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Recent Developments in the NIS

Belarus Ratifies EURASEC Export Control Agreement

On October 20, 2004, Belarus became the first Eurasian Economic Community (EURASEC) member country to ratify the *Agreement on a Common Order of Export Control by EURASEC Member States,* when the House of Representatives of the National Assembly of Belarus formally approved the agreement. The accord had been signed on October 28, 2003, in Moscow by the five EURASEC member countries—Belarus, Kazakhstan, Kyrgyzstan, Russia, and Tajikistan.[1,2]

According to the agreement's terms, it aims to create conditions conducive to the effective functioning of a common economic and customs space; support the development of balanced, mutually beneficial trade and scientific-technical ties among EURASEC member states; strengthen the nonproliferation regime; and guarantee the defense of national interests and security of member states. According to the agreement, EURASEC members will establish common standardized export control norms, rules, and regulations covering raw materials, goods, equipment, technology, and services that can be used in the production of WMD and other types of military equipment and weapons, and means of WMD delivery.[3]

Article 21 of the agreement states that it will enter into force after the ratification instruments of all five member countries are submitted to the EURASEC Integration Committee.[4] In Kyrgyzstan, the agreement has been submitted to the Zhogorku Kenesh (Kyrgyz parliament), and is expected to be ratified by the end of 2004.[5] As for the three other EURASEC member countries, Kazakhstan, Russia, and Tajikistan, there is no publicly available information on when the agreement will be ratified.

Editor's Note: The agreement on the establishment of the EURASEC, based on the CIS Customs Union, was signed in Astana, Kazakhstan, on October 10, 2000. At present*, EURASEC member states include Belarus, Kazakhstan, Kyrgyzstan, Russia, and Tajikistan. Armenia, Moldova, and Ukraine have observer status in this organization.*[3]

Sources: [1] "20 oktyabrya 2004 goda na plenarnom zasedanii devyatoy sessii Palaty predstaviteley Natsionalnogo sobraniya Respubliki Belarus vtorogo sozyva rassmotreny 9 zakonoproyektov, inyye voprosy" [On October 20, 2004, nine draft laws and other issues were discussed at the plenary of the ninth session of the second House of Representatives of the National Assembly of the Republic of Belarus], House of Representatives of Belarus website, <http://house.gov.by/index.php/,1,3153,1,,0,0,0.html>. [2] Viktor Aleshkevich, "Poka v prezhnem sostave" [Outgoing deputies continue their work), *Vecherniy Minsk*, October 21, 2004; in Integrum Techno, <http://www.integrum.com>. [3] For more information on EURASEC and the agreement, see: "Eurasian Economic Community (EURASEC) Discusses Export Control Issues; Additional Regional Grouping Launched," *NIS Export Control Observer*, No. 4, April 2003, pp. 4-5; "EURASEC Member Countries Harmonize Export Control Procedures," *NIS Export Control Observer*, No. 8, August 2003, p. 2; "Inter-State Cooperation in the NIS," *NIS Export Control Observer*, No. 9, September 2003, pp. 18-22; "Prime Ministers of EURASEC Member States Sign Agreement on Export Control," *NIS Export Control Observer*, No. 11, November 2003, p. 2-3; "NIS Regional Organizations and Export Control in 2003," *NIS Export Control Observer*, No. 12, December 2003/January 2004, pp. 8-10, CNS website, <http://cns.miis.edu/nis-excon>. [4] Official text of the *Agreement on a Common Order of Export Control by EURASEC Member States* provided to CNS by the Ministry of Foreign Affairs of the Republic of Kazakhstan. [5] CNS communication with Bolot Kulmatov, Kyrgyz MFA official, November 17, 2004.

Armenian Government Approves Legislation on Licensing Exports and Imports of Radioactive Sources

On November 5, 2004, the Armenian government (Cabinet of Ministers) approved the order *On Licensing Exports and Imports of Sources of Ionizing Radiation and Radioactive Materials*. The government approval also specifies the formats for license request application forms and other relevant documents. The public relations office of the Armenian government informed the RIA Novosti news agency that by adopting the export and import licensing regulation, the Armenian government intends to prevent the illegal transit of materials and equipment containing radioactive elements and to protect the population from the hazards of ionizing radiation.[1,2]

For a recent case of radioactive material smuggling in Armenia, see the article "Cesium Seized in Armenia" in this issue of the *NIS Export Control Observer*.

Editor's Note: As of late November 2004, the full text of the aforementioned government order was only available in Armenian on the official website of the Armenian government (http://www.gov.am/). The NIS

Export Control Observer *will continue to monitor open sources for information regarding this government document with the purpose of presenting an analytical summary in a future issue.*

Sources: [1] "Armenia strengthens control over radioactive material export-import," Bellona Foundation, November 8, 2004, <http://www.bellona.no/en/international/russia/incidents/35938.html>. [2] Gamlet Matevosyan, "Armeniya uzhestochila kontrol za eksportom-importom radioaktivnykh materialov" [Armenia strengthened control over exports-imports of radioactive materials], RIA Novosti, November 5, 2004, <http://www.rian.ru/rian/intro.cfm?nws_id=726758>.

Primorye and Heilongjiang Customs Cooperation

On October 28, 2004, Viktor Vuglyar, head of Russia's Far Eastern Customs Directorate, and Harbin Customs head Kong Xiangjun signed an agreement on long-term cooperation, which will include an exchange of customs personnel, mutual consultation on legal documents, and information sharing.[1,2] [*Editor's Note: Harbin Customs is the customs authority in China's Heilongjiang province, and has responsibility for the greatest number of Sino-Russian border posts.*]

The agreement came as a result of a series of meetings held by the two customs authorities in Vladivostok, the second such set of exchanges held between the two parties. The meetings included tours of the Ussuriyskiy customs terminal (the largest in the eastern part of Russia) and the customs post at the Vladivostok Commercial Port.[2] During a meeting in Harbin in late March 2004, the customs authorities agreed to open border posts at the same hours for 12 hours per day. (Due to the time difference at the border, the border posts had previously been open at different times.) They also agreed to hold similar meetings at least twice each year.[3]

Sources: [1] Aleksandra Myshkina, "Budem uskoryatsya" [We will accelerate], *Yezhednevnyye novosti*, November 2, 2004; in Integrum Techno, <http://www.integrum.com>. [2] Anatoliy Ilyukhov, "Tamozhenniki rossiyskogo Dalnego Vostoka i kitayskoy provintsii Kheyluntszyan podpisali soglasheniye o sotrudnichestve" [Customs officials from the Russian Far East and China's Heilongjiang province signed cooperation agreement], RIA Novosti, October 28, 2004; in Integrum Techno, <http://www.integrum.com>. [3] Marina Shatilova, "Punkty propuska na granitse Primorya i Kitaya perevodyatsya na 12-chasovoy rabochiy den" [Border posts on the border between Primorye and China will be transferred to 12-hour work days], ITAR-TASS, April 1, 2004; in Integrum Techno, <http://www.integrum.com>.

Kazakhstani Agency for Customs Control Transformed into Committee

On September 29, 2004, President of Kazakhstan Nursultan Nazarbayev signed Edict No. 1449 *On Measures for Further Improvement of the System of State Administration of the Republic of Kazakhstan* that changed the organizational structure and responsibilities of key state agencies.[1] This government reform follows the recent Russian government reorganization pattern by assigning strategic responsibilities to "ministries" and implementation of state policy to "committees" under those ministries.[1,2] In accordance with the edict, the Agency for Customs Control (ACC) of Kazakhstan was transformed into a committee under the Ministry of Finance, thus losing its independent status.[1] A similar change took place in Russia, where the State Customs Committee was transformed into the Federal Customs Service subordinated to the Ministry for Economic Development and Trade as a result of the March 2004 government reform.[3]

On November 18, 2004, 51-year old Berdibek Saparbayev, ACC chairman since August 29, 2002, was appointed deputy minister of finance and chairman of the newly created Committee for Customs Control.[4,5]

Editor's Note: The ACC was created by Presidential Edict No. 931 On Measures for Further Improvement of the System of State Administration of the Republic of Kazakhstan *of August 28, 2002 on the basis of the Customs Committee under the Ministry of State Revenues of the Republic of Kazakhstan.*[6]

Sources: [1] Edict of the President of the Republic of Kazakhstan No. 1449 of September 29, 2004, "O merakh po dalneyshemu sovershenstvovaniyu sistemy gosudarstvennogo upravleniya Respubliki Kazakhstan" [On measures for further improvement of the system of state administration of the Republic of Kazakhstan], YurInfo company website, <http://www.zakon.kz/>. [2] "Russian Government Reorganizes, Restructures Nuclear Agencies," *NIS Export Control Observer*, No. 19, August 2004, pp. 9-14, CNS website, <http://cns.miis.edu/nis-excon>. [3] "New Customs Head Appointed in Russia," *NIS Export Control Observer*, No. 19, August 2004, pp. 4-5, CNS website, <http://cns.miis.edu/nis-excon>. [4] "Berdibek Saparbayev naznachen vitse-ministrom, predsedatelem Komiteta tamozhennogo kontrolya Minfina RK" [Berdibek Saparbayev was appointed vice minister of finance and chairman of the Committee for Customs Control of the Ministry of Finance of the Republic of Kazakhstan], Kazakhstan Today news agency, November 18, 2004, Gazeta.kz website, <http://www.gazeta.kz/art.asp?aid=52567>. [5] Decree of the Government of the Republic of Kazakhstan No. 949 of August 29, 2002, "O Saparbayeve B. M." [About Sabarbayev B. M.], YurInfo company website, <http://www.zakon.kz/>. [6] Edict of the President of the Republic of Kazakhstan No. 931 of August 28, 2004, "O merakh po

dalneyshemu sovershenstvovaniyu sistemy gosudarstvennogo upravleniya Respubliki Kazakhstan" [On measures for further improvement of the system of state administration of the Republic of Kazakhstan], PlyusMikro company website, <http://www.pmicro.kz/DB/Busn/Govern/Laws/Ukase/2002/Control.htm>.

Changes in NIS Export Control Personnel

Putin Appoints Deputy Director of Federal Technical and Export Control Service

On October 21, 2004, Russian President Vladimir Putin issued Directive No. 499-rp appointing Sergey Yakimov to the position of deputy director of the Federal Technical and Export Control Service.[1] Previously, the 49-year old Yakimov, a graduate of the Bauman Higher State Technical Institute, served as director of the Export Control Department (ECD) under the Russian Ministry of Economic Development and Trade.[2,3] Before the government reorganization of March 2004, the ECD reviewed export license applications and issued export/import licenses. The Federal Technical and Export Control Service assumed the export licensing responsibilities of the ECD under the recent reorganization of the Russian government.

Sources: [1] Presidential Directive No. 499-rp of October 21, 2004, "O zamestitele direktora Federalnoy sluzhby po tekhnicheskomu i eksportnomu kontrolyu" [On the deputy director of the Federal Technical and Export Control Service], President of Russia website, <http://document.kremlin.ru/doc.asp?ID=024637>. [2] "Vladimir Putin naznachil Sergeya Yakimova zamestitelem direktora Federalnoy sluzhby po tekhnicheskomu i eksportnomu kontrolyu" [Vladimir Putin appointed Sergey Yakimov deputy director of the Federal Technical and Export Control Service], ITAR-TASS, October 22, 2004; in Integrum Techno, <http://www.integrum.com>. [3] Yuliya Rudnik, "Naznachen eksporter №2" [Exporter number 2 is appointed], Russian Who is Who website, <http://www.whoiswho.ru/russian/Password/papers/28r/yakimov/st1.htm>.

International Export Control and WMD Security Assistance Programs

United States Donates Advanced Border Control System to Georgia

On September 13, 2004, U.S. Ambassador to Georgia Richard Miles and Georgian Minister of Internal Affairs Irakliy Okruashvili signed a Memorandum of Intent, which provides for the implementation of the Personal Identification Secure Comparison and Evaluation System (PISCES) in Georgia.[1,2,3] This fully automated computer network will be installed at border points of entry and exit, and will link border posts to each other and to the central headquarters of the State Border Guard Department in Tbilisi. PISCES will strengthen border control in Georgia by allowing Georgian border control officials to input, retrieve, and archive passport data on travelers crossing the country's borders. The United States will provide the technology and the training necessary to support this system.[1,2,4]

According to Ambassador Miles, PISCES will enable Georgian border authorities to identify terrorists and known criminals and prevent them from entering Georgia, as well as aid in the detection of stolen cars attempting to enter Georgia. PISCES may also help reduce opportunities for corruption at the border.[2,3]

Editor's Note: PISCES is a software application, tailored to each country's specific needs, and provides border control officials at transit points with information that allows them to identify and detain or track individuals of interest. Officials can also use PISCES to quickly retrieve information on persons who may be trying to hastily depart a country after a terrorist incident. The Terrorist Interdiction Program run by the U.S. Department of State Office of Counterterrorism trains border control officials to use PISCES to collect, compare, and analyze data that can be utilized to arrest and investigate suspects.[5]

Sources: [1] "Ambassador Miles Signs PISCES Agreement, Comments on Pankisi Gorge," U.S. Embassy in Georgia website, <http://georgia.usembassy.gov/events/event20040913pisces.htm>. [2] "PISCES Memorandum of Intent to Be Signed," U.S. Embassy in Georgia press release, September 13, 2004, U.S. Embassy in Georgia website, <http://georgia.usembassy.gov/releases/release20040913pisces.htm>. [3] Inga Gvilava, "SShA vnedryat na granitsakh Gruzii kompyuternuyu sistemu dlya identifikatsii i vyyavleniya kriminalov i terroristov" [United States will install a computer system at Georgian borders to identify and detect criminals and terrorists], Novosti – Gruziya news agency, September 13, 2004; in Integrum Techno, <http://www.integrum.com>. [4] "SShA peredadut Gruzii sistemu kontrolya granits" [United States will donates a border control system to Georgia], United Nations Association of Georgia's (UNA-Georgia) online magazine *Civil.GE*, September 14, 2004, <http://www.civil.ge/rus/article.php?id=6032>. [5] "Terrorist Interdiction Program," U.S. Department of State Office of Counterterrorism fact sheet, July 19, 2002, U.S. Department of State website, <http://www.state.gov/s/ct/rls/fs/2002/12676.htm#pisces>.

Ukraine to Introduce Register of Radioactive Sources with U.S. Assistance

On October 28, 2004, Sheila Gwaltney, Deputy Chief of the U.S. Mission to Ukraine, and Vadym Gryschenko, head of the Ukrainian State Nuclear Regulatory Committee (SNRC), signed a Memorandum of Understanding between the SNRC and the U.S. Department of State on safety and security of radiation sources in Ukraine. The document is based on the *Agreement Between the Government of the United States of America and the Government of Ukraine Regarding Humanitarian and Technical Economic Cooperation* signed on May 7, 1992, and the *Agreement for Cooperation Between the United States of America and Ukraine Concerning Peaceful Uses of Nuclear Energy* signed on May 6, 1998.[1,2]

Under the memorandum, the United States will provide $250,000, through its Nonproliferation and Disarmament Fund, to help Ukraine further develop the existing State Register for Radiation Sources to track radioactive materials throughout the country. This effort aims to prevent terrorists from acquiring dangerous materials for possible use in so-called dirty bombs. Ukraine inherited a considerable number of radiation sources from the Soviet Union, including sources intended for medical, industrial, and other technical purposes, most of which are still unregistered. According to SNRC Spokeswoman Tetyana Kutuzova, each year Ukrainian border guards prevent a number of people from crossing the border with radiation sources that could be used in dirty bombs. Sheila Gwaltney believes the register will "play a critical role in consolidating and securing radiological sources."[2,3,4]

The U.S. funds will be used to strengthen the Ukrainian regulatory infrastructure governing safety and security of radiation sources by:

- supporting the State Register for Radiation Sources, including the creation and support of the Main Registration Center and network of registration centers;
- training personnel in the safety and security of radiation sources; and
- providing other support necessary to implement activities within Ukraine to ensure safety and security of radiation sources and any related activities.[1,3,4]

Sources: [1] "Memorandum of Understanding Between the State Nuclear Regulatory Committee of Ukraine and the United States Department of State regarding safety and security of radiation sources in Ukraine was signed on October 28, 2004 in Kiev," State Nuclear Regulatory Committee of Ukraine website, <http://snrcu.gov.ua/eng/news/041028.html>. [2] Natasha Lisova, "Ukraine to set up register with U.S. funds to track radioactive material," Associated Press; in CBC News, <http://www.cbc.ca/cp/world/041104/w110447.html>. [3] Anton Vodyanoy, "SShA namereny predostavit Ukraine $250 tys. na obespecheniye bezopasnosti istochnikov radiatsii" [United States intends to provide $250,000 to Ukraine for securing radiation sources], Ukrainski Novini news agency, November 4, 2004, <http://www.ukranews.com>. [4] "Goskomitet yadernogo regulirovaniya Ukrainy i Gosdepartament SShA podpisali Memorandum o vzaimoponimanii" [State Nuclear Regulatory Committee of Ukraine and U.S. Department of State signed Memorandum of Understanding], UNIAN news agency, November 4, 2004; in Integrum Techno, <http://www.integrum.com>.

Illicit Trafficking in the NIS

Cesium Seized in Armenia

Agents of the National Security Service (NSS) of Armenia arrested a resident of Yerevan on October 15, 2004, on charges of illegal trade in radioactive materials, ITAR-TASS reported on October 18, 2004. The arrest resulted from a special operation conducted by the NSS. The suspect, 45 year-old Gagik Tovmasyan, was arrested while trying to export radioactive cesium-137 in his car.[1] The available media reports did not specify the location of the arrest, nor the quantity of seized cesium. The NSS has launched a criminal investigation into the case. According to Ashot Martirosyan, head of the Armenian Nuclear Regulatory Authority, the confiscated cesium-137 was placed in storage at a special warehouse. Martirosyan also noted that cesium-137 is used in Armenia for industrial purposes, but the origin of the confiscated radioactive material has yet to be established.[1,2]

Editor's Note: Cesium-137 is used in a wide variety of industrial instruments, such as level and thickness gauges and moisture density gauges. Cesium sources have been used to measure the level of liquids in a variety of applications, including gasoline in gas tanks and beer in beer cans. It is also commonly used in the food processing industry for food irradiation purposes as well as in healthcare settings in various diagnostic procedures, sterilization of medical instruments and equipment, and blood irradiation. A few curies or more of cesium-137 could pose a considerable danger to the public if used in a radiation

dispersal device, such as a "dirty bomb." Many level gauges use a few curies of cesium-137, and devices such as blood irradiators and food irradiation units are considered an even higher risk because they contain thousands or more curies.

Sources: [1] Tigran Liloyan, "Spetssluzhby Armenii presekli popytku vyvoza radioaktivnogo elementa tseziy-137 za predely respubliki" [Armenian security service blocked an attempt to export radioactive cesium-137], ITAR-TASS, October 18, 2004; in Integrum Techno, <http://www.integrum.com>. [2] "Spetssluzhby Armenii arestovali torgovtsa radioaktivnymi veshchestvami [Armenian security service arrested a peddler of radioactive substances], Armenian news agency ARKA, October 18, 2004; in Integrum Techno, <http://www.integrum.com>.

Radioactive Cargo Detained at Petropavlovsk-Kamchatskiy Seaport

In mid-October 2004, a truck with radioactive scrap metal was detained at Petropavlovsk-Kamchatskiy commercial seaport. An alarm went off when the truck was passing through the port checkpoint, and the port security service notified the Kamchatka Oblast Chief Directorate for Civil Defense and Emergency Situations about the incident. Radiation readings indicated that the cargo did not pose a significant safety or security threat. The scrap metal was collected by a military unit based near the closed city of Vilyuchinsk on the Kamchatka Peninsula, home port of the Russian Pacific Fleet's nuclear-powered submarines. The cargo was sent back to the military unit so it could check the cargo content and identify the source of radiation.[1,2]

Similar incidents have taken place at the same seaport in the past. On June 2, 2004, the radiations emitted by the scrap metal loaded on a KamAZ truck activated radiation detection devices at the port checkpoint. The cargo was emitting radiation two times above the background level. The investigation established that a local scrap metal dealer delivered the radioactive cargo to the seaport from a military unit based in the Zavoyko settlement near Petropavlovsk-Kamchatskiy. The cargo was returned to the military unit for decontamination.[3,4] On December 14, 2003, Kamchatka Oblast authorities seized a shipping container holding radioactive metal tubes at the seaport. Media reports speculated that the tubes may have been stolen from the naval base at Vilyuchinsk.[5]

Sources: [1] Oksana Guseva, "V torgovom portu Petropavlovska-Kamchatskogo zaderzhan gruzovik s radioaktivnym gruzom" [A truck with radioactive cargo was detained at the Petropavlovsk-Kamchatskiy commercial port], RIA Novosti, October 19, 2004; in Integrum Techno, <http://www.integrum.com>. [2] "Zaderzhan gruzovik s radioaktivnym gruzom" [Truck with radioactive cargo was detained], *Vesti* (Petropavlovsk-Kamchatskiy), October 21, 2004; in Integrum Techno, <http://www.integrum.com>. [3] Aleksandr Arkhipov, "Na Kamchatke voyennaya prokuratura nachala proverku po faktu obnaruzheniya v morskom portu gruzovika s radioaktivnym gruzom" [The Military Prosecutor's Office on the Kamchatka Peninsula launched an investigation into the discovery of a truck with radioactive cargo in the seaport], ITAR-TASS, June 3, 2004; in Integrum Techno, <http://www.integrum.com>. [4] "Radiatsiya ne proshla" [Radiation didn't go through], *Kamchatskoye vremya* online edition, June 9, 2004, <http://troyka.iks.ru/kv/archive/09_06_2004/4.shtml>. [5] "Radioactive Tubes Found in Russia's Far East," *NIS Export Control Observer*, No. 13, February 2004, p. 10, CNS website, <http://cns.miis.edu/nis-excon>.

Summaries from the NIS Press

Radioactive Containers Found in Saratov, Russia

Three radioactive containers were found in the Leninskiy district of the city of Saratov (central Russia), on October 19, 2004. According to Russian media reports, two homeless people found three cylinder-shaped stainless steel containers at a waste dump and sold them for 200 rubles to local welder Yuriy Zolotov, who was involved in collecting scrap non-ferrous metal.[1,2,3] Zolotov started sawing open the containers hoping to find more precious items inside. After running into a layer of unknown metal, which later turned out to be depleted uranium, he alerted the local emergency service.[4,5] Experts from the Saratov branch of Radon, a state enterprise responsible for disposal of radioactive waste, were called to the site. Radiation measured around the containers was 358 times above the natural background level.[1,2]

According to Radon experts, one of the containers was used for the transportation of uranium, and the other two were used to store depleted uranium-238.[1,2,4] Radon's chief engineer Aleksey Goryun stated that depleted uranium is often used as shielding in such containers instead of lead, which is more expensive and less effective.[5] The police investigation is currently under way to establish the origin of the radioactive containers and locate the radioactive materials previously stored inside the containers. It is unknown whether the radioactive containers were dumped by some entity to avoid disposal costs or whether they

were stolen from some industrial enterprise.[1,5,6] The containers were placed for storage in Radon's waste depository.[1]

Editor's Note: Uranium usually does not pose a serious terrorist threat from use in radiological dispersal devices or "dirty bombs" because uranium emits far less radioactivity compared to more potent radioactive sources, such as cobalt-60, cesium-137, or strontium-90. In addition, the uranium involved in this incident would not be usable in a nuclear weapon. A nuclear bomb would require tens of kilograms of uranium that is highly enriched in the isotope uranium-235.

Sources: [1] Erik Batuyev, "Konteynery s radioaktivnym uranom obnaruzheny v tsentre Saratova" [Containers with radioactive uranium found in central Saratov], RIA Novosti-Privolzhye, October 19, 2004; in Integrum Techno, <http://www.integrum.com>. [2] "V Saratove naydeny tri konteynera s obednennym uranom" [Three containers with depleted uranium found in Saratov], Interfax; in Gazeta.Ru, October 19, 2004; in Integrum Techno, <http://www.integrum.com>. [3] Yekaterina Kutnyakova, Irina Lukoyanova, "Bomzhi propili konteynery s uranom" [Tramps boozed away containers with uranium], *Komsomolskaya pravda* online edition, No. 199, October 21, 2004, <http://www.kp.ru/daily/23386/33183/>. [4] "Bomzhi kak perenoschiki urana" [Tramps as uranium carriers], *Russkiy kuryer*, No. 214 (397), October 20, 2004; in Integrum Techno, <http://www.integrum.com>. [5] Nadezhda Andreyeva, "V garazhe nashli uranovyye bloki" [Uranium containers were found in the garage], *Novaya gazeta* online edition, No. 81, November 1, 2004, <http://2004.novayagazeta.ru/nomer/2004/81n/n81n-s06.shtml>. [6] Andrey Kulikov, "Sdali uran v metallolom" [Uranium was sold as a scrap metal], *Trud-7* online edition, No. 205, October 28, 2004, <http://www.trud.ru/Arhiv/2004/10/28/200410282050507.htm>.

Two Containers with Cobalt-60 Sources Found in Tbilisi (Georgia) Suburb

On November 8, 2004, operatives of the Georgian State Security Service for the Isani-Samgori district of Tbilisi discovered two containers with devices containing the radioactive isotope cobalt-60 in Lilo, a suburb of Tbilisi.[1,2,3] The transportation containers were found slightly covered with earth on the bottom of a ravine.[1]

According to officials at the Ministry of Environment and Natural Resources who were dispatched to examine the discovery, the containers held gamma-ray defect detection devices used for quality control purposes in pipeline welding; the devices use cobalt-60 for generating the gamma rays.[2,3] None of the media reports available indicated what the radiation level of the containers was or how many defect detection devices were discovered in each of the containers. According to a Georgian official from the Nuclear and Radiation Safety Service of the Ministry of Environment and Natural Resources, the radioactivity emitted by each of these devices is very low, less than 1 millicurie. This finding means that with their covers closed, the radioactivity level on the surface of the containers is even lower.[4] On the day the containers were discovered, officials from the Ministry of Environment and Natural Resources took the cobalt-60 sources to an undisclosed location for safe storage.[1,5]

Editor's Note: Devices of this type, used for industrial radiography, normally contain relatively powerful radioactive sources, which are shielded by lead or other dense metals in the walls of the device to protect workers and the public. Thus, while the abandoned devices did not pose an immediate public health threat, it is quite possible that they could have provided the material for a radiological dispersal device, or "dirty bomb" if they had fallen into the wrong hands. Also, a report on the incident by Agence France-Press stating that each of the containers held 225 kg (495 pounds) of cobalt-60 appears to be erroneous, since this would be far larger than the small quantities of intensively radioactive cobalt usually found in industrial radiography devices. The article may be referring to the weight of the devices themselves, or, possibly, to the combined weight of the devices and their containers.[5]

Sources: [1] "Gruziya: v prigorode Tbilisi obnaruzheny dva konteynera s radioaktivnym veshchestvom" [Georgia: two containers with a radioactive substance found in Tbilisi suburb], REGNUM news agency, November 8, 2004; in Integrum Techno, <http://www.integrum.com>. [2] "Na okraine Tbilisi nashli radioaktivnyye materialy" [Radioactive materials found in a Tbilisi suburb], Russian NTV television channel, November 8, 2004; in Integrum Techno, <http://www.integrum.com>. [3] Eka Mekhuzla, "V prigorode Tbilisi obnaruzheny konteynery s radioaktivnym veshchestvom" [Containers with radioactive substance found in Tbilisi suburb], ITAR-TASS, November 8, 2004; in Integrum Techno, <http://www.integrum.com>. [4] CNS e-mail communication with Mr. Giorgi Nabakhtiani, Head of Division, Nuclear and Radiation Safety Service, Ministry of Environment and Natural Resources of Republic of Georgia, November 20, 2004. [5] "Containers with radioactive cobalt found in Georgian village," Agence France-Presse, November 9, 2004.

International Developments

Proliferation Security Initiative Conducts Exercises in Japan, Florida

The countries participating in the Proliferation Security Initiative (PSI) marked its first year and a half in existence with two exercises designed to enhance inter-operability among agencies of participating countries in carrying out WMD-related maritime interdictions.

The naval exercise dubbed "Team Samurai," conducted in Japan on October 25-27, 2004, involved the tracking and seizure of Japanese and U.S. flagged ships suspected of carrying chemical weapons-related materials. Under the scenario, the Japan Self Defense Forces and Coast Guard maritime patrol aircraft tracked the two ships, which were on the high seas headed to Japan. The Japanese Coast Guard boarded the Japanese flagged vessel, found the illicit cargo, and directed the ship to port. Japanese authorities directed Australian, U.S., and French vessels to the U.S. flagged ship, which was subsequently boarded. Australia, France, Japan, and the United States contributed personnel and/or equipment for the exercise, and 18 nations (Canada, Cambodia, Germany, Greece, Italy, the Netherlands, New Zealand, Norway, the Philippines, Poland, Portugal, Russia, Singapore, Spain, Sweden, Thailand, Turkey, and the United Kingdom) participated as observers.[1]

The "Chokepoint '04" exercise, based in Key West, Florida on November 8-18, 2004, focused on interdictions in maritime chokepoints, such as straits and canals. More than 20 countries participated in the exercise, which was designed to promote greater awareness of and involvement in the PSI throughout the Caribbean region.[2]

Team Samurai and Chokepoint '04 were the twelfth and thirteenth PSI exercises, respectively, since the first one, hosted by Australia in September 2003. Of the 13 exercises conducted to date, three have been hosted by the United States, two each by France and Italy, and one each by Australia, Germany, Japan, Poland, Spain, and the United Kingdom. The exercises have included tabletop interception exercises, as well as mock interdictions by sea, air, and on land in locations as varied as the Arabian Sea, the European mainland, the Mediterranean Sea, and the Coral Sea.[3]

Involvement in interdiction exercises is just one way states can participate in the PSI. The PSI, as a set of activities rather than a formal treaty-based organization, does not create obligations for participating states, but does represent a political commitment to set up best practices to stop shipments of WMD-related material. The U.S. Department of State website lists the following six steps that countries can take to establish a basis for participation in the PSI:

1. Formally commit to and publicly endorse the PSI and the Statement of Interdiction Principles, and indicate willingness to take all steps available to support PSI efforts.
2. Undertake a review and provide information on current national legal authorities to undertake interdictions at sea, in the air, or on land, and indicate willingness to strengthen authorities, where appropriate.
3. Identify specific national "assets" that might contribute to PSI efforts (e.g., information sharing, military, and/or law enforcement assets).
4. Provide points of contact for PSI assistance requests and other operational activities, and establish appropriate internal government processes to coordinate PSI response efforts.
5. Be willing to actively participate in PSI interdiction training exercises and actual operations as opportunities arise.
6. Be willing to conclude relevant agreements (e.g., boarding arrangements) or otherwise to establish a concrete basis for cooperation with PSI efforts.[4]

Editor's Note: The PSI, initiated on May 31, 2003, with a core membership of 11 nations, aims to stop shipments of WMD, their delivery systems, and related materials worldwide by taking actions consistent with national legal authorities and relevant international law and frameworks. Russia joined the PSI in May 2004 (see "Russia Joins Proliferation Security Initiative," NIS Export Control Observer*, May 2004, No. 16, pp. 17-18, <http://cns.miis.edu/nis-excon>). On November 12, 2004, the Collective Security Treaty Organization—a regional security pact consisting of Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia,*

and Tajikistan—adopted a statement expressing strong support for the PSI. The statement hailed the PSI as "a key part of global efforts to prevent the spread of weapons of mass destruction." According to the statement, "The Collective Security Treaty member states are located at the crossroads of possible routes of illegal transit of weapons of mass destruction… [and] are ready… to cooperate… in taking the necessary steps to counter the spread of WMD."[5]

Sources: [1] "Japanese Regional Proliferation Security Initiative (PSI) Maritime Interdiction Exercise (Team Samurai '04)," U.S. Department of State Bureau of Nonproliferation fact sheet, October 22, 2004, U.S. Department of State website, <http://www.state.gov/t/np/rls/fs/37371.htm>. [2] "U.S.-Hosted Proliferation Security Initiative (PSI) Maritime Interdiction Exercise (Chokepoint '04)," U.S. Department of State Office of the Spokesman media note, November 9, 2004, U.S. Department of State website, <http://www.state.gov/r/pa/prs/ps/2004/37965.htm>. [3] "Calendar of Events," U.S. Department of State website, <http://www.state.gov/t/np/c12684.htm>. [4] "The Proliferation Security Initiative," U.S. Department of State Bureau of Nonproliferation release, U.S. Department of State website, <http://www.state.gov/t/np/rls/other/34726.htm>. [5] "Ex-Soviet republics back U.S. move to stop weapons proliferation," Associated Press Worldstream, November 12, 2004; in Lexis-Nexis Academic Universe, <http://www.lexis-nexis.com>.

U.S. Container Security Initiative Operational at 32 Ports

On November 12, 2004, U.S. Customs and Border Protection (CBP) Commissioner Robert C. Bonner announced that the Container Security Initiative (CSI) is now operational at 32 ports in Africa, Europe, Asia, and North America, an increase of 7 from 25 ports as of the end of August 2004.[1,2]

On September 30, 2004, the Italian port of Naples joined the CSI to become the 26th operational port.[3] On October 19, Robert C. Bonner and United Kingdom Paymaster General and Customs Minister Dawn Primarolo announced that the British ports of Liverpool, Southampton, Thamesport, and Tilbury will fully implement the CSI on November 1, 2004.[4] On October 29, another Italian port, Gioia Tauro, followed suit, and on November 12, the Belgian port of Zeebrugge became the 32nd CSI operational port.[1,5]

According to David Stone, Assistant Secretary for Homeland Security at the Transportation Security Administration (TSA), the United States plans to build on the CSI by creating a similar system of WMD screening of U.S.-bound air cargo. In his remarks at an airline industry meeting in Washington, DC, Stone said that the TSA hopes to use larger amounts of data to better identify and inspect the highest-threat air shipments, adding that screening choices should be based on threat information, vulnerability assessments, and the importance of potential terrorist targets. Outlining recent airline security efforts, Stone highlighted the expanded use of dogs to sniff out hazardous materials, an increase in hiring of cargo inspectors, and wider use of explosive detection technology at airports.[6]

Editor's Notes: The CSI is a U.S. initiative launched in January 2002 with the aim of securing maritime containerized cargo shipments against terrorist threats. The World Customs Organization and the G-8 adopted resolutions that support the implementation of the security measures introduced by the CSI at ports throughout the world. On April 22, 2004, the European Union and the U.S. Department of Homeland Security signed an agreement committing both parties to further cooperate on CSI and related matters. As of November 2004, the 32 operational CSI ports representing the world's major seaports are: Halifax, Montreal, and Vancouver, Canada; Rotterdam, The Netherlands; Le Havre, France; Bremerhaven and Hamburg, Germany; Antwerp and Zeebrugge, Belgium; Singapore; Yokohama, Tokyo, Nagoya, and Kobe, Japan; Hong Kong; Göteborg, Sweden; Felixstowe, Liverpool, Southampton, Thamesport, and Tilbury, United Kingdom; Genoa, La Spezia, Naples, and Gioia Tauro, Italy; Busan, South Korea; Durban, South Africa; Port Klang and Tanjung Pelepas, Malaysia; Piraeus, Greece; Algeciras, Spain; and Laem Chabang, Thailand.[1] CSI cooperation between the United States and Italy began in June of 2003 at the ports of Genoa and La Spezia following the Declaration of Principles signed by the two countries on November 7, 2002. CSI cooperation between the United States and the United Kingdom began on May 24, 2003, at the port of Felixstowe following the Declaration of Principles signed on December 9, 2002. CSI cooperation between the United States and Belgium began on June 26, 2002, when the Belgian port of Antwerp joined the Dutch port of Rotterdam to become the second port in Europe to participate in CSI.[3,4,7]

The CBP is the unified border agency within the U.S. Department of Homeland Security charged with the management, control, and protection of the U.S. borders at and between the official ports of entry.[3]

Sources: [1] "Global milestone reached with 32 operational CSI ports," CBP News Highlights, November 12, 2004, CBP website, <http://www.cbp.gov/xp/cgov/newsroom/highlights/11122004.xml>. [2] "U.S. Customs and Border Protection Achieves Container Security Initiative (CSI) Milestone of 25 Operational Ports," CBP press release, August 25, 2004, CBP website, <http://www.cbp.gov/xp/cgov/newsroom/press_releases/08302004/08252004.xml>. [3] "The Container Security Initiative is Operational at the Port of Naples," CBP press release, September 30, 2004, CBP website, <http://www.cbp.gov/xp/cgov/newsroom/press_releases/09092004/09302004.xml>. [4] "Four New Ports in UK to Implement the Container Security Initiative," CBP press release, October 19, 2004, CBP website, <http://www.cbp.gov/xp/cgov/newsroom/press_releases/10192004.xml>. [5] "Container Security Initiative Port of Gioia Tauro, Italy Becomes 31st Operational Port," CBP press release, October 29, 2004, CBP website, <http://www.cbp.gov/xp/cgov/newsroom/press_releases/10282004.xml>. [6] Joe Fiorill, "Homeland Security Officials Tout Air, Sea Defenses," Global Security Newswire, October 15, 2004, Nuclear Threat Initiative website, <http://www.nti.org/d_newswire/issues/2004_10_15.html#DE1057F6>. [7] "Seaport of Antwerp Joins U.S. Customs Container Security Initiative Against Terrorism," U.S. Customs Service press release, June 26, 2002, CBP website, <http://www.cbp.gov/xp/cgov/newsroom/press_releases/archives/legacy/2002/62002/06262002_2.xml>.

Iran Advances Mechanism for CWC Implementation

On October 25, 2004, an Iranian government spokesperson, Abdollah Ramezanzadeh, announced that Iran's Cabinet of Ministers had approved draft legislation on the mechanism for implementing the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Chemical Weapons Convention or CWC), which was ratified by Iran in 1997.[1,2] The bill was prepared by a special governmental commission in early October and, according to Ramezanzadeh, will shortly be presented to the Majlis, Iran's National Assembly, for final approval.[3]

On July 24, 2004, during the visit to Iran of Rogelio Pfirter, Director General of the Organization for the Prohibition of Chemical Weapons, the Secretary of Iran's Supreme National Security Council Hassan Rowhani stated that the CWC should "be enforced extensively." With reference to the 1980-1988 Iran-Iraq War, Rowhani added that, as a victim of chemical warfare, Iran "has paid special attention to the CWC."[4] He also emphasized that the supply of chemical materials for civilian application by industrial states to CWC member states "should not be restricted."[5]

Iran is believed to have a chemical warfare (CW) production program and CW infrastructure dating back to the 1980s. United Nations inspectors responding to requests by the Iraqi government towards the end of the Iran-Iraq War found that Iran had used chemical weapons against Iraq. Therefore, Iran undoubtedly had a CW program. Despite Iran being a member of the CWC, the U.S. government alleges that its government continues to pursue an offensive CW program that it masks by using its pharmaceutical and agro-industrial companies as a cover for importing chemical precursors and related equipment with the aim of diverting them to the CW program. The U.S. government, however, has not publicly backed up its allegation with evidence. Further, there is no open source information that directly supports the U.S. charges. However, reports of transactions of various dual-use materials involving Iran are publicly known. For instance, in 1997, it was reported that Iran obtained from a Chinese company high-grade seamless steel pipes for handling corrosive materials, which could be used in chemical weapons production. In the same year, two other Chinese companies exported thionyl chloride, dimethylamine (tabun nerve gas precursor), ethyl chlorohydrin (possible mustard gas precursor), and glass-lined mixing vessels for mixing precursors. Throughout the 1990s, there were a number of other reports in open sources concerning Iranian imports of dual-use materials and equipment from India, Great Britain, Russia, Ukraine, and other countries. (For further information on Iranian imports involving dual-use chemicals and equipment, see *NTI: Country Profiles: Iran: Chemical Overview*, <http://www.nti.org/e_research/profiles/Iran/Chemical/index.html>) [6,7]

Having ratified the CWC, Iran has an obligation under international law to eliminate any chemical weapons and any CW production and storage facilities it still possesses. The mechanism developed by the Iranian governmental commission for CWC implementation includes a number of domestic measures to this end. During a press conference, Ramezanzadeh explained some of the provisions of the draft legislation. For instance, according to one article of the draft law, "production, proliferation, stockpiling, use, threat to use, direct or indirect transportation of chemical weapons, as well as assistance in setting up the related production units by anyone" are prohibited.[1] Another article calls for the destruction of any type of chemical weapon and CW production facility after the law enters into force. Such destruction will be

conducted under the supervision of representatives from the Iranian Judiciary, Ministry of Defense, Armed Forces Logistics, Department of Environment, and other governmental agencies.[8]

According to the draft law, the Islamic Republic of Iran Customs Administration (IRICA) is obliged to declare to the relevant national secretariat the statistics on all exported and imported chemicals that are on the CWC Schedules of Chemicals.[9] However, the specific name of the agency that should receive such information is not clear from media reports. Currently, the IRICA electronically maintains statistics on Iran's monthly and annual exports and imports reflecting various comparison criteria, such as exports/imports at each customs checkpoint, names of goods, weight, value, and countries of origin and destination, as well as transit statistics for a period of three years (based on the Iranian calendar).[10] This information is available on the IRICA website: <http://www.irica.gov.ir>.

Editor's Note: The United States currently has a trade embargo against Iran, prohibiting the export of any U.S. goods, technologies, or services to that country.

Sources: [1] "Iranian Cabinet Advances Domestic Rules for Complying with Chemical Weapons Convention," Global Security Newswire, October 26, 2004, Nuclear Threat Initiative website, <http://www.nti.org>. [2] "Islamic Republic of Iran Ratifies the Chemical Weapons Convention," OPCW press release, November 5, 1997, OPCW website, <http://www.opcw.org/html/global/press_releases/97/pr28_97/html>. [3] "Iranian commission prepares bill to ratify Chemical Weapons Convention," IRNA news agency, October 11, 2004; in BBC Monitoring Middle East; in Lexis-Nexis Academic Universe, <http://www.lexis-nexis.com/>. [4] "Iran stresses Chemical Weapons Convention should be enforces," Xinhua news agency, July 24, 2004; in Lexis-Nexis Academic Universe, <http:www.lexis-nexis.com/>. [5] "Iran's Rowhani, visiting official discuss anti-chemical weapons convention," IRNA news agency, July 24, 2004; in BBC Monitoring Middle East; in Lexis-Nexis Academic Universe, <http:www.lexis-nexis.com/>. [6] "Chemical Weapons – Iran," Federation of American Scientists website, <http://www.fas.org/nuke/guide/iran/cw/>. [7] "Country Profiles: Iran: Chemical Overview," Nuclear Threat Initiative website, <http://www.nti.org/e_research/profiles/Iran/Chemical/index.html>. [8] "Cabinet approves banning use of chemical arms," IranMania online news agency, October 25, 2004, <http://www.iranmania.com/>. [9] "Iran government approves of chemical weapons ban mechanism," IRNA news agency, October 25, 2004; in BBC Monitoring Middle East; in Lexis-Nexis Academic Universe, <http:www.lexis-nexis.com/>. [10] IRICA website, <http://www.irica.gov.ir/LHomeIE.htm>.

IAEA Head Calls for Tightening Nuclear Export Controls

International Atomic Energy Agency (IAEA) Director General Mohamed ElBaradei called for tightening export controls on nuclear material and technology worldwide, Agence France-Presse reported on October 28, 2004.[1]

Specifically, the IAEA head promoted the inclusion of discussions on improving export controls in the agenda of the 2005 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) Review Conference.[2] Experts anticipate that the 2005 Review Conference, which will take place next May in New York, will have to tackle a number of controversial issues, including the "importance of transparency and the need for export controls in the context of Article III" of the NPT.[3] [*Editor's Note: Article III of the NPT has provisions requiring each non-nuclear weapon state party to the Treaty to conclude a safeguards (inspection) agreement with the IAEA to prevent diversion of nuclear materials from peaceful uses to nuclear weapons or other nuclear explosive devices; it also requires its parties to ensure that IAEA inspections will be applied to exports of nuclear material and specialized nuclear equipment in recipient countries that are non-nuclear weapon states.*][4] The Final Declaration of the 2000 Review Conference, however, did not include a reference to export controls due to the disagreement on this issue between state parties from the so-called Non-Aligned Movement (NAM) and Nuclear Suppliers Group members.[3]

This disagreement was also reflected during the second (April 28-May 9, 2003) and third (April 26-May 7, 2004) sessions of the Preparatory Committee (PrepCom) for the 2005 Review Conference. In the factual summary prepared by the chairman presiding over the second session of the PrepCom, for example, NAM concerns were recognized by the phrases, which highlight the importance of "transparency in export controls" as well as by the reiteration of the language of Article IV of the Treaty, which states that "nothing in the Treaty should be interpreted as affecting the inalienable right of all parties to the Treaty to develop research, production and the use of nuclear energy for peaceful purposes in keeping with the non-proliferation obligations of articles I and II of the Treaty [prohibiting the development of nuclear weapons]." [5,6] The text also underscored, however, the concerns of the nuclear supplier states by reiterating that "export controls were a key element of the non-proliferation regime under the Non-Proliferation Treaty."

Permanent Representative of Malaysia to the United Nations in Vienna Ambassador Hussein Haniff underscored the views of the Non-Aligned states parties to the NPT at the third session of the PrepCom, declaring that "proliferation concerns are best addressed through multilaterally negotiated, universal, comprehensive and non-discriminatory treaty-based agreements. Non-proliferation control arrangements should be internationally negotiated, transparent and open to participation by all States and should ensure that they do not impose restrictions on access to material, equipment and technology for peaceful purposes required by developing countries for continued development."[7]

The Chair's summary from the third PrepCom session, however, reflected a more practical proposal: "the IAEA, in cooperation with the States parties, should define the minimum standard, as well as for the implementation thereof, of direct-use and dual-use export controls in the nuclear field that are necessary to achieve the non-proliferation goals of the Treaty."[8]

In his October 24, 2004 statement, the IAEA Director General emphasized the need to address the weaknesses in existing export control measures at the 2005 Review Conference, but also reiterated the position advanced by the NAM by stating that the global nuclear export control system should be "universalized and treaty-based, while preserving the inalienable rights of all states to peaceful nuclear technology."[1]

Editor's Notes: A major development likely to receive extensive comment during the debate on export controls at the 2005 NPT Review Conference is the unanimous adoption of Resolution 1540 by the UN Security Council on April 28, 2004. That resolution, which was issued under Chapter VII of the UN Charter and is therefore legally binding on all UN member states, requires these states (including members of the Non-Aligned Movement) to adopt effective export controls on weapons of mass destruction and related materials and equipment. For more information on Resolution 1540, see "UN Security Council Passes Resolution Banning and Criminalizing WMD Transfers to Terrorists and Other Non-State Actors," NIS Export Control Observer*, No.16, May 2004, pp. 16-17, <http://cns.miis.edu/nis-excon>.*

The Non-Aligned Movement (NAM) was formed during the Cold War, mainly on the initiative of the Yugoslavian President Josip Broz Tito, as an organization of states that did not formally align themselves with either the United States or the Soviet Union.[9]

Sources: [1] "Nuclear watchdog chief advocates tougher, broader Non-Proliferation Treaty," Agence France-Presse, October 28, 2004; in TurkishPress.Com website, <http://www.turkishpress.com/news.asp?id=32140>. [2] "ElBaradei Calls for Improved Nuclear Export Controls," Global Security Newswire, October 29, 2004, Nuclear Treat Initiative website, <http://www.nti.org/d_newswire/issues/>. [3] Jean du Preez, "The 2005 NPT Review Conference: Challenges and Prospects Ahead," CNS website, <http://cns.miis.edu/research/npt/05revconf.htm>. [4] Andrew K. Semmel, "NPT Articles III and VII: IAEA Safeguards, Nuclear Export Controls and Nuclear-Weapon-Free Zones," Third Session of the Preparatory Committee for the 2005 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons, April 29, 2004, U.S Department of State website, <http://www.state.gov/t/np/rls/rm/32291.htm>. [5] "Annex II: Chairman's factual summary," Report of the Preparatory Committee on its second session, May 13, 2003, CNS website, <http://cns.miis.edu/research/npt/pdf/prepcom.pdf>. [6] "NPT Treaty Text, 1995 and 2000 Review Conference Texts," *Inventory of International Nonproliferation Organizations and Regimes*, 2002, CNS website, <http://cns.miis.edu/pubs/inven/pdfs/aptnpt.pdf>. [7] "Statement by H.E Ambassador Hussein Haniff, Permanent Representative of Malaysia to the United Nations in Vienna, on Behalf of the Non-Aligned States Parties to the NPT at Third Session of the Preparatory Committee for the 2005 Review Conference of Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) on Cluster of Issue III: Peaceful Uses of Nuclear Technology," April 29, 2004, Permanent Mission of Malaysia to the United Nations website, <http://www.un.int/malaysia/CC/CC29April2004nam.htm>. [8] Rebecca Johnson, "Report on the 2004 NPT PrepCom," *Disarmament Diplomacy*, No.77 (May/June 2004), The Acronym Institute website, <http://www.acronym.org.uk/dd/dd77/77npt.htm>. [9] "Non-Aligned Movement (NAM)," CNS *Inventory of International Nonproliferation Organizations and Regimes*. [10] The Non-Aligned Movement (NAM) website, <http:www.nam.gov.za/>.

Japanese Instruments Discovered in Libyan Nuclear Facility

In early September 2004, IAEA inspectors discovered Japanese-made three-dimensional precision measurement instruments at a nuclear facility in Libya. Following this revelation, an investigation was undertaken to discover the detailed route of the instruments exported from Japan to Libya.[1] In October 2004, the Japanese newspaper *Asahi Shimbun* revealed that these instruments had been shipped from a Japanese manufacturer, whose name was not released, to a company in Malaysia, before being rerouted to Libya.[2] The Public Security Division of Tokyo's Metropolitan Police Department (MPD) and the International Atomic Energy Agency (IAEA) are both investigating the case.[3] The unnamed

manufacturer of the instruments, located in Kawasaki City in Japan's Kanagawa Prefecture, insisted that the company had been unaware that the final destination of the instruments was Libya.[1]

Six units in total were exported between December 2001 and August 2002 from the Japanese manufacturer to an affiliate in Malaysia. Scomi Precision Engineering (SCOPE), a company with links to the Abdul Qadeer Khan nuclear procurement network, then placed an order for the equipment.[1] The connection between the Japanese manufacturer in Kanagawa and SCOPE is still unclear.[4] The Japanese-made instruments were found at a nuclear facility in Libya along with other unregulated Japanese products by the IAEA inspectors following the December 2003 announcement by Libyan leader Colonel Mu`ammar al-Qadhdhafi that Libya was dismantling its nuclear weapons program.[5]

The Japanese Foreign Exchange and Foreign Trade Law requires strict government monitoring of the export of machines of this type. The three-dimensional measurement devices found by IAEA inspectors are an indispensable part for nuclear weapons development. The devices in question were precision instruments to measure the roundness of cylindrical shapes. Since centrifuges used for uranium enrichment process are cylindrical shapes requiring precision in the roundness to be effective, these devices are extremely useful for nuclear weapons development.[1] Highly sophisticated three-dimensional measurement devices are included on Japan's export control lists. While the devices found in Libya may not have been subject to export control licensing requirements because their capabilities were below the threshold specified on Japan's export control list, Japan's *catch all* controls require exporters to obtain a license if there are reasons to suspect that the item may assist a WMD-related program. Whether or not the Japanese company was aware of the final destination and intentionally broke the Foreign Exchange and Foreign Trade Law has not yet been determined. The Japanese Ministry of Foreign Affairs (MOFA) and Ministry of Economy, Trade and Industry (METI), along with the National Police Agency launched investigations in response to this incident.

A Japanese company also exported a portable plant for an experimental uranium program to Libya in 1984 before such exports were prohibited by the Nuclear Suppliers Group in 1993. According to a report submitted to the IAEA Board of Governors in February 2004, "In 1984, Libya ordered from abroad a pilot scale uranium conversion facility, fabricated in portable modules in accordance with specifications provided by Libya."[6] The IAEA did not reveal the company's country of origin in this report, but anonymous diplomats later revealed to media sources that the firm was Japanese.[7]

This recent revelation, in addition to the Japanese trading company Meishin's attempt last April to export three specialized power-supply devices that could have aided North Korea's uranium enrichment program or been used in missile-launch devices, have illustrated shortcomings in the Japanese export control system.[8] While Japan's export control system is considered one of the most stringent in the world, small and medium-size companies continue to lack the capacity to meet its requirements.[9]

Sources: [1] "Malaysia Tie in Nuke Probe," *The Asahi Shimbun*, October 14, 2004; in Lexis-Nexis Academic Universe, <http://www.lexis-nexis.com>. [2] "Malaysia Keiyu de Libya Iten: Kakukaihatsu Tenyou Kanou no Nihonseihin" [Japanese-made potential nuclear related devices exported to Libya through Malaysia], *The Asahi Shimbun* (in Japanese), October 13, 2004. [3] "Libya Used Japanese Three-Dimensional Measurement Device in Nuclear Program," *Mainichi Daily News*, October 13, 2004 in FBIS Document JPP20041013000105. [4] For more information on the link between SCOPE and A.Q. Khan, see "Politically Connected Malaysian Firm Linked to Nuclear Smuggling Network," *Asian Export Control Observer*, No. 1, April-May 2004, pp. 9-10, CNS website, <http://cns.miis.edu/pubs/observer/asian/pdfs/aeco_0404.pdf>. [5] "Japanese Precision Device Found in Libyan Nuclear Plant," Kyodo World Service (in English), September 8, 2004 in FBIS Document JPP20040908000134. [6] "Implementation of the NPT Safeguards Agreement of the Socialist People's Libyan Arab Jamahiriya," Report by the Director General, IAEA Board of Governors, GOV/2004/12, February 20, 2004. [7] "Diplomats: Japanese Company Sold Uranium Conversion Plant to Libya", Associated Press, March 12, 2004; in Lexis-Nexis Academic Universe, <http://www.lexis-nexis.com>. [8] "Firm Possibly Tried to Sell Devices to Firm under Kim Jong Il," Japan Economic Newswire, May 9, 2003. [9] "Kadai Ooi Yushutsu Kanri: Kiseishirazu 'Ukkari' Atotatazu" [Problematic Export Control System: Endless unintentional violations], *The Asahi Shimbun* (in Japanese), September 21, 2004, <http://www.asahi.com/money/kaisetsu/TKY200409210079.html.>.

Workshops and Conferences

International Conference on WMD Export Controls Meets in London

The Sixth International Conference on Export Controls took place in London from November 8 to November 10, 2004. The event, co-hosted by the U.S. Department of State and the UK Office of Foreign and Commonwealth Affairs, brought together export control officials and specialists from 45 states, five international organizations (the International Atomic Energy Agency, the Missile Technology Control Regime, the Zangger Committee, the Wassenaar Arrangement, and the World Customs Organization) and four non-governmental organizations (the Monterey Institute's Center for Nonproliferation Studies, the Stockholm International Peace Research Institute, the University of Georgia's Center for International Trade and Security, and the Wisconsin Project). Regions with significant representation included Eastern and Southern Europe, East Asia, and the states of the former Soviet Union, as well as Western Europe. Iraq, Libya, and Pakistan were among the states participating in the meeting for the first time, an indication of the increasing interest in nonproliferation export controls in these countries.

Participants reviewed current proliferation threats in Iran and North Korea and the growing danger of weapon-of-mass destruction terrorism. They also highlighted a number of positive developments, in particular, Libya's renunciation of WMD; the adoption of UN Security Council Resolution 1540, requiring all UN member states to implement effective measures to control WMD exports and secure WMD materials at home; and the growing contributions of the Proliferation Security Initiative and the G-8 Global Partnership to Combat the Spread of Weapons and Materials of Mass Destruction.

A leading theme discussed at the meeting was the growing international consensus on the importance of export controls in stemming WMD proliferation. This was seen, for example, in the Security Council's unanimous adoption of Resolution 1540, in the expanding adherence to supplier regimes, and in the increasing number of states contributing to the Proliferation Security Initiative. In this regard, meeting participants also observed that the control lists and practices of the Australia Group and the Nuclear Suppliers Group were likely to become de facto standards of effective export controls under Resolution 1540, adding to the widening international acceptance of these organizations. Many participants saw the consensus on the importance of export controls as diminishing the traditional antipathy of many developing nations to export controls, which such states have often considered to be impediments to their economic development. Indeed, a number of meeting participants stressed that implementation of such controls was becoming a distinct asset for developing states, by facilitating trade with export control regime member countries. In this regard, it was recalled that in June 2004, the Australia Group decided that members should take into account, when reviewing export licenses, whether the recipient state has implemented effective export controls.

In examining the implications of the A.Q. Khan illicit nuclear supply network, participants noted that the extensive list of items obtained by the network from third countries and provided to Libya included numerous items apparently imported from more advanced nations, such as flow-forming machines, high-frequency controllers, and controlled types of steel and aluminum. This indicated that states with advanced industrial capabilities still had much work to do to reinforce their export control systems. It was also pointed out that because the brokering activities typified by the Khan network were making the matériel needed for proliferation easier to obtain, the demand for such items was likely to grow.

The following topics were among those raised during the meeting:

- Conferees reviewed the implementation of catch-all provisions, which were seen to be an increasingly important element of export controls, leading, for example, to 70 percent of denial notices within the Australia Group, and 50 percent of denial notices within the Nuclear Supplier Group.
- During the meeting's examination of the challenges of controlling deemed exports and other intangible technology transfers, a repeated theme was the need to intensify outreach efforts to the academic community, where such controls have faced considerable opposition.
- In highlighting the expanding participation in the Proliferation Security Initiative, it was noted, among other developments, that boarding agreements were currently being negotiated with three

additional nations – Belize, Greece, and Malta. (Boarding agreements have already been signed with Liberya and Panama.)

- An important issue raised during the discussion of licensing practices was the difficulties for many smaller states and for industry of screening end-users and end-uses. To address this challenge, many participants underscored the need for governments with more extensive end-user/end-use monitoring efforts to share additional information with smaller states and exporters, consistent with the protection of intelligence sources and methods.
- In the area of enforcement, participants agreed that it was essential that enforcement practices, including targeting, be adapted to the particular needs and capabilities of individual states, which vary widely.
- On the issue of licensing, specialists emphasized the need for strengthened practices in the areas of end-use/user controls, intangible technology transfers, and catch-all controls.

Kyrgyz-U.S. Export Control Workshop Held in Bishkek

by Nikolay Ryaguzov, deputy head of the Directorate for Military-Technical Cooperation of the Ministry of Defense of the Kyrgyz Republic

On November 10-11, 2004, a joint Kyrgyz-U.S. workshop entitled "Export Control Technical Exchange between the United States and Kyrgyzstan" was held in Bishkek. The workshop was organized by the U.S. Department of Energy (DOE) and the Pacific Northwest National Laboratory (PNNL) under DOE's International Nonproliferation Export Control Program (INECP). The Kyrgyz attendees included members of the Permanent Interagency Working Group on Export Control from the Ministries of Foreign Affairs, Defense, Economic Development, Industry, and Trade, Ecology and Emergencies, Internal Affairs, Finance, the National Security Service, Border Guard Service, and Department of Customs Service, as well as other Kyrgyz officials involved in export control. The U.S. participants represented the DOE, PNNL, Los Alamos National Laboratory, and the U.S. Embassy in the Kyrgyz Republic.

U.S. specialists gave presentations on current challenges to nonproliferation, the U.S. export control measures covering nuclear technologies, the role of the DOE and its National Nuclear Security Administration in export control, international export control regimes, roles of technical experts, DOE's International Nonproliferation Export Control Program (INECP), internal compliance programs, and commodity identification. Kyrgyz officials addressed the status of the national export control system and measures taken by the Kyrgyz government to streamline that system. The workshop concluded with a roundtable discussion of problems in the implementation of Kyrgyzstan's export control system.

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Center for Nonproliferation Studies

11 Dupont Circle, NW, Washington, DC 20036
tel: (202) 478-3446; fax: (202) 238-9603
email: nis-excon@miis.edu

15 Square of the Republic, Suite 325, Almaty, 480013, Kazakhstan
tel: 7-3272-507-455, 7-3272-507-386; fax: 7-3272-672-392
email: dauraben@intelsoft.kz