

14. Conventional arms control

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I. Introduction

The year 2006 marked the seventh ‘lean year’ since the signing of the 1999 Agreement on Adaptation of the 1990 Treaty on Conventional Armed Forces in Europe (CFE Treaty), and no signs of further progress were evident at the Third CFE Treaty Review Conference in May. The ‘hard’ conventional arms control regime remains stalled by disagreements between Russia and the West over political 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 adapted CFE Treaty remains hostage to the completion of Russia’s promised military pullouts from Georgia and Moldova.² The March 2006 Russia–Georgia agreement, supplementing their 2005 agreement on the withdrawal of Russian military bases and other facilities from Georgia, indicated further progress in the withdrawal process, but deadlock persists over Russian personnel and equipment in Moldova.

In 2006 the OSCE continued to review and develop arms control-related endeavours, including confidence- and stability-building measures and other arrangements, to address the common risks and challenges facing Europe. Globally, progress on tackling ‘inhumane weapons’ continues, and Protocol V of the 1981 Certain Conventional Weapons (CCW) Convention on explosive remnants of war (ERW) entered into force.³

This chapter analyses the major issues and developments in conventional arms control in 2006. Section II discusses critical elements of the implementation of the CFE Treaty. Arms control-related efforts to promote confidence, render assistance and foster stability in the OSCE area and elsewhere are addressed in section III. The issue of mines and ERW is reviewed in sec-

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 the OSCE website at URL <<http://www.osce.org/fsc/documents.html>>. 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. See annex A in this volume for a brief summary of, and the parties to, the CFE Treaty, and the signatories of the Agreement on Adaptation.

² 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. The text is reproduced in *SIPRI Yearbook 2000* (note 1), pp. 642–46. So far Russia has failed to implement the following Istanbul commitments: (a) to close the Gudauta base in Abkhazia, Georgia; (b) to withdraw all Russian troops from Moldova’s Trans-Dniester region; and (c) to eliminate the stocks of ammunition and military equipment in the Trans-Dniester region.

³ 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 was signed on 10 Oct. 1980 at Geneva and entered into force on 2 Dec. 1983. For the signatories and parties to and basic information on this convention see annex A in this volume.

tion IV. Section V presents some conclusions regarding the status and future of conventional arms control.

II. European arms control

The 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 on the continent. The CFE Treaty process has also inspired regional arms control solutions in the Balkans and efforts elsewhere, such as in Central Asia.

The 1990 CFE Treaty set equal ceilings on the major categories of heavy conventional armaments and equipment of the two groups of states parties in the Atlantic-to-the-Urals (ATTU) zone of application. The Agreement on Adaptation discarded the original, bipolar concept of an equilibrium of forces between the North Atlantic Treaty Organization (NATO) and the now-defunct Warsaw Treaty Organization (Warsaw Pact), and introduced a new regime of arms control based on national and territorial ceilings codified as binding limits in the agreement's protocols. It increased the verifiability of its provisions and opened the adapted CFE Treaty regime to European states which were not parties to it. The Agreement on Adaptation has not yet entered into force because of the refusal of the members of NATO and other states to ratify it in the face of Russian non-compliance with its Istanbul commitments. Of the 30 signatories to the CFE Treaty, only Belarus, Kazakhstan and Russia have ratified the agreement. Ukraine has ratified the agreement but has not deposited its ratification document. The 1990 CFE Treaty and the associated agreed documents and decisions therefore remain 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 treaty regime.

The Third CFE Treaty Review Conference, held in Vienna on 30 May–2 June 2006, failed to agree on a final document.

The Treaty on Conventional Armed Forces in Europe: implementation and adaptation issues

Operation and compliance

In spite of the stalemate over the completion of its adaptation, the CFE Treaty for the most part operates in a satisfactory manner. The Third Review Conference offered a balance sheet of the operation of the treaty in general and in the period since the previous review conference in 2001. It was noted that the overall holdings of conventional armaments and equipment within the area of application have been further reduced and a number of states parties have voluntarily reduced holdings to levels lower than those set in the treaty

(table 14.1). At the Third Review Conference, Ukraine declared that it would voluntarily reduce its national levels for holdings of treaty-limited equipment (TLE) and of its national personnel limits. Since 1990, more than 5000 on-site inspections have been carried out and tens of thousands of documents of notification and annual information have been exchanged and submitted. A statement made on behalf of NATO at the conference summarized other aspects of implementation related to numerical limits as follows:⁴ (a) the overall numerical ceilings for the TLE are generally observed; (b) all states parties comply with their overall maximum level for holdings (MLH); (c) national personnel limits laid down in the CFE-1A Agreement⁵ are not exceeded; (d) by mid-2003 Russia had fulfilled the former Soviet Union's obligation pertaining to the TLE transferred east of the Urals, and in early 2005 it notified the OSCE of the destruction of the last equipment which had been declared to be non-combat capable and which had been held at the St Petersburg and Kushchevskaya maintenance facilities;⁶ (e) no state party now exceeds the number of decommissioned TLE; and (f) all states parties comply with the numerical limitations applying to armoured vehicle-launched bridges in active units and with the political obligations regarding land-based naval aircraft. In addition, no state party maintains permanently land-based attack helicopters with its naval forces in the area of application.

With regard to notifications and inspections, the same statement noted that: (a) despite a lower number of inspection quotas (resulting from the reduction of TLE in states parties), the verification regime is being implemented with the same rigour and high intensity as before; (b) multinational inspection teams have provided an additional measure of transparency and cooperation; and (c) the exchange of information and notifications has provided a high degree of transparency. During declared site inspections, the counted holdings of equipment covered by the CFE Treaty were consistent with the data given in the exchanges of information almost without exception.

Attention was drawn at the review conference to a range of continuing political and technical implementation issues that remain of concern. These include: the stationing of forces on the territory of another state party without host-state agreement (i.e. Georgia and Moldova); the problem of uncontrolled and unaccounted-for TLE in the area of application (notably in territories with disputed sovereignty such as Nagorno-Karabakh in Azerbaijan, Abkhazia and South Ossetia in Georgia, and Trans-Dniester in Moldova); cases of unilateral reinterpretation of how to categorize and report items in the Protocol on

⁴ Elaboration of elements for inclusion in a Final Document of 2006 CFE Review Conference as proposed to the Joint Consultative Group on behalf of Belgium [and the other NATO states], doc. JCG.DEL/4/06, 16 May 2006.

⁵ The CFE-1A Agreement is the 1992 Concluding Act of the Negotiation on Personnel Strength of Conventional Armed Forces in Europe. It was signed on 10 July 1992 at Helsinki and entered into force simultaneously with the CFE Treaty. For a brief summary of this agreement see annex A in this volume.

⁶ For more on the issue of 'non-combat-worthy' equipment see Lachowski, Z. 'Conventional arms control', *SIPRI Yearbook 1998: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 1998), p. 629.

Table 14.1. Treaty on Conventional Armed Forces limits and holdings as of 1 January 2006

	Tanks	ACVs	Artillery	Aircraft	Helicopters	Personnel
MLH/NPL	39 142	59 822	38 286	13 462	4 000	5 789 181
Holdings	24 774	44 140	28 236	7 135	1 971	2 892 667

ACVs = armoured combat vehicles; CFE = Treaty on Conventional Armed Forces in Europe; CFE-1A = Concluding Act of the Negotiation on Personnel Strength of Conventional Armed Forces in Europe; MLH = maximum level for holdings; NPL = national personnel limit.

Sources: Treaty on Conventional Armed Forces in Europe and the Concluding Act on the Negotiations on Personnel Strength of Conventional Armed Forces in Europe Joint Consultative Group, Group on Treaty Operation and Implementation, Consolidated matrix on the basis of data valid as of 1 Jan. 2006, JCG document JCG.TOI/21/06, 19 May 2006.

Existing Types of Conventional Armaments and Equipment (POET); reports of signatories exceeding current treaty limits for the flank region,⁷ and exceeding overall and sub-zonal ceilings for equipment in active units; continued failure to account for TLE reportedly transferred from one CFE state party to another between 1994 and 1996 (i.e. Russian deliveries to Armenia); and the failure by some states to make notification of changes of 10 per cent or more in unit holdings, or to properly report the location of all objects of verification.⁸

Russia sought to reinterpret the CFE Treaty's definition of 'group of states'. In the light of successive enlargements of NATO, Russia has raised the issue of the numerical limits for NATO members, claiming that their present holdings of equipment in the five categories of TLE considerably exceeded the treaty's aggregate maximum levels for the countries in question. The same claim was made about Western ceilings for the flank zone.⁹ All this reinforced Russia's argument that the immediate entry into force of the Agreement on Adaptation is the only sensible solution.

The issue of whether inspections should be paid for by the inspecting state remains outstanding.

⁷ For background on and a discussion of the 'flank issue' see Lachowski, Z. 'Conventional arms control', *SIPRI Yearbook 1997: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 1997), pp. 476–79.

⁸ It was suggested that the following implementation issues require further consideration and resolution in the JCG: mutual understanding of declared sites and common areas (designation of sensitive points/areas); photography rules; use of global positioning systems during inspections; documenting ambiguities; notification of certain types of armament and equipment; inability to conduct inspections in certain regions; interpretation of counting rules for export/re-export; differentiation between industrial testing and research and development; updating of POET; dealing with the problem of TLE unaccounted for and uncontrolled in the area of application; inspection costs; notification of final withdrawal of TLE and armoured vehicle launched bridges from designated permanent storage sites; and notification of changes to lists of inspectors and transport crew members. Elaboration of elements (note 4).

⁹ Statements by the delegation of the Russian Federation under agenda items 3 and 5 of the Third CFE Treaty Review Conference, OSCE document CFE-TRC.3JOUR, annex 40, attachment, 2 June 2006.

Updating the POET lists

POET suffers from a lack of clarity as regards the types of TLE systems that are covered by the CFE Treaty. For many years this has adversely affected information exchange and hampered the work of inspectors. The JCG has not yet completed the mandate assigned to it by the 1996 and 2001 review conferences to update the lists of armaments and equipment in the protocol by, among other things, removing types, models and versions of equipment that do not meet treaty criteria. The POET sub-working group, formed in 2001, has so far agreed on four of the five categories in Section I of POET (TLE) and four of six categories in Section II (armaments and equipment not limited by the treaty, called 'lookalikes'). By the end of 2006, 'more than 99%' of all relevant armaments and equipment had reportedly been agreed.¹⁰ In Section I, however, the problem of armoured combat vehicles (ACVs) remains unresolved; in Section II the outstanding issues are those of armoured personnel carrier lookalikes and armoured infantry fighting vehicle lookalikes. With regard to ACVs, the main sticking point concerns vehicles that have a gun with a calibre larger than 20 millimetres and a compartment too small to transport an infantry squad. These do not fall into any of the definitions under Article II of the CFE Treaty. With respect to the look-alikes, the argument is about specific types of equipment that have been in dispute for a long time.

The issue of an obligation to electronically exchange technical data and digitized photographs, as proposed in 2003, also remained unsettled in 2006.

The United States notified the JCG of the introduction into service of a new family of light armoured vehicles known as Stryker.

Treaty adaptation

In 2006 Russia continued to reject NATO's demand that ratification of the adapted CFE Treaty must be linked to the outstanding Istanbul commitments and also claimed that it has actually fulfilled all of the latter. Russian officials repeatedly argued that the lack of progress on the adapted CFE Treaty called into question the sense and purpose of the CFE regime, leaving it 'divorced from reality'. Since the beginning of the year, Russia on various occasions at various forums has warned that it could withdraw from the treaty 'in certain circumstances'.¹¹ Not surprisingly the Western position was the opposite: for example, Germany, a state party that has consistently sought a compromise

¹⁰ Chairman's speaking points, POET working group meeting, OSCE document HCG.TOI/41/06, 12 Dec. 2006.

¹¹ See e.g. 'S. Ivanov: RF mozhet vyty iz DOVSE' [S. Ivanov: Russia may leave the CFE], RosBiznesKonsalting, 24 Jan. 2006, URL <http://top.rbc.ru/index.shtml?news/daythemes/2006/01/24/24000604_bod.shtml>. At the Third CFE Review Conference, Russia reserved the right to 'undertake a comprehensive analysis of the current situation' and inform the other states parties of the outcome of that analysis. Statement by the delegation of the Russian Federation at the Third CFE Treaty Review Conference, OSCE document CFE-TRC3.JOUR, annex 40, 2 June 2006.

solution to the deadlock, claimed that the treaty ‘generally functions very well’.¹²

Before the review conference, Russia drafted its version of a conference final document suggesting that all states parties should provisionally apply the Agreement on Adaptation as from 1 October 2006, begin national ratification procedures, bring the adapted CFE Treaty into force in 2007 and discuss ‘the possibility of accession of new participants’.¹³ NATO rejected this, and the statement made by France on NATO’s behalf at the OSCE ministerial meeting in Brussels at the end of the year reaffirmed the position that only fulfilment of the Istanbul commitments can ‘create the conditions for the Allies and other States Parties to move forward on ratification of the Adapted CFE Treaty’.¹⁴

Georgia–Russia: the run-up to the 2008 deadline

On 30 May 2005 the ministers of foreign affairs of Georgia and Russia issued a joint statement regarding the closing of the Russian military bases and other military facilities and the withdrawal of Russian forces from Georgia.¹⁵ The withdrawal is to take place in stages until 2008.

CFE-related developments in 2006 took place in the shadow of the growing political and economic tug of war between Georgia and Russia (which also backs Georgia’s separatist entities, Abkhazia and South Ossetia).¹⁶ On 31 March in Sochi two agreements were signed, one on the terms and rules of the temporary functioning and withdrawal of Russian military bases and other military facilities of the Group of Russian Forces in the Transcaucasus (GRFT), deployed on the territory of Georgia; and another on the transit of military cargo and personnel through its territory. The first agreement, however, failed to cover the Russian base in Gudauta, located in Abkhazia. Seeking to exempt the Russian ‘peacekeepers’ there from the obligation to withdraw, Russia proposed that an observation mission could be sent to Gudauta on condition that Georgia would then confirm that the military base had been closed there. Georgia declined the proposition. In July, through a parliamentary vote, Georgia called—in vain—for the replacement of Russian ‘peacekeeping’ troops by international police.

¹² Statement by the delegation of Germany at the Third CFE Treaty Review Conference, OSCE document CFE-TRC3.JOUR, annex 27, 31 May 2006. Other NATO delegations shared the view. E.g. the United Kingdom stated that the treaty remains ‘both useful and relevant, chiefly in bringing greater certainty and predictability to an uncertain, unpredictable world’. Statement by the delegation of United Kingdom to the Joint Consultative Group, JCG document JCG.DEL/20/06, 19 Dec. 2006.

¹³ Delegation of the Russian Federation to the Joint Consultative Group, Draft basic elements of the final document of the third conference to review the operation of the Treaty on Conventional Armed Forces in Europe, JCG document JCG.DEL/2/06, 9 May 2006.

¹⁴ Statement by the delegation of France, OSCE Ministerial Council, Brussels 2006, OSCE document, MC(14). JOUR/2, 5 Dec. 2006.

¹⁵ Joint Statement by the Ministers of Foreign Affairs of the Russian Federation and Georgia, 30 May 2005, available at the website of the Russian Ministry of Foreign Affairs, URL <http://www.in.mid.ru/brp_4.nsf/cldr?OpenView&query=31.05.2005&Lang=ENGLISH>.

¹⁶ For more on Georgia–Russia relations see chapter 1 in this volume.

In the early autumn tensions worsened between the two countries following the arrest of four Russian officers charged with espionage. The commander of the GRFT, Major General Andrei Popov, reportedly threatened to suspend the withdrawal of troops and armaments. However, Russian President Vladimir Putin quickly disavowed this statement.¹⁷ All regional problems during the year notwithstanding, the pull-out of Russian armaments and troops continued, winning praise from the Western and other states. The withdrawal process was crowned at the end of 2006 with the removal, ahead of schedule, of the last personnel from the headquarters of the GRFT in Tbilisi.

Russian troops and ammunition in Moldova

In 2006 Moldova made no progress in its military relations with Russia. 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 failure to achieve a political settlement of the problem of the separatist Trans-Dniester region caused Russia to delay the withdrawal of its troops and the disposal of its approximately 20 000 tonnes of stockpiled ammunition and non-TLE in that area.

During 2006 Moldova intensified its challenge to the legitimacy of Russia's military presence. Russia's claims to legitimacy are based on a series of agreements reached in 1992–94, none of which Moldova accepts as legally valid. Russia continued to insist on making the withdrawal of its forces and ammunition contingent on a political settlement on the issue of the Trans-Dniester region, which Russia itself has made impossible to achieve by supporting the self-appointed authorities in the separatist entity.¹⁸ CFE inspections to the Russian ammunition depots in the region continued to be obstructed. However, on 13 November 2006 a group of heads and deputy heads of OSCE delegations visited the Russian ammunition depot at Colbasna in Trans-Dniester. This was the first time OSCE representatives had been able to enter the depot since March 2004. The '5+2' format talks that attempted to find a solution to the Trans-Dniester problem in 2005 did not resume in 2006.¹⁹ Ammunition removal activities also remained stalled during the year.

Moldova and other issues related to the Istanbul commitments were the main points on which efforts to agree on the political and 'regional'

¹⁷ Dzhindzhikashvili, M., 'Russian arrests threaten pullout', *Washington Times*, 30 Sep. 2006; and 'Russian forces on high alert in Georgia', *International Herald Tribune*, 2 Oct. 2006.

¹⁸ Russia has also claimed that 'the ammunition supplies are extremely hazardous and could be withdrawn only with cooperation of the local authorities and with guarantees of security on their part, and these, for familiar reasons, are not available at present'. Statement by Alexei Brodavkin, Permanent Representative of the Russian Federation at the meeting of the OSCE Permanent Council, OSCE document PC.DEL/531/06, 9 June 2006.

¹⁹ These talks involved 5 directly engaged parties (Moldova, the OSCE, Russia, the Trans-Dniester entity and Ukraine) plus 2 observers (the European Union and the USA), and were launched in Oct. 2005 in an attempt to reach a political agreement.

declarations at the Brussels OSCE ministerial meeting in December 2006 foundered.²⁰

The Baltic states and the Treaty on Conventional Armed Forces in Europe

Although Russia has declared itself (moderately) satisfied with the political assurances of military restraint that it has received from NATO since 1997, it still considers them insufficient in the context of the CFE Treaty regime. At the Third CFE Review Conference, despairing of the lack of progress on the adapted CFE Treaty and what it sees as the ‘abstract’ nature of Western commitments, Russia called on the West to re-address the situation created by the admission of the Baltic states to NATO in 2004, and to redress the ‘balance’ of commitments involving the latter.²¹ Russia insisted on having more clarity on NATO’s earlier promise not to permanently station ‘substantial combat forces’ on its Baltic members’ territory (as on other new members’ territories), and on the quantities of conventional armaments to be held there. It argued that fulfilment of the pledge made by the Baltic states to accede to the adapted CFE Treaty remained uncertain,²² and that Russia’s own commitments on restraint in the north-western part of its territory had therefore lost much of their political and military logic. Consequently, Russia demanded further concrete ‘elements’ in the treaty, including unilateral reductions in the national armament levels of the NATO countries. It stressed that it would judge how far NATO had taken into account its security interests and those of other states parties’ in the light of the extent to which NATO established parameters to make concrete its restraint.²³

Subregional arms control in the former Yugoslavia

By the end of 2006, around 9000 heavy weapons had been destroyed in the area of application of the Agreement on Sub-regional Arms Control, the so-called Florence Agreement (agreed under Article IV of Annex 1B of the General Framework Agreement for Peace in Bosnia and Herzegovina).²⁴ As of January 2006, new issues arose for the Florence Agreement after the dissolution of the defence ministries at the level of the two entities that comprise

²⁰ At the 2006 Brussels ministerial meeting, Moldova strongly called for the earliest transformation of the ‘peacekeeping’ force in the security zone into a multinational force under an international mandate, and reiterated that unless Moldova is free from any foreign military or quasi-military presence, it will not ratify the CFE Agreement on Adaptation. Statement by Andrei Stratan, Deputy Prime Minister and Minister of Foreign Affairs and European Integration of the Republic of Moldova at the 14th OSCE Ministerial Council Meeting, Brussels, 5 Dec. 2006, OSCE document MC.DEL/79/06.

²¹ The 3 Baltic states—Estonia, Latvia and Lithuania—are not parties to the CFE Treaty.

²² In effect, such Baltic action is blocked until the requirements set for ratification of the Agreement on Adaptation by NATO as a whole (i.e. fulfilment of the Istanbul commitments) are met.

²³ Statements by the delegation of the Russian Federation (note 8).

²⁴ The General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement), was signed at Dayton, Ohio, 14 Dec. 1995. On Annex 1B, see URL <<http://www.oscebih.org/essentials/gfap/eng/annex1b.asp>>. The text of the Florence Agreement is available at URL <http://www.oscebih.org/security_cooperation/?d=4>.

Bosnia and Herzegovina (the Federation of Bosnia and Herzegovina and Republika Srpska), and the transfer of their competences to the newly created Bosnia and Herzegovina Ministry of Defence. All the parties to the Florence Agreement (Bosnia and Herzegovina, Croatia, and Serbia and Montenegro), agreed that, under its terms, as from 10 March 2006 Bosnia and Herzegovina should be represented only at state level. After Montenegro gained independence in June 2006 following the May 2006 referendum, it became party to the agreement on 16 January 2007 after all parties had notified their consent.²⁵

III. Building confidence and stability

After disquieting signals from some OSCE states with respect to the evolution of the confidence- and security-building process in Europe, there was more optimism and activity in this area in 2006. The ongoing Security Dialogue in the OSCE's Forum for Security Cooperation (FSC) highlighted a range of issues, including those related to arms control and confidence-building. The OSCE's long-awaited fifth seminar on military doctrine was held at the beginning of the year. Two new Russia-sponsored confidence- and security-building measures (CSBMs) were proposed in the FSC. Confidence- and stability-building endeavours within the OSCE continued in the fields of small arms and conventional ammunition. Following a 2005 workshop, a special FSC meeting on the Code of Conduct (COC) on Politico-Military Aspects of Security took place in September.

The fifth OSCE military doctrine seminar

Military doctrine seminars are part of the OSCE's confidence-building 'tool-box'. In accordance with the recommendation included in the 1999 Vienna Document to hold 'periodic high-level military doctrine seminars similar to those already held',²⁶ the fifth OSCE seminar on military doctrine was held in Vienna on 14–15 February 2006 under the auspices of the FSC. High-level governmental and military representatives from all the OSCE member states, partner states and interested institutions, as well as independent experts, gathered for the seminar, which had the stated purpose of examining 'changes in military doctrine derived from evolving threats, changing forms of conflict and the emergence of new technologies'. The seminar also considered the consequences of such changes for armed forces and defence structures.²⁷ This

²⁵ Serbia and Montenegro will divide the agreement-limited armament ceilings. The agreement will be amended accordingly during 2007.

²⁶ OSCE, Vienna Document 1999 on the Negotiation of Confidence- and Security-Building Measures, chapter II, para. 15.7, URL <http://www.osce.org/documents/html/pdf/tohtml/4265_en.pdf.html>.

²⁷ Agenda, timetable and modalities for the OSCE high-level seminar on military doctrine, Decision no. 4/05, FSC document FSC.DEC/4/05, 16 Nov. 2005.

was the first such event since the seminal seminar of 2001. The first three were held in 1990, 1991 and 1998.²⁸

Session one of the seminar dealt broadly with doctrinal change, focusing on such issues as changing threats, changing forms of conflict and the contribution made by politico-military instruments to tackling new challenges. It was broadly agreed that the security environment in the OSCE area was currently characterized by a mixture of 'old' and 'new' threats, with the latter including weapons of mass destruction (WMD) proliferation, terrorism, and trafficking in arms, people and narcotics.

Session two addressed technological changes and identified both benefits and challenges for militaries resulting from such changes. Among the benefits was the potential for modernization and transformation of military forces. However, the increased availability of advanced technologies (which might also be exploited by non-state actors) also creates increased vulnerability. Efforts to prevent such capacities falling into the wrong hands—whether state or non-state—were discussed, and special attention was paid to the implications of technological changes for defence capabilities, interoperability of national forces, and multinational operations.

Session three sought to draw lessons from the discussions in the preceding two sessions, focusing on the impact of the doctrinal and technological changes on military structures and activities, as well as on security and defence policy in a broad sense. There was general agreement that changes in military structures were necessary and that the armed forces should be reorganized with an emphasis on the quality, professionalism and flexibility of the troops, as well as their interoperability with the forces of other OSCE states. The challenge of reorganization will, however, be different for the various OSCE participating states, because some militaries are struggling to manage the rapid pace of change already taking place, while others are seeking to overcome the obstacles to speeding it up.²⁹

Owing to the format of the military doctrine seminars, which are designed to encourage dialogue and discussion, no concrete decisions were taken. However, a number of issues that will have to be addressed were identified in the final session of the seminar. They included: (a) ways of dealing with the failure of the adapted CFE Treaty to enter into force; (b) extending the geographical coverage of the various OSCE CSBM mechanisms, such as the 1992 Treaty on Open Skies,³⁰ to include all the OSCE member states; (c) the further development of the Vienna Document; (d) exploring how to apply CSBMs and arms control to specific subregions of the OSCE area; (e) exchanges

²⁸ On the 2001 military doctrine seminar see Lachowski, Z., 'Conventional arms control', *SIPRI Yearbook 2002: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2002), p. 720–21. On the 1990, 1991 and 1998 military doctrine seminars see the relevant chapters in the 1991, 1992 and 1999 editions of the SIPRI Yearbook.

²⁹ For more on the discussions in the various sessions at the seminar see the reports of the session rapporteurs in 'OSCE seminar on military doctrine: consolidated summary', OSCE document FSC.MDS/36/06, Vienna, 17 Mar. 2006.

³⁰ The Treaty of Open Skies was signed at on 24 Mar. 1992 at Helsinki and entered into force on 1 Jan. 2002. For the parties to and basic information on the treaty see annex A in this volume.

within the OSCE on norms and principles regarding defence relationships and military tasks within society, especially in dimensions where the private sector has come to play an extensive role; (*f*) discussing further the OSCE's role in international efforts to prevent WMD proliferation and conventional arms trafficking, in landmines control and in the task of safely destroying outdated and unwanted military equipment; (*g*) exploring the possibilities for cooperation within the OSCE on training for military adaptation to new tasks with emphasis on conflict-related missions; and (*h*) developing generic partnerships with other organizations and states, such as other European institutions, the United Nations, neighbouring states and partner states in other regions, and subregional groupings both within and across the OSCE's boundaries.³¹

In his closing remarks, the chairperson of the seminar expressed hope that the issues discussed would be followed up at the different forums of the OSCE.³² Some of the topics were indeed addressed during 2006, both in the context of the FSC's Security Dialogue (e.g. rapidly deployable forces) and at the 2006 Annual Security Review Conference, especially in its working group on politico-military aspects.³³ It remains to be seen whether and how the thoughts and concepts presented at the seminar will influence the ongoing changes in participating states' military postures, policies and doctrines.

Confidence-building measures

Two particular developments in CSBMs engaged the OSCE participating states during the year. On 7 June 2006 Russia submitted two proposals for consideration on: (*a*) complementary measures for risk reduction during the deployment of foreign military forces in the OSCE area;³⁴ and (*b*) prior notification of a large-scale military transit in the same zone.³⁵ Both proposals were further clarified at the FSC meetings during the autumn.³⁶ The first document addressed the matter of foreign military presence in the territory of a number of OSCE states. Russia suggested that the existing mechanism regarding unusual military activity provided in Chapter III of the Vienna Document had been little used because it was too complex and easily politicized. Instead, Russia proposed that as well as using the existing (hopefully simplified) procedure applicable within national borders, a complementary procedure giving a more concrete meaning to the term 'militarily

³¹ Statement by the moderator of session 4, OSCE seminar on military doctrine, FSC document FSC.MDS/36/06, 17 Mar. 2006, pp. 15–19.

³² Closing remarks by the Chairperson of the OSCE seminar on military doctrine, OSCE seminar on military doctrine, Consolidated summary, FSC document FSC.MDS/36/06, 17 Mar. 2006.

³³ OSCE Annual Security Review Conference, Working group II: Challenges in the security environment—politico-military contributions, with emphasis on the proceedings and findings of the military doctrine seminar 2006 (Vienna, 27–28 June 2006), Chair's report, OSCE document, PC.DEL/779/06, 19 July 2006.

³⁴ FSC document FSC.DEL/233/06, 6 June 2006.

³⁵ FSC document FSC.DEL/233/06 (note 34), Proposing notification of a large-scale transfer (transit) of land formations is not new in the CSBM history. A similar proposal was made in 1998.

³⁶ FSC document FSC.DEL/475/06; and FSC document FSC.DEL/476/06. Russia presented drafts of both proposals on 27 Oct. 2006.

significant' deployments of foreign forces (i.e. movements at brigade level and above) could be applied to both unusual and scheduled activities in the OSCE area. Russia's second proposal called for any states involved in a large-scale (brigade level and above) trans-border redeployment of manpower and equipment to submit prior notification of the purpose, the destination point(s) and the scheduled time frame of the redeployment. Both documents were intensely discussed but were not adopted in 2006. However, they will be considered further in 2007.

Confidence-building agreements between Greece and Turkey

In recent years Greece and Turkey, still dogged by continuing disputes over Cyprus and the Aegean Sea, have made efforts to improve their level of mutual confidence. These efforts have resulted in a number of confidence-building measures CBMs.³⁷ At a meeting between the Greek and Turkish foreign ministers on 9 June 2006, agreement was reached on the following additional CBMs: the establishment of a direct telephone line between the respective military chiefs of staff; extension by a month of the moratorium on military exercises in the Aegean Sea; mutual visits and regular contacts between respective coastguard commanders; joint military and civilian exercises for natural disaster response;³⁸ a hotline between operational headquarters of the respective air forces; construction of a second bridge at a border crossing; and the creation of a committee to improve cooperation on flood prevention on the Meric River.³⁹

However, tensions remain, and in 2006 mock dogfights continued to occur between the Greek and Turkish air forces over the Aegean Sea. In an incident in May a Greek aircraft and a Turkish aircraft collided, killing the Greek pilot.⁴⁰ While this incident highlighted the need for improved relations between the two states, it also made clear that the CBMs agreed so far have been largely symbolic and have done little to reduce tensions.

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

A year after the special workshop on the occasion of its 10th anniversary, a special meeting on the Code of Conduct on Politico-Military Aspects of Security was held at Vienna on 27 September 2006. The discussions included

³⁷ For background on the conflict and the confidence-building process see Lachowski, Z. and Sjögren, M., 'Conventional arms control', *SIPRI Yearbook 2004: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2004); Lachowski, Z., 'Conventional arms control', *SIPRI Yearbook 2001: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2001); and Lachowski, Z. and Kronestedt, P., 'Confidence- and security-building in Europe', *SIPRI Yearbook 1999: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 1999).

³⁸ The first such exercise was held in Nov. 2006.

³⁹ 'Turkey, Greece take action to restore confidence', *Turkey News*, 7–14 June 2006, URL <http://www.tusiad.us/specific_page.cfm?CONTENT_ID=603>.

⁴⁰ Gatopoulos, D., 'Greek and Turkish fighter planes collide over Aegean Sea', *International Herald Tribune*, 23 May 2006.

contributions by experts from the various OSCE states and focused on three topics: review and assessment of implementation of the COC and its questionnaire;⁴¹ improving the implementation and effectiveness of the document, including practical suggestions, assistance and means, and complementary measures; and the COC's role in combating terrorism. The report of the meeting included a survey of suggestions and recommendations for measures that, in the view of the participants, could enhance the standing, operation and role of this valuable document. However, some of the views expressed were contradictory.⁴² Some were in favour of reopening or renegotiating the document and bringing more clarity and precision into its wording and structure. Others warned against such a step and advocated additional protocols to better address the existing threats and challenges. Further measures and arrangements were proposed ranging from enhancing awareness of the COC in various environments (national, institutional, regional, and outside the OSCE area) to specific steps for improving the questionnaire, such as strengthening the COC's implementation review in the FSC. If nothing else, the intensive debate and almost 50 recommendations submitted at the meeting testify that this normative, cross-dimensional document retains its relevance.

Destruction of ammunition stockpiles and toxic fuel

Insecure or uncontrolled stockpiles of conventional ammunition and the liquid rocket fuel component ('mélange') pose multiple security, humanitarian, economic and environmental risks. Under the 2003 OSCE Document on Stockpiles of Conventional Ammunition (SCA Document), any OSCE state that has identified a security risk from its surplus stockpiles and needs help to address such a risk may request assistance from the international community through the OSCE.⁴³

Up to the end of 2006, 10 requests for assistance with disposal had been submitted to the OSCE: for disposal of conventional ammunition from Belarus, Kazakhstan, Russia, Tajikistan and Ukraine,⁴⁴ and for the elimination of mélange from Armenia, Azerbaijan, Kazakhstan, Ukraine and Uzbekistan. Phase one of a small arms and light weapons (SALW) and conventional ammunition destruction project in Tajikistan was completed in 2006.

In 2006 the FSC completed two best practice guides: one on stockpiles management drafted by the USA,⁴⁵ which was adopted by the OSCE; and

⁴¹ Participating states agree to share information on the implementation of their COC obligations through a questionnaire. An updated questionnaire was adopted in 2003.

⁴² Summary of the special FSC meeting on the implementation of the Code of Conduct on Politico-Military Aspects of Security, Vienna, 27 Sep. 2006, FSC document FSC.GAL/98/06, 17 Oct. 2006.

⁴³ OSCE, OSCE document on stockpiles of conventional ammunition, 19 Nov. 2003, URL <http://www.osce.org/fsc/item_6_16338.html>.

⁴⁴ The explosions and fires in May 2004, July 2005 and Aug. 2006 at the ammunition depots in Novobohdanivka, Ukraine, show the urgency of international assistance in disposal of conventional ammunition. See appendix 14A on global efforts to control man-portable air defence systems (MANPADS).

⁴⁵ Decision no. 9/06, Best practice on stockpiles of conventional ammunition, FSC document FSC.DEC/9/06, 29 Nov. 2006.

another on the transport of ammunition drafted by Germany, which by the end of 2006 had not been agreed. The FSC also made progress on two other best practice guides: on marking, tracing and record-keeping; and on stockpile destruction, drafted by Germany and the Netherlands, respectively.

Small arms and light weapons

The 2000 OSCE Document on SALW,⁴⁶ along with other relevant documents,⁴⁷ remains an effective instrument for addressing the substance of SALW problems, fostering transparency and confidence among the participating states, and helping to combat terrorism and organized crime. In 2001–2005 the OSCE participating states destroyed more than 5.2 million items of small arms that were deemed surplus or were seized from illegal possession and trafficking.⁴⁸ In May 2006 the FSC held a special meeting on SALW to prepare for the UN Review Conference on the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in All Its Aspects (POA) in New York on 26 June–7 July.⁴⁹ The participating states exchanged views on the OSCE *acquis* in SALW and its implementation, and discussed the overall OSCE contribution to the review conference.

Two important related issues were addressed at the OSCE in 2006. To tackle the threat posed by unauthorized proliferation and use of MANPADS (man-portable air defence systems), the FSC adopted Annex C to the Handbook of Best Practices on SALW concerning the national procedures for stockpile management and security of MANPADS.⁵⁰ In November the FSC decided to hold a special meeting on combating illicit trafficking of SALW by air. Its aims are to develop a mechanism to exchange information on the national legislation and regulations of the participating states on import and export controls relating to the air transport sector; to develop a best practice guide in

⁴⁶ OSCE, OSCE Document on Small Arms and Light Weapons, Vienna, 24 Nov. 2000, URL <<http://www.osce.org/fsc/13281.html>>.

⁴⁷ These OSCE documents include the OSCE Document on Small Arms and Light Weapons (note 45); 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. For a discussion of MANPADS see appendix 14A; Lachowski and Sjögren (note 37); Anthony, I. and Bauer, S., 'Transfer control and destruction programmes' (note 37); and Lachowski, Z. and Dunay, P., 'Conventional arms control and military confidence building', *SIPRI Yearbook 2005: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2005).

⁴⁸ FSC Chairperson's Progress Report to the Fourteenth Meeting of the Ministerial Council, Further implementation of the OSCE Document on Small Arms and Light Weapons, Dec. 2006, Brussels, FSC document, MC.GAL/4/06/Corr.2, 23 Nov. 2006.

⁴⁹ Many suggestions were made during the SALW special meeting on 17 May. See Special FSC Meeting on SALW, 17 May 2006, Survey of suggestions, FSC document FSC.GAL/49706/Corr.1, 1 June 2006. See also Report to the review conference on the implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, FSC document FSC.GAL/59/06, 23 June 2006. On recent developments in the UN SALW process see appendix 10C in this volume.

⁵⁰ Decision no. 3/06, FSC document FSC.DEC/3/06, 29 Mar. 2006; and FSC document FSC.DEL/33/06, 3 Mar. 2006. For more on OSCE measures to control MANPADS see appendix 14A.

this respect; and to engage in a dialogue with private business in the air transport sector as well as with competent international organizations.⁵¹

The implementation of Section V of the SALW document on requests for assistance from the OSCE states in the field of stockpile management and reduction remains one of the most dynamic areas of implementation. Three requests were submitted to the FSC in 2006 to address problems related to SALW: two from Tajikistan and one from Belarus.

IV. Confidence-building efforts outside Europe

Latin America

Since the early 1990s there has been a security dialogue within the Organization of American States (OAS), and the promotion and adoption of CSBMs has been a central aspect of this process. The evolution of CSBMs in Latin America differs from that in Europe: measures are voluntary, consisting of a loose inventory of confidence-building measures, and are implemented more on a bilateral than regional or subregional basis. The most important agreements to date are: (a) the 1994 Buenos Aires Meeting of Governmental Experts, which produced an Illustrative List of CSBMs; (b) the 1995 Santiago CSBM conference, at which the Declaration of Santiago was adopted; (c) the 1998 San Salvador CSBM conference, which produced the Declaration of San Salvador; and (d) the 2003 Miami Meeting of Experts on CSBMs, which adopted the Consensus of Miami and a new Illustrative List of CSBMs.⁵²

The second meeting of the Forum on CSBMs was held in November 2006.⁵³ The purpose of the Forum was to review and evaluate the implementation of agreed CSBMs in the region and to consider adopting further measures, especially from those in the Miami Illustrative List of CSBMs. The main issue at the meeting was the downward trend in reporting by member states of their implementation of CSBMs. In order to reverse this tendency, the use of one simplified reporting format (instead of the existing three) was proposed and received widespread agreement. A third meeting of the Forum on CSBMs will be held in 2007, and a high-level event is scheduled to take place in 2008.⁵⁴

⁵¹ Decision no. 7/06, Combating the illicit trafficking of small arms and light weapons by air, FSC document FSC.DEC/7/06, 15 Nov. 2006.

⁵² For more on these declarations and agreements see the chapters on conventional arms control in the relevant editions of the SIPRI Yearbook. The texts of the declarations and agreements, as well as further information about the CSBM process, are available at the OAS website, URL <<http://www.oas.org/csh/english/csbm.asp>>.

⁵³ The Forum on CSBMs was convened in the wake of the 2003 Consensus of Miami. The first meeting of the forum was held in Apr. 2005. See Committee on Hemispheric Security of the Permanent Council of the Organization of American States, Forum on Confidence- and Security-Building Measures, First Meeting, Rapporteur's report, OEA/Ser.K/XXIX, CSH/FORO-I/doc.10/05, 27 Apr. 2005, URL <<http://www.oas.org/csh/english/Foro.asp>>.

⁵⁴ Committee on Hemispheric Security of the Permanent Council of the Organization of American States, Forum on Confidence- and Security-Building Measures, Second meeting, Rapporteur's report, OEA/Ser.K/XXIX, CSH/FORO-II/doc.11/06, 14 Dec. 2006. URL <<http://www.oas.org/csh/english/Foro.asp>>.

West Africa: the ECOWAS Convention

On 14 June 2006 in Abuja, Nigeria, the heads of state of the 15 member states of the Economic Community of West African States (ECOWAS) signed a legally binding convention on SALW.⁵⁵ It aims to 'prevent and combat the excessive and destabilizing accumulation of small arms and light weapons within ECOWAS' and builds on the 1998 ECOWAS Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa. The convention sets out common standards on a range of issues relating to SALW, including imports, exports, brokering, and marking and tracing. In addition, the convention obliges states parties to establish national databases detailing transactions and holdings of SALW and to submit to the ECOWAS Executive Secretary an annual report detailing orders and purchases of SALW. The ECOWAS Convention and the mechanisms it has created offer a new opening to work for transparency and confidence-building processes in West Africa, a region where reliable information on the topic of defence and arms acquisitions has been lacking in recent years.⁵⁶

V. Mines and unexploded ordnance

Anti-personnel mines

The 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (APM Convention), commits states parties to destroy their stockpiles and clear their territories of anti-personnel mines (APMs).⁵⁷ This process has been very successful since the entry into force of the convention in 1999, contributing to improvements in both human and conventional security. In 2006 a further four states ratified the convention and one acceded to it, bringing the total number of ratifications and accessions to 152.⁵⁸ The most significant ratification was that of Ukraine, which has the fourth largest stockpile in the world (6.7 million APMs). However, over 160 million APMs are still stockpiled by states that remain outside the APM Convention, including China (110 million), Russia (26.5 million), the USA (10.4 million), Pakistan (6 million) and India (4–5 million).

The states parties to the convention agreed to destroy their existing stockpiles within four years of ratification, and to clear their territory of deployed

⁵⁵ The text of the Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials is available at URL <<http://www.iansa.org/regions/wafrica/documents/CONVENTION-CEDEAO-ENGLISH.PDF>>. See also annex A in this volume.

⁵⁶ For a recent analysis of military finances in Africa see Omotoogun, W., and Hutchful, E. (eds), SIPRI, *Budgeting for the Military Sector in Africa: The Processes and Mechanisms of Control* (Oxford University Press: Oxford, 2006).

⁵⁷ For the parties to and basic information on the APM Convention see annex A in this volume.

⁵⁸ In 2006 ratifications were made by Brunei, the Cook Islands, Haiti and Ukraine. Montenegro acceded to the treaty in Oct. 2006.

APMs within 10 years. As of 2006, some 39.5 million stockpiled mines had been destroyed, leaving only 13 states parties with stockpiles. Of these, only Angola reported that it may not be able to complete the destruction before the deadline. More than 40 states parties still have to clear mines deployed on their territories, 29 of which have deadlines for this process in 2009–2010. In view of the magnitude of the task, as well as the lack of resources, about half of these states have suggested that they will not be able to meet their deadlines. A process for applying for time extensions was accordingly adopted at the seventh meeting of the states parties to the APM Convention, held in Geneva on 18–22 September. Extensions will be granted following a vote at the annual meetings of states parties or at review conferences, and should only be sought as a last resort.⁵⁹

Most of the armed conflicts since the end of the cold war have been intra-state, and landmines have been used not only by states but also by non-state actors. The number of countries where non-state actors use APMs has, however, decreased, from 13 in 2005 to 10 in 2006. The Colombian Government points to the continued use of APMs by non-state actors on its territory to explain its difficulty with implementing its commitments under the APM Convention, and Georgia and Sri Lanka have used similar explanations for not acceding to the convention. Since 2001 the humanitarian organization Geneva Call has sought to engage non-state groups in a process that allows and encourages them to commit themselves to not using APMs. As of January 2007, 31 non-state groups in nine countries have made such commitments.⁶⁰

The Third Review Conference of the Certain Conventional Weapons Convention

The 1981 Certain Conventional Weapons Convention, with its five protocols, prohibits or restricts the use of certain kinds of weapons deemed inhumane, including non-detectable fragment weapons (Protocol I); mines and booby-traps (amended Protocol II); incendiary weapons (Protocol III); laser weapons (Protocol IV); and explosive remnants of war (Protocol V).

On 7–17 November 2006 the Third Review Conference of the CCW Convention was held in Geneva, but it failed to achieve any major breakthrough on the issues that have dominated discussions in recent years, such as cluster munitions and mines other than anti-personnel mines (MOTAPM). The most significant CCW-related event in 2006 was, in fact, the entry into force of the 2003 Protocol V on ERW.⁶¹ This protocol, which now has 23 states parties, calls for the clearing of ERW following armed conflicts. Although the primary responsibility for this is assigned to the state in control of the

⁵⁹ Boese, W., 'Landmine clearance deadlines looming', *Arms Control Today*, Nov. 2006. URL <http://www.armscontrol.org/act/2006_11/>.

⁶⁰ Geneva Call, *Armed Non-state Actors and Landmines, Volume II: A Global Report of NSA Mine Action* (Geneva Call: Geneva, Nov. 2006), URL <<http://www.genevacall.org/news/testi-press-releases/gc-16nov2006-nsanews.htm>>.

⁶¹ See Lachowski and Sjögren (note 37).

territory, other states parties are obliged to assist in the process if able to do so. Since the adoption of Protocol V in 2003, regular discussions have taken place in the convention's Group of Governmental Experts on issues related to implementation of the agreement. These discussions have addressed assessments of specific types of munitions from an ERW perspective, technical preventive measures to reduce the humanitarian risk, and assistance and cooperation in relation to implementation of Protocol V.⁶² These discussions will continue in 2007.

The entry into force of Protocol V notwithstanding, some states parties are seeking to further restrict the use of certain types of munitions, in particular cluster munitions, through the negotiation of an additional legally binding protocol to address humanitarian concerns.⁶³ At the review conference it was agreed that an intersessional meeting of governmental experts would be convened on 19–22 June 2007 'to consider further the application and implementation of existing international humanitarian law to specific munitions that may cause explosive remnants of war, with particular focus on cluster munitions'.⁶⁴

Success in further negotiations on cluster munitions within the framework of the CCW Convention remains doubtful, however, since several states that still use them oppose any further restrictions. Among these states are the USA and Russia, the latter even questioning the seriousness of the humanitarian consequences of deploying cluster munitions, despite several reports detailing these consequences.⁶⁵ In the face of such objections the agreement to continue discussing the issue can be seen as at least a partial success.

Norway, anticipating the difficulty of reaching a global agreement on cluster munitions in the near future, has taken the lead with an initiative to hold a conference outside the CCW framework to draft a treaty banning the use of such weapons in the hope of persuading as many states as possible to sign up.⁶⁶ This approach would emulate the success of the 1997 APM Convention. Several states have already adopted national restrictions on the use of cluster munitions: Belgium has banned them; Germany has stopped procurement and aims to phase out its existing holdings by 2015; and Norway has called for a

⁶² Group of Governmental Experts of the States Parties to the CCW Convention, Fifteenth Session, Geneva, 28 Aug.–6 Sep. 2006, Report on the work on explosive remnants of war, CCW/GGE/XV/6/Add.1, 13 Oct. 2006.

⁶³ These states are Austria, the Holy See, Ireland, Mexico, New Zealand, Norway and Sweden.

⁶⁴ Third Review Conference of the High Contracting 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, Final declaration, Decision 1, Geneva, 17 Nov. 2006.

⁶⁵ For a comprehensive report on the humanitarian impact of cluster munitions see Handicap International, 'Fatal footprint: the global human impact of cluster munitions, preliminary report', Nov. 2006, URL <http://www.handicap-international.org.uk/page_597.php>. See also the website of the Cluster Munitions Coalition, a network of civil society organizations working to end the use of cluster munitions, URL <<http://www.stopclustermunitions.org>>.

⁶⁶ Norwegian Ministry of Foreign Affairs, 'Norway takes the initiative for a ban on cluster munitions', Press release no. 149/06, 17 Nov. 2006, URL <<http://www.dep.no/ud/english/news/news/032171-070945/dok-bn.html>>.

moratorium on their use. The debate on cluster munitions was further fuelled by Israel's extensive use of them in its 2006 war with Hezbollah in Lebanon.⁶⁷

The Third CCW Convention Review Conference also failed to reach agreement on a proposal to adopt a protocol to restrict the use of mines other than anti-personnel mines (MOTAPM), notably anti-vehicle mines. First advocated by Denmark and the USA in 2001 but subject to much revision since, the proposal called for all MOTAPM used outside clearly marked perimeter areas to be easily detectable and equipped with self-destruct functions, and it would ban international transfers of mines that do not meet these requirements. However, several large states remain opposed to such a protocol. China pointed to the economic costs of fulfilling the requirements, while Russia questioned the humanitarian problems arising from such weapons. Other states, such as Pakistan, maintained that using undetectable and long-lasting MOTAPM remained important for their security.⁶⁸

Owing to the failure to reach an agreement on the MOTAPM proposal at the review conference, the negotiations within the CCW framework on the proposal have been indefinitely suspended. The parties did, however, agree to spend up to two days discussing the issue at the 2007 meeting of the states parties.⁶⁹ Most of the co-sponsors of the proposal have meanwhile adopted its main provisions as national policy.⁷⁰

Three concrete agreements were reached at the Third CCW Review Conference. First, the parties to the CCW Convention agreed to establish a compliance mechanism, which would include a pool of experts from which any party could seek help on issues regarding implementation of the convention and its protocols.⁷¹ Second, a plan of action was agreed for promoting the universality of the convention and its protocols; an issue which will be prioritized in the coming five years. This plan of action calls for parties, among other things, to review their own participation in the regime with a view to adhering to any protocol they have so far remained outside. Furthermore, signatories will be encouraged to ratify the convention and states not yet parties will be encouraged to adhere to its provisions, especially in regions of conflict and other areas where participation is low, notably Africa, Asia and the Middle East.⁷² Finally, agreement was reached on setting up a sponsorship programme. This will be used to support the participation of representatives from less developed countries in CCW-related activities, allowing signatory

⁶⁷ Nash, T., 'Foreseeable harm: The use and impact of cluster munitions in Lebanon, 2006. Landmine Action report 2006', 19 Oct. 2006, URL <<http://www.landmineaction.org/resources/ForeseeableHarmfinal.pdf>>.

⁶⁸ Boese, W., 'Cluster munition, anti-vehicle mine limits sought', *Arms Control Today*, Dec. 2006. URL <http://www.armscontrol.org/act/2006_12/Cluster.asp>.

⁶⁹ Third Review Conference (note 64), Decision 2.

⁷⁰ Third Review Conference (note 64), Declaration on anti-vehicle mines, CCW/CONF.III/WP.16, 16 Nov. 2006.

⁷¹ Third Review Conference (note 64), Decision 3 and Annex B.

⁷² Third Review Conference (note 64), Decision 4 and Annex C.

and non-member states a chance to become acquainted with them, as well as supporting the participation of experts in such activities.⁷³

V. Conclusions

The current state of conventional arms control agreements and endeavours can only be called pitiful. In Europe, where arms control efforts are most advanced, the process is blocked and remains hostage to the Russia's non-compliance with its own commitments, the political tug of war between Russia and the NATO states, general arms control 'fatigue' and the deteriorating status of the OSCE.⁷⁴ It remains to be seen whether continued efforts by Russia, on the one hand, and Germany (which holds the EU Presidency in the first half of 2007), on the other, will resuscitate interest in a set of arms control and confidence-building measures more attuned to the new conditions in Europe.

The OSCE's 2006 military doctrine seminar was an important event because it allowed a relatively calm and non-adversarial discussion of the security thinking and military postures of OSCE participating states in the world security environment after the 2001 terrorist attacks on the USA. It should hopefully give impetus to further doctrinal changes that respond to rapid political and technological developments. Other confidence- and transparency-building and stability-enhancing steps tended to focus on the dangers created by stockpiles of small arms and ammunition. In Latin America interest in implementing and adopting confidence-building measures continues at a fairly steady pace.

The number of states adhering to the APM Convention is rising, although whether some states parties will meet the deadlines for the elimination of landmine stockpiles is cause for concern, and time extensions may be needed. The successful entry into force of the protocol on explosive remnants of war and developments at the Third CCW Convention Review Conference in 2006 showed that, despite reluctance on the part of some powers, humanitarian efforts to contain the scourge of 'inhumane weapons' are drawing steadily growing interest worldwide.

⁷³ Third Review Conference (note 64), Decision 5 and Annex D.

⁷⁴ For a discussion of the OSCE's declining status see Dunay, P., 'The Organization for Security and Cooperation in Europe: constant adaptation but enduring problems', *SIPRI Yearbook 2005: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2006).