

15. Conventional arms control and military confidence building

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I. Introduction

The year 2004 marked the fifth anniversary of the decisions taken by the participating states of the Organization for Security and Co-operation in Europe (OSCE) at its 1999 Istanbul Summit on ‘hard’ conventional arms control in Europe.¹ Regrettably, the process remained stalemated in 2004. Seven new members were admitted to the North Atlantic Treaty Organization (NATO) in its second wave of post-cold war enlargement. This increased Russia’s concerns about the 1990 Treaty on Conventional Armed Forces in Europe (CFE Treaty), which are related to the fact that Russia considers itself to be at a security disadvantage. The 1999 Agreement on Adaptation of the CFE Treaty did not enter into force because of the refusal of the NATO members and other states to ratify it in the face of Russia’s non-compliance with some of its so-called ‘Istanbul commitments’ related to military pullouts from Georgia and Moldova. Russia nonetheless refrained from taking radical steps, such as withdrawing from the CFE Treaty regime.

In 2004 the OSCE participating states continued to focus on adjusting and further developing certain norm- and standard-setting measures (NSSMs) in order to better respond to risks and challenges facing Europe and its neighbours. Regional arms control developed and functioned smoothly. In this context, the OSCE decided to suspend the operation of the Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina from September 2004.²

Croatia and Slovenia ratified the 1992 Treaty on Open Skies in 2004.³ Its February 2005 review conference was preceded by discussion of the relevance of the treaty and its applicability in the current security environment. The

¹ On 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), URL <http://www.sipri.org/contents/publications/policy_papers.html>. The parties to the CFE Treaty and the signatories of the Agreement on Adaptation are listed in annex A in this volume.

² Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina, signed on 26 Jan. 1996, URL <http://www.oscebih.org/regional_stab/pdf/article2-eng.pdf>.

³ The parties and signatories of the Open Skies Treaty are listed in annex A in this volume.

problem of inhumane weapons also continues to engage the international community.

This chapter describes the major issues and developments relating to conventional arms control in 2004. Section II deals with the arms control aspects of the second OSCE Annual Security Review Conference (ASRC) and critical elements of the implementation of the CFE Treaty. Efforts to promote confidence and stability in the OSCE area are addressed in section III. Arms control and confidence building in the Balkans and regional military confidence building are addressed in section IV. Section V covers matters related to the Treaty on Open Skies, and the issue of mines is dealt with in section VI. Section VII briefly examines arms control developments in Asia, and section VIII presents the conclusions.

II. European arms control

The CFE Treaty regime for Europe remains the most elaborate conventional arms control regime worldwide. Consistently acclaimed as the ‘cornerstone of European security’, it has contributed significantly to removing the threat of large-scale military attack and has enhanced confidence, openness and mutual reassurance on the continent. Conventional arms control has become an integral part of an inclusive, cooperative security system that evolves in response to changes taking place in the OSCE area. The CFE Treaty process inspired regional arms control solutions in the Balkans that have functioned since 1996. In recent years, however, there has been a discernible shift from ‘hard’ to ‘soft’ arms control arrangements.

In June 2004 the second OSCE Annual Security Review Conference was held in Vienna. In contrast to the first review conference, it addressed not only the politico-military dimension of the OSCE, but also other aspects of the 2003 Strategy to Address Threats to Security and Stability in the 21st Century, with particular emphasis on terrorism, border security and management.⁴ This signalled the continued de-prioritization of traditional arms control relative to other security issues on the European agenda. The discussions at the ASRC displayed little new thinking about how to address the crucial problems. They were limited to further strengthening, streamlining and coordinating of the work of existing institutions; reaching out to partners beyond the OSCE area; and exhortations to pursue cooperative measures to better meet the new threats and challenges. Much attention was devoted to further efforts to control the spread of man-portable air defence systems (MANPADS) and small arms and light weapons (SALW).⁵

⁴ OSCE, Permanent Council, 2004 Annual Security Review Conference, 23–24 June 2004, Vienna, Chair’s Report, OSCE document PC.DEL/651/04. Rev. 1, 29 July 2004, URL <<http://www.osce.org/events/conferences/2004asrc/>>. The text of the OSCE Strategy to Address Threats to Security and Stability in the 21st Century was adopted at the Maastricht Ministerial Council Meeting on 2 Dec. 2003. It is reproduced at URL <<http://www.osce.org/docs/english/mincone.htm>>.

⁵ For the list of proposals and suggestions made at the 2004 ASRC see OSCE (note 4), pp. 24–31.

The CFE Treaty and related commitments

The CFE Treaty set equal ceilings in the Atlantic-to-the-Urals (ATTU) zone of application on major categories of the heavy conventional armaments and equipment of the two groups of states parties.⁶

The CFE Treaty and the Agreement on Adaptation together constitute the adapted CFE Treaty regime. The Agreement on Adaptation discarded the original, bipolar CFE concept of a balance of forces between NATO and the Warsaw Treaty Organization (WTO); introduced a new regime of arms control based on national and territorial ceilings, codified in the agreement's protocols as binding limits; and opened the adapted CFE Treaty to European states which were not yet parties to the CFE Treaty in 1999. The agreement has not entered into force because of the refusal of the NATO members and other states to ratify it in the face of Russia's non-compliance with the commitments it made at the 1999 OSCE Istanbul Summit.⁷ 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 states 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 2005 more than 63 500 pieces of conventional armaments and equipment within and outside the Atlantic-to-the Urals area of application had been scrapped or converted to civilian or other use by the parties, and many parties had reduced their holdings to lower levels than required.

Treaty adaptation, operation and compliance issues

In 2004 Russia intensified its campaign for reform of the OSCE, which it has argued is necessary to restore the status of the politico-military dimension relative to the (Western) preoccupation with the areas of humanitarian issues and democracy. However, Russia's own record in the politico-military dimension is hardly impeccable.⁸

Both Russia and NATO have repeatedly pledged in their joint declarations to 'work cooperatively' towards ratification of the Agreement on Adaptation of the CFE Treaty. However, Russia's unrelenting policy on its remaining commitments regarding Georgia and Moldova—to resolve the issues of Russian military bases in Georgia and the pull out of Russian troops and ammunition from the breakaway Trans-Dniester region in Moldova—has

⁶ For a brief summary of the CFE Treaty see annex A in this volume. See also Lachowski (note 1).

⁷ 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.

⁸ At the Maastricht Ministerial Council Meeting in 2003 Russia succeeded by putting pressure on Armenia to prevent the initiation of the end of the year JCG letter to the OSCE Chairperson-in-Office. The JCG letter drafted by Luxembourg at the end of 2004, which mentioned unaccounted for and uncontrolled treaty-limited equipment and Russia's non-compliance related to the Istanbul commitments, was effectively vetoed by Russia. On the OSCE see also appendix 1A in this volume.

made it impossible to move forward.⁹ Ratification of the Agreement on Adaptation by the NATO states has also been delayed as a result of Russia's failure to meet its commitments. In 2004 Russia continued to reject the 'artificial and legally unjustifiable' link between ratification of the Agreement on Adaptation and the Istanbul commitments. Several NATO members appeared to sympathize with the Russian position, but for the most part the NATO states presented a united front. Russia holds the view that it has fulfilled its CFE Treaty obligations¹⁰ and that the political commitments it undertook in Istanbul have been delayed by the complex situation in the two former Soviet republics. At the OSCE Sofia Ministerial Council Meeting, the Russian delegation reiterated the Russian view that the link is not legitimate since the Istanbul commitments are bilateral and 'do not imply any obligations for Russia with regard to third countries'.¹¹

At the February 2004 Munich Conference on Security Policy, Russian Defence Minister Sergei Ivanov identified the issues related to the CFE Treaty as a serious problem in the relations between Russia and the West. Ivanov criticized the Western countries and proposed an 'escape forward' solution, suggesting that, instead of pressing Russia to fulfil its Istanbul commitments, a broad discussion should begin on a new arms control and confidence-building system. Despite Russian assertions that the CFE Treaty was inadequate and approaching a 'slow death', Russia chose not to undermine the treaty. In 2004 Russian officials also stressed that there is no alternative to the entry into force of the Agreement on Adaptation of the CFE Treaty.

The Russian military, who have shown greater anxiety than Russian diplomats, expressed deep concern about the perceived increasing imbalance of NATO versus other forces as a result of NATO's enlargement in 2004. According to the Russian military, NATO would obtain a certain advantage over Russia in Central Europe and a huge excess in ground forces in the southwestern part of the flank region. According to the first deputy chief of the Russian General Staff, while the imbalance would in Central Europe be some 170 artillery pieces in favour of NATO, in the flank zone—after Bulgaria and Romania joined NATO—the West's advantage would be as much as

⁹ So far Russia has failed to implement the following Istanbul commitments: (a) to close the Gudauta base in Georgia, which it was required to shut down in 2001; (b) to set a date for the closure of the Batumi and Akhalkalaki bases in Georgia; (c) to withdraw all Russian troops from Moldova's Trans-Dniester region, which it was required to complete by 2002; and (d) to eliminate the stocks of ammunition and military equipment in the Trans-Dniester region. See Lachowski, Z., 'Conventional arms control', *SIPRI Yearbook 2000* (note 1), pp. 577–612; Lachowski, Z., 'Conventional arms control', *SIPRI Yearbook 2001: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2001), pp. 549–77; Lachowski, Z., 'Conventional arms control', *SIPRI Yearbook 2002: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2002), pp. 709–39; Lachowski, Z., 'Conventional arms control in Europe', *SIPRI Yearbook 2003: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2003), pp. 691–711, and Lachowski, Z. and Sjögren, M., 'Conventional arms control', *SIPRI Yearbook 2004: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2004), pp. 713–36.

¹⁰ In the flank area the Russian holdings remain below the sub-ceilings under the adapted CFE Treaty but exceed the original CFE Treaty limits.

¹¹ OSCE Ministerial Council, Statement by the delegation of the Russian Federation, OSCE, document MC(12)JOUR/2, 7 Dec. 2004.

2200 battle tanks, 3300 armoured combat vehicles (ACVs) and 2000 artillery pieces.¹²

In the lead-up to the admission of the seven new members to NATO on 29 March 2004 negative comments abounded in Russia and sometimes included tough talk on arms control. On 30 March the State Duma (the lower house of Parliament) passed a resolution urging the president and the government to assess the expediency of Russia's participation in conventional arms control agreements, to consider deploying additional forces in Russia's regions bordering NATO states and to put more emphasis on Russia's nuclear deterrence policy.¹³ Nevertheless, Russia officially reaffirmed its 'calmly negative attitude' to NATO enlargement and continued to deal pragmatically with the Western partners.¹⁴

Two months after the anti-NATO resolution, the Duma held a hearing on the prospects for the Agreement on Adaptation of the CFE Treaty where the necessity of its 'earliest possible' ratification was the common view.¹⁵ Nevertheless, President Vladimir Putin chose not to accept an invitation to attend the June 2004 NATO Summit at Istanbul. NATO's reluctance to ratify the Agreement on Adaptation and to place its new Baltic members under CFE restrictions was given as a major reason for Putin's refusal to attend.¹⁶

Of the 30 signatories of the CFE Treaty, only Belarus and Kazakhstan have ratified the Agreement on Adaptation and deposited their instruments of ratification with the depositary. Ukraine has ratified the agreement but has not

¹² 'After the eventual breakdown of the treaty's flank construction in the wake of the second NATO "enlargement wave" Russia's conformity with its flank obligations becomes not only absurd, but also an instance of unprecedented discrimination in the history of international arms control'. 'Yuriy Baluyevskiy: Rasshireniye NATO naneset smertelnyy udar po Dogovoru ob obychnykh vooruzhennykh silakh v Evrope' [Yuriy Baluyevskiy: NATO enlargement will deal a fatal blow to the CFE Treaty], *Izvestiya*, 2 Mar. 2004.

¹³ 'Duma passes resolution on NATO expansion', *RFE/RL Newslines*, vol. 8, no. 60 (31 Mar. 2004), URL <<http://www.rferl.org/newslines/2004/03/1-RUS/rus-310304.asp>>. At the same time, Belarus warned that it will be 'compelled . . . to take appropriate measures, and we are taking them'. OSCE, Permanent Council document PC.DEL/268/04, 1 Apr. 2004.

¹⁴ See interview by the Director of the Department of All-European Cooperation, Russian Ministry for Foreign Affairs, A.V. Grushko, 'Otnosheniye Rossii k rasshireniyu NATO—spokoino negativnoye' [Russia's attitude to NATO enlargement—calmly negative], *Vremya Novostei*, 1 Apr. 2004. For a review of responses see, e.g., 'Russia: official line on NATO enlargement "calmly negative"; media, lower-level officials less optimistic', 8 Apr. 2004, Foreign Broadcast Information Service, *Daily Report—Central Eurasia (FBIS-SOV)*, FBIS-SOV-2004-0409, 12 Apr. 2004.

¹⁵ Russian Ministry of Foreign Affairs, 'On hearings in State Duma of Federal Assembly of Russian Federation on ratification prospects of Agreement on Adaptation of CFE Treaty', Press Release, 3 June 2004, URL <http://www.in.mid.ru/brp_4.nsf/english?OpenView&Start=2.811&Count=30&Expand=2#2>. According to a high Russian Foreign Ministry official, 'ratification [of the Agreement on Adaptation] by Russia would give a positive signal to European supporters, first and foremost, of the adapted treaty'. As to alleged US motives not to ratify the Agreement, Russia suspected that the real reason was fear that the agreement would constrain US freedom to set up large bases in Central Europe (large-scale transfers and concentration of equipment would require detailed notification). RIA-Novosti (Moscow), 'Russian diplomat urges Duma to ratify revised conventional forces treaty', 1 June 2004, in FBIS-SOV-2004-0601, 2 June 2004 (in Russian).

¹⁶ The issue of linkage between the ratification of the agreement and the Istanbul commitments led the NATO Secretary General to make an embarrassing mistake in citing a 'legal' link between the adapted CFE Treaty and the Istanbul commitments. NATO, Press Conference by NATO Secretary General, Jaap de Hoop Scheffer, after the NATO–Russia Council at Foreign Ministers level, Istanbul, 28 June 2004, URL <<http://www.nato.int/docu/speech/2004/s040628i.htm>>.

deposited its ratification document. On 25 June, on the eve of the Istanbul NATO Summit, the Duma ratified the Agreement on Adaptation with certain reservations;¹⁷ it was endorsed by the Federation Council on 7 July and signed into federal law by Putin on 19 July. Russia committed itself to be guided by its military restraint commitments, including the obligations deriving from the CFE Treaty, to the extent the other parties are guided by those provisions.¹⁸ Russia's ratification instrument was deposited on 6 December 2004.

Questions relating to the distribution of the costs for inspections and observation visits (to be charged to the inspecting party) remain on the JCG agenda as do the negotiations on the further development of the CFE Protocol on Existing Types of Conventional Armaments and Equipment (POET).¹⁹ In addition, it was proposed to digitalize the exchange of photographs and technical data regarding treaty-limited equipment (TLE).

In June 2004 a dispute arose in the JCG about BRM-1K armoured infantry fighting vehicles (AIFV).²⁰ On 29 June Russia announced in the JCG that it would no longer account for this type of light-tracked combat vehicle in its equipment data except as an AIFV look-alike (a type of armament not limited by the treaty) in view of the alleged vagueness of definitions in the POET which fail to cover similar Western equipment. The United States and seven other NATO states urged Russia to reconsider this 'fundamental departure from agreed counting rules'.²¹

The problem of unaccounted-for and uncontrolled treaty-limited equipment (UTLE) was not resolved in 2004. In violation of the CFE Treaty, residual amounts of Russian TLE, which should have been destroyed or returned to Russia long ago, were still at the disposal of the self-proclaimed authorities of the Trans-Dniester region (Moldova), Abkhazia and South Ossetia (Georgia). The issue of UTLE in Nagorno-Karabakh, Armenia, also continues to adversely affect the operation of the treaty.

CFE-related consequences of NATO enlargement in Central Europe

Since 1997 Russia has received successive political assurances that NATO will exercise restraint in conventional weapon deployments and capabilities on the territories of its new members.²² Russian officials, however, continue to express concerns (in contrast to the Russian military's emphasis on the southern flank areas) about the admission to NATO of the three Baltic states

¹⁷ 'Statement by the State Duma concerning the ratification of the Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe', OSCE document SEC.DEL/125/04, 30 June 2004.

¹⁸ Russian Ministry of Foreign Affairs, 'Transcript of Minister of Foreign Affairs of the Russian Federation Sergey Lavrov interview with Russian media', 28 June 2004, URL <http://www.ln.mid.ru/brp_4.nsf/e78a48070f128a7b43256999005bcbb3/136ce0af26b3e62fc3256ec200422760?OpenDocument>.

¹⁹ The CFE Treaty specifies that POET should be updated periodically. Although this was discussed at the 1996 and 2001 review conferences, the task has not been completed.

²⁰ BRM-1K is listed in the protocol (POET) to the CFE Treaty.

²¹ Joint Consultative Group, 538th plenary meeting, JCG document JCG/JOUR/538, 20 July 2004, annexes 1-8.

²² See the chapters on developments in conventional arms control since 1997 in SIPRI Yearbooks.

that are not subject to CFE limitations and restraints, Estonia, Latvia and Lithuania. After Defence Minister Sergei Ivanov's warnings and unsuccessful demands at the Munich Security Policy Conference in February 2004, the issue of aerial patrol of the Baltic borders by NATO aircraft came to the fore and was pursued by Russia's Foreign Minister Sergei Lavrov at the first session of the NATO–Russia Council (NRC) in its enlarged format 'at 27' (the 26 NATO members and Russia). While it was hard to construe the fact of four NATO aircraft stationed in Lithuania to patrol the Baltic states' borders as a threat, Russia voiced anxiety that this might be followed by further deployments (e.g., the presence of NATO armed forces and the creation of large NATO–US military bases close to its borders).²³

In response, at the NRC on 2 April 2004 NATO reiterated its previous pledges regarding the non-deployment of nuclear weapons and substantial conventional armaments on a permanent basis on the territories of the new members, as well as the Baltic states' own promise to demonstrate military restraint and to promptly accede to the adapted treaty regime once it enters into force. This effectively de-emphasized the Baltic states item in the list of Russian–Western disagreements regarding CFE issues.²⁴

Russian troops and equipment in Georgia

The issue of the withdrawal of Russian forces from Georgia remained deadlocked in 2004. At the 1999 OSCE Istanbul Summit Russia pledged to reduce the number of its heavy ground weapons deployed on Georgian territory to the agreed levels, which was completed on schedule. 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 (Adzharia) and Akhalkalaki (southern Georgia) bases.²⁵ Russia handed over control of its Vaziani base to Georgia in mid-2001 but retained the Gudauta military base, reclassifying its garrison as a 'peacekeeping force' and seeking Georgian and international acceptance of that arrangement.²⁶ The terms of the Russian withdrawal from the Batumi and Akhalkalaki bases have never been

²³ See interview by Russian Deputy Foreign Minister V. A. Chizhov for Interfax, 31 Mar. 2004 (in Russian), URL <<http://www.in.mid.ru/ns-dvbr.nsf/6786f16f9aa1fc72432569ea0036120e432569d800226387c3256e6e002aebca?OpenDocument>>; and Ivanov, S., 'As NATO grows, so do Russia's worries', *New York Times*, 7 Apr. 2004. Russia complained that NATO argued that its air patrols were warranted because of alleged terrorist threats.

²⁴ In the run-up to the commemoration of the 60th anniversary of the end of World War II, Russia reportedly insisted that the 3 Baltic states agree bilaterally to adhere to the CFE Treaty, a move that would decouple them from the NATO and EU policies. Socor, V., 'To attend or not to attend? That's not really a question', *Eurasia Daily Monitor*, vol. 2, issue 29 (10 Feb. 2005), URL <http://www.jamestown.org/edm/article.php?article_id=2369240>.

²⁵ *SIPRI Yearbook 2000* (note 1), pp. 645–46. The basic temporary deployment is 153 tanks, 241 ACVs and 140 artillery pieces. There are reportedly some 80 tanks and c. 2000 Russian personnel stationed in Akhalkalaki and Batumi. *Nezavisimaya Gazeta*, 15 Nov. 2004, pp. 1, 5.

²⁶ In the spring of 2004 Germany proposed to lead a fact-finding mission to Gudauta in order to facilitate agreement between Georgia and Russia. Later the proposal was put on hold at Georgia's request.

agreed. Georgia insists on a three-year withdrawal period, while Russia has suggested a much longer withdrawal schedule.²⁷ Despite the clear commitments made in the joint Georgian–Russian statement attached to the 1999 CFE Final Act,²⁸ Russia now claims that the agreement with Georgia and Moldova did not set deadlines for ‘physical action’.²⁹

Since 2003 Russia has under various pretexts suspended or stalled talks on Russian withdrawal. In early 2004 the USA unsuccessfully tried to persuade Russia to resume negotiations and accelerate the withdrawal of troops from Georgia, offering financial assistance and a promise not to set up new US military bases, supported by Georgia’s declared willingness to ban all third countries from having bases on its territory. Russia continued to insist that additional conditions—not mentioned in the Istanbul commitments—be applied to its withdrawal and refused to talk with Georgia until the latter responded ‘constructively’ to the Russian demands.³⁰ At the Sofia OSCE Ministerial Council Meeting in 2004 Russia refused, as it had done in 2003 at the Maastricht OSCE Ministerial Council Meeting, to consent to political declarations and ‘regional’ statements which *inter alia* would have stressed its Istanbul commitments.

Russian armed forces and ammunition in Moldova

In 2004 not only was there no progress on CFE issues regarding Moldova, but the situation worsened. Under its 1994 constitution, Moldova is permanently neutral and refuses to host foreign forces on its territory. At the 1999 OSCE Istanbul Summit Meeting Russia pledged to withdraw or destroy its TLE in Moldova by the end of 2001 and to remove its troops from Moldova by the end of 2002.³¹ Withdrawal of the Russian TLE was completed on time. The failure to arrive at a political settlement of the problem of the separatist Trans-Dniester region in 2002–2004 affected the implementation of Russia’s commitments to complete the withdrawal of its forces and dispose of its ammunition and non-CFE-limited equipment.³² Russia assured the OSCE that

²⁷ Russia sought a 7- to 11-year extension for the Batumi and Akhalkalaki bases and a bilateral treaty with Georgia that would legalize those bases for the duration. In the spring of 2005 Russian officials reportedly suggested a 3- to 4-year withdrawal scheme. *Atlantic News*, no. 3661 (17 Mar. 2005), p. 3.

²⁸ OSCE (note 7).

²⁹ ‘Transcript of remarks by Minister of Foreign Affairs of Russia Sergey Lavrov at press conference following Russia–NATO Council session, Istanbul, 28 June 2004’, Press Release, URL <http://www.ln.mid.ru/brp_4.nsf/e78a48070f128a7b43256999005bcbb3/f49e7d32324eb164c3256ec3002567be?OpenDocument>. For the text of the Russian–Georgian statement see *SIPRI Yearbook 2000* (note 1), pp. 645–46; it is also available at URL <<http://www.osce.org/docs/english/1990-1999/cfe/cfeinact99e.htm>>.

³⁰ Lachowski and Sjögren (note 9), pp. 718–19.

³¹ OSCE (note 7), para. 19.

³² During 2003 several proposals were discussed in an effort to resolve the conflict. 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. 2003, Russia proposed another ‘federalization’, the so-called ‘Kozak memorandum’ plan.

it would complete the withdrawal of its forces as early as possible—by the end of 2003 ‘provided necessary conditions are in place’.³³

The stalemate continued in 2004, and only one train carrying Russian munitions left Moldova during the year. An estimated 40 trainloads of munitions remain to be removed. In April the talks on settlement of the conflict resumed after a long break following the collapse of the Russia-sponsored November 2003 federalization plan for Moldova. In May 2004 Moldova strongly demanded that Russia withdraw its troops from Moldovan territory.³⁴ On 1 June Moldovan President Vladimir Voronin proposed that the European Union (EU), Romania, Russia, Ukraine and the USA hold a high-level conference on a ‘pact’ on stability and security for Moldova to *inter alia* guarantee Moldova’s permanent strategic neutrality and the settlement of the Trans-Dniester issue.³⁵ Since then Moldova has sought stronger international support in its settlement talks with Russia.

A denouement came in the autumn in the run-up to the OSCE Ministerial Meeting in Sofia. On 30 November Moldovan Foreign Minister Andrei Stratan delivered a harsh statement to the OSCE Permanent Council³⁶ decrying the fact that part of Moldovan territory remained ‘under the foreign military occupation, that of the Russian Federation’. He stated that the international community was ‘facing a group of foreign citizens manipulated from outside’ (i.e., Russia) and called for completion of the withdrawal process from Moldova’s ‘eastern districts’ (Trans-Dniester area) in a transparent manner—that is, through the deployment of an OSCE-led international inspection and assessment mission with broadly conceived competences.³⁷ Stratan denounced the production of unreported military equipment subject to CFE competence by 14 enterprises in the Trans-Dniester region. The armaments handed over to the Trans-Dniester separatist entity by Russia constitute the UTLE. Finally, Stratan warned that full implementation of Russia’s Istanbul commitments was a prerequisite for Moldovan ratification of the adapted CFE Treaty.

Moldova reaffirmed its position, albeit in a milder form, at the Sofia Ministerial Council Meeting one week later. Russia’s official response to Moldova’s demands was to denounce them as ‘absurd, irresponsible and obviously unfriendly’ and to argue again that the withdrawal problem stemmed from the

³³ OSCE, Ministerial Council, Porto, 2002, Statements by the Ministerial Council, annex 3 (3), OSCE document MC(10)JOUR/2, 7 Dec. 2002.

³⁴ Infotag (Chisinau), 6 May 2004, in ‘Moldova “insists” on Russian withdrawal from Dniester’, FBIS-SOV-2004-0506, 7 May 2004 (in Russian).

³⁵ For more on the pact see Socor, V. ‘Moldovan president delivers secret draft on externally guaranteed “neutrality”’, *Eurasia Daily Monitor*, vol. 1, issue 24 (4 June 2004), URL <http://www.jamestown.org/publications_details.php?volume_id=401&issue_id=2974&article_id=2368048>. The declaration has not been endorsed.

³⁶ The Permanent Council is the main regular decision-making body of the OSCE. It convenes weekly in Vienna to discuss developments in the OSCE area and to make appropriate decisions.

³⁷ OSCE, Statement delivered by H. E. Mr Andrei Stratan, the Minister of Foreign Affairs of the Republic of Moldova at the special session of the Permanent Council of the OSCE, Vienna, 30 Nov. 2004, Permanent Council document PC.DEL/1170/04, 30 Nov. 2004. By labelling the Trans-Dniester region as ‘eastern districts’, Moldova seeks both to stress the Russian minority rule in all 5 districts of the Dniester Left Bank region (except for Tiraspol) and to deny attempts to give it the status of a separate entity.

distrust between Moldova and the Trans-Dniester region because of the failure of the federalization plan.³⁸

III. Building confidence and stability in Europe

The OSCE Forum for Security Co-operation (FSC) provides the institutional framework for the implementation and coordination of all OSCE agreements on conventional arms control, ensures their continuity and works out new priorities for future arms control negotiations. Its work derives from three main sources: the Ministerial Council meetings, the ASRCs and the Annual Implementation Assessment Meetings (AIAMs).

The FSC deals with the double task assigned to it by the OSCE Strategy to Address Threats to Security and Stability in the 21st Century: on the one hand, to take responsibility for the complete implementation of the existing politico-military *acquis*; and, on the other hand, to adapt the existing instruments and develop new arms control agreements, confidence- and security-building measures (CSBMs) or other suitable instruments where necessary.

In 2004, with 'hard' arms control still deadlocked, the participating states found it difficult to adapt the existing instruments to a new security environment, although in principle they all perceived this as necessary.

Efforts have been made to make the work of the FSC more efficient. In order to facilitate interaction between the Permanent Council and the FSC, the Chairperson-in-Office (CIO) is represented at the FSC Troika meetings, and the FSC chairperson is represented at the OSCE Troika meetings on matters of FSC concern.³⁹ Since 2003 special associates—*chefs de file* and coordinators—have been appointed by the FSC chairperson from among the delegations to facilitate the work; to avoid duplication; to ensure a smooth flow of information on discussions in the FSC and the Permanent Council; and to systematize and consolidate tasks, views, ideas and other input by the delegations in the areas addressed by the FSC.⁴⁰

With the growing proliferation of threats, the OSCE has begun to consider possibilities for expanding its norms and commitments to adjacent and other regions, particularly in the context of cooperation with its Asian Partners for

³⁸ 'Russian MFA Information and Press Department commentary regarding a media question concerning remarks of official Moldovan representatives about Russia's military presence on the territory of Moldova', 15 Dec. 2004, URL <http://www.ln.mid.ru/brp_4.nsf/e78a48070f128a43256999005bcb3/8a3877d060f1bf4cc3256f6b004399fa?OpenDocument>.

³⁹ The FSC Troika meets on a weekly basis; it comprises the chairperson and the previous and succeeding chairpersons. It has no formal right to table proposals. The current chairperson issues a schedule of meetings for the subsidiary working bodies based on proposals from delegations. After discussion in the Troika, weekly draft agendas are prepared. The working groups report to the FSC on their activities. Their work is organized on a rolling schedule and additional meetings are convened as necessary. The working groups may also recommend that the FSC hold seminars on specific topics. The OSCE Troika comprises the current CIO and the previous and succeeding CIOs.

⁴⁰ In 2003 the *chefs de file* were responsible for 3 key issues: the Annual Security Review Conference (ASRC), development of the OSCE Strategy to Address Threats to Security and Stability in the 21st Century, and the review of the OSCE role in peacekeeping. In 2004, 2 *chefs de file* were appointed for the ASRC and interactions with other international organizations, and 2 coordinators for the projects concerning conventional ammunition and SALW.

Co-operation (Afghanistan, Japan, South Korea and Thailand) and its Mediterranean Partners for Co-operation (Algeria, Egypt, Israel, Jordan, Morocco and Tunisia). The OSCE has encouraged these partner countries to participate in a number of information exchanges and other endeavours within the CSBM framework. In addition, the OSCE declared its intent to explore wider sharing of OSCE norms, principles and commitments with 'adjacent areas'.⁴¹ Since the AIAM of 1998, the Partners for Co-operation have been invited to attend the opening and closing sessions of the meetings. At the AIAM in 2004, representatives of the partner countries were invited for the first time to attend all the working group sessions. Mongolia was granted the status of Partner for Co-operation in December 2004.⁴²

Developments in the control of small arms and light weapons

In 2003 the main items on the OSCE agenda relating to SALW were the completion of the Handbook of Best Practices on SALW⁴³ and MANPADS. In January 2004 a seminar was organized in Vienna to discuss the threat posed by MANPADS to civilian aviation, responses to such threats and strengthening of national capacities.⁴⁴ At the seminar, various countermeasures were discussed such as protecting aircraft and patrolling the perimeter of airports, raising awareness of civilian communities in and around airports, introducing variations of landing and take-off patterns, and the like.⁴⁵

In December 2003 the 33 states which participate in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (WA) agreed to enhance their export controls on MANPADS, institute tougher national legislation regulating arms brokers and exchange information on their exports of small arms. In response, the OSCE states agreed in May 2004 to adopt the principles developed by the WA and incorporate them into their national practices or regulations (i.e., as regards

⁴¹ OSCE, Further dialogue and cooperation with the Partners for Co-operation and exploring the scope for wider sharing of OSCE norms, principles and commitments with others, Permanent Council document PC/DEC/571.Corr.1, 2 Dec. 2003. As a follow-up to that initiative, at the 2004 ASRC Finland presented a 'food-for-thought' paper. Finland, Present state of affairs and potential additional fields of co-operation and interaction with the OSCE Mediterranean and Asian Partners for Co-operation, Permanent Council document PC/DEL/366/04, 5 May 2004. In that context, the FSC chairperson has pointed out: 'Our Chairmanship takes the challenge of "outreach" seriously. . . . However, . . . it takes two to tango; our Partners must demonstrate that they are ready to proceed beyond spectatorship and become active participants in that process'. OSCE, Report by the Chairman of the Forum for Security Cooperation to the Second Annual Security Review Conference, Permanent Council document PC/DEL/571/04, 24 June 2004.

⁴² OSCE, Granting of the status of Partner for Co-operation to Mongolia, Permanent Council document PC.DEC.636, 2 Dec. 2004.

⁴³ OSCE, Handbook of Best Practices on Small Arms and Light Weapons, Vienna, 2003, URL <http://www.osce.org/events/mc/netherlands2003/handbook/salw_all.pdf>. For discussion of small arms issues in 2003 see Lachowski and Sjögren (note 9), pp. 691–11.

⁴⁴ On MANPADS see Anthony, I. and Baurer, S., 'Transfer controls and destruction programmes', *SIPRI Yearbook 2004* (note 9), pp. 753–56.

⁴⁵ OSCE, Technical Experts Workshop on countering the MANPADS threat to civil aviation security at airports, Workshop Report, Executive Summary. Vienna, OSCE document SEC.GAL/24/04, 4 Feb. 2004.

surface-to-air missile systems, strict control conditions and evaluation criteria).⁴⁶ This action essentially doubled the number of nations that have pledged to abide by these controls. The WA participating states will report transfers and retransfers of MANPADS using the 2000 OSCE SALW Document's information exchange requirements.⁴⁷ The participating states also agreed to promote the application of these to non-OSCE countries.

Following Belarus' request in 2003 for assistance to destroy surplus SALW and improve stockpile management and security, an assessment visit to Belarus took place at the end of 2004. A similar initial assessment visit was made to Tajikistan in the autumn of 2004.⁴⁸ Kazakhstan requested assistance in December 2004.

In 2004 the FSC focused on two aspects of the SALW Document: (a) the elaboration of standard elements for end-user certificates (EUCs); and (b) the establishment of norms for small arms brokering (verification procedures and principles for the control of brokering in small arms). In November two decisions were adopted. One set out a number of criteria to be included in an EUC prior to the export of SALW or technology for producing them (it included commitments on checking the 'bona fides' of EUCs and ensuring that the same criteria were extended to SALW that were manufactured under United Nations (UN) licence).⁴⁹ The second decision, designed to underpin enforcement of OSCE, UN and other provisions against arms brokering, covered such matters as licensing and record-keeping, registration and authorization of arms brokers, exchange of information on brokering activities and adequate sanctions for enforcement.⁵⁰ Several states suggested that these measures should be followed by an 'enhancement analysis' of the whole spectrum of SALW control efforts, with the aim of making the OSCE a leading organization in this field as well as curbing illicit trafficking in SALW and increasing the security of those stored in the region.⁵¹

In a February 2004 decision, the FSC requested that an overview be prepared and an accounting made of the 2002 and 2003 annual submissions for the information exchange on SALW.⁵² The result showed that not all participating states had provided information on destruction, import and export of SALW using the templates that were suggested. There are still different national practices of categorizing SALW and reporting the import and export

⁴⁶ OSCE, Decision no. 3/04: principles for export controls of man-portable air defence systems (MANPADS), FSC document FSC.DEC/3/04, 26 May 2004. It was endorsed by the Ministerial Council in Dec. 2004. OSCE, Decision no. 8/04: OSCE principles for export controls of man portable air defence systems, Ministerial Council document MC.DEC/8/04, 7 Dec. 2004.

⁴⁷ The SALW Document is reproduced in *SIPRI Yearbook 2001* (note 9), pp. 590–98.

⁴⁸ The work of the OSCE Mission in Georgia on SALW in South Ossetia was suspended in June 2004 because of the security situation in the region.

⁴⁹ OSCE, Decision no. 5: standard elements of end-users and verification procedures for SALW exports, FSC document FSC.DEC/5/04, 17 Nov. 2004.

⁵⁰ OSCE, Decision no. 8: OSCE principles on the control of brokering in SALW, FSC document FSC.DEC/8/04, 24 Nov. 2004.

⁵¹ US Mission to the OSCE, ASRC Session 3, Comprehensive Security, as delivered by James H. Cox, chief arms control delegate, Permanent Council document PC.DEL/576/04, 24 June 2004.

⁵² OSCE, An overview and an accounting of the 2002 and 2003 annual submissions for the information exchange on SALW, FSC document FSC.DEC/2/04, 18 Feb. 2004.

data. The lack of a general definition of SALW is clearly part of the problem. All in all, more coherent modalities for information exchange are needed to make the data more comparable.⁵³

Surplus ammunition and landmines

Under Section VI of the OSCE Document on Stockpiles of Conventional Ammunition any OSCE state that has identified a security risk to its surplus stockpiles and that needs assistance to address such a risk may request the assistance of the international community through the OSCE. Belarus, Kazakhstan, Russia, Tajikistan and Ukraine made such requests in 2004. Furthermore, in 2004 Armenia requested assistance to eliminate liquid rocket fuel components ('mélange'), and Uzbekistan requested similar assistance in January 2005. Numerous questions concerning technical, managerial and financial aspects arose while dealing with the requests and it was proposed that a seminar be held to address such issues.

A special FSC meeting on implementing the OSCE Document on Stockpiles of Conventional Ammunition was held on 29 September 2004. It helped to identify the most common difficulties, which include lack of finance, unequal access to destruction techniques and lack of arrangements to pool and exchange technologies. In order to improve matters, the OSCE would need to seek synergies with other international bodies—the EU, NATO and the UN Development Programme (UNDP)—and do more to mobilize public awareness of the importance and urgency of the problem. In the view of the chairman of the meeting, 'a dedicated but realistic and pragmatic approach' seems advisable.⁵⁴ The CPC prepared a survey of suggestions made at the meeting, with a list of practical, organizational and technical guidelines for managing the securing and destruction of surplus ammunition.

Since 1997 the OSCE has also had a programme for information exchange on landmines. In 2004 several states proposed that the programme should be updated and expanded to reflect the fact that 43 OSCE states are now parties to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (APM Convention), and two more are signatories. In the light of this and the adoption in November 2003 of Protocol V on Explosive Remnants of War of 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), several participating states proposed that the OSCE question-

⁵³ OSCE, Overview of the 2002 and 2003 annual submissions for the information exchange on SALW, CPC document FSC.GAL/37/04, 24 Mar. 2004.

⁵⁴ The FSC Chair summed up the result stating that 'we are navigating in uncharted [*sic*] waters' and 'more questions remain open than have been answered'. Special FSC Meeting on implementing the OSCE Document on Stockpiles of Conventional Ammunition, Closing Session: Concluding Remarks by the FSC Chair, Ambassador H. Werner Ehrlich, FSC document FSC.DEL/420/04, 1 Oct. 2004.

naire be updated.⁵⁵ The FSC agreed a new decision in December 2004 which replaced the former landmine questionnaire and supplemented it with a questionnaire on explosive remnants of war (ERW).⁵⁶

IV. Regional arms control and confidence building

The Balkans

Regional arms control is designed to play a major stabilizing role in post-conflict security building in the Balkans.⁵⁷ 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 have been achieved on CSBMs in Bosnia and Herzegovina (Article II); on arms control in states and entities emerged from the former Yugoslavia (Article IV); and on establishing ‘a regional balance in and around the former Yugoslavia’ (Article V). The characteristic feature of the 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 local powers.

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 (BiH) and its two entities, the Muslim–Croat Federation of Bosnia and Herzegovina and the Republika Srpska, which in reality comprises three separate armed forces because two components (the Croats and Bosnian Muslims) of the Federation of Bosnia and Herzegovina have not been fully integrated.⁵⁸

In June 2004 the Personal Representative of the CIO announced that the CSBM Agreement would be formally suspended in September 2004 as a result both of the progress of security sector reform in BiH and of the generally high level of confidence, openness and transparency between the armed forces of the entities.⁵⁹ On 28 September the parties to the agreement announced its ter-

⁵⁵ OSCE, Delegations of Belarus, Canada, Croatia, Germany, Norway, Poland and the Netherlands, an updated questionnaire on landmines and explosive remnants of war: food for thought, FSC document FSC.DEL/65/04, 3 Mar. 2004. For a list of parties and signatories see the International Campaign to Ban Landmines Internet site at URL <<http://www.icbl.org>> and the UN Internet site at URL <<http://disarmament.un.org:8080/TreatyStatus.nsf/CCWC%20Amended%20Protocol%20II?OpenView>>.

⁵⁶ OSCE, Decision no. 7/04: updating the OSCE questionnaire on anti-personnel mines and explosive remnants of war, FSC document FSC.DEC/7/04, 24 Nov. 2004.

⁵⁷ General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement), Dayton, Ohio, 14 Dec. 1995, Annex 1-B, Regional Stabilization, URL <<http://www.oscebih.org/essentials/gfap/eng/annex1b.asp>>. The Agreement on Regional Stabilization is reproduced in *SIPRI Yearbook 1996: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 1996), pp. 241–43.

⁵⁸ See also Caparini, M., ‘Security sector reform in the Western Balkans’, *SIPRI Yearbook 2004* (note 9), pp. 251–82.

⁵⁹ OSCE, ‘OSCE announces that confidence- and security-building agreement for Bosnia and Herzegovina will end in September 2004’, Press Release, 24 June 2004. See also Annual Report on the Implementation of the Agreement on Confidence- and Security-Building Measures in BiH (Article II, Annex 1-B Dayton Peace Accords) and the Agreement on Sub-Regional Arms Control (Article IV,

mination. That fact does not, however, preclude any party from agreeing to continue voluntary measures previously included or associated with it.

The 1996 *Agreement on Sub-Regional Arms Control* (Florence Agreement, also known as the Article IV Agreement)—signed by BiH 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.⁶⁰ Its distinguishing feature is that compliance is monitored and assisted by the international community. The military security of the sub-region is built on a balance of forces among the local powers.

At the 2004 fourth review conference of the Article IV Agreement, further agreements were reached on the reduction of agreement-limited armaments (ALA) to a maximum 5 per cent of each category by the end of 2004. The Republika Srpska further reduced its ALA declared as decommissioned equipment, and some ACVs belonging to internal security forces were also scrapped. On the whole, the implementation of the Florence Agreement has gone smoothly, including the system of inspections, annual exchange of information and reductions. The process of transferring ‘ownership’ of the agreement to the parties has been declared to have been achieved, although the international community (through the CIO’s Personal Representative) continues to provide guidance, expertise and technical support for better implementation.⁶¹

Regional confidence building

There are more than 20 regional military confidence-building arrangements in Europe. These measures aim to better address specific security concerns and defuse tensions in, for example, a neighbour-to-neighbour framework; to overcome historical resentments; to substitute for the lack of CFE assurances in areas outside the treaty; to allow participating states to meet NATO and/or EU political and security-related criteria as part of their accession strategy; and to encourage neighbouring states to modify their security policies. The presence of new NATO member states on Russia’s border as a result of the 2004 enlargement may lead Russia to request more advanced CSBMs with those states, in addition to CFE confidence-building provisions.⁶² Conversely, some of the existing CSBM arrangements involving states which have now been included in NATO may be phased out in coming years.⁶³

Annex 1-B Dayton Peace Accords), 1 Jan.-30 Nov. 2004. Brigadier General Claudio Sampaolo (Italian Army), Personal Representative of the OSCE CIO, OSCE document CIO.GAL/124/04, 20 Dec. 2004.

⁶⁰ The text of the Florence Agreement is available at URL <http://www.oscebih.org/security_cooperation/?d=4>.

⁶¹ Annual Report (note 59).

⁶² In this context, the Russian Minister of Foreign Affairs stated: ‘There is a need for additional confidence-building measures, measures of reciprocal control, measures to stave off hazardous military actions’. ‘Transcript of remarks by Minister of Foreign Affairs of Russia Sergey Lavrov’ (note 29).

⁶³ On 19 Jan. 2005, the 1998 Hungarian–Slovak CSBM agreement was terminated because the countries had become members of NATO.

Regional CSBMs have been used with success in the arc ranging from North-Eastern (the Baltic Sea states) through Central Eastern to South-Eastern (the Balkans) Europe. In 2004 Belarus and Latvia made a CSBM declaration providing for one additional evaluation visit a year and added information exchanges *inter alia* on the most significant military activity below the thresholds of the 1999 Vienna Document.⁶⁴ In 2004 Belarus and Poland exchanged diplomatic notes on a 'set' of complementary military CSBMs for their border zones. An agreement between Poland and Ukraine, signed on 20 July 2004, went further and covers the armed forces and the internal and border units of both states in their respective border areas.⁶⁵ Such arrangements are notably lacking, however, along the new NATO–Russia borders between Latvia and Russia and Poland and Russia, respectively.⁶⁶

In 2004 other European CSBM initiatives were suggested or put forward. In June 2004 the OSCE proposed a set of CSBMs drawing both on European and on regional precedents that might be useful for the two sides in the 'frozen conflict' in Moldova. The OSCE mission to Moldova has selected and adapted a package of provisions, including separation of the forces of the two former combatants, reductions in their arms and military personnel, and a range of steps to increase transparency and confidence (e.g., exchange of information, visits, cooperative activities, exercises and training).⁶⁷

After the Greek Cypriots rejected a UN plan to end the island's 30-year division, on 24 April 2004, the Republic of Cyprus put forward a proposal on CBMs in the military field, 'aimed at enhancing a sense of security among Greek Cypriots and Turkish Cypriots'. The proposed measures include opening new crossing points along the ceasefire line, de-mining several minefields within the buffer zone (2 kilometres on either side of the ceasefire line), withdrawing military forces from some sensitive areas and prohibiting military manoeuvres across two ceasefire lines.⁶⁸

Other cases of 'frozen' or low-intensity conflicts involving the Nagorno-Karabakh Armenian separatist entity in Azerbaijan, the secessionist Abkhazian and South Ossetian regions in Georgia, and the self-proclaimed Trans-Dniester republic in Moldova continue to pose a threat to regional security in Europe. Although all of these conflict-ridden regions and areas of instability are formally subject to the Vienna Document regime, more intrusive regimes tailored to the local needs seem advisable at some stage of the post-conflict processes.

⁶⁴ OSCE, 'Declaration on additional CSBMs by Belarus and Latvia', FSC document, FSC.DEL/71/04, 5 Mar. 2004.

⁶⁵ Belarus and Ukraine informed the 2001 AIAM of their intention to negotiate a CSBM agreement with Poland. The Belarusian–Polish agreement encountered some obstacles (mainly owing to the negotiated area of application) but was eventually signed on 20 July 2004.

⁶⁶ For more on regional CSBMs in Europe see Lachowski, Z., *Confidence- and Security-Building Measures in the New Europe*, SIPRI Research Report no. 18 (Oxford University Press: Oxford, 2004), pp. 129–55.

⁶⁷ OSCE, 'OSCE Chairman-in-Office calls for settlement and easing of tension in Moldova', Press Release, 22 June 2004, URL <http://www.osce.org/news/show_news.php?id=4175>.

⁶⁸ OSCE, Permanent Mission of the Republic of Cyprus, Note Verbale, FSC document FSC.DEL/365/04, 28 July 2004.

Monitoring on the Georgian–Russian border

Arrangements for monitoring the Georgian–Russian border were drawn into the general Russia–West disagreement over the OSCE in 2004.⁶⁹ Monitoring began in 2000 along the Chechen-inhabited part of the Georgian–Russian border following Russian claims that Chechen rebels were crossing it (later it was extended to the Ingush and Dagestani sectors of the border).⁷⁰ The duration of the Border Monitoring Operation (BMO) had been extended regularly by the OSCE until 2004. According to Georgia and observers from other countries, the BMO worked well as a CBM⁷¹ and politically helped to shield Georgia from accusations that ‘rebels and terrorists’ allegedly based in the Pankisi Gorge were operating out of Georgian territory.⁷²

Russia, however, had for some time been trying to modify the OSCE’s monitoring operations in the Chechen, Ingush and Dagestani sectors of the border, and in 2004 it declared openly that the BMO had been ineffective and too costly to the OSCE budget. At the end of the year Russia changed its tactics and claimed that the operation had fulfilled its mandate and, as of 1 January 2005, should be switched to ‘administrative–technical closure mode’ and start phasing out its infrastructure. According to Russian authorities, the border can be protected on a bilateral Georgian–Russian basis.⁷³ The Western attitude so far has been to try to find a more positive compromise in the framework of a wider ‘package’ which would satisfy at least some of Russia’s demands in other areas of OSCE business.

V. The Open Skies Treaty

Some states have worked actively to maintain the viability and relevance of the Open Skies Treaty since its entry into force on 1 January 2002, while others (including the USA) have accepted the status quo and the de facto marginalization of the treaty caused by changes in the political environment. In the view of this latter group of states, regional arms control in Europe is no longer of prime relevance for security building.

⁶⁹ For discussion on the OSCE see appendix 1A in this volume.

⁷⁰ The monitors were unarmed military officers seconded from some 30 countries. There were *c.* 150 men deployed in summer; in winter the number sank to *c.* 70 men.

⁷¹ The Georgian Foreign Minister Salome Zourabishvili depicted the monitoring as ‘one of our Organization’s [OSCE’s] most successful missions, simultaneously making a tremendous contribution to Georgia’s border security along the most volatile and controversial segments of the Georgian–Russian border’. OSCE, Statement by the Delegation of Georgia, Ministerial Council, Sofia 2004, Ministerial Council document MC(12).JOUR/2, 7 Dec. 2004.

⁷² Reportedly, the BMO has confirmed that some of the violations of Georgian airspace were committed by Russian military aircraft.

⁷³ ‘Russian MFA Information and Press Department commentary regarding end of OSCE observers’ stay on Georgian–Russian border’, 31 Dec. 2004, URL <http://www.in.mid.ru/brp_4.nsf/e78a48070f128a7b43256999005bcbb3/74502fb679f8eacfc3256f860022ff4c?OpenDocument>.

During 2004 and in preparation for the first Review Conference of the Open Skies Treaty⁷⁴ (scheduled for 14–16 February 2005 in Vienna) discussions and multilateral consultations took place in the framework of two seminars co-organized by the Chair of the review conference, Germany.⁷⁵ There were also extensive bilateral consultations between some key players. In the event, the review conference showed wide support for the view that the treaty still has potential to contribute to European security in spite of the changed political and technical conditions. There is much less need for Open Skies to verify arms control agreements between the former blocs, including agreements on the limitation of major armaments. Switching the emphasis to the potential use of aerial monitoring for post-conflict situations in the sub-regional context and to certain non-military uses, such as the monitoring of environmental catastrophes, could provide an answer. Technological conditions have changed because of the availability of satellite imagery similar to or of better resolution than that which Open Skies can provide. However, the Open Skies approach still has certain advantages, such as: (a) the ability to fly under the cloud cover higher than 1500 metres and thus provide images when satellite imagery is not available; (b) the incomparably better thermal imaging offered by Open Skies;⁷⁶ and (c) the flexibility to carry out Open Skies flights with a minimum of 72 hours' advance notice.

The review conference did not address one of the most sensitive matters, the modernization of the agreed list of sensors. According to two earlier decisions of the Open Skies Consultative Commission (OSCC),⁷⁷ which remain in force until 31 December 2005, the third year after entry into force of the treaty, the OSCC must decide before the end of 2005 whether or not to revise the specifications for the sensor set. This will determine the future capabilities of the sensors and whether they would provide better resolution than satellites. Owing to the technical nature of the matter, the OSCC agreed that it would be addressed at sessions of the Informal Working Group on Sensors rather than at

⁷⁴ According to the treaty's article XVI, para. 3 the depositaries shall convene a review conference 'three years after its entry into force . . . and at five-year intervals' thereafter. The Treaty on Open Skies, URL <<http://www.osce.org/docs/english/oskiese.htm>>.

⁷⁵ The OSCC Seminar on the Environmental/Ecological Use of the Open Skies Regime was held in Vienna on 14–15 Oct. 2004. A workshop on the Perspectives for Co-operative Aerial Observation and the Treaty on Open Skies was hosted by SIPRI in Stockholm on 30 Nov.–1 Dec. 2004. The workshop report and workshop papers are available at URL <<http://www.sipri.org/contents/director/esdp/report.html>> and <<http://www.sipri.org/contents/director/esdp/papers.html>>, respectively.

⁷⁶ Thermal-imaging sensors detect heat radiation that makes it possible to observe, day and night, whether vehicles and equipment are in use. The information thus provided goes beyond that delivered by photographic means.

⁷⁷ OSCC, Decision no. 14, Methodology for calculating the minimum height above ground level at which each video camera with real time display installed on an observation aircraft may be operated during an observation flight, OSCC document OSCC/VI/Dec.14, 12 Oct. 1994; and OSCC, Decision no. 15, Methodology for calculating the minimum height above ground level at which each infrared line-scanning device installed on an observation aircraft may be operated during an observation flight, OSCC document OSCC/VI/Dec.15, 12 Oct. 1994. OSCC decisions to the Treaty on Open Skies are available at URL <http://www.osmpf.wpafb.af.mil/Treaty_info/Treaty.htm>.

the review conference.⁷⁸ The review conference welcomed the resumption of work on the matter.⁷⁹

The distribution of flight quotas has been a source of concern since the treaty entered into force. In accordance with a gentlemen's agreement among its member states, NATO agreed not to carry out inspections on the territory of the alliance. As the number of NATO members significantly increased, each member state was free to use its active quota to inspect non-members. The most strategically important of the non-members—Belarus, Russia and Ukraine—have been the most 'in demand' for this purpose, and the result is a largely asymmetric pattern of flights. The draft final document of the review conference declared that 'the Open Skies mechanism of quota distribution should reflect the principles of equity, reciprocity and cooperation, and that the OSCC may further review this mechanism after January 2006'. The conference did not adopt the final document (see below) and the same text was included in the chairman's statement. In effect, this amounts, once again, to deferring the substance of a decision.⁸⁰

The review conference welcomed the increasing number of states parties. Since the entry into force of the Open Skies Treaty, six states have completed the accession process.⁸¹ The accessions of Estonia and Lithuania have been approved by the OSCC: their national accession processes have been completed and both states will soon deposit their accession instruments, thereby extending the coverage of the treaty to all of the new NATO members. In this context, there were often heated debates both in the run-up to and during the review conference over whether to discuss the pending accession of the Republic of Cyprus. The Foreign Minister of the Republic of Cyprus had called attention to this issue at the OSCE Ministerial Council: 'We are convinced that a process of normalization will engender further positive developments for all concerned. In this context we hope that Turkey will terminate its opposition towards Cyprus's accession to the Open Skies Treaty'.⁸² Turkey, the country that has systematically blocked the accession of Cyprus in the OSCC, in the event opposed such discussion at the review conference although every other state party was in favour of bringing up the issue.⁸³ For

⁷⁸ OSCC, Decision no. 1/05, Work Programme of the Informal Working Group on Sensors, OSCC document OSCC.DEC/1/05, 31 Jan. 2005.

⁷⁹ OSCC, Statement by the Chairman of the First Review Conference on the Implementation of the Treaty on Open Skies at the Closing Plenary, 16 Feb. 2005, point 8, OSCC document OSCC.RC/45/05.

⁸⁰ See OSCC, Draft Final Document of the First Review Conference on the Implementation of the Treaty on Open Skies, 14–16 Feb. 2005, point 10, OSCC document OSCC.RC/2/04/Rev.6, 10 Feb. 2005; and OSCC, Statement by the Chairman of the First Review Conference on the Implementation of the Treaty on Open Skies at the Closing Plenary' 16 Feb. 2005, point 9, OSCC document OSCC.RC/45/05.

⁸¹ Bosnia and Herzegovina, Croatia, Finland, Latvia, Slovenia and Sweden joined the treaty between 2002 and the end of 2004.

⁸² Statement by H. E. the Foreign Minister of Cyprus Mr George Iacovou before the 12th Meeting of the OSCE Ministerial Council Sofia, 6–7 Dec. 2004, p. 2, URL <http://www.osce.org/events/mc/bulgaria2004/documents/files/mc_1102354474_e.pdf>.

⁸³ Accession requires the consensus of each state party at the OSCC, and each party to the treaty thus is able to veto the accession of the country. This rule does not apply to those successor states of the former Soviet Union which are not signatories. They can accede to the treaty unilaterally in accordance

this reason alone the review conference failed to adopt a final document. Despite heavy pressure on Turkey by the chairmanship country Germany and by other states, it blocked consensus and also attempted to block a statement by the chairman. It was difficult to understand this approach because the draft final document did not refer to Turkey and merely stated that ‘the application of Cyprus remains on the agenda of the Open Skies Consultative Commission (OSCC)’.⁸⁴

Regional application of the Open Skies approach has often been viewed as a useful CBM. A bilateral open skies agreement was concluded between Hungary and Romania before the signature of the multilateral Open Skies Treaty.⁸⁵ However, because both parties are now members of NATO this agreement is expected to be terminated soon, as was the Hungarian–Slovakian CSBM agreement in 1998.⁸⁶

VI. Mines

The elimination of deployed landmines and reduction of landmine stocks under the 1997 APM Convention continues to be the main success story of global-level conventional arms control. The APM Convention has shown the potential of timely initiatives that are widely supported both by states and popular movements, and it can be viewed as a contribution to ‘human’ as well as traditional security. In 2004 the First Review Conference of the APM Convention provided a good opportunity to take stock of the achievements, and the balance was overwhelmingly positive. The number of parties to the convention had increased to 144 states by the end of 2004.⁸⁷ The rate of new accessions will now inevitably slow, as 8 more countries are signatories, leaving 42 states outside the convention. The non-parties are concentrated mostly in conflict-prone areas, such as Asia, the Middle East and the Commonwealth of Independent States (CIS). It is particularly worrying that some states have begun to deploy mines in areas previously free from them (e.g., in some parts of Central Asia).⁸⁸

The production of landmines has decreased significantly. Thirty-three of the 50 countries which produced landmines before the APM Convention was

with Article XVII, para. 3 of the Treaty on Open Skies, URL <<http://www.osce.org/docs/english/oskiese.htm>>.

⁸⁴ OSCC, Statement by the Chairman of the First Review Conference on the Implementation of the Treaty on Open Skies at the Closing Plenary, 16 Feb. 2005, OSCC document OSCC.RC/45/05.

⁸⁵ Agreement Between the Government of the Republic of Hungary and the Government of Romania on the establishment of an Open Skies regime. It is reproduced in Dunay, P. *et al.*, *Open Skies: A Cooperative Approach to Military Transparency and Confidence Building* (UN Institute for Disarmament Research (UNIDIR): Geneva, 2004), pp. 265–90.

⁸⁶ See note 63.

⁸⁷ Three states (Estonia, Ethiopia and Papua New Guinea) joined the convention in 2004. In 2003, 11 states joined; 8 joined in 2002, and 13 states joined in 2001.

⁸⁸ Notably, the laying of APMs was reported on the borders of Uzbekistan with Tajikistan and Kyrgyzstan and on the Kyrgyz–Tajik border by Kyrgyzstan. See *Landmine Monitor Report 2004: Toward a Mine-Free World* (Human Rights Watch–International Campaign to Ban Landmines: Geneva, 2004), p. 10.

opened for signature and ratification in December 1997 are now parties to the convention, and 3 non-parties have announced the end of production. The International Campaign to Ban Landmines (ICBL) is of the view that a number of other states—Egypt, South Korea and the USA—have not produced mines for several years.⁸⁹ More strikingly, the trade in landmines has effectively ceased. Most non-parties to the convention have put in place moratoria or bans on the transfer of such weapons, including influential powers such as China, Russia and the USA.⁹⁰ The use of landmines has declined sharply.⁹¹

The declaration adopted at the end of the review conference stated that more than 37 million stockpiled landmines have been destroyed since the entry into force of the APM Convention in 1999. The goal of a mine-free world 10 years after the entry into force of the convention (by late 2009)—as demanded by many campaigners—seems unrealistic, however. The President of the Review Conference recognized this by naming some countries that would face special difficulties and noted that, ‘one must not give up five years before the deadline. The closer the goal comes, the greater will be the motivation’.⁹² The declaration adopted at the end of the First Review Conference emphasized that ‘[w]e will strengthen our efforts to clear mined areas and destroy stockpiled anti-personnel mines in accordance with our time-bound obligations’.⁹³

Forty-six states parties are still carrying out mine clearance, many of them with weak capacities and limited resources. The clearing of deployed mines is far more demanding than the elimination of stockpiles and may present more of a problem for the success of the APM ban. Although capacity and institution building has been extensive since the convention was opened for signature, further sustained effort is necessary to implement the agreed goals.

Since the end of the cold war most armed conflicts have been intra-state, and the use of landmines by non-state actors presents a problem for the operation of the APM Convention. The number of countries where such use has occurred is on the increase.⁹⁴ A humanitarian organization, Geneva Call, has taken steps since 2001 to encourage ‘armed non-state actors’ to commit themselves not to use landmines,⁹⁵ with some success. However, states are often concerned that such contacts with armed non-state actors operating on their

⁸⁹ These 3 countries are still identified as producers as they have the right to produce APMs. See *Landmine Monitor Report 2004* (note 88), p. 11; and Final Report, First Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, APLC/CONF/2004/5, 8 Dec. 2004, available at URL <<http://www.reviewconference.org>>.

⁹⁰ Final Report (note 89), p. 11.

⁹¹ Apparently, the trend of mine casualties is somewhat more uncertain than that of mine use. There are not accurate data available on mine casualties.

⁹² ‘Official on chances of implementing total landmine ban by 2009—Austrian daily’, BBC Monitoring Service, 29 Nov. 2004.

⁹³ Small Arms Net, ‘Towards a Mine-Free World: the 2004 Nairobi Declaration’, URL <<http://www.smallarmsnet.org/docs/nairobidecl04.pdf>>.

⁹⁴ Such use occurred ‘in at least 16 countries’ according to the *Landmine Monitor Report 2004* (note 88), p. 7.

⁹⁵ See Geneva Call, ‘Deed of Commitment under Geneva Call for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action’, URL <<http://www.genevacall.org/about/testimission/gc-04oct01-deed.htm>>.

territory would legitimize the non-state actors. One non-party to the APM Convention, Sri Lanka, has suggested that its accession to the convention may be linked to a commitment to end the use of APMs by an armed non-state actor operating on its territory. Such an approach would raise complex international legal questions and may in effect be an excuse for not acceding to the convention. On the other hand, shutting the door to non-state actors can only prolong the landmine problem in states where the centre does not effectively control the whole territory.

The effort to control, reduce and eliminate landmines is not confined to the APM Convention. Protocol V of the CCW Convention addresses post-conflict remedies for explosive remnants of war⁹⁶ and it may gain importance as a complementary instrument.

Work on mines other than anti-personnel mines (MOTAPMs) continued in 2004 in the context of the CCW. Some non-governmental organizations (NGOs) and states advocate the extension of the landmine ban to this category, but the popular pressure that helped overcome the objections of many states to the APM ban is harder to summon up in the case of mines that have less obvious humanitarian impact. On the other hand, unrestricted use of MOTAPMs compounds the problems of post-conflict societies by blocking access to communities and raising the cost of implementing humanitarian projects. Some communities are not even considered for humanitarian assistance because their needs cannot be assessed.⁹⁷ A recent study outlines recommendations to address MOTAPMs: (a) to prohibit the use of MOTAPMs that are not detectable by commonly available mine detection equipment and that do not provide a response signal equivalent to a signal from 8 grams or more of iron in a single coherent mass; (b) to prohibit MOTAPMs that are not detectable by technical mine-detection methods and equipment other than that specified under point (a); and (c) to prohibit all MOTAPMs.⁹⁸

Countries that have not joined the landmine ban but which also do not need to deploy mines for any major conflict have made efforts to align their policies to the extent possible. China declared that it 'endorses the purposes and objectives of the Ottawa Convention'.⁹⁹ Russia, although it uses landmines in Chechnya, ratified the Amended Protocol II to the CCW Convention.¹⁰⁰ The USA has come under particular criticism for not acceding to the APM Convention *inter alia* because of the alibi this provides for 'problem' countries

⁹⁶ See Lachowski and Sjögren (note 9), pp. 713–36.

⁹⁷ For more details see *Humanitarian Impact from Mines other than Anti-Personnel Mines* (Geneva International Centre for Humanitarian Demining: Geneva, Oct. 2004), URL <http://www.gichd.org/pdf/publications/Humanitarian_Impact_from_MOTAPM.pdf>.

⁹⁸ 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, Working Group on Mines Other Than Anti-Personnel Mines, Proposals and ideas on MOTAPM in the Group of Governmental Experts (GGE) with the purpose to provide a basis for further work, CCW/GGE/VIII/WG.2/1, 11 June 2004, p. 4.

⁹⁹ 'Envoy says China endorses objectives of Ottawa Convention on landmines', BBC Monitoring International Reports, 3 Dec. 2004.

¹⁰⁰ Interfax (Moscow), 'Russian Duma ratifies protocol on restriction on military mine usage', 23 Nov. 2004, in FBIS-SOV-2004-1123, 24 Nov. 2004.

also to stay outside the regime. However, in practice US national policy is far more complex than most observers realize. In 2004 the USA declared that it would not use long-lasting or 'persistent' APMs or persistent anti-vehicle mines after 2010; it will no longer have any undetectable landmines in its inventory; and it will increase its budget for global humanitarian mine action programmes.¹⁰¹ US policy still permits the use of detectable landmines with timing mechanisms that self-destruct the mine in 30 days or less,¹⁰² but in the view of most experts these mines do not pose the same wholesale humanitarian problem that long-lived ones do. It is regrettable that the USA's progress in the limitation of landmines has not positively influenced other states and non-state entities.

VII. Confidence building in Asia

While 'hard' conventional arms control remains a European phenomenon, confidence-building processes are pursued in various other regions worldwide. In 2004 there was a renewed effort in South Asia to arrive at a confidence-building arrangement. In a broader Asian context, the Conference on Interaction and Confidence-Building Measures in Asia (CICA) adopted a catalogue of CBMs.¹⁰³

India–Pakistan

Both India and Pakistan have a history of repeated but unsuccessful endeavours to apply CBMs in their mutual relations.¹⁰⁴ The change of government in India in May 2004 furnished a new incentive for both India and Pakistan to discuss nuclear and conventional CBMs. In mid-2004 they agreed a set of 'nuclear and strategic' CBMs, including the establishment of a hotline, a pledge to notify each other in advance of tests of nuclear-capable missiles and a continuation of the moratorium on tests of nuclear warheads.¹⁰⁵ However, in the following months progress was limited to a list of symbolic agreements and CBMs, while the countries at the same time demonstrated their military prowess through a series of missile tests.

In mid-December the two states held their first, exploratory talks on conventional weapons as part of the so-called 'composite dialogue', which covers

¹⁰¹ US Department of State, International Information Program, 'Bloomfield details landmine policy changes', 27 Feb. 2004, URL <<http://usinfo.state.gov/xarchives/display.html?p=washfile-english>>.

¹⁰² Garwin, R.L., 'On land mines, America is a humanitarian leader', *International Herald Tribune*, 20–21 Mar. 2004, p. 6.

¹⁰³ Kazakhstan Ministry of Foreign Affairs, Conference on Interaction and Confidence-Building Measures in Asia, 'Catalogue of confidence building measures (CBMs), adopted by the decision of the CICA ministers of foreign affairs meeting, Almaty, 22 Oct. 2004', URL <<http://www.mfa.kz/eng/index.php?meeting=1&selected=10>>. The members of the CICA are listed in the glossary in this volume.

¹⁰⁴ For texts of selection of Indian–Pakistan military CBMs see Institute for Defence Studies and Analyses, *Strategic Digest* (Delhi), vol. 34, no. 6 (June 2004), pp. 869–74.

¹⁰⁵ 'India and Pakistan set up nuclear hotline', *Financial Times*, 20 June 2004.

eight problem areas including the Kashmir dispute. Having established a hot-line between India and Pakistan, the officials discussed a framework for further measures, such as advance notification of military exercises, avoidance of firing incidents across the international border and communication between the military authorities and local commanders in the border zones.¹⁰⁶ Once again, the talks reportedly broke up over the issues of missiles and a 'strategic restraint regime' proposed by Pakistan.¹⁰⁷ At the end of the year the two foreign ministers agreed to continue to explore further CBMs along the their border and the line of control (LoC).¹⁰⁸

The Conference on Interaction and Confidence-Building Measures in Asia

On 22–23 October 2004 a meeting of the foreign ministers of the CICA member states was held in Almaty, Kazakhstan. The main outcome of the meeting was the adoption of a Catalogue of Confidence-Building Measures.¹⁰⁹ The list of CBMs is extensive, covering not only politico-military, but also economic, environmental and human dimensions.

Given the diversity of the states to which they apply, the agreed CBMs are not so much a regime as a 'catalogue' of voluntary measures to be applied on a selective (where feasible and appropriate) and gradual basis. Inspired mainly by the European record, the military CBMs envisage the exchange of military information, inviting observers to military exercises, consultations on unexpected and hazardous incidents of a military nature, other forms of cooperation between armed forces, and the exchange of information on the status of states' ratification of or accession to various arms control and disarmament agreements. Information exchanges are also foreseen as measures to combat the new threats of terrorism, extremism and separatism in all their forms, the proliferation of weapons of mass destruction, the fight against crime, illicit trade in small arms and smuggling.

VIII. Conclusions

The prolonged crisis over the adapted CFE Treaty has had a corrosive influence on the political atmosphere and the prospects for a pan-European arms control regime. At the end of 2004 the two main actors on the European scene, NATO and Russia, continued to stick to the unyielding standpoints that have

¹⁰⁶ 'AFP: more on Pakistan, India hold first talks on conventional arms', AFP (Hong Kong), 15 Dec. 2004, in Foreign Broadcast Information Service, *Daily Report–Near East and South Asia (FBIS–NES)*, FBIS–NES-2004-1215, 15 Dec. 2004.

¹⁰⁷ 'Pakistan: India rejects proposals for CBMs on nuclear, conventional arms', *The News* (Islamabad), 19 Dec. 2004, in Foreign Broadcast Information Service, *Daily Report–China (FBIS–CHI)*, FBIS–CHI-2004-1219, 19 Dec. 2004.

¹⁰⁸ Indian Ministry of External Affairs, 'India–Pakistan Joint Statement, Meeting between Foreign Secretaries of India and Pakistan', Islamabad, 28 Dec. 2004, URL <<http://www.meaindia.nic.in/jshome.htm>>.

¹⁰⁹ Kazakhstan Ministry of Foreign Affairs (note 103).

resulted in a stalemate lasting for over five years. Nevertheless, the hard conventional arms control regime successfully weathered the 2004 wave of NATO enlargement and the associated problem of a legal CFE 'black hole' (the fact that the Baltic states are not covered by the treaty) along the new NATO–Russia border. Russia made the conciliatory gesture of ratifying the Agreement on Adaptation, which was intended to encourage positive reciprocation on the part of NATO. The completion by Russia of its ratification process of the Agreement on Adaptation underscores its legal, political and moral duty to terminate its unwanted military presence in Georgia and Moldova. The NATO states continue to call on Russia to abide by its commitments. Significantly, vigorous steps have been taken by Georgia and Moldova to resolve their 'frozen conflicts' where Russia plays the pivotal role. Apart from the issue of the Istanbul commitments, increasing and costly difficulties stem from the constraints that the outdated CFE Treaty places on NATO's operational flexibility, for instance, on its deployments in the south-western parts of the flank zone (Bulgaria and Romania). This intensifies pressure on the West to reassess its attitude to the issue of ratification of the Agreement on Adaptation of the CFE Treaty.

The evolution of European CSBMs and NSSMs is currently directed at sharing these accomplishments with adjacent regions and regions outside the OSCE area; developing measures to ensure stricter controls of SALWs, surplus ammunition, landmines, and the like; and regional application. Regional CSBMs that focus on security and military activities in the vicinity of borders as well as other measures could be applied to stalemated crisis situations.

The prospects for the Open Skies Treaty regime also have regional and possible non-military dimensions. The treaty's review conference in early 2005 demonstrated that many states parties value the achievements of this aspect of European arms control and wish to maintain its relevance. An increase in the number of parties and extension of the open skies regime to countries in potential conflict zones in the Balkans and the eastern part of Europe would help to promote that goal.

In 2004 the major humanitarian and military security frameworks continued to gain support and importance, thereby helping to decrease the scourge of mines worldwide, although the dilemma prevails of a total ban versus restraint in the application of such weapons.

