

## **DEVELOPMENT OF A POSSIBLE MECHANISM FOR EXCLUSION OF RUSSIA FROM THE UN SECURITY COUNCIL AND IAEA**

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### **I. SITUATION ASSESSMENT**

Since the outbreak of Russia's large-scale aggression against Ukraine, the problem of Russia's expulsion from the UN Security Council and the IAEA has become particularly acute.

Russia, as a member of the United Nations Security Council (UNSC), by repeatedly violating the Charter of the organization, has actually turned this body into a "council of insecurity and instability," promoting its own narratives and views on international law and, in particular, the role and tasks of the UN. Declaring the need to "destroy the unipolar world," the Russian Federation is in fact deliberately wrecking the system of international relations and international law. By illegally annexing Crimea, occupying Donbas, launching an unprovoked war against Ukraine, the largest war of aggression since World War II, declaring explicit goals of genocide of the Ukrainian nation (using the term "denazification"), Russia blocks any steps of the UNSC to stop its aggression against Ukraine and to force it into compliance with international law as well as the territorial integrity and sovereignty of Ukraine. Russia has virtually turned the UNSC into an instrument of its revanchist policy aimed at restoring the "Empire of the USSR 2.0". In addition, the UNSC is exploited by Moscow to spread neo-imperialist narratives, fakes and disinformation to justify aggression against Ukraine and distort the real picture of the situation in the occupied territories and in the Russian Federation itself.

In this regard, the issue of Russia's exclusion from the UNSC is not only relevant, but also practically important. Removing Russia from the UN Security Council, apart from forcing Russia to put an end to the war against Ukraine, withdraw Russian troops from the occupied territories of Ukraine (including Crimea) and organize an International Tribunal for the investigation of war crimes of Russia against Ukraine, can help the UN to return its central place in the modern system of international relations and will tremendously increase the potential to ensure stability and peace on a global scale.

Additionally, the Russian aggression against Ukraine has posed a series of challenges to the international community unprecedented in the history of nuclear energy, such as the seizure of Europe's largest nuclear power plant (NPP), hostilities in close proximity to its facilities, attempts to forcibly alienate the plant from the energy system of the owner country, accompanied by a permanent threat of an emergency.

The role of the International Atomic Energy Agency (IAEA), the organization delegated by the world community to be the international inspector for nuclear safeguards and civilian nuclear programs, is exceptional in minimizing the negative consequences of Russia's actions. Given the Kremlin's attempts to annex the Zaporizhzhia Nuclear Power Plant (ZNPP) and use its de facto control of the plant to exert energy blackmail on Ukraine, there are political and legal grounds for revising Russia's authority within the IAEA. However, due to its strong position in the international nuclear energy market, Moscow avoids responsibility at the IAEA level.

Under these conditions, limiting Russia's export capabilities in the field of "peaceful atom" is gaining relevance. An asymmetric approach in responding to Moscow's energy blackmail will allow Ukraine's partner countries to avoid negative consequences for their own security, which is essential in the global context of confrontation with Russian revisionism. Therefore, as part of this paper, we analyze the positions in the global energy market of the Russian state holding company Rosatom, which has turned into a tool to undermine Ukrainian energy security in the hands of the Kremlin.

## II. PROSPECTS FOR RUSSIA'S EXCLUSION FROM THE UN SECURITY COUNCIL

The issue of depriving the Russian Federation of its veto right in the UNSC or even excluding this country from the Council is actually one of the key aspects to ensure the efficiency of the UN in fulfilling its functions aimed at securing stable and peaceful development of the global system of international relations.

To date, we can identify two main possible solutions to the issue of Russia's expulsion from the UN Security Council—through UN reform and, specifically, through targeted efforts to ensure the termination of Russia's participation in the UNSC.

The first option involves launching in-depth processes of reforming the UN, which may take a considerable time and require long-term and complex consultations with the UN permanent member states and elaboration of new approaches to the functioning of the UNSC. These include expansion of its membership, revision of the issue of the status of the permanent member state, modernization, limitation or abolition of the veto right, etc.

At the same time, the question of reforming the UN is being increasingly discussed, including within the Organization. In particular, on September 21, 2022, at the UN General Assembly, U.S. President Joe Biden declared his support for expanding the number of permanent and

non-permanent members of the Security Council, as well as for limiting the veto<sup>1</sup>. “Members of the UN Security Council should consistently uphold and defend the UN Charter and refrain from the use of the veto, except in rare, extraordinary situations, to ensure that the Council remains credible and effective,” Biden stressed. Earlier, U.S. Permanent Representative to the UN Linda Thomas-Greenfield said Washington supports the reform of the Security Council, including expansion of geographic representation of its members and limiting the use of the veto<sup>2</sup>. In this context, Thomas-Greenfield announced that the U.S. has decided to adhere to “six principles of responsible behavior for UN Security Council members”. Among these, she called for increased interaction with other UN members and agencies, and for not using the veto except in extreme cases. Also during his address to the UN General Assembly on September 21, 2022, German Chancellor Olaf Scholz emphasized that the rules of the international order must constantly be adapted to reality and called for reform of the UN institutions<sup>3</sup>. In doing so, he reaffirmed Germany’s desire to become a permanent member of the UNSC. During the same UN General Assembly meeting, Türkiye called for UN reform, advocating the abolition of the veto in the UNSC system. In particular, Turkish Foreign Minister Mevlüt Çavuşoğlu explained that most UN member states agree with the idea of reforming the organization<sup>4</sup>.

It is obvious that the majority of UN member states and the UNSC are in favor of improving the effectiveness of the organization, and a significant part speaks about the need to modernize and reform the principles and structure of the UN. The opinion that the world’s main universal international organization has largely lost its real influence and viable tools for preventing and ending wars, as well as peaceful settlement of conflicts between countries, is shared by most UN members. However, the approach to the practical aspects of the reform of the Organization meets overt or covert resistance, which for a long time has not allowed to embark on the reform of the UN. At that, the resistance of some members of the UNSC is driven by their own interests and is not directly related to the activities of the Organization. Yet, such positions prevent the launch of the UN transformation processes.

Considering the specific practical task—to deprive Russia of the status of a member of the UNSC and the two main ways to achieve this goal—through amendments to the UN Charter (UN reform) and submission for discussion of the UN Security Council and the UN General Assembly of the issue of Russia’s membership in the Organization due to the inconsistency of the procedure for admission of the Russian Federation to the UN, it is worth paying attention to the following aspects:

<sup>1</sup> “U.S. Supports UN Security Council Expansion—Biden” (in Ukrainian), URL: <https://www.eurointegration.com.ua/news/2022/09/21/7147235/>

<sup>2</sup> “U.S. Will Raise Issue of UN Security Council Reform over Russia’s Aggression” (in Ukrainian), URL: <https://www.eurointegration.com.ua/news/2022/09/8/7146444/>

<sup>3</sup> “Scholz at UN General Assembly: We Will not Accept Peace on Russia’s Terms” (in Ukrainian), URL: <https://www.eurointegration.com.ua/news/2022/09/21/7147180/>

<sup>4</sup> “Türkiye Calls for Abolition of Veto in UN Security Council” (in Ukrainian), URL: <https://www.eurointegration.com.ua/news/2022/09/23/7147379/>

The process of reforming the UNSC by increasing the number of its permanent and non-permanent members and limiting the right of veto can be supported by the majority of the UNSC members and members of the Organization. However, during the last 20 years, when consultations and negotiations on specific formats were held, no single (or integrated) approach was developed that would suit both the EU countries and the countries considered as potential UNSC members (Germany, Brazil, India, Japan). In addition, Italy, China, Pakistan and India have their own views on the expansion of the UNSC. Currently, there is no leader (either person or country) who would take the responsibility to bring the process of working out a common approach to the UN reform. Unfortunately, the present leadership of the Organization does not take active steps in this direction and obviously will not do so until the end of its term.

At present, it is Russia and China that are most interested in preserving the status quo. In the context of China's growing ambitions, the possession of a unique membership in the UN Security Council and unrestricted veto power are tools that Beijing will hardly be ready to relinquish. Russia views China's position as a major deterrent to the beginning of revocation of its status of a member of the Security Council and limitation of the veto power. Given the catastrophic decline of Russia's geopolitical and moral influence in the international arena, preserving its own status in the UN is the primary objective of Putin's regime.

In other words, the process of launching both the reform of the UN Security Council and Russia's expulsion from the UNSC and the Organization is now possible only if a broad coalition of countries, which will also include nine members of the UNSC, is formed. China's position is also important, but currently not critically important, since the votes of two-thirds of the General Assembly and any nine members of the Security Council would be enough to launch the procedure of convening a General Conference of UN Members to initiate the process of UN reform.

At the same time, implementation of this option is lengthy and complicated in terms of working out the procedure of implementation, which makes it less effective in conditions of Russia's high-intensity war against Ukraine. Achieving the main goal of depriving Russia of its veto right and changing the status of the RF in the UNSC is possible, but it is most likely to have an effect only as a result of military defeat and decay of the modern RF and its transformation into new state entities.

The second variant (the termination of the participation of the RF in the UNSC) is more realistic because it will not require structural changes in the UN, although, in all probability, it will entail amendments in the Charter of the Organization. The purpose of this option is to prove the illegitimacy of the current status of the country called "the Russian Federation" not only in the UNSC, but also as a member of the United Nations.

However strange or paradoxical it may seem, to date there is not a single document or other available documentary evidence of a decision by a United Nations body regarding the accession of the country called "the Russian Federation" to the UN. In fact, the Russian Federation is not, from a formal point of view, a member of the UN. Consequently, based on this logic, Russia cannot be a member of the UNSC.

According to all existing documents in force within the UN (and above all the UN Charter), a member of the UN Security Council is a state named “the USSR”. No documents confirming changes in the composition of the UNSC exist today. The replacement of the country “the USSR” by the country “the Russian Federation” in the UNSC occurred at the end of 1991 without any formal procedures, votes or discussions. At this, the union republic from the USSR called “the RSFSR” never was a member of the UN—unlike the UkrSSR and the BSSR. Therefore, the replacement of “the USSR” with “the Russian Federation” took place, beyond any doubt, illegitimately, outside the established procedures and with no grounds for that.

As stated in Chapter 2, “Membership”, Article 3 of the UN Charter, the original members of the United Nations are the states that participated in the San Francisco Conference establishing the International Organization or had previously signed the Declaration of the United Nations of 1 January 1942 signed and ratified the present Charter in accordance with Article 110<sup>5</sup>. Obviously, the country called “the Russian Federation” could not become an original member of the UN, since the Soviet Republic “RSFSR” was not a member of the UN.

Therefore, for the country called “the Russian Federation” the procedure provided for in Article 4 of the UN Charter, which states that admission to membership is open to all other peace-loving states which accept the obligations contained in the present Charter and which, in the judgment of the Organization, are able and willing to fulfill these obligations, should be applied. The UN Charter states that the admission of any such state to membership in the Organization shall be effected by a decision of the General Assembly upon the recommendation of the Security Council.

The procedural irregularity regarding the “admission” of a country called “the Russian Federation” to the UN, and even into the UNSC, was probably motivated by good intentions. Western member states of the SC could take such a step in order to accelerate the collapse of the Soviet Union and the destruction of the “Soviet bloc”. To accomplish this fundamental geopolitical task at that time, the U.S., UK and France facilitated a fast process of changing the UNSC seat from “the USSR” to “the Russian Federation”. This was done in the fastest way possible and without appropriate legal procedures, which obviously had its explanations in that historical period, but can in no way undo the fact of violation of the procedure. At that time there were hopes in the West that “the Russian Federation” as a new member of the UNSC would be transformed into a democratic state and would strengthen the Security Council in terms of following the basic provisions of the UN Charter, especially in issues of peacekeeping and global stability.

“The Russian Federation case” is the sole and unique case in the history of the UN when a country was “admitted” to the UN out of procedure and immediately granted its status as a member of the UNSC without legal decisions clearly defined by the UN Charter and other

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<sup>5</sup> Charter of the United Nations, URL: <https://www.un.org/en/about-us/un-charter/full-text>



UN legal documents. For example, the Czech Republic and Slovakia, formed after the dissolution of Czechoslovakia in 1992, went through the full procedure of applying for membership and voting in the UN Security Council and the UN General Assembly. The countries of the former socialist Yugoslavia, including Serbia, which did not receive automatic succession after the SFRY, also passed through all the necessary formalities.

According to the UN Charter, to approve the membership of a country called “the Russian Federation”, the UN Security Council must vote unanimously for this decision, then the UN General Assembly must confirm this decision by two-thirds vote, and then the decision must be ratified by parliaments of at least two-thirds of the UN member states (i.e. 129 states). The most important requirement for a candidate for UN membership is compliance with Article 4 of the UN Charter—the peace-loving nature of the country. In this regard, if the process of admission of the Russian Federation to the UN is launched, the most likely result of the vote in the UN General Assembly will be the rejection of Russia’s membership in the United Nations because of its waging an aggressive unprovoked war against Ukraine. That is, the issue of the exclusion of “Russia” from the UNSC would be automatically settled.

In addition, Article 6<sup>6</sup> of the UN Charter clearly states that a member of the Organization who persistently violates the principles established by the Charter may be expelled from the Organization by the General Assembly on the recommendation of the Security Council. The systematic violation of UN principles by the Russian Federation is a *fait accompli*, and therefore Article 6 can be applied in resolving the complex legal case of the Russian Federation’s membership in the UN and the UNSC.

A problem that could prevent the start of the procedure for expelling the Russian Federation from the UNSC and its members could be the special status of a member of the UNSC, allowing it to block any decision taken at any level in the UN. It is difficult to circumvent this provision, yet it is possible, for example, by launching a decision-making process to deprive the permanent members of the UN Security Council of the right of veto. Specifically, Article 109 of the UN Charter states that for the purpose of revising this Charter, a General Conference of the UN members may be convened at a time and place to be determined by a two-thirds vote of the General Assembly and a vote of any nine members of the Security Council. Each Member shall have one vote at the conference. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council. And although this article also actually contains a provision on the veto power of the permanent members of the UNSC, it may not apply specifically to the case of the Russian Federation, because if this country is not a member of the Organization, then the status of a member of the UNSC for the Russian Federation may not apply.

Taking this into account, Ukraine, using its rights as a full-fledged member of the UN, as well as considering the special conditions created by the large-scale aggression of the UN Security Council member and the state possessing the largest nuclear potential in the world (and

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<sup>6</sup> Charter of the United Nations, URL: <https://www.un.org/en/about-us/un-charter/full-text>

constantly threatening to use nuclear weapons if Ukraine does not capitulate), can officially start a legal appeal against the membership of the Russian Federation in the UN. The main argument is the lack of confirmation of compliance with the UN Charter and other UN legal documents on the formalization of the membership of the country called “the Russian Federation”.

### III. PROSPECTS OF RUSSIA’S EXCLUSION FROM THE IAEA

One of the goals of Russia at the first stage of the invasion was to seize nuclear energy facilities of Ukraine, which were in the operational zone of its troops. Russians managed to seize Zaporizhzhia Nuclear Power Plant (ZNPP) and Chornobyl Nuclear Power Plant (ChNPP). In doing so, they ignored the fundamental principles of nuclear safety.

From the first days of the full-scale invasion Ukraine has informed the IAEA about the situation around ChNPP and ZNPP. At the meeting of the Board of Governors on March 2 and 6, the IAEA Director General Rafael Grossi noted that it is the Russian military that controls the management of the plant and that such a way of operating the nuclear power plant is dangerous<sup>7</sup>. Nevertheless, recognizing the facts of violation of safety standards at the nuclear power plant by Russia, the IAEA leadership consistently avoids legal assessments and determination of Russia’s responsibility within the framework of the organization’s Charter.

Official Kyiv has consistently appealed to the IAEA to take measures to prevent Russian troops from entering the 30-kilometer zone around Ukraine’s nuclear power plants (the relevant initiative was announced on March 2). However, the IAEA managed to take the first practical step in this direction only at the end of August, when the mission of the organization visited the occupied ZNPP. In fact, this became possible due to the Kremlin’s desire to use the authority of the IAEA for propaganda purposes—to hold Ukraine responsible for the shelling of the plant. In this way, Russia tried to legitimize the presence of its military at ZNPP.

In the final report of the IAEA, the Kremlin did not receive what it expected—namely, unilateral accusations of Ukraine of shelling the territory of the station. The recommendation “to immediately stop shelling the territory of ZNPP” applies to both belligerent parties. The rest of the requirements are addressed to Russia, since it is Russia that controls the territory of the plant. It should be noted that the IAEA report records violations of working conditions of ZNPP personnel<sup>8</sup>.

<sup>7</sup> “IAEA Head Condemned Russian Military Pressure on Zaporizhzhia NPP Personnel” (in Russian), URL: <https://news.un.org/ru/story/2022/03/1419312>

<sup>8</sup> “IAEA Report on Ukraine Says Situation at Zaporizhzhia ‘Not Sustainable’”, URL: <https://www.reuters.com/world/europe/iaea-report-ukraine-says-situation-zaporizhzhia-not-sustainable-2022-09-06/>

Right after the visit of the organization's experts to ZNPP, we observe stronger position of a number of the organization's member states on nuclear blackmail as a component of Russian aggression. Thus, the draft resolution of the IAEA Board of Governors calls on Russia to stop all actions at ZNPP and any other nuclear facilities in Ukraine<sup>9</sup>. The IAEA condemned Russia's "persistent violent acts" at the facilities, including the presence of Rosatom employees and Russian military at the occupied station.

The month that has passed since the report was published has shown Russia's complete disregard for the IAEA recommendations. On the contrary, the pressure on the plant's personnel has intensified, as evidenced by the abduction of ZNPP Director General Ihor Murashov on 30 September<sup>10</sup>. There are also regular reports of ZNPP employees being forced to sign contracts with Rosatom. In early October, the Russian president ordered to "take over the federal ownership"<sup>11</sup> of the nuclear power plant—the relevant "decree" stems from the intention to annex the Zaporizhzhia region of Ukraine. Thus, Russia does not hide its plans to alienate the nuclear power plant from the owner state, contrary to all norms of international law.

As a result, the position of the IAEA member states became more categorical compared to the first months of Russia's full-scale invasion. During the 66th IAEA General Conference representatives of 50 member states issued a joint statement calling on Russia to stop nuclear blackmail and immediately cease any interference in the work of Ukrainian nuclear sites<sup>12</sup>. Moreover, the Minister of Climate and Environment of Poland came up with the initiative to exclude Russia from the IAEA if its troops do not leave Zaporizhzhia NPP<sup>13</sup>.

It should be noted that the IAEA Statute does not clearly formulate the grounds for excluding Russia or limiting its powers. Thus, Article 19 of the document states: "A member which has persistently violated the provisions of this Statute [...] may be suspended from the exercise of the privileges and rights of membership by the General Conference acting by a two-thirds majority of the members present and voting upon recommendation by the Board of Governors."<sup>14</sup> Therefore, even if Ukraine and Poland are joined by the countries that supported the above statement, it will not be enough to achieve a qualified majority (for example, this year's IAEA General Conference was attended by 2500 participants, including delegates from 153 states)<sup>15</sup>. Moreover, Russia, being one of the 25 countries that are members of the Board of Governors for 2022-2023, will apparently block the

<sup>9</sup> "Draft Resolution of the IAEA Board Calls on Russia to Leave Zaporizhzhia NPP" (in Ukrainian), URL: <https://www.epravda.com.ua/news/2022/09/9/691339/>

<sup>10</sup> "Russian Forces Kidnap Zaporizhzhia NPP Director General", URL: <https://www.pravda.com.ua/eng/news/2022/10/1/7369926/>

<sup>11</sup> Decree "On Specific Features of Legal Regulation in the Field of the Use of Atomic Energy on the Territory of Zaporizhzhia Region" (in Russian), URL: <http://www.kremlin.ru/acts/news/69522>

<sup>12</sup> "50 Countries Participating in the IAEA General Conference Issued a Joint Statement" (in Ukrainian), URL: [https://t.me/energoatom\\_ua/9898](https://t.me/energoatom_ua/9898)

<sup>13</sup> "Poland Proposes to Expel Russia from IAEA" (in Ukrainian), URL: <https://www.eurointegration.com.ua/news/2022/09/26/7147511/>

<sup>14</sup> The Statute of the IAEA, URL: <https://www.iaea.org/about/statute>

<sup>15</sup> "IAEA General Conference is Over: Important Resolutions Have Been Adopted" (in Russian), URL: <https://www.iaea.org/ru/newscenter/news/generalnaya-konferenciya-magate-zavershena-prinyaty-vazhnye-rezolyucii>



recommendation that could enable a vote on its status. Other members of this IAEA governing body include countries that maintain neutrality in the international arena and have joint projects in nuclear energy (in particular, China and India). Accordingly, we have to state that currently there is no possibility to use the Statute to penalize Russia within the IAEA.

It is also unlikely that at the current stage the leadership of the organization will initiate restrictions against Russia. The IAEA Director Rafael Grossi is about to launch a mission to coordinate the nuclear safety and security zone around ZNPP. Under these circumstances, he will refrain from sharp moves that could irritate Moscow.

The existing ratio will change not in favor of Russia if a serious excess occurs at the occupied ZNPP, resulting in a real risk of radiation contamination of surrounding territories. However, such a hypothetical scenario is not the subject of this paper.

In the absence of a practical mechanism for excluding or limiting the powers of the Russian Federation within the IAEA, there is a need for asymmetric actions to undermine the Kremlin's ability to pursue nuclear blackmail in the energy sector and punish it for the occupation of ZNPP and ChNPP, creation of nuclear safety risks and attempts to interfere with the operation of the energy system of Ukraine.

In our opinion, the most effective response is to restrict Russia's capabilities in the field of "nuclear" lobbying in the international arena. The key instrument of energy blackmail of Ukraine and its Western partners is the state corporation Rosatom. The involvement of Rosatom employees in attempts to alienate ZNPP is an established fact that even Russia does not hide. The participation of Rosatom specialists in the occupation of ZNPP and ChNPP not only contradicts international law, but also creates risks for the safety of the plant operation by Ukrainian personnel. Thus, since March there is a legitimate basis for imposing sanctions against the Russian nuclear holding. But so far this has not happened. To find out the possible ways to introduce restrictions against Rosatom and the feasibility of their application, it is important to consider the reasons for the invulnerability of Russia's nuclear energy to the sanctions policy of the West.

Rosatom State Holding Company manages more than three hundred companies in Russia, which are involved in all stages of nuclear weapons and electricity production (about 20% of the total electricity production in Russia). The company holds leading positions in the world market of nuclear reactors and nuclear fuel. Increasing the export of nuclear technologies lies at the core of Rosatom's development strategy and generates considerable profits (according to the reports, in 2021, the corporation's revenues from foreign projects amounted to \$8.9 billion<sup>16</sup>).

Promoting the company's interests is one of the key activities of Russian diplomacy, as for many years the Russian "peaceful atom" has opened many doors of international

<sup>16</sup> "Rosatom Proposed to Mine Silver and Copper in the Arctic Using Nuclear Power" (in Russian), URL: <https://www.rbc.ru/business/05/07/2022/62b9b6499a79473543588f61>

politics for the Kremlin's ambitions. The long-term nature of contracts for the reactor construction and maintenance (NPPs usually have a planned operating cycle of 60 years), combined with the strategic importance of nuclear power plants in the energy structure of the recipient country, creates conditions for strategic dependence on the services and technological base of Rosatom. In recent years, the Russian energy giant has been particularly active in strengthening its presence abroad. As of today, the company exports nuclear power plants to Bangladesh, Belarus, Egypt, India, Iran, China, Türkiye and Hungary. The further horizon of Russia's "nuclear" expansion is Africa. Nigeria, Ghana, Zambia, Morocco and Rwanda have expressed interest in Russia's services in the construction of nuclear power plants. In Southeast Asia, Myanmar, where the military junta is in power, is developing a partnership with Rosatom.

In parallel, Russia gets the recipient country of nuclear technologies "hooked" on the credit needle. Russia has allocated a state loan of \$25 billion to finance the Egyptian NPP, about \$10 billion for the Paks-2 NPP project in Hungary, up to \$11 billion for the Rooppur NPP in Bangladesh, and \$5 billion for the construction of the Akkuyu NPP in Türkiye. Rosatom also develops cooperation in the field of application of nuclear technologies for non-energy purposes, in particular in the field of construction of national centers of nuclear science and technology with such countries as Bolivia, Vietnam, Zambia, Rwanda, Serbia.

After February 24, only the Finnish government terminated the contract with Rosatom for the construction of a nuclear power plant (Hanhikivi-1 NPP). Other countries cooperating with Rosatom do not plan to revise approaches to the implementation of existing projects. The current situation once again shows that in addition to the contracts for the construction of strategic facilities in third countries, Russia gains a powerful lever of influence not only on the partner country, but also on the policy of regional organizations where decisions are made by consensus. A striking example is the position of Hungary, which succeeded in excluding nuclear energy from the new EU sanctions package against Russia, as the new restrictions could harm the construction of two power units at the Paks-2 NPP.

Aside from the export of reactors, Rosatom has a network of nuclear fuel importers, as the Russian and Soviet-designed power units are engineered to be fuelled by the Russian fuel company TVEL, which is part of Rosatom. Diversification of nuclear fuel supplies is in most cases an achievable goal, as evidenced by the example of Ukraine (since 2017, our country has been operating fuel of the American company Westinghouse at VVER-1000 power units, and starting from 2025, fuel assemblies of this manufacturer will be implemented at VVER-440 reactors installed at Rivne NPP). Nevertheless, even despite the general recommendations of the IAEA to diversify fuel supplies, the Ukrainian experience is unique for reactors designed in the Soviet Union or Russia. The obstacle is the high cost of modernization and, in some cases, Russian lobbying. For example, in the EU alone, Rosatom operates Soviet-designed nuclear power plants in Bulgaria, Slovakia, Hungary, Finland and the Czech Republic. As of today, only the Slovak government has announced plans to refuse from Russian nuclear fuel.

Strong positions in uranium mining (Rosatom ranks second in terms of its production—about 15% of the world market), enrichment (36%) and fuel production (17%) also allow the holding to avoid sanctions. The fact is that due to the high cost, uranium production in the United States is frozen and American energy companies are lobbying the Biden administration not to impose sanctions against uranium supplies from Russia. According to Reuters, in March, American energy companies Duke Energy and Exelon, as well as the U.S. Nuclear Energy Institute, opposed sanctions on Russian uranium. Trying to eliminate dependence on Russian uranium exports, the White House initiated before the Congress the allocation of additional funding to restart its own uranium enrichment facilities and increase the production of ready fuel for nuclear power plants<sup>17</sup>. However, there is currently no clarity on the market about the timing of these initiatives.

Another important area is the training of foreign specialists in Russian educational institutions, which forms a system of dependence of countries on Russian nuclear technologies. Thus, in the 2021-2022 academic year, more than 2000 foreign students from 65 countries, recruited with the assistance of Rosatom, studied at Russian universities in nuclear and related fields of study.

Therefore, in this paper we have established that the key instrument of the Kremlin's nuclear blackmail strategy is the state corporation Rosatom. The participation of its specialists in the attempts of the occupiers to establish technological control over ZNPP makes Rosatom a participant of aggression against Ukraine. For example, Rosatom employees wrote a program of alienating the plant from the energy system of Ukraine. At the same time, the activities of the Russian state holding remain outside the focus of sanctions. Consequently, a productive approach for Ukraine is to concentrate diplomatic efforts on the elaboration of a sanctions trap for the Russian “peaceful atom”. Such measures are fully consistent with the concerns of Western expert circles, which view the growth of Rosatom's international expansion through the prism of the Kremlin's geopolitical ambitions and potential weakening of nuclear governance standards.

#### IV. CONCLUSIONS

The war against Ukraine resulted in a catastrophic decline of Russia's geopolitical influence and authority in the international arena. Under these circumstances, Putin's regime is desperately struggling to maintain its positions in international organizations, in particular the UN and the IAEA. In this context, Ukraine should file a legal appeal against the Russian Federation's membership in the UN, given the lack of confirmation of compliance with the requirements of the UN Charter and other UN legal documents on the registration of the country's membership under the name “the Russian Federation”.

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<sup>17</sup> “U.S. May Spend \$4.3 Billion on Import Substitution of Russian Uranium” (in Russian), URL: <https://www.vedomosti.ru/business/articles/2022/06/09/925811-ssha-importozameschenie-urana>

Preservation of the existing status quo means that despite the systematic violation of international law and open armed aggression, Russia will keep enjoying the unique opportunities of the UN Security Council membership, in particular the unlimited right of veto. Therefore, in the absence of UN reform, the crisis of confidence in this institution will deepen, which will mean the erosion of the entire system of international law.

That is why the majority of the UN member states and the UN Security Council share the conviction that it is necessary to improve the efficiency of the organization. The first step on this way should be the reform of the UNSC by expanding the number of its permanent and non-permanent members. Limiting the veto power can also find support among the majority of the UNSC members and the membership of the Organization. Nevertheless, overcoming resistance within the UNSC is possible only if a broad coalition of countries is formed. Hence, the prospect of excluding or limiting Russia's rights in the UNSC and the Organization will acquire clear outlines after the launch of the UN reform.

In the context of the threat to nuclear and energy security of Ukraine and the whole of Europe caused by the Russian aggression, the IAEA activity proved incapable of restraining Moscow's appetites. On the one hand, the tools of the organization's influence on Moscow are limited, since the theft of a nuclear power plant by a member of the IAEA from another state is an unprecedented situation, which is not in fact described in nuclear law. On the other hand, being a scientific and technical organization under the auspices of the United Nations, the IAEA tries to emphatically stay away from political assessments that would go beyond the competence of the organization.

At present, the IAEA leadership sees its own role in the mediation mission to introduce a security zone around ZNPP, so it adheres to a cautious stance. However, the current realities—the uncertain position of Russia on the fronts and the Kremlin's desire to annex Zaporizhzhia nuclear power plant as part of the tactics of energy pressure on Ukraine—make the chances of success of the shuttle mission of Director General Rafael Grossi minimal. Therefore, in the short term, the role of the IAEA's collective boards in controlling the safety of ZNPP should be strengthened.

An effective response to Moscow's use of nuclear energy for blackmail purposes is to limit the possibility of forming a system of loyalty based on the dependence of countries on Russian nuclear technologies and specialists in the maintenance of nuclear facilities. A direct consequence of this should be slowing down the pace of external expansion of Russian nuclear energy. Curtailment of technological cooperation with Rosatom in all possible spheres, including import of nuclear fuel, should become the main direction of the Western countries' policy in the field of nuclear safety. Sanctions against Rosatom can not only deal a painful blow to the technological base of the Russian nuclear power industry, but also neutralize the Kremlin's attempts to use the state holding to pursue its geopolitical ambitions.

### References

1. “50 Countries Participating in the IAEA General Conference Issued a Joint Statement” (in Ukrainian), URL: [https://t.me/energoatom\\_ua/9898](https://t.me/energoatom_ua/9898)
2. “Draft Resolution of the IAEA Board Calls on Russia to Leave Zaporizhzhia NPP” (in Ukrainian), URL: <https://www.epravda.com.ua/news/2022/09/9/691339/>
3. “IAEA General Conference is Over: Important Resolutions Have Been Adopted” (in Russian), URL: <https://www.iaea.org/ru/newscenter/news/generalnaya-konferenciya-magate-zavershena-prinyaty-vazhnye-rezolyucii>
4. “IAEA Head Condemned Russian Military Pressure on Zaporizhzhia NPP Personnel” (in Russian), URL: <https://news.un.org/ru/story/2022/03/1419312>
5. “IAEA Report on Ukraine Says Situation at Zaporizhzhia 'Not Sustainable'”, URL: <https://www.reuters.com/world/europe/iaea-report-ukraine-says-situation-zaporizhzhia-not-sustainable-2022-09-06/>
6. “Poland Proposes to Expel Russia from IAEA” (in Ukrainian), URL: <https://www.eurointegration.com.ua/news/2022/09/26/7147511/>
7. “Rosatom Proposed to Mine Silver and Copper in the Arctic Using Nuclear Power” (in Russian), URL: <https://www.rbc.ru/business/05/07/2022/62b9b6499a79473543588f61>
8. “Russian Forces Kidnap Zaporizhzhia NPP Director General”, URL: <https://www.pravda.com.ua/eng/news/2022/10/1/7369926/>
9. “Scholz at UN General Assembly: We Will not Accept Peace on Russia’s Terms” (in Ukrainian), URL: <https://www.eurointegration.com.ua/news/2022/09/21/7147180/>
10. “Türkiye Calls for Abolition of Veto in UN Security Council” (in Ukrainian), URL: <https://www.eurointegration.com.ua/news/2022/09/23/7147379/>
11. “U.S. May Spend \$4.3 Billion on Import Substitution of Russian Uranium” (in Russian), URL: <https://www.vedomosti.ru/business/articles/2022/06/09/925811-ssha-importozameschenie-urana>
12. “U.S. Supports UN Security Council Expansion—Biden” (in Ukrainian), URL: <https://www.eurointegration.com.ua/news/2022/09/21/7147235/>
13. “U.S. Will Raise Issue of UN Security Council Reform over Russia’s Aggression” (in Ukrainian), URL: <https://www.eurointegration.com.ua/news/2022/09/8/7146444/>
14. Charter of the United Nations, URL: <https://www.un.org/en/about-us/un-charter/full-text>
15. Decree “On Specific Features of Legal Regulation in the Field of the Use of Atomic Energy on the Territory of Zaporizhzhia Region” (in Russian), URL: <http://www.kremlin.ru/acts/news/69522>
16. The Statute of the IAEA, URL: <https://www.iaea.org/about/statute>

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