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Recent Developments in the NIS

Update on Activities of the Center for Industrial Development Projects in St. Petersburg

The Center for Industrial Development Projects (TsPRP), located in St. Petersburg, is Russia's first Expert Center created to assist industry and customs officials in product identification.[1] TsPRP received license No. 1 issued by the Russian Ministry of Economic Development and Trade on January 21, 2002, granting it permission to perform identification of goods and technologies for export control purposes. TsPRP is also the first Russian organization able to perform an independent identification of a wide range of goods (nuclear, chemical, biological, and missile). In addition to product identification services, it provides scientific-technical information and other assistance, such as the identification of Foreign Economic Activity Commodity Classification (TNVED) codes; aid in obtaining licenses and permits for foreign business transactions involving goods and technologies covered by export control regulations; and consultations on questions of organization and management of foreign economic activities and on proper customs registration.[2]

The Center conducts 15,000 product identifications per year. The cost of an identification procedure is \$50-70, which covers identification of 5 types of products by in-house experts. If the identification requires technical assistance from outside experts and/or on-site examinations of the products, the cost of the identification procedure may increase to \$200.[3]

According to the Center's management, the system of product identification precludes corruption, since exporters do not know what experts are providing the evaluation and, therefore, cannot bribe them. The Center's main problem is a lack of technical equipment, and, more specifically, mobile equipment (e.g. spectrographs, radiological measuring devices, and other equipment) that can be used for on-site product identification at companies located outside St. Petersburg.[3]

Sources: [1] For more information on Russia's Expert Centers, see "Special Report: Interview with Sergey Yakimov, Director of the Department of Export Control at the Russian Ministry of Economic Development and Trade," *NIS Export Control Observer*, No 3, March 2003, p. 17. [2] "Informatsiya o Tsentre Proektov Razvitiya Promyshlennosti" (Information on the Center for Industrial Development Projects), Promotional brochure, TsPRP website, <<http://www.excont.ru>>. [3] Interview with Sergey Mikhaylov, deputy head of the Export Control Department at the Russian Ministry of Economic Development and Trade, March 27, 2003.

Kazakhstani, Chinese Customs Agree to Share Statistics, Cooperate on Scrap Metal Issues

At a February 21, 2003 meeting in Almaty, Kazakhstan, Chinese and Kazakhstani customs officials signed an agreement, under which the two countries will exchange customs information on a quarterly basis. The information exchange is intended to help both sides detect violations of export control laws. The two sides also agreed to meet annually to discuss further areas of cooperation in the field of customs and border security.[1] Until the two countries determine a formal procedure for information exchange between their customs administrations, communications and information exchange will be conducted through diplomatic channels.[2]

At a follow-up meeting in March 2003 in Almaty, customs officials from both countries expressed the need for additional cooperation to resolve recurring problems, such as the return of Kazakhstani scrap metal from China. Chinese customs officials have been returning train carriages filled with scrap metal to Kazakhstan, alleging that the metal is radioactive. The Kazakhstani side claims all scrap metal sent to China from Kazakhstan is adequately screened before it is sent. According to Nysangali Kozhakhmetov, head of the Radiological Department of the Kazakhstani Sanitary-Epidemiological Service, the Chinese replace non-radioactive Kazakhstani scrap metal with radioactive scrap believed to originate in Russia or Kyrgyzstan, which they then send to Kazakhstan in the returned cars.[3,4,5]

In an attempt to find a temporary solution to the problem, in November 2002, Kazakhstani Prime Minister Imangali Tasmagambetov ordered Kazakhstani customs not to accept returned railcars from China without a ruling from the Kazakhstani Ministry of Health. Tasmagambetov also recommended that radiation detection equipment be set up on the border with China. Tasmagambetov's attempts to curtail the return of railcars from China was unsuccessful, however, as Chinese authorities returned 80 railcars, allegedly

containing radioactive material, to Kazakhstan between December 2002 and January 2003. Kozhakhmetov indicated that he will propose that the Chinese government form a special commission to help resolve the matter.[4]

Sources: [1] Kazakh TV1, February 21, 2003; in "Kazakhstani, Chinese customs sign agreement on exchange of statistics," FBIS Document CEP20030222000006. [2] CNS Communication with Daniyar Kerimbekov, Kazakhstani Customs Administration, April 16, 2003. [3] Interfax-Kazakhstan, March 19, 2003; in "Kazakhstani, Chinese customs discuss ways of dealing with radioactive cargo," FBIS Document CEP20030319000355. [4] "Lomovaya istoriya: Radioaktivnaya napryazhennost na kazakhstansko-kitayskoy granitse" (Scrap Metal Saga: Radioactive Tension on the Kazakhstani-Chinese Border) *Ekspress K*, No. 12 (15172), January 22, 2003, p. 2. [5] "Scrap metal returned to Kazakhstan," *NIS Export Control Observer*, February 2003, p. 13, <http://cns.miis.edu/pubs/nisexcon/pdfs/ob_0302e.pdf>.

New Law Regulating Military and Dual-Use Transfers Goes into Effect in Ukraine

On March 13, 2003, President Leonid Kuchma signed Ukraine's new export control Law No. 549-IV *On State Control over International Transfers of Military and Dual-Use Goods*. [1] The law, passed on February 20, 2003 by the Supreme Rada (Ukrainian Parliament) by 387 votes out of a total of 450, [2] aims to promote the principles of Ukraine's export control policy, which include the following: protecting Ukraine's national interests; preventing the proliferation of weapons of mass destruction and means of their delivery; limiting the transfer of conventional weapons; and adopting measures to prevent the use of military and dual-use goods for terrorism and other illegal activities. [3,4] The law lays down the foundation of the state export control system in Ukraine and defines export control as a multitude of activities regulating international transfers (export, re-export, and temporary export and import) of military and dual-use goods, technologies, and services. [1]

The law reiterates the governmental institutions responsible for export control policy and delineates their respective prerogatives. Hence, the Supreme Rada creates the legislative foundation for state export control policy, while the president provides overall guidance in this sphere, and the National Security and Defense Councils coordinate and oversee activities of government agencies involved with export controls. The Cabinet of Ministers is responsible for the fulfillment of export control policy, which is implemented by a specially designated government agency on export control and other authorized ministries and government agencies. [1] Under the new law, the Cabinet of Ministers is responsible for establishing a procedure to control international transfers and for compiling a list of dual-use goods. [4] It must be noted that although the law mentions a "specially designated government agency on export control," it does not describe its composition nor does it specify whether this entity already exists or will be formed in the future. However, the law stipulates that members of this agency cannot be chosen among representatives of firms or organizations that might have a stake in the export control licenses requested.

In accordance with the law, certain chemical, bacteriological, biological, and toxic substances as well as certain types of nuclear materials are classified as dual-use goods. [3] The law also provides a definition for military goods, which include the following: military products such as weapons, munitions, military and special equipment; military equipment spare parts; explosive substances; as well as materials and equipment intended for the development, production and use of aforementioned goods. [1] In addition to this, the law contains a "catch-all" clause, stipulating that export control procedures can be applied to commodities not included in the control list if there is information that they can be used by the end-user for WMD development. [1]

The law also defines export/import licensing procedures and charges the specially designated government agency on export control with the responsibility for issuing export/import licenses after conducting examinations of license requests. [1,5] In accordance with the law, there are three types of licenses: individual, general (for export to designated end-users), and open-ended (export to various end-users in the same country). The applicant organizations must have internal compliance systems in order to apply for general and open-ended licenses. [1]

Section II, Article 15 of the law establishes a time frame for the examination of license requests for the export and/or re-export of military and dual-use goods. License requests for the export and/or re-export of military goods should be examined by the specially designated body within 45 days. The examination of license requests for the export and/or re-export of dual-use goods must be accomplished within 30 days.

License requests for the import, transit, and temporary export and/or import of goods with the purpose of demonstration at trade shows, marketing promotion, or tests when such transactions do not entail the transfer of ownership rights should be examined within a 15-day period.[1] In addition, the law codifies the definitions of such crucial export control terms as “international transfer of goods,” “embargo,” “dual-use goods,” “state export control,” and “international import certificate.”[4] Sanctions for violating the law’s provisions range from a fine in the amount of 150 percent of the contract value to a fine in the amount of 100 minimum wages for less grave infringements.[1]

Sources: [1] For the full text of the law visit the official website of the Research Center for Nonproliferation Problems (Ukraine), <<http://www.rcnp.kiev.ua/>>. [2] “VR prinyala v tselom Zakon ‘O gosudarstvennom kontrole za mezhhdunarodnymi peredachami tovarov voyennogo naznacheniya i dvoynogo ispolzovaniya’ ” (The Supreme Rada adopted the Law ‘On state control over international transfers of military and dual-use goods’) in its entirety, LIGA Online – Ukrainian Information Business Portal, February 20, 2003; Integrum Techno, <<http://integrum.com>>. [3] “Prinyat zakon ‘O gosudarstvennom kontrole za mezhhdunarodnymi peredachami tovarov voyennogo naznacheniya i dvoynogo ispolzovaniya’ ” (The Law ‘On state control over international transfers of military and dual-use goods’ is adopted), Elektronniye vesti (Kiev), February 22, 2003; Integrum Techno, <<http://integrum.com>>. [4] “V Ukraine poyavilsya Zakon, reguliruyushchiy vopros gosudarstvennogo kontrolya v oblasti mezhhdunarodnoy peredachi tovarov voyennogo naznacheniya i dvoynogo ispolzovaniya” (A new Ukrainian law regulates the question of state control in the field of international transfer of military and dual-use goods), LIGA Online – Ukrainian Information Business Portal, March 13, 2003; Integrum Techno, <<http://integrum.com>>. [5] “Prezident Ukrainy Leonid Kuchma podpisal zakon o gosudarstvennom kontrole za mezhhdunarodnymi peredachami tovarov voyennogo i dvoynogo naznacheniya” (President of Ukraine Leonid Kuchma signed a law on state control over international transfers of military and dual-use goods), Uatoday.net, March 13, 2003; *Monitor Voyennikh Novostey* (Monitor of Military News), Research Center for Nonproliferation Problems (Ukraine), <<http://www.rcnp.kiev.ua/>>.

Eurasian Economic Community (EURASEC) Discusses Export Control Issues; Additional Regional Grouping Launched

At a February 28, 2003 meeting of the Integration Committee of the Eurasian Economic Community (EURASEC), the prime ministers of EURASEC member countries discussed draft agreements on export control and mechanisms for protecting domestic markets.[1] In a related development, on March 21, 2003, the Council of Heads of Customs Services of EURASEC held its nineteenth meeting in Almaty, Kazakhstan. The participants discussed a draft agreement, “Conceptual Foundations for Creating an Information Resource Exchange System,” which, in the opinion of Berdibek Saparbayev, chairman of the Kazakhstani Customs Control Agency, will be the basis for defining basic principles of information exchange between the customs services of EURASEC member states.[2]

The Eurasian Economic Community (EURASEC) is an international organization created on the basis of the “Treaty Establishing the Eurasian Economic Community,” which was signed by the heads of states of Belarus, Kazakhstan, Kyrgyzstan, Russia, and Tajikistan in Astana, Kazakhstan, on October 10, 2000.[3] EURASEC is the successor to the CIS Customs Union, which was created by Belarus, Kazakhstan, and Russia in January 1995 and later joined by Kyrgyzstan (1996) and Tajikistan (1999). The main objectives of EURASEC, sometimes referred to as the “Eurasian Five,” are the creation of a customs union and a unified economic space among its member states. The governing bodies of EURASEC include the following: the Interstate Council, which is the supreme governing body of EURASEC and is comprised of heads of states and prime ministers; the Integration Committee, which is the executive body of EURASEC and is comprised of deputy prime ministers; the Interparliamentary Assembly, which is the main body of interparliamentary cooperation and is comprised of the parliamentary delegations of EURASEC member states; and the Community Court, which is the main judicial body responsible for the unified application of treaties within the Community and for arbitrating economic disputes between member states. The Interparliamentary Assembly is located in St. Petersburg, and the Integration Committee has headquarters in both Almaty and Moscow. The Secretary-General of EURASEC is Grigoriy Rapota (Russia) and the Deputy Secretary-General is Serik Primbetov (Kazakhstan). Moldova and Ukraine maintain observer status within EURASEC.

Three members of EURASEC—Belarus, Kazakhstan, and Russia—joined Ukraine to form yet another regional organization on February 23, 2003, when the presidents of the four countries signed a statement calling for the creation of a single economic space, to be known as the Organization of Regional Integration (ORI). The ORI, initiated by presidents Nazarbayev and Kuchma, calls for the free and equitable movement of goods on the territories of the four states and ultimately for a free trade zone, possibly with a single currency. The ORI is open for membership and will be launched in September 2003.[4]

Sources: [1] Rustam Babayev, "Eurasian Economic Community to discuss control over export," ITAR-TASS, February 27, 2003; Lexis-Nexis Academic Universe, <<http://lexis-nexis.com>>. [2] "Krepnet tamozhennoye sotrudnichestvo" (Customs cooperation is being strengthened), *Kazakhstanskaya pravda*, March 22, 2003; Integrum Techno, <<http://integrum.com>>. [3] See the full text of the Treaty Establishing the Eurasian Economic Community, which was signed on May 22, 2001 and went into effect on May 30, 2001, the official website of the Interparliamentary Assembly (IPA) of the Eurasian Economic Community at <http://www.mpa.eurasec.ru/engl_hm/establishment_en.htm>. [4] "Presidenty Rossii, Belorussii, Kazakhstana i Ukrainy podpisali zayavleniye o namerenii sozdat edinoye ekonomicheskoye prostranstvo" (The Presidents of Russia, Belarus, Kazakhstan, and Ukraine Signed a Memorandum of Understanding on the Creation of a Unified Economic Space"), ITAR-TASS, February 23, 2003.

Lukashenko Signs Edict on Foreign Military Cooperation

On March 11, 2003, President of Belarus Aleksandr Lukashenko signed Edict No. 94 *On Measures Regulating Military and Technical Cooperation of the Republic of Belarus with Foreign States*. The new edict lists the categories of military goods and services subject to export controls and defines the principles governing state policy in the sphere of military technical cooperation. These include the protection of Belarussian national interests and the fulfillment of its international commitments under the Nuclear Non-Proliferation Treaty and other international agreements.[1]

The edict also defines the responsibilities of government agencies involved in the export control system (Articles 1.5 – 1.11). Under the edict, the President determines state policy for military technical cooperation, and makes decisions on establishing or revoking such cooperation with foreign governments (Article 1.5). The State Secretariat of the Security Council prepares proposals for the President on state policy on military technical cooperation, the establishment of military technical cooperation with foreign governments, and the leasing of military goods (Article 1.9). The Council of Ministers creates a framework for implementation of state policy on military technical cooperation, publishes regulations related to dual-use goods, concludes intergovernmental agreements on military technical cooperation, and defines procedures for licensing the export of goods (Article 1.7).

The Security Council's Interagency Commission on Military Technical Cooperation and Export Control has a major role in the licensing process (Article 1.6), as all export licenses have to be approved by the Commission, before being issued by the Ministry of Foreign Affairs, which is the licensing authority.[2,3] The Committee for State Control sees that export control regulations and laws are properly implemented (Article 1.8). Other agencies participating in the licensing process are the Ministry of Defense, the Committee for State Security, the State Customs Committee, the Ministry of the Economy, and the National Academy of Sciences. The edict entered into force the day of its publication.[1]

Sources: [1] "O nekotorykh merakh po regulirovaniyu voyenno-tekhnicheskogo sotrudnichestva Respubliki Belarus s inostrannymi gosudarstvami" (On Measures Regulating Military and Technical Cooperation of the Republic of Belarus with Foreign States), Ukaz Prezidenta Respubliki Belarus – 2003 god, No. 94, March 11, 2003, President of Belarus website, <http://www.president.gov.by/rus/president/Office_Docum/ukaz/2003/ukaz94.html>. [2] Alexander Baichorov, "International Regimes of Non-Proliferation and the Export Control Policy of the Republic of Belarus," Belarus MFA website, <http://www.mfa.gov.by/eng/publications/3.htm>. [3] *Natsionalnyy otchet Respubliki Belarus o politike eksportnogo kontrolya, eksporta vooruzheniy i voyennoy tekhniki v 2001/2002 godu* (National Report of the Republic of Belarus on Export Control Policy and Arms and Military Technology Policy for 2001-2002), Belarus MFA website, <http://www.mfa.gov.by/rus/publications/9.htm>.

Changes in NIS Export Control Personnel

New Appointee to the Russian Export Control Commission

On January 21, 2003, Russian President Vladimir Putin signed Edict No. 66, appointing Viktor Pyarin, former deputy general director of the Federal Agency for Government Communications and Information (FAPSI), to the Export Control Commission.[1] Additional changes in Commission membership can be expected in the near future due to the March 2003 reorganization of the federal government. These changes, however, will not have a significant impact on the Commission's activities.

The current list of Commission members was approved by the Presidential Edict No. 607 of June 17, 2002 and includes the following members:[2]

A. Kudrin	Deputy Head of Government, Minister of Finance (Chairman of the Commission)
I. Klebanov	Minister of Industry, Science and Technologies (Deputy Chairman)
I. Materov	First Deputy Minister of Economic Development and Trade (Deputy Chairman)
S. Yakimov	Head of Export Control Department at Ministry of Economic Development and Trade (Executive Secretary)
E. Antipenko	Deputy Minister of Atomic Energy
A. Brindikov	First Deputy Minister of Industry, Science and Technologies
Yu. Vishnevskiy	Head of Gosatomnadzor (Russian Federal Inspectorate for Nuclear and Radiation Safety)
Yu. Zaostrovstev	Deputy Minister of Defense
A. Karlin	First Deputy Minister of Justice
A. Kaulbars	Deputy Head of State Customs Committee
Yu. Koptev	Director General of Rosaviakosmos (Russian Aerospace Agency)
S. Lebedev	Director of Foreign Intelligence Service (SVR)
A. Letyago	Deputy Head of Main Directorate of Armed Forces General Staff
G. Mamedov	Deputy Minister of Foreign Affairs
G. Mesyats	Vice President of Russian Academy of Sciences
V. Mikhaylov	Head of Defense Industry Department, Russian Government Administration
A. Nozdrachev	Director General of Russian Conventional Weapons Agency (RAV)
Z. Pak	Director General of Rosboyepripasy (Russian Munitions Agency)
V. Pospelov	Director General of Rossudostroyeniya (Russian Shipbuilding Agency)
M. Fradkov	Director of Federal Tax Police Service (FSNP)
O. Chernov	Deputy Secretary of Security Council
Yu. Shlemov	Deputy Minister of Education
A. Shmakov	First Deputy Director General of Russian Control Systems Agency (RASU)

The main functions of the Commission are:

- To formulate measures facilitating the development and improvement of the export control system in the Russian Federation;
- To coordinate the development of lists of controlled goods and technologies;
- To propose new regulatory documents that will increase the effectiveness of export controls;
- To examine issues related to international cooperation in the area of export control;
- To coordinate the work of federal agencies involved in international export control regimes, in order to safeguard Russia's national interests and priorities;
- To monitor the export control policies of foreign countries, in order to prevent discriminatory trade restrictions against Russian high-technology and knowledge-intensive products; and develop relevant recommendations for the President and government;
- To examine disagreements arising between federal government agencies in the course of export control activities, and to develop recommendations for the resolution of such interagency frictions;
- To issue licenses for the export of goods and technologies on the basis of the catch-all provision in Russian law;
- To allow or deny the export of controlled goods and technologies without a license, following a procedure established by the government;
- To make recommendations to the government on revoking the export rights of organizations violating export control legislation.

The Commission membership is subject to approval by the President. Commission meetings are held at least once each quarter, or more often if necessary. Commission members must attend the meetings in person; substitutions are not allowed. Resolutions are adopted by a simple majority in an open vote. All

resolutions are recorded in a protocol and are binding on all federal agencies represented in the Commission.

Sources: [1] Presidential Edict No. 66, *O vnesenii dopolneniya v sostav komissii po eksportnomu kontrolyu Rossiyskoy Federatsii, utverzhdenyy ukazom Prezidenta Rossiyskoy Federatsii ot 17 iyunya 2002 g. No. 607*, January 21, 2003; in Referent Legal Database, <<http://web.referent.ru/1/14198#10?10>>. [2] Presidential Edict No. 207, *O sostave komissii po eksportnomu kontrolyu Rossiyskoy Federatsii*, June 17, 2002; in Referent Legal Database, <<http://web.referent.ru/1/34241>>.

New State Holding Company Established in Kazakhstan

On March 14, 2003, the government of Kazakhstan issued a decree establishing a state holding company, OAO Kazoboronprom, which will bring under its umbrella 23 (according to other sources – 24) defense enterprises, which were formerly subordinated to the Ministry of Defense, Ministry of Energy and Mineral Resources, and the Defense Industry Committee of the Ministry of Industry and Trade.[1] The newly created national holding company was later renamed Kazakhstan-Engineering.[2] The holding company will also include scientific research institutes, once part of the Soviet Ministry for Medium Machine-Building (Minsredmash) system, as well as the state enterprise RGP Kazspetseksport, aircraft repair plants in Aktyubinsk and Almaty, and an armored vehicles plant in Semipalatinsk.[1]

The former Akim (governor) of East Kazakhstan Oblast, Vitaliy Mette, was appointed president of Kazakhstan-Engineering. His nomination was announced on February 26, 2003, by Kazakhstani Prime Minister Imangaly Tasmagambetov, during the inauguration ceremony of the new East Kazakhstan Akim, Talgatbek Abaydildin that took place in Ust-Kamenogorsk. According to the prime minister, Mette was chosen because he has a military background, a degree in engineering, and experience in nuclear power plants. In 1970, Mette graduated from the Naval Academy of Engineering in Sevastopol and later served on nuclear submarines.[3]

The Board of Directors of Kazakhstan-Engineering was approved by a government decree on April 9, 2003. Head of Presidential Administration Nurtay Abykayev was appointed Chairman of the Board. Other members are First Vice Minister of Industry and Trade Aleksandr Andryushchenko, Deputy Defense Minister Nikolay Pospelov, and Chairman of the Committee for State Property and Privatization at the Ministry of Finance Maksutbek Rakhanov.[4] The government believes that the new state company will help revitalize Kazakhstani defense enterprises and the defense industry as a whole.[5]

Sources:[1] “Sozdannaya natsionalnaya kompaniya ‘Kazoboronprom’ obyedinit 23 predpriyatiya oboronnogo kompleksa respublikii” (Newly created national company ‘Kazoboronprom’ will unite 23 enterprises of the defense complex of the republic), Kazinform, March 15, 2003, <<http://www.kazaag.kz/showarticle2.php?articleID=28064>>. [2] CNS Interview with a representative of the Defense Industry Committee of the Kazakhstani Ministry of Industry and Trade, April 2003. [3] “V strane sozdayetsya novaya natsionalnaya kompaniya. Proizoshla smena rukovodstva VKO” (New national company created. New Akim in East Kazakhstan Oblast), *Panorama* online edition, No.8, February, 2003, <<http://www.panorama.kz/info/index.asp?yearfolder=2003&num=08&NumArticle=04>>. [4] “Postanovleniyem Pravitelstva proizvedeny naznacheniya v sovetu direktorov natskompaniy” (Government decree appoints members of the board of directors of the national company), Kazinform, April 9, 2003, <<http://www.kazaag.kz/showarticle2.php?articleID=30821>>. [5] Adil Dzhaliylov, “Sozdana natsionalnaya kompaniya ‘Kazoboronprom,’ ” (National company ‘Kazoboronprom’ established), *Panorama* online edition, No.11, March, 2003, <<http://www.panorama.kz/info/index.asp>>.

Export Control Working Group Formed in Kyrgyzstan

By Nikolay Ryaguzov

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With the purpose of implementing the Law *On Export Control* adopted by the Kyrgyz Republic in March 2003, the Kyrgyzstani government issued directive No. 121 on March 17, 2003, establishing a permanent interagency working group consisting of export control experts.[1] As stipulated in directive 121, the working group is tasked with developing the legal foundation for the implementation of a system of export controls over dual-use goods, selected raw materials, equipment, technologies, scientific and engineering information, and services that could be used in the development of weapons of mass destruction, delivery vehicles or other weapons and military hardware. The directive also specifies the work schedule of the working group, with the following deliverables:

- Within two months after the adoption of the Directive, the working group will prepare a draft government decree on the implementation of the law on export control, and make proposals to bring the legislative acts of the Kyrgyz Republic in compliance with the provisions of the aforementioned law;
- During the first half of 2003, the working group will develop a statute on the order of implementation of export controls in Kyrgyzstan, and prepare other legal acts regulating the operation of the export control system; these documents will be submitted to the Kyrgyz government for consideration by July 1, 2003;
- During the second half of 2003, the working group will prepare a draft of the Kyrgyzstani national list of controlled goods and submit it to the government for consideration in the first quarter of 2004;
- The working group will submit progress reports to the office of the prime minister on a quarterly basis.

The government directive authorizes the head of the working group to engage experts from ministries, state committees, administrative departments, state commissions, companies, and other organizations, if their participation is required to complete the tasks described above.

As of April 2003, the working group of experts on export control issues includes the following members:

Oleg Chechel	Deputy Defense Minister, Head of the Working Group
Marat Kenzhisariyev	Head of Military and Technical Cooperation Office, Ministry of Defense
Adylbek Kurbanov	Head of Export Control and Licensing Department, Office of Military and Technical Cooperation, Ministry of Defense
Nikolay Ryaguzov	Chief Specialist, Export Control and Licensing Department, Office of Military and Technical Cooperation, Ministry of Defense
Zheyenbek Sadykov	Head of Chief Directorate for Enterprise Development and Creation of New Industries, Ministry of Foreign Trade and Industry
Bolot Musabayev	Chief of Non-tariff Policy and Export Control Section, Ministry of Foreign Trade and Industry
Zhyldyz Duysheyeva	Chief Specialist, Non-tariff Policy and Export Control Section, Ministry of Foreign Trade and Industry
Marat Usupov	Head of UN and International Security Office, Ministry of Foreign Affairs
Arslanbek Umetaliyev	First Secretary of UN and International Security Office, Ministry of Foreign Affairs
Ergin Abdykadyrol	Head of Customs Policy Department, Ministry of Finance
Mukhtar Surov	Staff member, Military Counterintelligence Office, National Security Service (upon approval)
Akylbek Berbayev	Chief Inspector of Customs Division, Customs Control Office, Department of Customs Service of the Incomes Committee, Ministry of Finance
Mussa Osmonaliyev	Head of Armaments Office, Kyrgyzstan Border Service
Lyudmila Merenkova	National Academy of Sciences

Source: [1] "Export Control Law Adopted in Kyrgyzstan," *NIS Export Control Observer*, No. 3, March 2003, p. 2, <http://cns.miis.edu/pubs/nisexcon/pdfs/ob_0303e.pdf>.

International Supplier Regimes

NIS Membership in Multilateral Export Control Regimes

Country	NSG	ZC	MTCR	WA	AG
Armenia					
Azerbaijan					
Belarus	June 2000				
Estonia					
Georgia					
Kazakhstan	May 2002				
Kyrgyzstan					
Latvia	1997				
Lithuania					
Moldova					
Russia	January 1978	August 1974	October 1995	December 1995	
Tajikistan					
Turkmenistan					
Ukraine	April 1996	May 1997	May 1998	July 1996	
Uzbekistan					

NSG—Nuclear Suppliers Group: Also known as the "London Club," the NSG was established in 1975 to ensure that nuclear exports are made only under appropriate safeguards, nonproliferation conditions, and other restraints. The NSG also works to restrict exports of sensitive items that can contribute to nuclear weapons proliferation. The USSR participated in the London Club, along with Canada, France, FRG, Japan, the United Kingdom, and the United States in 1975, but the NSG guidelines were not formally published by the IAEA until January 1978.

ZC—Zangger Committee: Formally known as the Non-Proliferation Treaty Exporters Committee, and, informally, by the name of its original chairman, the ZC was established in 1971 to implement the nuclear Nonproliferation Treaty's export control restrictions by developing a "trigger list" of special fissionable materials and equipment and materials especially designed or prepared for the processing, use, or production thereof.

MTCR—Missile Technology Control Regime: Formally established in 1987, the MTCR is an informal non-treaty association of governments desiring to control the transfer of certain delivery vehicle technologies, thereby reducing the risk for proliferation of weapons of mass destruction.

WA—Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies: Created by 33 states in 1996, the Wassenaar Arrangement fosters regional and international security through promoting transparency and greater responsibility regarding the transfer of conventional arms and dual-use goods and technologies.

AG—Australia Group: Established in 1985, the Australia Group is an informal export control arrangement through which 33 countries coordinate their national export controls to limit the supply of chemicals and biological agents—as well as related equipment, technologies, and knowledge—to countries and non-state actors suspected of pursuing chemical or biological weapons capabilities.

International Export Control and WMD Security Assistance Programs

First Stage of 2003 EXBS Assistance Provided to Tajikistan

On February 18, 2003, U.S. Ambassador to Tajikistan Franklin Huddle presented equipment worth \$500,000 to the Tajikistani State Border Protection Committee and the Customs Committee as part of the U.S. Export Control and Related Border Security (EXBS) assistance program.[1] According to a U.S. Embassy official in Dushanbe, this constitutes the first part of the EXBS program in Tajikistan for 2003, which will be implemented in three stages and be worth a total of \$1.8 million.[2] In the first stage of the EXBS program, the Tajikistani border protection and customs authorities received 64 Barrett base radio stations, 47 mobile and 32 portable shortwave radio sets, 10 diesel generators, 5 computers, and 2,500 sets of winter gear for border guards. The first stage of the EXBS assistance program in Tajikistan also included a training course in which 10 customs officers and 15 border guards were instructed by U.S. specialists on using radio equipment in mountain terrain.[1,2] The donated equipment will be used by the Tajikistani border protection and customs authorities to reinforce security in areas bordering Afghanistan and China.[2] Commenting on the U.S. assistance, Chairman of the Tajikistani State Border Protection Committee Abdurahmon Azimov stated, “the assistance the U.S. government has provided to Tajikistani border guards and customs officers is timely and important as never before.”[1]

Editor’s note: The Export Control and Related Border Security (EXBS) program is funded by the U.S. Department of State and is administered by the U.S. Customs Service’s Office of International Affairs. Through the EXBS program, the U.S. Customs Service maintains a network of EXBS advisors in 10 locations who have program responsibility for a total of 25 countries. EXBS activities cover all countries in Eastern Europe, the NIS states of the Caucasus and Central Asia, as well as Turkey, Cyprus, and Malta. The main objectives of the EXBS program are border infrastructure improvement, facilitation of interagency cooperation, and promotion of regional cooperation among foreign border control agencies.[3]

Sources: [1] “USA Grants 500,000 Dollars Worth of Aid to Tajik Border, Customs Committees,” Interfax, February 18, 2003; BBC Monitoring International Reports, February 18, 2003; Lexis-Nexis Academic Universe Database, <<http://www.lexis-nexis.com>>. [2] Galina Gridneva and Valeriy Zhukov, “US provides aid to Tajikistan border and customs services,” ITAR-TASS, February 18, 2003; Lexis-Nexis Academic Universe Database, <<http://www.lexis-nexis.com>>. [3] David Harrell, “Customs role in international nonproliferation security,” U.S. Customs Today, October 2001, <http://www.customs.ustreas.gov/xp/CustomsToday/2001/October/custoday_international.xml>.

United States Donates Dosimeters to Kazakhstan

In March 2003 the United States presented the Kazakhstani Border Guards Service and Customs Control Agency 22 sets of dosimeters valued at \$200,000. U.S. Ambassador to Kazakhstan Larry Napper said that the U.S. administration attaches great significance to developing border control systems in Kazakhstan. Napper noted that in 2001, the United States gave 30 vehicles, over 70 telecommunications sets, and over 300 binoculars and night vision goggles to both Kazakhstani agencies.[1]

Source: [1] “SShA peredali pogranichnoy i tamozhennoy sluzhbam RK dosimetricheskoye oborudovaniye na summu \$200 tys” (The United States gave the border and customs services of the Republic of Kazakhstan dosimeters worth \$200,000), *Kazakhstan Today* online edition, March 6, 2003, <<http://www.gazeta.kz>>.

Harvard Report Calls for Accelerating U.S. Programs to Secure Nuclear Materials in NIS

In a report entitled [Controlling Nuclear Materials: A Report Card and Action Plan](#) issued March 12, 2003, experts at the influential Harvard University Project on Managing the Atom urged the United States to intensify its efforts in the NIS to keep nuclear weapons and materials out of the hands of terrorists and hostile states. According to the report, U.S. threat reduction programs have secured and destroyed enough nuclear material for thousands of nuclear bombs, but most of what needs to be done to keep nuclear weapons out of terrorists’ hands has not yet been completed, and the pace of progress is unacceptably slow.

By late 2002, the report notes, only slightly more than one-third of the potentially vulnerable nuclear material in Russia had been protected by initial “rapid” security upgrades. Moreover, it stated, scores of research reactors fueled with highly enriched uranium around the world remain dangerously insecure.

The report calls for “intensive sustained leadership” at the highest levels of the U.S. government to advance U.S. threat reduction programs and urges the appointment of a single senior leader in the White House with full-time responsibility and accountability for leading the effort. It also urges that the United States establish a focused program to remove all nuclear material from the world’s most vulnerable sites as rapidly as possible, while providing financial and other incentives to facilities to convince them to give up nuclear-weapons-usable materials.

Embargoes and Sanctions Regimes

Raytheon Pays \$25 Million in Fines for Attempted Exports to Pakistan

On February 27, 2003, the Raytheon Company settled a United States Justice Department civil complaint over an attempted sale of communication systems to the government of Pakistan in violation of U.S. export control laws. Under a December 1994 contract with the government of Pakistan, Raytheon attempted to sell troposcatter communications equipment, which uses high-powered microwave transmissions reflected off of the earth’s lower atmosphere for long-range communications. Troposcatter systems have been used by the U.S. military where line-of-sight radios—radio systems whose path from transmitter to receiver is unobstructed—cannot be used due to topography or harsh conditions. Over the years, Raytheon has sold such systems to the U.S. Department of Defense only, except for one U.S. government approved foreign military sale to the United Arab Emirates.

In the settlement, Raytheon admitted that it had failed to seek additional information from the U.S. Department of State as to whether the system was listed under the U.S. export control list. Under the terms of the settlement, Raytheon will pay a \$25 million penalty. \$20 million of this penalty will go to the U.S. Customs Service, \$3 million will go to the Department of State, and \$2 million must be used by Raytheon to upgrade its export control compliance program. As part of the agreement, the company agreed to appoint an outside special compliance officer to monitor Raytheon’s compliance with national export control regulations. The officer will report both to Raytheon senior management and to the State Department’s Office of Defense Trade Controls.[1,2]

Source: [1] “Settlement of Raytheon Export Control Violation Case,” Office of the Spokesman, February 28, 2003, U.S. Department of State website, <<http://www.state.gov/r/pa/ps/2003/18086.htm>>. [2] “Raytheon Company Pays \$25 Million to Resolve Claims it Attempted Illegal Exports to Pakistan,” Press Release, February 27, 2003, U.S. Department of Justice website, <<http://www.usdoj.gov/usao/ma/presspage/Feb2003/Raytheon-civil%20settlemnt.htm>>.

Dispute between Canadian World Wide Minerals Ltd. and Kazakhstan over Export License Settled by U.S. Supreme Court

On February 25, 2003, the U.S. Supreme Court recently issued a ruling ending a dispute between the Canadian company World Wide Minerals Ltd. (WWM) and the Republic of Kazakhstan. According to a press release circulated on March 6, 2003 by state-owned Kazatomprom, the Supreme Court refused to permit WWM and its subsidiary, Nuclear Fuel Resources Corporation, to appeal a previous ruling by the District of Columbia Court of Appeals in favor of Kazakhstan and Kazatomprom.[1]

WWM began its activities in Kazakhstan on October 7, 1996, when it signed a contract with the Kazakhstani State Property Committee. Under the agreement, the Kazakhstani government transferred to WWM a government-owned package of shares in the Stepnogorsk-based Tselinnyy Mining and Chemical Combine for uranium processing, and granted the Canadian company the right to manage the Combine. A disagreement arose in 1997, when WWM applied for an export license from the Kazakhstani government to sell uranium concentrate to Michigan-based Consumers Energy, with which it concluded a contract on March 27, 1997.[2]

The Kazakhstani government denied the export license after WWM refused to comply with amendments to the contract and recommendations made by a working group of experts who reviewed the contract between WWM and Consumers Energy and noted a number of violations. These included:

- The contract did not provide guarantees that the buyer would abide by the provisions of the U.S.-Kazakhstani Agreement Suspending the Antidumping Investigation on Uranium from Kazakhstan, particularly Section VII, Item A, which obliges a buyer to report to the Kazakhstani Government any subsequent transactions involving sale, exchange, or loan to the United States of uranium from Kazakhstan;
- WWM failed to submit an end-user import certificate (in accordance with Article 7 of the Kazakhstani Law *On the Export Control of Arms, Military Equipment, and Dual-Use Materials*) issued by an authorized government body and containing assurances from the receiving country that the imported goods will be used for peaceful purposes to meet national needs;
- According to the contract, payment was to be wired to bank accounts at U.S. or Canadian banks, not a Kazakhstani bank, which the experts deemed unacceptable.[2]

After the export license was denied, WWM stopped production in July 1997, and did not pay wages to workers for several months on the grounds that it was impossible to sell the mined uranium. The Kazakhstani government took over the enterprise and terminated its contract with WWM due to the latter's default on obligations and in view of difficulties facing the Combine. Government Decree No. 213 of July 30, 1997, transferred operational management of the Tselinnyy Mining and Chemical Combine to Kazatomprom.[3]

World Wide Minerals Ltd. considered the actions of the Kazakhstani government unlawful and on May 13, 1998, filed a lawsuit against the Republic of Kazakhstan, the State Property Committee, and Kazatomprom in the District of Columbia Court of Appeals. The suit was dismissed because U.S. courts do not examine cases in which it is required to assess the legitimacy of decisions made by sovereign states on their territory. The court ruled that it is the sovereign right of the Republic of Kazakhstan to grant or deny export licenses, as well as to nationalize property on the basis of domestic laws and bylaws.[4] In spite of the ruling, WWM filed claims and appeals to U.S. courts three times, increasing the claim amount from \$29 million to \$1 billion.[5] To settle the dispute once and for all, Kazatomprom filed a counter petition in the U.S. Court of Appeals on October 27, 2001, requesting the accelerated dismissal of the WWM claim.[4,5,6] Less than a year later, on August 8, 2002, the District of Columbia Court of Appeals issued a final decision in favor of Kazakhstan and Kazatomprom.[4] On February 25, 2003, the U.S. Supreme Court upheld the D.C. Court of Appeals decision by refusing to permit WWM to file an appeal of the Court of Appeals ruling.[1]

Sources: [1] Kazatomprom National Atomic Company. Press-release on the declaration of World Wide Minerals Ltd following the U.S. Supreme Court ruling, Kazatomprom website, March 6, 2003, <<http://www.kazatomprom.com>>. [2] E. Butyrina, "Verkhovnyy sud SShA otkazal WWM v appelyatsii na sudebnoye resheniye v spore s 'Kazatompromom' i RK" (U.S. Supreme Court denied WWM permission to appeal the court decision in the lawsuit against Kazatomprom and the Republic of Kazakhstan), *Panorama*, No. 9, March 2, 2003; in Integrum Techno, <<http://www.integrum.com>>. [3] "'Kazatomprom': insident ischerpan" ("Kazatomprom: Incident is Over"), *Izvestiya*, No. 40 (26357), March 6, 2003, p. 8. [4] "12 avgusta 2002 Appelyatsionnyy sud SShA okruga Kolumbiya vynes okonchatelnoye resheniye ob otklonenii predyavlyayemogo iska kanadskoy kompanii 'World Wide Minerals' protiv Natsionalnoy atomnoy kompanii 'Kazatomprom'" (On August 12, 2002 the U.S. Court of Appeals of the District of Columbia issued a final decision to dismiss the claim of the Canadian company World Wide Minerals against Kazatomprom National Atomic Company), Russian Nuclear website Nuclear.ru, August 12, 2002, <<http://old.nuclear.ru/news/full/1150.shtml>>. [5] "Milliard – tuda, milliard – syuda" (A billion here, a billion there), *Novosti nedeli* online edition, No. 35 (101), September 4, 2002, <<http://www.nn.kz/cgi-bin/newsweek.cgi?menu=view&id=f1XHAZPJ2W>>. [6] N. Baygozhina, "Ne vashe delo" (None of your business), *Ekspress K* online edition, No.149 (15062), August 9, 2002, <http://www.express-k.kz/2002/08/09/01.php>.

Illicit Trafficking

Ukraine Denies Sale of Anti-Tank Missiles, Missile Engines to Iraq

A March 31, 2003 *Newsweek* article, citing unnamed U.S. Department of Defense sources, alleged that Ukrainian arms dealers sold up to 1,000 Russian-made Kornet anti-tank missiles to Iraq through Syria. The missiles, made by the Instrument Design Bureau (KBP) of Tula, Russia, were used by Iraqi forces during the 2003 war and destroyed two U.S. Abrams tanks. Aleksandr Urban, spokesman for the Ukrainian government-run arms trading company Ukrspetseksport, denied the allegations, commenting that customers of Ukrainian military equipment must provide end-user certificates, which ban the resale of arms to a third country. If customers violate the certificate, Ukrspetseksport cannot be held liable, according to Urban.[1]

Ukrainian Foreign Ministry spokesman Markian Lubkivsky also dismissed the report as “unfounded information based on unverified facts.” “Ukraine strictly respects the UN Security Council sanctions against Iraq and has never delivered any arms to that country,” according to Lubkivsky.[2]

On February 27, 2003, the British newspaper the *Guardian* cited an independent study issued on the same day by the foreign affairs think tank Saferworld, which criticized the British government for promoting arms sales to countries with poor human rights records because they are considered allies in the fight against international terrorism. In particular the report noted that “the [British] government is also encouraging weapons sales to countries which have supplied Iraq. These countries include Ukraine, the source of 380 rocket engines recently smuggled to Iraq and destined for the Samoud-2 missile, which [was] the focus of a dispute between Baghdad and UN weapons inspectors.”[3] At a briefing organized at the Ukrainian Foreign Ministry’s press club on February 28, 2003, Ukrainian Foreign Ministry State Secretary Yuriy Sergeyev responded to the the *Guardian*’s allegations. Sergeyev stated that missiles of this type had never been manufactured in Ukraine and added that “the existing system of export control makes it impossible to transit such a number of engines through Ukraine without permission.” He also stressed that Ukraine strictly abides by the UN Security Council’s resolution regarding Iraq.[4] Aleksandr Myakushko, deputy head of the State Export Control Service of Ukraine, also denied that such transfers could have occurred.[5]

Sources: [1] “Ukraine denies selling anti-tank missiles to Iraq,” Agence France Presse, April 1, 2003; Lexis Nexis Academic Universe, <<http://lexis-nexis.com>>. [2] Simon Saradzhyan, “Ukraine Denies Kornet Sales to Iraq,” *Moscow Times*, April 1, 2003; Lexis-Nexis Academic Universe, <<http://lexis-nexis.com>>. [3] Richard Norton-Taylor, “Export of arms criticised,” *Guardian* (London), February 27, 2003, p.12; in Lexis-Nexis Academic Universe, <<http://lexis-nexis.com>>. The summary of the Saferworld’s report can be found in its press release “Call for greater scrutiny over arms sales,” issued on February 27, 2003, which is available on-line: <<http://www.saferworld.co.uk/PR270203.HTM>>. [4] “Ukraine Denies Selling Rocket Engines to Iraq,” Interfax-Ukraine, March 28, 2003; in Lexis-Nexis Academic Universe, <<http://lexis-nexis.com>>. [5] “Ukraine Arms Export Controller Denies Missile Engines Sold to Iraq,” One Plus One TV (Kiev), February 28, 2003; translated TV broadcast in BBC Monitoring International Reports, February 28, 2003; Lexis-Nexis Academic Universe, <<http://lexis-nexis.com>>.

Summaries from the NIS Press

Moldovan Parliament Adopts Law Establishing Criminal Responsibility for Production and Use of WMD

On March 7, 2003, the Parliament of Moldova amended the country’s Criminal Code adding a new article that establishes criminal responsibility for “using, developing, producing, receiving, directly or indirectly transferring, processing, accumulating, storing and transporting” weapons of mass destruction (WMD).[1,2] In accordance with the new provision, individuals or groups of individuals engaged in such offenses will face a sentence of 7 to 15 years of imprisonment. Sentences may be increased to 25 years or life imprisonment, in cases of repeated and premeditated offenses by the same group of individuals, or if the crime results in “severe consequences” or the loss of human life.[3,4] The law defines nuclear, chemical, biological, and bacteriological weapons as WMD.[1,2,3,4] The article was added to the Moldovan Criminal Code to fulfill Moldova’s international obligations to the Chemical Weapons Convention (CWC) and the Nuclear Non-Proliferation Treaty (NPT). Moldova ratified the NPT on October 26, 1993, and the CWC on July 19, 1995. The treaties entered into force in Moldova on November 10, 1994, and April 29, 1997, respectively.[1,3]

Sources: [1] “Moldova Envisages Criminal Responsibility for Weapons of Mass Destruction,” Interfax, March 7, 2003. [2] “Moldavian Parliament Adopts Law Restricting Punishment for Use of Mass Destruction Weapons,” RIA OREANDA, March 11, 2003; Lexis-Nexis Academic Universe Database, <<http://www.lexis-nexis.com>>. [3] “Parlament ustanovil ugovnuyu otvetstvennost za izgotovleniye i primeneniye oruzhiya massovogo porazheniya” (The Parliament established criminal responsibility for production and use of weapons of mass destruction), BASA-press (Moldova), March 15, 2003; Integrum Techno, <<http://integrum.com>>. [4] “Za primeneniye atomnoy bomby – do 15 let...” (Up to 15 years for the use of nuclear bomb...), *Moldavskiy vedomosti*, March 8, 2003; Integrum Techno, <<http://integrum.com>>.

Radioactive Cargo Seized at Belarussian Border

According to media reports, radioactive cargo was seized in February 2003 at the Zarechitsa border checkpoint in Belarus. A radioactive container was discovered aboard a train carrying chemicals, which originated from the Netherlands, to Kazakhstan through Poland. An inspection of one of the cars revealed a radiation level of 120 microrentgen/hour ($\mu\text{R/hr}$), more than four times greater than normal. According to the Belarussian Customs Committee, the radioactive container was returned to Poland.[1,2]

The exact date of the incident and the intended recipient in Kazakhstan were not publicly available as of February 19, 2003. However, Kazatomprom and the Kazakhstani Atomic Energy Committee have denied any involvement in the incident.[3]

Sources: [1] Aleksey Vesin, "Radiatsiya do Kazakhstana ne doshla" (The radiation did not reach Kazakhstan), *Ekspress K*, No. 28 (15188), February 13, 2003, p. 2. [2] "Tamozhnya zaderzhala radioaktivnyy vagon" (Customs detained a radioactive car), *Izvestiya*, No. 26 (26343), February 13, 2003, p. 7. [3] "Belorussiya ne propustila radiatsiyu v Kazakhstan" (Belarus did not allow radiation into Kazakhstan), Antiatom.ru, February 19, 2003; Antiatom.ru website, <http://www.antiatom.ru/pr/pr030219_2.htm>.

Kazakhstan Joins the Basel Convention

On February 20, 2003, Kazakhstani President Nursultan Nazarbayev signed into law a bill on Kazakhstan's accession to the Basel Convention on Control of Transboundary Movements of Hazardous Wastes and their Disposal. The bill had been discussed and approved at a November 27, 2002 plenary session of the Majilis, the lower chamber of the Kazakhstani Parliament.[1,2] By acceding to the Convention, Kazakhstan has committed to notifying and consulting the other member countries on projects that may have significant harmful effects on the environment.[2]

The Basel Convention was adopted in 1989 and entered into force in 1992. The Convention regulates all aspects of interstate relations regarding control of transboundary movements of hazardous wastes and their disposal. It aims to reduce transboundary shipments of industrial waste through environmentally sound and effective management, and the use of low-waste production technologies.[3]

Waste management is a pressing issue in Kazakhstan given the country's extensive mineral extraction and processing industries. This, combined with a lack of modern technologies for collection, storage, disposal, and recycling of generated waste, causes pollution problems. Accession to the Basel Convention will help Kazakhstan handle the issue of import and export of hazardous waste and its disposal, establish regulations and control over import, export, and transit of hazardous waste through the territory of the country, and gain access to new recycling technologies.

Kazakhstan is the fourth Central Asian country to join the Basel Convention, after Kyrgyzstan, Turkmenistan, and Uzbekistan. The other NIS members of the convention are Armenia, Azerbaijan, Belarus, Georgia, Latvia, Lithuania, Moldova, Russia, and Ukraine. For more information on the Basel Convention visit the official website of the Secretariat of the Basel Convention: <<http://www.basel.int/>>.

Sources: [1] Law of the Republic of Kazakhstan No. 389-11 ZRK, On the Accession of the Republic of Kazakhstan to the Basel Convention on Control of Transboundary Movements of Hazardous Wastes and their Disposal, February 15, 2002, *Kazakhstanskaya pravda*, No. 5, February 20, 2003, p. 1. [2] "Prisoedinyayemysya k konventsii" (Joining the convention), *Kazakhstanskaya pravda*, No. 256 (23906), November 28, 2002, p. 1. [3] "O Bazelskoy konventsii o kontrole za transgranichnoy perezovozkoy opasnykh otkhodov i ih udalenyem" (On the Basel Convention on Control of Transboundary Movements of Hazardous Wastes and Their Disposal), Press-release of the Majilis Press Service, Parliament of the Republic of Kazakhstan, September 2002, Kazakhstani Parliament website, <<http://www.parlam.kz/Document.asp?Recno=135&ln=WithKz>>.

Khrunichev State Space Research and Production Center Downsizes

An article published on January 24, 2003 in the Russian newspaper *Trud* reports that the Khrunichev State Space Research and Production Center (GKNPTs) is undergoing massive downsizing. The Moscow-based Khrunichev Center, established by a presidential edict on June 7, 1993, was created by a merger of the Salyut Design Bureau and the Khrunichev Machine Building Plant. The Center is a leader in the space industry, producing cruise and intercontinental ballistic missiles, Proton launch vehicles (which are still in use to place heavy satellites in orbit), the Angara and Rokot launch vehicles, the Breeze booster, the Baikal reusable booster, core modules for the Mir space station, as well as the Zarya functional cargo block (FCB)

and the Zvezda service module, which are key elements of the initial deployment of the International Space Station.[1,2]

The Center, which employed over 20,000 people in Soviet times, has a total staff of 18,700 today. According to the newspaper article, most of the decrease in personnel occurred in 2002, when the Center lost about 1,200 workers. Deputy Director General Denis Pivnyuk noted that in the past year, only 168 employees were officially laid off. These consisted of workers of retirement age and personnel in auxiliary departments. Most of the downsizing was actually due to “voluntary” resignations by employees who decided to search for other positions after the announcement was made that massive job cuts could occur due to a weakening of demand for rockets and space equipment.[1] According to Khrunichev Director General Aleksandr Medvedev, “The world market demand for commercial launches drastically decreased, whereas the number of rockets, which compete in it, on the contrary, multiplied.”[3]

The economic difficulties endured by the Center may also increase the proliferation threat by putting on the market employees who have considerable work experience in rockets, space materials, and technologies.

Sources: [1] Vitaliy Golovachev, “Vas pridetsya uvolit” (We’ll have to fire you), *Trud*, No. 13 (24205), January 24, 2003, p. 5. [2] Website of the Khrunichev State Space Research and Production Center, <<http://www.khrunichev.ru/internet.www/i.htm>>. [3] Nataliya Yachmennikova, “V izvoz kosmicheskoy?” (Becoming a space chauffeur?), *Rossyiskaya gazeta*, No. 2 (5), January 22, 2003; in Integrum Techno, <<http://integrum.com>>.

Senior Russian Officials, Environmentalist Highlight Threat of Nuclear and Radiological Terrorism

In separate statements to the media during January 2003, Russian Deputy Minister of Atomic Energy Anatoly Kotelnikov and Head of the 12th Main Directorate of the Russian Ministry of Defense Colonel General Igor Valynkin highlighted their concerns regarding the threat of nuclear terrorism in Russia.

On January 14, 2003, Kotelnikov, in response to an inquiry from members of the State Duma of the Russian Federation (the lower chamber of the Russian Parliament, or Federal Assembly) regarding the nuclear capabilities of Chechen rebels, indicated that the rebels do not possess the technology to manufacture nuclear explosive devices. He also ruled out the possibility of theft of weapons-grade fissile materials from Russian facilities. According to Kotelnikov, the leaks of material that have occurred so far concern only non-weapons-grade materials. However, he did not rule out the possibility of other forms of nuclear terrorism, including the use of radiation dispersion devices (RDDs) or dirty bombs, which use radioactive substances not suited for nuclear weapons to contaminate large areas.[1]

In a January 30, 2003 ITAR TASS report, Valynkin declared that Chechen rebels continue to attempt to penetrate important Russian defense facilities in an effort to seize nuclear weapons from Russian arsenals.[2] He provided no details, however.

Separately, Vladimir Sliviyak, co-chairman of the Russian environmental group Ecodefense, was quoted in the Russian press as declaring that nuclear terrorism in Russia is very likely. In an interview with the Russian on-line news service Strana.ru on January 14, 2003, Sliviyak identified two types of threats: an attack on a nuclear power plant and the diversion of radioactive materials for use in a dirty bomb. He noted that the perimeter fences around nuclear power plants are often poorly secured, and have been breached on several occasions by environmentalists trying to demonstrate their vulnerability to potential terrorist infiltration. The environmental leader acknowledged that the probability of theft of weapons-grade plutonium by terrorists is low, as the material is very well secured. However, he considers the diversion of radioactive materials, such as cesium-137 or spent nuclear fuel, as more probable, since they are “practically unprotected.”[3]

Sources: [1] Sergey Ovsienko, “Chechenskiye terroristy ne mogut izgotovit yadernoye vzryvnoye ustroystvo, no yest opasnost raspyleniya radioaktivnykh veshchestv – Minatom” (Chechen terrorists cannot produce nuclear explosive device, but there is a danger of dispersal of radioactive substances – Minatom), ITAR-TASS, January 14, 2003; in Integrum Techno, <<http://www.integrum.com>>. [2] Sergey Ostanin, “Chechenskiye terroristy ne ostavlyayut popytok zavladet yadernym boyepripasom - predstavitel Minoborony RF” (Chechen terrorists do not abandon attempts to seize nuclear weapons – representative of Ministry of Defense of Russian Federation), ITAR-TASS, January 30, 2003; in Integrum Techno, <<http://www.integrum.com>> [3] “Russia: Security Systems Provide ‘No Guarantee Against Nuclear Terrorism’,” January 14, 2003, Strana.ru; FBIS Document CEP20030115000262.

Omsk FSB Office Prevents Sale of Osmium-187

On March 3, 2003, the Head of the Russian Federal Security Service (FSB) press service of Omsk Oblast, Natalya Grudtsyna, announced that in mid-February 2003, regional FSB operatives arrested a 61-year-old Omsk resident on charges of attempting to sell 1.33 grams of osmium-187. The rare metal was discovered in a glass ampoule disguised as a fountain pen.[2] According to Grudtsyna, the detained pensioner was trying to sell the metal for \$30,000.[1,2] The price for osmium-187 on the world market ranges from \$50,000 to \$100,000 a gram.[4] When the defendant was apprehended by the Russian security officials, he carried documentation certifying that the metal was of the highest purity. FSB officials sent the seized material for analysis.[1,2,3]

Following the arrest of the Omsk pensioner, FSB agents arrested a 50-year-old man who is believed to be an accomplice.[1,2,3] The 50-year-old was arrested while trying to sell 158,000 counterfeit Iraqi dinars for \$0.45 each.[1] The discovery of this very large batch of Iraqi counterfeit money raised suspicions of a possible connection with Iraq.[2] The on-going investigation has established that both men are members of an international organized crime syndicate.[1,2,3] As of March 2003, Omsk FSB officials, in cooperation with representatives from central FSB headquarters, were pursuing leads in an attempt to apprehend other members of the syndicate. The results of these efforts, as of April 2003, have not yet been made public.

Several press articles, reporting the incident, have erroneously characterized osmium-187 as radioactive.[1,3] Osmium-187 is a rare metal, valued for its wear-resistant qualities, which has no radioactive properties and cannot be used in the production of nuclear weapons. Therefore, osmium-187 does not pose any proliferation threats and is not included on the control lists of international export control regimes.[4]

Consequently, the arrested pensioner was charged in violation of Article 191 “Illegal Circulation of Precious Metals, Natural Precious Stones and Pearls” in accordance with Part II of the Russian Criminal Code. Under Article 191, the suspect faces a sentence of up to three years in prison or a fine ranging from 200 to 500 minimum salaries. The pensioner’s accomplice was charged with violating Article 186 “Selling Counterfeit Currency” of the Criminal Code of the Russian Federation. His case has been transferred to the Directorate of Internal Affairs of Omsk Oblast.[2]

Earlier unsuccessful attempts to sell osmium-187 in Russia took place in Novosibirsk (August 1999) and Moscow (December 2001). For details and chronology of cases involving illegal sales of osmium-187 in the NIS, see the [NIS Nuclear Trafficking Database](#). See also “Media Reports Claim Smuggled Osmium-187 Threatens Russia” in the January 2003 issue of the *NIS Export Control Observer* for details on properties and applications of osmium-187.

Sources: [1] “FSB Prevents Sale of Radioactive Isotope,” RFE/RL Newline, March 5, 2003. [2] “Omskiye pensionery pytalis prodats osmii-187 v Irak?” (Omsk pensioners attempted to sell osmium-187 to Iraq?), *Pravda* online edition, March 3, 2003; in Integrum Techno, <<http://integrum.com>>. [3] “Kriminalniye opyty s radioaktivnym osmiem presekli omskiye chekisty” (Criminal “experiments” with radioactive osmium-187 were thwarted by Omsk intelligence agents), *Omskaya Pravda*, March 7, 2003; in Integrum Techno, <<http://integrum.com>>. [4] See “Media Reports Claim Smuggled Osmium-187 Threatens Russia” in the January 2003 issue of the *NIS Export Control Observer* for details on properties and applications of osmium-187, <<http://cns.miis.edu/pubs/nisexcon/>>.

Heads of CIS Border Guard Services Discuss Cooperation in Fight Against International Terrorism

On March 12, 2003, the 46th session of the CIS Council of Border Guard Services Heads was held in Bishkek, Kyrgyzstan.[1,3,4,5] The Council session was preceded by a meeting of a working group of experts on March 10-11, 2003, who prepared draft documents for the deliberations and discussions of the Council.[4]

According to Vitaliy Gritsian, head of the Council’s coordinating office, discussions during the meeting concentrated on the assessment of progress in implementing past Council resolutions, the introduction of amendments and changes to the Council’s charter, and the CIS states’ future cooperation in the field of border protection.[1,4]

During the meeting, CIS border guard representatives made two major decisions. They unanimously called for the financing of a CIS-wide cooperative program to fight against international terrorism, drug trafficking, and organized crime for the period from 2003 to 2004.[1,3] Council members also decided to create a common system of border protection in response to the possible deterioration of the security situation on the southern flank of the CIS due to the war in Iraq.[2] However, as of April 2003, there have been no indications that concrete steps have been taken in support of this decision.

At the meeting, Council Chairman Konstantin Totskiy, former head of the Russian Federal Border Guard Service, resigned from his position, due to his nomination as permanent representative of the Russian Federation to NATO by President Putin on March 11, 2003.[6] The new chairman of the Council will be elected at the next Council meeting, which will take place in June 2003 in Kiev, Ukraine.[7]

Editor's note: In accordance with Presidential Decree No. 308 On Measures for Improving Government Management of Security Issues of March 11, 2003, the Russian Federal Border Guard Service will be disbanded on July 1, 2003, and its functions will be assumed by the Federal Security Service of the Russian Federation (FSB).[8]

Sources: [1] "Finansirovat programmy po borbe s terrorizmom" (Financing programs aimed at fighting terrorism), Soyuz-Info News Agency, March 13, 2003; Integrum Techno <<http://integrum.com>>. [2] "SNG: Prinyato resheniye o sozdanii edinoi sistemy okhrany granits" (CIS: Decision on creation of a united system of border defense is adopted), *Nezavisimaya gazeta*, March 14, 2003; Integrum Techno <<http://integrum.com>>. [3] Vadim Neshkumay, "Komanduyushchiye pogranvoyskami SNG obsuzhdayut problemy protivodeystviya ugroze mezhdunarodnogo terrorizma" (Heads of border defense forces of CIS discuss problems of counteracting the threat of international terrorism), ITAR-TASS, March 12, 2003; Integrum Techno <<http://integrum.com>>. [4] G. Azizogly, "V Bishkeke sobralas rabochaya gruppa pogranvedomstv stran SNG" (The working group of border agencies of CIS countries met in Bishkek), Trend News Agency (Azerbaijan), March 10, 2003; Integrum Techno <<http://integrum.com>>. [5] "CIS Border Agencies Support Financing International Anti-Terrorist Programs," Interfax, March 12, 2003. [6] Vadim Neshkumay, "Voyna v Irake mozhet negativno skazatsya na bezopasnosti yuzhnykh rubezhney SNG, schitayet Konstantin Totskiy" (The war in Iraq might negatively affect the security of the southern borders of the CIS, states Konstantin Totskiy), ITAR-TASS, March 12, 2003; Integrum Techno <<http://integrum.ru>>. [7] Vadim Neshkumay, "Novyy rukovoditel Soveta komanduyushchikh pogranvoysk SNG budet izbran na sleduyushchem zasedanii v Kieve" (Next head of the Council of Heads of Border Guard Forces will be elected at the next meeting in Kiev), ITAR-TASS, March 12, 2003; Integrum Techno <<http://integrum.ru>>. [8] "Zakonodatelnyy Portfel" (Legislative Portfolio), *Vedomosti*, March 27, 2003; Integrum Techno, <<http://integrum.com>>.

International Developments

U.S. Senators Call for Tighter Export Controls

In a letter to U.S. National Security Adviser Condoleezza Rice, five U.S. senators called on the Administration to support tighter export controls on sensitive technology. The senators proposed that authority over exports be shifted from the U.S. Department of Commerce to agencies charged with defending U.S. national security interests, such as the departments of Defense, State, and Homeland Security. The senators cited an "inherent conflict of interest in resting the protection of our national security in the hands of a department that is charged with the promotion of U.S. business interests." The letter was signed by Jon Kyl (R-AZ), Richard Shelby (R-AL), John McCain (R-AZ), Jeff Sessions (R-AL), and Russell Feingold (D-WI), a group that included both conservative and liberal lawmakers.[1]

Source: [1] Ken Guggenheim, "GOP Senators Seek Tighter Export Controls," Associated Press, March 10, 2003; Lexis-Nexis Academic Universe, <<http://lexis-nexis.com>>.

U.S. Continues to Provide Nuclear Technology to North Korea

In a March 4, 2003 letter from U.S. Department of Energy Secretary Spencer Abraham to Representative Ed Markey (D-MA), the Energy Department confirmed that about 3,100 documents related to nuclear power plant reactor systems and operation have been approved for transfer to North Korea. The technology transfers began in 1996 as part of a program to help the Democratic People's Republic of Korea (DPRK) build two light water reactors to generate electricity. Of the more than 3,000 documents, only about 300 have been transferred, while about 100 were blocked by DOE's export control office. According to Abraham, every precaution is being taken to assure that North Korea "does not receive technology or assistance that could further a nuclear weapons program." Markey has called on the Bush Administration to halt all nuclear cooperation with North Korea and to stop the transfer of the remaining 2,700 documents. In

his March 4 letter to Markey, Abraham said the Administration is considering suspending the technology transfer, but that no decision had been made to date.[1,2,3]

Editor's note: Under the 1994 Agreed Framework between the United States and the DPRK, the DPRK agreed to freeze and dismantle the most sensitive elements of its nuclear program in exchange for two advanced nuclear power plants and, until they were completed, an annual supply of heavy fuel oil. Fuel oil shipments were suspended in November 2002 after the DPRK revealed in October 2002 that it possessed a secret uranium enrichment program, which the United States believed was intended for the production of nuclear weapons. The Korean Peninsula Energy Development Organization (KEDO) continues construction of the two light water reactors, the design of which is based on U.S.-origin technology.

Sources: [1] H. Josef Hebert, "U.S. still providing North Korea with nuclear information during confrontation," Associated Press, March 7, 2003. [2] Spencer Abraham letter to Edward Markey, March 4, 2003, website of Congressman Ed Markey, <http://www.house.gov/markey/iss_nonproliferation_foraffairs.htm>. [3] "Energy Department Approved 3,100 Nuclear Technology Transfers to North Korea," Press Release, March 6, 2003, website of Congressman Ed Markey, <http://www.house.gov/markey/iss_nonproliferation_foraffairs.htm>.

Half of 2002 Weapon Export Denials in UK Due to WMD Concerns

On February 27, 2003, Head of the Non-Proliferation Department of the UK Foreign and Commonwealth Office Tim Dowse told members of a parliamentary select committee hearing on export controls that of all the export license denials issued in the United Kingdom in 2002, half were due to WMD concerns. Dowse added that the scope of international monitoring of the spread of weapons has been widened to take into account terrorist organizations. Multilateral regimes, such as the Nuclear Suppliers Group, the Missile Technology Control Regime, and the Australia Group, have upgraded control lists, he noted. According to Dowse, the UK has also instituted stricter domestic controls on WMD materials.[1]

Source: [1] "Half of UK weapon export license refusals last year due to WMD concerns," AFX News Limited," February 27, 2003; Lexis-Nexis Academic Universe, <<http://lexis-nexis.com>>.

Export Control in Focus

Emerging Issue: Transit and Transshipment Controls

International export control officials are giving increased attention to controlling the flow of sensitive WMD technology at major hubs of global commerce. A great deal of global trade, including trade in dual-use technologies, passes through a handful of transshipment locations that serve as key distribution points in the global economy, such as Hong Kong and Singapore. Transshipment involves the unloading of cargo in one country and the reloading of that cargo for transfer to a final destination in another country. The United States and other countries are giving many of these key transshipment points heightened attention because of their proximity to countries of proliferation concern and the possibility that goods might be diverted to sensitive end-users. There is growing momentum to ensure that transshipment countries have the legal basis to regulate the trade of sensitive materials and trained enforcement bodies to monitor the transit of sensitive goods that pass through their territory. The U.S. Departments of Commerce, State, and Energy are all seeking to strengthen export controls in key transshipment countries by providing legal, licensing, and enforcement expertise.

Transshipment countries pose other risks to international export control efforts. For example, transshipment countries often have institutions, such as export/import businesses, brokerages, free trade zones, and reprocessing zones that terrorists and states of concern could exploit in order to divert technologies and goods that might contribute to weapon of mass destruction programs. Because transshipment countries are not themselves targets of export control, there is a risk that brokers and import businesses in these countries could be used as fronts for WMD acquisition efforts.

In addition to enhancing controls at key transshipment hubs, international authorities also recognize a need to improve border and export controls in key transit states. Transit involves the transfer of goods and items through another country without unloading. Countries bordering sensitive states can play an important role in nonproliferation efforts by having trained customs and enforcement officials who can effectively interdict illicit trade in nuclear and dual-use materials. The United States continues to work with customs

officials in key transit states, such as the Baltic States, to ensure that they have equipment for interdicting illicit trade in nuclear materials, and that the customs officials are trained to identify dual-use items that require licenses.

Workshops and Conferences

International Conference on the Security of Radioactive Sources

From March 11 to 13, 2003, more than 700 delegates from about 110 nations (most of the IAEA member states) convened in Vienna, Austria, for the International Conference on the Security of Radioactive Sources. Because of heightened concern about the potential for radiological terrorism after September 11, 2001, this conference attracted the largest international gathering to date of government officials who are working to improve the security of radioactive materials. The International Atomic Energy Agency (IAEA) organized the conference, which was co-sponsored by the United States and Russia, while the Austrian government acted as host. Other participating organizations included the European Commission (EC), the European Police Office (EUROPOL), the International Criminal Police Organization (ICPO-Interpol), and the World Customs Organization (WCO). A number of government officials from NIS countries participated in the conference. These included officials from: Armenia, Azerbaijan, Belarus, Estonia, Georgia, Kazakhstan, Latvia, Lithuania, Moldova, Russia, Tajikistan, Ukraine, and Uzbekistan.

The two major conference findings reflected the objectives of the new collaborative effort. First, the findings emphasized the importance of locating, recovering, and securing high-risk orphan sources, that is sources that have been abandoned or are otherwise outside regulatory control. The second major finding was to encourage and assist governments in their efforts to develop national regulatory infrastructures for controlling radioactive sources. The conference findings also called for the IAEA to organize another conference in two years. Interestingly, the conference findings did not mention improvement of export controls over radioactive sources. This omission was likely unintentional in light of the fact that the draft Code of Conduct on the Safety and Security of Radioactive Sources, being negotiated under IAEA auspices, contains provisions to encourage IAEA member states to improve export controls over these commodities.

For more information, see the conference website, which includes major speeches and findings: <http://www.iaea.org/worldatom/Press/Focus/RadSources/index.shtml>.

Correction

An article in the March 2003 *NIS Export Control Observer*, “Export Center in Kazakhstan Expands Activities,” incorrectly gave the name of the Kazakhstani export control center as the “IBT-Astana Information and Analytical Center for Export Control and Information Technology.” The correct name of the center is the “IVT-Astana Information and Analytical Center for Export Control and Information Technology” (Информационно-аналитический центр по вопросам экспортного контроля и информационных технологий «ИБТ-Астана»).

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