



## Inside this Issue

<b>Recent Developments .....</b>	<b>2</b>
<ul style="list-style-type: none"> <li>- Kazakhstan Ratifies Biological Weapons Convention</li> <li>- Ukraine Amends Criminal Code to Penalize Nuclear Terrorism</li> <li>- Pakistan Joins Initiative to Combat Nuclear Terrorism, Establishes Strategic Export Control Division</li> </ul>	
<b>Changes in Personnel .....</b>	<b>4</b>
<ul style="list-style-type: none"> <li>- Former National Security and Defense Council Official Appointed as Permanent Head of Ukrainian State Service for Export Control</li> </ul>	
<b>Illicit Trafficking .....</b>	<b>4</b>
<ul style="list-style-type: none"> <li>- Roundup of Radioactive Incidents in Russia</li> <li>- Roundup of Radioactive Incidents in the NIS</li> <li>- Russian Authorities Prosecute Members of Weapons-Smuggling Ring in Primorye</li> <li>- Latvian Authorities Make Arrests in Investigation of MiG-29 Parts Illegal Export</li> </ul>	
<b>International Assistance Programs .....</b>	<b>9</b>
<ul style="list-style-type: none"> <li>- Radiation Detection Equipment Installed at Ukraine-Moldova Border</li> <li>- New Zealand and the United States to Provide Funding for Ukraine's Nuclear and Radioactive Security</li> <li>- Canada to Fund Border Security Upgrades in Ukraine as Part of Global Partnership Commitment</li> <li>- EU Continues to Assist in Improving Border Management in Central Asia</li> <li>- IAEA Deputy Director General Visits Tajikistan</li> <li>- Radiological Laboratory Opens in Tbilisi</li> </ul>	
<b>Embargo and Sanction Regimes .....</b>	<b>12</b>
<ul style="list-style-type: none"> <li>- Penalties Handed Down in Mitutoyo Case as Japan Looks to Increase Criminal Sanctions for Future Violations</li> <li>- Implementing UNSC Resolutions, Japan Sanctions Iranian Individuals, Entities</li> </ul>	
<b>International Developments .....</b>	<b>15</b>
<ul style="list-style-type: none"> <li>- Pakistan Port Joins U.S. Cargo Scanning Initiative</li> </ul>	
<b>Conferences and Workshops .....</b>	<b>16</b>
<ul style="list-style-type: none"> <li>- Forums on Industry-Government Relations in Export Controls Held in Bishkek and Almaty</li> <li>- U.S. Government Assists Tajikistan in Improving Emergency Response and Border Control</li> </ul>	

## Recent Developments

### **Kazakhstan Ratifies Biological Weapons Convention**

On May 7, 2007, President of Kazakhstan Nursultan Nazarbayev signed Law No. 245-III "On the Ratification of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction." The presidential signature finalized Kazakhstan's ratification of the Biological and Toxin Weapons Convention (BTWC), which was approved by the Mazhilis (Kazakhstan's lower chamber of parliament) on November 16, 2005 and by the Senate (Kazakhstan's upper chamber of parliament) on April 17, 2007.[1,2,3] Kazakhstan joined the other 156 states that have either ratified or acceded to the BTWC to date.[4]

In Soviet times, Kazakh territory was used extensively for research, development, production, and testing of biological warfare (BW) agents. Four main facilities were involved in the Soviet BW programs: the Vozrozhdeniye Island Open-Air Test Site, located in the Aral Sea; the Scientific Experimental and Production Base in Stepnogorsk (capable of producing 300 tons of anthrax a year); the Scientific Research Agricultural Institute in Gvardeyskiy, a veterinary institute (formerly the Kazakh Scientific Research Agricultural Institute; now the Scientific Research Institute of Biological Safety Problems); and the Anti-Plague Scientific Research Institute, in Almaty (now the Masgut Aikimbayev Kazakh Scientific Center for Quarantine and Zoonotic Diseases).

After the break-up of the Soviet Union, all offensive and defensive biological weapons programs in Kazakhstan were terminated and the government committed itself to the dismantlement of the Soviet BW infrastructure. Due to lack of national funding and necessary expertise, international assistance programs have provided most of the support for re-directing activities of former BW facilities and reducing the exodus of personnel with military expertise.[5]

In October 1995, Kazakhstan's Ministry of Energy and Mineral Resources and U.S. Department of Defense signed a bilateral agreement covering the elimination of Kazakhstan's WMD infrastructure as part of the Nunn-Lugar Cooperative Threat Reduction program. In December 2004, Kazakhstan and the United States signed an amendment to this agreement, extending bilateral cooperation to the prevention of the proliferation of biological weapons and to counter the threat of bioterrorism. Under this amendment, U.S. assistance is used to prevent the proliferation of BW-related expertise through cooperative research efforts; to secure dangerous pathogens and strains through strengthening biosafety and biosecurity at Kazakhstani facilities; to consolidate dangerous pathogens at secured central repositories; to eliminate BW-related equipment and infrastructure; to bolster Kazakhstan's ability

to detect biological agents; and to deter or respond to possible bioterrorist attacks.[5,6]

Sources: [1] "Kazakhstan ratifitsiroval konvetsiyu o zapreshchenii bakteriologicheskogo i toksinnogo oruzhiya" (Kazakhstan ratified the convention on the prohibition of bacteriological and toxin weapons), Kazakhstan Today News Agency, May 7, 2007, in Gazeta.kz, <<http://www.gazeta.kz>>. [2] "Mazhilis odobril prisoyedineniye respubliki k Konvetsii o zapreshchenii biologicheskogo oruzhiya" (The Mazhilis approved the Republic's accession to the Biological Weapons Convention), Kazakhstan Today News Agency, November 16, 2005, in Gazeta.kz, <<http://www.gazeta.kz>>. [3] "RK Parliament Ratified Convention on Prohibition of Development, Production, and Storage of Bacteriological Weapons," Kazakhstan Today News Agency, April 17, 2007, in Gazeta.kz, <<http://eng.gazeta.kz>>. [4] "Biological Weapons Convention States Parties and Signatories," U.S. Department of State's Bureau of International Security and Nonproliferation Fact Sheet, May 9, 2007, <<http://www.state.gov/t/isn/bw/fs/84758.htm>>. [5] "Biological Overview," Kazakhstan's Country Profile, Nuclear Threat Initiative website, <[http://www.nti.org/e\\_research/profiles/Kazakhstan/Biological/index.html](http://www.nti.org/e_research/profiles/Kazakhstan/Biological/index.html)>. [6] "United States and Kazakhstan Expand Proliferation Prevention Agreement to Cover Biological Weapons and Bioterrorism," *NIS Export Control Observer*, December 2004-January 2005, pp. 10-11, <<http://www.cns.miis.edu/pubs/nisexcon/index.htm>>.

### **Ukraine Amends Criminal Code to Penalize Nuclear Terrorism**

On May 24, 2007, the Verkhovna Rada (Ukrainian parliament) adopted a draft law amending the Criminal Code of Ukraine to bring it in line with Ukraine's ratification of the International Convention for the Suppression of Acts of Nuclear Terrorism. The draft law stipulates that criminal penalties will be increased for the smuggling and illegal handling of radioactive materials, and criminalizes the illegal manufacture of a nuclear explosive device or radiological dispersal device.[1,2] Under the draft, the latter offence will be punished by a financial penalty of 300 to 700 times the monthly national minimum wage or by imprisonment (or custodial restraint) for a period from two to five years.[1] *[Editor's Note: The national "minimum wage" is a calculation unit used in some NIS countries to regulate wages, compensations, and other payments made under labor legislation, as well as to calculate taxes, levies, duties, fines, and other payments and penalties. The minimum wage is determined annually by the government.]* The draft law will enter into force when signed by the President of Ukraine, Viktor Yushchenko.

*Editor's Note: The International Convention for the Suppression of Acts of Nuclear Terrorism is a multilateral treaty that supplements existing international instruments in the area of nonproliferation and counterterrorism. The convention is based on a draft instrument submitted by Russia to the UN General Assembly in 1998 and it is the first treaty adopted by the UN on Moscow's initiative. The Convention was adopted by the General Assembly on April 13, 2005, and opened for signature on September 14, 2005. It calls for states to develop appropriate legal frameworks criminalizing nuclear terrorism-related offenses and to investigate and, as appropriate, arrest, prosecute, or extradite offenders. When in force, it will also provide a legal basis for international*

cooperation in this area. The convention will enter into force when 22 member states have ratified it. As of April 10, 2007, it had been signed by 100 states and ratified by 17.[3,4] Ukraine ratified the convention in September 2005.[5]

Sources: [1] "Za kontrabandu radioaktivnykh materialov vvedena ugolovnaya otvetstvennost" (Criminal responsibility has been introduced for the smuggling of radioactive materials), May 24, 2007, Novosti-Ukraina News Agency, <<http://www.newsukraine.com.ua>>. [2] "Rada vvела ugolovnyu otvetstvennost za kontrabandu radioaktivnykh materialov" (Rada introduced criminal responsibility for the smuggling of radioactive materials), Ukrainski Novini, May 24, 2007, in Delo.ua, <<http://delo.ua/news>>. [3] Steven C. Welsh, "Nuclear Terrorism Convention: International Convention for the Suppression of Acts of Nuclear Terrorism," May 17, 2005, Center for Defense Information website, <<http://www.cdi.org/news/law/ntc.cfm>>. [4] UN Security Council Counter-Terrorism Committee, "International Law and Terrorism," UN website, <<http://www.un.org/sc/ctc/law.shtml>>. [5] "Ukraina prisoyedinilas k Mezhdunarodnoy konventsii o borbe s aktami yadernogo terrorizma" (Ukraine acceded to the International Convention on the Suppression of Acts of Nuclear Terrorism), September 14, 2005, LIGA Biznesinform, <<http://www.liga.net>>.

### Pakistan Joins Initiative to Combat Nuclear Terrorism, Establishes Strategic Export Control Division

On June 9, 2007, Pakistani Foreign Ministry spokesperson Tasnim Aslam announced that Pakistan would join the U.S.- and Russian-led Global Initiative to Combat Nuclear Terrorism. As a new partner in the Global Initiative, Pakistani officials were invited to attend the latest meeting in Kazakhstan, which took place on June 11-12, 2007.[1]

In her announcement, Aslam pointed to recent improvements in Pakistan's "legislative, regulatory and administrative infrastructure" as evidence that Pakistan is prepared to address the threat of nuclear and radiological terrorism. In conjunction with joining the Global Initiative, Pakistan's Nuclear Regulatory Authority formulated a Nuclear Security Action Plan in cooperation with the IAEA, which aims to improve security at nuclear facilities, institute better theft-detection procedures, and prepare a more effective emergency response plan.[1]

*Editor's Note: The Global Initiative to Combat Nuclear Terrorism, announced by U.S. President George W. Bush and Russian President Vladimir Putin on July 15, 2006, is an international endeavor aimed at preventing terrorist access to nuclear weapons. Under this initiative, the United States and Russia have planned efforts to "improve accounting, control, and physical protection of nuclear material and radioactive substances, as well as security of nuclear facilities; detect and suppress illicit trafficking or other illicit activities involving such materials, especially measures to prevent their acquisition and use by terrorists; respond to and mitigate the consequences of acts of nuclear terrorism; ensure cooperation in the development of technical means to combat nuclear terrorism; ensure that law enforcement takes all possible measures to deny safe haven to terrorists seeking to acquire or use nuclear materials; to strengthen our respective national*

*legal frameworks to ensure the effective prosecution of, and the certainty of punishment for, terrorists and those who facilitate such acts."*[2]

Pakistan has also established a new Strategic Export Control Division under the Ministry of Foreign Affairs (MFA).[3,4] Created on April 30, 2007, the new office is tasked with regulating the export of nuclear, biological, and missile-related technologies, as well as issuing licenses in accordance with Pakistan's Export Control Act, which was passed on November 4, 2004.[3,4] Apart from MFA officials, the Strategic Export Control Division will include officials from the Pakistani military's Strategic Plans Division, Ministry of Commerce, Central Board of Revenue, and other agencies involved with export control compliance.[3,4] *[Editor's Note: The Strategic Plans Division acts as the Secretariat for the National Command Authority that oversees Pakistan's nuclear weapons program.]*[5] Foreign Minister spokesperson Aslam called the establishment of the Strategic Export Control Division "a continuing manifestation of Pakistan's strong commitment to nonproliferation and its determination to fulfill its national and international export control commitment." [6]

*Editor's Note: In June 2004, with assistance from the United States and Japan, Pakistan drafted new export regulations that created a more comprehensive licensing system for WMD-related items. In October 2005, Pakistan adopted the control lists of the Nuclear Suppliers Group for nuclear materials and the Australia Group for biological and chemical weapons-related goods.*[3] *Export from Pakistan of any material on either of these control lists will now require a license from the new Strategic Export Control Division.*[3] *The 2005 changes were drafted by the MFA after revelations in 2004 that A.Q. Khan had used his position within the Pakistani nuclear sector to operate an international nuclear smuggling network. Khan was able to exploit loopholes in Pakistan's previous export control laws, and supplied nuclear-weapons-related commodities to Libya, North Korea, Iran, and other countries.*[7]

Sources: [1] "Pakistan to Join Global Initiative to Combat Nuclear Terror," Indian News Agency PTI via BBC Worldwide Monitoring, June 9, 2007; in Lexis-Nexis Academic Universe, <<http://www.lexisnexis.com>>. [2] "U.S.-Russia Joint Fact Sheet on the Global Initiative to Combat Nuclear Terrorism," U.S. Department of State Media Note, July 15, 2006, <<http://www.state.gov/r/pa/prs/ps/2006/69016.htm>>. [3] M Rafiq Goraya, "Strategic Export Control Division Set Up: Foreign Office," *Business Recorder*, May 1, 2007; in Lexis-Nexis Academic Universe, <<http://www.lexisnexis.com>>. [4] "Pakistan Tightens Nuclear Export Controls," *Agence France Presse*, April 30, 2007; in Lexis-Nexis Academic Universe, <<http://www.lexisnexis.com>>. [5] "Pakistan Special Weapons Agencies: National Command Authority," Federation of American Scientists website, <<http://www.fas.org/nuke/guide/pakistan/agency/nca.htm>>. [6] "'Strategic Export Control Division' Set Up at Pakistan Foreign Ministry," BBC Monitoring International Reports, April 30, 2007; in Lexis-Nexis Academic Universe, <<http://www.lexisnexis.com>>. [7] Shi-chin Lin, "The AQ Khan Revelations and Subsequent Changes to Pakistani Export Controls," Nuclear Threat Initiative website, October 2004, <[http://www.nti.org/e\\_research/e3\\_54a.html](http://www.nti.org/e_research/e3_54a.html)>.

## Changes in Personnel

### **Former National Security and Defense Council Official Appointed as Permanent Head of Ukrainian State Service for Export Control**

The Cabinet of Ministers of Ukraine tapped Deputy Secretary of the National Security and Defense Council (NSDC) Yuri Petrochenko to head the Ukrainian State Service of Export Control (SSEC), effective March 1, 2007.[1] In accordance with Edict No. 320 of March 1, 2007, Petrochenko replaces interim head Alexander Grishutkin, who led the SSEC after the abrupt resignation of Mikhail Morozov in June 2006.[2]

Born in Kiev in 1946, Petrochenko is a 1968 graduate of the Kiev Institute of National Economy (now the Kiev State Economic University).[3] He worked for the Soviet Ministry of Internal Affairs from 1982 to 1992, prior to his appointment at the NSDC as “main specialist.”[4,5] Petrochenko rose through the ranks of the NSDC during his 15-year tenure. President Leonid Kuchma appointed him NSDC Deputy Secretary, and he was retained as NSDC Deputy Secretary on State Security Issues by President Victor Yushenko.[1]

Petrochenko has served on interagency taskforces for combating corruption and recommending institutional reform within law enforcement agencies, as well as on the Yushenko-Putin bilateral commission. [*Editor’s Note: In order to increase effectiveness of bilateral cooperation a Russian-Ukrainian Interstate Commission was created on May 8, 2005. Russian and Ukrainian presidents Vladimir Putin and Viktor Yushenko head the commission.*][6,7,8,9] Upon Petrochenko’s appointment to the SSEC, President Victor Yushenko officially relieved him of his duties at the NSDC in Edict No. 209 of March 15, 2007.[10]

Sources: [1] “Eksportnyy kontrol doverili novomu cheloveku” (Export control has been entrusted to a new person), MIGnews.com.ua, March 2, 2007, <<http://www.mignews.com.ua>>. [2] “Morozov uvolen s dolzhnosti glavy Gossluzhby eksportnogo kontrolya Ukrainy” (Morozov fired from the position of head of Ukraine’s State Service of Export Control), Interfax-Ukraina, June 30, 2006; in Integrum Techno, <<http://www.integrum.ru>>. [3] “Naznacheniya nedeli” (Appointments of the week), Biznes, March 5, 2007; in Integrum Techno, <<http://www.integrum.ru>>. [4] “Pravitelstvo Ukrainy naznachilo novogo glavu Gosslujby eksportnogo kontrolya” (The Government of Ukraine has appointed a new head of the State Service of Export Control), Interfax-Ukraina, March 5, 2007; in Integrum Techno, <<http://www.integrum.ru>>. [5] “Naznacheniya” (Appointments), Vlast i Politika, June 25, 2004; in Integrum Techno, <<http://www.integrum.ru>>. [6] “Ukraina usilit borbu s korruptsiej” (Ukraine will strengthen battle against corruption), From-UA, December 29, 2005; in Integrum Techno, <<http://www.integrum.ru>>. [7] “Poroshenko podkinul rabotenu Prezident” (The president gave job to Poroshenko), GlavRed, May 24, 2005; in Integrum Techno, <<http://www.integrum.ru>>. [8] “Prezident izmenil sostav komissii Yushenko-Putin” (The president has changed the make-up of the Yushenko-Putin commission), proUA.com, October 23, 2006; in Integrum Techno, <<http://www.integrum.ru>>. [9] Rossiysko-ukrainskaya mezhgosudarstvennaya komissiya (Russian-Ukrainian Interstate Commission), December 25, 2006, Russian Ministry of Foreign Affairs website, <<http://www.mid.ru/ns-rsng.nsf/6bc38aceada6e44b432569e700419ef5/bcff818bb6218c2fc325724f00423d28?OpenDocument>>. [10] “Ukaz Prezidenta Ukrainy № 209/2007” (Edict of the President of Ukraine No. 209/2007), March 15, 2007, President

of Ukraine website, <[http://www.president.gov.ua/ru/documents/p\\_5876.html](http://www.president.gov.ua/ru/documents/p_5876.html)>.

## Illicit Trafficking

### **Roundup of Radioactive Incidents in Russia**

Following is a brief overview of incidents involving the discovery of radioactive sources that took place in Russia in May-June 2007. While the majority of reported cases presented no obvious criminal activity, they do highlight the on-going problem of orphaned radioactive sources. The incidents are presented in reverse chronological order.

On June 5, 2007, a cylinder-shaped container 4.5 cm in diameter and 4 cm in height, marked with a radioactivity sign and a serial number, was discovered in a forest near the Kizilov farm, Grachev rayon, Stavropol Kray in southwest Russia. A resident of the nearby Staromaryevskoye village found the item and alerted the local police. A response team from the Stavropol Kray’s Main Directorate under the Ministry of Civil Defense, Emergencies and Disaster Relief (MChS) was called to the site and determined that radiation on the container’s surface was equal to 8.4 microsieverts per hour, but did not exceed the background level at one meter from the source. MChS officials transported the container to the town of Izobilnyy, where it was placed in a special storage at the directorate’s chemical-radiometric laboratory. An investigation is underway to establish the container’s origin.[1,2]

On May 16, 2007, the Yantar radiation detection system installed at Moscow’s Sheremetevo-1 airport signaled the presence of radiation during the screening of postal shipments. After the airport’s security service alerted the authorities, officials from the Moscow Oblast’s MChS and specialists from the Moscow Radon facility arrived at the site and discovered the parcel that triggered the alarm. [*Editor’s Note: Radon is a network of Russian state enterprises responsible for the disposal of radioactive waste.*] The radiation measured around the item exceeded the background level by 20 times. Radon experts who took the item for further examination concluded that the incident posed no public health hazard, though they did not specify the contents of the radioactive parcel.[3]

On May 15, 2007, the Russian MChS Information Department reported that a container with a radioactive substance was found in the administrative building of a cotton factory in Yartsevo, Smolensk Oblast. According to preliminary conclusions of the MChS officials who seized the container and placed it in a special storage facility, the substance in question was plutonium-239.[4] A subsequent examination, however, identified the item as a static electricity eliminator that did not contain any plutonium. It was further established

that the device posed no threat to public health or the environment since its radioactivity did not exceed the background level.[5]

On May 7, 2007, a radioactive item—a sealed pipe, 1.5 cm in diameter and 15 cm in length—was found at the site of the Stroyindustriya joint stock company in Togliatti, Samara Oblast. Radiation from the item was equal to 9-10 microsieverts per hour (the natural background level is 0.1 microsievert per hour). Officials from the local Center for Hygiene and Epidemiology discovered the item in a pile of soil while conducting radiation control of scrap metal that was for sale and stored at the company's site. During a subsequent search, officials found another radioactive item—an unspecified metal container, emitting radiation of 1.55 microsievert per hour. The authorities failed to establish the origin and owners of the radioactive items. The items were placed in temporary storage in a special lead container on the center's premises. On May 14, the Samara Radon Special Combine officials took the items for examination and proper disposal.[6,7,8]

Sources: [1] Yelena Kornilova, "V Stavropolskom kraye nayden radioaktivnyy konteyner" (A radioactive container was found in the Stavropol Krai), Tatar-inform News Agency, June 6, 2007, <<http://tatar-inform.ru>>. [2] "Na Stavropolye obnaruzhen konteyner s radioaktivnymi elementami" (A container with radioactive elements was discovered in the Stavropol region), June 6, 2007, <<http://www.regnum.ru>>. [3] "V aeroportu 'Sheremetyevo-1' obnaruzhena radioaktivnaya posylka" (A radioactive parcel was discovered at the Sheremetevo-1 airport), RIA Novosti, May 17, 2007, <<http://www.rian.ru>>. [4] "V Smolenskoj oblasti obnaruzhen beskhoznyy konteyner s plutoniem" (An orphan container with plutonium was found in the Smolensk Oblast), RIA Novosti, May 15, 2007, <<http://www.rian.ru>>. [5] "Radioaktivnyy istochnik, obnaruzhenny v Smolenskoj oblasti, ne opasen" (A radioactive source discovered in the Smolensk Oblast is not dangerous), RIA Novosti, May 16, 2007, <<http://www.rian.ru>>. [6] "Radioaktivnyye predmety zakhoronyat v Samare" (Radioactive items to be buried in Samara), May 15, 2007, United Volga information portal, <<http://www.u-volga.ru>>. [7] "V Tolyatti obnaruzheny predmety s povyshennym radiatsionnym fonom" (Highly radioactive items were discovered in Togliatti), Regions.ru News Agency, May 18, 2007, <<http://www.regions.ru>>. [8] "Tolyatti: predmety s povyshennym radiatsionnym fonom" (Togliatti: highly radioactive items), Ekologiya Severa (North's Ecology) information portal, undated, <<http://www.ecosever.ru>>.

## Roundup of Radioactive Incidents in the NIS

### Georgia

On June 15, 2007, the radiation portal monitor at the Red Bridge port of entry on the Georgian-Azerbaijani border registered higher than normal radiation from a Mercedes cargo truck entering Georgia from Azerbaijan.[1,2,3] During the subsequent inspection of the truck, which was loaded with stainless steel scrap metal, Georgian border police officers discovered a plutonium-beryllium source in a metal pipe.[1,2] The border police notified the Special Operations Center of the Ministry of Internal Affairs of Georgia (MIA) and the Ministry of Environment Protection and Natural Resources (MEPNR) of the discovery.[1,3] The MIA and MEPNR dispatched specialists to the scene, who confirmed that the radiation level in the proximity of the radioactive pipe was indeed elevated to 300 neutrons per second.[1,2,4,5] The MIA

and MEPNR jointly decided to return the cargo truck to Azerbaijan and to inform the Azerbaijani authorities of the incident.[2,3]

On June 18, 2007, the press service of the National Border Police of Georgia (NBP) issued a press release providing further details on the incident. According to the NBP press release, the driver of the cargo truck was a Georgian citizen and the documents accompanying the scrap metal shipment were in order. The truck was carrying different types of scrap metal, including metal pipes described as having been used for logging oil wells, one of which emitted radiation.[2,3]

*Editor's Note: Plutonium-beryllium (Pu-Be) neutron sources, or "neutron cannons," as they are sometimes called, can either use plutonium-239 or plutonium-238 because both of these isotopes emit alpha particles which interact with beryllium to generate neutrons. Pu-Be sources used in oil well-logging applications typically employ Pu-238, which is not useful for nuclear weapons. However, several grams of Pu-238 could fuel a potent "dirty bomb." Pu-Be sources used to produce neutrons for applications other than well-logging tend to use a minuscule amount of Pu-239, the isotope useful for nuclear weapons production, as the principal plutonium isotope in a mixture containing small amounts of other plutonium isotopes. A nuclear weapon would typically require several kilograms of weapons-grade plutonium.*

Soso Kakushadze, the head of the Nuclear and Radioactive Safety Service at the MEPNR, told the Reuters news agency that Georgia decided to return the cargo truck to Azerbaijan to avoid the extra expenditures associated with the storage or neutralization of the radioactive source.[4,6] However, NBP head Badri Bitsadze provided another, rather unusual explanation in an interview with the Tbilisi-based Imedi television channel. Bitsadze stated that there was no radioactive substance in the truck and that the radiation portal monitor reacted to the elevated background radiation level in the truck. "If this was indeed a case of illegal import of radioactive substance, then a criminal case would have been launched and there would have been an investigation," Bitsadze explained.[7] The MIA provided no details about the truck's owner or who was the intended recipient of the scrap metal shipment.[4,5] When contacted, the Ministry of Emergencies of Azerbaijan could not provide any additional comments regarding this incident.[4] According to the Azerbaijani online news agency Day.Az, the radioactive pipe could have been included in the scrap metal shipment by accident. The fact that the Azerbaijani border guards did not intercept it can be explained by the absence of the radiation control equipment on the Azerbaijani side of the border. [Editor's Note: On December 21, 2005, the U.S. Department of Energy's National Nuclear Security Administration (NNSA) and the governments of Georgia and Azerbaijan signed agreements to install radiation detection and integrated communications equipment at multiple border crossings,

airports, and seaports throughout the two countries. This agreement was part of the NNSA's Second Line of Defense Program. Once in place, as illustrated in this case, the special equipment could prevent this type of undetected transport of radioactive items.[4,5,8]

#### Kazakhstan

According to reports in the Kazakhstani media in June 2007, Kazakhstan's Committee for National Security (KNB) arrested a man attempting to sell a container with cesium-137 in Shymkent, the administrative center of the South Kazakhstan Oblast. The unnamed 30-year old resident of Shymkent was arrested while trying to sell the radioactive material for 1.5 million tenge (US\$12,400) to a KNB agent posing as a buyer. The KNB began the sting operation in late May 2007 after receiving a tip off about the dealer. According to media reports, during the subsequent investigation, the perpetrator revealed that the container was brought to Shymkent by the dealer's accomplice, a resident of Almaty. The accomplice was arrested on June 16, when he came to Shymkent to receive his share of the money—1.25 million tenge (US\$10,330).[1,2] In accordance with Part 2, Article 247 of Kazakhstan's Criminal Code "Illegal Handling of Radioactive Materials," the suspects face a penalty of two to six years in prison.[9,10,11]

In its report about the Shymkent incident, the Kazakhstani newspaper *Liter* noted that on June 7, 2007, the KNB prevented another attempt to sell unspecified radioactive materials in Shymkent, but KNB officials declined to provide details.[10] However, in a KNB press release dated June 28, 2007, the security agency reported that several incidents involving attempted sales of radioactive materials indeed took place in Southern Kazakhstan—two cases in Shymkent and two more cases in the Kyzylorda Oblast. According to the press release, the first Shymkent incident occurred on June 5, while the second incident mentioned in *Liter* took place on June 7. Two additional Shymkent residents were arrested by the KNB while trying to sell a metal container with cesium-137. During the search of the home of one of the suspects, KNB operatives discovered a second container with cesium-137. The investigation established that the perpetrators obtained the containers in the Kyzylorda Oblast, where on June 17 the KNB arrested an unnamed Kazakhstani national attempting to sell a radioactive container with cesium-137 for 1 million tenge (US\$8,265). Two more containers were found during this investigation. Lastly, on June 21, in Kyzylorda Oblast, the KNB arrested a man attempting to sell 18 containers with unspecified radioactive materials.[12] The *Observer* will continue to follow developments in these cases.

In an unrelated development, the press service of Kazakhstan's Ministry on Emergency Situations reported that, in June 2007, children found 10 glass ampoules in an abandoned well located in a forest near the village of Ivanovka, East Kazakhstan Oblast. The ampoules, 10 cm in

length and 2 cm in diameter, were marked as containing cesium-133. [Editor's Note: Cesium-133 is a naturally occurring isotope that is not radioactive.] The authorities stated that there was no public health hazard, and police confiscated the ampoules for further investigation.[13]

On June 29, 2007, a radiation source was found in Petropavlovsk, the administrative center of the North Kazakhstan Oblast. A radioactive capsule was located at the bottom of a metal pipe of about 50 cm in diameter that was fixed in the ground two meters from a street. According to the Ministry on Emergency Situations, radiation from the capsule, which was 15 cm in length and 10 cm in diameter and marked with a radioactivity sign, was 25 times higher than natural background levels. The oblast police were tasked with securing the site of the radioactive source until a special commission addresses the issue of its disposal.[14] No update on the incident was available through open sources at the time of publication.

#### Lithuania

According to reports that surfaced in Lithuanian and Belarusian media in late April 2007, two Belarus nationals were detained at the Lithuania-Belarus border on April 22 on suspicion that they attempted to smuggle radioactive cargo from Lithuania. The arrest was reportedly the result of a long-standing joint operation between Belarus's Main Directorate for the Fight Against Organized Crime and Corruption under the Ministry of Internal Affairs and the Lithuanian Bureau of Criminal Police, with support from the border services of both countries. During the inspection of the suspects' car, law enforcement officials discovered a metal container labeled in Russian "Uranium-238, 1991." The container was then sent to the Lithuanian Center for Radiation Safety for an examination, while the two suspects were placed under arrest in Lithuania.[15,16,17] However, a week later, citing the examination results, the media reported that the container was empty and posed no danger. It is unclear from available sources whether the incident constitutes a mistake made by law enforcement agencies of the two countries or if it was an attempt by smugglers to test the vigilance of Lithuanian and Belarusian border authorities.[18]

#### Tajikistan

On May 8, 2007, the Russian Regnum news agency reported that eight men face criminal prosecution in Tajikistan for attempting to sell three containers filled with a plutonium-beryllium source and one container holding cesium-137. According to Sobijon Isobayev, representing the Prosecutor General's Office, all perpetrators were detained in late 2006 while attempting to sell radioactive materials to two men—nationals of Kazakhstan and an unidentified Arab country—for US\$400,000. The two suspected buyers are now on the wanted list.[19]

According to Isobayev, two of the suspects have previously served in the Ministries of Defense and Internal Affairs of Tajikistan, and one of them has an earlier conviction for a similar crime (an attempt to sell plutonium). According to the Tajik Agency for Nuclear and Radioactive Safety, neither the plutonium-beryllium source nor cesium-137 is produced in Tajikistan, although they are used in several scientific research institutes. In accordance with Article 193 of the Criminal Code of Tajikistan, if found guilty, the suspects will serve three to five years in prison.[19]

*Editor's Note: A similar incident took place on March 15, 2004, when Tajikistan's law enforcement authorities seized a capsule with a radioactive substance from a 50-year-old resident of Ferghana, Uzbekistan and two of his accomplices. The capsule was allegedly a Russian made plutonium-beryllium neutron radiation source, which contained a mix of plutonium isotopes.[20]*

Sources: [1] "Predotvrashchena popytka vvoza plutoniya iz Azerbaidzhana v Gruziiyu" (An attempt to bring in plutonium from Azerbaijan to Georgia is thwarted), Day.Az, June 18, 2007, <<http://www.day.az>>. [2] "Pogranichniki utochnili detali popytki vvoza v Gruziiyu radioaktivnogo loma" (Border guards clarified details of an attempt to smuggle radioactive scrap metal to Georgia), Information-Analytical Web Portal Gruziiyu Online, June 20, 2007, <<http://www.apsny.ge>>. [3] "Border Police Detects 'Radioactive Scrap Metal' at Azeri Border," Civil Georgia, UNA-Georgia Online Magazine, June 20, 2007, <<http://www.civil.ge/eng>>. [4] "Radioaktivnyy gruz smog peresech azerbaydzhanskuyu granitsu iz-za otsutstviya neobkhodimogo oborudovaniya u pogranichnikov" (Radioactive cargo could cross the Azerbaijani border because the border guards did not have the necessary equipment), Day.Az, June 20, 2007, <<http://www.day.az>>. [5] "Sluchay s perevozkoy plutoniya cherez azerbaydzhanskuyu granitsu obyasnayetsya otsutstviem spetsoborudovaniya" (The case with the transportation of plutonium across the Azerbaijani border can be explained by the absence of special equipment), Novosti-Gruziiya News Agency, June 20, 2007, <<http://www.newsgeorgia.ru>>. [6] Nidal al-Mughrabi, "Georgia Finds Plutonium on Azeri Border, Sends Back," Reuters, June 20, 2007, <<http://www.reuters.com>>. [7] Vsevolod Yaguzhinskiy, "Gruziiya oprovergayet informatsiyu o vvoze radioaktivnykh veshchestv" (Georgia denies information on import of radioactive substances), Novyy Region News Agency, June 21, 2007, <<http://www.nr2.ru>>. [8] "U.S. Works with Georgia and Azerbaijan to Stop Nuclear and Radioactive Material Smuggling," December 21, 2005, U.S. Department of Energy's National Nuclear Security Administration website, <[http://www.nnsa.doe.gov/docs/newsreleases/2005/PR\\_2005-12-21\\_NA-05-35.pdf](http://www.nnsa.doe.gov/docs/newsreleases/2005/PR_2005-12-21_NA-05-35.pdf)>. [9] "V Shymkente mestnyy zhitel pytalsya prodav radioaktivnyy material tseziy-137, dostavlenny iz Almaty" (In Shymkent, a local resident attempted to sell radioactive cesium-137 brought from Almaty), Kazakhstan Today News Agency, June 18, 2007, in Gazeta.kz, <<http://www.gazeta.kz>>. [10] Yuriy Elisseyev, "Radi aktivnosti..." (For activity...), Liter online edition, June 20, 2007, <<http://www.liter.kz>>. [11] Irina Galushko, "Prodav tseziy. Dorogo" (Cesium for sale; Expensive), Ekspress-K online edition, No. 109 (16257), June 20, 2007, <<http://www.express-k.kz>>. [12] "Presecheny nezakonnyye operatsii s radioaktivnymi veshchestvami" (Illegal operations with radioactive substances have been prevented), KNB press service, June 28, 2007, <[http://www.knb.kz/page.php?page\\_id=43&id=2639](http://www.knb.kz/page.php?page_id=43&id=2639)>. [13] "V VKO v zabroshennom kolodtse deti obnaruzhili 10 steklyannykh ampul s radioaktivnym veshchestvom" (Children found 10 glass ampoules with a radioactive substance in an abandoned well in the East Kazakhstan Oblast), Kazakhstan Today News Agency, June 5, 2007, in Gazeta.kz, <<http://www.gazeta.kz>>. [14] Olga Kovalenko, "V Kazakhstane obnaruzhena kapsula s urovnem radiatsii v 25 raz vyshhe normy" (A capsule with radiation 25 times exceeding the normal level was discovered in Kazakhstan), RIA Novosti, July 1, 2007, <<http://www.rian.ru>>. [15] "Belorusy pytalis perevezti cherez litovskuyu granitsu uran" (Belarus residents tried to smuggle uranium

through Lithuania border), Km.Ru, April 26, 2007, <<http://www.km.ru>>. [16] "V Litve zaderzhany dvoje belorusov za popytku kontrabandy urana" (Two Belarus residents detained in Lithuania for an attempt to uranium smuggling), AFN, April 25, 2007, <<http://www.afn.by>>. [17] "Podozrevayemye v kontrabande urana byli zaderzhany na belorussko-litovskoy granitse" (Suspected in uranium smuggling were detained on Belarus-Lithuania border), Telegraph, April 25, 2007, <<http://www.telegraf.by>>. [18] "Uran okazalsya 'lipovym'" (Uranium was proved to be fake), Novoye Russkoye Slovo online edition, April 30, 2007, <<http://www.nrs.ru>>. [19] "V Tadzhhikistane predotvrashchena popytka kontrabandy plutoniya" (An attempt of plutonium smuggling prevented in Tajikistan), Regnum News Agency, May 8, 2007, <<http://www.regnum.ru>>. [20] "Nuclear Smuggler Arrested in Tajikistan," NIS Export Control Observer, April 2004, p.6, <<http://www.cns.miis.edu/pubs/nisexcon/index.htm>>.

## Russian Authorities Prosecute Members of Weapons-Smuggling Ring in Primorye

As reported by the Russian newspaper *Kommersant-Khabarovsk*, on June 27, 2007, the Pogranichnyy District Court in the Primorskiy Krai found Nikolay Golyshev, former chief inspector of the customs clearance and control department at the Grodekovo Customs, the Far Eastern Customs Directorate of the Russian Federal Customs Service, guilty of using his office to aid contraband exports of component parts for Su-27 and MiG-23 fighter aircraft, as well as "Topaz" missile homing device. Golyshev is the final member of a weapons smuggling and spy ring to be convicted. The ring was uncovered in the course of an FSB sting operation that sought to curb illicit transfers of military goods from Russia to China.[1,2]

In March 2002, the FSB began an investigation based on a tip from Warrant Officer Nikolay Nagornykh that Captain Igor Lukin and Major Aleksandr Artyukhov at the Tsentralnaya-Uglovaya airfield of the 22nd Fighter Aviation Regiment of the 11th Army of Russian Air Force and Air Defense Forces, based in the Far Eastern Military District, were offering financial compensation in exchange for information regarding specifications and use of Su-27 fighters.[1,2,3] Lukin and Artyukhov were allegedly transferring technical data from manuals, both open and classified, to clients in China. In addition, in late 2000-2001, they reportedly transferred a SU-27 gas-turbine engine, a SU-27 adjuster pump, and two missile homing devices to China.[2,3]

In May 2002, Lukin, together with Senior Lieutenant Ravshan Guseynov and Captain Andrey Royek, and civilians Aleksandr Beloshapkin and Viktor Popov, reportedly decided to smuggle Su-27 parts, requested by a representative of Chinese secret services, known only as "Vanya." [2] They replaced a working GTDE-117-1 gas turbine engine from an active Su-27 with a broken one that belonged to Popov. Press reports indicate that the FSB, as a part of the ongoing sting operation, had earlier searched Popov's garage and located the engine, but decided not to remove it.[1,2,3]

Beloshapkin and Popov were responsible for communication with and delivery of the aircraft components to “Vanya.”[2] The duo allegedly offered money to customs officer Nikolay Golyshev, who agreed to hide the smuggled goods on a train bound for China.[1,3,4] On June 16, 2002, FSB and customs officials searched the train and found copies of “defense related documents,” and along the route of the train found three anti-tank guided missiles, as well as the gas turbine engine GTDE-117-1, and an SK-224-05 aircraft engine starting system accessory.[4] On June 19, 2002, Beloshapkin and Popov were arrested.[2]

The Russian daily, *Trud*, reported that by November 2003, the FSB had completed the investigation, and seven individuals were indicted after closed proceedings.[2] In December 2004, the court found Aleksandr Beloshapkin guilty of treason (under Article 275 “Treason” of the Russian Criminal Code), contraband (Article 188), and illegal transportation of military goods (Article 222), sentencing him to 11 years’ imprisonment. Igor Lukin was sentenced to 10 years in prison and stripped of his commission.[1,5] Artyukhov and Guseynov were conditionally sentenced to 8 years in prison and also lost their commissions.[1,4] Viktor Popov committed suicide in September 2002, prior to the commencement of his trial.[1] Separately, in June 2007, Golyshev was found guilty of smuggling arms with use of office privileges (under Article 188-3, b, of the Criminal Code), and sentenced to 6 years’ imprisonment with a fine of 300 thousand rubles (US\$11,740).[1]

*Vladivostok* regional daily newspaper reported that FSB officials decided to track the “Vanya connection” further and expanded their investigation to two more individuals, Pavel Nosik of the city of Vladivostok in the Russian Far East, and Major Viktor Smal of Romanovka, a village not far from Vladivostok. According to media reports, the Chinese secret service agent had asked Nosik to deliver either components or even a complete Su-27 fighter. Smal, who also maintained connections with Vanya, allegedly possessed a laptop with lists of Su-27 components. Nosik and Smal were arrested and indicted in December 2004 for treason (under Article 275) after closed proceedings. Nosik received 13 years in a penal colony and Smal received 15 and a half years.[4]

*Editor’s Note: One expert has questioned the coherence of the FSB public narrative regarding the involvement of Chinese special services and the validity of the charges, due to the fact that Russian-Chinese military-technical cooperation has included extensive official transfers of Su-27SK fighters, component parts, and related blueprints in 1997 for licensed production in China. Kommersant quoted Ruslan Pukhov, Director of the Centre for Analysis of Strategies and Technologies, a Moscow-based research company, as saying that while he has no doubt in the proper operation of the judiciary in this case, “from a common sense point of view,*

*this case can be seen as theft, as contraband, but not as espionage.”* [5]

*According to Articles 17 and 18 of the Law on State Secret of the Russian Federation, amended by Presidential Edict No 90 of February 11, 2006, “information regarding tactical and technical requirements, tactical and technical characteristics,” as well as “information, on the use, design and maintenance” of military technology are considered state secrets.*[6,7]

Sources: [1] Aleksey Chernyshev, “Tamozhennik sel za kontrabandu zapchastey k voyennym samoletam” (A customs official is jailed for the contraband of military aircraft parts), *Kommersant-Khabarovsk* online edition, No. 111, June 28, 2006, <<http://www.kommersant.ru/region/khabarovsk>>. [2] Vladimir Yanchenkov, “Istrebitel prodavali chastyami” (The fighter was sold by parts), *Trud* online edition, December 28, 2004, <<http://www.trud.ru>>. [3] Anton Skok, “Shpionskiy klubok” (Spy tangle), *Yezhednevnyye novosti*, December 24, 2004; in *Integrum Techno*, <<http://www.integrum.ru>>. [4] Vasiliy Avchenko, “Istrebitel dlya Vani” (A fighter for Vanya), *Vladivostok*, December 16, 2004; in *Integrum Techno*, <<http://www.integrum.ru>>. [5] Alek Akhundov and Aleksey Chernyshev, “Krazha skuplennogo” (Theft of what was sold), *Kommersant* online edition, No. 237 (3076), December 20, 2004. <<http://www.kommersant.ru>>. [6] “Ukaz Prezidenta Rossiyskoy Federatsii №90” (Edict No. 90 of the President of the Russian Federation), President of Russia website, February 11, 2006, <<http://document.kremlin.ru/doc.asp?ID=32374&PSC=1&PT=3&Page=1>>. [7] “Zakon o gosudarstvennoy taine” (Law on State Secret), Federal Security Service of the Russian Federation Website, <<http://www.fsb.ru/under/secret.html>>.

### Latvian Authorities Make Arrests in Investigation of MiG-29 Parts Illegal Export

On June 27, 2007, Latvian media reported that three individuals—Sergey Ratnikov, Vladimir Kudryavtsev, and Viktor Tarashchenko—were detained by the Latvian security police in connection with smuggling MiG-29 Fulcrum parts from Russia to Latvia, that were intended for end-use in Bangladesh.[1,2] The individuals are accused of using Flaters, LLC—a medical equipment company—as cover for smuggling the military items, which included laser targeting, target identification, and missile guidance equipment, according to press reports.[3]

On May 10, 2007, Latvian security police formally opened an investigation on Sergey Ratnikov, owner of Flaters, as well as the head of Latvian Konkors Airlines.[2] According to the Baltic News Service, in 2006 Finnish authorities seized MiG-29 parts found after an inspection of Flaters cargo that had been delivered from Latvia. Allegedly, Flaters falsely indicated in customs documentation that the cargo contained civilian goods.[3] On May 17, 2007, Latvian authorities reportedly raided storage facilities belonging to Flaters in Riga and discovered MiG-29 components similar to those found in Finland. The components discovered in the Flaters’ storage were reportedly destined for the Bangladeshi Air Force.[1,2,3]

According to its charter, Flaters is engaged in “manufacture of medical, precision and optical instruments” and performs intermediary roles in “sales of machinery, manufacturing equipment, and aircraft.”[3] Representatives of the security



police stated that instead of smuggling, Flaters was in breach of procedures for “transfer through the Latvian border of goods and substances, trade in which is restricted or specially regulated”(Point 3 of Article 190.1).[2,4] The company had been given a permit from the Latvian Ministry of Defense to engage in export, import, and transit of civilian and military technology, and had previously filled tenders for the Ministry of Defense (MOD) for importing parts of Mi-2 helicopters from Russia to Latvia.[1,4] In the present case, however, Flaters failed to obtain the necessary export license from the Control Committee of Strategic Goods Ministry of Foreign Affairs.[4] A spokesperson for Konkors Airlines confirmed that representatives of Flaters admitted to mistakes in the paperwork.[2]

Flaters’s MOD permit, originally valid until April 5, 2008, was suspended in connection with the ongoing investigation, effective June 12, 2007.[1] If found guilty, Ratnikov and his counterparts may face up to 15 years in prison with confiscation of property.[2]

Sources: [1] Andrey Tatarchuk, “‘Tochka opory’ podvela” (Failed ‘Fulcrum’), *Biznes & Baltiya* online edition, June 28, 2007, <<http://www.bb.lv>>. [2] Oksana Antonenko, “Millionera arestovali iz-za MiGov” (Millionaire was arrested because of MiGs), *Telegraph*, June 29, 2007; in *Integrum Techno*, <<http://www.integrum.ru>>. [3] “Odnim iz arestovannykh v svyazi s kontrabandoy cherez Latviyu zapchastey dlya voyennoy aviatsii yavlyayetsya millioner Ratnikov—gazeta” (One of the arrested in connection with contraband through Latvia of military aviation components is former millionaire Ratnikov—newspaper says), *Baltic News Service*, June 27, 2007; in *Integrum Techno*, <<http://www.integrum.ru>>. [4] Snezhana Bartul and Oksana Ryleyeva, “Kto zakazal Sergeya Ratnikova” (Who put out a contract on Sergey Ratnikov), *Biznes & Baltiya* online edition, July 9, 2007. <<http://www.bb.lv>>.

## **International Assistance Programs**

### **Radiation Detection Equipment Installed at Ukraine-Moldova Border**

On May 21, 2007, officials from the U.S. Department of Energy’s National Nuclear Security Administration (NNSA) and the Ukrainian State Border Guard Service attended a formal ceremony marking the installation of special radiation detection equipment at the Kuchurgan border checkpoint on the Ukraine-Moldova border.[1] The NNSA-provided equipment is designed to detect illicit transfers of nuclear and radioactive materials, and has actually been in operation at the checkpoint since May 1, 2007.[2] Speaking at the ceremony, U.S. and Ukrainian representatives—William Taylor, U.S. Ambassador to Ukraine, David Huizenga, NNSA’s assistant deputy administrator for International Material Protection and Cooperation, and Colonel General Mykola Lytvyn, chairman of the State Border Guard Service of Ukraine—recognized the importance of on-going cooperation between the United States and Ukraine in preventing the trafficking of nuclear and

radioactive materials across Ukrainian borders.[1,2] At the event, Ukrainian border officers deployed at Kuchurgan demonstrated the real-time use of the equipment during border control procedures.[2]

Under an April 22, 2005, bilateral agreement signed by then NNSA Administrator Linton Brooks and Colonel-General Lytvyn, the NNSA’s Second Line of Defense program provides assistance to the Ukrainian border guard agency by conducting training, holding technical workshops, and installing and maintaining radiation detection equipment at key land border crossings, airports, and seaports in Ukraine.[3] As part of this assistance, the NNSA has deployed special equipment at five border checkpoints on the Ukraine-Moldova border—Mamalyga, Mogilev-Podolskiy, Yampol, Platonovo, and Kuchurgan. It is expected that the NNSA will equip additional 25 sites including the Borispol and Odessa airports as well as the Ilyichevsk and Odessa seaports.[1,2]

Sources: [1] “NNSA Works with Ukrainian Border Agency to Thwart Nuclear Smuggling,” NNSA Press Release, May 21, 2007, <[http://www.nnsa.doe.gov/docs/newsreleases/2007/PR\\_2007-05-22\\_NA-07-19.htm](http://www.nnsa.doe.gov/docs/newsreleases/2007/PR_2007-05-22_NA-07-19.htm)>. [2] Elena Mazur, “Amerikanskaya tekhnika na sluzhbe Ukrainy” (U.S.-made equipment to serve Ukraine), *GLAS media group*, May 21, 2007, <<http://www.glasweb.com>>. [3] “United States to Install Radiation Detection Equipment on Ukrainian Borders; Ukraine-NATO Commission Adopts 2005 Target Plan,” *NIS Export Control Observer*, May 2005, pp. 9-10, <<http://www.cns.miis.edu/pubs/nisexcon/index.htm>>.

### **New Zealand and the United States to Provide Funding for Ukraine’s Nuclear and Radioactive Security**

On May 9, 2007, the U.S. Department of Energy’s National Nuclear Security Administration (NNSA) announced that it had signed an agreement with New Zealand on nuclear security cooperation as part of the NNSA’s Second Line of Defense (SLD) program. Under this agreement, New Zealand’s Ministry of Foreign Affairs and Trade will provide over NZ\$680,000 (US\$460,000) to support border security programs in Ukraine. These include training programs for Ukrainian customs and border officials and the provision of advanced radiation detection equipment for use on Ukraine’s border with Russia to prevent smuggling of nuclear and radioactive materials that could be used in weapons of mass destruction (WMD) or radiological dispersal devices. The ceremony marking this assistance effort was attended by New Zealand’s Minister for Disarmament and Arms Control Phil Goff, who also holds the posts of Minister of Defense, Minister of Trade, Minister for Trade Negotiations, Minister of Pacific Island Affairs, and Associate Minister of Finance.[1,2,3]

*Editor’s Note: The SLD program, established in 1998, initially focused on preventing illicit trafficking of nuclear and other radioactive materials through major railways, airports, seaports, and other state entry and exit points in Russia. In 2002, the SLD program expanded its operations into other key transit states. SLD installs and maintains radiation detection*

equipment, including hand-held portal monitors, and provides training to officials in the use of the equipment. The SLD program is also responsible for the worldwide maintenance of portal monitors and X-ray vans provided through assistance programs managed by the U.S. Department of State. More information on the SLD program can be found at [http://www.nti.org/e\\_research/cnwm/interdicting/second.asp](http://www.nti.org/e_research/cnwm/interdicting/second.asp)

U.S.-New Zealand agreement will facilitate cooperation between the two countries under the G8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction that was established in 2002 at the G8 summit in Kananaskis, Canada. The initiative aims to support specific cooperation projects, initially in Russia and other Newly Independent States, to address non-proliferation, disarmament, counter-terrorism, and nuclear safety issues.[4]

New Zealand has played an important role in international efforts to prevent WMD proliferation and counter terrorist activities. As part of the G8 Global Partnership, it previously contributed to the funding of a chemical weapons destruction facility in Shchuchye, Russia. In 2006, New Zealand cooperated with the United States on a project to shut down Russia's last nuclear reactor designed to produce plutonium for nuclear weapons, located in Zheleznogorsk, Russia.[2]

Sources: [1] "New Zealand to Support NNSA and Ukraine Effort to Fight Nuclear Terrorism," May 9, 2007, National Nuclear Security Administration (NNSA) website, [http://www.nnsa.doe.gov/docs/newsreleases/2007/PR\\_2007-05-09\\_NA-07-18.htm](http://www.nnsa.doe.gov/docs/newsreleases/2007/PR_2007-05-09_NA-07-18.htm). [2] "Goff Marks NZ Contribution to WMD Project," New Zealand Government website, May 10, 2007, <http://www.beehive.govt.nz/ViewDocument.aspx?DocumentID=29254>. [3] "Biography: Hon Phil Goff," New Zealand Government website, <http://www.beehive.govt.nz/Biography.aspx?MinisterID=38>. [4] "Statement by G8 Leaders. The G8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction," Canada's G8 website, <http://www.g8.gc.ca/2002Kananaskis/kananaskis/globpart-en.asp>.

### Canada to Fund Border Security Upgrades in Ukraine as Part of Global Partnership Commitment

Canadian Minister of Foreign Affairs Peter MacKay announced on May 7, 2007, that his government would provide CAN\$5million (US\$4,418,820) to "upgrade security systems at airports and other border crossings in Ukraine to prevent nuclear terrorism." [1,2] The announcement of the border security funding initiative was made during the state visit of Ukrainian Foreign Minister Asreniy Yatsenyuk to Canada and just prior to the start of the G-8 summit in Heiligendamm, Germany. The move was a part of Ottawa's CAN\$1 billion (US\$954 million) pledge to the G8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction established in 2002 in Kananaskis, Canada.[1,3,5]

The funding will assist in the training of border control officials and provide radiation detection equipment to several Ukrainian border checkpoints.[3] The border security project

in Ukraine is being implemented through the U.S. Department of Energy's National Nuclear Security Administration (NNSA) Second Line of Defense (SLD) program. [Editor's Note: See explanation of SLD program in preceding story.] It has also received funding from New Zealand, and "will receive technical support" from the International Atomic Energy Agency (IAEA).[3,4].

Sources: [1] "Canada to Help Ukraine Beef Up Airport and Border Security," Agence France Presse, May 7, 2007, via Strengthening the Global Partnership project website, <http://www.sgpproject.org/Personal%20Use%20Only/070507canadaukraine.htm>. [2] "Canada Announced \$5 Million to Upgrade Border and Airport Security in Ukraine to Prevent Nuclear Terrorism," *Maple Leaf News*, Embassy of Canada to Ukraine website, May 7, 2007, [http://www.international.gc.ca/canada-europa/ukraine/maple/maple\\_leaf\\_80-en.htm](http://www.international.gc.ca/canada-europa/ukraine/maple/maple_leaf_80-en.htm). [3] "Canada to Support NNSA Effort to Fight Nuclear Terrorism," U.S. Department of Energy Press Release, May 9, 2007, [http://www.nnsa.doe.gov/docs/newsreleases/2007/PR\\_2007-05-09\\_NA-07-17.htm](http://www.nnsa.doe.gov/docs/newsreleases/2007/PR_2007-05-09_NA-07-17.htm). [4] "New Zealand to Contribute to Combating Nuclear Smuggling," New Zealand Government Press Release, Strengthening the Global Partnership project website, March 26, 2007, <http://www.sgpproject.org/Personal%20Use%20Only/070326nz.htm>. [5] "Global Partnership Program," Canadian Department of Foreign Affairs and International Trade website, <http://geo.international.gc.ca/cip-pic/library/globalpartnership-en.asp>.

### EU Continues to Assist in Improving Border Management in Central Asia

On May 25, 2007, a senior adviser of the European Border Management Program in Central Asia (BOMCA), Hardy Roehling, announced at a briefing in Astana, Kazakhstan, that in 2008-2009 the European Union (EU) will provide €12 million (US\$16 million) to improve border control and prevent trafficking of drugs in Central Asia.[1,2]

BOMCA was officially launched in 2003 and will conclude in 2009. The program consists of seven stages; four of these stages have been completed and the fifth stage is currently being implemented. The last two stages will have a budget of €6 million (US\$ 8 million) each. The sixth stage began in January 2007 and will be completed in December 2008. The seventh stage will be implemented between January 2008 and December 2009.[3,4]

According to Amir Elchibekov, manager of BOMCA and the related Central Asian Drug Action Program (CADAP) in Kazakhstan, under these programs the EU provides assistance to border guard services in Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan and aims to improve control at border checkpoints; reconstruct relevant infrastructure; provide the border agencies with equipment for cargo examination; prevent trafficking in drugs and explosives; and train local border guards.[1,3]

BOMCA is designed to assist recipient countries to introduce integrated border management and drug control and is funded by the EU through its Technical Assistance to the Commonwealth of the Independent States (TACIS) program and implemented by the United Nations Development

Program's (UNDP's) regional offices. With a total budget of €38 million (US\$50 million), the BOMCA/CADAP joint program is the EU's largest technical assistance initiative in Central Asia.[3,4]

Sources: [1] "V 2008-2009 godakh ES nameren vydelit \$12 mln. na ukrepleniye granits i presecheniye narkotrafika v Tsentralno-Aziatskom regione" (In 2008-2009, the EU intends to provide \$12 million for improving border control and prevention of drugs traffic in the Central Asian region), Kazakhstan Today News Agency, May 25, 2007, in Gazeta.kz, <<http://www.gazeta.kz>>. [2] Olga Semenova, "Finansiruyetsya Evropeyskoy komissiyey" (With financial support of the European Commission), *Kazakhstanskaya pravda* online edition, <<http://www.kazpravda.kz>>. [3] "Boosting Border Management & Drug Control in Central Asia," European Commission website, <[http://ec.europa.eu/europeaid/projects/tacis/case\\_centralasia\\_border\\_en.htm](http://ec.europa.eu/europeaid/projects/tacis/case_centralasia_border_en.htm)>. [4] "Border Management," December 4, 2006, The European Commission's Delegation to Kazakhstan, Kyrgyzstan and Tajikistan, <[http://www.delkaz.cec.eu.int/joomla/index.php?option=com\\_content&task=view&id=51&Itemid=39](http://www.delkaz.cec.eu.int/joomla/index.php?option=com_content&task=view&id=51&Itemid=39)>.

### IAEA Deputy Director General Visits Tajikistan

On May 24-26, 2007, Ana Maria Cetto, deputy director general of the International Atomic Energy Agency (IAEA) and head of the IAEA Technical Cooperation Department, visited Tajikistan to assess the implementation of projects launched under the technical cooperation program between the IAEA and Tajikistan and to discuss the country's nuclear and radiation safety situation.[1] Cetto met with government officials, including Deputy Prime Minister Khayrinisso Mavlonova, Minister of Foreign Affairs Khamrokhon Zarifi, Minister of Health Ranokhon Abdurakhmonova, Minister of Agriculture and Environmental Protection Abdurakhmon Kadyrov, and President of the Academy of Sciences Mamadsho Ilolov. During her visit, Cetto also visited Tajikistan's State Disposal Site for Radioactive Waste, designed to store liquid and solid radioactive waste, which is located in the Faizabad district, about 40 km east of the country's capital, Dushanbe.[1,2]

Technical cooperation between the IAEA and its member states is based on Country Program Frameworks (CPFs), which serve as a frame of reference for the short term (4-6 years) and focus on the national development needs or problems that can be addressed using nuclear science and technology.[3] Tajikistan and the IAEA signed the CPF document on September 26, 2005. The document identified the following areas for future cooperation: further development of regulatory infrastructure, remediation of uranium tailings sites and waste management, health sector, agriculture, and knowledge management.[4] Currently, IAEA-Tajikistan technical cooperation includes the following eight national projects:

- Establishing a national International Nuclear Information System (INIS) center capable of providing relevant information services in all aspects of the peaceful applications of nuclear sciences and technology in support of the national nuclear program;

- Upgrading nuclear medicine services for better patient care and treatment by improving technical capabilities of the Institute of Gastroenterology;
- Upgrading radiotherapy services for the treatment of cancer at the Republican Clinical Center of Oncology;
- Improving diagnosis and control of brucellosis in cattle, sheep and goats in order to prevent the spread of the disease among animals and the human population in Tajikistan;
- Developing capacity and tools for the assessment of land degradation (mainly soil erosion) and implementation of soil conservation measures in Tajikistan;
- Determining if international safety standards are being applied to the management of residues associated with the mining and milling of uranium ores and the impact of the residues on the local population and environment;
- Establishing a radiation monitoring system at uranium tailings sites in northern Tajikistan to improve public radiation protection;
- Establishing a radiation protection calibration service in Tajikistan to improve the status of radiation protection through precision calibration and standardized measurements in line with applicable national and international standards.[5]

*Editor's Notes: Tajikistan has been an IAEA member since September 10, 2001. The Tajik government and the IAEA signed an agreement on the application of safeguards and its additional protocol on July 7, 2003. Both documents entered into force on December 14, 2004.[6]*

*The INIS was established in 1970 in response to the IAEA's mandate "... to foster the exchange of scientific and technical information on peaceful uses of atomic energy." The mission of INIS is to create a reservoir of nuclear information for current and future generations, provide quality nuclear information services to IAEA member states, and assist with the development of a culture of information and knowledge sharing. INIS processes most of the world's scientific and technical literature on a wide range of subjects from nuclear engineering, safeguards and nonproliferation to applications in agriculture and health.[7]*

Sources: [1] Nargis Khamrabayeva, "Pervyy zamestitel glavy MAGATE pribyla v Dushanbe" (IAEA first deputy head arrived at Dushanbe), Asia-Plus News Agency (Tajikistan), May 24, 2007, <<http://www.asiaplus.tj>>. [2] "Ministr inostrannykh del Respubliki Tajikistan Khamrokhon Zarifi prinyal delegatsiyu Mezhdunarodnogo Agentstva po Atomnoy Energii (MAGATE)" (Minister of Foreign Affairs of the Republic of Tajikistan Khamrokhon Zarifi received an IAEA delegation), Ministry of Foreign Affairs of the Republic of Tajikistan website, May 25, 2007, <<http://www.mid.tj/index.php?node=news&dt=1180047600&id=343>>. [3] "Country Programme Framework (CPF)," IAEA Technical Cooperation Department website, <<http://www-tc.iaea.org/tcweb/strategy/cpfs/default.asp>>. [4] "Tajikistan signs CPF," September 27, 2005, IAEA Technical Cooperation Department website, <<http://www-tc.iaea.org/tcweb/regionalsites/europe/news/newstory/default.asp?newsid=77>>. [5] "Country Information: Information records on Tajikistan," IAEA Technical Cooperation Department website, <<http://www-tc.iaea.org/tcweb/regionalsites/europe/country/default.asp?cid=TAD>>. [6] "Tajikistan, Republic of", IAEA Country Factsheet, IAEA website,

<<http://ola.iaea.org/factSheets/CountryDetails.asp?country=TJ>>. [7] "About INIS," IAEA website, <<http://www.iaea.org/inisnkm/inis/aboutinis/overview.htm>>.

### Radiological Laboratory Opens in Tbilisi

In mid-June 2007, the Levan Samkharauli National Bureau of Forensic Expertise under the Ministry of Justice of Georgia inaugurated a new laboratory for radiological evaluation. The new laboratory has been equipped with modern devices, such as a gamma spectrometer to measure radioactive contamination, with assistance from the International Atomic Energy Agency (IAEA). The IAEA also organized special training in Bucharest, Minsk, and Kiev, for Georgian specialists who operate the laboratory.[1,2]

According to bureau officials, the new laboratory is capable of conducting radiological tests of different substances and items, including samples of air, soil, surface water, and precipitation, as well as food products, alcoholic beverages and soft drinks, pharmaceuticals, perfumes, oil products, construction materials, tobacco products, household appliances, scrap metal and others. In addition, the new laboratory allows experts to carry out tests both indoors and in the field. The laboratory is the only one of its kind in the Transcaucasian region, and it is expected that it will provide services both at the national level, as well as to neighboring countries.[1,2,3] According to reports, any person may request the laboratory to examine a consumer good for the presence of radiation.[3]

In the years after independence, the government of Georgia has found it challenging to halt trafficking in nuclear and radioactive materials, and has also had to cope with a significant number of orphan radioactive sources that the country inherited from the Soviet Union. The new laboratory should help the country's law enforcement agencies in investigations of cases involving illegal transport of nuclear and radioactive materials or discoveries of orphan sources, as well as help improve preparedness and response to radiological emergencies to prevent environmental pollution and public exposure.

Sources: [1] Melsida Akopyan, "V Tbilisi otkryta unikalnaya laboratoriya radiatsionnoy ekspertizy" (A unique radiological laboratory has been opened in Tbilisi), Novosti-Gruziya News Agency, June 20, 2007, <<http://www.newsgeorgia.ru>>. [2] Melsida Akopyan, "V Tbilisi budet otkryta unikalnaya laboratoriya" (A unique laboratory will be opened in Tbilisi), Novosti-Gruziya News Agency, May 28, 2007, <<http://www.newsgeorgia.ru>>. [3] Melsida Akopyan, "V Natsionalnom byuro sudebnoy ekspertizy Minyusta Gruzii sozdano otdeleniye radioekologicheskoy ekspertizy" (A section of radioecology evaluation has been established at the National Bureau of Forensic Expertise under the Ministry of Justice of Georgia), Novosti-Gruziya News Agency, January 12, 2007, <<http://www.newsgeorgia.ru>>.

## Embargo and Sanction Regimes

### Penalties Handed Down in Mitutoyo Case as Japan Looks to Increase Criminal Sanctions for Future Violations

#### Case Against Mitutoyo Closes with Jail Terms, Fines and Sanctions

On June 25, 2007, the Tokyo District Court handed down sentences in the case against four former executives of the Mitutoyo Corporation, a Japanese high-tech measuring device manufacturer. The following day, the Japanese government announced a multi-phase set of administrative sanctions against the company that have a total duration of three years.

The four defendants in the criminal case were originally charged in September 2006 with illegally exporting two three-dimension precision measuring machines to Malaysia in October and November 2001. These machines were purchased by associates of Pakistani scientist A.Q. Khan, and one of the two machines was discovered in Libya by the International Atomic Energy Agency (IAEA) in 2004. The Mitutoyo executives were also charged with illegally exporting three more measuring devices to the company's Singapore subsidiary, Mitutoyo-Asia Pacific, in July 2005.[1,2] The four accused men pled guilty to the charges in December 2006.

During their investigation of the company, Japanese authorities discovered that Mitutoyo had been illegally transferring high-tech measuring devices for over a decade. Among other ploys the company used to skirt Japanese export controls, Mitutoyo created a software program in the early 1990s that altered the readings on its measuring equipment so as to make them appear less accurate, and thus below the threshold of capability requiring a specific license for their export.

In the June 25 court ruling, former company chairman Norio Takatsuji received a three-year jail term and former president Kazusaku Tezuka received two years and eight months; both sentences were suspended for five years. The former managing director Hideyo Chikugo received a two year and four months jail sentence, while former board member Tetsuo Kimura received two years; these two sentences were suspended for four years. [Editor's Note: *Since the sentences were suspended, if the four do not commit any other crimes during the period of their suspensions they will not actually serve any time in jail.*] The ruling also ordered the Mitutoyo Corporation to pay a fine of ¥45 million (US\$363,000).[2]

Tokyo prosecutors originally requested multi-year sentences for all four men—four years for Takatsuji, three and a half years for Tezuka, and three years each Chikugo and Kimura—and did not want the men to receive a suspended sentence. The prosecutors also recommended a fine of ¥49.7 million

(US\$407,400) to be imposed on the company.[1] The legal counsel for the defendants called for more leniency, however, since the items transferred by Mitutoyo had been built for civilian use and had never been proven to have assisted any nuclear weapons programs.[3,4] The prosecution countered that the fact that one of the measuring devices ended up in a facility associated with Libya's now-defunct nuclear weapons program demonstrated the illegality transfers. According to the prosecution, Mitutoyo's actions were in fact, a serious case of nuclear proliferation.[5]

In handing down the final judgment, Chief Judge Masahiro Hiraki noted that the conduct of the accused had damaged trust in the nuclear nonproliferation regime within Japan and harmed Japan's international credibility. The judge also noted that jail terms were warranted, as it was clear that Mitutoyo's executives were aware that the equipment they exported could be diverted for use in a nuclear weapons program. The judge justified the suspended sentences, however, by stating that he believed that the four men had shown remorse for their actions. The judge further noted that the accused men had already voluntarily chosen to leave the company.[2]

On June 26, 2007, Japan's Ministry of Economy, Trade and Industry (METI) imposed administrative sanctions on the company, limiting Mitutoyo's ability to export over the next three years. The Japanese government has banned Mitutoyo Corporation in Japan from exporting any item for six months beginning July 3, 2007. These six months will then be followed by a two-and-a-half year ban covering the export of computer numerical control (CNC) three-dimensional measuring devices. While the total time period for the export ban is significant, METI will allow for exceptions that enable Mitutoyo to continue transferring the measuring devices to certain customers after the first phase of the ban is lifted.[6] Although the list of approved customers has not been released, it is likely that many of Mitutoyo's customers in most major industrial nations, such as the United States and the European Union, will not be affected by the ban. The ban also does not appear to affect Mitutoyo's foreign-based operations, where manufacture and transfer take place outside Japanese jurisdiction. Therefore, Mitutoyo's production facilities in other countries will be able to continue to export equipment, as long as they do not involve Japanese-origin equipment or technology that would normally require an export license from Japanese authorities.

#### Japanese Government Moves to Increase Penalties for Export Control Violations

The Mitutoyo case is only one in a series of recent high-profile export control violation cases in Japan. Criminal proceedings have also been brought against Yamaha Motor Corporation and Seishin Enterprise—the latter receiving a two-year export ban. These cases, combined with heightened global concern over WMD-related proliferation, have motivated the Japanese government to take steps to prevent further illicit transfers or

diversion of Japanese-origin products and technologies to WMD-related programs.

In April 2006, METI established a working group of export control and nonproliferation experts under the Industrial Structure Council's Subcommittee on Security Export Control. The purpose of the working group is to strengthen and revise the Foreign Exchange and Foreign Trade Law (FEFT) in order to assist Japanese authorities in preventing the illicit transfer of sensitive technologies. The working group was tasked to:

- advise the government on how to best strengthen penalties for export control violations;
- draw up a list of recommendations on how Japan should best implement UN Security Council Resolution 1540 (requiring all states to adopt strict controls over WMD-related commodities);
- advise the government on how to strengthen its export control systems so as to best prevent the use of WMD by terrorists;
- make recommendations on preventing the transshipment of WMD and relevant materials; and
- develop more effective domestic export control regulations specifically aimed at implementing recent changes in the Wassenaar Arrangement including the broadened "catch-all" for conventional weapons.[5]

After its tenth meeting, the working group submitted its recommendations to METI on strengthening penalties for illegal exports.[6] Based on these recommendations, on June 13, 2007, the Japanese government announced that penalties for violating the FEFT would be significantly stiffened.[9] Under the new law, which still needs to be formally approved by the Japanese Diet (parliament), levels of fines for export control violations would increase ten fold and the maximum prison term would be doubled. Currently under the FEFT, entities found guilty of exporting controlled items or technology without a license face a maximum administrative fine of ¥2 million (US\$16,200). According to media sources, under the proposed new law, the maximum fine could reach up to ¥20 million (US\$162,000) per item transferred. The new law would also increase the current maximum jail term for individuals involved with export control violations from five to ten years. Additionally, the new law would make the falsification of export applications, which is currently not subject to criminal penalties or administrative sanctions, a criminal offense.[7]

METI plans to submit the amendments to the Diet for approval during the parliament's 2008 session.[9] If passed, this will be the first time the FEFT has been revised since 1987, when the Diet responded to another high-profile export violation by a major Japanese company. *[Editor's Note: In 1982, Toshiba Machinery Corporation illegally sold a number of computer-controlled milling machines to the Soviet Union, which reportedly enabled the Soviets to significantly improve propellers for their submarine fleet. The transfer was in*

conflict with Japanese law. *News of Toshiba's action was only made public in 1987.*

*Editor's Note: For earlier Observer coverage of the case against the Mitutoyo Corporation, see: "Mitutoyo Managers Indicted for Exporting Nuclear Equipment to Iran," October/November 2006, pp. 3-4 and "Japanese Export Controls under Scrutiny as Revelations of Illicit Transfers Continue," March 2006, pp. 9-10, available at <<http://www.cns.miis.edu/pubs/observer/index.htm>>. See also: Peter Crail, "Evading Export Controls: Mitutoyo Corporation as a Case Study in Determined Proliferation," WMD Insights, October 2006, <[http://www.wmdinsights.com/I9/I9\\_EA1\\_EvadingExport.htm](http://www.wmdinsights.com/I9/I9_EA1_EvadingExport.htm)>.*

Sources: [1] "Prosecutors Demand Prison Terms for 4 ex-Mitutoyo Employees over Illegal Exports," Associated Press, May 25, 2007; in Lexis-Nexis Academic Universe, <[www.lexis-nexis.com](http://www.lexis-nexis.com)>. [2] Jun Hongo, "Mitutoyo Execs Receive Suspended Terms," *Japan Times*, June 26, 2007, <<http://www.japantimes.co.jp>>. [3] "Mitutoyo: Motofukukaicho ni Choeki 4 nen wo Kyukei, Tokyo Chisai Kohan" (Four year Prison Term Demanded for Former Mitutoyo Executive, at the Tokyo District Court Hearing), *Mainichi Shimbun*, May 25, 2007. [4] "Mitutoyo Fusei Yushutsu, Moto Fukukaicho ni Choeki 4 nen Kyukei, Tokyo Chisai" (Mitutoyo Illegal Export; 4 year Prison Term Demanded for former Mitutoyo Executive at Tokyo district Court), *Asahi Shimbun*, May 25, 2007. [5] "Jail Sought in Mitutoyo Nuclear Export Scandal," *Yomiuri Shimbun*, May 26, 2007. [6] "Gaikoku Kawase Gaikoku Bouekihou ni Motozuku Gyouseishobun ni tsuite," (Administrative Sanction [Export Ban] under the Foreign Exchange and Foreign Trade Law), Japan's Ministry of Economy, Trade and Industry (METI) website, June 26, 2007, <[http://www.meti.go.jp/press/20070626002/070626\\_press\\_g.pdf](http://www.meti.go.jp/press/20070626002/070626_press_g.pdf)>. [7] "Sangyo Kozo Shingikai Boueki Keizai Kyouryoku Bunkakai Anzenhoshou Boueki Kanri Shouinikai Seido Kaisei Working Group no Secchi ni Tsuite" (Establishment of the System Revision Working Group within the Subcommittee on Security Export Control Policy, Trade and Economic Cooperation Committee, Industrial Structure Council), METI website, <<http://www.meti.go.jp/press/20060421005/seidokaisei%20wg-set.pdf>>. [8] "Sangyo Kozo Shingikai Boueki Keizai Kyouryoku Bunkakai Anzenhoshou Boueki Kanri Shouinikai Seido Kaisei Working Group, Dai 10 kai Giji Youshi" (The System Revision Working Group within the Subcommittee on Security Export Control Policy, Trade and Economic Cooperation Committee, Industrial Structure Council, the 10th Meeting Summary), <<http://www.meti.go.jp/committee/summary/0004295/index.html>>. [9] "Stiffer Penalty Eyed for Illegal Exports," *Asahi Shimbun*, June 15, 2007, <<http://www.asahi.com>>.

## Implementing UNSC Resolutions, Japan Sanctions Iranian Individuals, Entities

On May 18, 2007, the Japanese Cabinet announced the freezing of the financial assets of 15 Iranian citizens and 13 Iranian entities identified in UN Security Council Resolution 1747 (UNSCR 1747) as being involved in Tehran's nuclear and missile programs. The Security Council adopted UNSCR 1747 in March 2007. Tokyo's announcement followed a similar move by the Japanese government in February 2007 when it placed 12 Iranian citizens and 10 entities under financial sanctions. The February sanctions were based on UN Security Council Resolution 1737 (UNSCR 1737), which was passed in December 2006.[1,2,3] According to the February and May measures, a special licensing system will be applied to payments to or capital transactions with the 27 individuals and 23 companies identified. In addition to the specific

financial measures, the May announcement also called on financial institutions to "exercise vigilance and restraint" with regard to transactions that could contribute to the "accumulation of arms in Iran." [2]

The May announcement by the Japanese Cabinet also included a ban on the sale of items linked to Iran's nuclear activities and a decision not to grant Iran new aid or loans, except for humanitarian and development purposes.[1] A week after the announcement, on May 24, 2007, Japan's Foreign Minister Taro Aso discussed the nuclear issue directly with his Iranian counterpart Manouchehr Mottaki. According to press reports, Aso told Mottaki that it was regrettable that Tehran had not responded positively to the demands set forth in UNSCR 1747. Aso reportedly noted that there was "no other way for a peaceful and diplomatic resolution to this problem other than for Iran to respond to the resolution, suspend its uranium enrichment activities and return to the negotiation table." [4]

Japan was one of several countries to take measures to implement resolutions 1737 and 1747. According to the UN committee established to monitor the implementation of 1737, 62 countries, as well as the European Union, have reported progress in domestic efforts to implement the requirements set forth in the resolutions.[5] Due to Tokyo's high trade volume with Iran—particularly oil exports to Japan—strict implementation of the UN resolutions could have significant economic repercussions in Japan.[1] However, Japan's Chief Cabinet Secretary Yasuhisa Shiozaki told a press conference that Japan's action was in recognition of the "need to take a resolute response on the Iranian nuclear issue" considering the current situation's effect on the nonproliferation regime, the North Korean nuclear issue and Middle East security.[1]

Japan's list of entities subject to sanctions was taken directly from two annexes to resolutions 1737 and 1747, which include lists of individuals and organizations involved with Iran's nuclear and missile programs. Initially, under UNSCR 1737, designated entities were to be subject to international financial sanctions and UN member states were called upon to "exercise vigilance regarding" the entry into their territories of those associated with Iran's nuclear and missile programs. However, the language did not impose a travel ban on the individuals.[6] UNSCR 1747 increased the number of individuals designated for sanctions and strengthened travel restrictions on those involved with Iran's nuclear and missile programs by adding that countries should exercise "vigilance" and "restraint" with regards to the movement of these individuals within their territories.[7,8]

*Editor's Note: UNSCR 1737 was adopted by the UN Security Council in response to Tehran's failure to halt key parts of its nuclear program, as demanded by an earlier resolution—UNSCR 1696—in July 2006. UNSCR 1737 called on the Iranian government to take specific steps to cease questionable nuclear activities, specifically those related to*

uranium enrichment and plutonium production, including work on heavy water-related projects. UNSCR 1737 further mandates that all UN members take measures to prevent the supply of materials to Iran's enrichment-related, reprocessing or heavy water-related activities, as well as materials for nuclear weapon delivery systems. UNSCR 1747 was adopted three months after UNSCR 1737 following an International Atomic Energy Agency (IAEA) report in February 2007 which indicated that Tehran had yet to comply with earlier Security Council resolutions. For a full list of entities designated under resolution 1737 and 1747 see the website for the UN Security Council Committee Established Pursuant to Resolution 1737 (2006) at <http://www.un.org/sc/committees/1737/desindv.shtml>. [5,6]

Sources: [1] "Kyodo: Japan OKs Stronger Trade Sanctions on Iran Amid Nuke Stalemate," Kyodo World Service, May 18, 2007; in OSC Document JPP20070518969021. [2] "Measures Based on the Foreign Exchange and Foreign Trade Law to Freeze the Assets of Persons and Entities Engaged in Iran's Proliferation Sensitive Nuclear and Other Activities and to Prohibit the Import of Arms from Iran," Japanese Ministry of Foreign Affairs website, May 18, 2007, [http://www.mofa.go.jp/announce/announce/2007/5/1173496\\_826.html](http://www.mofa.go.jp/announce/announce/2007/5/1173496_826.html). [3] "Measures Based on the Foreign Exchange and Foreign Trade Law to Prevent the Transfer of Financial Resources and to Prohibit the Import of Items related to Iran's Proliferation Sensitive Nuclear Activities and Development of Nuclear Weapon Delivery Systems," Ministry of Foreign Affairs of Japan website, February 16, 2007, <http://www.mofa.go.jp/announce/announce/2007/2/0216-2.html>. [4] "Japan Pushes Iran on Nuclear Row," Agence France Presse, via SpaceWars.com, May 25, 2007, <http://www.spacewar.com>. [5] "The Security Council Committee Established Pursuant to Resolution 1737 (2006)," United Nations website, <http://www.un.org/sc/committees/1737/index.shtml>. [6] "Security Council Imposes Sanctions on Iran for Failure to Halt Uranium Enrichment, Unanimously Adopting Resolution 1737 (2006)," UN Department of Public Information, December 23, 2006, <http://www.un.org/News/Press/docs/2006/sc8928.doc.htm>. [7] "Resolution 1747 (2007) Adopted by the Security Council at its 5647th Meeting on 24 March 2007," UNSC Document S/RES/1747 (2007), March 24, 2007, <http://daccessdds.un.org/doc/UNDOC/GEN/N06/681/42/PDF/N0668142.pdf>. [8] Paul Kerr, "Security Council Broadens Iran Sanctions," *Arms Control Today*, April 2007, <http://www.armscontrol.org>.

## International Developments

### **Pakistan Port Joins U.S. Cargo Scanning Initiative**

On April 30, 2007, Pakistan's Port of Qasim became the second port to become operational under the United States Secure Freight Initiative. The initiative, a program from the U.S. departments of Homeland Security, Energy, and State, funds the installation of radiation detection and X-ray equipment in international ports that can identify nuclear and radiological substances in maritime containers before they are shipped to the United States. As part of the collaboration between the U.S. and Pakistani governments, the U.S. National Targeting Center began receiving data transmissions from cargo scanning equipment installed at Qasim, which is near the Southern coastal city of Karachi. [1, 2, 3, 4]

*Editor's Note: Both the Secure Freight Initiative and the Container Security Initiative (CSI) are administered by the U.S. Department of Homeland Security's Customs and Border Patrol (CBP). The Secure Freight Initiative differs from CSI in that local employees scan the cargo while CBP agents remain in the Targeting Center in Virginia. The CBP agents analyze the data through a live feed and then make the decision whether the container should be physically searched. Under the CSI, U.S. agents are present in international ports. Since CBP inspectors are not on-site, the Secure Freight Initiative requires that the partner country provide a greater level of support compared to CSI, including sufficient personnel, space, and infrastructure. [5,6] The Secure Freight Initiative is intended to streamline the inspection process through the use of non-intrusive imaging. [2,3] However, larger cargo, including cars, vans containing fuel, and items strapped to wide pallets, cannot be scanned by the equipment currently in use under the initiative. [7,8] The scanners also cannot penetrate through items, such as food, that are frozen. [8] The 20 to 40 foot receptacles targeted by the Secure Freight Initiative typically hold consumer goods, such as electronic appliances, toys, textiles, food, and furniture, and are considered a higher risk for smuggling nuclear and radiological materials. [7]*

Pakistani Prime Minister Shaukat Aziz attended the Secure Freight Initiative opening ceremonies alongside the CBP's Assistant Commissioner for Field Operations Jayson P. Ahern and other officials from participating departments. [2] The first containers were successfully scanned and X-rayed and preparations are being made to check 100 percent of U.S.-bound containers coming through Qasim in this manner. [1,3,4] For suspicious containers that are too large to pass through the radiation and X-ray equipment, physical inspections of the containers will be carried out before they are allowed to be shipped to the United States. [7] If Phase I testing is successful, the Department of Homeland Security hopes to expand the program to other international ports so that up to 30 percent of the total containers en route to the United States could be scanned. However, a timeframe for this expansion has not been released. [8]

A total of six ports around the world have been selected for the first phase of the Secure Freight Initiative. Puerto Cortes in Honduras was the first, and became operational on April 2, 2007. [1,2] In addition to Qasim, other Phase I ports include Southampton (United Kingdom), Brani Terminal (Singapore), Pusan (South Korea), and Salalah (Oman). [1,2,4] Phase I is expected to end on October 13, 2007, one year after legislation was enacted to start the initiative. [2] After the completion of the first phase, the Secure Freight Initiative expects to scan nearly 8 million containers in the first year, roughly 7 percent of the total containers entering the United States. [7]

Port Qasim was chosen as one of the initial ports because of its size, volume of shipments, location, strategic importance to

nonproliferation, and the willingness of Pakistan to participate in the new initiative.[3] Pakistan has often been cited by U.S. experts and officials as a potential conduit for non-state actors to acquire materials for a nuclear or radiological device. Therefore, U.S. officials view the support of the Pakistani government in the Secure Freight Initiative as an important confidence-building measure between the two countries and a key part of international efforts to prevent nuclear and radiological terrorism.[2,3]

As part of its commitment under the Secure Freight Initiative, Pakistan has designated five acres of land at the Port of Qasim to base domestic operations and has spent US\$3.5 million on the project.[5] The scanning and X-ray equipment, worth US\$5.5 million, was provided by the U.S. departments of Homeland Security and Energy.[5] *[Editor's Note: The U.S. Congress has budgeted a total of US\$60 million for the Secure Freight Initiative and hopes to expand the program if the initial phase is successful.]*[7]

Sources: [1] "U.S. Begins Scanning for Radiation in Pakistan," Pacific Shipper, May 11, 2007; in Lexis-Nexis Academic Universe, <<http://www.lexisnexis.com>>. [2] "Secure Freight Initiative to Scan Ships for Radiation Begins Transmission from Pakistan," Homeland Security Department Documents and Publications, May 2, 2007; in Lexis-Nexis Academic Universe, <<http://www.lexisnexis.com>>. [3] "Radiation Scanning at Port Qasim," *Dawn*, May 8, 2007, <[www.dawn.com](http://www.dawn.com)>. [4] "U.S. Begins Box Radiation Scanning in Pakistan," *Journal of Commerce* online, May 4, 2007; in Lexis-Nexis Academic Universe, <<http://www.lexisnexis.com>>. [5] R.G. Edmonson, "Secure Freight?: Customs is Confident it Will Meet Pilot Program Deadline; Congress Has its Doubts," *Journal of Commerce*, May 7, 2007, p. 17; in Lexis-Nexis Academic Universe, <<http://www.lexisnexis.com>>. [6] R.G. Edmonson, "X-ray Vision; Three Foreign Ports Will Scan U.S.-bound Containers under Customs' Secure Freight Initiative," *Journal of Commerce*, December 18, 2006; in Lexis-Nexis Academic Universe, <<http://www.lexisnexis.com>>. [7] Meredith Cohn, "Early Checks Set on Cargo to U.S.; Homeland Security to Screen Containers Before They Sail From Six Foreign Ports," *Baltimore Sun*, December 8, 2006; in Lexis-Nexis Academic Universe, <<http://www.lexisnexis.com>>. [8] Eric Lipton, "U.S. to Expand Cargo Scans to Detect Nuclear Material," *New York Times*, December 8, 2006; in Lexis-Nexis Academic Universe, <<http://www.lexisnexis.com>>.

## **Conferences and Workshops**

### **Forums on Industry-Government Relations in Export Controls Held in Bishkek and Almaty**

*This article is based on contributions from Taalibek Bektashev, head of the Export Control and Licensing Sector at the Ministry of Economic Development and Trade of the Kyrgyz Republic, and Gulnara Abildaeva, manager of the Export Control and Border Security (EXBS) assistance program, U.S. Embassy in Astana, Kazakhstan*

On May 17-18, 2007, an international forum on industry-government relations in the field of export controls was held in Bishkek, Kyrgyzstan. The Kyrgyz Ministry of Economic Development and Trade and the U.S. Department of Commerce organized the forum with funding from the U.S.

Department of State-administered Export Control and Related Border Security (EXBS) assistance program. About 80 Kyrgyz participants attended the forum, including export control authorities, representatives from defense, mining, chemical, and machine-building facilities, business associations, customs brokers, cargo carriers, freight forwarders, and nongovernmental organizations. Kyrgyz enterprises such as the Dastan Corporation, Bishkek Machine Building Plant, Kyrgyz Chemical-Metallurgical Plant, and Kara-Balta Ore Mining Combine were among the industry sector attendees. Foreign participants included officials and experts from Poland, Ukraine, and the United States.

The forum's aim was to strengthen cooperation between the government and the private sector by providing industry representatives with information on Kyrgyzstan's export control legislation, export and import licensing procedures, and commodity classification in accordance with the national control list. Foreign experts voiced their views on the role industry can play in export controls, especially through the introduction of internal compliance programs (ICP) in their day-to-day activities. Participants acknowledged that industry participation and active cooperation is critical for effective and efficient functioning of all phases of the export control system—from the development of the national legislation, the implementation of regulations and administrative procedures, to enforcement—if a country is to develop a clear, efficient and transparent export control system.

On June 7-8, 2007, the Kazakhstani Ministry of Industry and Trade and the U.S. Department of Commerce organized a similar forum with financial assistance from EXBS held in Almaty, Kazakhstan. More than 90 representatives from Kazakhstani industry community and government agencies, along with officials and experts from the United States and the United Kingdom attended the forum. The conference focused on building a stronger industry-government partnership to strengthen compliance with Kazakhstan's strategic trade export control laws and regulations. Kazakhstani government agencies in attendance included the State Export Control Commission, the Department of Export Control of the Committee for Industry and Scientific-Technical Development under the Ministry of Industry and Trade, the Committee for Atomic Energy, and the Customs Control Committee.

The forum's agenda focused on Kazakhstan's national export control system and related areas including laws, regulations, and licensing. The forum aimed to increase nonproliferation export control awareness throughout the country's industry sectors and business community. It provided up-to-date information to industry on implementing export control laws, license application, commodity classification using Kazakhstan's control list, and on the implementation of "catch-all" provisions. Forum participants also discussed possible mechanisms to promote industry participation, while U.S. and U.K. industry representatives provided their views on



the role that industry plays in the export control process as well as on the use of ICPs to process export orders.

### U.S. Government Assists Tajikistan in Improving Emergency Response and Border Control

On May 11, 2007, a graduation ceremony marking the conclusion of a three-week training course on emergency response to incidents involving WMD was held in Dushanbe, Tajikistan. The course was organized by the U.S. Embassy in Tajikistan and taught by U.S. instructors, and was designed for Tajik officials from the Committee on Emergency Situations and Civil Defense and the Ministry of Internal Affairs. During the course, participants were trained in fundamental emergency response techniques, such as procedures for the handling of hazardous materials.[1,2] It is expected that the training will assist the Committee on Emergency Situations and Civil Defense to establish the country's first professional response team. The U.S. Embassy's Regional Security Office will equip the team by providing protective suits, masks and filters, boots and gloves, and other detection equipment worth over US\$150,000, through its Anti-Terrorism Assistance program. The assistance package will also include a mobile trailer that will improve the committee's capacity to respond to emergency situations. Previous WMD-related U.S. government assistance to Tajik emergency response authorities included a WMD Awareness Seminar and a WMD Mass Casualty Emergency Medical Intervention course, both conducted in 2005.[1,2]

On June 29, 2007, another two-week training course on emergency response to WMD incidents concluded in Tajikistan. U.S. instructors from the Virginia National Guard shared their expertise with officials from the Committee for Emergency Situations and the Ministry of Defense. At the conclusion of the training, the U.S. Embassy's Export Control and Border Security section's Chemical, Biological and Radiological Response program, pledged to provide US\$600,000 worth of equipment to further equip the first Tajik responder team, which is presently being organized. The new set of equipment will include a laptop computer with mapping software, as well as detection meters, self-contained breathing apparatus, air compressors, tool kits and other detection equipment. In December 2006, the same U.S. program provided special testing equipment to the Chemical, Biological and Radiological Laboratory of the Committee on Emergency Situations and Civil Defense.[3]

In a related development in March 2007, an elite unit of Native American patrol officers within the Immigration and Customs Enforcement at the U.S. Department of Homeland Security, known as the Shadow Wolves, conducted a week-

long training course in Tajikistan to share their unconventional tracking techniques with local border guards, customs officers, drug control agents, and Ministry of Internal Affairs officers. The training aimed to assist Tajikistan in securing its borders against such threats as drug trafficking and potential transit of WMD and related materials. The training course was funded by the U.S. Defense Threat Reduction Agency with support from the Export Control and Related Border Security assistance program.[4] *[Editor's Note: The Shadow Wolves were founded in 1972 under a program created by the U.S. Congress to track drug smugglers transporting contraband—mostly marijuana—on Indian reservation lands. The team is responsible for patrolling the lands of the Native American tribe of Tohono O'odham in southern Arizona and is the Customs Service's only American Indian tracking unit.]*[5]

In a further effort to improve border control in Tajikistan, on June 13, 2007, U.S. Ambassador to Tajikistan Tracey Ann Jacobson and Major General Sharaf Fayzulloyev, First Deputy Head of the Main Directorate of Border Guard Troops under the State Committee for National Security, opened two newly-refurbished Tajik border guard outposts in the Shurabad District bordering Afghanistan.[6] *[Editor's Note: On November 30, 2006, the State Committee on State Border Protection of Tajikistan was subordinated to the State Committee for National Security as the Main Directorate of Border Guard Troops.]*[7] The U.S. Department of State's International Narcotics and Law Enforcement Bureau through the UN Office on Drugs and Crime funded this assistance project valued at US\$640,000. In addition to physical building refurbishments, the assistance includes three trucks—two UAZ and one GAZ, spare parts, and new furniture for the facilities of the two border guard outposts. It is expected that by the end of 2007 the U.S. government assistance for border security programs in Tajikistan, including infrastructure, equipment, and training, will amount to approximately US\$20 million.[6]

Sources: [1] "U.S. Government Emergency Situations Training Graduation," May 11, 2007, U.S. Embassy in Tajikistan press release, <[http://dushanbe.usembassy.gov/pr\\_05112007.html](http://dushanbe.usembassy.gov/pr_05112007.html)>. [2] Payrav Nazarov, "Trening po chrezvychaynym situatsiyam" (A training on emergency situations), Khovar News Agency, May 14, 2007, <<http://www.khovar.tj>>. [3] "U.S. Embassy Supports Training for Emergency Situations, June 29, 2007," U.S. Embassy in Tajikistan press release, June 29, 2007, <[http://dushanbe.usembassy.gov/pr\\_06292007a.html](http://dushanbe.usembassy.gov/pr_06292007a.html)>. [4] "Shadow Wolves Train Tajik Border Guards," March 13, 2007, U.S. Embassy in Dushanbe, Tajikistan press release, <[http://dushanbe.usembassy.gov/pr\\_03132007.html](http://dushanbe.usembassy.gov/pr_03132007.html)>. [5] Shadow Wolves website, <<http://www.shadow-wolves.org/AboutShadowWolves.php>>. [6] "U.S. Government Continues Support for Tajik Border Security," June 13, 2007, U.S. Embassy in Tajikistan press release, <[http://dushanbe.usembassy.gov/pr\\_06132007.html](http://dushanbe.usembassy.gov/pr_06132007.html)>. [7] Anvarbek Siddikov, "Stanovleniye pogranychnykh voysk Tadjikistana" (The formation of Tajikistan's border guard troops), Khovar News Agency, May 22, 2007, in Press-uz.info, <<http://www.press-uz.info/ru>>.

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