

Chairmanship: Estonia

548th PLENARY MEETING OF THE FORUM

1. Date: Wednesday, 28 May 2008

Opened: 10 a.m.

Closed: 11.35 a.m.

2. Chairperson: Ms. T. Parts

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

Agenda item 1: GENERAL STATEMENTS

Incident involving an unmanned aerial vehicle in Georgia on 20 April 2008:

Georgia (Annex 1), Russian Federation, Slovenia-European Union
(FSC.DEL/104/08), United States of America (Annex 2), United Kingdom (Annex 3),
Latvia, Chairperson

Agenda item 2: SECURITY DIALOGUE

*Presentation on the capacity-building programme for small arms and light weapons
demilitarization and safe storage for the Republic of Montenegro (MONDEM) by
Mr. Gordan Ivanovic, MONDEM Programme Manager: Chairperson,
Mr. G. Ivanovic (FSC.DEL/102/08 OSCE+), Mr. P. Surprenant (MONDEM),
FSC Co-ordinator for Stockpiles of Conventional Ammunition (Denmark), Denmark,
Italy (FSC.DEL/103/08 OSCE+), United States of America, Sweden, Montenegro,
Conflict Prevention Centre, Germany, Belgium*

Agenda item 3: DECISION ON THE BEST PRACTICE GUIDES ON
CONVENTIONAL AMMUNITION (not adopted)

Chairperson

Agenda item 4: ANY OTHER BUSINESS

(a) *Matter of protocol: Greece*

- (b) *Seminar on arms control in crisis situations, to be held in Bestovje, Croatia from 9 to 11 July 2008: Germany*
- (c) *Silence procedure regarding the Forum for Security Co-operation decision on updating the OSCE Principles for Export Controls of Man Portable Air Defence Systems:*

The Chairperson announced that the period of silence on the decision updating the OSCE Principles for Export Controls of Man-Portable Air Defence Systems, expiring on Monday, 26 May 2008, at 12 noon CET, had not been broken (see FSC.DEC/5/08, the text of which is appended to this journal).

- (d) *Joint meeting of the Forum for Security Co-operation and the Permanent Council, to be held on 4 June 2008: Chairperson*

4. Next meeting:

Wednesday, 4 June 2008, at 10 a.m., in the Neuer Saal



548th Plenary Meeting
FSC Journal No. 554, Agenda item 1

STATEMENT BY THE DELEGATION OF GEORGIA

Madam Chairperson, distinguished colleagues,

I would like to inform you regarding the following.

On 26 May 2008, the United Nations Observer Mission in Georgia (UNOMIG) fact-finding team (FFT), following the thorough investigation carried out by its experts, released its final report on the incident of 20 April involving the downing of a Georgian unmanned aerial vehicle.

I would like to draw your attention to the essential findings of the report, which attest to the facts and explanations presented by Georgia on previous occasions.

The UNOMIG FFT concluded that the video footage and radar data provided by the Georgian side are authentic. The report also concludes that the distinctive configuration of the jet aircraft seen on the video clearly indicates that it was either a MIG-29 “Fulcrum” or a SU-27 “Flanker”.

Based on the authentication of the radar record, the FFT could confirm that the jet aircraft headed north towards Maykop/Krasnodar and entered Russian airspace following the downing of the UAV. In addition, the FFT concluded that the aggressor aircraft belonged to the Russian air force, and indicated that the jet aircraft could possibly have taken off from the airfield of the Gudauta military base.

In the conclusion, the FFT states that the Moscow Agreement of 1994 provided only for the CIS PKF, and no one else, to perform the separation of forces. Therefore, enforcement actions by third parties — in this case the Russian Federation — in the zone of conflict are fundamentally inconsistent with the Moscow Agreement and, aside from possible considerations under international law, undercut the ceasefire and separation of forces regime.

The conclusions of the UNOMIG FFT coincide with the findings of the team of independent international experts, consisting of representatives from Estonia, Latvia, Lithuania and the United States of America. The findings of the report also coincide with the

analysis of the UK military experts, which identified the aggressor aircraft to be very probably a SU-27 “Flanker”.

Madam Chairperson,

Georgia has decided to avail itself of its right and to launch the “Mechanism for Consultation and Co-operation as Regards Unusual Military Activities”, enshrined in Chapter III (Risk Reduction) of the 1999 Vienna Document — the so called “Vienna Mechanism”. An appropriate request of the Georgian side for an explanation addressed to the Russian Federation is formulated in the note verbal of the Permanent Mission of Georgia to the OSCE and will be transmitted to the Permanent Mission of the Russian Federation to the OSCE today, 28 May 2008.

Thank you.



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

FSC.JOUR/554

28 May 2008

Annex 2

Original: ENGLISH

548th Plenary Meeting

FSC Journal No. 554, Agenda item 1

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

Thank you, Madam Chairperson,

We remain concerned about recent provocative steps by the Russian Federation with regard to Abkhazia that raise serious tensions with Georgia.

The OSCE is properly engaged in its highest security and confidence-building role when it highlights serious tensions between two participating States, and then seeks ways to break that pattern and assist the sides in finding the road to peace.

That is why we welcome the step taken today by Georgia to invoke Chapter III of the Vienna Document 1999. To invoke a mechanism for consultation and co-operation as regards unusual military activities is a responsible step, which seeks to reduce risk for all.

So we applaud Georgia for taking this step. We are prepared to fully co-operate with Georgia, Russia and others. This includes support for a focus on a way forward, such as direct talks between Abkhaz and Georgian leaders to advance a new and promising peace initiative. We would also like to thank in advance both the Conflict Prevention Centre and the Chairman-in-Office for their work under Chapter III.

In the meantime, we call for complete transparency by both sides to support further easing of tensions.

In that spirit, we recall that the Russian Federation here in the FSC has more than once emphasized the importance of the UNOMIG report and, I believe, called for delay in discussing these issues until the UNOMIG report was out.

The UNOMIG report that Russia called for is now available. It confirms what our own experts who travelled to the region concluded about the incident that took place on 20 April over the zone of conflict.

We would like to invite the delegation of the Russian Federation to share within the FSC any corrections to information it has provided in previous meetings on this incident, and on related questions.

These acts and more call into question Russia's role as a facilitator of the UN Friends process and peacekeeper in the region. Could the Russian delegation please explain how their actions are consistent with being a facilitator and peacekeeper, rather than being those of just another party to the conflict?

Concerns have also been voiced about reported Georgian troop concentrations in the region. UNOMIG has reported that, contrary to Russian press reports, there were no large-scale Georgian deployments into the Upper Kodori Valley. In any case, Abkhaz concerns about possible Georgian deployments and military tension in general should be addressed through direct Abkhaz-Georgian talks aimed at de-escalating tension and clearing the way for a political settlement.

Madam Chairperson,

The UNOMIG report offers further troubling evidence of Russia's failure to respect Georgia's territorial integrity and sovereignty.

We call on Russia to repeal its recent provocative actions with respect to Abkhazia, which run counter to its status as "facilitator" of the UN Friends group. A key step would be withdrawal of the paratroopers and artillery Russia recently introduced into Abkhazia.

We also seek Russia's support for direct talks between Abkhaz and Georgian leaders to advance a new and promising peace initiative.

We reiterate our strong support for Georgia's sovereignty and territorial integrity.

We applaud Georgia for its continued restraint in response to such provocations and welcome Tbilisi's effort to develop a peace plan in collaboration with Abkhaz authorities that will de-escalate military tension on both sides and pave the way for a political settlement.

The United States believes that the OSCE has an important role to play in helping these two participating States resolve their differences and move toward a more productive future. The time is now.

We pledge that we will use our contacts, both with the Government of Georgia and with the Government of Russia, to urge restraint and to seek all avenues for reconciliation. We strongly urge all parties to engage in a serious dialogue on the recent peace proposals put forward by the Georgian Government, and to avoid any steps toward military action.

Thank you, Madam Chairperson.

We ask that this statement be appended to the journal of the day.



548th Plenary Meeting

FSC Journal No. 554, Agenda item 1

STATEMENT BY THE DELEGATION OF THE UNITED KINGDOM

Madam Chairperson,

The United Kingdom delegation has consistently stressed the importance of the UNOMIG investigation of this incident. The United Kingdom fully supports the statement made by my Slovenian colleague on behalf of the European Union. In particular, the United Kingdom wishes to emphasize the view expressed by the EU General Affairs and External Relations Council that UNOMIG should be reinforced, as recommended in the UN Secretary-General's report S/2007/588 of 3 October 2007 and supported in United Nations Security Council resolution 1781 (2007) of 15 October 2007.

My delegation and I listened with interest to the statement made by my distinguished colleague from Georgia in which, *inter alia*, he announced Georgia's intention to activate the mechanism contained in Chapter III of the Vienna Document 1999, for "consultation and co-operation as regards unusual military activities". It is the view of my delegation that these mechanisms are designed to be used rather than just to be held on the books. This should help to reinvigorate the OSCE. There have been activities in recent months in and around Abkhazia that we believe could be termed unusual and militarily significant — let's use this mechanism to investigate these activities, as its drafters intended. The United Kingdom disagrees with the contention of the distinguished Ambassador of the Russian Federation that the shooting down of an unarmed UAV is entirely a bilateral issue that can be resolved through private discussions between the Russian Federation and Georgia. The implications go much wider. My delegation and I look forward to engaging actively in future discussion on this topic.

Madam Chairperson,

The United Kingdom supports the territorial integrity of Georgia. It is clear from the UNOMIG report that the Russian Federation has failed to respect Georgia's territorial integrity in this case. We support further discussions between Abkhazian and Georgian representatives aimed at bringing about a peaceful settlement. Everyone, including the Russian Federation, should engage in a positive spirit with the latest peace initiative put forward by the Georgian Government, in order to reduce current tensions.

The United Kingdom requests that this statement be attached to the journal of the meeting.

Thank you, Madam Chairperson.



547th Plenary Meeting

FSC Journal No. 553, Agenda item 3

**DECISION No. 5/08
UPDATING THE OSCE PRINCIPLES FOR EXPORT CONTROLS OF
MAN-PORTABLE AIR DEFENCE SYSTEMS**

The Forum for Security Co-operation (FSC),

Recognizing the continued threat posed by unauthorized proliferation and use of man-portable air defence systems (MANPADS), especially to civil aviation, peacekeeping, crisis management and anti-terrorist operations,

Affirming the participating States' conviction to apply strict national controls on the export of MANPADS,

Taking into account Annex C to the Handbook of Best Practices on Small Arms and Light Weapons Concerning the National Procedures for Stockpile Management and Security of MANPADS,

Willing to complement and thereby reinforce the implementation of the OSCE Document on Small Arms and Light Weapons (SALW) and FSC Decision No. 7/03 on man-portable air defence systems, in order to enhance effective export control of SALW in the OSCE area,

Recalling FSC Decision No. 3/04 on OSCE Principles for Export Controls of MANPADS, adopted on 26 May 2004,

Determined to contribute to reducing the risk of diversion of SALW into the illicit market,

Bearing in mind that the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century adopted at Maastricht in December 2003 notes that the OSCE is using all the tools at its disposal to address proliferation of MANPADS, categorized in the OSCE Document on SALW as portable launchers of anti-aircraft missile systems,

Acknowledging the Wassenaar Arrangement's continued efforts in developing principles on this topic and willing to extend the application of the Wassenaar Arrangement's revised "Elements for Export Controls of Man-Portable Air Defence Systems",

Decides:

To adopt the following revised principles for export controls of MANPADS which have been drawn from the Wassenaar Arrangement's "Elements for Export Controls of Man-Portable Air Defence Systems":

1. Scope
 - 1.1 These principles cover:
 - (a) Surface-to-air missile systems designed to be man-portable and carried and fired by a single individual; and
 - (b) Other surface-to-air missile systems designed to be operated and fired by more than one individual acting as a crew and portable by several individuals.
 - 1.2 National export controls apply to the international transfer or re-transfer of MANPADS, including complete systems, components, spare parts, models, training systems, and simulators, for any purpose, by any means, including licensed export, sale, grant, loan, lease, co-production or licensing arrangement for production (hereafter "exports"). The scope of export regulation and associated controls includes research, design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, servicing, modification, upgrade, modernization, operation, use, replacement or refurbishment, demilitarization, and destruction of MANPADS; technical data, software, technical assistance, demonstration, and training associated with these functions; and secure transportation, storage. This scope according to national legislation may also refer to investment, marketing, advertising and other related activity.
 - 1.3 Any activity related to MANPADS within the territory of the producing country is subject to national laws and regulations.
2. Participating States will exercise maximum restraint in transfers of MANPADS production technologies and, while taking decision on such transfers, will take into account principles, stipulated in paragraphs 3.5., 3.6., 3.7., and 3.9.
3. Control conditions and evaluation criteria
 - 3.1 Decisions to permit MANPADS exports will be made by the exporting government by competent authorities at senior policy level and only to foreign governments or to agents specifically authorized to act on behalf of a government after presentation of an official end-user certificate (EUC) certified by the government of the receiving country.
 - 3.2 General licences are inapplicable for exports of MANPADS; each transfer is subject to an individual licensing decision.

3.3 Exporting governments will not make use of non-governmental brokers or brokering services when transferring MANPADS, unless specifically authorized to on behalf of the government.

3.4 In order to prevent unauthorized use, producer countries will implement technical performance and/or launch control features for newly designed MANPADS as such technologies become available to them.

Such features should not adversely affect the operational effectiveness of MANPADS for the legal user.

3.5 Decisions to authorize MANPADS exports will take into account:

- Potential for diversion or misuse in the recipient country;
- The recipient government's ability and willingness to protect against unauthorized re-transfers, loss, theft and diversion; and
- The adequacy and effectiveness of the physical security arrangements of the recipient government for the protection of military property, facilities, holdings, and inventories.

3.6 Prior to authorizing MANPADS exports (as indicated in paragraph 1.2), the exporting government will assure itself of the recipient government's guarantees:

- Not to re-export MANPADS except with the prior consent of the exporting government;
- To transfer MANPADS and their components to any third country only in a manner consistent with the terms of the formal government to government agreements, including co-production or licensing agreements for production, and contractual documents, concluded and implemented after the adoption of this decision, as well as end-use assurances and/or extant export licences;
- To ensure that the exporting State has the opportunity to confirm, when and as appropriate, fulfilment by the importing State of its end-use assurances with regard to MANPADS and their components¹ (this may include on-site inspections of storage conditions and stockpile management or other measures, as agreed between the parties);
- To afford requisite security to classified material and information in accordance with applicable bilateral agreements, to prevent unauthorized access or compromise; and
- To inform promptly the exporting government of any instance of compromise, unauthorized use, loss, or theft of any MANPADS material.

¹ "End-use assurances with regard to MANPADS and their components" should be understood as their use only for purposes stipulated in the end-user certificate or any other document containing the obligations of the importing State.

3.7 In addition, the exporting government will satisfy itself of the recipient government's willingness and ability to implement effective measures for secure storage, handling, transportation, use of MANPADS material, and disposal or destruction of excess stocks to prevent unauthorized access and use. The recipient government's national procedure designed to attain the requisite security include, but are not limited to, the following set of practices, or others that will achieve comparable levels of protection and accountability:

- Written verification of receipt of MANPADS shipments;
- Inventory by serial number of the initial shipments of all transferred firing mechanisms and missiles, if physically possible; and maintenance of written records of inventories;
- Physical inventory of all MANPADS subject to transfer, at least once a month; account by serial number for MANPADS components expended or damaged during peacetime;
- Ensure storage conditions are sufficient to provide for the highest standards of security and access control. These may include:
 - Where the design of MANPADS permits, storing missiles and firing mechanisms in locations sufficiently separate so that a penetration of the security at one site will not place the second site at risk;
 - Ensuring continuous (24 hours per day) surveillance;
 - Establishing safeguards under which entry to storage sites requires the presence of at least two authorized persons;
- Transport MANPADS in a manner that provides for the highest standards and practices for safeguarding sensitive munitions in transit. When possible, transport missiles and firing mechanisms in separate containers;
- Where applicable, bring together and assemble the principal components — typically the gripstock and the missile in a launch tube — only in the event of hostilities or imminent hostilities; for firing as part of regularly scheduled training, or for lot testing, for which only those rounds intended to be fired will be withdrawn from storage and assembled; when systems are deployed as part of the point defences of high priority installations or sites; and in any other circumstances which might be agreed between the receiving and transferring governments;
- Access to hardware and any related classified information, including training, technical and technological documentation (e.g., MANPADS operation manuals), will be limited to military and civilian personnel of the receiving government who have the proper security clearance and who have an established need to know the information in order to perform their duties. Any

information released will be limited to that necessary to perform assigned responsibilities and, where possible, will be oral and visual only;

- Adopt prudent stockpile management practices that include effective and secure disposal or destruction of MANPADS stocks that are or become excess to national requirements.
- 3.8 Participating States will, when and as appropriate, assist recipient governments not capable of executing prudent control over MANPADS to dispose of excess stockpiles, including buying back previously exported weapons. Such measures are subject to a voluntary consent of the exporting government and the recipient State.
 - 3.9 Exporting governments will share information regarding potential receiving governments that are proven to fail to meet the above export control guarantees and practices outlined in paragraphs 3.6 and 3.7 above.
 - 3.10 To enhance efforts to prevent diversion, exporting governments will share information regarding non-State entities that are or may be attempting to acquire MANPADS.
 - 3.11 Participating States will, when and as appropriate, provide to non-participating States (such as OSCE Partners for Co-operation), upon their request, technical and expert support in developing and implementing legislative basis for control over transfers of MANPADS and their components.
 - 3.12 Participating States will, when and as appropriate, provide to non-participating States, upon their request, technical and expert assistance in physical security, stockpile management and control over transportation of MANPADS and their components.
4. Participating States will ensure that any infringement of export control legislation, related to MANPADS, is subject to adequate penalty provisions, i.e., involving criminal sanctions.
 5. Participating States agree to incorporate these principles into their national practices, policies and/or regulations.
 6. Participating States will report transfers of MANPADS using the OSCE SALW document's information exchange requirements and any MANPADS related information exchange mechanisms that may be agreed in the future.
 7. Participating States will review implementation of these principles regularly.
 8. Participating States agree to promote the application of the principles defined above to non-OSCE countries.

This Decision supersedes FSC Decision No. 3/04, "OSCE Principles for Export Controls of Man-Portable Air Defence Systems (MANPADS)", adopted on 26 May 2004.