

RUSSIA: ARMS CONTROL, DISARMAMENT AND INTERNATIONAL SECURITY

**MEMO CONTRIBUTIONS
TO THE RUSSIAN EDITION
OF THE SIPRI YEARBOOK 2004**

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

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

IMEMO SUPPLEMENT
TO THE RUSSIAN EDITION
OF THE SIPRI YEARBOOK 2004

Compiled and edited by
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Moscow 2005

УДК 327
ББК 64.4 (0)
Rus 95

Rus 95

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. IMEMO, 2005. – 128 p.

ISBN 5-9535-0038-6

Your comments and requests for obtaining the book should be sent to:

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Internet URL:: <http://www.imemo.ru>

ISBN 5-9535-0038-6

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PREFACE

The Institute of World Economy and International Relations presents in this volume the 5th edition of *RUSSIA: ARMS CONTROL, DISARMAMENT AND INTERNATIONAL SECURITY*. This publication is an offshoot of the joint IMEMO – SIPRI project “The Russian edition of the *SIPRI Yearbook: Armament, Disarmament and International Security*”.

From 1997 Russian versions of the SIPRI Yearbooks contain supplementary materials written by experts from IMEMO. Our intention in translating and publishing them in separate volumes has been to reach out to the English speaking readers – scholars and students, decision makers and experts, – who are used to reading the original, English version of the SIPRI Yearbook and wish to acquaint themselves with similar research originating from Russia.

IMEMO Special supplements to the SIPRI Yearbooks focus on those aspects of global security and arms control that are of particular relevance to Russia. We aim to contribute to openness, transparency and democratic control over Russian policy in the area of defence and disarmament, but also to unbiased assessments of Russia’s security situation and needs.

The 5th edition of *RUSSIA: ARMS CONTROL, DISARMAMENT AND INTERNATIONAL SECURITY* gathers together IMEMO contributions to the *SIPRI Yearbook 2004*. It contains analyses of developments in 2004 in international security, Russian military spending, WMD non-proliferation, arms control and disarmament.

Alexei Arbatov assesses nuclear proliferation threats and risks as seen from Russia, putting strong emphasis on the relationship between nuclear deterrence policies and swelling proliferation challenges. He outlines substantial proposals in the field of nuclear disarmament and non-proliferation, including policy recommendations for revamping the global treaty-based WMD non-proliferation regime and controlling regional proliferators.

Alexander Pikayev examines the progress of the G8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction, identifies shortfalls and lessons learnt from its existing projects and formulates some recommendations for future activities.

Alexandre Kaliadine analyses the evolution of the Proliferation Security Initiative (PSI), that is designed to disrupt WMD trafficking at sea, in the air and on land, and its role in the global effort at controlling proliferation. Special consideration is given to domestic debates about Russian participation and contribution to the PSI. He argues that PSI participants will have to exert themselves in order to transform the current informal partnership into an integral part of the global strategy for strengthening multilateral non-proliferation and export control agreements.

Alexander Savelyev and Ludmila Pankova examine Russia's progress on the path towards chemical demilitarisation and problems associated with the CW destruction.

Natalya Kalinina and Elina Kirichenko describe policies of the RF in the area of biological disarmament focusing on Russian approaches to bio-security and export controls.

Sergey Oznobishchev assesses the prospects for the regime, created by the Treaty on Conventional Armed Forces in Europe. He argues that ignoring Russia's opinion on the NATO enlargement eastwards complicates the international political climate, adversely affects the political mood within Russia itself and impedes further institutionalisation of the RF interaction with NATO and EU in the area of security and arms control.

Part I is concluded by detailed accounts given by Galina Oznobishcheva of the discussions on topical issues of global and regional security held at IMEMO in the course of the presentation of the Russian edition of the *SIPRI Yearbook 2003*.

Part II presents views of IMEMO experts on Russian official documents containing assessments of the impact of new global security challenges on reforming the Russian Armed Forces (V. Dvorkin) and the 2005 Defence Budget (Pyotr Romashkin). The annex contains a general review of key documents of the Russian Federation on national security, defence and arms control (September 2003–2004), written by Tamara Farnasova and Vladimir Evseev.

I would like to thank the Corresponding Member of the Russian Academy of Sciences, Dr Alexei Arbatov and Dr Alexandre Kaliadine for compiling and editing this volume. Particular appreciation is due to George Bechter, Boris Klimenko, Irene Ustinova, and Dmitriy Svarichovsky for helping to prepare the manuscript for publication.

I would like to acknowledge the generous support of the Swiss Federal Department of Defence, Civil Protection and Sports in assisting in the publication of this volume.

Academician Nodari Simonia
Director
Institute of World Economy and International Relations
Russian Academy of Sciences
December 2004

ACRONYMS

ABM	– anti-ballistic missile
ACV	– armoured combat vehicle
AG	– Australia Group
ALCM	– air-launched cruise missile
ASW	– anti-submarine warfare
ATTU	– Atlantic to the Urals (zone)
BA	– biological agent
BMD	– ballistic missile defence
BW	– biological weapon/warfare
CBMs	– confidence-building measures
CFDP	– Council on Foreign and Defence Policy (Russia)
CFE Treaty	– Treaty on Conventional Armed Forces in Europe
CIS	– Commonwealth of Independent States
CRDF	– Collective Rapid Deployment Force
CSBMs	– confidence- and security-building measure
CSTO	– Collective Security Treaty Organisation
CTBT	– Comprehensive Nuclear-Test-Ban Treaty
CTR	– Co-operative Threat Reduction, Nunn-Lugar Program
CW	– chemical weapon/warfare
CWD	– chemical weapon destruction
CWDF	– chemical weapon destruction facility
CWDP	– chemical weapon destruction program
CWPF	– chemical weapon production facility
CWSF	– chemical weapon storage facility
CWC	– Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction (Chemical Weapons Convention)
DOD	– Department of Defense (USA)
DOE	– Department of Energy (USA)
EU	– European Union
FA	– Federal Assembly (Russia)
FC	– Federation Council (Russia)
FBR	– fast breeder reactor
FBS	– forward-based system
FMT	– Fissile Material Treaty
FSPP-ECWS	– Federal Special Purpose Program – “The Elimination of the Chemical Weapons Stockpile in the Russian Federation”
FSS	– Federal Security Service

G8	– Group of Eight
GDP	– gross domestic product
GPF	– General-Purpose Forces
HEU	– highly enriched uranium
IAEA	– International Atomic Energy Agency
ICBM	– intercontinental ballistic missile
IMEMO	– Institute of World Economy and International Relations
ISTC	– International Science and Technology Centre
MD	– military district
MNLH	– maximum national levels for holdings
MW	– megawatt
MIRV	– multiple independently targeted re-entry vehicle
MNEPR	– Multilateral Nuclear Environmental Program in Russia
MOD	– Ministry of Defence (Russia)
MPC&A	– material protection, control and accounting
MTC	– military-technical co-operation
MTCR	– Missile Technology Control Regime
NAM	– Non aligned movement
NATO	– North Atlantic Treaty Organisation
NC	– national ceiling
NGO	– non-governmental organisation
NMD	– national missile defence
NNWS	– non-nuclear weapon state
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-weapons-free zone
NWS	– Nuclear weapon state
OPCW	– Organisation for the Prohibition of Chemical Weapons
OSCE	– Organisation for Security and Co-operation in Europe
R&D	– research and development
RAF	– Russian Armed Forces
RAM	– Russian Agency on Munitions
RF	– Russian Federation
SCO	– Shanghai Co-operation Organisation
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

SRF	– Strategic Rocket Forces (Russia)
SSBN	– nuclear-powered ballistic missile submarine
SSN	– nuclear-powered submarine
START	– Strategic Arms Reduction Talks (I, II, III)
TA	– toxic agent
TC	– territorial ceiling
TLE	– treaty-limited equipment
TNW	– tactical nuclear weapons
TMD	– theatre missile defence
UAV	– unmanned air vehicles
UTS	– Unified Tariff Scale (Russia)
UN	– United Nations
UNGA	– UN General Assembly
UNSC	– UN Security Council
UNSCR	– UN Security Council Resolution
WA	– Wassenaar Arrangement
WHO	– World Health Organisation
WMD	– weapon of mass destruction
WTO	– Warsaw Treaty Organisation
ZPM	– zone of protective measures

PART I. ANALYSES, FORECASTS, DISCUSSIONS

1. Proliferation of nuclear weapons: new threats, new solutions
2. G8 Global Partnership: the innovative approach to co-operation on WMD non-proliferation
3. The challenges of the Proliferation Security Initiative
4. Russia on the path towards chemical weapon destruction
5. Compliance with the Biological and Toxin Weapons Convention: from the Russian perspective
6. NATO enlargement and the prospects for the CFE
7. Discussions at IMEMO

1. PROLIFERATION OF NUCLEAR WEAPONS: NEW THREATS, NEW SOLUTIONS

Alexei ARBATOV

Over the past half-century or so, nuclear deterrence and proliferation of nuclear weapons have been key international security concepts and most important characteristics of the global politics. The two phenomena are closely interrelated, flow from one into the other, like the contents of joint vessels, and periodically change places. They are certain to be relevant in the foreseeable future and undergo serious transformation under the influence of the dynamics of international relations and scientific and technological advance.

In principle, deterrence is the prevention of hostile action by an opponent by threatening him with unacceptable damage. Nuclear deterrence is characterised by the threat of the use of nuclear weapons. Nuclear proliferation implies that an increasing number of states, and, eventually, non-state entities will obtain access to nuclear weapons, one way or another.

Nuclear weapons have immense, practically limitless destructive power. Secondary consequences of their use are horrendous. For this reason for the most part they are viewed by nuclear weapon states (NWS) not as a means of conducting war, but an instrument of political pressure, deterrence or intimidation. In this sense nuclear weapons are considered as an effective instrument in the pursuit security objectives and national interests in the broadest meaning of the term.

It is understandable that, under certain circumstances, non-nuclear weapon states (NNWS) are also likely to aspire to acquire this type of armament. Thus, nuclear deterrence is continually and invariably fuelling proliferation.

But there exist also a back channel connection. First, proliferation tends to expand the club of states possessing nuclear armaments. Thereby, the concept of nuclear deterrence is being reproduced over and over again as a model of military and political relations between nations. To the degree

that deterrence becomes more multifaceted, it is promoting instability and increases the probability of the use of nuclear weapon.

Another aspect of this process: even when political relations between nations improve drastically and they cease to view each other as enemies (for example, Russia and the USA at the end of the Cold War), their armed forces face new opponents and new targets as a result of nuclear proliferation. This process tends to destabilise strategic relations between former enemies and leads to increased emphasis on nuclear deterrence in their strategic interaction and to corresponding negative consequences for their political and contractual legal relations¹.

For this reason, the dialectical relationship between the two most important aspects of the impact of nuclear weapons on world politics is sometimes characterised as nuclear proliferation. A “vertical” one – between nuclear powers in the sense of building up existing nuclear capabilities, and “horizontal” – in the form of a growing number of NWS.

At its peak, at the end of 1980s, the “vertical” proliferation reached a level of approximately 10 000–12 000 nuclear warheads in the Strategic nuclear forces (SNF) of both the USA and the USSR. Adding tactical nuclear weapons (TNW) would have increased this figure up to 25 000–40 000 nuclear munitions, for each side.

“Horizontal” proliferation has led to an increase of the number of NWS to nine (USA, USSR, Great Britain, France, China, Israel, South Africa, India and Pakistan). After the break-up of the USSR the former Soviet nuclear warheads, stationed for some time on the territory of Ukraine, Belarus and Kazakhstan, were transferred to Russia. Additionally, during this period, five nations are known to have tried to acquire nuclear capabilities, but, for one reason or another, abandoned their attempts or were forced to do so (South Africa, Brazil, Argentina, Libya and Iraq). Two nations are considered to be on “the threshold”, i.e., poised to acquire nuclear armaments (the DPRK and Iran). Under the worst case scenario, several more countries might reconsider their present non-nuclear status over the next 10–20 years (South Korea, Taiwan, Japan, Libya, Syria, Egypt, Saudi Arabia, Algeria, Turkey, Iraq, Brazil, Argentina, etc.).

Nuclear deterrence and terrorism: the prospect of terrorists coming into possession of nuclear weapons

The horrible tragedy in New York and Washington on the morning of 11 September, 2001, highlighted the possibility of the most terrible scenario of proliferation: nuclear weapons falling into the hands of inter-

¹ For details on the interrelationship between nuclear deterrence and proliferation, see *Nezavisimoe Voennoe Vbozrenie*, no 43, 2002, pp. 3–4; no 17, 2004, p. 4.

national terrorists seeking to use them to cause shock and chaos throughout the civilised world.

Nuclear deterrence is of little use in countering organised international terrorism, including the hypothetical threat of such organisations acquiring nuclear warheads or explosive devices. Terrorists have neither territory, nor industry, population nor a regular army that could be targeted for retaliation. There are instances when terrorist groups are granted a base by a government, such as the Afghan Taliban regime gave to al Qaeda. However, nuclear deterrence with respect to such a state would be of little use, since it would hardly be likely to exert a restraining influence on the terrorists, who are able to pass through borders quickly and secretly. It is possible that terrorists would even be interested in provoking a nuclear strike on one or another country in the name of political advancement of their cause. (In this sense, even non-nuclear operations by the USA against Iraq in 2003 turned out to be of very great benefit to international terrorism).

The struggle against catastrophic terrorism is related to deterrence only in the sense of deterring the states (through the threat of retribution, including a nuclear one) from lending support to terrorist groups (i.e. granting them base facilities and rendering other assistance). But it is hard to imagine that any state would openly support terrorists in their attempts to acquire nuclear weapons. A nuclear strike against any country, even a “rogue state”, considering the secondary consequences and political shock throughout the world, is too strong a means to apply without creating a fully obvious “corpus delicti”. Very revealing in this regard has been the reaction of the world community to the poorly justified American operation against Iraq in 2003, in which only conventional forces were used and secondary losses and material damage were comparatively modest. This operation has led to the divisions within the ranks of the international anti-terrorist coalition. It boosted resistance movements and terrorist activity in Iraq and resulted in the USA being drawn into a swamp of senseless occupation.

The same argument can be made about the present American concept of developing “clean” nuclear mini-charges that penetrate deep underground to destroy bunkers, warehouses, and other underground terrorist or “rogue state” targets. Even without taking into account the political consequences of such a venture, the use of nuclear mini-nukes elicits from a tactical and technical standpoint a great deal of doubt. In order to avoid radioactive contamination of the locale, a sub-kiloton charge must penetrate the earth to a depth of 150-200 m, which is difficult to imagine, particularly through rock layers. Moreover, in order to destroy the target by a nuclear mini-charge, its exact location must be known. If the location is already known, however, then existing conventional high-precision and high-yield munitions could destroy the target, especially if multiple use is

an option. Special forces could also be helpful, particularly if such an operation is conducted by a coalition command acting under UN mandate.

For the most part, the struggle against nuclear terrorism involves active special operations, intended to destroy its material and financial infrastructure, on the one hand, and protect the NWS nuclear warheads and materials storage facilities, on the other. And, above all, it requires tightening the NPT regime. Co-operation between the great powers and regional states participating in antiterrorist actions plays a key role in this field. Actual combat use of nuclear weapons would have delivered a crushing blow to the global NPT regime.

The threat of further WMD proliferation and of its convergence with international terrorism (the so-called superterrorism or catastrophic terrorism phenomena) is a very real one, judging from the present trends. This topic will remain on top of the agenda in the Russian-American relations, in the deliberations of NWS as well as in debates in the UN forums about the use of force in international politics.

Synergy of proliferation risks

At the end of the 1990's, the nuclear proliferation process was operating according to the maxim of "two steps forward, one step backwards", rather than the reverse.

The reasons for failures to control proliferation are complex and diverse. They are related primarily to such phenomena, as international conflicts descending to regional levels, lack of interest of the great powers in regional affairs and their loosening grip over the events. After the end of the Cold War major powers no longer view local crises as a battlefield to test their strength in a global competition with one another. Proliferation was facilitated by the expansion of the sources of information, availability of know-how and materials in the area of peaceful and military uses of nuclear energy. To a great extent, nuclear proliferation has been a consequence of the policies of the USA and its allies involving unilateral use of military force. In particular, it was influenced by the Washington's course, to which Russia reluctantly acquiesced after numerous protests, to dismantle the regime and process of the central nuclear disarmament and increase reliance on nuclear weapons in the pursuance of national interests.

Aside from the points already made, one should take into account the weaknesses of the nuclear non-proliferation regime. It is based on the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), and related agreements. The regime also includes institutions and mechanisms for co-ordinating interests and activities of the states in the nuclear and related area, such as the International Atomic Energy Agency (IAEA), Zangger Committee, Nuclear Suppliers Group (NSG), and Wassenaar Arrangement.

This regime is based, rather by way of default, on the assumption that nuclear armament constitutes a derivative function, a kind of a by-product of the development of peaceful nuclear energy and science. According to this assumption, the recognised NWS and international organisations would be able, by exercising the strictest possible control over the supplies of nuclear materials and technology to NNWS, effectively ensure their exclusively peaceful uses by receiving countries. But, in practice, perhaps, only Brazil and Argentine had been advancing in the nuclear area, without setting up precise military targets. Other states were clear from the beginning as to what employment of nuclear energy – peaceful or military – they were pursuing.

If objectives were peaceful, then even the greatest scientific and technical commercial accomplishments in this area and significant freedom in the disposition of nuclear materials and their processing had not tempted them to produce nuclear weapons (Germany, Italy, Sweden, Japan, South Korea, Canada, etc.). If a state was bent on the acquisition of a military nuclear capability, then it was striving to possess it purposefully, not “along with” the peaceful development of nuclear energy. Such states sought not so much to obtain economic benefits, but to develop dedicated industrial facilities. Therefore the promises of economic benefits as a reward for forgoing nuclear weapons, embodied in the fundamental NPT concept, has provided an insufficient leverage to control the behaviour of NNWS.

Several states with nuclear ambitions (Israel, India, Pakistan) have overtly refused to join the NPT. Others (Iraq, Iran, DPRK, Libya and, possibly, additional countries) have joined this treaty but used it as a kind of political cover for their efforts to gain easier access to information, specialists, technology and materials. IAEA safeguards turned out to be inadequate to prevent NNWS from carry out military nuclear programs in parallel with peaceful ones, or from diverting technology, materials and specialists from peaceful to military projects.

After having taken advantage of the material benefits of the NPT for pursuing military programs, these countries would be prepared to openly withdraw from the treaty, if necessary, in order to become full-fledged members of the nuclear club. What is more, as the DPRK case has illustrated, such misbehaviour did not trigger sanctions. North Korea was even able to use its limited nuclear capability as an effective means for blackmailing the world community and as a trump card for extracting economic and political concessions from other countries.

Security concerns and desire to increase prestige on the international stage as well as win over popularity and extract concessions from other countries are central motivations for any country to acquire military nuclear capability. The NPT has not addressed such logic directly and effectively, that is, in the sense of offering something more attractive in return for forgoing the acquisition of NW. Neither does the treaty contain provisions

going the acquisition of NW. Neither does the treaty contain provisions for sanctions and punishment if the non-proliferation rules are challenged.

The NPT has failed to address security concerns. For example, Israel might renounce its nuclear capability in return for American security assurances of the same rank as those that are provided to NATO states. But notwithstanding material support rendered to Israel in various forms, Washington chose to refrain from concluding a formal security agreement with this country out of fear to undermine its relations with the Arab world and cause damage to American oil interests in the Near and Middle East. During the period of the Cold War, the USSR had certain informal commitments with respect to India, as did the USA towards Pakistan. But after the end of the Cold War and the demise of the USSR, India could no longer count on Russian direct support, and the USA was unwilling to get involved in the conflict between India and Pakistan on either side. These developments were also taken into consideration when both states decided to go nuclear.

It would be even more politically awkward and false-hearted to grant direct security guarantees to authoritarian, internally unstable or externally aggressive regimes, particularly to the rulers suspected of ties with international terrorism and of harbouring nuclear ambitions (Iraq, Iran, and the DPRK). These regimes more than others strive to achieve a nuclear status and feel threatened by other nations. From the standpoint of the great powers or the UNO, however, sanctions and threats of the use of force (under the new concept of counter-proliferation, which was attempted in Iraq in 2003, with quite dubious results) had an opposite effect and only redoubled efforts to acquire NW.

Technology of the complete nuclear cycle poses a particular challenge. The supply of this technology to NNWS is not prohibited under the NPT. Many states have been attempting to come into possession of this technology in order to become independent of foreign supplies of fuel for their nuclear power plants. But, on the other hand, such technology allows natural uranium to weapon-grade level and the extraction of weapon-useable plutonium from the spent nuclear fuel. In other words, by following these routes proliferators can obtain adequate amounts of weapon-grade materials.

The second fundamental defect of the concept and regime of the NPT lies in the fact that the ratio of interest on the part of the donor nations and the nations receiving assistance in the form of materials and technology for peaceful nuclear power generation has been miscalculated. It has been assumed that the desire of the recipients to have “peaceful atom” would be so strong that the donor nations would be able to obtain in return reliable commitments not to develop nuclear weapons.

However, it did not work this way. The world market for nuclear materials and technologies has become an arena of intense competition of

exporters. This has led to two consequences detrimental to the non-proliferation cause.

One is that in competing for markets the supplier nations have ended up not being overly captious with respect to the intentions and programs of the buyers, in particular, compliance with the IAEA safeguards. They closed their eyes on the inadequacies of international nuclear safeguards (with regard to, say, Iraq, DPRK, Iran) and sometimes even disregarded the fact that an importer country was not a party to the NPT (for example, Israel, India, Pakistan).

Even if information on military developments in NNWS was available and some of them possessed huge natural energy resources that eliminated the need for nuclear power plants exporters were not stopped from making deals with Iraq, Iran or Libya.

Another point relates to the absence of adequate mutual understanding among supplier nations. Exhortations to halt shipments of nuclear power equipment to specific countries were usually interpreted not as an effort to halt proliferation, but an intention to squeeze a competitor out of the market and take it over for itself. In 1994, for example, the USA, South Korea and Japan succeeded in blocking co-operation between Russia and the DPRK in the field of nuclear power supplies. It was alleged at that time that Pyongyang would be able to use such facilities to acquire nuclear weapons. Soon after, these countries concluded a deal to build in North Korea exactly the same type of nuclear power plant under their supervision and supposedly under more effective IAEA safeguards. (This project, named KEDO, was subsequently “frozen” and North Korea openly resumed its military nuclear program and left the NPT in January, 2003.)

It is perfectly understandable that when afterwards the USA urged Russia to halt construction of the same type of nuclear power plant in Iran (the Bushehr Project), Moscow suspected that Washington’s motive was to keep Russia out of the market and get itself into the place.

In spite of the current serious evidence of military nuclear activities and development of missile technology by Teheran (including assistance from Pakistan and North Korea), Moscow has been stubbornly resisting the US demands, notwithstanding damage to bilateral relations in other areas.

The NPT characterises the non-proliferation of NW as being of the same importance as nuclear disarmament. However, if one considers national security agendas, this is not the case. Nuclear non-proliferation is currently occupying much higher place in the security agenda in the USA than in Russia or Western European states – nuclear suppliers and China, not to mention new exporters of nuclear technology (Pakistan, India). In addition, as far as nuclear disarmament is concerned, its linkage to proliferation has been almost completely broken by the leading NWS – exporters of nuclear technology. Finally, aside from non-proliferation, the NWS have other political interests overseas, frequently of more importance.

Thus, maintaining good relations with Israel is of greater priority to the USA than thwarting Israeli nuclear program. In Russia, economic and political advantages of co-operation with India and Iran are also valued more than security gains from non-proliferation. Russia, China, Japan and South Korea are worried by the declared intention of the DPRK to acquire nuclear capability. But they are not ready to acquiesce to the US military action in this region fraught with unpredictable consequences, especially in view of the consequences of the war in Iraq in 2003.

Thus, further nuclear proliferation looks very likely. On-going and deteriorating interstate conflicts are making the use of nuclear weapons more probable. The problem is even more serious: the majority of the countries that recently acquired nuclear capabilities are lacking adequate survivable launchers, as well as reliable warning and control systems. They frequently suffer from internal political instability. Probability of civil war and rebellion under these conditions is immense. The risk of a first or pre-emptive nuclear strike by these countries is much greater, as is accidental use of nuclear weapons.

But this is not the end of the story. The chances of nuclear materials or operational weapons of these countries falling (intentionally or inadvertently) into the hands of terrorist organisations have increased sharply. It is due to the peculiarities of their external policies and domestic political situation, corruption prevailing in civil and military agencies, low reliability of security services.

It can be firmly stated that the next stage in proliferation is not only bound to increase sharply the threat of the use of nuclear weapons, but due to the confluence of numerous risk factors, will make the use of such weapons almost unavoidable.

Where to go from here?

The thesis that continuing dependence of the strategic policy upon deterrence constitutes the main guarantee of preventing a nuclear war is becoming less tenable.

The prevention of further proliferation (and what is particularly important) reversal of this process (as in the cases of Brazil, Argentina, South Africa, Iraq, Libya) require a fundamental review of the policies of the NWS as well as of the major NNWS – suppliers of nuclear material and technology.

In considering ways and means of strengthening the NPT regime, one has to proceed from the principal assumption: recommendations must not lose touch with reality and be defendable on political, economic, military and technical grounds.

But what is this reality?

Legitimate interests of states, even dissimilar and occasionally conflicting, constitute economic or political reality. (For example, Russia's interest in high oil prices and maintaining control over the events in the Post-Soviet area, as well as the desire of the USA and EU to lower oil prices and not allow Russian control over neighbouring countries). A clear acknowledgement of such interests and divergences frequently helps to reach compromises or even initiate co-operation.

Rational strategic considerations, economic or technological capabilities of states should certainly be taken into consideration. Thus, for example, pressuring NWS to agree on a speedy and complete nuclear disarmament (as a means of implementing Art. VI of the NPT) would be unproductive: it would be inconceivable and for that reason, meaningless undertaking from a practical standpoint. Other exotic ideas belong to the same category: the limitation of accuracy of strategic weapon systems; the prohibition or limitation of long-range conventional precision guided munitions; full demilitarisation of outer space; establishment of ocean ASW-free zones; the abandonment of the "nuclear suitcases" of American and Russian presidents; the verifiable de-targeting of each other's SNF.

There are so-called "realities" of a different type. In particular, the failure of the current US administration to embrace the idea of international legal treaties in the area of security, its desire to rely primarily on the huge American economic and military supremacy, disregard for existing multilateral agreements and unwillingness to conclude new ones. Such a policy in recent years has already caused great damage to international security and drawn the USA into adventurism in Iraq, the detrimental consequences of which are unfolding before our eyes. One can only hope that the Iraq challenge will be addressed in a non-catastrophic manner and due lessons will be drawn from it.

Take another example: does the misunderstanding by Moscow of decisions in the area of foreign and military policy since the beginning of the 1990's with a complete lack of co-ordination of actions between the various bureaucratic structures constitute "reality"? The same question can be posed with regard to the lack of active civil and political control over the military's policies. (Not in the sense of a formal approval of plans by President and Parliament, but rather in the sense of the conscious choice between alternative options with due attention to their budgetary strategic and military technical consequences)?

If these phenomena are to be considered political "reality", then everything is going the way it should go and there can be no other way, while scientific research and recommendations for practical policies lose any sense whatsoever.

If, however, the first version of understanding the political reality is used as a starting point for analysis, then a number of proposals on this theme may be appropriate. (On the assumption that government officials

might change their opinions (or be replaced at their posts), and the departmental policy might be extensively altered by the political leadership, legislative authority and civilian society).

First. Great powers, primarily the USA and Russia, must thoroughly review their policies as well as their mutual military and political relations in the area of nuclear weapons. This review is necessary not only in order to set a “good” example, but also to avoid a bad example to other NWS, as well as to those countries that are overtly or covertly pursuing nuclear armament. Surely, radical reductions and limitation of nuclear weapons will not by itself induce other countries to forgo such weapons, if one takes into account their actual motives for acquiring NW. It is, however, absolutely clear that continuous reliance of the NWS on nuclear armaments as the most important means of guaranteeing their own security creates additional stimulus for other countries to pursue the nuclear option and eventually increase the likelihood of nuclear munitions falling into the hands of international terrorists. In other words: NWS compliance with their NPT obligations regarding nuclear disarmament does not in itself guarantee strengthening the NPT regime. Much more is needed to attain this objective. But failing to comply with these obligations is certain to encourage further proliferation. Much bigger efforts will then be required in order to control it, including the use of force. However, military action, as shown by the current experience in Iraq, might backfire, in the area of nuclear proliferation, too.

In this context, formal quantitative reductions of nuclear warheads, in any case until they are counted in thousands, are of less importance. Of greater significance are their roles in the military policies of NWS, the prevailing views on their combat use, as well as plans to modernise SNF and attitudes to arms reduction and limitation treaties.

The recent years have witnessed extremely negative developments in this area, primarily in the light of policies pursued by the USA, but also by Russia. It would not be an exaggeration to assert that NWS bear the main responsibility for the failures of the non-proliferation policies, as its makers (distinct from the responsibility of the countries-targets of such a policy: the threshold and “rogue states”).

Second. Of greater importance is another aspect of this problem. The review of the nuclear policies of the NWS is required in order to minimise mutual suspicion and ambiguity that exist between them, if only latently. Mistrust is being reinforced and regularly replicated as a consequence of mutual nuclear deterrence and especially as a result of the breakdown of the system of agreements dealing with arms limitation and reduction. This lack of trust seriously undermines co-operation among NWS in all aspects of nuclear non-proliferation.

Of course, even during the darkest years of the Cold War the USSR and the USA were aware of the areas of common interest and co-

operation, such as non-proliferation. The NPT has been the fruit of this co-operation. But at that time, confrontation and global rivalries between the two superpowers, left little room for constructive teamwork.

The cessation of the Cold War has removed, in principle, the main impediment to Russian-US co-operative relations. However, the NPT regime is facing principally new challenges against the background of globalisation. They include the growing political and military disparity between the two major NW; emergence of new centres of world influence; the growing assertiveness of the regional powers competing for leadership; international non-state actors and the “nuclear black market”.

The Cold War level of co-operation is not sufficient to effectively redress the situation. New threats, as well as new opportunities, urgently require a qualitatively higher level of positive interaction between Russia and the USA, comparable, or in some spheres even exceeding, the one-time allied relations in NATO or WTO (for example, joint actions by the secret services, common ABM systems). However, close relations are not possible while the USA and Russia base their military and strategic relations on the principles and the material base of mutual nuclear deterrence. These characteristics of their bilateral relations are not only preserved, but are also continually reproduced and reinforced by specific armaments programs and arms control policies.

This course can not be convincingly defended by references to “the new realities”. It is derived from arrogant and arbitrary assumptions of the influential politicians in the USA, as well as from the weakness, inconsistency and errors made in the Russian policy. Neither material military and political, nor technical and strategic realities impose such decisions.

The cardinal conclusion can be formulated in the following way. At the current stage of nuclear security, “central” or “vertical” nuclear disarmament efforts are being inseparably intertwined (and in essence merged) with “peripheral” or “horizontal” disarmament, that is prevention of the spread of nuclear weapons.

A set of specific measures in the field of nuclear disarmament and non-proliferation is presented below, reflecting more or less their order of priority.

The central disarmament zone:

- Ratification of the Comprehensive Nuclear Test-Ban Treaty (CTBT) by the USA. The CTBT constitutes a key link between “vertical” and “horizontal” nuclear disarmament. A common position by the NWS would increase pressure on India, Pakistan and Israel to join this treaty. Thus, a limit would be placed on improvements (and to a significant degree, on production) of nuclear weapons by the states which already possess them. More-

over, such developments would serve to stem the attempts of the remaining overt or covert “threshold” states to develop nuclear capabilities;

- Transformation of the 2002 Treaty of Moscow on Strategic Offensive Reductions (SORT) into a full-scale treaty on the reduction of the Russian and American SNF. A new treaty should include appropriate counting rules, as well as schedules and procedures for dismantling weapons, verification measures and provisions for its extension to the year of 2017 (the current SORT expires upon the completion of the arms reductions, that is in December 2012).

- Launching immediate Russian-US negotiations on the SORT-2, aiming at the reduction of the SNF to the level of 1000 warheads for each side in the period 2012–2017. Alongside with carrying out these reductions both sides should lower the level of operational readiness of their SNF (in a verified way) to no less than 50 %. (It is proposed to reduce sharply the number of SSBNs on patrol at sea, to base heavy bombers separately from their nuclear bombs and ALCMs, to remove and store separately the nose cones of the larger portion of the ICBMs with MIRV and the nose parts of single-stage ICBMs). Both sides should also implement: broad transparency measures for the SNF, gradual integration of the Missile Attack Early Warning System (starting with the “unfreezing” of the project of the joint centre on monitory missile launches). They should subsequently proceed with the integration of the operational control systems (including liaison officers on watch in each other's strategic command centres as in the current practice with the RF and NATO).

- Verifiable lowering of the operational readiness of an enlarging portion of the SNF (bringing it down to 90 %) and an increase in the time, visibility and the cost of the reconstitution capabilities of both sides; elaborating a full-scale bilateral treaty on co-operation in the BMD area. This treaty should contain provisions on delineating joint and individual activities as well as on safeguards that their respective ABM systems will not be directed against each other. (For example, the treaty should provide for the prohibition of space-based interceptor devices and freedom to conduct tests of any ABM systems on condition that there is mutual monitoring of testing). It should limit the numbers of the permitted antimissiles of various types and allow unrestricted combinations of land-based or sea-based weapons, etc. The treaty should be based on the 2002 Joint Declaration on a new strategic relationship between the RF and the USA;

- Abandonment of the US program of “penetrating” nuclear mini-charges. Such a step would be facilitated by the entering into force of the CTBT; cancellation of the plan to install W-87 warheads from the Peacekeeper missile on the Mnuteman-3 ICBM; commitment not to resume production of the W-88 warhead for the Trident-2 SLBM;

- A significant review of the Russian program of modernising the SNF, with the emphasis shifting to the mobile Topol-M ICBM and to the

survivable command and control systems and Missile Attack Early Warning System; cancellation of the new SSBNs system Design 955 (Borey – Yuriy Dolgorukiy) and the new Bulava-30 SLBM system;

- Conclusion of a treaty to ban production of fissile material for military purposes (FMT) with the corresponding verification mechanism to be applied both to NWS and NNWS – members of the NPT, as well as Israel, India and Pakistan, that are not parties to the NPT;

- Launching Russian-American negotiations on limiting tactical nuclear weapons (TNW); the negotiations should be directed, above all, at the non-deployment of TNW in Central and Eastern Europe (including the Kaliningrad Oblast); subsequent total removal of TNW from Europe (i.e. the CFE zone). Outside this zone TNW should be stockpiled only in centralised storage facilities and be subject to mutual monitoring. This would indirectly bring about a significant downsizing in the TNW modernisation program.

- Involvement of “third” NWS into the process of the SNF limitation. (For example, an equal number of SLBM warheads in the Russian SNF and the combined SNF of Britain and France; equal numbers of warheads in silo-based ICBMs for Russia, the USA and China);

- Renunciation by all recognised NWS of a first use of nuclear weapons against NNWS – parties to the NPT or as an option – renunciation of a first use of any WMD. An exception might be made for the use of nuclear weapons in response to a strike against the country’s nuclear facilities and sites, this provision indirectly decreases concern over the likelihood of a “broad-scale” non-nuclear (conventional) war occurring between the great powers.

- Renunciation of the concept of launch on warning strike; transition to the concept of “deep” counter-strike;

No genuine national security interests or material strategic or military technical circumstances stand in the way of taking these steps. Only confusion in the minds of politicians and the military, as well as inability of political leaders to assert control over their military commands and lobbyists of the defence industries are to blame.

The acknowledgement of the need for the execution of the listed measures is not “a relic of the Cold War”. It is specifically the maintenance of the nuclear heritage of those decades and the military relations among the NWS that grew out of it that are the true relics of the Cold War, even if they currently receded into the background of diplomacy. Now, after over a decade passed since the Cold War, it is time to dismantle this heritage in a practical manner and remove tangible limits it imposed on international co-operation.

Such measures would not only significantly reinforce security and mutual trust between NWS. They would also bring about the transformation of the relations based on nuclear deterrence into a new type of strategic interaction which is characteristic of a mature partnership and a new

type of alliance. In other words, the new interaction would be pursued in the name of joint political and military actions, including special operations, to counter WMD proliferation, terrorism, extremism, local instability and conflicts. The steps listed above would recreate and deepen the central legal and contractual arrangement upon which the NPT has been built, as well as strengthen policies and mechanisms of nuclear non-proliferation.

Measures of the ‘horizontal zone’ can be divided into three main categories.

Mechanism for reinforcing the NPT and its adjusting to the new realities:

- Ratification of the 1997 [IAEA] Additional Safeguards Protocol² by all countries, both parties and non-parties to the NPT. This commitment should be considered as an indispensable condition for any international co-operation in the sphere of nuclear power generation; subsequent tightening of the Protocol provisions in order to take into account corresponding provisions of the Chemical Weapons Convention (CWC) and the Treaty on Conventional Armed Forces in Europe (CFE Treaty);

- Expansion of the staff of the IAEA and its budget, as well as broadening its powers to investigate violations of the NPT and submit the non-compliance matters to the UN Security Council for enforcement and punishment;

- Elaboration of mandatory and verifiable international standards for accounting, physical protection, secure transportation, storage and disposal of excess nuclear weapons materials; encouragement of financial and technical assistance for the implementation of such measures, as well as for the physical protection of nuclear weapons storage facilities (in particular, within the frame-work of the G8 Global Partnership program);

- Cessation of the production of weapon-grade uranium and the processing of weapon-grade plutonium in all countries; placing all production of nuclear fuel for power plants (including MOX-fuel and fuel for breeder reactors) under international safeguards;

- Strengthening the international legal basis of the Proliferation Security Initiative (PSI) with respect to standards and procedures for interdiction operations at sea, on land and in the air, carried out to stop the transfer or transport of WMD, their delivery systems and related materials.

Measures to tighten procedures relating to the supply of nuclear technologies and materials:

- Integration of currently operating international nuclear export control bodies (Zanger Committee, Nuclear Suppliers Group, Wassenaar Ar-

² Protocol to existing safeguards agreements between states and the IAEA. The Protocol (INFCIRC/540) aims at strengthening safeguards through increased confidence about the absence of undeclared nuclear material and activity in a state as a whole.

rangement), and strengthening the relevant international laws and frameworks;

- Establishment of a new expert control decision-making mechanism, allowing decisions to be taken by a qualified majority, equipped with an appropriate system of monitoring and enforcing sanctions by the IAEA and UNSC.

- Prohibition of new shipments of closed nuclear cycle technology to NNWS. Liquidation of such facilities, if they were created in violation of the NPT and IAEA safeguards;

- Guaranteed supply of fresh nuclear fuels to NNWS which rejected closed nuclear cycle at the lowest market price and subsequent shipment of the spent nuclear fuel by international consortiums specially created for this purpose;

- Closure of scientific-research reactors in NNWS; provision of guarantees for these states to participate in international scientific programs and receive radioactive materials for use in their commercial, medical and scientific needs;

- Adoption of unified world norms for the punishment of private companies and individuals found guilty of proliferation activity (to be qualified as a crime against humanity); national laws should be made consistent with these norms;

- Creation of international consortiums to reduce competition among the supplier-countries and ensure strict application of the IAEA safeguards over nuclear supplies. Eventually it will be necessary to go so far as to create a single world body to manage nuclear power generation in all countries and supervise international co-operation in this field;

- Launching joint programs involving the USA, RF and other leading countries in developing new generation nuclear power reactors with enhanced safety in operation and minimal content of weapons material in the spent nuclear fuel; abandonment of breeder reactors (currently applies, above all, to Russia, France, Japan and India);

- Strengthening the Missile Technology Control Regime (MTCR), especially in the area of dual-use technology supplies; encouraging countries which do not participate in the MTCR to join it; eventual transformation of the agreement on the MTCR into an international treaty. The treaty should contain clear definitions of its objects and subjects, as well as provisions on inspection and transparency measures, commitments of the participating nations to adjust national laws accordingly and create export control mechanisms that meet common standards;

- Dynamic expansion of international co-operation in the commercial and scientific uses of outer space. Creation of a world space consortium, based on the potentials of the USA, RF and European Space Agency (ECA). The consortium would help to mobilise resources of countries

possessing space launchers and orbital vehicles to provide services to members of the MTCR on favourable terms.

Finally, regional measures which are to be adapted to regional proliferation conditions:

- As far as the Near and Middle East is concerned, it may be useful (alongside with the efforts to resolve existing conflicts) to consider the following idea. Israel is to commit itself to forgo its nuclear weapon capability and join the NPT in return for joining NATO or receiving appropriate US security guarantees on a bilateral basis (as in the case of Japan). Israeli nuclear weapons could be dismantled;

- Iran should be granted security guarantees by the USA and other NWS. For its part, Iran must comply with the 1997 Additional Safeguards Protocol and dismantle its uranium enrichment facility;

- All states in the region must become party to the 1997 Additional Safeguards Protocol, CTBT, FMT, and MTCR. They should also be required to comply with all the standards of the international export and import control mechanisms.

In South Asia, one can hardly expect India and Pakistan to join the NPT as NNWS. However, their nuclear status could be indirectly taken into consideration in return for commitments to limit their relevant programs and avoid nuclear conflict:

India and Pakistan should be asked to:

- Join the CTBT and FMT, Additional Safeguards Protocol, MTCR and all export control regimes for nuclear and dual-use materials and technologies;

- Conclude an agreement on the limitation of their nuclear weapons to the current level,

- Assume a no-first use obligation and exercise mutual notification of missile testing.

On their part, the RF and the USA, aside from granting security guarantees, could bring India and Pakistan into the joint RF-US system for orbital monitoring and Missile Attack Early Warning System, undertake to transfer to them technology for a command and control system that would avert unauthorised missile launches. India and Pakistan should be encouraged to allow the stationing of international observers on their missile bases as an additional measure for warning about a hypothetical attack. The USA and RF would need (on a confidential basis) to co-ordinate measures towards nuclear weapon stockpiles in this region in case of a loss of national control over them or the danger of their capture by terrorists or extremists.

In the Far East, future arrangements within the framework of the six-party negotiations must include:

- Security guarantees from all of the great powers to both Korean states;

- Restitution of the KEDO project with the Russian and Chinese participation;
- Economic assistance to North Korea (including supplies of fuel) and encouragement of its involvement in international economic projects;
- Launching Korean satellites with the help of the great powers providing launchers.

In return, North Korea must come back to the NPT, join the CTBT, MTCR, FMT, and Additional Safeguards Protocol, all export control regimes. North Korea should agree to dismantle its nuclear sites with the exception of the nuclear power plants under the KEDO project, account for the stockpiled nuclear materials and disassemble nuclear explosive devices (if it produced any), and halt its missile program.

Some proposals, listed above, may sound utopian. Nuclear deterrence and proliferation have become deeply integrated in contemporary international relations, economics, science and technology. The elimination of the threatening by-products of nuclear deterrence and proliferation, (figuratively speaking “nuclear wastes”), is certain to require fundamental transformation of the current approaches to international relations, economics and technology.

There are yet few grounds for optimism in this regard. Nevertheless, the chances still exist that the most powerful states and the world community would be able to develop a rational nuclear world order before a new shock of the actual use of “doomsday weapons” suffered by Japan in August, 1945.

2. G8 GLOBAL PARTNERSHIP: THE INNOVATIVE APPROACH TO CO-OPERATION ON WMD NON-PROLIFERATION

Alexander PIKAYEV

Following the tragic events of 11 September 2001 in America, the issue of the safety of the stockpiles of weapons of mass destruction (WMD) and of their delivery vehicles, including those on the territories of the former Soviet Republics, required urgent solutions. Since 1992 Russia and other former Soviet Republics have been receiving international assistance, primarily from the USA, for the implementation of their disarmament and non-proliferation related programs, designed to destroy the WMD stockpiles and increase the safety of weapons and weapon-usable materials. The United States regularly expressed its disappointment at the insufficient, as they saw it, input of other nations into such projects.

According to the American officials, by 2001 the United States paid out for these projects around \$6 bn, while members of the European Union (EU) allocated for the same period around \$600 mn.

In June 2002, at the G8 summit meeting held at Kananaskis (Canada), leaders of the Group of Eight, on the initiative of the USA, announced a Global Partnership against the Spread of Weapons and Materials of Mass Destruction (Global Partnership).

Under this program, eight nations (Canada, France, Germany, Great Britain, Italy, Japan, Russia and the United States) made a political commitment to earmark \$20 bn over 10 years to assist Russia's efforts in the field of WMD disarmament, non-proliferation of WMD and their means of delivery.

The USA pledged to provide half of the total programmed funds – approximately \$10 bn.

The other seven nations pledged to provide the following sums within the framework of the Global Partnership: Canada – 1 bn Canadian dollars

(\$740 mn), France – 750 mn euros (almost \$1 bn), Germany – 1.5 bn euros (more than \$1.9 bn), Italy – 1 bn euros (approximately \$1.3 bn), Japan – \$200 mn, Great Britain – \$750 mn. Russia volunteered to allocate \$2 bn for implementing its programs related to the Global Partnership.

In fact, Moscow is likely to spend an even bigger sum. Starting from 2000 Russia's Federal Budget allocates approximately \$300 mn annually for the utilisation of armaments and military equipment.

In 2003, prior to the Evian G8 summit six additional European states joined the Global Partnership. Finland pledged to provide up to 10 mn euros (\$13 mn), Norway – 100 mn euros (\$130 mn), the Netherlands – 24 mn euros (\$31 mn), Poland – \$10 000 (annually), Sweden – 10 mn euros and \$20 mn (\$33 mn altogether), and Switzerland – 15 mn Sw.F. (\$13 mn).

At the G8 summit held at Sea Island (the USA) in June 2004, these countries announced that their total financial contribution would amount to \$200 mn.

The EU, as an organisation, also joined the Global Partnership. Its total pledge amounts to 1 bn euros (\$1.3 bn) for a period of ten years.

In 2004, prior to the Sea Island G8 summit, seven additional states expressed the intention to join the Global Partnership: Australia, Belgium, the Czech Republic, Denmark, Ireland, New Zealand and South Korea. The exact size of their contributions is yet unknown. In some cases, financial inputs are likely to be symbolic. For example, the Czech Republic is about to contribute \$75 000 within the framework of the British program for the building of the infrastructure around the prospective chemical weapon destruction facility (CWDF) to be constructed at Schuchye (the Kurgan oblast). (The cost of the CWDF construction itself is estimated at \$1 bn).

In Kananaskis, the G8 leaders agreed to invite other countries to participate in the Global Partnership (in the first place, former Soviet Republics, which would be ready to meet the Kananaskis criteria).

In Evian, the G8 leaders, in principle, have positively responded to the official application to accede to the Global Partnership, submitted by Ukraine in January 2003. Discussions with the Ukrainian government continued after the Evian summit, and in December 2003 Ukraine agreed to adhere to the principles of the non-proliferation and Kananaskis guidelines.

At meetings held in 2004 a Group of High-Level Officials and the Working Group on the Global Partnership considered the extension of the Global Partnership to cover other potential recipients of assistance. The G8 states agreed to support such an enlargement on the understanding that related projects in Russia would remain at the core of their activities.

In 2004 the G8 states considered proposals to extend the Global Partnership program to Albania, Iraq, Libya and some other states.

By winter 2004 – over two years after the Kananaskis summit – the pledges of the donor states reached approximately \$19.3 bn, i.e. quite close to the announced goal of \$20 bn for ten years. The share of the European countries (excluding Russia) amounted to about \$6.3 bn.

The number of the participants in the Global Partnership has increased from 8 to 22. However, in practice the results appear to be less significant. Approximately one fifth of the funds pledged by the EU and individual EU members reflects the revaluation of the euro in relation to the US dollar, due to the shift in the exchange rate since the summit in Kananaskis in favour of the euro. Besides, a considerable gap exists between the financial pledges and the actual disbursement of the funds. Assistance provided by the EU reflects this trend, in particular. In 2003 the European Commission allocated funds in support of the International Science and Technology Centre (ISTC) (20 mn euros) in Moscow and – for a similar Science and Technology Centre in Ukraine (STCU) (5 mn euros). The European Council intended to allocate (for the same period) 15 mn euros for four major projects: the CWDF in Gorny (the Saratov oblast), the building of the infrastructure around a similar facility in Schuchye (the Kurgan oblast), modernisation of the management in the Russian Munitions Agency (which was responsible for implementing the Federal Chemical Weapon Destruction Program (CWDP) until March 2004), and the licensing of the Russian plutonium disposal facilities.

The total EU contribution to the Global Partnership so far remains at about 40 mn euros annually. A part of the funds allocated for the science and technology centres went to implementing projects outside Russia.

Unless the funding is increased, the EU will be able to fulfil its pledges only in 25 years (and not within ten years as promised in Kananaskis). A significant increase of the EU funding can be anticipated only after 2006 (after the fulfilment of the EU current three-year plan).

France pledged to allocate 750 mn euros. Within the period of 2003–2004 Paris intended to disburse only one-tenth of this sum—75 mn. These funds are to be used in support of two projects: the implementation of the Agreement on the Multilateral Nuclear Environmental Program in Russia (MNEPR) signed in September 2003 (40 mn) and the promotion of the bilateral projects (35 mn). The bilateral projects include nuclear submarine dismantlement and, in particular, the rehabilitation of the Gremikha base and the consolidation of the nuclear waste storage sites. The attainment of this level of funding should be considered as a success. Earlier, France disbursed considerably less sums. France undertook to provide 750 mn euros following the financial pledges made by other G8 states.

It is evident that only a small part from the pledged funds will finally reach Russian contractors. For example, according to British law, up to 80 % of the funds should go to domestic contractors.

Some other Global Partnership assistance programs do not provide for transferring the funds directly to Russia. The assistance is rendered in the form of the supplies of equipment produced in the donor countries. This manner of rendering assistance reduces the interest of the Russian side in the co-operative undertakings and hinders the implementation of the Global Partnership projects. For instance, Great Britain allocated 33 mn pounds for the implementation of some projects related to nuclear safety on the Kola Peninsula. In addition, 11.5 mn pounds have been reserved for removing nuclear materials from two nuclear submarines. This is comparable to the French funding, which is only entering its mature phase, but it is minuscule if contrasted with the agreements signed by Russia in 2003 with Germany and, especially, with Italy.

In November 2003 Italy signed two documents with Russia. Under the first one, Rome is to disburse 360 mn euros to support Russian projects for the period of ten years (dismantling nuclear-powered submarines and surface ships). Italy will also assist in safe transportation and storage of radioactive waste, enhancing physical protection of nuclear facilities, rehabilitation of contaminated storage sites. The second agreement provides for the disbursement of another 360 mn euros for a five-year period for the destruction of chemical weapons (CW). The Agreement aims at assisting Russia to comply with the Chemical Weapons Convention (CWC) by supplying CWD equipment.

It is not excluded that rapid progress in completing the intergovernmental agreements was a result of a prior understanding that up to 90 % of the Italian funds were to reach Russian contractors.

Like Great Britain, Germany also chose to assist Russia in the form of supplies of German-made equipment. Only a fraction of subcontracts were turned over to Russian companies. This procedure adversely affected the implementation of bilateral projects. After 1999 Germany's policy underwent substantial changes. More funds were allocated to Russian contractors. These changes helped to increase significantly Russian-German interaction in the disarmament field. Recently, Germany emerged as the largest European donor of the Russian projects under the Global Partnership. German leaders made up their mind as to the manner to disburse 800 mn euros within the framework of the overall 1.5-bn package. In October 2003 in Yekaterinburg Russia and Germany concluded an agreement, under which Germany was to allocate 300 mn euros over a six-year period for the dismantlement of nuclear submarines in the Northwest of Russia. In addition, in 2003 Germany undertook to allocate 65 mn euros, including 40 mn for eliminating the CW stockpile and enhancing the safety of nuclear materials, particularly, at Bochvar Scientific Research Institute for Nuclear Materials and the Kurchatov Institute. 25 mn were to be spent on dismantling nuclear submarines. Germany is ready to double the current annual expenditure both under the Yekaterinburg agreement and the agreement on Kambarka

(the Republic of Udmurtia) signed in July 2003. The latter agreement (under which 140 mn euros are to be spent) regulates German participation in the construction of the CWDF in Kambarka.

On 9 June 2004, after lengthy talks (prior to the G8 summit at Sea Island) the Russian President and the Prime Minister of Canada signed a bilateral intergovernmental agreement on co-operation in the areas of CW destruction, dismantling decommissioned nuclear submarines, material protection, control and accounting of nuclear materials and radioactive substances. The agreement has established a legal framework for full-scale co-operation in the priority areas of the Global Partnership. Canada has agreed to participate in the construction of the CWDF in Schuchye and the dismantlement of nuclear submarines at the shipyards located in the Archangels and Murmansk regions.

Noting some practical achievements, independent observers pointed out that the efforts did not match the magnitude of the outstanding problems. In fall 2003 this issue was addressed by a consortium consisting of two dozens leading institutions from 16 countries of Europe, Asia and North America. The consortium carried out a major assessment of the Global Partnership, identified shortfalls and lessons learnt from existing programs and proposed how best to accomplish the remaining tasks.

According to its estimates, until recently modern physical protection systems were installed in the facilities, where only 17 % of Russian stockpiles of nuclear materials are stored. Slightly more than 1 % of chemical weapons have been eliminated. The consortium issued a statement, which stressed that the participants in the Global Partnership ought to make greater efforts on a large scale to improve the existing situation.

It should be mentioned that the multilateral framework of the Global Partnership permits Russia to defend more successfully its interests.

The US assistance projects are strictly checked by Congress, which fixed certain conditions. For instance, the United States refuse to allocate funds for the dismantlement of decommissioned nuclear multi-purpose submarines, because the American-Russian nuclear arms control agreements cover only strategic nuclear submarines. (The nuclear multi-purpose submarines comprise a significant majority of Russian decommissioned nuclear submarines and pose the greatest environmental risk.) Other countries do not exercise similar restrictions. It is not coincidental that hopes to resolve this complicated disarmament problem are placed on those states.

In the same way, the US administration refuses to assist in building infrastructure units around the CWDFs. But the infrastructure elements (roads, electric and water supplies, housing, medical facilities) are needed both to ensure normal operation of the CWDFs, and allay fears of the local population that the construction of CWDFs poses risks for environ-

ment and health. Agreements concluded recently with European states and Canada contain provisions on developing infrastructure.

In contrast to the USA other participants in the Global Partnership are not prone to politicise assistance projects. For a number of years the US Congress frozen funds for the Russian CWDP, linking assistance (among other things) to such unrelated matters as compliance with the BTWC.

Donor states usually cite three major issues in negotiating with Russia under the Global Partnership program: taxation, damage liability and access to facilities. As a rule, Russian partners require complete exemption of their assistance activities from taxation. In principle, the Russian legal system provides (partially) for exemptions. In addition, appropriate norms can be introduced through the instrumentality of the ratification process (involving the Federal Assembly). However, ratification is a lengthy and painful process. Both sides prefer to use other instruments in order to resolve taxation controversies. However, current federal tax regulations contain provisions, which make it difficult for the donors to get exemptions. In order to avoid complicated and lengthy negotiations and ratification procedures, several small donor states decided to participate in the assistance projects of other donors, which already concluded agreements with Russia. For instance, Norway, the Czech Republic and Canada provide assistance through the British program designed to facilitate the construction of the CWDF in Schuchye. But not all donors favor this option. Some states (for example, Switzerland) prefer to manage their own individual projects. (This position may be partially explained by the neutral status of the donors).

Access to the facilities being constructed under the Global Partnership projects is another controversial issue. Naturally, donors are interested to obtain data on how their funds are used, including by means of visiting appropriate facilities (sites). However, many of them are secret. Visits of foreign nationals to them are treated by the Russian law as an exception from the general rule and require permission from the proper authorities. According to the custom, processing the application for permission takes 45 days, which is viewed by donors as excessive. In June 2003 at the Evian G8 summit the Russian delegation promised to reduce the period to 30 days. Although the partners welcomed this statement as a step in the right direction, they thought that the problem was not yet resolved.

The issue of immunity from damage liability acquired heightened sensitivity in September 2003, when due to disagreements Russia and the USA failed to extend two bilateral Agreements – on the Plutonium Disposition and the Nuclear Cities Initiative. The United States urged Russia to take full responsibility for compensating any damage occurred as a result of the implementation of the Global Partnership projects.

Moscow was ready to accept limited liability, because complete immunity could have encouraged foreign contractors to neglect safety measures. In the 1990s, due to the economic difficulties Russia had to agree with the US position on full immunity for American contractors during their activities aimed at implementing the Co-operative Threat Reduction (CTR) projects. The 1992 American-Russian Framework Agreement included provisions on such immunity. This agreement outlined conditions for rendering US assistance. The Agreement, which extended the 1992 document for another seven years, also contains such provisions. It was subject to ratification by the Federal Assembly. However, the Russian government did not submit it for ratification. According to some observers, it was motivated by the desire to reconsider the provision on full immunity for American companies.

On the other hand, the MNEPR Agreement is more balanced and better serves Russian interests. In negotiating with Russia the European partners, on the whole, embraced the principle of limited immunity. The appropriate provision was incorporated into the Protocol on the MNEPR Agreement. The USA refused to sign the Protocol, which was not surprising since it differed from the 1999 Agreement. The MNEPR Agreement was submitted without delay to the Federal Assembly for ratification. The State Duma ratified the Agreement prior to the parliamentary elections held in December 2003. Some deputies voiced disagreement with the haste with which the SD passed the Agreement into law defying the rules of procedure for ratifying international agreements.

Thus, the MNEPR Agreement introduced into the Russian legislation the provision on limited damage liability of foreign companies taking part in the implementation of the Global Partnership projects. This has created certain legal collision with the 1999 American-Russian Agreement. Had the 1999 Agreement been ratified, the US companies would have had the right to insist on their complete immunity. It would have put contractors from other states into an unequal position.

Summing up, real progress has been achieved in increasing the number of donor countries assisting Russia in fulfilling disarmament and non-proliferation projects, since the Kananaskis summit. However, bureaucratic difficulties, relative lack of experience of some partners in negotiating and implementing agreements, together with their differing priorities and complications in negotiating with Russia somehow impeded the joint work.

The situation may become more lucid in the next few years when European institutions resolve their budget priorities for 2006–2009.

In a broader context, the West will continue to be interested in promoting the Global Partnership arrangement if three principal conditions are met. First, if the Global Partnership program remains a priority task for the US administration. Second, if the EU continues to develop its partnership with the USA in implementing the related projects. And third, if

Russia not only demonstrates its interest on the level of political declarations, but undertakes specific practical moves, for example, modernises its domestic legislation and regulations related to the Global Partnership projects and addresses in a more resolute way concerns and interests of its partners.

3. THE CHALLENGES OF THE PROLIFERATION SECURITY INITIATIVE

Alexandre KALIADINE

This chapter assesses the role of the Proliferation Security Initiative (PSI) in international efforts at controlling proliferation of weapons of mass destruction (WMD). The PSI seeks to combat proliferation by developing new means to disrupt WMD trafficking at sea, in the air and on land. 15 nations, including Russia, have become “core” participants of the Initiative. More than 60 countries have signalled their willingness to co-operate in interdiction efforts.

Today’s challenges

Recent failures to contain nuclear proliferation¹ made it clear beyond doubt that the world community should assent to new, systematic and far-reaching measures to close gaps in the global non-proliferation regime before the threats become catastrophic. Attention and resources must be concentrated to ensure strict universal compliance with the WMD non-proliferation norm. The international non-proliferation system needs to be strengthened to prevent the flow of WMD, related technologies and mate-

¹ The list of alarming developments is a long one. North Korea’s withdrawal from the NPT, its unwillingness to relinquish nuclear option and comply with the requirements of the Nuclear non-proliferation regime, as well as Pyongyang’s ability to export nuclear and missile technologies. One has to add to this Iran’s nuclear transgressions, controversies with the IAEA over the character and direction of its nuclear activity. There is growing concern about wide availability of highly enriched uranium (HEU) and plutonium (the fissile materials that form the core of nuclear weapons); the existence of an extensive black market for the supply of sensitive nuclear equipment and technology; the prospect of terrorists coming into possession of nuclear weapons and a number of other negative trends.

rials to irresponsible governments, which trample their international non-proliferation obligations, as well as to non-state entities of various sorts, above all, terrorist organisations.

Increased illicit trafficking in components of WMD, weapon-usable materials and technologies through different supply routes is a cause for special concern, since the conventional barriers to such supplies proved to be not up to the challenge. Links in the black market trafficking chain are reported to include suppliers, intermediaries, transport and servicing structures and end-users of various countries engaged in proliferation activity. According to Dr Mohamed ELBaradei, the IAEA Director General, the “black market” for nuclear technologies and materials has become a reality, controlled neither by the IAEA, nor by leading national intelligence services. Complicated intermediary schemes have been used to ship WMD-related goods and technologies from one country to another. Such routes have not practically been tracked.

It was not until the year 2003, when a clandestine network of traffickers originating in Pakistan was exposed (and later on broken up)² that the scope and the breadth of the trafficking activity in nuclear items was brought to the public light for the first time. Despite this success, much more remains to be done to curb illicit trafficking in WMD-related items.

The well-organised clandestine network headed by a Pakistani nuclear physicist A. Q. Khan, Director of the nuclear research centre in Kahute, included scientists, engineers and middlemen from Pakistan, Switzerland, Great Britain, Germany, Sri Lanka, and Malaysia. The dealers were engaged in proliferation activity from the middle of 1990s selling nuclear weapon designs, bomb-making material and know-how to North Korea, Iran, and Libya and, probably, to other countries.

The trafficking activities have shown that the threat of the spread of WMD through private commercial channels is real and current.³ They demonstrated the inadequacy of the export controls administered by the International Atomic Agency (IAEA) and the Nuclear Suppliers Group (NSG) which rely on informal arrangements and do not include many countries with growing nuclear industrial capacity.

The second source of widening concern is the prospect of terrorist groups coming into possession of materials and weapons of mass destruction by exploiting the inadequacy of the multilateral treaty-based non-proliferation and export control regimes.

² It was reported that exposure of the A. Q. Khan network was helped by the PSI interdiction of nuclear materials.

³ By the end of 2003, the IAEA’s database on illicit trafficking recorded approximately 630 incidents of trafficking in nuclear and other radioactive material. 60 incidents were reported in 2003 and the total for 2004 is estimated to be even higher. These data show that the measures to control and secure such materials and to respond to illicit trafficking are essential. URL <<http://www.iaea.or.at/NewsCenter/Statement/2004/ebsp2004n013.html>>.

Transnational terrorist networks such as al-Qaeda, possessing cells in dozens of states, have already demonstrated their ability to influence the course of events in a number of countries and affect international security situation.

In the terrorist attacks against the USA on 11 September 2001 airliners loaded with fuel were used in such a manner as to kill large numbers of people. The murder of hundreds of innocent hostages, mostly children, at a Beslan school (Northern Ossetia) on 3 September 2004 has illustrated the behaviour pattern of Islamist terrorists who would not hesitate to resort to WMD if they ever get hold of them.

The American-British military operation in Iraq in 2003 resulted in an increase in terrorist activity. According to the IAEA, radioactive materials, stolen from the Iraqi research centres, may be used by terrorists to make a “dirty bomb” that spread radioactive material over large areas. There are other signs of rise in international terrorism and a potential threat of the use by terrorist groups of chemical, biological and radioactive substances and of their desire to acquire mass destruction technologies.⁴

Wide use in civil industries (and expanding availability) of dual-use technologies and materials of mass destruction themselves enhance the probability of terrorist acts with most grave consequences. Shadowy dealers of the black market as well as “threshold states” with unstable, corrupt regimes are most likely routes by which terrorist groups can obtain access to materials and explosive devices.

The emergence of black markets in WMD-related materials and the spreading danger of terrorist groups coming into possession of WMD have posed new challenges, which the traditional multilateral treaty-based mechanisms have failed to resolve.

Multilateral treaties, concluded in the past century (1968–1993),⁵ and the WMD non-proliferation regimes supporting them proved to be poorly adapted to counter and reverse the current challenges. The treaties have no meaningful enforcement mechanisms. Although the NPT treats the non-

⁴ *Megaterrorism: a new challenge for new century*. Edited by A. Fedorov, PIR-Center, 2003; *Terrorism v megapolis: otsenka ugrozi i zashishennosti*. Ed. By V. Z. Dvorkin, Moscow, “Prava cheloveka”, 2002; America’s Achilles’ Heel. Nuclear, Biological, and Chemical Terrorism and Covert Attack. Richard A. Falkenrath, Robert D. Newman, and Bradley A. Thayer. BCSIA Studies in International Security, London, 1998; Myiasnikof Eu. Ugroza terrorisma s ispolzovaniem bespilotnikh letatelnikh apparatov. Center for the study of disarmament, power production and ecology. Moscow Physical-Technological Institute, 2004.

⁵ The 1968 Treaty on the Non-proliferation of Nuclear Weapons, NPT (188 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 (164 parties).

The International Code of Conduct against Ballistic Missile Proliferation was adopted in 2002. 91 states have acceded to it.

proliferation of nuclear weapons as a matter of the highest priority in the field of international security, this treaty does not provide for sanctions in serious cases of non-compliance. The BTWC as well lacks means for enforcing compliance with its provisions. The Convention is not even equipped with international verification tools. Furthermore, the NPT, BTWC and CWC rules do not cover individuals, corporations and other non-state entities. The CWC (art. XII) provides measures to redress cases of non-compliance, including the collective action of treaty parties against the non-compliant state and the involvement of the United Nations Security Council (UNSC). The Convention specifically obligates the Organisation for the Prohibition of Chemical Weapons (OPCW) to bring grave violations of the CWC to the attention of the UN Security Council for further action. However, this mechanism was never made use of. The IAEA statute requires that non-compliance with safeguards be reported to the UN Security Council. However, the Governing Board of the IAEA did not refer cases of grave non-compliance to the UN Security Council for enforcement or punishment. On-site inspections conducted, respectively, by the IAEA and the OPCW, at best, only registered cases of non-compliance. Even this task has not always been successfully accomplished on time. Iraq, Libya, North Korea and some other states were able to carry out clandestine military programs related to WMD for quite a long time without being caught. They made use of their formal participation in the non-proliferation treaties as a cover for proliferation activity. Proliferators took measures to circumvent international export controls, such as falsifying documentation, providing false end-user information and finding ways for shipping illicit commodities exploiting loopholes in a law or weak border points.

Lacking effective enforcement facilities and means to physically block the proscribed activities, the traditional treaty-based non-proliferation regimes have been unable to prevent misuse of the dual-use facilities and materials, their diversion to military proscribed programs as well as to interdict illegal shipments of WMD-related cargoes to proliferators.⁶ Under these conditions difficult cases of proliferation, as was mentioned above, emerged constituting a threat to international peace and security and undermining the credibility of the international legal frameworks. However, the multilateral treaty-based non-proliferation regimes remain the anchors for WMD non-proliferation. Despite flaws and limitations in this system, it continues to furnish important security benefits by providing assurances that in the great majority of states dual-use materials are not being misused for weapon purposes. It is important to continue to promote the universal adoption, full implementation and strengthening of the treaties and the regimes, which support them. On the other hand, strengthening a global response to the current proliferation threats requires adjustment of the exist-

⁶ See ch. 1 of the Special IMEMO Supplement.

ing non-proliferation regimes to a rapidly changing strategic circumstances and the development of additional tools in order to curb and roll back proliferation.

New opportunities in the struggle against proliferators and their facilitators

Recent events have put the modernisation of international law and practices of countering the spread of WMD on the top of the non-proliferation agenda. This involves, in the first place, rethinking the concept of enforcement of compliance with international legal non-proliferation rules; the role of sanctions; the use of force; preventive (pre-emptive) measures in dealing with situations caused by the spread of WMD, which pose threats to international peace and security.

The global community is gradually coming to acknowledge the need for strong measures to defeat proliferators and their facilitators. An increasing number of states seek to strengthen existing international enforcement mechanisms (or to establish new ones), to elaborate and apply effective tools to deter and punish the perpetrators, including economic penalties or sanctions, credible export controls and direct action against proliferation networks, interdiction of WMD-related shipments.⁷

The Proliferation Security Initiative, which was announced by US President George W. Bush at the international meeting in Krakow (Poland) on 31 May 2003, represents a response to the new challenges.

The PSI, that is designed to combat the trade in WMD, their delivery systems and related materials, seeks co-operation from any state whose vessels, flags, ports, territorial waters, airspace, or land might be used for proliferation purposes. It is an initiative to develop political commitments and practical co-operation among states to help to impede and stop the flow of WMD, their delivery systems and related materials to and from states and non-state actors of proliferation concern. PSI participants are committed to undertake practical measures for interdicting the transfer or transport of the proscribed items and bring proliferators to justice.

Representatives of 11 states, the founding (“core”) participants in the PSI, took part in the first informal meeting in Madrid in June 2003: Germany, Great Britain, Australia, Spain, United States, France, Italy, Japan,

⁷ 16 members of the UN High-Level Panel on Threats, Challenges and Change address the issues related to the use of force to deal with security threats in their report “A More Secure World: Our Shared responsibility” (www.un.org/secureworld), submitted in November 2004 to the Secretary-General of the UNO Kofi Annan. The report proposes five basic guidelines 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. If its specific recommendations are acted upon, the UNSC would be better equipped to take decisive action earlier than in the past

Netherlands, Poland, and Portugal. It was followed by another informal meeting in Brisbane (Australia) in July which drew up plans for intercepting ships suspected of transporting WMD-related cargoes. Participants in the PSI, meeting in Paris in September the same year, reviewed a broad range of political, legal, practical, technical and operational aspects, with a view to paving the way for early concrete outcomes. They agreed on a “Statement of interdiction principles” which identified concrete actions to interdict shipments of WMD, their delivery systems and related materials.

This statement reflected the desire of the participants in the PSI to make this initiative consistent with international law. It seeks to address the concerns expressed by a number of states that interdiction operations might violate international law and result in damage to legitimate commerce. Concern was also raised that such operations might be used to promote egoistic political interests of individual states. The documents adopted in Paris⁸ contain references to the commitment of PSI participants to establish a more co-ordinated and effective basis for the implementation of interdiction principles consistent with national legal authorities and relevant international laws and frameworks, including the UN Security Council. The Press statement characterises the PSI as being “part of the overall effort in support of non-proliferation which is a pillar of collective security and strategic stability. It can contribute among other tools to the full implementation of and compliance with commitments under this regime, in particular non-proliferation agreements”. The participating states expressed their willingness to work with all concerned states on measures they are able to take in support of the PSI, as outlined in the “Interdiction Principles”. This document published on September 2003, includes commitments to:

- Undertake effective measures, either alone or in concert with other states, for interdicting the transfer or shipments of WMD, their delivery systems, and related materials to and from states and non-state actors of proliferation concern;
- Adopt streamlined procedures for rapid exchange of relevant information concerning suspected proliferation activity, allocate appropriate resources and efforts to interdicting operations and capabilities, and maximise co-ordination among participants in interdiction efforts;
- Strengthen their relevant national legal authorities and work to strengthen relevant international laws and framework;
- Take specific actions in support of interdiction efforts, including:
- Not to transport or assist in the transportation of any of such cargoes;
- At their own initiative to take action to board and search any vessel flying their flag in their internal waters or territorial seas or areas beyond

⁸ “Press statement released under the responsibility of the chair” (participants met under French chairmanship) and “Statement of Interdiction Principles”.

the territorial seas of any other state, that is reasonably suspected of transporting such cargoes and to seize such cargoes that are identified;

- To seriously consider providing consent to the boarding and searching of its own flag vessels by other states and to the seizure of such WMD-related cargoes in such vessels that may be identified by such states;

- To take appropriate actions to board and search vessels entering or leaving their ports, internal waters or territorial seas that can be reasonably suspected of carrying WMD-related cargoes;

- Require aircraft that can be reasonably suspected of carrying such cargoes and that are transiting their airspace to land for inspection and/or deny such aircraft transit rights through their airspace in advance of such flights;

- If their ports, airfields, or other facilities are used as transhipment points for shipment of WMD-related cargoes, to inspect vessels, aircraft or other modes of transport reasonably suspected of carrying such cargoes and seize such cargoes that are identified.⁹

At the London meeting in October 2003 participants in the PSI reviewed the progress of the initiative and discussed practical questions relating, in particular, to the building up of interdiction capability and co-operating with other concerned states on measures for interdicting the transport of WMD-related cargoes.¹⁰

In March 2004 three additional states – Canada, Norway and Singapore joined the PSI core group.

On 31 May 2004 – on the day of the first anniversary of the PSI – Russia joined the group of founding states of the PSI. The Russian delegation participated in the meeting of the PSI founding countries in Krakow.

The Ministry of Foreign Affairs of the Russian Federation stated in the press release, published on 1 June 2004 that “the principles for the Proliferation Security Initiative, set forth by the founding countries, and the Paris Declaration in September 2003, as developed by them in London in October the same year, correspond to the Russian line in the field of non-proliferation”. The Russian side stated its intention “to make its contribution to implementing the PSI with consideration for the compatibility of the actions with the rules of international law, for their conformance to national legislation and for commonality of non-proliferation interests with their partners.”¹¹ Subsequently Russia became involved in the PSI efforts both in political and operational capacities.

⁹ URL <<http://usinfo.state.gov/russki/>> (accessed 8 September 2004).

¹⁰ In 2003 Australia conducted the first exercise (in October) in the Coral Sea, involving both military and law-enforcement assets. Great Britain then hosted the first PSI air interception training session, a tabletop exercise, to explore operational issues arising from intercepting proliferation traffic in the air.

¹¹ *Daily News Bulletin*. The Ministry of Foreign Affairs of the Russian Federation. 01.05.04.

The G-8 Summit meeting held at Sea Island, USA in June 2004, expanded co-operation within the Group of the Eight in the area of the strengthening of the WMD non-proliferation regime. In the Action Plan on Non-proliferation the G-8 leaders agreed to strengthen the PSI. They joined in committing themselves to unravel and dismantle proliferation networks like that of the A. Q. Khan network and co-ordinate their efforts to prevent enrichment and reprocessing equipment and technologies falling into the hands of terrorists and states aspiring to use them for the creation of WMD.

A number of legal and technical issues arose as the PSI evolved. They related to the need to ensure the observance of the relevant international laws and national legal procedures, as well as to the avoidance of the damage during interdiction operations. Questions were raised concerning the application of enforcement measures to various modes of transport suspected of carrying WMD-related cargoes beyond the internal waters and territorial seas of any other state. Concern was expressed with regard to the liability for interfering with normal commerce, stopping, boarding, and searching legitimate cargoes, seizures of such cargoes, detentions, confiscation and arrests, etc.

Some of these concerns were addressed at the informal meetings of the PSI participants in Paris and London. Participants of these meetings made it clear that PSI interdiction efforts would rest on existing domestic and international legal authorities.

The UN Security Council Resolution (UNSCR) 1540 unanimously adopted on 28 April 2004 (in the context of the struggle against terrorism), paved the way for resolving legal aspects of the PSI interdiction activities.¹² The main objective of UNSCR 1540 is to prevent the proliferation of WMD-related items to non-state actors and, in particular for terrorist purposes.

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 such export control laws and regulations.

¹² The RF, the USA and other permanent members of the Security Council submitted the draft of the UNSC Resolution 1540 on 24 March 2004. Over 50 member states participated in the consideration of this draft. Doc. UN. S/RES/1540 (2004).

UNSCR 1540 highlights the key role of the UN Security Council in the sphere of WMD non-proliferation. The Council established a Committee, consisting of all members of the UNSC, which is called upon to report to it for its examination, on the implementation of this resolution. All states should present reports on steps they have taken or intend to take to implement the resolution to the UNSC.¹³

While UNSCR 1540 does not contain specific references to the PSI, its main provisions and its entire pathos conform to the PSI principles. Of particular significance is the fact that the resolution qualifies illicit trafficking in NBC weapons and WMD-related items as posing “a threat to international peace and security” and “adding a new dimension to the issue of proliferation of such weapons”. It is also pertinent to note in this connection that the UNSC affirmed in this document its resolve “to take appropriate and effective action against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided in the United Nations Charter”.¹⁴

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.¹⁵

The resolution provides a solid legal framework for possible enforcement measures against states and non-state actors¹⁶ engaged in illicit trafficking in NBC weapons and their means of delivery and related materials. It facilitates co-operative efforts of the states to combat by all means the illicit trafficking in WMD-related materials.¹⁷

In 2004 the PSI work expanded. PSI participants agreed on a series of sea, air, and ground interdiction-training exercises. In first half of year

¹³ A First report of the Committee must be presented no later than six months from the adoption of this resolution. On 26 October 2004 Russia presented its first report on steps taken by the RF on the implementation of UNSCR 1540.

¹⁴ It is for the first time that the UNSCR acknowledges that proliferation of WMD is a threat to international peace and security.

¹⁵ Development of UNSCR 1540 makes strong national controls and enforcement a requirement (rather than an option). Countries that are not parties to the NPT (Israel, India, Pakistan, etc.) are now obliged to develop and maintain legal and regulatory measures to monitor and control sensitive technologies, materials and equipment that exist in or transit their territories, in particular to prevent terrorists from acquiring WMD-related items.

¹⁶ A non-state actor is defined in the resolution as “individual or entity, not acting under the lawful authority of any state in conducting activities, which come within the scope of the resolution”.

¹⁷ Materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which can be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

the PSI participants accomplished ten training exercises - five on the sea, three - in the air and two - on land. Experts continued to work to improve PSI ability to share information with law enforcement and military operators in order to increase the number of actual interdictions.

Russia is also contributing to the creation of the PSI operative potential. In September 2004 two Russian battle ships took part in patrolling within the PSI framework. The same month Russian and American naval ships carried out joint exercises in the Norwegian Sea. Russian and Italian surface naval ships conducted joint exercises in the Mediterranean Sea. Russia participated in the counterterrorist operation "Active undertaking" conducted by NATO naval forces in the Mediterranean Sea. From 27 September till 1 October 2004 experts from 16 states (including Russia) took part in a weeklong series of tabletop exercise to test the legal limits of the ability the PSI participants to interdict, which was hosted by the Naval War College in Newport, Rhode Island (the USA). These exercises have helped to increase the level of operative compatibility of the respective services of the Russian Federation and other PSI participants, maximise co-ordination among participants in interdiction efforts and improved procedures for rapid exchange of relevant information concerning suspected proliferation activity.

Interstate arrangements are being worked out allowing searching of the vessels suspected of transporting WMD-related cargoes in high seas.¹⁸ PSI is being developed to include co-ordinated law-enforcement efforts to shut down the facilitators and financiers of proliferation.

However, only initial steps of preliminary character have been made. One needs to accomplish a huge amount of work, for example, with the customs authorities, industries, key cargo senders and insurers working in the field of sea, air and land transportation and in ports.

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 dress-rehearsals and drills in various parts of the world developing preparations for future interdictions of WMD-related cargoes.

The difficulties of harmonisation of the interests and co-ordination of actions among PSI participants are likely to increase as they move on to target more aggressively specific entities and networks involved in illicit proliferation activities in various countries. Since the PSI is relying primarily on the activities of intelligence, military and law enforcement agencies, planning practical interdiction operations will require greater co-operation not just among intelligence and military services but in law en-

¹⁸ The USA negotiated and signed shipboarding agreements with Liberia and Panama, the two largest flag registries, and also with Marshal Islands. The bilateral boarding agreements set out rapid consent procedures for boarding ships of a treaty partner' flagged vessel. The USA has some 20 other negotiations on-going.

forcement as well, and, in particular, sharing sensitive information on trafficking incidents with law enforcement and military operators.

Governmental bodies (industrial, commercial, law enforcement, intelligence and military) of the RF and the USA need to attain qualitatively new levels of co-operation, unprecedented in the history of their bilateral relations. This will require co-operative efforts to minimise suspicions existing between the two powers, though latently, but which are continually being reproduced due to the mutual nuclear deterrence relations. Such relations inhibit earnest co-operative efforts in all aspects of combating WMD proliferation.¹⁹

Domestic debates about Russian participation in the PSI

Russia joined the PSI exactly a year after President of the USA announced this initiative. Originally this project was received in Russia (both in official circles and expert community) cautiously, even with scepticism and mistrust. It is true that commentators acknowledged that this undertaking contained “a rational grain”. But critical assessments prevailed. It appears that certain reasons for caution existed, at least at the time when the PSI was launched. The proposition was perceived, as being ambiguous, not thoroughly elaborated, with shaky legal underpinning. The legal and technical aspects of the interdiction (search and seizure) of the vessels, suspected in transporting WMD-related cargoes, seemed to be dubious. For example, procedures for boarding and searching vessels suspected of transporting WMD-related cargoes. The role of the UNSC was not initially highlighted. It was not clear whether the PSI was fully consistent with existing multilateral non-proliferation agreements and relevant responsibilities of the IAEA and OPCW. Doubts were raised about the conformity of the interdiction operations with the sea laws and international legal norms regulating airline traffic and flights, etc.

However, such concerns can hardly completely explain the reasons for the delays of the Russian decision-makers in joining officially the PSI.

It would have been easier to address them by becoming the PSI “core” participant and playing an active role in eliminating “grey areas” and paving the way for early solutions in respect to the legal aspects of interdicting WMD shipment and preventing proliferators from engaging in this dangerous trade.

The slow response to the PSI was neither only the result of traditional bureaucratic red tape, departmental incongruity or elementary frustration that the US administration assumed leadership in the area of combating proliferation facilitators. (Some commentators focused their

¹⁹ See also the Special IMEMO Supplement pp. 11–13.

critique on “US claims to manage unilaterally the non-proliferation and arms control process”).

The sluggishness in defining the position with regard to the modalities of the participation in the PSI was connected, in the opinion of the author, with the difficulties, which the political leadership encountered in its efforts to forge consensus in the Russian elite on this issue.

As is known various groups (corporate, industrial, commercial, departmental, party elements, etc.) with specific, sometimes conflicting, interests are competing for influence on the Russian official policy on the issues related to non-proliferation. For example, captains of the nuclear industry are above all anxious to build-up the export potential, preserve and expand markets for nuclear power equipment and fissile material. This is also the main concern of other exporters of dual-use technologies and goods. Echelons of the administration may have different views on Russian regional geopolitical priorities and relations with individual countries, including states of proliferation concern.

The then head of the Ministry on Atomic Energy of the RF (Minatom) A. Rumyantsev stated in an interview, published in January 2004: “Russia is been working for quite a long time in the international market for nuclear power equipment. The RF enjoys the reputation as a reliable partner. Certainly, we are interested not only in retaining, but also in strengthening our positions.” He emphasised, that Russia should take a more active position and not to allow it to be forced out from the perspective and capacious markets.²⁰

L. Ivashov, Vice-president of the Academy for Geopolitical Sciences, claimed that “participation in the PSI will put Russia at odds with the outside world”.²¹ S. Kremlev (an expert with a pretentious pseudonym) alleges: “Russia should not be too much concerned over the proliferation, which is practised by sovereign states exercising their sovereign rights. Why should we worry about possible nuclear armament of the North Korea? Nuclear North Korea does pose absolutely no threat to Russia and may be even to some extent useful”.²²

However, more farsighted politicians and experts, prevailed on the issue of the Russian participation in the PSI. They proceed from the as-

²⁰ *Yaderniy Kontrol*, no. 1, 2004. p. 17. Rumyantsev’s statement was in response to a question regarding the influence on the Russian-Iranian co-operation of the resolution of the Governing Board of the IAEA on Iran, in which the IAEA had expressed concern about Iran’s suspect nuclear projects. In 2003 Iran was found to have been operating a secret enrichment project, the key to obtaining nuclear bomb-grade material. The Board noted Iran’s non-compliance with the IAEA safeguards obligations. Since the issues with the IAEA had not been resolved, Iran’s NPT safeguards commitments continued to be questioned.

²¹ *Nezavisimaya Gazeta*. 2004. 2 April, p. 2.

²² *Nezavisimoe Obozrenie*, no 27, 2004, p. 4.

sumption that the spread of WMD poses a very serious threat to Russian security and it should be dealt with by applying both political-diplomatic and coercive means. Practical proposals to this respect were formulated in a number of papers published in Russia.²³

In his presentation to the meeting of the Security Council of the Russian Federation, held in December 2003, Vladimir Putin pointed out the need of working out a comprehensive approach to the non-proliferation sphere. President acknowledged that Russia lacked a systemic framework for combating the spread WMD. He urged to redress this situation.

Subsequently, the Russian leadership undertook a number of steps both domestically and abroad in that direction, including measures to develop national legislation, in particular regulations to control exports, transit, trans-shipment etc., to implement the comprehensive program of time-urgent steps to strengthen the WMD-related non-proliferation regimes and to involve the UNSC in these efforts.

On 8 October on the Russian proposal, the UNSC, acting under Chapter VII of the UN Chapter, adopted resolution 1566. The resolution calls upon states to co-operate fully in the fight against terrorism in order to find, deny safe haven and bring to justice any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparations or commission of terrorist acts or provides safe havens. The Council decided to establish a working group to consider and submit recommendations to the Council on practical measures to be imposed upon individuals, groups or entities involved in or associated with terrorist activities for bringing them to justice through prosecution or extradition, freezing financial assets, preventing their movement through the territories of member states, preventing supply to them of all types of arms and related materials.²⁴

Steps have been also taken to make co-operation more effective in this area also with CIS states, EU, RNC, G-8.

Russian participation in the PSI has been the logical consequence of this course.

²³ See *Mirovaya ekonomika i mezdunarodnie otnoshenia*, no 12, 2003 p. 66–71; *Yaderniy Kontrol*, no 2, 2004, p. 68, 84–90; *Krasnaya Zvezda*. 2004. 11 October, p. 3–7; *Nezavisimaya Gazeta*. 2004. I June, p. 8.

²⁴ S/RES/1566 (2004). In 2003 on the Russian proposal the UN General Assembly adopted resolution A/58L.67/Rev.1. It reaffirmed the need for all the UN members to fulfil their obligations in relation to arms control and disarmament and to prevent the proliferation in all aspects of weapons of mass destruction, underlined the need to strengthen the capacity of the UNO in the areas of peacebuilding and peacekeeping and called for the building of consensus among member states in defining the scope, orientation and needs of such capacity in the light of current and evolving challenges and threats to international peace and security. The UNGA established a High-level Panel on Threats, Challenges and Change to prepare a fundamental review of the collective security system. See note 7.

Russia, as other major exporting nations, is to strike a balance between security needs and the benefits which the exports of nuclear and other dual-use technologies provide and reconcile the interests of the related industries as well as specific geopolitical regional stakes to the requirements of the updated Anti-proliferation strategy. In the opinion of the author, national and international security interests should have priority over commercial or other private objectives. It is of crucial importance that while Russia is involved in the process of reducing its nuclear weapon arsenals, which it has to do, including on economic and technical grounds, international strategic stability is not undermined and no additional states possessing WMD emerge. Russia has already had experience with the worsening regional conflicts and terrorism and is much to loose by further spread of WMD. The majority of current and would be proliferators, capable to challenge Russian interests in the foreseeable future are situated along the perimeter of the CIS frontiers, in the volatile regions, which are characterised by military-political instability and tension.

Conclusions

Combating the proliferation of WMD and its means of delivery has become a most urgent task on the agenda of international military-political relations. The civilised world is being convinced that this threat can not be effectively dealt with only by applying traditional instruments of “soft” multilateral diplomacy (negotiations, conferences, treaty-building conventions and their respective review conferences, convened once five or six years, etc.). The PSI has reflected the urgency attached to establishing a more co-ordinated and active basis to prevent WMD proliferation.

We witness the growing role of measures designed to respond promptly (including by enforcement and preventive measures) to defeat proliferation activity of odious governments, trampling their non-proliferation treaty obligations, of traffickers in WMD-related materials and technologies and terrorist networks.

Broadening international support for the PSI objectives²⁵ reflects the maturing acknowledgement by the world community of the need to supplement the global treaty-based non-proliferation regime with adequate enforcement tools.

By extending the application of enforcement measures on trade routes involved in illicit trafficking in nuclear, chemical and biological

²⁵ Currently, the core PSI group includes 15 states: Australia, Canada, Germany, Great Britain, France, Italy, Japan, Netherlands, Norway, Poland, Portugal, Russia, Singapore, Spain, and the United States.

Over 60 states find it in their interest to participate in the tasks of the PSI in one way or another.

weapons and their means of delivery, the Proliferation Security Initiative has strengthened non-military enforcement mechanisms. Such activity being consistent with the UNSC responsibilities would help to impose appropriate penalties on proliferators and their facilitators for violations of the existing international and national export control regimes over items, which can be used to produce WMD. Such measures are of particular relevance, especially in the context of the world counter-terrorism campaign.

The UN Security Council is playing a more active role in enforcing non-proliferation rules. The unanimously adopted UNSCR 1540, which includes a call to all states to combat through international co-operation the illicit trafficking and brokering in WMD items, has established necessary legal frameworks for taking coercive actions against proliferators and their facilitators in support of interdiction efforts regarding WMD-related cargoes. This practice is likely to expand. Further development of the UNSCR 1540 through its review process, exchanges of information regarding violations of export control laws and regulations will strengthen the UNO ability to enforce the WMD non-proliferation rules.

The expanding coalition of states capable and willing to implement enforcement measures (under UNSC auspices) against those who misuse international commerce for WMD proliferation purposes reflects new political and strategic circumstances in the world.

Further broadening of international consensus on “interdiction principles” for WMD-related cargoes in the context of overall co-operative effort to strengthen the global WMD non-proliferation regime will enhance political legitimacy of the PSI operations. Compliance with the PSI interdiction rules is certain to strengthen the barriers against the spread of the most dangerous weapons. Successful PSI activity would serve to establish an effective international safeguards system in the field of international shipments that would protect members of the world community and, above all, the states that are fulfilling in good faith their commitments to forgo WMD. On the other hand, proliferators and their facilitators would feel the counter-proliferation punch.

The RF joined the core PSI group, because objectives of the Initiative correspond to Russian fundamental national security interests. As a member of the PSI Russia proceeds from the assumption that the PSI interdiction activities will not create obstacles to the legitimate interstate economic and scientific co-operation and be consistent with international law, including UNSCR 1540.

Current Russian initiatives in the UNO, endorsed by this world body, to ensure closer co-ordination of states in combating new global challenges to international peace and security and in particular to strengthen measures against terrorism, form a part of overall effort in support of the anti-proliferation cause.

Further specific Russian input in the PSI activities would be of especial significance since Russia is a key player in a number of proliferation-prone regions of the world (stretching from the Near East to the Korean Peninsula), for example, within the framework of the Russia–NATO Council. The Council's facilities are already used to promote military-political co-operation in the non-proliferation area.²⁶

Building-up consensus among UN member states and the UN capacity to bring to justice WMD proliferators and their facilitators will constitute an effective response to the challenge they pose to international stability.

However, this is a difficult process both in political and technical respects requiring considerable efforts from many states. One should not underestimate the negative impact on co-operation in this sphere of the differences in the area of non-proliferation strategy existing in the international community, NATO, EU, in the Russian-American relations and Non-aligned movement, as well as between leading regional powers with conflicting perceptions of their security needs. There is a need to secure wider United Nations involvement in the PSI-related activity. Much would depend on the progress in other, related fields, such as wider nuclear disarmament, resolution of regional conflicts, building-up the UN overall peacekeeping and peace-enforcement potential, etc.

The PSI participants will have to exert themselves to extend the membership and secure broader international support of interdiction anti-proliferation efforts, in order to transform the current informal partnership of the PSI enthusiasts into an essential component of the global strategy for strengthening multilateral non-proliferation and export control agreements.

²⁶ The RNC has established a working group on WMD proliferation. The group has produced assessments of global trends in WMD proliferation. It also facilitates the drawing-up plans for joint patrolling the Mediterranean and the Black Sea to curb terrorist attempts to transport WMD or its components.

4. RUSSIA ON THE PATH TOWARDS CW DESTRUCTION

Alexander SAVELYEV and Ludmila PANKOVA

Under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction (Chemical Weapons Convention, CWC) Russia assumed specific obligations.¹ Compliance with the CWC Timeframes for chemical weapons destruction is one of them. Under the convention Russia is obliged to destroy approximately 40 000 agent tonnes, piled up during the years of the Cold War.

The CWC stipulates that the states possessing CW must totally destroy their stocks in a ten-year timeframe after entry into force of the convention (by 29 April 1997). The convention envisages modification of the destruction deadlines (an extension of the final destruction deadline of up to 5 years may be granted). The destruction of chemical weapons (CWD) is divided into four “phases”. The level of destruction required at the end of phases 1, 2, 3, 4 is the following (%): phase 1 (1), phase 2 (20), phase 3 (45) and phase 4 (100).

Thus, originally under the convention Russia must have destroyed its CW stockpile by 29 April 2007.

However, the CW destruction process proved to be more complicated than was initially expected. Chemical disarmament has required enormous efforts at all levels of the administration; the taking and implementation of most difficult technical decisions; ensuring public safety and environmental protection. These activities involve huge financial expenses, which, as is evident, were not calculated precisely, neither in Russia, nor in the USA.

¹ Russia signed the CWC in 1993 and ratified it in 1997.

Estimates of the costs of the implementation of the chemical weapon destruction programs (CWDP) are continually being updated. Estimated costs of the CWD in Russia rose from \$3.5 bn to \$8 bn² and in the USA – from \$2.5 bn to \$24 bn.³

At the Seventh session of the Conference of the states – parties to the CWC, held in October 2002, Russia applied for a 5 years extension of the final destruction deadline. In November 2003, the Executive Committee of the Organisation for the Prohibition of Chemical Weapons (OPCW) granted this extension (at the Eighth session of the Conference of the states – parties to the CWC). Since Russia complied with the requirement to destroy one percent of its CW stockpiles by 29 April 2003 (phase 1), our country has also been granted extensions for the intermediate destruction deadlines (phases 2 and 3).

Thus, Russia remains presently in compliance with the CWC provisions.

Under the modified destruction deadlines, Russia is to destroy the following amounts of CW (%): 20 (by 29 April 2007); 45 % (by 29 April 2008), and 100 % (by 29 April 2012).

It should be noted that extensions were also granted to the USA and South Korea for the two destruction deadlines (phases 3 and 4) at the Eighth session of the Conference of the states – parties to the CWC.⁴

Russia is implementing its CWC commitments (above all those related to the destruction deadlines) within the framework of the Federal Special Purpose Program – “The Elimination of the Chemical Weapons Stockpile in the Russian Federation” (FSPP-ECWS). Its latest version was approved on 5 July 2001, by Ordinance no. 510 of the Government of the Russian Federation.⁵

Results of phase 1 of the CW destruction

As has already been mentioned, Russia fulfilled its obligations related to phase 1: 400 tonnes of yperite were destroyed at the plant at Gorny (Saratov oblast). This figure amounts to 1 % of the CW stockpile of category 1 chemical weapons.⁶

² Simonia N. A. “Chemical disarmament and non-proliferation regime: global dimension and transparency” in *Bulletin of Chemical Disarmament*, no. 1, 2004, p. 2.

³ U.S. General Accounting Office, “Nonproliferation: Delays in Implementing the Chemical Weapons Convention Raise Concerns About Proliferation”, GAO-04-361. Washington D.C. March 2004, p. 11.

⁴ The USA destroyed 20 % of their CW stockpiles within the CWC timeframe. However, later the USA requested the OPCW to extend destruction deadlines.

⁵ The first version of the FSPP-ECWS was adopted by Government Ordinance no. 305, on 21 March 21 1996.

⁶ Category 1 chemical weapons consists of Schedule 1 chemicals (lewisite, sulfur and nitrogen mustard, all nerve agents, etc.), their parts and components.

Subsequent phases of the CWD process are more voluminous and large-scale, but one should not underestimate the significance of the work, which has already been done.

First. In 2001–2002 Russia destroyed chemical weapons of Category 2 (munitions filled with phosgene)⁷ as well as Category 3 chemical weapons (unfilled munitions, and equipment “specially designed for use directly in connection with employment of chemical weapons”). Taken together the destruction of CW delivery devices and detonators (Category 3 chemical weapons) in the RF demonstrates that the remaining toxic chemicals, still stored there, actually lost their weapon characteristics and are no longer viewed in Russia as means of conducting war.

Second. Development, testing and refinement of the CWD technologies at the first chemical weapon destruction facility (CWDF) at Gorny are of prime importance. This facility started to operate on 19 December 2002. It practically demonstrates that the available CWD technology is ecologically safe, reliable and cost-effective.

Experts believe that Russian CWD technology has no analogues in the world. No wonder that “the high international reputation of the Russian technology influenced the US decision to abandon the incineration technology (burning toxic chemical agents at high temperature) in favour of the low temperature two-stage CW destruction process, developed in Russia”⁸.

Third. Lessons learnt from designing, constructing and operating the CWDF at Gorny are very important.

Fourth. A National legislative framework for the CWD process has been developed.

Fifth. The OPCW verification and inspection mechanism has been tested at the Russian CWSF and CWDF, including the development and use of methods for certifying types and quantity of the chemical agents declared as CW. The latter constitutes a particularly complex system of organisational and technological measures for identifying chemicals and calculating their quantities in the CW munitions/devices. Such measures are necessary conditions for meeting verification and control requirements as well as for the organisation of the monitoring system of the international Inspectorate.⁹

Finally, the previous negative public attitudes towards the CWD process in the areas of the CW storage and destruction have been overcome. S. Kirienko, Chairman of the State Commission on Chemical Disarmament,

⁷ 3844 artillery shells filled with phosgene and stockpiled in Shchuchye (the Kurgan oblast) were destroyed. The total weight of the destroyed toxic chemical amounted to 10 tonnes.

⁸ Interview with Kholstov B. I., ITAR-TASS, 28 January 2004.

⁹ Kapashin V. P., Adysev O. V., Rodyushkina E. B. “Primary principles, confirming the character and quantity of the stockpiles, declared as the CW agents, subject to destruction” in *Federal and regional problems of destroying CW*, M. VINITI, 2003, p. 23.

reported in this connection: “The necessity of eliminating chemical weapons is no longer questioned. People understand that these weapons should be destroyed not because somebody orders to do it but for reasons of self-interest. These poisonous substances lie on our land. Their destruction should go on, taking into consideration the safety requirements”.¹⁰

We witness the formation of an ecologically oriented worldview in Russian society, which includes also the awareness of the responsibility for a sustainable economic and social development of the oblasts. This is a positive trend. Such attitudes in their entirety seriously contribute to the expansion of the CW non-proliferation culture. This process has to a certain degree been stimulated by greater transparency of the steps taken within the framework of the implementation of the CWDP, as well as sensible decisions involving the pre-emptive construction of a social infrastructure facilities in the zones of protective measures (ZPM)¹¹ of the oblasts where CW are stored or are to be destroyed.¹²

These developments have formed the background of phase 2 measures.

Scope and characteristics of the forthcoming tasks

The Second version of the CWDP provides for constructing five more CWDFs during phase 2, in addition to the already operating full-scale CWDF in the Saratov oblast. It is planned to complete the construction and put into operation facilities in Kambarka (the Udmurt Republic), Shchuchye (the Kurgan oblast), Pochev (the Bryansk oblast) and Maradykovsky (the Kirov oblast). Chemical weapons, stored in Kizner (the Udmurt Republic), were to be transported to Shchuchye and destroyed at the CWDF there. Social infrastructure facilities will meanwhile be constructed in the areas of the CW storage and destruction.

Apart from that, it is planned by the end of phase 2 to fully complete all the work related to the conversion and/or destruction of the former CWPFs, as well as to the removal of the consequences of their operation. 24 former CWPFs are subject to physical destruction or conversion to permitted purposes. 8 former CWPFs are subject to physical destruction. By now, 6 facilities have already been dismantled and two CWDFs are to be

¹⁰ Kirienko S. V. “Approach to the CW destruction issue” in *Federal and regional problems of destroying the CW*, M. VINITI, issue no. 4, 2003, p. 3.

¹¹ ZPM – an area around the CWSF or CWDF. Within its limits a special complex of measures is carried out aimed at securing collective and individual protection of citizens and environment from possible effect of toxic chemicals resulting from emergencies.

¹² Under the Federal Law “On Chemical Weapons Destruction”, social problems of the population of the zone should be solved prior to the start of the CWDF. About 10 % of all the funds allocated to the CWDP, are to be used for the solution of social problems, related to the CWDP.

dismantled by April 2007. 16 declared former CWDFs are to be converted to produce civilian goods.¹³

The construction and operation of the CWDF are most important priorities of phase 2 of the Russian CWDP.

Chemical weapon destruction facilities

Gorny

The CWDF at Gorny has been functioning since 19 December 2002. In December 2003 all yperite stockpiles (622.3 tonnes) were destroyed at this facility. Lewisite detoxication started on 26 November 2003. It is planned to destroy completely CW, stored at Gorny, by 2005. This stockpile is composed of 1160 metric tonnes of yperite, lewisite and their mixtures, which amounts to 2.9% of the total CW stockpiles. Thus, 1.9% (out of 20 % of the CW stockpiles, which are subject to destruction) are to be destroyed at the Gorni CWDF during phase 2.

On 22 April 2004 a facility for thermal treatment of wastes (block no. 33) began operation in Gorny (another important step in the field of chemical disarmament). The estimated cost of this facility is slightly over 7 bn roubles (about \$233 mn). The facility serves as a good example of the successful combination of Russian and German equipment. This experience will be of help to other facilities, being constructed within the framework of the CWDP.

Shchuchye

Chemical munitions stored in Shchuchye contain barrel and rocket artillery munitions, missile warheads filled with organophosphorus toxic agents (TA) (VX-gases, zarin, and zoman), as well as lewisite. The total weight of toxic agents amounts to 5440 tonnes (13.6 % of the total CW stockpiles).

The CWDF in Shchuchye is scheduled to be completed by 2005. It is envisaged to destroy also CW transported from Kisner at this CWDF. 5680 tonnes of CW are stockpiled at Kisner (14.2 % of total CW stockpiles). As a whole the CWD process at this facility will last until 2012 and the amount of chemical toxic agents to be destroyed will attain about 30 % of the total CW stockpiles.

¹³ "Extra funds are needed for the CWD". Strugovets D., interview with N. Bezborodov in *Nezavisimoe Voennoe Obozrenie*, no. 26, 2004, p. 1.

The CWDF is estimated to cost 15.5 bn roubles¹⁴ (over \$516 mn). The USA pledged to provide most of the funds needed for its construction. However, the USA allocated only about \$180 mn in the form of supplies and services provided by American firms. Therefore construction plans had to be revised. The CWDF at Shchuchye is estimated to be completed in 2008. In other words, this facility will not be able to contribute to the implementation of phase 2 of the CWDP. Neither it is expected to destroy the CW from Kizner as scheduled.

Kambarka

The full-scale CWDF in Èàmbarka is expected to play an important, if not a decisive role in the implementation of phase 2. The facility is scheduled to be fully operational by the end of 2005–beginning of 2006. The destruction of over 6400 tonnes of lewisite (a chemical agent of skin-vesicatory action) stored in bulk in this locality (about 18 % of the total CW stockpiles) is to be completed by mid-2008, i.e. already during phase 3 of the CWDP.

The estimated cost of the Èàmbarka facility amounts to about 7 bn roubles. In accordance with the current CWDP its construction is scheduled to start in 2004. It will operate from 2006 till 2011.

Proposals for introducing changes in the CWDP are widely discussed in the localities where chemical weapons are stored and subject to destruction. Construction of small-scale CWDFs is envisaged with the view to complying with the CWD schedule.

Pochev

The “Dolina” arsenal of Pochev stores aircraft munitions, filled with organophosphorous agents (VX-gases, zarin, and zoman). The total weight of chemical agents is 7498 tonnes (18.8 % of the total CW stockpiles). The estimated cost of the construction of the CWDF amounts to about 10 bn roubles.¹⁵ The current CWDP stipulates that the CWDF is to begin operation in 2008, i.e. during phase 3 of the CWDP and complete its work in 2012.¹⁶

Leonidovka

Leonidovka stores aircraft munitions charged with organophosphorous agents (VX-gases, zarin, and zoman). Their total weight amounts to 6885 tonnes (17 % of the total CW stockpiles).

¹⁴ Nezavisimoe Voennoe Obozrenie, no. 26, 2004, pp. 1–2.

¹⁵ Ibid., pp. 1–2.

¹⁶ Courier, (Regional Information Centre, Bryansk), no. 1, 2004 а, ñ. 1.

The construction of the CWDF is scheduled to begin in 2004 and to start operating in 2006, i.e. no changes are envisaged in the planned schedule of work. The cost of the construction of this facility is estimated at over 7.5 bn roubles.

Maradykovsky

Maradykovsky stores aircraft munitions filled with organophosphorous agents (VX-gases, zarin, and zoman). Their total agent weight amounts to 6950 tonnes (17.4 % of the total CW stockpiles). Of the 8000 tonnes of CW, which are to be destroyed during phase 2 under the CWC timeframe (i.e. by 29 April 29 2007) 4000 tonnes are scheduled to be destroyed at Maradykovsky.¹⁷ The estimated cost of this CWDF is over 7 bn roubles. Under the current CWDP, the facility is to be constructed by 2006.

The appropriate work is to be carried out in two phases. At the beginning it is planned to destroy VX-gases (this kind of CW has not been destroyed previously in the RF), and afterwards the remaining CW stock is to be destroyed.¹⁸ The first phase of the destruction of VX-gases includes the destruction of aircraft munitions.

Kizner

The current CWDP stipulates the construction of the CWDF at Kisner for the destruction of 5745 tonnes, stored there. The CWDF is scheduled to begin operation in 2009. The facility will have the capacity to destroy 1900 tonnes annually.

This facility is important for two reasons. First of all, due to the slowing down and postponement of the completion date for the construction of the CWDF at Shchuchye, only chemical weapons, which are stored in this area, can be destroyed there (within the CWC timetable). The current plans for the transportation of the chemical weapons from Kisner to Shchuchye are not consistent with the CWC timetable. Their implementation will result in non-compliance with the CWC timetable and require no less than four additional years to complete the destruction of the CW stockpiles.

Secondly, according to some estimates, the construction of the Kizner CWDF will cost significantly less than the transportation of chemical artillery shells to Shchuchye. About 3 bn roubles can be saved. One should also take into account that the CW transportation across the territory of a number of oblasts can provoke public outcry that can complicate the implementation of this plan.

¹⁷ *Bulletin of Chemical Disarmament*, no. 5–6, May–June 2004, p. 3.

¹⁸ Lenta.ru. 22 April 2004.

One can argue that phase 2 is the most labour-consuming stage of the CWDP. Compliance with its requirements will have considerable implications for Russia's observance of its international CWD commitments.

Basic problems and specific features of phase 2

Sizeable underfunding of the Russian CWDP is the biggest hurdle on the path towards complete elimination of the stockpiles of toxic chemicals. There exists a considerable discrepancy between the volume of funding and the magnitude of tasks in the field of chemical disarmament. This problem should be resolved without delay. According to major general N. Bezborodov, Member of the State Commission on Chemical Disarmament and Deputy of the State Duma, if urgent steps are not taken to allocate additional funds, the CWDFs needed to implement phase 2, will not be constructed. As a result Russia will fail to fulfil the CWDP by 2012.¹⁹

Russian experts estimate that 500 mn roubles (\$16.6 mn) were annually earmarked in the Federal budget for the CWDP prior to 2000 (10 % of the need). 24 bn roubles (\$800 mn) should have been allocated, starting from 2002, to close the gap. Thanks to the economic growth, Russia managed to increase the state funding of the CWDP by almost 12 times. It was decided to provide funds amounting to \$160 mn annually during all the subsequent phases of the CWD.

The 2004 Federal Budget allocated 5.36 bn roubles (\$360 mn) for the CWDP. However, according to the estimates of the Defence Committee of the State Duma this funding falls short of 11 bn 580 mn roubles required under the current CWDP i.e. only 46 % of its needs were budgeted for.

N. Bezborodov indicated that unsatisfactory funding would result in delays in the construction of the CWDFs and they could not be put into operation as scheduled. Appropriate measures must be taken urgently.²⁰

Based on the existing data, the accumulated effect of the underfunding of the CWDP can be currently assessed as amounting to about \$1 bn. It is evident that this burden is too heavy for the Federal Budget. (The 2005 Federal Budget has allocated 11.160 bn roubles for the implementation of the CWDP).

The gratuitous foreign financial assistance to the Russian CWD process could be of great help. According to the pledges already announced this assistance could make up \$1.3 bn (of this sum Russia has received just over \$200 mn).²¹

¹⁹ Nezavisimoe Voennoe Obozrenie, no. 26, 2004, p. 2.

²⁰ Ibid., p. 2.

²¹ Nezavisimoe Voennoe Obozrenie, no. 64, 2004, p. 11.

V. Kholstov, Director General of the Russian Munitions Agency, conceded some positive developments in the field of international assistance to the Russian CWDP. At the same time he emphasised that its volume falls short of the magnitude and technical complexity of the tasks, which Russia is coping with in the CWD process within rather tight timelines established by the CWC".²² It should be stressed that the bulk of the international gratuitous assistance to the Russian CWD process is needed during the next three years, i.e. phase 2 (when five CWDGs are to be constructed). It would be of little use if this assistance were dragged out for decades.²³

One has to point out serious deficiencies and even miscalculations related to the modalities and methods of rendering international assistance.

First. In the opinion of many Russian experts, "the financial assistance to Russia from the US side should be granted directly and not through American firms. Given much cheaper Russian equipment and manpower this would have cut expenses by about 10 times".²⁴

Second. Effective co-ordination of the international assistance is needed.

Third. Foreign assistance for the Russian CWDP should not be politicised (above all, assistance from the USA).

Fourth. The issues related to exempting the items of foreign assistance from taxes and levies are not yet fully resolved. There is a need to amend codes covering taxes, customs and budgeting. The deficiencies of the Russian legislation hinder the solution of the problems related to tax privileges or tax exemption and custom processing of the equipment, shipped to Russia by foreign states. This often results in the disruption of the work's schedules, unjustified budget expenses to pay fines to the customs and railway authorities.

Alongside with the above-mentioned issues, there are a number of other outstanding problems, which adversely affect Russian efforts to comply with the CWC. In particular, it is necessary to speed up scientific and technological research on the utilisation of "mass reaction ". The current CWDP does not provide for the solution of this problem. This breeds disaffection among organisations concerned with the protection of the environment in the CWD areas.

Administrative reforms have also affected activities in this field. On 29 March 29 2004 President V. Putin issued the Decree "On the System and the Structure of the Federal Organs of the Executive Power," in accordance with which the Russian Munitions Agency was dissolved. Its

²² Kholstov V. "Destruction of chemical weapons is a vital necessity and an issue of mutual concern" in *Bulletin of Chemical Disarmament*, no. 1, January 2004, pp. 1–2.

²³ *Bulletin of Chemical Disarmament*, no. 2, February 2004, p. 4.

²⁴ Maurin F. "Myths and reality of chemical disarmament" in *European Security: events, estimates, forecasts*, part 4, April 2002, p. 12.

functions were transferred to the newly created Ministry of Industry and Energy (MIE), which is made responsible for the adoption of normative legal acts in the established field of activity and to the Federal Agency on Industry (FAI). The latter is responsible for law enforcement and rendering administrative services for the property management. Besides, the FAI is designated as the Russian national authority for implementing the CWC. It includes the Office of "The Centre of conventional problems and disarmament programs". These changes required considerable time and efforts, but it is yet not clear whether the new system of management will be more efficient than the old one.

There are also problems connected with the informational and analytical aspects of the CWDP. One should bear in mind that insufficient access of the public to information concerning a number of key issues as well as some unreasoned actions of the administrative bodies at various levels can provoke a rise in social discontent in the areas of the CW storage and destruction.

The following are particularly sensitive issues: slowing down the pace of the development of the social and engineering infrastructure; lack of unbiased information on the CWD process and dissemination of distorted figures, based on rumours and unchecked data. One has to add to it insufficient transparency of expenditure of the funds allocated to the localities by the federal centre and international donors; non-compliance of the oblast authorities and the military with the regulations concerning the social and engineering infrastructure.

Russian chemical disarmament and global security

The Russian CWDP is an integral and key component of the global process of chemical demilitarisation and non-proliferation.

Implementation of phase 2 is proceeding against the background of emerging new system of international security relations. The process of radical rethinking the character of the security threats to the global community has been reinforced after the tragic events of 11 September 2001. It could not but affect international mechanisms and regimes, which operate in the field of disarmament and non-proliferation, including the CWC regime.

The CWC and regime supporting it play a central role in diminishing risks, posed by chemical weapon, one of the most devious types of WMD.

It should be stressed that the elimination of the CW stockpiles has played a significant role in global efforts to control WMD non-proliferation. The magnitude and urgency of the chemical disarmament issues are reinforced by close connection between the struggle against ter-

rorism and the spread of WMD.²⁵ There is no doubt that reducing the risk of CW use is an indispensable contribution to strengthening global security. Apart from that it is one of the crucial factors, that materially contributes to lessening the dangerous gap between the global threats and responses to this challenge.

Potentially CW can easily be used for terrorist purposes. The steady progress towards universality of the CWC (there are now 164 states parties to this CWC), combined with its universal and effective implementation, would steadily reduce the risk of terrorists getting into possession of toxic chemicals. Progress in destroying the Russian CW stockpiles contributes to curbing CW proliferation and combating the terrorist threat.

Ensuring antiterrorist technological security during the CWD process remains a foremost priority of the Russian CWDP. It is pertinent to cite in this connection the following assessment made by lieutenant general V. Kapashin, Head of the Federal Bureau on Safe Storage and Destruction of Chemical Weapons, in his presentation to Russian parliamentarians on 1 June 2004. He reported that not a single case of the theft of toxic agents was recorded in Russia. However, perpetrators take an interest in acquiring toxic chemicals. The Federal Bureau on Safe Storage and Destruction of Chemical Weapons together with the FSS and MIA take active measures to counter efforts to penetrate the CW storage facilities. Nobody has succeeded in stealing chemical munitions. It is also pertinent to cite A. Eremkin, Deputy Head of this Bureau, who pointed out that the CWSFs are equipped with reliable security systems: video cameras, several rows of barbed wire, special physical means of protection and signalisation. Some time ago the security system for the CW storage and conversion facilities underwent modernisation. At present time it consists of the most up-to-date protection complexes. Inspectors from the Hague regularly check such facilities.²⁶

At the same time, bigger efforts are needed to effectively address the problem of preventing the acquisition and use of the dangerous dual purpose technologies by criminals, and assuring international control over their circulation.²⁷ This concern must determine the priorities of the OPCW control system and the activity designed to strengthen the CWC regime.

The Global Partnership against the Spread of Weapons and Materials of Mass Destruction has opened wide opportunities for saving the humanity from the threat posed by chemical weapons. However, Russia has received so far only a small part of funds, pledged by donor countries under

²⁵. Saveliev A, Pankova L. "Chemical disarmament in the modern system of international security" in *Bulletin of Chemical Disarmament*, no. 5-6, 2004, p.1.

²⁶ Bulletin of Chemical Disarmament, no. 5-6, 2004, p. 4.

²⁷ Kaliadin A. "Problems of strengthening the CWC regime" in Disarmament and Security, 2001-2002. International Security: new threats of the new age. M., Nauka, 2003, p. 299.

“The Global Partnership Program.” The terms and mechanism of granting and using funds earmarked for the Russian CWDP within the Program’s framework, require serious reconsideration and analysis in order to raise the efficiency of the CW destruction.

Altogether, a number of problems are outstanding and require timely solution to meet the requirements of phase 2 of the Russian CW destruction program.

5. COMPLIANCE WITH THE BIOLOGICAL AND TOXIN WEAPONS CONVENTION: FROM THE RUSSIAN PERSPECTIVE

Natalya KALININA and Elina KIRICHENKO

The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BTWC) has been the first international disarmament treaty under which its participants assumed legal obligations to ban an entire category of weapon of mass destruction (WMD). However, neither the convention itself, nor subsequent international legal instruments contain a clear-cut definition of biological weapon/warfare (BW).

The latest, Fifth, Review Conference of the States Parties to the BTWC (2001-2002) acknowledged that preventing bioterrorism and ensuring biosecurity/biosafety should be taking into consideration in assessing the effectiveness of the convention. Its basic principles can be applied and are already being applied for estimating the current security concerns of the states parties and elaborating measures to combat new global threats, although the BTWC does not contain definitions of bioterrorism, biosecurity and biosafety.

The BTWC was concluded during the period of bipolar confrontation. It reflects the stereotypes of strategic thinking of that time. The convention's shortcomings are evident. Neither specific provision for ensuring compliance, nor a list of "biological agents" (BA) subject to prohibition has been incorporated in the convention. Research on and production of certain quantities of biological agents are permitted "for protective purposes". Thus, defensive preparations may continue under the BTWC. No verification of the destruction of stockpiles, or of their diversions to peaceful purposes has been envisaged. The whole system of enforcement under the convention (art. V) is based on trust rather than supervision. No measures against the offender have been explicitly provided for. The con-

vention, thus, contains ambiguities, which leave room for different interpretations and misuse.

The lack of international verification machinery to deal with charges of non-compliance contradicts the principle that there cannot be, on an international level, true disarmament without control. The fact that no such machinery has been created has generated suspicion and allegations of violations of the convention.

Allegations of non-compliance

Lack of trust has its roots in the Cold War era when the United States saw in the USSR “an evil empire”. An epidemic of anthrax in Sverdlovsk in April 1979 increased Western suspicions about the Soviet Union’s compliance with the BTWC. According to independent experts, the Soviet authorities, while rejecting accusations of the breach of the convention, did not make active efforts to prove their case. On its part, the US administration was, probably, not certain that it could find convincing evidence of the breach of the BTWC and did not lodge complaints with the UN Security Council, confining itself to rhetorical allegations.¹ At the beginning of the 1990s a defecting, former Soviet biologist alleged in the Western media that the USSR possessed biological warfare agents.²

In his statement “On Russia’s policy for the limitation and reduction of armament”, released on 29 January 1992, President B. Yeltsin of Russia confirmed obligations contained in the bilateral and multilateral disarmament treaties, signed by the Soviet Union. They include commitments regarding the full implementation of the BTWC, the creation of an appropriate multilateral verification mechanism and the implementation of confidence-building and transparency measures.³ Presidential decree no. 390 of 11 April 1992 prohibited any biological programs on the Russian territory in violation of the BTWC. Since 1992, Russia submits annually (by 15 April) data on its biological activity to the UNO. Annually Russia submits data on its biological facilities to the UNO to promote confidence building.

However, since no international control instrument was created (the work on the BTWC Protocol on verification and transparency was suspended) biological programs generate suspicion. Most allegations of non-

¹ Kalyadine A. Problemy povisheniya effectivnosti Konventsii o zapretshenii biologicheskogo oruzhiya in *Razoruzhenie i bezopasnost. Rossiya i mezhdunarodnaya sistema kontroliya nad vooruzhennyami: razvitiye ili raspad* (in Russian), M., Nauka, 1997, p. 161.

² Tucker Jonathan B. Biological weapons in the Former Soviet Union: An Interview with Dr Kenneth Alibek. *The Non-proliferation Review*, Spring-Summer 1999.

³ *Rossiiskaya Gazeta*. 1992. 30 January.

compliance continue to be made by the USA. Russia has been accused of pursuing offensive military-biological programs.⁴

For a long time such allegations have been poisoning American-Russian relations. In 2002 the US administration declined to confirm that the RF was in compliance with the BTWC and, as a result, Congress frozen funds allocated to Russian disarmament projects under the “Co-operative Threat Reduction” (CTR) program. Onerous hurdles were also placed on economic assistance to the Russian Federation because some members of Congress were interested in tougher political line towards Russia often on issues unrelated to the Biological and Toxin Weapons Convention.

Far back, in September 1992, Russia invited American and British experts to visit several biological research laboratories and industrial facilities in order to enhance mutual trust. They visited the State Research Institute for Highly Pure Biomaterials (St.-Petersburg), factories of biomaterials in Pokrov (Vladimirskaya oblast) and in Berdsk (Novosibirskaya oblast), and some others facilities. On a reciprocal basis, Russian experts visited some biological facilities in the USA and Great Britain. But the participants of that “tentative inspection experiment” felt irritated, as there were no criteria for the evaluation of biological facilities for the purposes of compliance with the BTWC. This event underlined the need for stronger international verification arrangements.

The implementation of the CTR program widened the access to the enterprises, which had been previously suspected in carrying out activities proscribed by the BTWC. Nevertheless, western experts continued to doubt the character of activities of some centres and research institutions of the Russian MOD, to which the foreign personnel had no access so far. The borderline between military and civilian biological research is quite uncertain. Permitted defensive preparations, which at a certain stage are indistinguishable from offensive preparations, contain a risk of allegations of infringement of the provisions of the convention. This applies to every country, including the USA.⁵

The USA persistently alleges that Russia to all appearances is engaged in the supply of dual-use technology to the countries of proliferation concern. But so far no data in the biological field have been presented to corroborate these allegations.

It is important to note that after the demise of the USSR (which ratified the BTWC in 1975) some former Soviet Republics did not accede to the convention. The USA has been citing this circumstance to substantiate informal accusations of Russia's non-compliance with the BTWC.

⁴ See URL <<http://www.state.gov/documents/organization/22466.pdf>>

⁵ SIPRI Yearbook 2004 (in Russian), Chapter 13.

The USA also voices concern about “the brain drain” from the RF and possible thefts of dangerous biological agents from Russian institutes and centres working with such agents or having collections of them, which, critics believe, can fall into the hands of perpetrators.

Potentially, all countries possessing advanced technologies in microbiology and gene engineering face similar problems, which are particularly sharp in the countries undergoing economic hardships.

L. Sandakhchiev, Head of the State Research Centre for Virology and Biotechnology “Vector”, said: “If you ask me whether Russian scientists do work in Iran or Iraq, my reply is no. If you ask me if there are Iraqis in “Vector”, my reply is also no. Of course, no one can be certain of the scientist’s contacts. Russian scientists take part in international conferences as members of representative government delegations”.⁶ If Russian scientists are looking for job abroad, they prefer to go to Western countries. No solid evidence exists that some of them became residents of the countries suspected in proliferating BW. No convincing evidence has been presented that dangerous BA were leaked from Russian enterprises. Western experts acknowledge this.⁷

Russia’s commitment to the BTWC has been reiterated in a number of joint political statements signed by the President of Russia and leaders of other countries. Take, for example, the Joint American-Russian Declaration on the Protocol to the BTWC, which was signed in Moscow on 2 September 1998 (at that time the USA were in favour of elaborating such Protocol).

On 13 November 2001 the American and Russian presidents signed in Washington a Joint Statement on Co-operation in the Struggle Against Biological Terrorism. Later, a section on “The Struggle against Bioterrorism” was for the first time included in the final documents of the Sea Island G-8 summit (Georgia, the USA, 8–10 June 2004). These developments underlined that both Russia and its partners acknowledged the urgency of combating bioterrorism and the relevance of the BTWC.

Proposals advanced by Russia at the meetings of the parties to the BTWC as well as its efforts to strengthen the related national legal frameworks have contributed to the implementation of the above-mentioned documents.

Russian participation in the conferences and meetings of the states parties to the BTWC

The Russian Government has been in favour of creating a multilateral verification mechanism to strengthen the BTWC. But, paradoxically,

⁶ See URL <http://www.newsru.com/russia/08nov2001/sandahciev_print.html>.

⁷ Averre Derek, University of Birmingham. ‘From Co-option to Co-operation Reducing the Threat of Biological Agents and Weapons’. *Protecting Against the Spread of Nuclear, Biological, and Chemical Weapons*. Vol. 2, 2003, p. 34.

the US administration, responding to the pressure of its industrial lobby, blocked the adoption of the appropriate Protocol to the BTWC on this issue.

The Russian Federation actively participated in the deliberations of all the international meetings, including the Fifth Review Conference of the States Parties to the BTWC, which discussed ways of guaranteeing compliance. At the latest Review Conference several states, mostly participants in the Non-aligned movement (NAM) and some others, were insisting on the adoption by the Conference of a legally binding document. A number of nations (the EU members, Russia and others) were in favour of a non-mandatory document, but Washington opposed the adoption of any document whatsoever on this matter. As a result the Conference adopted a final document reflecting only the discussions and issues, which were considered.

At the meeting of the states parties to the BTWC, held in November 2003, Russia submitted the following substantial proposals, designed to strengthen the BTWC:

- On the adoption of an Action plan to promote the universality of the BTWC (a similar document was approved by the Conference of the States Parties to the Chemical Weapons Convention in October 2003);

- On the need to continue multilateral negotiations on the elaboration of a legally binding verification mechanism to deal with the issues of the BTWC and for this matter to resume the work of the Ad Hoc Group of states parties to the BTWC, which was terminated in 2001 due to the U. S. stance;

- On the increase of a number of states submitting to the UNO data on handling biological pathogens and on national programs related to compliance with the BTWC;

- On the need to improve national legislation on criminal codes as well as on export control, licence's issuing, etc. to strengthen national control over the implementation of the BTWC;

- On the need to work out clear-cut definitions of biosecurity and biosafety (at present countries assign different meanings to these terms, which adversely affects the elaboration of control measures to ensure biosecurity and biosafety in handling pathogens).

In addition, Russia distributed among the Conference participants "A questionnaire on national legislation needed to ensure compliance together with responses), and a working paper on the procedures of handling micro-organisms of pathogenic groups I-IV on the territory of the Russian Federation. The response to those documents was on the whole positive. Delegations of various countries noted at informal meetings with the Russian experts the comprehensive character of the Russian legislation and its role in ensuring compliance with the BTWC.

Russian approaches to biosecurity

National legislation governing Russian compliance with the BTWC is fairly broad and includes federal laws, presidential decrees and directives, governmental ordinances and directives, regulations and sanitary norms and rules, methodical recommendations, normative acts of executive departments (ministries, agencies, etc.). These documents can be divided (rather conditionally) into two groups: norms to ensure biosecurity and export control regulations.

Several normative acts regulate handling germs causing extremely dangerous diseases. The Federal Law on Licensing Specific Activities (its version of 13 March 2002) requires a special authorisation from appropriate governmental bodies for any activity related to the usage of pathogens causing diseases (art. 17). The authorised state agencies control compliance with the legislation and may cancel or suspend licenses in the case of violations of legislation. The Federal Law no. 96-FL of 12 July 2000 "On the State Regulation of Gene Engineering" contains a list of activities, which require licenses and should be controlled by the state.

Authorised state agencies have developed instructions for issuing licenses for specific activities and ensuring security of the controlled biological production.

Until the administrative reform of 2004 the Ministry of Public Healthcare was a governmental body, which exercised control over the enterprises and research institutes handling pathogens, which pose danger to human beings and animals. The Ministry of Agriculture had exercised control over the entities handling pathogens, which pose danger to animals and plants. Gene engineering was mostly under control of Ministry of Industries, Science and Technology. The Russian Academy of Sciences, the Russian Academy of Medicine and the Russian Academy of Agriculture have been also designated as authorised state agencies.

The Federal Law of 1999 "On Sanity and Epidemiological Safety of the Population" (as amended on 30 December 2001 and 10 January 2003) has provided the legal framework for the domestic usage of pathogens, which pose danger to human beings.⁸ Art. 2 of this law requires the certification of production processes, materials and services, which are potentially dangerous for human beings, and licenses for any such activity. The law requires also the state registration of chemical and biological agents, and specified products potentially dangerous to human beings. Art. 5 provides for the establishment of a unified state system of accounting and reporting in the field of biosecurity and the introduction of a state register of bio-agents and specified products potentially dangerous to human beings.

⁸ The 1999 Federal Law replaced the similar law of the former Soviet Republic RSFSR. *Vedomosti Verhovnogo Soveta RSFSR*, 1991, no. 20).

Following the Federal Law of 1999, the Ministry of Public Healthcare developed a number of instructions for accounting, storage, transfer and transportation of micro-organisms belonging to groups I-IV of pathogenic bioagents (PBA).⁹ The Ministry endorses the list of organisations, which are authorised to work with specialised collections of PBA.¹⁰

Thus, the work with all types of PBA is strictly regulated. Appropriate regulations have been also introduced in the sphere of gene engineering. Compliance with sanitary and epidemiological norms is guaranteed through periodical inspections. Biological materials are subject to rules of accounting.

Criminal penalties have also been introduced for illegal activity involving BA. The Current Criminal Code (of 1 January 1997) contains several articles dealing with offences in the biological sphere: "Infringement of sanitary-epidemiological rules (art. 236); " Infringement of safety rules for handling microbiological or other bioagents and toxins" (art. 248); " Infringement of the veterinary rules and rules established to combat diseases and hazards of plants" (art. 249); "On the production or dissemination of weapons of mass destruction" (art. 355).

In 1999 the Federal Anti-terrorist Commission worked out and approved the Concept of anti-terrorist activity (for the federal executive bodies in the sphere of environment protection and public health). The same year the Russian Government adopted the Federal program "On Methods and Means to Protect Population and Environment from Dangerous and Extremely Dangerous Pathogens in Emergency Situations of Natural or Technological Origin in 1999-2005". Since 2002 this program has been funded as a part of the Federal program "Priority Directions of Development of Science and Technology for the Period of 2002-2006".

Nevertheless, much work is yet to be done. The co-ordination between the relevant controlling bodies is insufficient. More attention should be paid to the problem of preventing the usage of bioagents and toxins for terrorist purposes. The Chief sanitary official of the RF G. Onishchenko in his article "Protection against terrorism: a strategy of national public health" pointed out that despite the measures, which are being taken, the biosecurity situation causes concern. A federal law on biosecurity is needed... Serious problem relating to the physical security of biologically dangerous facilities remains to be addressed.¹¹

Export control in the biological sphere

⁹ See URL <http://www.medinfo.ru/price/95_6.shtml>.

¹⁰ Supplement 5.5 to Ordinance of the RF State Committee on Sanitary and Epidemiological Monitoring (28 August 1995), no. 14 contains a list of 17 institutes and centres. See URL <http://www.medinfo.ru/price/95_6.shtml>.

¹¹ See URL <<http://daily.sec.ru/dailypblshow.cfm?rid=17&pid=5678>>.

Under art. III of the BTWC states parties undertook not to transfer to any recipient whatsoever, directly or indirectly, “any of the agents, toxins, weapons, equipment or means of delivery specified in Article I of the Convention”. Complying with this provision Russia has introduced a special export control regime covering biological agents and toxins.

On 8 August 2001 the Russian President issued Decree no. 1004 “On the Approval of the List of Organisms (Pathogens) Causing Diseases in Human Beings, Animals and Plants; Genetically Modified Micro-organisms, Toxins, Equipment and Technologies, Subject to Export Control”. On 29 August 2001 the Government adopted Ordinance no. 634 “On the Approval of the Procedures for the Export Control over the External Economic Activity in respect to Organisms (Pathogens) Causing Diseases in Human Beings, Animals and Plants; Genetically Modified Micro-organisms, Toxins, Equipment and Technologies”. These two documents have replaced similar regulations of 1994.¹²

Export control in the biological field contains, in addition to the general provisions, which characterise the system of export control, some regulations applying specifically to biomaterials. The export control covers biotechnology related to the controlled bioagents and dual-use equipment.

Exports of micro-organisms and biomaterials for urgent assistance to foreign countries in case of emergency, when there is a danger of the mass spread of the diseases of human beings, animals or plants (epidemics, epizootic) are also subject to regulation.

Russia is not a member of the Australian Group (AG).¹³ But in 2001 all recommendations of the AG were incorporated into the Russian national control regime in the biological sphere following the administrative reform and reorganisation of the export control system.

As a participant in the Wassenaar Arrangement¹⁴, Russia maintains a list of controlled dual-use goods, which can be used for military purposes.

¹² Presidential directive no. 711-rp of November 17, 1992 introduced the First Biological list in Russia. Later the list was reviewed, extended and endorsed by Presidential directive no. 298-rp of June 14, 1994. The procedures for the export of controlled goods included in the Biological list see: Ordinances of the RF Government no. 892 of 20 November 1992 and no. 1098 of 26 June 1994.

¹³ A Group of states, formed in 1985, which meets informally each year to monitor the proliferation of chemical and biological products and to discuss chemical and biological weapon-related items, which should be subject to national regulatory measures.

¹⁴ The Wassenaar Arrangement on Export Controls for Conventional arms and Dual-Use Goods and Technologies was formally established in 1996.

It includes biological weapon-related items¹⁵ and relevant systems, equipment, components, materials and technologies.¹⁶

The exporter bears responsibility for the identification of goods and dual-use technologies. He may use services of organisations (enterprises), which are authorised to engage in identification activity.

Four institutions are entrusted with the authority to provide the exercise expertise on biomaterials: the Russian Academy of Sciences, the Centre for Development Projects in Industry (St-Petersburg), JSC “Himmash”, and Scientific Technical Centre “Informtechnika”.

Export volume of the Russian controlled biological products is insignificant. Biological products occupy the smallest share in all export licenses issued for dual-use products and technologies. According to the Federal Law “On Export Control”, there are two types of licenses for exports of controlled pathogens causing diseases, toxins and equipment: those valid for one-time and general licenses (only for exports to states parties to the BTWC).¹⁷ But in practice general licenses for export of biological goods have never been issued. It is highly unlikely that this practice will change in future.

Rules for export control over intangible means of technology transfers had been included in the Russian normative documents prior to the Australian Group working out recommendations on that matter.¹⁸

The Russian Criminal Code contains several articles specifying penalties for the breach of the export control regulations: “The Use of Prohibited Means and Methods of Warfare” (art. 356); “Smuggling” (art. 188); “Illegal Export of Technologies, Scientific and Technical Information and Services that can be Used for Developing Weapons of Mass Destruction and Means of their Delivery” (art. 189).

New versions of art. 188 è 189, approved by the Federal Assembly in 2002, facilitate more effective use of legal norms of export control. The Russian Code on Administrative Offences (came into force on 1 July 2002) has created additional tools to strengthen compliance with export control rules (Federal Law no. 195 of 30 December 2001, Art. 14, 20).

Russian legislation on state secrets and the special Governmental Statute regulate exports of pathogens causing diseases, toxins, equipment and technologies that are subject to the export control as well as visits abroad of the individuals who have access to state secrets. Transfer of

¹⁵ The List is approved by Presidential decree no. 412 of 11 April 2001.

¹⁶ Export control in Russia. *Information Bulletin*. Centre for Export Control Problems. November 2001, p. 8.

¹⁷ General licenses can be issued to legal entities, which established intra-organisational programs for export control and received state accreditation. A decision to issue a general license is taken by the Government of the RF.

¹⁸ The Australian Group has become the first multilateral regime that included in its Guidelines controls on intangible technology transfers.

pathogens or classified information to foreigners is also regulated by these documents.

Concluding remarks

Comparative analyses of the guidelines and normative rules for bio-safety that are currently in force in Russia, the USA and other countries, and also of the WHO documents¹⁹ reveals that the Russian system of ensuring security of work with pathogens has its advantages and shortcomings. That is why it is necessary to make further efforts to harmonise Russian and Western legislation and normative acts.

It is in the interest of the world community to move discussion on compliance with the BTWC towards strengthening co-operation on increasing effectiveness of the biosecurity national regimes and national export control systems. Some countries while evaluating threats to national security are ready to put BW in the first place as a threat, particularly its new genetically modified bioforms that are not controlled by the BTWC. They take into account the fact that bioagents have potential to harm human beings as well as animals and agricultural crops.

The choice of biological agents as a means of warfare and for terrorist use on any scale is enormous. An underestimation of the danger of covert (latent) biological warfare or local, regional and global bioterrorism can have grave and unpredictable consequences.²⁰

Undoubtedly, biosecurity is becoming a crucial element of national and international security. That is why it causes anxiety that these issues do not occupy an appropriate place in the current Concept of national security of the Russian Federation. So far only the expert community voices anxiety on the issue and suggests solutions for current and latent problems of bioseiruty. Russian experts have already formulated a range of priorities for developing a reliable national system of biosecurity and principal directions of international co-operation in this field.²¹ The expert recommendations deserve close examination by the appropriate governmental agencies.

¹⁹ Stavskiy Evgeniy A. and others. *Comparative Analysis of Biosafety Guidelines of the USA, WHO, and Russia (Organisational and Controlling, Medical and Sanitary-Antiepidemiological Aspects)*. 31.05.2003.

²⁰ Grigorii Tsherbakov summarised bioterrorist actions data in the Journal *Nuclear Proliferation*, issue no. 47, 2003, p. 50–59 (in Russian). The Moscow Center of Carnegie Endowment.

²¹ See Sandakhchiev L. S., Martyniuk R. A., and Netesov S. V. Proposals for a program to combat bioterrorism. URL <http://www.pircenter.org/conf2003/data/sandahcheev_r.html>; *Proceedings of the First Russian symposium on biosecurity: Problems of biosecurity in the Russian Federation*. Moscow, 2003.

6. NATO ENLARGEMENT AND THE PROSPECTS FOR THE CFE TREATY

Sergey OZNOBISHCHEV

The Treaty on Conventional Armed Forces in Europe (CFE Treaty) has been a “monster” of the Cold War era. It is one of the most complicated conventions from a technical point of view (very typical of this period). Its elaboration began in 1989, and the treaty was signed already in the autumn of 1990.

Recent years have brought about drastic changes in the geopolitical landscape of the world, including the end of the block-to-block confrontation, creating a need for fundamental modification of the original document, which had provided a “common denominator” for the NATO and WTO military parameters for five categories of conventional armaments.

Following lengthy preparations and negotiations, the Agreement on Adaptation of the CFE Treaty was signed on 19 November 1999 at the Istanbul Summit of the OSCE. As a matter of fact, this is a brand new treaty (provisionally CFE-2) in all of its parameters, and it is in keeping with the traditions of further reduction of treaty-limited equipment (TLE).

The Final Act of the Conference of the States Parties to the CFE Treaty was adopted in Istanbul in parallel with the signing of the CFE-2. A number of countries, mainly from Central and Eastern Europe (CEE), which had joined NATO during the first expansion wave, sought to reserve the possibility of exceptional temporary deployments (up to 459 tanks, 723 ACVs, and 420 pieces of artillery).

This would have created considerable imbalances of military capabilities in the region. To avoid this, Russia insisted that these states should lower their national ceilings (NCs), which resulted in a number of politically binding declarations, directly linked to the CFE Treaty.

The new agreement is beneficial for the Russian Federation, as it imposes no further reductions (if one assesses the arrangement from a stan-

dard perspective: without considering the option for rapid reductions of the actual level of armaments in Europe and evaluates its advantages for individual parties).

The national ceilings for Russian conventional armaments remain the same as the original limits within the 1990 CFE-1 Treaty and amount to: 6 350 for tanks, 11 280 for ACVs, 6 315 for pieces of artillery, 3 416 for combat aircraft and 855 for attack helicopters.¹

For many years the issue relating to the need for a review or abolition of flank limits for the RF had been a matter of principle for Russian politicians and diplomats. This persistence was obviously due to the developments in the North Caucasus, primarily in Chechnya. The authorities, having missed way back in the beginning of the conflict in early 1990s, the opportunity of a peaceful settlement, were implementing a coercive scenario of “normalisation” of the situation, making extensive use of the TLEs (tanks, armoured vehicles of different categories, artillery, etc.).

The amount of armour equipment needed for those purposes far exceeded the quantities permitted under the CFE Treaty. As a result, according to the CFE-2 regime Russia obtained the opportunity to have 2 140 armoured combat vehicles in active units deployed in the “revised” flank zone,² which is four times as much as the quota permitted under the CFE-1. Besides, Russia retains the right to so-called supplementary temporary deployment (153 tanks and 140 pieces of artillery).

After protracted controversy with the West, which could have brought the whole CFE process to a standstill, Russia’s demands were met. The United States defused the situation, having placed partnership with Moscow above the “minor” CFE issues.

The CFE limitations are of particular importance to Russia in the context of NATO enlargement. From the very beginning of this process Moscow fiercely opposed it. Fortunately, the latest expansion wave was not accompanied by retaliatory measures threatened by Boris Yeltsin. Currently the Russian authorities embraced a “negatively indifferent” attitude towards the enlargement.

The issue of extending the CFE limitations to the Baltic States had been a matter of principle for Russian politicians and the military during the 1990s. After the break-up of the Soviet Union the three former Soviet Baltic Republics “slipped out of the limitations” under the CFE Treaty, since at the time the CFE-1 Treaty was signed, they were not sovereign States and could not participate in the negotiations as independent parties.

The problem became more acute when NATO enlargement plans were extended to Estonia, Latvia and Lithuania. Politically, the issue has

¹ A minor part of this was allocated to Kazakhstan.

² The Leningrad Military District without the Pskov oblast, and the North Caucasus Military District without the Volgograd oblast, the Astrakhan oblast and the eastern part of the Rostov oblast.

been crystal clear – in the context of the partnership relations with Russia there is hardly any alternative to the eventual incorporation of the Baltic states in the CFE regime.

However, there are unjustified delays: the problem has not been resolved. For many years, this outstanding issue has annoyed Russian politicians and the military. As a matter of fact, many “old” NATO members somehow agreed with the fact that the Baltic countries could not assume unilateral restraining obligations until their accession to NATO.

Let us remember that during NATO’s first expansion wave Russia assumed obligations to exercise restraint in its military deployments in the Kaliningrad and Pskov regions. This, however, was done within the context of the specific geopolitical situation, when the Baltic countries were considered non-aligned. The situation began to change with the preparations for NATO’s second enlargement phase and the accession of the Baltic countries to the Alliance.

Confronted with these developments influential Russian officials urged caution, arguing that, should the situation remain unchanged, “Russia could be obliged to review the whole package of its obligations”.³ It is unlikely that Russia will undertake such harsh measures, but the gravity of these statements forced the West to engage in an active search for a way out of the situation.

First statements made by high-level Baltic officials appeared in the late 1990s. The keynote was that these countries were not going to base armaments in their territory on a regular basis and were ready to join the CFE Treaty as soon as it enters into force (i.e. after its ratification by all the parties). High-ranking NATO officials also made similar statements. However, no innovative “breakthroughs” occurred. For example, the three Baltic republics did not assume any written obligations.

For political reasons, the tension surrounding the situation has been eased. But the concerns of Russian politicians and experts have not been assuaged. Besides, there are other outstanding issues as well as misgivings. Some of them, however, are sometimes too charged politically or result from the misinterpretation of the substance of the CFE-2 limitations.

It is still difficult to establish the timeframe for entry into force of the adapted CFE Treaty (thus, military activities in the territories of the three Baltic States remain formally “unrestrained”). By now, the adapted CFE Treaty has been ratified only by 4 of 30 States: Belarus, Kazakhstan, Ukraine and, recently, Russia.

But the rapidly evolving geopolitical situation in the world and emergence of new threats and challenges (terrorism, proliferation of WMD, etc.), which the CFE regime did not address, are the reasons why

³ These were the precise words that Andrey Nikolaev, Chairman of the Defence Committee of the State Duma of the Russian Federation, used to characterise the situation. See “Adaptation after Adaptation” in *Nezavisimaya Gazeta*, 2002, 2 August.

some parties to the Treaty are sceptical about it. Not in the least because the new Treaty, unlike its predecessor, reduces the ceilings for armaments (the scope of rights) instead of imposing numerical limitations on them. Total reduction in national ceilings for the three “ground-based” weapon categories of 19 NATO countries shall constitute, against those in force, 12.800 items. By comparison, the 1990 CFE regime ensured “material” destruction of some 30 000 TLEs by the NATO member countries and 26 000 items by the former Warsaw Pact member states.

The problem of the withdrawal of armaments and equipment from Georgia and Moldova has been considered by the Western participants as an obstacle to the ratification of the modified Treaty. The difference between the Russian and Western approaches to the situation is that the Russian Federation does not link the Istanbul CFE obligations to the provisions, which, in its view, were adopted under the Final Act. The “Westerners” do not make such a distinction.

In strict compliance with its obligations under the CFE Treaty, Russia withdrew 375 TLEs (tanks, ACVs, pieces of artillery) from Georgia. 134 items were destroyed by the end of the year 2000. Russia has also withdrawn its TLEs from the repair facilities in Tbilisi and military bases in Vaziani and Gudauta. The bases themselves were dismantled in due time. The levels of Russian TLEs in the Georgian territory were reduced to the basic temporary deployment levels – 153 tanks, 241 ACVs, 140 pieces of artillery. Of course, all these limitations fall directly within scope of the CFE regime.

Paragraph 5 of the Joint Statement of the Russian Federation and Georgia annexed to the Istanbul documents stipulates that during the year 2000 the two sides were to complete negotiations regarding the duration and modalities of the functioning of the Russian military bases at Batumi and Akhalkalaki and the Russian military facilities within the territory of Georgia. The Statement makes a specific reference to the functioning of all these facilities, and, theoretically, the final arrangement will not necessarily lead to further reductions. Within this specific context, it lies outside the scope of the CFE regime.

Given the political complexity of Russian-Georgian relations, negotiations between the two states have been fruitless so far.

The situation is much the same around Moldova. As in the Georgian case, all the relevant procedures have been completed, but the Russian side considers that the CFE ratification and the political obligations regarding the withdrawal of the troops and evacuation of military equipment stocked there since the Soviet times are not related to the CFE Treaty. On the whole, Russia proceeds from the assumption that the settlement of Russian-Georgian and Russian-Moldavian military problems should be a matter of bilateral relations, rather than that of the CFE implementation.

In spite of the fact that Russian arguments are considered to be questionable from the Western perspective it should be recognised that issues involving Georgia and Moldova enjoy in fact a low priority in comparison with much bigger problems relating to the CFE. So far, no evidence emerged suggesting that the United States are willing to change its hard-line attitude, let alone contribute, as before, to forging a speedy compromise.

Another issue relates to the uncertainty as to the future “geographical location” of the Baltic countries within the CFE regime. If they are included in the zone, which was called “extended Central Europe” in the CFE-1 wording and to which they technically belonged when they formed part of the USSR, extraordinary temporary deployment, which is substantially higher than the level of basic temporary deployment, will be permitted on the territory of these States. It is reasonable to suppose that Russia will resolutely oppose to giving such an opportunity to these countries. One can also anticipate that the Western partners who tend to stick to the formalities will misunderstand Moscow opposition and be reluctant to introduce additional limitations within the CFE.

Those who anticipate scenarios of “an armament build-up” in the neighbouring Baltic States, and genuinely are concerned about the military danger posed by NATO, should be reminded that the CFE-2 imposes severe restrictions on the movements of arms within the Treaty zone. Limitations to be imposed imply the new level of transparency and actual transition to a special regime of relocation (demanding appropriate authorisations). It includes limitations, on-site inspections, and exchanges of information that cover the slightest changes in the quantities of the TLE. As a result, all militarily significant transboundary movements of ground-based TLEs, starting from the level of 30 tanks, 30 ACVs, 10 pieces of artillery, are subject to notification and verification. An extraordinary temporary deployment, which is truly extraordinary, requires the convocation of the emergency conference of the member states.

Moreover, the CFE virtually divides the entire European territory into “cells” of the national ceilings (NCs) and territorial ceilings (TCs), where the number of the armaments is strictly regulated. Any significant “overflows” are restricted, more considerable ones require detailed justification and permission of other member states. So, whatever fiendish plots may be attributed to NATO by some of Russian politicians and experts, this organisation will be physically unable to develop “capacity for surprise attack and large-scale offensive action”. The CFE Treaty and the CFE process are designed to eliminate even the possibility of such action.

It stands to reason that the CFE limitations and stabilisation elements are intended for peacetime. If we anticipate warfare scenarios for Europe and “negative developments”, we should have probably refrained from declaring partnership, at least between Russia and NATO.

Nothing does so much damage to the relations between nations, frustrates so much national elite and public, affects the domestic situation (in Russia in the first place) as the Russian-Western partnership, which is continuously breaking up. Both Russia and the West should give top priority to the harmonisation of their policy towards each other so that the internal components were not contradicting the external ones and the military planning and development moved ahead in accordance with the declared foreign policy.

It is instructive to recall that the process of the CFE Treaty adaptation was evolving simultaneously with the work on the Russia-NATO Founding Act of 1997. The provisions of this document manifestly declare that “the Alliance will carry out its collective defence and other missions by ensuring the necessary interoperability, integration, and capability for reinforcement rather than by additional permanent stationing of substantial combat forces”. Thus, such permanent stationing of forces is absolutely prohibited in regards to the Baltic states.

It is yet unclear what is in store for the CFE process. Its moving forward is hardly feasible without the ratification of the adapted CFE Treaty which, given all its shortcomings, provides for new principles of restrictions on military capabilities in Europe. Movement towards further, hopefully larger-scale conventional arms reduction more consistent with the partnership concept is deemed rather questionable.

Western politicians never fail to point out that both the EU and NATO enlargements should not create new dividing lines in Europe. It appears that in the foreseeable future Russia, notwithstanding its “special partner” status, will have no chance of becoming a member of either of organisation. No wonder that the overwhelming majority of Russian politicians and experts feel mostly left out of the European integration processes.

Disregard for Russian concerns about a number of key issues, such as NATO enlargement, as well as failures in developing the partnership relationship with the West, forced Russia to initiate and/or take part in the creation of new organisations. These organisations can be considered as a counterbalance to the Western security institutions. The Collective Security Treaty Organisation (CSTO) is one of such structures. The Treaty was signed on May 15, 1992 soon after the demise of the Soviet Union. Signatories to the Treaty are Armenia, Belarus, Kazakhstan, Kirghizia, Russia and Tajikistan. The Organisation was created pursuant to the decision adopted by the states parties. Basic documents outlining its status entered into force on 18 September 2003.

Unequivocally, new challenges have emerged within the CIS and especially on its southern frontier. These challenges make it urgent to strengthen security. Such factors as domestic and international terrorism, threats to the territorial integrity, have been instrumental in this respect. The need for peacekeeping within the CIS is also self-evident. At the

same time, whatever the comments, the emergence of the CSTO may be considered as a consequence of Moscow feeling somewhat isolated from the military and political integration forged in the European continent.

The CST has established procedures for the states parties to ensure their security on a collective basis. It provides for an immediate launching of the “joint consultations mechanism to co-ordinate positions and take measures to remove the threat” when it arises. In case of an aggression against one member state, assistance, including military help, shall be provided. The provisions resemble those of the North Atlantic Treaty (albeit less binding). A fundamental difference is that the CSTO remains open for new members. It can be modified if a “collective security system for Europe and Asia” is created.

At the same time, CSTO activities reflect the feelings of isolation and even (in relation to NATO) serious concerns and apprehensions about the enlargement process. It is not incidental that Nikolai Bordyuzha, CSTO Secretary General, in presenting his annual report on 18 June 2004 pointed out that NATO enlargement and transfer of the elements of its military infrastructure to the territories of the new members, created a potentially destabilising factor. And more so as the zone not covered by the CFE is expanded. He expressed concern at the intention of the USA and NATO to extend their military presence in Central Asia for an indefinite period of time, which is far from contributing to a military and political balance there.

Western politicians and experts readily assume that Russia swallowed previous NATO expansion waves. This is not so. Ignoring Russia's opinion complicates the international climate, undermines the foreign policy partnership and affects the political climate within Russia itself.

At the same time the overall thrust of Russian foreign policy remains in favour of the partnership with the West and institutionalisation of relations with NATO, the EU and other organisations, which are active in Eurasia.

The CSTO bodies are actively pursuing dialogue with NATO. According to the CSTO senior officials, this position is in line with the interests of the member states. It illustrates the need for consolidation of wider international counterterrorist and peacekeeping co-operation.

In 2001, a Collective Rapid Deployment Force (CRDF) of the Central Asian region was created. The Force is made up of four battalions (Russian, Kazakhstan, Kirghizia and Tajikistan), numbering in all 1500.

The CSTO pursues the formation of a single system of collective security. Its pace and scale will depend on both internal and external factors.

The CSTO activity in the area of collective security is partially overlapping with that of another recently created international body, **the Shanghai Co-operation Organisation (SCO)**. In addition to the CSTO members, the SCO also includes China and Uzbekistan. China's membership considerably expands its geography in comparison to the CSTO.

Russian issues of the SIPRI Yearbook have already covered the story of its creation, so far pretty uneventful⁴. The SCO was established on the basis of the agreements on confidence building in the military sphere and on mutual reduction of forces in the border areas concluded between Kazakhstan, Kyrgyzia, China, Russia and Tajikistan in 1996 and 1997.

As a full-fledged international organisation the SCO has been operating since January 2004. Tasks and goals pursued by the CSTO and the SCO overlap. Just like in the CSTO, the SCO priorities include ensuring efficient co-operation of the members States in combating emerging threats and challenges.

The CSTO is seriously considering the perspectives and ways of co-operating with the SCO.

Further development of these organisations as well as their co-operation with the outside world, depending on the interest of their participants show in the joint work, may evolve according to several scenarios. The need to counter terrorism will without doubt play a significant integrating role. At the same time one can not rule out the “slow scenario” prevailing now within the CIS itself, where the integration projects are being implemented in a half-hearted manner.

Senior officials of both the CSTO and the SCO, as well as of the participating states, are aware of the need for closer integration with the European and global security structures. Activities of these two organisations are still at their initial stage. It appears that it would only be beneficial for the Eurasian states if the existing or emerging organisations, rather than limiting themselves to their tasks and goals, forge co-operation between themselves and especially with the traditional “old” European institutes.

The implementation of the arms limitations in Europe (including under the CFE Treaty), expansion of such traditional European institutions (the EU and NATO), the creation of new Eurasian structures (the CSTO and SCO) demonstrate that a sufficient diversity of ways and forms of co-operation exists, which are mostly complementary in terms of their tasks and objectives.

We believe that all the participants of these processes would benefit from harmonisation of the overlapping activities, which enhance their common security rather than further isolation. This is not an easy task, judging from the current experience of building an integrated Europe, which should in fact be devoid of any dividing lines and enjoy much higher levels of co-operation between the communities of states existing in the Eurasian region.

⁴ SIPRI Yearbook 2003: Armaments, Disarmament and International Security, [in Russian] Nauka, Moscow, 2004, pp. 1033–1038.

7. DISCUSSIONS AT IMEMO

Galina OZNOBISHCHEVA

Account of the presentation of the Russian edition of the *SIPRI Yearbook 2003*

The presentation was held on 20 April 2004 at the Institute of World Economy and International relations of the Russian Academy of Sciences (IMEMO RAS) under the chairmanship of Academician Nodari Simonia, Director of the IMEMO.

Dr. Alyson J. K. Bailes, Director of the Stockholm International Peace Research Institute (SIPRI) was also present. About 150 guests attended, among them researchers from civilian and military research institutions, officials from a number of the governmental bodies as well as NGO representatives, the diplomatic corps and the mass media. Ambassador of the Kingdom of Sweden to the Russian Federation Sven Hirdman attended the meeting.

In his welcome speech N. Simonia noted that the eleventh Russian edition of the SIPRI Yearbook has been the result of co-operation between SIPRI, IMEMO and Publishing House “Nauka”. The Geneva Centre for the Democratic Control of Armed forces has assisted in publishing the manuscript.

N. Simonia underlined that the original, English version of the *SIPRI Yearbook 2003* was outstanding for its novel presentation of research output. Dr. Alyson Bailes, as the new Director of SIPRI, since July 2002, commissioned for this Yearbook, as a presentational experiment, a number of short “essays”. Scattered throughout the volume in such a way as to illuminate and interact with the principal text, they cover areas of fact and analysis, important for the understanding and projection of current security developments.

N. Simonia conveyed his gratitude to the scientific and editorial staff who had taken part in the preparation of the Russian edition. A special

tribute has been paid to Vladimir Baranovsky, IMEMO Deputy Director, Alexei Arbatov, Head of the IMEMO Centre for International Security and Alexandre Kaliadine, Leading researcher at the IMEMO Centre for International Security.

Noting the qualities of the eleventh edition of the SIPRI Yearbook in Russian, Vladimir Baranovsky singled out its highly informative content. Numerous tables, diagrams, statistical data, methodical materials provide an extremely useful source of information for everyone, who follows events in the field of international security and arms control. The Special IMEMO supplement to the Yearbook, which covers events up to the middle of 2003, contains several papers on the impact of the Iraq conflict on international security. Special attention is paid to the trends in the area of arms control (countering the WMD proliferation, and strengthening the global non-proliferation regimes), institutional developments (new format of the Russia–NATO Council, and the setting up of the Shanghai Co-operation Organisation). The Supplement is also of use to those readers who do not know Russian, since it has been translated into English and published as a volume under the title – *Russia: Arms control, Disarmament and International Security*. Readers have also received this year a new informational product, – a complete electronic version of the Russian edition of the *SIPRI Yearbook 2003* and of the related volume – *Russia: Arms control, Disarmament and International Security* (CD-ROM).

In the opinion of Professor Natalie Kalinina, the Russian edition of the SIPRI Yearbook has become the desktop book for many politicians and institutions, including governmental bodies. The Yearbook 2003 contains (and that is of particular relevance) detailed data on new security threats, thorough analysis of this phenomenon as well as assessments of the anticipated trends. N. Kalinina drew attention to the fact that most politicians and officials need in-depth analyses of the monitoring methods in the field of non-proliferation of weapons and materials of mass destruction. She argued that an integral system of the control mechanisms both on national and international levels is yet to be created. In her opinion, existing international and national export controls cannot track in a reliable way the traffic of dangerous materials, components of WMD and its means of delivery. The application of scientific and technological achievements for verification purposes is urgently required.

Sergey Babkin, of the military-legal department of ITAR-TASS, characterised the Yearbook as a factual reference tool providing invaluable source material on armaments, indispensable for a news agency. Its eleventh edition is of particular value for its treatment of the developments occurring lately on the world scene (proliferation of unmanned air vehicles and land-attack cruise missiles, potential terrorist uses of the UAVs and other novel types of weapons, especially WMD). S. Babkin considered it desirable to include in the forthcoming editions of the Yearbook more de-

tailed description of the dangerous activities of militant Islamist groups, the ideology of terrorism and the ways to counter this threat.

In the opinion of Vladimir Medvedev, Head of the Department of the Institute for Strategic Studies, the Yearbook is renown, first of all, for its coverage of a wide range of issues in the field of international security, as well as for the thoroughness of analysis and presentational expertise. Most experts are finding invaluable data in this publication (on armed conflicts, military expenditure, arms exports, WMD proliferation and efforts to control this process, etc). From 1997 and on, issues of the Yearbook in Russia include contributions from Russian authors, reflecting a broad range of views and approaches to the problems under consideration. It would be excellent to continue this tradition, emphasised V. Medvedev. He made a point that further editions of the Yearbook should pay more attention to the study of the phenomena of globalisation and its impact on the structure of international security.

Alexandre Rudchuk, Consultant to the General Staff of the Armed Forces of the RF, also acknowledged the growing importance of the globalisation phenomena, which affect a number of processes and aspects of policy in the field of international security. He called upon academics to extend their input to the study of these problems, including within the framework of the SIPRI Yearbook.

Ambassador Sven Hirdman noted the usefulness of the Russian edition of the SIPRI Yearbook and emphasised that the work of the Russian security analysts is of considerable interest to the Swedish embassy and his diplomatic colleagues in Moscow. The Ambassador expressed his satisfaction that SIPRI and IMEMO had been maintaining close co-operation for many years.

Seminar on “The Iraq crisis”

A seminar, devoted to the impact of the Iraqi crisis on global security, was held within the framework of the presentation. Well-known Russian and foreign experts, representatives of the ministries of foreign affairs and defence, non-governmental organisations and foundations, the diplomatic corps attended. Key papers were delivered by Dr. Alyson Bailes, Director of SIPRI (“Lessons of Iraq”) and Dr. Alexei Arbatov, Corresponding member of the Russian Academy of Sciences, Head of the IMEMO Centre for International Security (“Iraqi crisis in the world politics: background and prospects”).¹

Alyson J. K. Bailes:

¹ Complete versions of the presentations have been published in the Journal *Mirovaya ekonomika i Mezhdunarodnie Otnoshenia*, no. 9, 2004, pp. 70–90.

To make a completely fair assessment of the lessons of Iraq even at this interim stage would mean balancing so many factors that there just is not time to talk about them here...

I will only discuss a limited set of issues: what we have learned about US power, about crisis management, about managing terrorism and the challenge of weapons of mass destruction, and about the role of security institutions...

The Iraq story proved in at least three ways that the USA today really does possess unique military and political power, and unique freedom to use it. First is the simple fact that the Americans could occupy a large and distant country so rapidly, with only limited help from others, without being able to use their usual bases in Saudi Arabia or routes through Turkey, and with such relatively low casualties. Second was the fact that no local country dared to resist or even to try to make serious mischief out of the situation. Third was the fact that the countries politically opposing the action, although including some of the US's most powerful usual partners, did not apparently manage to change or even delay the US's plans at all.

As against this, one could list even more ways in which the episode showed the limitations on US power. The most obvious point is that the US troops who won the war proved much less competent at building and holding the peace. The US's advance planning and intelligence seems to have been badly wrong in many more respects than just over WMD. The standard of post-conflict administration and reconstruction work was probably lower and certainly more confused and inconsistent than in most recent international interventions. In the political sphere, the US and UK had to abandon attempts to convince or pressure enough states at the UN to give them the enabling resolution they wanted before the attack. The military mission, which followed, attracted only a relatively small coalition of loyal US supporters and did not get public backing from any single institution, not even NATO. At home in the USA, the limits of political and public support for a lengthy and costly military adventure have become gradually clearer as time went on....

The problems faced by US military power in post-conflict Iraq are not necessarily a judgement on US efficiency but rather, reflect limitations on the value of military force in general. During the 1990's, a lot of armed forces around the world (including Russian forces) spent a lot of time on peace operations trying to clear up the mess that other people's conflicts had made. In Afghanistan and Iraq, some of the world's leading nations have actually used conflict as a tool or catalyst to overthrow obstacles to security. In both cases we have found that defeating the bad guys in the battlefield is only the start of the problem and that even if we succeed in suppressing open violence afterwards, this is only the equivalent of covering up wounds, not of healing them.

As long as some players have goals which they think more important than peace or which are even threatened by peace, violence will find a way again whether through new conflict, terrorism, sabotage or the corruption and misuse of the reconstruction process. The rule is the same whether in Afghanistan or the Congo, Iraq or Kosovo.

The lessons of this are almost too cliche to bear repeating and the sad thing is that we had any number of chances to learn them already in the 1990's. The decision to use force in the first place needs extremely careful thought and planning and is always going to be a gamble for very high stakes. Many people concluded from the experience of crisis in the 1990's that the world community should have used decisive force earlier in Bosnia or Rwanda, Serbia or Iraq itself. Now the early use of force has been tried and we see that it can carry a heavy price not just in the zone of combat but for the unity and confidence of the world community itself. While we probably should not shrink from taking such risks in the worst cases, we need to try much harder to find other ways to mend weak states and control dangerous ones for example through economic sticks and carrots, manipulation of resource flows, mediation, and what is coming to be defined as coercive diplomacy. And above all, we must make sure that no operation is launched without the guaranteed capacity to re-build afterwards and a vision of *how* the country will be re-built, which in the end has to be done by its own people....

When the leaders of the coalition against Iraq chose to use the threat of Saddam Hussein's supposed weapons of mass destruction (WMD) capabilities as the main justification for their action, it was understandable in many ways... We know now, of course, that it was the wrong answer to the wrong question because no such weapons were found. If the result of this embarrassing surprise had been to make the world generally stop believing in the threat of WMD proliferation, that would have been disastrous indeed. In an ironic way it was lucky that such clear evidence came out elsewhere during the year about North Korean threats of nuclear development, about Libya's experiments with buying WMD capability on the black market, about Iran's reluctance to close the door completely on developing a nuclear fuel cycle for possible weapons use, and about Pakistan's earlier leakage of dangerous nuclear technology to several problem states. As of now, the net result seems to be that the majority of the world's states have been stimulated to work much harder to solve these problems; but that the great majority of them are trying to find ways that do not involve attacking the countries with force of arms or, indeed, leaving the way open for the USA to do so. The remedies explored include diplomatic efforts like those of EU countries towards Iran or the 6-power group drawn together by China on North Korea; tougher export controls on WMD materials and related technologies; greater efforts to control and destroy existing stocks (where the Global Partnership program now be-

ing sponsored by the G-8 on Russian territory in both a big direct contribution to the problem and an interesting model for use elsewhere); consideration of new universal standards for defining and punishing crimes connected with WMD trading and possession; and some forceful methods falling short of war like the new Proliferation Security Initiative (PSI) designed to stop the illegal transportation of WMD goods by sea.

All this is creating a de facto pattern of multi-functional, multi-layer anti-proliferation policy, addressing all stages of the WMD cycle with a mixture of global and local, legal and operational and other types of measures. It is particularly well laid out in the WMD strategy document adopted by the EU last December...

The last two years have confirmed that treaties and other formal, binding instruments to establish the goals and rules of arms control are not out-of-date and not even the weakest link in the disarmament process, but actually a vital foundation for any effective strategy on WMD (or indeed other kinds of armaments)... We ought to be strengthening and reforming the old treaties where they are weak, and not abandoning them.

Arms control in general cannot just be something that is done to the bad guys: we have to accept that our own actions could also be part of the problem. Obviously this applies to the part the advanced nations may play in allowing the leakage of destructive technologies through both legal and illegal trade. But it also means looking closely at our plans for building up our own positive and defensive military capability against the people we now see as enemies.

To take just one example. The campaigns in Afghanistan and Iraq have popularised the use of various kinds of missiles as a low-risk, relatively accurate strike weapon. The measures being taken by the USA and its allies (now with Russian co-operation) to build up missile defence systems will themselves rely on using missiles of new and advanced types for purposes of interception. But missiles are also among the best ways to deliver WMD and they are already proliferating much too freely among states like Pakistan, India, Israel, North Korea and Iran. No good universal solution has yet been found for restricting the development and use of these technologies. Yet if we ignore the risks—or if we limit ourselves to a probably hopeless attempt just to stop a limited number of bad guys using missiles—we could be storing up a whole new wave of strategic destabilisation including possible new ‘asymmetric’ threats for the future. The new developments involving a possible militarisation of outer space are another case in point.

Where terrorism is part of a conflict it is fairly obvious that it will never be ended except by ending it with a genuine and legitimate settlement. The new style of transnational terrorism represented by Al-Qaeda, if defeated in one place, can just shift its operations to others and possibly gain new supporters by what are seen as its heroic struggles and cases of

martyrdom... One conclusion should probably be that the danger of terrorism can never be eliminated entirely, partly because it is a spiteful and vicious revenge against strength and order, and the stronger and more ordered our national and international communities become, the fewer other methods will remain available to our enemies.

The world was right after 9/11 2001 to declare that this is a universal menace against which we must stand together. Some aspects of it such as the blocking of terrorist financing, and intelligence exchange and judicial co-operation to track down and punish terrorist networks, can objectively only be solved by universally harmonised and binding measures.

[Examining implications of the crisis for international organisations Alyson J. K. Bailes pointed out that UN credibility had been affected, NATO paralysed, the European Union badly split among its own members.]

As for NATO, it found a way out of its crisis by devoting itself even more fully and exclusively to developing elite multilateral forces for missions outside the European area, expanding its existing responsibilities in Afghanistan and now even considering some kind of follow-on mission in Iraq. This new focus involves more than just technical changes since it is effectively diverting the greatest part of NATO's strategic energy away from its traditional task of territorial security in Europe.

As a European I find the impact of the Iraq crisis on the European Union particularly interesting. It first split Europe in a number of ways between so-called old and new, big and small, Atlanticist and anti-US tendencies. But already by last summer, it was clear that neither the European leaders who joined the Iraq operation nor those who tried to block it had managed to exercise any decisive influence over events.

At political level there was an increased drive to decide first and foremost what Europe itself wanted and needed to do for its own security interests. Hence the document on a European security strategy that was first drafted by Javier Solana and then approved by the European Council last December. Hence the continuing trend for the EU to take over lead responsibility from NATO for military operations on Europe's own soil in the Balkans... This is not an anti-US policy, since the actual goals of policy are largely shared with Washington; but it is one designed to minimise the risk of forceful intervention by the US and also of the US using divide-and-rule tactics against the regions' members. It is still far from creating a "multi-polar" security system in the sense that some thinkers have advocated; but it does not seem to me to fit in with any normal definition of a one-power hegemony either.

[Concluding the presentation, Dr Bailes mentioned developments not tied up with Iraq that have been probably too much overshadowed by it. The opening of NATO and the EU to a much large number and variety of new members has involved some turbulence between Russia and both the EU and NATO and that some quite important issues opened up have

not yet been properly resolved. In the opinion of Dr Bailes much more serious policy thinking should be going on in the next couple of years within Russia, within Europe and between them about exactly what our vision is of the way forward to security, reform and integration in the wider Eurasian space.]

It is not only a bit contradictory but perhaps risky for us, concluded Dr Bailes, to be going out trying to rearrange regions like the greater Middle East when we are still not sure of the road we are marching on within our own shared continent.

A. Arbatov:

The Iraqi crisis has not only grown into a major international event of 2002–04. It is also going to impact on the long-term regional and global policy, including the relations between the leading powers, prospects of the global law and order, the role of the United Nations, the WMD Non-Proliferation regime, and countering of international terrorism. In this connection, it is essential to consider issues relating to the use of force in the world in order to resolve specific political tasks. It is also useful to examine the correlation of this factor, on the one hand, and international law, interests of the states, as well as the role, played by international organisations, on the other.

The military operation has failed to find out Iraqi WMD stockpiles. Terrorism fully proves to be a consequence of the operation itself, since Americans did not discover traces of terrorist activities, such as camps, organisations, etc. It turned out that the operation was justified only on the grounds of the need to topple the ignominious, evil and criminal regime.

An important question arises in this context: how should one treat ‘evil’ regimes? Should they be overthrown by an external force, because they are criminal in themselves, or should one rather tackle the specific risks they are posing, in full accordance with international law, resolutions of the authoritative world bodies, above all, such as the UN Security Council? If the former is the case, what provisions of international law are to be followed in punishing Iraq? Previously there had been rather weighty grounds for that, because Baghdad committed genocide against the Kurdish minority in 1960–1980, but at the time the great powers and, consequently, the UNSC ignored such ‘minor concerns’. The Soviet Union kept strengthening its ties with Iraq and swamped it with arms shipments. The USA supported and equipped ‘rogue’ Hussein who was conducting a treacherous aggression against Iran. In the eighties, Iran became a key adversary of the USA in the region, and therefore Washington and some other Western capitals chose to ignore Baghdad’s crimes for quite pragmatic or, plainly speaking, cynical reasons.

Thus, we arrive at a more general question: What entity has legitimate powers to pass sentences on ‘rogue’ regimes and what criteria

should be applied? Who is to carry the verdict out? Apart from Iraq, there are other regimes in Asia, Africa and Latin America that also merit being punished. Does it mean that one or another state should be authorised to launch crusades and topple such regimes by force? And what should be done thereafter – implant democracy and well being there? However, definitions of a rogue state may vary, depending on the country - the USA, Russia, Western Europe, China, India or some other world powers have their own ideas on this subject. Arbitrary conclusions in themselves can lead to a major international conflict.

If Iraq should be punished not *in abstracto*, but for some specific misbehaviour, then there is a good legal basis to rely on, i.e. the appropriate resolution of the UN Security Council. But the military action against Iraq was not mandated by the UNSC and was not justified from the point of view of the international law. The UN inspection teams did not find out any convincing evidence to the effect that Iraq violated the WMD-associated resolutions of the United Nations. The lack of specific ‘essential elements of offence’ could not be interpreted as a proof of Iraq’s concealing the activities that would justify the use of force against it, for according to the proverb, you are not a criminal until you are caught.

If evidence of the Iraqi violations are lacking, then, given the criminal background of the regime, only one correct conclusion follows: inspections should have been continued and expanded in scope and Hussein would have had no right to challenge them. Even were banned weapons and materials found, they should have been destroyed under proper international control. Sanctions could have been tightened. However, the use of military force was not “a must” then.

One has to conclude that the USA pursued objectives other than combating WMD and terrorism in Iraq. Apart from seeking to carry out certain foreign political commitments and accomplish some global ambitions, the USA probably sought to set up a pro-American regime in Iraq as a new pillar of US influence in the region or, more specifically, as a military-political counterbalance to Iran. Obviously, Washington hoped that once the regime was overthrown and the Iraqi oil tap switched on, world oil prices would go down. More ambitious plans were nurtured, namely, to establish a new system of “democracy” or, in fact, pro-American regimes across the Greater Middle East.

In the meantime, Russia was conducting rather skilful diplomacy in various directions, but there was neither strategy nor priority of goals seen behind clever tactics. Russia tried to maintain good relations simultaneously with the USA, France, Germany, and Iraq, as well as with would be Iraqi leaders. However, developments made these different interests of Moscow incompatible.

As early as the autumn of 2002, Russia could have urged to pass a UNSC resolution that would have led to a number of important steps.

Specifically, to extend inspections in Iraq and make them a long-term enterprise, to provide inspectors with additional technical means. It would have been necessary in support of inspections (in view of terrorist risks) to deploy an adequate international military contingent in Iraq. This idea was outlined in broad terms by France and Germany at one time. Such an international task force deployed on a long-term basis in the Persian Gulf might have been used to contain Hussein's misbehaviour.

Besides, the Iraqi Army had to be substantially cut in size, restricted in the composition and weapons, and brought under the international control, as well as secret police. Similar measures should be applied to the Iraqi industrial facilities, implicated in the production of WMD and its means of delivery. At the same time, there were sufficient grounds to launch international investigations into instances of genocide against the Kurdish population, as well as of war crimes of the regime against Iran, Kuwait, and Israel. Any attempt by Baghdad to resist such measures, carried out under UN auspices would be considered as a justification for overthrowing the regime by force.

If this had been done, Iraq would not have posed a threat, even after the sanctions had been lifted, and Hussein would not be 'a hero' or 'a martyr' in the eyes of all Muslims world-wide. Somehow or other he would have gone or been removed from office. It would have been much easier for Russia to establish relations with his successor. It would have been possible to forge an antiterrorist coalition, including moderate Muslim states, strengthen international law and institutional frameworks for fighting terrorism and boost global political, military and intelligence co-operation in the field. It would also have promoted consolidating the WMD non-proliferation regime and preventing the terrorists from getting hold of such weapons. The United States could hardly have opposed such a course, especially if Russia, most West European countries, and members of the UN Security Council had supported it. Although some well-known Russian experts and politicians advanced such an idea, the Kremlin unfortunately did not share it.

Never before in its history did the USA start a war, with such powerful military capabilities and such vulnerable political situation both domestically and internationally. The impressive military victory whitewashed the very poor policies of the country.

As a result, while crushing the Army and regime of Hussein and obtaining access to the Iraqi oil, the USA lost something more important. First, the US squandered the moral and political capital gained after the tragedy of 11 September 2001. Second, the military operation led to a split in the antiterrorist coalition and helped discredit the counterterrorist goals. From now on, given the Iraqi experience, any actions against specific countries, on the basis of countering WMD Non-Proliferation and terrorism, could be interpreted by the world community as aimed at achieving

other, covert unilateral goals and interests. Third, the war in Iraq undermined the UN credibility. Not so much because the UNO winked at the US action or allowed the USA to see it through unilaterally. Impressed by the dazzling American military campaign, the UNO passed a resolution endorsing the US occupation of Iraq *de jure*.

Consequently, in most aspects, the results of the war are actually contrary to the objectives that Americans had aimed at officially and even to those they had pursued unofficially, such as access to oil, change of regime, etc.

The Iraqi crisis is also an important lesson for Russian foreign policy, which obviously lacks dynamism, co-ordination of the activities of the various agencies and a thorough understanding of national priorities, which became especially apparent in Iraq.

First and foremost, for the first time for many years Moscow could have conducted an independent policy without following in the wake of the USA, whose course did not meet the interests of international security, and was inspired by purely unilateral interests in conflict with international law. It is noteworthy that in this case opposition to the US course did not lead to confrontation or cold war. Second, for the first time in recent years, under the conditions of sharp disagreement with the United States, Russia co-operated closely with some leading European nations. This helped to dismiss in advance accusations against Moscow instigated by Washington and Brussels alleging that Moscow was reviving a new cold war. In Russia itself nationalists and left-wingers could not successfully play again the card of 'eternal confrontation' between Moscow and the West.

These few, but very important gains should be kept and multiplied to establish a constructive stock of Russian foreign policy for a long period. Russia's fundamental position on Iraq does not rule out but, what is more, suggests continued co-operation with the USA where it serves Russian interests and international security. Washington itself would have to hold in high respect such a Russian course and take it into account in elaborating its actions in future. This position can also serve as a basis for further rapprochement between Russia and key European neighbouring states, as well as the European Union as a whole, not only in economic and humanitarian-legal fields, but also in foreign and military policy. It is precisely here that there is a huge potential for interaction and enhancement of combined efforts to influence international affairs.

PART II. EXPERT INSIGHTS

8. Impact of New Global Security Challenges on the Reform of the Russian Armed Forces (Analysis of a Defence Ministry Publication)
9. Russian Military Expenditure: Trends and Priorities

8. THE IMPACT OF NEW GLOBAL SECURITY CHALLENGES ON THE REFORM OF THE RUSSIAN ARMED FORCES (ANALYSIS OF A DEFENCE MINISTRY PUBLICATION¹)

Vladimir DVORKIN

On the way to a transparent military policy

Problems of the reform of the Russian Armed Forces (RAF) have always been in the focus of concern of various social groups. Representatives of the expert community both in and outside Russia have more than once criticised the rate of the on-going military reform, the low level of equipping the RAF with up-to-date weapons, the status of military personnel, etc. They also complained that many processes under way in the Armed Forces were closed to public scrutiny for no good reason.

Addressing a meeting of top-ranking officers of the RAF on 2 October 2003, President Vladimir Putin underlined that the on-going modernisation of the Army was a task of paramount importance to both the state and entire nation. He set the goal of drastically transforming the RAF so as to reach an entirely new quality. The President pointed out that the modernisation plans should be absolutely transparent and lucid for the entire society.

This meeting has been a positive contribution to initiating an urgently needed dialogue between the military and the public. It can be assumed that the Defence Ministry publication, in fact the first "White Paper" on defence matters, fits very well into this process. It covers many, albeit not all, aspects and factors that characterise the make-up of the forces of a modern state and may actually claim to summarise the results of the theoretical studies carried out by leading military institutions over

¹ AKTUALNIE ZADACHI RAZVITIA VOORUZHENNICH SIL ROSSIJSKOI FEDERATSII. [URGENT TASKS FOR THE DEVELOPMENT OF THE ARMED FORCES OF THE RUSSIAN FEDERATION] Ministerstvo Oboroni, Moskva, 2003.

recent years. Above all, it characterises the position of the Russian Federation within the system of global military-political relations, contains an analysis of the current and anticipated threats and the nature of modern warfare and armed conflicts. The publication highlights important changes, which have taken place in Russian military policy and planning in line with the fundamentally modified relations with the USA and other Western countries. The authors point out that despite NATO enlargement eastward, Russia still maintains partnership with the alliance. They acknowledge that it is feasible to conduct international military operations within the frameworks of temporary coalitions and outside of the long-time military-political structures and that such a practice is certain to develop. This trend reflects the peculiarity of the current global situation.

According to the authors, at the beginning of the 21st century, Russia began to overcome the political and economic crisis and strengthen its positions in the world arena. This process represents a significant global tendency.

The publication focuses on evaluating the new security challenges, such as the spread of weapons of mass destruction (WMD) and their delivery vehicles, international terrorism, ethnic instability, activities of radical religious organisations, drug trafficking and organised crime. The assessments agree with the estimates of the major world powers.

The detailed analysis of the conceivable threats, the character of modern wars and armed conflicts, given in the paper, shows that the Russian military share the principles of the military policy of the major Western states. These states also proceed from the extremely unpredictable character of the evolution of the military-political situation following the collapse of the bipolar world. Another evidence to this effect is the nuclear policy pursued by Russia.

The authors also include in the list of external challenges the following contingencies: deployment of groups of forces and weapons intended for launching military attacks against Russia; territorial claims, which could lead to a seizure of some parts of Russian territory; demonstrations of military force close to the Russian frontiers; build-up of task forces in the vicinity of the national borders, which could result in tipping the current local balance, etc. These assessments are based on scenarios of the military-political situation, which are not convincing. That is why one cannot but agree with the statement made at the end of the section on challenges to the effect that existing conflict situations do not pose a direct threat to Russia's security. This thesis might be the starting point for a follow-up analysis of the current state of the RAF. And, what is more important, for the formulation of the missions and processes that should lead to their modernisation. The security window formed as a result of the strategic circumstances and in particular of the maintenance of the nuclear 'shield', can be

used as a basis for even more radical steps on the path of military reform. That, however, has not happened.

As has been already noted, the publication provides an assessment of the current posture of the RAF, as they enter a new phase of development and describes appropriate legal frameworks and the system of public control. The authors argue that the structural changes have generally been accomplished in the Armed Forces and their strength has gone down to 1.16 million in mid-2003, with a target figure of around 1 million to be reached in 2005.

The publication contains an impartial analysis of the considerable difficulties that the RAF encountered in the process of their transformation, strength reduction and economic crisis. However, some points made in the publication are worrisome. Above all, it claims that the process of military reform has already been completed in terms of military planning, structure and force strength, adaptation to the new global challenges, the authorised timetable for the transition of the RAF to a contract army, etc.

According to many military experts, most of these aspects should undergo further reform, especially given the evolving military-political situation.

Drawing lessons from the international and domestic experience

The paper gives a review of the wars and armed conflicts, which occurred over the last 30 years. This analysis as well as references to various doctrinal documents of the Western countries serve to persuade the reader that the experience and current features of foreign armies have been taken into consideration and put to use to a certain degree in reforming the Russian Army and Navy. Their actual condition, however, testifies to the reverse.

In 2004, the Council on Foreign and Defence Policy (CFDP) published theses under the title *Military Development and Modernisation of the Russian Armed Forces*.² They list a number of common enduring features of the force development that have been identified through a cut-and-try method by all modern developed armies. These features have, in fact, no alternative in terms of effective functioning of the armies under different conditions. But they are not characteristic of the Russian Armed Forces.

They are as follows:

1. Peacetime armed forces are expected to have structures, integrating a variety of forces and assets, and respective C² agencies that are needed to conduct combat operations. Such structures were missing from the Soviet Union and Russia in peacetime. They were set up, only after

² Voyennoye Stroitelstvo I Modernizatsia Vooruzhennykh Sil Rossii [Military Development and Modernisation of the Russian Armed Force]. Council on Foreign and Defence Policy. URL <http://www.svop.ru/live/materials.asp?m_id=9719&r_id=9720>.

hostilities began. This always resulted in a protracted period of control failure, unjustifiable losses in personnel, weapons and military hardware, and a loss of a huge amount of time required to achieve interoperability of forces, rational ways of moving troops and so on in combat environment.

2. Primary responsibility for the defence industry should be laid on the defence ministry, rather than on some other governmental structures; while parliament and the public exercise strict control over specific items of the military budget, which should be as open as possible, and expenditure of the allocated funds.

3. The defence ministry, as well as some other governmental agencies, should not have the right, in peace, to coerce private enterprises to set up and maintain mobilisation capacities and make them fulfil defence orders.

4. A civilian defence minister should fully centralise the functions of both administrative and operational command and control over the armed forces.

5. Interior forces, which are similar to the French gendarmerie, the Italian carabiniers and the U. S. National Guard, should be subordinated to the Minister of Defence.

6. The terms ‘armed forces’ (including the non-military structures of the defence ministry) and ‘the military organisation of the state’ should have identical meaning.

7. The armed forces of a mountainous country should include specially trained mountain troops (such units exist even in Israel).

8. There should be military police.

9. Military intelligence should report to a civilian defence minister, but not to a supreme military headquarters.

10. The armed forces should have their own counterintelligence bodies.

11. There should be a corps of professional junior commanders (sergeants). The Russian army is the only one in the world, except for militia armies, whose sergeants are selected from ordinary draftees and demobbed, like all draftees, after the expiration of their active service term.

12. Territorial and community principle of recruiting. Unlike most of the other countries, Russia sticks to the principle of exterritoriality of military service. According to this order a serviceman has no right to serve in the area, where he lived before being drafted or enlisted and, once deployed to a different station, has no right to serve in the unit where his fellow-countrymen are.

13. The armed forces do not include special educational institutions for training military legal officers, medical officers, chaplains, and journalists. It is because doctors, legal practitioners, chaplains, and journalists are independent professions, whose members should meet the requirements (in particular, the ethical ones) that do not necessarily match those of the military profession.

14. All career officers are expected to receive higher military education, which is built around a higher humanitarian (liberal) education, whereas their military knowledge proper is of secondary importance.

15. There are no institutes of deputy commanders for personnel formation. Neither are there any military councils in the military districts (unified commands).

The use of foreign experience in the force development is an indispensable part of the military culture in any civilised country. All countries that faced the need for the transformation of their armies, including Imperial Russia, started from studying respective foreign experience, before proceeding to the job.

There is a command of a joint task force integrating ground, air, and naval forces in charge of any NATO or US operation. Only such task forces comprising various services, arms and assets are capable of conducting operations in a modern war. Separate armed services, arms and military districts cannot fulfil such missions. Joint task forces are set up and trained in peacetime and have long been operating in all developed countries. The U. S. Armed Forces are the most advanced in this respect. They have nine major joint task forces and around 30 lower level joint task forces successfully operating for a long time. The USA faces the task of further eliminating differences between the fighting services at an operational level.

This is not the case with the RF. Until recently, the entire process of military planning, direction and control was the exclusive responsibility of the General Staff, which retained an archaic structure of the RAF and was reluctant to pass on its functions and powers to some other structures. That is why Russia is short of high-ranking generals and officers who can exercise control of the joint task forces in armed conflicts, like the Iraq campaign, implement adaptive planning and adjust operation plans in cases of emergency.

It is generally alleged that there are many reasons for this. It is primarily because Western unified commands are set up for the conduct of operations outside the homeland, whereas Russia has to protect only its own territory. Such missions are normally assigned to the military districts, which are at the same time in charge of respective strategic directions in their theatres of operations.

However, the Soviet and Russian experience in the force development, including that of World War II, clearly suggests that the military districts cannot effectively fulfil their functions like joint task forces directed by the respective commands. The military districts are assigned a wide variety of administrative functions, whereas the Western commands, responsible for the joint task forces, perform primarily the functions of operational control. In peacetime, their basic mission is to conduct full-scale combat training, including that of the command and control organs.

The argument that a unified command and respective task forces operate in Chechnya is nothing else than a slim excuse. The command was established, only after the operations began. Time and again, it was transferred from one agency to another, accompanied by a loss of control and unjustified casualties. The events of 22 June 2004, when terrorist groups were able to launch an attack in Ingushetia were further convincing evidence to this effect. Due to the lack of co-ordination between the forces and incompatibility of control and communication structures, the response to the attack came only a few hours after the intruders succeeded in leaving the area unpunished. The Beslan tragedy is also linked, albeit indirectly, to the nature of operations of our forces. It demonstrates that Russia needs to have joint structures of special operations forces to implement effective counterterrorist operations.

It is difficult to predict what specific conclusions will be drawn from the tragedy, except for the personnel replacements already effected, including the resignation of generals Kvashnin and Tikhomirov.

However, in order to provide arguments for the reforms now underway, it is important to draw lessons from both Russian and foreign experience. Changes initiated as far back as the late 1970s by Marshal N. Ogarkov, the then Chief of the General Staff of the Soviet Union, are of particular importance in this respect. Seeking to enhance the fighting efficiency of the Army, he focused on the activities of major commands in the strategic directions, which would improve interaction between the Services and combat arms and contribute to a better unity of command in ready units.

It can be assumed that the modified Law "On Defence" designed to curtail superfluous functions of the General Staff will facilitate the structural transformation underway in the RAF. The point concerning the completion of the structural reforms, which resulted in three Services and three combat arms might be vindicated under certain conditions. Specifically, if the initial phase of the reforms had seen setting up of a number of unified commands, such as: a Unified Command of the Rapid Deployment Force based around the Airborne Command, with part of the Air Force and aviation, including transport aircraft, aviation of ground and naval forces, reporting to it operationally; a Strategic and Operational-Tactical Transportation Unified Command, which would exercise operational command and control over all air, ground and sea-based military vehicles and keep inventory of all similar non-military vehicles; and a Unified command of Specific Operations, designed to accomplish missions similar to the ones that are carried out in the Chechen Republic.

In addition, it would be appropriate to take advantage of the past attempts to create a Unified Command of the Strategic Deterrent Force (SDF). The demise of the Soviet Union put an end to such efforts. The frequently used term "Strategic Deterrent Force" suggests that the things are moving in that direction. (The SDF is to comprise ground, sea and air-based com-

ponents of the nuclear triad). At present such an integrated force does not exist. Huge additional allocations are not required for setting up a command of this kind. On the contrary, in the end any structural integration is economically sound, because it helps to optimise the C² bodies.

Problems of civilian control

The assertion that a basis for a system of public control over the RAF has been already created is not well founded. Citing a sharp rise in the number of complaints and suits instituted against the Defence Ministry as an illustration is not convincing. It is the transparency of the defence budget and the duty of the military to substantiate even the most minor expenditure items in the legislative organ, as well as unclassified long-term programs of force development, including key programmes of weapons and materiel R&D, that serve as evidence of the civilian control in a democratic state.

Under the current budget classification, a few dozens of previously closed items have been declassified. They are, however, of little avail, for no bottomline indicators are given and there is not enough time for deputies of the State Duma (SD) to call in qualified experts for a thorough scrutiny of the figures.

Domestic and foreign experience shows that it is impossible to accomplish qualitative transformation of the armed forces without strict legislative and expert controls over the military budgets and long-term armament programs. Unjustified secrecy is the weakest point of all published official papers on defence matters, including the one in question, which does not contain any economic analysis of the proposed plans and programmes.

It is noteworthy that an open defence budget under the revised budgetary classification is not in itself sufficient for effective civilian control. The defence budget gives, in fact, only an annual cross-section of the long-term programs of weapon/materiel R&D and acquisition for the purpose of enhancing the effectiveness of the national military organisation. Therefore, the public should be given access, first and foremost, to the key R&D and acquisition programs and the related argumentation in view of the scarcity of available resources.

This does not mean that the government should open the entire state-armament programme, which specifies legitimately classified tactical and technical characteristics of advanced weapon systems. At the same time, as is the practice world-wide, certain data could be declassified without any damage to national security. For example, data on the composition of the orbital systems of surveillance, communication, navigation; command and control; number and types of aircraft, submarines, surface ships, armoured vehicles, precision and other types of munitions to be procured.

The more so as most of the above information Russia ought anyway to submit to the other parties to the international treaties and arrangements.

The USA and other NATO countries: are they partners or adversaries of Russia?

In the context of the changed threats and missions assigned to the RAF, the Defence Ministry publication time and again refers to Russia's partnership with the United States and NATO. It reports that in this connection some of the previous basics of military planning have been revised. In particular, the preparation for a global nuclear war and large-scale wars, involving conventional armaments, against NATO or other US-led coalitions, is dropped from the list of most likely conflicts, in which the RAF are expected to take part. In view of the changed strategic circumstances Russia was able to carry out substantial reductions of its nuclear capability and conventional armaments without prejudice to national security. It is also asserted that Russia hopes to expand its partnership with the United States in the political, military-political and economic fields. Russia intends to continue to co-operate with the USA on such issues as strategic stability, dismantling the Cold War legacy, regional stability and WMD non-proliferation.

It is, however, easy to guess that comprehensive tasks assigned to the RAF are in conflict with Russia's orientation towards partnership with the USA and NATO and do not take account of the country's material capability. For example, the RAF are assigned in peacetime a mission to defeat an aggressor who makes use of modern and advanced weaponry, including WMD, repulse hostile aerospace attack by means of available assets and, following a full-scale strategic deployment, and simultaneously carry out assigned missions in two local wars.

Given the above missions, it is difficult to imagine an adversary, other than the USA and NATO. More so as the USA is equipped with aerospace attack weapons. Questions arise again: what kind of war and for what stage the RAF are preparing for? Does Russia possess the necessary potential to accomplish these missions? Perhaps, such missions are set for a very distant unpredictable future. Still there are too many questions left unanswered.

It is difficult to find some new elements in Russia's nuclear policy, other than those available in the *The Military Doctrine of the Russian Federation* signed by President V. Putin on 21 April 2000. It stipulates that Russia maintains a nuclear power status and proceeds from the need of preserving its nuclear capability as a deterrence, which guarantees that the country can inflict unacceptable damage on any aggressor (a state or a coalition of states) under any conditions. According to this doctrine Russia has reserved the right to respond with nuclear weapons to a nuclear at-

tack or an attack with other types of WMD against it/or its allies, as well as to a large-scale aggression involving conventional weapons in situations that are critical to its national security.

This statement has, in fact, brought the Russian nuclear policy close to the principles of the nuclear strategy advocated for many years by the USA, Great Britain, and France. These powers never renounced the right to use nuclear weapons first to counter superior conventional forces of the Soviet Union-led Warsaw Pact. That is why, against the background of a sharp weakening of the Russian General Purpose Forces, such a change in the employment of nuclear weapons is fully justified.

The Ministry of Defence publication contains some novelty. It mentions an intention to reconsider the military planning in response to a hypothetical possibility of lowering the threshold of the use of nuclear weapons in connection with R&D of penetrating low-yield nuclear charges. It also contains a reference to the plans of 'dosed combat use' of such weapons.

Here is what the paper specifically says on the point: some attempts are made to bring nuclear weapons back to the list of legitimate military instruments through the implementation of breakthrough R&D programmes that could make nuclear weapons relatively 'pure' in terms of consequences of their employment. On the other hand, an expanded practice of the use of force without the UNSC mandate can make WMD, including nuclear weapons, attractive to regional powers, which seek to acquire means of assured deterrence to counter probable hostile operations on the part of the developed countries. The Russian Defence Ministry regards such R&D projects conducted by a number of countries and related political decisions on their extension as a factor undermining global and regional stability. If the threshold of the use of nuclear weapons were lowered, Russia would have to revise its system of troop command and control and approaches to deterring various threats. In this connection, Yu. Baluyevsky, the then-Deputy Chief of the General Staff, said: We have found it necessary to emphasise the point in the publication. It is due to the fact that the United States, the strongest military, political, and economic power, makes serious efforts to lower the threshold of the use of nuclear weapons. The USA has already considered launching nuclear attacks against Talibis, and during the Iraqi war, some even named the bombs that could be dropped on Iraqi objectives. We cannot ignore the trend. We caution against such a threat and assure you that we shall take it into consideration in assessing the prospects of the force development in Russia. We reserve the right to transform our military planning with due regard for changes in the international situation, including the lowering of a threshold of the use of nuclear weapon.

This could hardly be an adequate reaction to an actual intent of the USA based on information emanating from the mass media. In this con-

nnection, it is noteworthy to recall that as far back as November 1993, while discussing the Fiscal 1994 National Budget, the US Congress adopted E. Furth and G. Spratt amendment to the Act called '*On prohibiting research and development of low-yield nuclear weapons*'.

In December 2003, the 108th convocation of the US Congress approved a Republican proposal to cancel the amendment, inasmuch as it relates to the conduct of conceptual research of low-yield nuclear weapons. It was resolved to authorise the initial financing in FY 2004 of the research with the aim of finding out the feasibility of the development of new penetration-type modifications of operational nuclear weapons designed to hit hardened underground targets. It is still noteworthy that neither of the nuclear powers has ever undertaken such commitments openly and voluntarily. There is good reason to assume that some other nuclear weapon states also engage in the relevant studies, and carry out covert research and development. Retaining scientific and technological potential of nuclear laboratories may be one of the possible objectives of such activities.

Therefore, the extremely open US budget and nuclear programs do not allow for lowering of the threshold of the use of nuclear weapons as a national policy to be pursued in the foreseeable future.

Russia needs a transparent program for the development of the Strategic Nuclear Force (SNF) to accomplish the primary goal of strategic deterrence. It should be noted that the official members of the nuclear club, with the exception of China, have published data on their scheduled number of nuclear missiles, SSBNs, SLBMs, strategic bombers, their specifications and so on.

The state of the Russian SNF is open inasmuch that it is defined by the system of verification and confidence-building measures under the START-1. In the meantime, the closed character of nuclear programs is not only senseless, but also harmful. It is especially true of the SNF, for their capability of accomplishing the function of deterrence should be obvious to everybody.

The Russian Ministry of Defence rightly notes that the Strategic Offensive Reductions Treaty (SORT), also known as the Treaty of Moscow and signed in 2002, does not impose any limits on the structure of the nuclear triad. The parties are permitted to define it at its own discretion with due regard for all specifics of the national infrastructure. The SORT permits each country to elaborate a rational program for SNF development. Such a program would be designed to preserve a traditional contribution of the ground-based component and at the same time reorient most of the strategic bombers towards fulfilling non-strategic missions. This would permit Russia not only to maintain the stable nuclear balance, but also strengthen the weakened General Purpose Forces and keep nuclear cruise missiles as a reserve in an anticipation of the unpredicted development of the military-political situation, by analogy with the US plans.

Some cautious advances towards achieving this goal have been made by the Ministry of Defence. The current plans provide for the preservation of 10 missile divisions in the ground grouping of ICBMs, rather than two as previously advocated by A. Kvashnin, the former Chief of the General Staff. In the air component, emphasis is placed on the Tu-160 bombers carrying nuclear and conventional precision weapons. However, no mention has been made of a possibility of re-equipping the 64 bombers Tu-95ms with conventional weapons, which make up the bulk of the air component – a very expedient alternative.

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Since 2003 there have been significant changes in the structure and staff of the key agencies of the Russian Defence Ministry, which might help alleviate shortcomings, lead to further positive changes in the make-up of the Armed Forces and enhance their capacity to counter global security threats.

9. RUSSIAN MILITARY EXPENDITURE: TRENDS AND PRIORITIES (DEFENCE OUTLAYS IN THE FEDERAL BUDGET FOR 2005¹)

Pyotr ROMASHKIN

General characteristics of the Federal Budget for 2005

On 26 August 2004 the Russian Government submitted the Draft Federal Law “The Federal Budget for 2005” to the State Duma (SD). The Government also submitted the Draft Federal Law “On the Introduction of Changes in the Federal Law “On Budget Classification in the Russian Federation””. According to the proposed changes, the number of sections in the Federal Budget was to be reduced from 26 to 11. Thus, the structure of the 2005 Budget differs significantly from that of the previous federal budgets.

Formerly, the federal budgets contained the following sections: “Government”, “Judiciary”, “International Activities”, “National Defence”, “Law Enforcement”, “Research and Development”, “Industry, Energy, Building and Construction”, “Environment Protection”, “Agriculture”, “Transport, Communications and Information Technologies”, “Emergency Situations and Natural Disasters Protection and Relief”, “Education”, “Culture, Arts and Cinema”, “Mass Media”, “Health Care and Sports”, “Social Services”, “Federal Debt Servicing”, “Federal Stocks and Reserves”, “Transfers to Lower Levels Budgets”, “Utilisation and Destruction of Weapons, including the Implementation of International Treaties”, “Mobilisation Readiness of the Economy”, “Space Research and Exploitation”, “Military Reform”, “Roads Maintenance”, “Other Expenditures” and “Special Purposes Budget Funds”.

The new budget classification includes the following sections: “General Government”, “National Defence”, “National Security, and Law Enforce-

¹ The State Duma passed the bill “The Federal Budget for 2005 ” in 8 December 2004.

ment”, “National Economy”, “Housing and Communal Services”, “Environment Protection”, “Education”, “Culture, Cinema and Mass Media”, “Health Care and Sports”, “Social Policy”, “Inter-Budget Transfers”.

In addition, the headings and contents of nearly all the budget sections, special expenditure articles and types of expenditures have also been changed.

It should be stressed that reducing the number of items in the Federal Budget may lower the quality of oversight over the budget implementation.

Main targets of the Draft Budget for 2005 are as follows: Gross Domestic Product (GDP) – 18 700 bn roubles; Revenue – 3326.0 bn roubles; Expenditure – 3047.9 bn roubles; Surplus – 278.1 bn roubles.

The previous Russian editions of the SIPRI Yearbook presented data on the changes in budget expenditure for each section. Due to the above-mentioned changes in the budget classification, such comparisons would no longer be meaningful. However, in the supplement to the draft Federal law “On the Federal Budget for 2005” comparisons are made.

Table 1 offers only the expenditure of all the eleven sections of the Federal Budget to illustrate the relative importance of expenditure on “National Defence”.

Table 1. The Draft Federal Budget for 2005

Budget sections	Expenditure (mn roubles)
General Government	488 608.0
National Defence	529 133.4
National Security and Law Enforcement	398 421.5
National Economy	233 928.1
Housing and Communal Services	6793.8
Environment Protection	4618.4
Education	154 456.6
Culture, Cinema and Mass Media	38 534.6
Health Care and Sports	82 543.0
Social Policy	172 014.9
Total	3 047 929.3

The supplement to the Draft Federal Law “On the Federal Budget for 2005” contains the following data illustrating the differences between the budgets for 2004 and 2005 (Table 2).

According to Table 2 the biggest increases in budget expenditure for 2005 compared to 2004 are reflected in sections “National Defence” and “National Security and Law Enforcement”. Expenditure data on “National Defence” in 2004 and in 2005 are not fully compatible.

Table 2

Budget sections	2004 (adopted) bn roubles	2004 share (%)	2005 (draft) bn roubles	2005 share (%)	2005/2004 %%
Total	2659.4	100.0	3048.0	100.0	114.6
General Government	458.7	17.3	488.6	16.0	106.5
National Defence	413.7	15.6	529.1	17.4	127.9
National Security and Law Enforcement	316.3	11.9	398.4	13.1	126.0
National Economy	213.5	8.0	234.0	7.7	10.6
Housing and Communal Services	16.6	0.6	6.8	0.2	41.0
Environment Protection	5.0	0.2	4.6	0.2	92.0
Education	156.4	5.9	154.5	5.1	98.8
Culture, Cinema and Mass Media	32.8	1.2	38.5	1.3	117.4
Health Care and Sports	75.5	2.8	82.5	2.7	109.3
Social Policy	154.1	5.8	172.0	5.6	111.6
Inter-Budget Transfers	317.2	11.9	367.7	12.1	114.9

It is quite noticeable that the budget for 2005 stipulates substantial reduction in expenditure on housing and communal services, environment protection and education. The heading of the third section of the budget classification “National Security and Law Enforcement” raises some concerns as the term “National Security” has a very broad meaning and includes “National Defence” as well. That is why it would be more correct to stick to the previous heading of the section “Law Enforcement”.

Peculiarities of the defence budget (section 02 “National Defence” and section 03 “National Security and Law Enforcement”)

The Draft Budget for 2005 provides for “National Defence” and “National Security and Law Enforcement” 927.5 bn roubles – 197.5 bn roubles more than in the Federal Budget for 2004. The combined share of the two

sections in the GDP will be 4.95 % or 33.2 % of the total budget expenditure (excluding debt servicing). These figures do not include expenditure on “the defence and law enforcement complex”, which are connected with education, health care, culture and social policy.

Section 02 and section 03 take into account some specific objectives:

- Implementation of the State Armament Program (more than 40 % increase in the federal budget expenditure over previous year);
- Providing funds for the implementation of the measures arising from some changes in the federal legislation concerning the powers of the regional and local authorities;

- Creating the mechanism for the registration of civilians eligible for military service and the implementation of conscription programs, including the work of the military commissariats (agencies for the registration of military personnel and civilians to be called for military training or military service as conscripts or under special circumstances), medical examination or treatment of those who are recognised as eligible for military service or those whose conscription was temporarily delayed for health reasons, etc. – 7.1 bn roubles;

- Expenditure related to the replacement of privileges with monetary compensations – over 4.0 bn roubles;

- Expenditure on the replacement of former privileges (free of charge access to any public urban or suburban transportation, except taxis; privileges on land and personal property taxes, etc.) with direct money payments up to 30 bn roubles;

- Transfer to the federal level authority to register civil acts, rights to ownership of real estate or deals in real estate and property – 9.6 bn roubles;

- Expenditure related to the improvement of housing conditions for military personnel – 1.0 bn roubles.

Expenditure under section “National Defence”

The current “National Defence” section contains the items, which were included in the following sections of the budgets for previous years: “Utilisation and Destruction of Weapons, including Compliance with International Treaties”, “Mobilisation Readiness of the Economy”, “Military Reform”, and, partly, “Space Research and Exploitation” (mainly expenditure on military-technical co-operation).

The SD deputies of the previous parliament exerted great effort to introduce separate sections on the utilisation and destruction of weapons, including compliance with international treaties, and on Military reform into the budget structure.

There are several reasons for the break up of the defence expenditure into separate sections:

- The utilisation and destruction of weapons is an important national objective, connected with many political, economic, technological, ecological and other problems and issues; that is why expenditure on the utilisation and destruction of weapons can not be included only in the “National Defence” section; it is worth mentioning that under the SIPRI methodology, expenditure on the utilisation and destruction of weapons is not included in military expenditure;

- Military reform is also a broad national objective, which ought to be accomplished within the framework of the entire military organisation; this organisation is wider than the Russian Armed Forces (RAF) only; from this perspective it would be useful to designate a special civilian governmental body with powers to implement the military reform and mandated to define aims, tasks and methods of its implementation.

It should also be taken into consideration that in 2004 the Russian Railway Force (RRF) and the Federal Agency for Special Construction Work (FASC) were integrated into the RAF. As a result the strength of the Armed Forces increased as well as expenditure on them.

The RRF and FASC were engaged mainly in the implementation of civilian tasks, not military. For example, the RRF is responsible for the building and construction of the railways, their repair and rebuilding. The RRF does not possess combat units since the time that armoured trains ceased to be used.

Expenditure on the FASC in the Federal Budget for 2004 was included in the “Industry, energy and construction” section.

Thus, if we calculate expenditure on “National Defence”, pursuing the budget classification of the previous years, we will get 477.4 bn roubles for 2005.

In any case, there are reasons to argue that even under the new budget classification, expenditure on “National Defence” remains below 3 % of the GDP.

Table 3 provides data on the structure of expenditure, proposed by the Government in the section on “National defence”.

Table 3 shows the biggest increase in expenditure under the section “National Defence” on four subsections: “Mobilisation Readiness of the Economy”, “Other Defence Expenditure”, “Mobilisation and Preliminary Training”, “Nuclear Weapons”.

In the 2004 Federal Budget, the section “National Defence” contained the following headings: “Russian Armed Forces”, “Mobilisation and Preliminary Training”, “Collective Security and Peacekeeping Activities” and “Nuclear Weapons”.

The heading “Mobilisation Readiness of the Economy” (in the 2005 Budget) was a separate heading in the 2004 Budget.

Table 3

Section, Sections	NN	2004 (adopted) mn roubles	2005 (draft) mn roubles	2005/ 2004 %%
National Defence	02	413 701.6	529 133.4	127.9
Russian Armed Forces	02. 01	316 689.0	384 043.7	121.3
Mobilisation and Preliminary Training	02. 02	921.4	1895.4	205.7
Mobilisation Readiness of the Economy	02. 03	1100.0	3500.0	318.2
Collective Security and Peace-keeping Activity	02. 04	63.7	61.1	95.9
Nuclear Weapons	02. 05	5615.7	8693.1	154.8
International Obligations on Military-Technical Co-operation	02. 06	6053.4	6231.0	102.9
Applied Defence Research	02. 07	63 558.3	81 175.0	127.7
Other Defence Expenditure	02. 08	19 700.1	4334.1	221.0

The heading “International Obligations for Military-Technical Co-operation” (the 2005 Budget) was a special item under the heading “International Activities” in the 2004 Budget.

Section “Applied Defence Research” (the 2005 Budget) was divided in 2004 into two articles in section “Russian Armed Forces”.

The heading “Other Defence Expenditure” (in the 2005 Budget) includes expenditure on “The Utilisation and Destruction of Weapons, including Compliance with International Treaties” and some other types of expenditure.

Proposed expenditure under the heading “Russian Armed Forces” in the section “National Defence” amounts to 383 043.7 bn roubles. It is assumed that this spending target will ensure payments to military servicemen, wages and salaries to civilian personnel of the RAF and an increase in basic material expenditure, taking into account inflation. The calculation for this expenditure target was based on the average number of personnel of the RAF during the previous year. It takes into account the personnel of extra military formations, such as the Railway Force, included into the RAF. It also takes into account the number of military servicemen currently seconded to research institutions that were reorganised, according to Government Ordinance no. 929-r of 9 July 2003, from federal state unitary enter-

prises into federal state organisations. But this expenditure excludes payments to military servicemen working under contracts in state unitary enterprises, including design and technology bureaux and enterprises and organisations of the building and construction industry. "Russian Armed Forces" expenditure excludes also payments to military personnel employed in education, healthcare and culture institutions.

The introduction of a new staff structure and salary levels in the RAF (for all categories of officers) on 1 July 2002 has led in some cases to increase in the pay of officers over and above basic levels.

The calculation of payments to military personnel takes into account differential extra payments for complexity, overwork and special regimes of duty. It also takes into account payments for military rank, percentage payments for length of service, onetime payments at the end of the year to military servicemen attached to the highest levels of state authorities.

The calculation of payments also takes into account reimbursements for transportation costs (for any public urban or suburban transports, except for taxies) of conscripted military personnel on leave.

Expenditure on payments to military servicemen amounts to 76 010.57 mn roubles, including funds to pay increased salaries, extra-payments and payments for field duty (excluding payments to military personnel of the United Armed Forces Group who take part in combat anti-terrorist actions in the Northern Caucuses in practice).

The number of civilian personnel in the RAF for the federal budget purposes is fixed at 536 978 (including 524 484 civilians paid in accordance with the Unified Tariff Scale – UTS). This number includes civilian personnel of the Railway Force.

Expenditure on wages and salaries of civilian personnel of the RAF amounts to 36 617.7 mn roubles.

Expenditure of the Ministry of Defence on subsistence (food ration) for military servicemen (the food ration in the RAF amounts to 56.08 roubles per person per day) was 17 838.9 mn roubles in 2004.

Expenditure on clothing, footwear, etc. for military servicemen amounts to 5663.26 mn roubles. The expenditure figure takes into account new rates for clothing that the Ministry of Defence proposed to introduce in 2005.

Proposed expenditure on communal services amounts to 27 287.06 mn roubles for 2005 (a 2336.8 mn roubles increase over 2004). This takes into account the anticipated reduction of the volumes of energy consumption due to the transfer of housing and communal facilities and socio-cultural institutions previously belonging to the Ministry of Defence to the property of the subjects of the Russian Federation and municipal property. It also includes repayment of the indebtedness for communal services.

Planned expenditure on fuel and oil amounts to 22 978.4 mn roubles (5063.3 mn roubles more than in 2004). Planned consumption of petroleum products will reach 2.9 mn t in 2005.

Transportation expenditure will amount to 17 412.71 mn roubles (an increase of 4168.3 mn roubles compared to 2004).

Expenditure on the functioning of the Military Commissariats will amount to 6368.5 mn roubles in 2005.

Under the section "National Defence" 16 671.66 mn roubles are to be spent in 2005 on the Federal Program "On Filling Some Military Posts with Contracted Military Servicemen".

Under the new budget classification expenditure on purchasing and repair of armament and military and special equipment (under the State Armament Program and Federal Program "Global Navigation System") were transferred from section 04 "National Defence" (heading 0401 "Development and Maintenance of the Armed Forces of the Russian Federation") and heading 24 "Space Research and Exploitation" (heading 2401 "State Support for Space Activity") to the heading 0201 "Russian Armed Forces" (the corresponding expenditure on the Railway Force has also been included into this heading).

Expenditure on purchases and repairs of armament and military equipment, under the heading 0201 "Russian Armed Forces" for 2005 will amount to 123 375.2 mn roubles (an increase of 42.5 % compared to 2004).

Proposed expenditure under the heading 03 "Mobilisation Readiness of the Economy" will amount to 3.5 bn roubles (2.4 bn roubles more than in 2004).

The heading 05 "Nuclear Weapons" amounts to 8693.1 mn roubles. This sum has been determined by the State Armament Program (2001–2010) and the requirements of the Federal Agency for Nuclear Energy in the field of research, development, design and production of nuclear warheads, ensuring the reliability and safety of existing nuclear warheads, production of special materials and spare parts.

A small increase of expenditure is envisaged for the heading "Compliance with International Obligations in the Field of Military-Technical Co-operation". This reflects additional obligations to provide military and technical assistance to a number of states.

The heading 07 "Applied Defence Research" (81 124.3 mn roubles) includes expenditure of the Ministry of Defence and the Federal Agency for Nuclear Energy arising from the State Armament Program (2001–2010); expenditure of the Ministry of Industry and Energy and the Federal Agency for Industry under the State Program "Destruction of the Chemical Weapons Stockpiles in the Russian Federation" (243.8 mn roubles), expenditure of the Federal Space Agency related to the Federal Program "Industrial Utilisation of Ammunitions and Military Equipment (2005–2010)" (39.2 mn roubles).

Also are included expenditure of the Ministry of Defence on the following Federal Programs: “Global Navigation System” (433.79 mn roubles), “Anti-terror, 2005–2007” and “Restructuring of the Stockpiles of Rockets, Devices and Explosives, Improvement of Storage Facilities, Making their Exploitation Fire-and Explosion-proof,(2005-2010 ” (25.36 mn roubles).

Under the heading 08 “Other Defence Expenditure” (43 534.1 mn roubles) 40 % of the total expenditure will be allocated to Special Federal Programs: “Industrial Utilisation of Ammunitions and Military Equipment (2005–2010)” – 6488.8 mn roubles; ‘Destruction of Chemical Weapons Stockpiles in the Russian Federation” – 10 916.2 mn roubles; “Restructuring of Stockpiles of Rockets, Devices and Explosives, Improvement of Storage Facilities, Making their Exploitation Fire-and Explosion-Proof, 2005–2010” – 1150.9 mn roubles.

An additional 1114.9 mn roubles belong to non-programmed expenditure. 850.0 mn roubles are to be spent on compliance with the ratified treaties on the strategic offensive reductions and reducing strategic potentials and on open skies, as well as on the development of national control means over compliance with international arms control treaties and with arrangements for confidence building measures in the military sphere. Another 264.95 mn roubles are to be spent on inspections to ensure compliance with international treaties.

Government capital investments on strategically important projects will amount to 27 224.9 mn roubles (including 16 963.8 mn roubles or 62.3 % to fund special federal programs).

Analysis of the defence outlays in the 2005 Federal Budget leads to the following conclusions:

1. Reducing the number of sections in the expenditure part of the Federal Budget and making the section “National Defence” bigger may result in less transparency of the expenditure and make supervision over its proper implementation more difficult.
2. Changes in the budget classification do not allow correct comparisons of the 2005 budget with the budget expenditures for the previous years.
3. Under the new budget classification which inflates the section “National Defence”, the share of the national defence expenditure in the GDP still remains below 3 % .

ANNEX. KEY DOCUMENTS OF THE RUSSIAN FEDERATION ON NATIONAL SECURITY, DEFENCE AND ARMS CONTROL (SEPTEMBER 2003–2004)

Tamara FARNASOVA and Vladimir EVSEEV

1. LEGISLATIVE ACTS

The Federal Law no. 140-FL of 11 November 2003 “On the Introduction of Changes and a Supplement to Article 5 of the Federal Law “On the Usage of Nuclear Energy””

Passed by the SD on 14 October 2003, approved by the FC on 29 October 2003, signed by the President of the RF on 11 November 2003.

Under this law the sources of radioactivity and radioactive materials, not assigned for defence purposes, radioactive wastes, which do not contain nuclear materials, may stay in federal ownership as well as in the ownership of the subjects of the Russian Federation and municipalities. Juridical persons are allowed to make deals with such items (materials) only if they have proper authorisations (licenses) to work in the field of nuclear energy.

The Federal Law no. 141-FL of 11 November 2003 “On the Introduction of Changes and Supplements to Some Legislative Documents of the Russian Federation”

Passed by the SD on 17 October 2003, approved by the FC on 29 October 2003, signed by the President of the RF on 11 November 2003.

The law provides for legislative frameworks for enlisting foreign citizens in the Russian Armed Forces under contract system and for their status in military service.

The Federal Law no. 143-FL of 11 November 2003 “On the Ratification of the Protocol on the Order of the Implementation of Control over the Proper Use of Goods Assigned for Military Purposes, which is Supplied under the Agreement on the Basic Principles of Military-Technology Co-operation between Member-States of the Collective Security Treaty of 15 May 1992”

Passed by the SD on 15 October 2003, approved by the FC on 29 October 2003, signed by the President of the RF on 11 November 2003.

Regulates the control over the usage of products, assigned for military purposes, which are supplied under the Agreement.

The Federal Law no. 187-FL of 23 December 2003 “On the Ratification of the Framework Agreement on the Multilateral Nuclear-Ecological Program in the Russian Federation and the Protocol on the Issues of Claims, Court Trials and Exemption from Financial Responsibility, attached to the Framework Agreement on the Multilateral Nuclear-Ecological Program in the Russian Federation”

Passed by the SD on 28 November 28 2003, approved by the FC on 10 December 2003, signed by the President of the RF on 23 December 2003.

Regulates the implementation of the Multilateral Nuclear-Ecological Program in the RF and sets the procedure for the consideration of claims, court trials and exemptions from financial responsibility during the term of the program's implementation.

The Federal Law no. 4-FL of 22 February 2004 “On the Introduction of the Supplement to Article 25 of the Federal Law “On Military Duty and Military Service””

Passed by the SD on 6 February 2004, approved by the FC on 11 February 2004, signed by the President of the RF on 22 February 2004.

Stipulates that citizens who live in the areas of the Russian Extreme North may be called for compulsory military service only once a year (twice a year call is applied to the rest of the country). The once-a-year-rule is extended to citizens who live in the areas enjoying the same legal status as the Russian Extreme North.

The Federal Law “On the Ratification of the Agreement between Member-States of the Shanghai Co-operation Organisation on the Regional Antiterrorist Structure”

Passed by the SD on 18 February 2004, approved by the FC on 25 February 2004, signed by the President of the RF on 5 March 2004. The Agreement was signed in St-Petersburg on 7 June 2002. It was worked out and concluded in accordance with art. 10 of the Shanghai Convention on

Combating Terrorism, Separatism and Extremism signed by the Heads of Member-States of the Shanghai Co-operation Organisation in Shanghai on 15 June 2001. Establishes legal frameworks for regional co-operation and sets tasks and functions of the Regional anti-terrorist bodies.

Federal Law no. 15-FL of 2 April 2004 “On the Ratification of the Protocol on the Approval of the Order of the Organisation and Implementation of Joint Antiterrorist Activities on the Territories of Member-States of the Commonwealth of Independent States”

Passed by the SD on 17 March 2004, approved by the FC on 24 March 2004, signed by the President of the RF on 2 April 2004.

Sets general provisions for organising, managing and terminating joint antiterrorist operations as well as the legal status of their participants.

For the text of the Protocol, see SZRF, 2004,¹ 29, p. 2943.

The Federal Law “On the Ratification of the Treaty between the Russian Federation and Ukraine on Co-operation in the Exploitation of the See of Azov and the Kerch Strait”

Passed by the SD on 20 April 2004, approved by the FC on 22 April 2004, signed by the President of the RF on 22 April 2004.

Aims to establish legal frameworks for ensuring the status of the Azov-Kerch water area and for the joint use of the Azov-Kerch water area by the two countries.

The Federal Law “On the Ratification of the Treaty between the Russian Federation and Ukraine on the Russian-Ukraine Border”

Passed by the SD on 20 April 2004, approved by the FC on 22 April 22 2004, signed by the President of the RF on 22 April 22 2004.

Establishes legal frameworks for the borderline.

The Federal Law no. 26-FL of 26 April 2004 “On the Ratification of the Convention of the United Nations against Transnational Organised Crime and the supplementary Protocol against Smuggling of Migrants on Land, by Sea and in the Air and the Protocol on the Prevention, Suppression and Punishment for Trafficking in Persons, especially in Women and Children”

Passed by the SD on 24 March 2004, approved by the FC on 14 April 2004, signed by the President of the RF on 26 April 2004.

Regulates the activity of the law enforcement agencies in combating transnational organised crime, illegal entry of migrants, and trafficking in persons.

The Federal Law no. 29-FL of 26 April 2004 “On the Introduction of Changes in Some Legal Documents of the Russian Federation”

Passed by the SD on 26 March 2004, approved by the FC on 14 April 2004, signed by the President of the RF on 26 April 2004.

Aims at improvement of the legislation related to the enlistment of Russian and foreign citizens in the Russian Armed Forces by contract and their military service.

The Federal Law no. 40-FL of 22 May 2004 “On the Ratification of the Agreement between the Government of the Russian Federation and the Government of the Republic of Italy on Co-operation in Peaceful Research and Usage of Outer Space”

Passed by the SD on 28 April 2004, approved by the FC on 12 May 2004, signed by the President of the RF on 22 May 2004.

The Agreement was signed in Moscow on 28 November 2000.

The Federal Law no. 41-FL of 22 May 2004 “On the Ratification of the Agreement between the Government of the Russian Federation and the Government of the Commonwealth of Australia on Co-operation in Peaceful Research and Use of Outer Space”

Passed by the SD on 28 April 2004, approved by the FC on 12 May 2004, signed by the President of the RF on 22 May 22 2004.

The Agreement was signed in Canberra on 23 May 2001.

The Federal Law no. 43-FL of 22 May 2004 “On the Ratification of the Agreement between the Government of the Russian Federation and the Government of the Kingdom of Belgium on Co-operation in Peaceful Research and Use of Outer Space”

Passed by the SD on 28 April 2004, approved by the FC on 12 May 2004, signed by the President of the RF on 22 May 2004.

The Agreement was signed in Moscow on 20 December 2000.

The Federal Law no. 44-FL of 22 May 2004 “On the Ratification of the Agreement between the Government of the Russian Federation and the Government of the Federal Republic of Germany on Co-operation in Peaceful Research and Use of Outer Space”

Passed by the SD on 28 April 2004, approved by the FC on 12 May 2004, signed by the President of the RF on 22 May 22 2004.

The Agreement was signed on 10 April 2001.

The Federal Law no. 42-FL of 22 May 2004 “On the Ratification of the Agreement between the Government of the Russian Federation and the European Space Agency on Co-operation in Peaceful Research and Use of Outer Space”

Passed by the SD on 28 April 2004, approved by the FC on 12 May 2004, signed by the President of the RF on 22 May 2004.

The Agreement was signed on 11 February 2003.

The Federal Law no. 48-FL of 16 June 2004 “On the Ratification of the Agreement between the Russian Federation and the Republic of Uzbekistan on the Joint Use of the Air Forces of the Russian Federation and the Air Defence and Air Forces of the Republic of Uzbekistan in the Interest of Security of the Air Space of the Russian Federation and the Republic of Uzbekistan”

Passed by the SD on 2 June 2004, approved by the FC on 9 June 2004, signed by the President of the RF on 16 June 2004.

The Federal Law no. 64-FL of 19 July 2004 “On the Ratification of the Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe”

Passed by the SD on 25 June 2004, approved by the FC on 7 July 2004, signed by the President of the RF on 19 July 2004.

The Agreement was signed in Istanbul on 19 November 1999.

The Federal Law no. 88-FL of 28 July 2004 “On Introduction of Changes in the Federal Law “On Countering Legalisation (Laundring) of Incomes from Criminal Activity and on Financing Terrorism”

Passed by the SD on 7 July 2004, approved by the FC on 15 July 2004, signed by the President of the RF on 28 July 2004

The Law strengthens requirements for financial accounting.

The Federal Law “On the Introduction of Changes in Some Legislative Documents of the Russian Federation in Connection with the Implementation of the Measures on the Improvement of the State Management”

Passed by the SD on 11 June 2004, approved by the FC on 18 June 2004, signed by the President of the RF on 29 July 2004.

Aims to modify the role of the General Staff in the build-up and command of the Armed Forces.

The Federal Law “On the Federal Budget for 2005”

Passed the fourth, final, reading in the SD by 312 votes on 8 December (226 votes are needed to pass the bill). Approved by the FC on 10 December 2004.

1.1. Draft legislation

Draft Federal Law “On the Introduction of Changes and Amendments to Articles 4 and 5 of the Federal Law “On Alternative Civilian Service””

Aims to modify criteria for cutting short the term of Alternative Civilian Service.

Draft Federal Law “On the Introduction of Changes in Article 13 of the Federal Law “On Military Duty and Military Service” and in Article 14 of the Federal Law “On Education””

Passed the first reading in the SD on 10 October 2003.

Currently these two Federal Laws contradict each other.

Draft Federal Law “On the Introduction of Changes in the Federal Law “On State Defence Procurement” and in the Federal Law “On Defence””

Passed the first reading in the SD on 18 November 2003.

Proposes to authorise contractors of state defence procurement to spend non-budget funds to fulfil work under state contract.

Draft Federal Law “On the Introduction of Changes and Amendments to Some Legislative Acts of the Russian Federation on Military Duty of Selective Categories of Russian Citizens”

Passed the first reading in the SD on 6 February 2004.

Aims to grant deferments on military service to Russian citizens who are elected to state legislative bodies at all levels and to citizens registered as candidates for election to those bodies.

Draft Federal Law “On Counteracting Terrorism”

Passed the first reading in the SD on 17 December 2004.

Contains a new notion (“the regime of terrorist danger”). The regime of terrorist danger may be introduced to obtain information about the potential preparation of a terrorist act under circumstances when such information cannot be verified. According to the bill, the regime of terrorist danger can not last more than 60 days. The regime may cover the whole country. The bill designates the Federal Security Service of the RF as the main agency responsible for combating terrorism.

Draft Federal Law “On the Introduction of Changes and Supplements to the Federal Law “On Counteracting Terrorism”

Passed the first reading in the SD on 15 December 2004. Provides for punishment of terrorists and terrorist organisations for damage to the life and health and for moral damage to the victims of terrorist acts, but also for material damage caused to one or several subjects of the Russian federation, to judicial and physical persons (rolling stock, aircraft, metro, buildings, schools, etc.). The perpetrators are obliged to compensate for the damage at the expense of their property or the property of their families.

Draft Federal Law “On Countering Terrorism”

Passed the first reading in the SD on 17 December 2004.

Contains a new notion (“the regime of terrorist danger”). The regime of terrorist danger may be introduced to obtain information about the potential preparation of a terrorist act under circumstances when such information cannot be verified. According to the bill, the regime of terrorist danger can not last more than 60 days. The regime may cover the whole country. The bill designates the Federal Security Service of the RF as the main agency responsible for combating terrorism

2. NORMATIVE ACTS

Directive no. 565-rp of the Government of the RF of 29 November 2003 “On Sending Russian Military Personnel to Liberia as Part of the UN Peacekeeping Mission”

Authorises sending Russian servicemen (signal officers, military observers and headquarters officers) to Liberia to take part in the UN mission, established in accordance with UNSCR 1509 of 19 September 2003.

The Charter of the Collective Security Treaty Organisation and the Agreement on the Legal Status of the Collective Security Treaty Organisation

For the text of the documents see SZRF, 2004,¹ 5, p. 163, 164.

Ordinance no. 6 of the Government of the RF of 9 January 2004 “On Nonclusion of the Agreement between the Government of the Russian Federation and the Government of the United States of America on Co-operation on the Import into the Russian Federation of Russian-produced Nuclear Fuel of Research Nuclear Reactors”

Ordinance no. 41 of the Government of the RF of 23 January 2004 “On Adoption of Model State Contracts for R&D in accordance with State Defence Procurement”

Stipulates that state R&D contracts on armaments, military equipment and equipment for general use are to be registered with the RF State Committee on State Defence Procurement of the RF Ministry of Defence.

The Agreement between the Russian Federation and Republic of Kazakhstan on Co-operation and Interaction in Ensuring Security of the Baikonur Complex, Military Units of the Russian Federation Temporarily Based on the Territory of Republic of Kazakhstan and the Personnel of these Units

For the text of the Agreement see SZRF, 2004,¹ 7, p. 451.

The Treaty between the Russian Federation and the Republic of Uzbekistan on Further Development of All-round Military and Military-Technological Co-operation

For the text of the Treaty see SZRF, 2004,¹ 8, p. 601.

The Treaty between the Russian Federation and the Republic of Kazakhstan on Co-operation in Guarding the External Borders

For the text of the Treaty see SZRF, 2004,¹ 8, p. 602.

Ordinance no. 96 of the Government of the RF of 20 February 2004 “On the full register of the organisations of the Defence-Industrial Complex”

Aims to ensure implementation of consistent state policy in the field of the Defence-Industrial Complex (DIC).

Decree no. 297 of the President of the Russian Federation of 2 March 2004 “On measures to implement the UNSCR 1521 of 22 December 2003”

Prohibits to sell and supply arms, related materials and equipment of all kinds to Liberia and to provide similar technical assistance to this state.

Decree no. 553 of the President of the Russian Federation of 19 April 2004 “On the Main Agency of the Russian Federation Responsible for Co-ordinated Anti-terrorist Actions on the Territories of Member States of the Commonwealth of Independent States”

Designates the Federal Security Service of the RF as the main agency of the RF responsible for co-ordination of the anti-terrorist activity with CIS countries.

Decree no. 580 of the President of the Russian Federation of 5 May 2004 “On Approval of the List of Goods and Dual-use Technologies that can be used for the Production of Weapons and Military Equip and are Subject to Export Control Regulations”

Aims to ensure compliance with international obligations in the field of export controls over goods and dual-use technologies. The List is attached to the Decree.

Decree no. 611 of the President of the Russian Federation of 12 May 2004 “On measures to ensure the information security of the Russian Federation in the sphere of international data exchanges”

Regulates international data exchanges in Russia, affecting state secrets and classified information resources.

Decree no. 726 of the President of the Russian Federation of 7 June 2004 “On the Regulations of the Security Council of the Russian Federation and the Apparatus of the Security Council, and on Changes and Termination of Some Documents of the President of the Russian Federation”

Sets tasks, functions, and legal frameworks for the Security Council of the Russian Federation. Texts of the documents are attached.

Directive no. 797-r of the Government of the Russian Federation of 11 June 2004

Sets requirements for the launching of the space telecommunication apparatus Intelsat-10 (Intelsat Corp., USA) from the spaceport Baikonur by the Proton launcher with Briz-M propulsion module.

Ordinance no. 279 of the Government of the RF of 16 June 2004 “On Approval and Submission for Ratification of the Agreement between the Government of the Russian Federation and the Government of the Republic of Belarus on the Joint Rear Supply of the Regional Grouping of the Armed Forces of the Russian Federation and the Republic of Belarus”

The Agreement was signed in Moscow on 25 December 2002.

Directive no. 840-r of the Government of the RF of 22 June 2004

Sets requirements for the construction of the storage facility for long-term storage of nuclear reactors sections of the decommissioned nuclear submarines in the area of Saida Guba (Murmansk oblast). The Government of the Federal Republic of Germany provides funds within the framework of the Global Partnership against the Spread of Weapons and Material of Mass Destruction.

Directive no. 291-rp of the President of the Russian Federation of 28 September 2004 “On Sending Russian Servicemen to Take Part in the Peacekeeping Operation “UN Operation in Burundi”

Authorises sending Russian servicemen (signal officers, military observers and headquarters officers) to take part in the above-mentioned operation in accordance with UNSCR 1545 of 21 May 2004.

Directive no. 938-r of the Government of the Russian Federation of 9 July 2004

Sets requirements for the temporary imports from the Republic of Lithuania of 4 radioactive heating bundles of nuclear reactors RBMK-1500, containing nuclear materials.

Directive no. 976-r of the Government of the Russian Federation of 20 July 2004

Authorises an amendment to the Agreement on secure, reliable and ecologically clean destruction of chemical weapons, concluded between the Russian Agency on Munitions and the US Ministry of Defence on 30 July 1992.

Agreement between the Russian Federation and the Republic of Kazakhstan on the Conditions of Exploitation of the 4th State Central Training Ground (Facilities and Battle Training Grounds on the Territory of the Republic of Kazakhstan) of the Ministry of Defence of the Russian Federation

The Agreement came into force on 27 July 2000. For the text of the Agreement, see SZRF 2004, no. 33, p. 3371.

Agreement between the Russian Federation and the Republic of Kazakhstan on Conditions of Exploitation and Leasing of the Sary-Shagan Test Site and on Providing Conditions in the City of Priozersk

The Agreement came into force on 27 July 27 2000. For the text of the Agreement, see SZRF 2004, no. 33, p. 3372.

Agreement between the Russian Federation and the Republic of Kazakhstan on the Conditions of Exploitation and Leasing of the Emba Test Site

The Agreement came into force on 27 July 2000. For the text of the Agreement, see SZRF 2004, no. 33, p. 3373.

Agreement between the Russian Federation and the Republic of Kazakhstan on the Conditions of Exploitation of the 929th State Air Force Testing Centre (Facilities and Battle Training Grounds on the Territory of the Republic of Kazakhstan) of the Ministry of Defence of the Russian Federation

The Agreement came into force on 27 July 2000. For the text of the Agreement and Supplements, see SZRF 2004, no. 33, p. 3374.

Decree no. 1009 of the President of the Russian Federation of 4 August 2004

Approves the list of 549 strategic enterprises (including shareholding companies).

Ordinance no. 403 of the Government of the Russian Federation of 7 August 2004 “On the Submission to the President of the Russian Federation of a Proposal on Signing the Additional Protocol to the Agreement between the Government of the Russian Federation and the Government of the Federal Republic of Germany of 9 October

2003 on the Transit of the Military Equipment and Personnel via the Territory of the Russian Federation in accordance with the Participation of Armed Forces of the Federal Republic of Germany in the Efforts for the Stabilisation and Restoration of the Islamic Transitional State of Afghanistan

Approves the draft of the Additional Protocol to the Agreement.

Ordinance no. 407 of the Government of the Russian Federation of 12 August 2004 “On the Submission to the President of the Russian Federation of a Proposal on Signing the Additional Protocol to the Agreement between the Government of the Russian Federation and the Government of the Republic of France on the Transit of Military Equipment and Personnel via the Territory of the Russian Federation in accordance with the Participation of Armed Forces of the Republic of France in the Efforts for the Stabilisation and Restoration of the Islamic Transitional State of Afghanistan.”

Approves the draft of the Additional Protocol to the Agreement.

Supplementary Agreement between the RF and the PRC on the Inter-state Frontier in its Eastern Part

Signed on 14 October 2004 in Peking. The Agreement determines the boundary line in the area of Island Bolshoi in the riverhead of Arguni and the Island Bolshoi Assuriisky near Khabarovsk. The Agreement is subject to ratification.

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 Rossiiskoy Federatsii [Statute Book of the Russian Federation].

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