

15. Conventional arms control

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I. Introduction

The year 2005 marked the 15th anniversary of the signing of the 1990 Treaty on Conventional Armed Forces in Europe (CFE Treaty). Any inclination to celebrate the event was dampened by the fact that the updating of Europe's 'hard' conventional arms control regime is still stalled by disagreements between Russia and the West over texts adopted at the 1999 Istanbul Summit of the Organization for Security and Co-operation in Europe (OSCE).¹ As a result, entry into force of the 1999 Agreement on Adaptation of the CFE Treaty remained hostage to Russia's completion of its promised military pull-outs from Georgia and Moldova. In Georgia the May 2005 agreement on the closing of Russian military bases and other facilities in the country was welcomed as a promising 'step forward',² but in Moldova deadlock persists over the presence of Russian personnel and equipment.

In 2005 the OSCE participating states continued to evaluate, adjust and develop certain arms control-related endeavours, including confidence- and security-building measures (CSBMs) and other arrangements, in order to better meet the common and regional risks and challenges facing Europe. Globally, the problem of 'inhumane weapons' continued to engage the international community.

This chapter analyses the major issues and developments relating to conventional arms control. Section II reviews the challenges that this process has encountered in Europe and elsewhere since the end of the cold war. Section III deals with critical elements of the implementation of the CFE Treaty in 2005. Section IV discusses arms control-related efforts to promote confidence, render assistance and foster stability in the OSCE area. The Open Skies Treaty regime is dealt with in section V.³ The issue of mines and unexploded ord-

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 website at URL <<http://www.osce.org/documents/chronological.php>>. 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 website. The parties to the CFE Treaty and the signatories of the Agreement on Adaptation are listed in annex A in this volume. On the CFE limits and holdings of the individual states parties see the Facts on International Relations and Security Trends (FIRST) database at URL <<http://first.sipri.org/>>.

² Russian Ministry of Foreign Affairs, 'Joint Statement by the Ministers of Foreign Affairs of the Russian Federation and Georgia', 30 May 2005, URL <http://www.ln.mid.ru/brp_4.nsf/sps/BF502C80081D8AC5C32570120056B2D2>. See also the discussion in section III below.

³ The parties and signatories of the 1992 Treaty on Open Skies are listed in annex A in this volume. On the 2005 status of the treaty see Lachowski, Z. and Dunay, P., 'Conventional arms control', *SIPRI*

nance is addressed in section VI. Section VII presents recommendations for the advancement of conventional arms control.

II. Conventional arms control: a balance sheet, 1990–2005

Much effort has been devoted to arms control in the field of conventional weapons both globally and regionally, but arms control has failed to take firm root outside Europe. Even though Europe remains a role model in this context, because of critical security changes since 1989 it also faces serious challenges.

Conventional arms control has all but vanished from Europe's mainstream security policy agenda, falling victim in part to its own success and in part to the general demise or transmutation of the underlying assumptions of the post-cold war arms control regime.⁴ Once at the centre of military cold war politics, arms control lost its prominence as a powerful security tool after the end of the bloc confrontation when the risk of a sudden, mass-scale armed attack dramatically diminished. Immediately after the cold war, however, there was still interest in containing military confrontation and distrust, creating both the opportunity and need for formal provisions on arms reductions and building confidence. In 1992–95 the CFE states parties scrapped or converted to non-military use some 50 000 items of treaty-limited equipment (TLE). In the following years they carried out further cutbacks, which officially resulted in a total decrease of more than 63 500 heavy weapons.⁵ In fact, the cuts were much deeper as many states reduced their conventional armaments well below their treaty limits (see table 15.1). In parallel, a total of 6–7.6 million military personnel on both sides in 1989 had fallen to about 3 million by 2005. Equally important, albeit less spectacular and quantifiable, was the arms control-related process of military confidence building in the entire OSCE area with the series of the Vienna Document on CSBMs.⁶ In the latter part of the 1990s there was a separate, internationally monitored arms control regime in the former Yugoslavia, which brought about an additional reduction of some 6600 items of heavy weapons and a substantial limitation of military manpower there.⁷ In addition, endeavours were made to adapt the existing CFE

Yearbook 2005: Armaments, Disarmament and International Security (Oxford University Press: Oxford, 2005), pp. 665–68; and section V of this chapter.

⁴ This does not prevent European actors from asserting that arms control and CSBMs remain an important instrument for strengthening European security. See, e.g., Organization for Security and Co-operation in Europe Permanent Council, 2005 Annual Security Review Conference, Chair's report, Working session 2: comprehensive security, OSCE document PC.DEL/814/05, 1 Aug. 2005, p. 22.

⁵ Permanent Mission of the Slovak Republic to the OSCE, 'Selected data on the implementation of CFE Treaty obligations', Vienna, 19 Dec. 1995. In 1989–90 the Soviet Union had relocated tens of thousands of TLE beyond the Urals; in a political statement in 1991 it undertook to destroy or convert to civil uses an additional 14 500 items of heavy weapons.

⁶ The Vienna Documents 1990, 1992, 1994 and 1999 were based on the achievements of the former era and each built on the preceding documents. They are available at URL <<http://www.osce.org/documents/chronological.php>>. The Vienna Documents are summarized in annex A in this volume.

⁷ The 1996 Agreement on Sub-Regional Arms Control (Florence Agreement, also known as the Article IV Agreement) was signed by Bosnia and Herzegovina and its 2 entities, and by Croatia and the Federal Republic of Yugoslavia (FRY, now Serbia and Montenegro). For the text of the Florence Agreement see URL <<http://www.sipri.org/contents/worldsec/eurosec.html>>.

Treaty regime to the new security realities, which aimed at moving from the cold war concept of an equilibrium of forces to a balance of security interests.

In 1999 the last peak in arms control activity in Europe occurred when two major agreements were signed: the legally binding Agreement on Adaptation and the politically binding Vienna Document 1999 on CSBMs. In January 2002 the long-awaited entry into force of the 1992 Treaty on Open Skies took place.

The relevance of European arms control

In the first years of the 21st century there have been dramatic changes in the European and global security landscape—the challenges of high-impact terrorism, the proliferation of weapons of mass destruction (WMD), the increase in the number of weak and failed states, the enlargements of the European Union (EU) and the North Atlantic Treaty Organization (NATO), the intra-West divides over numerous critical security issues (including the shift of the United States from a pillar of the European status quo towards a more unilateralist and interventionist posture outside Europe), and so on. These inevitably had an impact on the role of arms control in general and conventional arms control in Europe in particular.⁸ As mentioned above, the changes after the end of the cold war almost eliminated the pressure to use arms control as a way to contain the risks of generalized conflict and surprise attack. The common aim of combating terrorism ensured that relations between NATO and the USA, on the one hand, and Russia, on the other, remained essentially calm and pragmatic. However, for various reasons this state of affairs did not translate into progress on cooperative ‘hard’ (structural) arms control. Currently, the adapted CFE Treaty regime (i.e., the CFE Treaty and the Agreement on Adaptation) remains in limbo.

Nonetheless, specific threats and challenges in Europe, such as regional and sub-regional security crises, conflicts (including ‘frozen’ conflicts) and local civil wars, have reinforced in a more differentiated way the *raison d’être* of arms control. This has been illustrated by the regional arms control agreements in the Balkans resulting from the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement).⁹ The general evolution of political relations in Europe towards ‘common and cooperative inclusive security’, and the extension of that process to Central Asia, has led to the development of new approaches and solutions that make use of the ‘softer’ (operational) variants of arms control and that extend such techniques to cover new aspects of security and stability.

⁸ This section summarizes the findings of a SIPRI study. See Lachowski, Z., Dunay, P. and der Haan, J., ‘The relevance of conventional arms control in Europe’, 2005, URL <<http://www.sipri.org/contents/worldsec/Relevance.of.armscontrol.pdf>>.

⁹ General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement), Dayton, Ohio, 14 Dec. 1995, URL <<http://www.oscebih.org/overview/gfap/eng/>>.

Table 15.1. Treaty on Conventional Armed Forces in Europe limits and holdings, 1990–2005

Holdings, Nov. 1990	Limits: CFE, Nov. 1990 and CFE-1A, July 1992	Holdings, Nov. 1995	Adapted CFE, limit, 1999	Holdings, Jan. 2005
<i>Treaty-limited equipment</i>				
201 005	154 712	130 813	145 653	108 516
<i>Manpower</i>				
6–7.6 million	5 789 181	5 470 695	–	2 993 652

CFE = Treaty on Conventional Armed Forces in Europe; CFE-1A = Concluding Act of the Negotiation on Personnel Strength of Conventional Armed Forces in Europe

Sources: Manpower data were compiled from ‘On the correlation of Warsaw Treaty and North Atlantic Alliance force strengths and armaments in Europe and adjoining waters’, *Pravda*, 30 Jan. 1989, p. 5; and International Institute for Strategic Studies (IISS), *The Military Balance 1989/90* (IISS: London, 1989). Harahan, J. P. and Kuhn, J. C., *On-Site Inspections Under the CFE Treaty* (US Department of Defense, On-Site Inspection Agency: Washington, DC, 1996); *Arms Control Today*, Mar. 1993, p. 28; and Treaty on Conventional Armed Forces in Europe (CFE Treaty) Joint Consultative Group, Group on Treaty Operation and Implementation, Joint Consultative Group document JCG.TOI/56/05, 29 Nov. 2005.

All this and the impressive accomplishments of arms control in Europe notwithstanding, important questions remain about the relevance of further efforts in this field. The ambitious attempts made in the first half of the 1990s to harmonize, or even merge, the individual arms control regimes in Europe came to nothing and are not likely to be revived soon. The adapted CFE Treaty is held up by extraneous, although politically valid, obstacles (regarding Russia’s behaviour towards its former Soviet neighbours and the wider strategic competition in the CFE’s southern flank areas). Attempts made since 1999 to move forward with further adaptation (‘modernization’) of the Vienna CSBM Document to the new circumstances have thus far foundered. The Treaty on Open Skies failed to make headway at its first review conference in early 2005. In sum, the main arms control agreements today are facing erosion through neglect, or at best are muddling along, rather than setting the course for new goals comparable with those of the previous decade. The OSCE, which provided the framework for past achievements, is now confronted with a broader crisis of consensus and credibility that is hampering both the application of sufficient political energy to overcome old blockages and the opening up of new paths.

However, conventional arms control does not seem to be facing an early demise. Some of its traditional cold war functions, such as the emphasis on relations between enemies, decreasing the likelihood of war or limiting damage when a strategic conflict breaks out, are objectively less urgent today, at least in Europe. However, the overall framework of arms control and confidence building in Europe retains some unique major advantages. First, it is by far the most advanced workable system of its kind in the world, rightly envied—and sometimes at least partially emulated—by states trying to build

security elsewhere. Second, it continues to have a substantial stabilizing, security-building role in intra-European relations based on openness, transparency and mutual reassurance. Third, it should remain a kind of insurance policy for a worst-case scenario, in the event that the trend of history is reversed in future.

The main methods for strengthening security in Europe are unique—multilateral cooperation, persuasion, reassurance and confidence among like-minded states—as against the unilateral action, pre-emption and coercion (including the use of military force) that are prevalent elsewhere. Arms control is still part of this European agenda in an age when military capabilities and doctrines are constantly being updated for generally more active applications (e.g., for peace operations or expeditionary missions). It will remain pertinent as long as military force plays a major role in international and domestic policies and as long as traditional and new threats alike call for constraints on access to and the use of weapons and military methods generally. Even with the spread of democracy in the OSCE area and the acknowledged lesser propensity of democracies to wage wars, the tools of politico-military transparency, restraint, communication and predictability can keep their value as long as they are well-defined, effective and timely. The work of conventional arms control in Europe is not done as long as, on the one hand, Europeans believe that security should be indivisible and norms equally applied and, on the other, many places within the OSCE area manifestly do not enjoy stable and equitable security conditions.

Arms control can and should be pursued further in terms of both geographical extent and substance. As habits of active, common and cooperative security become prevalent, the focus of arms control is naturally tilting towards its 'soft' dimension, whose logic relies less on a cold war-style confrontation. The extent of this switch has, however, been exaggerated by the failure to accommodate the structural arms control regime of the treaty to the new realities, as should have been done.

New challenges and risks place strain on the status quo. Europe's security is being put to the test by regional and local crises and conflicts, mostly on its peripheries. Both operational and structural arms control approaches could have an obvious application here if properly tailored to the new forms of intra-state and global challenges (including terrorism). European states could best show their solidarity (and common sense) as a security community by finding ways to extract new value from the arms control *acquis* they have so laboriously built up in the past.

Conventional arms control is also moving and must move further out of the role of an autonomous, predominantly military instrument. Increasingly, various CSBMs are being integrated in cooperative packages or are taking on a multidimensional character themselves, the better to fulfil new tasks and missions. Most menaces to Europe's security emerge on its perimeter, and Europe increasingly needs to share, among other things, its rich experience with its non-OSCE neighbouring states as one way to create a 'ring of friends'.

Perhaps less visible, but still real, is the challenge posed for arms control by new developments in the armed forces and their modes of operation. The new missions of military (and other) personnel and the new generations of weapons and technologies used by them will sooner or later have to be addressed and checked against the existing military doctrines if the inclusive, transparent and cooperative pattern of security relations is to be preserved.

The new OSCE states have limited experience of the complex arms control and CSBM *acquis* and procedures as well as scant resources to meet all the requirements of compliance. Along with pressure and encouragement to conform, they need continued special assistance from other, more experienced and better-off participants in the regimes.

The situation in Europe after the end of the cold war has gradually brought the commitments made and the obligations assumed by various sets of participants under the adapted CFE Treaty, the 1992 Concluding Act of the Negotiation on Personnel Strength of Conventional Armed Forces in Europe (CFE-1A Agreement)¹⁰ regime and the Vienna Document closer to each other. The Treaty on Open Skies is also in the process of adapting to new tasks and requirements. This evolution holds out hope of extending the coverage of overall arms control to the entire OSCE area. Ideally, a single comprehensive regime would offer the virtues of clarity, more streamlining in operation and the guaranteed equality of all participants. Owing to its history, diversity and actual divisions, 'OSCE Europe' is still far from that regime. The overarching choice to be made is whether to continue the practice of small steps or to revitalize the idea of 'harmonization' by applying the existing commitments more widely or—even more boldly—designing an entirely new system. In the meantime, the relevance and utility of arms control as a flexible and versatile tool in the dynamically changing environment must be maintained.¹¹

The experience of other regions¹²

Outside Europe conventional arms control awaits its breakthrough. Various attempts to apply European models in other politico-military contexts have so far yielded mixed results. For the most part they do not go beyond basic confidence-building steps of a voluntary character, comparable with the first-generation measures tested in Europe in the 1970s and 1980s. The rule of a lowest common denominator has been the dominant mode. Successful experiments have been made only in regions that enjoy a relatively high degree of security dialogue, share a common purpose (e.g., military disengagement) or lack strong incentives to engage in an arms race. In regions divided by inter-

¹⁰ For a brief summary of the CFE-1A Agreement see annex A in this volume.

¹¹ The OSCE's 2005 Annual Security Review Conference once again appeared unable to formulate a European arms control strategy, although hope was expressed that the recent reforms of security policies and doctrinal changes would allow the adaptation of the relevant instruments. Organization for Security and Co-operation in Europe Permanent Council (note 4), p. 22.

¹² On regional security cooperation see chapter 4 in this volume.

state conflicts and tensions and without the political will to overcome them, such tools either prove short-lived or cannot be applied at all.

In the Association of South East Asian Nations (ASEAN) Regional Forum framework and in Latin America, military confidence-building measures (CBMs) have been agreed within looser, broad packages that combine military and non-military steps, and the political and military authorities have incrementally endeavoured to test them. In Central Asia CSBM and arms control agreements were reached in 1996–97 by the Shanghai Five.¹³ These were inspired by the CFE Treaty and the 1994 Vienna Document, but they also introduced some indigenous elements.¹⁴ In other conflict-afflicted parts of the world, such as North-East Asia, South Asia and the Middle East, arms control ambitions have hardly gone beyond discussion and proposals by theoreticians and analysts, politically frail arrangements and abortive initiatives launched by governments.¹⁵

Arms control is not a phenomenon limited to democratic states, although democracy generally facilitates its operation and development.¹⁶ Communist bloc leaders often suspected that subversive intentions lay behind European arms control efforts. The lesson of the collapse of those regimes may, rightly or wrongly, adversely affect the attitudes of authoritarian or dictatorial governments elsewhere. Outside Europe armed forces are generally perceived to be the foremost tool for enhancing state security, and competition and rivalry, let alone animosity, between local actors may make them see positive value in shaking their neighbours' confidence. Such political principles as renunciation of violence, non-violation of borders and non-intervention are not addressed in earnest in many non-European regions and are viewed more as constraining than reassuring factors in strategic calculations. Another major obstacle in pursuing arms control is the poor accountability and the associated volatility of the domestic and external policies of numerous non-European actors, which feed mutual misunderstanding and misconceptions. Last but not least, although not a critical impediment, the lack of transparency (and provision for democratic debate) over the existing arms control agreements can seriously detract from the value of this tool.¹⁷

¹³ The members of the Shanghai Five were China, Russia, Kazakhstan, Kyrgyzstan and Tajikistan. The Shanghai Cooperation Organization (SCO) was founded on 15 June 2001 by the members of the Shanghai Five and Uzbekistan. On the SCO see the glossary in this volume.

¹⁴ On Central Asian arms control and CSBM application see Trofimov, D., 'Arms control in Central Asia', A. J. K. Bailes et al., *Armament and Disarmament in the Caucasus and Central Asia*, SIPRI Policy Paper no. 3 (SIPRI: Stockholm, July 2003), URL <<http://www.sipri.org/>>, pp. 46–56.

¹⁵ The most recent confidence-building agreement, which was reached by the military delegations of North and South Korea on 4 June 2004, provides for measures concerning the prevention of accidents in the Yellow Sea (West Sea) and the suspension of propaganda activities along the military demarcation line. See 'Second North–South general-level military talks held', Korean Central News Agency of DPRK, URL <<http://www.kcna.co.jp/item/2004/200406/news06/05.htm#9>>. The agreement has reportedly been partially implemented.

¹⁶ See also chapter 5 in this volume.

¹⁷ The Agreement on Mutual Reduction of Armed Forces in Border Areas, signed by China, on the one hand, and Russia, Kazakhstan, Kyrgyzstan and Tajikistan, on the other, fails to meet the European criteria of openness and transparency and is kept secret from countries that are not parties to it and other international monitoring bodies. For more on transparency issues see chapter 6 in this volume.

As 'human security' gains in importance more interest and development have been noted in the humanitarian aspects of arms control. The limitation, removal, elimination and prohibition of inhumane weapons enjoy widening support worldwide and will continue to demand the serious attention of governments of all kinds. Such weapons are addressed by 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) and the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (APM Convention),¹⁸ other regional, bi- and unilateral arrangements and even relevant pledges by non-state actors.

III. The Treaty on Conventional Armed Forces in Europe

The 1990 CFE Treaty regime remains by far the most elaborate conventional arms control regime worldwide. 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 in Europe. The CFE Treaty process has also inspired regional arms control solutions in the Balkans and Central Asia.

The current status

The CFE Treaty set equal ceilings on the major categories of heavy conventional armaments and equipment for the two groups of states parties in the Atlantic-to-the-Urals (ATTU) zone of application.¹⁹ The 1999 Agreement on Adaptation discarded the original, bipolar concept of an equilibrium of forces between NATO and the then defunct 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; increased the verifiability of its provisions; and opened the adapted treaty regime to European states that were not yet parties to the CFE Treaty in 1999. As noted, however, 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.²⁰ Of the 30 signatories of the CFE Treaty, only Belarus, Kazakhstan and Russia have ratified the Agreement on Adaptation and deposited their instruments of ratification with the depositary. Ukraine has ratified the agreement but has not deposited its ratification document. The CFE Treaty and the

¹⁸ For the signatories and parties to these conventions see annex A in this volume.

¹⁹ CFE Treaty (note 1).

²⁰ Organization for Security and Co-operation in Europe (OSCE), Istanbul Summit Declaration, Istanbul, 17 Nov. 1999, para. 19; OSCE, Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe, Istanbul, 17 Nov. 1999. These texts are reproduced as appendix 10B in *SIPRI Yearbook 2000* (note 1), pp. 642–43, 645–46.

associated agreed documents and decisions therefore continue to be binding on all parties.

Treaty adaptation, operation and compliance issues

In 2005 Russia and NATO continued to cling to their positions regarding ratification of the Agreement on Adaptation of the CFE Treaty. Russia reached an agreement with Georgia during the year, but failed to remove the other stumbling block by pulling out its troops and ammunition from the breakaway Trans-Dniester region of Moldova (see below). Germany and several other NATO members made attempts to facilitate diplomatic progress on the issue, but at the end of 2005 the NATO states maintained their position.²¹ In 2005 Russia continued to reject this 'artificial linkage' arguing that it had fulfilled its CFE Treaty obligations²² and that the political commitments it made in Istanbul had been delayed by the complex situation in the two former Soviet republics. Russia further persuaded its allies in the Collective Security Treaty Organization (CSTO) to join it in exhorting the West to do 'everything possible for early implementation of the political commitment undertaken in Istanbul in 1999' (i.e., to expedite the ratification of the agreement).²³

In August, the US Department of State's Bureau of Verification and Compliance published its report on compliance with arms control agreements and commitments in 2002–2003 (plus some updates), which also reviewed the implementation of the CFE Treaty.²⁴ While acknowledging that most of the provisions of the treaty had been successfully implemented, it detailed a catalogue of compliance failings by Armenia, Azerbaijan, Belarus, Russia and Ukraine. The list included unreported TLE, suspension of CFE provisions, stationed foreign forces, improper designation and exemptions of equipment, denials of access to sites, failure to meet collective obligations (in the wake of the break-up of the Soviet Union), and other issues. Russia, whose non-compliance record was the longest in the document, rejected this criticism with the backhanded argument that the CFE Treaty had lost its viability and

²¹ North Atlantic Treaty Organization, 'Ministerial Meeting of the North Atlantic Council, Final communiqué', Press release (2005)158, Brussels, 8 Dec. 2005, URL <<http://www.nato.int/docu/pr/2005/p05-158e.htm>>.

²² Russia's official view was essentially reiterated in a newspaper article by the Russian Foreign Ministry spokesman in the spring of 2005. Yakovenko, A., 'Myths and reality of the Istanbul accords', *Rossiyskaya Gazeta*, 6 Apr. 2005. Unofficial translation reproduced at Russian Ministry of Foreign Affairs, Information and Press Department, 7 Apr. 2005, URL <http://www.in.mid.ru/brp_4.nsf/english?OpenView&Start=1.1131>. Russia's interpretation is slanted: e.g., in the flank area the Russian holdings remain below the sub-ceilings under the adapted CFE Treaty but exceed the current CFE Treaty limits.

²³ Statement by the Member States of the Collective Security Treaty Organization on the Ratification of the Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe, Moscow, 22 June 2005, URL <<http://www.mid.ru/ns-rsng.nsf/3a813e35eb116963432569ee0048fdbe/432569d800221466c3257028005bbe34?OpenDocument>>. The members of the CSTO are Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia and Tajikistan. On the CSTO see the glossary in this volume.

²⁴ US Department of State, Bureau of Verification and Compliance, 'Adherence to and compliance with arms control, non-proliferation and disarmament agreements and commitments', Washington, DC, 30 Aug. 2005, available on the GlobalSecurity.org website at URL <http://www.globalsecurity.org/wmd/library/report/2005/ac-acnpdac-report_bvc-dos_050830.htm>.

needed urgent adaptation; it threatened 'tough talk' at the 2006 CFE Third Review Conference.²⁵

Several issues are pending in the run-up to the review conference. The updating of the 1990 CFE Protocol on Existing Types of Conventional Armaments and Equipment (POET) continued to be constrained by the issue of armoured combat vehicles.²⁶ The USA has decided to build military bases in the Eastern Balkans (the flank area),²⁷ and possible deployments of TLE will apparently have to be dealt with. The problem of unaccounted-for and uncontrolled treaty-limited equipment (UTLE) was not addressed in 2005. Although not adversely affecting overall European security—being more symptom than cause of the intractable conflicts in the post-Soviet space—the problem remains a significant factor in the sub-regional context. In violation of the CFE Treaty, residual amounts of Soviet/Russian TLE, which should have been destroyed or returned to Russia long ago, are still at the disposal of the self-proclaimed authorities of Trans-Dniester (Moldova), Abkhazia and South Ossetia (Georgia). The issue of UTLE in Nagorno-Karabakh (under dispute between Armenia and Azerbaijan) also continues to adversely affect the operation of the CFE Treaty. In March the presidents of Georgia and Moldova drew attention to the danger of the resulting 'black holes' in Europe, demanding among other things the speedy removal of foreign forces from the territory of both countries.²⁸

The Georgian–Russian agreement on base withdrawal

After the impasse of 2001–2004 the issue of the withdrawal of Russian forces from Georgia reached a critical point in 2005. Russia had already reduced the number of its heavy ground weapons deployed on Georgian territory to the levels agreed at the Istanbul Summit, but the process of troop withdrawal progressed unevenly.²⁹ Since 2003 Russia has under various pretexts suspended or stalled talks on pull-out. At the Maastricht and Sofia OSCE Ministerial Council Meetings in 2003 and 2004 Russia refused to consent to political declarations and 'regional' statements (including one on Georgia) that would *inter alia* have stressed its failure to implement the Istanbul commitments.

²⁵ Russian Ministry of Foreign Affairs, Information and Press Department, 'Concerning US State Department report', Press release, Unofficial translation, Moscow, 31 Aug. 2005, URL <http://www.in.mid.ru/brp_4.nsf/english?OpenView&Start=1.522>.

²⁶ 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.

²⁷ US Department of State, 'Southeast Europe ministers approve troop brigade for Afghanistan. Rumsfeld welcomes Romania basing deal; talks under way with Bulgaria', 7 Dec. 2005, URL <<http://usinfo.state.gov/eur/Archive/2005/Dec/07-334213.html>>.

²⁸ United Nations, Letter dated 4 March from the Permanent Representatives of Georgia and the Republic of Moldova to the United Nations addressed to the Secretary-General, General Assembly, 59th session, agenda items 56(n) and 105, UN document A/59/725, 7 Mar. 2005.

²⁹ See Lachowski, Z., 'Conventional arms control', *SIPRI Yearbook 2002: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2002), pp. 709–35; and Lachowski, Z., 'Conventional arms control in Europe', *SIPRI Yearbook 2003: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2003), pp. 691–711.

Various political and other factors, including the completion of the US three-year 'train-and-equip' programme in Georgia in 2004, apparently accommodated Russia's concerns and contributed to a settlement in 2005. In the early months of the year Russia reiterated its demands for financial compensation³⁰ and proposed eventual co-locating of the existing bases with 'anti-terrorist centres'. During the visit by the Russian Foreign Minister, Sergei Lavrov, to Tbilisi in February, Georgia expressed cautious interest in a joint Georgian–Russian anti-terrorist centre and a working group began to discuss the proposal.³¹ On 10 March 2005 the Georgian Parliament passed a non-binding resolution demanding that Russia agree a timetable for closing its bases and withdraw its troops by 15 May or Russia's military presence would be declared to be illegal from 1 January 2006.³² A meeting of the Georgian and Russian foreign ministers on 25 April 2005 brought their positions closer. Despite tension in the run-up to an agreement (e.g., Russian preconditions regarding the withdrawal deadlines, the threat of restrictions on the Russian military after 15 May, reciprocal financial demands and Georgia's subsequent boycott of Russia's celebration of the end of World War II in Europe), the diplomats continued their work. In order to facilitate the negotiations Georgia's President, Mikheil Saakashvili, declared on 26 May that, after the closure of the Russian bases, no foreign bases would be permitted on Georgian territory, which temporarily satisfied Russia.

On 30 May the ministers of foreign affairs of Georgia and Russia issued a joint statement on the closing of the Russian military bases and other military facilities and the withdrawal of Russian forces from Georgia.³³ The agreement is not legally binding. The withdrawal is to take place in stages from June 2005 until an unspecified date 'in the course of' 2008. The final stage will be the closing of the Batumi base and the Tbilisi headquarters of the Group of Russian Forces in the Transcaucasus. With regard to CFE-limited equipment, TLE from the Akhalkalaki base will be removed by the end of 2006 and the rest of the heavy military equipment stationed on Georgian territory will be withdrawn by 1 October 2007 (or if weather conditions are adverse, by the end of 2007).

It was agreed that both sides will 'cooperate in a bid' to obtain additional financing for transport costs linked to withdrawal.³⁴ Georgia will assist in various ways in the organization of the pull-out. Russia undertakes not to replace or replenish the weapons and military equipment withdrawn. Three supplementary agreements will 'soon' be agreed on: (a) the functioning and closure

³⁰ Russia apparently assumed that the West would pay the cost of pull-out to and redeployment in Russia. In Apr. 2005 Russian Defence Minister Sergei Ivanov estimated that the cost would be \$250–300 million, but he admitted that Russia would be able to carry such a financial burden.

³¹ Russia insisted, unsuccessfully, that the centre should start its work before a pull-out agreement had been reached.

³² Mite, V. 'Georgia: Russia calls parliamentary resolution on bases "counterproductive"', Radio Free Europe/Radio Liberty, 11 Mar. 2005, URL <<http://www.rferl.org/featuresarticle/2005/03/6b905aa5-e339-446a-86b1-99326b1c8ca6.html>>.

³³ Russian Ministry of Foreign Affairs (note 2).

³⁴ This means that seeking external financing will concern only the withdrawal from Georgia but not the redeployment of forces in Russia.

of the bases in Batumi and Akhalkalaki; (b) the establishment and functioning of the anti-terrorist centre; and (c) transit through Georgian territory.³⁵ The agreement on the continued Russian military presence will be in line with the 1999 Istanbul Georgian–Russian joint statement, which provides for ‘temporary deployment’ by Russia of CFE treaty-limited equipment.³⁶ ‘Necessary measures’ are also to be taken to help determine whether Russia has completed its pull-out from the Gudauta base.³⁷

The NATO states welcomed the joint statement as an ‘encouraging step’ towards both the fulfilment of the Istanbul commitments and the resolution of the requirement of Article IV(5) of the CFE Treaty.³⁸ They also called on Russia to sign the relevant agreements and resolve the outstanding issues (including the military presence in Moldova) as soon as possible. On 15 August Russia completed the first round of withdrawal of 40 units of heavy armaments, including 20 CFE-limited T-72 battle tanks. The OSCE Ljubljana Ministerial Council’s statement on Georgia welcomed the joint statement, the negotiations on the agreement on the Batumi and Akhalkalaki bases, and the partial withdrawal of the Russian heavy equipment and encouraged further progress on the Gudauta base.³⁹

The Georgian–Russian agreement apparently did not address the problem of UTLE in the separatist regions of Georgia. In September the Georgian Government denounced the military parade in Tskhinvali (South Ossetia) in which CFE-limited tanks, armoured combat vehicles and artillery took part.

Russian troops and ammunition in Moldova

Unlike Georgia, Moldova made no progress in its military relations with Russia in 2005. Under its 1994 constitution, Moldova is permanently neutral and refuses to host foreign forces on its territory. Withdrawal of Russian TLE was completed in 2003, but the lack of a political settlement over the separatist Trans-Dniester region caused Russia to delay the withdrawal of its 700 troops and the disposal of its roughly 20 000 tonnes of stockpiled ammunition and non-CFE-limited equipment. Disappointed by Russia’s strategy to keep it divided and weak, Moldova has since 2004 sought stronger international support in its settlement talks with Russia.⁴⁰ It has also suggested that enterprises are manufacturing unreported CFE-limited equipment in the Trans-Dniester region. In September 2005, during the celebrations to commemorate

³⁵ In this context, Azerbaijan expressed concern about the transfer to Armenia of some TLE from the Russian bases in Georgia. Russia assured Azerbaijan that the equipment transferred to Armenia will not exceed the adapted CFE treaty ceilings and will remain under Russia’s control.

³⁶ I.e., not more than 153 tanks, 241 armoured combat vehicles and 140 artillery pieces.

³⁷ The relevant, vaguely worded provision relates to a multinational mission to be sent to the Gudauta base to ascertain that Russia has fulfilled its withdrawal obligations. Germany is the lead state in this regard.

³⁸ The provision stipulates that countries belonging to the same group of states parties may locate their ground equipment within the CFE area of application ‘provided that no State Party stations conventional armed forces on the territory of another State Party without the agreement of that State Party’.

³⁹ OSCE Ministerial Council, Statement on Georgia, OSCE document MC.DOC/4/05, 6 Dec. 2005.

⁴⁰ Lachowski and Dunay (note 3), pp. 656–58.

the proclamation of the 'Dniester Moldovan Republic' (Trans-Dniester) a military parade was held that included 6 tanks, several armoured personnel carriers, 20 missile launchers, 50 artillery guns and howitzers, and 5 helicopters (some of them apparently subject to CFE limitations).

In 2005 several initiatives attempted to advance the bogged-down negotiations with Russia. In addition to the 'five-sided' talks—involving Moldova, the OSCE, Russia, the Trans-Dniester entity and Ukraine—separate efforts were made by the OSCE and Ukraine. On 10 June, following a similar move by the Georgian Parliament, the Moldovan Parliament issued an appeal for demilitarization, calling on the international community to encourage the withdrawal of Russian troops and ammunition by the end of 2005, the reduction of the Russian 'peacekeeping' force in 2006, the dismantling of the Trans-Dniester military units, and so on.⁴¹ However, subsequent events have made it clear that the 'Georgia scenario' is not applicable in Moldova. Discussions at the OSCE only produced proposals for a regional arrangement with arms control and confidence-building provisions (see below).

In October 2005 an enlarged '5+2' format (with the EU and the USA as observers) was agreed in another attempt to overcome the 15-month deadlock. However, the following months showed that Russia was not ready to meet its Istanbul commitments without a political settlement of the conflict, and the Russian 'peacekeeping' force will remain in the Trans-Dniester region for the indefinite future.⁴² In addition, no progress was made on ammunition removal activities in 2005.

Russia's Istanbul commitments, including those related to Moldova, became the main point of disagreement on which the efforts of the Ljubljana OSCE Ministerial Meeting to agree on a political declaration foundered.⁴³

IV. Building confidence and stability in Europe

The CSBM process in Europe has amassed a huge body of cooperative measures, norms and mechanisms. CSBMs were designed to help prevent preparation for an unexpected, mass-scale attack by one state or military bloc against another. However, such situations no longer exist in Europe. Little progress has been made in rethinking confidence- and stability-building approaches to

⁴¹ OSCE Mission to Moldova, Activity report: June 2005, OSCE document SEC.FR/301/05, 13 July 2005. On peacekeeping missions see appendix 3A in this volume.

⁴² Russia claims that it cannot override the objections of the Trans-Dniester authorities to the removal of the ammunition and that its troops must stay to protect the arsenals. Russia also claims that the Russian–Commonwealth of Independent States 'peacekeeping' force must remain pending a political solution. Clearly, the Russian military presence is intended to prop up the regime in Trans-Dniester.

⁴³ Diplomats in Ljubljana reportedly claimed that Russia's veto was sparked by the following text: 'We also note the lack of movement in 2005 on withdrawal of Russian forces from Moldova. We reaffirm our shared determination to promote the fulfilment of that commitment as soon as possible, and the entry into force of the adapted CFE Treaty'. OSCE Ministerial Council, Draft Ljubljana Ministerial Declaration, Ljubljana 2005, OSCE document MC.DD/14/05/Rev.7, 6 Dec. 2005. See also Eggleston, R., 'OSCE: final text nixed after dispute on Russian troops in Moldova', Radio Free Europe/Radio Liberty, 6 Dec. 2005, URL <<http://www.rferl.org/featuresarticle/2005/12/0aace2d9-9ffd-4384-bb4a-54788321404b.html>>. For analysis of the Ljubljana Meeting see Socor, V., 'OSCE year-end conference fails to adopt key documents on security', *Eurasian Daily Monitor*, vol. 2, no. 227 (7 Dec. 2005).

the kinds of menace that the international community actually faces today: combinations of intra-state violence and trans-state or global threats.

While the distinct Vienna Document framework for CSBMs has been maintained, the OSCE community is attempting to address more urgent issues through flexible voluntary approaches including measures that address only part of the OSCE area or extend beyond its limits. CSBMs are no longer perceived as a subordinate phase preceding and leading to 'real' disarmament. The latter can no longer be seen as a simple good. Fifteen post-cold war years of preoccupation with conflict management have done more to encourage 'states of good will' to rebuild than to restrain their own defence capabilities. The military legacy of the cold war also had to be re-evaluated in the wake of the profound changes on the territory of the former Soviet Union and the other WTO states. The result is that the setting for confidence- and stability-building work in Europe is now shaped by the following general tendencies: (a) the shift towards 'soft' rather than quantitative restraints; (b) the expansion of the range of actions covered by norms and standards; (c) regional 'subsidiarity'; (d) the possible 'all-weather' applications of CSBMs (i.e., including conflict prevention and post-conflict reconstruction);⁴⁴ (e) the integration of CSBMs into cooperative packages; (f) the cross-dimensionality of new measures; (g) the response to new threats, changes and developments; and (h) the sharing of arms control experience outside 'OSCE Europe'.⁴⁵ 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.

The political conditions for extending confidence-building endeavours were not favourable in 2005. Ambassador Julie Finley, the chief US delegate to the OSCE, stated that: 'A key element of this dimension should be implementation of commitments. . . . We are against negotiating new traditional style arms control/CSBMs, although we *may* be willing to consider specific proposals if there is a clear security need to be addressed'.⁴⁶ Even so, two new steps of potential significance were taken in 2005. After two years of extensive negotiations, on Turkey's initiative a statement was agreed by the FSC on prior notification of major military activities below the notification thresholds of the Vienna Document 1999.⁴⁷ The length of time devoted to the elaboration of this measure stood in stark contrast to its outcome—a non-binding, voluntary CSBM—evidencing the plight of all-European arms control. How-

⁴⁴ Lachowski, Z., 'Confidence- and security-building measures in Europe', *SIPRI Yearbook 2000* (note 1), pp. 615–16.

⁴⁵ On the new trends in CSBMs see Lachowski, Dunay and der Haan (note 8).

⁴⁶ Ambassador Finley also stated that: 'We would like to see better use made of the pol[itico]-mil[itary] dimension to support field missions, resolve frozen conflicts, address sub-regional tensions, and support OSCE work in other dimensions'. Statement by US Permanent Representative Ambassador Julie Finley, Morning session of the High Level Consultations, Vienna, 13 Sep. 2005, URL <<http://osce.ussmission.gov/archive/2005/09/septindex.html>>, emphasis in the original.

⁴⁷ Organization for Security and Co-operation in Europe, Statement by the Chairperson of the Forum for Security Cooperation on prior notification of major military activities, OSCE document FSC.JOUR/467, 5 Oct. 2005. Belarus and Russia readily supported the measure.

ever, some participants hoped that its eventual success might help to overcome the wider stalemate. In their annual calendar notifications Belarus, the Czech Republic, Finland, Hungary, Latvia, Lithuania, Russia, Serbia and Montenegro, Sweden, Switzerland and Turkey provided information on their below-the-threshold major military activities to be carried out in 2006. The other significant decision was to agree to hold a high-level OSCE seminar on military doctrine in February 2006, the first such meeting since the fourth seminar, in 2001, and also the first since the 11 September 2001 terrorist attacks in the USA.⁴⁸ The meeting assessed and discussed both doctrinal and technological changes and their impact on defence structures and forces in the diametrically altered security situation.

Other notable items on the FSC agenda in 2005 were the non-proliferation of WMD and a workshop to evaluate the operation of the 1994 Code of Conduct on Politico-Military Aspects of Security.⁴⁹ However, more energy was devoted to the topics of small arms, excess ammunition and the disposal of dangerous fuel (see below).

Regional confidence building

There are more than 20 military confidence-building arrangements in Europe,⁵⁰ aiming to address specific security concerns and defuse tensions in domestic, bilateral or regional contexts. The successive waves of NATO enlargement have resulted in more such arrangements; conversely, some of the existing CSBM agreements between states which are now members of NATO may be phased out in coming years. On 19 January 2005 one such arrangement, the 1998 Hungarian–Slovakian CSBM agreement, was terminated because both countries had become members of NATO.⁵¹ In March 2005 Hungary and Serbia and Montenegro signed a CSBM agreement regarding expansion of the scope of information exchange through notification and invitation of observers to certain military activities of land forces, military cooperation and contacts, and increased quotas of evaluation visits and inspections.

⁴⁸ Organization for Security and Co-operation in Europe, OSCE Decision no. 3/95, 29 June 2005.

⁴⁹ Organization for Security and Co-operation in Europe, Code of Conduct on Politico-Military Aspects of Security (COC), OSCE document DOC.FSC/1/95, 3 Dec. 1994, URL <<http://www.osce.org/item/883.html>>. The FSC held a special meeting on 15 June on the non-proliferation of WMD. It also encouraged dialogue on support of the implementation of UN Security Council Resolution 1540, which requires states to adopt legal measures to reduce the risk that WMD could be acquired by terrorists. UN Security Council Resolution 1540, 28 Apr. 2004. See also chapter 12 in this volume. The FSC adopted a decision supporting the effective implementation of Resolution 1540. OSCE, Decision no. 7/05, OSCE document FSC.DEC/7/05, 30 Nov. 2005. On 10th anniversary of the Code of Conduct, in Jan. 2005, a workshop was held to review the substance and implementation of the Code.

⁵⁰ For a list and summaries of regional CSBM agreements reached in 1991–2004 see Lachowski, Z., *Confidence- and Security-Building Measures in the New Europe*, SIPRI Research Report no. 18 (Oxford University Press: Oxford, 2004), pp. 138–46.

⁵¹ On the other hand, the 1991 Hungarian–Romanian open skies agreement will continue its operation for training and trial purposes.

The agreement basically follows similar provisions contained in other bilateral agreements of this type.⁵²

One of the vital tests for CSBMs is whether they are applicable in intra-state 'foul-weather' conditions (i.e., during times of crisis, conflict, war, etc.), such as the frozen conflict in Moldova. On 12 July 2005 the three mediators in the Trans-Dniester settlement process—the OSCE and the future 'guarantor states', Russia and Ukraine—presented a package of force reduction and CSBMs to the Government of Moldova and the authorities of the separatist Trans-Dniester entity.⁵³ The content of the plan derives from the European arms control and CSBM experience: the CFE Treaty, the Dayton arms control agreements of 1996 and the Vienna Document 1999.

The 'demilitarization' and confidence-building schemes were controversial on political and military grounds. Trans-Dniester did not participate in meetings of a working group of military experts to consider and comment on the proposed measures. Instead, the OSCE Mission to Moldova presented the CSBM package to journalists in November and to OSCE diplomats and experts in December. Both schemes were alleged to adversely affect the political settlement in Moldova by separating it from the military plan; by sanctioning the indefinite Russian military presence in Moldova in contravention of the spirit of the OSCE Istanbul commitments and Moldova's neutrality status; by bestowing on Russia a privileged status vis-à-vis the other actors and discriminating against the Government of Moldova; by legitimizing the Trans-Dniester separatist entity and its forces; by exempting the Russian 'peacekeeping' force and 'internal security forces' from reductions and inspections; by barely dealing with the problem of small arms which wreak havoc in the region, and so on.⁵⁴

On 1 December 2005, Moldova submitted information about its military units and equipment, as required under the Protocol on exchange of information (A-1) of the arms control–CSBM package. The Trans-Dniester authorities submitted a letter that provided brief information on the number of their troops and military equipment. In effect, Russia was requested to assist Trans-Dniester in drawing up information regarding its forces and armaments in conformity with Protocol A-1 of the package.

⁵² Organization for Security and Co-operation in Europe, Agreement on confidence- and security-building measures complementing the Vienna Document 1999 and on the development of military relations between the Government of the Republic of Hungary and the Council of Ministers of Serbia and Montenegro, 24 Mar. 2005, OSCE document FSC.DEL/133/05, 20 Apr. 2005.

⁵³ Organization for Security and Co-operation in Europe, Arms control–confidence and security building measures in Moldova, OSCE document SEC.GAL/178/05, 28 July 2005. The proposals were initiated by the US-led OSCE Mission to Moldova and jointly developed with Russian and Ukrainian military experts.

⁵⁴ For analysis of deficiencies of the plans see Socor, V., 'Russia–OSCE military plan for Moldova: back to a "post-Soviet security space"', and 'OSCE verification procedures provide ample opportunities to cheat', *Eurasian Daily Monitor*, vol. 2, no. 171 (15 Sep. 2005); Socor, V., 'Moldovan experts blast Russia–OSCE military plan', *Eurasian Daily Monitor*, vol. 2, no. 226 (6 Dec. 2005); and Socor, V., 'OSCE–Russia military plan for Moldova criticized in Vienna', *Eurasian Daily Monitor*, vol. 2, no. 232 (14 Dec. 2005).

Small arms and light weapons

The 2000 OSCE Document on Small Arms and Light Weapons (SALW) and other relevant documents⁵⁵ remain effective instruments for addressing SALW problems, fostering transparency and confidence among the participating states, and helping to combat terrorism and organized crime. In 2001–2004 the OSCE participating states destroyed more than 4.3 million items of small arms that were deemed surplus or that were seized from illegal possession and trafficking. In terms of the number of information exchanges, implementation has been improving in recent years, although the qualitative impact is unclear. Assistance for small arms measures is being provided to the countries of the Caucasus, Central Asia and South-Eastern Europe. Present efforts focus *inter alia* on the need for full implementation of export controls, especially on man-portable air defence systems (MANPADS), which pose a threat especially to civil aviation. Open questions involve the direction the SALW process should take in future; what implementation issues should be addressed; and how the OSCE could contribute regionally to the 2006 First Review Conference of the United Nations (UN) Programme of Action on illicit trade in SALW.⁵⁶

Three requests have been submitted to the FSC to address problems related to SALW. The 2003 request by Belarus for assistance to destroy its surplus SALW and improve stockpile management and security was unexpectedly withdrawn in November 2005.⁵⁷ The SALW and conventional ammunition project in Tajikistan was agreed with the signature of a Memorandum of Understanding on 1 June 2005, and contributions were made or pledged by the OSCE and individual participating states. In response to Kazakhstan's December 2004 request for assistance, a workshop on SALW and conventional ammunition destruction techniques and stockpile security and management was held in June 2005 and initial assessment visits were paid to two stockpiles. Owing to the security situation in South Ossetia, the SALW project in Georgia remains suspended.

Since 1999 the EU has tackled the SALW threat with specific disarmament actions in various parts of the world.⁵⁸ Its Joint Actions, mostly of a reactive

⁵⁵ These OSCE documents include the Handbook on Best Practice Guides on SALW, Principles for export controls of man-portable air defence systems (MANPADS), Standard elements on end-user certificates and verification procedures for SALW exports, and Principles on the control of brokering in SALW. See Lachowski, Z. and Sjögren, M., 'Conventional arms control', *SIPRI Yearbook 2004: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2004), pp. 726–30; Anthony, I. and Bauer, S., 'Transfer controls and destruction programmes', *SIPRI Yearbook 2004* (note 55), pp. 751–56; and Lachowski and Dunay (note 3). See also chapter 10 in this volume.

⁵⁶ See Organization for Security and Co-operation in Europe, FSC Chairperson's progress report to the Ministerial Council on implementation of the OSCE Document on Small Arms and Light Weapons, OSCE document MC.GAL/5/05, 30 Nov. 2005.

⁵⁷ In May 2005, in response to the request by Belarus, 14 MANPADS were destroyed. A project plan was presented in the FSC on 5 Oct. 2005. Belarus has stated that it can manage the destruction itself.

⁵⁸ 'Joint Action of 17 December 1998 adopted by the Council on the basis of Article J.3 of the Treaty on European Union on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons', document 1999/34/CFSP, 17 Dec. 1998, *Official Journal of the European Communities*, L9, 15 Jan. 1999, pp. 1–5; and 'Council Joint Action of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms

character, established principles for the resolution of armed conflicts. In 2005, in an effort to develop a comprehensive and coherent approach, the EU expanded these efforts with the additional aim of launching preventive actions to stave off the further destabilizing accumulation of SALW and reducing existing accumulations of SALW and their ammunition. The December 2005 EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition envisaged an Action Plan to provide for universal, regional (especially in sub-Saharan Africa) and national mechanisms to counter the supply and spread of SALW and their ammunition; responses to the accumulation and the problems posed by the availability of existing stocks; measures to deal with the causes and consequences on human development of the illicit spread of SALW; and the necessary structures within the EU.⁵⁹

The destruction of stockpiles of ammunition and toxic fuel

Unsecured or uncontrolled stockpiles of conventional ammunition and liquid rocket fuel component ('melange') pose multiple risks in the security, humanitarian, economic and environmental dimensions. Under the 2003 OSCE Document on Stockpiles of Conventional Ammunition (SCA Document),⁶⁰ any OSCE state that has identified a security risk to its surplus stockpiles and needs assistance to address such a risk may request such assistance from the international community through the OSCE.

Belarus, Kazakhstan, Russia, Tajikistan and Ukraine have submitted such requests. A further five requests for assistance to eliminate melange (altogether more than 3500 tonnes) were made by Afghanistan, Armenia, Kazakhstan, Ukraine and Uzbekistan. In response, 10 participating countries had donated or pledged funds by the end of 2005.⁶¹ Outside the scope of the SCA Document, projects are being carried out to remove or dispose of some 21 000 tonnes of ammunition, to destroy other outdated and surplus ammunition and to upgrade ammunition storage facilities in Trans-Dniester. Georgia has requested assistance for the neutralization and conversion of some 10 tonnes of napalm.

Several countries initiated the development of best practice guides. An FSC editorial review board has reviewed both national and international experiences in the fields of stockpile management, transport, project management, and marking, registration and record-keeping. It plans to discuss other areas for additional guides. In addition to wide-ranging OSCE activities, cooper-

and light weapons and repealing Joint Action 1999/34/CFSP', document 2002/589/CFSP, 12 July 2002, *Official Journal of the European Communities*, L191, 19 July 2002, pp. 1–4.

⁵⁹ Council of the European Union, EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition, adopted by the European Council, Document 5319/06, Brussels, 13 Jan. 2006, URL <<http://register.consilium.eu.int/pdf/en/06/st05/st05319.en06.pdf>>.

⁶⁰ Organization for Security and Co-operation in Europe, Document on Stockpiles of Conventional Ammunition, Forum for Security Co-operation document FSC.DOC/1/03, 19 Nov. 2003, URL <http://www.osce.org/documents/fsc/2003/11/1379_en.pdf>.

⁶¹ Organization for Security and Co-operation in Europe, FSC Chairperson's progress report to the Ministerial Council on further implementation of the OSCE Document on Stockpiles of Conventional Ammunition, OSCE document MC.GAL/4/05, 30 Nov. 2005.

ation with other international organizations, such as NATO and the UN, and public awareness campaigns are being developed. In July 2005 a first joint NATO–OSCE technical workshop on melange was organized in Kyiv, Ukraine, and at a special FSC meeting in September the NATO representative proposed cooperation between the FSC and NATO.

Defence conversion in South-Eastern Europe

A key challenge facing South-Eastern Europe is the restructuring and downsizing of military forces in response to the new security and economic realities of the region, including the ambition of some countries to join the EU and NATO. Efforts are thus shifting from traditional arms control towards defence conversion as an integral part of security sector reform.⁶² Defence conversion represents one crucial dimension of a much wider transformation process, which calls for consideration of the overall socio-economic situation, including reconstruction and social development policies. In general, the main components of defence conversion are: (a) retraining of redundant military personnel; (b) conversion of military bases and facilities; (c) addressing redundant military stockpiles, including the sale or destruction of surplus military equipment and weapons; and (d) restructuring or downsizing of military industries and the redirection of military research and development.

As the task force leader of the Stability Pact Initiative on Defence Conversion, NATO monitors programmes for the retraining of redundant military personnel and the conversion of military sites in South-Eastern Europe. Several NATO members have initiated bilateral programmes in the region to help meet these challenges, including retraining of defence sector personnel and destruction of ammunition and SALW. Numerous other international actors (e.g., the OSCE, the UN Development Programme, and some international and local non-governmental organizations, NGOs) are active particularly in the field of demobilization and retraining of redundant military personnel. In this context, the role of the Zagreb-based Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC) as a regional centre for defence conversion is being strengthened.⁶³

V. The Treaty on Open Skies

The first Review Conference on the Implementation of the Treaty on Open Skies, held in Vienna on 14–16 February 2005, made a positive assessment of the operation of the treaty since its entry into force in 2002 and supported the view that the treaty could still contribute to European security despite changed

⁶² On security sector reform in the context of EU and NATO enlargement and in the Western Balkans see Caparini, M., 'Security sector reform and NATO and EU enlargement', *SIPRI Yearbook 2003* (note 29), pp. 237–60; and Caparini, M., 'Security sector reform in the Western Balkans', *SIPRI Yearbook 2004* (note 55), pp. 251–82.

⁶³ See Stability Pact for South Eastern Europe, 'Working table III: security issues', URL <<http://www.stabilitypact.org/wt3/default.asp>>. The participants are listed in the glossary in this volume.

political and other circumstances.⁶⁴ The accession to the treaty of Lithuania and Estonia in May 2005 raised the number of states parties to 34.⁶⁵

The review conference did not address one of the most sensitive matters: the modernization of the agreed list of sensors. Owing to its technical nature, the Open Skies Consultative Commission (OSCC) agreed that the matter would be addressed at sessions of the Informal Working Group on Sensors (IWGS) in December 2005. The IWGS adopted decisions on the recording format and the exchange of data recorded on media other than photographic film, and on the logical format for the exchange of digital data among parties.⁶⁶

During 2005 states conducted about 100 observation flights in the course of which the parties also shared single overflights. Moreover, the states continued to conduct training observation flights on a bilateral basis.⁶⁷ In 2005 the Informal Working Group on Rules and Procedures took an important decision on transit flights and flights to the point of entry and from the point of exit.⁶⁸ In preparation for the second phase of the implementation of the treaty, starting in 2006,⁶⁹ the OSCC successfully carried out the task of full distribution of the parties' active quotas for 2006.

VI. Mines and unexploded ordnance

Banning 'inhumane weapons' has long been an international, public and governmental concern. The 1981 CCW Convention has the form of an 'umbrella treaty' to which specific agreements can be added as protocols. The convention prohibits or restricts some categories of inhumane weapons, including mines, booby-traps and other devices (Protocol II).⁷⁰ Since the early 1990s the efforts of NGOs and concerned governments have mustered international public opinion against anti-personnel mines (APMs). This resulted in a significant shift in attitudes in the mid-1990s towards a total ban on such weapons. In 1996 the Amended Protocol II, which reinforces the constraints regarding landmines, was agreed. In 1997 the so-called Ottawa process led to the APM

⁶⁴ For discussion of the first Review Conference see Lachowski and Dunay (note 3), pp. 665–68.

⁶⁵ The long-standing application of the Republic of Cyprus remained blocked in 2005.

⁶⁶ Open Skies Consultative Commission (OSCC), Decision no. 13/05 on revision one of Decision number seventeen to the Treaty on Open Skies: the format in which data is to be recorded and exchanged on recording media other than photographic film, OSCC document OSCC.DEC/0013/05, Vienna, 12 Dec. 2005; and OSCC, Decision no. 12/05: Standardization on logical formats for the exchange of digital data among states parties, OSCC document OSCC.DEC/12/05, Vienna, 12 Dec. 2005. The discussion of the other 2 expiring decisions (nos 14 and 15) was not concluded. See Lachowski and Dunay (note 3), p. 666, fn 77.

⁶⁷ Organization for Security and Co-operation in Europe, Letter from the Chairperson of the Open Skies Consultative Commission to the Minister for Foreign Affairs of Slovenia, Chairperson of the Thirteenth Ministerial Meeting of the OSCE Ministerial Council, OSCE document MC.GAL/2/05, Vienna, 21 Nov. 2005.

⁶⁸ Open Skies Consultative Commission, Decision no. 2/05 on the conduct of transit flights and flights to the point of entry and from the point of exit, OSCC document OSCC.DEC/2/05, Vienna, 31 Jan. 2005.

⁶⁹ Treaty on Open Skies (note 3), Article XVIII, Section II, para. 6.

⁷⁰ For the parties and basic information on the CCW Convention and Protocols see annex A in this volume.

Convention, which is aimed at the elimination of all anti-personnel mines.⁷¹ The CCW Convention Review Conference in 2001 extended the application of all its four protocols to domestic armed conflicts, and in 2003 Protocol V on explosive remnants of war (ERW) was signed.⁷²

Anti-personnel mines

The APM Convention remains the most successful enterprise in worldwide conventional arms control. Widely supported by states and promoted by grassroots movements, the convention is viewed as a valuable contribution to 'human security' as well as traditional 'hard' security.

Soon after it was opened for signature in December 1997, there were 121 signatory states and 3 parties to the convention. When it entered into force, on 1 March 1999, 133 states had signed and 65 states had ratified it. By the end of 2005 the number of parties to the convention had increased to 147, and an additional 7 countries had signed but not ratified it.⁷³ The rate of new accessions has slowed in recent years, leaving 40 states outside the convention. The non-parties are concentrated mostly in conflict-prone or -ridden areas, such as Asia, the Middle East and the post-Soviet space.

While pointing to the growing international ostracism of landmines, the balance sheet issued by the non-governmental *Landmine Monitor Report 2005*⁷⁴ summed up the achievements of the abolition movement as: (a) no use of landmines by parties and signatories to the convention;⁷⁵ (b) decreased production of landmines; (c) a de facto global ban on trade in APMs; (d) continuous destruction of millions of stockpiled landmines; (e) increased transparency reporting; (f) expanding mine action programmes; (g) increasing international mine action funding;⁷⁶ and (h) more national funding by 'mine-affected' countries.

Today only 13 countries are identified as producing or retaining the right to produce APMs. More importantly, the global trade in landmines has virtually ceased since 2003 and, because the use of landmines has declined, so have mine casualties. Currently, 15 000–20 000 people fall victim to landmines annually compared with the number 26 000 commonly quoted at the time of

⁷¹ For the parties and basic information on the APM Convention see annex A in this volume.

⁷² On 28 Nov. 2003 the parties adopted Protocol V on ERW to the CCW Convention. See Lachowski and Sjögren (note 55), pp. 734–35.

⁷³ Bhutan, Latvia and Vanuatu joined the APM Convention in 2005; 3 states joined in 2004. In 2003, 11 states joined; 8 states joined in 2002, and 13 states joined in 2001. Reportedly, several more governments are poised to ratify or accede to the APM Convention, including Indonesia, Poland and Ukraine. See also annex A in this volume.

⁷⁴ Mines Action Canada, 'Main findings', *Landmine Monitor Report 2005: Toward a Mine-Free World*, Oct. 2005, URL <<http://www.icbl.org/lm/2005/>>.

⁷⁵ Almost 250 000 mines have been retained by almost half the states parties to the APM Convention for training and development; 5 states parties account for nearly one-third of these retained mines: Brazil, Algeria, Bangladesh, Sweden and Turkey. *Landmine Monitor Report 2005* (note 74).

⁷⁶ The USA, which is not party to the APM Convention, is the top donor. It has provided c. \$1 billion to nearly 50 countries for humanitarian mine removal since 1993. The other main donors include the EU, Japan and Norway.

the Ottawa process. More than 38.3 million stockpiled landmines have been destroyed since the entry into force of the APM Convention.

On the other hand, too many (40) countries still remain outside the APM Convention, including China (possessing 110 million landmines), Russia (26.5 million)⁷⁷ and the USA (10.4 million landmines). Altogether an estimated 160 million APMs are held in stockpiles by states that have not signed the convention. Some 7 million APMs are stockpiled by signatories to the APM Convention, with Ukraine retaining 6 million and Poland 1 million APMs.⁷⁸ Disturbingly, a few states have laid new mines in areas previously free from them,⁷⁹ and a further negative trend in recent years has been the use of landmines by non-state armed groups. However, an increased number of such groups are also embracing the ban on landmines.⁸⁰

More than 80 countries and 8 areas not internationally recognized as independent states are mine-affected. In this light, the goal of a 'mine-free world' 10 years after the entry into force of the convention (by 2009–10) appears unattainable.

Unexploded ordnance and anti-vehicle mines

Although the number of civilian casualties associated with mines other than anti-personnel mines (MOTAPMs), or anti-vehicle mines, is fewer than those resulting from the use of APMs, the presence of such devices has major humanitarian implications because it obstructs post-conflict reconstruction. Work on MOTAPMs continued in 2005 in accordance with mandates agreed in November 2004 for the Group of Governmental Experts of the States Parties to the CCW Convention. It was directed to continue addressing the issues of ERWs and MOTAPMs, to explore options to promote compliance with the convention and its protocols, and to prepare for the Third Review Conference of the States Parties, to be held in 2006.

Three sessions were held during 2005 in the ERW and MOTAPM working groups. The ERW working group studied possible preventive measures to improve the design of certain types of munitions, including sub-munitions (e.g., cluster munitions), with a view to minimizing the humanitarian risk from unexploded items of this kind.⁸¹ In March a questionnaire on ERW and international humanitarian law was sent to the parties, with the aim of developing principles that can be applied to the use of munitions and sub-munitions that

⁷⁷ In 2005 for the first time Russia disclosed the number of mines in its stockpile; 23.5 million of its 26.5 million mines are scheduled to be destroyed by 2015.

⁷⁸ Ukraine's Parliament ratified the APM Convention in May 2005, but Ukraine has not deposited its ratification instrument with the UN. Poland has begun the national process of ratifying the convention.

⁷⁹ In 2005 this occurred in Myanmar, Nepal and Russia. See *Landmine Monitor Report 2005* (note 74).

⁸⁰ An NGO, Geneva Call, has taken steps since 2001 to encourage 'armed non-state actors' to commit themselves not to use landmines; 28 armed groups in Burma, Burundi, India, Iraq, the Philippines, Somalia, Sudan and Western Sahara have agreed to ban APMs using this mechanism. See Geneva Call, URL <<http://www.genevacall.org/home.htm>>.

⁸¹ Information on ERWs and MOTAPMs is available at the UN Office at Geneva, News and media website, URL <<http://www.unog.ch/>>.

may become ERW and the ways in which states may implement these principles.⁸² At the end of the year it was reported that the three main actors—China, Russia and the USA—were moving more actively towards ratifying Protocol V on ERW.⁸³

With regard to MOTAPMs, the effort initiated by Denmark and the USA in 2001⁸⁴ made limited progress in 2005. The MOTAPM working group considered the matters of detectability; restrictions on the use on anti-vehicle mines; fuse design and sensors for MOTAPMs; protection of civilians, including a system of warning and mine-risk education; transfers; transparency and other confidence-building measures; issues relating to the irresponsible use of MOTAPMs; possibilities for international cooperation and assistance; and other possible recommendations (e.g., restrictions on the transfers of MOTAPMs, best practice on export control, a trust fund for humanitarian assistance, etc.).⁸⁵ A consensus has reportedly emerged with regard to three principles: (a) that all MOTAPMs should be detectable for the purposes of humanitarian de-mining; (b) that some types of anti-vehicle mines should have a limited active life; and (c) that transfers of MOTAPMs should be restricted.⁸⁶

In order to overcome the concerns of some countries, a US-led group of states sponsored the ‘30-nation proposal’, which proposed several compromises, including permitting the use of non-detectable anti-vehicle mines if they are used within clearly marked perimeter areas. However, the main opponents to restrictions on the use of MOTAPMs continued to block progress on various grounds such as doubts about the risks to civilians posed by MOTAPMs (Russia) and the alleged technological and financial challenges (China).⁸⁷ The USA encouraged the parties to the amended Protocol II and the CCW Convention to: (a) ban the use of all non-detectable landmines; (b) revise their policies on the continued use of persistent anti-vehicle mines; (c) negotiate a ban on the sale or export of all persistent mines (including MOTAPMs); and (d) increase their funding for mine action. The challenge remains to find the political will to turn these and other issues into treaty text.⁸⁸

⁸² For analysis of responses to the questionnaire see ‘Explosive remnants of war: states parties’ responses to “international humanitarian law and ERW” questionnaire, Nov. 2005, URL <<http://www.hrw.org/doc/?t=arm>>.

⁸³ Boese, W., ‘Anti-vehicle mines proposal falters’, *Arms Control Today*, Jan./Feb. 2006.

⁸⁴ For text of the proposal see URL <<http://www.ccwtreaty.com/usdanishproposal.html>>; see also Lachowski, *SIPRI Yearbook 2002* (note 29), p. 733.

⁸⁵ ‘Proposals and ideas on MOTAPM in the Group of Governmental Experts (GGE) with the purpose to provide a basis for further work’ by the Coordinator, document CCW/GGE/X/WG.2/1 of the Tenth Session of the CCW Group of Governmental Experts, Geneva, 7–11 Mar. 2005.

⁸⁶ U.S. Statement at the Opening Session by Edward Cummings, Head of the United States Delegation, Eleventh Session of the CCW Group of Governmental Experts, 2 Aug. 2005, URL <<http://www.ccwtreaty.com/Aug05Cummings.htm>>.

⁸⁷ Boese (note 83).

⁸⁸ US Department of State, International Information Programs, International Security, Arms Control, ‘U.S. shares international aim of protecting civilians from mines’, *Washington File*, 28 Nov. 2005, URL <<http://usinfo.state.gov/is/Archive/2005/Nov/28-711927.html>>.

VII. Looking ahead: some recommendations

In late 2005 and early 2006 the future viability of the CFE Treaty regime appeared uncertain, with Russia positioning itself for a showdown at the 2006 CFE Third Review Conference. If the discussions at the OSCE's military doctrine seminar in February 2006 are successfully followed up and the final impediments to entry into force of the adapted CFE Treaty regime can be overcome, this should give a new, admittedly limited, impetus to further steps in conventional arms control in Europe and elsewhere. Any resulting measures must, however, be well thought through, adequate and timely, and properly followed up. A serious discussion is needed on the concept of arms control and CSBMs and their place in security building, and some classical criteria of arms control will have to be reassessed in the process.

The main but not the sole forum for European arms control efforts remains the OSCE. Prospects of progress would be much enhanced if the EU engaged itself more deeply in the issue. The EU has not elaborated a conventional arms control strategy in spite of its forays into some areas (SALW, export controls and the international arms trade). However, the new mention of possible 'disarmament' and security sector reform tasks in the context of the European Security and Defence Policy, the 2003 European Security Strategy envisaging *inter alia* the building of a 'ring of friends', and the European Neighbourhood Policy all may result in a new dynamic in this field as well. Russia's legitimate concerns and perceived insecurity—its tactical manoeuvrings notwithstanding—provide a cause and opportunity for further pursuance of arms control in Europe, on the one hand, and for broader efforts to allay the anxieties both of Russia and of its smaller neighbours, on the other.

Improved synergy of multilateral and inter-institutional efforts in developing the existing and future arms control measures should be pursued. NATO and the OSCE could cooperate further in the destruction of surplus munitions; the OSCE and the EU should cooperate rather than compete in areas connected with border control; and both the EU and NATO should reflect on using the leverage they have over further accession candidates to promote local and general arms control objectives.

Currently there is resistance to the idea of a new Vienna Document or further pan-European changes. The use of 'softer', voluntary CBM arrangements (perhaps starting at the sub-regional level) or the introduction of CSBM-like measures as part of a specific functional strategy may offer an easier approach and pave the way for more advanced endeavours.

A realistic assessment of the role that the OSCE might play in resolving frozen conflicts, and in peace-building afterwards, should put special (although not exclusive) emphasis on arms control and confidence building. The political obstacles to resolving these conflicts—and that in Chechnya—now appear insurmountable, but leaving them to themselves spells an even graver danger in the changing environment. The experience of existing regional CSBMs (e.g., under the Dayton Agreement), which focus on border

security management and military activities in the vicinity of the borders, should be further developed. Other non-military measures could be applied to deadlocked conflicts, either in combination or independently from CSBMs.

Risk-reduction and stabilizing measures are worth considering more intensively in the context of preventive diplomacy and early-warning mechanisms for foul-weather situations, especially those arising in local contexts. Recent and ongoing unrest in Central Asia could be considered as offering a possible 'laboratory' for such an undertaking.

The conflict prevention and crisis management functions of the Treaty on Open Skies need further elaboration and application, particularly in regional and possible non-military dimensions. 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 the OSCE area would help promote that goal.

It is worth considering how the experience acquired in peace-supporting activities elsewhere in the world—including lessons learned in the application of demobilization, disarmament and reintegration, and security sector reform approaches—could contribute to enhancing the possible synergy between arms control, defence conversion, CSBMs and crisis management in Europe. Another approach is to foster the cross-dimensionality of CSBMs in order to better meet the multifaceted character of current security challenges on both pan-European and regional levels.

The current circumstances on Europe's perimeter are evidence that the OSCE community cannot defer the issue interminably. Europe's arms control *acquis* could be more aggressively promoted outside the OSCE area, both in adjacent areas and on a global scale (comprehensive regimes and mutual assistance programmes for SALW, MANPADS, etc.). The question of CSBM implementation in the contiguous areas of the states which share frontiers with non-European, non-OSCE states remains outstanding. As Europe faces transnational threats, the issue of eventual extension of the CSBM provisions to areas beyond the zone of application becomes a matter not just of helping others but of deepening the protection of Europe's own security. The OSCE Partners for Co-operation⁸⁹ need to be further encouraged to follow and get involved in the CSBM and arms control processes. OSCE-inspired regional CSBM arrangements between OSCE states and their non-OSCE neighbours could be a starting point, including perhaps especially new debates on the relevance of conventional arms control—and the OSCE politico-military *acquis* in general—with partners in the Far East, the Mediterranean and the greater Middle East.

⁸⁹ On the Asian and Mediterranean Partners for Co-operation see URL <<http://www.osce.org/ec/>>.

