, p. 107, available at URL <<http://www.osce.org/docs/english/mincone.htm>>.

<sup>29</sup> Infotag (Chisinau), 10 Dec. 2003, in 'Moldova: another Russian arms consignment leaves Dniester region', FBIS-SOV-2003-1210, 11 Dec. 2003.

<sup>30</sup> The EU and USA refused to allow 17 Trans-Dniester leaders to enter their territories.

<sup>31</sup> ITAR-TASS (Moscow), 18 Mar. 2003, in 'Hungarian experts checking Russia moving arms from Dniester region', FBIS-SOV-2003-0318, 19 Mar. 2003; and ITAR-TASS (Moscow), 2 Apr. 2003, in



In June 2003, however, the Trans-Dniester authorities again obstructed the withdrawals because Russia had not yet written off the gas debt. Withdrawals were resumed on 26 October, following another Russian decision to write off the debt. Owing to the delays, a new deadline will have to be set for the completion of the withdrawals. In mid-February 2004, an estimated 21 868 tonnes of Russian munitions remained in the Trans-Dniester region.<sup>32</sup> Russia has suggested that a considerable extension of the deadline will be needed.

More significantly, some 1200 Russian troops, whose future is unclear, are stationed in the Trans-Dniester area.<sup>33</sup> The Russian Foreign Ministry has repeatedly stated that the troops will stay after the munitions are withdrawn in order to 'guarantee peace and stability'.<sup>34</sup> At the end of 2003, the prospects for the prompt withdrawal of Russian troops and arms were uncertain. Despite some progress, a number of factors suggest that withdrawal may be protracted: the failure of the Russian peace plan to achieve a compromise between Moldova and Trans-Dniester, uncertainty about the future role of Russian troops in the region, Russia's ambiguous role in the efforts to solve the problem, and the lack of an agreement on a new deadline for the withdrawals.<sup>35</sup>

### *Restraints on conventional arms deployment in Central Europe*

The ratification of the adapted CFE Treaty is important for Russia because of the new NATO member states on its borders. Its view is that, without the Agreement on Adaptation, the CFE Treaty regime is less able to maintain stability and balance between the security interests of the parties. Russia has received general assurances that NATO will exercise restraint in making conventional deployments on the territory of the new members.<sup>36</sup> Russia claims that it has been fulfilling its commitments regarding TLE in the Kaliningrad

'Russian Defence Ministry says US monitoring withdrawal of Russia arms from Transnistria', FBIS-SOV-2003-0402, 3 Apr. 2003.

<sup>32</sup> OSCE Mission to Moldova, Activity Report 1–31 Jan. 2004, SEC.FR/62/04, 13 Feb. 2004. At the end of Dec., Russia had allegedly withdrawn all MANPADS. ITAR-TASS (Moscow), 27 Dec. 2003, in 'Russia withdraws anti-aircraft systems from Dniester region', FBIS-SOV-2003-1227, 29 Dec. 2003. However, the OSCE Mission to Moldova continued to seek confirmation that no MANPADS remained in Trans-Dniester.

<sup>33</sup> *Atlantic News*, no. 3532 (6 Dec. 2003), p. 3. The number of Russian troops is not reliably known because the Trans-Dniester armed forces are Russian in all but name.

<sup>34</sup> Interfax (Moscow), 2 Jan. 2003, in 'Russian troops to remain in Trans-Dniester after military property removed', FBIS-SOV-2003-0102, 3 Jan. 2003.

<sup>35</sup> The Nov. Russian plan, initially accepted by the Moldovan Government, proposed turning Moldova into a demilitarized federation. The inclusion of such provisions as special status for the Trans-Dniester entity, having Russian as another official state language and allowing the Russian forces to remain in Moldova as 'peacekeepers' led to large protests in Moldova and elsewhere. The plan was viewed as an attempt by Russia to gain more influence in Moldova. The internal protests and the pressure from the OSCE, the EU and the USA forced the Moldovan Government to reconsider its decision regarding the plan. The Moldovan rejection caused the plan to fail.

<sup>36</sup> See Lachowski, Z., 'Conventional arms control in Europe', *SIPRI Yearbook 2003: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2003), pp. 697–701. Interestingly, an *Ekho Moskvy* opinion poll reported, on 2 June 2003, that 57% of 2185 respondents said that they were not concerned about the possible deployment of NATO troops in the Baltic states. 'Russia seeks guarantees from NATO on Baltic states', Radio Free Europe/Radio Liberty (RFE/RL), vol. 7, no. 103 (3 June 2003) *RFE/RL Newswire*, URL <<http://www.rferl.org/newswire/2003/06/030603.asp>>.

and Pskov regions and in the Leningrad military district, which border on the new NATO frontiers.<sup>37</sup>

If the Agreement on Adaptation is not ratified before the June 2004 Istanbul Summit, Russia apparently now requires clear, detailed, binding commitments to be made by the new NATO members which are not parties to the CFE Treaty before their accession to the adapted treaty regime.<sup>38</sup> On 11 March 2003, Russia proposed that the CFE parties adopt a political commitment to limit the level and deployment of armaments in the ATTU area in the run-up to the entry into force of the Agreement on Adaptation. It was suggested that other states, including the Baltic states and Slovenia, could also make such a commitment.<sup>39</sup>

Russian concerns were not lessened by Lithuanian Defence Minister Linas Linkevičius' statement in June that NATO should set up military bases in Lithuania or in other Baltic states. The suggestion was counter to NATO's political commitments, and chairman of the US Joint Chiefs of Staff General Richard Myers quietly dismissed it.<sup>40</sup> The USA began consultations with NATO members on 8 December regarding the reorganization of US troops abroad, including their deployment to new bases on the territory of the new NATO member states. In this context, Russian Foreign Minister Igor Ivanov insisted that the US deployment plans respect the CFE Treaty limitations.<sup>41</sup> In February 2004 the Russian Defence Minister hinted that the Russian military should be allowed to use appropriate technical means to permanently monitor NATO's future facilities in Poland and the Baltic states in order to verify that they pose no threat to Russia.<sup>42</sup>

<sup>37</sup> According to Russian Defence Minister Sergei Ivanov, Russia has cut its holdings in all these regions by 700 items (note 15).

<sup>38</sup> 'Russia seeks guarantees from NATO on Baltic states', *Baltic States Report*, vol. 4, no. 19 (11 June 2003). See also interview of Deputy Foreign Minister S. Kislyak for *Vremiya Novostei*, 2 Sep 2003 at the Russian Foreign Ministry Internet site, URL <[http://www.in.mid.ru/brp\\_4.nsf/spsvvy](http://www.in.mid.ru/brp_4.nsf/spsvvy)>.

<sup>39</sup> See information on the CFE Treaty at the Russian Foreign Ministry Internet site, 28 Jan. 2004, URL <<http://www.in.mid.ru/nsdvbr.nsf/6786f16f9aa1fc72432569ea0036120e/b40a689056a8695dc3256e29002a36f7?OpenDocument>>. Otherwise, warned Russian Defence Minister Sergei Ivanov, the treaty system would be 'imperfect, rather ineffective and removed from reality' (note 15).

<sup>40</sup> Interfax (Moscow), 25 June 2003, in 'Russia assails Lithuania's statement on locating NATO bases in Baltic countries', FBIS-SOV-2003-0625, 25 June 2003. The offer was apparently motivated by familiar fears (not to become a 'second-rate member') and economic reasons. Estonia promptly stated that it does not have such plans. 'Estonia not planning to host NATO bases', Radio Free Europe/Radio Liberty (RFE/RL), vol. 7, no. 117 (23 June 2003) *RFE/RL Newslines*, URL <<http://www.rferl.org/newsline/2003/06/3-CEE/cee-230603.asp>>.

<sup>41</sup> *Atlantic News*, no. 3533 (10 Dec. 2003), p. 5.

<sup>42</sup> See Ivanov (note 15). Apart from concern about the 'black hole' at the Baltic states–Russia juncture (i.e., the fact that the Baltic states, now NATO members, are not covered by the CFE Treaty) the Russian military is most concerned about the perceived deepening imbalance of forces: NATO's advantage over Russia in central Europe and the excess ground forces in the flank region—rather than the fact that Bulgaria and Romania are NATO members. 'Yuriy Baluyevskiy: Rasshireniye NATO naneset smertelnyi udar po Dogovoru ob obychnykh vooruzhennykh silah v Evrope' [Yuriy Baluyevskiy: NATO enlargement will deal a fatal blow to the CFE Treaty], interview given to *Izvestiya*, 2 Mar. 2004. On 29 Mar., the same day that the new members formally joined NATO, 4 Belgian fighter aircraft were stationed in Lithuania to patrol the airspace of the Baltic states, and 100 NATO troops were stationed at the same site to support the aircraft. Russia objected, but its reaction was not as strong as had been feared.

### III. Arms control and confidence building in the Balkans

Regional arms control is designed to play a major stabilizing role in post-conflict security building in the Balkans.<sup>43</sup> Under the terms of the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement), Annex 1-B, Agreement on Regional Stabilization, agreements were reached on CSBMs in Bosnia and Herzegovina (Article II); arms control in states and entities which emerged from the former Yugoslavia (Article IV); and establishing 'a regional balance in and around the former Yugoslavia' (Article V). The characteristic feature of these agreements is that compliance is monitored and assisted by the international community. The military security of the region is built on a balance of forces among the states and entities.

The 1996 *Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina* (also known as the Article II Agreement) outlines a set of measures to enhance mutual confidence and reduce the risk of conflict in the country. The parties to the agreement are Bosnia and Herzegovina and its two entities, the Muslim–Croat Federation of Bosnia and Herzegovina and the Republika Srpska. Several domestic factors determine the level of military security. Formally, two separate armed forces exist, but, in reality, there are three armed forces because two components (the Croats and Bosnian Muslims) of the Federation of Bosnia and Herzegovina have not been integrated. There is also an ongoing process to reduce excessively high military budgets.<sup>44</sup>

After an 'almost flawless' record of implementation in 2002, 2003 was deemed 'twelve months of complete cooperation, transparency and good will'.<sup>45</sup> The most important event was the adoption, on 1 December, of the first central defence law unifying the command of the country's separate ethnic armies, which will enable Bosnia and Herzegovina to begin the process of joining NATO's Partnership for Peace (PFP).

Despite extensive changes taking place linked to defence reform, the annual military information exchanges were accurate, and the inspection regime worked in accordance with the provisions of the agreement. As in previous years, the parties were actively engaged in voluntary measures. In particular, emphasis was placed on the seminars for military officers on the Code of Conduct on Politico-Military Aspects of Security, disaster relief exercises and economic aspects of security. The fourth review conference, held in February 2003, decided to maintain the Chairperson-in-Office (CIO) Personal Representative as chairman of the Joint Consultative Commission (JCC). It was also agreed that more responsibility for oversight of the Article II Agreement would be transferred from the Office of the Personal Representative to the

<sup>43</sup> The Agreement on Regional Stabilization is reproduced in *SIPRI Yearbook 1996: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 1996), pp. 241–43.

<sup>44</sup> See also chapter 8 in this volume.

<sup>45</sup> OSCE, Annual Report on the Implementation of the Agreement on Confidence- and Security Building Measures in Bosnia and Herzegovina (Article II, Annex 1-B) and the Agreement on Sub-Regional Arms Control (Article IV, Annex 1-B, Dayton Peace Accords), 1 Jan.–1 Dec. 2003. Major-General Claudio Zappulla (Italian Air Force), Personal Representative of the OSCE Chairman-in-Office, OSCE document CIO.GAL/106/03, 28 Nov. 2003.

Department for Security Cooperation of the OSCE Mission to Bosnia and Herzegovina. Decisions were taken to explore exchanging information on air defence systems and further define the terms 'unusual military activities' and 'hazardous incidents of a military nature'. The next, fifth, review conference will assess the impact of the defence reform on the implementation of the Agreement on CSBMs in Bosnia and Herzegovina (e.g., regarding the advisability of discontinuing some of its provisions).

The 1996 *Agreement on Sub-Regional Arms Control* (Florence Agreement, also known as the Article IV Agreement)—signed by Bosnia and Herzegovina and its two entities, and by Croatia and the Federal Republic of Yugoslavia (FRY, now Serbia and Montenegro)—remains the only structural (i.e., dealing with arms reductions and limitations) regional arms control arrangement still operating below the European level.

The implementation of the Florence Agreement was successful in 2003.<sup>46</sup> The quality of the annual information exchange continues to improve, and inspections were carried out as scheduled. The long-standing issue of inspections by Bosnia and Herzegovina was finally resolved. In October, a first-ever inspection was made by Bosnia and Herzegovina, led by a Republika Srpska military officer and with additional representatives of the three constituent peoples of Bosnia and Herzegovina. Progress was made on the problem of exempted equipment (under Article III large numbers of agreement-limited armaments were left outside the inspection regime). A solution was found for the issue of research and development (R&D) equipment, and considerable progress was made in the category of armaments possessed by internal security forces. Other notable achievements were further reductions of armaments in the process of restructuring the armed forces, a consensus on the need to update the Florence Agreement, and resolution of the issue of declaring points of entry during inspections.

The *Concluding Document of the Negotiations under Article V* of the Agreement on Regional Stabilization provides a list of additional voluntary CSBMs among the participating states.<sup>47</sup> For the most part inspired by regional measures of the Vienna Document 1999, they cover defence-related information; expanded military contacts and cooperation; military cooperation and risk reduction; military activities; inspections and evaluation visits; de-mining and destruction of anti-personnel mines; and small arms and light weapons. In October 2002 a commission of participating states, which reviews the implementation of these measures, reached consensus on procedures and working methods, which became effective on 1 March 2003. The annual meeting of the participating states, held on 31 October 2003, reviewed activities, some of which are carried out under the 1999 Stability Pact for South Eastern Europe.<sup>48</sup>

<sup>46</sup> Annual report (note 45).

<sup>47</sup> The 20 participating states are the 5 former Yugoslav republics and Albania, Austria, Bulgaria, France, Germany, Greece, Hungary, Italy, the Netherlands, Romania, Russia, Spain, Turkey, the UK and the USA.

<sup>48</sup> The Stability Pact for South Eastern Europe is reproduced in *SIPRI Yearbook 2000* (note 1), pp. 214–20, and is available at URL <<http://www.stabilitypact.org/official%20Texts/PACT.HTM>>. A brief summary of the pact and the partners are listed in the glossary in this volume.

The participating states provided information on planned activities for 2004, including: accommodation of additional inspections and evaluation visits, engagement in information exchange extending beyond the Vienna Document 1999 provisions, the intensification of CSBMs, and the evaluation of further possible cooperation and assistance regarding anti-personnel mines and SALW.<sup>49</sup>

#### IV. Building confidence and stability in Europe

In 2003 no major steps were taken in the field of traditional CSBMs, although ways of improving the implementation of existing agreements were discussed.<sup>50</sup> Differing views were expressed, especially with regard to the Vienna Document 1999 and the 1994 Principles Governing Non-Proliferation.<sup>51</sup> Consequently, the 13th Annual Implementation Assessment Meeting (AIAM) in March focused on matters such as simplifying the procedures concerning information exchange, updating the data relating to major weapon and equipment systems, transfers of conventional arms and non-proliferation efforts.<sup>52</sup> Steps were taken to resolve difficulties faced by verification teams while in transit.<sup>53</sup> The OSCE states insisted on the importance of the Forum for Security Co-operation (FSC) reminding mechanism to ensure full and timely implementation of commitments. The OSCE Communications Network, which is vital to the CSBM/CFE notification and information exchange system, was upgraded to an Internet-based system in 2003, which made it easier for participating states to use it. At the end of 2003, 47 states were connected to the network. The FSC Security Dialogue was also revitalized. Presentations and information by a number of states provided a high level of transparency about both defence planning and budgetary processes.<sup>54</sup>

<sup>49</sup> Information to the OSCE Permanent Council and the Forum for Security Co-operation on activities of the Commission of the participating states established under the Concluding Document of the Negotiations under Article V of Annex 1-B of the General Framework Agreement for Peace in Bosnia and Herzegovina following their 2003 Meeting on 31 Oct. 2003. Delegation of Germany, Chairman of the Art.V Commission, OSCE document Art V.DEL/5/03, Vienna, 26 Nov. 2003.

<sup>50</sup> Lachowski, Z., *Confidence- and Security-Building Measures in the New Europe*, SIPRI Research Report no. 18 (Oxford University Press: Oxford, forthcoming).

<sup>51</sup> Principles Governing Non-Proliferation, CSCE Forum for Security Co-operation, Vienna, 3 Dec. 1994, reproduced at URL <<http://www.fas.org/nuke/control/osce/text/NONPROLE.htm>>.

<sup>52</sup> For more on the 13th AIAM see 2003 Annual Implementation Assessment Meeting, Vienna 4–5 Mar. 2003, Consolidated Summary, Chairperson's report, Reports of the working sessions rapporteurs, OSCE FSC document FSC.AIAM/51/03, 12 Mar. 2003.

<sup>53</sup> Statement by the Chairperson, OSCE Forum for Security Co-operation document FSC.JOUR/408/Corr.1, Annex, 8 Oct. 2003, available at URL <<http://www.osce.org/docs/english/fsce2003.htm>>.

<sup>54</sup> Letter from the Chairperson of the Forum for Security Co-operation to the Minister for Foreign Affairs of the Netherlands, Chairperson of the Eleventh Meeting of the Ministerial Council of the OSCE, OSCE Ministerial Council, Maastricht 2003, document MC(11).JOUR/2, Annex 14, 2 Dec. 2003, reproduced in Eleventh Meeting of the Ministerial Council, pp. 140–43, available at URL <<http://www.osce.org/docs/english/mincone.htm>>.

### Small arms developments

In 2003 the main development at the OSCE relating to SALW was the creation of the Handbook of Best Practices on SALW.<sup>55</sup> In 2002 the decision had been taken to develop a set of best-practice guides relating to the OSCE SALW Document.<sup>56</sup> Drawing on the information exchanged by participating states, such guides were developed in 2003 by a group of 12 states. The guides cover topics related to SALW: national controls over manufacture; marking, record-keeping and traceability; national procedures for stockpile management and security; national control of brokering activities; export control; definition and indicators of a surplus; national procedures for destruction; and disarmament, demobilization and reintegration (DD&R). The guides were compiled into a handbook, which was formally presented at the Maastricht Ministerial Council on 1 December. The handbook is intended to assist governments, parliaments, non-governmental organizations (NGOs) and international organizations to review legislative proposals and formulate new programmes to address the problem of SALW in the OSCE area.

Another important development regarding SALW involves the implementation of section V of the SALW Document, which deals with small arms as part of early warning, conflict prevention, crisis management and post-conflict rehabilitation. In November 2002, the FSC provided the OSCE Permanent Council with 'expert advice' on how to implement section V.<sup>57</sup> A process was established by which the requesting state will receive implementation assistance. In July 2003, Belarus became the first country to request assistance in accordance with the provisions of this procedure.<sup>58</sup>

At the ASRC, concerns were raised regarding the threat, mainly to civilian aircraft, posed by terrorists acquiring MANPADS. This threat is augmented by the relatively wide availability of these weapons on the black market. In response to these concerns, the FSC decided to promote more effective export controls for such weapons. In addition, states were urged to develop projects for tackling problems related to MANPADS.<sup>59</sup>

<sup>55</sup> OSCE, *Handbook of Best Practices on Small Arms and Light Weapons* (OSCE: Vienna, 2003), available at <[http://www.osce.org/events/mc/netherlands2003/handbook/salw\\_all.pdf](http://www.osce.org/events/mc/netherlands2003/handbook/salw_all.pdf)>. See also chapter 18 in this volume.

<sup>56</sup> OSCE, FSC Decision no. 11/02, Preparation of Best Practice Guides on Small Arms and Light Weapons, Forum for Security Co-operation document FSC.DEC/11/02, 10 July 2002, available at URL <<http://www.osce.org/docs/english/fsce2002.htm>>.

<sup>57</sup> OSCE, FSC Decision no. 15/02, Expert Advice on Implementation of Section V of the OSCE Document on Small Arms and Light Weapons, Forum for Security Co-operation document FSC.DEC/15/02, 20 Nov. 2002, available at URL <<http://www.osce.org/docs/english/fsce2002.htm>>.

<sup>58</sup> OSCE, Statement by the Permanent Delegation of the Republic of Belarus to the OSCE, the Joint Consultative Group and the Open Skies Consultative Commission, Forum for Security Co-operation document FSC.DEL/331/03, 9 July 2003.

<sup>59</sup> OSCE, FSC Decision no. 7/03, Man-Portable Air Defense Systems, Forum for Security Co-operation document FSC.DEC/7/03, 23 July 2003, available at URL <<http://www.osce.org/docs/english/fsce2003.htm>>. On 23 Jan. 2004, a seminar was organized in Vienna to discuss the threat of MANPADS. At the seminar, various countermeasures were discussed, such as protecting aircraft and airports. The OSCE's role was viewed mainly through the proper implementation of the SALW Document. *International Herald Tribune*, 'Shoulder-fired rockets worry aviation security agents', 24–25 Jan. 2004, p. 3. See also chapter 18 in this volume.



## The Code of Conduct on Politico-Military Aspects of Security

The Code of Conduct sets norms not only for politico-military relations between OSCE participating states, but also for such relations within states.

In 2003 the debate about the COC centred largely on the annual information exchange and the related questionnaire; 51 participating states responded to the questionnaire. However, only 30 of these states submitted their responses before the 15 April deadline. Two states have never responded since the first information exchange in 1998. The Conflict Prevention Centre (CPC) was asked to present an overview of the responses to Question 1, which deals with efforts by the participating states to combat terrorism. Question 1 was expanded in 2002 in order to avoid confusion as to what information is to be included in the responses. However, since the 2003 information exchange encountered the same problem, the CPC suggested that it be further revised. Alternatively, the creation of model answers was suggested. Despite these problems of coherence, the responses to Question 1 provided a significant amount of information.<sup>60</sup>

In April the FSC decided on a technical update of the COC Questionnaire in order to achieve a more focused exchange of information. Rather than changing the content of the questionnaire, the questions were rearranged and supplemented.<sup>61</sup> The new format will be implemented in the 2004 information exchange.<sup>62</sup>

At the Third Follow-Up Conference on the COC in 2002, it was recommended that the CPC further develop its practice of organizing seminars and workshops in order to raise awareness of the COC in participating states.<sup>63</sup> Between 12 and 16 May 2003, two seminars were held in Dushanbe, Tajikistan, and Tashkent, Uzbekistan, for parliamentarians, officials from ministries and research institutes. Apart from raising awareness among the participants about the COC and the Vienna Document 1999, the seminars also provided guidance and assistance in the implementation of these agreements.<sup>64</sup>

A similar seminar was organized in Kyiv, Ukraine, on 16–17 June 2003. The participants at this seminar were parliamentarians and government officials from Belarus, Belgium, Latvia, Lithuania, Moldova, Poland, Slovakia, Slovenia, Sweden and Ukraine. The main theme of this seminar was the implementation of the principles of democratic control of the defence and security sectors. Special attention was given to the parliamentary responsibil-

<sup>60</sup> OSCE CPC, Overview of responses to Question 1 of the April 2003 information exchange on the Code of Conduct on Politico-Military Aspects of Security, Forum for Security Co-operation document FSC.GAL/113/03, 16 Sep. 2003.

<sup>61</sup> The only addition was a description of the national planning- and decision-making process for the determination/approval of defence expenditures.

<sup>62</sup> OSCE FSC, Decision no. 4/03, Technical update of the questionnaire on the Code of Conduct, Forum for Security Co-operation document FSC.DEC/4/03, 9 Apr. 2003, available at URL <<http://www.osce.org/docs/english/fsce2003.htm>>.

<sup>63</sup> OSCE, Third Follow-up Conference on the OSCE Code of Conduct on Politico-Military Aspects of Security: Survey of Suggestions, Forum for Security Co-operation document FSC.GAL/123/02, 8 Oct. 2002.

<sup>64</sup> OSCE, Information on seminars on implementation of the Code of Conduct and CSBMs, Dushanbe and Tashkent, 12–16 May 2003, Secretariat document SEC.GAL/103/03, 10 June 2003.

ities outlined in the COC as well as to reform of national armed forces.<sup>65</sup> Another seminar was organized on 2–3 September in Ashgabat, Turkmenistan, to provide assistance to Turkmenistan in preparing for the various annual exchanges of information.<sup>66</sup> A seminar on the democratic control of armed forces was held for young Armenian officers in late November.<sup>67</sup>

The number of seminars organized in Central Asia and the Caucasus demonstrates OSCE concern over poor implementation of the COC and other CSBM agreements by countries in these regions. However, the positive response from the seminar participants suggests that these states might become more effective in implementing the COC and other commitments in future.

### **Security risks arising from stockpiles of ammunition and explosives**

The presence of surplus ammunition in the OSCE area creates risks that may adversely affect both the local population and the environment and, through possible illicit trafficking and uncontrolled dispersal to terrorists and criminal groups, the security of the OSCE participating states. At the initiative of France and the Netherlands, in November 2002 the FSC decided to address the issue of the security risk created by surplus stockpiles of ammunition and explosives for use in conventional armaments (other than small arms) and those awaiting destruction in the OSCE area. Working Group B was given the task of carrying out an analysis of the issue and identifying concrete measures.<sup>68</sup> The problem was also addressed in the Porto Ministerial Declaration.<sup>69</sup>

A workshop on the topic, held in Vienna on 27–28 May 2003, focused on the experiences gained from ongoing or completed projects in the OSCE area in stockpile management and destruction, and on the role and experience of other international organizations which deal with the issue.<sup>70</sup> The workshop highlighted the magnitude of the problem in the OSCE area and at its perimeters.<sup>71</sup> National or international programmes address a number of

<sup>65</sup> OSCE, Information on Seminars on Democratic Control of Armed Forces and the Code of Conduct on Politico-Military Aspects of Security, Forum for Security Co-operation document FSC.GAL/84/03, 1 July 2003.

<sup>66</sup> OSCE, Information on training seminar on the implementation of the OSCE CSBMs held in Ashgabat on 2–3 Sep. 2003, Forum for Security Co-operation document FSC.GAL/112/03, 15 Sep. 2003.

<sup>67</sup> OSCE, Office in Yerevan, 'OSCE seminar trains young Armenian officers on democratic control of armed forces', Press Release, 25 Nov. 2003, available at URL <[http://www.osce.org/news/show\\_news.php?id=3715](http://www.osce.org/news/show_news.php?id=3715)>.

<sup>68</sup> OSCE, Decision no. 18/02, Security risk arising from stockpiles of ammunition and explosives for use in conventional armaments in surplus or awaiting destruction in the OSCE area, Forum for Security Co-operation document FSC.Dec/18/02, 27 Nov. 2002, available at URL <<http://www.osce.org/docs/english/fsce2002.htm>>.

<sup>69</sup> Porto Ministerial Declaration, Responding to Change, MC.DOC/1/02, 7 Dec. 2002, para. 13, reproduced in Tenth Meeting of the Ministerial Council, pp. 3–5, available at URL <<http://www.osce.org/docs/english/mincone.htm>>.

<sup>70</sup> OSCE, Chair's report on the workshop on security risks arising from stockpiles of ammunition and explosives for use in conventional armaments in surplus or awaiting destruction in the OSCE area, Forum for Security Co-operation document FSC.DEL/247/03, 17 June 2003.

<sup>71</sup> At the workshop the following countries reported surplus stockpiles of ammunition and/or explosives: Albania (108 000 tonnes), Belarus (97 500 tonnes), Czech Republic (100 000 tonnes),

existing stockpiles. However, there was general agreement that the current programmes and funding for the destruction of stockpiles are insufficient and that more effort is required.<sup>72</sup>

One suggestion made at the workshop was to develop a separate ‘ammunition document’. On 19 November 2003, the FSC adopted the resulting document, the OSCE Document on Stockpiles of Conventional Ammunition, which was later endorsed by the Maastricht Ministerial Council on 1–2 December. This politically binding document sets out a procedure to assist requesting states with the destruction of their surplus stockpiles. Each state is responsible for determining whether it has a surplus stockpile and for managing or destroying it. Requesting assistance from the OSCE is voluntary. The document provides a set of indicators for states to consider when determining whether they have surplus stockpiles and assessing how well these are managed. Requests for assistance are to be made using a standard questionnaire, and potential assisting and donor countries are invited to fill out a questionnaire indicating the funds and expertise they are prepared to make available. The OSCE will help states to identify existing stockpiles, collect data on them and match requesting states with potential assisting and donor countries. In addition, the OSCE field missions may assist states to implement their stockpile destruction programmes. Finally, the document sets out a detailed step-by-step procedure for how the OSCE will deal with requests by participating states.<sup>73</sup>

The document is a positive step towards addressing a serious problem in the OSCE area. It will allow the problem to be handled more effectively and sets an example for other regions with similar problems.

### *Destruction of surplus ammunition and explosives in Georgia*

At the end of January 2003, an agreement was signed between Georgia and the OSCE establishing a project to destroy or recycle Georgia’s large surplus of ammunition and explosives left at the old military bases. These were deemed to threaten both the security of Georgia and its environment.<sup>74</sup> The demolition of unstable bombs began in October 2003, and a centre has been established to dismantle and recycle artillery ammunition.<sup>75</sup> Projects have also been proposed to neutralize the hazardous wastes left at former military bases in Georgia.

Ukraine (250 000 tonnes), and Russia (an unspecified amount). The Georgian surplus was reported by the OSCE Mission to Georgia.

<sup>72</sup> OSCE, *FSC Journal*, Forum for Security Co-operation document FSC.JOUR/413, 19 Nov. 2003, available at URL <<http://www.osce.org/docs/english/fsc2003.htm>>.

<sup>73</sup> OSCE, Document on Stockpiles of Conventional Ammunition, Forum for Security Co-operation document FSC.DOC/1/03, 19 Nov. 2003, available at URL <[www.osce.org/documents/fsc/2003/11/1379\\_en.pdf](http://www.osce.org/documents/fsc/2003/11/1379_en.pdf)>.

<sup>74</sup> OSCE, Mission to Georgia, ‘OSCE states will fund long-term scheme to destroy surplus weapons and explosives in Georgia’, Press Release, 30 Jan. 2003, available at URL <[http://www.osce.org/news/show\\_news.php?id=3024](http://www.osce.org/news/show_news.php?id=3024)>.

<sup>75</sup> OSCE, Mission to Georgia, ‘Bombs destroyed under OSCE-supervised disarmament project in Georgia’, Press Release, 3 Oct. 2003, available at URL <[http://www.osce.org/news/show\\_news.php?id=3578](http://www.osce.org/news/show_news.php?id=3578)>.

These pose a severe threat to the environment in the areas surrounding the bases.<sup>76</sup>

In October, NATO approved a project to demilitarize over 300 ground-to-air defence missiles and eliminate unexploded ordnance at former military sites in Georgia. The project, which will be led by Luxembourg, was agreed under the PFP Trust Fund Policy.<sup>77</sup>

### CBM agreements between Greece and Turkey

Relations between Greece and Turkey are overshadowed by major disputes over Cyprus and the Aegean Sea. Since 2000 a process has been taking place to reinvigorate the confidence-building measures (CBMs) process between the two countries in order to reduce the tensions between them.<sup>78</sup> This process has focused on issues related to the Aegean Sea. The CBM discussions are conducted at NATO and in talks between the political directors of the respective foreign ministries. Before 2003 this process had resulted in a number of CBM agreements.<sup>79</sup>

New CBMs were developed in 2003. Three such measures were agreed at a meeting between the Greek and Turkish foreign ministers on 26 May. These envisaged: (a) organizing visits between staff officers of the general staffs of the army, navy and air force; (b) exchange of students between the respective war academies; and (c) establishing cooperation between two military hospitals, one in each country.<sup>80</sup> The NATO process also resulted in new agreements. On 23 July, the NATO Secretary General announced two new measures involving cooperation between the national defence colleges and an exchange of personnel for training purposes between the PFP Training

<sup>76</sup> OSCE, Projects, Assessment and neutralization of hazardous wastes in former bases in Akhalkalaki and Akhaltsikhe, URL <[http://www.osce.org/osceprojects/show\\_project.php?id=455](http://www.osce.org/osceprojects/show_project.php?id=455)>.

<sup>77</sup> 'Financial management agreement for Trust Fund project with Georgia signed today', *NATO Integrated Data Service*, PR/CP (2003)127, 28 Oct. 2003. The PFP Trust Fund was established in 2000 to assist the NATO partner countries with the safe destruction of stockpiled anti-personnel mines and other munitions.

<sup>78</sup> For more information on the background of the dispute and the CBM process, see Lachowski, Z., 'Conventional arms control', *SIPRI Yearbook 2001* (note 3), pp. 588–89; and Lachowski, Z. and Kronstedt, P., 'Confidence- and security-building measures in Europe', *SIPRI Yearbook 1999: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 1999), p. 650.

<sup>79</sup> Agreements reached at the political director level include: (a) direct communication channels at foreign minister level; (b) additional officers to be invited to attend the 'Distinguished Visitors Day' of an annual large-scale exercise on each side; (c) cooperation on the prevention of pollution in the Evros/Meriç River; and (d) establishment of a direct telephone line between the respective defence ministers. One agreement was reached in the NATO framework on exchanging timetables for national exercises to be conducted in the Aegean Sea region in the next year. Such exchanges were made in 2001, 2002 and 2003.

<sup>80</sup> Anatolia (Ankara), 26 May 2003, in 'Turkey's Gul views Ozkok remarks; signs confidence-building accord with Greece', Foreign Broadcast Information Service, *Daily Report—West Europe (FBIS-WEU)*, FBIS-WEU-2003-0527, 28 May 2003.

Centres.<sup>81</sup> In mid-October, the Greek and Turkish foreign ministers agreed a set of CBMs relating to Cyprus.<sup>82</sup>

Nonetheless, tension continued between the two countries. The dispute over how far Greece's airspace extends into the Aegean Sea continued to cause mock air skirmishes between the Greek and Turkish air forces.<sup>83</sup> This indicates that the CBM accords reached so far are symbolic and do little to contribute to reducing the recurrent tension between the two countries.

## V. The Treaty on Open Skies

The Treaty on Open Skies was signed on 24 March 1992 and entered into force on 1 January 2002.<sup>84</sup> The treaty calls for participants to open their territories up to unarmed surveillance flights. Its area of application stretches from Vancouver eastwards to Vladivostok.

In the second year of implementation of the treaty, 34 observation flights were conducted from December 2002 to December 2003.<sup>85</sup> Italy certified its observation aircraft and sensor configurations, and several other states indicated their intention to do so. Finland and Latvia acceded to the treaty in February, and Bosnia and Herzegovina acceded in August. At the end of 2003 four other states were in the process of becoming parties. Estonia, Lithuania and Slovenia have been accepted by the Open Skies Consultative Commission (OSCC) but have not yet ratified the treaty. Croatia has ratified the treaty but has not yet deposited its instruments of ratification with the depositaries. Turkey continues to block the accession of Cyprus.

The first annual review of active quotas for observation flights scheduled for 2004 was completed by the OSCC in October.<sup>86</sup> In November, Latvia was allocated a passive quota of four observation flights, ending a dispute on the number of flights.<sup>87</sup> Various other issues were addressed by the OSCC in 2003, many of which were raised when the treaty entered into force in 2002. For example, some states have changed the location and number of their 'Open Skies airports' since signing the treaty. This causes problems because it upsets the relationship between maximum flight distances, flight quotas, and the number and location of such airports. Other issues addressed included tran-

<sup>81</sup> 'Greece and Turkey agree confidence-building measures', *NATO Update*, 23 July 2003, URL <<http://www.nato.int/docu/update/2003/07-july/e0723d.htm>>.

<sup>82</sup> *Ta Nea* (Athens), 14 Oct. 2003, in 'Athens daily views Cyprus issue, Greek-Turkish CBMs, Powell's visit 22 Oct', FBIS-WEU-2003-1015, 16 Oct. 2003.

<sup>83</sup> 'Aerial skirmishing overshadows EU summit', *Financial Times*, 17 June 2003, p. 2.

<sup>84</sup> The signatories and parties to the Treaty on Open Skies are listed in annex A in this volume.

<sup>85</sup> Letter from the Chairperson of the Open Skies Consultative Commission to the Minister of Foreign Affairs of the Netherlands, Chairperson of the Eleventh Meeting of the Ministerial Council of the OSCE, OSCE doc. MC(11).JOUR/2, Annex 15, 2 Dec. 2003, available at URL <<http://www.osce.org/docs/english/mincone.htm>>.

<sup>86</sup> Open Skies Consultative Commission, Decision no. 18/03 to the Treaty on Open Skies, Redistribution of active quotas for observation flights 2004, OSCC.DEC/18/03, 27 Oct. 2003.

<sup>87</sup> Open Skies Consultative Commission, Decision no. 19/03 to the Treaty on Open Skies, Allocation of a passive quota to Latvia, OSCC.DEC/19/03, 24 Nov. 2003.

sit flights to the state over which observation flights are to be conducted and the distribution of costs related to the implementation of the treaty.

## VI. Building confidence and security in the western hemisphere

Since the early 1990s a regional security dialogue has taken place in Latin America. A series of meetings have been held within the framework of the Organization of American States (OAS) to discuss how best to build confidence and security in the region, and the promotion of CSBMs has been a central aspect of this process. The first meeting to focus explicitly on CSBMs was the 1994 Buenos Aires Meeting of Governmental Experts, which produced an Illustrative List of CSBMs for countries to consider adopting. The 1995 Santiago CSBMs conference and the 1998 San Salvador CSBMs conference continued this process by adopting declarations outlining further CSBMs for voluntary implementation.<sup>88</sup> However, unlike the current European measures, Latin American CSBMs are non-binding and do not constitute a coherent system. Furthermore, their role is often viewed as ambiguous since there is no threat of a major interstate conflict in the region.

At the Special Conference on Security, held in Mexico City on 27–28 October 2003, a new concept of security was adopted for the region. In addition to traditional threats to security, it emphasized ‘new threats’, including terrorism, organized crime, the global drug trade, corruption, asset laundering, illicit trafficking in weapons, poverty, environmental degradation and WMD proliferation. Increased cooperation among countries in the hemisphere is needed to deal with these threats. The Declaration on Security in the Americas therefore emphasized the implementation of the Santiago and San Salvador declarations and of the ‘Consensus of Miami’ (discussed below).<sup>89</sup>

In preparation for the Special Conference on Security, a Meeting of Experts on CSBMs was held in Miami, on 3–4 February 2003, to consider new CSBMs for possible implementation and to make recommendations to the Special Conference on Security. It was intended to act as a follow-up to the Santiago and San Salvador conferences and to evaluate the implementation of the CSBMs proposed in the declarations of those conferences.

The Miami meeting produced two documents: the Consensus of Miami: Declaration by the Experts on CSBMs, and an Illustrative List of CSBMs. The Declaration recommends 35 military and general CSBMs for voluntary application by states. In accordance with the new security concept, CSBMs were suggested to deal with both traditional and new threats. The measures to

<sup>88</sup> For a list of the OAS members see the glossary in this volume. For further information on these meetings, see Lachowski, Z. ‘Conventional arms control’, *SIPRI Yearbook 1999* (note 78), p. 641; and Lachowski, Z. ‘Conventional arms control’ *SIPRI Yearbook 2001* (note 3), p. 572. The texts of the Santiago and San Salvador declarations are reproduced on the US State Department Internet site at URL <<http://www.state.gov/t/ac/csbm/amer/rd/c9945.htm>>.

<sup>89</sup> The Declaration on Security in the Americas of the Special Conference on Security is available at URL <<http://www.oas.org/main/main.asp?sLang=E&sLink=http://www.oas.org/csh/english>>.



address traditional threats include: (a) implementing a programme of notification and observance of joint exercises and routine operations; (b) organizing visits to defence installations and exchange of civil and military personnel for training purposes; (c) exchanging defence policy and doctrine papers; (d) inviting the chairman of the OAS Committee on Hemispheric Security to observe joint exercises; (e) conducting combined exercises between armed forces and/or public security forces; (f) exchanging information on the organization, structure, size and composition of defence and security forces; (g) using the OAS Information System (OASIS) for the exchange of defence and security information, data and communications; and (h) continuing consultations to advance the limitation and control of conventional weapons in the region. A series of CSBMs specifically tailored to the security concerns of small island states was also included.<sup>90</sup> The Declaration recommends that the Committee on Hemispheric Security also act as a forum for CSBMs 'in order to review and evaluate existing CSBMs and to discuss, consider, and propose new CSBMs'.<sup>91</sup> Additional CSBMs were suggested to deal with the new threats to security, including exchanging information on these issues, and identifying and destroying excess stocks of SALW.

The Illustrative List of CSBMs is an update of the list produced at the 1994 Buenos Aires Meeting of Governmental Experts. Among the recommended CSBMs are a number of military measures pertaining to the deployment of armed forces; information exchange, personnel exchange for visits, communications, contacts, training and education; and verification.<sup>92</sup> The Illustrative List of CSBMs also recommends that the OAS and other regional organizations develop specific CSBMs to deal with the new threats.

Implementation of the CSBMs outlined in the declarations of Santiago and San Salvador and in the Consensus of Miami could have a positive impact on the security situation in the region. Information on CSBM implementation is provided to the OAS General Secretariat and to the Inter-American Defense Board (IADB). The latest compilation of this information was made in 2002, when 14 states reported on implementation of the CSBMs. The measures most often implemented were: (a) participation in the United Nations Register of Conventional Arms (UNROCA) and the UN Standardized International Reporting of Military Expenditures; (b) exchange of information concerning defence policies and doctrines; (c) invitation of observers to military exercises, visits to military installations, observation of routine operations, and exchange of personnel for training; (d) communication among civilian and military

<sup>90</sup> This was done at the recommendation of the Second High-Level Meeting on the Special Security Concerns of Small Island States, held in Kingstown, Saint Vincent and the Grenadines, 8–10 Jan. 2003. For the recommendations on CSBMs, see Confidence- and Security-Building Measures to Enhance the Security of Small Island States, OAS document OEA/Ser.K/XXIX, SEPEIN-II/doc.7/02rev.2, 10 Jan. 2003, available at URL <<http://www.oas.org/main/main.asp?sLang=E&sLink=http://www.oas.org/documents/eng/oasissues.as>>.

<sup>91</sup> Consensus of Miami: Declaration by the Experts on Confidence- and Security-Building Measures: Recommendations to the Summit-Mandated Special Conference on Security. It is reproduced at URL <<http://www.state.gov/t/ac/csbm/rd/17665.htm>>.

<sup>92</sup> The Illustrative List of Confidence- and Security-Building Measures is reproduced at URL <<http://www.state.gov/t/ac/csbm/rd/18423.htm>>.

authorities of neighbouring states; and (e) seminars and courses on confidence-building and the special security concerns of small island states. Few states implemented any of the other measures.<sup>93</sup> In general, implementation of the CSBM agreements has been sporadic owing, in part, to the continued strong position of the military in the region and its reluctance to apply CSBMs more intensively.

## VII. Explosive remnants of war

The 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (CCW Convention or 'Inhumane Weapons' Convention) bans or restricts the use of certain types of weapons.<sup>94</sup> At the Second CCW Convention Review Conference, in December 2001, the parties established the Group of Governmental Experts on Explosive Remnants of War (ERW) and Mines other than Anti-Personnel Mines (MOTAPM—anti-vehicle mines).<sup>95</sup> ERW are unexploded ordnance and abandoned explosive ordnance, with the exception of mines, booby traps and other devices as defined in Protocol II of the CCW Convention.<sup>96</sup>

The Group of Governmental Experts comprises two working groups. The first working group addresses the humanitarian risks caused by ERW, and the second working group focuses on prohibiting or restricting the use and transfer of anti-vehicle mines. Each working group has a coordinator. In 2003 the work of the first working group was emphasized, while the parties agreed to 'further explore the issue' of anti-vehicle mines.

The discussions of the Group of Governmental Experts, which began in March 2003, were facilitated by a draft document prepared by the coordinator.<sup>97</sup> The most controversial topic was the character of the future document. Most states advocated a legally binding instrument. Although the USA favoured a political document, it did not in the end block agreement on a legally binding document. The inclusion of a ban on the use of cluster munitions was also discussed. This was controversial because of the allegedly

<sup>93</sup> OAS, Committee on Hemispheric Security, Inventory of Confidence- and Security-Building Measures applied by Member States of the Organization of American States, OEA/Ser.G, CP/CSH-384/01rev.1, 5 Feb. 2002.

<sup>94</sup> The CCW Convention is reproduced in Goldblat, J., PRIO, SIPRI, *Arms Control: The New Guide to Negotiations and Agreements* (SAGE: London, 2002), pp. 260–71. The parties and signatories to the CCW Convention are listed in annex A in this volume. For discussion of landmine activities see the relevant chapters in previous editions of the SIPRI Yearbook.

<sup>95</sup> For more on the Second CCW Review Conference, see Lachowski, Z., 'Conventional arms control', *SIPRI Yearbook 2002* (note 24), pp. 732–34.

<sup>96</sup> Amended Protocol II is reproduced in Goldblat (note 93), pp. 561–74.

<sup>97</sup> Draft Proposal for an Instrument on Explosive Remnants of War by the Coordinator on Explosive Remnants of War, Group of Governmental Experts of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects, Document CCW/GGE/V/WG.1/WP.1/Rev.1, 20 May 2003, available at URL <<http://disarmament2.un.org/ccw/ccwgedocsfifth.html>>.

widespread use of such munitions by the US-led forces in Iraq.<sup>98</sup> The USA and other states opposed the ban and were able to prevent its inclusion.<sup>99</sup>

In November 2003 the Group of Governmental Experts agreed the text of Protocol V on Explosive Remnants of War of the CCW Convention, which was adopted by the Meeting of the States Parties on 28 November.<sup>100</sup> It will enter into force six months after 20 countries have ratified it.

Protocol V focuses mainly on post-conflict remedial measures. It places primary responsibility for clearing the ERW left over from a conflict on the country on whose territory the ERW are located. The protocol also commits countries that leave ERW on the territory of other countries to provide assistance to clear them 'where feasible'. The provisions only apply to future conflicts and do not oblige states to clear their ERW from past wars. Other commitments include recording information on the use of explosive ordnance during a conflict and protecting civilians from the ERW through such efforts as risk education and marking. The protocol is supplemented by a technical annex, which may be voluntarily implemented by the parties. It outlines measures to make bombs and shells explode more reliably (thereby preventing them from becoming ERW) and to ensure that they are stored safely.

Protocol V is not a strong or comprehensive document. Its main weakness is that several obligations are qualified by wording which is open to broad interpretation, such as 'where feasible', 'where appropriate', 'in a position to do so', and the like.

In 2004 the Group of Governmental Experts will continue to discuss how these measures can be implemented (including the financing of them) and to study preventive measures to address how the design of munitions, including sub-munitions, can be adapted to reduce the risk that such weapons will become ERW.

The November 2003 Meeting of States Parties also agreed to begin discussing recommendations to limit the use of anti-vehicle mines. A protocol on anti-vehicle mines is opposed by several states, most notably China, India, Pakistan and Russia. Several proposals, including a Danish-US proposal, will be discussed in 2004.<sup>101</sup>

<sup>98</sup> For a discussion of the use of cluster munitions by the US-led coalition against Iraq, see the report by Human Rights Watch, *Off Target: The Conduct of the War and Civilian Casualties in Iraq*, Dec. 2003, available at URL <<http://www.hrw.org/reports/2003/usa1203/>>.

<sup>99</sup> For a more extensive discussion of the negotiations in the Group of Governmental Experts leading to the signing of the protocol, see the following articles by Boese, W. 'Pact on battlefield munitions reached', *Arms Control Today*, Jan./Feb. 2004; 'Countries agree to negotiate on explosive remnants of war', *Arms Control Today*, Jan./Feb. 2003; 'Talks focus on coping with bombs when the shooting stops', *Arms Control Today*, Apr. 2003; and 'Draft on unexploded munitions could prove controversial', *Arms Control Today*, Jun. 2003. All are available at URL <<http://www.armscontrol.org/subject/ca/#ccw>>.

<sup>100</sup> The text of the protocol is available at URL <<http://www.icrc.org/ihl.nsf/385ec082b509e76c141256739003e636d/c110d2926d08a892c1256e280056b275?OpenDocument>>.

<sup>101</sup> In Feb. 2004 the US Government announced a new policy on landmines, which does not include a commitment to join the CCW Convention. It does state, however, that after 2010 the USA will no longer use persistent landmines. This would apply to both anti-personnel mines and anti-vehicle mines. US Department of State, *New United States Policy on Landmines: Reducing Humanitarian Risk and Saving Lives of United States Soldiers*, Fact Sheet, Bureau of Political-Military Affairs, 27 Feb. 2004, available at URL <<http://www.state.gov/t/pm/rls/fs/30044.htm>>.

## VIII. Conclusions

Interest in and concern about conventional arms control do not match the current degree of focus on WMD and the proliferation risks and threats associated with them. Arms control in Europe has been affected by the successful removal of the threat of mass-scale attack in Europe. The issue of completing the adaptation of the CFE Treaty could thus be relatively neglected for several years without discernibly affecting European political relations—all the more since some parts of the adapted treaty (although not yet in force) are already being observed in practice. The West has remained determined that Russia honour its CFE political commitments, even at the risk of adversely affecting the prospects of the adapted CFE Treaty regime.

The second wave of NATO enlargement has created a qualitatively new situation. Consequently, the main channel for CFE Treaty-related talks has shifted towards the NATO–Russia Council forum. Russia intensified its diplomatic and political rhetoric in 2003 and early 2004, alleging that the admission of the new NATO members would place it at a ‘security disadvantage’ and deal a ‘fatal blow’ to the European conventional arms control regime. The resulting confrontation has made both NATO and Russia aware of the need to find a means to deal with the problem. However, NATO continues to emphasize Russia’s failure to meet its Istanbul commitments, which does not augur well for the adapted CFE Treaty regime. Russia has not taken any radical steps, such as withdrawing from the treaty, but it has hinted that it intends to pursue unspecified ‘insurance mechanisms and additional measures’ to monitor the weapons and activities on its borders. Nonetheless, much depends on Russia’s conduct on its southern perimeter.

The OSCE’s efforts to combat terrorism have so far made little use of relevant existing measures other than the COC and the SALW Document, both of which are steadily being improved. The OSCE has also placed greater emphasis on providing guidance and assistance to those former Soviet states which are less advanced in the implementation of CSBMs and related measures. The awareness of possible terrorist attacks led the participating states to propose new initiatives, such as removing surplus weapon stockpiles or taking action on MANPADS.

In 2003 some progress was made in Latin America, where measures were taken to address ‘new threats’ and to encourage military confidence building.

Protocol V on Explosive Remnants of War of the CCW Convention and the work on anti-vehicle mines demonstrate the willingness of states to mitigate the consequences of the use of weapons that predominantly affect civilians. Non-governmental organizations continue to provide significant impetus and to influence the development of the agenda in this particular field of arms control.