

II. Conventional arms control

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I. Introduction

Endeavours to rejuvenate European conventional arms control intensified in 2009. The 1990 Treaty on Conventional Armed Forces in Europe (CFE Treaty) has been in abeyance since December 2007, when Russia unilaterally ‘suspended’ its participation in the treaty.¹ However, the proposal by the President of Russia, Dmitry Medvedev, for a ‘European security treaty’ gave hope for progress. The European security dialogue that was initiated in 2008 continued in 2009, stressing the need to revitalize arms control and confidence- and security-building measures (CSBMs).² The subregional arms control framework in the Western Balkans continues to operate well and further steps have been taken to make it more self-reliant. However, the confidence-building and security-sharing efforts in Europe that focus on specific areas are in need of adaptation and upgrading.

Efforts to control ‘inhumane weapons’ continued in 2009, although with less dynamism than demonstrated in 2008 by the ‘Oslo process’ on cluster munitions.³

This chapter assesses major developments in conventional arms control in 2009. Section II discusses the status of and debate on European arms control. Section III addresses steps promoting ‘soft’ arms control measures to strengthen confidence and security, foster predictability and render practical disarmament assistance in the Organization for Security and Co-operation in Europe (OSCE) area. Section IV focuses on the control of ‘inhumane’ conventional weapons, while section V presents the conclusions.

II. European arms control

The 1990 Treaty on Conventional Armed Forces in Europe is the most elaborate conventional arms control regime worldwide. Its implementation

¹ For a summary and other details of the CFE Treaty see annex A in this volume.

² OSCE, Corfu informal meeting of OSCE foreign ministers on the future of European security: Chair’s concluding statement to the press, document CIO.GAL/83/09, 29 June 2009.

³ See Lachowski, Z. and Post, S., ‘Conventional arms control’, *SIPRI Yearbook 2009*. The ‘Oslo process’ is the name given to the diplomatic activities and public campaign that resulted in the Convention on Cluster Munitions (CCM) in 2008. For a summary and other details of the CCM see annex A in this volume.

Table 11.1. Aggregate treaty-limited equipment holdings of the states parties to the Treaty on Conventional Armed Forces in Europe, as of 1 January 2010

Year	Tanks	ACVs	Artillery	Aircraft	Helicopters	Total
1990	58 282	77 402	47 573	14 311	3 437	201 005
1992	55 939	78 273	46 344	13 525	3 215	197 296
1995	33 217	51 349	33 324	10 174	2 749	130 813
2000	30 338	46 968	31 511	9 070	2 497	120 384
2010	20 979	38 599	24 677	6 110	1 750	92 115
<i>Aggregate limits for all states parties</i>						
	40 000	60 000	40 000	13 600	4 000	157 600
<i>Decrease, 1990–2010</i>						
	-37 303	-38 803	-22 896	-8 201	-1 687	-108 890

ACVs = armoured combat vehicle

Source: Treaty on Conventional Arms Control in Europe and the Concluding Act on the Negotiations on Personnel Strength of Conventional Armed Forces in Europe, Consolidated Matrix, JCG document JCG.TOI/1/10, 19 Mar. 2010.

has resulted in more than a 50 per cent decrease in the aggregate holdings of the treaty-limited equipment (TLE)—battle tanks, armoured combat vehicles, artillery of at least 100-mm calibre, combat aircraft and attack helicopters—of the parties (see table 11.1). However, it is built on an outdated bipolar concept: an equilibrium of major categories of heavy conventional armaments and equipment between the North Atlantic Treaty Organization (NATO) and the now defunct Warsaw Treaty Organization in its Atlantic-to-the-Urals area of application. The 1999 Agreement on Adaptation of the CFE Treaty would better respond to geopolitical shifts and new security circumstances and requirements.⁴ The agreement has not entered into force because the NATO members and other states parties refuse to ratify it until Russia complies with the commitments it made at the 1999 OSCE Istanbul Summit.⁵ The 1990 CFE Treaty and the associated agreed documents and decisions therefore remain binding on all parties, although Russia has ‘suspended’ its implementation of the CFE Treaty.

⁴ For a summary and other details of the agreement see annex A in this volume. For the text of the CFE Treaty as amended by the Agreement on Adaptation see *SIPRI Yearbook 2000*, pp. 627–42.

⁵ OSCE, ‘Istanbul Summit Declaration’, 17 Nov. 1999, paras 15–19; and OSCE, ‘Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe’, 17 Nov. 1999, Annex 14. These texts are reproduced in *SIPRI Yearbook 2000*, pp. 642–46; and OSCE, ‘Istanbul Document 1999’, <<http://www.osce.org/item/15853.html>>, pp. 46–54, 236–59. With regard to the outstanding issues Russia committed itself: (a) to reduce its military equipment in Georgia; (b) to withdraw all Russian troops and ammunition from the territory of Moldova; and (c) to eliminate its stocks of ammunition and military equipment in the Trans-Dniester region of Moldova.

A European security architecture and conventional arms control

A European security dialogue was initiated at the 2008 Helsinki Ministerial Council, and in June 2009 the Organization for Security and Co-operation in Europe foreign ministers' meeting in Corfu, Greece, stressed the urgent need to revitalize arms control and CSBMs. The meeting launched a wide-ranging dialogue on European security that became known as the 'Corfu process', and 11 additional meetings of that type were held in 2009. These meetings prepared the agenda for the OSCE Ministerial Meeting in Athens, Greece, in December and for future meetings. The 'strategic dimension' of arms control, including the CFE Treaty, CSBMs and a broad range of security challenges and threats was one of the five broad areas that were addressed.⁶

In June 2008 Medvedev had presented a plan to hold a mid-2009 European summit to elaborate a legally binding European security pact.⁷ Thus, the faltering dialogue on the context and scope of the future of conventional arms control was conducted with the Russian President's proposal in mind, although, initially, the relation of the draft European security treaty to the CFE Treaty and to CSBMs was unclear.

After the August 2008 Georgia–Russia conflict, Medvedev announced a doctrine of 'privileged interests' for Russia's neighbouring regions, which would potentially further hamper the prospects of the European arms control regime.⁸ Medvedev later urged OSCE participating states to guarantee 'equal security' organized on Russia's terms.⁹ 'Hard' (armament limitation-related) security was emphasized as a determining factor and, regardless of its actions in the Georgia–Russia conflict, these positions also gave indications of how Russia would address conventional arms control issues. The Russian proposal for a new Euro-Atlantic security treaty, published in November 2009, fell far short of the announced wide security agenda and focused instead on establishing a mechanism of consultations and conferences to address the concerns of any member state about possible threats to its security from other parties.¹⁰

⁶ See OSCE, Corfu process: Reinforced Permanent Council, document CIO.GAL/179/09, 23 Nov. 2009.

⁷ President of Russia, 'Speech at meeting with German political, parliamentary and civic leaders', Berlin, 5 June 2008, <<http://www.kremlin.ru/eng/sdocs/speeches.shtml?type=82912>>. For more discussion of the Euro-Atlantic security setting in 2009 see chapter 4 in this volume.

⁸ Interview given by Dmitry Medvedev to television channels Channel One, Rossiya, NTV, Sochi, Russia, 31 Aug. 2008, <http://kremlin.ru/eng/text/speeches/2008/08/31/1850_type82912type82916_206003.shtml>. On the Georgia–Russia conflict see Stepanova, E., 'Trends in armed conflicts: one-sided violence against civilians', *SIPRI Yearbook 2009*, pp. 57–60.

⁹ President of Russia, 'Speech at World Policy Conference', Evian, France, 8 Oct. 2008, <http://eng.kremlin.ru/speeches/2008/10/08/2159_type82912type82914_207457.shtml>.

¹⁰ European security treaty, Unofficial translation, Draft, President of Russia, 29 Nov. 2009, <<http://eng.kremlin.ru/text/docs/2009/11/223072.shtml>>.

Soon after the inauguration of Barack Obama as United States President, his administration restarted the strategic arms control dialogue with Russia.¹¹ In February 2009 the Russian Deputy Foreign Minister, Alexander Grushko, stated that the arms control aspects of a European security treaty would not replace the CFE Treaty and other Europe-related arms control accords.¹² The details of the proposed treaty's arms control arrangements were spelled out by Russian officials at various meetings during the first half of 2009, and legally binding disarmament measures were stressed as crucial elements.

At the same time, meetings of OSCE high officials and experts were being held to discuss the state of the OSCE and to muster support for conventional arms control. The OSCE ambassadors debated the future of European security and the OSCE's role, stressing that the goal of the OSCE participating states should be to build on and strengthen the existing OSCE principles, provisions and commitments ('Helsinki Plus' or 'OSCE Plus') rather than seeking to replace them as proposed by Russia ('Helsinki II').¹³ Most participating states pointed to revitalization of arms control and CSBMs as an urgent priority. An Austrian workshop on European security dialogue discussed the concept of 'multipolarity' and its failure to address issues such as low-intensity conflicts and the future of the CFE.¹⁴ A meeting of experts in June in Germany that was intended to provide new impetus to the CFE discussion had little tangible success. Nevertheless, at an informal ambassadorial meeting devoted to arms control and CSBMs the significance of those topics was re-emphasized not only by the CFE states parties, but also by non-signatories of the treaty.¹⁵

Russia's draft security treaty proposed involving all of the major international structures in the Euro-Atlantic region, in contrast to the proposed Helsinki Plus discussion, which prioritized the OSCE. The two approaches overlapped but were not necessarily congruent. The Russian Foreign Minister, Sergei Lavrov, presented a general outline of the security treaty,

¹¹ Biden, J. R., Speech at the 45th Munich Security Conference, Munich, 7 Feb. 2009, <<http://www.securityconference.de/Joseph-R-Biden.234+M52b89fcdf08.0.html>>; and White House, 'Remarks by President Barack Obama, Prague, Czech Republic, 5 May 2009, <http://www.whitehouse.gov/the_press_office/Remarks-By-President-Barack-Obama-In-Prague-As-Delivered/>. See also chapters 4 and 9 in this volume.

¹² OSCE, Forum for Security Cooperation and Permanent Council, document FSC-PC.DEL/9/2009, 18 Feb. 2009.

¹³ OSCE, 'Debate on the future of European security and the role of the OSCE', Ambassadors' retreat, Stegersbach, 24–25 Apr. 2009, Summary by the Greek Chairmanship, 27 Apr. 2009, document CIO.GAL/53/09, 27 Apr. 2009. The predecessor of the OSCE was established at the 1975 Helsinki Conference. Russia has tended to use the terms 'Helsinki II' and 'Helsinki Plus' interchangeably.

¹⁴ OSCE, 'Expert meeting on a European security dialogue', Palais Niederösterreich, Vienna, 8 May 2009.

¹⁵ OSCE, 'Corfu process: Vienna informal meetings at ambassadors' level, 22 September 2009', Chair's perception paper, document CIO.GAL/132/09, 24 Sep. 2009.

emphasizing its priority of hard security, at the OSCE's Annual Security Review Conference (ASRC) in June 2009.¹⁶

Another Russian representative at the ASRC elaborated on the arms control elements of a draft treaty, including three conceptual clusters (within the arms control 'bloc') dealing with: (a) the basic objectives, (b) the guiding principles for negotiation of new accords, and (c) the required criteria for reaching new understandings.¹⁷

The basic objectives included lower levels of armed forces and military activities of a non-provocative character; strengthened regional stability by preventing the military domination of any state or group of states; assistance to stabilize crisis situations; and pursuit of 'reasonable sufficiency' by banning the permanent stationing of substantial combat forces on the territory of another state.

The guiding principles stressed: (a) arms control, confidence building, restraint and reasonable sufficiency in military development; (b) sovereignty and equal rights in negotiations carried out on a voluntary basis; and (c) respect for and recognition of the security interests of the future parties to such a treaty.

The required criteria were: a balanced approach and reciprocity; militarily significant arms control obligations; increased transparency regarding military forces and activities; avoidance of financial and economic burdens in the security building process; verifiability; and adaptability.

Russia proposed starting a 'programme for immediate action', similar to the programme of the early 1990s, aimed at updating, reformulating and extending the scope of the Vienna Document 1999 on Confidence- and Security-Building Measures.¹⁸ Russia also advocated adapting and updating the 1999 Platform for Cooperative Security, which promotes non-hierarchical relations among international organizations in the Euro-Atlantic region. Both proposals were supported by the members of the Collective Security Treaty Organization (CSTO).¹⁹

¹⁶ OSCE, Annual Security Review Conference, Delegation of the Russian Federation, 'The challenges of "hard security" in the Euro-Atlantic region: the role of the OSCE in establishing a stable and effective security system', Statement by Sergei Lavrov, Russian Minister for Foreign Affairs, at the opening session of the OSCE Annual Security Review Conference, Vienna, 23 June 2009.

¹⁷ See e.g. OSCE, 'Collective security or new confrontation: who is choosing what', Statement by Professor Vyacheslav Kulebyakin at the 2009 Annual Security Review Conference, Working Session II, Politico-military aspects of security: arms control arrangements and confidence-building measures in the OSCE area, Vienna, 19 June 2009.

¹⁸ See Conference on Security and Co-operation in Europe, Helsinki Document 1992: The Challenges of Change, Programme for Immediate Action annex, Helsinki, 10 July 1992, <<http://www.osce.org/mc/13017.html>>. For a summary of the Vienna Document 1999 see annex A in this volume.

¹⁹ Statement by the CSTO member states at the OSCE Forum for Security Cooperation, document FSC.DEL/208/09, 18 Nov. 2009. In late Sep. 2009, the CSTO foreign ministers meeting in New York supported the Russian initiative for a European security treaty and called for a meeting of leaders of the CSTO, NATO, the European Union, the Commonwealth of Independent States and the OSCE as a first step. For a brief description of the CSTO see annex B in this volume.

Competing views on revival of the CFE regime

In an attempt to keep the CFE treaty regime alive, despite Russia's suspension, in December 2008 the German Foreign Minister, Frank-Walter Steinmeier, invited high-ranking experts from CFE countries to Germany to make a 'new beginning'.²⁰ Lavrov responded at the 2008 Helsinki Ministerial Council that a solution to the impasse, based on NATO's 'parallel actions' package—proposals by the Western states in 2007–2008 for step-by-step ratification of the Agreement on Adaptation accompanied by consistent implementation of Russia's Istanbul commitments²¹—was 'quite amorphous', in contrast to 'a plan of carefully outlined Russian actions'.²² He also praised Germany's ideas that were 'similarly oriented' to the Russian plan. In response, the Western states parties to the CFE Treaty continued to urge Russia to address the crisis on the basis of NATO's parallel action package as the most promising approach and criticized the incompleteness of the data provided by Russia.

Although it is preoccupied with nuclear disarmament issues, policy and negotiation, the USA has promised to help resolve the deadlock with Russia over the CFE Treaty. A senior official of the Department of State's Bureau of Verification and Compliance stated that the issue would be a top priority.²³ However, swift progress on the issue appeared unrealistic.

The NATO Summit Declaration on Alliance Security that was adopted in April 2009 reconfirmed the NATO stance on the CFE Treaty regime that was agreed at the March 2008 North Atlantic Council (NAC) Bucharest Summit: NATO's parallel actions package addresses all of Russia's concerns.²⁴

In 2009, as in previous years, Russia refused to provide complete data, submit notifications and receive inspections under the CFE Treaty regime. However, its declarations and documents in 2009 demonstrated a degree of cautious search for agreement. NATO promised to provide its annual information exchange in 2009, called on Russia to do the same and warned that not reciprocating 'could make it difficult' for NATO to provide information

²⁰ Speech by Federal Foreign Minister, Dr Frank-Walter Steinmeier, at the OSCE Ministerial Council in Helsinki on 4 Dec. 2008, document MC.DEL/14/08, 4 Dec. 2008.

²¹ Socor, V., "Action for action" on the CFE Treaty: opportunity and risk', *Eurasia Daily Monitor*, 9 Oct. 2007; and NATO, NAC Statement on CFE, Press Release 2008(047), 28 Mar. 2008, <<http://www.nato.int/docu/pr/2008/p08-047e.html>>. See also Lachowski and Post (note 3), pp. 446–48.

²² Russian Ministry of Foreign Affairs, Information and Press Department, Speech by Russian Minister of Foreign Affairs Sergei Lavrov at the 16th Meeting of the OSCE Ministerial Council, Helsinki, 5 Dec. 2008, <<http://www.ln.mid.ru>>.

²³ Gottmoeller, R., Assistant Secretary of State-designate for the Bureau of Verification and Compliance, Testimony before the US Senate Foreign Relations Committee, 26 Mar. 2009, <<http://www.foreign.senate.gov/testimony/2009/GottmoellerTestimony090326p.pdf>>.

²⁴ NATO, Declaration on Alliance Security issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Strasbourg/Kehl, 4 Apr. 2009, <http://www.nato.int/cps/en/natolive/news_52838.htm>, para. 57.

to Russia in the future. At the same time, the NATO states declared that they were prepared for intensive efforts to find a way forward to salvage the CFE regime.²⁵

In contrast to the general character of NATO's parallel actions package, Russia has submitted several documents that spell out its ideas for a European arms control regime in detail. In May 2009 the Russian delegation submitted a document entitled 'Restoring the viability of the CFE Treaty: a way forward' in the Joint Consultative Group (JCG).²⁶ Russia's declared belief was that the treaty regime might be salvaged while work on the Russian-US draft package solution progressed. The 12-point Russian aide-memoire presented the Russian standpoint, elaborated in detail on demands and suggestions that had been contained in earlier documents and added new proposals.

1. Russia expected the 'most reliable guarantees' that the Agreement on Adaptation would be ratified within the agreed timeframe.

2. Russia stressed the inclusion of certain provisions in the package concerning the provisional application of the adapted treaty regime.²⁷

3. As 'an absolutely essential prerequisite' for agreement, territorial (flank) subceilings that apply to Russia would be abandoned.²⁸ Russia would, however, be ready to negotiate additional confidence-building measures (CBMs) on a reciprocal basis with other partners. Its motivation for abolishing the flank limitations was because they hinder the 'fight against terrorism'. The Russian proposal would extend flank limitations to the entire European territory of Russia. Turning Russia's entire European territory into a flank area would allegedly create equal rights and obligations for Russia and the other flank CFE Treaty states parties and strengthen the regime through the territorial extension of the flank area.²⁹ While such a compromise would favour Russia (by giving it a free hand to concentrate TLE near its borders in strategic areas), the limitation on deployments that exceed territorial ceilings would be retained for the other flank states.

²⁵ OSCE, Statement by the delegation of Denmark, 17th Meeting of the OSCE Ministerial Council, document MC.DEL/78/09, 2 Dec. 2009.

²⁶ Joint Consultative Group, document JCG.JOUR/693, Annex 3, attachment, 5 May 2009.

²⁷ Russia originally envisaged a 2-step approach: a 9-month period when the states parties would be guided by a political commitment to observe the adapted CFE Treaty; then, if the regime has not yet entered into force, the commencement of provisional application.

²⁸ The flank (or Article V) zone was a space of strategic importance (along with Central Europe) along the lines of confrontation between the two blocs. In the wake of the break-up of the Soviet Union the significance and role of the flank zone was essentially changed compared with the circumstances in which it was negotiated and agreed.

²⁹ Kulebyakin, V., 'European security and the Treaty on Conventional Armed Forces in Europe', eds W. Zellner, H.-J. Schmidt and G. Neuneck, *Die Zukunft konventioneller Rüstungskontrolle in Europe, The Future of Conventional Arms Control in Europe* (Nomos: Baden-Baden, 2009), p. 249.

4. The agreed reduced levels of TLE for NATO members would enter into force along with the provisional application of the adapted treaty regime.

5. The concrete terms for accession to the treaty regime by new NATO members would be attached to the package solution.

6. The definition of 'substantial combat forces' would also be appended to the draft package.³⁰

7. A decision should be adopted at the start of negotiations on further modernization of the adapted CFE Treaty regime after its entry into force. Such a decision would also contain a model list of issues to be considered.

8. Russia requested that a draft decision be agreed and appended to the Russian-US package solution, approving and supporting the continuation of the current 'peacekeeping' operation in Moldova.³¹ Later, this draft decision would be submitted to the OSCE Permanent Council for approval.

9. Russia could consider undertaking certain transparency measures regarding Moldova and the 'Trans-Caucasus' (apparently referring to Abkhazia and South Ossetia), depending on the situation at the time.

10. The proposal could be approved in the final document of a new extraordinary conference of the states parties to the CFE Treaty.

11. Once the Agreement on Adaptation has entered into force or begun to be applied provisionally, Russia would resume its implementation. As a gesture of goodwill, it would consider reciprocal transparency measures on a bilateral basis prior to the entry into force of the Agreement on Adaptation or its provisional application.

12. Russia stressed the need for dialogue with the USA on the CFE Treaty to elaborate the details of the Russian-US draft package. Russia is also open to dialogue with other states parties, for example in the JCG.

The Russian initiative was immediately supported by Belarus as an important step towards addressing the CFE Treaty crisis. Other states, par-

³⁰ Russia has long demanded that NATO clarify the meaning of the term 'substantial combat forces', which was contained in its 1997 pledge not to undertake 'additional permanent stationing of substantial combat forces'. Russia submitted its proposed parameters for (the combat brigade-level) 'substantial combat forces' in 2008. See Lachowski and Post (note 3), p. 448.

³¹ The declaration of 18 Mar. 2009 by the Moldovan President, the separatist Trans-Dniester leader and the Russian President complicated realization of the Istanbul commitment regarding full and unconditional withdrawal of Russian military forces from Moldova. Consenting to the 'advisability of transforming [the Russian troops] into a peace guaranteeing operation under the aegis of the OSCE following the Transdnestrian settlement', Moldova weakened its negotiating position on Trans-Dniester in future endeavours and undermined the Western position in CFE talks. 'Joint Declaration adopted following talks between President of the Russian Federation Dmitry Medvedev, and President of the Republic of Moldova Vladimir Voronin and Head of Transdnestria Igor Smirnov', Barvikha, 18 Mar. 2009, document 431-18-03-2009, <http://www.ln.mid.ru/brp_4.nsf/english>. See also Socor, V., 'Voronin-Medvedev accord demolishes Moldova's negotiating position on Transnistria', *Eurasia Daily Monitor*, 20 Mar. 2009. On the peace operation in Trans-Dniester see appendix 3A, table 3A.2, in this volume.

ticularly those that are NATO members, expressed reservations, stressing the value of NATO's parallel actions package. What seemed important was not the assertive language but the apparent willingness of Russia to return to the negotiating table. While some of the proposals, such as the substantial combat forces issue and accession of new members, appear easy to address, other demands are difficult to tackle (e.g. 'bloc-to-Russia' parity and the issues related to Russia's Istanbul pledges). The flank issue, spelled out in absolute terms by Russia, is bound to put NATO and other interested states parties to the most challenging test of principle.

The 'readaptation' debate: the focal points

By the end of 2009 NATO had not formulated an official position on updating the CFE regime ('readaptation'). Instead, experts and analysts have tried to fill that gap with ideas and suggestions, pointing to the critical issues related to ensuring European military stability.³² Some basic views and propositions for resolving the CFE crisis can be identified, although the final outcome of future CFE talks remains uncertain.

The consensus of the current debate is that continuity, rather than a radical change (i.e. a different arms control regime), is preferable and that the 'readapted' CFE Treaty should be an integral part of the European security architecture. The all-embracing character of the regime is no longer perceived as valid. While the 'all-European' system is deemed workable in general, regional and local threats and challenges call for more subtle and tailored arrangements, of both a legal and a political nature.

Irrespective of its undeniable merits, the Agreement on Adaptation is no longer satisfactory in view of the changed situation, particularly with regard to subregional challenges. Debate centres on whether it is advisable to ratify the agreement and move to negotiating an updated (readapted) treaty, or to move directly to negotiation of a new treaty regime.³³ Russia's May 2009 aide-memoire suggests that the former approach is now acceptable to it. In general, NATO's parallel actions package is also accepted by Russia as the basis for talks, albeit with reservations and preconditions.

The dilemma of linking the adapted treaty with Russia's fulfilment of its Istanbul commitments must be resolved. Even if NATO is willing to show a

³² On 'readapting' the treaty regime see eds Zellner, Schmidt and Neuneck (note 29), especially Champenois, P.-E., 'CFE in the current strategic environment', pp. 199–206; Grand, C., 'European security and conventional arms control: an agenda for the 21st century', pp. 144–51; Richter, W., 'Ways out of the crisis: approaches for the preservation of the CFE regime', pp. 347–65; and Zellner, W., 'Conventional arms control in Europe at the strategic and sub-regional levels: the balance of military capabilities—a valid concept?', pp. 475–83.

³³ It is e.g. claimed that Russia would not accept the adapted treaty in its current shape, while NATO and the remaining states parties would not agree to a treaty that is partially non-applicable and soon to be changed. Richter (note 32), pp. 362–63.

degree of flexibility, complete renunciation of Russia's Istanbul pledges appears unacceptable.³⁴ In this context, a deal for decoupling the strategic (i.e. the CFE Treaty's area of application) and subregional levels from each other has been suggested.³⁵

Russia's aim to re-establish military balance with the West must be taken into account. In any event, Russia's CFE holdings will decrease in number, whether or not the planned military reform that started in 2008 is feasible: Russia cannot afford to maintain outmoded and costly arsenals.³⁶ Growing anxiety about NATO's supremacy in conventional armaments explains the rationale for Russia's demand for further cuts. The NATO states' ceilings under the Agreement on Adaptation are higher than their actual holdings. As a goodwill gesture and a sign of self-restraint, the national and territorial ceilings of the NATO states could be lowered while not compromising the security needs of individual states parties or of NATO.

A politically binding sufficiency rule rather than parity in the Russia-NATO ratio has been suggested as a balance-of-force solution. Such an approach would mean that the aggregate NATO potential would not exceed that of Russia by a certain percentage.³⁷ Another view stresses the relevance of regional balances of forces, while questioning the global relevance of reasonable sufficiency.³⁸

Destabilizing force concentrations should be further limited, including in border areas and conflict zones. The flexibility mechanisms of the adapted treaty should be revised in order to constrain their maximum utilization. The concern was raised as early as the 1997-99 CFE adaptation talks: if all of Europe were to become a CFE area, new parties and small countries together could amass destabilizing TLE of the magnitude of several army corps.³⁹ To promote regional stability it has been proposed that military safety zones with reduced levels of TLE be developed, for example along the borders of states that are engaged in dispute.⁴⁰ The term 'substantial combat forces' should be clarified and defined in terms of numerical parameters and areas, and possibly legally anchored in the CFE Treaty.

The flank issue is at the centre of the dispute, and new subregional approaches have been advocated to address the situation.⁴¹ Breaking up Russia's total flank limitations into a number of TLE ceilings in various

³⁴ Richter (note 32), 349-50.

³⁵ Zellner (note 32), p. 479.

³⁶ See also chapter 7, section II, in this volume.

³⁷ Zellner (note 32), p. 483.

³⁸ Champenois (note 32), p. 205.

³⁹ Richter (note 32), p. 351.

⁴⁰ Richter (note 32), pp. 361-62.

⁴¹ Zellner (note 32), p. 481; and Champenois (note 32), p. 205. Swimming against the tide, a former Russian top CFE negotiator advocates the adapted CFE Treaty and its flank solution. Chernov, V., 'The collapse of the CFE Treaty and the prospects for conventional arms control in Europe', eds Zellner, Schmidt and Neunack (note 29), p. 187.

Russian oblasts and in certain regions of neighbouring countries has been proposed. However, if Russia were to lift the flank restrictions, the West could respond in a similar manner. Thus, Russia must decide whether it is worth acting unilaterally. Establishing terms of accession for the Baltic states in the run-up to approval of the Agreement on Adaptation that are similar to those for the Central European states and additional transparency measures have also been suggested.⁴²

Various CBMs in the CFE context (e.g. voluntary non-deployment of combat forces on the territories of other states, stronger linkage of the CFE regime with counterterrorism efforts; and engaging Russia in joint peace operations) have also been proposed.⁴³

Readaptation would create opportunities for the international community: new technological developments and categories of conventional weapons and forces that are having an increasing impact on tactical and strategic security could be addressed. It could also give the European Union (EU) the chance to reconsider its reluctance to address traditional arms control in its entirety.⁴⁴

Subregional arms control in the Western Balkans

Currently, the 1996 Agreement on Sub-Regional Arms Control (Florence Agreement) is the only fully functional 'hard' arms control agreement in Europe. The political situation in the region in 2009 has not obviously affected the sense of military security that derives from the Dayton Accords. Armaments limited by the Florence Agreement have been destroyed voluntarily since the end of the official reduction period in 1997. By November 2009 the parties had scrapped or converted a total of 9228 heavy weapons. By November 2009, 621 inspections had been conducted, including some 130 reduction inspections or visits.⁴⁵

The agreement on a two-phase ownership plan, proposed by the Personal Representative of the OSCE Chairperson, is politically important.⁴⁶ The parties to the Florence Agreement have long sought the attainment of full autonomy in its implementation. Phase 1 envisages the transfer

⁴² Zellner (note 32), pp. 481–82. Russia would like the Baltic states to be covered by the flank regime.

⁴³ See 'Discussion note on the Treaty on Conventional Forces in Europe', *Euro-Atlantic Security: One Vision, Three Paths* (EastWest Institute: New York, June 2009), pp. 8–9.

⁴⁴ See Neuneck, G., 'Conventional arms control in Europe—structural stability and new weapons developments', pp. 515–30, and Schmidt, H.-J., 'The European Union and its growing importance for conventional arms control', eds Zellner, Schmidt and Neuneck (note 29), pp. 491–96.

⁴⁵ Periotto, C. (Brig. Gen.), 'Report to the 17th OSCE Ministerial Council. Implementation of the Agreement on Sub-regional Arms Control (Article IV, Annex 1-B, Dayton Peace Accords)', document MC.GAL/10/09, 9 Nov. 2008. For a summary of the Florence Agreement see annex A in this volume. The text of the Dayton Agreement is available at <<http://www.oscebih.org/overview/gfap/eng/>>.

⁴⁶ Periotto (note 45).

of technical functions that are currently provided by the Office of the Personal Representative to the parties, preferably by the end of 2011. Full responsibility for implementation could then be transferred to the parties if the political situation permits (phase 2). In 2009 this schedule was approved by the Contact Group comprising France, Germany, Italy, Russia, the United Kingdom and the USA, as well as representatives of the EU. The parties to the Florence Agreement have expressed reservations only of a technical and financial nature.

III. Building military security cooperation in the OSCE area⁴⁷

For decades European military confidence and security building has been a unique practice and experiment. In 2009 the OSCE participants continued to focus on its operational, 'soft', arms control dimension.⁴⁸ Reports were submitted to the Ministerial Meeting at the end of the year on military confidence building and security, cooperation in the field of small arms and light weapons (SALW), reduction in stockpiles of conventional ammunition (SCA), and the Code of Conduct on Politico-Military Aspects of Security (COC).⁴⁹ Significantly, in 2009 the general level of implementation of information exchanges under the norm- and standard-setting regimes was lower and less compliant in timing than in previous years. The normative efforts of the confidence-enhancing measures have also dwindled. With the aim of strengthening cooperation between the OSCE Forum for Security Co-operation (FSC) and the OSCE Permanent Council as part of the revamped concept of comprehensive and indivisible security, these bodies held five joint meetings in 2009.

⁴⁷ For a list of states participating in OSCE see annex B in this volume. The OSCE area covers Europe, from the Atlantic to the Urals, and Central Asia.

⁴⁸ Soft arms control denotes a variety of military confidence building measures. See e.g. Lachowski, Z., *Confidence- and Security-Building Measures in the New Europe*, SIPRI Research Report no. 18 (Oxford University Press: Oxford, 2004), pp. 1–2.

⁴⁹ For an overview of developments in 2009 see OSCE, 'Letter from the Chairperson of the Forum for Security Cooperation to the Prime Minister and the Minister for Foreign Affairs of Greece, Chairperson of the 17th Meeting of the Ministerial Council', document MC.GAL/4/09/Rev.2, 19 Nov. 2009; OSCE, Forum for Security Co-operation, 'Efforts in the field of arms control agreements and confidence- and security-building measures in accordance with its mandate', Chairperson's Progress Report to the 17th Meeting of the Ministerial Council, Athens, Dec. 2009, document FSC.DEL/200/09/Rev.1, 9 Nov. 2009; OSCE, Forum for Security Co-operation, 'The continuing implementation of the OSCE Document on Small Arms and Light Weapons', Chairperson's Progress Report to the 17th Meeting of the Ministerial Council, document FSC.DEL/191/09/Rev.2, 9 Nov. 2009; OSCE, Forum for Security Co-operation, 'The continuing implementation of the OSCE Document on Stockpiles of Conventional Ammunition', Chairperson's Progress Report to the 17th Meeting of the Ministerial Council, document MC.GAL/8/09, 11 Nov. 2009; and OSCE, Forum for Security Co-operation, 'Efforts to further improve the implementation of the Code of Conduct on Politico-Military Aspects of Security', Chairperson's Progress Report to the 17th Meeting of the Ministerial Council, document MC.GAL/7/09, 11 Nov. 2009.

Confidence- and security-building measures

Overall, formal implementation of CSBMs under the Vienna Document 1999 has remained high and relatively stable for several years.⁵⁰ While the CFE Treaty regime is suspended, the number of inspections and evaluation visits under the politically binding Vienna Document in 2009 was similar to that of 2008, with Russia being the most active requesting country.⁵¹ However, the crisis in building confidence and security at the subregional level was underscored by Russia's request in January 2009 for an evaluation visit to a military formation and the inspection of a specified area on the (unoccupied) territory of Georgia, just months after the August 2008 conflict. Both requests were rejected by Georgia as 'cynical' and *force majeure* in Georgian–Russian relations was announced by Georgia until the end of the occupation of Abkhazia and South Ossetia.⁵²

Poland objected to the Belarusian–Russian military exercises held in September 2009, the biggest Russian-led manoeuvres in Europe since 1999.⁵³ Although formal notification of the manoeuvres was given in the correct way, the size of the two parallel war games—'Zapad-2009' and 'Ladoga-2009', which were given the collective name 'Osen-2009'—was just under the permitted observation thresholds.⁵⁴ Thus, some of the concerned states were not able to properly monitor the exercises.⁵⁵

⁵⁰ OSCE, FSC.DEL/200/09/Rev.1 (note 49).

⁵¹ The respective numbers are: 109 inspections in 2008 and 96 in 2009; and 75 evaluation visits in 2008 and 65 in 2009. In 2009 Russia carried out 23 inspections and 19 evaluation visits. OSCE, Conflict Prevention Centre, 'Annual CPC survey on CSBM information exchanged in 2009', document FSC.GAL/3/10, 20 Jan. 2010.

⁵² On 26 Jan. 2009 the European Union Monitoring Mission in Georgia (EUMM) signed a Memorandum of Understanding with the Georgian Ministry of Defence containing a unilateral confidence-building measure stipulating certain restrictions on the movements of the Georgian armed forces in the vicinity of the administrative boundary lines of Abkhazia and South Ossetia and giving advance information of movements to the EUMM. EU Monitoring Mission in Georgia, 'EUMM and Georgian Ministry of Defence sign Memorandum of Understanding', Tbilisi, Press release, 26 Jan. 2009, <http://www.eumm.eu/en/press_and_public_information/press_releases/796/>. Under paragraphs 78 and 120 of the Vienna Document 1999, if the receiving or visiting state is prevented from accepting or carrying out an inspection or evaluation visit, it shall explain in detail the reasons without delay. On the Vienna Document 1999 see annex A in this volume. Many participating states consider *force majeure* an obstacle preventing more openness.

⁵³ Poland reportedly alerted NATO's Secretary General to the offensive nature of the Russian exercise. 'Sikorski: rosyjskie manewry blisko naszych granic sa niepokojujace' [Sikorski: the Russian manoeuvres close to our borders give rise to concern], *Gazeta Wyborcza* (Warsaw), 12 Nov. 2009.

⁵⁴ According to the notification made by Belarus, Zapad-2009 employed 12 500 troops, in contrast to the 13 000-troop threshold; 228 battle tanks, in contrast to the 300-tank threshold; 470 armoured combat vehicles (ACV), in contrast to the 500-ACV threshold; and 234 multiple rocket launchers (MRLS), in contrast to the 250-artillery pieces threshold. The parallel Russian-notified 'Ladoga' exercise nearby in Russia employed 7400 troops, 150 tanks and 100 ACVs.

⁵⁵ The scenario assumed a rising of ethnic Poles in western Belarus and an attack by Lithuanian terrorists in the Russian Kaliningrad exclave. The observation was subject to some constraints by the Belarusian/Russian side, such as the timeframe (1 day of observation).

A noteworthy event took place under the 1992 Treaty on Open Skies regime. In September, Georgia and Russia, together with a team from the United Kingdom, carried out two joint overflights over each other's territory.⁵⁶

Numerous proposals were submitted to the FSC in 2009, but only one led to a new decision.⁵⁷ The meeting of the heads of the verification centres was held separately from the annual implementation assessment meeting (AIAM) on 14 December; its conclusions were presented at the March 2010 AIAM. The new practice of holding a separate meeting should enable issues, concrete proposals and initiatives to be better developed in the run-up to the AIAM.

A Russian 'food-for-thought' paper on the implementation of the Vienna Document 1999 blamed the poor record of CSBM implementation on lack of political will and the lessened interest in such measures of a significant number of the OSCE participating states.⁵⁸ The Russian paper stated that more than half of the Vienna Document provisions exist only on paper and the loss of importance of the document is alarming. In an effort to update the Vienna Document regime, Russia urged other states to address the long-standing proposals on naval activities, rapid reaction forces, verification and compulsory notification of major military activities. Russia also suggested that specific deadlines for the individual reviews be established.

In the run-up to the Athens Ministerial Council, Belarus and Russia submitted a draft ministerial decision concerning the Vienna Document 1999 that aimed at convincing the FSC to conduct a review of the Vienna Document with a focus on 'targeted' improvements. The Athens Ministerial Council called on the FSC in 2010 to intensify the security dialogue, including on the role of arms control and CSBMs, and to explore ways of strengthening the OSCE's politico-military toolbox, including the Vienna Document 1999.⁵⁹

Small arms, stockpiles of ammunition and toxic rocket fuel

The prolonged crisis in the field of security cooperation could not but affect the SALW and SCA dimensions. The issues of small arms and excessive surplus ammunition are interrelated and increasingly share similar norm-

⁵⁶ 'Georgia-UK-Russia joint surveillance flights', Civil.ge, Daily News Online, Tbilisi, 9 Oct. 2009, <http://www.civil.ge/eng/_print.php?id=21554>. For a summary and other details of the Treaty on Open Skies see annex A in this volume.

⁵⁷ OSCE, Decision no. 8/09, Best Practice Guide for Implementation of the Vienna Document 1999 Chapter IV, Contacts, document FSC.DOC.8/09, 14 Oct. 2009.

⁵⁸ OSCE, Delegation of the Russian Federation, 'Food-for-thought paper—analysis of the implementation of the Vienna Document 1999: Initial remarks', document FSC.AIAM/2/09, 20 Feb. 2009.

⁵⁹ OSCE, Ministerial Council Decision no. 16/09, Issues relevant to the Forum for Security Co-operation, document MC.DEC/16/09, 2 Dec. 2009.

ative and practical features. Coordination of efforts with international organizations has been intensified in both areas. When applicable, the scope of meetings on SALW and SCA have been expanded to accommodate other relevant projects and issues. Since 2003 the OSCE had received 29 requests for assistance from 14 countries regarding enhancement of the management and security of stockpiles of SALW and conventional ammunition or the destruction of surpluses. In 2009 the OSCE and the UN Development Programme (UNDP) finalized negotiations on financial and legal mechanisms to facilitate the joint implementation of projects concerning SALW and SCA.⁶⁰

The 2000 OSCE Document on Small Arms and Light Weapons and other relevant documents are instruments for addressing SALW problems, fostering transparency and confidence among the participating states, and helping to contain regional crises and conflicts and to combat terrorism and organized crime.⁶¹ In 2001–2008 OSCE participating states destroyed approximately 8.6 million small arms, and in 2009 the participating states pledged nearly €434 000 (\$600 000) for OSCE SALW projects.⁶²

The September 2009 OSCE review meeting pointed to problems and challenges in the implementation of the SALW Document, such as the lack of adequate legislation and procedures regarding SALW and ammunition, the discrepancy between donors' concerns and beneficiaries' needs and the lack of harmonized international standards, and to the need to considerably update the document.⁶³ In the area of normative cooperation in 2009, work focused on updating FSC Decision 15/02 on expert advice on implementation of section V, 'Early warning, conflict prevention, crisis management and post-conflict rehabilitation', of the SALW Document.⁶⁴ The practical help given to OSCE participating states has resulted in SALW assistance

⁶⁰ OSCE, document FSC.DEL/191/09/Rev.2 (note 49); and OSCE, document MC.GAL/8/09 (note 49).

⁶¹ OSCE, Forum for Security Co-operation, OSCE Document on Small Arms and Light Weapons, 24 Nov. 2000, <<http://www.osce.org/fsc/13281.html>>. The other documents include OSCE, *Handbook of Best Practices on Small Arms and Light Weapons* (OSCE: Vienna, 2003); OSCE, Forum for Security Co-operation, 'Standard elements of end-user certificates and verification procedures for SALW exports', Decision no. 5/04, document FSC/DEC/5/04, 17 Nov. 2004; OSCE, Forum for Security Co-operation, 'Principles on the control of brokering in small arms and light weapons', Decision no. 8/04, document FSC/DEC/8/04, 24 Nov. 2004; and OSCE, Ministerial Council, 'OSCE principles for export controls of man-portable air defence systems', Decision no. 8/04, document MC.DEC/8/04, 7 Dec. 2004.

⁶² OSCE, FSC.DEL/191/09/Rev.2 (note 49), annex C.

⁶³ See OSCE Meeting to Review the OSCE Document on Small Arms and Light Weapons and its supplementary decisions, Vienna, 22 and 23 Sep. 2009, Consolidated Summary, document FSC.GAL/109/09, 20 Oct. 2009.

⁶⁴ OSCE, Decision 11/09, Update on FSC Decision 15/02 on expert advice on implementation of Section V of the Document on Small Arms and Light Weapons, document FSC/DEC/11/09, 25 Nov. 2009.

projects in Belarus, Cyprus, Kyrgyzstan and Tajikistan that were carried out in 2008–2009.⁶⁵

Unsecured or uncontrolled stockpiles of conventional ammunition and toxic liquid rocket fuel components (mainly melange) pose cross-dimensional security, humanitarian, economic and environmental risks. Under the 2003 SCA Document, any OSCE state that has identified a security risk to its surplus stockpiles and needs help to address such a risk may request the assistance of the international community through the OSCE.⁶⁶ The strong tendency to sell, rather than to destroy, SCA as the method of disposal has continued. The OSCE therefore faces the challenge of changing this preference and of introducing specific export criteria.⁶⁷ In 2009, participating states pledged approximately €1.2 million (\$1.7 million) for SCA projects, around half as much as in the preceding year.

Requests for destruction assistance and stockpile management and security remain the most dynamic area of implementation. Projects in Albania and Tajikistan were completed in 2009, while another project in Albania (demilitarization of ammunition) started. The melange project in Ukraine, one of the largest OSCE extra-budgetary projects, has decisively entered the stage of implementation—by the end of 2010 more than 3000 tonnes of melange will have been transported to a chemical destruction facility in Russia for neutralization.

Others projects are in the initial phases of implementation and will start when sufficient funding is available. The OSCE concluded discussions with Kazakhstan on enhancing its capacity for testing propellants, and a project proposal was developed. The Ukrainian project proposal to provide specialized equipment for clearance of unexploded ordnance was also completed. The Comprehensive Programme on SALW and SCA in Moldova is approaching completion. In Georgia, all ongoing and planned projects were suspended in 2009 as a result of the closing of the OSCE Mission to Georgia, but ways are being sought to renew them.

The Code of Conduct on Politico-Military Aspects of Security

The 1994 Code of Conduct on Politico-Military Aspects of Security is the norm-setting document on the cooperative behaviour and mutual responsibilities of states in the OSCE region and the democratic control of their armed forces. It also addresses politico-military relations within states.⁶⁸

⁶⁵ The projects in Cyprus and Tajikistan have been successfully completed; the project in Belarus is in progress; and the project plan for Kyrgyzstan has been finalized.

⁶⁶ OSCE, 'OSCE Document on Stockpiles of Conventional Ammunition', document FSC.DOC/1/03, 19 Nov. 2003.

⁶⁷ OSCE, document MC.GAL/8/09 (note 49).

⁶⁸ OSCE, 'Code of Conduct on Politico-Military Aspects of Security', document DOC.FSC/1/95, 3 Dec. 1994.

Information exchange on the implementation of the Code generally remains high.⁶⁹ It was agreed to postpone the deadline for replies to the questionnaire from 15 April to 15 June 2009 in order to allow the participating states to use the new questionnaire (see below) should they choose to do so.⁷⁰

In April 2009 the FSC adopted a decision on a technical update of the questionnaire.⁷¹ The questionnaire consists of three main sections: (a) interstate elements (account of measures to prevent and combat terrorism; stationing of armed forces on foreign territory; and implementation of other international commitments to the COC); (b) intrastate elements (national planning and decision-making processes; existing structures and processes; procedures related to the personnel of various military forces; and implementation of other political norms, principles, decisions and international humanitarian law); and (c) public access and contact information. The update's 24 sub-items are meant to deliver more structured, clearer, concise and less duplicative information than its predecessor. A number of new sub-items have been introduced, such as those on national efforts to prevent and combat terrorism; on arms control, disarmament and CSBMs; and on issues concerning international humanitarian law. Participating OSCE states are also requested to provide information on military, paramilitary and internal security forces as well as on intelligence services and police.⁷²

'Practical disarmament': NATO-assisted munitions destruction

The NATO Maintenance and Supply Agency (NAMSA) is NATO's principal logistics support management agency.⁷³ NAMSA's main task is to assist NATO states by organizing common procurement and supply of spare parts, and arranging maintenance and repair services for the weapon systems in their inventories. NAMSA has taken the lead in many demilitarization projects. Agreements have also been reached for NAMSA to support non-NATO states under the Partnership for Peace (PFP). NATO's PFP Trust Fund was established in 2000 under the 1997 Anti-Personnel Mine

⁶⁹ OSCE, document MC.GAL/7/09 (note 49).

⁷⁰ OSCE, Decision no. 1/09 postponing the 2009 Annual Information Exchange on the OSCE Code of Conduct on Politico-Military Aspects of Security, document FSC/DEC/1/09, 11 Mar. 2009.

⁷¹ OSCE, 'Technical update of the questionnaire of the Code of Conduct', document FSC.DEC/2/09, 1 Apr. 2009. The questionnaire was originally elaborated in 1998 and updated in 2003.

⁷² In their interpretative statements, 17 participating states declared their intention to expand their replies with information on women, peace and security; 5 called on other states to include statements on their democratic political control of private military and security companies; and 1 state underlined the voluntary character of additional information regarding national efforts to prevent and combat terrorism (question 1.4). OSCE, document MC.GAL/7/09 (note 49), attachments 1, 2 and 3.

⁷³ On NAMSA's aims, tasks and activities see <<http://www.namsa.nato.int/>>.

(APM) Convention originally to assist PFP countries with the safe destruction of stocks of APMs; later it was extended to include the destruction of SALW and surplus munitions, and to cover other defence reform-related activities.

By February 2009, 24 NATO members, 14 PFP states, 2 contact states (Australia and Japan), several international organizations (the EU, the OSCE and the UNDP) and one non-governmental organization (Milieu-kontakt International) had contributed to the 15 Trust Fund projects managed by NAMSA. By 2009 NAMSA had completed eight Trust Fund demilitarization projects on schedule, and it is the executing agent for another seven ongoing projects. In 2000–2007, within six projects more than 4.1 million APMs were destroyed in Albania, Belarus, Moldova, Serbia and Montenegro, Tajikistan and Ukraine. Moreover, 28 000 surplus SALW were destroyed in Serbia and Montenegro; 11 500 tonnes of SALW munitions were scrapped in Albania; and 250 cubic metres of rocket fuel were neutralized in Moldova.⁷⁴

Under the ongoing projects launched or continued in 2009, destruction is planned of 400 000 SALW and 300 man-portable air defence systems (MANPADS) in Ukraine, and 27 000 SALW and 1000 MANPADS in Kazakhstan. In Georgia the project provided for the destruction of more than 1000 air-to-surface unguided missiles and 7700 anti-hail rockets. During phase 1 of the Ukraine II project 15 000 tonnes of SCA will be destroyed.⁷⁵

IV. Control of inhumane weapons

Since the mid-1990s ‘inhumane weapons’ have captured international attention as their military utility has been increasingly questioned and the humanitarian and economic harm they cause widely denounced. Several international agreements not only regulate or ban the use of APMs, explosive remnants of war (ERW) and cluster munitions, but also seek to limit the effects of armed conflict on civilians.

The 1981 Certain Conventional Weapons (CCW) Convention restricts or prohibits the use of specific categories of weapons that are deemed to cause unnecessary or unjustifiable suffering to combatants or to affect civilians indiscriminately.⁷⁶ The Ottawa process to ban APMs, outside the CCW framework, resulted in the APM Convention, which seeks to eliminate all

⁷⁴ NATO Maintenance and Supply Agency, ‘Latest news, facts & figures’, <http://www.namsa.nato.int/Demil/news_e.htm>.

⁷⁵ Altogether 136 tonnes of munitions and 1.5 million SALW are earmarked for destruction.

⁷⁶ For a summary and other details of the Convention on the Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects (CCW, also known as the ‘Inhumane Weapons’ Convention) and of its 5 protocols see annex A in this volume.

such weapons.⁷⁷ Until recently, the 2003 Protocol V of the CCW Convention was the only international legislation covering ERW, including cluster munitions. Using the APM Convention as a model, the Oslo process stigmatized cluster munitions and the Convention on Cluster Munitions (CCM) banning them was signed in Oslo in December 2008 and will enter into force on 1 August 2010.

Cluster munitions in the context of the CCW Convention

As a consequence of international pressure, many of the main users, producers and possessors of stockpiles of cluster munitions have opted to continue dialogue in the CCW Convention framework, rather than join the Oslo process. The issue of cluster munitions has been on the CCW agenda since the 2006 CCW Review Conference. In August 2009, after informal consultations within the Group of Governmental Experts (GGE), its chairman, Gustavo Ainchil, presented a Draft Protocol on Cluster Munitions that could eventually become a sixth protocol to the CCW Convention.⁷⁸

The meeting of the CCW High Contracting Parties on 12–13 November 2009 focused on the issue of cluster munitions. The states parties pledged to continue negotiations informed by the chairman's consolidated text of the draft protocol, the cluster munitions document and other proposals by delegations. The aim remains to conclude the negotiations as rapidly as possible.⁷⁹

Explosive remnants of war

The CCW Convention's Protocol V on Explosive Remnants of War recognizes the humanitarian problems caused by ERW and covers post-conflict remedial measures to minimize their occurrence, effects and the risk they pose. Sixty-two states parties were bound by the protocol at the end of 2009, and during the year 11 more states became parties.⁸⁰ Italy and Saudi Arabia announced that they have ratified Protocol V and will soon deposit their instruments of ratification with the UN Secretary-General. Universality of the protocol remains the focus of discussion.

⁷⁷ For a summary and other details of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction see annex A in this volume.

⁷⁸ CCW, 'Draft protocol on cluster munitions', Presented by the Chairperson of the CCW Group of Governmental Experts, CCW/MSP/2009/WP.1, 21 Oct. 2009. CCW documents are available on the website of the United Nations Office at Geneva, <<http://www.unog.ch/ccw/>>.

⁷⁹ See CCW, 'Cluster munitions: consolidated text', document CCW/GGE/2009-II/2, Annex I, 22 Apr. 2009; and UN Office at Geneva, News and Media, 'Parties to Conventional Weapons Convention decide to continue negotiations on cluster munitions', 19 Nov. 2009.

⁸⁰ For a list of parties to Protocol V see annex A in this volume.

During the Third Conference of the High Contracting Parties to Protocol V in Geneva in November 2009, the parties were called on to make full use of the convention's implementation mechanism in order to facilitate assistance and improve knowledge of the scope of the problem of ERW and ways of tackling it. Stronger measures under the Plan of Action on Victim Assistance that was adopted in 2008 were advocated. Other topics included: (a) clearance, removal and destruction of ERW; (b) cooperation, assistance and requests for assistance; (c) national reporting; and (d) generic preventive measures. A meeting of experts of the parties to Protocol V will be held in April 2010 on these issues and on the web-based information system for implementation of the protocol. The Fourth Conference of the High Contracting Parties will meet in November 2010.⁸¹

Mines

No new parties joined the 156 states parties to the APM Convention in 2009. Although some key producers and users of anti-personnel mines—especially China, India, Pakistan, Russia and the USA—have not signed the convention, it is regarded as one of the most successful multilateral conventional arms control agreements. About 44 million APMs have been destroyed under the APM Convention by a total of 86 states parties that have completed the destruction of their stockpiles. As of mid-2009 approximately 12 million APMs were estimated to remain to be destroyed by four parties to the convention—Belarus (3.4 million), Greece (1.4 million), Turkey (1.3 million) and Ukraine (6.1 million)—and an estimated 160 million APMs are stockpiled by non-party states.⁸² Myanmar and Russia, both non-parties to the convention, continued to use APMs in 2008–2009, as did non-state armed groups in at least seven countries.

Three states parties—Belarus, Greece and Turkey—all with large stockpiles of APMs, failed to meet their 1 March 2008 destruction deadlines, and all three remained in serious violation of the convention. The 2009 deadlines for completing the destruction of APMs in mined areas were extended for 15 parties. In 2009, 4 additional parties—Argentina, Cambodia, Tajikistan and Uganda—requested similar extensions for periods ranging from 3 to 10 years. At the end of 2009, Albania, Greece, Rwanda and Zambia were declared to be mine-free countries.⁸³

Representatives of parties to the APM Convention, states not party, international organizations, UN agencies, the International Committee of

⁸¹ UN Office at Geneva, News and Media, 'States forge further efforts at strengthening implementation of protocol on explosive remnants of war', 19 Nov. 2009.

⁸² International Campaign to Ban Landmines, *Landmine Monitor Report 2009: Toward a Mine-Free World* (Mines Action Canada: Ottawa, 2009).

⁸³ Each state party to the convention is required to destroy its stockpile of APMs within 4 years and to clear all mined areas under its jurisdiction or control within 10 years.

the Red Cross and the International Campaign to Ban Landmines met in Cartagena, Colombia, from 29 November to 4 December 2009, for the Second Review Conference of the APM Convention. The review conference aimed to assess challenges in the universalization and full implementation of the convention and evaluated the progress made since the 2004 First Review Conference. Notably, after conflicting official statements in November, the USA, a non-party to the APM Convention, participated in the Cartagena Summit on a Mine-Free World on 30 November–1 December, the first time it has attended such a meeting. The head of the US delegation informed the participants that the US Administration has initiated a comprehensive landmine policy review.⁸⁴

Improvised explosive devices

Improvised explosive devices (IEDs), also known as roadside bombs, are widely used in terrorist actions and other unconventional warfare. Their use has remained an acute problem in conflicts. A group of experts, established in 2008 by the CCW Annual Conference of the parties to Amended Protocol II, which prohibits mines, booby traps and other devices, met in April 2009 to explore the issue of IEDs. The 11th Annual Conference, held in November 2009, appointed two coordinators to carry out the work of the experts group: to consider IEDs, and to review the operation and status of Amended Protocol II with regard to protection of civilians against the indiscriminate effects of mines.⁸⁵

V. Conclusions

The prospects for advances in European arms control appeared better in 2009 than in preceding years, even though the CFE Treaty regime remained in limbo. As part of the Corfu process, the significance of arms control for European security was reacknowledged by all OSCE participating states. These states expressed strong political will for change. At the Athens Ministerial Council they reaffirmed their desire to overcome the long-standing deadlock in the main regimes—the CFE Treaty and the Vienna Document on CSBMs—and perhaps integrate or link them more

⁸⁴ Abramson, J., 'In a first, U.S. attends landmine meeting', *Arms Control Today*, vol. 40, no. 1 (Jan./Feb. 2010). The USA claimed to be unable to meet its national defence needs and its security commitments to friends and allies if it signed the convention. Although a non-party, the USA has been in substantial compliance with most of the APM Convention's provisions. It has not deployed APMs since 1991, banned their export in 1992 and stopped manufacturing them in 1997. The USA has also spent \$1.5 billion in demining and related activities since 1993. It has promised to end all use of persistent landmines by the end of 2010 while continuing to use so-called smart mines.

⁸⁵ CCW, 'Improvised explosive devices (IEDs)', 11 Annual Conference of the High Contracting Parties, document CCW/AP.II/CONF.11/2, 19 Oct. 2009; and UN Office at Geneva, News and Media, 'States parties to CCW Amended Protocol II on mines and explosive devices prohibition decide to continue work on improvised explosive devices', 19 Nov. 2009.

closely to other security-related endeavours in the OSCE area. Solutions will require innovation and determination as well as the ability to compromise. In relation to broader security, Russia insists on convening a Euro-Atlantic summit with the aim of crowning it with a European security treaty. The Western states demonstrated caution and restraint, making their consent contingent on the adequacy of the substance and scope of an eventual agreement. The current US Administration has embarked on a thorough review of the US arms control agenda, and in February 2010 a Special Envoy for Conventional Armed Forces in Europe was appointed to start consultations with NATO, European partners and Russia on the future of the CFE regime.

European security-related measures that are associated with arms control aim to respond to traditional as well as new threats and to risks and challenges. However, progress as regards the Vienna Document regime's CSBMs remains at a standstill. The OSCE participants strive to counter cross-dimensional threats that are increasingly of a local and subregional nature. With the decreased norm-setting activity, the practical assistance given to the Euro-Atlantic states through the implementation of select projects remains a chief activity in the improvement of security and stability in the OSCE region.

Humanitarian tools continue to predominate in the tackling of global challenges in the conventional arms control field. The grass-roots 'processes' and conventions as well as the traditional intergovernmental treaties and protocols compete, yet continue to have a mutually reinforcing moral impact as they strive to address the problems of human suffering and the betterment of living conditions in conflict-ridden areas and throughout the world.