SCIENTIFIC AND TECHNICAL CENTER
ON EXPORT AND IMPORT OF SPECIAL TECHNOLOGIES,
HARDWARE AND MATERIALS

SECURITY AND NONPROLIFERATION

ISSUE 6(12)2005

KYIV 2005

CONTENTS

GLOBAL PARTNERSHIP

Ukraine in the Global Partnership: An Occasion for a New Resolve in the Field of Nuclear Non-Proliferation Co-Operation
Lars van Dassen
Ukraine and Nuclear Disarmament
Igor Dolgov

The Global Partnership Against the Spread of Weapons and Materials of Mass Destruction
Oleksandr Osadchy

Status and Problems of the State System for Nuclear Material Accountancy and Control after 10 Years of Operation
Serhiy Lopatin

Ukrainian Export Control System as Part of the Global Non-proliferation Regime
Oleksandr Gryshutkin

On Certain Legal and Administrative Problems of Securing the Regime of Nuclear Non-proliferation and Reduction of the Threat of Nuclear Terrorism
Serhiy Kondratov

RELEVANT INTERNATIONAL SECURITY PROBLEMS

Subjective Notes on the IAEA Director General Mohamed El Baradei's Nobel Lecture
Olga Kosharna

North Korea's Nuclear-Weapon Status. Diplomacy Making Any Sense?
Darina Fridman

KALEIDOSCOPE

Ukraine and the European Union Have Signed a Memorandum of Understanding on Energy Industry Co-operation

SWEDISH-UKRAINIAN CO-OPERATION IN NUCLEAR NON-PROLIFERATION IS EXPANDING
Serhiy Kondratov

Ukraine in the Global Partnership: An Occasion for a New Resolve in the Field of Nuclear Non-Proliferation Co-Operation

Lars van Dassen

Deputy Head,
International Co-operation Programme,
Swedish Nuclear Power Inspectorate, SKI

Fifteen years later: Ukraine's non-nuclear weapon leagacy?

It is now fifteen years ago that Ukraine suddenly became an independent state. That will always be worth celebrating, I hope. It is also fifteen years ago that Ukraine was left with more than thousand ex-Soviet nuclear weapons. These weapons are now gone and have been turned over to the Russian Federation, and where appropriate they have been destroyed in the framework of the START I Treaty. That is also something I think is worth cherishing and remembering.

But I am not sure that the latter point is generally shared by the general public in Ukraine these days. Over the past months I have repeatedly heard Ukrainians refer to a period in the early 1990s as when "We were the third largest nuclear weapons power". Something tells me that there is or has been a fairly intense national debate on whether is was good or bad for Ukraine to get rid of these weapons as it is striking how often people refer to the historic nuclear record by more or less the same wording as I quoted above. A common mind-set and wording is thus developing.

As a representative of a country that has no nuclear weapons and that for decades has worked to prevent proliferation and promote disarmament - I am in fact happy that the Ukrainian nuclear odyssey ended in nothing. This statement I hope will not insult anyone. My premise is that the more non-nuclear weapon states - like Sweden and Ukraine - there are; the easier will it be to work for non-proliferation internationally. On the other hand, it becomes harder and harder to argue for non-proliferation and disarmament each time there is a state that moves from being a state without nuclear weapons to being a state with nuclear weapons. In the same manner it is also undermining for the non-proliferation ethos when states with nuclear weapons do little or nothing to achieve nuclear disarmament. "Old proliferators" like the five that are recognized by the Non-Proliferation Treaty, NPT, as legitimate holders of nuclear weapons and "new proliferators" like Israel, Pakistan, India, plus others expected to be on the proliferation path (Iran and North Korea) have at least one thing in common: They refer to "paramount security concerns" as the reason for them to retain or develop nuclear weapons. Each time they do so they make it hard for other (often less secure) states to keep up the defence mechanisms against nuclear weapons proliferation just as they may sew inspiration and a feeling of legitimacy in other camps of likely or future proliferators. It thus matters for the general development what choice one makes. I am glad that Ukraine made the better choice for itself and the world.

I do not have a full insight into the national debate on this issue in Ukraine; and moreover my knowledge and memory may fail to provide a good recollection of the short period when there were nuclear weapons in independent Ukraine. But some issues are worth mentioning when the pros and cons are listed. First of all, my recollection is that the nuclear weapons in Ukraine were located at bases and placed on aircraft that were owned or controlled by the Russian Federation. With this in mind it is maybe questionable whether Ukraine actually

possessed nuclear weapons. It is maybe more appropriate to say 'that there were nuclear weapons on Ukrainian territory'. Secondly, the weapons were provided with launching codes that were controlled by the Russian Federation. These codes would have to be broken or the nuclear warheads re-manufactured in order for the weapons to be usable for any other actor than the Russian Federation. It has to be remembered that codes and access control links are built into nuclear weapons and command systems to impede unauthorised access and use by third parties like Ukraine would have been in this case. It has to be doubted whether it would have been safe and sound to hack into the codes and control systems or establish new ones. It may have been a very risky undertaking especially for those who would have had to do the job. Thirdly, even if we assume that Ukraine would have gained some kind of control over the nuclear weapons there would have been other problems. A young new state faces many issues to deal with and it is hard to imagine that nuclear weapons would be anything but a burden with respect to control, maintenance etc. The costs for making and keeping a nuclear arsenal would have been daunting and resources would have to be taken from other sectors where they were and are of more use. A forth issue concerns also the political costs and economic costs in a wider sense. It is doubtful whether Ukraine would have found many friends in Europe and the world if it had retained and established itself with nuclear weapons. It is probably true that the rest of the world would have been afraid of Ukraine and express themselves in respectful terms. But the consequence could have been that other states would have been speaking more to please Ukraine than in order to genuinely cooperate with Ukraine. As cooperation cannot be enforced so easily other states would have avoided contacts and cooperation with Ukraine where they could. A look at the situation that the non-official nuclear weapons states Israel, Pakistan, India find themselves in makes a point about the wider costs from proliferation. It is fair to assume that Ukraine would have been cut off from nuclear fuel supplies for its nuclear power plants. Moreover, the access to nuclear technology import would be restricted or terminated, and a long range of dual-use products that are necessary in many industries would not have been sold to Ukraine as other states within various export control regimes agree to impede transfers of technology that is usable for the operation of nuclear weapons - and many other things.

In short I think there are many good reasons why it was wise and good that Ukraine got rid of the ex-Soviet nuclear arsenal that stayed as lost property in Ukraine. This goes hand in hand with an additional feature; namely that I believe there have been few relevant – if any – purposes for which Ukraine could have used nuclear weapons either politically or militarily. And a history of fifteen years has shown that there are no issues that have not been negotiated or solved because Ukraine did not have nuclear weapons!

The unfulfilled promises

However, there is one issue that continues to haunt the political landscape of Ukraine and that is the claim that Ukraine was promised much from the international community in return for the valuable non-proliferation steps that it took. I think this is both correct and wrong.

It is wrong as there are so many issues related to for instance nuclear trade and trade in general that have grown and delivered prosperity simply because Ukraine chose to become a non-nuclear weapon state and sign the Non-Proliferation Treaty. These issues and their positive contributions to the Ukrainian people and country are easily overlooked as they are hard to calculate and lead a silent life. Yet, they need to be included in any attempt of establishing a score card for what has been done and not done in relation to past promises. In short the non-nuclear weapon status has been an in-road to valuable trade and political co-operation in many more ways than we can count.

On the other hand, Ukrainian politicians from all political parties are right when they point to the sluggishness and half-heartedness with which assistance in the field of containing Chernobyl and other nuclear safety and security issues have been given. The willingness on the side of donors has often been sporadic and has never had the permanent high-political attention that would have ensured that all the involved bureaucracies had been forced to implement agreed measures efficiently and in accordance with some internationally agreed principles and frameworks.

However, it may not be too late to remedy this – as the political climate and landscape today is more conducive for international co-operation in security issues like non-proliferation than it was before President Viktor Yushenko took office. A Government that is seen a friendly, progressive and oriented toward democratization and increasing degrees of transparency will gain many new friends. On the other hand, authoritarian and stiffening regimes are likely to receive most aid where the purposes serve the donor and not the recipient – simply because the recipient is not trusted too much. That is why the era before President Yushenko took office was less benign for international co-operation and why the current times and circumstances are better.

When this has been said then it also needs to be added that many people who like myself have worked in Ukraine both before and after the great political transformation took place in November – December 2004 have made the experience that something positive has happened also among the concrete partners that we co-operate with in nuclear safety and security. The institutional pressures, restraints and self-restraints on persons and offices that we encountered earlier have vanished and been replaced with optimism and a willingness to let personal and organisational creativity flow. This makes co-operation at the practical day-to-day level much easier and it brings forth better and more sustainable solutions.

A conference in Kiev in January 2006

Ukraine has recently joined the Declaration on Global Partnership. The "Global Partnership" as it is usually referred to was originally established by the G-8 states in the summer of 2002 and as response to the terrorist attacks on New York and Washington on 9 September 2001. The initiative came from Canada and the Declaration aimed at addressing issues related to security of weapons and materials in the field of weapons of mass destruction. The initial efforts were directed towards the Russian Federation where the largest problems concerning weapons of mass destruction and the materials and technologies for their manufacture exist.

Later other states have stated to the G-8 that they want to join the Declaration and work for its principles and priorities. This means that the Global Partnership is an expanding network of states that join hands in the effort to contain the spread of weapons of mass destruction. Most of all the network is not one confined to political statements; the mainstay of the Global Partnership is the concrete *results* that are achieved each time a non-proliferation project has been implemented. This is what makes the Global Partnership unique and separates it from – as well as unites it from – international treaties like the NPT. The cooperation is also special for the fact that it exists in the security domain, one where states otherwise do not cooperate well unless it is within alliances.

However, it is one thing to state that one wants to do something, it is something else to get started and actually contribute with expertice, funding and projects. That is why, the Ukrainian Ministry for Foreign Affairs, the Swedish Nuclear Power Inspectorate, the German Gesellschaft für Anlagen- und Reaktorsicherheit, the Finnish Nuclear and Radiation Safety Authority and the State Nuclear Regulatory Committee of Ukraine have decided to organise a conference that will table the issue of Ukraine's participation in the Global Partnership. The conference called "*Control and Security of Nuclear Materials in Ukraine: Past Achievements*

and the Global Partnership Agenda Ahead" (24-26 january 2006) will focus on various dimensions of nuclear security and the four sessions will seek to achieve the following issues: First of all, Ukrainian specialists will present the concrete context in Ukraine with respect to the sub-fields in nuclear security (physical protection, safeguards, export controls and other issues such as illicit trafficking etc). This will provide a context and understanding for the international participants. After that various Ukrainian and international parties will present certain issues where they have carried out nuclear security projects or where it is necessary. At the end of each session the session chairmen are requested to summarise and conclude with respect to what needs to be done. It needs to be added that as garniture the organisers will provide all participants with a list of nuclear security projects that can be used as a starting point for international and Ukrainian participants who are interested in further development of nuclear security in Ukraine. The conference is deliberately structured in such manner that there will be two evenings where the participants can discuss and exchange. The conference sessions are important of course, yet it is outside the sessions that the most interesting things will be achieved.

It needs to be added that though the conference aims at covering a broad field there is at least one field that cannot be covered but where the conference at least can provide some guidance inspiration. The Declaration on Global Partnership has its current priorities from a specific Russian context and these priorities are not in all instances relevant for Ukraine. Therefore, it will be necessary for the states in the Global Partnership to review the priorities of the Declaration in order to make sure that they capture also the specific Ukrainian concerns. This is a tall order and likely to be met with opposition from many parties. But if the "Global" pretension of the Global Partnership has to make sense – then there has to be openness towards the issues and concerns that new Partners in the Global Partnership bring forward. This is the best argument on the side of Ukraine in the political discussions of the Global Partnership: "If you want nuclear security to improve globally then we have to work with principles and priorities that make sense in a broad manner". If that is achieved then the conditions for co-operation with Ukraine will improve for all states that need a specific reference to issues and areas in the Declaration on Global Partnership. Eventually this can lead to that the old promises to Ukraine by the international community can be fulfilled.

Igor Dolgov,
Ambassador Extraordinary
and Plenipotentiary of Ukraine in the Federative Republic of Germany

UKRAINE AND NUCLEAR DISARMAMENT

Eleven years ago, in 1994, Ukraine adopted a number of important decisions in support of its participation in the *Treaty on the Non-Proliferation of Nuclear Weapons* (NPT) as a non-nuclear-weapon state as well as in the *Treaty between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms* (START I). Those events were of extraordinary importance in terms of building Ukraine's independence and ensuring yet further progress in pursuing nuclear disarmament and strengthening of the global nuclear weapons non-proliferation regime.

The Declaration on State Sovereignty (16 July 1990) proclaimed Ukraine's pursuit of adherence to the three non-proliferation principles specified in the Nuclear Non-Proliferation Treaty – not to accept, not to manufacture, and not to acquire nuclear weapons. The May 1992 signing of the Lisbon Protocol that secured the status of Ukraine as an equitable party to the START I Treaty along with Russia, Belarus, and Kazakhstan was one of the most essential steps in this direction. Pursuant to this document, Ukraine committed to acceding to NPT as a non-nuclear-weapon state, which was decisive for the future of the non-proliferation and armament control regime. Such a position of Ukraine opened the way for implementation of the START I Treaty and ratification of START II Treaty. Ukraine having assumed the status of a non-nuclear-weapon State Party to NPT drastically curtailed the incentives for other non-nuclear-weapon states to develop nuclear-weapon programs. Nuclear-weapon states were thus enabled to report significant progress in implementing the NPT Article IV (nuclear disarmament). Ukraine's decision to forgo nuclear weapons that was undoubtedly critical for Ukrainian independence development and assuring progress in building out its statehood must be specifically credited for the success of the 1995 NPT Review Conference.

The decision mentioned above was made for a number of reasons, including political and economic ones. It is clear that extremely momentous in this context was the agreement reached during exhausting negotiations on security assurances to be extended to Ukraine by nuclear-weapon states along with U.S. assistance in eliminating the strategic offensive arms in Ukraine. Yet it should be underscored here that the consistent policy pursued by the Ukrainian leadership and associated national acts establishing the country's non-nuclear-weapon status has been most vital for the denuclearization of Ukraine.

Following the breakup of the USSR, Ukraine found itself in an unstable and unpredictable international environment and thus had to seek ways to ensure its national security. For that very reason it applied to nuclear-weapon states for security assurances.

During the 5 December 1994 OSCE Budapest Summit, the State and Governmental leaders of Ukraine, U.S., RF, and Great Britain signed a Memorandum on security assurances in connection with Ukraine's accession to NPT. Concurrently, Ukraine deposed the START I ratification instruments and NPT accession documents. On that same day security assurances were unilaterally extended to Ukraine by China and France.

*****

On 23 May 1992, the Protocol to the START I Treaty[1] dated 31 July 1991 was signed in Lisbon, under which Ukraine, Belarus and Kazakhstan as successors to the former USSR assumed obligations as equitable parties to the Treaty together with RF and U.S. (Article 1). The Protocol Article 5 affirmed the three new independent states' obligation to accede to NPT as non-nuclear-weapon states the soonest possible.

In connection with the signing of the Protocol, Ukraine stated that, in implementing the START Treaty and the Protocol thereto, it will act on the following premises:

- The Treaty-envisaged reductions and limitations shall be achieved through proportionally even destruction of nuclear warheads and their delivery means stationed on the territory of the Parties to the Treaty;
- Voluntarily opting for the liquidation of nuclear weapons stationed on its territory, Ukraine will insist on receiving from nuclear-weapon states assurances of non-application of force or the threat of force, including the use of nuclear weapons against its territorial integrity and political independence;
- Ukraine will insist on Russia taking practical measures to create jointly with Ukraine a system for monitoring the non-use of strategic offensive arms (SOA) stationed in Ukraine.

On 1 October and 4 November 1992, the START I Treaty was ratified by the U.S. and RF parliaments respectively. The Russian parliament added a proviso during the ratification that the exchange of ratification instruments could only happen after Ukraine's accession to NPT.

The President of Ukraine Edict of 10 December 1992 instituted the National Committee of Ukraine for Disarmament (NCA) responsible for inter-agency coordination of efforts in specifying, agreeing, and adjusting Ukraine's foreign policy activities with respect to disarmament and armament control. Reporting to the President, this body enlisted deputy heads of a whole range of central administrative authorities presided over by a Deputy Minister of Foreign Affairs (originally – Mr. B. Tarasyuk, later on – Mr. K. Gryshchenko).

NCA, complying with the mission it was assigned to, made efforts throughout its lifetime to comprehensively analyze and forecast how Ukraine's national security would be affected by various foreign policy steps including ratification of the START I Treaty and accession to NPT. NCA representatives were directly involved in the development and submittal for review by the President of Ukraine of foreign policy development proposals concerning nuclear disarmament and WMD non-proliferation including controls over their production technology.

Most NCA meetings were devoted to the issues of Ukrainian nuclear disarmament and implementation of the START I Treaty provisions, while the main focus was on raising international aid in order to resolve the problems related to SOA elimination in Ukraine. Owing to the action undertaken on NCA's initiative, it first managed to get U.S. consent to provide such aid, and eventually not only to make its amount increase, but also to extend it to nuclear disarmament being a Ukrainian area of social priority.

In 1997 NCA actually ceased to operate and was eventually liquidated by the President of Ukraine Edict №809/2002 dated 9 September 2002.

A most critical issue being the focus of the President, Government and Parliament attention concerned receipt of national security assurances due to Ukraine's pursuit of non-nuclear-weapon status.

[1] The START I Treaty not only set limits for armaments buildup, which was the objective of earlier strategic armaments agreements, but also originally specified armament levels achievable by destroying a significant part of the U.S. and Russian nuclear arsenals. This Treaty laid the basis for a drastic reduction of both states' strategic nuclear weapons, which aligned with the national interests of Ukraine that proclaimed its pursuit of non-nuclear-weapon status.

In a situation when the inviolability of Ukrainian borders and its territorial integrity were explicitly defied by certain neighbor states repeatedly applying open pressure to reach their political goals in ensuring Ukraine's ratification of the START I Treaty and accession to NPT as a non-nuclear-weapon State and associated destruction of the nuclear weapons stationed on its territory; the President, Government, and Parliament made it contingent upon nuclear-weapon states to extend reliable national security guarantees to Ukraine along with adequate financial aid and technical assistance in eliminating nuclear weapons and provide compensation for the strategic and tactical nuclear weapons that Ukraine had come to own under the historical circumstances after the break-up of the USSR.

The requirement to extend security assurances to Ukraine in connection with the destruction of the nuclear weapons stationed on its territory was codified in the Supreme Council of Ukraine Resolution *On Additional Measures to Ensure Ukraine's Non-nuclear-weapon Status* dated 9 April 1992 and the Ukrainian Basic Foreign Policy Directions paper adopted by the Supreme Council of Ukraine on 2 July 1993.

From April 1992 onward, the question of extending appropriate assurances to Ukraine became the subject of consultations with the U.S. and later – with Great Britain, RF, France, and China. At the outset the efforts seemed to have made no progress due to the states' unwillingness to make any concessions for Ukraine's sake, yet since October 1992 positive developments began and Ukraine eventually obtained agreement from the U.S., and later – from RF and France as to initiating talks on extending security assurances to Ukraine in connection with its pursuit of non-nuclear-weapon status.

During official negotiations and informal meetings with U.S., RF, Great Britain, and France representatives at various levels, active discussion concerned the format and status of the future document, to which Ukraine had the following requirements:

- consent to extend national security assurances to Ukraine shall be confirmed by a series of bilateral treaties or a multilateral agreement involving the nuclear-weapon states and Ukraine, with such documents to be legally binding;
- nuclear-weapon states' commitments shall be specific and have a direct concern to Ukraine;
- nuclear-weapon states undertake to honor Ukraine's sovereignty and territorial integrity, observe the principle of inviolability of the State Border of Ukraine (in other words, to recognize its existing borders as legally established in accordance with the international law, not to encroach on them in the future, and forswear any territorial claims now and henceforth), abstain from the use or threat of use of force against Ukraine's territorial integrity and political independence including with the use of nuclear arms, as well as from any acts of economic coercion;
- the agreement shall include provisions on immediate consultations between the states parties in the event that a situation occurs that threatens Ukraine's national security.

By June 1993, Ukraine had received documents specifying potential content of security assurances from all five nuclear-weapon states. The texts generally reaffirmed the so-called "positive" security assurances extended by nuclear-weapon states in 1968 to non-nuclear-weapon states parties to NPT (UN SC Resolution №255 of 19 June 1968). Those texts also addressed a few commonly acknowledged international legal norms codified in the UN Charter and NSCE Final Act of 1975, including a requirement to respect the independence, sovereignty and territorial integrity of other states, recognize existing borders of the states parties to NSCE including Ukraine, abstain from the use or threat of use of force against their territorial integrity and political independence, including with the use of nuclear arms, and from economic coercion.

It should be noted that despite the positive elements present in the texts of the security assurances extended by the nuclear-weapon states, they were considered by Ukraine as insufficient in terms of upholding its national security interests. Furthermore, Ukraine insisted on

receiving the subject assurances prior to its ratification of the START Treaty and accession to the NPT, which was strongly opposed to by nuclear-weapon states expressing willingness to extend such assurances only after Ukraine ratifies the START I Treaty and accedes to the NPT. These were the circumstances along with a few other reasons that caused a number of provisos the Supreme Council of Ukraine made in ratifying the START Treaty, one of which concerned The Lisbon Protocol Article 5. Its provision on accession to the NPT in the nearest future as a non-nuclear-weapon State was acknowledged by Ukraine as optional.

On 17 June 1993, a preliminary agreement was reached during the meeting of Ukrainian and Russian Presidents in Moscow to provide Ukraine with a compensation for the nuclear materials contained in the tactical nuclear ammunition (exported in May 1992). At the same time the Russian side eluded any practical steps in this direction.

In addition to the concerns of safe operation and storage of nuclear ammunition, Ukraine was confronted with other difficulties of comparably serious nature: the nuclear ammunition had limited lifetimes and upon expiry of the warranty term they would have turned into high-activity waste. To set up facilities for the regeneration of nuclear ammunition in Ukraine would have required considerable financial resources. No warhead disposition technology existed in Ukraine, nor were there any capacities for manufacturing heat-generating assemblies (fuel for NPPs). Instead, Russian Federation had such capacities and the elimination of nuclear ammunition was worth carrying out in Russia under international monitoring. In this connection the Prime Ministers of Ukraine (L. Kuchma) and Russia (V. Chernomyrdin) decided to sign the relevant document package on 3 September 1993 in the town of Masandra.

Per the agreement reached, all nuclear ammunitions stationed in Ukraine were to be transferred to the territory of the Russian Federation that undertook to ensure their disposition as well as conversion of the high-enriched uranium obtained as a result of the disposition of the nuclear ammunition to low-enriched uranium that is used in the production of heat-generating assemblies. At the same time it was stipulated that "RF supplies to Ukrainian NPPs would be carried out with an understanding that Ukraine would have its nuclear activities safeguarded by IAEA"*.

On 18 November 1993, the Supreme Council of Ukraine adopted a Resolution on Ratification of the START I Treaty And Protocol thereto signed on behalf of Ukraine on 23 May 1992 in Lisbon with a whole series of provisos that concerned, among other things, the need for Ukraine to receive adequate international financial and economic aid in order to ensure timely fulfillment

* NPT Article III (2) binds each State Party to the Treaty to provide: source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the IAEA safeguards. As a follow-up of Article 3, a RF Presidential Decree was issued, introducing a ban on export of nuclear energy material unless the importer's nuclear activities are placed under IAEA safeguards. Referring to the relevant international and national law, Russia stated that NPP fuel supplies to Ukraine will be considered as a violation of the global nuclear weapon non-proliferation regime.

A blockade of international cooperation with Ukraine in the field of peaceful nuclear energy uses could have caused a complete shutdown of Ukrainian NPPs since Ukraine had no capacities of its own for producing heat-generating assemblies.

Under such circumstances, Ukraine, having then not acceded to NPT yet, signed on 28 September an agreement with IAEA on the application of safeguards to all nuclear material in all Ukrainian peaceful nuclear activities. The Agreement became effective in January 1995, and on 21 September 1995 Ukraine and IAEA concluded the Agreement for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons.

of its commitments under the START Treaty, compensations for the nuclear-weapon relocated to the Russian Federation, and security assurances.

During the trilateral talks in Kiev, Washington and Moscow, a compromise was reached on the above issues, the essence of which was reflected in the Trilateral Statement by Presidents of Ukraine, U.S. and Russia signed in Moscow 14 January 1994:

- willingness on the part of the U.S., Russian Federation and Great Britain to extend national security assurances to Ukraine upon entry into force of the START I Treaty and its accession to the Nuclear Non-Proliferation Treaty as a non-nuclear-weapon state; the assurances specifically consisted in commitments by nuclear-weapon states not to apply nuclear weapons against Ukraine (negative assurances), as well as to ensure that assistance would be provided if Ukraine became a victim of aggression or a threat of aggression with the use of nuclear weapons (positive assurances);
- U.S. commitment to provide technical assistance and financial aid to Ukraine for reliable and safe deconstruction of nuclear weapons and storage of fissile material as well as facilitating prompt implementation of the already existing agreements on providing such assistance;
- monitoring by Ministry of Defense of Ukraine representatives of the dismantlement and destruction of the strategic nuclear ammunition on the Russian territory that would include recycling of components of that ammunition to be used as originally designed;
- provision of maintenance and safe operation of the nuclear ammunitions by Russia;
- provision of Ukraine with fair and timely compensation for the value of high-enriched nuclear ammunition uranium while nuclear ammunition items are exported from Ukraine to Russia for dismantlement (exportation and provision of compensation will occur simultaneously). Specifically, Russia will compensate by supplying nuclear fuel to Ukrainian NPPs. The U.S., in turn, would reimburse Russia's costs for dismantlement of strategic ammunition and production of heat-generating assemblies for Ukrainian NPPs by providing to Russia an advance payment subject to subtraction from payments due to Russia under its contract for high-enriched uranium supplies to the U.S.

The statement also said that Russia and the U.S. would facilitate the development and agreement by the IAEA of an agreement on placing all Ukrainian nuclear activities under IAEA safeguards, which would enable uninterrupted supplies of Russian heat-generating assemblies for Ukrainian nuclear industry needs.

On 3 February 1994, the Supreme Council of Ukraine, having considered the Trilateral Statement by Presidents of Ukraine, U.S. and Russia of 14 January 1994 and the Annex to it for compliance with its Resolution of 18 November 1993, adopted a resolution that lifted the above-said proviso to the Lisbon Protocol Article 5, and the Ukrainian Government was instructed to exchange the START I Treaty ratification instruments and streamline its activities in concluding agreements ensuing from other Supreme Council provisos.

On 16 November 1994, the Supreme Council of Ukraine adopted the Law of Ukraine *On Accession of Ukraine to the Treaty on the Non-Proliferation of Nuclear Weapons* with Clause 6 specifying that the Law shall enter into force upon receipt by Ukraine from nuclear-weapon states of security assurances formalized by signing a document of international law as appropriate.

On 5 December 1994, during the OSCE Budapest Summit, START I ratification instruments were exchanged. On that moment the Treaty became effective and the Parties began its practical implementation. On the same day the documents on Ukraine's accession to the NPT were delivered by President Kuchma to the depositary states.

International aid to Ukraine in eliminating SOA

The U.S. came up with an initiative to provide assistance in the elimination of strategic offensive arms by Ukraine based on the Nunn-Lugar Law.

The Nunn-Lugar Amendment (named after its authors – senators Sam Nunn and Richard Lugar), officially known as the Soviet Nuclear Threat Reduction Act, was adopted by the U.S. Congress on the 25th of amber 1991. This legislative act reflected the U.S. desire to take prompt and strong action to assist the countries of the former USSR in eliminating thousands of Soviet tactical missiles released from the nuclear arsenals as a result of the implementation of the Bush/Gorbachev 1991 initiatives. The adoption of this amendment meant to expedite the elimination of the weapons of mass destruction left on the Soviet territory after the "cold war" was over. Aid through allocating about 400 000 000,00$ of the U.S. Department of Defense funds to those ends was meant for the countries that had emerged on the former Soviet Union soil in transporting, storing, and neutralizing such weapons, and implementing guarantees of its non-proliferation. On 11 October 1994, the Act was superseded by the Cooperative Threat Reduction Act.

A Framework Agreement between Ukraine in the U.S. regarding the provision of such aid to Ukraine was signed on 25 October 1993.

Pursuant to it, a number of implementation agreements were concluded during 1993–1995, outlining main areas of bilateral cooperation and of elimination of strategic nuclear weapons stationed on Ukrainian territory along with the final procedure for providing financial aid and technical assistance.

Assistance on the part of Germany is provided based on the Agreement between the Government of Ukraine the Government of the Federative Republic of Germany on Cooperation in Managing the Problems of Strategic Nuclear Armament Liquidation (10 June 1993).

Assistance on the part of Canada is provided based on the Memorandum of Understanding between the Government of Ukraine and Government of Canada concerning the Canadian Cooperation Program (24 October 1994).

Japan provides its assistance based on the Agreement between the Government of Ukraine and Government of Japan on Cooperation in Managing the Problems of Liquidation of Nuclear Weapons Subject to Reductions in Ukraine (effective 11 March 1994). It is monitored by the relevant Bilateral Cooperation Committee. In 1995, implementation agreements were concluded pursuant to this framework agreement, which identified specific areas of bilateral cooperation in the field. The lion's share of Japanese aid refers to medical equipment supplies, as well as for the creation and improvement of the state nuclear material accountancy and control system.

On 1 June 1996 the process began of relocating strategic nuclear ammunition from the Ukrainian territory to the Russian Federation to be eventually destroyed under monitoring by Ukrainian observers. Therefore, Ukraine fulfilled its obligations under the 14 January 1994 Trilateral Statement and associated document package in a timely and comprehensive manner.

The completed removal of the strategic nuclear ammunition from the Ukrainian territory was met with a major positive response worldwide. Already on 1 June 1996 U.S. President and President of the Russian Federation highly appreciated this event in the statements they made on the occasion. Ukraine's denuclearization was also welcomed within international fora, particularly in the Final Communiqué by NATO Foreign Ministers, adopted at the North Atlantic Co-operation Council meeting on 3 June 1996 in Berlin.

On 30 October 2001, the last silo for intercontinental ballistic missiles SS-24 was destroyed near the town of Pervomaisk (Mykolaiv Oblast), which actually marked the completion of Ukraine's fulfillment of its START I Treaty obligations. On the same day the Protocol on Amending the Agreement between the Ministry of Defense of Ukraine and the U.S. Department of Defense Concerning Cooperation In The Elimination Of Infrastructure For Weapons Of Mass Destruction Through Provision To Ukraine Of Material, Services And Related Training was signed, which extended the Agreement through 2006.

****

Ukraine's role in and contribution to the cause of nuclear disarmament is unique and unprecedented. Also unique is our country's experience in this area given that Ukraine not only adopted a difficult decision on its non-nuclear-weapon status, but also provided close monitoring of the destruction of the nuclear weapons removed from its territory at appropriate Russian Federation facilities.

Presently Ukraine continues to fulfill its obligations with respect to undeployed inter-continental ballistic missiles SS-24, specifically their equipped engine frames containing solid rocket fuel. The associated efforts require substantial funding; therefore it remains the responsibility of the Ministry of Foreign Affairs to seek external funding sources.

O. Osadchy,
First Secretary, MFA of Ukraine Department
for Armaments Control and MTC

GLOBAL PARTNERSHIP AGAINST THE SPREAD OF WEAPONS AND MATERIALS OF MASS DESTRUCTION

The 11 September 2001 events in New York and Washington demonstrated to the world a particular hazard of the new challenges and threats to international peace and security associated with potential acquisition and use by organized terrorist groups of weapons of mass destruction (WMD). The nature of those threats made it urgent for the international community to seek adequate approaches to resolving the problem.

It is the context in which one should consider the initiative *Global Partnership against the Spread of Weapons and Materials of Mass Destruction* (hereinafter in this text – *the Global Partnership)* launched by G8 leaders during the 2002 Kananaskis (Canada) Summit.

The Global Partnership envisages development of bilateral and multilateral cooperation in WMD non-proliferation, nuclear safety and security, suppression of terrorism under specific projects prioritizing the destruction of chemical weapons, minimization of stockpiles of hazardous biological pathogens and toxins, disposition of fissile material, deconstruction of decommissioned nuclear submarine vessels, and employment of scientists formerly involved in the development of WMD. The plans are to allocate almost USD 20 billion for the implementation of the projects within ten years beginning in 2002, with almost a half of that amount to be committed by the U.S.

To date, in addition to the G8 States themselves, another 13 countries contribute to the Global Partnership as donors (Australia, Belgium, Czech Republic, the Netherlands, New Zealand, Norway, Denmark, Sweden, Finland, Poland, Ireland, Switzerland, Republic of Korea), and the European Commission.

The central role under the Global Partnership belongs to cooperation projects with the Russian Federation. Nonetheless, the initiative welcomes participation by other recipient states – the former USSR Republics in particular – willing to comply with the *Principles to Prevent Terrorists, or Those that Harbour Them, from Gaining Access to Weapons or Materials of Mass Destruction* along with the *Guidelines for New or Expanded Cooperation Projects.*

Therefore, considering its declared goals, the Global Partnership appears as a logical follow-up to non-proliferation and disarmament aid programs for the former USSR Republics – such as the Cooperative Threat Reduction Programme (CTRP), Council Joint Action establishing a European Union Cooperation Programme for Non-proliferation and Disarmament in the Russian Federation, and individual programmes of assistance to be provided by other states in relevant areas.

The G8 Summits in Evian (2003) and Sea Island (2004) attested to significant progress made in bringing the Kananaskis arrangements onto the plane of practical action. The funding and coordination mechanisms of cooperation have gained much clearer dimensions due to first instituting the G8 Global Partnership Senior Officials Group (GPSOG) in charge of reviewing the status of practical implementation of the initiative and coordinate cooperation projects within it, and later – a Global Partnership Working Group (GPWG) responsible for expert-level implementation of the initiative under the guidance of the Senior Group.

In 2003 the list of Donor States other than G8 was joined by six countries (Sweden, Norway, Finland, the Netherlands, Poland, and Switzerland), in 2004 – another seven (Australia, Belgium, the Czech Republic, New Zealand, Denmark, Ireland, and Republic of Korea), which augurs further replenishment of the Global Partnership funds.

Taking into account the December 2003-adopted European Union Strategy Against Proliferation of Weapons of Mass Destruction, the European Union plans to step up its participation in threat reduction cooperation programs including the Global Partnership and to increase the funding for those programmes after 2006.

A special focus is the status of observance of the *Guidelines for New or Expanded Cooperation Projects* the latter consisting in a list of administrative/legal and technical terms on which cooperation projects under the initiative shall be implemented. Such principles provide for, inter alia, exemption of foreign aid supplies from taxation, customs duties and fees and other payments, relieving donor country representatives, personnel and contractors involved in the practical implementation of projects from liability under claims related to the cooperation process etc.

The aforementioned Kananaskis Statement provisions were developed with a view to ensuring effective coordination of international cooperation under the Global Partnership and eliminating the shortcomings identified during the cooperation, under CTRP in particular.

The Kananaskis Statement outline of cooperation areas explicitly singles out one area of immediate bearing on the implementation of another initiative – the Global Threat Reduction Initiative (announced by the U.S. jointly with RF in May 2004). From now onward, projects for converting research reactors operating on high-enriched nuclear fuel to low-enriched fuel operation; export from other countries and return of Russian and U.S.-made fresh high-enriched nuclear fuel to their respective countries of origin; and assurance of proper storage conditions for radioactive sources will be considered as a contribution to the Global Partnership practical development.

Ukraine's desire to accede to the Global Partnership as an aid-recipient should be considered a natural phenomenon likewise as the launching of the Global Partnership itself.

Ukraine is party to the Cooperative Threat Reduction Programme that is credited for the world having become more secure. However, with the nuclear weapons removed from Ukrainian territory, the WMD non-proliferation and disarmament issues pending solution are still on the agenda. To eliminate almost 5 000 metric tons of solid rocket fuel for intercontinental ballistic missiles RS-22 remains an extremely acute concern. Other similarly pressing issues include strengthening the security system for sites storing biological pathogens and identifying a mechanism to ensure practical implementation of the Protocol Additional to the IAEA Safeguards Agreement.

It is worth mentioning that the Global Partnership program contains a significant potential to resolve the issues mentioned while opening additional opportunities for Ukraine to launch new international cooperation projects in this area. Another reason for Ukraine to accede to the Global Partnership was the Kananaskis provision that the Initiative, initially focused on RF projects development.....

Ukraine's intent to accede to the Global Partnership as a recipient state was first claimed in early 2003 in Ukrainian President L. Kuchma's address to G8 State and Government Leaders. The responses received (from G8 2003 French Presidency and U.S. 2004 Presidency) indicated that this position of Ukraine had been properly appreciated and supported. Eventually, active efforts were initiated to uphold Ukrainian interests of relevance, specifically during numerous meetings between Ukrainian diplomats and the French 2003 Presidency. For instance, during the G8 Summit in Evian (France, 1–3 June 2003) the Permanent Representation of France to UN was transmitted a note confirming Ukraine's alignment with the six non-proliferation principles (*Principles to Prevent Terrorists, or Those that Harbour Them, from Gaining Access to Weapons or Materials of Mass Destruction*).

First outcomes of the Ukrainian side's activities were manifest already during the Evian Summit. Two Summit Summary Documents (G8 Senior Group Annual Report on Global Partnership

implementation and G8 Action Plan) make mention of Ukraine. The Action Plan specifically reads: "While still focusing on projects in Russia, we mandate the Chair to enter into preliminary discussions with new or current recipient countries including those of the former Soviet Union that are prepared to adopt the Kananaskis documents, as the Ukraine has already done". The Annual Report reflects among other things that Ukraine had presented an official application for participation in the Global Partnership as a recipient state and a GPSOG review made a positive response in principle thereto, recalling though that the Partnership was still in its initial phase and therefore focused on Russian projects.

In the autumn of 2003 the G8 was in receipt for its review a preliminary list of project proposals developed by relevant Ukrainian ministries and agencies that had factored in our country's needs with respect to WMD non-proliferation and disarmament. The December 2003 announcement by the French Presidency of Ukraine's willingness to align with the *Guidelines for New or Expanded Cooperation Projects* came as a next step.

That step drew Ukraine's and G8 Member States' positions together in the context of further enlargement of the Global Partnership to include our country. The issue was under consideration already during the December 2003 GPSOG meeting in Paris, but the decision concerning Ukraine was not made. The reason for it had been some states' belief that granting the recipient status to Ukraine would dissipate the resources provided by the Initiative for Russia and lessen the effectiveness of related activities. However, already at the next G8 State and Government Leaders Summit held 8–10 June 2004 in Sea Island (U.S.), the issue of Ukraine's involvement in the Global Partnership was reviewed positively.

The next GPSOG meeting was held on 13 July 2004 in Paris. It was for the first time that a delegation of Ukraine had been invited, chaired by Deputy Foreign Minister O. Shamshur. The Delegation Chairman made a brief presentation of the seven project proposals transmitted by the Ukrainian side for review by G8. Resulting from the meeting, the country that had once made it impossible to reach a consensus on the Ukrainian question, spoke for the first time in favor of Ukraine's accession to the Global Partnership.

Yet the meeting and the moment when G8 approved the final decision in favor of Ukraine did not come hand in hand. In between of those two events Ukrainian diplomats had to spend considerable efforts explicating our country's position underlying the project proposals submitted.

Finally, a positive decision was made as to granting Ukraine the recipient status, which was communicated to Ukraine's Minister of Foreign Affairs K. Gryshchenko in writing by GPSOG Chairman, U.S. Deputy Secretary of State J. Bolton.

On 17 November 2004, the Global Partnership Working Group met in Washington, including a Ukrainian Foreign Ministry representative. A desire to get involved in the Global Partnership implementation was also proclaimed by Kazakhstan, Moldova, Georgia, Armenia, Azerbaijan, and Tajikistan, which were attending the Working Group meeting as well.

Over the recent years MFA has been actively working to identify the circle of potential donor countries and projects likely to be implemented in Ukraine. Interest in implementing a number of proposals from those listed above was specifically expressed by Canada.

31 January – 1 February 2005 Global Partnership Program Senior Coordinator Allan Poole was visiting Ukraine and held a number of meetings at the MFA quarters with representatives of the Nuclear Regulatory Committee, State Border Service Administration, and Ministry of Health, where next steps were identified as to involving the Canadian side in the implementation of project proposals on preventing illicit trafficking in nuclear material on international communication routes and implementing consolidated international measures for physical protection of facilities storing biological pathogenic agents. As a follow-up to the agreement reached during this visit, consultations were held during May – June 2005 between Canadian

expert delegations and the management of the State Border Service, SNRCU, and Ministry of Health on the prospects of launching joint projects, particularly as regards strengthening of the State Border regime with a view to precluding illicit trafficking in nuclear material on international communication routes.

Consultations are underway with other countries and international organizations as well, with the European Union in particular, concerning development of future Global Partnership cooperation projects.

It should be noted that certain countries refer Ukrainian nuclear safety and security projects to those relevant for the Global Partnership format. Specifically, the UK Presidency-issued Annual Report on GP projects implementation mentions the UK commitment of £1 million 903 thousand for 12 projects under implementation in Ukraine. According to the Embassy of Ukraine in London, the UK side intends to fund another 2 projects worth £560 thousand to be implemented in our country. Here one should note that those projects are not part of the project proposals officially presented by Ukraine for implementation under the Global Partnership.

With a view to intensifying contacts with the donor countries for the sake of raising funds for projects implementation under the Initiative, the Foreign Ministry provided a series of presentation at the Global Partnership Working Group meeting held on 18 October 2005 in London. The event was attended by the State Nuclear Regulatory Committee representatives who presented a project entitled "*On Coping with the Problem of Spent Radioactive Sources in Ukraine"*, and the State Border Service Administration with projects "*On Enhancing the State Border Service Capacities in Preventing Illicit Trafficking in Nuclear Material on International Communication Routes in Territorial Sea and Exclusive (Maritime) Economic Zone of Ukraine*" and *"Enhancing the State Border Service Maritime Defense Capacities in Preventing Illicit Trafficking in Nuclear Material on International Communication Routes in Territorial Sea and Exclusive (Maritime) Economic Zone of Ukraine"*.

In addition, the following project proposals prepared by the Ministry of Fuel and Energy of Ukraine were distributed during the Global Partnership Working Group meeting:

- Improvement of the Solid Radioactive Waste Treatment System at Khmelnitsky NPP;
- Creation of a Full-Scale Radioactive Waste Processing System at South-Ukrainian NPP;
- Reconstruction and Modernization of the Engineering Means of Perimeter Protection within the Zaporizhya NPP Security System;
- Reconstruction and Modernization of the Engineering Means of Perimeter Protection within the Khmelnitsky NPP Security System.

The Foreign Ministry and relevant ministries and agencies attach great importance to the International Conference under Global Partnership scheduled for January 2006 to be held in Kyiv, which is expected to provide a new impulse for Ukrainian practical involvement in the implementation of the Initiative-related goals and objectives.

Serhiy Lopatin,
State Nuclear Regulatory Committee of Ukraine (SNRCU)

Status and Problems of the State System for Nuclear Material Accountancy and Control after 10 Years of Operation

Work to establish a state nuclear material accountancy and control system (as understood in IAEA documents rather than merely keeping track of the number of fuel assemblies at NPPs as material values) started following the Supreme Council of Ukraine Statement *"On the Non-Nuclear-Weapon Status of Ukraine"* dated 24 October 1991, where Article 7 proclaimed that: "Ukraine intends to accede to the Treaty on the Non-proliferation of Nuclear Weapons as a non-nuclear-weapon state and conclude an appropriate Safeguards Agreement with IAEA".

Realizing that a state system for nuclear material accountancy and control (hereinafter – SSNMAC), must be in place in order to meet the Safeguards Agreement requirements, the State Committee for Nuclear and Radiation Safety of Ukraine (former title of the state nuclear and radiation safety regulator) was assigned in 1992 the task of creating and making arrangements necessary for a SSNMAC to function, for which purpose a relevant department was instituted within the Committee. In September 1993, the State Committee of Ukraine on Nuclear and Radiation Safety (Derzhatomnaglyad) issued an executive order and had the Ministry of Justice the first regulatory act that established requirements to nuclear material accountancy and control system maintenance for enterprises, which use, transport or store nuclear material, – General Provisions on the State System for Nuclear Material Accountancy and Control.

That document laid a legal basis for SSNMAC establishment. It was, however, impossible to implement the project without international assistance. Therefore, Derzhatomnaglyad entered into agreements with regulatory authorities of the Donor Countries: 17 March 1993 – the Swedish Nuclear Power Inspectorate (SKI); 3 May 1994 – the Finnish Nuclear and Radiation Safety Authority (STUK); 18 December 1993 – the United States Department of Energy (DOE); and into an intergovernmental agreement with Japan of 4 June 1995.

As the international technical assistance programmes were implemented dozens of experts representing governmental and non-governmental agencies and enterprises were trained in the organization and maintenance of nuclear material accountancy in fulfilling the country's international obligations to observe the nuclear non-proliferation safeguards regime. In addition to the training, the Donor Countries rendered sundry technical assistance, in particular, by providing office equipment to departments responsible for accountancy system maintenance at the regulator's, NPPs, and institutes, as well as providing software for keeping nuclear material databases and equipment for nuclear material measurement.

Altogether, that enabled launching a state accountancy and control system in 1994, and, upon entry into force of the Ukraine/IAEA Agreement for the Application of Safeguards to All Nuclear Material in Peaceful Nuclear Activities of Ukraine in January 1995, ensured a timely submittal of the initial nuclear material report and proper observance of the Agreement requirements.

It is important to emphasize in this regard that all the technical assistance was up to the advanced technology standards and latest scientific and engineering achievements, which enabled keeping state nuclear material accountancy and reporting electronically, having avoided the "paperwork" stage that all countries had historically undergone. During the period, remarkably good relations have developed – and continue to be so up to this point – between regulatory experts of the Donor Countries. The only problem that comes to mind from among those that would emerge during that period of international cooperation seems to be some

irregularity of equipment supplies due to imperfect national legislation or its frequent changes. For instance, agreement texts stipulated that those supplies were exempt from any taxation or fees while, in practice, they contravened the regulation then in force because they did not refer to any tax exemption mechanisms.

LEGAL BASIS FOR MAINTENANCE OF STATE NUCLEAR MATERIAL ACCOUNTANCY

The fundamental Ukrainian nuclear law underlying the use of nuclear energy in Ukraine is the Law of Ukraine "*On the Use of Nuclear Energy and Radiation Safety*" dated 8 February 1995 (see Fig.1). Article 67 refers to the state safeguards system applicable to all nuclear material on Ukrainian territory, under its jurisdiction or control. The objective of the system is to ensure that nuclear materials, equipment and technology are used for peaceful purposes only. The state safeguards system is made up of two state systems:

- That of nuclear material accountancy and control (SSNMAC);
- That of control over export/import of nuclear material, equipment, and technology.

Either one's functioning is legislatively regulated and implemented by various agencies.

Without these systems being in correlation, it is impossible to achieve the goal of the safeguards system – to ensure that nuclear material is used exclusively for peaceful purposes. Presently, practical measures in this area are implemented according to the Procedure for State Control over International Transfers of Dual-Use Goods approved by CMU Resolution No.86 dated 28.01.2004. A SSECU (State Service for Export Control of Ukraine) license for nuclear material export/import is issued following a SNRCU positive conclusion that the applicant has met the nuclear and radiation safety requirements including the international commitments that ensue from the Nuclear Non-Proliferation Treaty.

Pursuant to the Law of Ukraine, "*On the Use of Nuclear Energy and Radiation Safety*", the organization and maintenance of national nuclear materials accountancy and control in Ukraine shall be carried out by the State nuclear and radiation safety regulatory agency.

Article 9 of this Law establishes that "nuclear materials are to be exclusively the property of the State" and, therefore, nuclear material accountancy activities are not subject to licensing. The Provision on the State System for Nuclear Material Accountancy and Control approved by the Cabinet of Ministers of Ukraine Decree #1525 dated December 18, 1996 establishes that "nuclear material accountancy and control is an integral part of activities related to the production, manufacture, use, transportation or storage of nuclear material and is a mandatory condition for obtaining licenses in the area of nuclear energy use". Therefore, the requirement to keep state nuclear material accountancy is set by special conditions of SNRCU-issued licenses in the area of nuclear energy use.

The Provision on SSNMAC sets forth basic requirements to organization and maintenance of nuclear material accountancy at facilities and other locations of nuclear material, specifies the initial point of state accountancy application, requirements to nuclear material measurement.

SSNMAC ORGANIZATION AND FUNCTIONING

SSNMAC is legislatively defined as a set of administrative and technical arrangements aimed at fulfilling the Non-proliferation Treaty requirements and applicable to all nuclear material in order to control the quantities available at its locations and changes in its inventory quantities.

The key SSNMAC objectives include:

- Timely detection of losses and unauthorized uses of nuclear material;
- Application of unified nuclear material control methods and its accountancy procedure;
- Inspection verification of accounting data;

- Maintenance of a databank and provision of nuclear material-related information both to IAEA and as requested by the administrative authorities.

The key SRNCU responsibilities with respect to SSNMAC functioning include (see Fig. 2):

- Performance of functions as of the competent Ukrainian authority responsible for observance of the Safeguards Agreement;
- Issuance of accountancy requirements and rules;
- Surveillance over account-keeping at material balance areas;
- Databank maintenance;
- Scientific and methodology support to accountancy organization and maintenance at enterprises.
- Basic nuclear material accountancy requirements for facilities and other locations of nuclear material;
- Designation of a person responsible for nuclear material accountancy and control, sufficiently authorized to ensure effective functioning of the accountancy system;
- Provision of nuclear material-related information to SRNCU;
- Providing access to SNRCU and IAEA inspectors as appropriate for their inspection activities.

There are nearly 130 enterprises in Ukraine where nuclear material is available. Unfortunately, almost twenty of them have not yet completed the establishment of a nuclear material accountancy system.

There are a number of other problems needing solution. By far not all entities, which use or store nuclear material, have licenses as appropriate according to the legislation. SNRCU has no regional bodies of authority. Problems exist in identifying the amount of material in products where depleted uranium is used as biological protection.

PREPARATION FOR PROTOCOL ADDITIONAL APPLICATION

The Protocol Additional ratification and recognition of its requirements calls for further development of the state safeguards system. It is apparent that for the Protocol Additional to be implemented, it takes more than the state safeguards system functioning as stipulated in Article 67 of the Law of Ukraine, "*On the Use of Nuclear Energy and Radiation Safety*". With the introduction of the new IAEA safeguards system, its requirements cover not only those enterprises where nuclear material is available, but also nuclear fuel cycle enterprises including those decommissioned; institutions involved in research work in this area; enterprises manufacturing dual-use goods – and therefore, the system cannot be limited to two authorities though remaining the main ones.

Other ministries should create and commission safeguards system-related departments, and interfaces should be established with SNRCU, the latter to coordinate all safeguards-related activities. It is important that those interfaces be codified, i.e. that the function of the safeguards system operation assurance be included with the responsibilities of the relevant ministry department. It does matter not only in the process of preparing declarations, but also for additional access organization pursuant to the Protocol Additional requirements.

First of all, the SSNMAC regulatory and legal basis needs to be improved, specifically in need of revision are the Provision on the State System for Nuclear Material Accountancy and Control, Nuclear Material Accountancy Rules, and Provision on the Safeguards Agreement Implementation.

For the Protocol Additional to be implemented, a number of measures should be taken ASAP such as:

- develop and adopt a regulation specifying the procedure for preparation and submittal to IEAE of the initial and subsequent declarations pursuant to PA;
- identify a list of enterprises whose activities are subject to declaration;
- prepare information for drafting the initial declaration.

Joint work by all ministries supervising enterprises covered by the Protocol Additional requirements is a must in coping with these tasks.

To date, work is underway pursuant to the Protocol Additional Implementation Plan approved by the SNRCU Collegium.

Experience sharing among the state authorities responsible for SSNMAC functioning and among those enterprises that possess nuclear material will help avoid unnecessary expenditures of resources, improve the effectiveness of meeting the Protocol Additional requirements in Ukraine. In this respect, SNRCU attaches great importance to training/workshops, communication with colleagues during international events. It is due to international cooperation that SSNMAC has been successfully functioning and improving over all these years. It is by joining efforts only that we can expect the common goal – strengthening of the nuclear non-proliferation regime – to be reached.

Oleksandr Gryshutkin,
First Deputy Head of the State Service for Export Control of Ukraine

Ukrainian Export Control System as Part of the Global Non-proliferation Regime

The democratic processes currently underway in Ukraine affect all mechanisms of state power. They have also affected the state export control system of Ukraine not only as part of the state's controlling activities but also as a component of the global nonproliferation regime.

Ukraine strictly abides by the international commitments it assumed in the area of non-proliferation and supports the world community's action aimed at creating an effective countermeasure to the threats to peace and security associated with the spread of weapons of mass destruction and their delivery means.

In responding to the challenges the nonproliferation regime is confronted with, the world community not only fully employs the existing legal and institutional mechanisms, but also generates new ways to prevent the spread of nuclear and other weapons of mass destruction. The U.N. Security Council adoption of Resolution № 1540 indicated an effective involvement of U.N. in this process. Ukraine believes in unconditional observance of this Resolution. Amongst the new measures currently applied by the world community, we strongly support *the Cooperative Threat Reduction Program, Proliferation Security Initiative* and the G8 *Global Partnership against the Spread of Weapons and Materials of Mass Destruction*.

All the above-listed measures are wholly relevant for the system of export controls of Ukraine as one of the tools to implement those initiatives.

Pursuant to the Law of Ukraine *On Fundamentals of Ukrainian National Security*, one principle of national security assurance is "utilization of intergovernmental systems and international security mechanisms in the interests of Ukraine". Throughout the terrain of the former Soviet Union, Ukraine is the first state to have joined all multilateral international export control regimes without exception, namely: the Wassenaar Arrangement; Nuclear Suppliers Group; Zangger Committee; Missile Technology Control Regime, and Australia Group whose membership was granted to Ukraine in 2005.

The key objective of the State export control system of Ukraine is to create reliable mechanisms to counter the spread of weapons of mass destruction and their delivery means.

A long-standing cooperation with international organizations and foreign states in the area of geovernmental export control, the procedures and rules applied within the system of state expert control of Ukraine have addressed international legal norms and positive practice in this field.

To uphold national security interests and to comply with international commitments made, Ukraine maintains strengthened controls over international transfers and subsequent use of goods that can be can be used in the production of weapons of mass destruction including chemical, bacteriological (biological), and toxin weapons and their missile delivery means. Putting such controls in place is a key element of the national non-proliferation policy.

State policy in the area of state export control is developed based on the following main principles:

- Priority given to Ukraine's national interests – political, economic, and military, whose upholding is critical to national security;
- Mandatory fulfillment of Ukraine's international commitments on non-proliferation of weapons of mass destruction and their delivery means, establishment of state control over international transfers of military and dual-use goods as well as implementation of measures to prevent the said goods being used for terrorist and other unlawful purposes;
- Legality;

- Performing export control only to the extent necessary for accomplishment of its goals;
- Conformity of state export control procedures and rules with international law norms and practice;
- Interaction with international organizations and foreign countries in the area of state export control to strengthen international security and stability and to prevent proliferation of weapons of mass destruction and their delivery means.

To date, as a result of Ukraine's non-proliferation efforts, both legislative and regulatory bases for Ukrainian export control system are actually in place.

The legal basis for an export control system in Ukraine is represented by the Law of Ukraine On State Control over International Transfers of Military Goods and Dual-Use Goods*, other laws of Ukraine, President of Ukraine edicts and Cabinet of Ministers of Ukraine resolutions.*

Among others, the main provisions of this Law include:

- Identifying principles of the state policy in the area of state export control;
- Licensing procedure for conducting negotiations to conclude foreign-economic agreements (contracts) for export of military and dual-use goods or international transfers of such goods;
- Prevention of violations in the area of state export control;
- Imposing penalties and sanctions on violators of the legislation in the area of export control.

One should particularly emphasize the introduction into this Law of control over mediation (brokerage) activity, i.e. any action by a Ukrainian business entity that facilitates international military goods transfers, including financing, transporting, and forwarding of shipments irrespective of the origin of such goods and the territory of activity.

The underlying basis for barring proliferation is represented by appropriate provisions of the Law of Ukraine *On State Control over International Transfers of Military Goods and Dual-Use Goods* with Articles 6 and 17 prohibiting not only the granting of export licenses, but also the entry into contracts in the event that it contravenes Ukraine's national interests, international commitments, counter-terrorist objectives, and whenever there is a plausible reason to refer the goods in question to weapons of mass destruction or those designed to produce such weapons or their delivery means.

Moreover, other legislative provisions ban the export of specific goods to states subjected by the UN Security Council to embargo on their export and, again, whenever there are grounds to believe them to be designed for:

- Manufacture of weapons of mass destruction or their delivery means;
- Use for terrorist or other unlawful purposes;
- Use in activities related to the fabrication of nuclear explosive devices or IAEA-unsafeguarded nuclear-fuel-cycle activities;
- Use in activities related to the acquisition, creation, stockpiling or application of chemical weapons as warfare;
- Use in activities related to the acquisition, creation, stockpiling or application of pathogens and toxins as bacteriological (biological) and toxin weapons or their components.

To ensure adequate compliance of natural persons with the export control requirements and rules, the Supreme Council of Ukraine passed the following Laws of Ukraine during March and April 2003:

On Amending Article 333 of the Criminal Code of Ukraine, which provides pecuniary penalties for natural persons as well as a prison term of up to 5 years;

On Amending and Supplementing the Code of Administrative Offenses of Ukraine regarding administrative responsibility of natural persons for violations in the area of export control in the form of penalty charges imposed on these persons by the State Service for Export Control of Ukraine.

The above-said makes one confidently state that not only does Ukraine comply with its international WMD non-proliferation commitments, but it has also procured reliable means of preventing the spread of those weapons.

Ukrainian export control system as an inalienable part of the global non-proliferation regime incorporates the following:

- legislative and regulatory basis (legislation and regulations);
- national export control bodies (the Committee for Policy on Export Controls and Military-Technical Cooperation under the President of Ukraine and the State Service of Export Control of Ukraine);
- other bodies of administrative authority that take action in the area of export controls (Ministry of Foreign Affairs, Ministry of Defense, Ministry of Economy, Ministry of Industrial Policy, State Customs Service, State Nuclear Regulatory Committee, Security Service, Foreign Intelligence Service)
- business entities, which seek to or are carrying out international transfers of goods subject to State export controls (including goods that can be can be used in the production of weapons of mass destruction and their delivery means).

The mainstay of enterprise export control systems are relevant export control departments or enterprise officials nominated by the enterprise management. The said departments or officials ensure compliance by their enterprise with the export control legislation throughout the whole process of international goods transfers.

Export control procedures for international transfers of goods subject to state export control provide for:

- Registration of business entities, which seek to carry out international military goods transfers;
- Authorization of the business entities to carry out exports/imports of military goods;
- Establishment of export control internal compliance systems within the business entities;
- Issue of licenses or conclusions regarding international military and dual-use goods transfers or negotiations to conclude foreign-economic agreements (contracts) for exporting such goods;
- Customs clearance and customs control over goods pursuant to the the Customs Code of Ukraine;
- Receipt (issue) of guarantees for goods end-use and use location;
- Control over the end-use of goods by consumers and, if necessary, field verifications at declared locations of use or transit;
- Submittal by business entities of written reports on actually completed international goods transfers and on the use of those goods for the purposes declared;
- Responsibility for violations of the established order for international goods transfers.

Therefore, the Ukrainian export control legislative and regulatory basis covers all the phases of such control: from registration of business entities, which seek to carry out international military goods transfers down to verification of those goods use for the purposes designed. The above-said is a proof that there is legislative and regulatory basis sufficient for effective export control in place in Ukraine, that secures the priority of the state's national interests whose protection is

required to ensure national security and fulfill Ukraine's international commitments as to non-proliferation of weapons of mass destruction and their delivery means as well as obligations related to the ban or restriction of conventional arms supplies to "sensitive" states or regions.

Despite the availability of a sufficient legislative and administrative basis, what remains a challenge not only for Ukraine, but also for a number of other countries having chosen the path of democratic development and suppression of WMD proliferation threat, is urgent and comprehensive implementation in day-to-day business activities of the so-called "safety and non-proliferation culture".

A solution to this problem should be sought not only on the path of legislative improvement that has already achieved certain standards, but also in human mentality. Non-proliferation ought to become an imperative in personal convictions of specialists in this field and, above all, of enterprise managers.

The cultivation of "safety and non-proliferation culture" must start from cultivating "export control culture", and the following must be initiated with this regard:

- training programmes for specialists and separate ones for senior managers of enterprises;
- training programmes for state officials;
- programmes for creation and development of internal compliance systems at enterprises.

These programmes should develop based on both domestic resources and those obtainable as international aid, and their effective implementation will contribute to further development of the national export control system of Ukraine and provide a major input into the global non-proliferation system.

Serhiy Kondratov
Institute for National Security Problems under NSDC

On Certain Legal and Administrative Problems of Securing the Regime of Nuclear Non-proliferation and Reduction of the Threat of Nuclear Terrorism[2]

> The attacks of September 11, 2001 demonstrated that the threat of terrorist groups with global reach, bent on causing mass destruction, is not hypothetical but real. Al Qaeda has been actively attempting to get a nuclear weapon capability based on stolen nuclear material or nuclear weapons. Nothing could be more central to the security of every nation, therefore, than ensuring that nuclear weapons and their essential ingredients are secure and accounted for, wherever they may be: insecure nuclear material anywhere is a threat to everyone, everywhere.
>
> *Matthew Bunn*. Securing Nuclear Warheads and Nuclear Materials: Seven Steps for Immediate Action [3]

The things said by one of the leading modern non-proliferation experts, quoted as the epigraph to this article, yield that terrorism was a global challenge requiring common international community efforts to deal with. However, one should realize that such efforts will prove ineffective unless a systemic approach is applied both at the international and national levels, which specifically envisages development and implementation of measures to assure an essentially a new level of effort co-ordination, interaction and information exchange in this area. The article attempts a preliminary analysis of organization and management of certain modern Trans in countering the threat of nuclear terrorism and nuclear-weapon proliferation.

1. Assurance of interaction and information exchange as key to effective countering nuclear terrorism non-nuclear-weapon proliferation

In the 1990s the world community's action to assure an international nuclear nonproliferation regime was most concerned with illicit trafficking in nuclear material – one of the most dangerous phenomena that accompanied the collapse of the bipolar world order. To minimize it, the world community has developed a number of measures. The main ones are aimed at improving and creating systems for security, accountancy, and control of nuclear material along with export controls.

Despite the fact that in the second half of the 1990s the number of incidents of illicit trafficking in nuclear and other radioactive material tended to decrease, there was no substantial reduction of this hazard to be seen because since its very inception it has been considered in the context of the ever-increasing international terrorist threat. The new threats wanted a change in approaches, including those related to administrative and management decisions.

The need for such change was perceived at that time mostly at the expert level. Back in 1997, U.S. experts James Ford and Richard Schuller pointed out:

> The U.S. national security community has tended to approach nuclear security problems by focusing protective strategies on specific facilities. As a result, an integrated national strategy for analysis and management does not exist.

[2] The article contains the author's personal ideas that do not necessarily identify with the position of the Institute for National Security Problems under NSDC.

[3] *Matthew Bunn*. Securing Nuclear Warheads and Nuclear Materials: Seven Steps for Immediate Action. –Austrian Military Periodical, Special Edition, 2003.

In addition, the experts emphasized that:

> While the U.S. Material Protection, Control and Accounting (MPC&A) Program represents an integrated system of physical protection, material control, and material accounting measures designed to deter, prevent, detect and respond to unauthorized possession, use, or sabotage of nuclear materials, the system measures cover the materials only while they remain on site. There is no integrated follow-on system for search, detection, and reaction. On site, DOE has responsibility; off site, the Federal Bureau of Investigation has responsibility for the material's recovery. This fragmentation of responsibilities does not allow for continuity in management and analysis of a theft situation.

A similar approach had been assumed in many other countries and relevant international organizations. But the 11 September 2001 events could not help causing a drastic rethinking of the old approaches.

This rethinking has been and is underway specifically to create such counter-terrorist and counter-extremist management schemes, which would help drastically improve the effectiveness of cooperation between relevant national agencies and services along with international organizations, to reach a qualitatively better level of mutual information exchange between all parties to the struggle. In the meantime, the new management schemes are expected to eliminate both the present organizational gaps, on the one hand, and the unacceptable duplication of functions by relevant state bodies and international organizations, on the other hand.

2. *Some organizational aspects of U.S. response to the 11 September 2001 terrorist attacks, particularly in terms of nuclear and radiological terrorist threat*

The most radical changes in the organization of struggle against the terrorist threat took place in the U.S. and it is no surprise given that the U.S. was dealt the most severe terrorist blow in history followed by this country going on top of the world community's fight against terror.

2.1.Institution of the Department of Homeland Security

Back on 18 October 2001 President Bush officially announced the establishment of a new state agency to protect the U.S. against the terrorist threat – the *Office of Homeland Security* that was later reformed into the *Department of Homeland Security*. This governmental reorganization proved to be the largest-scale in the U.S. in the previous 50 years and intended to create a unified Federal department with the principal mission of protecting the country against terrorist threats, thereby implementing the principle of *countering the threat to national security being the responsibility of a unified federal body* (referring here to the *Department of Homeland Security*). The new entity incorporated 22 state bodies and agencies and over 180 000 of staff. Pursuant to the new National Security Strategy, the Department of Homeland Security (DHS) is charged with ensuring national security in six major areas, namely: 1) intelligence and pre-emption; 2) border & transportation security; 3) counter-terrorist efforts within the country; 4) protection of critical infrastructure and key facilities; 5) protection against the threat of using weapons of mass destruction; 6) emergency preparedness and response.

4 directorates were created within DHS to carry out activities in those areas: Border & Transportation Security*;* Emergency Preparedness and Response; Science and Technology in Service of National Security; Information Analysis and Infrastructure Protection.

The limitations of this article's dimensions do not make for an analysis of the DHS organization, distribution of duties and responsibilities in detail; therefore we will only briefly deal with the Border & Transportation Security Directorate.

2.2. DHS Directorate of Border & Transportation Security as an example of implementing new administrative approaches

The Directorate of Border & Transportation Security incorporates: The Coast Guard, The Customs Service, The Immigration and Naturalization Service, Animal and Plant Health Inspection Service as part of the Agriculture Department, and The Transportation Security Administration. The section is responsible for protecting the U.S. borders, territorial waters and the transportation system by way of centralized of information and databases that raise and control all the issues of border control over all customs processing ports. For instance, three years ago inspectors from three different Federal agencies inspected U.S. ports. Presently, all the three inspection functions have been consolidated under one team to create, so to speak, *"one face at the border"*. Furthermore, in order to control all customs processing ports, monitoring of all commercial shipments to the U.S. is planned. To this end, the *Container Security Initiative (CSI*) was launched, that provides for inspection of all maritime shipments in the country of origin. The section is also responsible for patrolling the border, making for inspector interaction at ports and patrols controlling the situation between the ports.
The Transportation Security Administration (TSA), being part of the Directorate, applies an in-depth defense principle to ensure aviation security, providing 100% passenger and baggage screening for commercial flights. TSA trains hundreds of pilots and authorizes their carrying of firearms on board airplanes. In addition, cockpit doors were reinforced in 6000 planes making commercial flights. On duty in the country's major airports are security-dog teams, responsible for detecting explosives.
116 airports and 16 seaports have launched the US-VISIT system that utilizes novel technologies for biomedical monitoring of entries in and departures from the country. Presently measures are underway to extend the system applicability to cover land border-crossing points.

Despite such radical changes in the U.S. security environment, American experts believe that[4]:

> After September 11, there can be no doubt that keeping nuclear weapons out of the hands of terrorists and hostile states is a fundamental part of ensuring the security of the U.S. homeland...
>
> Today, unlike the ingredients of homeland security embraced in the mandate of the office with that name, *there is no one person in charge of keeping nuclear weapons out of*
> *terrorist hands.* A patchwork quilt of important related programs is in place, spread through
> multiple Cabinet departments and independent agencies. Many of these are led by energetic
> and dedicated officials, and many of them are making significant progress in reducing the
> threat – but each is in its own "stovepipe," with no integrated overall plan. *There is no senior official anywhere in the U.S. government with full-time responsibility for leading and coordinating the entire panoply of related efforts, setting priorities, eliminating overlaps, seizing opportunities for synergy – and keeping the mission of moving these programs forward on the front burner at the senior levels of the White House every day, as Governor Ridge does for homeland security.* President Bush needs to appoint some

[4] *Matthew Bunn, John P. Holdren, Antony Wier.* Securing Nuclear Weapons and Materials: Seven Steps for Immediate Action. – Harvard University, 2002 (http://www.nti.org).

one in the White House, who reports directly to him, who has no other mission but this – some one tasked to wake up every morning thinking "What can I do to keep nuclear weapons out of terrorist hands today?"

The list of senior commissions and major reports that have highlighted this as a critical problem for U.S. efforts in these areas, and have called for the appointment of a senior official to correct the problem, is long. The current organizational structure of the government, with programs scattered through many departments and no senior leadership engaged on a daily basis at the White House, is simply not suited to the task of managing the huge range of programs needed to address this threat. *Effective and coordinated action to reduce these risks will require designating a senior, full-time point person for the effort, with appropriate staff and resources, and with direct access to and authority deriving directly from the President* – at least on the model of former Secretary of Defense William Perry's return to government to reshape the U.S. approach to the North Korean nuclear and missile threat in the Clinton administration, or of the White House Office of National Drug Control Policy, the office of the "drug czar" who leads U.S. anti-drug efforts, if not on the model of the Office of Homeland Security. *It is crucial that this be a full-time assignment*, and not simply another in the myriad tasks facing the Vice President or the National Security Advisor; for otherwise other distractions will inevitably intervene. It is also crucial that *such a coordinator have direct access to the President* – both to give the coordinator the ability to rapidly raise key policy matters for immediate resolution when necessary, and to keep the President's attention on these issues – and that he or she have the authority needed to get the job done.

2.3.Reforming the intelligence community

Pursuant to the 9/11 Committee recommendations, President Bush signed on 27 August 2004 Executive Orders that instituted National Intelligence Director *with enhanced powers of intelligence community management and The National Counterterrorism Center – a sort of a central data bank on known and suspected terrorists and international terrorist groups including their objectives, strategies, capabilities and contact networks. The Center will also be responsible for strategic planning of counter-terrorist activities. In addition, the President issued orders on additional measures to improve inter-agency exchange of information on terrorist activities.*

3. *Action taken by the European Union to enhance its role in combating international terrorism*

Immediately after 11 September 2001 the European Union adopted and began to implement an ambitious action plan in this area.[5]

1. *European Arrest Warrant* has been introduced. When, for example, a Swedish attorney issues an arrest warrant, the police of any other EU country shall execute the arrest and apply extradition procedures. What earlier was a political decision now is a legal procedure needing no intervention at the governmental level, which significantly expedites all necessary formalities.
2. *Joint investigation teams for criminal investigations* have been introduced. This means that law enforcement authorities of two or more member states can set up teams for criminal investigation. Hence, German and Danish police and prosecutors could work together with their Portuguese colleagues in Lisbon.
3. *Eurojust* has been created, a nascent EU law enforcement agency whose job is to improve the co-ordination of member states' law enforcement activities to help with assistance and extradition requests and to support investigations.
4. *Legislation on terrorist financing* has been adopted. Pursuant to the UN Security Council Resolution 1373, the EU compiled lists of individuals, groups, and organizations involved in terrorist activities and measures were taken to freeze their assets.
5. *EU police agency Europol has been given a new role in the fight against terrorism*. It is collecting, sharing and analyzing information about international terrorism and can participate in the joint investigative teams. It also assesses EU Member States' performance in fighting terrorism and other forms of serious international crime.

At first glance, those measures may seem quite simple to someone, but, when evaluating EU efforts one should keep in mind that we are talking here about a union of 25 member states, which cannot be viewed as the United States of Europe and which has no police nor army of its own.

The 11 March 2004 events in Madrid when the biggest terrorist attack in European history was perpetrated made a major impact on prioritizing its counter-terrorist activities by the European Union. Of particular attention is the EU position with respect to coordination of efforts in combating the threat of international terrorism. The European Council emphasized that a *comprehensive and coordinated approach is a mandatory condition for effective response to the terrorist threat.* In this connection, the European Council adopted a decision to institute the position of *Counter-Terrorism Co-ordinator* who will coordinate relevant Council activities and, as appropriate for the European Commission scope, will monitor the application of all available EU instruments in order to regularly inform the Council accordingly and ensure effective implementation its decisions.

4. *Certain specifics of organizational an administrative counter-terrorist measures recently implemented in the Russian Federation*

The Russian Federation can be referred to those world countries where not only a terrorist threat exists, but also the numerous bloody terrorist attacks having occurred over the recent years are a permanent factor of both internal and external policy. The terrorist attacks on Budyonnovsk (1995) and Kizlyar (1996), housing estate explosions in Buynaksk (1999), Moscow (1999), Volgodonsk (1999), taking hostages at the Dubrovka Theatre Centre (2002), assault on

[5] *European strategy in the fight against terrorism and the co-operation with the United States*, speech of Mr. Gijs De Vries, European Co-ordinator for counter-terrorism at the CSIS European Dialogue Lunch, Washington, 13 May 2004.

Ingushetia (2004) and the tragedy of the North Ossetia town of Beslan (2004) – those events alone have caused about 1000 of human deaths, leaving a few thousand injured.
However impressive this list of large-scale terrorist attacks in Russia may be, the Beslan events stand out for the number of casualties and hostages taken as well as the cynicism and cruelty of the terrorists. By those "parameters" the Beslan tragedy is considered comparable with the terrorist attacks on New York and Washington on 11 September 2001. The failure of the Russian security sector and intelligence to prevent such terrorist acts induced an extremely negative response in the Russian society and urged the RF leadership to take a series of measures to improve the effectiveness of combating terrorism. Immediately after Beslan the Russian Federation President V. Putin issued the Decree *"On Emergency Measures to Improve the Effectiveness of Counter-Terrorist Efforts"* (13.09.2004).
Pursuant to this decree, the Russian Federation government along with the Ministry of Defense, Ministry of Interior, Ministry of Emergencies and Mitigation of Natural Disasters, Ministry of Justice, Federal Security Service, Federal Service For Control For Trafficking In Narcotics were to develop and submit proposals on creating a new system of interaction between the forces and means involved in the settlement of the situation in the Russian Federation Northern Caucasus Region, and means to prevent and eliminate emergencies on Russian Federation territory.
In addition, the RF President instructed the government and relevant ministries and agencies to submit proposals on an *effective system of government-level emergency management*, including the development of adequate *measures to prevent terrorism in any form* (use or threat of use of arms and explosives including nuclear, radioactive, chemical, biological, toxin, poisonous, and virulent substances; taking hostages and other forms); to manage man-caused accidents and disasters along with their mitigation and timely notification of the public on emergencies or potential development of emergencies; adopting appropriate action plans for emergency response.
The same degree assigned to the Government along with the Federal Security Service and Ministry of Interior the responsibility to develop a set of measures to prevent manifestations of terrorism at transportation, energy, and communication facilities as well as popular venues of human assembly and educational and medical institutions; and enlist all high-hazard facilities throughout the Russian Federation.
What is peculiar about this Presidential decree is its designation of A. Safonov[6] as a Special Envoy of the President of the Russian Federation on the issues of fighting international terrorism and transnational organized crime. This designation addressed M. Bunn's proposal extended to the U.S. and Russia's Presidents, recommendatory of designating a senior full-time point person with direct access to his President in order to improve effort coordination, overcome inter-agency and bureaucratic hurdles, and bring the suppression of nuclear proliferation and nuclear terrorism to the highest level. Sadly, the White House has yet to designate such an official.
As believed by Chairman of Russia's State Duma Defense Committee V. Zavarzin[7]:

> Today it is not only a defiance of international law and human morality that international terrorism is demonstrating, but also a tangible and unquestionable threat to the Russian Federation security. We must not be intimidated by this terror. Our task is to improve the laws and create new opportunities for a more effective fight with terrorism at all its stages. Of course, there are top-priority draft laws.… They include draft laws on *combating terrorism and corruption.* It is impossible to fight terrorism without an anti-corruption law in place.… Corruption and terror are inseparably wedded one to another. This is exactly the reason why terrorists have

[6] Prior to this designation, A. Safonov had served as a Deputy Foreign Minister of Russia supervising Ministry-level counter-terrorists efforts.
[7] *T. Romanenkova* Sticking to the Constitution // Parlamentskaya Gazeta. – 22 September 2004.

huge funding, move freely throughout the country and beyond, remain undetected by the security sector, flee prisons if ever ending up in them at all.

V. Zavarzin believes that the international law needs to lay a fundamental legal basis designed to specify and legitimize the international community's struggle with international terrorism including the use of Armed Forces. In his opinion, it is not only the existing norms of international law that are imperfect in this struggle, but also the Russian Federation Law, which lacks identifications of terrorism and international terrorism as a socio-political phenomenon that poses a threat to the Russian Federation's national security. Such a threat yet to be stated, the use of Russian Armed Forces along with other military units in counter-terrorist operations is impeded.

On 12 October 2004, Russia's Government Head M. Fradkov held a meeting of the Federal Counter-Terrorist Commission that adopted the *Fundamentals of the State System for the Prevention and Elimination of Emergencies on the Russian Federation Territory*, as well as *Methodological Recommendations for Protection of Industrial, Energy and Science Facilities.*

In the opinion of Russia's Federal Security Service (FSB) Director M. Patrushev, which he stated on 8 October 2004 as a result of the 17th Session of the Council of CIS Heads of Security and Special Services, it is all branches of power in each State that must counteract terrorism rather than special services alone, and their activities must be concurrent and concerted. This "requires improving the legislative basis", that being "not in connection with this or that fact taking place, but due to the circumstances that have developed in the world". In support of his position, FSB Director stated as he spoke at the 29 October Duma meeting that "*for Russia it is necessary to create a consolidated management center to coordinate counter-terrorist efforts by the security sector and civil agencies"*. Furthermore, *permanent coordinating bodies for counter-terrorist activities* must operate "at the federal and regional levels" and there must be a "*consolidated national strategy for terrorism suppression, consolidated efforts by all branches of power as well as mass media"*.

Now, in what manner are the Russian leadership's intents to improve the effectiveness of counter-terrorist efforts being practically implemented, notably those at Northern Caucasus as the "hottest" spot? The system of counter-terrorist activities began to be reformed already after the guerilla invasion of Ingushetia (2004). All the Southern Federal District regions created Prompt Response Units *(PRU)*– permanent units based on the joint forces of FSB, Ministry of Interior, Interior Forces, and Ministry of Emergencies with a mission to carry out counter-terrorist operations. On 16 August 2004 (i.e. shortly before the Beslan events. – *S.K.*), the President received in Kremlin 12 colonels who had been made in charge of the new units[8]. A PRU Leader assumed the status of a Deputy Chairman of the Republican Counter-terrorist Commission, thereby becoming a second-to-Governor contact point for counter-terrorist efforts in the region. In the event of taking hostages or a guerilla invasion, the PRU Leader automatically becomes in charge of the operative staff and is authorized to adopt decisions without mandatory Moscow's approval. In this manner, an attempt was made to streamline decision-making by delegating the responsibility for counter-terrorist operations, a Soviet-era responsibility of the State Security Agencies, down to the regional level. Up until the Beslan events, they had been managed by heads of local FSB departments. Today this is no more a practice. The key role has been assumed by the Domestic Security Forces, and not only at the PRU level. According to the www.agentura.ru expert opinion, FSB is yielding ground in fighting terrorism, and not at Northern Caucasus alone. The Ministry of Interior must become a new stronghold on this front.

[8] According to the website www.agentura.ru

5. *A try at summarizing certain trends and proposals on resolving the organization and management problems of counter-terrorism at the national level*

The sections above discussed some trends in the organization of efforts to suppress international terrorism (including nuclear terrorism) and proliferation of nuclear weapons, as exemplified by the U.S., European Union, and Russia. Even a cursory look at the efforts made in this area by the two States and the interstate Union enables a number of essential, as the author believes, conclusions:

1. The efforts of all combatants against terrorism and WMD proliferation (nuclear proliferation above all) listed here are mainly focused on ensuring *a qualitatively new level of effort coordination, interaction and information exchange* among all relevant parties both nationally and internationally.
2. While the overall administrative-managerial approaches to solving this problem may largely vary, – from creating a giant entity such as the Department of Homeland Security (U.S.) in order to implement the principle *"one problem – one federal body*" to delegating major federal powers in conducting counter-terrorist activities down to the regional level (Russia), in any event the reference is made to a *unified crisis management system* to be instituted to include, in the author's opinion, a *national system of the terrorist and WMD proliferation threat suppression* as a subsystem.
3. Facing the most hazardous threat i.e. nuclear weapons ending up at terrorist hands, the U.S. experts' recommendation to set up a management hierarchy topped by *a senior U.S. Government official who would be busy full-time managing and coordinating all efforts in this area,* prioritizing, eliminating functional duplication, achieving synergy of interaction as well as *daily bringing the issues up to the highest level i.e. directly to the President*, can be considered adequate to the modern challenges and threats relevant not for the U.S. alone. A similar approach, though with variations, has been implemented in EU and Russia.
4. Realizing the fact that "Ukraine is not Russia" nor is it the U.S., and with the author's belief that, despite the lack of serious analytical assessments of the threat of terrorism and WMD proliferation (of nuclear weapons first and foremost) the listed threats have a significantly lower relevance for Ukraine than for the U.S. and RF together with for many European Union countries, still, *Ukraine may not overlook the main trends to be observed in this area*, all the more that it has reiterated its Euro-Atlantic ambitions following the recent Presidential elections.

5. Ukraine's further European and Euro-Atlantic integration progress will inevitably require referring the suppression of terrorism and proliferation of weapons and materials of mass destruction to the top priority, and hence a substantially higher level of coordination of efforts, interaction and information exchange in the field of nuclear non-proliferation and reducing the threat of nuclear and radiological terrorism. The fact that our country has yet a lot to accomplish on this path is attested by such existing problems to deal with: the lack of State-level assessment of the nuclear terrorism threat and of the so-called "design-basis threat" recommended by IAEA back in 1999; organizational, staffing, and technical errors impeding notable progress in putting up a "second line of defense"; uncertainty of Ukraine's position with respect to the Global Threat Reduction Initiative as regards developing its own nuclear fuel cycle and forswearing the use of highly-enriched uranium in research reactors etc.

6. The former year and the present one are special in the new Ukrainian history in terms of its future State machinery and general prospects as an equitable party to the European and world communities. On the other hand, the years 2005 – 2006 can be largely decisive in laying an

international legal basis for the world community's suppression of nuclear proliferation and nuclear terrorism as well as for intensifying Ukraine's role in this area. Notably, the 59th Session of the UN Assembly General adopted the text of *the International Convention for the Suppression of Acts of Nuclear Terrorism* that was made open for signature at the 60th UN Session and signed there by 44 countries including Ukraine. The 7 July 2005 IAEA Conference adopted the text of *Amendments to the Convention on the Physical Protection of Nuclear Material.* In 2005 practical activities were initiated for Ukraine to accede to the G8 Global Partnership. We should hope that the process of concentration of international community's efforts in this critical direction will not be neglected by the Ukrainian leadership during the period of reforming the whole system of State bodies, which will create favorable conditions for the implementation of new organizational and managerial approaches that stand up to the modern challenges.

7. Considering the above-said and addressing the recommendations made by U.S. experts in nuclear non-proliferation and suppression of nuclear terrorism, it is the author's belief that the coordinator role of NSDC in this area should be reinforced while considering an organization scheme to be implemented, under which the problems of suppressing (nuclear) terrorism and WMD (including nuclear) proliferation would be *made the responsibility of one of the deputies to NSDC Secretary.* For information and analytical support to NSDC activities in this area, *it would be worthwhile to create a relevant department within the NSDC* and *NSDC science and research institutions.*

Nowadays, in an environment of certain political instability due to the constitutional reform and forthcoming parliamentary elections in Ukraine, the country's political leadership does not treat the issues of nuclear non-proliferation and suppression of nuclear terrorism as priority ones, which cannot help being a concern for the world community that considers international terrorism as its most dangerous challenge. Therefore, events such as the International Conference devoted to possible ways of G8/Ukraine cooperation under the Global Partnership, scheduled for late January 2006, will surely be instrumental to our State's orientation in the issues of nuclear non-proliferation and responding to the threats of nuclear terrorism.

Olga Kosharna,
Institute for National Security Problems under NSDC

SUBJECTIVE NOTES ON THE IAEA DIRECTOR GENERAL MOHAMED ELBARADEI'S NOBEL LECTURE

The 10 December award of the Nobel Peace Prize to the International Atomic Energy Agency (IAEA) and its Director General Mohamed ElBaradei for their efforts aimed at preventing the use of nuclear energy for military purposes and ensuring its peaceful uses in the safest manner is, without exaggeration, an outstanding event of this year.

In his Nobel Lecture M. ElBaradei made a special emphasis on today's specifics of nuclear non-proliferation and disarmament. According to the laureate, the landscape unfortunately features processes to the contrary: the emergence of an extensive black market in nuclear material and equipment; the proliferation of nuclear weapons and sensitive nuclear technology; and the stagnation in nuclear disarmament.

Over the last years, the IAEA activities have been focused on combating illicit trafficking in nuclear material and technology as well as on streamlining nuclear disarmament in nuclear-weapon states. Following the 11 September 2001 attacks, IAEA together with the international community launched a worldwide campaign to keep nuclear and radiological material out of the hands of terrorists. Of particular concern was then and is now the protection of nuclear facilities and nuclear material and securing powerful radioactive sources. An unquestionable accomplishment in this direction is the adoption at the 4–8 July 2005 Conference of Amendments to the Convention on the Physical Protection of Nuclear Material, which are meant to reinforce the provisions of the existing Convention and extend the applicability of requirements to physical protection of nuclear facilities and nuclear material, as well as tighten the liability for security violations.

Yet another important area is tightening controls over the production of nuclear material that can be used in the manufacture of nuclear weapons. IAEA encouraged states to immediately join in the Protocol Additional to the Safeguards Agreement. As of 25 November 2005, 106 IAEA Member States have signed the Protocol Additional, with its actual entry into force in 69 of them. Furthermore, Iran and Libya volunteer to observe the Protocol Additional requirements although having not yet ratified it in an official manner. On 16 November 2005, Ukraine finally ratified that Protocol as well, after a period preparatory to the ratification that had lasted over 5 years, complicated by domestic policy circumstances.

IAEA is continuously seeking ways to enhance the effectiveness of nuclear material control. Thus in 2004, a study was launched at IAEA Director's General initiative to explore ways to resolve the problem of the front and back ends of the nuclear fuel cycle in terms of non-proliferation safeguards and safeguarded supplies and services. As a response to that initiative, on 22 February 2005 an Expert Group Report entitled *Multilateral Approaches to the Nuclear Fuel Cycle* (INFCIRC/640), was submitted to the IAEA Director General, that provided a thorough analysis of the policy, legal, security, economic, institutional and technological incentives and disincentives relating to multilateral fuel cycle arrangements on the most proliferation-sensitive ends of the the nuclear fuel cycle. The study identified problem solution options of significance for subsequent review. The non-proliferation value of a multilateral arrangement is measured by the various proliferation risks associated with national or multilateral nuclear facilities.

These risks include the potential for diversion or theft of fissile materials, the diffusion of proscribed or sensitive technologies to unauthorised entities, the development of clandestine parallel programmes (the risk is drastically reduced if the facility is international).

In his Nobel Lecture ElBaradei reiterated his hope that the solution to the proliferation problem lies in bringing the front and back ends of the nuclear fuel cycle up to the multinational level. In that case no one country would have exclusive control over any such operation. He also made a point that he was planning to set up a reserve fresh fuel bank, under IAEA control, to let every country get the fuel needed for its bona fide peaceful nuclear activities. This, he believes, will entitle IAEA to act as a guarantor of supply, which will remove the incentive – and the justification – for each country to develop its own fuel cycle. This will be followed by a next step – preparing a moratorium on new national facilities and entering into multinational arrangements for enrichment, fuel production, waste disposal and reprocessing of spent fuel.

To date, however, the concept of safeguarded nuclear fuel supplies in exchange for cessation of the full nuclear cycle development is not very heartily welcomed by the Non-Alignment Movement states. At the recent NPT Review Conference they called such an approach 'ill-balanced'. Reference was made to the lack of comprehensive safeguards of uninterrupted supplies, to the potential for the supply mechanism to be used as an instrument of political pressure, to the economic detriment of such a mechanism for certain countries and to the presence of national security threats. Indicative here is the position held by Iran that, despite the existing problems and unprecedented political pressure, continues to insist on its inalienable right to develop nuclear fuel cycle elements within NPT and, first and foremost, to enrich uranium for the production of nuclear fuel for NPPs. Developing countries also believe in the need to strengthen measures against illicit spread of nuclear technology, but not to the detriment of its peaceful uses. Most non-nuclear-weapon states oppose to the ill-balanced and selective approach to NPT implementation, particularly as regards shifting the focus from disarmament onto non-proliferation alone.

15 years after the end of the Cold War, but the major nuclear-weapon states maintain their arsenals on hair-trigger alert – such that, in the case of a possible launch of a nuclear attack, their leaders could have only 30 minutes to decide whether to retaliate, risking the devastation of entire nations in a matter of minutes. In his lecture M. ElBaradei called upon the nuclear-weapon states to reduce the strategic role given to nuclear weapons and intensify their nuclear disarmament efforts. In this sense he spoke in support of the Non-Alignment Movement states, which urged nuclear-weapon states at the May NPT Review Conference in New York to abandon the leading role of nuclear weapons in their defense doctrines, which, combined with ceasing to develop new types of nuclear weapons, will effectively facilitate progress in strengthening of the nuclear non-proliferation regime.

But the key nuclear non-proliferation problem, the IAEA Director General believes, is "how do we create an environment in which nuclear weapons – like slavery or genocide – are regarded as a taboo and a historical anomaly?"

Sadly, this plea appears too idealistic for the moment being. It is not only because of the double-standard policy still existing, once again demonstrated at the May New York Conference, when the U.S. declined the Non-Alignment and the New Agenda Coalition appeals to nuclear-weapon states to consistently follow the 13 nuclear disarmament steps identified in the 2000 Review Conference Final Document. The U.S. vociferated their inalienable right to have its own sway in determining the pace and procedures of nuclear arsenal reductions. The cold-war stereotypes rooted in the mass conscience of nuclear-weapon-state citizens make them associate their national security and strength with nothing but the ownership of nuclear weapons. Thus, according to the poll by the All-Russian Civil Opinion Research Centre[9], 22% of Russians believe that availability of nuclear weapons makes a state a great one. Indicative of Russia is the

[9] Arms Control & Security Letters. – 2005. – № 7.

fact that a mere 27% of Russians associate a state's greatness with observance of human rights and freedoms. Such are the concepts that haunt nuclear-weapon states' societies, since the soil for their growth is richly fertilized by the state policies implemented accordingly.

Certainly, the award of the Nobel Peace Prize to IAEA and its Director General Mohamed ElBaradei is a recognition of this organization's merits in the world community's efforts against the use of nuclear energy for military purposes, for strengthening of global security and improvement of human living conditions in the poorest countries by introducing nuclear and radiation technology in medicine, agriculture and other branches of economy.

Yet, as one reads M. ElBaradei's Nobel Lecture one is haunted by the idea that the IAEA Director General being, without exaggeration, a citizen of the world, despite his extensive life experience, remains a great romantic. He believes that the world can be made safer due to "creative multilateral engagement and active international cooperation, where the strong are just and the weak secure", using "the positive aspects of globalization" that "enable nations and peoples to become politically, economically and socially interdependent, making war an increasingly unacceptable option."

Well, it is romantics that prop the world, giving hope for the future.

Darina Fridman,
Press-Secretary to the Chairman of the State Nuclear Regulatory Committee

NORTH KOREA'S NUCLEAR-WEAPON STATUS. DIPLOMACY MAKING ANY SENSE?

"Why could people invent atomic weapons, but cannot take control over it?" – "It is very simple, my dear ones, because politics is much more complex than physics".
Albert Einstein (1879–1955)

Fabulous, mysterious, shocking, alluring – those are epithets used by offspring of the Western civilization in expressing their attitude to Asia. This half-mystical continent has always attracted attention of the West due to its deliberate separateness, isolation, and active resistance to any impact from the outside. Asia was repeatedly intruded from the West (Greeks, Romans, crusaders, XVI–XVII-century colonists): someone would set out on a long journey seeking to gain glory and riches while others, new impressions. For that part of the world was the cradle of first civilizations which originated a few millennia A.D. It was there that the worldwide religions were born as well– Buddhism, Christianity, and Islam.

The modern political map of Asia encompasses almost half a hundred of independent States. They belong to different socio-political systems, appear on various tiers of economic development, and pursue self-standing foreign policies. Yet are there many in their midst (except, of course, such industrial giants as China, South Korea, and Japan) that would dare dictate their own terms in diplomatic relations with the world's most developed States? The preeminence in this "uneasy job" rightfully goes to North Korea. Now what is the secret behind this special favor done to a country that does not feature economic achievements, and furthermore – has never disguised its inimical attitude to the West?

Since its inception in 1948, the People's Democratic Republic of Korea (PDRK) has been developing in a separate manner. Possessing a mighty military potential, it has taken an especially aggressive posture towards the U.S. and its nearest neighbor South Korea. Besides, PDRK possesses advanced technology for the production of close-range and mid-range missiles and is one of the world's leading exporters of that technology – Egypt, Iran, Libya, Pakistan, and Syria manufacture their military missiles based on it. It was namely the "missile threat" on the part of PDRK that had yielded one of the reasons for deploying the U.S. National Anti-Missile Defense System.

The world community's greatest concern, however, is the nuclear program that North Korea began to implement in early 1950s, assisted by the USSR and China.

The history of events that led to the so-called North Korea Nuclear Crisis looks as follows.

In 1964, PDRK built the Yongbyon Nuclear Scientific Research Center, and a Soviet-made research reactor was commissioned there in 1965. The facility was eventually enlarged: a plutonium-processing plant was built (a radiochemistry laboratory). Around mid-1980s news was released that PDRK had learnt to produce plutonium required for the production of an atomic bomb.

The Nuclear Non-Proliferation Treaty (NPT) was signed by North Korea in 1985, but it never authorized inspections by the International Atomic Energy Agency (IAEA). In response, the U.S., Japan and other countries, concerned with the possibility of nuclear weapons to be created in PDRK, urged the country to permit international inspections on its territory. A Nuclear Safeguards Agreement between PDRK and IAEA was signed and ratified in 1992 only. In that same year North Korea commissioned a nuclear accelerator, obtained as part of technical assistance from IAEA and assembled with Soviet specialists' assistance.

In 1993, PDRK first announces its intent to depart from NPT. According to NPT, 90 days shall pass since the State-Member's application of departure from the Treaty until the decision becomes effective. On the 89th day North Korea stopped the NPT departure procedure it had initiated.

The Framework Agreement between PDRK and the U.S., signed in 1994 in Geneva, bound North Korea to freeze and eventually completely deconstruct its nuclear program facilities. As to the United States, it committed to providing economic support from the outside and building two nuclear power plants. In December 1999, the U.S.-led International Consortium signed an associated contract totaling $4.6 billion.

July 2000, – Pyongyang threatens to unfreeze the nuclear program unless the U.S. compensates for the losses incurred due to lack of electric energy since the promised NPPs had never been built. We should note that the construction of a nuclear power plant initiated in the North Korean town Sinpho was suspended by the U.S. due to the nuclear crisis.

Two years later the U.S. Intelligence claimed that North Korea had received equipment for the production of highly-enriched Uranium from Pakistan. Shortly thereafter the U.S. Department of State advised PDRK that it was aware of the nuclear program that Pyongyang was implementing contrary to its non-proliferation commitments. On 16 October the North Korean leadership admits to continuing development of nuclear weapons in the country. In response, the U.S. suspended their supplies of black oil carried out under the 1994 Framework Agreement that provided for North Korean plutonium-producing facilities to be conserved. In late 2002, PDRK announced a renewal of the nuclear program allegedly for peaceful production of electric energy. They began to remove the seals and monitoring cameras set up by IAEA to monitor the decontaminated facilities. On 31 December Pyongyang forced the IAEA inspectors to leave the country, thereby disabling IAEA to monitor North Korean nuclear activities.

On 10 January 2003, PDRK reiterates its departure from NPT. According to Pyongyang, the departure took place automatically, since in 1993 when North Korea originally voiced its intent 89 days had been complete before the suspension of the decision to depart from the Treaty. Late in 2003, Pyongyang unfroze and commissioned a 5MWt reactor, and early in the next year work was initiated, according to various sources, to unfreeze the radiochemistry laboratory mentioned above.

In February 2005, North Korea proclaimed itself a nuclear-weapon state, yet there is no direct proof of nuclear weapons being available in PDRK. In particular, no nuclear test has ever been conducted on the country's territory. On 9 September 2004, however, a powerful explosion occurred in PDRK's northernmost inland province of Yanggang. Recorded by a U.S. satellite, it was met with an outrageous response from Washington, where it is not dismissed that the explosion may have been linked precisely with nuclear weapon tests.

According to U.S. agency *Washington ProFile*, CIA experts are convinced that it is an easy task for North Korean nuclear specialists to manufacture nuclear weapons:

"It suffices to recall that the USSR after a destructive war managed to create its own nuclear weapons literally within five years. Why can this not be done by the absolutely militarized North Korean regime?"

According to the estimates of John Wolfstahl of the Carnegie Endowment for International Peace, North Korea is capable of annual production of up to 190 kg of plutonium. It is enough to manufacture 50 nuclear warheads.

Therefore, many specialists converge in believing North Korea to possess nuclear material sufficient enough to manufacture six to eight nuclear warheads.

Multilateral nuclear crisis settlement talks involving Russia, China, the U.S., Japan and both Korean States, have been underway in Beijing since 2003. All parties advocate the non-nuclear status for the Korean Peninsula, yet it is unclear so far whether the goal will be achieved.

The fourth – most productive as of today – round of the six-party talks, resumed after a break announced on 7 August 2005 (in late July the parties spent 13 days in Beijing fruitlessly trying to reach agreement on the summary document text, whereafter they decided to take a timeout), resulted in signing a common statement reading that PDRK was renouncing further nuclear program development and would accede NPT in the near future. In addition, North Korea would agree to let IAEA inspectors access its facilities. In response to Pyongyang's concessions, the other parties to the talks committed to providing assistance to PDRK in the form of petroleum and electricity supplies, as well as admitting PDRK's right to peaceful uses of nuclear energy. In addition, the U.S. claimed that it had no intent to attack North Korea or occupy it. It was also emphasized that the United States kept no nuclear weapons on the Korean Peninsula. South Korea, in its turn, committed to obtaining and stationing no nuclear weapons on its territory. The question of providing PDRK with a light water reactor that Pyongyang requested in exchange for the old nuclear program based on the use of graphite-decelerator reactors will, according to the document, be discussed "in due time".

Once the statement was signed, the mass media worldwide immediately started referring to significant progress in the settlement of the North Korea Nuclear Crisis. They spoke too soon. The optimism that emerged due a breakthrough in the six-party talks was quickly quenched when Pyongyang somewhat detailed the succession of its action.

On 20 September the PDRK leadership informed that it would accede to NPT only when the issue of building NPPs on the North Korean territory has been solved.

Washington urged North Korea to pursue an opposite succession: first renounce the nuclear military programmes and get back under NPT, and only then a light water reactor.

In response to that, the PDRK Government claimed on 21 September that the United States was intent on using nuclear weapons and razing North Korea to the ground.

According to the Korrespondent.net information (of 21 September 2005), North Korean State-owned mass media maintain that Washington disguises under the six-party talks its objective to weaken PDRK to eventually deal a nuclear blow on the disarmed country.

"It poses no difficulty to trace the genuine intent of the U.S. in the six-party talks. Briefly: they want to disarm us and then crush with their nuclear weapons. But we will not be frightened by threats!", writes North Korean governmental periodical *Rodong Sinmun*.

A few days later the reasons for such defiant behavior on the part of PDRK became known. On 25 September the North Korean leadership announces that the country is in possession of a "convincing means of deterrence" against a nuclear attack by the United States.

What that means exactly was, Pyongyang failed to clarify. However, the release published in the North Korean newspaper *Minju Joson* included a statement that "nuclear weapons are no longer a U.S. monopoly".

In this context it becomes evident the U.S. company *Harris Interactive* was a bit too hasty to publish the outcome of a poll conducted this September. The target of the poll was to find out whom Americans believe to be their friends and whom, enemies.

Most respondents listed United Kingdom (74%), Canada (48%), Australia (44%), Israel (41%) and Japan (30%) as U.S. allies. A negative attitude is experienced by Americans towards Pakistan (18% of respondents named it an enemy), China (15%), South Korea (14%), Columbia (11%) and France (10%). All in all, 25 countries of the world were referred to. Surprisedly, North Korea was not on the list although a similar poll by Gallup in February 2005 resulted in identifying Iraq and North Korea (22% of votes) "the most outspoken" America's enemies.

This November the fifth round of the six-party talks in Beijing ended in nothing, whereafter a meeting of PDRK and U.S Finance Ministry representatives was scheduled for 9–11 December. However, it never took place due to Pyongyang's refusal that blamed it on "provocative sanctions" on the part of the U.S. Immediately after the fourth round of the talks ended the

United States accused 8 commercial companies that had dealings with PDRK of smuggling weapons of mass destruction. Accusations were voices with respect to a Macao-based bank: it had allegedly been involved in money-laundering contraband of counterfeit U.S. dollars for PDRK. The companies' accounts in U.S. banks were frozen. Later the Korean Peninsula Energy Development Organization (KEDO) officially abandoned the project of construction NPPs with light water reactor-based NPPs in PDRK, agreed between the U.S. and PDRK in 1994.
Shortly thereafter the Americans announced that they were disrupting food supplies to North Korea.
Responding to that action, Pyongyang demands that the U.S.-imposed sanctions be lifted, otherwise North Korea will refuse to resume the talks. And they do mean it. The U.S. Administration recently came up with a proposal to hold an unofficial meeting of chairmen of the Parties to the Six-party Talks. South Korea was the first to support the U.S. initiative and even proposed a venue for such a meeting – Cheju Island on the Southern Coast of the Korean Peninsula. Pyongyang's response is yet to follow.
Such defiance on the part of PDRK, according to many researchers of this issue, is not accidental. They believe that Pyongyang is resuming its policy of political and economic blackmail – a means that proved effective in 1993, when North Korea let the United States that promised to contribute to the utterly pauperized country's development to convince itself to stay within NPT. Nowadays North Korea needs new economic guarantees and political support. It is quite likely that PDRK is jacking up the price for its future concessions.
What is incomprehensible in the given situation is the U.S. position. Why are not we hearing Washington-style threats to Pyongyang? What is the reason for such a lenient attitude towards a country being part of the "Axis of Evil" and suspected of possessing weapons of mass destruction?
Analysts tend to believe that the United States hopes the Kim Jong Il regime will soon disperse all by itself. But it is highly unlikely. Within the country, at least presently, nobody and nothing poses any threat. Pyongyang's policy, despite of the close-to-collapse economic situation, faces no serious popular opposition.
The U.S. passivity in settling the North Korea Crisis infuriates those that do not believe in convincing PDRK to forego its "nuclear ambitions" by means of political concessions and economic reward. "The United States and their allies evade the fact that the North is a militant dictatorship that acquires and maintains its power by force, looting the wealth of its enslaved citizens and threatening to do the same to its neighbors… There is only one solution: the United States and its allies must abandon the suicidal policy of appeasement." (Elan Journo, "TheRealityCheck.Org", 4 October 2005).

The principal hazard engendered by the current circumstances is believed by Georgy Bulychev (Research Director, Center for Contemporary Korean Studies, Russian Institute of Global Economy and International Relations (IMEMO), to lie in tempting other countries watching the North Korea events to join the game of "nuclear roulette".

KALEIDOSCOPE

Serhiy Kondratov

S&N Deputy Editor-in-Chief
Senior Researcher, Institute for National Security Problems under NSDC

SWEDISH-UKRAINIAN CO-OPERATION IN NUCLEAR NON-PROLIFERATION IS EXPANDING

Our journal has already discussed the bilateral cooperation between Sweden and Ukraine in the field of nuclear non-proliferation and countering the threats of nuclear terrorism. This cooperation commenced immediately after Ukraine gained independence and has been non-stop whatever the international political situation may have occurred. For most Ukrainian specialists who have had the opportunity to cooperate with the Swedish Nuclear Power Inspectorate and other Swedish State Authorities, to cooperate with them has come to be associated with a considerate attitude to our problems, unbiased assessments and genuinely equal standing in our relations although it is the Swedish side that has been providing considerable financial and technical assistance to Ukraine in this area. Despite the unilateral nature of financial and technical assistance, we can often hear from our Swedish colleagues that the cooperation has been mutually beneficial, that they are enriched by the joint work experience and seeking ways to solve the problems in this area as well as just by communicating with Ukrainian colleagues. Such an appreciation is another proof that the Ukraine/Sweden relations in this domain are special and reveal not only high human qualities of the Swedish representatives, but also Sweden's staunch position with respect to nuclear disarmament and non-proliferation and its high appreciation of Ukraine, which, by having renounced nuclear weapons, has made a major contribution to the preservation of NPT being the basis for the nuclear non-proliferation regime.

Therefore, it is no surprise that despite the scrupulous approach to selecting partners in Ukraine on the part of SKI, their circle is constantly expanding. For instance, as Deputy Head of the SKI International Co-operation Programme Lars van Dassen came on the most recent working visit, the list of permanent, time-tried partners: the State Nuclear Regulatory Committee; the Scientific and Technical Center on the Export and Import of Special Technologies, Equipment, and Hardware; the National Scientific Center of Kharkiv Physical-Technical Institute and a few others; was joined by but yet another one – the Institute for National Security Problems under the National Security and Defense Council of Ukraine that was contracted on 2 December 2005 to provide support in the implementation in Ukraine of IAEA approaches to the process of State assessment of threats to nuclear facilities and nuclear material as well as development and adoption of the design-basis threat concept.

On photo: Deputy Head of the International Co-operation Programme, Swedish Nuclear Power Inspectorate Lars van Dassen and First Deputy Director of the Institute for National Security Problems Petro Kopka are signing a cooperation contract.

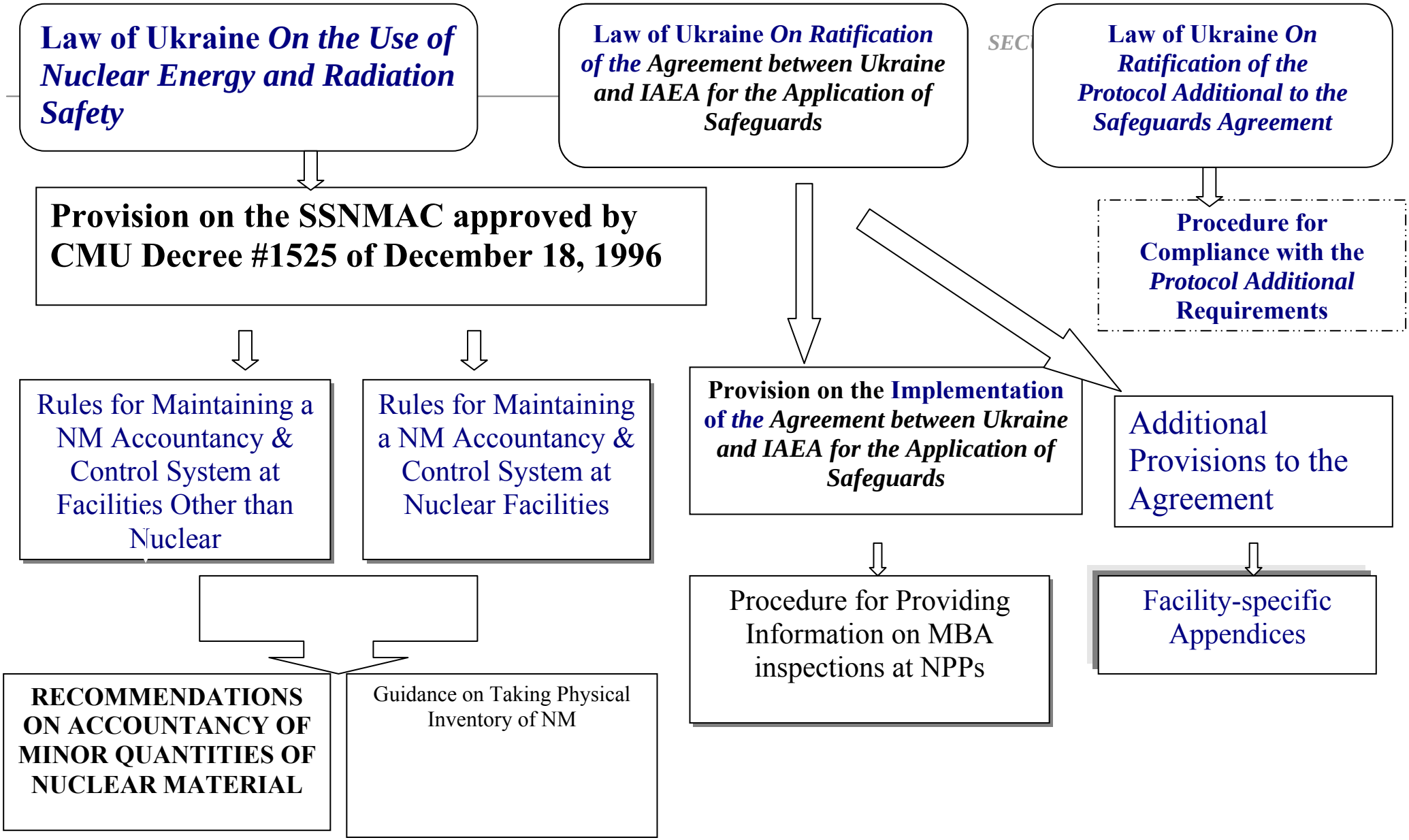

Figure1. A Chart of Legislation and Regulations for the Application of IAEA Safeguards and SSNMAC Functioning

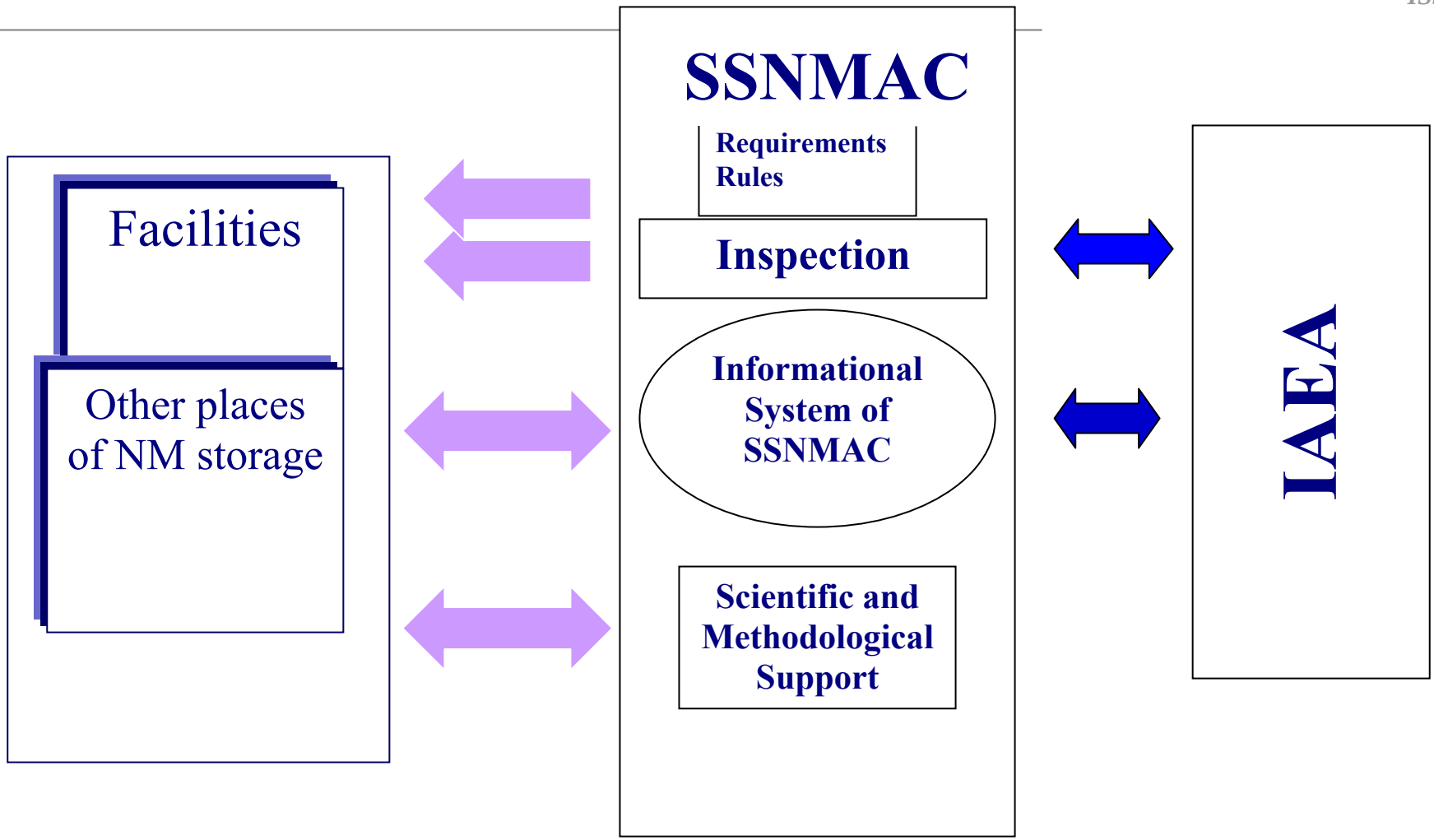

Figure 2. A Chart of Operation of State System of Nuclear Materials Accountancy and Control