CHAPTER 5

Status of Export Controls in the Former Soviet Union

THE DEVELOPMENT OF effective export control systems is one of the biggest nonproliferation challenges facing the states of the former Soviet Union. Over the past decade, the countries of the former Soviet Union have tackled the difficult task of simultaneously opening their markets and expanding foreign trade while trying to develop and implement strict government oversight and controls over exports of weapons of mass destruction (WMD)–related goods and technologies.

By 1997, all fifteen Newly Independent States (NIS) had joined the Nuclear Non-Proliferation Treaty (NPT) and accepted the basic obligation not to export nuclear materials, or equipment for the production of nuclear materials, unless they were covered by International Atomic Energy Agency (IAEA) safeguards. There is a significant gap, however, between a commitment to this basic obligation and the development of an effective nonproliferation-based export control system. Some countries, such as Azerbaijan and Kyrgyzstan, have only the most rudimentary export controls in place. Other countries, such as Georgia and Tajikistan, have taken the important step of passing a comprehensive export control law but have not yet formalized export licensing and decision-making structures.

Russia, Kazakhstan, and Ukraine have the most well developed legal and bureaucratic infrastructures in place of all the states, but they are still refining the implementation of their export control systems. In addition, few NIS countries have joined the four nonproliferation-related multilateral export control regimes (see table 5.1).

This section concentrates on the export control structures that have been put in place in Russia, Kazakhstan, and Ukraine. These three states inherited the bulk of the former Soviet Union's highly developed nuclear and missile industries, necessitating effective export controls that conform to international norms and standards. For each country, this section outlines three basic components of an export control system.

- The legal framework, with a focus on export control laws, regulations, and control lists
- The export licensing process
- Participation in multilateral export control agreements

All three countries have made significant progress in putting basic export control building blocks into place and have a solid understanding of how export controls contribute to nonproliferation. Russia had a head start in its efforts, as it subsumed the reasonably effective export control system of the former Soviet Union. Kazakhstan and Ukraine have both benefited from intense U.S. assistance, which has helped over the past decade to create self-sustaining export control systems.

Export controls are important even for those countries that do not themselves produce and export items that could be used in the development of WMD. Smaller countries, such as those in the Baltics, Caucasus, and Central

TABLE 5.1: NIS MEMBERSHIP IN INTERNATIONAL EXPORT CONTROL REGIMES[1]

	Nuclear Suppliers Group (NSG)	Missile Technology Control Regime (MTCR)	Australia Group	Wassenaar Arrangement
Armenia	No	No	No	No
Azerbaijan	No	No	No	No
Belarus	Yes. Member since 2000.[2]	No	No	No
Estonia	No	No	No	No
Georgia	No	No	No	No
Kazakhstan	No[3]	No	No	No
Kyrgyzstan	No	No	No	No
Latvia	Yes. Member since 1998.[4]	No	No[5]	No[6]
Lithuania	No	No	No	No
Moldova	No	No	No	No
Russia	Yes. Founding member (1975).[7]	Yes. Member since 1995.[8]	No	Yes. Founding member (1996).[9]
Tajikistan	No	No	No	No
Turkmenistan	No	No	No	No
Ukraine	Yes. Member since 1996.[10]	Yes. Member since 1998.[11]	No	Yes. Founding member (1996).[12]
Uzbekistan	No	No	No	No

1. The source for all negative answers in this table is "Table of Membership of Multilateral Military-Related Export Control Regimes," as of March 1, 2000, SIPRI web site: <projects.sipri.se/expcon/natexpcon/country_matrix.html>
2. "Belorussiya stala polnopravnym chlenom gruppy yadernykh postavschikov," *Interfax*, no. 3 (June 1, 2000).
3. Kazakhstan is taking the necessary preparatory steps to join the Nuclear Supplier's Group. At the 1999 NSG meeting in Florence, Italy, the chair was mandated to pursue contacts with Kazakhstan with a view to membership. V. Koroblyev, "Eksportniy kontrol v Kazakhstane: problemy i ikh resheniye," lecture given as part of the CNS Nonproliferation Lecture Series in Almaty, Kazakhstan, September 1999; and the press statement of the plenary meeting of the Nuclear Suppliers Group, Florence, Italy, May 5–6, 1999, on the SIPRI web site: <projects.sipri.se/expcon/nsg_plenary99.htm>.
4. Press statement of the Plenary Meeting of the Nuclear Suppliers Group, Edinburgh, Scotland, April 1–2, 1998, posted on the SIPRI web site: <projects.sipri.se/expcon/nsg_plenary98.htm>.
5. Applied to Australia Group in February 1996; "Export Control System in the Republic of Latvia," SIPRI Export Control Project, SIPRI web site: <projects.sipri.se/expcon/natexpcon/latvia/latvia.htm>.
6. Applied to Wassenaar Arrangement in November 1995; ibid.
7. *Inventory of International Nonproliferation Organizations and Regimes: 2000 Edition*, Center for Nonproliferation Studies (CNS), Monterey Institute of International Studies, August 2000.
8. Press release, Missile Technology Control Regime, Bonn, Germany, October 12, 1995; and CNS NIS Nuclear Profiles database, *Russia: International Organizations and Treaties,* "Missile Technology Control Regime."
9. "Developing the Wassenaar Arrangement"; and CNS NISNP database, "Wassenaar Arrangement/COCOM Successor."
10. Zaborsky, "Ukraine Restructures Its Arms Export Controls," *Jane's Intelligence Review* (November 1999), pp. 19–22.
11. Ibid.
12. Ibid.

Asia, could play an important role in the transit of exports from other NIS countries. While Russia, Kazakhstan, and Ukraine have all taken steps to develop effective export control systems, the state of export controls in the other twelve countries of the NIS is inconsistent. Belarus, Latvia, and some of the other Baltic countries also have fairly well developed systems in place, while others states have a great deal of work ahead of them. Although some steps have been taken in almost all the Newly Independent States (with the possible exception of Turkmenistan, where virtually no export control work has been done),[13] generally these countries are still putting in place the legislation, regulations, and bureaucratic processes needed for a basic export control system.

The Russian Federation

The Russian Federation has been developing its nonproliferation export controls since 1992 and currently has a comprehensive but complicated export control system in place.[14] As noted, Russia inherited the Soviet system of export controls and did not have to build an export control system from scratch. Instead, Russia has faced the challenge of altering its export control system to cope with the demands of a changing economy and an increasing number of private enterprises and export firms, as well as a less centrally controlled society. In this task, Russia has drawn upon the considerable export control expertise and experience that existed in Moscow during the Soviet regime. Despite this advantage, the development and implementation of effective nonproliferation export controls in Russia has been arguably more daunting than in other NIS countries. This is in large part a result of the sheer size of Russia's military-industrial complex—in particular its nuclear and missile industries—and the large number of sensitive goods and technologies that its enterprises produce.

The legislative basis of Russia's export controls consists primarily of a series of executive branch decrees and resolutions, as well as its comprehensive Law on Export Controls, passed in June 1999. The law, which provides a strong legal basis for the Russian export control system, states that nonproliferation is one of the fundamental principles of export control policy. The law requires the development of internal export control compliance programs for all enterprises that regularly trade in controlled goods and technologies. In an effort to improve the effective implementation of export controls, relevant export control-related government bodies have placed particular emphasis in recent years on helping enterprises and potential exporters to understand the export control system and develop their own internal programs.[15] (The Moscow-based nongovernmental Center on Export Controls also plays an important role in this area, holding seminars and workshops on the Russian export control system for enterprises in cities throughout the Russian Federation.)[16]

The interagency Export Control Commission and its working body, the Federal Service for Currency and Export Control (VEK), have played primary roles in the Russian export control system. The commission is responsible for coordinating state nonproliferation export control policies.[17] VEK was the working body and permanent secretariat for the commission and

13. Monterey Institute for International Studies, CNS staff interviews with Turkmenistani government officials, Ashgabat, Turkmenistan, June 1999.

14. For recent analyses in English of the Russian export control system, see Vladimir Orlov, "Export Controls in Russia: Policies and Practices," *Nonproliferation Review,* vol. 6, no. 4 (fall 1999); and Elina Kirichenko, "Technology Transfers and Export Controls: A Russian Perspective," *The Monitor,* vol. 6, no. 2 (spring 2000).

15. Kirichenko, "Technology Transfers and Export Controls," p. 23.

16. Center on Export Controls web site: <www.expcon.ru>.

17. The commission was established by Presidential Decree 388 on April 11, 1992. Emily Ewell and Holly Tomasik, "Nuclear Export Controls of the Russian Federation: A Status Report," CNS unpublished report, prepared for the Office of Arms Control and Nonproliferation, U.S. Department of Energy, December 1996. The Export Control Commission comprises the deputy heads of the Ministry of Foreign Affairs, the Ministry of Defense, the State Customs Committee, the Federal Security Service, the State Committee on Nuclear and Radiation Safety, the Russian Academy of Sciences, and possibly the new Ministry of Economic Development and Trade and the Ministry of Science, Industry, and Technology. (Formerly, the deputy heads of the now-eliminated Ministries of Economics and Trade were included on this commission.) Orlov, "Export Controls in Russia."

had previously been responsible for issuing formal permission for exports—a key step in the export licensing process (see below). In May 2000, however, VEK was eliminated as part of President Vladimir Putin's restructuring of the Russian government;[18] it was replaced by a newly created Department of Export Control in the new Ministry of Economic Development and Trade. Export licenses continue to be issued by the Department of Nontariff Regulation, which was moved from the Ministry of Trade (also eliminated in May 2000) to the Ministry of Economic Development and Trade.[19] Other bodies that play a key role in the export control process include the government (pravitelstvo), which refers to the administrative structure of the office of the prime minister, the Ministry of Atomic Energy (for nuclear-related exports), the Russian Aerospace Agency (for missile-related exports), the Ministry of Foreign Affairs, the Ministry of Defense, and the Customs Committee.

Legal Infrastructure

Because of the great number of laws, decrees, and resolutions pertaining to export controls in the Russian Federation, the following list includes only the most important legislative acts and executive decrees for nuclear- and missile-related export controls.

LAW ON EXPORT CONTROL, JULY 29, 1999. This law was passed by the Russian Duma on June 22, 1999, was approved by the Federation Council on July 2, 1999, signed by President Boris Yeltsin on July 18, 1999, and entered into force on July 29, 1999.

Article 1 of the law gives a legal definition of the term *export control*, which it describes as a group of measures regulating "foreign economic activity with goods, information, work, services, and the results of intellectual activity that could be used in the development of weapons of mass destruction, their delivery systems, and other types of weapons and military equipment." Article 4 declares that the objectives of the Russian export control system are to (1) protect the interests of the Russian Federation; (2) satisfy the requirements of international agreements on the nonproliferation of weapons of mass destruction and their delivery systems; and (3) create the necessary conditions for the integration of Russia into the international economy. Article 6 states that export control lists will be drawn up by the president, in consultation with the Federal Assembly and industry representatives. This process is a change from previous regulations, whereby the executive branch had sole discretion over the content of the lists. The law requires "transparency" and open access to information on the export control system. Article 9 establishes an "interdepartmental export control coordinating body" to oversee federal export control policy. (Despite the fact that this appears to refer to the interagency Export Control Commission, it is not clear whether the commission will in fact fill this role.)[20] Article 9 also authorizes the creation of a "special authorized federal executive body in the export control sphere" to implement that policy. Article 16 directs the Russian government to aid in the establishment of internal export control compliance departments at companies that deal in controlled goods and technologies. This article also makes the establishment of such departments mandatory at Russian firms that conduct "scientific or production activity in support of federal defense and national security requirements" or "regularly earn income from foreign trade operations involving controlled goods and technologies." Article 17 authorizes this latter body to conduct detailed audits of organizations suspected of possible export control violations. Article 20 establishes the legal basis for the use of the catch-all principle, which was introduced into the Russian export control system by Government Resolution 57 in January 1998. Article 25 allows the imposition of export controls on WMD-related technology on the basis of either international agreements or Russian national interests, laying the legal basis for the imposition of unilateral export controls.

18. RFE/RL Newsline, May 19, 2000, on the RFE/RL web site: <www.rferl.org/newsline/2000/05/1-rus/rus-190500.html>.
19. CNS correspondence with Russian export control specialist, August 2000.
20. CNS correspondence with Russian export control specialist, August 2000.

Article 32 calls for sanctions against those entities violating Russian export control regulations. Such sanctions range from fines to more severe measures. The article states that in "extreme cases that result in the infliction of considerable damage to the economic interests of the Russian Federation, national defense, and state security or in the case of a repeat offense, the organization may lose the right to conduct certain types of foreign economic activities for up to three years."[21]

GOVERNMENT RESOLUTION 57, JANUARY 22, 1998, "On Strengthening Export Controls for Dual-Use Goods and Services That Are Related to Weapons of Mass Destruction and Missile Delivery Systems." This resolution introduces the idea of catch-all controls in Russian export control legislation. It states that Russian entities must refrain from exporting any dual-use goods and services, even if they are not on any Russian export control lists, if there is reason to believe that the goods will be used in the production of nuclear, chemical, or biological weapons or in missile delivery systems.[22] In addition, Russian entities are required to inform the Government Commission on Export Control of any decision not to export dual-use goods and services for the aforementioned reasons.[23]

CRIMINAL CODE OF THE RUSSIAN FEDERATION, JANUARY 1, 1997. The Criminal Code was passed on June 13, 1996, and entered into force on January 1, 1997. This law contains several articles addressing export control violations and the illegal handling of nuclear and radioactive materials. In particular, Article 188 provides criminal penalties for smuggling illicit materials, including materials or equipment that could be used in the development of a weapon of mass destruction. Article 189 provides criminal penalties for the illegal export of technologies, scientific-technical information, and services that could be used to develop weapons of mass destruction; means of delivery; and arms and military technology.[24] Penalties range from prison terms of three to seven years and from five to ten years for multiple offenders or government officials making use of their official position to violate such controls.[25] Article 355 makes the production, acquisition, or selling of weapons of mass destruction punishable by up to ten years imprisonment.[26]

PRESIDENTIAL DECREE 1194, AUGUST 16, 1996, "On Control of Exports of Equipment, Materials, and Technology Used To Develop Missile Weapons," amended by Presidential Decree 7, January 1999. This decree approved a new export control list for missile-related equipment, materials, and technologies, in accordance with Russia's accession to the MTCR in October 1995.[27] The control list was amended in January 1999, in accordance with changes made in the MTCR's international control lists.[28]

GOVERNMENT RESOLUTION 575, MAY 8, 1996, "On Approval of the Statute Regulating Exports of Dual-Use Equipment, Materials, and Related Technologies Applied for Nuclear Purposes." This resolution established export procedures for dual-use nuclear-related items on the national control list (Presidential Decree 228).[29]

GOVERNMENT RESOLUTION 574, MAY 8, 1996, "On Approval of the Statute Regulating Exports and Imports of Nuclear Materials, Equipment, and Special Nonnuclear Materials, and Related

21. From the FBIS English-language translation of the law, FBIS Document FTS19990623001475, originally published in Russian in *Rossiyskaya gazeta*, July 29, 1999, pp. 4–5.
22. Orlov, "Export Controls in Russia."
23. From the Russian-language text of the decree.
24. "Excerpts from the Criminal Code of the Russian Federation," *The Monitor*, vol. 2, no. 4 (fall 1996), University of Georgia, pp. 33–35; and CNS correspondence with Russian export control specialist, August 2000.
25. Orlov, "Export Controls in Russia."
26. CNS staff correspondence with Gary Bertsch, University of Georgia, January 1998.
27. *Interfax*, January 5, 1999; and "Yeltsin Decrees 'Confirmed' Commitment to Nonproliferation," FBIS Document FTS19990105000690.
28. CNS correspondence with Russian export control specialist, August 2000.
29. From the Russian-language text of the decree.

Technologies." This resolution established export procedures for nuclear-related items on the national control list (Presidential Decree 202). The resolution introduced significant changes into the export process for critical nuclear items.[30]

PRESIDENTIAL DECREE 228, FEBRUARY 21, 1996, "On Approval of the List of Dual-Use Equipment, Materials, and Related Technology, Export of Which Is Controlled." This decree approves the national control lists of dual-use nuclear materials, equipment, and technology.[31]

PRESIDENTIAL DECREE 202, FEBRUARY 14, 1996, "On Approval of the List of Nuclear Materials, Equipment, Special Nonnuclear Materials and Related Technologies, Subject to Export Controls," amended by Presidential Decree, May 1997. This decree approves the national control list for nuclear materials, equipment, and technology. A May 1997 presidential decree introduced changes and additions to this list.[32]

GOVERNMENT RESOLUTION 70, JANUARY 27, 1993, "On Approval of the Statute Regulating Control of Exports from the Russian Federation of Equipment, Materials, and Technology Employed To Develop Missile Weapons," amended by Government Resolutions in November 1993, May 1995, and September 1996. This resolution establishes export licensing procedures for equipment, materials, and technologies used to produce missiles capable of delivering payloads of at least 500 kg to a range of at least 300 km (the initial parameters of the Missile Technology Control Regime [MTCR]). The resolution also defines the export licensing authority and guidelines for missile exports. Of the three sets of amendments, those adopted in November 1993 were the most significant, changing the export licensing guidelines to more closely reflect MTCR guidelines. The September 1996 amendments change the licensing procedures to reflect the new missile control list, adopted by presidential decree in August 1996 (see below).[33]

PRESIDENTIAL DECREE 312, MARCH 27, 1992, "On Control over Export of Nuclear Materials, Equipment, and Technologies from the Russian Federation," and amended by Presidential Decree 12, May 2000. This decree stipulates Russia's adherence to a policy requiring full-scope IAEA safeguards on all nuclear activities as a condition of export to non-nuclear-weapon states (NNWS).[34] The 1992 decree, however, did include language stating that certain nuclear exports to NNWS without full-scope safeguards could be allowed by "individual government decision under certain conditions."[35] The decree was amended in May 2000 to state more explicitly that nuclear exports to non-nuclear-weapon states that do not have a full-scope safeguard agreement are permissible if the following conditions are met.

- The implementation of the export transaction does not contradict Russia's international commitments.
- The government of the importing country has provided an official pledge that the supplied material, equipment, and technologies shall not be used in any way that may result in the creation of a nuclear explosive device.
- The export transaction is carried out solely for the purposes of ensuring the safe operation of preexisting nuclear installations in the importing country.
- The aforementioned installations are subject to IAEA safeguards.

30. Critical nuclear items are defined as uranium enriched to 20% or higher, plutonium, reprocessing equipment, equipment for uranium isotope separation, equipment for heavy-water production, equipment for the conversion of enriched uranium and plutonium, and technologies related to these items.
31. From the Russian-language text of the decree.
32. From the English-language translation of the decree, published in *Nonproliferation Export Controls in Russia*, no. 2 (4) (May 1997).
33. Ewell and Tomasik, "Nuclear Export Controls of the Russian Federation."
34. Ewell and Tomasik, "Nuclear Export Controls of the Russian Federation."
35. CNS correspondence with Russian export control specialist, August 2000.

The amendment further states that Russia has the right to stipulate additional conditions for such export transactions.[36]

The Export Licensing Process

The Russian export licensing system includes the following steps: an internal review by the exporting company; a ministerial review by the ministry overseeing the particular exporting enterprise; special permission from the government and the Export Control Commission for certain critical nuclear exports; a review by the Department of Export Controls in the Ministry of Economic Development and Trade, including an interagency review; a review by the Federal Agency for the Protection of State Property, located in the Ministry of Justice; a formal export license application review by the Department of Nontariff Regulation in the Ministry of Economic Development and Trade; and a final check of all documents by the Customs Committee.

Exporting companies are required to conduct an internal review of proposed exports, as part of their export control compliance program. Although such programs are mandated by the June 1999 Law on Export Controls, the Ministry of Atomic Energy (Minatom), has required internal compliance programs at its enterprises since May 1996.[37] VEK published guidelines on the establishment of such programs at all Russian enterprises that export controlled goods and technologies in May 1998.[38]

Nuclear-Related Exports

For all nuclear exports, Minatom requires its enterprises to submit export proposals to the Minatom Export Council for review. If the Export Council approves the proposed export but determines that it requires an export license, the applicant may proceed to the next step. In order to export critical trigger list items—uranium enriched to 20% or higher, plutonium, and equipment, material, and technology for use in nuclear-fuel reprocessing, uranium enrichment, heavy-water production, or the conversion of enriched uranium or plutonium—permission must be obtained from the government even to enter into negotiations with a foreign partner. Once permission has been granted and a contract concluded, the Export Control Commission must issue a finding on the possibility of implementing the contract (such permission is not required for dual-use or other noncritical nuclear exports).[39]

The potential exporter must next receive a certificate from the Federal Agency for the Protection of State Property,[40] as well as approval from the Department of Export Control in the Ministry of Economic Development and Trade regarding the possibility of export. The Department of Export Controls sends the potential export contract to a number of other ministries for review, including the Ministry of Foreign Affairs and Ministry of Defense. Only then may the potential exporter formally apply for an export license at the Ministry of Economic Development and Trade's Department of Nontariff Regulation.

The actual export license application is a purely administrative process, as all necessary permissions must be obtained before this stage. In the final step of this process, the exporter must fill out a customs declaration. For the export of controlled items, the Nontariff

36. From an English-language translation of the decree, "On Amending Russian Presidential Edict 312, dated March 27, 1992, 'On Control over the Export of Nuclear Materials, Equipment, and Technologies from the Russian Federation,' " communiqué of the press service of the president of the Russian Federation, May 7, 2000. Minatom officials have emphasized that this amendment refers only to exports necessary for the safe operation of existing nuclear installations and thus does not contradict the guidelines of the NSG. CNS correspondence with Russian export control specialist, August 2000.

37. From the Russian-language text of *Ministry of Atomic Energy Order 432*, "On the Procedures for Export and Import of Nuclear Material, Equipment, Special Nonnuclear Material, and Corresponding Technology," July 17, 1996.

38. From the Russian-language text, "Guidelines for the Establishment of an Internal System for Export Control at the Enterprise (Organization)," approved by R. A. Safaraliyev, deputy director of the Federal Service for Currency and Export Control.

39. CNS staff discussion with Russian export control specialist, October 1997.

40. The Federal Agency for the Protection of State Property (FAPRID) evaluates whether the state has intellectual property rights associated with the potential export if that export was developed with government funding.

Division of the Customs Committee will review the customs declaration, export license, and accompanying documentation. If it appears that an item on the customs declaration might be controlled but does not have an export license, customs officials may begin an investigation, which can include consultations with Minatom, the Ministry of Defense, and other government agencies.

Multilateral Agreements

Russia inherited the former Soviet Union's status as a founding member of the Nuclear Suppliers Group (NSG).[41] Russia was formally admitted into the Missile Technology Control Regime in October 1995[42] and became a founding member of the post–COCOM Wassenaar Arrangement in 1996.[43] Currently, Russia is not a member of the Australia Group, although its control lists in the sphere of biological- and chemical-weapons-related goods and technologies are consistent with the guidelines of the Australia Group.[44]

Russia is also a party to the "Agreement on Coordination Regarding Issues of Export Control of Raw Materials, Materials, Equipment, Technology, and Services That Could Be Used in the Production of Weapons of Mass Destruction and Their Delivery Systems," also known as the Minsk Accords, signed on June 26, 1992, by Commonwealth Independent States (CIS) members.[45] According to the agreement, the parties will create national export control systems, coordinate their efforts to control exports of materials used in the production of weapons of mass destruction, and create uniform control lists based on existing international export control regimes.[46] To date, however, little has been done to implement this agreement. Russia is also a member of a "Customs Union" with Belarus, Kazakhstan, Kyrgyzstan, and Tajikistan and has been a proponent of greater integration among the NIS countries in this sphere.

Kazakhstan

Kazakhstan began developing its export control system upon gaining independence in the early 1990s and now has a fairly well developed control system in place. The country has a strong legislative basis for export controls, an export licensing process with interagency review, and relevant officials have a firm understanding of non-proliferation-related export control issues. Nuclear export controls have been in place the longest and include a mandatory review of all license applications by the Kazakhstani Committee on Atomic Energy. Since 1999, partially in response to the controversial export of MiG aircraft to North Korea, Kazakhstani officials have worked to strengthen export control over military goods and technology.

Export controls in Kazakhstan are primarily implemented by: the government (or pravitelstvo); the Ministry of Energy, Industry, and Trade; the Committee on Atomic Energy; the Ministry of Foreign Affairs; and the newly created Interagency Commission of the Security Council on Issues of Export of Weapons, Military Equipment, and Dual-Use Materials.[47] The interagency State Commission for Export Control Issues, created by a December 1999 government resolution, is responsible for making recommendations on how to strengthen the

41. Michael Beck, "Russia and Efforts To Establish Export Controls," *Global Evaluation of Nonproliferation Export Controls: 1999* (Center for International Trade and Security, University of Georgia, 1999).

42. Press release, Missile Technology Control Regime, Bonn, Germany, October 12, 1995.

43. "Developing the Wassenaar Arrangement: A New Arms Export Control Regime," *Saferworld* report, September 1996, <www.gn.apc.org/sworld/wassen.html>.

44. Beck, "Russia and Efforts To Establish Export Controls."

45. From the Russian-language text of the Minsk Accord, "Agreement on Coordination of Work on Issues of Export Control," June 26, 1992.

46. From the Russian-language text of the Minsk Accord, "Soglasheniye o koordinatsii rabot po voprosom eksportnogo kontrolya," June 26, 1992.

47. The new interagency commission was created by presidential decree in June 2000. Permission from this commission must be secured to export weapons, military equipment, and dual-use materials. CNS correspondence with Kazakhstani export control official, August 2000, and "Kazakhs Set up Special Body To Control Arms Sales," Reuters, June 8, 2000.

export control system. The Customs Committee and the Committee for National Security have primary responsibility for export control enforcement.

Two state-controlled companies export the majority of all controlled goods and technology from Kazakhstan—Kazatomprom and Kazspetseksport. Kazatomprom manages the government's uranium mining and milling assets and the production of nuclear fuel and special dual-use equipment, technology, and materials. Kazatomprom is given preference in all export deals involving these items and is Kazakhstan's representative in these areas on the world market.[48] Kazspetseksport is subordinate to the Kazakhstani Ministry of Defense and has the task of marketing Kazakhstani military equipment and strategic materials globally. Its activities include the sale of arms and military equipment, ammunition, strategic raw materials, and dual-use materials. Kazspetseksport was previously called the Karu-Zharak State Enterprise.[49]

Legal Infrastructure

The following list provides the details of key Kazakhstani export control-related legislative acts and executive decrees.

LAW ON THE EXPORT OF ARMS, MILITARY TECHNOLOGY, AND DUAL-USE PRODUCTS, JULY 18, 1996, amended November 24, 2000. This law provides a broad legal basis for export controls. It states that Kazakhstani export controls are established in the interests of national and international security and in order to strengthen the nonproliferation regime. The law gives the government of Kazakhstan the authority to create and develop an export control system and to define the authority of other executive organs in that system. It broadly defines the items subject to export controls, including weapons and military technology; nuclear and dual-use nuclear materials; chemical and biological agents that could be used in the creation of chemical or biological weapons; missile technologies; military, scientific, and technical information; as well as any other products as determined by the government of Kazakhstan. The law specifically states that nuclear exports must be placed under IAEA safeguards, as well as addressing issues of reexport and transit.[50] This was the first comprehensive export control law to be passed in the NIS. The 2000 amendment introduced a catch-all clause and requires the establishment of internal export control compliance programs at export firms.[51]

GOVERNMENT RESOLUTION 1917, DECEMBER 14, 1999, "On Improving the Export Control System in the Republic of Kazakhstan." This resolution created the State Commission on Export Control Issues and abolished its two predecessors: the State Commission on Export Controls and the State Commission on the Export and Import of Arms, Military Items, and Dual-Use Items. The new commission, headed by the prime minister, is composed of two subcommittees, which make recommendations on strengthening the export control system.[52]

GOVERNMENT RESOLUTION 1919, DECEMBER 14, 1999, "On Approving the Rules for Implementing Export Control in the Republic of Kazakhstan and the Rules for Processing Commitments Regarding Use of Imported Products Which Fall under Export Controls and Verification of Their Use."[53] Together with Government Resolution 1037, this resolution outlines the export licensing process in Kazakhstan.[54]

48. From the Russian-language text of Government Resolution 1659, "Statute of the National Operator for the Export and Import of Uranium and Its Compounds, Nuclear Fuel for Atomic Energy Stations, Special Dual-Use Equipment, Technology, and Materials," November 26, 1997.
49. Promotional brochure for Karu-Zharak, published by the Ministry of Defense of the Republic of Kazakhstan; and CNS correspondence with Kazakhstani export control officials.
50. From the Russian-language text of the law.
51. *Kazakhstanskaya pravda* on-line edition: <www.kazpravda.kz>, November 24, 2000.
52. From the Russian-language text of the law.
53. Ibid.
54. CNS correspondence with Kazakhstani export control official, August 2000.

GOVERNMENT RESOLUTION 1143, AUGUST 11, 1999,"On Issues Regarding Transit of Products That Fall under Export Control," was modified on March 28, 2000, by Government Resolution 450, "On Changes and Additions to Government Resolution 1143 from August 11, 1999."[55]

GOVERNMENT RESOLUTION 694, JUNE 2, 1999, "Statute of State Committee for Export Control." This statute outlines the role and responsibilities of the State Committee for Export Control. The committee is charged with recommending steps for improving government oversight of the export of arms, military technologies, and dual-use goods, improving export control legislation, joining multilateral export control regimes, and generally strengthening Kazakhstan's national export control system.[56]

GOVERNMENT RESOLUTION 278, MARCH 19, 1999, "On Issues Regarding Export-Import of Arms, Military Products, and Dual-Use Goods." This resolution increased governmental oversight of the export and import of controlled goods.[57]

GOVERNMENT RESOLUTION 950, SEPTEMBER 24, 1998, "On the State Committee for Export Control of the Republic of Kazakhstan."[58] This resolution reestablished the interagency State Committee for Export Control and set the Ministry of Energy, Industry, and Trade as its executive organ. The committee comprises high-level officials from all ministries and agencies that have an official role in the export control system.

CRIMINAL CODE OF THE REPUBLIC OF KAZAKHSTAN, JANUARY 1, 1998. The criminal code provides penalties for violations of export controls. There are at least nine articles in the Criminal Code dealing with crimes involving weapons of mass destruction, radioactive materials, smuggling, and export control violations. The two most directly relevant to export controls are Article 243 and Article 250.

- Article 243 provides for penalties of heavy fines or prison terms of three to seven years for the illegal export of technologies, scientific and technical information, and services that could be used in the creation of weapons of mass destruction or other arms and military equipment.
- Article 250 provides for penalties of up to five years in jail and the possible confiscation of goods for smuggling nuclear, biological, and chemical weapons or materials and equipment that could be used in the production of those weapons. The penalties are more severe for multiple offenders, for government officials making use of their official position to smuggle the goods, and for organized crime groups.[59]

GOVERNMENT RESOLUTION 1037, JUNE 30, 1997, "On the Export and Import of Goods (Works, Services) in the Republic of Kazakhstan." This resolution is the seventh and most recent in a series, outlining the procedures for exporting controlled goods from Kazakhstan. The resolution explains the export licensing procedures and includes a general control list of all goods requiring either special permission from the government or an export license before they can be exported. The list of goods requiring special permission from the government includes military equipment and technologies, nuclear materials and technologies, radioactive materials, and radioactive waste. Those goods requiring an export license but no special permission from the government include all materials and dual-use materials that could be used in the production of arms, military equipment, or weapons of mass destruction. Export licenses for this second category of goods are issued only if permission has been granted by the Ministry

55. Ch. T. Masenov and G. Zh. Eligbayeva, "Licensing Nuclear Exports," presentation at the Seminar on Export Control of Nuclear Transfers, in Astana, Kazakhstan, May 19, 2000.
56. V. Koroblyev, "Procedures To Draw up Executive Resolutions for Nuclear Materials Export," presentation at a seminar on export controls for Kazakhstani Kazatomprom officials, Almaty, Kazakhstan, July 1999.
57. Koroblyev, "Exportniy kontrol v Kazakhstane."
58. From the Russian-language text of the decree.
59. "Zakon Respubliki Kazakhstan: Ugolovnyy Kodeks Respubliki Kazakhstan," *Zheti Zharghy*, Almaty, 1997. In accordance with a presidential decree from July 1997, the Criminal Code entered into force on January 1, 1998.

of Science and the Committee for National Security.[60]

GOVERNMENT RESOLUTION 183, MARCH 9, 1993, "Regulations on the Export and Import of Nuclear Materials, Technologies, Equipment, and Facilities; Special Nonnuclear Materials; Dual-Use Equipment, Materials, and Technologies; Radioactive Materials; and Isotope Products." This resolution sets requirements for nuclear exports and outlines the nuclear export control responsibilities of the Kazakhstani Atomic Energy Agency. Although enacted before Kazakhstan officially acceded to the NPT, Article 4 of this resolution specifically requires that nuclear exports be carried out in accordance with the provisions of the NPT. Lists of controlled nuclear and dual-use nuclear materials, which are consistent with Nuclear Suppliers Group lists, are set forth in appendixes 1 and 2 to the resolution.[61]

National Control Lists

An interagency working group was created in July 1998 to develop normative documents for export controls, including detailed national export control lists.[62] In July 1999, Kazakhstani specialists finished drafting control lists in the nuclear, missile, chemical, and biological spheres. These lists are consistent with international export control regimes.[63] The new control lists entered into force on November 18, 2000.[64]

The Export Licensing Process

There are three steps that a potential exporter must follow in order to receive an export license for nuclear, dual-use, or military goods.

- The exporter must apply to the government for written permission to export. In practice, before the government will issue this permission, it forwards the exporter's application to relevant ministries and agencies for review. The Ministry of Foreign Affairs, for example, is responsible for evaluating the political implications of potential exports.[65] There do not appear to be any major decrees or resolutions, however, that require such an interagency review.
- In the case of a nuclear export, the exporter must apply to the Committee on Atomic Energy (formerly the Atomic Energy Agency) for additional written permission to export. The committee uses the criteria described in the following paragraphs in deciding whether to grant permission for the proposed export.
- Once the exporter has received permission from both the government and the Committee on Atomic Energy, it may proceed with a formal application for an export license at the Ministry of Energy, Industry, and Trade's Department of Export Control and Licensing.

The steps required to export weapons, military equipment, and dual-use materials are the same, except that in step two written permission is required from the new Interagency Commission of the Security Council on Issues of Export of Weapons, Military Equipment, and Dual-Use Materials rather than from the Committee on Atomic Energy.[66] Once an export license has been obtained, the Customs Committee is responsible for reviewing that license and other accompanying documents before the items actually leave the country.

The Committee on Atomic Energy may only approve nuclear-related exports to a nonnuclear-weapon state if that state has a full-

60. From the Russian-language text of the decree.
61. From the Russian-language text of the decree.
62. Decree of the Prime Minister no. 146-r, July 29, 1998.
63. CNS staff discussions with Kazakhstani export control officials, Astana, Kazakhstan, July 1999.
64. Dauletbay Ismagulov, "Ob eksportnom konzrole v Respublike Kazakhstan," *Panorama* on-line edition: <www.panorama.kz>, no. 44, November 2000.
65. Timur Zhantikin, "Kontrol Yadernogo Eksporta v Kazakhstane," presentation given at the Seminar on Export Control of Nuclear Transfers, in Astana, Kazakhstan, May 19, 2000.
66. CNS correspondence with Kazakhstani export control official, August 2000.

scope International Atomic Energy Agency (IAEA) safeguard agreement in place. In addition, the relevant government authorities in the importing country must provide assurances that the exported nuclear goods:

- will not be used in the production of nuclear weapons or nuclear explosives, or for any military end
- will be placed under IAEA safeguards
- will be secured under physical protection at levels not less than those recommended by the IAEA, and
- will be reexported from the recipient country to a third country only if the previous three conditions are met and if the Kazakhstan Committee on Atomic Energy has provided written permission.[67]

In addition, the Committee on Atomic Energy noted, in a presentation to Kazakhstani government officials from other ministries, that an export should not be allowed if there is an unacceptable risk that the exported item could be diverted to a nuclear weapons program or an unsafeguarded nuclear fuel cycle, or if the export contradicted the basic principles of nonproliferation.[68] This apparent catch-all policy was included in the 2000 amendment to the Export Control Law.

Once the exporting company has secured permission from the government and the Interagency Commission or the Committee on Atomic Energy, it must formally apply to the Ministry of Energy, Industry, and Trade for an export license. Export licenses are issued by the Ministry's Department of Export Control and Licensing. The Customs Committee is responsible for export licenses and other documents before items cross the border.

Multilateral Agreements

Kazakhstani officials are actively pursuing membership in the Nuclear Suppliers Group and are also interested in joining the MTCR and the Wassenaar Arrangement.[69] At present, Kazakhstan has no concrete plans to join the Australia Group.

Kazakhstan is a party to the "Agreement on Coordination Regarding Issues of Export Control of Raw Materials, Materials, Equipment, Technology, and Services That Could Be Used in the Production of Weapons of Mass Destruction and Their Delivery Systems," also known as the Minsk Accord, signed on June 26, 1992, by CIS member states (described in the section on the Russian Federation, above).

Ukraine

Like Kazakhstan, Ukraine has been building a nonproliferation export control system since the early 1990s.[70] Ukraine currently has a well-developed system in place, although it still has not enacted a comprehensive law on export controls. Several presidential decrees, however, have been issued in the past few years, representing important steps forward in the continued development of national export controls. In addition, Ukraine has established detailed national control lists compliant with the guidelines of all the major international supplier regimes, a clear and straightforward export licensing process (including an interagency review), and a cadre of dedicated export control professionals with a strong understanding of the concept of nonproliferation export controls.

The primary export control body in Ukraine is the State Export Control Service (SSEC), responsible both for providing recommendations on export control policy and for the export licensing process. Unlike in Kazakhstan and Russia, the substantive review of export license applications and the issuing of licenses in Ukraine is done by one organization, the SSEC. In 1999, the SSEC was reorganized, and several new departments were added. One of these departments tracks developments in multilateral export control regimes and assists in the formulation of Ukrainian policy on issues

67. Masenov and Eligbayeva, "Licensing Nuclear Exports."
68. Ibid.
69. CNS staff discussions with Kazakhstani export control officials, Astana, Kazakhstan, July 1999; correspondence with Kazakhstani export control official, August 2000.
70. For a recent analysis in English of the Ukrainian export control system, see Zaborsky, "Ukraine Restructures Its Arms Export Controls," pp. 19–22.

related to regime membership. Another analyzes issues of regional stability and the international arms market. This latter department also advises Ukrainian arms exporters of Ukraine's international and political responsibilities. This department was apparently established in response to international criticism that Ukraine was selling arms and military technology to unstable and warring regions.[71]

Other Ukrainian ministries and agencies participate in the export control process through their membership in the interagency Government Commission for Export Control Policy and Military and Technical Cooperation, which replaced the Commission for Export Control Policy in February 1999.[72] This commission plays a key role in the decision-making process in licensing certain critical exports (as outlined in the February 4, 1999, Presidential Decree discussed below).[73] In addition, the Ministry of Foreign Affairs and the Council on National Security and Defense regularly participate in the coordination of international issues and in the maintenance of national control lists.[74]

In December 1999, Ukrainian President Leonid Kuchma reorganized the structure of the executive branch, depriving the SSEC of the ministerial status it had gained in 1996 and merging it into the Ministry of the Economy. The SSEC retains the same licensing responsibilities it had before the reorganization, however.[75]

Of primary export control concern is Ukraine's advanced missile industry, as well as enterprises that produce dual-use nuclear goods. In the sphere of arms and military-related goods and technologies, the primary exporter is the state company Ukrspetzeksport, which was created in November 1996 and is managed by the Office of the Prime Minister.[76]

Legal Infrastructure

Given the absence of a comprehensive Law on Export Controls, the legal basis for the Ukrainian export control system consists primarily of executive branch decrees and resolutions. The following list contains the key legislative acts and executive decrees that pertain to export controls in Ukraine.

PRESIDENTIAL DECREE 1573, DECEMBER 15, 1999, "On Changes to the Structure of the Executive." This decree merged the SSEC, which had previously been an independent agency, into the Ministry of the Economy.[77]

PRESIDENTIAL DECREE 422, APRIL 21, 1999, "On Measures To Perfect Military and Technical Cooperation between Ukraine and Foreign Countries." This decree lays out the roles and responsibilities of the major institutional players in the arms export control process.[78]

PRESIDENTIAL DECREE, FEBRUARY 4, 1999. This decree transformed the Commission on Export Control Policy into the Commission on Export Control Policy and Military and Technical Cooperation with Foreign Countries. It

71. "Shooting Exports," interview with Alexander Grishutkin, deputy head of the State Service on Export Controls, *International Security*, Kiev, Ukraine, 1999 (no month), on the Center for Army Conversion and Disarmament Studies web site: <www.niss.gov.ua/koi/cacds/magazine/art6.htm>.

72. The commission comprises first deputy heads and deputy heads of the Ministry of Foreign Affairs, Ministry of Foreign Economic Relations and Trade, Ministry of Defense, Ministry of Industrial Policy, Ministry of Internal Affairs, the State Security Service, the Center for Strategic Planning and Analysis under the Council on National Security and Defense, the State Service for Export Controls, State Customs Service. Zaborsky, "Ukraine Restructures Its Arms Export Controls," pp. 19–22.

73. Ibid.

74. Scott Jones, "An Evaluation of Export Controls in Ukraine," *Global Evaluation of Nonproliferation Export Controls: 1999 Report*, Center for International Trade and Security, University of Georgia, 1999.

75. Victor Zaborsky, "The 'New President' of Ukraine: Reforming the Government, Facilitating Arms Exports," *World Affairs* (December 2000).

76. Zaborsky, "Ukraine Restructures Its Arms Export Controls."

77. "Kuchma Decree Abolishes Ministries, National Guard," *UNIAN*, December 15, 2000; see also Zaborsky, "The 'New President' of Ukraine."

78. Ibid.

remains a high-level interagency body but is subordinate to the President's Council on National Security and Defense. (Previously, the commission was subordinate to both the president and the cabinet of ministers.) In addition, the decree more clearly defines the commission's decision-making responsibilities in the sphere of export licensing. The text of this decree has not been made public.[79]

PRESIDENTIAL DECREE 117, FEBRUARY 13, 1998, "On Procedures for Export Control in Ukraine." This decree sets forth the goals and procedures for Ukraine's export controls. It is the first comprehensive document on export controls, and functions as the primary export control legislation pending enactment of a comprehensive export control law. This decree also introduces two new principles into the Ukrainian export control system. First, it requires potential exporters to obtain permission from the SSEC before negotiating a contract with a foreign partner. Second, it establishes catch-all controls for exports. Article 14 states, "An exporter must consult the State Service on Export Control (SSEC) if the exporter knows or comes to learn of the possibility that the goods intended for export will be used to develop weapons of mass destruction, their delivery means, or conventional arms, despite the fact that said goods are not included in the control lists."[80]

CABINET OF MINISTERS RESOLUTION 384, APRIL 22, 1997, "On the Procedures for the Control of Exports, Imports, and Transit of Goods That May Be Used in the Production of Chemical, Biological (Biochemical), and Toxic Weapons." This resolution establishes both the procedures and a national control list in the sphere of chemical- and biological-weapons-related goods and technologies. The procedures and control list set forth by this resolution are consistent with the guidelines of the Australia Group.[81]

PRESIDENTIAL DECREE 1279, DECEMBER 28, 1996, "On Further Improving State Export Control." This decree transforms the Government Commission on Export Controls and the State Expert-Technical Committee, previously the two primary export control bodies in Ukraine, into the Government Commission for Export Control Policy and the State Service for Export Controls. The interagency Government Commission for Export Control Policy is made responsible for ensuring the coordination of export control issues and for resolving any difficult export licensing issues. The State Service for Export Controls is responsible for developing and implementing export control procedures, including export licensing.[82]

CABINET OF MINISTERS RESOLUTION 1005, AUGUST 14, 1996, "On the Rules and Procedures for the Control of Goods That May Have Military Applications (Dual-Use Goods and Technologies)." This resolution establishes both export procedures and a national control list in the sphere of dual-use goods and technologies. The procedures and control list set forth by this resolution are consistent with the guidelines of the Wassenaar Arrangement.[83]

CABINET OF MINISTERS RESOLUTION 302, MARCH 12, 1996, "On the Rules and Procedures for the Control of the Export, Import, and Transit of Goods That Relate to Nuclear Activities and Can Be Used in the Construction of Nuclear Weapons." This resolution establishes both export procedures and a national control list in the sphere of nuclear materials and technologies. The procedures and control list set

79. Zaborsky, "Ukraine Restructures Its Arms Export Controls," pp. 19–22.

80. Ibid.

81. "List of Existing Normative Documents on Export Control Issues," distributed at the conference "Cooperation between Enterprises and State Export Control Organs," organized by the Scientific and Technical Center for the Export and Import of Special Technologies, Equipment, and Materials, Kiev, Ukraine, November 1997; and Jones, "An Evaluation of Export Controls in Ukraine."

82. From an English-language translation of the decree published in *Uryadovyy Kuryer*, January 11, 1997, p. 7, in FBIS–SOV–97–026, January 11, 1997.

83. CNS staff discussion with Ukrainian Foreign Ministry official, May 1997; and "List of Existing Normative Documents on Export Control Issues."

forth by this resolution are consistent with the guidelines of the Nuclear Suppliers Group.[84]

CABINET OF MINISTERS RESOLUTION 563, JULY 27, 1995, "On the Rules and Procedures for the Control of the Export, Import, and Transit of Missile Technologies, Related Equipment, Materials and Technologies." This resolution establishes both export procedures and a national control list in the sphere of missile technologies. The procedures and control list set forth by this resolution are consistent with the guidelines of the MTCR.[85]

LAW ON ADDITIONS TO THE CRIMINAL AND JUDICIAL CODES OF UKRAINE, 2613 KhP, MARCH 17, 1992. This law makes an addition to Article 228–6 of the Criminal Code of Ukraine, specifying the penalties for violating export control procedures for sensitive items. The new language states that the illegal export of raw materials, materials, equipment, and technologies that can be used for the production of missile, nuclear, chemical, or other types of weapons can lead to the confiscation of property and prison terms of three to eight years.[86]

The Export Licensing Process

Enterprises seeking to export controlled items must first apply to the State Service for Export Controls for permission to negotiate a contract with a foreign partner.[87] Only seven Ukrainian firms, including the Antonov aircraft plant and the Artem missile component plant, are permitted under a July 1999 Ukrainian government regulation to negotiate contracts independently for the export of "goods with military applications and goods containing secret information." All other firms must negotiate export contracts through Ukrspetzeksport.[88] Once a contract is in place, the potential exporter must then go back to the SSEC for an export license. In addition to an export license application, the potential exporter must submit a certificate from an authorized government agency in the recipient country stating that:

- the imported items will not be reexported without written consent from Ukraine
- the imported items will not be used in the development of weapons of mass destruction, and
- the imported items will not be used in any way that contributes to a nuclear fuel cycle that is not under IAEA safeguard rules.[89]

In consultation with other relevant ministries, the SSEC evaluates the export license application package, taking into account a number of political, technical, economic, and military factors.[90]

The export of "critical items," as well as exports to "critical countries" must be reviewed and approved by the interagency Commission on Export Control Policy and Military and Technical Cooperation with Foreign Countries before an export license can be issued. "Critical items" are defined as goods, technologies, equipment, and materials that could significantly contribute to the development of weapons of mass destruction. "Critical countries" are those against which either the United Nations or the Organization for Security and Cooperation in Europe has imposed sanctions; those that currently pose or could pose a threat to the national security of Ukraine; and those that support terrorism.[91]

84. Ibid.
85. From the Ukrainian-language text of the decree.
86. Emily Ewell, John Parachini, and William Potter, "Ukrainian Nuclear Export Controls: A Status Report," CNS unpublished report, prepared for the Office of Arms Control and Nonproliferation, U.S. Department of Energy, December 1996.
87. This requirement was established by Presidential Decree 117 in February 1998; Zaborsky, "Ukraine Restructures Its Arms Export Controls."
88. Victor Zaborsky, "Ukraine Arms Plant Struggles in Independence Experiment," *Defense News* (August 7, 2000), pp. 33–46.
89. Jones, "An Evaluation of Export Controls in Ukraine."
90. CNS staff discussion with Ukrainian Foreign Ministry official, May 1997.
91. This requirement was established by a presidential decree passed in February 1999. Zaborsky, "Ukraine Restructures Its Arms Export Controls."

The State Customs Service is responsible for checking customs declarations and export licenses and forwards copies of those documents to the customs archives once the controlled items have left Ukraine.[92]

Multilateral Agreements

Ukraine is a member of three of the four major multilateral export control regimes, as is Russia. Kiev was formally admitted into the Nuclear Suppliers Group in May 1996 and became one of the founding members of the post-COCOM Wassenaar Arrangement in July 1996. Ukraine began to abide by the MTCR guidelines for missile-related transfers in 1995 but was not formally admitted into the regime until September 1998. The United States blocked Ukraine's entry into the MTCR for several years, insisting that Ukraine give up its inventory of Scud-B offensive missiles before joining. In March 1998, the United States and Ukraine announced that they had reached an agreement and that Washington would support Ukrainian membership in the MTCR. The full details of the agreement have not been made public.[93] Ukraine is not a member of the Australia Group but does adhere to its guidelines for exporting chemical- and biological-weapons-related goods and technologies.[94]

Like Kazakhstan and Russia, Ukraine is a party to the "Agreement on Coordination regarding Issues of Export Control of Raw Materials, Materials, Equipment, Technology, and Services That Could Be Used in the Production of Weapons of Mass Destruction and Their Delivery Systems" (described in the section on "Russia," above), signed on June 26, 1992, by CIS member states.[95] Ukraine is not a member of the Customs Union with Belarus, Kazakhstan, Kyrgyzstan, Russia, and Tajikistan. In March 1997, however, Moldova and Ukraine signed a declaration on the creation of a Customs Union between their two countries.[96]

92. Jones, "An Evaluation of Export Controls in Ukraine."
93. Zaborsky, "Ukraine Restructures Its Arms Export Controls."
94. Jones, "An Evaluation of Export Controls in Ukraine."
95. From the Russian-language text of the Minsk Accord, "Agreement on Coordination of Work on Issues of Export Control," June 26, 1992.
96. Natalya Prikhodka, "Kishinev i Kiyev sozdayut tamozhennyy soyuz," *Nezavisimaya gazeta*, on-line edition, March 27, 1997.