



Chairmanship: France

## 569th PLENARY MEETING OF THE FORUM

1. Date: Wednesday, 28 January 2009

Opened: 10.05 a.m.

Closed: 12.15 p.m.

2. Chairperson: Mr. E. Lebédel

3. Subjects discussed — Statements — Decisions/documents adopted:

Agenda item 1: SECURITY DIALOGUE

(a) *Presentation by Mr. Peter Croll, Director of the Bonn International Center for Conversion (BICC), on “Conversion and Security-Sector Reform in Transition Countries and Post-Conflict Settings — Experiences of the Bonn International Center for Conversion (BICC)”*: Chairperson, Mr. P. Croll (FSC.DEL/5/09 OSCE+), Mr. A. Heinemann-Grüder (BICC), Finland, Belgium, Chairperson of the Informal Group of Friends on Small Arms and Light Weapons (Germany)

(b) *Decree by the President of the Russian Federation on measures to prohibit the supply of military and dual-use goods to Georgia*: Russian Federation (Annex 1), Georgia, United States of America

Agenda item 2: GENERAL STATEMENTS

(a) *Implementation of the Vienna Document 1999*: Russian Federation (Annex 2), Georgia (Annex 3), Czech Republic-European Union (with the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the countries of the Stabilisation and Association Process and potential candidate countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; the European Free Trade Association countries Iceland and Norway, members of the European Economic Area; as well as Armenia and Ukraine, in alignment) (FSC.DEL/8/09), United States of America, Turkey, Canada, Chairperson

- (b) *Deposition of instruments of ratification for Protocols III, IV, and V of the Convention on Certain Conventional Weapons and for an amendment to that Convention: United States of America (Annex 4)*

Agenda item 3: ANY OTHER BUSINESS

- (a) *Appeal for financial assistance for the destruction of surplus conventional ammunition in Albania: Albania (Annex 5), Denmark*
- (b) *Matters of protocol: United Kingdom*
- (c) *Announcing mechanism for sample formats of end-user certificates and relevant verification procedures (FSC.GAL/7/09): Conflict Prevention Centre*
- (d) *Matters of protocol: Conflict Prevention Centre, Chairperson*

4. Next meeting:

Wednesday, 4 February 2009, at 10 a.m., in the Neuer Saal



**Organization for Security and Co-operation in Europe  
Forum for Security Co-operation**

FSC.JOUR/575  
28 January 2009  
Annex 1

ENGLISH  
Original: RUSSIAN

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**569th Plenary Meeting**

FSC Journal No. 575, Agenda item 1(b)

**STATEMENT BY  
THE DELEGATION OF THE RUSSIAN FEDERATION**

On 16 January 2009, the President of the Russian Federation issued a Decree on Measures to Prohibit Deliveries to Georgia of Military and Dual-Use Goods.

The Decree introduces a ban on deliveries from Russia to Georgia of military and dual-use goods. Also prohibited are the supply of materials and the provision of services connected with weapons and military equipment and with the training of military specialists.

The Decree is particularly concerned with deliveries of weapons and military equipment of Soviet/Russian design or manufacture that might be made from outside Russia. In the event of deliveries by foreign States to Georgia of weapons and military equipment, we shall analyse their impact on the situation in the region and take this into account in our relations with supplier countries.

To some degree, this Decree was an unavoidable step following Russia's failure to secure an international embargo on arms deliveries to Georgia. Our warnings regarding the danger of the militarization of Georgia, which encouraged Tbilisi to seek the resolution of conflicts by armed force, were not properly heeded. Unfortunately, the existing international mechanisms to prevent destabilizing accumulations of weapons have also been found to be ineffective.

For a long time now, Russia has repeatedly called attention in international forums, including the OSCE Forum for Security Co-operation, to the fact that, given the continuing unresolved status of conflicts on Georgian territory, arms deliveries to that country in amounts significantly in excess of its defence and national security needs are extremely dangerous, all the more so since Tbilisi has demonstrated its inability to deal with these weapons in a responsible manner.

We have repeatedly made the point that deliveries of this kind represent a destabilizing factor and encourage Georgia's attempts to resolve its conflicts with South Ossetia and Abkhazia by force, in addition to leading to an exacerbation of the politico-military situation in the region.

The actual deliveries to that country contravened international norms. In the case of the OSCE this involves non-compliance with the commitments set out in the 1993 Principles Governing Conventional Arms Transfers and the Document on Small Arms and Light Weapons of 2000.

We might recall that these multilateral mechanisms contain provisions regarding the need to refrain from arms transfers to areas of real or potential conflict that might introduce destabilizing military capabilities into a region or otherwise help to undermine regional security.

These agreements have been ignored. At the same time, the weapons supplied contrary to the principles laid down in these agreements have been used for aggression against a peaceful population. Hundreds of people have been killed. There is no question but that those countries that actively flooded Tbilisi with weapons bear their share of responsibility for the tragedy that occurred in the Caucasus in August.

Following last August's aggression, the assertions by Georgia's principal arms suppliers that these transfers do not contravene international norms, just like the voices in favour of continuing arms deliveries to that country, can only be regarded as actions intended to encourage the aggressor and aimed at restoring its military potential.

In conclusion, we should like to emphasize that the set of measures provided for in the Decree is aimed at reducing the possibility of a reoccurrence of violence in the Caucasus, at helping to strengthen security and stability in the region, and at preventing further violations of internationally recognized agreements concerned with arms deliveries.



**Organization for Security and Co-operation in Europe  
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**569th Plenary Meeting**  
FSC Journal No. 575, Agenda item 2(a)

## **STATEMENT BY THE DELEGATION OF THE RUSSIAN FEDERATION**

Under the terms of the Vienna Document 1999 (VD 99), the Russian Federation planned to carry out during the period from 26 to 29 January of this year an evaluation visit to a military formation and an inspection of a specified area on the territory of Georgia.

The relevant notifications of the intention to carry out the inspections were sent to the Georgian side on 19 and 21 January, i.e., within the time frame laid down in the Vienna Document.

On 22 January the Georgian side replied to the Russian notifications with a refusal. They justified this by raising in their usual fashion spurious accusations against Russia for “carrying out large-scale aggression against Georgia”, for “occupying an integral part of Georgian territory” and for other actions allegedly in violation of fundamental principles of international law, as well as for a “gross violation” of the ceasefire agreement worked out on 12 August 2008 by Presidents Medvedev and Sarkozy.

The Georgian side also asserts that “there is no guarantee that the Russian Federation will not try to continue the aggression, in addition to which the information obtained during the course of the evaluation visit/inspection might be used to undermine the national security of Georgia”. On the basis of these contrived arguments and insinuations Tbilisi declared “*force majeure* with regard to the Russian Federation” for the period until the “complete cessation of the occupation of Georgian territories, including Abkhazia and Tskhinvali”.

This unjustified step by the Georgian authorities is a cause for genuine regret, at the same time that the arguments they have put forward cannot be accepted by the Russian Federation since they are totally at odds with the real facts, well known to OSCE participating States, are not consistent with the fundamental principles of the Vienna Document 1999 and with the long years of practical experience in its implementation, and also contravene decisions adopted in the OSCE with regard to confidence- and security-building measures.

For example, the references to the possibility that information gathered during verification measures might be used to undermine the national security of Georgia and to “continue the aggression” can only be regarded as absurd. Here, we are dealing with an

attempt, figuratively speaking, to “turn reality on its head”. It is after all well known that the large-scale military operations in August were unleashed by none other than the Georgian side. Tbilisi, however, is persisting in its clumsy attempts to portray itself as the innocent victim and to accuse those who have in fact suffered the effects of the Georgian assault of harbouring aggressive designs.

Totally incorrect also are the references to *force majeure*. The Georgian authorities have evidently forgotten that, according to Decision No. 6/97 of the Forum for Security Co-operation (FSC) of 9 April 1997, *force majeure* circumstances refer to the impossibility of carrying out measures for “reasons which cannot be influenced by the receiving State”. In the case in question, however, no such objective reasons exist, a point confirmed, in particular, by the selective nature of the refusal as stated by the Georgian side (according to the notifications, Georgia “declares *force majeure* with regard to the Russian Federation”, while at the same time “the Georgian side will implement all its commitments under the provisions of the Vienna Document 1999 vis-à-vis all other participating States”). In this way, what is involved is an abuse by Georgia of the provisions of paragraphs 78 and 120 of the Vienna Document 1999. The Russian Federation voices its concern at the less than conscientious compliance by Georgia with its VD 99 commitments, which represent an important instrument for early warning and conflict prevention. The Russian Federation thinks it necessary to review within the FSC the situation that has arisen and reserves the right to respond in an appropriate manner to the actions of the Georgian authorities. We expect Georgia to either resume full compliance with the Vienna Document 1999 or to provide more substantiated explanations for its refusal to do so.

Lastly, the position of the Georgian authorities is perplexing also for the reason that during the last round of “Geneva discussions” on the strengthening of stability and security in the Trans-Caucasus the Georgian representatives took exactly the opposite position.

At the meeting in Geneva on 17 and 18 December 2008, the Russian delegation raised the issue of Tbilisi’s failure to meet fully its obligations under the Medvedev-Sarkozy document of 12 August 2008 regarding the return of Georgian armed forces to their places of permanent deployment. According to our information, by no means all Georgian units and offensive weaponry have been returned to barracks, and some continue to be located in dangerous proximity to the Georgian-South Ossetian border.

In reply, Mr. Bokeria, Head of the Georgian delegation and First Deputy Minister for Foreign Affairs, insistently proposed to our experts that they should travel to Georgia, check everything out and convince themselves that the opposite was true.

Tbilisi’s current decision not to allow in Russian inspectors provides graphic evidence that these statements were insincere and that Georgia has something to hide as regards the deployment of its military units.

We have more than once said that Georgia’s obligation to return its forces to where they are permanently stationed, as called for in the Medvedev-Sarkozy document, must be accompanied by proper guarantees and measures of verification. We intend to continue to seek to bring this about.



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**569th Plenary Meeting**  
FSC Journal No. 575, Agenda item 2(a)

## **STATEMENT BY THE DELEGATION OF GEORGIA**

Mr. Chairperson,

Given all the experience we have acquired, it is no longer any surprise that Russia is constantly attempting to distort reality by means of unfounded arguments. That is perfectly clear to the international community.

The reality is that, in August 2008, the Russian Federation carried out a large-scale military aggression against Georgia, which resulted in occupation of Abkhazia and the Tskhinvali region, which are inalienable parts of the Georgian territory, committed gross and mass human rights violations and the killing of peaceful populations residing in areas occupied by the Russian armed forces, and perpetrated ethnic cleansing in these territories. Since the adoption of the six-point ceasefire agreement of 12 August 2008, Russia has been in gross violation of its provisions and has failed to fulfil the obligation to withdraw its forces back to the positions held prior to the outbreak of hostilities. On the contrary, Russia has started increasing its military presence, inter alia, by building new military bases in the Georgian territory, namely in Abkhazia and the Tskhinvali region.

In this regard, it is essential to recall the documents adopted at the Budapest, Lisbon and Istanbul OSCE Summits, which fixed and condemned the facts of ethnic cleansing committed on Georgian territories that were under effective Russian control and are currently under Russian occupation.

However, Russia's attempt to consolidate its position by using FSC Decision No. 6/97 of 9 April 1997, which, on the contrary, consolidates Georgia's position, is very strange. The arguments on which Georgia's claim of *force majeure* is based precisely represent "reasons which cannot be influenced by the receiving ... State", since it is hard to imagine that the large-scale military aggression committed by Russia, along with all the dire consequences, represents a factor that could be influenced by Georgia.

With regard to the selective character of the *force majeure* declared by Georgia, it should be noted that it is precisely Russia that is the aggressor State, which, till this day, is failing to act in compliance with the aforementioned six-point ceasefire agreement. Moreover, taking into account Russia's destructive actions, there are no guarantees and assurances that that country will not try to carry out further aggressive acts against my

country and jeopardize its security. This concern is further exacerbated by Russia's recent intention to unilaterally revise its border with Georgia. It is also alarming that immediate threats such as shooting coming from the occupied territories are still continuing and have already resulted in the deaths of 11 Georgian policemen and numerous civilian casualties. Yesterday, shooting from the occupied territories was reported again. The shots were fired in the vicinity of one of the European Union Monitoring Mission patrols close to the Georgian police checkpoint at the village of Odzisi.

In addition, accusations regarding supposed violations of certain clauses of the Vienna Document 1999 are rather cynical, coming from the country that, once again, carried out aggression against a sovereign State, breached fundamental principles and norms of international law (including the basic principles of the Vienna Document) and throughout the past years focused the maximum of its capabilities towards shattering the existing European security architecture. A clear proof of this is the unilateral suspension by Russia of implementation of its obligations under the CFE Treaty.

Once again, I stress that Georgia is complying with all its international obligations, including the requirements of VD99; therefore, any delegation is welcome to conduct an inspection on our territory. For instance, just a few days ago, from 20 to 23 January, Germany, Belgium and Lithuania conducted an inspection in Georgia in the framework of VD 99.

Finally, I would like to inform you that, on 26 January, the Ministry of Defence of Georgia and the European Union Monitoring Mission signed a Memorandum of Understanding, setting forth certain mutually acceptable regulations relating to the movements of Georgian armed forces in the territories adjacent to occupied Abkhazia and the Tskhinvali region of Georgia. The Memorandum aims at providing a comprehensive, transparent and effective mechanism for interaction between the Ministry of Defence of Georgia and the EUMM.

It is noteworthy in this context that, commenting on the Memorandum, the Head of the EUMM, Ambassador Haber, stated the following:

“By embracing the idea that its military forces will have to operate in accordance with principles of transparency and predictability, the Georgian Government makes a brave and unilateral move to de-escalate and forestall tensions along the administrative boundary lines[...].

“This does not mean a diplomatic recognition of the *status quo*. The position of Georgia on this question is well known and so is the position of the EU.

“The EUMM hopes that Russia will study this arrangement carefully and in a positive spirit. If Russia decides to reciprocate this agreement, I am sure that even more security and stability is possible....”

However, we doubt that Russia, which committed aggression against and occupation of territories of a sovereign independent State, committed ethnic cleansing, and supports

proxy regimes based on ethno-fascism, will be ready to reciprocate the constructive step taken by the Georgian side.

We will revert to this issue at the next plenary meeting, when Ambassador Haber will make his presentation to this audience.

Thank you.



**Organization for Security and Co-operation in Europe  
Forum for Security Co-operation**

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**569th Plenary Meeting**  
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**STATEMENT BY THE DELEGATION OF THE  
UNITED STATES OF AMERICA**

Thank you, Mr Chairperson,

The United States has joined four law of war treaties.

On 21 January, the United States deposited its instruments of ratification for Protocols III, IV and V of the Convention on Certain Conventional Weapons (CCW) and for an amendment to that Convention. Protocol III covers incendiary weapons, Protocol IV covers blinding laser weapons, and Protocol V deals with explosive remnants of war. The amendment expands the scope of the Convention to non-international armed conflicts.

Mr. Chairperson, the United States took a leading role in negotiating these protocols and the amendment, has long complied with the norms contained in them, and is pleased to become a party to each of them. This action reaffirms our commitment to the development and implementation of international humanitarian law.

The CCW and its protocols are part of a legal regime that regulates the use of particular types of conventional weapons that may be deemed to pose special risks of having indiscriminate effects or causing unnecessary suffering. The CCW is a framework convention. States Parties to the CCW negotiate protocols within this framework to regulate specific types of weapons. States ratify each protocol separately.

Thank you, Mr. Chairperson.

We request that this statement be attached to the journal of the day.



**Organization for Security and Co-operation in Europe  
Forum for Security Co-operation**

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**569th Plenary Meeting**  
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## **STATEMENT BY THE DELEGATION OF ALBANIA**

Thank you Mr. Chairman,

The Republic of Albania appreciates the OSCE's contribution and the assistance provided to the participating states on destruction and safe and secure storage conditions for conventional ammunition.

The OSCE and participating States have recently supported Albania in its effort to dispose of melange rocket fuel, a project that will hopefully come to a successful end shortly.

The situation in Albania with other surplus conventional ammunition is still enormous. There is over 90,000 tons of surplus conventional ammunition presently in Albania, an amount that the Albanian Ministry of Defense is working diligently to demilitarize. However, due to the lack of sufficient industrial demilitarization equipment the effort is hampered.

The Albanian delegation takes this opportunity to appeal to the international community to provide financial support for the procurement of industrial demilitarization equipment, which will, with the introduction of the equipment, double the present demilitarization rate.

Thank you Mr. Chairman.