Lecture and colloquium “Nuclear Export Control Institutions and some Counter-terrorism Initiatives”

Dr. Alexey Ubeev

Dual Master’s Degree Program in Nonproliferation Studies
Moscow, Fall 2019
Introduction to nuclear export control mechanisms
Some global nuclear security initiatives and institutions
Export Controls Institutions and Arrangements (in brief)

**Zangger Committee**
Nuclear material and equipment (EDP)

**Nuclear Suppliers Group**
Nuclear and dual-use items

**Australia Group**
BW and CW related material and equipment

**Missile Technology Control Regime**
Ballistic missiles and other systems

**Wassenaar Arrangement**
Military goods and dual-use items
All States Parties

Art.III.2 - **not to provide source or special fissionable material**, or equipment or material “especially designed or prepared” (EDP) for the processing, use or production of special fissionable material to any NNWS, **unless subject to IAEA safeguards**
NPT Exporters Committee (1971, 39 Member States as to 2019)

- Memorandum A: **Nuclear Material**
- Memorandum B: **Trigger List** (equipment and non-nuclear material)

“Rules of the game”: **unilateral arrangements** by Member States on export conditions and procedures (INFCIRC/209 Series, now Rev.4)

Annual exchange of information on **exports** to NNWSs
COMMUNICATIONS RECEIVED FROM MEMBERS REGARDING THE EXPORT OF NUCLEAR MATERIAL AND OF CERTAIN CATEGORIES OF EQUIPMENT AND OTHER MATERIAL

1. The Director General has received a letter dated 7 October 1993 from the Permanent Mission of Bulgaria, letters dated 8 October 1993 from the Permanent Missions of Australia, Austria, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Japan, Luxembourg, the Netherlands, Norway, Portugal, the Russian Federation, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and a letter dated 11 October 1993 from the Permanent Mission of Poland to the International Atomic Energy Agency concerning the export of nuclear material and of certain categories of equipment and other material.

2. In the light of the wish expressed at the end of each letter, the text of the letters is attached hereto.
The Nuclear Suppliers Group (NSG) is a group of nuclear supplier countries that seeks to contribute to the non-proliferation of nuclear weapons through the implementation of two sets of Guidelines for nuclear exports and nuclear-related exports. Created in 1974 as “London club” and comprises 48 Member States (as to 2019).

The NSG Guidelines also contain the so-called “Non-Proliferation Principle,” adopted in 1994, whereby a supplier, notwithstanding other provisions in the NSG Guidelines, authorizes a transfer only when satisfied that the transfer would not contribute to the proliferation of nuclear weapons.

The NSG Guidelines are implemented by each Participating Government in accordance with its national laws and practices. Decisions on export applications are taken at the national level in accordance with national export licensing requirements.
Non NPT export control arrangement (1974)

Guidelines for Nuclear Transfers (1978):

- Fundamental principles for safeguards and export controls
- **Trigger List** – nuclear material, equipment and non-nuclear materials (INFCIRC/254/Part 1 – 1978)
- **Dual-Use List** - nuclear-related dual-use equipment and materials and related technology (INFCIRC/254/Part 2 - 1992)

Guidelines are periodically updated

The NSG Guidelines are supplemented by two **control lists** also called “Technical Annexes”.

Policy on full scope/comprehensive safeguards as condition of supply

Common safeguards requirements reconsider when appropriate

Challenges: - applications for new members: India and Pakistan ???

Shifting from traditional suppliers (EU, USA, Japan) to Russia, China, South Korea...
Communication Received from the Permanent Mission of Brazil regarding Certain Member States' Guidelines for the Export of Nuclear Material, Equipment and Technology

1. The Agency has received a Note Verbale from the Permanent Mission of Brazil, dated 23 March 2007, in which it requests that the Agency circulate to all Member States a letter of 12 December 2006 from the Chairman of the Nuclear Suppliers Group, Ambassador José A. Dornonvex Medeiros, to the Director General, on behalf of the Governments of Argentina, Austria, Australia, Belarus, Belgium, Brazil, Bulgaria, Canada, China, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Kazakhstan, Republic of Korea, Latvia, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America, providing further information on those Governments' Guidelines for Nuclear Transfers.

2. In the light of the wish expressed in the above-mentioned Note Verbale, the text of the Note Verbale, as well as the letter and attachment thereto, are hereby reproduced for the information of all Member States.

---

Communication Received from Certain Member States Regarding Guidelines for Transfers of Nuclear-related Dual-use Equipment, Material, Software and Related Technology

1. The Agency has received a Note Verbale from the Permanent Mission of Hungary, dated 14 June 2010, in which it requests that the Agency circulate to all Member States a letter of 7 May 2010 from the Chairman of the Nuclear Suppliers Group, Ambassador Mr. György Martin Zanáthy, to the Director General, on behalf of the Governments of Argentina, Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Canada, China, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Republic of Korea, Latvia, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America, providing further information on those Governments' Guidelines for Nuclear Transfers.

2. In the light of the wish expressed in the above-mentioned Note Verbale, the text of the Note Verbale, as well as the letter and attachments thereto, are hereby reproduced for the information of all Member States.

---

INFCIRC/254/Rev.3/Part 1
INFCIRC/254/Rev.8/Part 2

General Distribution
Original English

INFCIRC/254/Rev.3/Part 1
INFCIRC/254/Rev.8/Part 2

General Distribution
Original English

---

The European Commission participates as an observer.

The European Commission participates as an observer.
Russian Institutions on Export Control

Functions of Federal Service for Technical and Export Control of Russia (FSTEC) have been approved by the Decree of the President of the Russian Federation No. 1085, (2004).

Implementation of national policy in the areas of information security and protection, export control, foreign technical intelligence countermeasures in Russia...

Expertise of exported items, licensing of suppliers...

Six national “control lists”

Federal Law as of July 18, 1999 No. 183-FZ “On export control” with amendments;

Structure of FSTEC of Russia:
- central office of FSTEC of Russia, Moscow;
- 7 territorial bodies of FSTEC of Russia;
- State Science and Research Experimental Institute of Technical information Protection problems, Voronezh.
Global Initiative to Combat Nuclear Terrorism (GICNT)

- Voluntary partnership working to strengthen global capacity to prevent, detect and respond to nuclear terrorism
- 88 States and 6 official observers are part of the GICNT
- Implement Statement of Principles; Co-chairs Russia and US
- Conducted > 90 multilateral activities to strengthen the plans, policies, procedures and interoperability of partner nations
- Implementation and Assessment Group (IAG) coordinates all GICNT activities
  - Nuclear Forensics Working Group
  - Detection Working Group
  - Response and Mitigation Working Group
Purpose: To provide information on best practices and lessons learned in nuclear forensics and that are designed to assist partner nations to implement and sustain core nuclear security principles.

- Developed “Nuclear Forensics Fundamentals for Policy Makers” document, which answers:
  - What is forensics / nuclear forensics?
  - Why does a State need nuclear forensics?
  - What capabilities are needed?
  - What international cooperation and assistance is available?
  - What are the challenges?
GICNT Response and Mitigation Working Group

Purpose: To produce a framework document which is intended to provide a comprehensive guide for States with limited capabilities for establishing an effective response to a nuclear security event.

• Developing a path forward for GICNT’s assistance to States in the context of this framework document.

GICNT Nuclear Detection Working Group

Purpose: To produce products to include Planning and Organizations documents that focus on a nuclear detection architecture to include guidelines and awareness efforts

• Forthcoming document on a nuclear security detection architecture within a State’s interior.
Proliferation Security Initiative (PSI)

Proliferation Security Initiative is a global effort that aims to stop trafficking of weapons of mass destruction (WMD), their delivery systems, and related materials to and from states and non-state actors of proliferation concern. Launched in 2003 by USA. Now 133 States endorse this initiative (11 in 2003);

➢ The guiding PSI document “Statement of Interdiction Principles" defines the activities which are to be undertaken by the initiative, specifically "to establish a more coordinated and effective basis through which to impede and stop shipments of WMD, delivery systems, and related materials flowing to and from states and non-state actors of proliferation concern, consistent with national legal authorities and relevant international law and frameworks, including the UN Security Council “.

➢ PSI activities include the regular holding of activities known as "exercises," which aim to test the authorities and capabilities of endorsee nations to interdict WMD-related materials.

➢ PSI has no central body or secretariat and is not a coordinator of real-world interdictions. It is a political commitment.
WINS was formally launched on 29 September 2008 in Vienna as NGO. 5005 members from 139 countries (organizations, nuclear enterprises, individuals)

**WINS mission:** To be the leader in professional development and certification for nuclear security management

WINS is an observer at the IAEA Nuclear Security Guidance Committee (NSGC), which oversees the publication and review of all Nuclear Security Series publications. WINS is committed to providing members with access to a growing base of documented resources and training opportunities that lead to professional certification.

- 20+ workshops, roundtables in 2017;
- 3300+ workshop attendees since 2008
Some 2020 WINS Strategic objectives:

➢ Demonstrable competence increasingly becomes a licensing requirement for personnel with accountabilities for nuclear security, including the regulatory requirement for professional certification of key nuclear security management positions.

➢ The IAEA’s nuclear security programme promotes structured professional development and voluntary certification, and the IAEA has entered into joint nuclear security certification programmes with training institutes, including WINS.

➢ An increasing number of organisations, including regulators, operators, police and responsible government departments, publish meaningful governance reports about the corporate oversight of their security programmes.

➢ Nuclear safety and security continue to coalesce, and more of the nuclear safety-related disciplines and management attitudes are being used to enhance nuclear security.

➢ Cybersecurity and physical protection arrangements are properly integrated as part of an all-risks approach to the security programme.
CONCLUSIONS

➢ Existing international export control arrangements (NSG, Australia Group and others) are essential tools for achieving nonproliferation goals;
➢ Nonproliferation related initiatives (GICNT, GP and PSI) seek to coordinate international activities in relative domains;
Thank you for your attention!

Questions?