

Chairmanship: Denmark

527th PLENARY MEETING OF THE FORUM

1. Date: Wednesday, 17 October 2007

Opened: 10.20 a.m.

Closed: 12.55 p.m.

2. Chairperson: Mr. J. Bernhard

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

Agenda item 1: GENERAL STATEMENTS

(a) *Food-for-thought paper on a more active role for the OSCE in combating anti-personnel mines:* France, Chairperson, Germany

(b) *Request for continued co-operation regarding the clearance of unexploded ordnance in Ukraine:* Ukraine (FSC.DEL/533/07 OSCE+), Chairperson

(c) *Funding for the elimination of stockpiles of mélange in Ukraine:* Czech Republic

(d) *Consolidated summary of the Special FSC Meeting on Civil-Military Emergency Preparedness, held in Vienna on 26 September 2007:* Chairperson

Agenda item 2: DECISION ON AN INFORMATION EXCHANGE WITH REGARD TO OSCE PRINCIPLES ON THE CONTROL OF BROKERING IN SMALL ARMS AND LIGHT WEAPONS

Chairperson

Decision: The Forum for Security Co-operation adopted Decision No. 11/07 (FSC.DEC/11/07), the text of which is appended to this journal, on an information exchange with regard to OSCE principles on the control of brokering in small arms and light weapons.

Agenda item 3: SECURITY DIALOGUE

Presentation on violations of Georgian airspace and the missile incident near Tsitelubani, Georgia, on 6 August 2007, by Colonel D. Nairashvili, Commander of the Georgian Air Force: Chairperson, Colonel D. Nairashvili (FSC.DEL/530/07), Sweden (also on behalf of the United States of America, Latvia and Lithuania) (FSC.DEL/537/07 OSCE+), Estonia, Russian Federation, Georgia, United Kingdom, France, Sweden (FSC.DEL/536/07 OSCE+), United States of America (Annex), Canada (FSC.DEL/534/07 OSCE+), Germany, Latvia

Agenda item 4: ANY OTHER BUSINESS

- (a) *Meeting of the informal group of friends on mélange: Slovenia*
- (b) *Regional conference on cluster ammunition, to be held in Belgium on 30 October 2007: Belgium*
- (c) *Conference of States affected by cluster ammunition, held in Belgrade, on 3 and 4 October 2007: Serbia (FSC.DEL/531/07 OSCE+)*

4. Next meeting:

Wednesday, 24 October 2007, at 10 a.m., in the Neuer Saal



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

FSC.JOUR/533
17 October 2007
Annex

Original: ENGLISH

527th Plenary Meeting
FSC Journal No. 533, Agenda item 3

STATEMENT BY THE DELEGATION OF THE UNITED STATES OF AMERICA

Thank you, Mr. Chairperson,

The United States would like to thank Georgia for initiating this discussion in the FSC. Your statement, as well as the presentations by the various international expert groups, helps to clear up the confusion surrounding the missile incident that took place in Georgia on 6 August, and contributes to our discussions of the way forward for the OSCE. We all want to prevent future incidents of this kind, but, should they occur, we need an improved response mechanism, so that the truth comes out more quickly and with less confusion.

We cannot plan for the future without understanding the past, and that is the essence of this session.

The findings in the report of the Joint Monitoring Group, the OSCE Spot Report, and the reports by the independent intergovernmental expert groups all support the facts as presented to us by the Georgian Government. The report by the experts from the Russian Federation, on the other hand, challenges the findings of each of the four separate reports, and fails to provide convincing evidence to support their claims. We regret in particular that steps that could have helped further establish the facts were not taken.

We find the work of the independent intergovernmental experts to be professionally competent and wholly credible.

Russia has not provided full details, based on the clearly identified markings on the missile's remains, as to the provenance and delivery of the KH-58 missile. We would presume, since the Russian Federation tracks its armaments shipments, that it could provide that information. We note the Georgian Government's continued willingness to receive this information.

Georgia, in contrast, has been forthcoming in sharing all the relevant information requested by the independent experts.

Let me be clear: There is no evidence that Georgia either dropped the missile from one of its own planes or placed the missile fragments in the ground. The missile was fired from the air, as noted by Joint Peacekeeping Force eyewitness accounts. The two groups of

independent intergovernmental experts have verified that Georgian planes are incapable of mounting or firing this sort of weapon.

The Georgian radar data are convincing. Unfortunately, Russia has not provided primary radar data.

Air incursions and missile attacks by one State on another are violations of basic OSCE principles. The OSCE should send a clear message condemning these violations. Twice this year, we have witnessed incidents in which airborne weapons were fired on Georgia's sovereign territory. In both cases, the only military recognized to be capable of carrying out such attacks came from north of the Georgian border. In both cases, the primary radar data that could have helped confirm the facts were withheld.

We believe the facts in this case speak for themselves, and now we should look ahead. The Chairman-in-Office has proposed several measures that we believe have merit, and we have proposed additional measures to deter such incidents from taking place in the future. We presented our views in the Preparatory Committee meeting on Monday, and will discuss them again as we head to the Ministerial Council meeting.

The United States fully supports efforts to establish new confidence-building measures between Georgia and the Russian Federation. We also seek consensus among the participating States on a commitment to avoid incidents of this type in the future and, should they occur, a commitment to react swiftly and transparently in order to identify the facts. It may be time to consider resuming the OSCE's border monitoring operation so as to avert such incidents in other areas along the border between Georgia and Russia. Finally, we strongly support efforts to safeguard Georgia's sovereignty and territorial integrity and to resolve its territorial conflicts peacefully within its internationally recognized borders.

Thank you, Mr. Chairperson.



527th Plenary Meeting
FSC Journal No. 533, Agenda item 2

DECISION No. 11/07
AN INFORMATION EXCHANGE WITH REGARD TO
OSCE PRINCIPLES ON THE CONTROL OF BROKERING IN
SMALL ARMS AND LIGHT WEAPONS

The Forum for Security Co-operation (FSC),

Reaffirming its commitment to the full implementation of the OSCE Document on Small Arms and Light Weapons (SALW) (FSC.DOC/1/00, 24 November 2000) in general, and in particular with regard to section III, part D,

Recalling the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (A/CONF.192/15, 20 July 2001), where States affirm their commitment to developing adequate national legislation or administrative procedures to regulate small arms and light weapons brokering activities, and to undertaking further steps to enhance international co-operation in preventing, combating and eradicating illicit brokering in small arms and light weapons,

Recalling FSC Decision No. 8/04, OSCE Principles on the Control of Brokering in Small Arms and Light Weapons, and the need to assess the implementation of the said decision,

Taking into account the work done by the group of governmental experts, established in 2005 by UN General Assembly resolution 60/81 to consider further steps to enhance international co-operation in preventing, combating and eradicating illicit brokering in small arms and light weapons (Report of the Group of Governmental Experts, United Nations General Assembly A/62/163),

Recognizing the importance of transparency measures in the area of SALW brokering controls as an indication of effective implementation of existing commitments, and as a tool for identifying strengths and further needs for assistance,

Decides:

1. To request participating States to exchange information on their present regulations concerning brokering activities with regard to small arms and light weapons, as a one-off exchange by 25 January 2008, following the structure of FSC Decision No. 8/04:

- General principles:
 - Measures taken to control brokering activities taking place within their territory;
 - Measures taken to control brokering activities outside of their territory carried out by brokers of their nationality resident or brokers who are established in their territory;
 - Description of existing legal framework for lawful brokering activities;
 - National definition of brokering activities;
- Licensing and record-keeping:
 - Description of the licensing process;
 - Period and form of kept records;
- Registration and authorization:
 - Are brokers required to obtain a written authorization to act as brokers?
 - Is there a national register of arms brokers?
 - What information is gathered in the register and taken into account when granting licenses?
- Enforcement:
 - What sanctions, including criminal sanctions, are in place to ensure that controls on arms brokering are effectively enforced?

2. To task the Conflict Prevention Centre (CPC) with providing a summary report of the replies. The report will be limited to the provision of statistical data related to implementation and will not compare national policies or assess implementation. The report should be made available to the participating States not later than 20 February 2008. This task will be completed within the existing CPC budget.