

Chairmanship: Finland

560th PLENARY MEETING OF THE FORUM

1. Date: Wednesday, 15 October 2008

Opened: 10 a.m.

Closed: 11.50 a.m.

2. Chairperson: Mr. M. Kangaste

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

Agenda item 1: GENERAL STATEMENTS

None

Agenda item 2: SECURITY DIALOGUE

(a) *Presentation by Ambassador Roberto García Moritán, Chairperson of the Group of Governmental Experts (GGE) on the Arms Trade Treaty, on the outcome of the work of the GGE: Chairperson, Mr. R. García Moritán, France-European Union (with the candidate countries Croatia and Turkey; the countries of the Stabilisation and Association Process and potential candidate countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; the European Free Trade Association country Iceland, member of the European Economic Area; as well as Armenia, Azerbaijan, Georgia, Moldova and Ukraine, in alignment) (Annex 1), United Kingdom (Annex 2), United States of America, Turkey*

(b) *Presentation by Mr. Petr Litavrin, Deputy Director of the Department for Disarmament and Security Affairs, Ministry for Foreign Affairs of the Russian Federation, on problems concerning the implementation of norms in the field of arms transfers in the OSCE and other relevant international fora: Chairperson, Mr. P. Litavrin (Annex 3), Georgia, United States of America (Annex 4)*

(c) *Recent developments in Georgia: Chairperson, France-European Union*

Agenda item 3: ANY OTHER BUSINESS

- (a) *Proposal for a draft FSC decision on supplies of conventional arms and small arms and light weapons to Georgia (FSC.DEL/155/08 OSCE+):*
France-European Union (with the candidate countries Croatia and Turkey; the countries of the Stabilisation and Association Process and potential candidate countries Albania, Bosnia and Herzegovina and Montenegro; the European Free Trade Association country Iceland, member of the European Economic Area; as well as Ukraine, in alignment) (Annex 5), Russian Federation (Annex 6), Turkey, Georgia, Czech Republic
- (b) *Organizational matters:* Chairperson

4. Next meeting:

Wednesday, 22 October 2008, at 10 a.m., in the Neuer Saal



560th Plenary Meeting

FSC Journal No. 566, Agenda item 2(a)

**STATEMENT BY THE DELEGATION OF FRANCE
(ON BEHALF OF THE EUROPEAN UNION)**

The European Union welcomes Ambassador Garcia Moritan to this FSC meeting and thanks him for his presentation.

The transfers and destabilizing dissemination of conventional arms represents an increasing risk for peace and security: they fuel armed conflicts, terrorism and organized crime, result in serious human rights abuses and violations of international humanitarian law, destabilize regions and countries and undermine economic development. The international community must respond.

For this reason, the European Union considers that the establishment of the highest possible common international standards in terms of the import, export and transfer of conventional arms must be a key priority objective for the security of all States, while respecting their sovereignty.

In its European Security Strategy adopted on 12 December 2003, the European Union called for an international order founded on effective multilateralism and the United Nations Charter.

Since 2005, the European Union supports the principle of an international treaty establishing, in the framework of the United Nations, common legally binding norms for the global trade of conventional weapons, in conformity with the responsibilities incumbent on States by virtue of international law.

It welcomed the overwhelming support, in 2006, for resolution 61/89 of the United Nations General Assembly, which constituted the first step towards the future adoption of a legally binding, global instrument for the arms trade. The EU has confirmed that it is willing, along with its Member States, to play an active role in this process.

The European Union was pleased to contribute to the report by the Group of Governmental Experts (GGE) which was agreed in summer 2008.

The European Union hopes that the UNGA will, on the basis of this report by the GGE, continue the ATT process in the United Nations and looks for the support of all OSCE participating States in this venture.

In support of this process, the Union has planned a series of regional seminars in 2009, aiming to facilitate exchanges of views between interested parties, experts and civil society.

The candidate countries Turkey and Croatia*, the countries of the Stabilisation and Association Process and potential candidate countries Albania, Bosnia and Herzegovina, Montenegro and Serbia, the European Free Trade Association country and member of the European Economic Area Iceland, as well as Ukraine, the Republic of Moldova, Armenia, Azerbaijan and Georgia align themselves with this statement.

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

* Croatia continues to be part of the Stabilisation and Association Process.



560th Plenary Meeting

FSC Journal No. 566, Agenda item 2(a)

**STATEMENT BY
THE DELEGATION OF THE UNITED KINGDOM**

Mr. Chairperson,

I am grateful for the intervention by France setting out the European Union's support for this initiative, work strongly led by France during its current Presidency of the Union.

I would also like to welcome Ambassador Moritan warmly to the Forum for Security Co-operation and to thank him for his interesting presentation. I would like to thank him too for his excellent chairmanship of the UN Group of Governmental Experts on an arms trade treaty (ATT) that this year discussed how to move forward towards negotiations on such a treaty.

Mr. Chairperson,

Here in the FSC, we are made aware, time and time again, of the harm that can be caused by the indiscriminate use of conventional weapons and ammunition. Indeed, we have agreed in this forum on certain standards with respect to conventional arms transfers and on the normative document on small arms and light weapons. So you may ask — why do we need an ATT?

Let me say, Mr. Chairperson, that, in our opinion an ATT is important for all of us. It is not a disarmament treaty; it does not duplicate or undermine existing treaties or documents, but it is one that will introduce a new international standard of arms export controls.

It will help close the gaps between existing national and regional systems of arms export controls in order to ensure that arms do not slip unseen or unnoticed from the legitimate and controlled market into the illicit and irresponsible market. So that they do not slip into the hands of terrorists and those who would use them for human rights abuses, so that they cannot be used to undermine stability and security.

This is not, Mr. Chairperson, to belittle or undermine the important documents, such as those I mentioned above on small arms or on transfers of conventional arms. Far from it. Nor am I saying that existing arms control arrangements do not work. Rather, it is that there are gaps and inconsistencies between these documents and arrangements. No matter how much we study them, or seek to improve them, we will not find the answer to closing these

gaps unless we adopt a global system of arms export controls — an international framework, implemented and enforced nationally; an international framework designed to save lives.

Mr. Chairperson,

There is strong support for an ATT from our international partner States, including from the co-authors of the UN resolution that began the UN process in 2006. In 2006, 153 countries voted in favour of this resolution. Over 100 States submitted views on this initiative to the UN in 2007. And in 2008, as we know from Ambassador Moritan, experts from 28 countries, selected by the UN, considered the treaty and called for further discussion.

I have spoken about the rationale for an arms trade treaty; I would like also to speak briefly about how work towards the goal of an international treaty might now progress.

Mr. Chairperson,

The United Kingdom thinks it is important now to take forward the work proposed by the Group of Government Experts, the Group so ably chaired by Ambassador Moritan. In this regard, and in furtherance of the recommendations made by the Group, the United Kingdom is proposing, in the First Committee of the United Nations General Assembly, that work on an arms trade treaty should start in 2009. This work should begin with discussions among all UN Member States on the scope and parameters of the treaty.

We believe that the work set out in this First Committee resolution provides a reasonable, step by step, approach towards this important treaty. Taking forward the work in this way balances the desire expressed by many States to move forward quickly with a treaty alongside the wishes of some to take more time for discussions.

What is important, Mr. Chairperson, is that we achieve a balanced, effective treaty which takes into account UN Members' views, and allows us to achieve a document that can be implemented by us all. The United Kingdom very much hopes for the support of all OSCE participating States in this venture.

Thank you, Mr. Chairperson.

I should be grateful if this statement could be attached to the journal.



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

FSC.JOUR/566
15 October 2008
Annex 3

ENGLISH
Original: RUSSIAN

560th Plenary Meeting
FSC Journal No. 566, Agenda item 2(b)

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

Mr. Chairperson,
Distinguished colleagues,

Today I should like to continue the discussion of the effectiveness of the existing international mechanisms for controlling the export of conventional arms. In my opinion, the relevance of this subject has been evident for some time now, but the recent events in the Caucasus have brought this into sharper relief.

Questions concerning the elaboration of agreements and the fulfilment of the basic guidelines and principles for arms transfers are of crucial importance to any document aimed, to one degree or another, at regulating the global arms trade. The first attempts at creating such a document go back as far as the League of Nations, and they ended in failure.

In 1991, six principal players in the global arms market — the United States of America, the Russian Federation, the United Kingdom, France, Germany and China — drew up the so-called London principles on arms transfers, which to a large extent were the prototype for similar OSCE and United Nations guidelines. Generally speaking, their framework is well known. Recognizing that States have a legitimate right to self-defence, they permit the acquisition of arms in accordance with Article 51 of the Charter of the United Nations.

The “Guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991” provide that “arms-producing or supplier States have a responsibility to seek to ensure that the quantity and level of sophistication of their arms exports do not contribute to instability and conflict in their regions or in other countries and regions or to illicit trafficking in arms”, and also that “States receiving arms have an equivalent responsibility to seek to ensure that the quantity and the level of sophistication of their arms imports are commensurate with their legitimate self-defence and security requirements and that they do not contribute to instability and conflict in their regions or in other countries and regions or to illicit trafficking in arms”.

The OSCE Principles Governing Conventional Arms Transfers stipulate that, in considering proposed transfers, each participating State will take into account existing

tensions or armed conflicts in and around the recipient country, its record of compliance with regard to the non-use of force, and whether the transfers would contribute to a proportionate response by the recipient country to security threats confronting it.

The European Union Code of Conduct on Arms Exports states that Member States will not issue an export licence if there is a clear and obvious risk that the recipient country would use the proposed export aggressively against another country or to assert by force a territorial claim.

The Initial Elements of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies evoke the responsibility of its participating States to ensure, with respect to transfers of conventional arms, that such transfers do not contribute to the development or enhancement of military capabilities which undermine the goals of the Arrangement. Such goals include, in particular, the promotion of regional and international security and stability.

It would seem difficult to disagree with these guidelines and principles. However, it soon became apparent that their interpretation and understanding depend on political and alliance predilections and on differences in the assessments of situations in one or another country or region. It also became obvious that the established mechanisms are failing.

Neither the OSCE nor the Wassenaar Arrangement was able to focus the international community's attention on the problem of the dumping of surplus arms from Europe in Africa and the Middle East after the Cold War. In part, this is understandable: in the 1990s, many States were trying to rid themselves of excess arms. In a number of countries, export control systems were only beginning to be established.

In 1997 and 1998, the OSCE was unable to counteract the proliferation of small arms and light weapons (SALW) from Albania to the Balkan peninsula. Of course, the surprise raid on weapons arsenals could not have been foreseen or prevented. But even afterwards, insufficient attention was paid to that event. Far greater significance was attributed to the question of the insufficient transparency at the time of Russia's SALW transfers, a question that was widely debated in this room.

The politicization of the approach to interpreting the arms transfer principles became ever more apparent. Some States — OSCE and Wassenaar Arrangement participating States — reasonably, in our view, deem it necessary to refrain from transferring arms to Kosovo and Georgia, since that will introduce a destabilizing element into a conflict-torn region. Others believe that such transfers strengthen peace, democracy and stability. In this respect, both sides refer to the guidelines laid down in the exact same documents.

In relation to the global principles and guidelines on arms transfers developed in the United Nations, the situation is even more complicated.

Some States believe that it is absolutely forbidden to transfer arms to such countries as Iran and Syria, on the grounds that they allegedly violate human rights and are sponsors of terrorism. Others take the view that these States are not under any United Nations Security Council prohibitions or embargoes. At the same time, they think that transferring huge

quantities of arms to both Israel and the Arab States is an action designed to destabilize the situation and aggravate the existing regional conflict.

Even more illustrative are the approaches taken by States to the possibility of transferring arms to certain States that are not in conflict situations. For instance, the United States considers it unthinkable to transfer arms to its leading trade partner, China, but does transfer them to Taiwan, a State not recognized by the United Nations. Even the leading European arms exporters adhere to such an approach.

The most difficult way to determine guidelines regarding the possibility of arms transfers is from the point of view of the observance of human rights. If we so wish, many arms importers can fall under the definition of an offender in this area. Whether this is justified or not is another matter.

Recent events point to a biased approach to many contentious and conflict situations from the point of view of the observance of human rights, depending on political predilections.

Lastly, how can we talk about compliance with common principles for arms transfers if some countries introduce sanctions against their partners in an international organization or mechanism for arms transfers “to the wrong regimes”?

Experience has shown that the least number of disagreements in the interpretation and application of the guidelines and principles for arms transfers occur in homogeneous structures, that is, in structures uniting countries that are roughly the same in terms of their socio-economic development and political organization and hold similar views on matters of politico-military security in the world.

The European Union (EU) can be included among these organizations. The Code of Conduct devised within the EU essentially provides for a mutual procedure for agreeing on arms supply questions, although each State makes its decision independently. Provision is made for consultations and the exchange of information on refusals to transfer arms, and countries exchange views on the situation in a particular country or region from the point of view of whether it is possible to export arms to it.

It is clear that, even here, not everything is that simple. There is the well-known example of when Germany as a member of the EU felt it impossible to transfer arms to another country, incidentally a member of NATO, while the other States did not introduce such restrictions. On the whole, however, global application of the guidelines and principles for arms transfers that form the basis of the EU Code of Conduct seems elusive because they are fairly subjective and are hardly suited for the overwhelming majority of developing countries. This is due, on the one hand, to the strict standards of law enforcement practice in controlling the traffic in arms and the high degree of transparency between neighbours in Europe, and, on the other, to common political approaches to the situation in the world, including conflict situations, which are not always shared by the United Nations.

Although within the OSCE and the Wassenaar Arrangement it was also possible to agree on similar guidelines and principles on which States should base their approaches to

arms transfers, here too the situation is complicated by obvious differences in the interpretation of these principles. What is more, with time these differences increase.

Over a number of years, the responses of Georgia's arms suppliers to Russian requests and concerns have been reduced to the fact that there is no United Nations Security Council embargo on arms transfers to that country. This, in our opinion, has meant that political commitments to that end within the OSCE have not been taken into account by many OSCE participating States or they are interpreted after a fashion. If, however, we are guided only by the introduction of a United Nations embargo, then why do we need other co-ordinated principles and guidelines?

It goes without saying that no one has a monopoly on the truth, and if the concern of the Russian side regarding the development of events in the Caucasus has been borne out, then we are at least entitled to expect explanations, which as it turns out have not been forthcoming. Plans to continue and increase military-technical assistance to Tbilisi give rise to legitimate questions — on what grounds and for what purpose will this be carried out? And how is it in keeping with the principles and guidelines for arms transfers and preventing the destabilizing accumulation of arms, what is more, in a conflict zone? Perhaps we do not understand them correctly. We are ready for discussion and dialogue on this matter. Ever since the events of August, which, as it were, dotted all the "i"s, we received replies mentioning "Russian aggression", "its occupation of part of the territory of Georgia" and complete transparency of arms transfers to that country.

As for transparency, the question arises as to the value of transparency in arms transfers as a confidence-building measure. Georgia, just like its arms suppliers, regularly transmitted information on the import/export of armaments and military equipment to the United Nations Register on Conventional Arms and to the OSCE Secretariat. However, this transparency did not help to increase the level of security in the region. The exporting countries did not pay attention to the excessive militarization of Georgia, whose military budget has increased tenfold over the last five years. What is the use of monitoring destabilizing accumulations of weapons, if they continue to grow and this problem is not discussed in a serious manner? Roughly ten years ago we drew the OSCE's attention to the case of the transfer by a participating State of this Organization to another OSCE participating State of assault rifles in a quantity that exceeded the strength of the importer's army by a factor of ten. The legitimate question arises: What is the point of transparency for transparency's sake?

A number of States raise the question of updating the OSCE's documents on small arms and light weapons. It seems to us that within the Organization it is possibly time to also consider how effective and in keeping with reality are the existing mechanisms for controlling arms transfers drawn up in 1993? An objective and unbiased analysis is also of vital importance for determining the feasibility in principle of the idea of an international arms trade treaty. After all, it is clear that if a regional mechanism does not work, it is scarcely likely that a global one will.

There are in the world many conflicts, the nature of which is evaluated in different ways. The question as to who is right and who is at fault can also be interpreted differently. But it is for precisely that reason that guidelines and principles on arms transfers were devised, so that irrespective of the causes of a conflict, guided by the transfer of large

consignments of weapons, first and foremost offensive ones, it is possible to say “stop” — that caution, restraint and limitation are required.

All of the above shows that it is impossible to make global principles and guidelines on arms transfers work without at least agreeing on a common understanding of such key terms as: “destabilizing transfers”, “problem countries from the point of view of the violation of human rights”, “transfers likely to provoke or prolong regional conflicts”, “irresponsible arms transfers”, “transfers diverting funds from socio-economic development needs”, and so on.

Without intelligible answers to these questions it is impossible to seriously speak of any kind of regulation of the international arms trade, among other things, with a view to preventing actual conflicts or their exacerbation.

Mr. Chairperson,

I would request that my statement be attached to the journal of the day.



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

FSC.JOUR/566
15 October 2008
Annex 4

Original: ENGLISH

560th Plenary Meeting

FSC Journal No. 566, Agenda item 2(b)

**STATEMENT BY
THE DELEGATION OF THE UNITED STATES OF AMERICA**

Thank you, Mr. Chairperson,

The United States delegation would like to thank the Deputy Director of the Department for Disarmament and Security Affairs, Petr Litavrin, the delegation of the Russian Federation, and the Ministry of Foreign Affairs of the Russian Federation for Mr. Litavrin's presence today. We are grateful to him for sharing his views on this timely and important issue. Welcome, Sir.

The United States supports the efforts of its friends and allies to provide for their own self-defence. The USA recognizes that defence exports might have important foreign policy and national security implications. Accordingly, the USA adopted a comprehensive conventional arms transfer policy — or CAT policy — governing transfers of conventional arms in 1995.

This policy supports transfers that meet the continuing security needs of the United States, its friends, and allies, while at the same time restraining arms transfers that may be destabilizing or dangerous to international peace.

Judging when a transfer will meet that test requires examination of the dynamics of regional power balances and the potential for destabilizing changes in the regions concerned. The criteria laid out in this policy guide case-by-case examinations of potential arms transfers. Primary among these criteria are: consistency with international agreements and arms control initiatives; appropriateness of the transfer in responding to legitimate security needs of the USA and the recipient; and consistency with the regional stability interests of the USA.

With regard to concerns raised this morning on arms transfers to Georgia, the USA supports Georgia's territorial integrity and its right to procure arms for its self-defence. Since 2003, the United States has provided modest military assistance to Georgia.

That assistance has consisted overwhelmingly of non-lethal items such as transportation, communications equipment, uniforms and training, as well as small arms and the accompanying ammunition.

As we noted in a statement here on 1 October 2008 that is recorded as annex 6 to FSC Journal No. 564, this assistance facilitated Georgian deployments to Iraq as well as allowing the Georgian armed forces to establish central-government control over the lawless Pankisi Gorge and to eliminate the threat to Russia posed by Chechen fighters in the Pankisi.

Where required, US military assistance to Georgia has been notified to the US Congress, and is a matter of public record. All US arms transfers to Georgia, or any other country, are carefully evaluated in accordance with the CAT policy.

The United States has not noted any arms transfers to Georgia that it believes to have been excessive to the legitimate defence needs of Georgia.

Thank you, Mr. Chairperson.

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



560th Plenary Meeting

FSC Journal No. 566, Agenda item 3(a)

**STATEMENT BY THE DELEGATION OF FRANCE
(ON BEHALF OF THE EUROPEAN UNION)**

The European Union takes note of the Russian Federation's proposal for a draft FSC decision in the Forum for Security Co-operation, made on 1 October 2008 (FSC.DEL/155/08). We believe it calls for the following remarks.

The European Union regrets the use of armaments by all sides in the recent conflict in Georgia, which resulted in loss of life including to civilians, destruction of infrastructure and many internally displaced persons and refugees.

Exports of armaments by European Union Member States are controlled by strict legislative and regulatory national frameworks which take into account international commitments on arms control, disarmament and non-proliferation. These national regulations take into account, in particular, the EU Code of Conduct for Arms Exports, adopted 8 June 1998. While adopting this Code of Conduct, the Council of the EU declared itself "determined to prevent the export of equipment which might be used for internal repression or international aggression, or contribute to regional instability."

The EU notes that its Member States that have exported military equipment towards Georgia have done so in strict conformity with the EU Code of Conduct, notably by taking into account "the legitimate defence and domestic security interests of the recipient country" and ensuring beforehand that no embargo on the export of weapons to Georgia had been put in place by the UN, the OSCE or the EU.

In conclusion, the European Union does not believe that the measures suggested by the Russian Federation in its proposal for a draft FSC decision are required.

The European Union strongly reaffirms its attachment to the principle of Georgia's territorial integrity within its internationally recognized borders.

The candidate countries Turkey and Croatia*, the countries of the Stabilisation and Association Process and potential candidate countries Albania, Bosnia and Herzegovina and

* Croatia continues to be part of the Stabilisation and Association Process.

Montenegro, the European Free Trade Association country and member of the European Economic Area Iceland, as well as Ukraine align themselves with this statement.

I 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**

FSC.JOUR/566
15 October 2008
Annex 6

ENGLISH
Original: RUSSIAN

560th Plenary Meeting
FSC Journal No. 566, Agenda item 3(a)

STATEMENT BY THE DELEGATION OF THE RUSSIAN FEDERATION

The Russian delegation takes note of the statement by the European Union (EU) regarding the question of arms supplies to Georgia. We note that the overall majority of the EU Member States have been strictly guided in past years by the EU Code of Conduct of 8 June 1998 and have refrained from supplying arms to Tbilisi — the majority, but not all of them. In that connection, we might recall, for instance, that the Czech Republic exported to Georgia 50 T-72 tanks, 42 D-30 howitzers, 24 “Dana” M-77 self-propelled howitzers, 6 RM-70 multiple rocket launchers and 25 M-75 120 mm mortars. And this by no means represents a complete list. Perhaps there is some way the export of these offensive weapons can be classified as transfers “in the interests of legitimate security and defence needs”? We do not think so. And these differences in assessments only confirm what Mr. Petr Litavrin, representative of the Russian Ministry of Foreign Affairs, was saying here today: There is an urgent need to agree on definitions in the interests of a uniform implementation of the existing guidelines.

We fully admit that when the Czech Republic supplied Tbilisi with heavy equipment, they could not have imagined in Prague that these weapons would be used for the large-scale annihilation of a civilian population. But now, after the events of August in South Ossetia, the danger of a new spiral in the militarization of Georgia must be obvious to everyone. The fact is that the armaments received by the Georgian army were used for the purpose of aggression and repression and also contributed to regional instability, which, one would think, the EU Code of Conduct of 1998 is in fact designed to prevent.

In the light of the statement by our partners from the European Union a further question arises: How appropriate is it here in the OSCE to make reference exclusively to EU guidelines and not even mention the relevant OSCE guidelines, which are laid down in the document entitled “Principles Governing Conventional Arms Transfers”?

Since the OSCE guidelines have been violated and have proven to be less than effective, we have also proposed supporting and strengthening them, putting forward for that purpose a draft FSC decision. We consider this justified and logical. We cannot agree with the European Union’s view that there is allegedly no need to adopt the measures proposed by Russia.

At the same time, we should like to welcome the point made in the EU's statement regarding the need to prevent dangerous arms transfers in accordance with the 1998 Code. We trust that this provision will be rigorously implemented.

And lastly. After 8 August 2008, it became totally unacceptable to attempt to justify arms transfers to Georgia by referring to the absence of a United Nations arms embargo or to the fact that the "ceilings" established for Tbilisi under the Treaty on Conventional Armed Forces in Europe have still not been reached. Those countries that now continue transfers of military equipment to Georgia will assume an enormous political and moral responsibility. What is more, it will be impossible for them to justify their actions by arguing that they could not have foreseen the possible consequences. In other words, the future will show who in fact would like to help stabilize the situation in the region and who seeks to preserve tension there and create the potential for a possible new bloody conflict.