

**«REVOLUTION IN MILITARY AFFAIRS: LAW OF THE
SEA AND OUTER SPACE»**

Materials of the International Seminar

15 May 2007

Moscow

«Russian Public Policy Center» (Foundation)

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The compilation of materials is based on the verbatim report of the
international seminar and prepared by the Department for international and
regional programs of the «RPPC» (Foundation).

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The cover page is decorated with an antique vase painting «Sphinx and Oedipus».

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EDITORS NOTE

On 15 May 2007 the «RPPC» Foundation (Moscow) held an international
Russian-German seminar "Revolution in military affairs: law of the sea and outer
space".

The participants of the international seminar included scientists, military
experts, diplomats, politicians, economists, representatives of non-governmental
organization of Russia and a number of other countries, such as Germany, Iran,
India, and Ukraine.

The seminar conducted comprehensive discussions on the topical issues of
armaments and military technologies development, the state of international law of
the sea and outer space, as well as problems of disarmament. Future US and
NATO naval strategies provoked a heated discussion among the seminar's
participants.

Taking into account the fact that representatives from the Islamic Republic
of Iran took part in the international seminar, participants touched upon the
"Iranian problem" as well.

As the seminar's participants represented different cultures, nationalities,
religions, the variety of their opinions provoked discussion and generated some
interesting, non-traditional ideas.

Many participants noted the process of military-technical, revolutionary
transformations in military affairs, and, despite the fact that it is quite significant in
a number of states, by far not all the most developed states managed to extend its
results onto the level of strategy. This would take at least another 10-15 years.
Which means that there are no countries today that are fully prepared for the next-
generation warfare.

BRIEFLY ABOUT THE SEMINAR

Place:

101000, Moscow, Luchnikov pereulok, 4.

Initiators:

- «Russian Public Policy Center» (Foundation) - (101000, Moscow, Luchnikov per., 2);
- The Rosa Luxemburg Foundation (Berlin, Germany) - Office in the Russian Federation (119606, Moscow, prosp. Vernadsky, 84/2, room 2002-2003).

Participants:

Scientists, military experts, diplomats, legal experts, economists, politicians, NGO representatives from Russia, as well as from Germany, Iran, India, and Ukraine.

Total: 26 participants.

Objectives:

To discuss today's situation in the world, as well as current military political debates against the background of advancement in armaments and military technologies, changes in the US and NATO States naval doctrines, problems of military outer space, particularly, the issues of creating a concept of common air space, role of information resources and struggle in the new generation wars.

Working languages:

Russian, English.

Coordinators:

Alexey Alexandrovich Makhlay, First deputy director of the «Russian Public Policy Center» (Foundation);
 Peter Linke, Head of the Rosa Luxemburg Foundation (Berlin, Germany) Office in the Russian Federation.

PROGRAM
of the international seminar.

09.00 – 10.00

Registration of participants.

(Luchnikov per., 4, 1st floor, "Georgievsky Hall", «Kitai-gorod» subway station).

- Coffee, tea, snacks.

10.15 – 10.25

Opening of the seminar.

Opening address.

- Alexander Ilyich Muzykantskiy, President of the Russian Public Policy Center Foundation, PhD (technical sciences), professor.

10.25 – 10.35

Opening address.

- Peter Linke, Head of the Rosa Luxemburg Foundation (Germany) Office in the Russian Federation.

SESSION I.

Seminar is moderated by A.I. Muzykantskiy, President of the Russian Public Policy Center Foundation.

Section № 1

«Military-political debates against the background of advancement in armaments and military technologies».

10.35 – 10.55

Report «Prospects of Russian military capabilities development».

Speaker: Senior research officer at the Center for International Security, Institute of World Economy and International Relations (IMEMO) – EVSEEV Vladimir Valerievich.

10.55 – 11.15

Report «Place and role of strategic nuclear armaments in the Russian military doctrine».

Speaker: First vice-president of the Academy of military sciences, colonel-general – KOROBUSHIN Varpholomey Vladimirovich.

11.15 – 11.35

Report «Continuity of world water spaces, UNCLOS III and Naval US Navy».

Speaker: Head of the Russian Office of the Rosa Luxemburg Foundation (Germany) – LINKE Peter.

11:35 – 12:30

Discussion of reports and issues offered for discussion to the participants of the seminar's session I.
(Duration of statements - 5-7 minutes).

- Changes in the naval doctrines (main tendencies) of the US, NATO and APEC states (for instance, the concept of shoaling waters as a seat of war).
- Prospects of development of Russian military-technical capabilities.
- Issues of the military outer space, particularly, establishment of the common airspace concept.
- The role of nuclear weapons in the new-generation warfare.
- Technical aspects of arms race at sea and in outer space.
- Role of an information resource and struggle in the new generation wars.

12:30-13:00

Coffee-break

SESSION II.

Session is moderated by Peter Linke, Head of the Russian Office of the Rosa Luxemburg Foundation.

Section № 2.

«International law: problems of adaptation to the new military realities».

13:00 – 13:20

Report «International legal regime of maritime space: legal aspects of navigation security».

Speaker: Head of the International Law Chair of the Moscow State Academy of Law, PhD in Law, professor – **BEKYASHEV Camil' Abdulovich.**

13:20 – 15:30

Discussion of reports and issues offered for discussion to the participants of the seminar's session II.
(Duration of statements – 5-7 minutes).

- Law of the sea (The 1982 International Convention), particularly: delimitation between the "big ocean" and sovereign waters.

- International law of outer space (the 1960s system of treaties) and the prospects for deployment of the newest armaments systems in the near-Earth space, delimitation between the near-Earth and air space.

Session № 3.«Problems of disarmament».

15:30 – 16:40

- New approaches to the issue of disarmament in the light of the latest advances in the sphere of armaments and military technologies, and the prospects for their development.
- International legal control of disarmament processes.

16:40 – 17:00

Concluding the seminar.

- **Alexander Ilyich Muzykantskiy**, President of the Russian Public Policy Center Foundation.
- **Peter Linke**, Head of the Rosa Luxemburg Foundation (Germany) Office in the Russian Federation.

17:00 – 19:00

Reception

(Luchnikov pereulok, 4, 1st floor, "Georgievsky Hall".)

LIST OF PARTICIPANTS

From the Russian Federation.

BEKYASHEV Camil' Abdulovich	Head of the International Law Chair of the Moscow State Academy of Law, PhD in Law, professor.
BELOV Pyotr Grigorievich	Adviser to the president of the Academy for Geopolitical Problems.
VISHNEVSKIY Oleg Ivanovich	Military expert, major-general.
VOLOSOV Marlen Evdokimovich	Assistant professor, Moscow State Academy of Law.
DVORKIN Vladimir Zinovievich	Chief research officer of the Institute of World Economy and International Relations of the Russian Academy of Sciences, PhD in technical sciences, professor.
EVSEEV Vladimir Valerievich	Senior research officer of the Center for International Security, Institute of World Economy and International Relations.
EVSTAFIEV Gennady Mikhaylovich	Senior counselor of PIR-Center.
IVANOV Andrey Sergeyevich	General Staff of the Armed Forces of the Russian Federation, major.
KLIMUK Valery Stepanovich	General Staff of the Armed Forces of the Russian Federation, colonel of justice.
KOROBUSHIN Varpholomey Vladimirovich	First Vice-President of the Academy of Military Sciences, colonel-general.
KOROTCHENKO Igor Yurievich	Editor-in-chief of the newspaper "Military industrial complex".
KOTOV Andrey Fyodorovich	Chief staff of the Navy of the Armed Forces of the Russian Federation, captain.
KURTOV Adjar Ashratovich	President of the Moscow Center for Public Law Study.
MAKHLAY Alexey Alexandrovich	First Deputy Director of the Russian Public Policy Center Foundation.

MUZYKANTSKIY
Alexander Ilyich

President of the Russian Public Policy Center Foundation, professor.

SIPILIN
Stanislav Sergeyevich

Chief Staff of the Navy, lieutenant colonel of justice.

TEMCHENKO
Yury Leonidovich

General Staff of the Armed Forces of the Russian Federation, captain.

TUZMUKHAMEDOV
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Professor at the Diplomatic academy.

CHUGUNOV
Vladimir Sergeyevich

Military expert.

Foreign experts.

GUIRI, Khosein Dzhakhan

Interpreter, Embassy of the Islamic Republic of Iran.

CROME, Erhard

Research officer of the Rosa Luxemburg Foundation (Berlin).

LINKE, Peter

The Rosa Luxemburg Foundation.

MORADY, Manuchekhr

Director, the Center for Central Asia and Caucasus Studies IPIS- the Islamic Republic of Iran.

PATANKAR Vianak Gopal

Research institute in the sphere of security under the Observer Research Foundation, retired lieutenant-general - India.

SUNGUROVSKIY
Nikolay Viktorovich

Director for military programs of the Ukrainian Center for Economic And Political Studies named after Alexander Razumkov. Kyiv.

FOMENKO
Vladimir Alexeyevich

The Rosa Luxemburg Foundation.

A.I.Muzykantskiy.

President,
«Russian Public
Policy Center»
(Foundation)

Opening address.

Good morning, distinguished participants of the seminar!

It is a great honour for me to open the work of our seminar. I am happy to welcome our colleagues from the Rosa Luxemburg Foundation represented by the head of its Russian Office Mr. Peter Linke who helped us to organize and to conduct this seminar.

We also extend our warm welcome to our guests from Germany, India, Iran and Ukraine.

We welcome heartedly Russian participants at the seminar.

All of you have the program of the seminar and the list of its participants. I hope that many of you had time to look through them.

I want to remind you that the title of today's seminar is "*The Revolution in Military Affairs: Law of the Sea and Outer Space*".

As you see, the subject is not a usual one. The relevance of the issues proposed for discussion today is evident.

The last decade of the 20th century witnessed the beginning of the next – sixth – revolution in military affairs. It is related to the creation of precision-weapons and, therefore, the possibility of conducting non-contact wars of a totally new (sixth) generation. The main characteristic of non-contact wars is that the attacking side can destroy the economy of any opponent in any region of our planet by means of protracted massive strokes. The possibility to kill others but remain unpunished and alive will definitely become a destabilizing factor in the world.

Thus, the revolution in military affairs means such fundamental and qualitative changes provoked by the scientific and technical progress in armaments that drastically change the composition and training of armed forces, means of warfare and wars in general.

The US and Great Britain armed forces' operation in Iraq in 1998 and the war against Yugoslavia in 1999 were conducted by NATO countries only by means of air strikes on the basis of space systems. Destruction of considerable aviation capabilities and suppression of air-defense system, destruction of national energy objects and infrastructure totally undermined these countries' economies and population's morale, which forced both Iraqi and Yugoslavian leadership to yield to the US and NATO demands.

Thus, a common airspace becomes the most important, and in some cases the only sphere of warfare. The forces and means of air- and space-attacks and their information system are modernized in complex in all of the world's leading countries' armies, their development has been prioritized. Their leading role is stipulated for in conceptual documents of armed forces, and their share in leading countries' budgets constitutes 26-37 percent.

During the war in Iraq the US Armed forces funding increased to about 42% of the whole Department of Defense budget. All efforts in the sphere of equipment development and troops training in the world's developed states are directed to the efficient warfare aimed at domination in the air, and, eventually, in outer space.

The next, sixth, revolution in military affairs is closely linked to further explorations of outer space, computerization, application of ultra-high-speed device switchers, artificial intelligence, lasers, microwaves, elementary and particles. Advanced technologies already allow for the creation of practically new space- and sea-based weapons that have no analogues and will foster a new character of warfare and war in general. Consequently, not only the number of states using outer space for military purposes can grow, but also some leading space countries might take restrictive actions. Military operations in outer space

aimed at an unimpeded creation of large-scale space infrastructure for non-contact wars are quite possible.

Lately, a lot of discussions have been focusing on the development of psychotropic weapons that are also qualified as the weapon of the 21st century. It is much more destructive compared to an atomic bomb – for instance, a satellite stationed above some region and sending through special antennas a powerful high-frequency emanation can hypnotize thousands of people. First steps in this direction are already being made. Russian electronic warfare specialists, for example, are troubled by the American communication system “Teledesic”. It encompasses almost three hundred dual-use satellites. They are supposed to become in the near future a basis for the global US anti-missile defense. Along with lasers on outer space platforms, super-high frequency generators on the satellites will be capable of destroying our – so far inviolable – intercontinental “Topol” missiles. This very system can serve as a “psychotropic cudgel” at peaceful times. Judge for yourselves. The capacity of each such space object’s emanation on the surface of the Earth can reach the levels that can damage people’s health. But if some point is emanated directly and from several satellites at once, one can achieve a necessary effect on the human consciousness – such as panic, perplexity, deep depression.

Today, during our seminar we have to discuss three main blocs of issues. They are as follows:

- military-political debates against the background of armaments and military technologies development;
- international law: problems of adapting to new military realities;
- problems of disarmament.

We will also hear four reports:

«Prospects of Russian military capabilities development» (Speaker – Vladimir V. Evseev, Senior research officer at the Center for International Security, Institute of World Economy and International Relations);

«Place and role of strategic nuclear armaments in the Russian military doctrine». (Speaker – Varfolomey V. Korobushin, First Vice-President of the Academy of Military Sciences, colonel-general);

«Continuity of world water spaces, UNCLOS III and US Navy » (Speaker – Peter Linke, Head of the Russian Office of the Rosa Luxemburg Foundation (Germany));

«International legal regime of maritime space: legal aspects of navigation security» (Speaker - Camil’ A. Bekyashev, Head of the International Law Chair of the Moscow State Academy of Law, PhD in Law, professor).

Duration of each report is up to 20 minutes, those who participate in the discussion should limit their statements to 5-7 minutes.

Opening the general discussion now we hope that it will be fruitful and useful.

We hope that everyone here is very well prepared for such discussion.

We did not aspire to make a huge-scale seminar. It is well known that a group exceeding some reasonable optimum cannot work efficiently. We have here 26 participants. That is enough to introduce a variety of opinions and not too much to “get lost in the discussion”.

We have here at the seminar different people representing various cultures, nationalities, religions, and, as we know, the variety of opinions provokes discussion and introduces new, perhaps, non-traditional ideas.

We have here among us scientist, politicians, experts, legal experts, political scientists, diplomats, military people, and journalists. I think that during the seminar we will have an opportunity to get to know each other better.

And I sincerely hope that the seminar will make a contribution to the development of contacts between representatives of different states and organizations in the field.

Once again, on behalf of the organizers I welcome the participants of the international seminar, and I am pleased to give the floor to the Head of the Russian Office of the Rosa Luxemburg Foundation Mr. Peter Linke.

Peter Linke,

Head of the Moscow Office,
Rosa Luxemburg Foundation (Germany, Berlin)

Ladies and gentlemen, colleagues, friends!

On behalf of one of the organizers of this seminar, the Rosa Luxemburg Foundation (Germany), I want to welcome you at our seminar. I am very glad that the seminar is taking place. We have been preparing for it for quite a long time, but, indeed, in the context of today's debates the seminar is really of a topical nature.

As you all know, the UN is now discussing the issue of deploying US ABM system in Eastern Europe, while Russia considers it as a threat to its national security. The West believes that it is not so, that 10 interceptors on the Polish territory cannot pose any threat to Russia, one of the leading world military powers. I have to say that during our preparations for the seminar we were not very much interested in the current debates, because what we wanted to discuss was much more complex than that. At the same time, we cannot say that the problem of US ABM systems as such is not related to our seminar. Naturally, 10 interceptors deployed on the territory of Poland and radio-locating station in the Czech Republic do not directly threaten Russian national security, but as for the US ABM plans in general, they really do deserve our attention. What Washington is planning now in the ABM sphere is to create a national globally-based system. Essentially, the system is aimed at undermining national military sovereignty of both those who is resisting to it, and those who participates in it. By their participation Poland and the Czech Republic contribute to the transformation of the EU and the NATO Europe into the front-line of the US defense and, therefore, into a hostage of US military policy, which cannot be in the interest of the old continent.

Moreover, the ABM system is not only a multi-layer one, but it is also, quite comprehensively, land-, sea-, and space-based. As such it contributes to the militarization of world waters and near-Earth space. But what is even more problematic is that it will eventually overpower traditional forms of warfare by blurring borders between the land and the sea, between the air and the outer space, and will do that not only because of its technical structure, but also due to its essential deployment in time and space. In other words, the ABM system proposed by Washington undermines intellectual foundations of the strategic military thinking of the past upon which, by the way, today's buildings of the law of the sea and outer space were erected. So, I think we do have things to talk about.

And I am also glad that you came. Thank you. Especially, I welcome our guests from India, Iran and Ukraine. I wish you all the success. And I look forward to the outcome of our debates.

Session I.

Moderated by A.I. Muzykantskiy,
President of the Russian Public Policy Center Foundation

A. Muzykantskiy:

Dear guests! We will now hear the reports. As you know from the program, the duration of each report is approximately 20 minutes.

The first report – *«Prospects of Russian military capabilities development»* – will be presented by Vladimir V. EVSEEV, senior research officer at the Center for International Security, Institute of World Economy and International Relations.

The floor is yours, Vladimir Valerievich.

V. A. Evseev:

Military capabilities of a state are a complex of current and potential material and spiritual possibilities of a state that can be used for military purposes with their maximal and timely disclosure and application. Military capabilities are determined by the possibility of a state (coalition of states) to maintain and develop armed forces, increase their combatant value, reinforce them with trained personnel, as well as supply with modern arms and military equipment, and all types of allowances at peaceful times and during the war.

The indicators of the military capabilities of a state are:

- military-scientific and military-economic possibilities of a state;
- ability of a state to maintain and develop armed forces of a relevant staff, increase their combat efficiency and combat readiness, reinforce with trained personnel, supply with modern arms and military equipment, as well as all types of allowances;
- quality and quantity of armaments and military equipment, capacity of a state to increase their production, ability to mobilize the country and its armed forces, their capacity to rapidly deploy to a widest staff;
- level of combat, operational and mobilization preparedness of the armed forces, degree of mobilization capacity of the state's economy, strategic raw stock resources, production reserves, and other material means;
- character, education, military and military-technical instruction of the armed forces' personnel and of the senior leadership of the state and its armed forces;
- mental condition and level of military preparedness of population;
- level of military theory development and its correlation with military practice.

Military-technical capabilities of a state constitute a part of its military capabilities and are determined by the ability of a state to elaborate, produce - in quantities sufficient for state's defensive capacity - and efficiently use modern arms and military equipment.

The current state and, moreover, prospects of Russian military-technical capabilities development should be analyzed against the background of recent years' revolutionary changes conditioned by practical implementation by the US in the 2003 war against Iraq of the network-centered concept of warfare on the basis of advanced information technologies. Particularly, the following information systems were elaborated in the interest of Pentagon that could serve a reference point for Russia. Today, Russia cannot implement them, but should strive for that, should there be enough funding.

1. System of information supplies for ship-borne and army aviation (Theater Battle Management Core Systems, TBMCS, cost - \$375 mln.), allowing to conduct 80% of operational flights "blindly", that is against operatively discovered targets, and trace up to a thousand ground targets.

2. Dispersed system of combat management (Force XXI Battle Command Brigade or Below, FBCB2, cost - \$800 mln.) encompassing management levels from a brigade to a company. All the combat units' commanders and missile-artillery and aviation systems' gun-layers were equipped with portative satellite stations and mobile computers in a particularly firm case, site information from which was directly transferred to strike systems. In order to trace the state and location of all fighting units up to separate tanks and infantry fighting machines, the total range of transmission of satellite communication channels rented by Pentagon was increased by seven compared to 1991. The use of such system together with increasing quantity of high-precision weapons (HPW) lead to the situation when during the Iraqi war in 2003 the Americans used the HPW in 80% of their air strikes (in the 1991 "Desert Storm" operation - 10%, during the NATO aggression against Yugoslavia in 1998-1999 - 40%).

3. The system of closed information exchange between units, sub-units and crews (Defense Message System, DMS) using Pentagon's global multimedia network resources (Defense Information System Network, DISN, cost - \$1,6 bln.). The system of closed exchange allowed to give up the use in the primary level of special cryptographic sub-units and to send messages in an Outlook-like format. In case of capturing of equipment by the enemy, remote destruction of access keys and specialized software is envisaged.

4. Information system for rear security (Arm's Movement Tracking System, cost - \$418 mln.) which includes about 4,000 airborne computers and 100 servers. The situation is such that if in 1991 the calculation and distribution of 180-200 loaded containers required 2 days and about 30 people, today this work can be accomplished by one soldier (employee) in 20 minutes. This system tracks virtually every military equipment item in order to supply it timely with fuel and arms, and also its technical state is monitored.

5. Information system for medical security that is directly linked to the rear transport system (Transportation Command Regulating and Command and Control

Evacuation System, TCRCCES). The system of medical security costs about \$911 mln. and allows to track the case history of every soldier, commander; for instance, it can get information on the health condition of a subordinate in hospital. At that, the presence of diagnostic equipment in the battlefield makes it possible to sent the wounded to hospital already with roentgenogram and diagnosis.

All of the above clearly proves that world's most modern armies widely use latest achievements of the scientific and technical revolution in the sphere of information and network technologies. The US, for example, spends annually about \$30 bln. for such purposes. Unfortunately, Russia does not possess such resources, and for that reason would most likely not be able to create similar systems even in medium-term perspective. Nevertheless, it should aspire for that and modernize its own armed forces. In order to stand up against these systems Russia should use some asymmetric measures. The US, for instance, transmits through information channels that can be influenced, which is cheaper than to create similar systems. This does not mean that creation of such systems should not be aspired for.

Unlike the US, information on the current state of Russian military-technical capabilities is, on the one hand, quite closed, and on the other - is exceptionally multifaceted. For this reason my report notes only some, but the most characteristic features of these capabilities of Russia.

Firstly. Despite a whole number of mistakes made in the 1990s, the Russian Federation managed to maintain to a considerable extend its military-technical potential. The country's defense establishment has the capacity to produce in necessary quantities all the main types of modern arms and military equipment. Considerable exports of such products, which exceed \$6 bln. a year, serve a good example of this. But such quantity is determined by many factors and, not to the least extend, by the funds allocated to that. The capabilities of Russia allow to produce a lot. Talking about strategic missile-space forces, Votkinsk Engineering Plant can produce about 30 intercontinental ballistic missiles "Topol'-M" a year. This quantity would be produced in reality, had its cost been commensurable with expenditures.

Secondly. The country's leadership has generally managed to stop the uncontrolled destruction of technological production chains for armaments and military equipment, which was threatening the very possibility of producing many of modern types of armaments. State control over a number of key defense enterprises has been reestablished, whereas transforming them into stock companies allowed attracting serious private investments.

Thirdly. After many years of co-ordination the creation in the defense establishment of vertically integrated structures was sped up on the basis of the Special Federal Program "Reforming and developing the defense establishment for 2002-2006". In essence, this was the first federal level decision to unite scientific research institutes, design offices and industrial enterprises into a backbone integrated structures for main types of military equipment, which fully correlates with main tendencies of world economic development.

Five such structures were established in the framework of the program by 2005: "Almaz-Antey" Air Defense Concern, "Tactical Missile Armaments" Corporation, "Elektromashina" Research-And-Production Association, "Vega" Radio Set Construction Concern and "Sozvezdie" Concern. In particular, in 2002 "Almaz-Antey" Air Defense Concern acquired 45 enterprises and organizations developing and producing the means of air-defense. For 2005-2006 the creation of another 15 and enlargement of two existing integrated structures were planned. These plans have not been fully accomplished, that is why about ten such systems function today. Nevertheless, in the created integrated structures (holdings) enterprises' resources are used much more rationally, which decreases the cost of final product and allows allocating funds for research-and-development works. All of this allows maintaining quite high scientific and technological capabilities in the defense concerns.

Fourthly. Upon the initiative of the Russian President V. Putin a number of priority national projects were put forward, with national funding of up to 5-10% of the budget expenditures for the relevant field of economy. Their principal feature was their orientation for innovations, that is state's support is given to the fields of development that are linked with use and introduction of the most advanced technologies. All of this contributes to the development of Russian military-technical capabilities.

Fifthly. Though not without difficulties, the military reform is underway. In the nearest future the conscription contingent of the Russian armed forces will only be one third of their whole number, and from 1 January 2008 the life term for the conscripted will be reduced to one year. This will inevitably raise the question of cutting the strength of armed forces, because Russia for demographic reason will not be able to secure an annual conscription of about 400,000 persons in the interest of all power structures, and for economic reasons will not be able to supply with new armaments around 1,2 mln. soldiers. Therefore, the only reasonable solution would be to reduce the strength of Russian armed forces to 700-800 thousands soldiers and recruit them on a contract basis. In that case the state will not only be able to supply Russian armed forces with armaments and military equipment, but also to secure their efficient use on the battlefield.

There are, of course, serious problems that have a negative impact on the development of the country's military-technical capabilities:

- high level of exhaustion of defense equipment stock (more than 50% of the equipment has been in exploitation for 20 years);
- fore-pension age of workers, technical potential and research officers of defense enterprises and organizations (medium age at enterprises is 54, in research organization – more than 56);
- extremely high cost of the development of modern armaments and military equipment, with their production being of a small-batch character, which seriously increases the cost of the defense products;
- growing technological gap in certain spheres of defense production;
- incapacity of conscripted soldiers to cope with complex modern equipment and arms.

It would be extremely important for the development of Russian military-technical capabilities to use not only domestic Russian potential, but also that of our allies. The brightest example of such cooperation is the "Bramas" Russian-Indian enterprise that successfully produces anti-ship missiles. Russia needs such cooperation, because in the time of globalization and extreme rise in price of armaments, a country, however powerful it is, needs to cooperate with other states in order to create new types of arms. Particularly, at the "Bramas" enterprise the Indian side develops a system of management, which proves that India not only can take from Russia, but can also give quite a lot to us.

In this our Chinese partners stay behind – we sell them a lot of armaments, establish production on their basis, but at the same time China avoids the creation on our territory of common enterprises to develop new systems of armaments. This could and should have been done, because indeed it is a sphere where a breakthrough is possible.

Today it is simply beyond Russia's power to develop many systems of armaments. The development of modern aviation system requires today the financial means that Russia simply does not possess today. Besides, there is a possibility to exchange technologies, which is highly important for Russia.

Talking about information systems, I need to mention the Russian global positioning system GLONASS created back in the USSR and used only to a limited extend (due to satellites' short lifespan). The system today is restoring its resources. It could give a lot, but its efficient use is hampered by a banal lack of the necessary quantity of satellite communication receivers. There are also great opportunities here for international cooperation, for instance, in the use of this system in India and other states maintaining friendly relations with Russia.

Russia cannot develop on its own all types of armaments in all spheres. A much greater cooperation is needed. Selling military equipment for about \$6 bln. a year, Russia could be getting much more if it was selling armaments to a full extent. But Russia is forced to sell its equipment filled with parts from Israel or other states. This is also an example of cooperation, but not of a successful one, because we receive this equipment already assembled. Establishing enterprises for production of such equipment on the Russian territory would be a qualitative step forward.

Being good at producing strike systems, Russia lies behind in the production of information systems. It is in this sphere that Russian cooperation with friendly states is highly important. It would not only raise the defense capacity of our states, but would also contribute to the creation of a more stable international security system. It would put an end to the talks that the US could strike a destructive nuclear blow on Russia, and also on China.

Deployment of anti-missile defense system in Poland is not too grand in scale. Ten interceptors cannot stop Russia, but it is 10 missiles today, but no one knows what it will be tomorrow. After missiles there could be aerial delivery vehicles. Missiles could also be deployed on the territory of Ukraine. Many things could be done later, and none of it would contribute to the strategic stability. But if the West agreed to create an ABM system by unified efforts, the question of where

the interceptors are aimed at wouldn't have arisen (for some reason the interceptors will be deployed upon US initiative not in the southern part of Poland, but in the north). The deployed interceptors are not aimed at destroying medium-range missiles that are in the possession of eastern states.

But the West does not go for such cooperation.

One of the possible solutions for these extremely complex problems is to activate military-technical cooperation with such friendly states as India and China. In the future it would be very much wishful to extend the range of partners on such cooperation by including European states, as well as the states of the post-soviet space.

Thus, Russia has good prospects for developing its military-technical capabilities, if it manages to use its domestic reserves to a maximal extent and to draw to such cooperation first friendly and then neutral states. In other case these capabilities are likely to be progressively decreasing, which will inevitably affect the country's defensive capacity.

A.I.Muzykantskiy:

I give the floor to the second speaker – First Vice-President of the Academy of Military Sciences, colonel-general **Varpholomey V. KOROBUSHIN**. The title of his report is “Place and role of strategic nuclear armaments in the Russian military doctrine”.

You have the floor, *Varpholomey Vladimirovich*.

V.V.Korobushin:

Thank you. As Alexander Ilyich (*A.I.Muzykantskiy – the RPPC Foundation – ed.*) announced, I was asked to make a report on the issue of the “Place and role of strategic nuclear armaments in the Russian military doctrine”.

The military doctrine in effect today is the one adopted in 2000. Since 7 years have already passed since then, the country's leadership made a decision to consider whether the existing military doctrine requires some corrections and changes. On that basis, the Academy of Military Sciences organized and held a military-scientific conference on the issue of a tomorrow's military doctrine. Among the conference participants were the General Staff, the Russian Presidential Administration, the State Duma and the Council of Federation, as well as a number of public organizations and the Academy of Sciences.

Our current doctrine says: “In today's circumstances the Russian Federation proceeds from the necessity to possess nuclear capabilities. At that, nuclear weapons with which our armed forces are equipped are considered by the RF as a factor of containing an aggression, ensuring military security of the RF and its

allies and maintaining international stability in the world”. The wording is quite clear and plain.

We believe that a new military doctrine should, of course, reflect such issues as the role of strategic nuclear forces in ensuring security and strategic stability. I repeat, strategic stability in the world. Analyzing various materials provided by the mass-media and constant charges against Russia from the US and NATO on different issues, we can state that the importance of a nuclear umbrella has not by any means decreased, but keeps on growing. For Russia nuclear weapons is the most radical and cheapest means of ensuring national security. Nuclear-missile weapons are not only less expensive compared to other arms, but they also require much less personnel to maintain constant alertness. Based on a rather compact technology from technical point of view, Russian nuclear missile technologies have been verified in practice, and there is no need to create them from zero, we only need to maintain them. We believe that these circumstances should be taken into account when a new comprehensive military doctrine of Russia will be elaborated. It should emphasize the priority of nuclear weapons in the process of military construction and ensuring nuclear security of the Russian state in the new circumstances. Because it has to be acknowledged that general-purpose forces in Russia remain weak. Until the strategic nuclear forces are entrusted with the task of being able to inflict prescribed guaranteed damage to the aggressor in any conditions, there will be no question of their significant reduction or partial liquidation on a unilateral basis.

The Academy of Military Sciences believes that coming back to the negotiating process between Russia and the US on further progressive equitable reduction of strategic nuclear arms should be done at the first stage. Further reductions could take place in the years to come right after 2012 when the treaties on strategic offensive capabilities would have been carried out, with such reduction going from 1700-2200 down to 1500 nuclear warheads.

At the same time, we believe that the talks with the US should raise a question of destroying their recurrent capabilities, that is 500-600 fighting blocs in the US possession. This potential is a dangerous one. And they practically maintain it on alert.

Military doctrine of the Russian Federation should clearly say that the state would use all its possibilities to protect its sovereignty and vital instrument of Russia in terms of defensive means, and it is the optimized nuclear means that should be basis for such defense. However, the media reflect the appearance of other opinions. For instant, an opinion that Russia should unilaterally, upon its own initiative should set an example of missile reductions. It is noted, in particular, that Russia could weld lids or remove warheads from its intercontinental missiles that constitute the basis of its nuclear power.

The Academy of military sciences believes that an external threat does exist. At the conference, however, a deputy Foreign Minister took the floor and said, “We have today in Russia a domestic threat, not an external one, and internal troops should prevail over the armed forces”. It was his personal opinion. The Academy and the conference did not support this opinion.

There is an opinion that it is very expensive to maintain nuclear-missile weapons. It is not so. In terms of production technology, the cheapest forces in Russia are ground-based strategic nuclear forces, and this fact should be taken into account, because Russia is a land state, not a maritime one. And opportunities and territories that we have in our country are such that we should better develop the groups of ground-base mobile missile complexes. It would be desirable if that was noted in the military doctrine.

There are other opinions on these issues. We, the Academy of Military Sciences, cannot understand this. We do not support such opinions, because they practically go against all economic and military interests of Russia.

We also considered other issues from a practical perspective. We cannot understand the US in their refusal to hold negotiations on strategic offensive reductions after 2012, when the treaty will expire, they refuse to ratify the 1996 comprehensive nuclear test ban treaty. They did not ratify the treaty, and even reduced the alert time for the nuclear testing area from 36 to 18 months, they are hampering the fissile material cut-off treaty. They blocked a number of other negotiating processes, which makes us believe that the US will continue its policy of reliance on power.

Russia withdrew its tactical nuclear weapons from all the post-soviet republics. The US maintains its tactical nuclear weapons in Europe. All the attempts to talk about the withdrawal of these weapons testify that it is not in US plans to do so. For that reason from the military-political point of view, the Russian position in elaborating the views on the place and role of strategic nuclear armaments in the new military doctrine should take into account the real situation in the world. I would say that the situation is not favorable for Russia, although Russia is not in confrontation with the US today.

Strategic arms will for a long time remain a decisive factor of national security of Russia.

I should say some words about anti-missile defense that the West is trying to build. Some assert that missiles from Russia would fly to the north, and a missile from Poland would not be able to catch our intercontinental missile. The essence is elsewhere. Our potential opponents in the West have so many US objects in NATO that our missiles go not only to the North, but also to the West. It is sure that ten missiles will not determine the destiny of a nuclear-missile strike which, we hope, will never occur. But the fact is that, if the US places its interceptors in Poland, the territory will no longer belong to Poland, because not a single Polish man would be able to enter it, and we will never know what kind of missiles will really be placed there. It could be new Pershing-type missiles that need 8-10 minutes to reach Moscow. That is indeed the principal danger. Placing missiles in Poland is only the beginning, after 10 there could be hundreds. For that reason the Academy of Military Sciences will always oppose this idea that causes damage to Russia and creates negative international environment.

Moreover, the NATO expansion to the East is underway, despite all the promises given to us when Soviet troops were returning from West to Russia. The Americans did not fulfill a single promise. And what will happen in the future is

very much questionable. From this we believe that the new military doctrine that is under elaboration should preserve the status of strategic deterrence as a means of controlling military-political situation, because the conditions from which it had originated still exist.

The refusal to secure nuclear deterrence capability as proposed by the media (to replace nuclear deterrence by a new type of nuclear cooperation) is not right. This would diminish Russia's geopolitical status, limit the opportunities to integrate on an equal basis into the world community, where the use of power instruments is playing an increasingly important role compared to what had been expected earlier. So, for us maintaining nuclear capabilities in the nearest decades of the 21st century can be considered as one of the key national military and military-political objectives. Today and in the foreseeable future our Motherland, in order to maintain strategic deterrence and not to allow for a large-scale war to be unleashed, there will be no alternatives to nuclear weapons.

Thank you for your attention.

A.I. Muzykantskiy:

Thank you! We will now hear the third report presented by the seminar's co-chairman Peter LINKE. The title of his report is "Continuity of world water spaces, UNCLOS III and US Navy".

Mr. Linke, the floor is yours!

Peter Linke:

Thank you. I want to say a few words about the discussions on the future US naval strategy, because these discussions, as I see them, have a direct connection to our seminar.

From the geopolitical point of view, the main objective of RMA, revolution in military affairs, in the view of the US is to ensure the preparedness of "forward concentration" forces to a variety of emergency situation around the world and a relevant expansion of their deployment, as well as to receive temporary access to objects in the areas where US does not have its own bases. In other words, it is a question of optimizing American armed forces for global power projection.

As for the US Navy, such ideas were first reflected in the 1994 document "Forward... From the Sea". It gives a detailed account of the concept of using expeditionary forces for US power and influence projection on other water areas and littoral zones at peaceful times and during the war. The authors proceed from the fact that US economic, political and military interest – both in their nature and scale – are of a truly global character, and, therefore, their realization and protection require military forces capable of acting globally, along the whole

spectrum of conflicts – from non-military conflicts via crisis-resolving interventions to regional and supra-regional ones.

These ideas were concretized in the "Sea Power 21" document presented in June 2002 by former chief of staff of the Navy Admiral Vern Clark.

The concept contained three elements: «Sea Strike», „Sea Shield“ и „Sea Base“, connected by a command and management super-system named «FORCENet“.

“Sea Base” was the most discussed element out of the three. “Sea Base” was presumed to be a network of ships ensuring artillery fire support along the coastal strip, as well as aviation support, food supply, ammunition, and accommodation for land forces. The new element of the “Sea Base” is that ships are placed at the end of the supply route. Soldiers and marines, accustomed to creating and defending bases on the land on the enemy’s territory, will now have to act from the sea and disembark only in order to fight.

In essence, the “Sea Base” concept meant renunciation of aircraft-carriers as the backbone of US Navy – in other words, it gave to the littoral zone the status of a key zone of future warfare, which therefore requires a Navy that acts strictly within the inter-agency and inter-national frameworks.

A direct demonstration of such approach is the concept of “Thousand-Ship Navy” declared by the Navy Chief of Staff Admiral Michael Mullen, according to which the US develops politically strong and operative relations with partners, and coordinate sea operations in order to adequately react to multiple threats of the future. On the other hand, some 18 months ago a so-called Navy Expeditionary Combat Command was established and was charged with ground missions, as well as missions in low waters of harbors and rivers and, therefore, uniting the organizations that till now were mostly acting apart: naval landing engineering construction units, sub-units for munitions’ decontamination, mobile sub-units for diving and evacuation, shore-zone fighting command, naval expeditionary logistics support forces, and others.

The design and creation of new military equipment fulfilling the requirements of warfare in littoral zones are fully underway: first models of a new LCS-series (“Littoral Combat Ship”) ship, “Sea Fighter” catamaran, as well as advanced speeded delivery system for special operations ASDS sub-units – a sort of a miniature submarine fired from torpedo tubes of renewed ballistic missile nuclear submarine “Ohio” and nuclear submarines “Los Angeles” and “Virginia”.

The work on other projects in ongoing: DDX destroyer, LHA-R-series ship for naval landing, MPF-F ship („Maritime Prepositioning Force-Future“) for preliminary positioning of military equipment and reserves, AHE-series („Advanced Hawk Eye“) sea-based control aircraft, and others.

There are discussions on the “Advanced Logistics Delivery System” (ALDS) project that presumes launching unmanned cargo glider with an inflated wing off the board of a high-speed trimaran to support expeditionary forces and special operations sub-units moving towards the central territory of a coastal state targeted by Washington.

Testing is underway of various unmanned underwater-based floating devices, marking the first step towards a dramatic miniaturization of naval equipment down to the level of swarming nano-robots exploring world waters, as well as shoaling and other low-water zones.

Of course, serious debates have expanded both around the coastal zone war and around technologies offered to succeed in such wars. But despite multiple contradicting arguments a clear line is seen: the line towards gradual loosening, blurring and overcoming the differences between the ocean at large, shoaling zone and small reservoirs springing from that zone but unable to spread beyond its limits. Some continuity of world water spaces for military purposes is postulated, or, using the words of a sea analyst Martin Murphy, “Guided waters do not stop at the beach. Just as rivers do not stop at the sea. Guided waters represent something continuous, allowing to project naval power along the world’s water ways – from a loneliest part of the ocean to the very center of any continent suitable for human life, including many of the world’s largest cities...”

All of this has a direct relevance to the UNCLOS III, the 1982 international United Nations Convention on the Law of the Sea. Why is it so? Despite multiple privileges it gave to the great naval powers, including the right for free ‘transit’ of their military ships through any international straits, the 1982 Convention in general reflected the main tendency of post-war development of maritime activities, particularly – the tendency towards enlarging the jurisdiction of coastal states. Essentially, this tendency continues till now: coastal states gradually enlarge the sphere they control. Consequently, the spaces where great naval powers could act freely were gradually being narrowed. Soon, great naval powers, the US in particular, started to complain about the so-called “creeping jurisdiction”.

Despite this, the “free” water areas were becoming smaller and smaller, which was mainly due to two reasons: on the one hand, great water powers were incapable of ensuring their ubiquitous enduring presence in the world’s shoaling zones and efficiently controlling the growing number of sovereign coastal states. On the other hand, great water powers simply did not possess a weapon that could secure them effective pressure on coastal states, for this weapon – large aircraft-carriers, intercontinental missile nuclear submarines, super-complex missile and anti-missile systems – was created for large-scale wars with a powerful enemy in the big ocean.

The situation is changing today. New types of weapons are emerging which could be efficiently used against disagreeable coastal states. But the most troubling is that the US and following it so-called “medium” naval powers, such as Great Britain, Australia and Japan, took a course on a gradual loosening of demarcation lines between the big ocean and coastal zones, and in general between water areas and territories, as well as on their eventual junction into a common integral battlefield. This, for its part, is nothing but a direct encroachment upon national sovereignty of coastal states, their jurisdiction and – in that – upon the existing international Convention on the Law of the Sea.

As it is known, the US signed but has not ratified the UNCLOS III. There are both opponents and proponents of ratification. But none of the positions

generates positive expectations: while opponents justify their position by noting the obstacles that the Convention creates for under-water activities and collecting of information in territorial waters, proponents are mainly concerned with the fact that by not ratifying the Convention the US deprives itself of the opportunity to influence its further development and interpretation...

A.I.Muzykantskiy:

Thank you! We will now have a discussion on the reports. **Bakhtiyar Raisovich Tuzmukhamedov** asked for the floor (*Professor, the Diplomatic academy – ed.*).

Please.

B.R.Tuzmukhamedov:

I have been in contact with the Russian Public Policy Center for some years now, and as an international lawyer with some experience I have to welcome the RPPC for gathering again at this table specialists from different fields of knowledge in order for the military experts to meet with legal experts so that these two groups in a unified effort could "fertilize" creative thoughts of each other.

In a way I'm acting today as devil's advocate and at an early stage will introduce some confusion into our seminar. I remember one story. Professor Dvorkin (Vladimir Zinovievich Dvorkin, senior research officer, IMEMO RAN, doctor of technical sciences, professor – *ed.*), who is much more competent in the sphere I want to touch upon, will correct me if I'm wrong. As I heard from one American delegate, at the SALT-I negotiations there was no legal expert, and he turned up only when some ABM treaty details had to be agreed upon. In general our Soviet lawyer made sure that the treaty properly described the procedures of entry into force, included such notions as authentic texts, etc. As an interested dilettante and as an international lawyer I understand that we can dislike not only some exotic but also real means of landing, newest underwater platforms that have the capacity to operate at low waters and monitor the shore line, but the law is by nature conservative and reactive. Its conservativeness is demonstrated by its slow transformation and, unfortunately, often slow adaptation to new situations, and the law, again unfortunately, has a very poor ability to envisage new phenomena and events. A tanker should fall to pieces and thousands of tons of oil should be spilled with herds of fur seals and sturgeons exterminating in order for the law to start action.

Perhaps, I don't like nuclear weapons that I have never seen. Does it mean it is unlawful?

What we have heard today engenders a number of questions. Should the Russian President have spoken about a moratorium on the Conventional Forces in Europe Treaty? As an international lawyer I don't know what is a moratorium on

fulfilling an acting international treaty. There is a prescribed procedure for suspension, but this issue requires certain agreement process. Unilaterally it is possible to withdraw from a treaty, but not to declare a moratorium on its fulfillment. As Varpholomey Korobushin (First Vice-president of the Academy of military sciences, colonel-general – *ed.*) rightly noted, perhaps it would have been better to declare a withdrawal from the Comprehensive Nuclear Test-Ban Treaty that has not yet entered into force? Especially taking into account that the US needs 1,5 years to de-convert the test ground in Nevada. We would need much more time in Novaya Zemlya. If we feel that the threat is approaching, maybe we should think about a means to ensure our security that remains within the framework of international law.

As for the report of Vladimir Valerievich (*V.V.Evseev, senior research officer at the Center for International Security, Institute of World Economy and International Relations – ed.*), I have the following remarks. Maybe, considering there is danger of development of network-centered concept of warfare that has been practically tested in Iran, we should denounce the discussions on regulation of so-called information wars?

Perhaps, we should discuss the issue of introducing some hindrance for such channels?

Since we would be interested in disturbing these channels, maybe we should withdraw our proposals on non-placing weapons in outer space?

A.I.Muzykantskiy:

Thank you! **Gennadiy Mikhailovich EVSTAFIEV** was the next who asked for the floor. Senior counselor of PIR-Center.

Please!

G.M.Evstafiev:

I share the opinion of colonel-general V.V.Korobushin (*First Vice-president of the Academy of military sciences – ed.*) that Russia in the foreseeable future has no alternative to nuclear deterrence. Without entering into a debate with today's speakers I would like to express a couple of my thoughts. Since the issue of the CFE Treaty was mentioned here, as one of its authors I will put it clearly: what happened with the CFE Treaty was a great psychological wound for me. Negotiations on the Treaty were difficult. Even the mandate for negotiations was under elaboration for a year and seven months. I would not agree that the legal experts joined the talks late. First politicians have to meet, and only then legal experts come to finalize and to give a proper form to what military and political experts have done. Perhaps it is not right, but it is exactly how it always happens.

During the CFE Treaty negotiations we were forced to accept the zonal format, where we were seriously limited in terms of relocating our armed forces.

But that happened in regard to the Soviet Union, whereas today's situation is different in principle – we have another state that lost considerable territories, and the very territories on which we were limited the most. The very existence of even an adapted CFE Treaty is principally almost not righteous. On the other hand, Russia did not offer anything real in place of the CFE Treaty, it didn't propose its own vision of a new agreement on conventional forces in a principally different military-political situation.

When we were negotiating flank limitations that were and are the most painful for Russia, the Russian delegation had a proposal to restrict the possibilities of the Turkish to concentrate their troops in the Asia Minor. A huge scandal was a reaction to that, when Turks claimed there could be domestic disorders initiated by mountainous Turks, as they call the Kurds, and for that reason they couldn't go for such limitations. We also had our zone of exclusion that we used for tactical purposes, but later we lifted it. When the situation in Chechnya deteriorated, they practically didn't come to meet our situation. For several years Russia was forced to loose people, to undergo huge pressure on our Caucasian direction. The same situation developed towards the north. When, during Soviet times, we asked them, "Do you, guys, think we are attacking you?", they answered, "No, we know you will not attack us, but you have such capabilities that we have to restrict". So now we have the mirror-like situation. Today Europe has the correlation of forces about 3 to 1, or maybe even worse for Russia. And it is us who can pose a question "you, guys, have such capabilities that we want a) to restrict and b) put under control", including by means of efficient confidence measures.

That is what I had to say about the CFE Treaty, and from a legal point of view Mr. Tuzmukhamedov (*B.R. Tuzmukhamedov – professor at the Diplomatic academy – ed.*) is absolutely right, there is no provision in the Treaty regarding a moratorium. But essentially political declaration on the moratorium provoked our partners' severe reaction. We can long discuss whether this is theoretically feasible or not, but the essence is that we have declared the position that 'it's enough, guys', that's too much.

It is also connected with the deployment of ABM system, because we have tolerated and let the Americans considerably re-evaluate the degree of our tolerance.

I took pleasure in hearing the report by Mr. Peter Linke (*the Rosa Luxemburg Foundation – ed.*). He mentioned a very important notion – "revolution in military affairs". This concept is not the one of President Bush, it reflects continuity in American policy and was elaborated back at the times of Clinton Administration. The republicans simply did not like to acknowledge that Clinton was ahead of them in many regards. The concept of a revolution in military affairs has an important point that has not been mentioned here yet, especially considering that people from a neighboring region are present here. An important role in the concept of "revolution in military affairs" is given to the Central Asia. Deliberations are based on the presumption that Central Asia will eventually become for the US a place from which it would easily project its armed forces on all world's most important regions. This task will be implemented gradually – not

only bases will be established, but to a greater extend legal basis will be created for military presence and the possibility to use some key points when the US needs it.

I've been dealing for a long time with unmanned aerial vehicles and can say that nobody here mentioned this important means, which troubled me seriously. Unmanned vehicles are defined as one of the two break-through technologies of the first half of 21st century. Several years from now the European airspace will have more than 50,000 unmanned vehicles for various purposes flying – from heavy ones (up to 17 tons and able to spend up to 60-70 hours in the air with a re-fuel capacity) to those that are used in a troop.

A standard American brigade will have up to 200 unmanned vehicles in its military establishment.

This dangerous type of weaponry is not limited by anyone or anything and keeps expanding. It already creates serious problems for regulating airspace, and a struggle has already started in Europe to oust it from some echelons. As a result of an unsuccessful (to put it mildly) approach Russia is now considerably behind in the rapid development of unmanned military equipment. It is very positive that the years 2002-2003 were the point where this lagging behind was terminated, and now we are gaining great momentum in this sphere. But the question of regulating this type of armaments is one of the most acute issues in the sphere of conventional weapons. Later it will touch upon the nuclear weapons, as well as weapons based on new physical principles, because laser equipment could soon be placed on unmanned aerial vehicles.

A.I. Muzykantskiy:

Thank you! The next to speak is **Vladimir Zinovievich DVORKIN**. Senior research officer at IMEMO RAN, doctor of technical sciences, professor.

You have the floor, *Vladimir Zinovievich!*

V.Z. Dvorkin:

The title of the seminar is presented in a new interesting way. We have always considered revolution as something in itself, something that cannot be stopped, but a question of what legal mechanisms could limit dangerous developments in the sphere had never been raised. Legal issues had to be considered in the first part of our seminar, but I'm grateful to Bakhtiyar Raisovich (*B.R. Tuzmukhamedov – professor at the Diplomatic Academy – ed.*) who said that by means of legal discussion he wanted to "fertilize" our seminar. Due to my age I cannot fertilize anything, but I can try to dwell on the second issue.

But for now, in order not to forget, I want to come back to the statement of Gennadiy Mikhailovich (*G.M. Evstafiev – senior counselor of PIR-Center – ed.*), who mentioned a very important question of unmanned vehicles. Such vehicles are

mentioned in the MTCR (Missile Technology Control Regime), but the issue is described so vaguely that no one paid any attention. In this regard, it is very important not even to develop the subject, but to turn the MTCR into a full-fledged treaty. Till now it is just a voluntary agreement that does not bind anyone to do anything.

It is there that the issue should be necessarily reflected. It is already gradually being raised.

How can the negative impact of the "revolution in military affairs" could be limited, what do we call stability. Let's take anti-missile defense. I don't see any ways, any treaty restrictions to anti-missile defense. Peter Linke (*the Rosa Luxemburg Foundation - ed.*) was right in saying that what the US is doing now in Poland and Czech Republic does not have any impact on Russian nuclear forces' deterrence capability, and the Russian leadership already said that. Generally, no ABM system is dangerous to us. It is really so, because the existing Russian means of penetrating ABM systems that are placed on new missiles and will be places on sea-based missiles are so efficient that these ten Polish interceptors, even if the trajectory is favorable, would only be enough to strike one fighting bloc. So Europe can build two, three, five such areas, it will not have any impact. So why was Russian reaction so negative? Because the US took it for a rule to take strategic decisions obtrusively and unilaterally. European leaders, by the way, learned that quickly. Not without reason German Chancellor Merkel, French President Chirac said that such issues had to be solved in the Russia-NATO-US format. And the Americans seem to have thought more of the situation, and are now making some steps towards us, but what they are offering - for instance, to invite Russian inspectors to their ABM bases - is just a tip that has nothing to do with cooperation. The only thing that could stabilize the situation is full-fledged cooperation starting with information systems. Not all works on the Moscow center for data exchange were finished, which is the first step towards hiding information systems that have impact on the efficiency of anti-missile defense. Only like this, and not by any other legal acts, new agreements and treaties - nothing could be done, because the US had taken such a position. I can express even more claims against the US, but I will not do it, because there are no US representatives here.

I can add on the question of law of the outer space that will be discussed later. See what Mr. Obernik, head of the US ABM program, said. He said: "We will deploy weapons in outer space in order to have a precedent for discussions". This is how I understood the translation - in order to have a precedent for discussions. A precedent when the Chinese stroke their satellite, is not enough for them.

The fact is that they don't want any treaty restrictions in this matter, but all this can be till the administration is changed. President Putin said that an obstacle should be established, a treaty should be negotiated on non-placement of weapons in outer space. Well, Vladimir Vladimirovich is late with that, because the US AMB system for another 7-8 years will be totally incapable against missiles, whereas satellites are very much vulnerable before these not perfect today missiles Grown Ballistic Interceptor. Because a satellite is a non-protected fighting bloc

that is flying in a cloud of false targets on a predictable orbit - everything is completely clear. Everything can be counted in advance, and the height of strike by interceptors is up to 1,500 km, which means that all low-orbit devices and even those higher than usually qualified as low-orbit ones are in the striking zone of the system. The tests have already taken place, that is, essentially, the weapon capable of defeating space objects, was deployed. How can we achieve any legal regulation here? American centers and ours are working together on the draft of so-called Code of Conduct in Outer Space. We tried to define what is weapon in outer space. It is quite difficult and not difficult at once, because how can the functioning of space systems be disturbed? More than 40 countries participate today in outer space activities, and even though military component is manifested during warfare and military preparations, the main part of outer space resources goes for solving economic, commercial and other tasks, as well as for communication, television, science, etc.

Generally speaking, stability of outer space systems determines everything: economy, including military economy and capabilities of armed forces. In order to disturb the function of space systems not only space devices could be defeated, but also the function of ground control and communication centers - by creating certain noise. It could be done both from outer space and by land means. There are such development works, and they are more than enough.

Thus, the code of conduct in outer space includes (according to our proposals) absence of any impact both on outer space devices and so-called ground control, communication and retranslation centers. None of the outer space agreements since 1968 has a legally binding nature. We need here legally binding obligations on prohibiting the disturbance of space systems functioning. And, of course, supply systems for military capabilities could work too, but they are not a weapon, and talks about attacks from outer space are somewhat absurd. We can say that land-based ballistic missiles and submarines do not come from outer space, and they are not space weapons, and there exists no means of attacking directly from outer space, though there are tendencies towards creating with time a potential for star wars declared in 1983, and if the progress goes in the same direction, Boeings-747 will barrage with laser weapons that could strike low-orbit devices and launched missiles. If the program Brilliant Pearls, where the Americans have advanced the most, is carried out, it will pose a threat not only to the missiles at launch and missiles in central parts of the trajectory, but also to outer space devices. That is a greatest danger which is linked to a closest interlacing of the progress in the sphere of ABM defense and the possibility to maintain activities in outer space. I believe this is one of the few prospective treaty problems that can be solved. I don't hope too much that the US will go for new treaties on strategic offensives. They don't want it too much, and only Russian pressure of the beginning of this century, based on the fact that no legal vacuum should be allowed, forced the US to sign a 3-page treaty on strategic offensive reductions. It is difficult to suppose that they would go further. But in the sphere of outer space we can still introduce some restrictions counting on the new administration. Thank you.

A.I. Muzykantskiy:

Thank you, gentlemen, for your short and substantial remarks! The next speaker is **Adjar Ashratovich KURTOV**. President of the Moscow Center for Public Law Study.

Please, *Mr. Kurtov!*

A.A. Kurtov:

Since our discussion has switched towards military-technical details, and I am not a military expert, I would like to come back to the theses of the main speakers. Perhaps I should have posed a question first, and not express my opinion, but it goes this way.

Vladimir Valerievich (*V.V. Evseev, senior research officer at the Center for International Security, Institute of World Economy and International Relations – ed.*) built his report on the assumption that, in his opinion, today's military-technical capabilities of Russia were enough to ensure defensive capacity. His proposals concerned the ways to improve these capabilities by means of establishing military-technical cooperation with our partners and allies. Second speaker, respected colonel-general V.V. Korobushin (*First Vice-president of the Academy of Military Sciences – ed.*), spoke on the necessity to maintain nuclear weapons and raise attention to this type of armaments. As I understand, there is certain difference between these two positions, although the speakers did not express it in such imperative form. As I understood Varpholomey Vladimirovich (*V.V. Korobushin – ed.*), he believes that Russia needs nuclear weapons in any case as the only argument that can overpower both possible exhaustion of Russian military capabilities and non-efficiency of the existing and future military treaties between Russia and other countries of the world. This opinion is much closer to me as a political scientist.

I believe that today Russian military capabilities are not enough to carry out its foreign policy. If it was enough, our position would have been taken into account much more than it is now, and the collisions wouldn't be taking place. Assumption that orientation on strengthening military-technical links with our allies, among which India and China were named, will help to strengthen Russia's military-political position, is rather insubstantial. It is not clear whether we can use the notion "ally" in this context. In the sphere of international military cooperation as in no other sphere this notion requires a clear understanding of what meaning is attributed to it. Do we have military allies? Did any country conclude with us treaties that could be qualified as treaties on military alliance, that is – did any state undertake obligations to act strictly in a certain way in case of a force-major? That is, roughly speaking, to start military actions in case of aggression against its partner-ally? There is no clear answer to the question whether there are such countries. There is a Collective Security Treaty, but I think it is not a military alliance treaty and it is evolving in an opposite direction. If Articles 5 and 6 of the

Tashkent treaty of 15 May 1992 – stipulating that in certain circumstances the parties were to hold consultations – are described in a quite amorphous manner, later the situation was such that Russia attempted to really fill this rather political act with such substantial military meaning. In 1995 a concept of development of the CST was elaborated, and on the third stage it provided, although in diplomatic wording, for the creation of united armed forces. But that didn't happen, and in the late 1990s the situation developed into a withdrawal from the treaty of a part of the CST members. Today we see the signs of an opposite process, but it only concerns one state – Uzbekistan, that is a state which is rather problematic in terms of fulfilling its obligations.

Declarations made in the second half of last year signify that the Russian leadership in the CSTO (adding of the "O" is for some reason often interpreted as a qualitative breakthrough) is trying to include in the CSTO a number of other functions – such as the fight against illegal immigration, terrorism, etc. But military cooperation in its classic meaning is not developing.

Beside CSTO, there is Shanghai Cooperation Organization. I mention it because India and China are directly connected with it. China is its permanent member, and India is an observer. This organization is again by no means an organization created for military cooperation, no matter how much it is reproached with this. All the post-soviet members of the organization, especially Central Asian states, behave within the SCO quite peculiarly, and quite freely implement its decisions, especially as regards to the presence of American military bases on the territory of Central Asia.

Some time ago Astana hosted a summit where a decision was taken on desirability to raise before Americans a question of time-limits of presence of their military basis on Central Asian territories, namely the "Ganci" base in the Manas airport in Kirghizia. The new president of Kyrgyzstan BaKyiv signed the document, but, as a matter of fact, did not fulfill the decision and diverted the discussion towards bargaining the cost of American presence on Kirghiz land.

So, in fact, both SCO and CSTO are quite loose organizations and cannot ensure for Russia cooperation with its military allies.

Besides, all the talks on nuclear weapons and military-technical cooperation have a great number of economic issues. We still have from the Soviet Union a system of nuclear armaments not destroyed, but not only it does not develop in proper pace, but some aspects make us think today about what will happen to the system in the future. Till now Russia extracts annually only 20% of its real needs of primary natural uranium, and the prospects of extractions are very unclear. The remaining deposits are very poor, only one enterprise in the Chitinskaya oblast' is working efficiently. Once we went for an agreement with the US according to which the plutonium for military purposes from these munitions would be converted into nuclear fuel and, thus, the reserves upon which we could rely in the future are being diminished. Today we use uranium from storage facilities, and the question of how long it will last is a very debatable one. The head of Rosatom declares that it will be enough for half a century, many other experts talk about 10-15 years. Only recently, on 10 May an agreement with Kazakhstan was concluded

on a joint nuclear center. As the majority of such agreements, it is largely a business agreement than a military one, because, according to the text, the uranium extracted in Kazakhstan and enriched on the territory of Russia will further be used as nuclear fuel and sold. That is exactly what interests Kazakhstan, not the strengthening of military-technical cooperation with Russia.

As for the military cooperation, Kazakhstan as our largest military partner (which is constantly declared at different levels) conducts quite a peculiar policy. Kazakhstan changes its troops control according to a Western standard, and develops an institute of sergeants which is characteristic of American system of management, and makes many other things that does not basically allow us to rely on it as on a firm partner and ally.

Earlier this year in view of the recent agreements, Kazakhstan's political elite, including the expert community that ensures the elaboration of foreign policy of Nursultan Abishevich, discussed, directly and openly, the possibility of establishing on the Kazakh territory a US military base. It is likely that the negotiations are and will be underway.

I share the opinion of Varpholomey Vladimirovich (*V.V.Korobushin - ed.*) that nuclear weapon is the last argument of kings which we need.

In conclusion of my speech, I would like to say that I am not advocate of our President, Bakhtiyar Raisovich (*B.R.Tuzmukhamedov - ed.*); I want to note that he is a specialist in private international law, not the public one, so it gives him some excuse.

A.I.Muzykantskiy:

Thank you! The last speaker before the break is **Alexey Aleksandrovich MAKHLAY**. First Deputy Director of the Russian Public Policy Center Foundation.

Please, *Alexey Aleksandrovich!*

A.A.Makhlay:

I would like to talk about the issue that was practically not discussed today – the role of information resources in the new generation warfare.

Special ideological information influence on population and national armed forces has been for a long time and constantly exerted both in peaceful times and during the war. It is done purposefully and knowingly, both using mass-media, and now also Internet, and special equipment. After World War II and, in particular, during the latest two decades, the efficiency of information resource has been proved many times, and today information-ideological weapon can be qualified as the most dangerous weapon.

Despite the fact that nuclear capabilities of the Soviet Union are hard to overestimate, the Soviet state collapsed. Nuclear weapons didn't help, and Soviet Union seized to exist. Since the end of World War II turning into WW III, it is not nuclear weapons that are used, but ideological information influence on states, which is aimed at changing their systems.

With time, the global conception of the Cold War becomes comprehensible. So, on 25 December 1995 the then US president Bill Clinton spoke at a closed meeting of the information committee of Chiefs of Staff. He said that during ten recent years the US policy towards the USSR and its allies earnestly proved that the course we have taken to liquidate one of the strongest powers of the world, as well as the strongest military bloc, is a right one. Using mistakes of Soviet diplomacy, extreme conceit of Gorbachev and non-professionalism of Shevardnadze and their circle, we achieved what President Truman wanted to do with the Soviet Union by means of atomic bomb. But with one significant difference: we turned into a raw-material producing appendage instead of a state ruined by atom. Indeed, we spent billions dollars on that, but already now we are close, as Russian call it, to self-repayment. In four years we and our allies received various strategic raw materials cost of 15 billion dollars, as well as hundreds of tons of gold, precious stones, etc. During the years of so-called perestroika in USSR many of our military and businessmen were wrong in not believing in the success of the upcoming operations. This does not mean, however, that we have nothing more to think about and work on. Yes, we allowed Russia to be a great power, but only one state will be an empire – the United States of America.

The Third, "velvet", World War is not yet over, for the main US goal – that is to destroy Russia as a state, as well as its nuclear power – has not yet been achieved. Today the US and its allies act very purposefully and firmly in this regard. Isn't it strange to see that strengthening of national positions of Russia in the world provokes aggressive attacks that this year turned to naming Russia among the US potential enemies? We can just recall the political and economic attacks that rushed against our country in April 2007. Starting with the US Department of State's official report describing in detail the American mechanisms of democracy export to the post-soviet states, to the article by Yuliya Timoshenko "Stopping Russia" published upon the instructions from abroad in the "Foreign" magazine, as well as an interview of Berezovsky who is dreaming about a coup d'état in Russia. All of this is the reaction of the West, primarily the US, to the speech by Russian President Vladimir Putin delivered in March in Munich regarding the US projects on deploying ABMs in the Czech Republic and Poland, as well as direct interference into Russia's internal affairs through allocating huge funds for cultivation in our country of democracy similar to the US one.

A question arises of how Russia should behave in such situation. Silently ignore or act adequately firmly, as should do a power that is aware of its dignity, its force and that is ready to protect its interests.

The US does not at all need our consent on the creation of national and international ABM defense, what we've talked today a lot about. The US uses it as a substantiating argument understandable to everyone. What they need is totally

different – that is to get the right within NATO to create ground-based and space-based infrastructure that would ensure the conduct of non-contact wars against any enemy or even a separate city on the planet Earth. That is why Russian national security concept and military doctrine are to undergo very serious changes.

Unfortunately, Russia lost a lot of time. All the official military establishments possess today neither abundance of ideas nor clarity of military thought. There are serious personnel problems. This is substantiated by the fact that they continue to justify decisions by their experience in preparing for a past war.

Since ancient times all the aspirers for world leadership considered conquering Russia as their main task, fulfilling which removed all serious obstacles in the way of world dominance. Analyzing ideological information operations conducted by the United States and their allies against Russia, one can conclude that today we cannot elaborate defense policy and national security policy without an information component, and it is inadmissible to under-estimate its importance.

As we see today, hopes of naïve leaders of the perestroika time that after the end of the Cold War a general peace and prosperity will come, have not been realized. We have witnessed this opinion to become nothing but an error and self-delusion. With time the global conception of the Cold War becomes more comprehensible. It was just an intermediary stage in the US and the NATO bloc under their leadership policy of neoglobalism, creation of conditions where policy will not have to be carried out by military means. As for Russia, it exhausted its right for geopolitical mistakes. Russia finally comes to understand the essence of the current and past changes – that it is passing through a breaking point in its history. I want to believe that the Munich speech of the Russian President and his later address to the Federal Assembly will be a turning point in self-determination of Russia at the modern stage.

Some speakers said today that Russia has no enemies. Some state that the main enemy today is terrorism, and no state is planning to wage wars against others. But for me, as a former military, it is difficult to understand why military bases are created all around Russia. Why ABM is already established in the Caucasus? Why it is being created in Europe? Why ex-socialist states are NATO members? Why US president in his annual address talked about Ukraine's joining NATO, considering that the Ukraine Constitution stipulates that Ukraine is a non-bloc state? But, nevertheless, the Department of State already allocated money to adapt Ukraine as a new member of the North-Atlantic alliance. This is probably the information to reflect on. Or should we tolerate and keep silence, and observe the situation when some more Yugoslavia-type states separate from the Russian territory?

Continuation of the seminar. Section II.

**Moderated by Peter Linke,
Head of the Russian Branch of
the Rosa Luxemburg Foundation (Germany).**

Peter Linke:

Dear colleagues! I give the floor to **Andrey Fyodorovich KOTOV**. Chief Staff of the Navy of the Armed Forces of the Russian Federation, captain.

Please, *Andrey Fyodorovich!*

A.F.Kotov:

I would like to give some attention to the issue describes by Alexey Aleksandrovich Makhlay (*Russian Public Policy Center Foundation - ed.*). We discussed the issues of military capabilities, of strategic nuclear armaments, and didn't pay much attention to the information component.

There is a beautiful saying – that who owns information owns the world. And there is an even more beautiful saying – that who owns power dictates his will.

Let us think. First – Yugoslavia, second – Iraq. Are the goals achieved? Yes. In my view, the next in turn are North Korea and Iran. The public opinion is not quite clear. Why states' leaders are not interested in their people's views? 70% of the population in the Czech Republic oppose to the deployment of ABM elements on the country's territory. It would be more correct to say that the territory is already American.

We didn't talk about the issue so much discussed in the media and on television on the deployment of ABM elements on the territories of Ukraine and Georgia. Open a world atlas and look where these points are located. And ask yourself a question – who, considering such geography, is the eventual US enemy?

Post-soviet states today are doing their best to join NATO. Ukraine, Georgia, other countries. But their leaders don't think what consequences that will entail. Perhaps, from the legal point of view, the Russian President was wrong in declaring a moratorium, but from moral point of view, he was absolutely right. And, I emphasize that, – not withdrawal from a treaty, but moratorium, since Russia has been fulfilling and will fulfill international rules and will require the same from the whole international community. If a treaty is adopted, it should be abided by. When the 1972 treaty was signed, the world was bipolar, there were two superpowers. Today, at the time of globalization one power seeks to dictate its will to the whole world. Some supported such dictate, but some start to impede it. Till now Russia has tolerated it, but, in my view, it will not tolerate any further and,

perhaps, will try to unite the efforts of all world countries in order to not allow a unilateral domination in international affairs. If attempts are made to create not a national American ABM system, but a global one, the Russian Federation has nothing left to do but to elaborate, including on the basis of new technologies, means of penetrating such system. Russia will have to continue the deployment at some points near its borders something that could be opposed to the US ABM system. The Chief of the General Staff of the Russian Federation army general Baluevskiy already stressed this fact.

Peter Linke:

Thank you! The next speaker is **Nikolay Victorovich SUNGUROVSKIY**. Director for military programs at the Ukrainian Center for Economic and Political Studies named after A. Razumkov (Kyiv).

Please, *Nikolay Victorovich!*

N.V. Sungurovskiy:

The thing is that I would like to correct dear Alexey Aleksandrovich (*A.A. Makhlay – Russian Public Policy Center Foundation – ed.*), who said that it is written in black and white in the Ukrainian Constitution that the country is a non-bloc state. There are no such words there. There are references to the Declaration of independence and the Act on national sovereignty, but the words written in the Constitution only say that the Ukrainian laws only are acting on the territory of Ukraine, and that's is. There is something else. The Constitution prohibits deployment in Ukraine of foreign military bases, so the creation on the Ukrainian territory US ABM bases is simply not possible. It requires amendments to the Constitution. That was just a commentary.

I would like to focus more on an interesting thesis from the report of Mr. Linke (*the Rosa Luxemburg Foundation (Germany) – ed.*) that unilateral actions of the United States blur borders between territorial waters and open ocean, between the sky and outer space. I would develop this thought.

The activities of the United States not only blur physical borders, but they also blur legal frameworks. We've already discussed that deployment of ABM elements in Eastern Europe led to certain actions on the CFE Treaty. Technological deployment of the ABM system will provoke the necessity to review the MTCR. It was rightly said that there are things that should be regulated now. We already have on the agenda today the issue of unmanned vehicles, and such issues are numerous. Moreover, I want to say that borders are blurred not only at the level of international relations. It also concerns internal issues. Vladimir Valerievich (*V.V. Evseev, senior research officer at the Center for International Security, Institute of World Economy and International Relations – ed.*), for instance, said

that Russia has missile capabilities that are difficult to maintain and very difficult to re-establish. But it's not only this; the thing is also whether such possibilities to maintain the capabilities have resourceful support. And if we talk about resources, we need to recollect where the thoughtless arms race in the US in 1950s led. Let's remember the 1956 Packard report. It says that US armaments were completely misbalanced. For that reason they introduced the PPBES system. The same could happen in Russia. One-sided prioritization plus lobby, plus corruption – all can lead to unwanted consequences.

The maintenance of such capabilities requires certain economic capacity. Not only economic capacity of Russia should be taken into account, but also the conjuncture of the international market. Let us remember how such capabilities are maintained in other countries. It is done on funds of non-governmental transnational companies. Russia has today two ways. First one is to nationalize everything and use all its GDP in order to ensure the maneuver, that is to relocate resources from one sphere to another. The second one is to go for deep denationalization and due to that to attract resources to the defense sphere. Any good deed can have a bad continuation. This is the matter of Russia. I don't impose my opinion. Any strategy can be only implemented provided it has political will. Any model can be realized. What model you choose is your business. It's not for me to tell you this. That's what it is about.

I don't know where there are mathematicians here, but there is Hedel theorem in math regarding incompleteness of information, and it has an interesting point that says that not any problem can be solved inside a problem. That is no system can be describes in terms of the system itself. If we want to solve a problem we have to go beyond its limits. That is to make it wider. On the international legal level there are intentions to use such approaches, to combine some treaties, some regimes, to invent some packet security measures, which requires standardization of different treaties, agreements. This is what we have to work at.

I don't support Mr. Evseev (*V.V. Evseev, senior research officer at the Center for International Security, Institute for World Economy and International Relations – ed.*) in saying that if we can lessen the confrontation by increasing it, we would solve some problems. Actually, we have to search for some other means; we need to attract allies and our former foes. I see great opportunities in increasing the role of the NATO-Russia Council. It has serious political capabilities, and the capabilities as regards bridging the US and China. We have to use this potential. I don't say this is the only potential, but similar models do require attention.

Thank you.

Peter Linke:

Gennadiy Mikhailovich EVSTAFIEV has asked for the floor. Senior counselor of PIR-Center.

Please, *Gennadiy Mikhailovich!*

G.M.Evstafiev

Mr. Sungurovskiy (*N.V.Sungurovskiy - Director for military programs at the Ukrainian Center for Economic and Political Studies named after A.Razumkov (Kyiv) - ed.*) voiced some interesting ideas that need reflection and re-interpretation. I want to make two remarks.

First – there is a new tendency of acting beyond the framework of the existing organizations and agreements. A special concept has been worked out – that of the “Coalition of the Willing”. This is the most modern part of the US foreign policy that avoids difficulties and uses money to get states in the coalition when political means don’t work.

What prompted me to speak is your thought regarding strengthening the work of the NATO-Russia Council. I worked within its framework for three years, was in charge of the issues of the fight against terrorism and non-proliferation of weapons of mass destruction. I have to tell you directly – my impression was quite negative. I read a recent statement by the Russian Permanent representative to NATO and the head of the Russian delegation general Totsky who said that in 4 years practically nothing changed for the better. A question arises of why we need a council where we cannot achieve anything. I can say clearly that discussing the European ABM in the NATO-Russia Council was like milling the wind, nothing was done in 4 years. Instead, we have the deployment of the US systems in Poland and the Czech Republic.

What happened radically contradicts to the European security and defense policy, because there is an agreement that on such key issues as ABM defense, the EU states and European members of NATO act in accord. Nothing worked out. The Americans saw that they would not be able to agree a consolidated position and attracted new members – members who show striking support to the United States within NATO. That gives an impression that these countries want to prove to all other NATO members that they, and not France and Germany, are the key players in NATO. We are dealing now with a unilateral approach to solving some problems. But these problems are determined by the United States. The US does not demonstrate such approach to the problems that it is not concerned with. When the US needs something it always finds a bunch of interesting arguments and methods. I wouldn’t want us to underestimate the US aspiration to continue acting as the only superpower, as a country that wants to determine positions and policy both of its allies and non-allies, even the policy of Russia. In that context there is total disappointment by the work of the NATO-Russia Council. Although I cannot exclude that under certain circumstances this council could find its niche. But I wouldn’t exaggerate such possibility, and such an option requires a somewhat better understanding.

What we see is a total political egoism of Europe that could not in 4 years determine its position on European ABM, and US aspirations for total domination in all key problems of military-strategic situation development.

Peter Linke:

Dear friends! We have one more report – «*International legal regime of maritime space: legal aspects of navigation security*». The speaker is **Kamil’ Abdulovich BEKYASHEV**. Head of the International Law Chair at the Moscow State Academy of Law, PhD in Law, professor.

Please, *Camil’ Abdulovich!*

K.A. Bekyashev:

I am now in a quite difficult situation. Mr.Linke (*Rosa Luxemburg Foundation (Germany) - ed.*) during the first session already covered quite extensively international sea problems and their correlation with the UN convention on the law of the sea. In this regard I have nothing really to add. In the first session of the seminar many of you already addressed legal experts and said that lawyers had to prompt us to where to go, what to do, etc. I would like to note that real lawyers had never dealt with this. Moreover, a real lawyer is not allowed to do this. Military experts have to provide lawyers with material, and we can say whether this material could go for a treaty, a convention, an agreement, or a protocol. You might remember how the commission was created on the elaboration of the GOELRO plan, then Lenin wrote with his own hand that the commission had to consist of power engineering specialists, economists, metallurgists, and “plus a lawyer for formulating”. Not in order to make something up and go ahead of the events, but only in order to ensure right wording.

Or to advise on when a moratorium could be declared, and what is absolutely reasonable in terms of the international law. International law allows to declare moratorium, if a party to a treaty or, in case of a bilateral agreement, the other party, seeks to profit from that treaty. In that case the opposite side has the right to declare a moratorium. It is not termination, denunciation of a treaty, nor it is a withdrawal. For that reason in the declaration of a moratorium by our President I see no contradiction to the international law.

My speech is not designed against any specific country, I never do that, what I do is study the problem as a whole, because I am not a politician, but an international lawyer.

Security of navigation is ensured by more than 700 international legal documents. Such are, for instance, the 1982 UN Convention on the Law of the Sea; the 1974 International Convention for the Safety of Life at Sea; the 2002 International Ship and Port Facilities Security Code; the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation; and the 2005 Protocol to this Convention, etc.

A question arises: what is it – navigation security? Considering the title of our seminar, I would propose to determine 7 components of the “navigation security” notion.

1. Ensuring navigation security in terms of preventing vessels collision, sea accidents and, therefore, deaths of people, that is the safety of navigation;
2. ensuring navigation security in terms of fight against terrorism at sea (security);
3. ensuring navigation security in terms of the fights against law infringements in the sea, for instance, against piracy, etc.;
4. ensuring navigation security in terms of preventing the capturing of sea vessels by force or threat of force or by any other means of intimidation;
5. ensuring navigation security by preventing aggression against people on board, if such acts could threaten the safe navigation of that ship;
6. ensuring navigation security by preventing any placement on board of a device or a substance that could destroy that ship, or cause the ship or its cargo a damage that threatens or can threaten safe navigation of the vessel;
7. ensuring navigation security aimed at preventing of the throwing off the board of explosive substances, radioactive materials or biological, chemical or nuclear weapons, as well as oil, in such a way that it causes or can cause death or serious bodily injury.

The list of all the components of the "navigation security" could be continued.

Considering the subject of this international seminar, I would like to focus on two aspects of ensuring navigation security.

The greatest danger to the international navigation is posed today by terrorism at sea. The president of the Russian Federation V.V.Putin rightly noted that any system of fighting against terrorism should be based on the priority of international law, that is fight against terrorism in general and, in particular, against terrorism at sea, should be conducted within the framework of international law.

What is important here is a unified set of notions: the term "terrorism", for example, has the same meaning in all languages. Terrorism is an unlawful intentional use or threat of use of violence against an individual, or in order to compel a government to perform or refrain from performing some action, or to seriously destabilize or destroy main political, constitutional, economic or social structures of a state.

Every day mass-media inform us of terrorist attacks. Today there exists a serious growing threat of terrorists' access to nuclear, chemical, biological and other potentially deadly materials and their use, and, therefore, it is necessary to strengthen control of such materials, including by international legal means. The majority of these means are listed in the book "Fight against international terrorism. Compilation of documents" under the general editorship of the Minister of Justice V.V.Ustinov, which is very useful to familiarize with, because it contains all major international conventions, recommendations by international organizations, and, what is especially valuable, - legislation of 20 states in the sphere of fight against international terrorism.

International Maritime Organization is the main center of organizing fight against terrorism in the sea, putting since 2001 a lot of effort in elaborating and codifying international legal norms.

The IMO Assembly resolution A.924 (22) dated 20 November 2001 expresses deep concern with safety of passengers and crew on board of ships, including small craft, regardless of whether these ships are anchored or under way, in the context of incidents relating to terrorism or other illegal acts against ships and subsequent dangers for people on board or in port regions, as well as ports, coastal terminals and marine environment.

After the known tragic events of 11 September 2001 in the US the 22nd session of the IMO Assembly in November 2001 unanimously decided to elaborate new measures of safeguarding vessels and port facilities and submit them to the adoption by the Conference of States-Parties to the 1974 International Convention for the Safety of Life at Sea (SOLAS-74). The Committee for Maritime Security (CMS) was charged with preparations for the diplomatic conference on the basis of documents submitted by States-Parties, international organizations and non-governmental organizations with consultative status in the IMO.

In order to accelerate the elaboration and taking of measures on fighting terrorism, the CMS established an Inter-session working group and later (in February 2002) a working group. The CMS at its 76th session in December 2002 approved the final text of the articles to be discussed at the diplomatic conference.

According to the decision by the 22nd session of the IMO Assembly in December 2002 a Diplomatic conference was held in London that adopted the text of the XI-2 Chapter to the SOLAS-74, as well as International Ship and Port Facilities Security Code (the ISPS Code).

The Chapter XI-2 is titled "Special measures to enhance maritime safety". According to the rule, navigation companies (further - companies) have to fulfill respective requirements of this chapter and the ISPS Code. The contracting governments have to establish safeguarding levels and ensure submission of information on safeguarding levels to the port facilities on their territories, as well as to the vessels before they touch to a port or while at a port.

A State-Party to the SOLAS-74 can require ships intending to touch to its ports to submit to the officials the data on: a) whether the vessel has a valid Certificate, and the name of the body that issued such certificate; b) level of security with which the vessel is working at the moment; c) level of security with which the vessel was working in a previous port; d) any special or additional protection measures taken by the vessel in any previous port; e) fulfilling necessary procedures on ship's security during any vessel-to-vessel activities; f) other practical information relating to security.

The captain has the right to refuse submitting such data, but in that case he can be denied access to the port.

In case the requirements of chapter XI-1 of the SOLAS-74 and the ISPS Code are not fulfilled, the port officials have the right to demand the elimination of such discrepancy, to demand the ship to go to a certain place in the territorial sea or internal waters of the port state.

The ISPS Code is annexed to the chapter XI-2 of SOLAS-74. It consists of part A (these provisions are considered to be legally binding) and part B (provisions are politically binding).

Just as the amendments to the chapter XI-2 of SOLAS-74, the ISPS Code determines a procedure for securing sea ports and ships.

The ISPS Code applies to the following types of vessels conducting international voyages: a) passenger vessels, including high-speed passenger ships; b) cargo boats, including high-speed vessels with gross tonnage of 500, and higher; and c) mobile sea-based drilling rigs. The ISPS Code also covers port facilities operating such ships conducting international voyages.

The rules stipulated for in the chapter XI-2 of SOLAS-74 and the ISPS Code, are to regulate the following issues:

- collection and assessment of information on terrorist threat against maritime transport objects and information exchange with other states;
- maintaining communication between ships and port facilities;
- preventing unauthorized access by third persons to ships, port facilities and their regions with limited access;
- preventing supply of weapons, incendiary devices or explosive means at ships or port facilities;
- notification in case of terrorist acts or threats of such acts;
- obligatory development of protection plans for ships and port facilities on the basis of preliminary protection assessments;
- issuing to ships the International ship safeguarding certificate;
- training of personnel and holding of trainings on protection plans and other issues aimed at preventing acts of terrorism and on initial activities in case of such terrorist acts.

The measures provided by in the aforementioned international documents are implemented in Russia in the framework of the Regulation on the federal system of protecting maritime navigation from illegal acts against safety of navigation approved by resolution of the Government of Russian Federation.

In order to implement the chapter XI-2 of SOLAS-74 and the ISPS Code the Government has to issue a resolution defining measures to realize international obligations of the Russian Federation regarding the provisions of the Convention and the Code.

The Government has to authorize the Ministry of transportation of Russia to exercise functions of the "Contracting Government", "Administration" and "Designated Authority" and to implement the requirements of Chapter XI-2 of SOLAS-74 and the ISPS Code. The government should also make the Ministry of transportation of Russia to elaborate and duly approve normative legal acts on realization of Chapter XI-2 of SOLAS-74 and the ISPS Code provisions.

In our opinion, two documents should be without delay elaborated and approved: Instruction on ship protection and Instruction on port protection from acts of terrorism.

To our mind, the Instruction on ships protection should contain the following chapters.

1. Plan of ship protection means a plan elaborated in order to ensure the adoption of measures on the ship aimed at protecting people, cargo, cargo

transportation units, consumables or the ship from the danger of protection-related incidents.

Competent bodies (for instance, captain of a port, maritime administration of a port) should check the efficiency of ship security plans. Ship owner should ensure that the ship security plan contains clear statement emphasizing the status of the captain. In the ship security plan a ship owner has to provide for that a captain has absolute powers to take security- and ship protection-related decisions and, if needed, turn for assistance to a company or another government member of SOLAS-74, as well as bears main responsibility for decisions taken.

Each ship should have a ship security plan approved by Administration. The plan has to contain provisions relating to three security levels.

Security level 1, normal. This is the normal level of ship's exploitation.

Security level 2, increased. This level is applied during the period when an increased danger of a protection-related incident exists.

Security level 3, exclusive. This level is applied during the period when there is a possible or imminent danger of a protection-related incident.

Further this article states only requirements for security level 1, because other levels are applied only when there is an increased danger for a ship.

2. The Instruction should determine the order of issuing to a ship a Declaration of safety. Such Declaration is given only after examination of a ship and security assessment through cooperation between a ship and a port or through the activity ship-ship for people, property or environment.

A ship may require the issuance of the Declaration of safety, if:

- 1) it is exploited with a higher level of protection compared to a port facility or other ship with which it interacts;
- 2) there is an agreement between Contracting Governments on the Declaration of safety in relation to certain international routes or specific ships used for such routes;
- 3) there is a threat concerning protection, or an incident relating to ship or port facility protection took place – depending on a situation;
- 4) a vessel is in a port that does not require the presence and implementation of an agreed plan of port facility protection, or;
- 5) a vessel carries out ship-to-ship activity with other vessel that is not required to have and implement ship security plan.

The Declaration of safety should be issued on the name of a ship (ships) by a captain or a ship's command person responsible for safety.

A ship should take measures corresponding to security levels agreed by Contracting governments.

With security level 1, in order to establish and take measures on security-related incident prevention, all ships should perform, taking account of recommendations of Part B of the Code and with the necessary means, the following activities:

- 1) Fulfilling vessel security tasks;
- 2) Controlling access to a ship;
- 3) Controlling passengers boarding and loading their baggage;

4) Monitoring the areas of limited access in order to ensure that only authorized people can have access to them;

5) monitoring the decks and regions around the ship;

6) controlling operations on cargo and consumables processing;

7) ensuring that means of safety communication are at hand and can be used at any moment.

With security level 2 on each type of activity special security measures should be taken envisaged by the ship security plan and taking into account recommendations of Part B of the Code.

With security level 3 on each type of activity higher special protection measures should be taken envisaged by the ship security plan and taking into account recommendations of Part B of the Code.

If Administration sets security levels 2 or 3, the ship has to confirm receiving of instructions regarding changing security level.

Before entering a port on the territory of a Contracting government that set security levels 2 or 3 or while being stationed in such port, a ship has to confirm receiving this instruction, and confirm to the port facility's official responsible for safety that it started the fulfillment of relevant measures and procedures provided for in the ship security plan, and, in case of security level 3, - in the instructions submitted by the state-party to the SOLAS-74 that had established security level 3. A vessel has to notify of all difficulties encountered while fulfilling measures and procedures. In such cases port facility official responsible for safety has to establish communication with the vessel's command person responsible for safety and coordinate the relevant activities.

If the captain of a port requires the ship to establish a higher level of protection that the level established in the port that the ship plans to touch to, or where the vessel is already stationed, or if such higher security level is already established on the vessel, the vessel has to inform of this without delay the competent government body on which territory the port facility is situated, or the port facility official responsible for safety.

In such cases a ship's command person responsible for safety and port facility official responsible for safety have to establish communication with each other and, if necessary, coordinate relevant activities.

If the Russian Federation establishes security levels and ensures transmitting of such information to vessels in its territorial waters or those that notified of intention to enter its territorial sea, such vessels should receive a recommendation to display vigilance and provide their government and all neighboring coastal states with any data that attracted their attention and can concern safety at sea in that region.

3. Ship safety assessment. This chapter of the Instruction should reflect the following provisions.

Company's official responsible for safety should ensure that ship safety assessment is performed by persons with relevant ship safety assessment expertise in accordance with this chapter and considering recommendations of Part B of the Code.

Ship safety assessment should include examination of safety on the spot and, at least, the following:

1) Determining the existing safety measures, procedures and activities;

2) Determining and assessing main ship operations where safety should be ensured;

3) Determining possible threat to main vessel operations and its probability - in order to take protection measures and establish their order;

4) Revealing weak points, including human factor, in the infrastructure, policy and procedures.

Ship safety assessment should be formalized by a document, reviewed, taken and stored in a ship-owning company.

4. Ship security plan. Each vessel should have on board a ship security plan approved by the port's captain. The plan should contain provisions regarding three security levels determined in the Code.

Such plan should be elaborated with consideration of recommendations of Part B of the Code and be worded in the working language or languages of the vessel. If the language or languages used are not English, Spanish or French, the plan should include translation onto one of these languages. The plan should include, at least, the following:

1) measures aimed at preventing passage on board of weapons, hazardous substances and devices aimed against people, ships and ports, and transportation of which is not authorized;

2) determination of limited access areas and measures on preventing unauthorized access there;

3) measures on preventing unauthorized access to the vessel;

4) procedures of reacting to a threat that concerns safety, or violating security measures, including provisions on maintaining ship's vital operations or interaction vessel-port;

5) procedures of reacting to any instruction on safety that could be given by contracting governments with security level 3;

6) evacuation procedures in case of a safety-related threat or violation of safety measures;

7) objectives of the crew responsible for safety, as well as other crew as regards protection;

8) procedures on controlling safety-related activities;

9) procedures on preparation, training and activities concerning the plan;

10) procedures on cooperation with port facility safety activities;

11) procedures on periodical review and renewal of the plan;

12) procedures on transmission of security-related incidents messages;

13) information on the ship's command person responsible for safety;

14) information on the company's official responsible for safety, including his 24/7 contact information;

15) procedures on control, tests, calibration and technical service for all safety equipment on the ship;

16) periodicity of tests and calibration of all safety equipment of the ship;

17) indication of points where ships alarm system is put in action; and

18) procedures, instructions and recommendations on the use of ship alarm system, including testing, turning on, turning off and return to starting position, as well as restriction of false alarm signals.

The plan can be stored in electronic form. In that case it has to be protected through procedures aimed at preventing unauthorized deleting, destruction and changing of data.

If officials duly empowered by the government have clear grounds to believe that the vessel does not meet the Code requirement, and the only way to check or eliminate discrepancies is to review the relevant ship security plan requirements, then in exceptional cases and exclusively upon agreement of the contracting state or a captain of such vessel, a limited access to specific chapters of the plan regarding discrepancies, can be allowed.

5. The company official responsible for safety. Ship owner should designate an official responsible for safety. This official responsible for safety can act in this quality with respect to one or more ships depending on a number and types of ships exploited by the company, and the ships for which this person will be responsible have to be clearly specified. The company, depending on a number and types of exploited vessels, can designate several officials responsible for safety, but it should be clearly specified for what vessels each official will be responsible.

Tasks and responsibilities of the company's official responsible for safety, should include, but not be limited to, the following:

1) giving recommendations on the level of threat the vessel can encounter, with the use of relevant safety assessments and other relevant information;

2) ensuring the conduct of ship safety assessments;

3) ensuring development, submission for approval and further implementation and maintaining of the ship security plan;

4) ensuring that amendments be introduced in the ship security plans in order to eliminate deficiencies and meet the requirements for safety of a specific vessel;

5) organizing internal checks and safety-related activities reviews;

6) organizing initial and further checks of a vessel by port's captain or a recognized organization in the sphere of safety;

7) ensuring that deficiencies and discrepancies found during internal checks, periodic reviews, safety control and control of requirements fulfillment be rapidly considered and eliminated;

8) increasing awareness in the safety issues and increasing vigilance;

9) ensuring that the personnel responsible for ship safety had undergone relevant training;

10) ensuring efficient communication and interaction between ship's command person responsible for safety and relevant port facilities officials responsible for safety;

11) ensuring compatibility between safety requirements and security requirements at sea;

12) ensuring that in case of using protection plans for one-type vessels or a group of vessels, the plan for each vessel will contain correct information on specific vessel; and

13) ensuring the implementation and maintenance of alternative or equivalent measures approved for specific vessel or a group of vessels.

6. Ship's command person responsible for safety. Each ship should have a designated command person responsible for safety.

Tasks and responsibilities of ship's command person responsible for safety should include, but not be limited to, the following:

1) holding regular ship security checks in order to make sure necessary safety measures are maintained;

2) maintaining ship security plan and monitoring its implementation, including any amendments to the plan;

3) coordination, in what concerns safety, of activities of cargo and consumables processing with other crew and relevant port facility officials responsible for safety;

4) submitting proposals on amending ship security plan;

5) reporting to company's official responsible for safety on any deficiencies and discrepancies revealed during internal checks, periodic reviews, safety controls and controls of requirements fulfillment, as well as taking measures to redress the situation;

6) increasing awareness in the safety issues and increasing vigilance on the ship;

7) ensuring that the personnel responsible for ship safety had undergone relevant training;

8) sending messages on all security-related incidents;

9) coordinating the implementation of ship's security plan with company's official responsible for safety and with a respective port facilities official responsible for safety; and

10) ensuring that safety equipment, if it exists, is exploited, tested, calibrated and serviced correctly.

7. issuing and confirming the certificate. International certificate on ship safety is issued after initial check or check for certificate renewal.

Such certificate is issued or confirmed by either the captain of maritime fish port or a recognized organization in the sphere of safety acting on behalf of government.

International certificate on ship safety is given for a period no more than 5 years.

Adoption of Chapter XI-2 of SOLAS-74 and the ISPS Code is an important step in the fight against terrorism at sea. As justly noted in the UN Security Council resolution dated 2 September 2004, terrorism in all its forms and manifestations presents a most serious threat to international security.

An established system of fight against terrorism as regards ships and sea ports has been created in the Russian Federation and is working now. Main elements of this system are:

The work of expert organizations on vulnerability assessment and elaboration of ships and port facilities security plans;

Organization of activities on supplying port facilities with engineering technical means of protection;

Training and designation at each object officials responsible for safety.

As a result of the work done 1658 vessels received international certificates of safety.

251 port facilities received endorsement for their security plans and were declared to the IMO.

One of the formal indicators of the work in the framework of ISPS Code is the quantity of control measures applied to ships.

According to international requirements, control measures include:

- checks of a ship;
- delay of ship's sailing;
- arrest of ship;
- operational restrictions, including movement within the port;
- deportation of ship from port.

In 2004 during examination of Russian ships in foreign ports there were registered 19 cases of arrests for reasons of simple non-fulfillment by the crew of safety requirements. Among the main reasons are:

- a copy of the Certificate of safety was submitted instead of the original;
- there was no control of access to the ship;
- no control of identification documents was carried out;
- there was no registration of visitors in the registration journal;
- a procedure of accompanying third persons visiting a ship was not carried out;
- there was no monitoring of limited access points;
- no activities on established security levels were performed;
- notes were lacking on the 10 last visited ports of entry, security levels and activities and trainings held on safety;
- the crew did not know their main safety obligations envisaged by the ship security plan, etc.

As a result of the checks and arrests of ships in 2002-2004 Russia was found in a "gray list" of the Paris memorandum, with balance excess of 0.76. As a result of 2003-2005 checks, Russia remained in that list, but with lower score.

Before Russia was excluded from the "gray list", according to Paris memorandum 14 ships were arrested in 2005, 8 – in 2006; according to Tokyo memorandum – 26 and 1 respectively.

For 8 months of 2006 no cases of ship under Russian flag being arrested according to the ISPS Code were registered. For comparison I can say that last year more than 100 Chinese ships were arrested for failure to correspond to international legal norms on the fight against terrorism at sea.

In conclusion, I will touch upon international legal aspects of fight against illegal acts aimed against safety of navigation.

The UN Security Council in its resolution 1540 (2004) recognized the barest necessity for all states to adopt additional efficient measures to prevent the proliferation of nuclear, chemical and biological weapons and means of their delivery.

In 2003 the UN General Assembly confirmed that states had to ensure that any measures taken in the framework of fight against terrorism correspond to their international legal obligations.

As showed the well-known recent event, the barest necessity emerged to supplement the 1988 Convention with provisions aimed at preventing new cruel terrorist acts against safety and security of international maritime navigation and increasing effectiveness of the Convention.

According to the IMO Assembly decision, a Diplomatic conference was held in October 2005 that adopted a protocol to the 1988 Convention.

The 2005 Protocol seriously enlarged the range of crimes contained in Article 3 of the Convention, as well as introduced new provisions on debarkation on a ship suspected of involvement in terrorist activities.

The 2005 Protocol "criminalizes" certain acts concerning the use of a ship as a weapon, transportation of terrorists and illegal transfer of weapons of mass destruction. It also contains additional mechanisms on the fight against WMD proliferation. The 2005 Protocol requires states-parties to take necessary measures that allow to call to account a legal person in cases when a natural person responsible for management and control in respect of that legal person, committed in that capacity a crime listed in the Convention and the Protocol.

Article 12 of the Convention requires states-parties to render each other with maximum help as regards criminal prosecution.

Russia is member of the 1988 Convention since 2 August 2001. At ratification the following declaration was made: "The Russian Federation applies par.1 of Article 8 of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation where it does not contradict its legislation".

Russia, however, does not have an adequate and unified legal act on the implementation of norms of the 1988 Convention. In this respect I believe it necessary for the Russian Federation to: firstly, ratify the 2005 Protocol; secondly, to elaborate and adopt a federal law on safety of navigation; thirdly, conclude agreements with relevant states on the fight against maritime terrorism and holding on their basis anti-terrorist operations (analogous to the NATO's "Active Endeavor"); fourthly, improve administrative and criminal legislation aimed at fight against piracy and maritime terrorism.

Thank you for your attention.

Peter Linke:

Thank you very much! If you have questions to the speaker or remarks, you are welcome.

G.M.Evstafiev. (*Senior counselor of PIR-Center*):

It was a very interesting exposé.

In 2003 the United States put forward a so-called PSI concept – proliferation security initiative to fight against weapons of mass destruction and their proliferation. When the concept was under discussion, there were a lot of debates: does this US concept violate the law of the sea? I was one of the initiators of Russia joining the initiative, but till now I am not sure that the thoughts I expressed at that time are right.

K.A.Bekyashev:

It is not difficult for me to answer this interesting question, for I also gave my expert opinion on the PSI. The discussion is published the "Law of the sea and practice" journal where I am editor-in-chief.

Everything depends on a kind of vessel in question. If we talk about a civil, fishing, commercial, even oceanographic (although such ships are qualified as meant for special purposes) vessel, I can say in all sincerity that yes, they can be stopped. Naturally, in open waters, not in the territorial ones. But if we talk about a military vessel, according to the UN Convention on the Law of the Sea, they are excluded of its jurisdiction. That is military vessels cannot be inspected. As for Americans, what they wanted to inspect were military vessels.

Together with Americans we participated in operations in a number of regions of the World Ocean and we saw this concept being implemented. If we exclude such factor, we will have no fight against terrorism in the sea.

G.M.Evstafiev. (*Senior counselor of PIR-Center*):

The question was the following: there were specific situations when vessels were inspected, particularly, a North Korean ship was captured and inspected near Yemen, and some armaments were found on board. The Americans boosted all this, but then it turned out that the vessel was carrying weapons ordered by the government of Yemen. How can we interpret this situation?

K.A.Bekyashev:

Gennadiy Mikhailovich (*G.M.Evstafiev – senior counselor of PIR-Center – ed.*), it is that very situation that was very much debated, including in our media. When we were elaborating the 2005 protocol to the 1988 Convention, the representatives from Yemen raised this question on the diplomatic conference. They declared that they do not agree with such interpretation of the protocol and would not ratify it. It is very difficult to have a single meaning here – we can't give recommendation on each vessel.

Vianyak Patankar (*Research institute in the sphere of security under the Observer Research Foundation, retired lieutenant-general – India - ed.*):

Are there established rules on transportation of hazardous cargo? If yes, how are they categorized?

K.A.Bekyashev:

I thank you for not only a very interesting, but also a difficult question. But, as I understand, there are no easy questions at this seminar.

As for shipping of hazardous cargo, I can remind that there are two conventions. If commercial vessels transport hazardous cargo, there is a special international convention to ensure safe shipping of such cargo, it was elaborated in 1989 in the framework of the International Maritime Organization and now entered into force. The Russian Federation ratified it two years ago. If a state transports hazardous cargo, it has to act in accordance with the convention.

You are right in saying that hazardous cargo should also be categorized. There are hazardous cargoes aimed for peaceful activities, whereas the 2005 protocol only prohibits the transportation of such cargo designed for military purposes, such as nuclear, chemical, bacteriological cargo, etc. According to the 2005 protocol, its transportation is prohibited and is equivalent to terrorism.

A.A. Kurtov (*President of the Moscow Center FOR Public Law Study – ed.*):

My question does not concern the issue of navigation security. Could you, please, leaving aside the formal legal position, say what weak points in terms of the international maritime law you see in the foreign policy of Russia – a country now rising from its knees, re-establishing its power? It is evident that we have such points at the Black Sea, at the Baltic Sea, at northern seas, and the situation with an electron manifested it...

K.A.Bekyashev:

The answer to your question could be the subject of another international seminar, preferably with participation of Korea, China, Japan, Tajikistan, Turkmenistan, Norway, etc. About 15 years ago I delivered a report before the Association of international law, and it was not quite understood by my colleagues. I believed that in the nearest future Russia would be faced with the danger from regional seas surrounding the country. I don't want to salute myself, but to a considerable extend my forecast was right.

We held 17 rounds of negotiations with Ukraine on the Azov Sea. Not a single constructive step was made and there is an impression that every round

signifies a growing divergence of positions. Ukraine declares that almost the whole of the Sea of Azov should belong to Ukraine.

As for Caspian Sea, we have recently had negotiations in Ashgabat. The same story – except Russia, everyone considers the sea theirs. Azerbaijan considers his a middle part of the sea, but it should be the middle that has sturgeons. Kazakhstan aspires to all the oil reserves of the Caspian Sea. They propose to give Russia ten miles, and split the rest.

As regards the Bering Sea, the problem has calmed down a little, only the so-called enclave was not divided. And here the main merit in regulating the issue should be attributed to Russia. Japan and China have activities in the enclave area – they fish out about 700,000 tons of fish a year. Russia gave Japan and China the same limits for fishing free of charge.

The problem of delimitation of the Barents Sea is being solved since 1977, and now there is total moratorium. Till now nobody knows who does and what, because the Norwegians require that the Icelanders and the Farerers be admitted to the area, while Russia considers that the part belongs to it in accordance with the international law.

«Electron» on Shpitzbergen demonstrates that despite all the attacks on Russia in this regard, it doesn't go stronger. The Treaty on Shpitzbergen was concluded in 1920, and by now it is totally outdated. Why don't we raise the question on reviewing the treaty?

The same concerns the Black Sea straits. We are not allowed to pass through them and were forced to go to Burgas. Our ships wait in Istanbul for 5-10 days, imagine the cost of every day of tanker's anchorage. Let's raise the question on reviewing the convention on the regime of Black Sea straits. It has so many participants, even Jamaica, and it is not clear what it has to do to the straits.

The issue of member states is also a very complex one. Trinidad and Tobago participate in the treaty on Shpitzbergen. It is clear that such states are only attracted in order to have more votes.

I can go this way around the whole perimeter of the USSR, and I have to say that the danger in terms of the law of the sea and the maritime policy has not been lifted and is growing every year.

I think that the UN Convention on the Law of the sea has a number of serious drawbacks. First, it does not cover many issues, and second, it has some quite strange provisions. It says, for instance, that the convention does not concern the status of those straits that are already subject to international agreements. The Black Sea straits are just those straits, and now Turkey rules there and does not allow any mentioning of the necessity to review the 1936 League of Nations agreement.

Peter Linke:

I have three questions that may seem banal to you, but I am not an expert in this, I'm a political scientist. The first question: how you, as a specialist, see the

future of shoaling waters (territorial ones and those surrounding archipelagos)? You've said a lot about the big ocean, but in terms of military art it is shoaling waters that will play serious role in the future. The second question: how does the American term of "littoral waters" (that is rather military-political or even military-strategic) correlate, in your opinion, with the International Convention on the Law of the Sea? Yes, we can use this term instead of "shoaling", but in old military dictionaries of 1960s-1970s such notion does not exist. I believe that the notion "littoral waters" is wider and deeper than just "shoaling" waters. The third question: what is your attitude as international lawyer to the debated ideas of creating a common airspace? To what extent this idea corresponds to the existing international law?

K.A. Bekyashev:

In your report, Mr. Co-chairman, you partially mentioned these questions.

I can guarantee that in the next 50 years the UN Convention on the Law of the Sea will not be changed. Although it has been revised twice, never say that it was a revision of the Convention, since only separate issues were partially reviewed and amplified. Everybody fears the very word "revision", because the "Charter of Seas" (the whole book of 350 pages and 12 annexes) was "born in the throes". If the situation continues as it is, there will be no erosion, blurring of the sea areas covered by the Convention. And it distinguishes internal waters, territorial waters (up to 12 miles), exclusive economic zone, continental shelf, and open sea.

Internal and territorial waters have almost the same international legal status. There are some rare exceptions, but generally they are considered to be a part of national territory – a state can do there whatever it wants. I'm convinced, for instance, that a state can prohibit special-purposes vessels (such as nuclear-powered ones) from entering its territorial waters. And, according to the Convention, every state has the right to do this – even though it is not said directly, but it follows from the customary law of the sea.

"Littoral waters" presents an everyday notion and is not used in the law. It can be used anywhere, but when we talk about elaboration of an international legal document, we will only use such terms as "territorial waters", "continental shelf", "economic zone", etc.

I'm not so well acquainted with the problem of uniting international law of airspace and outer space, although, according to my status, I should be an international lawyer of large competence and know everything. I think that no state, not even the United States, would benefit from this. State sovereignty spreads onto airspace, whereas only the jurisdiction you mentioned spreads on the outer space. Or, having launched a space object, you can consider it, putting it roughly, your territory? So I think such conception is destined to fail.

Peter Linke:

The notion "littoral waters" is already present in many strategic military documents. Don't you see here certain danger that international law will refuse to recognize this term as a notion of politics. It is very difficult even to find the very definition of the term? Do you think that international legal experts will not recognize this notion for not fitting into the wording of international documents?

K.A.Bekyashev:

I will add that "littoral" is a geographic and oceanographic term. There is a precedent. Till 1958 the notion "continental shelf" was also used only by geographers, and then it entered the international law. So we cannot exclude anything in this life. But today, until we have the Convention on the Law of the Sea, the use of the term "littoral" in a international legal document would be unlawful.

Vianyak Patankar (*Research institute in the sphere of security under the Observer Research Foundation, retired lieutenant-general – India - ed.*):

Does the Convention on the Law of the Sea have to be fully applied during military conflicts? The issue of applicability of the Convention in time of war remains unsolved. The Convention is applied, but with some alterations according to conflict's conditions.

Are some provisions applied while others remain unchanged? What is the significance of articles 88 and 301 of the Convention on the Law of the Sea if they can be ignored during an armed conflict? The United States seems to have recognized the right of Iran to search American vessels in open sea in search of contraband during the war between Iran and Iraq. The US, in its turn, declared a 5-mile identification zone around their ships in the Persian Gulf, which they called "moving bubbles". They demand aircraft and ships to identify themselves before entering this 5-mile zone.

During negotiations on elaborating the Convention on the Law of the Sea the right to participate in military actions within exclusive economic zones of other states was quite contradictive. Till today this issue provokes contradictions, when different groups of states express dramatically opposite views. The countries remain deeply divided as regards such activities as launching of weapons, hydrographic filming and intelligence in other states' exclusive economic zones.

Throughout recent decade security issues have grown in importance abruptly and dramatically. It becomes a common action for major naval powers to assume the right to stop and enter on board commercial ships in search of suspicious cargo in all parts of the ocean. Relationship between law of the sea and zones of military conflict has always been very vague, and the efforts to define laws of neutrality and blockade need to be reviewed and modernized in order to be in line with today's notions of security.

K.A.Bekyashev:

As I understand, these professional questions are posed to me as a main speaker, but I would like other specialists here – from the General Staff and other research institutions – to participate in the answers.

The UN Convention on the Law of the Sea says that all States-Parties (that is 170, which makes this norm a customary one) shall use World Ocean only for peaceful purposes. The UN Convention does not cover shooting in the World Ocean, or use of ocean as a battlefield; on the contrary, it proclaims peaceful uses of the World Ocean. It does not mean that it is prohibited for a submarine to go anywhere, but what is prohibited is shooting.

The problem of exclusive economic zones is much more complex. Exclusive economic zone is called open sea in terms of navigation and other question – sovereign rights cover only living and mineral resources. But if a cruiser enters a Russian exclusive economic zone, for instance, near Kamchatka, and starts maneuvering, for example, launching a missile, at the moment when it raises missile emplacement Russia has the right to stop it, for instance, by firing a rocket.

But if the same American cruiser wants to conduct scientific research in the area, the Conventions requires that it asks for research permit 6 months in advance.

If a military vessel goes in a usual regime, it has a legal status regulated by the principle of freedom of navigation. If a vessel starts maneuvering, it loses such legal status, and coastal state has the right to take preventive measures.

I didn't understand it clearly – where did the US declare the 5-mile identification zone – in US or in the Persian Gulf?

Vianyak Patankar (*Research institute in the sphere of security under the Observer Research Foundation, retired lieutenant-general – India - ed.*):

That's right. It was only one example during increased tensions in the Persian Gulf. I received the answer, thank you.

There is a point I would like to clarify. I was asked to pose these questions by my colleague who couldn't come to the seminar due to health problems. I am not an expert in the law of the sea, but I thank you and congratulate you on a very good answer.

B.R.Tuzmuhamedov. (*Professor at the Diplomatic Academy – ed.*):

I would like to make a remark to lieutenant-general (*Vianyak Patankar – Research institute in the sphere of security under the Observer Research Foundation, retired lieutenant-general – India - ed.*). There is a nuance here, and many might take it as lawyers' aspiration to complicate the situation once and for all.

International law in general and international law of the sea, in particular, operate with the notions "for military purposes" and "exclusively for peaceful

purposes". Whenever possible, international law tries to be conscientious and enlightened in the use of these terms. But then lawyers start to argue and make conclusions the authors of the convention never even counted on. So, there is an opinion that the notion "for peaceful purposes" allows activities carried out by military ships and aircrafts flying over the use of armaments and equipment against some other object. While the proscription to use any land or sea territories, outer space and celestial bodies "exclusively for peaceful purposes" presumes the prohibition of not only non-aggressive activities by armed forces, but also of the very presence of the military as such.

It is here that the difficulties may arise. In Antarctica, for instance, a lot of activities are carried out by the military using some devices, military aviation, icebreaker or hydrographic fleets belonging to the armed forces of relevant states.

It can also concern what our colleague Mr. Linke said about littoral waters. Legal and non-legal experts sometimes use very similar terms, but they put in these terms completely different meanings. What you call littoral waters a lawyer will not even call shoaling waters, because he will have in his mind the Convention on the Law of the Sea and he knows what is shoaling zone according to the Convention. When people say "littoral" they must mean modern platforms and concepts of their strategic and tactical use in these littoral waters. While a submarine designed for operating in low waters, or a platform do not violate provisions of the international law, we cannot do anything to them. Another thing is that we can expect in some critical period that it will act too close to our shores and will enter underwater our territorial waters, so we have to keep a close eye on such an object.

Peter Linke:

Let's take a submarine. It conducts various activities, including collection of data in the territorial waters but these data could be used for military purposes. What should be done here?

B.R. Tuzmukhamedov:

While we are not in a state of war with the state under whose flag the submarine is floating, while it does not wander about under that flag above the water, let it go. But if it pulls down the flag, dives and starts doing something, measures should be taken to act upon it and force it rise to the surface or leave territorial waters, of course, in case we have relevant means to do that.

Peter Linke:

I'm reasoning now as an analyst. We already have discussions on the concept of shoaling, littoral war, but I don't see the international law trying to analyze or somehow react to this tendency. I consider this concept very dangerous.

B.R. Tuzmukhamedov:

In principle, international law proceeds from the fact that the war is prohibited, but it does not mean that there will be no war. If a war occurs, we pass to another section of international law called the law of armed conflicts, or international humanitarian law. If something irretrievable happens and international law of peace fails to work, it does not mean that the war should be conducted outside the legal framework, in that case the norms regulating the conduct of war on the sea battlefields come to action. Another thing is that they were written many years ago and do not take into account the possibilities of modern equipment, including equipment able to operate close to the shoreline and do whatever – disembark saboteurs, monitor, etc. But if the war is unleashed – other norms of law start to act.

K.A. Bekyashev:

According to the Hague Convention, when a seat of war is named, so-called security zones can be declared. That's what Americans did. And that's what we failed to at the Kola Peninsular, and we had to pay for it. A military conflict is a static situation, but military conflict turns into military operations.

Vianyak Patankar (*Research institute in the sphere of security under the Observer Research Foundation, retired lieutenant-general – India - ed.*):

I want to address my question to the speaker. My question is a one of a soldier, I also address it to military experts here and to those who are concerned with the security of their countries and regions, and also to political scientists.

The discussion we have here reminded me of one situation. It happened right after 9/11, when the US survived an attack, and a war against terrorism was declared, after which the US unleashed a campaign against Osama bin Laden. During the campaign there were strikes on Afghanistan from the sea. The US Naval fleet received a credit of confidence in order not to start military operations with land forces. The American fleet entered territorial waters of Pakistan that was at the time a US ally in the war on terror. But what would have happened if US ships entered territorial water of another state without its permission? The country would have been involved in the war, in the conflict that could follow. By doing nothing it would turn into a party to the war.

This is the danger posed by such approach based on the existing law of the sea. Technologies provide naval fleet with greater opportunities to conduct operations in territorial waters.

We don't have a decision ready today on how to respond to such situations. This risk reminds me that we have to be vigilant in controlling the situation in our territorial waters, on a minute-to-minute bases know what is happening there. Not every state could oppose to American invasion.

We have my Iranian friends here. Let us discuss what would have been the reaction had that strike been delivered from Indian or Iranian territorial waters?

I agree that world public opinion is against terror, but what should be done if a country decides to enter territorial waters of its neighbors on the basis of its own national interests in the framework of fight against terrorism? What could be the consequences of such an action?

G.M.Evstafiev. (*Senior counselor of PIR-Center – ed.*):

I agree with the general (*Vianiyak Patankar – Research institute in the sphere of security under the Observer Research Foundation, retired lieutenant-general – India - ed.*), that we have a huge problem here. If such actions really do occur, they represent acts of aggression and require relevant interpretation. Your example is, to my mind, not the most appropriate, because a whole series of agreements on cooperation in ensuring mutual security have been signed between the United States and Pakistan. In my view, the US did not enter Pakistani territorial waters accidentally. They would not go to Indian waters and would not shoot there as in Pakistan, because with Pakistan they have a rich network of mutual security agreements. So in that sense the example is not the best, though the US behavior was, of course, outrageous. But I don't know, for instance, any situation when they entered and shot without permission.

Peter Linke:

Thank you, gentlemen! I think we've just had an interesting discussion on the report presented by Mr.Bekyashev.

In order to continue discussion on other subjects of today's seminar I give the floor to Mr. **Manuchekhr MORADY**, Director of the Center for Central Asian and Caucasian Studies IPIS, the Islamic Republic of Iran.

Manuchekhr Morady:

I would like to thank the organizers of this seminar, especially Dr.Muzykantyskiy, Dr.Linke and Mr.Makhlay.

The main problem is to manage to link two subject of the seminar – the military and the legal one. I deal with security issues. I believe the main goal for all – politicians, the military and lawyers – is to maintain security in the world. I am not a military man – I only served for two years as a soldier in the war against Saddam Hussein, but I have legal knowledge.

In my presentation I would like to raise the question of how can regional security be achieved. I stress "regional", because in the region where I live now, including the Middle East, Gulf States and some post-soviet republics, the main problem today is the lack of genuine security. How can we achieve security in that region?

As you see, all the speakers know that our whole region is surrounded by frozen conflicts – on the south of Caucasus, in Pakistan and India, in Afghanistan and Iraq. The US military presence in the region is hostile towards Iran, although such factors as terrorist threat, ethnic animosities should be taken into account. Those are the problems and threats we have to resolve.

Factors determining our Iranian thinking can be divided into three groups. First is the geographic location of Iran, second, our resources, especially oil and gas, and, third, consequences of Islamic revolution. These are the factors Iran has to take into account as factors of security. An important factor is the people who act upon the ideas of the Islamic revolution and national sovereignty. Protection of our territory and security against external threat, prevention of war in the region, as well as establishing stability and peace are playing a great role. According to our strategy, we strive for these objectives by means of cooperation and external security.

Regional security doctrine is the basis for our regional foreign policy. We try to look for common interests and values and undertake certain measures aimed at strengthening security. We try to learn on such examples as Iraq and Afghanistan, because we have to take into account the effects of circles spreading around a stone thrown into the water.

There is connection between the actions of peoples and governments. All these objectives of regional security depend on three main components. First, the issue of definition, second, institutional components, and third – operative components.

In order to understand the factor of definition, we have to clarify what we mean by a "region" and what makes us choose a certain type of security.

Institutional component is determined by two types of institutions – governmental bodies that play their main role in the region, and public organizations that ensure informal interaction between peoples of the region. The final goal of such interactions is to link state and society on a regional scale.

The third component is the establishment of elite groups representing the region both on governmental and civil levels. Links should be created between universities, charitable societies and other non-governmental organizations.

On the way towards peace and cooperation there is, first of all, a lack of will to live in peace. Frozen and active conflicts seriously hinder peaceful development of situation.

People seek peace, because only peace can ensure them life and prosperity. The community of interests of all societies of one region could contribute to this.

Iran strives for ensuring its security in the world full of tension, conflicts and uncertainties. That is why we have to work together, because our peoples share common destiny.

Some small steps are taken by elite groups of certain states, which does bring changes to the situation despite many problems. These institutions have to work on the basis of commonality of cultures and our public and political objectives.

Thank you for your attention.

Peter Linke:

I have a question. There are different approaches to the mega-region where you live. There is an American approach that includes Middle Asia, a part of Caucasus, Afghanistan and Iran in the region. There is European approach, Russian approach, and these approaches dramatically differ in terms of scale, regional coverage. It would be interesting to know your opinion regarding the region you live in. How do you understand the notions "Middle Asia", "Near Asia", "Trans-Caucasus"? What is the Iranian approach to the problem of defining regional borders, and how this definition differs from American, European and, maybe, Russian approaches?

Manuchekhr Morady:

The region around Iran encompasses the states of the Middle East, Western Asia, Central Asia and Southern Caucasus. These are the countries that surround Iran. As you know, the main task is to prevent interference of other states in the region's affairs.

What is the difference between the approaches of Europe, US and Russia? The essential thing is that they are not part of this region and have absolutely different interests compared to the states within the region.

For instance, countries situated to the north of Iran are facing serious problems regarding NATO expansion, Caspian Sea, Northern Caucasus conflicts. All these events and tendencies could damage the Iranian security. European states, let alone the United States, are not facing such threats.

I think that the countries of the region and those close to it, such as Iran, Russia, India, have a special importance for the region. These states, their official and non-governmental organizations do what is not in the interest of neither the US nor Europe.

I hope the difference in approaches is clear now.

Peter Linke:

How does Iran see the possibility to prevent the presence of third countries in the Caspian region? Especially in the Caspian Sea waters, considering ongoing negotiations on renewing the legal status of the sea. Is there any prospect of common approaches to the problem of preventing or banning permanent presence, including military one, of third countries?

Manuchekhr Morady:

As for the Caspian Sea, after the collapse of the USSR five Caspian states had to reach an agreement by means of negotiations. The countries of the region had to better understand threats, problems and opportunities for their region. They have the capabilities and they have to use them for maintaining peace and stability in the region. That is why the countries beyond the region should not take decisions concerning the region.

P.G.Belov. (Adviser of the President of the Academy for geopolitical problems - ed.):

I would like to know the opinion of our colleague from Iran. One of the latest issues of the "Jane's missiles and rockets" on the fourth page has a lengthy article regarding the debates on the deployment of US ABM system's elements in Europe. One of the drawings shows the trajectory and sector of the flight of missiles launched presumably from central parts of Iran towards Greenland and Tula. I would like to hear your view regarding the credibility of such calculations.

Manuchekhr Morady:

I believe that in order to confirm the possibilities of Iranian missiles to reach these territories we should turn to our Russian colleagues. The ABM system being established not in Poland is, of course, aimed against Russian, not Iran. If Iran was the target of that ABM, we'd have to talk about the Gulf States or, at least, about Turkey. There is no doubt that the European territory will not be used for strikes against Iran.

G.M.Evstafiev. (Senior counselor of PIR-Center - ed.):

It follows from your definition of regional security that you stick to a large interpretation of the region's borders. This has something in common with the American concept of the "Big Middle East". I don't see anything tragic in such approach, but that leads to a number of problems. The first problem of regional

security is the relations between Iran and Arab states of the Persian Gulf. Second problem is the settlement of the Middle East crisis, including Israel's nuclear disarmament, without which no solution of the crisis would be attainable. But this is a very long way. Are you ready to live in a permanent state of deteriorating regional security, or you think that gradual steps are possible in the resolution of this problem. In particular, regional security in the Persian Gulf, which is vitally important for Iran considering the presence of US troops in the region, and then transition to other aspects of regional security. Or do you think that until all regional security issues are solved, the Iranian concept of regional security cannot be realized?

How do you plan to solve the problems with Arab countries of the Gulf?

Manuchekhr Morady:

In my statement I tried to concentrate not on momentary tasks that had to be solved immediately. I agree, there are multiple problems in the relationship with the Persian Gulf's Arab states, but they can be resolved if there is no interference from outside.

Iran maintains now positive relations with the countries of the southern part of the Gulf, notable with the United Arab Emirates. But even with the UAE we have tensions regarding two disputable islands.

You might know that Iran received a proposal to become an observer at TCC. So I think our relations with Arab states are not so hopeless. We oppose to external presence in our regions, oppose the policy aimed at driving a wedge between Arab states and Iran.

Yes, we do have real problems between the Sunni and the Shiites. The policy of Iran and Iraq is not quite clear for some Arab countries, but I don't think our contradictions are so much fundamental and insurmountable. We can solve them.

G.M.Evstafiev:

It may seem impudent, but I have another question. It is not a secret that the Iranian nuclear problem causes serious complications not only for Iran, but also for those states that are well-disposed towards Iran. To my mind, all the components of a compromise on the Iranian nuclear problem already exist, only political will is missing to realize this compromise. It appears to me that both sides lack such political will. I was very pleased when before the latest UN Security Council meeting, where a resolution was adopted not very pleasant for Iran, Mr. Mattaki declared, probably trying to influence the Council's decision, that its nuclear program was exclusively peaceful. If his predecessor had done it a couple of years ago, a lot of questions would have been lifted. But the statement didn't get further development.

A new round of negotiations is starting in the Security Council on 24 May to discuss a new resolution. Mr. Akhmadinejad continues his very tough declarations. There shouldn't be three sorts of NPT (Nuclear Nonproliferation Treaty) participants. The first-rate members that have the right to possess nuclear weapons, second class with the right to have full peaceful uranium enrichment cycle, and the third-class members, where attempts are made to include Iran, that appear to be NPT participants, but have no right to enrich uranium for peaceful purposes. That's too much.

I don't really see the will of the Iranian leadership to meet halfway with those who sympathize Iranian position and to find a compromise decision, all component of which are already there. Even in Western Europe there is an understanding the Iran is right in its approach – there cannot be a third-class state within NPT. But I do not see Iran's aspirations to accelerate the process instead of aggravating the situation, as wrongly do some Iranian representatives.

Is there any hope that Iran will be able to use those who want to help it in the interest of reaching a compromise?

Manuchekhr Morady:

I have a question to you as an Iranian friend – what do you understand by good will? Which actions on the side of Iran does that presume?

Strictly speaking, Iran does not have a nuclear program. We have an IAEA program, and there are no grounds and proves to state that Iran enriches uranium for military purposes. Till now nobody was able to prove it. We confirm our readiness to answer any questions, but not in the framework of the Security Council. Consideration of an issue in the Council is a political, not a legal measure.

There is another question. Why is Iran under such pressure? Is there any other country in the world that would be undergoing similar pressure while developing its peaceful atom? You, as political analysts, have to know what is the main problem in the relations between Iran and US.

Thank you for that Iran has friends, especially such friends as Russia that are ready to undertake the burden of reaching a compromise. Russia knows better than anyone else that our atom is a peaceful one.

What other political will do we have to show? Iran has many times declared its readiness to hold negotiations. The US is playing some political game trying to derive benefit from this process.

A.I.Muzykantskiy:

I would like to sort of apologize before Mr. Morady for such amount of questions that no other speaker was posed. It demonstrates that the number of contacts between Russia and Iran is not sufficient today. Maybe there are a lot of

such contacts on high official level, but in general the relations between non-governmental structures, between public organizations are not enough. For that reason we have so many questions, misunderstandings, that would be resolved had Russia have more information on the Iranian issue.

Beyond the framework of this seminar I would like to discuss with you the possibility of establishing other contacts, conduct of joint seminars or conferences in order to overcome this vacuum. The lack of information often provokes misunderstanding, negative reactions, and it in many respects explains why the issue was submitted to the UN Security Council and Russia voted for the resolution on sanctions. Russian public opinion in this case can hardly support Iran, including due to the lack of contacts and information on each other's positions. I hope we will have such contacts in the future.

Peter Linke:

The issue of the Iranian nuclear program is a multifaceted one. It includes, among others, the problem of instrumentalization of UN abuses in disarmament issues, the issue of European immaturity toward Americans, especially as concerns strategic decisions, and that is, of course, the issue of hypocrisy on the side of the US, and partially on the side of Russia and Europe. How can they demand a state to renounce military nuclear technologies, if these countries themselves build up their nuclear capabilities?

The Americans made it clear that they will insist on using nuclear weapons on different seats of war. In Europe Great Britain is now modernizing its nuclear capabilities, although no one talks about it. Japan is a nuclear power, and again nobody speaks about it, and it has capabilities to enrich uranium. While all this lasts, it is hypocritical to demand from third countries, including Iran, to renounce their civil, and even military, nuclear ambitions.

This leads us to the discussion of the third and last subject of our seminar. Unfortunately, we do not have a speaker here. We invited Mr. Abratov, but he has important reasons no to be here today.

Disarmament has become not very popular. We witness an opposite process – not disarmament, but armament. I would like us to discuss this issue based on two assumptions. If we started talking about disarmament now, a question arises: technologies can we still use those principles, norms and definitions that were elaborated in the post-war period against the background of latest achievements in the field of military? Or are we to elaborate completely new approaches and principles in the sphere of disarmament?

The next expert who asked for the floor is the Rosa Luxemburg Foundation research officer Mr. Erhard CROME.

Please!

Erhard Crome:

I mostly deal with the issues of international relations, problems of peace and European continent. I don't have a prepared report, but I would like to draw your attention to several important points.

Let us look at the world of the early 21st century. Mr. Makhlay was talking about the illusions that emerged at the time of perestroika and glasnost'. Germany also experienced such illusions. In 1991 some far-going declarations were made. We talked then about the danger of war and believed that the war had come to its end in 1990s. We thought we were entering the new world without military threats. But in 1990 the Iraqi war was unleashed, then we witnessed the war in Yugoslavia, and that was the first war after World War II where Germany participated. The German left was the only force that opposed to that war. Later Bush started the second war on Iraq, and then the Germany government took anti-war stance. The fact that German troops did not participate in that war demonstrates serious change in German consciousness. However, the Americans used their bases on the German territory, and they use them for various purposes.

If we look at the situation from today's perspective, we witness a new turn of the arms race provoked by the United States. We see China increasing its spending on armaments, and Japan considering possible changes to the Constitution that would allow it to possess nuclear weapons. We witness an increasing role of the naval fleet, for instance, considering the example of US and Australian cooperation. In 21st century we face new attempts to solve problems from the position of power, as well as competition in the sphere and new threat of military conflicts.

For this reason we have to think not only about what should be done in the framework of developing military-strategic doctrines, how to solve problems of armaments, technologies, etc., but we should probably also talk about possible ways to get rid of this weapon, to discuss the possibility of changing the agenda, and moving to other issues.

I see three problems that we should bear in mind, and I think we have to understand whether today we still have a strategic balance of nuclear capabilities. We see today one superpower, on the one hand, and aggregate capabilities of Russia, China and other states, on the other. Doesn't it mean that the Americans can do whatever comes into their mind?

In 1970-1980s we discussed the problems of strategic sufficiency of nuclear armaments to ensure security. That sufficiency allowed to guarantee security, but did not allow to influence the situation in other parts of the world. This issue is very important for Germany, because German government acts both within the EU and NATO. Therefore, there is a possibility that German troops will find themselves in Congo or some other part of the world. Does it correspond to German interests? Is it a necessity for immediate protection of German borders?

The strategic issues are absolutely new philosophic issues of national defense and national security strategy. I am not sure that the current situation corresponds to German interests.

The Americans managed to capture Iraq, but they failed to control the situation in the country. Today Iraq is a state rejecting American policy and American soldiery. For that reason the question of asymmetric response arises. Not always we have to use the same technical and logistical means to repulse such an attack.

The war is not a solution for all problems emerging in today's world. Many of the problems originate from the changes in economic capabilities of the US, China, India and other states. But these problems are solved not by military means, but by means of negotiations.

Thank you very much.

V.V.Evseev. (*Senior research officer of the Center for International Security, Institute of World Economy and International Relations – ed.*):

I would like to dwell on several disarmament issues, particularly, nuclear one. In many respects it is the United States who is initiating nuclear proliferation. The following facts speak in support of this: refusal to ratify treaties on nuclear test ban; development of new-generation nuclear loads that allow to make nuclear weapons more reliable and to avoid testing. Washington's unilateral decisions on North Korean nuclear tests showed to everyone that if North Korea did not possess nuclear weapons, its destiny would be evident. Even though North-Korean nuclear test was not effective, and the load was only 400-500 tons, it was still a plutonium load that exploded. Many states looking at Korea say, "Korea is a weak state, but it has nuclear weapons. The United States is afraid of it, maybe we should also develop nuclear weapons?" After North Korea there are Taiwan and Japan, as well as a whole group of countries in the Middle East. It turns out that the initiator of nuclear race is the United States and their policy, not fully thought-out.

It is not correct to say that all nuclear states seek nuclear disarmament. Russia has a program of developing and modernizing its nuclear forces, China also has a quite powerful program. Practically all states renew their nuclear arsenals. Against this background demanding Iran to conduct disarmament policy is the policy of double standards.

If the Strategic Offensive Reductions Treaty defines for Russia the maximum of 1700-2200 active loads, then in case this ceiling is reduced to a 1000, we will rest against the necessity to account other states as well. Currently we can talk about 9 countries – 5 official nuclear states, 3 unofficial ones, and North Korea. If we don't do it, China can raise the level up to 1000 loads. So the problem will not be solved, and Russia and the US will disarm, whereas China will build up its weapons. In order to solve this problem the next stage of nuclear disarmament should take into account other states' capabilities.

The problem of nuclear nonproliferation has become so important that if we fail to come to an agreement with North Korea and Iran, we will be facing the threat of total collapse of the nuclear nonproliferation regime. Many things Iran

does are simply not comprehensible, and this incomprehensibility makes others want to possess their own nuclear weapons.

However positive is our attitude to Iran, but if a state without a single nuclear power-station or a nuclear power reactor develops 1300 gas centrifuges, there is a question of its purpose. The Isfakhan site was created according to a deeper scheme: with an agro-industrial enterprise on top.

In many respects the fault lies on Washington and other nuclear states, but those states that are on the threshold of having nuclear weapons help nuclear disarmament processes to reach a full deadlock.

The objective of creating nuclear weapon free zone in the Middle East is considered by many as utopian. On 24-25 May Luxemburg will host an event that will discuss both the issues of nuclear nonproliferation in general and nuclear nonproliferation in the Middle East in particular. This even will gather world-level experts, IAEA representatives (M.El Baradei and some of his staff). Perhaps these experts will manage to propose a solution to the problem. Because today the problem is such that all proposals elaborated on national levels are not realizable, despite 60 recommendations put forward by the Hans Blix international commission. Maybe the Luxemburg meeting will get things moving.

Peter Linke:

You are right, of course, but a question remains – why some are being criticized, where others not. Let's criticize everyone – the Japanese, the Israeli, and others, and let's see what will happen. This is hypocrisy. We can say, of course, that all politics is hypocrisy, but such approach will not get us moving.

I do not understand Russian position. Of course, Russia is in a difficult position in the UN and other organizations, but it should speak more firmly in support of Iran. Iran has very few allies. If it continues this way, there will be no fresh European approach to the subject. In the Iranian issue a lot depends on Russia. There is a feeling that Russia is on the side of the West on this question.

B.R.Tuzmukhamedov. (*Professor at the Diplomatic academy – ed.*):

Human memory is indeed short. An expansive information campaign was unleashed around Iraq stating that Iraq produced and stored nuclear weapons on its territory. It was not proved. The same information campaign is underway now against Iran. So where the US ABM missiles in Europe are targeting? Iran? North Korea? I'm not sure.

If North Korea and Iran refused their nuclear programs, would these elements be withdrawn from the Czech and Polish territories? I'm not sure.

A.I.Muzykantskiy. (*The RPPC Foundation*):

In terms of strengthening its security is Russia interested in North Korea and Iran acquiring nuclear weapons in 5-10 year?

V.V.Evseev. (*Senior research officer of the Center for International Security, Institute for World Economy and International Relations – ed*):

North Korea has already tested nuclear weapon and can be considered a nuclear state. If Iran acquires nuclear weapon, Russia's security will not be strengthened.

But the question can be put otherwise: what would be worse for Russia – creation of Iranian nuclear weapon or a US war against Iran? In my opinion, the second option would be worse.

In principle, the situation can be forecast. According to American experts' views, there is 80-95% probability of US striking against Iran. It would be done not because of the nuclear program, but due to the situation in Iraq and other places. Momentary strike will not be possible, so the campaign will be of long duration. It would cause more serious consequences for Russia than Iranian attempts to get access to nuclear technologies. Iran can come close to nuclear weapon, but it does not mean that it will pass the threshold.

Peter Linke:

I believe the question is not whether Iran will have nuclear weapon, but that today Europe and Russia blindly repeat US arguments. In what concerns Iran we are now in the very center of the information war.

G.M.Evstafiev. (*Senior research officer of PIR-Center – ed*):

We are witnessing again the "6 April syndrome", when the Israeli by means of their intelligence hooked the whole world and said that on 6 April they would strike with nuclear weapons. The information was repeated by everyone, even our General Staff was talking about the "Bite" operation. What was the result? Nothing...

Just recently I posed a question to Mr.Hallbrook and Mr.Pearl on whether Brzezinski is right in telling that the US will attack Iran. They both said no. This game is genuinely an information war conducted by intelligent people, littering the press and mass-media with information that the war was about to start. And then it will turn out that nobody was going to fight.

Our problem is that we let others push us around, although Russia has its own interests with which we are manipulating under external pressure. We do not understand the essence – that we inherited the problem of regional security from

the Cold War. And we should have solved it long ago. Till now the US Presidential Administration has never given Iran any national and regional security guarantees. I saw myself people that were exposed to the Iraqi chemical weapons. It's a terrible image. Iran lived through a serious psychological blow. Iran does not trust the US, but a part of Iranian ruling elite will be pleased to make a deal with the US.

Until Iran receives real guarantees for its own and regional security, it will naturally seek to develop the means of protection.

The IAEA spent 3250 inspector-days in Iran. They found some scraps, unfinished casts of non-Iranian origin, etc. But no conclusions. The conclusions of all five IAEA reports are basically copied from the first one. The IAEA does not possess absolute possibilities, but it appears that nobody has them – neither intelligence services, nor other information structures. No one can prove that Iran is developing nuclear weapons.

The latest report of the US special services suggests that Iran will be able to develop nuclear explosive device in 2015. It's only 8 years from now! But the date is being constantly put off. I've been dealing with nonproliferation issues for many years, and I was already promised that Iran would create nuclear weapon in 1998, then in 2001. Now it's 2015.

As soon as North Korea announced the possession of nuclear explosive device, the talk with them became absolutely different. Mr.Bush even said "Mr. Kim John Il". Negotiations started.

I doubt that your powerful meeting in Luxemburg would be able to solve the world problem; the work done has fully prepared the elements of mutual agreement. This is the question of political will. The United States has to take the only possible path – to propose to Iran a complex of security measures in return of certain guarantees. Western Europe might find the strength to bring about the proposal they had devised long ago – to temporarily suspend the uranium enrichment program. Ms.Rice came and made them rewrite that point into a definite suspension, but now they are coming back to the previous idea.

The United States is saying now that it didn't know Pakistan was developing nuclear weapons. They knew it very well! They imposed sanctions three times! But eventually they allowed their strategic partner to realize its nuclear program.

If a state joined the NPT, it has to abide by its provisions instead of trying to change them. India and Pakistan knew in advance that they were going to develop nuclear weapons, so they didn't accede to the treaty.

For now no one has reason to state that Iranians are creating nuclear weapons. The essential thing is to solve regional security issues, which would lift many of the problems. As soon as our nations feel political security, as soon as they see that nobody is trying to change regimes, overthrow governments, interfere in their internal affairs, take away natural resources, all these problems will be quickly solved.

I think the United States is the origin of all Middle Eastern problems.

Peter Linke:

Thank you all for your questions, statements, remarks.

We have one more speaker, **Pyotr Grigorievich BELOV**. Adviser of the president of the Academy for geopolitical problems. I think he will himself present the title of the report.

Please, *Pyotr Grigorievich!*

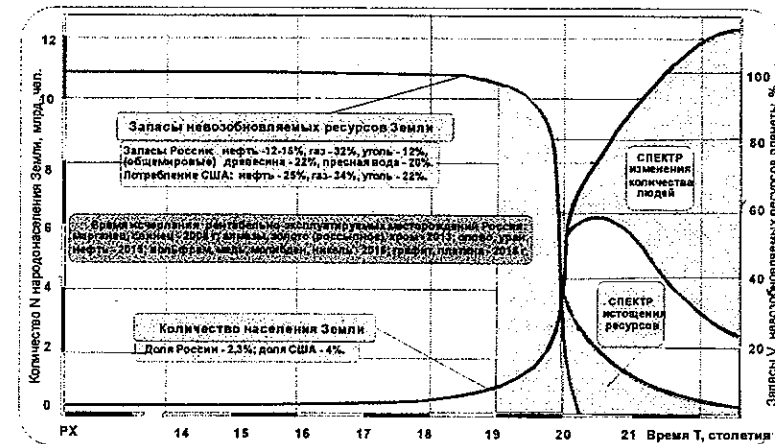
P.G.Belov:

The subject of my report concerns the assessment of influence of the US ABM system on strategic stability and national security of Russia. In exposing my position on the issue I will follow the recommendations of the axiomatic method and systemic-deductive approach in hopes of giving it necessary clarity and verifiability.

It would be logical to present as starting postulates and premises my own understanding of a revolution in military affairs, today's global problems and the reasons that recently induced the United States to speed up the creation of national ABM system. I'd like to remind that such decision was preceded by their withdrawal from the 1972 international treaty hindering such actions.

As for the revolution in military affairs, I will understand by it the development of nuclear-missile weapons that rid the countries on the other side of the ocean of their traditional advantage and thus emphasized the problems of the law of the sea and outer space. Talking about reasons making people arm, it seems appropriate to proceed from their natural aggressiveness. As we know, it was Heraclites who drew attention to the fact saying that "It should be known that the war is a standard practice, enmity is a natural order of things, and in nature one thing emerges at the expense of another".

And in order to comprehend where people got all this and why all of a sudden the US intensively started to arm, I would like to draw a special attention to the situation where humanity finds itself now. It is well illustrated by the diagrams (slide 1) with coordinates: horizontal axis – astronomic time from the birth of Christ; vertical axis – quantity of people (on the left), and on the right – the reserves of exhaustible and partially renewable natural resources of the Earth.



Slide 1. Resource and demographic challenge to strategic stability

The curve rising from left to right shows the dynamics of population on Earth: if 20 centuries ago our predecessors amounted to 200 million, the 20th century alone saw the fourfold increase in the population. That's explosive! The opposite curve corresponds to the presence of the resources in percentage, which could be qualified as an even greater collapse. Indeed, we burned almost 30 times more of them, and compared to the population growth – 7 times more.

The curve fork represents forecast scenarios: some of them (maintaining current tendencies) are unrealistic, others (sharp decrease in population and economical use of non-renewable resources) are inadmissible or impossible. Such pessimistic assessment is due, on the one hand, to the crossing by the humankind of the bearing capacity of the Earth with the prospect of "suffocating in our own waste products" (anthropogenic pressure on biosphere is already 6-10 times greater than the acceptable one), and on the other hand, to the unwillingness of the South-Eastern countries to limit the birth rate growth, and of the North-Western states – the consumption rates. Hopes are just as naïve for finding large reserves of organic fuel (almost everything is explored) and principally new sources of energy (all known fundamental interactions are already used to producing it, and due to "beyond the Earth" pressures and temperatures it is unlikely that thermonuclear energy would be developed).

This means that the resource and demographic challenge has now become the main challenge to international stability, and discrepancy between the needs of growing population and the capacity of nature to satisfy them without degradation can be considered as the main contradiction of the modern time. Incomprehension of this and ignorance of energy problems exclude any attempt to reasonably interpret everything that has already happened (Iraq) and is happening (Iran) in the Middle East, in the CIS and in Russia.

This slide shows that the time of exhausting the profitability of some exploited reserves of natural fossil materials counts in years, and the United States

is the main consumer of all resources. In these conditions we should hope that this and other "golden billion" countries turn to an economical use of natural resources. Why should they economize if they can take from others, and that is the essence of their policy and the destiny of the state mentioned above and other countries with resources...

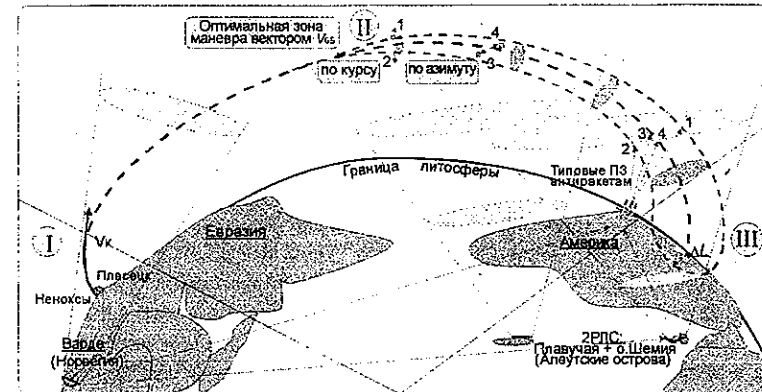
I will no more discuss international or regional stability, but will dwell on the national security of Russia. Because our country still presents a fount of natural resources, and the increase of the surface temperature taking shape today will make it (unlike others) also a planet's bread-winner, because foreign agricultural lands will soon be a semi-desert or a desert. The resource attractiveness of Russia, however, makes it extremely tempting for aggression.

A question arises: what is the role and place of the American ABM in all this? The answer to it can be found in last year's issues of "International security" and "Foreign affairs". Their authors (two US professors) professionally analyzed the situation and warned that the United States was close to an absolute military predominance, because it can with impunity destroy Russia and China with one strike. And the ABM under creation is aimed at guaranteeing US protection against any possible response by insignificant quantity of missiles that could, miraculously, still remain there.

It is of principal importance to acknowledge not a hypothetical possibility of such military conflict, but inevitability of new US policy where they will not consider anyone else's position. It's not by accident that a month after those publications the Russian Supreme Commander-in-Chief in his regular address to the Federal Assembly said that we have modern fighting missile complexes with hyper-sound maneuvering warheads that have no analogous, and we should fear nobody.

In these circumstances it is important to understand where the truth lies. Especially considering that 10 days ago one Russian newspaper published an opinion of the head of analytical department at the Institute for military and political studies who qualified US fuss around ABM as chimera. And that when the same issue published an opinion of the US defense minister who specially arrived in Russia on that issue together with their Secretary of State: "Limited AMB system is realistic and efficient"! He supported his statement by multiple successful tests, but clarified right away that its capacity does not allow countering Russian nuclear-missile capabilities.

Using the commonly accessible data and slide 2, let us analyze the real capacity of ABM considering that it is designed mainly against ballistic missiles. It means that having got a speed vector VK in the active track (sector I), the fighting load then flies like a thrown stone (bold dotted line). Since this trajectory can be well forecast, and its greatest part (sector II) is beyond atmosphere, measures can be taken to position and intercept warheads on the track III at a minimum, that is immediately before the target.



Slide 2. American ABM: the idea of penetrating the ABM and US counter-measures

Thinking deductively, it is easy to understand that it's better to destroy enemy's warheads before they are launched or on the initial trajectory together with the missile. And, on the opposite, ABM can be penetrated when hundreds of real warheads together with thousands of heavy and light (in the vacuum -- a metallized plastic bag) false blocs are launched at once. In these conditions it is impossible to timely filter out real loads and, therefore, count their flight mission and launch anti-missiles for timely interception. This is the situation we have today, while Russia still has multi-load mine missiles capable of overcoming ABM in this way.

There is another way to overcome the ABM system, that is when after some time the fighting blocs are given additional speed along the course (vectors 1,2) or azimuth (3,4). In that case all preliminary counts get outdated and it becomes more difficult to counter the strike. That is what President V.Putin meant when he talked about maneuvering.

However, knowing limited maneuver possibilities, the Americans took measures to timely find out the parameters during our new ballistic missiles tests of which we have to inform in advance and not encipher telemetric information. In order to do so they installed three radars (1 in Norway and 2 in the Pacific Ocean) near our nuclear test grounds (Nenoksy, Plesetsk) and receiver of freight-models of their warheads (Kamchatka). As a result, the US already possesses the information on possible maneuver options and is ready to parry them within the range of possible trajectories. It's not for nothing that they installed first 14 anti-missiles in Alaska and in California and loaded them with a set of model flight missions and a possibility of rapid re-targeting. This is the current situation.

As for the prospects, they can be assessed on the basis of the publicized plans of developing US and Russian strategic armaments for the period until 2015.

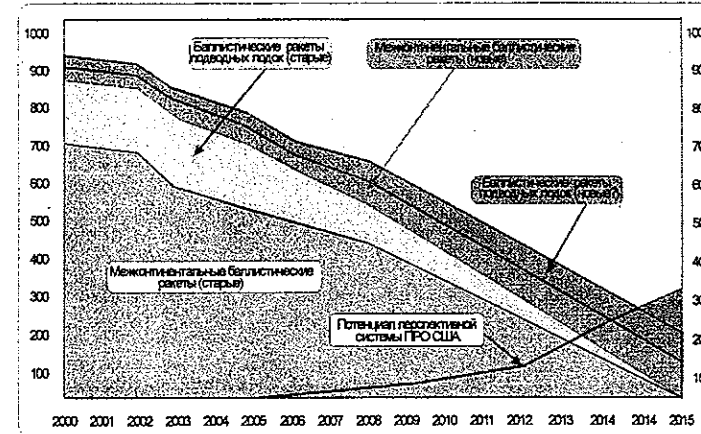
The US will reinforce their ABM capabilities by uniting it with the airspace defense system. The emphasis will be put on destruction of enemies' missile carriers both before the launch and during all three stages of flight trajectory. In order to timely detect missiles they will deploy infrared satellite system "SBIRS"

and, most probable, a radar in the Czech Republic. For their destruction at launch – “Boeings” with chemical lasers and, of course, anti-missiles in Poland. In sector II the interception will have to be carried out by anti-missiles of a ship-based “Ijiss”, and several years from now – striking space devices. All of these will make the number of penetrating enemy warheads insignificant, and the American ABM system countering it – efficient enough.

And now a few words about the preparatory works carried out in the US on adapting today's program of developing Russian strategic armaments to the possibilities of the ABM created by the US. It should first of all be linked with the names of academician N.N.Moiseev and professor K.Sagan whose conclusions on “nuclear winter” served M.Gorbachev and then B.Eltsin as justification for the country's unilateral disarmament in the regime of “controlled confrontation”. First it was manifested as respective unilateral initiatives, then – within framework agreements and bilateral treaties, and the result was an intensive degradation of our strategic nuclear forces.

I mean by this the refusal to reproduce Russian heavy multi-load silo-based missiles, massive launch of which at once would devalue any ABM system and that we do not reproduce and modernize since 1991. It was done due to disinformation thrust by the US and supported by a number of US-sponsored Russian research organizations like the afore-mentioned institute and similar centers on disarmament and international security. The essence of the disinformation is as if mines are easily destroyable: their coordinates are known, and precision of American missiles is extremely high (although the latter is not a fact if launches are carried out through the North Pole – it's difficult to check the influence of Coriolis forces and there has been no such experience), so their maintenance manifests our aggressiveness (intention to be the first to strike). Consequently, if Russia is not an aggressor, it should abandon silo-based missiles in favor of ground-based mobile “Topol”s believed to be enduring, and therefore the only ones suitable for a nuclear-missile response.

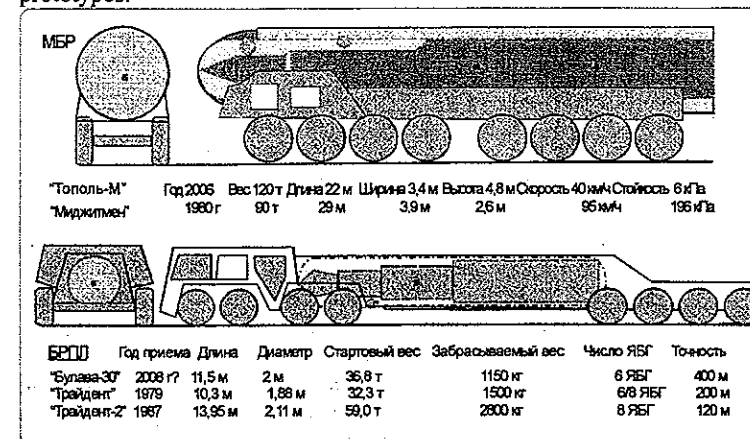
For that reason and because of an erroneous decision of the country's leadership in 1998 to hand over the development of prospective ground- and sea-based ballistic missiles to a single design office whose experience is limited to the creation of a solid-fuel “Topol”, Russia carries out today the program of creation of that type of missiles aimed at unequal replacement of previous ones. The dynamics of such replacement (changes in the quantity of missiles with years) is shown on slide 3.



Slide 3. Dynamics of Russian missiles and their interception capabilities

Comparison between the number of our ground-based (about 120) and sea-based (up to 100 at best) missiles expected in 2015, with the US ABM system ability to counter them, gives grounds to a) agreeing with the affirmation of two US professors regarding upcoming US hegemony, b) exposing their defense minister as providing a false statement regarding presumably helpless ABM against Russian missiles – see low right part of the slide. No one knows better than the Head of the Pentagon not only the quantitative characteristics of our future strategic armaments, but also qualitative (tactical and technical) parameters of their basis – ballistic carriers of nuclear loads developed in Russia.

And now about what our new missile complexes “Topol-M” and “Bulava-30” are like. I will explain it using slide 4, drawing attention not only to their originality (they have no analogues), but also to the lack of prospects compared to prototypes.



Slide 4. Comparative data on Russian and American missiles

As for tenacity of "Topol-M" (upper scheme), we can judge it according to conclusions made by Los-Alamos nuclear laboratory specialists who studied anti-terrorist protection of ground-based mobile missile complexes. It turned out that even its American prototype "Midgetman" (lower scheme) that was many times superior to our "Topol" in terms of mobility, turnover resistance and armoured defense, did not meet the demands made. This conclusion, as well as public pressure in the US, made Congress consider it impossible to deploy even such mobile missiles on their national territory. And till now there is no country that has strategic ground-based mobile missiles. And that is – it's hard to believe it – due to their technological weakness. The reason is that they are easy to detect and destroy because of their large stowing dimensions.

The situation with "Bulava-30" is just as shocking: its general constructor publicly states that nobody in the world can make anything similar to it, and will not be able to do it in another 15-20 years. Look at the last slide and compare the parameters of this missile with "Tridents" created 20 plus years ago! Draw your attention to the size and the start weight: "Bulava" has the same, whereas precision and the throw-weight are much smaller. Where should the engine be placed for unpredictable maneuver of its warheads? A question arises – who the designers and propagandists of such "prospective" missiles take us and our possible enemies for?

Do the creators and exploiters of mobile "Topol"-type missiles really believe that the possible enemy has no idea about their low tenacity and battle steadiness? Al this is easy to count even with just a pencil and a piece of paper at hand. And since it is known that the US are capable of supplying in advance the possible routes of dispersal of the missile by means aimed at its radiation spectrum (incomparable to anything else) and launched from outer space when necessary. Let alone the use of high-precision weapons and nuclear loads during military operations.

Thus, the situation with our missiles is seen as very doubtful. You know that we are planning to have more than a hundred of such "Topol-M"s, majority of which will be mobile, and the rest – silo-based. Situation with "Bulava-30" is not comprehensible at all: it's not for nothing that in 1999 (right after an order for its production was received) the head of one of the afore-mentioned Centers declared that Russia would soon be without submarine ballistic missiles, and recently the director of another institute did not even mention them during the analysis of Russian strategic armaments.

Then it turns out that a hundred or so of our carrier rockets does not present any threat to US intentions to ensure absolute military-political domination, and the creation of national ABM systems radically destabilized the situation. Therefore, after 2015 they would permit themselves to do whatever in order to accelerate the establishment of a new (power-based) world order. And if Russia or China would all of a sudden want to persist, they would be rapidly reminded of who is who, and, if needed, that would be demonstrate to them by action...

In conclusion I would like to remind you of R.MacNamara – prominent US Minister of Defense – who in his time proposed to replace the strategy of mutually

assured destruction by the strategy of mutually assured security. That is to let each side arm as much as it deems necessary. The best means suitable for that are missiles located not on submarines but on the national territories, in the mines well protected of terrorism and totally under government's control. Such a decision would make the world stable and make everyone more confident and interested in the possession of such weapon.

It is not by accident that the director of the Institute for the US and Canadian studies S.M.Rogov all of a sudden recollected the concept of mutually assured security. Russia has to put forward such initiatives and if our partners really seek stability and security they will support us. If not, Russia should withdraw from international agreements that hamper nation-oriented military-technical policy and from then on take well-weighed and reasonable decision based on expert community's opinions and after serious discussions for which I hope here as well.

Thank you.

G.M.Evstafiev. (*Senior research officer of PIR-Center – ed.*):

I listened to Pyotr Grigorievich with great interest. Another half an hour and I would be terrified. The tendency is very troubling, and our inability to solve some scientific and technical problems as regards the renewal of nuclear-missile capabilities is evident. These problems should, of course, be solved, and not concealed.

I think that such analysis should be conducted against the background of what is happening with our partners-opponents. Their life is not easy as well, capabilities are getting older, and inevitable process of replacing nuclear warheads is underway. For that reason they worked out the program "RW reliable replacement weapon" that they are trying to put into life. They are changing the concept of nuclear weapons in the future. The US nuclear complex that they promise to renew by 2030 was created long ago. The Los-Alamos, Livermore laboratories have gotten very old.

The discussion in the US attracted my attention by the fact that, due to great successes in the creation of high-precision weapons, the discussion in the US regarding the future role of nuclear weapons got even more heated. I don't mean Kissinger and others infected by a 'retired official' syndrome. Young heads of programs, such as Marts in Los-Alamos, are not at all sure that nuclear weapons have the very right to exist after 2050. They will be forced to make those warheads, but the discussion has started and is getting more intense.

I'm very much troubled by the fact that we don't have such debate. I knew quite well Valeriy Aleksandrovich Fedosov, our great constructor and former head of GOSNIAS. He stresses that it's high time we started moving from nuclear-missile paradigm towards high-precision weapons. I tried to support this opinion in one of military journal, but was virtually trampled down by the General Staff specialists. It's not a fact that those who were trampling me down won't have to be up before the history.

It's high time we determined what nuclear weapons, how many and for what period we need. I have an impression that, as in soviet times, everything keeps moving mechanically – we are seeking parity with the US. All those who were saying "better less, but better" were trampled down. Since we are talking about a new military doctrine of Russia, we should approach this process with very precise definitions. Every secretary of the Security Council or Minister of Defense considers it his duty to create a doctrine. I remember marshal Shaposhnikov invited us to discuss new doctrine and told us right away that he learned a lot of new for himself. That was marshal! Prominent commander! Three weeks later marshal Shaposhnikov was discharged from the post of secretary of SC. A new person came – Mr. Baturin – and started writing a new doctrine. We need a doctrine that would look ahead at a long perspective for a state, not for high-ranking officials. Then the issues we discussed today will be considered enough.

Peter Linke:

Dear colleagues! Does anybody else want to speak? No! Our seminar has come to its logical conclusion, and I'm please to give the floor for final remarks to the President of the Russian Public Policy Center Foundation **Alexander Ilyich MUZYKANTSKIY**.

Please, *Alexander Ilyich!*

A.I. Muzykantskiy:

Just as marshal Shaposhnikov, I have to say that I learned a lot of new for myself, but I will not undertake to make any conclusions to our discussion. I think I will be right and will express everyone's opinion in saying that the objective we had is mainly achieved.

We spent seven hours of a very specific and, at the same time, theoretically rich talk on paramount problems of armaments and military technologies development, state of international law of the sea and outer space and the problems of its adaptation to new military realities, as well as problems of disarmament.

The seminar titled "Revolution in military affairs: law of the sea and outer space" has definitely become a certain intellectual experience. The issues we've discussed today concern the life of the humanity at large.

After the end of Cold War, dissolution of the Warsaw Pact many hoped that current and future historical events would open a greatest stage in the life of humanity not only in terms of political events, but also in terms of changes in peoples' relations as a result of comprehension of common destiny, interlacing of human lives, and putting off the danger of nuclear, chemical and bacteriological wars.

At the same time, as many of the speakers noted, the latest decade saw a considerable break-through with the creation and development of laser, electromagnet, acoustic, climatic, psychotropic and other weapons.

Suspicious, doubts, and sometimes even tension remain among states. And, in view of the recent events, they will remain in the foreseeable future.

All of this means that the societies today are not ready to abandon military means of solving problems.

I really liked the way Vladimir Zinovievich Dvorkin formulated the goals of our meeting. Scientific and technical revolution is underway and nothing can stop it, and it also expands the possibilities for its military application. Can some international agreements or other regulating means try to somehow diminish at least the most odious and dangerous possibilities of using the results of this revolution?

The history of humanity knows such attempts – the conventions on prohibition of chemical and bacteriological weapons. To some degree, these conventions did work – of course, together with other means. Something like this is now before the international community. Is it possible to elaborate some regulators that would allow to at least minimize, if not exclude, the latest achievements of scientific and technical revolution in military affairs.

You see how close these questions are. For instance, the modern system of the law of the sea is based on the clear delimitation of open seas and territorial waters, whereas military thought gradually develops in a way that the difference between them is being blurred. Should the system of international regulation somehow respond to this with some clarifications or amendments?

The same question concerns outer space and airspace. Can any changes be introduced in order to limit, prohibit or exclude the use of such devices that are at the same time space and airspace ones? And there is hardly any doubt that such devices can be developed. The same concerns unmanned aerial vehicles. If prospectively the scale of their use in Europe will be 60,000 units, then civil aviation flights will no longer be secured.

There are a lot of questions. It's very positive that the attention is drawn to them today.

We intend to publish the materials of the seminar both in Russian and in English.

On behalf of the Russian Public Policy Center Foundation I thank all participants for being here and for such a purposeful and substantial work at the seminar.

I thank all speakers, especially those who provided texts of their reports. A big thank you to all.

And now I give the floor to *Peter Linke*.

Peter Linke:

I also gained a lot of useful information from our discussions. My fear that international law, including law of the sea and outer space, does not yet well correlate with new challenges in view of recent military technologies developments, has been proved true. Something is being done in the sphere of outer space – last year in Geneva the discussions started on Russian and Chinese proposals on preventing the militarization of outer space. Which is not so good is that it has not yet become widely publicized. Maybe we should undertake the task to spread around what we already have.

I also want to thank everyone who responded to our invitation, came to participate in our seminar and was ready to exchange views.