

**RUSSIA:
ARMS CONTROL,
DISARMAMENT AND
INTERNATIONAL
SECURITY**

**IMEMO CONTRIBUTIONS
TO THE RUSSIAN EDITION
OF THE SIPRI YEARBOOK 2005**

Institute of World Economy and International Relations

RUSSIAN ACADEMY OF SCIENCES
INSTITUTE OF WORLD ECONOMY AND
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(IMEMO)

**RUSSIA:
ARMS CONTROL, DISARMAMENT
AND INTERNATIONAL SECURITY**

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OF THE SIPRI YEARBOOK 2005

Compiled and edited by
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PREFACE

The Institute of World Economy and International Relations presents in this volume the 6th edition of *Russia: arms control, disarmament and international security*.

From 1997 Russian versions of the SIPRI Yearbooks contain the results of IMEMO's studies as well as special studies written for the IMEMO by external experts. These supplements are also regularly translated and published in separate volumes. Our intention has been to acquaint foreign researchers with the views of Russian scholars on international security and contribute to the dialogue on these issues with their counterparts abroad.

The authors of the volume address a broad range of security and arms control issues. They examine the prospects for the transformation of mutual nuclear deterrence into a constructive strategic relationship between the USA (the West) and Russia and, finally, between all the states possessing nuclear weapons. Legal and practical aspects of countering terrorism as well as the issues related to the antiterrorism legislation and law enforcement in the Russian Federation are addressed; the recently adopted International Convention on the Suppression of Nuclear Terrorism is evaluated. Special consideration is given to the role of the UN Security Council in such areas, as combating terrorism and proliferation of mass destruction weapons, and in the pursuit of global security in general. New developments in Russian – NATO relations are also highlighted. In addition, the volume includes assessments by the IMEMO experts of official Russian documents (published in 2005) on non-proliferation of weapons of mass destruction and defence outlays for 2006. An annex containing a review of key documents of the Russian Federation will assist readers who are looking for official documents on national security, defence and arms control.

I am sincerely grateful to everyone who has made contributions to this work. My particular gratitude goes to Corresponding Member of the Russian Academy of Sciences, Dr Alexei Arbatov and Dr Alexandre Kaliadine for compiling and editing this volume and contributing to it as authors. My appreciation also extends to colleagues from the IMEMO – George Bechter, Boris Klimenko and Dmitriy Svarichevsky for helping prepare the manuscript for publication.

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Academician Nodari Simonia
Director
Institute of World Economy and International Relations
Russian Academy of Sciences
December 2005

ACRONYMS

ABM	– anti-ballistic missile
AG	– Australia Group
ALCM	– air-launched cruise missile
ARF	– ASEAN Regional Forum
ASEAN	– Association of Southeast Asian Nations
ASP	– Additional Safeguards Protocol (IAEA)
ASW	– anti-submarine warfare
BA	– biological agent
BMD	– ballistic missile defence
BMEWS	– ballistic missile attack early warning system
BTWC/BWC	– Biological and Toxin weapons Convention (Biological Weapons Convention, BWC)
BM	– ballistic missile
BW	– biological weapon/warfare
CBM	– confidence-building measure
C ³ I	– Command, Control, Communication and Intelligence
CFE	– Conventional Armed Forces in Europe (Treaty)
CIS	– Commonwealth of Independent States
CSBM	– confidence- and security-building measure
CSTO	– Collective Security Treaty Organisation
CTBT	– Comprehensive Nuclear Test-Ban Treaty
CTC	– Counter-Terrorist Committee
CTR	– Co-operative Threat Reduction, Nunn-Lugar Program
CW	– chemical weapon/warfare
CWC	– Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction
DoD	– Department of Defense (USA)
EAEC	– Euro-Asian Economic Co-operation
EU	– European Union
EWR	– early warning radar
FA	– Federal Assembly (Russia)
FATF	– Financial Action Task Force on Money Laundering
FC	– Federation Council (Russia)
FBR	– fast breeder reactor

FBS	– forward-based system
FMCT	– Fissile Material Cut-Off Treaty
FSS	– Federal Security Service
G8	– Group of Eight
G4	– Group of Four
GDP	– gross domestic product
GPF	– General-Purpose Forces
HEU	– highly enriched uranium
IAEA	– International Atomic Energy Agency
ICoC	– International Code of Conduct against Ballistic Missile Proliferation
ICC	– International Criminal Court
ICBM	– intercontinental ballistic missile
IGO	– intergovernmental organisation
INF	– intermediate-range nuclear forces
JDEC	– Joint Data Exchange Centre
JSC	– Joint Standing Council
LOW	– launch-on-warning (strikes)
MFA	– Ministry of Foreign Affairs (Russia)
MIRV	– multiple independently targetable re-entry vehicle
MoD	– Ministry of Defence (Russia)
MPC&A	– material protection, control and accounting
MSC	– Military Staff Committee (UNO)
MTC	– military-technical co-operation
MTCR	– Missile Technology Control Regime
NAM	– Non-Aligned Movement
NATO	– North Atlantic Treaty Organisation
NBC	– nuclear, biological and chemical (weapon)
NGO	– non-governmental organisation
NMD	– national missile defence
NNWS	– non-nuclear weapon state
NORAD	– North American Aerospace Command
NPT	– Treaty on the Non-Proliferation of Nuclear Weapons (Nuclear Non-Proliferation Treaty)
NSG	– Nuclear Suppliers Group
NTM	– national technical means (of verification)
NW	– nuclear weapon
NWFZ	– nuclear-weapon-free zone
NWS	– nuclear weapon state
OPCW	– Organisation for the Prohibition of Chemical Weapons
OSCE	– Organisation for Security and Co-operation in Europe

P5	– five permanent members of the UN Security Council
PfP	– Partnership for Peace
PSI	– Proliferation Security Initiative
R&D	– research and development
RAF	– Russian Armed Forces
RF	– Russian Federation
RNC	– Russia – NATO Council
RV	– re-entry vehicle
SCBM	– security and confidence-building measures
SD	– State Duma (Russia)
SDF	– Strategic Deterrent Force
SIPRI	– Stockholm International Peace Research Institute
SLBM	– submarine-launched ballistic missile
SLCM	– sea-launched cruise missile
SNF	– strategic nuclear force
SORT	– Strategic Offensive Reductions Treaty (Moscow Treaty)
SRF	– Strategic Rocket Forces (Russia)
SSBN	– nuclear-powered ballistic missile submarine
SSN	– nuclear-powered submarine
START	– Strategic Arms Reduction Treaty
STSS	– space tracking and surveillance system
TMD	– theatre missile defence
TNW	– tactical nuclear weapons
UNO	– United Nations Organisation
UNGA	– UN General Assembly
UNSC	– UN Security Council
UNSCR	– UN Security Council Resolution
VEREX	– United Nations Ad Hoc Group of Governmental Experts on BWC Verification
WA	– Wassenaar Arrangement
WMD	– weapon of mass destruction
WTO	– Warsaw Treaty Organisation

PART I. ANALYSES, FORECASTS, DISCUSSIONS

1. Doing away with nuclear deterrence: feasible task or unrealisable dream?
2. Legal and practical aspects of the antiterrorism campaign
3. A milestone on the way to combating nuclear terrorism
4. Implementing UNSC resolution 1540 (2004)
5. The Russian – NATO relations within a new context
6. Discussions at IMEMO

1. DOING AWAY WITH NUCLEAR DETERRENCE: FEASIBLE TASK OR UNREALISABLE DREAM?

Alexei ARBATOV and Vladimir DVORKIN

The task of this chapter is to elaborate proposals promoting transformation of the continuing state of mutual nuclear deterrence, foremost between the biggest nuclear weapon states (NWS) – Russia and the United States, into a new mode of relationship based on mutual management of nuclear weapons and their impact on international security. Transformation of this kind, beginning at a bilateral format, at some future point will have to embrace multilateral strategic relations among the recognised NWS and ‘de-facto’ NWS, as well as some aspects of conventional forces development, deployment and employment.

The inexorable momentum of nuclear deterrence

Even when dramatic changes took place in the political relations between NWS which made them cease seeing each other as adversaries, as was with Russia and the United States after the end of the Cold War, their armed forces, and foremost nuclear forces, retained powerful momentum of juxtaposition and competition. These forces could not on their own adjust to new co-operative political relations, while well-designed and consistent political and technical efforts were lacking on both sides.

Besides, emergence of new adversaries, contingencies and challenges, brought about by nuclear proliferation and conflicts of national interests, may destabilise strategic relations between the former enemies and result in increased tensions in their strategic policies with highly detrimental political, military and legal (arms control) consequences.

For example, the US decision of 2002 to test and deploy a strategic ballistic missile defence (BMD) system, allegedly designed to defend the nation from new countries (‘rogue states’) possessing ballistic missiles (BM), and Washington’s withdrawal from the 1972 Anti-Ballistic Missile

(ABM) Treaty made Russia place increased reliance on its offensive strategic nuclear force (SNF). Thus, Moscow extended the service lives of heavy intercontinental ballistic missiles (ICBMs) and even purchased a few dozens of them from Ukraine's stockpile. Also, as reported by President Vladimir Putin, Russia accelerated development of a new strategic offensive weapon system fitted with a gliding and manoeuvring re-entry vehicle designed to penetrate 'any BMD system'¹. Although no specific opponent has been mentioned in accordance with the 'political correctness' of post-Cold War times, this new system, for obvious reason, may only be designed to target the USA.

Russia reacted in a similar way to the new US program of mini-nuclear earth-penetrating warheads allegedly designed for use against underground bunkers of terrorists and 'rogue states'. Apparently, this development was projected on Russian own hardened sites. As Russia's Defence Minister Sergei Ivanov said, 'Moscow is attentively tracking the developments in the US strategic nuclear forces. In particular, we are not indifferent to the US programs of developing mini-nuclear weapons, for each new type of weapons adds up new elements to the general picture of global stability. We are to take it into account in our military planning'².

No doubt, after the end of the Cold War, nuclear deterrence between Russia and the United States has been receding into the background in terms of the day-to-day foreign policy and official public relations. While still retaining thousands of nuclear warheads, these countries ceased to be global rivals and the likelihood of a deliberate war between them came close to zero, despite serious differences of views on some issues, such as Yugoslavia (1999) and Iraq (2003), Russian domestic politics and elections in Ukraine (2004–2005), the NATO extension (1999 and 2003) and US activities in the post-Soviet space. Moscow and Washington are no longer the leaders of the two coalitions of states and political-ideological movements, that had been dividing the world for almost five decades. Their relations, in spite of recurring ups and downs, frictions, disagreements and mutual recriminations, comprise numerous and important areas of co-operation, economic and political.

The 1990s and early 2000s showed the beginnings of co-operation in peacekeeping operations, resolution of regional conflicts, the common struggle against terrorism. It is also pertinent to cite joint ground and naval exercises, programs of securing and eliminating stockpiles of nuclear and chemical weapons, safe disposal of nuclear materials and old nuclear submarines, salvage operations at sea and joint space manned systems.

¹ *Nezavisimaya Gazeta*. 2004. 18 Oct.

² Sergei Ivanov explains to Britons the goals and tasks of the Russia Nuclear Forces; see URL <http://www.rol.ru/news/misc/news/04/07/14_010.htm> (visited on 30 Dec. 2004).

Changing parameters of nuclear postures

Since the early nineties the RF and the USA have halved their SNF in terms of nuclear re-entry vehicles (warheads) under the Strategic Arms Reduction Treaty (START-I). They are expected to reduce them by another 60 percent by 2012 under the 2002 Strategic Offensive Reductions Treaty (SORT). Combined with cuts in their tactical nuclear weapons (TNWs), the reductions will apparently amount to at least around 80 percent over the 20-year period since the early 1990's.

But there is also the other side of the coin. Unlike before, the USA, RF and some other great powers have openly or tacitly discarded the idea of nuclear disarmament as an indispensable, even if faraway, condition of general security. What is much worse, they are dismantling the complex of central nuclear disarmament agreements to keep maximum freedom of action in technical development and plans for combat use of nuclear weapons as reflected in their official doctrines, arms programs and military budgets.

For instance, the USA does not consider it worthwhile even to discuss the subsequent (following the Moscow Treaty of 2002) measures of strategic nuclear reductions in the foreseeable future and has withdrawn from the ABM Treaty and rejected the Comprehensive Nuclear Test-Ban Treaty (CTBT) of 1996. It has apparently also lost interest in the Fissile Materials Cut-Off Treaty (FMCT) and is sceptical towards universal measures for enhancing the effectiveness of the nuclear Non-Proliferation Treaty (NPT) and control mechanisms of the International Atomic Energy Agency (IAEA).

Moreover, Washington is now emphasising the right to launch pre-emptive selective nuclear strikes, thereby promoting a doctrine of practical nuclear war fighting, rather than of traditional nuclear deterrence. The United States' nuclear triad was fully upgraded in the 1980s and 1990s. It will last them for many decades ahead, including large counterforce (disarming first strike) capabilities inherent in Trident II submarine-launched ballistic missiles (SLBMs) with W-88 warheads and Minuteman III ICBMs, refitted with W-87 warheads removed from dismantled Peace-keeper (MX) missiles.

After a rather weak resistance, Moscow has, in fact, resigned itself to the treaty-sweeping course of the United States and demonstrated that it cannot oppose it effectively either at political, diplomatic or military-technical levels. Instead, with quite scarce funding, Russia unwisely attempts to carry out a 'balanced modernisation' of all legs of its nuclear triad, shrinks from discussing TNW and seeks to make up for its setbacks through export of nuclear technologies and materials, as well as massive arms sales abroad.

As early as 1993, the democratic Russia officially went back on a no-first-use commitment taken by the totalitarian Soviet Union in 1982. In 2000–2001, Moscow reconfirmed the position, and now it says that nuclear weapons play a leading role in insuring its national security and even admits a possibility of ‘a selective and limited combat use’ of the strategic weapons in order to ‘de-escalate aggression’³. This implies accomplishing specific tasks of conducting and terminating nuclear warfare, rather than merely of deterring aggression through the capability of inflicting ‘devastating retaliation’, as previously claimed.

Great Britain, France and China are not going to undertake any limitations on their nuclear forces through arms control treaties, alleging that they lag far behind the two major NWS. They are implementing planned long-term modernisation and, in some respects, a build-up of nuclear arsenals.⁴

Now, as never before, nuclear deterrence looks like a factor that is most likely to remain forever as part of international relations, at least until another, more devastating or efficient weapon is invented. Moreover, this posture is taken not because of the colossal technical or political difficulties of achieving ‘general and complete nuclear disarmament’, but because of presumably considerable ‘inherent advantages’ of nuclear weapons as means of sustaining national security and ‘civilising’ international relations through making the nations more responsible. Obviously the Big Five openly or tacitly treat nuclear deterrence as an indispensable and legitimate instrument of their security and military policies that they are born to pursue, while claiming that other countries have no right to acquire NW.

Paradoxes and deficiencies of nuclear deterrence

As the authors of this chapter believe, a decade and a half, which has elapsed since the end of the Cold War, has demonstrated at least three great paradoxes in the sphere of nuclear weapons. They had not been predicted or expected by those striving for the end of the Cold War and hoping for a much safer and better world.

The first paradox: mutual nuclear deterrence between the United States and the Soviet Union/Russia has smoothly outlived their global rivalry and confrontation (1945–1991), and continued in its self-perpetuating momentum even after the collapse of one of the main subjects of deterrence – the Soviet superpower.

³ *Aktualnye zadachi razvitiia Vooruzhennykh Sil Rossiyskoi Federatsii* [Urgent Tasks of the Armed Forces of the Russian Federation], (Ministersvo oboroni. Moskva. 2003), pp. 41–42.

⁴ The concept of the Development of the Soviet SNF in 1940-1990, URL <<http://www.arms.ru/nuclear/1.htm>> (visited on 7 Oct. 2005).

The inexorable dynamics of mutual nuclear deterrence are acquiring a growing negative ‘back feed’ affect on political relations between former opponents. Nuclear deterrence is sustaining a background mistrust and fear of tacit evil intentions of the ‘strategic partner’. (Inadvertent or accidental nuclear attack; possible loss of control over nuclear weapons leading to their acquisition by rebellious groups or terrorists; the other’s plans to gain control over one’s NW or to deliver a disarming strike against nuclear sites). All this – in the absence of any real political ground for such horrific scenarios or actions.

The second paradox: with the removal of the fear of the escalation of any nuclear weapon use to a global catastrophe, the USA, RF and some other NWS have become much more ‘easygoing’ in contemplating initiation of actual combat employment of NW to perform various specific military missions. Thus, the end of the Cold War has actually lowered, not raised, nuclear threshold, to say nothing of abandoning nuclear warfare planning altogether.

And the third paradox: the end of the Cold War, instead of doing away with nuclear deterrence and eventually NW themselves, has up to now been undermining the regimes for nuclear arms limitations and reductions, transparency and confidence-building. The ABM Treaty, START-II and START-III Framework Arrangement, an Agreement on delineation between strategic and tactical BMD systems, the CTBT, potentially the FMCT and even the NPT – at least as it looks by the results of the disastrous NPT Review Conference of May 2005 – have all fallen victims to this process (primarily at the initiatives of the current US policy-makers).

The whole structure of nuclear arms control is collapsing with most dire predictable consequences through the growth of new threats and risks.

In line with the three above-mentioned paradoxes, there are three main reasons why nuclear deterrence should be superseded with some type of constructive strategic relationship between the USA (the West) and Russia, and eventually among all NWS.

The first one is its irrelevance to the real threats and challenges of the post-Cold War era. Nuclear deterrence remains effective against the least probable or non-existent threats: nuclear or massive conventional attacks by great powers (and their alliances) against each other. But it does not work against new, ‘real and present dangers’: nuclear proliferation, international terrorism, ethnic and religious conflicts, drugs and arms traffic, trans-border crime and illegal migration, etc. Whether nuclear disarmament might contain nuclear proliferation – is a major debatable point. However, it is certain that nuclear deterrence cannot stop it, and it is quite probable that it encourages further expansion of the ‘nuclear club’.

The second reason is that the relations of mutual nuclear deterrence place tangible limitations on the ability of great powers to genuinely co-operate in dealing with new threats and challenges. The degree of co-operation of the Cold War times, when most of arms control treaties, including the NPT, were concluded, is not sufficient for the new era.

An order of magnitude greater mutual trust and co-operative efforts among partner states is required for such endeavours, as co-operation of secret services and special forces; joint counter-proliferation policies (Proliferation Security Initiative, PSI), and actual combat operations against terrorists, rogue and failed states; officially initiated joint early warning and BMD systems; much more stringent nuclear and missile export control regimes; programs of greater safety and better accounting of nuclear warheads and nuclear materials (implying broad transparency and access to each other's secret sites); verifiable cessation of production of weapon grade nuclear materials in the world; ambitious Global Partnership projects. Accomplishments in these co-operative undertakings are difficult to imagine while the USA and the RF still target thousands of nuclear warheads at each other, keep missiles on hair-trigger alert and modernise their SNF to preserve robust retaliatory capabilities against each other. Besides, as mentioned above, the momentum of nuclear deterrence in combination with new threats and missions may destabilise the very strategic relations among great powers and still further undercut their ability to act together.

And last but not the least – the problem of resource allocation. Sustaining nuclear deterrence at current and even reduced levels (down to 1700–2200 deployed warheads under the SORT) is an expensive luxury. Taking into account the fact that the two biggest NWS assign the bulk of these forces the mission of destroying each other, as well as to serve ‘as a hedge against future uncertainty’.

This aimless ‘hedge’ may be relatively not so expensive for the United States. The USA has the largest overall defence budget (about as big as that of the sum of all other major states of the world). This nuclear super power has fully modernised its SNF in the 1980-1990's having invested a ‘strategic capital’ that would last for decades in future. Still, even for the United States it would be easy to find much better allocation of the resources within its defence policy or outside it.

For Russia, the burden of maintaining a robust nuclear deterrence is relatively much heavier. Moscow is now implementing a ‘balanced modernisation’ of all elements of its strategic triad and planning to keep up with SORT ceilings of 1700–2200 warheads. Having huge problems of military reform to fund and resolve, as well as being badly in need of modernisation and restructuring of its conventional forces, Russia suffers a lot from the waste of money on its NW. The share of expenditures for nuclear deterrent is relatively still bigger for France, Britain and China.

Hence, while maintaining mutual nuclear deterrence, the great powers are wasting huge resources, which otherwise could be used for more appropriate and relevant military and security tasks and missions. Moreover, large scientific and technical intellectual resources are tied by nuclear deterrence. Big state, business, research and political organisations and groups are locked into sustaining nuclear confrontation in economic, technical and mental respects instead of addressing more realistic and urgent needs of national and international security.

The authors of this chapter believe that there are three main interfaced routes of revising nuclear deterrence and eventually doing away with it.

One is further reducing and de-alerting the two biggest nuclear forces of the world: Russian and American.

Another one – developing and employing joint ballistic missile attack early warning system (BMEWS) and missile proliferation monitoring facilities.

And the third route includes developing and deploying joint BMD systems.

Initially the second and third avenues would be addressed to nuclear and missile proliferation threats. But, eventually, – in parallel with transforming nuclear forces of both sides – it would embrace a growing part of the strategic assets of the two states and their allies and replace their present mutual nuclear deterrence with a qualitatively new type of strategic relationship.

The new relationship may be alternatively defined as ‘nuclear partnership’, ‘joint management of nuclear weapons’, ‘co-operative nuclear weapons policies’, ‘common nuclear security framework’, ‘mutual nuclear insurance (assurance) strategy’ or many other ways, depending on one’s taste and semantic skills. One way or the other, the main problem is not inventing the term, but understanding the substance of the matter, which is addressed in this chapter.

Offensive forces reduction and de-alerting

Measures of a phased retreat from the mutual nuclear deterrence stance have been developed for a long time. Among other things, they include the mid-1990’s agreements on de-targeting of strategic missiles against the territories of each other, procedures for lowering missiles’ alert status, changing the patrol patterns of submarines and bombers, etc.

However, these measures were and remain to be either symbolic or hard-to-implement. The reason – high quantitative levels and some qualitative characteristics of the SNF of the two states, as well as the deep-rooted plans of their combat employment, which in material terms invariably doom them to oppose each other.

In order to overcome this 'syndrome', Moscow and Washington should, as an immediate objective move forward with turning the SORT (2002) 'agreement on intentions' into a full-scale arms reduction treaty. They must agree upon the stages in the weapons reductions pursuant to the SORT, warhead counting rules, as well as settle issues of removing the secondary limitations of the START-I, that make Russia and the USA allocate extra funds.

Moscow and Washington should start discussing verification of the stored warheads and their disposal. (With due regard for the existing experience of liquidation of warheads under the INF Treaty). It would be useful to hold consultations on further enhancing transparency of the strategic nuclear weapons and their operational deployment.

Besides, the duration of the START-I should be extended till 2012, in order to exclude an arms control and verification gap between 2009 (when the START-I is to expire) and the SORT (which should be implemented by 2012). If the legal and substantive points of the SORT are fixed soon, the START I extension would be needed for the sake of transparency. Finally, the duration of the SORT should be extended till 2015 to avoid the problem related to the Treaty termination simultaneously with the end of the implementation of the SNF reductions under the SORT.

All this would not of itself change the character of the US-Russian strategic relationship, but profoundly stabilise it and thus provide the necessary starting point, framework and momentum for further steps, which are to deal directly with the fundamentals of mutual nuclear deterrence.

At the next stage, it might be appropriate to conclude another SORT (SORT-II), which could, for instance, envisage reduction of the operationally deployed warheads down to the limit of about 1000 by 2017, provided the parties agree upon appropriate definitions, counting rules and verification.

This level would not be just another reduced ceiling for the same mutual deterrence potentials. It would be of special significance, for it is apparently the lowest limit, which the two states could set on their SNF, leaving out of the account the SNF of the three other NWS, as well as the counter-force potential of long-range precision-guided conventional weapons and BMD/AAD defensive systems.

It is even more important that somewhere near this limit, the SNF of the two biggest nuclear powers cease to be targeted predominantly against each other's forces and urban-industrial sites. Taking into account the part of the SNF, which is not routinely operationally deployed, and not on patrol or at high alert status, nor in overhaul or retrofit procedures, – the combat ready forces would then be apportioned in much more balanced ways between targets on each other territories, in 'de-facto' NWS and 'rogue states' as well as on conventional and additional targets in other countries.

Technology of quick re-targeting would help to assign the SNF not simply to multiple attack options against each other, but multiple war scenarios against various categories of opponents. In some of those scenarios, the US and Russian SNF might stay neutral to each other or even act like allied forces. The nuclear balance would then be turning from predominantly bilateral into increasingly multilateral pattern, which would start the process of unlocking the US and Russian SNF from their traditional mutual nuclear deterrence dynamics and predicament.

Reductions below the level of 1000 warheads do not seem attractive unless combined with stringent stability-aimed limitations, which have always been controversial in view of different geo-strategic situation, force structure and operational concepts of the sides. These differences would become much more conspicuous and hard to resolve at very low levels. Besides, just further linear reductions: down to 700-500-300 warheads – would involve numerous external issues (taking account of TNW, third NWS, defensive systems, conventional forces and systems, etc). Also, if implemented within the traditional mutual deterrence paradigm, it could destabilise strategic balance by making forces more vulnerable and increasing the effect of counter-force strikes. Even if not, the inexorable logic of most efficient targeting of smaller force would put the highest price tag on hitting vulnerable and few C³I facilities (decapitation strikes) and this would be even more destabilising. And last but not the least, within mutual deterrence model getting down to very low weapons numbers would revive a dilemma of making nuclear war less unthinkable and deterrence less credible.

Cutting the US and Russian operationally deployed forces to around 1000 warheads would avoid the above negative consequences and at the same time open the door to a genuinely new steps of revising the US-Russian mutual deterrence paradigm. Those steps may start with a mutual US-Russian ban on launch-on-warning operational concepts and then follow on with a qualitatively new arms control agreements on de-alerting the SNF by technical measures and changes in their operational deployment practices.

Although nuclear deterrence is not confined to the concept of launch-on-warning attacks that has been adopted by both the United States and USSR/Russia, this concept certainly implies deterrence in its most dangerous and politically least controlled form. In order to take a decision on the launch of missiles on the basis of information from early-warning systems, the national leaders have only a few minutes at their disposal. Therefore, there is always a risk of a miscalculation or technical malfunction, leading to accidental or inadvertent nuclear war.

Moreover, the very practice of planning launch-on-warning attacks once again underlines that the unchanged principles of nuclear deterrence

are in flagrant conflict with the partnership relations between the RF and USA. It refers precisely to their bilateral mutual deterrence paradigm, since only these two states possess missile early-warning systems and missiles capable of launch-on-warning (LOW) strikes. This concept has nothing to do with China's nuclear forces, for its forces are not expected to have a noticeable counter-force capability in the near future and hence, even in case of hypothetical Chinese missile strike, there is no incentive to urgently launch a counterattack. The same is true of Russia's LOW operation in response to British or French hypothetical nuclear strikes until their SLBM forces acquire counter-force capability and (or) deliver a strike in co-ordination with a US massive missile attack.

Of course, there is always a problem of the vulnerability of the US and Russian C³I systems to even a limited surprise nuclear strike. But it is generally believed that with a large survivable part of the strategic force, the command and control would be reconstituted sooner or later and devastating retaliation inflicted on the aggressor.

At first sight, the rejection of the LOW concepts might seem to be a purely declarative measure, with no verification provisions as a backup. Yet, the rejection of launch-on-warning attack plans can be confirmed with sufficient reliability by verifiable technical means of lowering the alert status of any component of the nuclear triad and especially the one intended primarily for missile launches based on information from warning systems.

While the abandonment of the LOW concepts may be verified in a highly reliable way by technical and operational de-alerting of the SNF, even beside and before that some steps to substantiate such an agreement are feasible. One is an agreement to invite representatives of the other side to all large-scale SNF exercises to prove that the LOW is not the task of training. Another, a more far reaching, possibility would be an agreement to place permanent liaison officers at the SNF command centres (the USA – at Offut, Russia – at Vlasikha). As well as at – the US NORAD and the RF Missile-Space Defence command centres (by analogy with Russian-NATO missions, but with permanent on-duty presence of foreign officers at the sites).

A major portion of the set of the organisational and technical measures aimed at lowering the combat readiness has already been studied by experts in the context of practical implementation of the START II, which provided for 'deactivation' of the delivery vehicles subject to destruction under the aforementioned treaty. In doing so, they interpreted the term 'deactivation' in such a way that elements of the missile systems of each party should be put into a state that makes the missile launch impossible without putting them back into an initial state.

Russian specialists have developed a number of alternative procedures for reducing and restoring the missile launch alert status, systems of inspections and notifications on a changed level of combat readiness, which are considered to be acceptable for the Russian SNF. Most of them can also be applied to the US SNF, but they should be assessed in full detail and agreed upon by US specialists.

The following ways of deactivation of ICBMs are feasible:

- Removal of a re-entry vehicle (RV);
- Dismantling an onboard power supply unit;
- Dismantling gas generators, which open the roof of a silo launcher;
- Mechanical dissection of a pneumohydraulic system of ICBM pre-launch operation and launching.

The techniques of the SLBM deactivation should be applied only to the SSBNs deployed at their bases. The following techniques of reducing SLBM readiness for an immediate launch can be considered:

Blocking the opening of a SLBM launcher hatch through a welding operation;

Removal of re-entry vehicles from SLBM;

Retrieval of the SLBM from the SSBN launcher and its placement in base storage.

In terms of economy, preference should be given to measures of reducing readiness that can be implemented at the least cost and are at the same time verifiable at a level of reliability that is found acceptable by the other party.

The air leg of triads is not usually associated with the launch-on-warning concept. In case of crises, bombers may be put on 15-minute alert or ordered to take-off in anticipation of attack and stay on air patrol for many hours.

However, if de-alerting is applied in a more general mode, bombers should also be subject to such measures. This is because of the fact that the greatest asymmetry between the USA and Russia is in the air component, and Moscow would not agree to leave it out. This is all the more so because the reconstitution time to return missiles back to a high alert status, as was shown above, may require many hours or days, and this time is in many cases shorter than the bomber flight time between the USA and RF.

The simplest and most easily verifiable procedure for de-alerting bombers was invented in the START-I with respect to converting nuclear-capable bombers for non-nuclear missions. It consists of placing bomber nuclear weapons (ALCMs and gravity bombs) in storage facilities not closer than 100 km from a bomber deployment base and prohibiting mixed basing of nuclear-capable and converted bombers.

However, in contrast to missiles, bombers may fly to other airfields where nuclear weapons are stored. They may be quickly armed in order to be put on high alert or take-off for a nuclear strike. If this possibility is taken seriously, more complicated and expensive technical measures may be required to de-alert bombers through removing their ability to quickly take-off or to carry nuclear weapons. Here the procedures of converting heavy bombers for non-nuclear missions (with functionally related observable differences incorporated), elaborated under START I, might be most appropriate.

In implementing phased de-alerting of their SNF the RF and USA would eventually encounter the problem of third NWS and tactical nuclear forces. At sufficiently low levels of forces remaining in combat readiness and with a long reconstitution time of the remaining forces, the two powers may become concerned, if only theoretically, about a possibility of a surprise attack from other NWS. And in the case of Russia – about a strike of US forward-based tactical nuclear weapons.

This problem can be addressed by an agreement with Britain, France and China on the expansion of de-alerting procedure to their forces. For instance, equal ceilings may be set for the combat ready forces of all five NWS at a level of 0-200 warheads. Incidentally, this solution would bypass the touchy question of equality between the two bigger and three smaller nuclear forces. The US and RF would retain their superiority in view of their large de-alerted forces, while the other three powers would enjoy a long wished legalised equality with the big two in combat ready forces. Third NWS would legally be free to expand de-alerted forces too, which they would hardly do for practical reasons, except China, which would probably eventually build larger overall SNF (including medium range missiles, which the two nuclear superpowers had destroyed under the INF Treaty (1987)). However, de-alerting procedures would make it not so important a problem.

With respect of TNW, de-alerting would not be applicable, since these weapons are delivered by dual-purpose systems. Hence, the solution may be found in an agreement to relocate all TNWs to central storage, including withdrawal of US weapons to the continental United States. Such an agreement would not be difficult to verify through measures of transparency and, if needed, permanent monitoring of central storage facilities. Presently Russia keeps TNWs only at air and naval bases, ready for employment, as well as routinely deploys them at attack submarines and surface ships at sea. All other TNW types are placed at central storage anyway.

Since Russia apparently is planning to rely heavily on TNW in view of the weakness of its conventional forces facing NATO and China, such a deal on tactical weapons would affect Russia more than other NWS. Implementation of the Agreement on Adaptation of the CFE Treaty by all

member states would be conducive to alleviating Moscow's concerns in the West. (Presently, Russia and Belarus have ratified it.) Even greater positive effect could be achieved by going for a new CFE agreement, further reducing (at least by 50%) national and territorial allocations in conventional weapons under the Agreement on Adaptation of the CFE Treaty.

The option of keeping TNWs in central storage instead of eliminating them would probably be more acceptable for Moscow as a hedge against a worst case contingency in Europe or in the East. Besides, the withdrawal of the US TNWs from Europe would be a solid reward for Russia and a great symbol of the abandonment by NATO of its traditional features as a military alliance against Russia.

Accomplishing all this would be a formidable challenge indeed, taking into account different force structures, deployment practices and employment plans, which imply different deactivation techniques affecting in asymmetric ways major parts of the SNF of each side. Besides, these very techniques vary in implementation costs, time and resulting reconstitution time, cost and visibility.

However, in the authors' view, with sufficient goodwill such obstacles may be overcome at no greater effort, than was required to reach the SALT-II and START-I during Cold War times.

Integration of early warning and monitoring systems

Even the most radical methods of de-alerting through deactivation, as much as they would move the two parties away from combat-ready mutual deterrence relationship, would not do away with it completely. The reason is that such steps would remain reversible – even if with long lead time and huge expenditures of economic and organisational resources.

To make the change irreversible – additional measures would be needed outside the realm of the SNF. These other aspects are early warning and defensive systems. Gradual integration of such systems would finally and irreversibly do away with mutual nuclear deterrence, since nations having common early warning and missile and air defence systems technically cannot fight each other and have no reason, even theoretically, to deter each other.

Initially, nuclear and missile proliferation in the world had resulted in a major common perception by the United States and USSR/Russia and eventually among all great powers of a new threat and joint interest in coping with it. This led to the NPT and its mechanisms and MTCR. Dialectically, after the end of the Cold War the expanding co-operation among great powers on the issues of resisting the WMD proliferation have

raised the question of creating co-operative early warning and surveillance, as well as BMD systems.

As far back as 1998, presidents Yeltsin and Clinton took an important decision in Moscow to set up a joint centre for the exchange of data from early warning systems. On 4 June 2000, a respective memorandum was signed concerning the establishment of the Joint Data Exchange Centre (JDEC) that entered into force upon the date of signature and will remain effective for a 10-year period, until 4 July 2010.

The Centre is designed not only to avoid inadvertent nuclear war in case of the parties' accidental launch of missiles, but also to detect missile launches from the territories of any country and areas of seas and oceans. This function is based on early warning and reconnaissance systems, and it allows for an objective verification of missile programs of other nations – above all in unstable regions. The site of the Centre has been picked and the tables of organisation, personnel functional duties and a list of equipment have been determined.

And yet the Centre has not functioned so far. On the surface, the reasons for it are the unresolved issues of taxation and damage liability.

The liability problem is a major part of the joint Russian-American nuclear threat reduction and non-proliferation projects. But this is also an obstacle on the way towards starting the operation of the Centre. Should there be a mutual political will of the two parties, the difficulties could easily be overcome without setting a precedent for other programs, since possible damage associated with the JDEC is negligible, compared to the elimination of nuclear and chemical weapons and materials.

Beside liability and taxes, there is a more fundamental obstacle: the United States and Russia, as well as other NWS, retained mutual nuclear deterrence as a basis of their national security strategies and the primary mode of strategic relationships. As a result, integration of early warning and defence systems, having barely started, gradually came to a dead-end, undercutting (together with some other factors) the great powers' co-operation on non-proliferation.

In order to facilitate the much-needed co-operation in countering new security threats, an aggressive fresh start is required in integrating early warning and defence systems. Operation of the Centre could furnish objective display information about the proliferation of missiles and missile technologies. Russian missile early warning radars (EWR) based near Moscow and in the south of the former USSR provide such operational information about missile launches in the unstable regions (North Africa, Middle East, South Asia) that cannot be reached by the United States early warning radars.

Information should be exchanged on the launches of Russian and US ballistic missiles and space launch vehicles detected by early warning sys-

tems, as well as ballistic missile launches of the third states that might pose a direct threat to Russia and the USA or might bring about an ambiguous situation and lead to its possible incorrect interpretation.

The JDEC functions could be further expanded through a higher level of operational data exchange that would be the first step on the way towards permanent presence of Russian and US representatives at early warning central command posts of various levels. Co-operation on the development of BMD systems, addressed below, would naturally imply expanding the JDEC functions and interfacing early warning systems towards providing data to anti-missile defences, which is not envisioned in the current agreement on the JDEC.

Subsequently the JDEC could be used as a basis for setting up a multilateral regime of missile launches notifications and data exchange. With this aim in view, after the technological infrastructure and special software is developed and some technical issues are elaborated on a bilateral US-Russian basis, Russia and the United States might jointly approach other countries offering them to join the regime, as long as they abide by the terms of the NPT and MTCR.

At the same time, in the process of logical transition from mere exchange of information to technical integration of larger and larger portions of early warning systems and eventually to their joint development and deployment, US-Russian strategic relations cannot but be deeply affected. They will be transformed from mutual nuclear deterrence to genuine strategic alliance (in the literal military meaning of the term 'strategic').

Joint anti-missile defences

Transition from the joint theatre BMD computer exercises of Russian and US military specialists (which have been practised for many years) to a full-scale co-operation between Russia and the United States in developing and deployment of BMD systems to intercept all types of ballistic missiles would be a crucial and final step in departing from the mutual nuclear deterrence. This grand endeavour was conceived in the May 2002 Russian-American official document 'On the foundations of strategic relations between the United States of America and the Russian Federation'.

Indeed, the states that deploy and maintain a joint BMD system cannot, by definition, be opponents deterring each other with nuclear weapons. Moreover, they must be full-scale military allies and at that be even closer than NATO or Warsaw Pact allies during the Cold War times. This implies much greater degree of commonality of foreign and security interests and policies, than exists now between the United States and Russia or,

for this matter, even between the USA and its European NATO allies (with the one possible exception of Britain).

Primarily because of the continuing relations of mutual nuclear deterrence and growing political controversies, nothing serious up to now came out of the BMD co-operation agreement of 2002. And yet, taking into account new threats and challenges, this may be not a totally fantastic proposition for the future. The BMD, which has been one of the major apples of discord, mistrust and hostility between Washington and Moscow in the past, might become a principle integrating and uniting factor in future, fundamentally changing their political and military relationship.

An analysis of the US BMD systems, presently undergoing testing shows that, although it is expected to take a rather long time to complete their full-scale research and experimental development, participation of Russian R&D organisations in these processes is, in fact, impossible. The technical reasons are that Russian technologies of sensors, element bases and homing systems, if used for a non-nuclear intercept, would not be attractive.

At the same time, the US-developed weapons to intercept ballistic missiles at the boost phase of their trajectory have many faults that impair their effectiveness. The missiles can be intercepted, if the speed of an interceptor is more than that of the missile moving at a booster phase and the distance between the interceptor and the attacked liquid-fuelled missile in no more than 500 km (and 300 km for a solid-propellant missile). The mission is still more complicated in case of an intercept of missiles launched from the hinterland of countries posing a potential threat. In this respect, co-operation with Russia might be very efficient in developing a new generation of BMD weapons designed to destroy all types of missiles at a boost phase, because Russian research and design organisations have an approximately 10 year time lead in the field of high-speed interceptor missiles and solid-propellants technologies.

Yet, this is not the only promising area of co-operation between the RF and USA. Successful intercept of missiles across the full spectrum of ranges and phases of their flight largely depends on the capabilities of ground, space and sea-based information systems. Unique capabilities are provided in this sense by Russian phased array missile attack early warning radar stations in Ukraine, Azerbaijan and Kazakhstan to track missile launches from the 'belt of instability' extending from North Africa to the Middle East, Persian Gulf and South Asia. When integrated, the capabilities of the US and Russian nuclear attack warning systems would grow in terms of their efficiency from 20 to 70 percent, compared to US-only early warning capabilities.

A much deeper co-operation can be achieved through deploying a joint Space Tracking and Surveillance System (STSS). Spacecraft of the system weighing around 650 kg each and carrying infrared and visible

light sensors could be launched into a circular orbit with a height of 1350–1400 km and inclination of 60–70 degrees, with converted-type heavy missiles developed under the joint Russian-Ukrainian ‘Dnieper’ project used as space launch vehicles. The vehicle with a launch weight of around 210 tons is a derivative of the Russian SS-18 (RS-20 or RT-36) heavy ICBM. Such a vehicle carrying a booster stage and re-startable engines is capable of placing into 1400-km orbit of a required inclination two spacecraft of the STSS system in one launch. This would allow for a low-cost deployment of a constellation of low-orbit spacecraft for information support of a global BMD system.

Eventually, the two nations could make a great contribution to the missile non-proliferation regime through the expansion of the joint BMD with land-, sea-, air-, and space-based detection, and tracking and intercept systems. Provided that the MTCR sooner or later is based on a treaty or convention, and that it envisions obligatory notification of all missile launches, – such defence system would be able to impose compliance with the non-proliferation obligation by intercepting all missiles launched without notification.

In addition to technical and strategic problems, this raises a touchy issue of the third parties. The US-Russian joint project cannot leave out their close allies. American NATO allies, Japan and South Korea (or a unified Korea by that time) would naturally be entitled to participation and the benefits of protection of such a system. Russian post-Soviet partners from a strategic point of view would not be a problem either.

The real problem would be posed by such nations with BM and (or) NW capabilities, as China, India, Pakistan, Israel, Iran, North Korea, Egypt, Libya, Syria, Saudi Arabia, Taiwan, Yemen, and Vietnam. Staying outside the collective anti-missile regime, China, India and Pakistan would certainly not favour it. They would perceive a multilateral and multi-layered BMD system as designed to negate their nuclear deterrence capability and undercut their security by making them vulnerable and unable to retaliate to a nuclear or conventional attack by the ‘members of the club’. At the same time, Russia is putting a high value on its political, economic and military relations (arms transfers) with some of the potential outsiders – China, India, and Iran. While the United States has an interest in protecting Israel, Pakistan, Egypt, Saudi Arabia, Taiwan.

It is conceivable that a multilateral BMD regime could be open to third parties in terms of its protective guarantees (although not necessarily in development, deployment and operational command). If these parties are ready to do away with their offensive deterrence posture through de-alerting, deactivation, arms reductions and limitations and transparency, as well as to join all regimes and mechanisms of the NPT, MTCR, JDEC and future missile launch notification provisions.

No doubt, doing away with nuclear deterrence, in particular, for a country with a relatively weak nuclear force, would imply serious changes in its foreign and, possibly, domestic policies. However, it would be its own choice – with the alternative staying outside of the comprehensive framework of multilateral strategic co-operation.

Technological revolution: progress in low-yield and selective-effects nuclear munitions, dual purpose delivery vehicles, as well as BMD systems, space-based and precision-guided conventional weapons – all these developments have been eroding nuclear deterrence, blurring the ‘nuclear threshold’.

As nuclear deterrence and its means become more multilateral, uneven in technical foundations and eventually available to sub-state entities – nuclear deterrence would constitute more and more dubious and potentially explosive foundation of the security and foreign policies of the great powers.

In this sense nuclear deterrence – as a strategy of avoiding nuclear war while possessing many nuclear arms – bears the seeds of its own eventual failure through the eruption of actual nuclear warfare, and the question is not ‘whether?’ but rather ‘when and how’?

Mutual nuclear deterrence will not fade away by itself, – even though its political and ideological foundations have become irrelevant alongside with the Cold War, – without a well conceived, long-term and persistent joint effort, which combines diplomacy, finances, technology and politics, leading to a new type of arms control arrangement. It is now an established fact of life, demonstrated by the recent 15-year ‘natural experiment’.

There is no question that, as long as nuclear weapons exist, nuclear deterrence will remain reversible and even the actual use of such weapons cannot be excluded. Only an effective elimination of nuclear weapons, ‘final and complete nuclear disarmament’, might provide a reliable guarantee against this eventuality. However, with all due respect for this goal, it is not at all clear, first of all, what is the strategic and technical meaning of the term ‘complete nuclear disarmament’. Does it mean a world, in which no nuclear warheads or their delivery systems are deployed, no warheads are held in storage, a world in which individual nations do not possess any weapons-grade nuclear materials, nuclear enrichment or re-processing facilities? How to verify such measures?

Secondly, nuclear disarmament shall not make the world ‘safe’ from large-scale conventional wars or use of other WMD or new classes of weapons (on new physical principles). Hence, the very notion of the threat of force and use of force, as a primary instrument of international relations

for thousands of years, will have to be fully revised. This would mean some kind of supra-national world government (in addition to the creation of an international nuclear energy complex or world energy corporation). Such a project is not easy now to contemplate theoretically, to say nothing of its practical implementation. And it goes far beyond the scope of this chapter.

The fundamental dilemma for the present time and the foreseeable future may be reduced to the following. Is it possible, first of all, for the USA and the RF, to give up mutual nuclear deterrence, while: (1) retaining thousands or hundreds of NW and (2) lacking 'a clear and present' common enemy, strong enough for the two nations to unite against and combine their enormous nuclear arsenals.

The authors of this chapter do think that it is possible, provided that sufficient political will, intellectual resources and administrative efforts are applied to this goal by the United States, Russia and later on by other great powers.

By way of reservation, it is necessary to point out that since many nuclear weapons would anyway remain in service and storage, even if the recommendations of this paper were turned into reality, nuclear deterrence will still remain as a remote, background and virtual possibility among the states that implement such proposals. Also in a more practical operational and technical form it would be preserved against the states that do not join a regime of new type of nuclear non-deterrence relationship.

However, what is most important, mutual nuclear deterrence would be effectively removed: (1) as a foundation of US-Russian (Russian-Western or great powers') operational strategic relationship, (2) as a material embodiment of their confrontational military relations, (3) as an impediment to their security and political co-operation against new threats, and (4) as a huge drain on their financial resources and scientific-technological innovations.

The above proposals may at first glance look more like a craving, rather than a realistic program of actions. It is true the current policies of the US and Russian governments, as well as that of other recognised NWS, do not seem very encouraging. Besides, political tensions between Moscow and Washington, between Russia and the West, as well as between China and the West on a number of international and domestic political issues are growing.

No doubt, a unique opportunity for such steps was missed during the mid-late 1990's. As experience has demonstrated, neither high political tension, characteristic of the Cold War, nor its significant relaxation, as occurred during the 1990's, were accompanied by serious efforts for doing away with mutual nuclear deterrence. Hence, if it is at all feasible, now may be exactly the right time for the political elites of the leading nations to acknowledge that the current nuclear relations need to be radically transformed and to master the methods of achieving the appropriate transformation.

2. LEGAL AND PRACTICAL ASPECTS OF THE ANTITERRORISM CAMPAIGN

Ekaterina STEPANOVA

In the past decades, the main problem and weakness of the international law against terrorism has been the absence of the internationally agreed and recognised UN definition of terrorism. The international anti-terrorism law has long focused on combating actions of terrorist type rather than terrorism as a whole¹.

Attempts to identify specific types of terrorist actions before addressing the more general problem of defining terrorism as a whole were justified as a pragmatic short-to mid-term tactics. The international community usually reacted to changes in terrorist targets and tactics by adopting specific conventions against corresponding types of terrorist attacks (for instance, the frequency of airline hijacking in the 1960s and 1970s led to the adoption of several conventions regarding seizure and interference with the civil aviation). A temporary substitute for the lack of the internationally agreed definition was provided by the UN formula of 'terrorism in all forms and manifestations'².

¹ The international law against terrorism is formed on the basis of the 12 United Nations conventions on terrorism deposited with the UN Secretary-General (for the list of conventions, see URL <<http://untreaty.un.org/English/Terrorism.asp>>), as well as relevant UN Security Council resolutions and other documents, including regional anti-terrorism conventions adopted by countries of Europe, Asia, and Latin America. The 13th UN antiterrorism convention – the International Convention for the Suppression of Acts of Nuclear Terrorism (2005) – was opened for signature on 14 Sept. 2005. It will enter into force on the thirtieth day following the date of the deposit of the twenty-second instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.

² The 'working definition' of terrorism introduced by the 1999 International Convention for the Suppression of the Financing of Terrorism did not solve the problem, as it was a technical definition, rather than a conceptual one. See *International Convention for the Suppression of the Financing of Terrorism*, adopted by the General Assembly of the United Nations in Resolution 54/109 of 9 Dec. 1999. Art. 2, para. 1. URL <<http://www.un.org/law/cod/finterr.htm>>.

In 2004, terrorism ‘in all its forms and manifestations’ was clearly defined by the UN Security Council as ‘one of the most serious threats to peace and security’. The scale and intensity of this threat may require action in accordance with Chapter VII of the UN Charter (‘Action with respect to threats to the peace, breaches of the peace, and acts of aggression’)³.

The absence of the internationally recognised definition of terrorism has limited the effectiveness of international antiterrorism conventions and other legal instruments to combat terrorism and left a certain gap between national antiterrorism legislation of different states and the international antiterrorism law. This gap gives groups that use terrorist means and the sponsors of terrorism a certain freedom of manoeuvre in the international legal field.

In the early 21st century the need to agree on a common international definition of terrorism became more pressing than ever.

The UN and the evolution of the international antiterrorism legislation and practices

From the start, disputes over the definitional issue have primarily been of political, rather than of a legal nature. The terrorism-related agenda was often used by states, non-state actors and international organisations to manipulate politics and public opinion, to exercise pressure on a number of states, or to aggressively advance a certain set of norms and values. The most contentious issues have been the main targets and goals of terrorism, the attempts to distinguish between terrorism and national-liberation movements and the problem of the so-called state terrorism. Any emerging international definition of terrorism should also be formulated in a way that it does not contradict the current antiterrorism conventions.

The clear political sub-text of international discussions of these issues largely explains why it has taken the UN so long to discuss and review the draft Comprehensive Convention Against Terrorism first submitted to the UN by India in 1996. One of the main conceptual goals of this document is precisely to give an international legal definition of terrorism. Despite scepticism on the part of some observers, including those Russian experts who dismissed the draft convention as a ‘fantastic and naïve idea’⁴, the work on the draft continues. It even appears that the drafters are close to reaching a final compromise on the definition of terrorism. The UN ability to achieve a certain progress on the three key definitional issues at dispute provides ground

³ UN document S/RES/1566 (2004).

⁴ Cited in: *Yaderny Kontrol* [Nuclear Control], 2003, v. 9, no. 4, p. 77.

for moderate optimism. This is reflected in the text of UNSCR 1566 (Oct. 2004) and in the Report of the Secretary-General's High-level Panel on Threats, Challenges and Change (Dec. 2004).

Firstly, while UNSCR 1566 does not clearly define the immediate **target of terrorist attacks** (referring to 'criminal acts, including against civilians'),⁵ the UN High-level Panel on Threats, Challenges and Change Report, in its special section on terrorism, refers to 'any action intended to cause death or serious bodily harm to *civilians or non-combatants*' (**author's italics**)⁶. This wording is close to the one used in the International Convention for the Suppression of the Financing of Terrorism (1999) that refers to acts intended to cause death or injury 'to a civilian or any other person not taking an active part in the hostilities in a situation of armed conflict'⁷. Thus, it is confirmed that terrorism directly targets civilians, including all non-combatants.

Secondly, there are almost no variations in UN documents, as far as the **goals of terrorist violence**, or threat to use violence, are concerned. According to UNSCR 1566, the purpose of terrorists is 'to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organisation to do or abstain from doing any act...' The Panel's conclusion is concordant with the UNSC formulation, but it is more laconic. A certain action is viewed as an act of terrorism 'when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a Government or an international organisation to do or to abstain from doing any act'⁸. The main advantage of this wording is that it reflects the asymmetrical nature of terrorism, i. e. the use of, or threat to use, violence against civilians as a way to exercise pressure on a national government or the international community. But this generalised interpretation of the goals of terrorism is also subject to criticism. Intimidating the population is not so much the terrorists' goal in and of itself as the means to achieve their real final objectives. Also, this wording does not refer to the overwhelmingly *political nature* of terrorists' ultimate goals (sometimes also formulated in ideological and religious categories) that distinguishes terrorism from plain, economically motivated crime.

⁵ UN document S/RES/1566 (2004).

⁶ *A More Secure World: Our Shared Responsibility*. Report of the Secretary-General's High-level Panel on Threats, Challenges and Change (United Nations: N. Y., 2004), para. 164d, p. 52; URL <<http://www.un.org/News/dh/infocus/terrorism/sg%20high-level%20panel%20report-terrorism.htm>>.

⁷ *International Convention for the Suppression of the Financing of Terrorism*, Art. 2, para. 1b.

⁸ *A More Secure World: Our Shared Responsibility*, para. 164d, p. 52.

A number of national antiterrorism laws, including the US anti-terrorism legislation, define terrorism as a criminal tactics employed to achieve political goals⁹. In different variations, this definition also prevails among the academic experts on terrorism. This idea was not, however, adequately reflected in the UN documents. The UNSC and the participants in the High-level Panel have probably realised that any clearer and more specific definition of terrorists' goals is bound to cause new objections from a number of member states and would have further delayed the adoption of the convention, perhaps for an indefinite period of time. As a result, a broader definition of the goals of terrorism was agreed upon. This definition of terrorists' goals is virtually identical to their interpretation in the Russian anti-terrorism legislation.

Finally, significant progress has been made in overcoming international disagreement over the problem of the so-called 'state terrorism'. Some Western governments, international and non-governmental organisations, particularly various human rights and humanitarian groups, have for decades insisted that the notion of terrorism should be extended to apply to repressive violent actions against civilians exercised by the state itself¹⁰.

Recognising that the use of force by the state against civilians does not fall under the definition of terrorism as such, the High-level Panel and experts working on the draft Comprehensive Convention Against Terrorism called for recognition, in the preamble, that 'State use of force against civilians is regulated by the Geneva conventions and other instruments, and, if of sufficient scale, constitutes a war crime by the persons concerned or a crime against humanity'¹¹. While this interpretation appears to be an optimal one, it still faces persistent objections on human rights grounds. They argue that reference to the existing international legal ban on the use of force by states against civilians is limited by the Geneva Convention

⁹ The US law defines terrorism as 'premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience'. Title 22, US Code, Section 2656f (d).

¹⁰ Attempts by some states to extend the convention to cover acts of so-called 'state terrorism' constituted one of the main stumbling blocs that, among other things, delayed the adoption of the Russian draft of the International Convention for the Suppression of Acts of Nuclear Terrorism. Several states remained dissatisfied with the Art. 4 provision stating that the convention does not apply to actions by the state armed forces, ignoring the fact that a similar regulation had already been successfully applied in three earlier UN conventions – Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988); Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991) and International Convention on the Suppression of Terrorist Bombing (1997).

¹¹ *A More Secure World: Our Shared Responsibility*, para. 164a, p. 52. The term 'terror', rather than 'terrorism', should be employed as a more accurate academic term to denote the massive repressive use of or the threat to use force by the state against civilians (e. g., Jacobean terror, Nazi terror, Stalinist terror etc.), in contrast to 'terrorism' by non-state actors.

and Protocols that regulate the situation of the open armed conflict only (including both international and non-international conflicts). Still, one may convincingly argue that violence against civilians could be employed in the absence of an open armed conflict as such¹². In response to these concerns, the High-level Panel extended the notion of terrorism to cover such cases, having defined it as ‘any action, *in addition to actions (author’s italics)* already specified by the existing convention on various aspects of terrorism, the Geneva Conventions and UNSCR 1566 (2004)’, which employs or threatens violence against civilians to achieve the purposes typical for terrorist attacks (e. g., pressuring the government by intimidating the population)¹³. This clarification, however, does not extend the international definition of terrorism to cover violent actions by states in a situation short of an armed conflict.

In its discussion on the draft Comprehensive Convention against Terrorism, the High-level Panel has also restated that ‘acts under the 12 preceding antiterrorism conventions are terrorism and a crime under international law’¹⁴. This provision also fully applies to the International Convention for the Suppression of Acts of Nuclear Terrorism adopted by the UNGA on 13 April 2005. His convention criminalises even the threat to use radioactive materials or devices. It was also the first time that an anti-terrorist convention was devised not as way to react *post factum* to terrorist attacks of a certain type, but primarily as a means to prevent them¹⁵.

The task of bringing new international initiatives to suppress and prevent terrorism in line with the antiterrorist conventions currently in force will continue, as even the adoption of the Comprehensive Convention against Terrorism will not exclude the possibility of new draft conventions to be proposed. (It is reported that the Israeli Foreign Ministry, for instance, has drafted an international convention against suicide bombers).

Addressing the Madrid summit on ‘Democracy, Terrorism and Security’ on 10 March 2005, the UN Secretary-General Kofi Annan summed up the ‘minimum common denominator’ for the progress achieved in discussions on the international definition of terrorism. The Secretary-General called for a definition of terrorism ‘which would make it clear that any action constitutes terrorism if it is intended to cause death or serious bodily harm to civilians and non-combatants, with the purpose of intimidating a population or compelling a Government or international organisation to

¹² Presentation by Kenneth Roth, Executive Director, Human Rights Watch, at the International summit on ‘Democracy, Terrorism and Security’, Madrid, 9 Mar. 2005.

¹³ *A More Secure World: Our Shared Responsibility*, para. 164d, p. 52.

¹⁴ *Ibid.*, para. 164b. Similar clarifications are made in the text of the International Convention for the Suppression of the Financing of Terrorism and in UNSCR 1566.

¹⁵ For more detail on this convention, see Part I of this volume: Zhukov, G., ‘A milestone on the way to combating nuclear terrorism’.

do or abstain from doing an act'¹⁶. He also formulated a five-point strategy for the United Nations to fight terrorism: dissuading the disaffected from choosing the tactic; denying terrorists the means to carry out attacks; deterring state support; developing state preventive capacity and defending human rights in the struggle against the scourge.

The analysis of the international law against terrorism and the definitional issues would not be complete, however, unless it is supplemented by the brief review of the international **monitoring, legal and law-enforcement practices** in the fight against terrorism, with the main emphasis on the activities of **the UNSC Counter-Terrorism Committee (CTC)**. This committee monitors the implementation of antiterrorism conventions by the UN member states.

The CTC where Russia holds the position of Vice-Chair was established by UNSCR 1373 on 28 September 2001. By the mid-decade, the need to reform the CTC in order to make its work more effective became more urgent. The problem was that many states were slow to implement their antiterrorism obligations. In October 2004, for instance, the UNSC noted that 78 of the 191 UN member states hadn't submitted updated reports to the Committee on time. Also, despite repeated calls by the Security Council and the General Assembly to all countries to ratify and become parties to the international antiterrorist conventions, only 57 nations had done so (while 47 states were parties to fewer than six of the conventions and protocols).

Measures against individuals and organisations included in the 'black list' of the UNSC Committee established pursuant to resolution 1267 (1999) concerning al-Qaida and the Taliban and associated individuals and entities (the 1267 Committee) proved equally ineffective. As of 29 July 2005, the UN Consolidated list of designated individuals, groups and entities included 328 individuals and 116 organisations¹⁷. The UN member states have a binding obligation to freeze the Taliban and al-Qaida-linked financial assets and to impose a travel ban and an arms embargo on blacklisted individuals and groups. According to the August 2004 Report by the Analytical Support and Sanctions Monitoring Team investigating compliance with the sanctions by states, these measures were not fully implemented and did not significantly limit al-Qaida's followers' and associates' ability to raise, access and move money, purchase arms and cross international borders¹⁸. Only

¹⁶ Secretary-General Kofi Annan's keynote address to the closing plenary of the International Summit on Democracy, Terrorism and Security, delivered on 10 Mar. 2005 in Madrid, Spain, UN Press Release SG/SM/9757, 10 Mar. 2005. URL <<http://www.un.org/News/Press/docs/2005/sgsm9757.doc.htm>>.

¹⁷ For the constantly updated list of the UN Sanctions Committee, see URL <<http://www.un.org/Docs/sc/committees/1267/pdflist.pdf>>.

¹⁸ UN document S/2004/679, 25 Aug. 2004: Letter dated 23 Aug. 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1267

19 governments recorded the presence in their countries of any person or group linked to al-Qaida, though the number of places where the network's affiliated groups and those inspired by its actions, are operating is thought to be much higher and their area of operation is truly global. Only 34 governments had reported freezing al-Qaida-linked assets¹⁹.

The arms ban turned out to be equally ineffective: most al-Qaida and international jihadist post-9/11 attacks whose impact went beyond that of local actions (such as the Madrid commuter train bombings of 11 March 2004) have involved arms and materials not covered by any sanctions: from standard, locally-available, civil mining explosives to mobile phones as detonators²⁰.

Also, despite all measures undertaken to curb terrorist financing, international terrorists appeared to have no problem collecting and mobilising funds for the post-September 11 attacks in different parts of the world. This is hardly surprising as, according to the Monitoring Team report, 'al-Qaida operations are not characterised by high cost': less than \$50,000 was spent on each of its major attacks since 11 September 2001²¹.

Taking into consideration these and other difficulties in organising effective international campaign to suppress terrorism, the UNSC adopted resolution 1535 (March 2004) to revitalise its Counter-Terrorism Committee²². The Council decided that the restructured and revitalised CTC would be assisted by the Counter-Terrorist Executive Directorate headed by an Executive Director and responsible for the extended set of tasks, ranging from review of the states' reports on their compliance with counter-terrorism obligations, assessment of their needs in technical capacity-building assistance, co-operation with all international and regional organisations concerned to assignment of advisory and monitoring missions to countries²³.

(1999) concerning al-Qaida and the Taliban and associated individuals and entities addressed to the President of the Security Council containing the First Report of the Monitoring Team pursuant to resolution 1526 (2004), 25 Aug. 2004: URL <<http://daccessdds.un.org/doc/>>. E. g., the report noted that no member state reported a violation of the travel ban by anyone on the 1267 Committee Consolidated List for the three years the sanctions had been in force, while it was 'difficult to believe' no al-Qaida or Taliban member or associate had not crossed a national border.

¹⁹ UN document S/2004/679, 25 Aug. 2004, para. 28–29, p. 9.

²⁰ *Ibid.*, para. 62, p. 19. The Spanish authority claimed that they had discovered no clear evidence of any organisational link between the Islamist group responsible for the 11 March attacks in Madrid and the al-Qaida leadership. See *ibid.*, para. 18, p. 7.

²¹ *Ibid.*, para. 45, p. 12. For further detail on why the global campaign to undermine terrorist financing had such limited effect on the financial activities of Islamic jihadist groups and networks and on the specifics of their financial systems, see Stepanova, E. 'Protivodeistviye finansirovaniyu terrorizma' [Targeting Terrorist Financing] // *Mezhdunarodnyie protsessy* [International Processes], 2005, no 2, pp. 66–73.

²² UN document S/RES/1535 (2004).

²³ See also UN document S/2004/124: Report by the Counter-Terrorism Committee on its revitalisation, 19 Feb. 2004.

In September 2004, both as a general means to improve the CTC performance and as follow-up to a series of large-scale terrorist attacks in Russia (civil aircraft and subway bombings, the Beslan school hostage crisis), Moscow submitted to the UNSC a draft resolution calling for a new 'black list' of terrorist suspects. Moscow suggested to extend it beyond those connected to al-Qaida and Taliban to include 'all individuals, groups and entities involved in or associated with terrorist activities'²⁴. According to the draft, the CTC would draw up the list and review the relevant sanctions. The toughening of the UN antiterrorism sanctions against 'blacklisted' terrorist suspects would facilitate their expedited extradition. The draft resolution defined terrorism as 'acts against civilians with the intent to cause death or serious bodily harm'. It said such deeds are 'under no circumstances justifiable by consideration of a political, philosophical, ideological, racial, ethnic, religious or other similar nature'. Russia also requested the UN Secretary-General to submit his views on establishing a fund to compensate the victims of international terrorism and to explore the possibility for it to be financed by assets confiscated from terrorist organisations.

While publicly other members of the Security Council did not object to the Russian draft, behind the scenes several members, including the USA, expressed concerns over Russia's suggestion to expand the Council's terrorist blacklist. In his presentation of the draft resolution, Foreign Minister Sergei Lavrov did not single out any specific individuals whose extradition Russia would like to expedite. Still, his Western colleagues, including Secretary of State Colin Powell, voiced concerns over what Powell described as Russia's attempt 'to create circumstances which would allow individuals' granted asylum in Western countries 'to be expelled', referring apparently to leaders of the Chechen militants granted asylum and refugee status in the West.

It is worth noting in this context that the United States did not object to the idea of extending the UN 'black list' per se. The USA simply made it clear that it would be satisfied with the extension of the Consolidated list on condition that it was formed primarily and fully in line with the US national interests and those of American allies and its main focus was on those groups and individuals that threaten these countries. Powell also noted that the Russian proposal might offer possibilities for the United States to add to the UN blacklist the Middle Eastern groups that it held responsible for terror attacks on the American main regional ally Israel. In July 2005, the UNSC adopted the American draft resolution that called for stricter compliance with the sanctions against al-Qaida, Usama bin Laden, and the Taliban and other individuals and groups associated with them, extended the pool of individuals and entities eligible for designation as

²⁴ From 28 May 2004 until 31 Mar. 2005, Russia held the chairmanship of the CTC.

terrorist suspects, and encouraged the submission of new names and other relevant information into the Consolidated List²⁵.

The Security Council made another significant step forward in strengthening international politico-legal framework against terrorism when it adopted resolution 1624 at the UNSC September 2005 summit. In drafting the resolution, some of Russia's proposals to combat not just the manifestations, preparation and financing of terrorism, but also the *incitement* of terrorist acts were taken into account. It is the first time that the UNSC has voiced such a deep concern over the 'serious and growing' danger posed to the enjoyment of human rights, stability etc. even by the mere incitement of terrorism. The UNSC called on all the states to prohibit by law incitement to commit a terrorist act, deny safe haven to any person considered to be guilty of such conduct and to prevent terrorists from exploiting sophisticated technology, communications and resources to incite support for terrorism²⁶.

High on the UN agenda remains an item addressing the need to increase co-operation on antiterrorism between the UN and the **Interpol** – international criminal police organisation that unites police forces in over 180 countries. The current level of co-operation reveals a gap between the UN political and legal decisions on antiterrorism and practical international police work – a gap that undermines the effectiveness of this work. According to Ulrich Kersten, Interpol's special representative to the UN, attempts to use the UN 'black list' as a direct guide to action for the Interpol can hardly succeed. First, a travel ban on terrorists can only be enforced on the basis of corresponding national laws that do not exist, for instance, in some European states (such as Germany). Secondly, there is no international structure to effectively monitor the ban on possessing weapons by terrorists. Thirdly, the UN member states often add suspects' names to the UN Sanctions Committee 'black list' without providing detailed evidence against them which could then be compared with Interpol's own 'terrorist registry' with profiles of more than 7500 people maintained by Interpol's Fusion Task Force, a special unit created after the 11 September 2001 attacks. Finally, the UN idea of adding blacklisted individuals to Interpol's international system of 'wanted' notifications would require a change of Interpol's statute (according to the present statute, only police in member states may request such notifications)²⁷.

The Interpol's role in the fight against terrorism would be even greater if the acts of terrorism unambiguously fall under the jurisdiction of

²⁵ UN document S/RES/1617 (2005).

²⁶ UN document S/RES/1624 (2005).

²⁷ For more detail, see 'UN Terror Blacklist Poses Challenges for Interpol', *Reuters*, 10 Jan. 2005.

the **International Criminal Court (ICC)**²⁸. The ICC exercises its jurisdictions over persons for the crimes of genocide (Art. 6 of the Rome Statute), crimes against humanity (Art. 7) and war crimes (Art. 8), as well as crimes of aggression (but only following an agreement among member states on how to define a crime of aggression)²⁹. The ICC jurisdiction is based on the territoriality and nationality principles (Art. 12), as well as a principle of *complementarity* that puts a criminal case under the ICC jurisdiction only if a state party to the ICC is unwilling or unable to prosecute an offender. In all other cases it is the state itself that remains the principal prosecutor of criminals charged with any of the above-mentioned crimes.

On requests by states, the Interpol provides them assistance in criminal prosecution of such individuals. In December 2004, the ICC Prosecutor's Office signed a special agreement with the Interpol in Lion. This agreement provides for an exchange of information between the two bodies and co-operation in the search and detention of suspects and granted the ICC access to Interpol's telecommunications systems and databases.

While the Rome Statute does not give the ICC explicit jurisdiction to prosecute terrorists, terrorism certainly fits into the ICC concept and the category of 'serious crimes of international concern'. Thus, the prosecution of terrorists is fully in line with the spirit, if not the letter, of the ICC Statute. Moreover, the ICC's political neutrality could make it especially effective in prosecuting international terrorists.

Theoretically, certain large-scale terrorist attacks already fall within the category of crimes against humanity that are under the ICC jurisdiction (along with mass killings, deportation, systematic torture, etc.). But viewing all acts of terrorism as crimes under one or several of the categories within the ICC jurisdiction can hardly provide an adequate solution to the problem. For instance, for a terrorist attack to be qualified as a 'crime against humanity', it must be part of a systematic or widespread campaign of violence, such as the 11 September 2001 terrorist attacks in the United States, the hostage crises in Dubrovka, Moscow (October 2002) and Beslan (September 2004), Madrid bombings (March 2004), etc. While many terrorist attacks do not meet this requirement, they still pose a major security threat to civilians and remain 'serious international crimes'. In other words, interpretation of terrorism as crime against humanity would allow some terrorists to evade prosecution by the ICC. An opportunity needs to be created for international criminal prosecution of terrorists without having to prove that terrorist acts are part of systemic and widespread attacks.

The best solution would be to include crimes of terrorism as a separate provision to the ICC Statute at the first Review conference to amend the Rome Statute scheduled for 2009. This task would have been greatly

²⁸ The permanent ICC was established by the Rome Statute that was signed on 17 July 1998 and entered into force on 1 July 2002, following its ratification by 60 states.

²⁹ *Rome Statute of the International Criminal Court*. 37 I. L. M. 999 (1998).

facilitated in case of the prior adoption of the UN Comprehensive Convention against Terrorism putting forward an internationally agreed definition of terrorism. But even if this does not happen by 2009, there is still a possibility to extend the ICC jurisdiction to include criminal prosecution and legal proceedings on crimes covered by the international conventions against terrorism that are already in force. It should also be stressed that it is the national legal and law-enforcement system that retains priority in criminal prosecution of individuals and entities responsible for acts of terrorism.

This brings us back to the pressing need to harmonise and fill the gaps between the two systems of law that may be in conflict – the international law against terrorism and national antiterrorism legislation. The problem is exemplified by the way national laws and practice comply to the provisions of the international humanitarian law, by the legal and practical aspects of the state-of-emergency regime, the problem of legitimisation of antiterrorist preventive strikes against foreign targets, etc.

Many national legal systems, including the Russian system, are guided by the so-called dualistic concept providing for concordance and complementarity of international law and national legislation (in contrast to various monistic concepts based on the predominance of either national, or international law). In practice, the main part in the actual fight against terrorism is the prerogative of the national antiterrorism legislation and legal/criminal proceedings that should comply with the general principles put forward by the international law. It is the state that remains in the centre of both legal systems and takes over the task of finding an optimal balance between them. This task is all the more important considering that the insufficient harmonisation and the lack of balance between the two systems of law may provide certain legal loop-holes for individuals, groups and entities engaged in terrorist activities.

Legislation and law enforcement in the Russian Federation

Even a certain positive impact of the first Russian Federal Law ‘On the Fight against Terrorism’ (1998)³⁰ could not make up for many shortcomings and gaps in the Russian antiterrorist legislation. The continuing terrorist attacks in Russia (with their number growing until 2004)³¹ called for ur-

³⁰ The Federal Law ‘On the Fight against Terrorism’, *The Collection of the Legislation of the Russian Federation*, 1998, no. 31, item 3808; see also: *Rossiiskaya Gazeta*, no. 146. 1998. 4 Aug. An electronic version of the law is available at URL < <http://www.fsb.ru/under/terror.html> >.

³¹ According to the Russian Ministry of the Interior (MVD) data, the number of terrorist attacks in Russia has increased by 20 % in 2002 (407 attacks) and by 38 % in 2003 (561 attacks). The following decrease in the total number of attacks, first traced in 2004 (265 acts), was partly a result of the more active preventive and pre-emptive measures (the number of terrorist attacks that were prevented increased by 30 %, from 13.3 % of all ter-

gent reactive and, perhaps more importantly, preventive measures against terrorism. Even the amended and revised 1998 antiterrorism law³² could not adequately meet the challenges of the new decade and the new century.

The September 2004 Beslan tragedy has most evidently demonstrated the changing scale and nature of the terrorist threat to Russia.

It was not just the exceptional cruelty and scale of the Beslan school hostage crisis (and to some extent the previous 2002 mass hostage crisis in Dubrovka, Moscow), nor the mass involvement of children that made both events stand out in the world history of large-scale terrorist attacks. Nor is it the total number of significant hostage-taking events in Russia over the last decade that is unparalleled (e. g., in Top 10 list of countries where the largest number of international hostage-taking incidents have occurred from 1995 to 2003, Russia shared the seventh place with Tajikistan)³³. Even the high total number of large-scale hostage-taking acts committed against Russian citizens (25 seizures of hostages over a decade from 1994 to 2004) is not unique to Russia. What is unusual and disturbing is that, while major seizures of hostages comprise only 19.5 % of all significant terrorist attacks in Russia, the average lethality of hostage-taking acts is 2.2 times higher than in all other terrorist acts (mainly different kinds of explosions). As a result of the high number of casualties in Russia (including those suffered in Dubrovka and Beslan), by 2005 Russia moved to the second place in the world by the number of terrorism-related deaths in 1994–2004, making way only for the United States.

In the course of the last ten years, on average, almost 32 people died in every major hostage-taking act in Russia. In contrast, only 14 people died in every suicide or remote-detonated bombing, attack on a public building, etc.³⁴. This paradox may reflect a more general trend in the way terrorism is evolving in Russia in the early 21st century. Previously, both in Russia and in broader international context, mass seizures of hostages and suicidal terrorism employed as regular and consistent tactics were very rarely applied at the same time in the same political context. As a

rorist attacks in 2003 to 43 % of all attacks in 2004). The decrease of the total number of terrorist attacks since 2004 was not coupled with the decrease of large-scale terrorist incidents with mass casualties, including mass hostage crises, and did not make them less lethal.

³² E. g., in a follow-up to the Oct. 2002 Dubrovka theatre (Nord-Ost) hostage crisis in Moscow, two series of amendments to the antiterrorism law were adopted.

³³ See *Patterns of Global Terrorism*. (US State Dep. Office of the Coordinator for Counter-terrorism: Washington D. C., 1995–2003).

³⁴ In 1994–2004, 798 people died and 773 more were injured as a result of 25 large-scale hostage-taking acts; while, over the same period of time, 1481 people died and 3623 were injured in 103 significant terrorist attacks of other types. Calculations are based on the Summary Table of statistical data on significant terrorist acts in Russia in 1994–2004, compiled on the basis of the data of leading information agencies. For the Table, see, for instance, *Komsomolskaya Pravda*. 2004. 27 Oct.

rule, it was either one, or the other tactics that dominated a particular regional context. One of these tactics replaced the other, as in the case of Israel that had heavily suffered from Palestinian hostage-taking attacks throughout the 1970–1980. But it did not face any major seizures of hostages in the late 20th – early 21st century when the latter seemed to be replaced by the dramatic growth of suicidal terrorism). Mass seizures of hostages and suicidal terrorism were even less likely to merge in the same terrorist attack (suicidal terrorists have rarely been involved in large-scale hostage taking operations).

In contrast, with a rise of suicidal terrorism in Russia in the early 2000s, seizures of hundreds of hostages did not stop – both tactics were not simply used in parallel, but appeared to merge. As at least some of the perpetrators of Dubrovka and Beslan hostage-taking operations were ready to commit suicide, we may witness a really new phenomenon of *suicidal mass hostage taking*. These hybrid terrorist attacks did not appear to be used in a traditional way (as a means to force the authorities to make concessions in exchange for the lives of hostages), but seemed to be initially designed to imitate negotiations while featuring the ‘prolonged’ suffering and threat to hostages’ lives and to pursue the goal of the general destabilisation of the situation, rather than any concrete political demands. Thus, a mass seizure of hostages was used as a terrorist bombing, only the one that is prolonged in time (due to the presence of hostages), which multiplies the effect.

A set of characteristics that was becoming a hallmark of large-scale terrorist attacks in Russia in 2000–2005 was a combination of terrorists’ extremely high determination and level of preparation for attacks with their increasingly blurred declared political goals. The terrorists’ declared political demands (such as the release of militants from prisons to the withdrawal of the federal troops from Chechnya) did not appear to reflect some of the real underlying political motivations behind their assaults (from sparking a new ethnic conflict in the already torn North Caucasian region and undermining the already fragile governance system in the region to dealing a major blow to the credibility of the federal government).

The growing gap between terrorists’ declared and real political motivations is further reinforced by another paradox: while the number of terrorist attacks and their lethality has been steadily increasing in the early 2000s, the attacks have become increasingly counterproductive if judged against the perpetrators declared political goals – a *prima facie* case to question the authenticity of the terrorists’ motivations.

In addition to the changing nature of terrorist threats, Russia’s new international antiterrorism obligations have also reinforced the need to review and update Russia’s antiterrorism legislation. Since 1998 Russia ratified a number of the UN antiterrorism conventions. Consequently, its anti-

terrorist legislation had to be brought in line with the 1997 Convention on the Suppression of Terrorist Bombing ratified in January 2001 and the 1999 Convention for the Suppression of the Financing of Terrorism ratified in June 2002³⁵.

These and other problems are to be addressed by the new draft law 'On Countering Terrorism'. The draft was elaborated by the Russian Ministry of Justice in co-operation with the Federal Security Service, the Ministry of the Interior and other governmental bodies and adopted by the State Duma in the first reading on 17 December 2004³⁶.

The fundamental distinction from the previous law is reflected even in the draft law's title – unlike the 1998 Law 'On the Fight against Terrorism' (focused primarily on activities of special services and other 'coercive structures' such as the police and the military), the new law also covers broader *antiterrorism* activities that are carried out by other governmental bodies and by the state at large.

The two current legal regimes – 'state of emergency' and 'counter-terrorist operation' – are to be supplemented by the so-called state of 'terrorist alert'. This regime is being established for the purpose of prevention and pre-emption of terrorist attacks, for instance, if a certain intelligence information on a potential terrorist attack becomes available but is hard to verify within the time left. The state of 'terrorist alert' that should not exceed 60 days may be imposed on a particular town or region or established for the entire country. In an area under the state of 'terrorist alert', law enforcement agencies and special services' powers are expanded (for instance, they may conduct more intensive transport checks). Certain limitations may be imposed on civil rights, including a ban on mass public events³⁷, tougher passport control, limitations on travel, transportation, and the mass media, heightened security at critical infrastructures and deleterious industries, and telephone-tapping.

The new law also calls for the creation of antiterrorism commissions at the federal and regional levels. The Federal Antiterrorist Commission is composed of heads of governmental ministries and agencies and chaired by Prime Minister. Its orders are binding for regional commissions that are chaired by governors and include not only heads of 'enforcement minis-

³⁵ Russia is a party to 11 out of 12 international antiterrorism conventions. The 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection is still to be ratified.

³⁶ First, three preliminary drafts were first elaborated by the Ministry of Justice, the Federal Security Service and the Office of the Prosecutor-General. Their main provisions were then combined in one document and finalised by the Working group of the State Duma. The draft law was approved in the first reading by 385 votes (it needed 226 votes to be approved). Only 47 members of parliament (46 communists and one representative of the Rodina (Motherland) fraction) voted against and one deputy abstained.

³⁷ This ban does not extend to political meetings and pickets.

tries' territorial units, but also directors of all sorts of state services (from educational to water-pipe systems). The automatic transformation of the Federal AntiTerrorism Commission and the subordinate regional commissions into antiterrorist operation headquarters in case of a terrorist crisis should help solve the problem of the lack of inter-agency co-ordination and the unity of command in an area of counter-terrorist operation dramatically highlighted by the Beslan hostage crisis. The assignment of key antiterrorist functions to the Federal Security Service underscores the political nature and goals of terrorist violence that makes it more publicly dangerous than, for instance, ordinary crime. The draft law also clarifies legal procedures for the use of the Armed Forces in counter-terrorism operations.

In the course of parliamentary debates on antiterrorist measures in the aftermath of the Beslan events, the State Duma rejected a number of more radical legislative initiatives. For instance, a proposal calling for extending criminal responsibility for material damage caused by terrorist acts to the perpetrator's relatives was rejected on the grounds that it violated the Russian Civil Code norms and Constitution.

The final adoption of the new version of Russia's antiterrorism bill would require several laws and normative acts, as well as the Penal and Criminal Procedure Codes, to be amended. The package of presidential anti-terrorism legislative initiatives included amendments to the Federal Law 'On Defence' adopted in the first reading by the State Duma in early 2005 and confirming the right to use the Armed Forces to counter terrorist activities by military means in accordance with Russian legislation (Art. 10)³⁸.

Of critical importance to the effective use of the Law 'On Countering Terrorism' is the Federal Law 'On the State Protection of Victims, Witnesses and Other Persons in Connection with Criminal Proceedings' that came into force on 1 January 2005 even though it still lacks financial basis³⁹. The bill 'On participation of the Civil Population in the Maintenance of the Law and Order' under consideration by the Duma should serve the purpose of securing a broader public support for antiterrorist measures.

Amendments were made to the antiterrorism articles of the Penal Code (Section IX on 'Crimes Against Public Security') to toughen the personal criminal responsibility of perpetrators. Even prior to the Beslan crisis, in July 2004, Articles 57 and 205 of the Penal Code were amended to toughen criminal punishment for terrorist acts resulting in mass casualties. For the first time the penalty for terrorist crimes committed with 'aggravating consequences' was raised to life sentence, in recognition that

³⁸ According to V. Vasiliev, the chair of the State Duma Committee on Security, this amendment provides for the use of the Armed Forces in counter-terrorist operations both on Russian territory and abroad.

³⁹ The Federal Law 'On State Protection of Victims, Witnesses and Other persons in Connection with Criminal Proceedings', *The Collection of the Legislation of the Russian Federation*, 2004, no. 34, item 3534; see also *Rossiiskaya Gazeta*. 2004. 25 Aug.

terrorism as a 'crime against public security' poses a security threat no less dangerous than grievous 'crimes against state authority' (Section X of the Penal Code).

In April 2004, the Criminal Procedure Code was amended to extend the imprisonment before preferring a charge for terrorism, hostage-taking, subversive activity, attempt on the life of political and public figures, and participation in 'illegal armed formations' to 30 days (criminalised by Articles 205, 205.1, 206, 208, 209, 277–279, 281, 360 of the Penal Code). The idea of excluding all terrorist cases from the jurisdiction of the jury is still heavily debated.

The Russian legislation against terrorism financing was also subject to further changes and improvements. The basis of Russia's activities in this area is provided by the Federal Law 'On Suppressing the Laundering of Funds Generated from Criminal Activities' adopted in August 2001. In this connection one should also mention the formation of the Russian Financial Monitoring Committee under the Ministry of Finance in October 2001⁴⁰ and Russia's admission as a full member to the Financial Action Task Force on Money Laundering (FATF) in June 2003⁴¹.

According to the Prosecutor-General V. Ustinov, 'terrorism [on the Russian territory] is financed primarily from monies of the Russian origin'⁴². In this context, the compilation of Russia's own black list of domestic companies and organisations suspected in money laundering and the financing of terrorism has been of particular significance (by the mid-2005, the Federal Financial Monitoring Service blacklisted 109 accounts in Russian banks on suspicion of involvement in terrorism financing)⁴³.

Despite certain progress in Russia's legislative process on issues related to terrorism, effectiveness of the Russian antiterrorist legislation and legal practice remains limited.

This issue boils down to the more fundamental problem of the effectiveness of the Russian state power and its ability to effectively execute its decisions. This problem goes beyond the framework of this chapter. While the progress made by Russia in strengthening the preventive component of antiterrorism should not be underestimated, even the list of purely legal problems of countering terrorism both within the country and internationally is extensive. Naturally, the solution of the fundamental problem of the definition

⁴⁰ Later renamed to become the Federal Financial Monitoring Service.

⁴¹ For further detail on Russia's actions to suppress terrorism financing in the early 2000s, see Stepanova E. 'Russia and International Cooperation in the Fight against Terrorism', *SIPRI Yearbook 2002*, (Nauka: Moscow, 2003), pp. 32–46. The most recent amendments to the 2001 Law were made by Federal Law no. 88 of 28 July 2004.

⁴² Ustinov, V. V., *Mezhdunarodnyi opyt bor'by s terrorizmom* [International experience in the fight against terrorism] (Yurlitinform: Moscow, 2002), pp. 309, 389, 412.

⁴³ 'Finansovaya razvedka nashla scheta terroristov' [The financial intelligence service has found the terrorists' accounts], *RIA Novosti*, 23 June 2005.

of terrorism at the national level would be greatly facilitated by the adoption of the international Comprehensive Convention against Terrorism.

Other contentious issues that need to be resolved at the level of national legal system or require a proper balancing of the national and international antiterrorism law are exemplified by the problems of:

- More clearly distinguishing between the state of emergency (regulated by the Constitutional Law of 30 May 2001)⁴⁴ and the state of ‘counter-terrorist operation’ or ‘terrorist alert’ envisaged by the Russian Federal law on countering terrorism⁴⁵;

- The lack of solid international legal basis for preventive strikes against terrorist bases abroad⁴⁶ (while Chapter 51 of the UN Charter allows the states to use force in self-defence, but the UN High-level Panel on Threats and Security has refused to open article 51 for reconsideration and extension);

- The criminal prosecution of commanders of illegal armed formations, who live in exile abroad, on charges of terrorism.

Clearly, these and other contentious problems in countering terrorism are issues of a political rather than a purely legal nature and require both judicial solutions and fundamental political decisions.

⁴⁴ *The Collection of the Legislation of the Russian Federation*. 2001, no 23, item 2277. According to the new Federal Law on the State of Emergency, adopted in May 2001, the state of emergency is established by a Presidential Decree, to be approved by the Council of Federation within 3 days, and should not exceed 30 days, if established for the entire country, or 60 days, if imposed on a particular region.

⁴⁵ Since the late 1990s, the issue has boiled down to the more general problem, as the antiterrorism legislation that is focused on countering a rather specific security threat was temporarily expanded to serve as the main normative basis for governing a certain territory in an ‘emergency’ situation of an ongoing armed conflict.

⁴⁶ For a detailed discussion on this issue, see Tuzmuhamedov, B. ‘Predely samooborony: naskol’ko elastichno mezhdunarodnoye pravo v usloviyah global’noi voyny s terrorizmom?’ [The limits of self-defence: how elastic is the international law in the global fight against terrorism?], *Nezavisimaya Gazeta*. 2004. 29 Sept.

3. A MILESTONE ON THE WAY TO COMBATING NUCLEAR TERRORISM

Gennadiy ZHUKOV

Adoption of the International Convention on the Suppression of Acts of Nuclear Terrorism¹

On 13 April 2005 the UN General Assembly adopted by consensus the International Convention on the Suppression of Acts of Nuclear Terrorism elaborated on the initiative of the Russian Federation. On 14 September 2005 at the meeting of the leaders of member states of the UNO in New York, held to commemorate the sixtieth anniversary of the Organisation, – the Convention was open for signature².

The President of the Russian Federation V. V. Putin was the first to sign this document, which was also signed by President G. W. Bush of the USA and a number of other world leaders. The signing of the Convention has crowned a process started eight years ago.

On 9 December 1994 the UNGA adopted resolution 49/60, which contained a supplement – Declaration on Measures to Eliminate International Terrorism. In this document member states of the UNO confirm solemnly that they unconditionally condemn all acts, methods, and practices of terrorism, no matter where and by whom they were committed, as criminal and having no justification.

The Declaration urges states to review the application of the existing international legal instruments on the prevention, suppression and elimination of terrorism in all its forms and manifestations with the objective of ensuring comprehensive international legal frameworks, including all aspects of this matter.

¹ UN document A/RES/59/290.

² The Summit-2005 was held in the format of the plenary meeting of the UNGA, which culminated its work on 16 September 2005.

On 17 December 1996, the UNGA adopted resolution 51/120. In accordance with this resolution, the General Assembly established an Ad Hoc Committee. The Committee was mandated to elaborate the text of the Convention, with the participation of all UN member states as well as states members of the specialised UN agencies and the IAEA.

In 1998 the Russian delegation introduced in the Ad Hoc Committee its draft of the Convention.

The issue of extending the scope of the Convention's application to the so-called acts of state terrorism became one of the major stumbling blocks on the path to agreement, which delayed the deliberations on the draft.

Some states expressed their dissatisfaction with the fact the draft did not apply to the activity of the armed forces of the states. A similar regime operates successfully under the preceding UN conventions – on the Sea Navigation (1988), on the Markings of Plastic Explosives (1991), on the Struggle against Bomb Terrorism (1997).

For example, Cuba proposed to pay attention to acts of nuclear terrorism carried out by the armed forces of the states. Pakistan also advocated the extension of the scope of the draft to cover nuclear threats emanating from the states. The USA offered to supplement the draft with a provision that peaceful application of atomic energy was not to be used as a cover for nuclear proliferation. On its part, Iran thought it important to include in the draft the reference to the right of the states to exchanges of nuclear technologies and equipment for the purposes of civil development of nuclear power production.

The adoption of the Convention became possible as a result of the withdrawals of the amendments to the draft, which hindered the achievement of consensus. After that, the Ad Hoc Committee could successfully finalise its work and submit the agreed draft in April 2005 for the adoption by the 59th session of the UNGA.

Strengthening the normative basis of the struggle against nuclear terrorism

The Convention serves to create legal frameworks for effective countering acts of nuclear terrorism, for their suppression and prevention, including terrorist acts involving self-made nuclear explosive devices, and to provide antiterrorist protection both for a peaceful and military atom.

The document contains a broad definition of the acts of nuclear terrorism, of the criminal activity directed against nuclear reactors and atomic power stations as well as of the threats of fulfilment of similar crimes.

Subject to protection against terrorists are: 'radioactive material', 'nuclear material', 'nuclear facility', 'device', 'a state or governmental object'.

Article 2 contains a detailed list of the acts of nuclear terrorism, which are qualified as criminal offences. It says:

‘1. Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally:

(a) Possesses radioactive material or makes or possesses a device:

(i) With the intent to cause death or serious bodily injury; or

(ii) With the intent to cause substantial damage to property or to the environment;

(b) Uses in any way radioactive material or a device, or uses or damages a nuclear facility in a manner which releases or risks the release of radioactive material:

(i) With the intent to cause death or serious bodily injury; or

(ii) With the intent to cause substantial damage to property or to the environment; or

(iii) With the intent to compel a natural or legal person, an international organisation or a state to do or refrain from doing an act.

2. Any person also commits an offence, if that person:

(a) Threatens under circumstances, which indicate the credibility of the threat, to commit an offence as set forth in paragraph 1 (b) of the present article.

(b) Demands unlawfully and intentionally radioactive material, or device or a nuclear facility by threat, under circumstances which indicate the credibility of the threat, or by use of force.

3. Any person also commits an offence, if that person attempts to commit an offence as set forth in paragraph 1 of the present article.

4. Any person also commits an offence, if that person:

(a) Participates as an accomplice in an offence as set forth in paragraphs 1, 2 or 3 of the present article; or

(b) Organises or directs others to commit an offence set forth in paragraphs 1, 2 or 3 of the present article; or

(c) In any other way contributes to the commission of one or more offences as set forth in paragraphs 1, 2 or 3 of the present article by a group of persons acting with a common purpose; such contribution shall be intentional and either be made with the aim of furthering the general criminal activity or purpose of the group or be made in the knowledge of the intention of the group to commit the offence or offences concerned.

Thus, the Convention specifies the responsibility of any person or group for the possession and use of radioactive material or radioactive devices with the intent to cause death or serious injury or substantial damage to property and the environment. Causing damage to a nuclear facility also constitutes a criminal offence.

The parties to the Convention are required to take measures in accordance with their national legislation to punish the offenders on the basis of the principle 'either extradite or try'.

The Convention provides for the realisation of the state's territorial and personal jurisdiction. The convention (Art. 3) shall not apply where the offence is committed within a single state, the alleged offender and the victims are nationals of that state, the alleged offender is found on the territory of that state.

Under paragraph 1 of Art. 9, each state party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in Art. 2 when: (a) the offence is committed in the territory of that state; or (b) the offence is committed on board a vessel flying the flag of that state or an aircraft which is registered under the law of that state at the time the offence is committed; or (c) the offence is committed by a national of that state.

Under paragraph 2 of the same article, a state party may also establish its jurisdiction over any such offences when: (a) the offence is committed against a national of that state; or (b) the offence is committed against a state or governmental facility of that state abroad; (c) the offence is committed by a stateless person who has his or her habitual residence in the territory of that state; or the offence is committed in an attempt to compel that state to do or abstain from doing any act; or (e) the offence is committed on board an aircraft which is operated by the Government of that state.

Under paragraph 4 (Art. 9) each state party likewise takes such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 in cases where the alleged offender is present in its territory and it does not extradite that person to any of the states parties which have established their jurisdiction in accordance with paragraph 1 or paragraph 2 of the present article.

Acts of nuclear terrorism shall not be regarded, for the purposes of extradition or mutual legal assistance, as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives (Art. 15).

For the first time an antiterrorist treaty has been elaborated by the international community in advance, prior to the commitment of terrorist acts with the use of nuclear or radioactive material.

In his statement on 2 April 2005, the Russian Foreign Minister S. V. Lavrov referred to the Convention as 'a first universal treaty designed to prevent terrorist acts involving mass destruction weapon'.

The Convention shall enter into force on the thirtieth day following the date of the deposit of the twenty-second instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.

Stimulus for subsequent steps

It is remarkable that the UN Security Council at its meeting held within the framework of the Summit-2005 adopted a resolution, which strengthened relevant international legal authorities in the struggle against terrorism³. In this resolution the UNSC called upon all states to prevent incitement to terrorist activity on its territory and adopt other measures to comply with its obligations to fight terrorism.

Thus, for the first time incitement to a terrorist act has been criminalised⁴. It means, in particular, that states ought to undertake appropriate steps to bar the access of persons involved in incitement to terrorist acts, to mass media. (As the decisions of the UNSC are mandatory for the states, this provision on incitement has in fact become a part of international law.)

Progress made on the Convention for the Suppression of Acts of Nuclear Terrorism contributed to the successful outcome of the IAEA Conference held in July 2005 to amend the Convention on the Physical Protection of Nuclear Material⁵.

The International Convention on the Suppression of Acts of Nuclear Terrorism has opened additional possibilities for building up antiterrorist campaigns under the auspices of the UNO. The Convention has constituted an important stimulus for world-wide co-operation to strengthen the ability of the states to combat this growing threat. According to Art. 8 of the Convention, state parties shall make every effort to adopt appropriate measures to ensure the protection of radioactive material, taking into account relevant recommendations and functions of the IAEA. New constructive initiatives for the implementation of the agreed provisions are required, in particular, the elaboration of specific international co-operative programs in the field of enhancing nuclear safety. The favourable international political atmosphere created with the adoption of this important international legal instrument should be used for the completion of the work on the draft of the Comprehensive Convention against Terrorism submitted to the UNO by India.

In conditions, when al-Qaida and similar terrorist networks are demonstrating their interest in acquiring weapons of mass destruction, the

³ UN document S/RES/1624 (2005).

⁴ It should be noted that Russia has been for a long time an active proponent of such a measure.

⁵ Amendments to this Convention are designed to strengthen its provisions concerning the protection of nuclear material while in international transport.

adoption of such a treaty is of exceptional value for the maintenance of international peace and security.

The International Convention on the Suppression of Acts of Nuclear Terrorism is of particular significance for Russia. 'Of all the great powers, argues Alexei Arbatov, corresponding member of the Russian Academy of Sciences and head of the IMEMO Centre for International Security, Russia is most vulnerable to the threats posed by proliferators of nuclear weapons and of missile technologies. Almost all potential nuclear-missile states are situated along the perimeter of the Russian territory or in such a way that Russia remains within the reach of their missiles. What is worse, nuclear proliferation makes it easier for international terrorists to get access to nuclear weapons. Their networks are carrying out the direct intervention against Russia in the North Caucasus and threaten Russia's security by building up terrorist activity in Central Asian countries'⁶.

⁶ Arbatov, A. G., 'Democracy and nuclear weapons', *Russia in the Global Policy*, no. 3, May 2005.

4. IMPLEMENTING UNSC RESOLUTION 1540 (2004)

Elina KIRICHENKO

On 28 April 2004 the Security Council of the United Nations Organisation (UNSC) unanimously adopted resolution 1540. This resolution represented a direct response of the world community to one of the most serious global threats – proliferation of nuclear, chemical and biological weapons and their means of delivery. Access to this kind of weapons and possibility of their usage by terrorist groups is particularly dangerous¹.

According to paragraph 4 of the resolution a committee of the UN Security Council, consisting of all members of the Council, was established (Committee on the prevention of proliferation of nuclear, chemical and biological weapons and their means of delivery – Committee 1540). The Committee is mandated to promote the implementation of this resolution by all member states of the UNO and submit a report to the UNSC on this matter².

Resolution 1540 was adopted under Chapter VII of the UN Charter ‘Action with respect to threats to the peace, breaches of the peace, and acts of aggression’, which makes it mandatory for all UN member states. This document enhances the role of the Security Council in the field of WMD non-proliferation, taking into account particularly the need to prevent terrorist actions.

Strengthening international law against WMD proliferation

In the course of developing the international regimes of WMD non-proliferation some mechanisms were established to prevent these weap-

¹ A draft of the resolution was introduced by P5 on 24 Mar. 2004. Representatives of more than 50 member states took part in the discussion. UN document S/RES/1540 (2004).

² The Committee is established for a period of two years. It may ask appropriate experts to take part in its deliberations.

ons, their means of delivery, related materials and technologies from falling into the hands of terrorists. Export controls, security regimes, systems of accounting for and physical protection of sensitive products are among the most important of those measures. An institutional and legal basis has been created to make these mechanisms workable at international, regional and national levels.

The current regimes of WMD non-proliferation include a number of elements. There are first of all international treaties and agreements. There are also informal and voluntarily multilateral regimes of export controls: the Zangger Committee, the Nuclear Suppliers Group (NSG), the Missile Technology Control Regime (MTCR), the Wassenaar Arrangement (WA) and the Australia Group (AG). They elaborate international lists of controlled items as well as 'guidelines' for the exports of related products and technologies. But the control over the compliance with the rules remains within the competence of national states. Thus, national control systems as well as national systems for physical protection, accounting for and control over sensitive products are important elements of the international non-proliferation regimes.

At the same time some weak points of the WMD non-proliferation regimes became obvious. This was manifested during the Seventh Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (2–27 May 2005, New York). The participants failed to approve substantial recommendations for the next five-year period.

Moreover, the NPT and some other non-proliferation arrangements are not universal. (For example; 'de-facto' nuclear weapon states – India, Pakistan and Israel – have not become members of the NPT and related informal multilateral export control agreements).

Existing traditional non-proliferation instruments require improvement as the world faces the threats of WMD and related materials falling into the hands of non-state actors, above all, terrorist groups.

As processes of globalisation gather momentum it becomes more difficult to address proliferation challenges. Transnational flows of goods, capital, labour force, new ITs are expanding. Their interdependence is becoming more complex. All these developments undermine effectiveness of export control, particularly when it does not enjoy a solid international status.

The discovering of the network of secret suppliers of nuclear sensitive technologies organised by A. Q. Khan, the mastermind of Pakistan's nuclear weapons program, has revealed the absolute necessity for counter-proliferation measures in respect of 'black markets' of products, materials and components related to WMD.

The world community is in the first place worried about 'nuclear terrorism'. This term comprises a set of different possible threats: capture of

nuclear weapons, obtaining of fissile materials in order to make nuclear explosive devices, attacks on nuclear power plants, the making and usage of a 'dirty bomb'. In order to address these threats effectively one needs to improve existing non-proliferation tools and develop new counter-proliferation mechanisms.

Under current circumstances terrorist actions with the use of bio-agents and chemical weapons also become real possibilities. Bio-agents are cheap and easy to use for purpose of mass destruction of human beings, animals and flora. Bio-agents inflict heavy casualties and at the same time it is very difficult to find the people who used these bio-agents. All these factors make the use of bio-agents highly attractive for terrorists. It is easy to conclude from recent experience that the world may face acts of WMD-terrorism in various forms.

Since the beginning of the new century a persistent necessity has arisen to work out a universal legally binding document to erect effective barriers for non-state actors, particular terrorists on their way to acquire WMD, related materials and their means of delivery.

Resolution 1540 criminalises any engagement in support of non-state actors who attempt to develop, acquire, manufacture, possess, transport, transfer or use WMD and their means of delivery.

Prior to the adoption of resolution 1540, active discussions had taken place within the framework of the UNSC and elsewhere. Only after numerous informal consultations, the decision was taken to establish a Committee responsible for the implementation of the resolution, and incorporate some other important provisions in the final draft of the resolution.

The operative part of resolution 1540 includes 12 paragraphs. According to them, firstly, all member states of the United Nations should refrain from providing any form of support to non-state actors who attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. Secondly, in accordance with their national procedures, they are requested to adopt and enforce appropriate effective laws on this matter. Thirdly, the states should take and enforce effective measures to establish domestic controls to prevent the proliferation of WMD and their means of delivery, including controls over related materials.

The document contains also the following important provisions:

- None of the obligations shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to other existing treaties;
- Recognises the utility of national control lists;
- Suggests assisting other States in implementing this resolution;
- Calls upon all States to promote the universal adoption and full implementation of multilateral treaties, and also to develop appropriate ways

to work with and inform industry and the public regarding their obligations under such laws;

- Calls upon all States to promote co-operation on non-proliferation, to undertake joined efforts to prevent illicit trafficking in WMD, related materials and their means of delivery.

Of particular interest is paragraph 3. It requires that States should develop effective measures to maintain, account for and physically protect WMD, related materials and their means of delivery in production, use, storage and transport.

In sub-paragraph (d) of the paragraph 3 the UNSC requires the states to 'establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-users controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations'.

Besides, the UNSC acknowledges that effective national control lists (paragraph 6) represent a key element of export control regimes.

At the same time resolution 1540 affirms that the prevention of the proliferation of nuclear, chemical and biological weapons should not hamper international co-operation in materials, equipment and technology for peaceful purposes. Such co-operation should not serve as a cover for WMD proliferation.

Resolution 1540 has strengthened international legal frameworks for implementing export controls. Under Chapter VII of the UN Charter the Security Council may apply sanctions in response to the violations of the export control rules. In fact, resolution 1540 demands that member states of the UN develop national systems of export control (in its broad context) and apply criminal or civil penalties to those who violate them.

Practice has shown that it is very difficult to monitor various intermediate schemes designed to acquire illegally sensitive products and technologies through the so-called 'grey' brokers. In such cases traditional measures of export control have proved themselves ineffective. That is why it is important to address the problem posed by 'grey brokers' and to improve export controls. It should be noted that new measures of international co-operation to counter this phenomenon are being developed.

The UNSC requests all member states to develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international co-operation, when necessary, 'the illicit trafficking and brokering'.

Resolution 1540 calls upon (paragraph 10) all memberstates ‘in accordance with their national legal authorities and legislation and consistent with international law, to take co-operative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials’.

Deepening international co-operation is currently the main way to improve the efficiency of export controls. States (even those outside the multilateral non-proliferation regimes) that strive to help their national economies to integrate in the world economy bring their national export control lists in accordance with international standards.

Two provisions of resolution 1540 are very important in this respect. The UNSC calls upon all States ‘to promote dialogue and co-operation on non-proliferation’ (paragraph 9) and ‘invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States’ (paragraph 7).

The First Report of Committee 1540

Committee 1540 began its activity on 11 June 2004. The first report of the Committee was submitted to the UN Security Council on 5 December 2004. 105 national reports were attached to this document. By 1 September 2005 there were already 121 national reports (plus the report of the European Union).

National reports differ considerably in their volumes and content. They reflect, more often in their preambles, various approaches of individual countries towards broad issues of WMD non-proliferation.

The report of the United States was the most detailed. Obviously, the USA tended to present its report as a model for other states³.

Analysis of submitted reports allows for better understanding of the national non-proliferation policies. In particular, this analysis confirms the main tendencies in the development of export control systems.

Firstly, the system of export control has started to pay more attention to end-use and end users of products and technologies. Secondly, many countries have already introduced provisions of catch-all control into their national legislation. This allows for states to regulate exports of products and technologies, which are not included in the control lists, in case there is a suspicion that particular products will be used in manufacturing weapons. Thirdly, states try to embrace by control all channels of international transfer of technologies, including so-called intangible forms of technology transfers. Fourthly, the sphere of law enforcement is improv-

³URL <[http://www.un.org/Docs/journal/asp/ws.asp?m=S/AC.44/2004/\(02\)/5](http://www.un.org/Docs/journal/asp/ws.asp?m=S/AC.44/2004/(02)/5)>. URL <[http://www.un.org/Docs/journal/asp/ws.asp?m=S/AC.44/2004/\(02\)/3](http://www.un.org/Docs/journal/asp/ws.asp?m=S/AC.44/2004/(02)/3)>

ing. Laws are being adopted to toughen criminal and civil penalties for the violations of export control. Fifthly, new measures of 'stick and carrot' are being developed to encourage exporters to co-operate with the state and in particular improve the education and information of exporters.

Four out of the five permanent members of the Security Council (the Russian Federation, the United States, Great Britain and France) are participants in multilateral informal arrangements on export control and have comparable national systems of export control.

China recently joined the NSG. The country also intends to join the MTCR and is developing relevant control lists to strengthen the national export control regime.

The national reports of Israel, India and Pakistan are of particular interest as these countries have advanced nuclear programs⁴.

It is very important that in 2004 these countries made some steps to improve their national export control legislation. India adopted the Unlawful Activities (Prevention) Amendment Ordinance. Pakistan introduced the Law on export control on goods, technologies, materials, and equipment related to nuclear and biological weapons and their means of delivery. Israel issued the new import and export control order. India characterised in sufficient details its national system of export control, while providing the nomenclature of goods included in the control lists. But India has no comprehensive export control law. Pakistan pointed out that it supported the list of goods included in the Chemical Weapons Convention (CWC). Besides, in division 4 of the above-mentioned Law there is a provision for collecting and reviewing, if necessary, control list of products or materials that require licenses. In Iran's report the national export control system is described in unclear terms. The country declared its intention to create a full nuclear fuel cycle⁵.

Resolution 1540 contributes to the harmonisation of national export control systems and the improvement of standards of the instruments-in-use. But it would be naïve to expect a practical fulfilment of this task in the near future. At the same time the usage of already developed measures faces some difficulties. For example, there are significant differences between various states as to how to implement the catch-all rule. The issues related to strengthening control over intangible forms of transfer of sensitive information raise public concern anticipating encroachments on democratic freedoms. Besides, there exist considerable gaps between different states on the quality of national export control regimes. It is important

⁴ URL <http://daccessdds.un.org/doc/UNDOC/GEN/N05/212/54/PDF/N0521254.pdf?OpenElement>.

URL <[http://www.un.org/Docs/journal/asp/ws.asp?m=S/AC.44/2004/\(02\)/62](http://www.un.org/Docs/journal/asp/ws.asp?m=S/AC.44/2004/(02)/62)>.

URL <[http://www.un.org/Docs/journal/asp/ws.asp?m=S/AC.44/2004/\(02\)/22](http://www.un.org/Docs/journal/asp/ws.asp?m=S/AC.44/2004/(02)/22)>.

⁵ URL <[http://www.un.org/Docs/journal/asp/ws.asp?m=S/AC.44/2004/\(02\)/105](http://www.un.org/Docs/journal/asp/ws.asp?m=S/AC.44/2004/(02)/105)>.

not only to improve current national legislation but also to form effective mechanisms of their realisation. Presumably it would be useful to ask Committee 1540 and independent experts to offer practical recommendations in this field. In particular it is important to develop model legislation on export control. The IAEA and the OPCW have developed some standards in the area of nuclear and chemical security. But there are no standards and criteria how to assess the implementation of resolution's provisions related to export controls.

The Russian Report

The Russian Federation submitted its national report on compliance with resolution 1540 to the UNSC on 26 October 2004⁶. In its press release the Ministry of Foreign Affairs (MFA) stated: 'Aware of the dangers inherent in the spread of WMD and their link with terrorism, which is a global challenge to peace and international stability, the Russian Federation advocates efforts by all states to counter this threat, with the United Nations and its Security Council playing a central co-ordinating role'⁷.

The report contains detailed information on measures undertaken by Russia to fulfil UNSCR 1540. In the report particular attention is devoted to national legislation which prohibits any non-state subjects of the Russian Federation to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, particularly for terrorist purposes.

The Russian report contains the list of articles of laws dealing with criminal and civil penalties for the above-mentioned activities. It offers also detailed assessment of the national legislation that provides for compliance with multilateral non-proliferation treaties. The list of titles of related laws, presidential decrees, government ordinances and regulations and other rules occupies several pages in the report. At the same time, the Russian MFA is somewhat modest when describing national systems of physical protection, accounting for and secure maintenance of sensitive materials related to the production of WMD, and the infrastructure of national export control. Measures taken to prevent financing of illegal operations also did not find enough space in the report.

In 2005 the Russian government took a few additional steps to improve the national export control system. For example, some changes were made in the regulations based on existing legislation. The government of the Russian Federation worked out some amendments to the Code of Administrative Offences to increase punishment for the violations of

⁶ URL <[http://www.un.org/Docs/journal/asp/ws.asp?m=S/AC.44/2004/\(02\)/14](http://www.un.org/Docs/journal/asp/ws.asp?m=S/AC.44/2004/(02)/14)>.

⁷ URL <<http://www.mid.ru>> (visited on 29 Oct. 2004).

the export control rules. It also issued Ordinance no.303 of May 16, 2005, 'On the Division of Authority among Federal Agencies in the Sphere of Biological and Chemical Security of the RF.' Functions of the Russian Export Control Commission were expanded and its membership modified. Russia also adopted new licensing rules to facilitate implementation of the catch-all provision.

The Russian Federation expressed its readiness to support other countries in the fulfilment of their obligations according to provisions of resolution 1540 if they request such assistance.

The report emphasises that the RF continues to promote dialogue and co-operation on non-proliferation matters at various multilateral forums. The Russian Federation supports proposals aimed at the elaboration of legally binding mechanisms of control over the compliance with obligations undertaken by states – participants of the Biological and Toxin Weapons Convention (BTWC). Russia is active on WMD non-proliferation issues in various multilateral organisations formed by countries of the CIS. For example, in October 2003 member states of Eurasian Economic Community signed an Agreement on the unified order of export control. In September 2004 they approved unified control lists and common regulations on export control in accordance with the 2003 Agreement.

At the Russia-United States summit in Bratislava (24 February 2005) the two Presidents adopted an important joint statement, in which both states declared their intention to expand and deepen co-operation with the aim of enhancing the security of nuclear facilities around the globe⁸. Both states will jointly initiate security 'best practices' consultations with other countries that have advanced nuclear programs.

Recognising that the terrorist threat is both long-term and constantly evolving, Russia and the United States agreed to assess in 2008 the joint projects and identify avenues for future co-operation consistent with their increased attention to the security culture in both countries.

Resolution 1540 has demonstrated the solidarity of the world community in fighting terrorism connected with WMD. It contains a critical provision that all states should take practical measures at the national level to enhance accounting for, control and physical protection of materials related to nuclear, chemical and biological weapons and their means of delivery, and also control over their exports and trans-shipments, to enforce the appropriate legal base and law enforcement practices.

⁸ Joint Statement by President Bush and President Putin on Nuclear Security Co-operation. 24 Feb. 24 2005, Bratislava. URL <<http://www.kremlin.ru/interdocs/2005/02/24/0000>>.

Despite the fact, that various states have taken different approaches when preparing their national reports, it can be concluded that national reports represent an important step towards more effective co-operation to prevent WMD, their means of delivery and related materials falling into the hands terrorist networks. The system of national reports in itself constitutes the foundations for a practice of monitoring of compliance with resolution 1540. The UN Security Council should strengthen its ability to enforce non-proliferation on a regular basis by working out additional provisions on the fulfilment of the obligations taken by the states.

In this respect it is worthwhile paying attention to the proposal to establish an agency to monitor WMD non-proliferation. This agency should report to the UN Security Council and collect, analyse and evaluate national reports on the fulfilment of resolution 1540 and prepare relevant information for the Security Council⁹.

Resolution 1540 obviously goes beyond the goal of preventing WMD falling into the hands of non-state actors. The harmonisation of national export controls systems and practical measures to improve their enforcement constitute important elements of the entire non-proliferation regime.

It should be emphasised that the implementation of resolution 1540 will be successful only if parallel necessary steps at the national and multilateral levels are taken. But this is a long-term task. That is why it would be useful to review the status of the Committee 1540, which has been established for two years only. The UN Security Council should remain the main co-ordinating body to monitor the activities of national states in the sphere of WMD non-proliferation.

⁹ *Universal Compliance: A Strategy for Nuclear Security*. Carnegie Endowment for International Peace. George Perkovich, Jessica T Mathews and others. (Washington D. C. 2005), pp. 65–66.

5. RUSSIAN–NATO RELATIONS WITHIN A NEW CONTEXT

Sergei OZNOBISHCHEV

The declared partnership with the West and with NATO has not lessened substantively the differences between Russia and the North Atlantic alliance. Over the past years, however, certain ‘rules of good manners’ were evolved – at a high political level and during official meetings. Russian officials avoided open and sharp criticism of NATO. On the contrary, during meetings and discussions (for internal use), the superficial nature of the Russian–NATO partnership that has not led to removing accrued contradictions has often been noticed.

NATO officials, on their part, have adopted the rule of enthusiastically reporting everywhere ‘achievements’ in the activities of the alliance, its modernisation, and have persistently failed to understand and acknowledge Russia’s concern over the expansion of the bloc. It is noteworthy that this lack of ‘understanding’ has lasted for more than a decade – since the start of NATO’s actual expansion.

When the ‘Partnership for Peace’ (PfP) program was drawn up, NATO high-ranking officials who were responsible for contacts with East Europe used to tell the author of these lines with gratification that an ‘intellectual’ way out of the then existing situation had been found. They interpreted the PfP program as the one taking account of Russia’s concern and making it possible to postpone the inclusion of the Central and East European countries in NATO. These countries got the opportunity without formally joining the alliance to start to be active in co-operating with it, including the programs of ensuring security and military co-operation.

Causes of the troubled relationship

By the fall of 1994, however, following powerful pressure from Washington, sights were set on the alliance’s virtual expansion. To restore the relations with Russia that have become seriously strained, the agreement and signing of ‘The 1997 Founding Act on Mutual Relations, Co-

operation and Security between the Russian Federation and the North Atlantic Treaty Organisation' was initiated. The Act proclaimed as the goal for co-operation between both parties 'stable and long-term partnership'. Nevertheless, a number of wordings of the document retained the spirit of a guarded approach to each other¹.

For the practical implementation of the tasks, a special body was established – the Joint Standing Council (JSC). When analysing the nature of the co-operation set out in the JSC plans, the impression was created that the high officials on both sides had hastily written down themes so as to produce the semblance of results and report to the leadership on the fulfilment of their task.

It can be said today that after proclaiming the partnership between Russia and NATO, the Founding Act could not, however, advance it to such an extent so as to prevent the serious worsening of the relationship in the late 1990s. This fact, unfortunately, has to be considered the main result, which is not very consoling of the partnership over the last decade. The 'political effect' of all this on the Russian political establishment was clearly reflected in the fact that throughout the second half of the 1990s there existed in the State Duma (SD) an 'Anti-NATO' group, which numbered about 300 deputies, that is the overwhelming majority of the SD members.

The discourse of Western politicians fashionable in those years about the peace-keepers of NATO and Russia serving side by side in former Yugoslavia and thus laying the foundations for 'combat brotherhood' turned out to be no more than fine words. This 'brotherhood' did not end in a military crash only by pure luck when Russian paratroopers in a rapid move occupied Prishtina.

The signing of the Founding Act was not followed by tangible positive changes in the Russian-NATO relationship. Meanwhile, the wrong idea of 'appeasing' of Russia became widespread in the West. After the adoption of the Founding Act, Russian criticism of NATO expansion caused surprise and even perplexity among Western politicians. After all, the signing of this document by Russia was assessed by many foreign politicians and public-opinion spokesmen as agreement with the continuation of this policy.

A Fresh Start

After the crisis in the relationship between Russia and the West at the turn of the 21st century, there emerged the desire to adjust the foundations

¹ Founding Act on Mutual Relations, Co-operation and Security between the Russian Federation and the North Atlantic Treaty Organisation. (Paris, 27 May 1997), URL <<http://www.nato.int/docu/basicxt/fndrus.htm>>.

and substance of their relations. This was expressed in the adoption of an additional document. At the NATO session in Rome in May 2002 a Declaration of the heads of state and government of the Russian Federation and the NATO member states was adopted. While confirming commitment to the goals, principles and undertakings laid down in the Founding Act, Russia and NATO member states declared in the new document that they are opening a new chapter in their relationship.

This statement reflected the desire to depart from the canons of the past at this new stage of co-operation. I would like to make at once the reservation that after more than three years since the signing of this document many developments point to the fact that this strategic task has not been fulfilled.

In this declaration an attempt was made to somewhat enlarge and specify the areas of the most important interaction. Having stated the intention to concentrate their attention 'on all areas of mutual interest' defined in the Founding Act – in other words, a very broad and quite amorphous agenda, the parties put stress on a number of priority areas of co-operation².

The matters, outlined there, can be broken down into three categories. The matters that cannot be bypassed – like combating terrorism. Those of great interest to one of the parties: theatre missile defence (TMD). And co-operation in military reforms, in which Russia is especially interested, and those where real and rapid progress can be made, illustrating the fulfilment of an important political task.

Under the impact of the 11 September 2001 tragedy and subsequent events, the antiterrorist task was moved from the last place (compared with the Founding Act) to the first one. The task next in importance, 'crisis management', was stripped of its important component such as 'prevention of conflicts, including preventive diplomacy'. This will evidently be hard to put into effect in the present European context.

The task of WMD non-proliferation apparently because of the obvious increase of the terrorist threat in the world has also been given greater priority, moving from the eighth to the third place. The arms control provisions were expanded and made more specific, and were enlarged by confidence-building measures. The Russian side succeeded in the inclusion of the provision that efforts would be made to promote co-operation in the field of theatre BMD. (The attempt to give effect to the long-standing hopes of the Russian military industry to establish co-operation in this area with Europe).

In addition to the general provision on information exchange and consultations on issues of strategy, defence policy, etc., there appeared a specific item on the establishment of co-operation between the military also in the sphere of military reforms. On the one hand, logic prompts that military reforms are being carried out not by NATO as a whole but by in-

dividual countries and for this reason this organisation is hardly the kind of forum where it is most appropriate to discuss these issues. On the other hand, the task set by this item to strive for compatibility on the basis of improvement in joint training and exercises is perhaps a key one. Without the fulfilment of this condition it is impossible at all to speak of any serious joint actions neither in crisis regulation nor in combat against terrorism.

Under the impact of the tragedy of the Kursk nuclear-powered submarine when for many days the Russian Navy showed organisational and technical inability to save the crew of the sunken submarine on a depth of 100 meters (with NATO countries offering support to Russia), the item 'search and rescue at sea' was included in the list of joint priority efforts. Since the achievement of such aims is largely of a 'humanitarian character' (as is pointed out in the so-called Framework document adopted on this score) and does not greatly affect the parties' national security interests, the achievement of rapid and real progress has proved feasible.

The aim was set to 'exercise monitoring of the fulfilment of the Russia-NATO Framework document on the rescue of the crews of submarines and continue to promote co-operation, transparency and trust between Russia and NATO in 'search and rescue at sea'². The Russian Defence Minister and the NATO General Secretary signed a corresponding document on 8 February 2003.

An attempt was made at the same time to make adjustments to the principle of mutual co-operation itself. It is common knowledge that as part of the Joint Standing Council (JSC), Russia was alone in conducting dialogue with the entire NATO. Instead of the former JSC that based its work on the principles of 'consultation and co-operation' between Russia and the North Atlantic alliance as a united organisation, in accordance with the 2002 Declaration the Russia-NATO Council (RNC) was formed. It was envisaged that as part of the Council 'Russia and the NATO memberstates will be working as equal partners in the fields of mutual interest'⁴.

A new principle has been applied but the range of decisions made by the RNC does not affect as before the principal issues of security and relations between Russia and the alliance.

The Russian exercise 'Accident-2004' conducted near Murmansk with the attendance of 50 NATO observers was one of the most significant actions of 2004. Its purpose was to show how to counteract jointly potential terrorist acts aimed against convoys with nuclear weapons. In December of the same year in Brussels, agreement was reached on Rus-

² Declaration of the Heads of State and Government of the Russian Federation and the NATO Member States: New Quality. (Rome, 28 May 2002), URL <<http://www.nato.int/docu/basicxt/b020528.htm>>.

⁴ Ibid.

sia's support for operation 'Active Endeavour' – a naval anti-terrorist operation providing for monitoring sea vessels in the Mediterranean.

However, the substance and remoteness of such limited joint actions could hardly produce profound impression on Russian politicians. What was really important in the fact was the establishment of the foundations of operational compatibility of the military structures of NATO and Russia. The special Russia-NATO Framework program of operational compatibility has served this purpose.

Under the program, about 60 various events were organised over 18 months. An important practical step along the way – the formation of the 15th individual motorised rifle brigade as a peacekeeping unit for conducting operations with NATO or other international operations.

As part of the RNC, the document 'Political Aspects of the Basic Concept of Joint Russia-NATO Peacekeeping Operations' was adopted. It is based on the principle of equitable partnership. A joint initiative in organising the use of air space will serve the aims of co-operation in regulating air traffic and aerial observation.

Certain progress is registered in promoting the concept of the theatre BMD. Some ideas in this respect have been worked out by an ad hoc working group. Command and staff exercises have been carried out.

Activities have been successfully in progress in the retraining of Russian servicemen who were demobed, and these activities began to be realised in July 2002 in Moscow.

In search of an effective partnership model

NATO high-ranking officials have spoken quite positively of Russian-NATO interaction. NATO Secretary General Jaap de Hoop Scheffer recently said that Russia and the NATO member states, acting together, like genuinely equal partners, established actual partnership based on pragmatism and common interests⁵.

Regrettably, like in the previous decade, NATO officials have ignored Russia's concern over the policy of the expansion of the alliance and other actions of this organisation. This taken alone testifies to a superficial nature of the current Russian-NATO partnership. Genuine partnership by definition cannot be built, if the stand taken by the other party is not perceived and/or there is no intention to reckon with it. As long as this basic aspect is not rectified – this peculiar deafness in relations – there cannot be talk of profound and, all the more so, stable partnership.

⁵ *Russia-NATO: Building Deep-Seated Relations. Key Areas of Co-operation*, (NATO publications, June 2004). URL <http://www.nato.int/docu/nato-russia/html_ru/nato_russia05.html>.

It is for this reason that the official representatives of Russia's corresponding departments, assessing Russian-NATO relations, speak on their part at best of the 'benevolent-negative attitude' to the expansion of the bloc⁶.

It cannot but be noted, however, that the official reaction on this score, as compared with the promises made during the Yeltsin period, to take retaliatory measures to the expansion of the alliance, 'up to and including measures of a military nature', has calmed down. But this happened largely due the personal stand of Russian President Vladimir Putin, and high-ranking representatives do not dare oppose openly this stand.

Unbiased experts, including representatives of official agencies, acknowledge the ongoing transformation of NATO. Thus, Andrei Kelin, a well-known diplomat and Deputy Director of the Department of All-European Co-operation at the Russian MFA argues that 'serious transformation has been under way in NATO in the past years. The military configuration of the alliance has undergone substantial changes. The linear defence system designed during the Cold War times for confrontation with the Soviet Union has been dismantled. The military command structures in Europe have been reduced'⁷. However, the high-ranking diplomat also states that a number of elements in the policy and actions of the alliance that are a subject of Russia's concern over NATO have not been removed as yet. To make the Russian-NATO partnership become 'realistic', an important fundamental problem has to be solved – to learn to link together the political approaches of Russia and the NATO member states⁸.

It should be remembered that the viewpoint of any official expresses the stand taken by his entire department – in this case, expresses the elements of Russia's foreign policy and its concerns. A characteristic assessment of real progress in NATO's modernisation is also made in a statement by the Russian MFA, which says that the restructuring of the alliance is 'going on slowly, at times inconsistently, while preserving for NATO's military structures the range of tasks they were fulfilling during the Cold War years'⁹.

One should also add to it the growing tension in Russian relations with the North Atlantic alliance over the drawn-out ratification of the Treaty on Conventional Forces in Europe (CFE Treaty), the irritability of the Russian side over attempts at NATO's entrenching in the countries of

⁶ Kelin, A. V., 'Calm Negative Attitude to NATO's Expansion', *Mezhdunarodnaya Zhizn (International Affairs) Magazine*, no. 12, 2003.

⁷ Kelin, A. V., 'On NATO's Expansion and Russia's Security Interests', Institute of Scientific Information on Social Sciences, Russian Academy of Sciences (INION RAN), *European Security: Events, Assessments, Forecasts*. 2004. Issue no. 12.

⁸ Kelin, A. V., 'Calm Negative Attitude to NATO's Expansion' // *Mezhdunarodnaya Zhizn Magazine*, no. 12, 2003.

⁹ Statement by Yakovenko, A. V., Official representative of the Russian Ministry of Foreign Affairs. 29 Mar. 2004.

the Community of Independent States (CIS) and the Baltic states, and over the hints at deploying NATO's military infrastructure there. The appearance of four NATO fighters in the Baltic sky in the aftermath of these countries joining the bloc is almost like a joke in terms of military expediency but, nevertheless, it was enough to cause another outburst of Russia's criticism levelled at its 'partners'.

The mere fact of NATO's modernisation that is considered, apart from everything else, to be incomplete, does not virtually change the critical attitudes of the Russian military and the vast majority of politicians. This is what the representatives of Russian defence and military complex said: '...what we agreed in Rome (in May 2002) has been done in essence... and the potential that is of interest precisely for the two parties has been exhausted. Defence co-operation has been limited in substance to political contacts and exercises both with individual NATO states and groups of countries. There can be so far no talk of any joint peacekeeping operations'¹⁰.

This kind of peculiar dualism – the proclamation of partnership relations with NATO and the strong rejection of a number of elements of the alliance's policy, and what is more, serious concern over threats to national security on the part of this organisation – is characteristic of Russia's present-day position. But it is absolutely clear that such equilibrium between the two approaches is temporary and unstable – sooner or later the one will prevail over the other. This already happened in the late 1990s, and relations between Russia and NATO became seriously strained. Will there be time enough to the 'tactics of small steps' in building Russian-NATO partnership to bring these relations to a new level where they would not be subject to crises? Will it be possible to rectify the situation should there be another worsening of relations?

The dual stand of Russia has also been expressed in the fact that against the background of the declarations about partnership with NATO, in Russia's official documents some NATO actions have unequivocally been regarded as a challenge and threat to Russia's security interests. In the Concept of National Security among the main threats in the international sphere, a reference is made to the 'strengthening of the military-political blocs and alliances, and above all, NATO's eastward expansion'¹¹. The Russian Military Doctrine also contains a quite definite wording on this score. In the list of main external threats the statement on the

¹⁰ *Izvestia*. 2005. 11 Feb.

¹¹ The Concept of the National Security of the Russian Federation. URL <http://www.scrf.gov.ru/documents/decree/2000_24_1.shtml>.

expansion of ‘military blocs and alliances to the detriment of the military security of the Russian Federation’¹² is at the top.

At the political level – among the government representatives – it is hard to find any other subject that would cause so much irritation and criticism as NATO and its policy expansion. This is especially alarming because Russian lawmakers have sufficient possibilities to establish a rigid framework for Russian foreign policy.

The prevailing attitude of the deputies of the SD in Russia is ‘absolutely negative’ both to the alliance itself and the policy it has pursued. Every year Russia’s parliament adopts several statements and other documents that contain criticism of NATO and expressions of concern over the bloc’s policy.

At the end of 2004, the SD called upon President Vladimir Putin to consider at the session of the Security Council of the RF the matter of ‘deployment of additional defence installations’ on Russia’s western borders. This appeal is contained in the statement ‘In Connection With NATO’s Expansion’ adopted in the SD in March 2004 (by a vote of 305 to 41). The statement holds that if NATO ignores Russia’s concern over the bloc’s eastward expansion, the Duma will recommend the President and the Government to ‘take necessary measures for the reliable guarantee of the security of the Russian Federation, including the determination of the expediency of further participation in international treaties in the sphere of conventional armaments control and a review of the principles of building the Armed Forces of the Russian Federation towards strengthening their nuclear deterrence potential’¹³. The statement of the Federation Council of the Federal Assembly of the RF also noted that NATO’s eastward expansion gives rise to a new twist of mistrust between Russia and the North Atlantic alliance¹⁴.

The response of Western officials to the Russian deputies’ criticism of the NATO actions remains as a rule indifferent and did not virtually change at all since the 1990s. Illustrative is the statement by Rafael Estrella, President of the NATO Parliamentary Assembly, who, commenting on the viewpoint of the Russian governmental officials and parliamentarians argued, that such concern had no serious ground¹⁵.

The lack of attention to and the neglect by Western officials at most various levels of the substance of Russia’s concern have revived the inter-factional association ‘Anti-NATO’ that seemed to become a thing of the past but was reanimated by the 2004 fall session.

¹²The Military Doctrine of the Russian Federation. URL. <http://www.mil.ru/articles/article_3923.shtml>.

¹³Regnum. ru. 2004. 30 Mar.

¹⁴URL <<http://globalaffairs.ru/news/1711.html>>.

¹⁵BBC News. 29 May 2001, URL <http://news.bbc.co.uk/hi/russian/news/newsid_1357000/1357509.stm>.

Thus, with all willingness, it does not yet appear possible to share the optimism of certain NATO officials about Russian-NATO co-operation and its serene prospects. As a result, the optimism of NATO officials as a 'departmental feature' does not simply run counter to realities, but when indulging in wishful thinking, also deprives them of incentives for stepping up work on the transformation of NATO, whereas a cheerful ignoring of Russia's concern is fomenting bitter anti-NATO attitudes in Russia.

Although the substance and nature of practical activities on bilateral co-operation differ in some of their features from corresponding interaction after the signing of the 1997 Founding Act, they represent in essence uncoordinated measures with a limited agenda.

This is obviously insufficient to effectively change for the better the nature of bilateral relations and to serve as a breakthrough for the perception of NATO and its actions by Russia's political class and public opinion. This is also insufficient for the main change to take place – a change in the quality of Russian-NATO relations: from a declarative and unstable partnership to a realistic and substantive one.

The situation could be changed if NATO radically altered its view of Russia's concerns. Measures aimed at a rapid and effective transformation of NATO and adjusting this organisation to new conditions could seriously strengthen partnership. However, to remove the unceasing criticism made by the Russian side (if, certainly, the politicians of the North Atlantic alliance are sincerely interested in this), it would be well to make such transformation when conducting dialogue with Russia. Given such a scenario, the representatives of Russia could make their proposals and participate in the discussion of the trends and forms of the bloc's transformation.

Partnership will become more realistic, if the parties get down to the real solution of the fundamental issues of European security, many of which remain a heavy burden since the times of the Cold War. Without the elimination of this heritage any movement forward may prove ephemeral. For example, the problem of the implementation of the CFE Treaty has long been overdue and cannot be solved on the basis of the formalistic approach predominant now in Europe. There is a need to give serious thought to the continuation of the process of reducing conventional armaments in Europe. Is it normal that there are now tens of thousands of tanks, armoured combat vehicles and other units of military equipment on the continent that, given such quantities, can be used only for large-scale military actions against each other? After all, the current ceilings of the number of armaments in Europe were planned as far back as the times of the existence of the Soviet Union and bloc confrontation with the West!

Existing confidence-building measures have ceased to meet the present-day realities. For instance, the obsolete and overstated limitations of

the numerical strength of forces when conducting exercises are making no longer any contribution to the confidence building.

Meanwhile, subjects of no small importance such as the establishment of nuclear-free zones in Europe and the gradual reduction of the presence of nuclear weapons on the continent have not found any practical reflection in the bilateral dialogue. Data on tactical nuclear weapons, their quantity and location have been lost in verbal accords that are not binding on any one. Long-standing issues have not been addressed such as limitations on aircraft, naval activity near European shores, etc. It is time to stop treating each other by following double standards – when conducting talk of partnership and building up mountains of weapons.

The new expanding structure of NATO is giving rise in essence to a new system of security in Europe, in which Russia cannot be denied access to joint solutions of issues of such restructuring. There is now a need to think of a real partnership of security interests in a future Europe. All of this could bring Russian-NATO relations to a fundamentally new level of a lasting and effective partnership. Genuine partnership can be built only on the basis of great endeavours, the work on which really draw the parties together and creates a solid foundation of long-term relations.

6. DISCUSSIONS AT IMEMO

Galina OZNOBISHCHEVA

Presentation of the Russian edition of the SIPRI Yearbook 2004

The presentation was held on 25 May 2005 at the Institute of World Economy and International Relations of the Russian Academy of Sciences. The meeting was attended by **Dr Alyson Bailes**, Director of the Stockholm International Peace Research Institute, by other prominent experts – both Russian and international – on the issues of global security, by officials from the Russian ministries for defence and foreign affairs, as well as by representatives of NGOs, foundations and the diplomatic corps.

In his welcome address Deputy Director of IMEMO **Vladimir Baranovsky** noted that the joint SIPRI–IMEMO project offered an opportunity to Russian experts, scholars and politicians to have a direct access to a serious specialised analytical edition – ‘SIPRI Yearbook: Armaments, Disarmament and International Security’. He underlined that SIPRI studies served as an intellectual catalyst for researchers who address issues of international affairs and security.

Due to the joint effort of the two institutes, the Nauka Publishing House has been publishing the Yearbook in the Russian language for many years. Its latest edition contains the results of research on major armed conflicts, which occurred against the background of the ongoing Iraqi war. Various crucial issues are addressed: peacekeeping operations, military expenditure of the major states.

In a number of chapters SIPRI experts evaluate developments affecting the spread of mass destruction weapons, trends in armaments and arms trade and the issues of export control.

The Russian edition of the SIPRI Yearbook 2004 includes (and it has become a welcome tradition) the IMEMO supplement written by Russian experts, offering evaluation of topical issues related to international security.

Focusing on the latest edition, **V. Baranovsky** emphasised that it contained several new themes, which had not been addressed in the previous editions, for example, the subject of international justice. A special chapter is devoted to the activity of the International Criminal Tribunals for Yugoslavia, Rwanda, as well as of the International Criminal Court. He also singled out chapters on Chinese policy on international security, on scientific-technological, military innovations in the USA and Europe, and the theme, which was absent from the previous editions – withdrawals from arms control treaties.

Alexandre Pikayev, Head of the Disarmament and Conflict Management Department at the IMEMO Centre for International Security, drew attention of the audience to the fact that the presentation was devoted to the 12th edition of the SIPRI Yearbook in Russia. In his view, it is a serious achievement. On behalf of the sponsors of the joint project A. Pikayev offered thanks to the team of editors and translators, whose role was vital in safeguarding the quality of the outcome.

Alexandre Kusnetsov, Head of the Planning Department of the MFA singled out the part of the Yearbook, which addressed lessons of the Iraqi crisis. In his opinion, there is a need in thorough discussions of this subject as it is far from evident that the USA has drawn serious lessons from this war. Washington's rhetoric on spreading democracy and freedom distracts attention from current crucial issues of international relations.

Seminar on 'International security after Iraq'

The seminar was held within the framework of the SIPRI Yearbook presentation. **Dr Alyson Bailes** delivered a key address on this subject¹. She noted that this theme was the natural one, and perhaps truly the most important one to be discussed with any audience specialising in security policy. However, the expression 'after Iraq', in her view, may itself hide some misleading and over-optimistic assumptions. 'We should not be talking, as if the Iraqi episode, even Iraqi 'crisis' is already over', **Dr Bailes** pointed out. Not only is Iraqi's internal stability and its very shape and identity as a nation-state still far from certain, but there are still many bad scenarios that can be foreseen – and others probably not foreseen – on that front, which would be capable of disrupting both neighbouring and far-away countries's policies and relationships in a way, that hardly any other conflict situation could do at present. **Dr Bailes** emphasised that judgements that could be made on the Iraqi story while still historically so close to it were especially liable to be coloured by subjective thinking.

¹ For the full text of Alyson Bailes's presentation see *Mirovaya Ekonomika i Mezunaridnie Otnoshenia*, no. 10, 2005.

People and countries are tempted to draw the conclusions from the strategic events that fit with their own preoccupations or, at least, that they find easier to live with.

Four cluster of issues were addressed in **Dr Bailes's** presentation: (a) US policy and power, (b) the consequences of conflict and challenges of peacebuilding, (c) perceptions of the hierarchy of threats and (d) the link between all these things and democracy.

The participants received **Dr Bailes's** review with genuine interest, and a lively discussion followed.

Different points of view on topical issues of international policy and global security were offered.

Nadezhda Arbatova, Head of Sector at the IMEMO, argued that thinking about Iraq, one couldn't ignore the continually changing objectives of the American presence in this country. 'In view of the immense difficulties, which the USA is facing in Iraq, one can not but wonder, what would happen if the American-style democracy fails there'.

V. Baranovsky addressed the problems related to the role of the UNO in the Iraqi settlement. He doubted the need for the hard Iraqi experience in order to justify the important conclusions referred to in **Dr Bailes's** presentation.

In his comments **Sergei Oznobishchev**, Leading IMEMO researcher, expressed confidence that in the absence of the tough control on the part of the world community and/or the USA the Iraqi situation could not evolve along a democratic scenario. At the same time developments in Iraq, in his view, clearly demonstrated that potential to influence the situation in this country from without was very limited.

Alexei Arbatov, Director of the IMEMO Centre for International Security, asked **Dr Bailes**, whether, in her opinion, an alternative to the actions undertaken by the USA existed. Prior to the military action one might have suggested that the continuation of the on-site inspection in Iraq became unacceptable for the USA, while Russia and some western countries opposed coercive actions.

Marianna Grishina, representing the *Krasnaya Zvezda* newspaper, asked **Dr Bailes** to share her views on the internal political situation in Iran and Iran's attempts to influence the situation in neighbouring Iraq. **Marianna Grishina** referred also to the mixed response to the threat to international security, allegedly posed by Iran.

Natalya Romashkina, Researcher at the IMEMO, wondered whether all Iraqi chemical weapons had been destroyed.

Ahmad Mateseran, Councillor at the Iranian embassy in the RF argued that Iran intended to use nuclear energy only for peaceful purposes. In his view, the Iranian authorities are willing to co-operate in this area with the world community.

Responding to questions **Dr Bailes** underlined that Iraq had destroyed substantial stocks of chemical weapons but the capacity remained to resume production in a short time. Despite on-site inspections, Saddam Hussein continued to cheat the world on the size of the Iraqi CW stockpile. The greater part of responsibility for what has happened rests with him. It is likely that by the end of 2006 the USA itself will come to the conclusion that Washington would not be able to impose a pro-American regime and obtain agreement on the creation of military bases on Iraqi territory. A probability exists that the European Union (EU) will be more active in Iraq. At the same time, in **Dr Bailes's** opinion, it is necessary to enhance the UN role in Iraq. Control on the part of international organisations should create conditions in Iraq, which would exclude any likelihood of the re-emergence of WMD capability again, for example, in 2010. Some experts, in **Dr Bailes's** view, are of the view that certain neighbouring countries (for example, Iran) do not show interest in establishing stable relations with Iraq. However, disintegration and anarchy in Iraq could not bring benefits to anybody. It is in our common interest, emphasised **Dr Bailes**, to deny terrorists any possibility to move from one country to another. Conditions should be created for peaceful co-existence of shiites and sunnites. Greater openness and strengthening constructive relations with the EU and other nations, promotion of economic and technological development are of exceptional importance for Iraq's future.

At the same time the world should be assured that Iranian nuclear capability is not used for the production of nuclear weapons. The IAEA safeguards should be complied with to guarantee this outcome. It is also necessary to continue negotiating process on the related issues. We should clearly understand, stressed **Dr Bailes**, what lessons we draw from the Iraqi experience to make them serve the cause of security and peace in the world.

Vladimir Nazarov, Assistant to the Secretary of the Security Council of the RF, noting the urgency of the issues raised in **Dr Bailes's** presentation focused on the need to develop multilateral diplomacy and avoid politicisation in evaluating information. The use of force should be viewed as a last resort when all other options to resolve the problem have been exhausted.

Philip Fluri, Deputy Director of the Geneva Centre for the Democratic Control of Armed Forces (DCAF), reminded that DCAF provided assistance to the joint SIPRI – IMEMO project in publishing the Russian edition of the SIPRI Yearbooks. DCAF was created to render assistance to the nations in the democratisation of military institutions. Referring to NATO enlargement policy he conceded that this process generated Russian concerns. However, in his view, the enlargement does not constitute a challenge to Russian security. 'The very fact that NATO representatives appear in Azerbaijan, Central Asia or Georgia does not imply that NATO

will be enlarged in this direction'. **Ph. Fluri** expressed his conviction that no alternative NATO operations in Kosovo, Afghanistan as well as to the coalition's actions in Iraq existed. He argued that in order to effectively use Alliance's capabilities, NATO should work together with the EU and co-ordinate the activities of the defence departments of the NATO states. In his view, further NATO expansion was in keeping with the processes, which were taking place in Central and Eastern Europe as well as in the Baltic States. On all occasions, NATO offered clear-cut criteria of the membership, which were largely complied with, beginning with democratisation of the armed forces and public debates in these countries on security issues. Nevertheless, the membership of Bulgaria and Romania still posed a problem. 'These states must reform their intelligence services, frontier troops and police institutions in accordance with NATO requirements'.

Alexei Arbatov in his presentation referred to the theme of democracy, freedom and security, raised by **Dr Bailes**. The USA having started the campaign in Iraq 'to build democracy' must have been at least clear about its attitude to the outside world, populated by quite a number of undemocratic states. The line adopted by the USA generated serious controversies. 'American real interests often require co-operation with countries, which in no way meet the democratic standards'. Moreover, many authoritarian states proved to be effective in dealing with domestic terrorism and they are partners of the antiterrorist coalitions in the struggle against this evil on a world-wide scale.

In **Arbatov's** perspective authentic democracy 'must be gained through much suffering'. Democracy cannot be brought 'from the outside' and effectively built in those countries, which are not objectively 'ripe' for it. The International community would be entitled to demand that states evolving along their own path 'do not violate the norms of civilised behaviour'. If they fail to do so, corrective measures can be applied to them but only within the framework of international law.

Vladimir Kulagin, Professor at the Moscow State Institute of International Relations, pointed to the statistically proven fact that democratic states did not go to war with each other. The democratisation carried out by the European Union after the Cold War in Central Europe and attempts to do the same thing in Russia produced quite good results. 'Besides, under totalitarian regimes people are not asked whether they are grown up enough to be fit for democracy'.

Constantine Eggert, Chief editor of the Moscow branch of the Russian Service of the BBC, summing up his impressions of the visits to the countries of the Near East made the point that it was hard to imagine a more oppressive regime, than Iraq had under Hussein's rule. In his view, changes, which were occurring in Iraq, created conditions for democratisation in the whole region – Lebanon, Egypt, Jordan.

Responding to some points raised in discussion, **Dr Bailes** said that democracy did not include automatically the notion of security. Conflicts occurred in democratic states, too. For example, tensions between Great Britain and Northern Ireland, the Basque issues in Spain. ‘There exist different approaches, different versions of democracy. Nobody can offer an ideal solution for the Arab world, either. Democracies do not challenge each other. The problem resides in the manner, in which democracy interacts with social and economic rights of the citizens. Individuals who live in this or that country decide for themselves under what political regime they wish to live’.

Responding to the points made by the participants, **A. Arbatov** noted that the desire to live under democracy did not necessarily mean that people were ‘ripe’ for democracy. ‘The majority of Russian citizens will agree that our country is to travel a long road before the conditions for the success of the European model of democracy take shape. It is the road, along which we travel that is the key question and not whether this road meets the requirements of the European standards. We are continuing to live in the world of double standards. As far as Iran is concerned, it is not the technologies in themselves that cause concern. The USA do not like the current regime in Iran, while Washington was quite happy with the previous regime in this country, which by no means could be characterised as being a democratic one’.

M. Defrenn of the European Commission, emphasised efforts, which were undertaken to involve Iran in negotiations on its nuclear activity. As far as the nuclear ambitions of Pakistan were concerned, he believed that, being non-party to the NPT, that country consequently was not bound by its provisions. In his opinion, Russia ‘is a key EU partner in the non-proliferation area’. This was reflected in a recently adopted EU non-proliferation strategy.

Dr Bailes intervened to stress that in analysing democratic processes in different countries it was very important to differentiate manifestations of democratic trends and protest, which could be a part of the mood of the opposition. ‘One has also to take into account the activity of the groups that strive to topple the ruling clique and to come to power themselves and this trend might not always be a manifestation of democratic trends. It is in Europe that understanding of such nuances is important. International community in its desire to make a positive impact on processes taking place in various countries should apply the following important criteria: such activity should not generate challenges and threats either to international security or to neighbouring states’.

Pavel Felgengauer, an independent military observer, reminded the audience of the technological catastrophe, which recently occurred in Moscow (cutting off electricity in Moscow on a large scale). ‘The concen-

tration of sensitive and potentially dangerous structures and production facilities in megalopolises may create an environment, which could be used as a peculiar mass destruction weapon'. He wondered whether SIPRI addressed this problem.

In this connection **Dr Bailes** drew attention of the participants to the fact that in 2004 SIPRI had published a book on business undertakings and security. Three chapters in this book were devoted to threats, which had occurred in transport, communication systems, and computer networks, as well as in the course of energy, food and water supplies. This publication evaluated these factors as well as defence industry affecting the functioning of the modern society. 'Our armed forces can not operate without electricity, computers, etc. Previously these problems were neglected. Nowadays very interesting studies are being planned on this theme in Switzerland, Britain and Scandinavian countries'.

Natalya Kalinina, leading IMEMO researcher, commented on the cutting off electricity supplies. She made a point that a similar situation might had led to a global catastrophe. Referring to the issues raised by other participants **N. Kalinina** stressed the importance of the theme of 'the price of democracy'. In this connection she cited the economic failures and the disintegration of the state administration in Russia in the 1990s. The economic and political crises, which accompanied the transition to democracy by peaceful (non-military) means, had led to a situation when the country found itself thrown back for several decades. Although Russia was pushed in the direction of democratic transformations, nobody had assisted it to overcome speedily economic crisis. Referring to the 'Global partnership' program, she underlined the point that the objectives of this program were not feasible. 'At present the volume of the concluded contracts for Russia within the framework of the program amounts to less than 10 % of the declared sum of \$20 bn. SIPRI might devote some attention to this question in its research'.

Vladimir Novikov of the Russian Institute of Strategic Studies raised the point regarding the EU long-term objectives. He wondered whether the EU would continue to insist that Iran should forego sensitive nuclear technologies altogether or agree that such research could be pursued under full-scope IAEA safeguards.

Responding to the questions and comments, **Dr. Bailes** underlined that Russia possessed facilities, which were crucial from the security point of view. The West's task was to formulate such projects, which would increase the level of security. On the issues of 'Global Partnership' the European Union was turning more and more to European countries.

SIPRI, in particular, noted **Dr Bailes**, served as a consultant on many projects and advocated the creation of system of tough control over radioactive materials in the countries of the Balkan Peninsula. It is assumed

that all the projects within the framework of 'The Global Partnership' are to be funded.

In the view of **Dr Bailes**, 'the EU pursues the following task in Iran: its nuclear program should exclude military application of atomic energy. If Iran proceeds with secrete nuclear research and development it may end up as badly as Hussein's regime did. On its part, the EU seeks to establish the necessary level of trust with Iran, which would help to resolve this problem in a satisfactory way'.

Concluding the discussion, **V. Baranovsky** thanked **Dr Bailes** for her interesting and inspiring presentation, which covered a broad range of issues. He offered thanks to all the participants in the discussion for their comments, statements and their support for the joint SIPRI-IMEMO project.

PART II. EXPERT INSIGHTS

7. The official Russian concept on WMD non-proliferation:
principles and practices
8. Defence outlays in the 2006 Federal Budget
9. UNO and the pursuit of global security
(Kofi Annan's plan for reforming the Security Council)

7. THE OFFICIAL RUSSIAN CONCEPT ON WMD NON-PROLIFERATION: PRINCIPLES AND PRACTICES

Alexandre KALIADINE

In May 2005 the Russian Government issued a doctrinal document (the first of its kind in contemporary Russia) dealing entirely with preventing the spread of the means of mass destruction to additional countries and continents. It is named 'The Foundations of the State Policy of the Russian Federation in the Field of Non-proliferation of Weapon of Mass Destruction and Means of its Delivery'¹. The document is designed to respond to the need to streamline the non-proliferation policy and make it more coherent and effective.

Russia in the global non-proliferation system

The paper deserves attention, at least, on three counts.

Firstly, Russia plays a prominent role in the WMD non-proliferation area, though, currently, its ability to determine the course of international events is less, than when it was an integral part of the Soviet Union. Nevertheless, the Russian Federation has at its disposal an impressive arsenal of means of influence on current and potential WMD proliferators and is in a position to make meaningful constructive inputs to the global effort to stem the WMD spread and thus strengthen international strategic stability. As one of the two major nuclear powers, with substantial capabilities in other spheres, too, and a permanent member of the UN Security Council and a key participant in major international global non-proliferation regimes, the RF has a powerful say on many WMD proliferation issues².

¹ The document was published on the WEB-site of the newspaper *Rossiyskaya gazeta* on 16 May 2005, URL <[www. Rg. ru/2005/05/17/osnovy-orujie-doc. html](http://www.Rg.ru/2005/05/17/osnovy-orujie-doc.html)>.

² The 1968 Treaty on the Non-proliferation of Nuclear Weapons, NPT (189 parties); the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin weapons and on their Destruction, BTWC (148 parties); the 1993 Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, CWC (175 parties);

As a major supplier of nuclear power plant and fuel for atomic power stations to the world market, Russia has considerable potential for persuading buyers of nuclear equipment and materials to abide by their non-proliferation obligations.

The Russian Federation is situated on the crossroads of probable routes of illegal flows of WMD, its components and means of delivery. The RF is a key actor in the zones causing the greatest concerns from a proliferation point of view (extending from the North Africa and Near East, to the South and North Asia). Only Russia and the USA possess global systems of artificial satellites indispensable for orbital monitoring of nuclear and missile proliferation activity.

In addition, Russia possesses both nuclear weapons, and sizeable stocks of fissionable materials and bears a special responsibility for their safety (such materials should not fall into the hands of the terrorists or states aspiring illegally to get hold of WMD or their components). Thus, the overall performance of the international control and compliance mechanisms in the sphere of non-proliferation depends in many respects on Russian activity (or inactivity).

Secondly, the traditional, treaty-based non-proliferation regimes are currently facing enormous difficulties. The nature of the threats posed by WMD has changed. The global non-proliferation effort needs to be reinforced in order to prevent the most destructive weaponry from falling into the hands of terrorist outfits or adventurous politicians.

Particular complicated and difficult problems have arisen within the functioning nuclear non-proliferation regime. Controversies extend to such areas, as verification of non-proliferation obligations, ways to ensure the peaceful character of nuclear activity, means to stimulate nuclear disarmament and universal adherence to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). In recent years the NPT has been put under the unprecedented strains. The international non-proliferation order is currently challenged by individual nations (North Korea, Iran and others).

A network of scientists and middlemen from Pakistan had for years been selling nuclear bomb designs and equipment necessary to produce nuclear weapons. Terrorist groups manifested their desire to come into possession of nuclear technology and weapons.

The failure of the Seventh Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (2-27 May 2005, New York) is a disturbing warning sign. Its participants failed to work out

Missile Technology Control Regime, MTCR (33 parties). The International Code of Conduct against Ballistic Missile Proliferation (ICoC) was adopted in 2002. Over 90 states have acceded to it. These international legal instruments have consolidated the global non-proliferation norm and constituted the framework for the prevention of unlawful WMD programs.

and agree on substantive recommendations for the next five-year period³. (Under the NPT a Review Conference is to be held every five years.) Most likely, the NPT regime is in for new trials.

Expanding use of dual-purpose technologies and potentially dangerous materials in civil industry (and their growing availability on the world market), in particular, of highly enriched uranium and plutonium, the fissionable materials, which constitute the basis for nuclear weapons, increase the likelihood of their falling into the hands of terrorist networks⁴.

The recent events highlighted the need for stricter international enforcement of the non-proliferation norm and adjustments of the existing non-proliferation regimes to rapidly changing strategic circumstances through strengthening international mechanisms based multilateral treaties and developing additional ones to defeat proliferators.

In these circumstances, Moscow's opinion, as a key participant in the process of developing stricter global non-proliferation rules and their enforcement, gains additional weight.

Thirdly, the prospect of the spread of means of mass destruction, especially to Asia, a region with huge conflict potential and opportunities for the WMD dissemination does not benefit Russia at all. The Russian Government acknowledges that 'resolving the problem of stemming the threat of the proliferation of mass destruction weapons and their means of delivery constitutes for Russia, with its extended borders and geopolitical situation, a priority task'. Russia is currently reducing its armament. The emergence of new possessors of nuclear and other WMD and additional zones of high military tension close to its borders would have forced Russia to maintain a higher level of combat preparedness in the new areas and take costly measures to this effect. Thus, Russian strategic interests require that no additional country goes nuclear. Especially, as most probable proliferators, capable to threaten Russia in the foreseeable future, are to be found not far from the borders of the RF and CIS. Thus, Russia faces risks of becoming a target for political blackmail or actual use of WMD.

Faced with growing risks, high Russian political authorities have to adjust correspondingly national foreign policy's priorities in order to reduce Russia's vulnerability.

³ The representatives of 152 states took part in the 2005 NPT Review Conference. 129 IGOs and NGOs participated as observers. The conference revealed deep divergences among its participants on the issues of implementation of the NPT. Nevertheless, the statements of the delegates have shown that all the participants share the view that new challenges to the NPT regime should be addressed on the basis of the Treaty on the Non-Proliferation of Nuclear Weapons.

⁴ Such materials (mainly HEU) are stationed on the territories of 46 states. See. *Universal Compliance: A Strategy of Nuclear Security*. George Perkovich, Jessica T. Mathews, Joseph Cirincione, Rose Gottemoeller, Jon B. Wolfsthal, Carnegie Endowment for International Peace, (Washington, Mar. 2005), p. 87.

In this respect, the WMD non-proliferation regimes have a special value as international tools to hinder the attempts of proliferating entities to acquire threatening capabilities. Strengthening barriers against the spread of NBC and radiological weapons represents a long-term investment in future security. The significance of this investment is growing steadily. These concerns should occupy a more important place in Russia's relations with other nations.

In what manner do the Russian authorities position themselves on this vital problem? What specific strategy do they propose to follow?

Priority tasks

The spread of WMD is characterised in 'The Foundations' as 'one of the main threats of the 21st century' and is linked to the extension of international terrorist activity.

The document lists among 'major risks and threats' to the interests and security of the Russian Federation 'an increasing threat of WMD and its delivery means falling into the hands of non-state entities, including terrorist organisations, as well as the intention of individual states to acquire a WMD capability'. Specifically, 'major risks and threats' include:

- Objective difficulties inhibiting the accomplishment of universality of international treaties related to the WMD, in the foreseeable future; the infringement of these treaties by individual nations;
- The insufficiency of relevant international legal authority to limit world-wide proliferation of missiles and missile technology as means of WMD delivery;
- Qualitative change in the nature of terrorist threats, which the international treaties in the sphere of non-proliferation were not designed to counter in an appropriate measure;
- An opportunity of access of terrorists to WMD components and technologies for its manufacture;
- Existence of illegal trafficking and 'black markets' of the WMD-related materials equipment and technologies;
- Insufficiency or absence of national control measures in many states, weak physical protection of 'sensitive' materials and technologies, ineffectual system of their accounting and controls.

The goals of Russian policy are formulated in the following way: prevention or suppression of the illegal trafficking in WMD, means of its delivery and related materials, equipment and technologies as well as of unauthorised activity, which can contribute to their acquisition, development and production by foreign states or non-state entities, including for terrorist purposes; compliance with international obligations and legisla-

tion of the Russian Federation in the field of non-proliferation of WMD and its means of delivery, including export and import control; protection from unauthorised access to WMD, means of its delivery and related materials, equipment and technologies as well as maintenance of their reliable accounting, control, safety, transportation, operation and disposal.

The following major directions and tasks in the non-proliferation field have been set.

Strengthening and developing international laws and frameworks on non-proliferation, including by the maximal expansion of membership of the international treaties on this subject and by the increase of efficiency of existing international control mechanisms, as well as by the conclusion of new international treaties providing for additional barriers against the proliferation of WMD and means of its delivery. The Russian Federation has been one of the sponsors of UN Security Council Resolution (UNSCR) 1540 adopted on 28 April 2004. Its main objective has been to put a barrier to the black markets for mass destruction weapons and prevent the acquisition of WMD-related items by non-state actors, in particular for terrorist purposes⁵.

Russia stresses its interest in the full implementation of UNSCR 1540 by all states.

The RF took an active part in the Diplomatic IAEA Conference on the Review of the Convention on the Physical Protection of Nuclear Material (a key international instrument in this critical field) which adopted in July 2005 a set of amendments to the convention significantly extending its sphere of application. The amended convention would obligate the parties to protect nuclear material for peaceful purposes not only while in international transport but also within the territories of the state parties. Its provisions are designed to strengthen physical protection of the nuclear facilities and materials while in storage, use and transport⁶. Russia promotes its early signing by the states and coming into effect.

⁵ The resolution calls on all states to take co-operative action to prevent trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials, to develop and maintain appropriate effective national border control and law enforcement efforts and measures to account for and secure such items in production, use, storage or transport, to develop and maintain effective physical protection measures, to combat the illicit trafficking and brokering in such items. All states are obliged to maintain effective national export and trans-shipment controls over such items; establish and enforce criminal or civil penalties for violations of export control laws and regulations. It is of particular importance that UNSCR 1540 was adopted under Chapter VII of the UN Charter ('Action with respect to threats to the peace, breaches of the peace and acts of aggression'). This means that compliance with the obligations set forth in this resolution is mandatory for all 191 UN member-states.

⁶ The Conference was held in Vienna (Austria) on 4–11 July 2005. 550 delegates from 92 countries attended this conference.

‘The Foundations’ specify that the states remaining outside the NPT regime should be encouraged to accede to the treaties and arrangements on nuclear non-proliferation as NNWS and prompted to comply with non-proliferation requirements.

Improving the performance of multilateral export controls and involving in them all states possessing significant potential in the sphere of the production of WMD and its means of delivery. The existence of the black markets in nuclear materials, technologies and equipment demonstrates the inefficiency of the current system of export controls.

The fulfilment by Russia of the obligations assumed under the multilateral export control regimes is characterised in ‘The Foundations’ as an integral part of the effort in the field of the non-proliferation of WMD and its means of delivery⁷. ‘The Foundations’ advocate the strengthening of the international mechanisms, which regulate international exchanges of sensitive equipment, materials and technologies.

Implementation of the proposals put forward by the expert community, including Russian specialists, would have contributed to the strengthening of the multilateral export control regimes and their adaptation to new realities. For example, experts propose to strengthen the international legal basis of currently operating international export control bodies, extend their membership to cover new and potential suppliers, undertake further steps to extend the scope and increase efficiency of the functioning international export control regimes and facilitate co-ordination between them.

IAEA and NSG play a crucial role in ensuring compliance with non-proliferation commitments in the nuclear sphere. The 1997 [IAEA] Additional Safeguards Protocol (ASP) provides for strengthening safeguards through increased confidence about the absence of undeclared nuclear material and activity in a state⁸. Acceptance of the ASP should be considered as an indispensable condition for any international co-operation in the sphere of nuclear power generation. Presently this document is in force for 65 states⁹.

However, over 100 states are not yet party to the ASP. Russia is assisting the IAEA in strengthening its safeguard capability, including through the funding of its corresponding scientific-technical program. Russia together with the USA is implementing a project to increase the safety of radioactive sources of heightened risk (above all in the countries of the former Soviet Union) within the framework of the IAEA Action Plan to Combat Terrorism.

⁷ Russia is a full participant in the following multilateral export control arrangements: Zangger Committee, Nuclear Suppliers Group (NSG), Missile Technology Control Regime (MTCR), Wassenaar Arrangement (WA), Proliferation Security Initiative (PSI).

⁸ Doc. IAEA. INFCIRC/540.

⁹ The RF intends to complete the ratification of the Additional Safeguards Protocol in the nearest future.

Current developments suggest the need for considering such steps as broadening the IAEA powers to investigate violations of the NPT, tightening the provisions of the ASP (taking into account the corresponding provisions of the Chemical Weapons Convention, CWC); prohibition of new shipments of closed nuclear cycle technology to NNWS; liquidation of such facilities, if they were built in violation of the NPT and IAEA safeguards; guaranteed supply of fresh nuclear fuels to NNWS (which forewent closed nuclear cycle) at the lowest market price and subsequent shipment of the spent nuclear fuel by international consortiums specially created for this purpose; creation of international consortiums to reduce competition among supplier-countries and ensure strict application of the IAEA safeguards over nuclear supplies.

At present no economically sound justifications for building additional uranium enrichment or plutonium reprocessing facilities exist. The Russian Federation advocates multilateral approaches and schemes of the interaction of states in this sphere and studies conducted in the IAEA on this account to ensure reliable supplies of nuclear fuel for power generating plants and enhance the Agency's authority as an international body responsible for monitoring the NPT. The RF proposed (on 25 January 2006) to establish on the Russian territory an international centre on the provision of the services, related to the nuclear fuel cycle, including enrichment, on non-discriminatory basis. It is also envisaged to encourage the creation of such centres in other countries.

Encouragement of all states to comply with the obligations assumed under the non-proliferation and export control arrangements, including by adoption and improvement of appropriate national legislation. It should be noted that basic provisions and lists of the multilateral export control regimes are incorporated into Russian national legislation.

Domestically and on the international level, the Russian government sets forth a number of specific objectives in this area, cited in 'The Foundations':

- To improve measures of frontier, custom and other forms of administrative control with the aim of the suppression of illegal exports/imports, re-export, transit and trans-border shipments of sensitive technologies and materials;

- To develop and organise the production of efficient means of control over shipment and proliferation of sensitive WMD components and their delivery systems, to equip with them corresponding units of the special services, improve administrative-legal and enforcement measures, designed to prevent, reveal, suppress and bring to justice offenders, connected with the proliferation of the WMD, its means of delivery, their components and materials and infringement of export control rules.

In this connection it is pertinent to note that ‘The Foundations’ provide for the implementation of multi-plan activity domestically in the field of controls over the traffic of sensitive materials in a number of fields, including the development and improvement of legislative and normative authority in the sphere of non-proliferation: comprehensive strengthening of physical protection, control, accounting and safety of the WMD, its components, materials, equipment and technologies¹⁰.

In 2005 additional practical steps were undertaken to improve national export control system. In particular, some normative acts were amended. The Government worked out amendments for the Code on Administrative Offences with the purpose of toughening penalties for the infringement of the export control rules.

Increasing the role of the UNO and its Security Council in the non-proliferation field, proceeding, in particular, from the fact that the UNSC is a unique international body empowered to take decisions, when necessary, on coercive measures against the states with the purpose of preventing the spread of WMD and its delivery means. Insolent breaches of non-proliferation rules; known cases of illicit trafficking in materials and technologies, which can be applied for the creation of WMD; the fact that means of mass destruction are increasingly becoming accessible to terrorist networks, – all these developments highlighted the need for strengthening the enforcement arrangements related to the traditional multilateral non-proliferation treaties. The international community should start to review under the auspices of the UNSC relevant guidelines to ensure prompt use of military force to address new security challenges.

The official Russian concept of international enforcement of non-proliferation rules invests a central function in this field with the UNSC. The Security Council, as a unique body authorised by the world community to use sanctions or force against proliferating states (under Chapter VII of the UN Charter), should become the main co-ordinating centre in countering this threat. Its five veto-wielding members (China, France, Russia, the United Kingdom and the United States), exercising their primary responsibility for the maintenance of international peace and security, largely determine how a rule-based international system can protect the world against the dangers posed by WMD proliferation.

¹⁰ See the National Report of the Russian Federation on the Implementation of UNSCR 1540. The National Report contains detailed information on national control measures, including measures directed to strengthen legislative authority and enforcement activity as well as improve accounting, physical protection and export controls. The National Report was submitted to the UNSC on 26 October 2004. See URL <[http://www.un.org/Docs/journal/asp/ws.asp?m=S/AC.44/2004/\(02\)/14](http://www.un.org/Docs/journal/asp/ws.asp?m=S/AC.44/2004/(02)/14)>.

Special strength of the UNSC originates from the authority stipulated by Art. 25 of the UN Charter that members of the UNO agreed to accept and carry out the decisions of the Security Council.

In practice it is not easy under current circumstances to achieve consensus within the UNSC on concrete situations, involving specific 'problem' states.

How to achieve a collective appraisal of the most serious proliferation threats and determine whether peaceful options are exhausted? At what stage does the imperative of resolute international coercion to the observance of the non-proliferation rules arise? What should be the scale of the forces participating in the counterproliferation operation? How the burden of expenses and risks are to be shared? This is an incomplete list of politically difficult questions to be addressed.

Quite often doubts are raised about the ability of the UNSC to enforce compliance with non-proliferation obligations as a result of lack of unity among its permanent members on responding to the challenges posed by the WMD proliferation.

In order to be able (in the practical plan) to address efficiently the complicated enforcement issues presented by proliferation activity of states and non-state entities, the UNSC and its veto-wielding members, in particular, are required to learn to subordinate selfish interests to the broad non-proliferation objectives and achieve an unprecedented level of efficiency in taking and implementing decisions.

The UNSC ability to enforce compliance with the non-proliferation rules will increase as its permanent members achieve greater mutual understanding about the nature of the threats posed by proliferators and practical steps to be taken by the states. It is also necessary to extend the currently limited administrative resources at the disposal of the Council.

By strengthening its enforcement capability, the UNSC will increase its capacity to present a united front against proliferation and thus to deter offenders. Important steps have been taken to this effect (the above mentioned UNSCR 1540 which criminalized WMD proliferation and facilitated prosecution of proliferators and their facilitators¹¹). One should also cite in this connection on-going negotiation on international guidelines for military action in the absence of an imminent threat, which have a potential for resolute enforcement of non-proliferation rules. To be sure, the Security Council should be provided with all necessary resources to make its work more efficient¹².

¹¹ See note 5.

¹² The UN High-level Panel on Threats, Challenges and Change which addressed issues related to the use of force to deal with security threats submitted in November 2004 its report to the Secretary-General of the UN Kofi Annan *A More Secure World: Our Shared Responsibility*" (www.un.org/secureworld). The report proposes five basic guide-

At the same time, 'The Foundations' do not exclude resort to supplementary sources of legitimacy. For example, to regional arrangements or organisations, dealing with matters relating to the maintenance of international peace and possessing crisis management capabilities and instruments, which they can bring to bear in the event of non-compliance with non-proliferation rules.

It is envisaged that the Russian Armed Forces may participate in coalitions, created by international organisations, to which Russia affiliates, or on an ad hoc basis to enforce international sanctions, introduced on the basis of the decisions of the UNSC¹³.

However, the UNO remains a sole world-wide body capable to bring together the broadest possible number of states from all the geographical regions and ensure co-ordination of counterproliferation operations on a global scale.

The Russian Federation does not embrace the use of military force under the slogan of countering the WMD spread on the basis of unilateral decisions taken by individual states without the authorisation of the UNSC. (Recent developments showed that it was impossible to sustain a united front against WMD proliferation by resorting to military action under dubious legal authority).

Encouragement of interstate co-operation in the non-proliferation field; active promotion of the anti-proliferation agenda in the appropriate international organisations. This stipulation serves to invigorate the work of Russian representatives in international governmental organisations (IGO) and forums, dealing with WMD non-proliferation issues.

It should be noted that in recent times Russia initiated a number of proposals on various issues of non-proliferation in the UNO, IAEA, Russia–NATO Council (RNC), Community of Independent States, Collective Security Treaty Organisation (CSTO), the Euro-Asian Economic Co-operation (EAEC)¹⁴, Black Sea Naval Force (BLACKSEAFOR), etc.

It is also pertinent to draw attention to the fact that Russia took part in elaborating the G8 Program for the Global Partnership against the Spread of Mass Destruction Weapons and Materials (2002) as well as the G8 Action Plan on Non-proliferation (June 2004).

lines that all states and the UNSC should bear in mind in deciding to resort to the use of force: seriousness of the threat, proper purpose, last resort, proportional means and balance of consequences. The authors cite illicit and clandestine trade in components of WMD as posing a threat to international security. The report contains a recommendation to adopt UNSCR on the guidelines for military action in the absence of imminent threat.

¹³ *Aktualnie zadachi razvitiia Vooruzhennikh Sil Rossiiskoi Federatsii* [Urgent tasks for the development of the Armed Forces of the Russian Federation], (Ministersvo oboroni. Moskva. 2003). *Krasnaya Zvezda*. 2003. 11 Oct. P. 3–7.

¹⁴ In September 2004 member states of the EAEC approved unified control lists and common regulations on export control.

The Russian Federation has also lent its support to the efforts of regional organisations to strengthen non-proliferation regimes (for example, within the framework of the OSCE, ASEAN Regional Security Forum, Asian-Pacific Economic Co-operation Forum, etc.

Rendering assistance to the collective effort of the international community on the basis of international law and national legislation to suppress proliferation of WMD and its means of delivery, to strengthen control over the traffic of sensitive materials, remove the sources and preconditions for proliferation and bar possible channels through which terrorists can gain access to WMD, related materials, components, equipment, technologies and delivery systems. Strengthening enforcement measures in the export control field constitutes a key element of an effective anti-proliferation strategy. Russia contributed to this effort by joining the Proliferation Security Initiative (PSI), as its founding member, in May 2004.

The PSI represents an intergovernmental arrangement on inspecting cargoes on borders, at airports and on ships to prevent illicit transportation of WMD and related materials¹⁵. This international mechanism serves to deprive proliferators of the opportunities to gain access to materials and know-how, used for the development of WMD and its delivery means by controlling trade routes involved in proliferation, including by interdicting illicit cargoes, related to WMD, and blocking such supplies.

This arrangement plays an increasing role in the international effort to consolidate multilateral export control regimes¹⁶. Russia is contributing to the implementation of the PSI objectives with consideration for the compatibility of the interdiction operations with the rules of international law, for their conformance to national legislation and for communality of non-proliferation interests with the partners.

Russia participated in a number of joint exercises designed to build collective interdiction operational capability. 'The Foundations' indicate that the Russian Government intends to develop its input in the PSI activity. It should be noted that until recently Russia limited itself to taking part only in collective actions (mainly naval exercises) initiated by other participants in the PSI arrangement, but did not come forward with proposals, containing its own scenarios.

¹⁵ Currently the PSI is embraced by over 70 states.

¹⁶ The PSI serves to enhance the ability of states to interdict transfer or transit of equipment and materials related to the WMD through their national territory, internal waters and air space, as well as co-operate with other nations in carrying out this activity. PSI participants have tested a number of tools designed to interdict suspected cargoes, practising ways of halting the illicit trade in WMD components by carrying out exercises in various parts of the world and developing preparations for future interdictions of WMD-related cargoes. For details see Kaliadine, A., 'Challenges of the Proliferation Security Initiative', *Russia: arms control, disarmament and international security*, (Moscow. IMEMO. 2005).

A very important aspect of the problem consists in establishing a formal link between enforcement actions envisaged under the PSI (interdiction of the WMD-related cargoes) and prerogatives of the UN Security Council. Such an arrangement would have strengthened the legal basis for the PSI activity. At present a formal link between the UNSC and the PSI is absent. This deficiency complicates the international interaction and undermines the legitimacy of the actions under the PSI.

The attainment of the PSI objective is facilitated by the adoption on 13 April 2005 by the UN General Assembly (on Russian initiative) of the International Convention on the Suppression of Acts of Nuclear Terrorism¹⁷.

Rendering support to the effort to strengthen existing WMD-free zones and create new such zones. This is a traditional Russian foreign policy objective (including the period, when the RF was part of the Soviet Union)¹⁸.

Viewing the creation of new zones free from weapon of mass destruction as an efficient means to strengthen the NPT and similar arrangements on WMD, Russia advocates, in particular, the creation of zones free from mass destruction weapons in the Near and Middle East and a NWFZ in Central Asia¹⁹.

Participation in the international effort to protect the population against the use of mass destruction weapons and consequences of their use. The adoption of necessary measures on a domestic level for the protection of the population against the use of WMD and its means of delivery is viewed in ‘The Foundations’ as a major task within the framework of this direction.

Policy implementation mechanism

According to ‘The Foundations’, the state policy in the non-proliferation field is to be implemented within the general context of the system of maintenance of national security.

The President of the Russian Federation, the Federal Assembly, the Government of the RF, as well as a number of Federal executive bodies

¹⁷ On 14 September 2005 this convention was open for signature. The adoption of the convention has created a firm legal basis for the interaction between the states in the struggle against global terrorism and proliferation of mass destruction materials and weapons to non-state entities, and the terrorist networks, in the first place. See Part I of this volume: Zhukov, G., ‘A milestone on the way to combating nuclear terrorism’.

¹⁸ At present there are four nuclear-weapon-free zones (NWFZ): in Latin America (the Tlatelolco Treaty); in South Pacific Ocean (the Rarotonga Treaty); in the Southeast Asia (the Treaty of Bangkok) and in Africa (the Pelindaba Treaty). The Soviet Union was an active promoter of the NWFZ in Latin America and in the South Pacific.

¹⁹ The drafting process for the treaty on NWFZ in the Central Asia is in the final stage.

and other state agencies are to be involved in the implementation of the non-proliferation policy.

The President shall determine basic policy directions; constantly holding at the centre of his attention the problem of the non-proliferation of WMD and its delivery means; sign the international treaties in this field, approves the lists of goods, materials, equipment and technologies, subject to export control.

The Federal Assembly shall pass legislative bills on non-proliferation issues, which require legal authorisation, including ratification.

The Government shall carry out measures to ensure the implementation of the state policy in the field of non-proliferation and export control and negotiate appropriate intergovernmental treaties.

Federal executive bodies and other state agencies shall participate in the implementation of the non-proliferation policy within their terms of reference.

The Ministry of Foreign affairs shall co-ordinate the activity of the federal executive bodies on non-proliferation issues at an international level.

Ambiguities and deficiencies

‘The Foundations’ address a broad range of issues related to countering WMD proliferation, outlining practical ways of their resolution. Regrettably, however, the governmental paper fails to identify neither countries, nor specific regions, which pose or may pose risks and threats to Russian interests and security.

Actually, the most painful points of the non-proliferation endeavour (which directly affect vital Russian security interests) have been given insufficient consideration.

How to balance security interests, on the one hand, and commercial benefits, profits from foreign trade, on the other? How to match in practice the objective of developing relations with regional states, which are under international scrutiny for the lack of compliance with disarmament treaties, and Russian geopolitical, foreign trade, commercial interests, on the one hand, and the non-proliferation imperatives?

No lucid strategies of addressing these critical challenges are formulated. There are no indications as to what specific risks Russian foreign and security policy are facing in connection with conflicts in the Middle East, south and north-eastern Asia, which underlie the motivation of some states to acquire WMD and its means of delivery.

One can only make guesses and assumptions with regard to a number of critical questions. What should be Russian stance on nuclear proliferation in South Asia, in particular, in connection with the danger of escalation of the Indian-Pakistani conflict to a nuclear level or on the likelihood

of Pakistan transferring its nuclear materials, technologies and weapons to non-state entities? Is it wise to continue to resist the demands of India and Pakistan to lift bans on the import of nuclear power plant, materials and technologies²⁰? What combinations of stimuli Russia (together with the USA and the EU countries) should apply in order to persuade the Iranian leaders to completely forego military nuclear options? What is to be done if Iran derogates from its promises to stop enriching uranium and reprocessing plutonium and will not resume voluntary moratorium on sensitive nuclear activities and proceed with nuclear proliferation? How far the adherents of the NPT regime and, above all the permanent members of the UN Security Council, should proceed in pressurising North Korea to renounce its nuclear weapon program and refrain from the attempts to export nuclear materials and weapon technologies? (There has been no breakthrough in the solution of the issues related to the nuclear ambitions of these states, which are trying to gain time by diplomatic manoeuvring. The situation remains tense and tends towards destabilisation). In September 2005 the IAEA Board of Governors formally found Iran in non-compliance with its safeguards obligations. On 9 January 2006 Iran resumed its uranium enrichment-related activities, unilaterally breaking the Paris Accord of November 2004²¹ and ending a voluntary moratorium on enriching uranium at its Natanz site, contrary to the appeals of the international community²². The Iranian move heralded a new phase of confrontation. The credibility of the entire non-proliferation system was put at stake over the Iran issue.

Reservations and ambiguities are sending mixed signals to actual and potential proliferators. They are open to sketchy interpretations (either as a sign of weakness, hesitation and caution or a desire to appease proliferators and not to irritate certain countries).

In any case the damage from this awkward and ambiguous posturing for the prestige of the country is obvious. Such a stance may create problems between Russia and its key partners in the struggle for the strengthening of the non-proliferation regimes and weakens Russia's credentials as a champion of the non-proliferation cause. One has to acknowledge that

²⁰ According to the decision taken by the Nuclear Suppliers Group in 1972, its member states agreed not to supply nuclear power plants to India, Pakistan and Israel in order to persuade these countries to forgo nuclear arms. Currently the NSG comprises 40 states.

²¹ This was negotiated with the European Union (namely, Great Britain, France and Germany) as Iran promised to suspend its nuclear activities until IAEA inspectors had satisfied themselves that Teheran's intentions were purely peaceful.

²² Iran has broken the IAEA's seals on equipment necessary for uranium enrichment, which could lead to the construction of a nuclear weapon.

the main keys to the resolution of regional proliferation challenges are no longer to be found in Moscow.

Events have so far not provided a conclusive answer to the question as to which tactics is more effective: building-up pressure on the entities violating their obligations under the non-proliferation arrangements, in order to isolate them and force into submission, or predominantly soft diplomatic approaches involving compromises and concessions. The difficulties, which the non-proliferation regimes are facing, require from the states that uphold the non-proliferation principles a high degree of preparedness to act. The Russian government, it should be noted, acknowledges, in principle, the legitimacy of the resolute actions against proliferators and their facilitators, which trample non-proliferation rules. Indicative of it, is the support, which Russia has given to the PSI, and Russia's participation in the activity under the auspices of this international arrangement, including interdiction and similar exercises aiming at the suppression of proliferation acts.

It is logical to assume that proliferators (adventurous politicians, terrorist networks, etc.) may, on their part, resort to extreme measures, including the threat and the actual use of WMD. Evidently, to neutralise attempts at blackmailing and direct use of WMD by terrorist groups and regimes controlled by fanatical, unpredictable rulers, one should be ready to take commensurate retaliatory measures. Such capability is also needed to deter and persuade the entities engaged in proliferation activity to change their behaviour.

Such problematic is being considered in 'The Foundations' in a lopsided manner. Realistic scenarios are not cited. Of the specific responses only two are mentioned: protection of the population against the use of WMD and Russia's participation in the international effort on this matter: as if the law-abiding states can shield themselves against the awful contingency only by diplomatic conferences or passive defence.

If the probability of a negative scenario is high (for example, reliable data is available on imminent attack with the use of WMD, especially by a terrorist organisation) the authorities should have the necessary contingency plans and facilities ready to respond appropriately and be able to act pre-emptively.

The governmental paper does not offer an answer to the question as to what specific action the armed forces should be ready to undertake in case the diplomatic methods fail to resolve the situation. In such contingencies counter-proliferation scenario inevitably moves on the foreground, including pre-emptive and retaliatory strikes.

Thus, the role of national and international efforts to increase the counter-proliferation capability is growing as well as the importance of

timely national defensive arrangements and of international co-operation between enforcement agencies, including special services and armed forces.

Such measures should comprise deterrence and protection against the use of NBC weapons alongside with ballistic missile defences (BMD), use of high-precision conventional munitions, intelligence and threat assessments and the actual application of military force as a last resort.

In this context one should note the befitting reference, contained in 'The Foundations', to 'the need to work out, analyse and forecast, including on a long-term basis possible scenarios of the proliferation WMD and its delivery means with the purpose of exposing new threats emerging in this area'. However, it is obvious that this statement does not go far enough. It would be prudent to fill up this stipulation with specifics envisioning actions adequate to threats. And preferably well in advance.

As is known the viability of the NPT and of the regime created by this treaty depends to a large degree on the resolution of disagreements between its parties regarding Art. VI of the NPT, which deals with reduction of the existing stockpiles of nuclear armaments and with general nuclear disarmament.

It is pertinent to recall that confrontation between NWS and NNWS on this issue had been a major reason of the failure of the Seventh NPT Review Conference (2005).

Russia has demonstrated adherence to its commitments to the reduction of nuclear arms by practical deeds²³. The basic tasks, listed in 'The Foundations', include among other things 'planned reduction of its field of non nuclear armaments in accordance with the obligations assumed under the international treaties; maintenance of the steady funding of the measures on elimination of WMD, its delivery means and former production facilities, which are being implemented within the framework of the international obligations'.

It is bewildering therefore that multilateral nuclear disarmament does not enjoy the status of 'one of the basic directions' of Russia's non-proliferation policy on the international level. (It is probable that this omission reflects the controversies existing within the elite on the role of nuclear weapons in ensuring national security and global strategic stability²⁴).

²³ During five years after 2000 the RF reduced its Strategic Nuclear Force by 357 launchers and 1740 nuclear warheads. By 2005 the RF reduced its non-strategic nuclear armaments fourfold. From 1991 the total number of nuclear warheads in the RF was reduced more than five times. Two plants producing nuclear weapons have been closed. In 2000 the RF ratified the Comprehensive Nuclear Test-Ban Treaty (CTBT). These data were released by the Russian delegation at the 2005 NPT Review Conference on 17 May 2005 in a booklet *Practical steps of the Russian Federation in the field of nuclear disarmament*.

²⁴ Some politicians and experts, belonging to the opposition camp, argue that the Russian authorities have, in fact, resigned themselves to the treaty-sweeping course of the United States and that they currently proceed from the assumption that nuclear weapons

It is obvious, that, in reducing its nuclear arms (for economic and technical reasons, too) Russia is vitally interested that international strategic stability is not undermined. Other NWS should not stay away from the process of controlled and irreversible reductions of nuclear arsenals and, on the contrary, should be involved in the nuclear arms reductions process.

Hence, the Russian Government should persistently work together with other states to ensure bilateral (Russian-American) and multilateral advancement along the path of orderly reductions of the world's nuclear weapon stock-piles, and conclude new treaties in this area, maintaining in the meantime (until the nuclear threat exists) effective means of nuclear deterrence.

By the way, a more consistent position on nuclear issues would be a fitting response to those circles, which doubt Russia's commitment to Art. VI of the NPT and to international negotiations on nuclear disarmament.

Among major risks and threats 'The Foundations' lists the deficiency of the international legal authority on the limitation of the spread of missiles and missile technologies as a means of WMD delivery. However, specific ways to remedy the situation are not offered. In this connection it is pertinent to note, that the Russian expert community has elaborated a number of worthy recommendations on this matter. Thus, A. Arbatov, Corresponding Member of the Russian Academy of Sciences, advocates eventual transformation of the agreement on the Missile Technology Control Regime (MTCR) into an international legal instrument. He calls for the conclusion of a treaty, which would contain provisions on inspection and transparency measures, commitments of the participating nations to adjust national legislation accordingly and to create export control mechanisms that meet common standards²⁵.

Conclusions

'The Foundations', undoubtedly, reflect growing concern on the part of the political leadership over the spread of WMD capabilities to additional states and regions of the world and its willingness to get down to business on the issues of counter-proliferation. According to this blueprint, basic directions of non-proliferation policy are to be determined at the highest level of the legislative and executive authorities, including at a presidential level. This suggests the increased importance of the non-proliferation problematic in the national security policy.

shall play a crucial role in ensuring national security. Regrettably, 'The Foundations' fail to clarify this ambiguity.

²⁵ See *SIPRI Yearbook 2004: Armaments, Disarmament and International Security*, (Moscow. Nauka. 2005), pp. 871–872.

In particular, one should note the fact that the paper covers a broad range of issues, affecting both foreign affairs, defence, and domestic policies, as well as adjacent spheres of the state's activity – economic, financial, scientific, technological and ecological.

Consequently, the document envisages measures of a political, economic, legislative and administrative character. It stipulates that the imperatives of active non-proliferation should be taken into account in external, economic, scientific-technical, financial and ecological activities. Moreover, it promises that appropriate attention will be accorded to ensuring purposeful and co-ordinated activity of the state agencies in this area.

As is evident that various groups (corporate, industrial, commercial, departmental, party elements, etc.) with specific, sometimes conflicting, interests are competing for influence on Russian official policy on the issues related to the non-proliferation. Russia, as well as other states – exporters of dual-use goods, for example, of reactor equipment for nuclear power plants or fuel services, – is sometimes faced with difficult political choices: how to combine non-proliferation requirements with the needs of civil high technology industries and international legitimate trade and scientific-technological co-operation.

Under the current circumstances it is of particular importance to ensure effective co-ordination of the activity of various state agencies in such a way that in future the controversies in the evaluation of specific situations, related to proliferation challenges, are resolved in the interests of national and international security. For example, conflicts between the industrialists interested in foreign orders, on the one side, and governmental structures responsible for national security, on the other. It is to be hoped that proliferation concerns will occupy a proper place in the relations of the RF with the external world.

Undoubtedly, it is a strong feature of the official concept that it views the active non-proliferation effort as a policy to be implemented on the basis of strict respect for the norms and principles of international law and within the framework of the appropriate procedures. This concept proceeds from the assumption that proliferation challenge is to be addressed in a comprehensive manner, by applying a variety of means, including the use of coercion. But the emphasis is made on strengthening international solidarity, on co-operative measures, multilateral co-operation and, above all, on enhancing the ability of the UN Security Council to act.

At the same time a number of issues are not addressed adequately in 'The Foundations' (regional proliferation challenges; the role of the operational elements; multilateral nuclear disarmament, etc.).

Thus, certain aspects of the offered concept should be developed, supplemented and clarified, taking due account of the long-term trends in order that its reasonable theses are not perceived just as a set of well-

meaning intentions. And it is worthwhile to involve in this work a wider circle of scientists and experts in security, defence and arms control matters.

The issues of WMD proliferation and, especially the prevention of the falling of such weapons into the hands of terrorist networks, are acquiring increasing urgency in the global struggle against 'new threats and challenges'. Many crucial problems of global security, which are currently on the agenda of the UN Security Council, are linked to this struggle. At the same time effective deterrence and dismantlement of the NBC weapons constitute a complicated process demanding continuous considerable efforts on the part of many states. On these issues the world community is still deeply divided. Broad and effective international consensus is needed on the global non-proliferation strategy. Russia can play a leading role in forging such a consensus.

8. DEFENCE OUTLAYS IN THE 2006 FEDERAL BUDGET

Pyotr ROMASHKIN

General characteristics of the 2006 Federal Budget

On 26 August 2005 the Government of the RF submitted the draft Federal Budget for 2006 to the State Duma (SD). On 22 September the SD approved the draft in the first reading¹.

The structure of the proposed Federal Budget is the same as it was in 2005. There are eleven chapters: 'General Government', 'National Defence', 'National Security and Law Enforcement', 'National Economy', 'Housing and Communal Services', 'Environment Protection', 'Education', 'Culture, Cinema Industry and Mass Media', 'Healthcare and Sport', 'Social Policies', 'Inter-Budget Transfers'. The SD did not change the main targets of the proposed draft Federal Budget.

The main targets of the 2006 budget are following:

GDP – 24 380 bn roubles;

Revenue – 5046.1 bn roubles;

Expenditure – 4270.1 bn roubles;

Surplus – 776.0 bn roubles.

Table 1 compares the funding breakdown of the approved 2005 Federal Budget and the 2006 Federal Budget. After four readings in the SD some changes have been made in outlays in chapters and articles.

According to Table 1 the following budget chapters have registered the biggest rise in 2006 compared to 2005: 'Housing and Communal Services', 'Healthcare and Sport' and 'Inter-budget Transfers'. On the other hand, 'Social Policies' and 'National Defence' have got the smallest increases.

¹ The SD passed the bill 'On the Federal Budget for 2006' on 7 December 2005; the Law was approved by the Federation Council (FC) on 14 December 2005 and signed by the President of the RF on 26 December 2005.

Table 1

Budget chapters	2005 (adopted) mn roubles	2006 (draft)		2006 (adopted)	
		mn roubles	2006/2005 %%	mn roubles	2006/2005 %%
Total	3 047 929.3	4 270 114.7	140.1	4 270 114.7	140.1
General Government	488 608.0	647 040.9	132.6	638 885.6	130.7
National Defence	529 133.4	667 257.4	126.0	666 026.6	125.8
National Security and Law Enforcement	398 421.5	540 248.0	135.5	541 634.6	136.0
National Economy	233 928.1	338 577.0	144.7	339 334.0	145.0
Housing and Communal Services	6793.8	31 627.5	465.5	38 883.2	572.2
Environment Protection	4618.4	6335.2	137.2	6334.3	137.2
Education	154 456.6	206 029.0	133.4	201 588.7	130.5
Culture, Cinema and Mass Media	38 534.6	50 448.1	130.9	51 248.1	133.0
Healthcare and Sports	82 543.0	145 845.3	176.7	149 098.7	180.6
Social Policy	172 014.9	209 559.0	121.8	205 253.3	119.3
Inter-Budget Transfers	938 877.1	1 427 147.4	152.0	1 431 827.8	152.5

The SD has somewhat increased expenditure on ‘National Security and Law Enforcement’, ‘National Economy’, ‘Housing and Communal Services’, ‘Culture, Cinema Industry and Mass Media’, ‘Healthcare and Sports’ and ‘Inter-Budget Transfers’.

One can come to the conclusion that ‘National Defence’ is not the first priority in the budget outlays.

Peculiarities of the Defence Budget

Expenditure for ‘National Defence’ and ‘National Security and Law Enforcement’ (combined) in 2006 amounts to 1207.6 bn roubles. It is 279.9 bn roubles more than in 2005. The combined share of the two budget chapters in the GDP will remain unchanged in 2006 – 4.95 %, but their share in total budget expenditure (excluding interest payments) will diminish to 28.2 % compared to 33.2 % in 2005. In 2006 as well as it was in 2005 these two chapters do not include expenditure of the Armed

Forces and enforcement agencies (of the so-called 'silovoi bloc') on education, healthcare, culture and social policies.

Chapter 'National Defence'. This budget chapter is divided into eight sections: 'Armed Forces of the Russian Federation'; 'Mobilisation Training and Reserve Forces Training'; 'Mobilisation Readiness of the Economy'; 'Collective Security and Peacekeeping Operations'; 'Nuclear Weapons'; 'International Obligations on Military-Technical Co-operation'; 'Applied Defence R&D'; 'Other Defence Expenditure'.

The structure of the 'National Defence' chapter has not changed in 2006 compared to 2005 (Table 2).

Table 2. The structure of the 'National Defence' chapter

Chapter, Sections	NN	2005 (adopted) mn roubles	2006 (draft)		2006 (adopted)	
			mn roubles	2006/2005 %%	mn roubles	2006/2005 %%
National Defence	02	529 133.4	667 257.4	126.0	666 026.6	125.8
Armed Forces of the RF	02 01	384 043.7	497 771.2	129.6	497 771.2	129.6
Mobilisation Training and Reserve Forces Training	02 02	1895.4	6181.3	326.0	5181.3	273.3
Mobilisation Readiness of the Economy	02 03	3500.0	3500.0	100.0	3500.0	100.0
Collective Security and Peacekeeping Operations	02 04	61.1	98.3	160.9	98.3	160.9
Nuclear Weapons	02 05	8693.1	10 735.6	123.5	11 429.6	131.5
International Obligations on Military Technical Co-operation	02 06	6231.0	6083.2	97.6	6083.2	97.6
Applied Defence R&D		81175.0	93611.9	115.2	92917.9	114.4
Other Defence Expenditure		43341.1	49275.9	113.1		

As can be seen from Table 2 the fastest expenditure increases are proposed for following sections: 'Mobilisation Training and Reserve Forces Training' and 'Collective Security and Peacekeeping Operations'.

In 2005 there were four sections: 'Mobilisation Readiness of the Economy', 'Other Defence Expenditure', 'Mobilisation Training and Reserve Forces Training' and 'Nuclear Weapons'.

Compared to the draft submitted by the Government, the SD has increased expenditure on 'Nuclear Weapons' and slightly lowered expenditure on 'Mobilisation Training and Reserve Forces Training', 'Applied Defence R&D' and 'Other Defence Expenditure'. Expenditure on other sections of the chapter 'National Defence' has been left unchanged.

Section 02 01 'Armed Forces of the RF' includes expenditure on the day-to-day duty of the Armed Forces (pay and clothing for personnel, which are to rise by 15 percent beginning 1 January 2006, and wages and salaries of civilian personnel; expenditure on food and material supply, special fuels and lubricants, transportation and communications, communal services); purchasing and maintenance of armament and military equipment; and special federal programs related to National Defence.

Expenditure in section 02 02 'Mobilisation Training and Reserve Forces Training' includes outlays for the implementation of the Federal law 'On Military Duty and Military Service': medical examination and initial registration of civilians eligible for military service and implementation of conscription (mandatory service) programs; organising a short-term up-grade training for civilians-in military reserve forces; every day activities of military commissariats. Outlays under this section are to be increased by more than three times as additional funds have to be spent to compensate average wages and salaries for those civilians who are called up for a short-term up-grade military training. Also more funds are to be transferred to municipal authorities to compensate their expenditure on initial registration of civilians for military conscription.

Expenditure under section 02 03 'Mobilisation Readiness of the Economy' remains at the 2005 level and is to be spread among various federal executive agencies.

Expenditure under section 02 04 'Collective Security and Peacekeeping Operations' has risen 1.6 fold as the RF plans to send its peacekeeping contingent to Sudan.

Section 02 05 'Nuclear Weapons' includes expenditure of the Federal Agency for Nuclear Energy (Rosatom) on research, design and production of nuclear devices, measures to secure safety of the production of special materials and parts of finished goods. Proposed expenditure in this section goes up by 31.5 percent.

On the contrary, section 02 06 'International Obligations on Military-Technical Co-operation' will get slightly less (by 2.4 percent) funding.

Money will be spent on overseas military bases and training facilities, and will be directed mainly for the following purposes:

- The implementation of the Treaty between the Russian Federation and the Republic of Azerbaijan on the usage of the Gabala Radio Locating Station (RLS Daryal) – \$13.2 mn;

- Realisation of inter-government agreements between the RF and Kazakhstan on hiring of military training facilities in Kazakhstan – \$27.5 mn;

- Payments for the rent of ‘Baikanur’ space complex – \$115 mn.

Expenditure under section 02 07 ‘Applied Defence R&D’ is scheduled to increase by 14.4 percent. It includes mainly (95 %) outlays for the realisation of R&D as part of the Federal program of arms development (Ministry of Defence and Rosatom are the main receivers of this funding).

In addition, some funds will be spent on special federal programs:

- ‘Liquidation of chemical weapons stockpiles in the Russian Federation’;

- ‘Industrial utilisation of ammunitions and military equipment, 2005-2010’;

- ‘Global Navigation System’;

- ‘Anti-terror’;

- ‘Restructuring of stockpiles of rockets, devices and explosives, improvement of storage facilities, making their exploitation fire- and explosion-proof, 2005–2010’.

Additional funding (4.3 bn roubles) is proposed for the implementation of international agreements and for special research activities, including the utilisation of armaments and military equipment.

In section 02 08 ‘Other Defence Expenditure’ more than 90 percent of expenditure will be dedicated to special federal programs (mainly for construction):

- ‘Liquidation of chemical weapons stockpiles in the Russian Federation’;

- ‘Industrial utilisation of ammunitions and military equipment, 2005–2010’;

- ‘Restructuring of stockpiles of rockets, devices and explosives, improvement of their storage facilities, making their exploitation fire- and explosion-proof, 2005–2010’;

- ‘National technology’;

- ‘Reforming and development of military-industrial complex (2002–2006)’;

- ‘Establishment of a system of bases for the Black Sea Fleet in the Russian Federation in 2005–2020’.

Funding is provided for the implementation of international treaties on strategic arms reduction and open sky; additional measures planned by Rosatom for the utilisation of ammunitions and military equipment; for

partial compensation of losses, which some enterprises and organisations suffered in the period of 1994–2002 because of the termination of ‘Buran-Energia’ program; and to support activities of the Federal Service on Defence Procurement.

Expenditure in the chapter ‘National Defence’ is divided into two parts: disclosed funding – 373.0 bn roubles and non-disclosed funding – 293.0 bn roubles. This means that the level of transparency of military expenditure in the RF has gone down from 62 % in 2004 and 57 % in 2005 to 56 % in 2006. This trend is due to the rising share of non-disclosed expenditure on armament and military equipment in overall defence outlays at the expense of current defence spending. In addition, some funds (on education, healthcare and cultural activities for the Ministry of Defence) are included in other chapters of the Federal Budget.

The Ministry of Defence receives most of disclosed expenditure (90 %) in chapter ‘National Defence’ (Table 3).

In section 02 01 ‘Armed Forces of the RF’ 36.7 percent of expenditure is not disclosed (see Table 3). It mainly consists of purchasing and maintenance of arms and military equipment.

In section 02 02 ‘Mobilisation Training and Reserve Forces Training’ all outlays are fully disclosed.

On the contrary, funding breakdowns in sections 02 03 (‘Mobilisation Readiness of Economy’), 02 04 (‘Collective Security and Peacekeeping Operations’) and 02 05 (‘Nuclear Weapons’) are not disclosed.

In section 02 06 ‘International Obligations on Military-Technical Cooperation’ 54 percent of expenditure are disclosed. But in section 02 07 (‘Applied Defence R&D’) only 6 percent of expenditure are disclosed.

Outlays in section 02 08 (‘Other Defence Expenditure’) are mostly not disclosed – 92 percent.

To sum up, one must conclude that expenditure on purchasing and maintenance of arms and military equipment, and on defence R&D remains closed to the general public as in previous years.

As was already mentioned no specific information is offered on expenditure in three sections of the budget chapter ‘National Defence’. During previous three sessions of the State Duma (1994–2003) political opposition managed to induce the government to disclose expenditure data at least on some items, which were closed to the public. But it is unlikely that the current SD will make similar efforts.

‘Armed Forces of the Russian Federation’. This section accumulates the bulk of budget outlays in chapter ‘National Defence’ – 498.0 bn roubles or 74.6 percent (72.6 percent in 2005). It includes expenditure for all parts of the Armed Forces – the Army, Navy, Air-defence, BMD and Space defence, Railroads and other non-combat forces, and overseas military diplomatic service. The share of disclosed spending in this section (Table 3) amounts to

Table 3. Disclosed expenditure in chapter 02 ‘National Defence’

NN	Sections/items	Expenditure Thousand roubles	Rate Of Transparency (%)
02 01	Armed Forces of the RF	314 592 966.4	63.3
02010010000	Administration and Management	3 264 711.4	
02011000000	Federal Special Program	20 138 950.0	
02011050000	Combat readiness of military units to be equipped with enlisted (contract) personnel	5 372 000.0	
02012000000	Combat training	13 918 203.3	
02012010000	Material and technical supply	85 240 709.8	
02012020000	Military formations (organs and units)	182 801 591.9	
02012070000	Military commissariats	577 800.0	
02012120000	Accumulated-mortgage system to improve housing for military personnel	3 279 000.0	
02 02	Mobilisation Training and Reserve Forces Training	5 181 260.0	100.0
02022070000	Military commissariats	3 064 793.5	
02022080000	Mobilisation and reserve training	2 116 466.5	
02 06	International obligations on military-technical co-operation	3 289 000.0	54.1
02062110000	Military-technical co-operation	3 289 000.0	
02 07	Applied Defence R&D	5 574 574.4	6.0
02070810000	Applied R&D	4 267 758.2	
02071000000	Federal special programs	1 265 608.0	
02071020000	Non-programmed capital investments	35 500.0	
02072140000	State administration of national defence	5708.2	
02 08	Other Defence Expenditure	44 379 901.1	92.0
02080010000	Administration and management	463 157.7	
02081000000	Federal special programs	21 006 102.0	
02081020000	Non-program capital investments	17 236 260.0	
02082010000	Material and technical supply	131 385.3	
02082020000	Military formations (organs and units)	758 636.4	
02082080000	Mobilisation and reserve training	2544.8	
02082130000	Utilisation and liquidation of weapons	1 689 110.0	
02082140000	State administration of national defence	2 885 805.0	

63.3 percent (66.7 percent in 2005). This roughly equals 314.6 bn roubles. This means that the share of non-disclosed expenditure has risen to 36.7 percent as compared to 33.4 percent in 2005 or equals to 183 bn roubles. Non-disclosed funding is mainly intended for purchasing and maintenance of armament and military equipment. Taking into account these figures it is fair to say that the level of transparency of expenditure in this section has decreased.

The biggest item in section 'Armed Forces of the Russian Federation' is 'Military formations (organs and units)' – 182.8 bn roubles or 58.1 percent (53 percent in 2005) of all disclosed expenditure in this section. Pay and clothing for personnel represent the bulk of this sum – 106.6 bn roubles or 58.3 percent. This sum includes pay and clothing for personnel currently on duty at research institutions, which are now reorganising from federal state unitary enterprises into federal state organisations, but excludes pay and clothing for personnel employed in education, healthcare and culture institutions as well as pay and clothing for personnel working under contracts in federal state unitary enterprises (a source for their wages and salaries is derived from payments fixed by contract).

As has been already mentioned, 1 January 2006 will see a rise in pay and clothing for personnel by 15 percent – above the inflation rate forecasted for 2006 (7.0-8.5 percent). Expenditure on pay and clothing for personnel includes payments for field duty and increased salaries and additional payments. Spending on wages and salaries of civilian personnel will go up to 47.9 bn roubles (compared to 36.3 bn roubles in 2005). The number of civilian personnel equals to 537 000 including civilian personnel of the Railroad Forces. Previously funding for wages and salaries of 16 710 civilian personnel of military commissariats was provided by the subjects of the Russian Federation. Now it is a financial responsibility of the Ministry of Defence.

13 bn roubles will be spent (under 'Combat training' item) mainly on special fuels and lubricants. Another 16 bn roubles are allocated for this purpose in the 'Material and technical supply' item. This expenditure will be increased by 27.4 percent as compared to 2005. The share of 'combat training' in overall spending in section 'Armed Forces of the Russian Federation' is only 4.4 percent. This means that combat training will remain at a low level.

Expenditure on 'Material and technical supply' will rise up to 85.2 bn roubles (27 percent of all disclosed expenditure in the section 'Armed Forces of the Russian Federation') as compared to 64.7 bn roubles in 2005 (25 percent).

9.6 bn roubles are allotted on capital construction, including 7.5 bn on the construction of facilities in accordance with the Federal program 'On manning a number of military units with contract servicemen'.

1.5 bn roubles will be spent on capital construction for the realisation of the Federal program 'Development of the Russian cosmodroms in 2006–2015'.

The Defence Ministry's funding from other sections of the Federal Budget

Chapter 01 'General Government' allocates 0.8 bn roubles to some agencies, which coordinate the activities of the Commonwealth of Independent States.

Chapter 05 'Housing and Communal Services' provides 10.4 bn roubles for use on the construction of housing for servicemen.

Under chapter 07 'Education' the Ministry of Defence will get 24.1 bn roubles and under chapter 08 'Culture, Cinema Industry and Mass Media' – 1.4 bn.

Under chapter 09 'Healthcare and Sport' 17.2 bn roubles will be spent on hospitals, sanatoriums etc.

Under chapter 10 'Social Policy' the Ministry of Defence will get 79.1 bn roubles as compared to 65.7 bn roubles planned for 2005 (up to 20.4 percent). This sum will be spent on pensions and other payments (including various compensations) to retired servicemen and members of their families.

Analysis of the 2006 Federal Budget leads to the conclusion that expenditure on national defence in this year will not essentially differ from defence spending provided for in the 2005 Federal Budget.

9. UNO AND THE PURSUIT OF GLOBAL SECURITY (KOFI ANNAN'S PLAN FOR REFORMING THE SECURITY COUNCIL)

Vladimir USTINOV

The 60th anniversary of the United Nations has been marked by the active pursuit of solutions for most pressing international problems, especially in the field of global security. In this connection one should single out the UN Secretary-General Kofi Annan's comprehensive report *In larger freedom. Towards development, security and human rights for all*, published in March 2005¹.

This document served to prepare the 2005 World Summit, a meeting of Heads of States and Governments of the UN member states convened on 14-16 September in the format of the 60th Session of the General Assembly.

A considerable part of Kofi Annan's report is devoted to a broad range of global security problems. These issues are addressed in particular detail in section III 'Freedom from fear'. Considerable attention is paid to combating terrorism. Kofi Annan argues that the antiterrorist coalition based on the UN decisions should oppose this evil with the help of an adequate strategy. In his view, the UNSC Counter-Terrorist Committee (CTC) should play a co-ordinating role in implementing this strategy.

Paragraphs of the report, addressing the use of force in international relations, arms control, peacebuilding and the ways to enhance the effectiveness of the UN Security Council's activities, deserve serious consideration.

¹ UN document A/59/2005. The document is based on K. Annan's eight-year service as UN Secretary-General, as well as on the Organisation's comprehensive documents surveying global challenges. The latest of them – Report of the High-level Panel on Threats, Challenges and Change, *A more secure world: our shared responsibility*, (United Nations. N.Y. 2004).

E.M. Primakov, former Chairman of the Government of the RF, represented Russia in the Panel (that soon became known as 'The Group of wise men').

The question of the use of force

Current trends (flagrant violations of WMD non-proliferation rules, cases of illegal trafficking in materials and technologies, which can be used to produce means of mass destruction, and the growing threat of the access of terrorists and political adventurers to these frightening capabilities) highlight the need to strengthen enforcement in dealing with challenges to global peace and security. In particular, there is an urgent need to enhance the Security Council's role in countering WMD proliferation, since it is the only world body, authorised, if necessary, to take enforcement measures against states involved in proliferation activity. Kofi Annan's judgements and proposals to this effect are quite fitting.

Subsection 'e', dealing with the subject of enforcement, contains the reasoning that the inherent right of states to self-defence (Art. 51 of the UN Charter) includes the right to self-defence both against an armed attack, which has already happened, and an imminent attack, i. e. before an armed attack occurs. The Secretary-General favours the adoption by the Security Council of a framework resolution setting out the criteria in considering whether to authorise the use of military force.

Under this proposal, the Security Council would address the following five basic criteria of legitimacy in considering whether to authorise the use of military force: *Seriousness of threat*; *Proper purpose* of the proposed military action; *Last resort* (every non-military option for meeting the threat in question has been explored); *Proportional means* (the scale, duration and intensity of the proposed military action should be the minimum necessary to meet the threat in question); *Balance of consequences* (there should be a reasonable chance of the military action being successful in meeting the threat in question, with the consequences of action not likely to be worse than the consequences of inaction).

This initiative is obviously aimed at ensuring the world community's timely and effective responses to international crises. The cited criteria could be helpful in appraising the admissible level of the use of force in international disputes.

Some Russian experts believe that the above-mentioned guidelines should not undercut the Security Council's prerogatives to take specific decisions depending on the circumstances and with due regard to procedures in force.

The consideration of approaches to the use of force is closely interconnected with the report's conception of 'responsibility for defence'. It is presumed that the world community should be guided by such a principle in undertaking collective actions to combat genocide, ethnic cleansing and crimes against humanity. Besides, all treaties on protecting the civil per-

sonnel should be ratified and observed. It is also necessary to enhance cooperation with the International Criminal Court.

As for 'the right to interfere' in humanitarian disasters, the world community's response to this conception is mixed. Some states deny its legitimacy. Others, including many African ones, are willing to embrace it, provided that appropriate formulas are balanced with the confirmation of the principles of non-interference and state sovereignty. Some politicians advocate 'civil population protection' by the state with the international community contributing to it by peaceful means only.

Advocates of the conception of 'the right to interfere' in humanitarian disasters, argue that 'if the people feel endangered and take arms', the international community must support them, including by military force. In their view the principle of non-interference and state sovereignty should not stand in the way. At the same time 'responsibility for defence' is directly linked to the thesis on 'humanitarian interventions' though it has not been widely supported. Referring to 'the widely-known examples of genocide' in Africa and Balkans, some experts came to the conclusion, that by not responding to such cases properly, the Security Council would have violated the UN Charter.

The official position of the RF on this issue proceeds from the assumption that the central role in addressing 'humanitarian disasters' should be played by the UNO, to prevent unsanctioned repressive actions or military intervention by states, as well as by regional structures.

As for the use of force by the international community to respond to threats of an internal character, the prevailing view among Russian experts is that such measures would be legitimate only if the Security Council qualifies the situation as a threat to international peace and security. At the same time the notion of 'a threat' should not exceed the limits, set by Chapter VII of the UN Charter.

Agenda for joint work in the field of disarmament

The subsection V 'Nuclear, radiological, chemical and biological weapons' deserves special attention. It contains detailed analysis of current disarmament problems, as well as helpful recommendations to enhance the efficiency of the multilateral treaties in this field and conclude new arms control agreements.

Kofi Annan advocates speedy negotiations of a fissile material cut-off treaty, continuation of the moratorium on nuclear testing, and strengthening the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the regime based on this treaty.

Several recommendations are aimed at ensuring compliance with the conventions on the prohibition of chemical and bacteriological weapons. Kofi Annan calls upon the states to commit themselves to further measures for strengthening the Biological and Toxin Weapons Convention and raising the transparency of bio-defence programs.

The need for effective national control is also stressed in the report. Control should cover both WMD delivery systems and conventional ones, such as rockets and shoulder-fired missiles, as well as a ban on transferring any of them to non-state actors. The Secretary General deems it appropriate to adopt a UNSC resolution, aimed at preventing terrorists from acquiring or using shoulder-fired missiles.

Peacebuilding – a necessary condition of security

Nowadays, it is urgent to enhance the efficiency of the international efforts being taken by the UN in the field of assisting states in transit from conflict to peace. Kofi Annan has developed the rationale for establishing a Peacebuilding Commission, aimed at filling the vacuum after the conflict's 'hot stage' but well before its full settlement. The idea of establishing a subsidiary body to co-ordinate efforts of the UN system's different agencies has won wide support. No objections have been raised against K. Annan's proposal on the Commission's advisory status, as well as the list of its basic functions.

A divisive issue

Highly heated debates took place on the question of the Security Council's composition. It is sometimes alleged that radical changes, which occurred in the world in the last 60 years, require fundamental changes in the structure of the UNSC. In 1963 the Security Council was enlarged from 11 to 15 members. At that time the UNO had 113 member states as compared to 191, nowadays. Were the 1963 unofficial criteria for the enlargement used, the maximum membership of the Security Council would not exceed the number of 20.

Two clearly defined alternatives on the enlargement of the UNSC are offered for consideration by the Secretary-General.

Model 'A' provides for six new permanent seats, with no veto being created, and three new two-year term non-permanent seats, divided among the major regional areas.

Model 'B' provides for no new permanent seats but creates a new category of eight four-year renewable-term seats and one new two-year (and non-renewable) seat divided among the major regional areas.

Germany, Japan, India and Brazil (G4) came out actively in favour of the urgent enlargement of the Security Council. The G4 proposal on the creation of new permanent seats is based mainly on the argument that new centres of power should be adequately represented in the UN main organ, which bears the primary responsibility for the maintenance of international peace and security.

African countries, namely, the South Africa, Nigeria, Egypt, Senegal and Libya, are also claiming permanent seats in the UNSC.

The G4 proposed (in a draft resolution distributed in the UNGA) to enlarge the UNSC up to 25 members. According to this proposal, there should be a review of the composition of the Security Council in 2020. The G4 links this event with veto being created for new permanent seats.

Alternative proposals are advanced by a number of influential states. Italy, Spain, South Korea, Mexico, and Canada formed a group ('United in Support of Consensus'), that asserted that creation of new permanent seats would go contrary to the contemporary trends in world development. In their view, such a proposal undermines hopes of other UN members to be represented at the UNSC as non-permanent members. 'The United in Support of Consensus' Group put forward 'Guiding principles for the enlargement of the UNSC', which included the provision to expand the Council by ten non-permanent seats.

The African countries presented their own draft. They advocated the expansion of the UNSC up to 26 seats proposing to allot five non-permanent and two permanent seats to the representatives of the African regional group, as well as provide new permanent members with veto power.

Current permanent members of the UNSC pursue different courses on the enlargement issue, while conceding the need to adapt the UNSC to the changing reality.

Great Britain and France showed willingness to uphold the G4 position, each aspiring, as it is believed, to preserve their individual status in the UNSC in anticipation of recommendations to change the composition of the current Security Council and establish a single permanent seat for the European Union.

China and the USA openly stated their intention to vote against the G4 proposal.

The American position on the enlargement concentrated on the support for Japan's ambition to take a new permanent seat in the expanded UNSC. The USA came out in favour of limiting the UNSC's membership to 19-20 states. Washington proposed the following criteria for the distribution of new permanent seats: a country's economic potential; popula-

tion's strength; military capability to contribute contingents to the UN peacekeeping operations; the level of practical participation in the peacebuilding; commitment to democracy and human rights; the size of the financial contribution to the UN system; the activity in the antiterrorist and non-proliferation fields. In the US opinion, the geographical factor is of the secondary importance.

The Russian Federation promised to support the candidatures of Brazil, Germany, India and Japan, provided that the decision was taken to create new seats in the corresponding category. The RF believes that any changes in the composition of the UNSC should satisfy the following criteria: they should not impair the effectiveness of the Security Council; they should preserve its balanced character and they should not damage the status of the current permanent members. It is assumed that enlargement should be limited, otherwise the effectiveness of the UNSC can be impaired.

The UN debates on the UNSC's enlargement generated tensions and serious disagreements. Under these conditions it would be advisable to carry out the reforms of the UN Security Council by stages and prudently. Achieving the broadest consensus on all aspects of the enlargement of the Council should be considered a critical requirement.

The RF leadership stated that Russia would continue in a constructive manner to seek effective agreements enjoying the maximum support on the Security Council's reform, also within the framework of the UNGA opened working group. This group should function on the basis of agreed criteria, including the principle of consensus and the package approach.

The leaders of the UN member states displayed wisdom by agreeing to continue negotiating and not forcing the vote, fraught with the Organisation's split.

The 2005 World Summit Final Report

'The Outcome Document' adopted by the 2005 World Summit does not contain 'break-through' decisions².

Regrettably, the summiters failed to come to agreement on recommendations on disarmament and some other important issues. (The section on disarmament and non-proliferation was dropped entirely). Speaking at the 2005 World Summit on 14 September, Kofi Annan acknowledged that the Organisation's comprehensive and fundamental reform had not yet been achieved. However, in his words, 'Outcome Document' represents a good beginning. This is especially important under the conditions, when

² UN document A/RES/60/1. The 2005 World Summit Outcome.

the world community proceeded with working out a strategy to address new threats and challenges.

Section III 'Peace and collective security' contains a number of helpful ideas. It reaffirms the commitment of UN member states to seek consensus on security issues and achieve an effective system of collective security in accordance with the purposes and principles of the UN Charter.

The document emphasises the need for an agreed approach to preventing armed conflicts and the willingness to co-ordinate the efforts of the UN main bodies and the Secretary-General and promote multilateralism in the area of the resolution of international problems. The summiteers reaffirmed their conviction that the UN Charter should continue to provide a sound legal and political basis for the organisation of collective security, enabling the Security Council to respond to a broad range of threats to international peace and security. These issues need further elaborating. In particular, it is necessary to come to agreement on the criteria for the use of force in accordance with the UN Charter.

A subsection in section III is devoted to combating terrorism. Terrorism is qualified as one of the most serious threats to the world peace and security. It is resolutely condemned in all its forms and manifestations. Paying tribute to the elements of strategy for fighting terrorism proposed by the UN Secretary-General, the participants entrusted the General Assembly with finalising these elements. They also stressed the need to agree and sign a comprehensive convention on terrorism, as well as to consider the possibility of convening a high-level conference under the UN auspices to work out the global strategy for combating terrorism.

The participants called upon the UNSC to consider ways of enhancing its role in the field of ensuring compliance with sanctions in the context of fighting terrorism.

Subsections 'Peacekeeping' and 'Peacebuilding' contain recommendation to finalise proposals on expanding means for speedier deployment of forces with a view of enhancing the efficiency of peacekeeping operations in crisis situations.

The decision was taken on establishing a Peacebuilding Commission as an intergovernmental advisory body. In addition to representation from the Security Council it would include representation from other intergovernmental organisations.

Subsection on sanctions contains recommendation to the UN Security Council to improve monitoring the implementation and follow-up to the sanctions.

The concluding paragraph (178) requests the Security Council to consider the composition, the mandate and working methods of the Military Staff Committee (MSC). It is of particular relevance to the current strategic context. Russia has already initiated recommendations for the re-

vitalisation of the MSC. In particular, the RF proposed to involve military professionals in multifaceted peacekeeping activities and provide necessary military expertise in preparing the UNSC's decisions.

Recent international developments have convincingly manifested that the UNO remains indispensable in addressing threats to international peace and security under changing geopolitical conditions.

The cited UN documents contain important guidelines. All UN member states should energetically and promptly proceed along these guidelines and thoroughly improve the machinery of multilateral co-operation to safeguard the common house of the entire human family.

**ANNEX. KEY DOCUMENTS OF THE RUSSIAN FEDERATION
ON NATIONAL SECURITY, DEFENCE AND ARMS CONTROL
(DECEMBER 2004–DECEMBER 2005)**

Tamara FARNASOVA

1. LEGISLATIVE ACTS

Federal Law no. 161-Φ3¹ of 20 December 2004 ‘On the Ratification of the Protocol on the Introduction of Changes and Supplements in the Agreement on the Basic Principles of Military-Technological Co-operation among the States Members of the Collective Security Treaty of 15 May 1992’

Passed by the SD on 23 November 2004; approved by the FC on 8 December 2004; signed by the President of the RF on 20 December. The Protocol was signed in Yalta on 19 September 2003.

Federal Law no. 162-Φ3 of 20 December 2004 ‘On the Ratification of Protocol no. 4 between the Russian Federation and the Republic of Armenia on the Introduction of Changes in the Treaty between the Russian Federation and the Republic of Armenia in respect of the Russian Military Base on the Territory of the Republic of Armenia of 16 March 1995’

Passed by the SD on 23 November 2004; approved by the FC on 8 December 2004; signed by the President of the RF on 20 December. The Protocol was signed in Yerevan on 11 November 2003. For the full text of the Protocol see SZRF², 2005, no. 17, p. 1487.

¹ Φ3 – a Russian acronym for ‘Federal Law’ (FL).

² SZRF – Sобрание zakonodatelstva Rossiiskoy Federatsii [The Collection of the Legislation of the Russian Federation]

Federal Law no. 176-Φ3 of 28 December 2004 ‘On the Ratification of the Treaty on the Co-operation of the States Members of the Community of Independent States in the Struggle against Terrorism’

Passed by the SD on 15 December 2004; approved by the FC on 24 December 2004; signed by the President of the RF on 28 December 2004. The treaty was signed in Minsk on 4 June 1999.

Federal Law no. 180-Φ3 of 28 December 2004 ‘On the Ratification of the Treaty on Strategic Partnership between the Russian Federation and the Republic of Uzbekistan’

Passed by the SD on 22 December 2004; approved by the FC on 24 December 2004; signed by the President of the RF on 28 December 2004. The treaty was signed in Tashkent on 16 June 2004.

Federal Law no. 6-Φ3 of 7 March 2005 ‘On the Ratification of the Agreement between the Russian Federation and the Republic of Kazakhstan on Joint Planning of the Use of the Armed Forces in the Interests of Safeguarding Common Security of the Russian Federation and the Republic of Kazakhstan’

Passed by the SD on 18 February 2005; approved by the FC on 25 February 2005; signed by the President of the RF on 7 March 2005. The Agreement was signed in Moscow on 16 January 2004.

Federal Law no. 7-Φ3 of 7 March 2005 ‘On the Ratification of the Agreement between the Russian Federation and the Kyrgyz Republic on Co-operation in the Security Field’

Passed by the SD on 18 February 2005; approved by the FC on 25 February 2005; signed by the President of the RF on 7 March 2005. The Agreement was signed in Bishkek on 5 December 2002. For the full text of the Protocol see SZRF, 2005, no. 20, p. 1860.

Federal Law no. 23-Φ3 of 21 March 2005 ‘On the Ratification of the Vienna Convention on the Civil Liability for Nuclear Damage’

Passed by the SD on 2 March 2005; approved by the FC on 11 March 2005; signed by the President of the RF on 21 March 2005. The Convention was adopted in 1963. The Protocol on the Introduction of the Amendments to the Convention was adopted in 1997. Not all of these amendments are considered to be justified. The Russian Federation signed the Convention on 8 May 1996. The RF ratified the Convention in its original wording. The Convention constitutes a major document, creating the regime of the civil liability and the procedure of the indemnification for accidents occurring in civil nuclear facilities.

Federal Law no. 52-Φ3 of 31 May 2005 ‘On the Ratification of the Supplementary Agreement between the Russian Federation and the People’s Republic of China on the Russian-Chinese State Border in its Eastern Part’

Passed by the SD on 20 May 2005; approved by the FC on 30 May 2005; signed by the President the RF on 31 May 2005. The Agreement was signed on 14 October 2004. The Agreement constitutes a supplement to the Agreement between the USSR and China on the Russian-Chinese border in its eastern part of 16 May 1991. The Supplementary agreement specifies and determines the Russian-Chinese border on the two agreed strips in its eastern part (in the locality of the island of Bolshoi in the riverhead of the river Argun and the territory of the islands Tarabarov and Bolshoi Ussuriisky on the river Amur). The Supplementary Agreement entered into force on 2 June 2005.

Federal Law no. 67-Φ3 of 18 June 2005 ‘On the Ratification of the Agreement between the Russian Federation and the Republic of Kazakhstan on the Development of Co-operation in the Effective Use of ‘The Baikonur’ Facility’

Passed by the SD on 25 May 2005; approved by the FC on 8 June 2005; signed by the President the RF on 18 June 2005. The Agreement was signed in Astana on 9 January 2004.

Federal Law no. 75-Φ3 of 30 June 2005 ‘On the Ratification of the Agreement between the Government of the Russian Federation and the Government of the Italian Republic on Co-operation in the Field of Utilisation of Decommissioned Atomic Submarines and on the Secure Disposal of Radioactive Wastes and Spent Nuclear Fuel’

Passed by the SD on 11 June 2005; approved by the FC on 22 June 2005; signed by the President of the RF on 30 June 2005. The Agreement was signed in Rome on 5 November 2003.

Federal Law no. 91-Φ3 of 18 July 2005 ‘On the Ratification of the Agreement between the Government of the Russian Federation and the Government of Canada on Co-operation in the Field of the Elimination of Chemical weapons, Utilisation of Decommissioned Atomic Submarines, Physical Protection, Accounting and Control over Nuclear Materials and Radioactive Substances’

Passed by the SD on 1 July 2005; approved by the FC on 6 July 2005; signed by the President of the RF on 18 July 2005. The Agreement was signed at Sea Island (USA) on 9 June 2004. It contributes to the development of the institutional-legal basis for the long-term mutual under-

standing reached within the framework of 'The G-8 Global Partnership against the spread of mass destruction materials and weapons'.

Federal Law no. 95-Φ3 of 21 July 2005 'On the Ratification of the Agreement between the Russian Federation and the Kyrgyz Republic on the Status and Conditions of the Stationing of the Russian Air Base on the Territory of the Kyrgyz Republic'

Passed by the SD on 8 July 2005; approved by the FC on 13 July 2005; signed by the President of the RF on 21 July 2005.

The Agreement was signed in Moscow on 22 September 2003. It will operate during 15 years from the date of its ratification and may be automatically extended for subsequent five-year periods. Under this agreement the Russian base in Kant is to ensure the protection of the sovereignty and security of both states in common with the Kyrgyz Armed Forces. The combat use of the air base will be carried out on the basis of the joint decision of the parties to the Agreement.

Federal Law no. 189-Φ3 of 26 December 2005 'On the Federal Budget for 2006'

Passed by the SD on 7 December 2005; approved by the FC on 14 December 2005, signed by the President of the RF on 26 December 2005.

2. NORMATIVE ACTS

Ordinance no. 767 of the Government of the RF of 12 December 2004 'On the Establishment of the National Authority for the Comprehensive Nuclear Test-Ban Treaty'

The National authority for the CTBT, established by the Russian Defence Ministry, is entitled in common with other interested federal executive agencies and with the participation of the Russian Academy of Sciences, to monitor the Treaty using national technical means of control and the Russian facilities of the International Monitoring System, provided for by the Treaty, as well as to carry out the exchanges of data with the International Data Centre (Vienna, the Austrian Republic) through the Russian National Data Centre.

Directive of the President of the RF no. 6-пр of 5 January 2005 'On the Conclusion of the Agreement between the Russian Federation and the United States of America on the Introduction of the Amendments in the Agreement between the Russian Federation and the United States of America on Secure and Reliable Transportation, Stock-

piling and Elimination of the Weapons and the Prevention of the Spread of the Weapons of 15 and 16 June 1999'

The Agreement is concluded in the form of the exchange of diplomatic notes.

Decree no. 56c of the President of the Russian Federation of 21 January 2005 'The questions of the Federal Service on the Agency for Defence Orders. The Status of the Federal Service for Defence Orders'

The Status determines functions, powers and management of the activity of this body.

Decree no. 117 of the President of the Russian Federation of 2 February 2005 'On the Measures of the Implementation of Resolution 1572 of 15 November 2004 of the UN Security Council'

Obliges all Russian state agencies, industrial, commercial transport and other enterprises, firms, banks, organisations and physical persons under the Russian jurisdiction, to proceed in their activities from the following: from 15 November 2004 (and until a special directive) all supplies, sales and transfers to Côte d'Ivoire from the territory of the RF or by the citizens of the RF of arms and of any corresponding means and rendering consultation or any other assistance or services for training military specialists are prohibited.

Ordinance no. 54 of the Government of the Russian Federation of 9 February 2005 'On the Governmental Commission on the Questions of Biological and Chemical Security of the Russian Federation'

Includes the Status of the Governmental Commission outlining its major tasks in implementing the state policy in the field of biological and chemical security of the RF. The Status determines functions, rights and powers of the Commission.

Directive no. 89-pn of the President of the Russian Federation of 8 March 2005 'On the Accession of the Russian Federation to the Agreement between the States Members of the North-Atlantic Treaty Organisation and Other States Participating in the 'Partnership for Peace Program', on the Status of their Forces and to the Supplementary Protocol to it'

The Directive finalises the accession of the RF to the above-mentioned Agreement. Russia acceded to it on 21 April 2005. The Agreement determines the questions of the jurisdiction, the liability for the damage, as well as regulates other aspects, related to the temporary stationing of military units, for example, exercises, on the foreign territory.

Decree no. 276 of the Government of the Russian Federation of 30 April 2005 ‘On the Submission for Ratification to the President of the Russian Federation of the Joint Convention on the Safety of Spent Fuel Management and the Safety of Radioactive Waste Management’

Russia signed the Convention on 27 January 1999 in Vienna.

Ordinance no. 303 of the Government of the Russian Federation of 16 May 2005 ‘On the Division of the Powers between the Federal Executive Bodies in the Field of Ensuring Biological and Chemical Security of the Russian Federation’

Determines the powers and funding of the federal executive bodies operating in the field of biological and chemical security.

‘The Foundations of the State Policy of the Russian Federation in the Field of Non-proliferation of Weapon of Mass Destruction and Means of its Delivery’

The document was worked out by the Government of the RF and published on the WEB-site of the newspaper *Rossiyskaya gazeta* on 16 May 2005, URL <[www. Rg. ru/2005/05/17/osnovy-orujie-doc. html](http://www.Rg.ru/2005/05/17/osnovy-orujie-doc.html)>.

Decree no. 371 of the Government of the Russian Federation of 10 June 2005 ‘On the Introduction of the Changes to the Federal Program ‘Nuclear Radiation Security of Russia for the Years 2000–2006’

The document sets out objectives and tasks of the Program, its timelines, volumes and sources of funding, anticipated outcomes and indicators of social-economic efficiency.

Ordinance no. 378 of the Government of the Russian Federation of 16 June 2005 ‘On the Introduction of the Changes in the Federal Program ‘International Thermonuclear Reactor ИТЭР’ for the Years 2002–2005’

The Ordinance determines objectives, tasks, timelines and stages of the fulfilment of the program, as well as volumes and sources of its funding, and anticipated outcomes. The Federal Agency for Atomic Energy was appointed as the state customer of the program.

Directive no. 356-пр of the President of the Russian Federation of 8 August 2005 ‘On the Signing of the Agreement between the Russian Federation and the People’s Republic of China on the Status of the Military Units of the Russian Federation temporarily stationed on the territory of the People’s Republic of China and on the Status of the

Military Units temporarily stationed on the territory of the Russian Federation for Carrying Out Joint Military Manoeuvres'

Instructs the Government of the RF to sign the above-mentioned Agreement.

Ordinance no. 517 of the Government of the RF of 15 August 2005 'On the Procedure for Receiving the Permits of the Export Control Commission of the RF on External Economic Operations with the Goods, Information, Services, and the Results of the Intellectual Activity, which Can be Used by Foreign States and Foreign Persons for the Purposes of the Creation of Weapon of Mass Destruction and its Delivery Means'

Lays out the procedure for obtaining permits for the above-mentioned external economic operations. Decisions in this field are taken by the Export Control Commission on the basis of the state expertise of the external economic contract, carried out by the Federal Service on Technical and Export Control.

Ordinance no. 518 of the Government of the Russian Federation of 15 August 2005 'On the Introduction of the Changes and Supplements in Ordinance no. 302 of the Government of the Russian Federation of 26 May 2003'

Introduces changes in the Status of the Submission of Data for the UN Register of Conventional Arms and in the Status on the Submission of Data on the conventional arms deliveries in accordance with the Wassenaar Arrangement.

Ordinance no. 537 of the Government of the Russian Federation of 25 August 2005 'On the Functions of the Federal Executive Agencies and of the Russian Academy of Sciences in the Implementation of the Comprehensive Nuclear Test-Ban Treaty'

Lays out the functions performed by the Ministry of Defence, which serves as a national authority for the CTBT, and by other relevant federal executive agencies, as well as by the Russian Academy of Sciences.

Directive no. 1314-p of the Government of the Russian Federation of 27 August 2005

Approves the Concept of the federal monitoring system of critical facilities and/or potentially dangerous facilities of the Russian infrastructure and of dangerous cargoes. The Concept determines objectives, tasks, functions, composition, structure, principles and directions of the works in the field of the creation, use and development of the monitoring system. The full text of the Concept is attached.

Decree no. 1006 of the President of the Russian Federation of 31 August 2005 ‘On the Withdrawal of the Military Unit of the Russian Federation, Participating in the UN Peacekeeping Operation in Sierra-Leone’

In accordance with UNSCR 1610 of 30 June 2005¹, the Russian military unit together with corresponding equipment, armaments and materiel is to be withdrawn from the territory of Sierra-Leone to the territory of the Russian Federation.

Decree no. 1062 of the President of the Russian Federation of 10 September 2005 ‘The Questions of Military-Technical Cooperation of the Russian Federation with Foreign States’

The following documents are attached to the decree: a/ the Status of the Commission on the MTC with Foreign States; b/the Status of the procedure of the allotment of the right to the Russian organisations to engage in external trade activity related to the military-purpose goods; c/ the Status of the consideration of the appeals of the foreign customers; d/ the Status of the procedure of the Russian Licensing of the imports and exports of military-purpose goods. The texts of the above-mentioned documents are attached.

List of abbreviations

SD – the State Duma of the Federal Assembly of the Russian Federation

FC – The Council of the Federation (Federation Council) of the Federal Assembly of the Russian Federation

SZRF – Sobranie zakonodatelstva Rossiiskoi Federatsii (The Collection of the Legislation of the Russian Federation).

LETTERS TO THE EDITORS

*We have received a letter from Dr Milton Leitenberg, Senior Researcher of the Center for International and Security Studies at Maryland, University of Maryland (USA). The letter contains comments on the chapter 'Compliance with the Biological and Toxin Weapons Convention: Russian Perspectives' written by Natalya Kalinina and Eline Kirichenko and published in the fifth edition of *Russia: arms control, disarmament and international security*¹.*

From 1997 Russian versions of the SIPRI Yearbooks contain supplementary materials written by experts from the IMEMO. These materials are also regularly translated and published in separate volumes. Our intention has been to acquaint foreign researchers with the views of Russian scholars on international security and contribute to intellectual exchanges, to the dialogue on these issues with their counterparts abroad.

Letters and comments are welcome. It is with pleasure that we publish in this volume Professor Milton Leitenberg's letter (with the author's consent).

Commentaries on the chapter of Natalya Kalinina and Eline Kirichenko 'Compliance with the Biological and Toxin Weapons Convention: the Russian perspective'²

1. Page 66: 'A list of biological agents', a recurrent Soviet, and then Russian request, is seen by virtually ALL other State Parties to the Biological Weapon Convention (BWC) as regressive, and undermining the General Purpose Criterion of Article 1, Paragraph 1 of the BWC. Further, the final statements of several BWC Review Conferences have taken pains to reaffirm that Article 1, Paragraph 1 of the BWC was intended to apply to, and does apply To ALL agents, and also molecular constructs derived from them, which is clearly contrary to the recurrent Russian requests for 'lists'.

2. Page 66: The absence of 'Provisions for ensuring compliance' goes back to absolute rejection of any on-site inspection provisions by the USSR

¹ *Russia: arms control, disarmament and international security*. IMEMO Supplement to the Russian edition of the SIPRI Yearbook 2004. Compiled and Edited by A. Kaliadine, A. Arbatov. (Moscow, IMEMO, 2005).

² The author's spelling has been preserved in the text of the letter.

for any arms control treaty until 1987. In the decade, 1990 to 2000, in which the VEREX process and the Ad-Hoc Group negotiations under the BWC were carried out, the USSR and then Russia was no more interested in rigorous on-site inspection provisions for the Verification Protocol under negotiation than was the US. The long record of the negotiations dealing with onsite inspection is all publicly available.

3. Page 67. Suspicion and allegations of violations have been generated not by the lack of verification machinery, but by the nature of programs:

The USSR and then Russia did not submit a BWC/CBM that reflected even a small fraction of the realities of the former Soviet BW program until 1993, the sixth year after the annual CBM submissions began.

This might now be considered to be past history, except that important individuals in Russia are now denying the substance of the Russian government 1993 CBW/CBM submission.

After signing the Trilateral Agreement in September 1992 with the US and the UK, Russia refused to carry through the commitment set out in the agreement to permit access to the three Russian Ministry of Defense BW facilities. This remains an issue until the present time, and should have been the subject of the Kalinina-Kirichenko remarks. There is not a single word in their chapter about what that Russian government's 1993 CBM submission said, or about the September 1993 Russian admission in the Trilateral document of having constructed 'experimental lines of production'. (There were at least seven of these massive facilities.)

4. Page 67: On the contrary, the Soviet government made very *extensive* efforts 'to prove their case' at the 1986 BWC Review conference, through the presence and presentation of the Soviet team headed by General Burgasov, and then by the visit of Burgasov and his colleagues to the US in 1998, with presentations in Washington, D. C. at the National Academy of Sciences, at Johns Hopkins University, and at Harvard University; by the publication of two journal papers by Dr. Burgasov and his colleagues, etc.

No mention is made of the 1992–1994 resolution of the Sverdlovsk events by President Yeltsin's 1992 admission, by the Meselson et al. investigations, and by the 1993 publication of the examination of the preserved human tissue samples by the two Russian pathologists from Sverdlovsk, Drs Abramova and Grinberg, published in the *Proceedings of the National Academy of Sciences* (PNAS) in March 15, 1993. Is it conceivable that two IMEMO authors are themselves returning to the concocted, fictional, and discredited Soviet era tales about the anthrax outbreak in 1979 in Sverdlovsk?! And could IMEMO be supporting such an evolution by the publication of this chapter?!

5. Page 67: The 'defecting former Soviet biologist,' Dr. Ken Alibek [Kanjatan Alibekov), was successively the Director of the Omutninsk BW production facility, the Stepnogorsk BW production facility, and finally, the

Deputy Director to General Kalinin of the Biopreparat BW organization. His own book is not mentioned! The prior defection in 1989 of Dr Pasechnik, the Director of the St. Petersburg BW facility, is not mentioned.

6. Page 68: The US/UK visits to Soviet BW facilities began in mid-1991, as did the first Soviet visits to US and UK sites, and the Soviet and then Russian ‘invitations’ took place only after the two defections by Pasechnik and Alibek resulted in the strongest political pressure by the US and UK at the very highest political levels, (Pres. Bush, Prime Minister Thatcher to Pres. Gorbachev, Ministerial level meetings etc. – all of which is in the public record.)

7. Page 68: The Russian FSB published an extensive and detailed list of indicators, in March 1993, on pages 15–16 of its report ‘Proliferation Issues...’. The suggestion that indicators were lacking was not the problem.

8. Page 69: BWC non-accession by non-Russian former Soviet states is completely unrelated to continued expressions of concern about Russian BWC compliance. The continued concerns expressed by the US government during the Clinton administration as well as the current less congenial Republican one are based almost entirely on the refusal of access to Russian MoD facilities referred to by Kalinina and Kirichenko, and by the Russian freezing in 1995 of the onsite visit provisions to those sites agreed to in the Trilateral agreement).

9. Page 69: Regarding Dr. Sandakchiev's remark, there are no Russian scientists working in Iraq, but there certainly are in Iran, and I personally know that Dr. Sandakchiev knows about at least some of them, as well, of course that he knows about the Iranian attempts a decade ago to recruit members of the staff at his own institute, Vector, and at several other former Soviet BW facilities: Obolensk in the Biopreparat system and at the Academy of Sciences institutes.

10. Page 69: There certainly is ‘solid evidence’ that several—a small number—former Soviet BW-related researchers ‘became residents’ in Iran. Others travel back and forth between their own institutes in Moscow and teaching (reportedly) in Teheran, under an agreement supervised by the Russian Academy of Medical Sciences.

11. Page 70. The US destroyed BWC Verification Protocol not because of ‘pressure of its industrial lobby’. That was only one of the contributing reasons, and the least significant of the three (see the very detailed discussion in the related chapter in my 2004 book, *The Problem of Biological weapons*).

Milton Leitenberg
1 September 2005

The editors' view:

M. Leitenberg took strong issue with several points made by Natalya Kalinina and Elina Kirichenko, with regard to the policy of the former Soviet Union and post-Soviet Russia in the field of compliance with the Biological and Toxin Weapons Convention (BTWC). The authors are subjected to vehement criticism basically for insufficient coverage of the events related to the Soviet period of the Russian history. In doing it he loses sight of the distinctive format of the edition he criticises –, namely, its annual character. It should be emphasised that the authors were asked to write their paper for the Russian edition of the Yearbook 2004 and consequently to analyse the Russian record in compliance with the BTWC in 2003–2004. Incidentally, for these years M. Leitenberg in fact cites only one critical remark when he refers to the lack of access to some biological facilities of the Defence Ministry.

The IMEMO has no intention whatsoever to whitewash in any way either the policies of the leaders of the former Soviet Union or that of the current Russian political establishment. However, scientific critique must be objective, unbiased and accurate in order to be convincing.

Regrettably, some critical remarks of M. Leitenberg are either factually inexact, or, being taken out of its historical context, give a distorted idea of the substance of the matter.

Thus, citing the absence of provisions for ensuring compliance with the BTWC, M. Leitenberg categorically asserts that *'it goes back to absolute rejection of any on-site inspection provisions by the USSR for any arms control treaty until 1987'*. This statement is in fact incorrect. In this connection it is pertinent to remind readers of some relevant data. The International Conference of Experts with scientists from the USA, the United Kingdom, the Soviet Union and other countries (1 July–21 August 1958) released a report indicating that on-site inspections might be needed to verify a Comprehensive Nuclear Test-Ban. The report provided for the establishment of an international control system, comprising on-site inspections on the territory of a number of states, including the Soviet Union. It is documented that the Soviet leaders of those times accepted these conclusions. In 1961 during the CTBT negotiations, reconvened in Geneva, the Soviet Union itself proposed three on-site inspections per year to verify the CTBT on the territories of the NWS in seismically active regions.

Of interest is the following fact. On 15 March 1962 the Soviet Union submitted to the 18 Nation Committee in Geneva a draft treaty on general and complete disarmament. The proposal contained a provision for the creation of an International Disarmament Organisation endowed with powers of access *'at any time and to any place on the territory of every state party to the treaty'*. Certainly, one might have doubts about the sincerity of the Soviet leaders, advancing such a radical disarmament plan when the Cold War was at its high. But one should not chasten the history.

It is appropriate also to cite a later document – the Helsinki Final Act of 1 August 1975. Agreed specific confidence- and security-building measures in the security ‘basket’ of this document include exchanges of officers to observe military manoeuvres involving more than 25 000 troops ‘on the mutual basis and in the spirit of reciprocity’.

Incidentally, it looks as if official Russian and American approaches to international control and on-site inspection have evolved in opposite directions. Russia moved toward the acknowledgement of the need for stricter international control in the field of disarmament (the point conceded by M. Leitenberg himself). At present, Moscow is willing to consider on-site inspections, including within the framework of strengthening the BTWC regime. At the same time the incumbent US administration renegeed on the negotiations for toughening control provisions of the BTWC.

As for the issue of the access of the US representatives to biological research facilities of the MoD, mentioned by M. Leitenberg, this subject is, certainly, of direct relevance to the BTWC. The questions, which the parties to the Convention have to each other, should be settled through mutual consultations. (Ambiguities are certain to arise since the BTWC does not ban defensive biological programs ‘for protective purposes’).

As long as it is difficult to differentiate between legitimate defensive programs and prohibited activity there is a need for the world community to elaborate appropriate (additional) verification and transparency measures to resolve promptly mutual suspicions and misunderstandings. However, due to the US opposition to the multilateral negotiations on mandatory measures to enhance compliance with and transparency of the BTWC the negotiations have been stalled. This situation, surely, is not conducive to the removal of mutual suspicions in cases when doubts about compliance with the BTWC arise.

If M. Leitenberg attentively and impartially acquainted himself with the volume under consideration he would not have come to such an amazing suggestion that IMEMO researchers are ‘*returning to the concocted, fictional, and discredited Soviet era tales*’ and the IMEMO ‘*could be supporting such an evolution*’.

On the other hand, one should concede that M. Leitenberg has cited some odd events, which relate to the history of the Soviet/Russian policy in the area of the BTWC compliance. The Russian public would surely be interested to know the views of the officials from the institutions involved in the events. For example, is it true, as M. Leitenberg asserts that ‘*important individuals in Russia are now denying the substance of the Russian government’s 1993 CBW/CBM submission*’? On its part, the editorial board of the Russian edition of the SIPRI Yearbook would be pleased to offer the space for the representatives of the concerned official agencies to respond to the questions addressed to them.

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