



Sergio Duarte

«I DO NOT BELIEVE THAT SIMPLY TIGHTENING
NONPROLIFERATION CONTROLS OR NARROWING
THE DEFINITION OF «PEACEFUL USES» WILL SOLVE
THE GLOBAL NUCLEAR THREAT»

Security Index Editor-in-Chief Vladimir Orlov interviews one of the world leading experts in the area of disarmament and nonproliferation Sergio de Queiroz Duarte. In July 2007 Ambassador Duarte was appointed High Representative for Disarmament at the UN Under-Secretary-General level.

SECURITY INDEX: The great bargain envisioned by the NPT is similar to navigating along the river where one bank is nonproliferation, while the other is disarmament. The year of 2010 will be the year of the 8th NPT Review Conference which will set up a course in these fields for the next five years. However, it is crucial to agree on the course beforehand. In this sense, the upcoming meeting of the Preparatory Committee will indicate readiness of the NPT parties for cooperation. What do you expect from the May 2008 Prepcom?

DUARTE: There was a good start to the review process at the first session of the NPT Preparatory Committee in Vienna in 2007. The fact that an agenda was adopted means that substantial discussion can take place, without overburdening the process with prolonged deliberations on procedural matters. In accordance with the agreement on «Improving the effectiveness of the strengthened review process for the Treaty» from the 2000 NPT Review Conference, the first two sessions of the Preparatory Committee shall «consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality». I therefore hope for a constructive debate that can be summarized and brought forward to the third session, and thus lead to recommendations for the 2010 Review Conference.

It is essential for the 2010 NPT Review Conference to be successful, keeping in mind the disappointing outcome of the 2005 conference, the failure of the World Summit to address disarmament and nonproliferation issues, and the stagnation of nuclear disarmament diplomacy over the last several years. The NPT must be strengthened and faith in the Treaty rebuilt, as part of a broader process of reaffirming the rule of law as well as the importance of multilateralism.

I would like to emphasize that the NPT review process is not an empty ritual – it is an indispensable tool for assessing the health of the NPT regime and for holding states parties accountable for fulfilling their commitments. I remain hopeful that the states parties will work for a successful outcome of the May 2008 session of the Preparatory Committee. While there will still be disagreements, I believe the states parties will recognize how such an outcome would serve their common interests.

SECURITY INDEX: The IAEA safeguards are intended to verify that non-nuclear states do not covertly develop nuclear weapons capability. However, it is clear that such developed countries as Japan, Canada or Germany would not sacrifice their good relations with other countries in order to build nuclear weapons. From this perspective, IAEA inspections in the developed countries seem to be a waste of money. Would not it be more efficient to cancel inspection in the states with an excellent nonproliferation record and confine control measures to, say, quarterly reports, while increasing control measures for those countries which cause or might cause concern?



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DUARTE: The IAEA's resources to implement its safeguards responsibilities are not unlimited. This is why the Agency has been working for many years to improve the efficiency of safeguards, especially in states with an impeccable track record, both developed and developing, through various limitations on the frequency or intrusiveness of inspections and other such measures. While inspections can be rationalized in countries deemed to have an excellent non-proliferation record, they should not be completely done away with, for both safety and political reasons. It is important for the safeguards system to be fully implemented in all states in a fair and balanced manner, while also maintaining a high level of transparency. Fissile material is inherently dangerous and merits the most stringent forms of control wherever it may be. Since the concept of «safeguards» was first conceived over a half-century ago, the world community has envisioned such safeguards as applying globally, not just to selected states. I believe that this approach continues to serve the interests of international peace and security.

SECURITY INDEX: Nuclear weapons used to be a domain of the wealthy states. However, now that we look at those countries that tested nuclear devices recently or are suspected in similar activities, we can see that they might be considered poor. They choose nuclear weapons as the cheapest way to secure their sovereignty. Do you think that such trend may result in further horizontal proliferation?

DUARTE: Although the decisions to develop nuclear weapons have always been made in secret, most observers have concluded that such decisions have had many plausible foundations, rather than just one. Some states may see such weapons as symbols of prestige and may pursue them simply for nationalistic reasons. Some may view them as an affordable or effective means of countering a foreign threat, whether it arises from other weapons of mass destruction or from conventional arms. Some may seek the capability to make such weapons quickly, should future security threats arise that may justify acquiring them.

Yet regardless of their ultimate cause, the effects of such decisions are quite clear. Once a new actor has obtained this capability, it could lead to further proliferation, as the states in the vicinity might feel threatened and hence pressured to obtain equal capabilities. More weapons programs will add to existing risks of accidents, miscalculations, and possible unauthorized uses. As more states develop nuclear weapons, this also increases the risk of non-state actors obtaining and using nuclear or radiological weapons.

For all these reasons, we must strive towards full compliance with all NPT obligations, both on the disarmament and nonproliferation side, and towards the goal of total elimination of nuclear weapons.

SECURITY INDEX: Controversy surrounding the Iranian nuclear program has led to an increasing distrust between Iran and some other NPT parties. On the one hand, the crisis was caused by the facts of Iranian defiance of the IAEA Statute and the NPT provisions. On the other hand, it was also stimulated by the lack of definition what «peaceful nuclear activity» means. Do you think that the international community should undertake such an ambitious and challenging task as to define this and other terms provided in the NPT and add more clarity in order to avoid similar crises in the future?

DUARTE: The task of now defining formally what «peaceful nuclear activity» means is much easier proposed than implemented. The hard part would be to achieve a consensus among NPT states parties on this definition and achieving such a consensus could prove a complex and lengthy process. Many states would be unwilling to re-interpret provisions of the NPT, while others may consider this only if other provisions were also re-interpreted, including those dealing with nuclear disarmament and nonproliferation. With respect to peaceful uses, it may now be more important and effective to ensure the universality of, and full compliance with, the IAEA Safeguards System, as well as the Additional Protocol, in order to remove any doubt there might be about the intentions of a country's nuclear program.

The creation of international nuclear fuel centers, as suggested by the IAEA, in order to guarantee access to nuclear fuel and thus remove the perceived necessity of domestic enrichment capabilities, also merits further consideration as a possible means to reduce proliferation risks.

I do not believe, however, that simply tightening nonproliferation controls or narrowing the definition of «peaceful uses» will solve the global nuclear threat. The General Assembly and the

NPT states parties have long emphasized that nuclear disarmament and nonproliferation are both needed to address this challenge and I believe that approach is correct.

SECURITY INDEX: One of the solutions suggested for the current Iranian crisis is to establish regional international uranium enrichment center. Do you find this initiative viable?

DUARTE: Iran has been offered to participate in an international fuel services center on Russian soil, whereby it would receive nuclear fuel services including enrichment, but has so far not taken the idea up and appears to distrust the idea of such a centre outside its borders. Iran has stated that it does not believe it would have guaranteed access to nuclear fuel and therefore needs to make its own rather than depend on international suppliers.

Whatever decision is taken, the important thing is that the confidence of the international community in Iran's intentions is restored. I also note that in 2006 the international Weapons of Mass Destruction Commission under Hans Blix proposed that all states in the region should for «a prolonged period of time» commit themselves to a verified arrangement not to have any enrichment, reprocessing or other sensitive fuel-cycle activities on their territories, coupled with fuel supply assurances. This is another option that I believe deserves some serious consideration.

SECURITY INDEX: Speaking of uranium enrichment, Russia has finalized the establishment of the International uranium enrichment center in Angarsk. What positive influence could it bring to the nonproliferation regime?

DUARTE: The establishment of the Angarsk International Uranium Enrichment Centre (IUEC) is a constructive step that can help meet concerns regarding nuclear proliferation, especially as the energy crisis and concerns over global warming have triggered calls for a growing dependency on nuclear energy. While the idea of international control over the nuclear fuel cycle was first proposed in the 1946 Baruch Plan, it is only in recent years that there has been real progress in this field. Creating joint international ventures for the enrichment of uranium and providing credible assurances about the supply of nuclear fuel from these international centers under IAEA safeguards would reduce proliferation risks since it eliminates the need for countries to have their own uranium enrichment capabilities.

Moscow has invited several countries to participate in the IUEC, which will be set up as a joint stock company, guaranteeing financial independence from state budgets. Countries would receive profits from enrichment activities but not have access to the technology. It is important to note that countries invited to participate should meet established nonproliferation requirements and should not develop indigenous sensitive nuclear technologies.

Russia has been very proactive regarding the establishment of international nuclear fuel centers, and has previously signed the Additional Protocol, making it possible for the IAEA to complete full inspections of the facility. The announcement that Russia will fund and create a low-enriched uranium (LEU) fuel bank controlled by the IAEA at Angarsk is also a welcome step to guarantee the supply of nuclear fuel. The establishment of this center could serve as first step and a precedent for the creation of other international nuclear fuel or uranium enrichment establishments.

SECURITY INDEX: Due to the readiness of the concerned parties to compromise during the six-party talks on North Korea, *modus operandi* has been found. At the same, time general security situation in Asia is characterized by the fact that there is no comprehensive security system similar to that in Europe: security in Asia depends on a number of bilateral treaties without a multilateral treaty similar to the CFE treaty in Europe. Do you think that improvement of the general security in Asia inspired by lessening of tensions on the Korean peninsula can stimulate discussions on a comprehensive multilateral security agreement for the region?

DUARTE: I am pleased with the progress we have seen thus far in the six-party talks, given the positive steps that have been taken to disable nuclear facilities in the DPRK and to resume IAEA verification activities. I view these as steps toward fulfilling the terms of the Six-Party Joint Statement of September 19, 2005, which envisioned the DPRK «returning, at an early date, to the Treaty on the Non-Proliferation of Nuclear Weapons and to IAEA safeguards». I have no doubt that the full implementation of these commitments will substantially improve the security environment in Northeast Asia, and I hope that the states of the region will be able to deepen this cooperation in the years ahead and expand its geographic scope.



I note in this respect that the September 2005 Joint Statement identified the need «to explore ways and means for promoting security cooperation in Northeast Asia» and the 13 February 2007 action plan established a Working Group to consider the idea of a «Northeast Asia Peace and Security Mechanism». The fate of such an initiative is impossible to predict and will be determined by the collective will of the states of the region.

Full implementation of commitments to exclude nuclear weapons from the Korean peninsula would certainly improve security environment in the region. I note that all states in the region have endorsed the goal of «general and complete disarmament», which encompasses both the elimination of all weapons of mass destruction and the reduction and limitation of conventional arms. I believe that future regional arrangements that contribute to the advancement of this larger goal would substantially strengthen international peace and security, both within the region and indeed globally.

SECURITY INDEX: In October 2007 at the UN General Assembly representatives of Russia and the United States suggested that INF treaty should cover not only U.S. and Russian missiles but also include other states' intermediate missiles. Basically, they spoke in favor of the universality of the treaty. Do you think this initiative has future?

DUARTE: I welcome any statement by the United States and the Russian Federation that indicates support for this important treaty. While there is considerable merit in pursuing a treaty to ban globally the development or deployment of intermediate-range missiles, it is often forgotten that the preamble of the Nuclear Non-Proliferation Treaty identifies the broader goal of eliminating the means for delivering nuclear weapons, which is itself part of the ultimate goal of general and complete disarmament.

Eliminating intermediate-range missiles would therefore be a necessary but not a sufficient step toward achieving this goal. For example, the problems of intercontinental ballistic missiles and of other nuclear-weapon delivery systems would not be addressed by such a treaty. Furthermore, I would not be surprised if many states would be reluctant to give up their missile options without corresponding concessions by states possessing these longer-range delivery systems. Chances for progress in missile reductions and eventual disarmament will also be significantly enhanced if there is an improvement in political relations between states that are engaging, with varying degrees of intensity, in local or regional arms races.

If we could improve regional stability and work towards equal security for all, the likelihood of expanding the «rule of law» into the field of missiles would increase greatly.

In the meantime, agreeing to take certain confidence-building measures like pre-notification of missile tests, improved transparency, limitations on deployment, and other such initiatives could promote stability and set the stage for further progress in the field of disarmament.

SECURITY INDEX: The CFE treaty has been the foundation of the European security which was important when two major military blocks dominated the continent. Do you think that there is still need in such an agreement?

DUARTE: The CFE Treaty has been widely and justifiably heralded throughout the international community as a milestone in conventional arms control. It led not just to the regulation but also to the verified physical destruction of thousands upon thousands of conventional arms, and thereby remains one of the most significant achievements in this field.

While I would agree that there is definitely a continuing need for such a convention, I also recognize that no treaty is locked in time and free from the need to adjust to changing circumstances, and to this extent, the future of this convention is clearly in the hands of its parties.

The UN Charter clearly recognizes the important contributions that regional arrangements can make in strengthening international peace and security, specifically those arrangements that are «consistent with the Purposes and Principles of the United Nations» (Article 52). The CFE treaty is surely consistent both with the disarmament objectives of the Charter and the primary obligation to avoid the threat or use of force, and as such, I believe that it deserves the international acclaim that it has received.





Andrey Denisov

«CIS IS NOT A DEFUNCT ORGANIZATION, ITS DISSOLUTION IS NOT CONSIDERED»

Vladimir Orlov, Security Index editor-in-chief, interviews First Deputy Foreign Minister of Russia Andrey Denisov.¹

SECURITY INDEX: The Foreign Policy Concept of the Russian Federation declares activities within the Commonwealth of Independent States as a regional priority of Russia's foreign policy with emphasis on the *different-level* and *different-speed* integration. Already in 2007, the Foreign Policy Review of the Ministry of Foreign Affairs defines the Eurasian Economic Community (EurAsEC) as the *nucleus* of integration. However, besides, let's call them, *Russian-sponsored* projects, there are also competing ones; GUAM, to name one. What is the probability of EurAsEC becoming the leading integration association within the post-Soviet space? Will it be able to *assemble* or *lure* those former republics of the Soviet Union that have not been encompassed by it yet? Is it probable that EurAsEC will become an efficient union resembling the European Union?

DENISOV: First, I would like to underline that *assembling* or *luring* the post-Soviet states are not among EurAsEC goals. The Community's task is to establish favorable conditions for integration processes, primarily in economic terms. I mainly mean efficiently using energy resources, establishing a transport union, also developing transport corridors and the transportation system on the whole, as well as many other things. The leading role of EurAsEC as an integration association will depend on how progressive and successful this process will be.

Now it is obvious that EurAsEC looks attractive to our partners. To give an example, last year Uzbekistan joined the Community as a full member. Armenia is considering doing the same. Another, even further integrated association is arising within EurAsEC; it is the customs union of Russia, Kazakhstan, and Belarus. Other countries of the Community can join it as soon as they are ready to do so. At present, a set of draft documents is ready that is required to establish a regulatory and legal framework and to start practical activities of the customs union of EurAsEC member states.

The Community is not going to stop its integration development at that. EurAsEC is planning to establish a common economic space, which is in fact a *common market*. Thus, the current activities are not the final stage of integration of our countries within the framework of EurAsEC.

SECURITY INDEX: EurAsEC unites the countries in economic terms. As far as ensuring security is concerned, the most efficient mechanism is the Collective Security Treaty Organization (CSTO), which, geographically, in fact means the same countries. Is it possible to see some day a merge of the two organizations into one? Does CSTO fully satisfy the needs of its members regarding military security and military-technical cooperation? What countries would you like to see as members of CSTO and EurAsEC?

DENISOV: EurAsEC and CSTO are actively developing associations. Each of them is self-sufficient in its respective role. At the current stage, a merge of the organizations is not consid-



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ered. At the same time, mechanisms of their efficient cooperation are looked into: Protocol of Cooperation between CSTO Secretariat and EurAsEC Integration Committee of October 25, 2004 provides that they should complement each other's activities, not duplicate them.

In fact, it is about a sort of division of labor. While EurAsEC concentrates on economic and social issues, the pivotal activity for CSTO is the politico-military component, which includes coordination of foreign policy, military, military-technical and military-economic cooperation, joint work in personnel training, etc.

Another proof to indicate that CSTO member states are interested and prepared to take such cooperation further is contained in decisions of the Minsk session of the Collective Security Council (June 22–23, 2006), particularly it is the Declaration on Improving and Increasing Efficiency of CSTO Activities.

CSTO is gradually transforming from a politico-military union into a mechanism of comprehensive response to modern threats and challenges to the security of the member states. It is a new and principally important element in the organization's activities, which affects such areas as joint struggle against terrorism, narcotics, illegal migration, prevention and liquidation of consequences of national disasters and technological catastrophes, etc.

CSTO is a *young* international body: 15 years ago, the Collective Security Treaty was signed; and 5 years ago, the decision was made to establish the organization. However, it is developing and becoming an important factor of regional security and stability. This contributes to its international weight. Since December 2004 CSTO has an observer status with the UN General Assembly, regular working contacts have been set up and are maintained between CSTO Secretariat and UN Secretariat, Counter-Terrorism Committee of the UN Security Council, Organization for Security and Cooperation in Europe, UN Office on Drugs and Crime, and the Secretariat of the Shanghai Cooperation Organization (SCO).

The organization is ready to cooperate closely with other international bodies, including NATO, also on the Afghan track.

SECURITY INDEX: It is now common to view CIS as a *civilized divorce* of the former Soviet republics. What's the point then in keeping officialdom of the already decedent organization? Maybe it's better simply to dissolve the Organization?

DENISOV: Naturally, the value of CIS is not limited to the *civilized divorce* alone. I think I shouldn't repeat already known facts about the multi-facet activities of the Commonwealth. Now its reform is under way. Leaders of CIS member states have set the task of producing Commonwealth Development Concept. It has an outline of ways and methods for CIS evolution, adaptation of its work to modern-day requirements in all spheres of its activities. The key area of cooperation is still economics.

No less important is the task to improve cooperation in the areas of migration, joint action against new threats, including terrorism, ensuring security of trade routes in international and mutual trade. We pay special attention to humanitarian cooperation, which we view as an important factor of strengthening the Commonwealth, of bringing our peoples together.

Overall, during the CIS reform the best practices will be kept and further developed. Therefore, CIS is far from being a defunct organization, as some see it, and dissolution of the Commonwealth is not considered.

It is in the common interests of all member states to make CIS space a zone of peace, good neighborliness, and prosperity. The 15 years of running the Commonwealth, though complex and controversial experience, demonstrate that there is no reasonable alternative to collective cooperation in tackling this task.

SECURITY INDEX: The majority of new organizations within the former USSR hardly ever include states that are external in relation to this region. Exceptions are few. One of them is the SCO. Together with Russia, it has the membership of China, a probable leader of the 21st century. Some understand the SCO as «China in Central Asia». What kind of competition is there between Russia and China within the SCO, if at all? Or are there as yet no clues hinting at such

competition? Again, if we remember the EU, we often see an opposition of the union's leading countries.

DENISOV: The SCO was established as an association that was not targeted against anybody, but rather aiming at implementation of the common goals of its member states. Consistent adherence to the principles of mutual understanding and equality of rights has allowed the SCO to win more and more international authority.

All decisions of the organization are adopted by consensus. Obviously, sometimes this would not add to quick agreements, but when made, the decisions are effective and viable, with a consideration to positions of all partners. In other words, the way the SCO works eliminates any opportunity for some member state to prevail over others.

Naturally, all members have their own targets, tasks and goals. It is natural and understandable. At the same time, experience shows that we have the capacity to reach a common opinion that is in the interests of all peoples of *the SCO family*.

Some may want to speculate on internal conflicts within the organization. I have nothing to make them happy: SCO countries have worked and will work together for the benefit of all. Russia and China cooperate closely with each other as well as with other partners, following the *Shanghai spirit* and guided by their strategic partnership on the international and regional arenas.

SECURITY INDEX: Let's get back to economic relations. In May 2007, a three-party agreement was signed between Kazakhstan, Russia, and Turkmenistan. Under it, gas from Turkmenistan will pass through Kazakhstan to *enter* the Russian gas transmission system. Thus, Russia has confirmed its status as a country with most Central-Asian gas transit. Will this agreement be able to influence negatively the Russia-China relations; after all, China is looking closely at hydrocarbons in Central Asia? Is it possible to use this agreement as a foundation for a legal framework to govern relations in the oil and gas sphere with hydrocarbon exporting countries of the post-Soviet space, under the leadership of Russia? Or could gas-exporting countries further unite into a sort of an *OPEC*, which the media persistently reiterate?

DENISOV: During a working visit of Russian President Vladimir Putin to Turkmenistan on May 12, 2007, presidents of three countries—Russia, Turkmenistan, and Kazakhstan—agreed to sign a treaty on constructing the Trans-Caspian Gas Pipeline. It is about implementing plans of partners with immense experience of cooperation in the fuel and energy sphere.

There is no political background here. Increasing volumes of hydrocarbon production in Central Asian countries call for an external market, whereas implementation of the above-mentioned project will promote a prospective and profitable route.

From our perspective, worries that these plans could somehow negatively affect the Russian-Chinese relations have absolutely no ground. Today we already have long-term contracts to supply gas from Central Asia. Our cooperation is based on the universally recognized principles of mutual benefit, pragmatism, and open approach. We are convinced that the new pipeline wouldn't affect in any way the relations with China.

There is no competition with China in this respect. Given that China itself successfully cooperates with Central Asian states in the oil and gas sphere.

As far as the *gas OPEC* is concerned, indeed, this topic has been actively discussed lately, though I feel that few understand the point. Apparently, it is all about a forum of gas-exporting countries that just like the *real OPEC* would have their meetings at the ministerial level. By the way, the next one is to take place in Moscow in May next year. Russia is the only CIS country that participates in the forum.

In this connection, I would like to underline that the forum of gas-exporting countries has no secretariat and no charter. It has no instruments for export quota arrangements. Besides, given the fact that gas markets are based on long-term contracts, quotas of any kind would mean a violation of contractual obligations, which no supplier would agree to. That is why it is not feasible to establish a gas *OPEC* in the coming years and also hardly possible technically.



At the same time, we think that contacts with leading exporters of natural gas within the framework of the forum are useful as they contribute to information exchange on market conditions and development prospects for gas markets, coordination of long-term gas strategies. I think that similar approaches can also be applied to developing relations with our Central Asian CIS partners, also considering the growth perspective of oil and gas infrastructure in the whole region.

SECURITY INDEX: The dissolution of the Soviet Union was not as painful as that of Yugoslavia, but here we still see dangerous trouble zones as frozen conflicts in South Ossetia, Abkhazia, Transnistria... Such conflicts have demonstrated how acute they are, at the price of thousands of people's lives, the controversy of peoples' right to self-determination and the territorial integrity of states. How can this or that decision on the status of Kosovo influence conflict settlement in hot spots within the CIS? Are we to expect a new stage of confrontation or will a solution of the Kosovo problem become a key to solving the above collision?

DENISOV: Our position regarding the Kosovo status is well known, and many times was brought to the notice of our partners in full detail. One of its pivotal elements is that Kosovo status settlement will become a precedent for other similar conflicts. If Kosovo has the right for independence, how can this right be denied to the peoples of Abkhazia, South Ossetia, Transnistria? A unilateral declaration of independence by Pristina will inevitably cause a chain reaction in the world; will lead to chaos in international relations.

Russia stands for a negotiated solution of the Kosovo issue under international law. Only this outcome can be backed by the UN Security Council and will not create a negative precedent. Our efforts significantly contributed to renewed talks between Belgrade and Pristina. We will actively participate in it as part of the troika of international mediators: Russia, EU, United States, aiming at a balanced approach, strict adherence to UN Security Council resolution 1244 and positions of the parties. Besides, we have a compelling stand against predetermined results of the talks or any time limit.

SECURITY INDEX: In his Annual Address to the Federal Assembly of 2007, Vladimir Putin, President of Russia, announced a course to build up «the common humanitarian space within the CIS, making our work with Russians abroad more effective, and making greater use of cooperation between civil society organizations that has proven its worth.» What is it, the cooperation that has proven its worth? And how is the work with Russians abroad made more effective? Are there any issues in CIS countries similar to those that keep appearing in the relations with our Baltic neighbors?

DENISOV: At the World Congress of Compatriots Living Abroad, which took place in Saint Petersburg in October 2006, Vladimir Putin, President of the Russian Federation, declared that cooperation with the diasporas, support, and protection of rights of our compatriots as one of Russia's national priorities.

The tasks set by the President are handled by the Government Commission on Compatriots Abroad (GCCA) chaired by Foreign Minister Sergey Lavrov. Special attention is given to coordinating work of the concerned ministries and bodies, regions of Russia, NGOs handling the ties with compatriots.


The Coordination Council of Russian Compatriots established by decision of the congress, started its practical work with the first meeting in Moscow in March 2007. The Coordination Council is to become the central body to consolidate and represent interests of Russian compatriots. On their behalf, it maintains dialog with GCCA, concerned bodies within the legislative and executive branches in the Russian Federation and its regions, society, religious, and other non-governmental organizations. It incorporates representatives of the European Russian Alliance, as well as the International Council of Russian Compatriots, and the World Congress of Tatars. Other organizations have declared their intention to cooperate with the Council, e.g. the World Congress of Russian Jewry.

The leadership of the Coordination Council and the Public Chamber of the Russian Federation have agreed to establish a joint working group to coordinate efforts and projects for legal support to compatriots in their countries of residence. Another task for the group is to shape a

mechanism of public control on the part of civil society institutions over the implementation of the National Program to Assist the Voluntary Resettlement of Compatriots Living Abroad to Russia.

A frontline task is in consolidating compatriots on the basis of agreed common positions on protecting the ethnic and cultural rights and interests in countries of residence. A contribution is made by 60 national and seven regional conferences of compatriots held around the world. Meetings between representatives of the leadership of Russia during their trips abroad with leaders of compatriots' organization are becoming more common.

The strategic goal of mutually beneficial partnership with compatriots is the following: while remaining full citizens of their countries, they would preserve and strengthen ties with Russia.

The situation in which Russian compatriots find themselves is specific for each of the CIS countries. However, there are problems common for the Russian-speaking community. It is the status of the Russian language, which varies from *an official language* in Belarus to *a regional language* and *a language of a national minority* in other countries. Here we can also mention reducing the number of schools and universities with education in Russian, cutting down on Russian-language publications, and limitation on broadcasts of Russian TV channels. This situation is to be improved with the help of the federal program titled «The Russian Language 2006–2010». In some countries, there are social problems, e.g. connected with a high level of unemployment among compatriots, their financial situation. Great contrast is seen in such question as the degree of representation in local legislative and executive bodies. Regarding issues that we face, for instance, in relations with our Baltic neighbors, fortunately, we don't encounter them in CIS countries. 

Note

¹The interview with Andrey Denisov was taken by Vladimir Orlov on August 10, 2007.



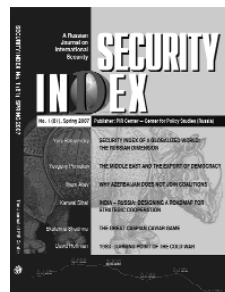
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Daniel Zappelli

«RUSSIA IS NOT A LAWLESS STATE»

An outstanding spokesman, politician who is constantly in the public light and who is not afraid to speak his mind, even if his thoughts often seem too harsh for Geneva's tranquil landscapes. This is Daniel Zappelli – Attorney General (and at the same time – head of police) of the Canton of Geneva, one of the most important financial and political centers of the world. His predecessor, Bernard Bertossa, was notorious in Russia, as he chose Russian politicians and businessmen as his primary target. Even in Switzerland, Bertossa's name is still consistently associated with the fight against the *Russian mafia* – even if opinions on whether this mafia was imaginary or true, vary greatly.

Attorney General Zappelli has an entirely different agenda in combating financial crimes than his predecessor. He also holds completely different views on Russia and its neighbors in the CIS – and has to deal with counterparts from Russia's Prosecutor General's Office and other prosecutor's offices in former USSR republics on a regular basis.

Over the past year, PIR Center President and Editor-in-Chief of *Security Index* journal Dr. Vladimir Orlov (who also heads Geneva-based Centre russe d'études politiques) met Daniel Zappelli on multiple occasions. Below are excerpts from their latest encounter that took place in October 2007 in Monaco during the Summit on transnational crime.

SECURITY INDEX: A few years ago, after a series of scandals in Geneva, many Russian businesses decided to avoid your canton and your city. They did not think it was a favorable climate for the Russian business any more here. Still, Geneva remains an active and attractive financial and trading center, particularly in the oil sector, for companies with Russian, Ukrainian, Kazakh, Uzbek origins... Can it, though, become even more active and more attractive? What is your approach here?

ZAPPELLI: My approach is simple. There is the key principle in criminal law – everyone is presumed innocent until proven guilty. So I do not think that Russians should make an exception. This is what we learn in the first year of University.

It is true that as Russia changed its system, and it went through huge changes, and some elements inside or even outside Russia were *rotten*. This is a normal consequence of changes. But one should not forget three things.

First of all, Russia is not a lawless state. There exists an established system in which criminals can be pursued for what they did.

The second thing is that in Geneva, like everywhere in Switzerland, we implemented a quite strict system of checking people's background when people want to deposit funds in Switzerland. It is one of the strictest systems in the banking world. We assume that banks know what they do, and they are also aware of the consequences if they fail to run their checks, so this is an additional guarantee that when people come here, they are clean.



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And the third dimension to it is what happens if we go after somebody. Just imagine the case, a purely theoretical case, in which we have somebody against who we have suspicions. If we suppose, for instance, that a Russian in Geneva has a fortune of an unknown origin, and if we suppose that this fortune is of a criminal origin, wouldn't it be the best thing to do to inform Russian authorities and tell them of the suspicions we have? Ask them whether they intend to launch the criminal procedures against this person? If the crime is supposed to have been committed in Russia, and the Russian authorities or the Prosecutor General decide not to pursue, then we should not be stricter than the Russian authorities themselves, and we should close the case and close the suspicions we have.

It's a simple system. We discussed that with my counterparts in Russia, and I think we should discuss this with the authorities on a cantonal and federal level in main financial centers in Switzerland: Zurich, Geneva, Lugano, Basel, maybe in Zug. This is something I want to be implemented in Switzerland, and it may be possible with a new Prosecutor General of Switzerland.

SECURITY INDEX: You've mentioned that you had discussions with the Russian authorities. How would you define cooperation of your office with your Russian counterparts? Would you like to improve it or are you happy with how it goes?

ZAPPELLI: The cooperation is not bad, indeed, but it can always be better. But we have to trust each other – without trust there is nothing which can be done. We encountered some difficulties recently in the *Yukos* case: in the recent decision from the Swiss Federal Tribunal it was decided there was no reason to freeze the money. The Federal Tribunal said that it looked more like a political game (I don't know if the term «game» is appropriate, perhaps a «political fight» is a better term), than a criminal one and decided to release all the assets. And this is a bad sign: for the first time, the Federal Tribunal, which is the highest judicial authority, tells states: you are mixing politics and criminal law, and that does not do.

So this is a sign that something should be improved. But that obviously necessitates discussion with both Swiss and Russian authorities.

SECURITY INDEX: Well, let's move from Russia to a more general question: how do you view the process of your office's cooperation with other countries on financial crimes? I remember you told me once that Switzerland cannot be «more saint than the Pope» – in other words, it cannot behave better than the countries where the origin of the money is, so you just cannot require cooperation if the country X does not want to cooperate fully.

ZAPPELLI: I think we should distinguish between two types of cases.

First, there are cases where there is a victim of a financial crime. In these cases, it is pretty simple: everything depends on the capacity of the victim to act quickly in the country where the crime was committed, and respectively on how good his lawyers are.

More often, the cooperation between lawyers in different countries is faster than cooperation between states. Let's imagine that the crime was committed in Switzerland, and then the money went to three different countries, including Switzerland, Liechtenstein, and England. Very often the best solution is for the victim to launch criminal complaints in every country, and to start to gather evidence from those countries. Then the lawyers can exchange the evidence they gathered more quickly than the states can communicate between themselves. This is my opinion as a former lawyer and as a current Attorney General.

However, we don't usually run into problems with this type of cases. The problems start when we begin a criminal procedure against someone who is not accused of anything, and then if the country does not cooperate, the case is closed, so everything depends on whether we have a victim or not.

SECURITY INDEX: Many of us in Russia still have a stereotype of Switzerland as an *island* in Europe. However, at least on financial crimes or money laundering, it is already hard to imagine that Switzerland is still an *island*. How do you see current relations between Switzerland and the EU on financial crimes? Should they be further transformed or maybe not at all?


ZAPPELLI: I think that the main difference of Switzerland is that it really still is an island – but an island exactly in the geographical center of Western Europe. So in any case, Europe cannot do without Switzerland. If you have a spot in the middle, you cannot go around it. The main difference between Switzerland and other countries is its banking secrecy policy. And the main issue is: will Switzerland lose its secrecy policy or will it abandon its views on it?

I think Switzerland has no financial interest in losing its banking secrets and banking secrecy policy. It should preserve them, in my opinion.

Very often there are two views: different countries want to fight the fact they lose money because people do not declare their income to tax authorities. The tax crimes are not considered crimes in Switzerland. And then there is no money laundering for the purpose of tax evasion. I think it is up to the countries around to have better fiscal or tax systems. If they want to keep the money inside, they should be clever and make sure that people want to remain in their own country, even if it means they pay less tax than before.

As far as I'm concerned, I think that Switzerland should continue to have a discussion with the EU, but should not abandon the existing system. This is my personal view on this issue.

SECURITY INDEX: People of Geneva know you well: you do not hesitate to make sharp comments, to express your point of view and to defend it. Your name and pictures are often on front pages of the newspapers. We have discussed global issues... But, as the Attorney General of Geneva, what issues are of your primary concern?

ZAPPELLI: My main duty is to make sure that Geneva is a safe place. I have to make sure that people abide by the law and criminals are sentenced. We need a clean financial place, and it's obligation for us to maintain this financial environment. My opinion is that we should have a bit more visible police, even though it is evident that Geneva is not like New York. So these are my principal concerns. 





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