Transparency Regarding Fissile Materials in Russia: Limits and Opportunities

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Limits

- Concept is in question
- Legal restrictions
- Limited resources
Many experts express doubts that declaring military stockpiles of fissile material will strengthen national security. Upcoming negotiations on nuclear weapons ban treaty strengthen these doubts;

It’s a widespread belief that, having already declared its own nuclear materials stockpiles, the United States is now trying to turn its own national practice into an international norm;

It is argued that declaring stockpiles of fissile material would give rise to calls for verification of these declarations (including access to facilities, personnel, and records of nuclear weapons-usable materials production);

It is also argued that there are more urgent and feasible steps that could be taken towards irreversible nuclear disarmament, and that those steps would actually be more significant for the irreversible nuclear disarmament process. These include disposal of the nuclear weapons-usable materials that have already been declared as surplus to defense requirements (PDMA).
Legal Restrictions
Article 5. State secrets comprise:

1) Military information:
   - on the development, technology, manufacture, production output, storage, and disposal of nuclear weapons, its components, fissile nuclear materials used in nuclear weapons, technical means and/or methods of protecting nuclear weapons from unauthorized use, and on nuclear energy and special facilities significant for national defense;

2) Economic, scientific, and technical information:
   - On the scope and targets of the national defense procurement program, on the output and deliveries (in roubles or in physical units) of armaments, military hardware and other products, on the current availability and expansion of output capacity for these items, on contractual relationships between the companies involved, and on the developers and manufacturers of these weapons, military hardware and other defense products.
Article 4. The President of the Russian Federation:

- Approves the list of information designated as state secret submitted by the Government of the Russian Federation.
List of information designated as state secret

Approved by Presidential Decree No 1203 of November 30, 1995; changes and amendments to the decree can be made by the Russian President; such changes/amendments were made on four occasions in 2016.

12. Information about the nature and results of government programs and scientific and R&D projects on the development or modernization of nuclear weapons, nuclear physics package and their components;

14. Information about the development, technology, manufacture, production output, storage, and disposition of nuclear weapons, its components, and fissile materials used in nuclear weapons;

15. Information about nuclear or other special facilities significant to national defense;
List of information designated as state secret

19. **Information that discloses** the physical and chemical properties and the isotope composition or the **materials used in nuclear weapons, physical nuclear packages and their components**;

25. **Information about** the design, construction and operation of nuclear industry facilities and the measures to ensure their security; information about physical protection of nuclear materials, products in which these materials are used, nuclear facilities, and **nuclear material storage sites**; and about the protection of facilities and items that pose a nuclear and/or radiation hazard;

26. Information that discloses the location, purpose, operational readiness, actual names, organizational structure, armaments, and troop numbers of the Russian forces, and **that is not subject to declaration in accordance with the Russian Federation’s international commitments**.
• Article 283. Divulging state secrets:
  – Divulging information that constitutes a state secret by a person to which such information was entrusted or became known in the course of their service, work, studies, or in other circumstances stipulated by Russian legislation, in the absence of signs of high treason or espionage... is punishable by up to 7 years’ imprisonment.
• Article 275. High Treason:
  – High Treason, defined as a Russian citizen committing an act of espionage or supplying to a foreign government, international or foreign organization or to their representatives information that constitutes a state secret... such information having been obtained in the course of that citizen’s service, work, studies, or in other circumstances stipulated by Russian legislation, or providing financial, material, or technical assistance, advice, or other firms of assistance to a foreign government, international or foreign organization or their representatives to facilitate their actions against Russian national security... are punishable by 12 to 20 years’ imprisonment.
‘Other circumstances stipulated by Russian legislation’

• Conducting research projects on the basis of open sources of information also falls under the scope of this law if the results of such projects can lead to the divulging of state secrets.
Article 276. Espionage

- Supplying, **gathering**, stealing or storing information that constitutes state secret **for the purpose of supplying that information to a foreign government, international or foreign organization or their representatives**, as well as supplying or gathering other information for use against Russian national security at the behest of foreign intelligence services or persons acting on their behalf – that is, espionage – are punishable by 10 to 20 years’ imprisonment if committed by a foreign citizen or a stateless person.
Limited Resources

- There only about 20 experts engaged in nuclear nonproliferation and arms control research on a regular basis (CENESS, CMC, Diplomatic Academy, IMEMO, ISKRAM, MGIMO, PIR Center, RISS, DOD-affiliated RC);
- No leading technical university is currently engaged in such research;
- Given the limited human resources, there are more pressing and relevant nuclear nonproliferation and disarmament issues to research (for example, the future of the New START treaty beyond 2021, Korean Peninsula, prospects of the JCPOA during Trump administration, etc.).
Possible path forward to increase transparency: key principles

• No revolutions or ‘radical steps’;
• To build on previous steps/achievements in the area (New START, PMDA, declarations of excess of WG-materials, unilateral steps to dispose WG-materials/MOX fuel for BN-800).