



House of Commons Foreign Affairs Committee

Global Security: Non-Proliferation

Fourth Report of Session 2008–09

Report, together with formal minutes, oral and written evidence

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The Foreign Affairs Committee

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Conclusions and recommendations

National Security Strategy

1. We note that it is proposed that the Chairman of the Foreign Affairs Committee will be an *ex officio* member of the Joint Committee on the National Security Strategy and that we will therefore have an input into its deliberations and activities. We wish to put on record our firm view that the existence of the Joint Committee, if the House approves the Government's proposals, will not in any way restrict or curtail the Foreign Affairs Committee's responsibility to examine aspects of national security insofar as they relate to the work of the FCO. We take our responsibilities in this regard very seriously and will continue to exercise them as an integral part of our work. We recommend that in its response to this Report the Government should confirm that it accepts our view of the Foreign Affairs Committee's continuing responsibilities as regards national security matters relating to the work of the FCO. (Paragraph 7)

Restricting the resources required for proliferation

2. We conclude that the UK's failure so far to ratify the 2005 Protocol to the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation is regrettable, given the way in which the Protocol will strengthen the UK's ability to impede the trafficking by sea of WMD-related materials. We further conclude that the provisions of the planned Transport Security Bill which will facilitate UK ratification are to be welcomed, and look forward to their early passage. We recommend that the Government should work actively to secure ratifications of the Protocol by other states so that it may rapidly enter into force. (Paragraph 33)
3. We conclude that the Government is to be commended for introducing the Academic Technology Approval Scheme regarding security clearance for foreign students in sensitive fields, which is a significant improvement on the previous Voluntary Vetting Scheme. We recommend that the Government should take swift action to address any shortcomings in this relatively new scheme which are identified in its imminent review of the scheme's operation, of which we expect to receive a copy. We further recommend that the Government should set out in its response to this Report the progress made on oversight of science and codes of conduct for scientists as part of the current Inter-sessional Work Programme of the Biological and Toxin Weapons Convention. (Paragraph 37)
4. We conclude that restricting the finance available to those intending to proliferate nuclear, chemical or biological weapons and their delivery systems is a potentially effective mechanism to achieve non-proliferation aims. We recommend that the Government should consider how this can be done as quickly as possible when proliferation risks are identified. We further recommend that in its response to this Report, or earlier if possible, the Government should send us a copy of the imminent report of the international Financial Action Task Force, with an accompanying

memorandum indicating whether, when and how it will implement its recommendations. (Paragraph 39)

Scope for rationalisation of the non-proliferation architecture

5. We conclude that the sheer number of organisations and initiatives in the field of non-proliferation and disarmament may lead to a lack of focussed progress. We recommend that the Government should press for the rationalisation of international efforts in this area and set out in its response to this Report where it believes such rationalisation could occur. (Paragraph 44)

The Nuclear Non-Proliferation Treaty (NPT)

6. We conclude that the Government is correct to identify the international nuclear non-proliferation regime as being under severe strain. We further conclude that the Government is correct to identify the 2010 Review Conference of the Nuclear Non-Proliferation Treaty as critical for the future of that regime. We further conclude that the Government's proposal for a "Road to 2010 Plan" is to be welcomed. We recommend that the Government should keep Parliament fully informed and engaged as it develops the Plan by summer 2009 and pursues it in the run-up to the Review Conference. We further recommend that the Government should make a full report to Parliament on the results of the Conference. (Paragraph 57)
7. We conclude that the Government is correct to identify the universalisation of the International Atomic Energy Agency's Additional Protocol, to all States Parties to the Nuclear Non-Proliferation Treaty (NPT), to be an important means of strengthening verification of the NPT, and thus also to be a vital nuclear non-proliferation objective. We recommend that in its response to this Report, the Government should set out the institutional mechanisms by which it envisages that universalisation may be achieved. We further recommend that the Government should update us on its efforts in this direction, in particular with respect to its work through the Nuclear Suppliers Group and as part of the preparations for the 2010 NPT Review Conference. (Paragraph 69)
8. We conclude that the United States' failure to pass to the International Atomic Energy Agency (IAEA)—if necessary in confidence—the information it had about Syria's al-Kibar facility, before the facility was destroyed in September 2007, undermined the Agency's credibility as the verification agency for the Nuclear Non-Proliferation Treaty. We recommend that the Government should press both Israel and Syria to provide the IAEA with the information it requires about the al-Kibar site, and update us on its progress in this respect in its response to this Report. (Paragraph 72)
9. We conclude that the UK provides significant financial and other resources to the International Atomic Energy Agency (IAEA). We welcome in particular the Prime Minister's announcement of a doubling in the Government's voluntary contribution to the Agency's Nuclear Security Fund. However, we further conclude that it is incongruous for the Government to wish to see an expansion of IAEA verification work while ruling out an increase in UK funding for the Agency's regular budget.

We recommend that in its response to this Report, the Government should update us on the IAEA Budget Committee discussions which were due to commence in February 2009. We further recommend that the Government should set out how it expects the IAEA to meet the increased demand for its verification work given the anticipated scale of its resources. (Paragraph 81)

10. We conclude that the UK is making a valuable contribution in kind to the work of the International Atomic Energy Agency through the provision of inspectors and of training for them. We welcome this, and recommend that the Government should seek every opportunity to contribute further in this way. (Paragraph 82)
11. We conclude that the Government is correct to identify a need to strengthen generic enforcement mechanisms for the Nuclear Non-Proliferation Treaty (NPT), in the face of states which violate and/or withdraw from it. However, we note that the Minister told us that this objective was unachievable at present. We recommend that in its response to this Report, the Government should set out the specific legal and institutional mechanisms for strengthened NPT enforcement which it will be advocating at the 2010 NPT Review Conference. In particular, we recommend that the Government should outline how it envisages that pre-announced penalties for NPT withdrawal might be strengthened. (Paragraph 89)
12. We conclude that the issue of Israel's nuclear weapons could become an obstacle to the achievement of Government goals at the 2010 Non-Proliferation Treaty (NPT) Review Conference. We recommend that in its response to this Report, the Government should consider whether encouraging greater transparency and nuclear disarmament measures by Israel, in public or in private, might improve the regional security situation, and begin to move Israel towards the Government's stated goals of Israeli accession to the NPT and the establishment of a WMD-free Middle East. We further recommend that the Government should update us on steps taken within the EU's Union for the Mediterranean towards a WMD-free Middle East and set out the ways in which it sees this new vehicle contributing towards that objective. (Paragraph 94)
13. We welcome India's granting of greater international access to its civilian nuclear facilities. However, we reiterate our 2006 conclusion that the US-India civil nuclear cooperation agreement undermines one of the central bargains of the international non-proliferation regime, namely that access to nuclear power for civil purposes is due only to states which do not develop nuclear weapons and place all their declared nuclear facilities under international safeguards. We conclude that, given its stated commitment to the international non-proliferation regime, the Government's support for the US-India deal is thus regrettable. We recommend that in its response to this Report, the Government should set out how it foresees the US-India agreement being used to secure further disarmament and non-proliferation steps by India, such as ratification of the Comprehensive Nuclear Test Ban Treaty. (Paragraph 99)

Nuclear disarmament and non-proliferation

- 14.** We conclude that the five recognised nuclear weapons states have widely varying records as regards nuclear disarmament and arms control over the last decade. We welcome the fact that of the five the record of the UK has been the best. However, we also conclude that, owing to the way in which the Nuclear Non-Proliferation Treaty (NPT) enshrines a distinction between nuclear and non-nuclear weapons States Parties, the five recognised nuclear powers are often perceived as a group by the non-nuclear weapons states, and that, as such, the group is seen collectively to have failed to live up to the nuclear disarmament commitments made at the 1995 and 2000 NPT Review Conferences. As a result, we further conclude that without decisive movement by the five recognised nuclear weapons states as a whole on nuclear disarmament measures, there is a risk that the 2010 Review Conference will fail, like its 2005 predecessor—during a critical period for dealing with North Korea and attempting to constrain Iran's nuclear programme. We therefore commend the Government on its public recognition of the link between nuclear disarmament and non-proliferation. We conclude that the Government is correct to identify a vital need to reinvigorate multilateral nuclear disarmament, ideally before and certainly at the 2010 NPT Review Conference. (Paragraph 114)
- 15.** We conclude that there is a relatively well-defined agenda of nuclear disarmament steps around which there is a considerable degree of international consensus, such as entry into force of the Comprehensive Nuclear Test Ban Treaty, the start of negotiations on a Fissile Material Cut-off Treaty, and measures to scale down, de-alert and make more transparent existing nuclear arsenals. We recommend that the Government should aim to come away from the 2010 NPT Review Conference with agreement on a concrete plan to take the multilateral nuclear disarmament process forward, with target dates for specific steps, and with the political commitment from all nuclear and non-nuclear weapons States Parties to ensure implementation. (Paragraph 115)
- 16.** We conclude that the strengthened commitment of the US and Russia, under Presidents Obama and Medvedev, to negotiate a legally-binding nuclear arms reduction treaty to succeed START I, by the end of 2009, as part of a deeper process of nuclear arms cuts, will contribute significantly to the fulfilment of their disarmament obligations under the Nuclear Non-Proliferation Treaty, and is thus greatly to be welcomed. We recommend that the Government should offer every assistance to facilitate a speedy and productive conclusion to the negotiations. (Paragraph 121)
- 17.** We conclude that reductions in the operational readiness of the world's nuclear arsenals could make a significant contribution to enhancing international security. We recommend that in its response to this Report, the Government should set out the steps which it is taking to encourage international action in this area, and explain its stance regarding the UN General Assembly resolution on this issue. (Paragraph 124)
- 18.** We conclude that the decision to renew the UK's Trident system is perceived by some foreign states and some among the British public as appearing to contradict the

Government's declared commitment to strengthening the international nuclear non-proliferation regime. We recommend that the Government should intensify its public diplomacy work better to explain the reasons for the Trident renewal decision and to give greater prominence to its work for multilateral nuclear disarmament and arms control. We further recommend that in its response to this Report, the Government should update us on the progress of the timetable for renewal of the Trident submarines. We recommend that the Government should not take any decision at the Initial Gate stage until Parliament has had the chance to scrutinise the matter in a debate. (Paragraph 133)

- 19.** We conclude that the steps which the Government has taken to scale down and de-escalate the UK's nuclear arsenal are to be commended. We welcome in particular the Prime Minister's announcement that the new Trident submarines are to carry fewer missiles than the current boats. We recommend that the Government should do more to highlight these steps, internationally and at home. However, we note that it is difficult to assess the Government's claim that it retains only a minimum nuclear deterrent in the absence of further information about the process by which it judges this minimum. We therefore recommend that the Government should accede to the Defence Committee's call for it to explain in greater detail the process by which it determines that the current scale and operational arrangements of the Trident force constitute the UK's minimum nuclear deterrent. (Paragraph 136)
- 20.** We conclude that the Government's confirmation of its willingness to include the UK's nuclear force in multilateral nuclear disarmament negotiations is to be welcomed, as likely to strengthen its non-proliferation efforts. We recommend that the Government should give greater prominence to this commitment in its public diplomacy. We further recommend that in its response to this Report, the Government should specify—in the light of international disarmament developments by that time—the state of a multilateral nuclear disarmament process that would trigger UK participation. We further recommend that the Government should specify whether there are circumstances under which the UK would be prepared to suspend the Trident renewal programme. (Paragraph 138)
- 21.** We conclude that the goal of a nuclear weapons-free world is gathering more serious international political support than at any time since the end of the Cold War. We conclude that the Government's leadership on this issue is to be commended. In particular, we conclude that the Government is correct to recognise the scale of the technical and confidence-building work that will be required for the goal to be realisable, and in particular the importance of verification. We recommend that the Government should continue and expand its work in this area. (Paragraph 145)
- 22.** We recommend that in its response to this Report, the FCO should set out its attitude to a possible Nuclear Weapons Convention banning such weapons, including the relationship which it sees between such a Convention, the Nuclear Non-Proliferation Treaty and its stated goal of the elimination of all nuclear weapons. (Paragraph 147)
- 23.** We conclude that the Government is correct to identify the speedy entry into force of the Comprehensive Nuclear Test Ban Treaty as a key early step towards reviving

multilateral nuclear disarmament. We recommend that the Government should do everything possible to facilitate US ratification, and to maximise prospects that this will be followed by other especially politically important ratifications, such as those of China, India, Israel and Pakistan, even if these are still too few to bring the Treaty into force. (Paragraph 152)

- 24.** We conclude that the Government is correct to identify the start of negotiations on a Fissile Material Cut-off Treaty (FMCT) as a step which would significantly strengthen the international nuclear disarmament and non-proliferation process. In that context, we strongly welcome the agreement reached at the UN Conference on Disarmament in May 2009 on a Programme of Work which includes the negotiation of a FMCT. We recommend that the Government should do all it can to ensure that the negotiations get underway in a speedy and productive fashion and to maximise the prospects that they will result in the coming into force of a verified FMCT. We further recommend that in its response to this Report, the Government should set out its view of the most serious difficulties that are likely to arise in the negotiations, the most likely timetable for the conclusion of the talks, the most likely coverage of the proposed FMCT in terms of signatories and non-signatories, and any implications of the proposed FMCT for the UK. (Paragraph 157)
- 25.** We conclude that the agreement reached in May 2009 on a Programme of Work for the UN Conference on Disarmament, after over twelve years of deadlock, is an important signal of the renewed prospects for multilateral arms control which appear to have followed the election of President Obama and, as such, is greatly to be welcomed. (Paragraph 158)

Internationalising the nuclear fuel cycle

- 26.** We conclude that the Government is correct to identify a need to ensure access for non-nuclear weapons states to civil nuclear power under the Nuclear Non-Proliferation Treaty, notwithstanding the existence of a heightened proliferation risk arising from the spread of civil nuclear power. We further conclude that, unless pursued with political sensitivity, the effort to limit non-nuclear weapons states' access to the full nuclear fuel cycle risks reproducing the discrimination which it is claimed exists in relation to the possession of nuclear weapons. As such, this aim risks undermining other elements of the nuclear non-proliferation effort. We recommend that in its response to this Report, the Government should provide further details as to the steps it is taking to mitigate this risk. (Paragraph 165)

The Chemical Weapons Convention (CWC)

- 27.** We conclude that the fact that the UK has no chemical weapons, and that the process of destroying its past stocks of such weapons was completed in 2007, is to be welcomed. (Paragraph 181)
- 28.** We conclude that the Government has correctly identified further progress towards universality of the Chemical Weapons Convention as a priority, given that a number of key states of concern remain outside the Convention, some of which are thought to possess chemical weapons. We recommend that the Government should set out in

its response to this Report what it believes to be the obstacles to the accession of each of these states and how it assesses the likelihood of overcoming these obstacles. (Paragraph 182)

29. We conclude that the relatively small number of States Parties which have comprehensively implemented the Chemical Weapons Convention is a matter of concern. We recommend that the Government should continue to put pressure on those states which have not implemented the Convention in full to do so. We further recommend that the Government should take positive steps to promote the Department for Business, Enterprise and Regulatory Reform's National Authority Advisory Committee as an example of good practice that might usefully be adopted by other countries, and that it should maintain its current programmes of bilateral assistance. (Paragraph 186)
30. We conclude that the likely failure to meet the global 2012 deadline for destruction of chemical weapons stockpiles could erode the credibility of the Organisation for the Prohibition of Chemical Weapons and undermine progress towards elimination of chemical weapons. We further conclude that the Government is to be commended for the measures it has taken to assist other states, such as Russia and Libya, with their destruction of chemical weapons. We recommend that the Government should step up its assistance activities in this area, and that it should encourage the US and Russia in particular to devote greater resources to the task of destroying their chemical weapons stockpiles. We further recommend that the Government should set out in its response to this Report what its position will be at the next Chemical Weapons Convention (CWC) Conference in relation to the failure of any state to destroy its stocks of chemical weapons and in relation to the future priorities for the CWC once stockpiles have been eradicated. (Paragraph 190)
31. We conclude that the enforcement mechanisms of the Chemical Weapons Convention are yet to be fully tested. We recommend that the Government should continue to make representations to the new US Administration to rescind the Presidential veto over challenge inspections. We further recommend that the Government should commit to press for a new convention criminalising chemical and biological weapons at the individual level. (Paragraph 194)

The Biological and Toxin Weapons Convention (BTWC)

32. We recommend that the Government should set out in its response to this Report what efforts it is making to persuade other states to join the Biological and Toxin Weapons Convention and outline what it believes to be the obstacles to universality. We further recommend that the Government should seek to persuade those members of the Commonwealth who are yet to sign or ratify the Convention to do so. (Paragraph 199)
33. We conclude that securing a verification protocol for the Biological and Toxin Weapons Convention should remain a key objective for the Government. We recommend that the Government should work to persuade the new US Administration that such a protocol for the Convention is essential. We further recommend that the Government should, in conjunction with other States Parties,

explore ways in which the Convention can be strengthened by other means until such time as a verification protocol can be achieved. (Paragraph 205)

- 34.** We conclude that strengthening the Biological and Toxin Weapons Convention should be a priority for the Government in the absence of a verification protocol. We recommend that in its response to this Report the Government should comment on the specific suggestions aimed at achieving this end, set out in previous paragraphs, and outline what measures it intends to pursue further at the Seventh Review Conference in 2011. The suggested measures include an Accountability Framework, Action Plan for Comprehensive Implementation, better collective scrutiny of developments in technology, an expansion of the role and staff of the Implementation Support Unit, formal annual meetings, work to refine and improve the Confidence-Building Measures, a consolidation agenda of politically-binding commitments agreed at earlier Review Conferences and criminalisation of biological weapons activities at the individual level. (Paragraph 211)

The BTWC and CWC and new technologies

- 35.** We conclude that whilst general purpose criteria provide the means by which the Biological and Toxin Weapons Convention and Chemical Weapons Convention can keep pace with advances in technology, this is still an area which requires close attention. We recommend that the Government should set out its proposals for ensuring that the Conventions are able to keep pace adequately with future technologies, particularly in areas of overlap. (Paragraph 217)
- 36.** We recommend that in its response to this Report the Government should set out its view on non-lethal agents such as herbicides, defoliants and incapacitating biochemical weapons and the status of such agents under the Biological and Toxin Weapons Convention and Chemical Weapons Convention. We conclude that there is a case for certain biological and chemical agents which are non-lethal or which target plants, including crops and vegetation, to be prohibited from use as weapons for the purposes of these Conventions. We further recommend that the Government should press for negotiations on an unambiguous prohibition of their use as weapons to commence at the next Review Conferences. (Paragraph 218)

Action against ballistic missile proliferation

- 37.** We conclude that the proliferation of ballistic missile technology is a significant security concern. We further conclude that the Government is correct to acknowledge that stronger action is required to curb the international transfer of ballistic missile technology. We recommend that in its response to this Report, the Government should set out specific steps which it plans to take to this end. (Paragraph 228)

Ballistic missile defence (BMD)

- 38.** We are not convinced that, as they are currently envisaged and under current circumstances, the United States' planned ballistic missile defence (BMD) deployments in the Czech Republic and Poland represent a net gain for European

security. We conclude that if the deployments are carried out in the face of opposition from Russia, this could be highly detrimental to NATO's overall security interests. We reaffirm our 2007 recommendation that BMD in Europe should be developed, if at all, as a joint system between the US, NATO and Russia. Given the Government's stated commitment to a rules-based international system, we further conclude that its early agreement to the inclusion of RAF Fylingdales and Menwith Hill in the US BMD system was regrettable, given that the United States' development of its system involved its abrogation of the Anti-Ballistic Missile Treaty. We recommend that in its response to this Report, the Government should update us on the NATO element of European BMD developments, in the light of the April 2009 NATO summit. We further recommend that in its response to this Report, the Government should state whether any changes made to the planned US BMD deployments in the Czech Republic and Poland would affect RAF Fylingdales or Menwith Hill. We further conclude that the uncertainty surrounding prospects for the US European BMD system has made a Parliamentary debate on this issue all the more necessary, and we recommend that the Government should schedule one before the end of this Parliament. (Paragraph 241)

The threat posed by terrorists and weapons of mass destruction (WMD)

- 39.** We conclude that, although it would appear to be difficult for terrorists acting independently of state agencies to build a nuclear bomb, there is a genuine risk that terrorists could acquire nuclear or radiological material, which might be used as an instrument of terror in various ways. We further conclude that, in addition to inadequate levels of physical security which might allow terrorists to seize nuclear or radiological material directly, 'rogue' individuals or groups in states possessing nuclear weapons or material represent an important but particularly hard-to-address means by which terrorists might acquire such material. We recommend that the Government should press its counterparts in countries that are potential sources of nuclear and radiological materials to treat this issue with the highest priority. We further recommend that the Government in its response to this Report should set out what action it is taking overseas to minimise the 'dirty bomb' threat to the UK. (Paragraph 252)

- 40.** We conclude that the Government is correct in its claim that the UK faces a significant threat arising from terrorist use of chemical or biological weapons, and to argue that at present this threat is greater than the threat that such weapons might be used against the UK by hostile states. We recommend that in its response to this Report the Government should set out what action it is taking to mitigate this threat. (Paragraph 261)

Initiatives against terrorist acquisition of WMD

- 41.** We conclude that the G8 Global Partnership, and the UK's contribution to it through the Global Threat Reduction Programme, are continuing to deliver important results in reducing the risks of a security breach occurring in relation to WMD. We recommend that, despite the current strains on its budgetary position, the Government should maintain its strong political and financial support for the

Global Partnership, including the programme's geographical expansion and continuation beyond 2012. We further recommend that in its response to this Report, the Government should provide an update on plans for the Global Partnership beyond 2012, following the July 2009 G8 summit in Italy. (Paragraph 269)

- 42.** We conclude that UN Security Council Resolution 1540 is a vital part of the international non-proliferation regime. We commend the work that the British Government has done in support of UNSCR 1540. We recommend that the Government should work actively to ensure that the Resolution is implemented successfully by all UN Member States, providing practical assistance and resources where required. (Paragraph 273)
- 43.** We recommend that the UK should ratify the International Convention on the Suppression of Acts of Nuclear Terrorism as soon as possible. We look forward to the Government taking the steps necessary to allow this to happen in line with its anticipated September 2009 timeframe, and we recommend that in its response to this Report the Government should update us on this process. (Paragraph 278)

Physical security

- 44.** We conclude that the physical security of nuclear and radiological materials around the world is far from assured, and should remain a prime Government concern. We recommend that the Government should continue to give a high priority to ensuring the security of nuclear and radiological materials, at academic, industrial and military locations in the UK, and to encourage its international partners to do likewise. (Paragraph 286)
- 45.** We conclude that the legally-binding Convention on the Physical Protection of Nuclear Material is an important and helpful measure, even though it covers only civil nuclear material. We look forward to the Government taking the steps necessary for UK ratification of the 2005 amendment strengthening the Convention. We recommend that the Government should actively promote the negotiation of legally-binding international instruments covering the physical security of nuclear and radiological materials not currently covered by the Convention. (Paragraph 290)
- 46.** We conclude that the funding provided for international work on the physical security of nuclear material through mechanisms such as the International Atomic Energy Agency's Nuclear Security Fund (NSF) is vital. We welcome the Prime Minister's announcement of a doubling of the UK's contribution to the NSF, and we recommend that the UK should continue to provide strong financial and practical support for this work. (Paragraph 293)
- 47.** We conclude that, given the real risk that terrorists may acquire and use chemical or biological weapons, the security of biological and chemical materials is of paramount concern. We therefore recommend that in its response to this Report, the Government should set out the action that it is taking in this area, including its efforts to secure international co-operation, particularly to reduce biological and chemical security risks. (Paragraph 297)

Impact on global security

48. We conclude that, while it may not be straightforward to define what a conventional weapon is, more effective efforts to counter their proliferation would have a significant positive impact on global security. Accordingly, we conclude that the Government is to be commended for taking the view that countering the proliferation of conventional weapons is one of its top foreign policy goals, and for seeking to pursue this goal through the promotion of bans on certain kinds of weapon and, as a longer-term aspiration, through the establishment of global rules and standards for the regulation of the conventional arms trade. (Paragraph 300)

Success outside the UN framework: cluster munitions and landmines

49. We conclude that the Government is to be commended for the role it played in helping to bring the negotiations on a Convention on Cluster Munitions to a successful conclusion. We recommend that the Government should continue to do everything it can to persuade other states, especially all EU Member States, to sign and ratify the Convention without delay. We recommend that in its response to this Report, the Government should set out what steps it is taking to achieve this. (Paragraph 304)
50. We conclude that the negotiation of a Protocol on cluster munitions under the Convention on Certain Conventional Weapons might not be an appropriate foreign policy objective for the UK. We recommend that, if it decides to continue arguing for such a Protocol, the Government should ensure that any such Protocol is as strong in its provisions as the Convention on Cluster Munitions. It should withdraw its support for such a Protocol if it appears that this will not be the case. (Paragraph 306)
51. We conclude that the Government has been correct to identify as a priority the clearance of mines worldwide which threaten human life. We conclude that there are understandable reasons for the failure to clear landmines on the Falkland Islands over the last decade. However, the failure to de-mine the Falklands risks damaging the UK's reputation and credibility in this area. We therefore conclude that the Government's intention to move ahead with de-mining in three areas to fulfil its international obligations is a positive step forward, and recommend that this should proceed provided this can be achieved without risk to human life. (Paragraph 310)

The Arms Trade Treaty (ATT)

52. We conclude that the Government is to be commended for the energy and commitment which it has displayed in seeking to achieve a comprehensive and effective international Arms Trade Treaty. We recommend that in its response to this Report the Government should provide an update on the status of the negotiations on the Treaty. (Paragraph 315)
53. We conclude that whilst there are inherent dangers in adopting a lowest common denominator approach to an Arms Trade Treaty (ATT), a treaty that is both inclusive and credible can be achieved. We further conclude, however, that if in the future, the Government is forced to choose between giving priority to the strength of

the treaty or achieving the widest possible ratification, it should give priority to securing the strongest possible treaty. (Paragraph 319)

54. We conclude that effective enforcement will be crucial to the credibility and effectiveness of an Arms Trade Treaty (ATT), and we recommend that the Government does all it can to make this issue a high priority in future negotiations. We further recommend that, in its response to this Report, the Government should set out its current position with regard to the ways in which an ATT would ideally be enforceable. (Paragraph 321)
55. We recommend basing an Arms Trade Treaty on a detailed list of the weapons to be covered rather than on a set of simple generic descriptions of the categories of arms covered. We conclude that the Government should take this position in future negotiations. We further recommend that a broad range of activities and/or transactions should be brought within the scope of the treaty, including dual-use items, brokering and trans-shipment. (Paragraph 326)
56. We recommend that an Arms Trade Treaty should fully incorporate the protections provided by international human rights law and international humanitarian law. We conclude that the inclusion within its ambit of human rights protections should be viewed as a key test of the likely credibility and effectiveness of such a treaty. (Paragraph 329)
57. We conclude that it is to be welcomed that negotiations on an Arms Trade Treaty are proceeding on an ‘overwhelming majority’ basis rather than by consensus, and we recommend that this continues. We further recommend, however, that in order to secure a treaty that is as widely supported as possible, all the parties to the negotiations should seek to keep them within the UN framework. We conclude that much depends on how effectively the Open Ended Working Group advances negotiations during 2009. (Paragraph 332)
58. We conclude that securing the support of the new US Administration for an Arms Trade Treaty should be a priority for the Government. We recommend that the Government should intensify its efforts to persuade those states that are as yet not persuaded of the merits of a treaty to change their mind. (Paragraph 337)
59. We conclude that the co-operation between the Government and key NGOs involved in the campaign for a credible and effective Arms Trade Treaty, which has included providing official funding for NGO activities on transfer control issues, has been productive. We recommend that the Government should continue to foster these productive relationships. (Paragraph 339)
60. We conclude that the wholehearted support of the defence industry for an Arms Trade Treaty (ATT) will help significantly in pursuit of an effective treaty and in its successful implementation. We recommend that the Government should swiftly draw up plans for greater co-operation with the UK Export Group for Aerospace and Defence on lobbying and outreach over the coming period, particularly with the aim of persuading the US defence industry of the merits of an ATT. (Paragraph 343)

- 61.** We conclude that it is desirable that the new US Administration takes a more positive attitude to the UN Programme of Action on Small Arms and Light Weapons. We recommend that the Government should encourage such a shift. We further recommend that due care be taken by all stakeholders to ensure that the Arms Trade Treaty process and the UN Programme of Action remain complementary and mutually reinforcing. (Paragraph 348)
- 62.** We conclude that, while the Wassenaar Arrangement may in due course be superseded wholly or in part by an Arms Trade Treaty, the positive gains made under the Arrangement should, as far as is possible, be incorporated into the Arms Trade Treaty and built upon. (Paragraph 350)

The rules-based approach

- 63.** We conclude that the rules-based approach to counter-proliferation taken by the Government has been moderately successful thus far and has greater prospects of being so than any alternative approach. However, we further conclude that more priority must be given to the enforcement of rules-based regimes. We recommend that the Government should continue to press for national implementation of treaty obligations, and strongly support verification mechanisms. We further recommend that the Government should advocate the inclusion in future international agreements of a defined set of ‘disagreeable consequences’ that would act as a deterrent to states flouting their commitments or withdrawing. (Paragraph 358)

The treatment of different weapons types

- 64.** We conclude that the term ‘weapons of mass destruction’ will continue to be used, as it is written into multilateral treaties and is an accepted international term. However, we further conclude that whilst nuclear, biological and chemical weapons cannot be considered entirely in isolation, particularly in regions such as the Middle East where the linkages are clear, the three weapons types pose very different threats which require specific solutions. They can and should not be tackled in the same way. We therefore recommend that whilst the Government may use the term ‘weapons of mass destruction’ as a useful shorthand in documents such as the National Security Strategy, it should devote greater attention to outlining the different approaches which it takes to the three weapons types. (Paragraph 363)

A holistic approach to disarmament and non-proliferation

- 65.** We conclude that there is a balance to be struck between addressing the specific threats posed by individual categories of weapons, and considering general disarmament in a more holistic fashion. We recommend that the Government should consider whether it can better build such considerations into its policies. (Paragraph 365)

1 Introduction

1. The control of arms, by means of non-proliferation and disarmament, is one of the most important aims of Government foreign policy. The Foreign and Commonwealth Office (FCO) told us that it considers that the proliferation of weapons of mass destruction (WMD)

poses one of the gravest threats to UK and to global security and that [it is] firmly committed to the goal of the global elimination of all such weapons. Driving forward more urgent and robust international action on both counter-proliferation and nuclear disarmament is a personal priority for the Foreign Secretary.¹

We and our predecessor Committees in previous Parliaments have taken a longstanding interest in these issues. Our predecessor Committee produced reports on Weapons of Mass Destruction in 2000 and on the Government's Biological Weapons Green Paper in 2003.² The Committee reported on related issues in a series of Reports on Foreign Policy Aspects of the War Against Terrorism between 2001 and 2006. We have also considered issues related to weapons proliferation in a number of the Reports dealing with specific regions and countries produced as part of our overarching inquiry into "Global Security": in particular, those relating to the Middle East, Russia, Iran, and Japan and Korea.³

Background

2. We were prompted to conduct the present inquiry by recent developments relating in particular to nuclear weapons. We have produced Reports commenting on the two most serious actual or potential cases of nuclear weapons proliferation, Iran and North Korea, and we felt that it would be useful to integrate our conclusions on those countries into a wider perspective. The key international instrument in the field of nuclear non-proliferation, the Nuclear Non-Proliferation Treaty (NPT), faces its next five-yearly Review Conference in 2010, an event which is currently a focus of activity for the nuclear non-proliferation and disarmament community. In advance of that conference, there is what *The Economist* has called a new "buzz" about the idea of a nuclear-free world,⁴ triggered primarily by an initiative launched in January 2007 by US statesmen Henry Kissinger, Sam Nunn, Bill Perry and George Shultz.⁵ In the same year, Parliament endorsed the Government's decision to renew the UK's Trident nuclear weapons system.⁶ Beyond specifically nuclear issues, we were aware that the Government regards WMD proliferation generally as a key security challenge, and that it is also taking a leading role in diplomatic initiatives on the control of conventional arms. In 2008, agreement was reached at the UN

1 Ev 171

2 Foreign Affairs Committee, Eighth Report of Session 1999–2000, *Weapons of Mass Destruction*, HC 407; First Report of Session 2002–03, *The Biological Weapons Green Paper*, HC 150

3 Foreign Affairs Committee, Eighth Report of Session 2006–07, *Global Security: The Middle East*, HC 363; Second Report of Session 2007–08, *Global Security: Russia*, HC 52; Fifth Report of Session 2007–08, *Global Security: Iran*, HC 142; Tenth Report of Session 2007–08, *Global Security: Japan and Korea*, HC 449

4 "What to do with a vision of zero", *The Economist*, 13 November 2008

5 George Schultz, William Perry, Henry Kissinger and Sam Nunn, "A World Free of Nuclear Weapons", *Wall Street Journal*, 4 January 2007; see para 139 below.

6 HC Deb, 14 March 2007, col 298–407; see para 125 below.

to move forward with a proposed Arms Trade Treaty (ATT), with significant backing from the UK; and agreement was reached on the Convention on Cluster Munitions.

Terms of reference

3. We announced our inquiry on 14 July 2008. We subsequently, on 20 October, announced that we had extended the terms of reference to include conventional as well as nuclear, biological and chemical weapons. Those submitting written evidence were invited to address the following issues:

- the British Government's non-proliferation approach, as set out in the National Security Strategy;
- the effectiveness of the current rules-based international system in curbing current weapons proliferation;
- the potential merit of current diplomatic initiatives on non-proliferation, for instance the 2010 Nuclear Non-Proliferation Treaty Review Conference and the proposed Arms Trade Treaty;
- the role of arms control and disarmament, including nuclear disarmament, in non-proliferation efforts.

Conduct of inquiry

4. We received 77 memoranda and held five oral evidence sessions. In January 2009 we visited Geneva, Vienna, Prague and Warsaw, to discuss matters relevant to our inquiry as well as to other areas of our work. We are grateful to the British missions in those cities and to our interlocutors there for their assistance, and to all those who provided written and oral evidence to our inquiry. We would particularly like to pay tribute to the late Sir Michael Quinlan, former Permanent Under-Secretary at the Ministry of Defence, who gave oral evidence to us; we note with sadness that Sir Michael died on 26 February 2009, after a lifetime of distinguished service to his country.

5. In the next chapter of our Report, we address some institutional and policy issues relevant to the approach of the Government and its major international partners (the US, NATO and the EU) to non-proliferation and disarmament. In three subsequent chapters, we consider in turn proliferation issues relating to the two main types of WMD—nuclear, and chemical and biological weapons—and the ballistic missiles which may be used to deliver them. In Chapter 6, we consider issues relating to terrorism and the physical security of WMD, and in Chapter 7 we discuss the control of conventional weapons. In Chapter 8 we return to consider some overarching themes of the Government's approach.

National Security Strategy

6. In March 2008 the Government published the United Kingdom's first formal National Security Strategy.⁷ In July 2008 the Prime Minister announced that he would engage in

⁷ Cabinet Office, *The National Security Strategy of the United Kingdom*, Cm 7291, March 2008

consultations over the setting up of a parliamentary Joint Committee, “to consider and report on the annual update to the Strategy”. He intended that this would comprise “the Chairs of the key departmental Select Committees with an interest in national security, and other Members of Parliament and Peers with particular interests or experience”.⁸ Subsequent correspondence between the Liaison Committee and the Prime Minister has clarified the likely remit and role of this Joint Committee.

7. We note that it is proposed that the Chairman of the Foreign Affairs Committee will be an *ex officio* member of the Joint Committee on the National Security Strategy and that we will therefore have an input into its deliberations and activities. We wish to put on record our firm view that the existence of the Joint Committee, if the House approves the Government’s proposals, will not in any way restrict or curtail the Foreign Affairs Committee’s responsibility to examine aspects of national security insofar as they relate to the work of the FCO. We take our responsibilities in this regard very seriously and will continue to exercise them as an integral part of our work. We recommend that in its response to this Report the Government should confirm that it accepts our view of the Foreign Affairs Committee’s continuing responsibilities as regards national security matters relating to the work of the FCO.

2 The Government's approach to non-proliferation

8. The Government's non-proliferation policy addresses two distinct threats. First, there is a threat from states, although the National Security Strategy asserts that "no state currently has both the intent and the capability to pose a direct nuclear threat to the United Kingdom", and that whilst "a number of states retain the ability to produce chemical and biological weapons we do not judge that they currently pose a direct threat to the United Kingdom".⁹ Second, the Strategy asserts that terrorists have aspirations to acquire nuclear, chemical, biological and radiological weapons.¹⁰

9. The National Security Strategy's approach to counter-proliferation comprises four strands, referred to as the 'four D's':

- i. dissuade states from acquiring, developing, and contributing to the spread of WMD, and related materials and expertise;
- ii. detect attempts by states, and terrorists, to develop or acquire this capability;
- iii. deny access to WMD and the necessary materials, equipment, technology, and expertise to develop them, while promoting commerce and technological development for peaceful purposes;
- iv. defend our country, our citizens, our Armed Forces and our strategic interests from the threats posed by proliferation.¹¹

10. Work to counter WMD proliferation has consistently been identified as a Government, and specifically an FCO, objective. In the 2004 Spending Review, the FCO was set a Public Service Agreement (PSA) target "to deter, check and roll back programmes for the development of WMD and related delivery systems in countries of concern, and to reduce the supply of, and demand for, such weapons worldwide."¹² According to the 2008 FCO Departmental Annual Report, this was the only FCO PSA target which was "not met".¹³ The threat from proliferation was subsequently incorporated into PSA target 30 set by the Comprehensive Spending Review 2007, which is to "reduce the impact of conflict through enhanced UK and international efforts".¹⁴ The FCO is the lead department for delivery of this PSA target. Meanwhile, the FCO's new Strategic Framework, announced in February 2008, makes counter-proliferation and counter-terrorism one of the FCO's four policy

9 Cabinet Office, *The National Security Strategy of the United Kingdom*, Cm 7291, March 2008, paras 3.11–3.13

10 *Ibid.*, paras 3.5, 3.12

11 *Ibid.*, para 4.17

12 PSA 1, via www.hm-treasury.gov.uk

13 FCO, *Foreign and Commonwealth Office Departmental Report, 1 April 2007 – 31 March 2008*, Cm 7398, May 2009, p 143

14 PSA Delivery Agreement 30, October 2007, via www.hm-treasury.gov.uk

goals, translating into the Department's Strategic Objective 5, agreed with the Treasury, "to counter terrorism, weapons proliferation and their causes".¹⁵

11. There are planned increases in the funding from the FCO's Strategic Programme Fund for the strategic objectives set out in the FCO's counter-proliferation and counter-terrorism policy goal, from £300,000 in 2008/2009 to £2 million in 2009/10 and £3 million in 2010/11. These funds are used to finance, among other activities, a series of direct legislative assistance visits to help 30 states to fulfil their obligations under a number of treaties. In addition, the Government is spending £36 million a year through the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction established at the G8 summit at Kananaskis in 2002. This is now part of the Government's Global Threat Reduction Programme, which aims to establish co-operative projects against the diversion of WMD materials, mainly in the former Soviet Union.¹⁶

12. Whilst overall responsibility for the Government's counter-proliferation strategy rests with the Cabinet Office, a number of Government departments collaborate in this area, including the FCO, Ministry of Defence (MoD), the Home Office, the security and intelligence agencies, the Department for Business, Enterprise and Regulatory Reform (BERR) and Her Majesty's Revenue and Customs (HMRC).¹⁷

13. The National Security Strategy reaffirms the Government's support for a "rules-based approach to international affairs".¹⁸ The FCO told us that it:

consider[s] that collective action, in international bodies including the UN, the EU, NATO, the IAEA, treaty-specific and export control groups remains the most effective way of managing and reducing the threats and the only prospect of eliminating them completely. A multilateral approach, in particular a rules-based approach led by international institutions, legally-binding and verifiable where possible, brings not only greater effectiveness but also, crucially, greater legitimacy.¹⁹

We discuss the treaties and multilateral agreements that comprise the 'rules-based approach' in our chapters below which consider particular weapons types, and return to the overall theme in Chapter 8.

The EU

14. In 2003 the European Council agreed a European Security Strategy (ESS) which emphasised "effective multilateralism" through a policy of promoting multilateral treaties and bodies, including those underpinning the non-proliferation and disarmament regimes. This policy has been pursued through a number of Joint Actions, Common Positions,

¹⁵ FCO, *Foreign and Commonwealth Office Departmental Report, 1 April 2007 – 31 March 2008*, Cm 7398, May 2009, pp 15-16, 84-85; Ev 171

¹⁶ Ev 172; see paras 266–269 below.

¹⁷ Ev 172

¹⁸ Cabinet Office, *The National Security Strategy of the United Kingdom*, Cm 7291, March 2008, para 2.1

¹⁹ Ev 172

Council Decisions and Action Plans, for example in relation to Iran, India and Pakistan.²⁰ In December 2008 the European Council endorsed a report by Dr Javier Solana, the High Representative for the Common Foreign and Security Policy, which updated the ESS. The report judged that the risk of WMD proliferation had increased since 2003, and reaffirmed the EU's commitment to non-proliferation objectives.²¹ Also in 2003 the EU published a Strategy Against Proliferation of Weapons of Mass Destruction,²² and Dr Solana appointed Annalisa Giannella, a long-serving EU official, as his Personal Representative for non-proliferation. The FCO told us that:

On the basis of the EU WMD Strategy, adopted in 2003, the EU has been active and at the forefront of international efforts to address proliferation concerns; is a key donor to multilateral initiatives, including the IAEA Nuclear Security Fund; and by working with third countries and regional organisations makes an important contribution to building national and regional capacities to prevent proliferation.²³

These strategies have increased the profile of the EU in this area.²⁴

15. Daniel Feakes of the Harvard-Sussex Programme on Chemical and Biological Weapons described the positive and negative aspects of an EU common position. Whilst adopting a 'lowest common denominator' approach means that the UK might be restrained if it wanted to take a stronger position, he told us that "the other side is that the 27 states negotiating a position together are already a fairly sizeable number of CWC [Chemical Weapons Convention] or BWC [Biological and Toxin Weapons Convention] states parties."²⁵ Overall he concluded that "the EU is playing a positive role, but it needs to do more, and it needs more financial resources behind it".²⁶

16. One way in which the EU acts is to build commitments on arms control into other agreements, via what the FCO referred to as "WMD clauses".²⁷ Daniel Feakes explained that:

One thing that the EU has been doing recently is trying to link arms control—these kinds of issue—more to other issues such as trade. The EU holds a very big soft power weapon. It has come up with a non-proliferation clause in its recent agreements with third countries, so that the EU is saying, "We will meet you on trade as long as you do something on arms control".²⁸

20 Ev 174; Dr Gerrard Quille, "The EU's approach to tackling the proliferation of materials and weapons of mass destruction and prospects for cooperation on the eve of a new US Administration", European Parliament, Directorate-General for External Policies of the Union, November 2008

21 Secretary General/High Representative of the Council of the European Union, "Report on the Implementation of the European Security Strategy – Providing Security in a Changing World", Brussels, 10 December 2008, <http://register.consilium.europa.eu/pdf/en/08/st17/st17104.en08.pdf>

22 Council of the European Union, "EU Strategy against Proliferation of Weapons of Mass Destruction", Brussels, 10 December 2003, <http://register.consilium.europa.eu/pdf/en/03/st15/st15708.en03.pdf>

23 Ev 301; for the IAEA Nuclear Security Fund, see paras 292–293.

24 Q 74

25 Q 74; for these two Conventions see Chapter 4.

26 Q 74

27 Ev 173

28 Q 77

The role of the US and NATO

17. During the course of our inquiry Barack Obama was sworn in as the 44th US President. There has been widespread expectation that his election will be positive for arms control efforts. Nicholas Sims of the LSE told us that:

the coming-in of the new Administration in the United States gives the UK and other NATO countries an enormous, almost unprecedented opportunity to re-engage the United States in a much more wholehearted, reinvigorated multilateralism in this field, as in others.²⁹ [...] Within the Democrat camp, there have been encouraging signs that the US would be much more engaged in multilateral endeavours generally.³⁰

Bill Rammell, Minister of State at the FCO, was similarly confident:

The prospects for disarmament under President Obama are much greater and stronger than they were under President Bush. How do I adduce that in evidence? You can look, for example, at [Secretary of State] Hillary Clinton's confirmation hearings, when she talked about the importance of rebuilding staffing and financing the relevant bureaus within the State Department. Obama has made it clear that he wants to ratify, and have negotiations on, the fissile material cut-off treaty. All that I see and hear is very positive and I have belief in President Obama.³¹

There is speculation that a change of attitude in the US might lead other states to alter their positions, with Bill Rammell telling us that when he was recently in Beijing "interesting discussions were taking place and there was a desire to know what the intentions of the Obama Administration were."³² However, in relation to treaties, as Mr Rammell pointed out:

There is a caveat: in the American system, you have to get those treaties through the Senate as well. I think that with the degree of support that the President has and the political make-up of the Senate at the moment, the grounds for that are optimistic, but it is not as simple as saying that the President decrees and it happens.³³

18. In early 2009, President Obama appointed Gary Samore, previously of the Council on Foreign Relations, as coordinator for policy on weapons of mass destruction (including non-proliferation), based in the National Security Council.³⁴

NATO

19. The FCO highlighted the "significant role" of NATO in the area of non-proliferation and disarmament:

²⁹ Q 70

³⁰ Q 73

³¹ Q 269

³² Q 270

³³ Q 269

³⁴ "President Names First Government-wide Coordinator of WMD Policy", CQ Today, 29 January 2009

The NATO summit of Heads of State and Government in Bucharest last year [2008] saw the approval of a paper on ‘Raising NATO’s profile in the field of arms control, disarmament and non proliferation’. NATO has several groups that meet regularly to discuss non-proliferation and disarmament issues and the Alliance continues to ensure that—as an important part of its broad approach to security—defence and arms control, disarmament, and non-proliferation objectives remain in harmony. There has been a 90% reduction in the nuclear forces attributed to NATO since the end of the Cold War and the Alliance seeks to enhance security and stability at the lowest possible level of forces consistent with the ability to provide for collective defence and to fulfil the full range of its missions.³⁵

20. Independent analyst Martin Butcher emphasised in written evidence to us that whilst NATO had given significant support to arms control measures during the 1990s, its stance changed dramatically following the election of George W. Bush as US President:

From this high point in late 2000, NATO’s public commitment to threat reduction through multilateral agreement has steadily diminished [...] It appears that NATO has abandoned any attempt at threat reduction through arms control, non-proliferation and disarmament, in favour of a purely military response to potential WMD-armed adversaries [...] European nations have submitted to the Bush administration’s global outlook, and allowed it to become the policy of the entire Alliance. This despite the fact that it is clear that European nations do not share the bleak world view emanating from Washington DC. Both the European Security Strategy and the Strategy Against the Proliferation of WMD adopted by the EU place much more emphasis on multilateral diplomacy to construct security from WMD threats than is now the case for NATO—and yet, because of NATO’s consensus rule Europeans have been overridden by the United States.³⁶

Mr Butcher believed that the new US Administration would reverse this trend, for example by being “more receptive to reviving NATO’s traditional role in arms control and disarmament initiatives.” He told us that “The British government is well-placed to take a lead in the Alliance in ensuring a positive outcome in this vital policy area.”³⁷ Dr Dan Plesch of the School of Oriental and African Studies highlighted the role that NATO could play, including in the control of conventional weapons, particularly by supporting an Arms Trade Treaty. However, he noted that “NATO is not a trading organisation; there are limits to what it can do in that respect.”³⁸ Giving evidence on the control of conventional weapons, Roy Isbister of the UK Working Group on Arms questioned whether NATO involvement was positive, explaining that “some states consider [the Alliance], rightly or wrongly, to be actively threatening [...] you have to be careful about having NATO in the lead.”³⁹

³⁵ Ev 301

³⁶ Ev 148, 150

³⁷ Ev 154

³⁸ Q 171

³⁹ Q 171

Restricting the resources required for proliferation

21. Restricting the availability of the materials, expertise and finance necessary to make and use of all types of weapon is an effective way to help achieve non-proliferation aims.

Export control regimes

22. The UK operates a regime of national arms export licensing regulations, based on the commitments which it has made by virtue of its membership of a number of voluntary export control regimes that cover individual weapons types. UK national regulations currently include the Biological Weapons Act 1974, the Chemical Weapons Act 1996, the Export Control Act 2002 and the relevant sections of the Anti-Terrorism, Crime and Security Act 2001.⁴⁰ British export controls are the central and ongoing focus of the Committees on Arms Export Controls (CAEC), of which the Foreign Affairs Committee is a member.⁴¹ We therefore do not discuss export controls in detail in this report, but outline the relevant regimes below.

23. Daniel Feakes judged that “enforcement is improving”, noting for example that in July 2007, Avocado Research Chemicals was fined £600 plus costs for exports to Egypt in July 2005 of a chemical precursor to VX nerve gas and a chemical used in the production of nuclear control rods.⁴² Dual-use items which have legitimate non-military use are particularly difficult to control.

Nuclear weapons (Nuclear Suppliers Group and Zangger Committee)

24. The Nuclear Suppliers Group (NSG) was created in 1975 following India’s first nuclear test in 1974. It has 45 members who co-ordinate their licensing of nuclear exports using two sets of guidelines which list nuclear and dual-use goods that are controlled. The NSG has no budget or staff and has a rotating chair. Annual Consultative Group meetings are held in Vienna at the Permanent Mission of Japan which provides a secretariat.

25. The Zangger Committee (ZC) was formed in 1971 immediately after the NPT came into force. It has 37 members and is chaired by the Czech Republic. It does not operate an export control regime as such, but is a technical group which maintains a trigger list of nuclear-related goods which trigger International Atomic Energy Agency (IAEA) safeguards as a condition of supply. Members report yearly on any items from the list that are transferred to a non-nuclear weapons state that is not party to the NPT. The UK provides the secretariat for the ZC, which the FCO told us incurred minimal expense.⁴³

40 Ev 290

41 See Business and Enterprise, Defence, Foreign Affairs and International Development Committees, First Joint Report of Session 2007–08, *Scrutiny of Arms Export Controls (2008): UK Strategic Export Controls Annual Report 2006, Quarterly Reports for 2007, licensing policy and review of export control legislation*, HC 254.

42 Ev 287

43 Ev 297

Biological and chemical weapons (Australia Group)

26. The Australia Group was formed in 1985 with the aim of harmonising export controls on materials which could be used to produce chemical and biological weapons. Membership allows the UK to fulfil its obligations under both the Chemical and the Biological and Toxin Weapons Conventions.⁴⁴ There are 40 participating states, including all EU members, with the European Commission additionally taking part in proceedings.⁴⁵ Russia is not a member but since the collapse of the Soviet Union it has introduced its own export controls with lists of controlled biological and chemical materials.⁴⁶ Daniel Feakes told us that:

A further significant expansion of the Group seems unlikely as its main function is to bring together the world's primary manufacturers, exporters and transshippers of controlled items. There are of course countries in these categories not in the Australia Group (e.g. China and India) but these are members of the Non-Aligned Movement and have been strident critics of the Group since its inception [...] The most likely scenario is therefore an incremental geographical expansion in the Group, coupled with more extensive outreach activities to non-participants.⁴⁷

Missiles (Missile Technology Control Regime and Hague Code of Conduct)

27. The Missile Technology Control Regime (MTCR), of which the UK is a founder member, is an arrangement between 34 states formed in 1987 with the aim of preventing proliferation of what the FCO termed "unmanned delivery systems capable of delivering weapons of mass destruction".⁴⁸ This aim is pursued through co-ordination of national export licensing based on control lists. The regime has no formal budget or staff. Individual members are responsible for its website (Canada) and act as a point of contact (France).⁴⁹

28. The Hague Code of Conduct Against Ballistic Missile Proliferation is not an export control regime but, the FCO told us, "is intended to supplement" the MTCR.⁵⁰ States which subscribe to the Code of Conduct commit to a voluntary set of principles and confidence-building measures aimed at strengthening the effort against ballistic missile proliferation, such as annual declarations on ballistic missile policies and notifications prior to missile launches. As of January 2009, 130 countries had subscribed to the Code. The Hague Code of Conduct does not have a staff or budget, but Austria serves as the central contact country coordinating the relevant information exchange.

⁴⁴ Ev 186

⁴⁵ <http://www.australiagroup.net/en/participants.html>

⁴⁶ Ev 220

⁴⁷ Ev 291

⁴⁸ Ev 296

⁴⁹ Ev 296

⁵⁰ Ev 187, 296

Conventional weapons (Wassenaar Arrangement)

29. With 40 participating states, the Wassenaar Arrangement maintains lists of goods to which export controls should apply in the area of conventional weapons. Lists for arms and dual-use goods are maintained separately. States are required to notify each other if they deny an export license. The Wassenaar Arrangement has a small secretariat in Vienna with a total budget for 2009 of £1,524,177, of which the UK is providing £113,549.

30. There are also an expanding number of regional frameworks intended to counter the proliferation of conventional weapons. In 1993 principles governing arms transfers were agreed by the Forum for Security Cooperation of the Conference for Security and Cooperation in Europe (later the Organisation for Security and Cooperation in Europe [OSCE]). In addition, the UK has observed the EU Code of Conduct on Arms Exports since 1998. The Code provides guidelines for arms exports by EU Member States which are intended to prevent sales of equipment that could be used in human rights abuses or which may obstruct sustainable development. A revised and legally binding version of the EU Code of Conduct was introduced in December 2008.⁵¹ It has been renamed the Rules Governing the Control of Exports of Military Technology and Equipment. There is a strong correspondence between the EU's regulations and the voluntary arrangements that apply under the Wassenaar Arrangement.

The Proliferation Security Initiative (PSI)

31. The Proliferation Security Initiative (PSI), launched by the US in 2003, aims to combat trafficking of WMD materials by committing its members to a Statement of Interdiction Principles aimed at disrupting or preventing the transfer of materials and weapons, as well as their delivery systems. The PSI is not treaty-based, nor does it have a secretariat or collect subscriptions. Instead, the FCO told us that "nations meet in a number of formats and take part in an exercise programme intended to test national capabilities and decision-making structures. PSI is best characterised as an activity rather than an organisation and remains an open and flexible mechanism."⁵² The FCO told us that "the UK plays an active role in PSI, hosting and participating in exercises, outreach events and meetings of the Operational Experts Group, the PSI 'steering committee'", but it noted that key states remain outside the initiative, such as China and Malaysia, although South Korea announced its full participation in May 2009, following North Korea's latest nuclear test.⁵³ In response to South Korea's decision to participate in the PSI, North Korea threatened military action if any of its ships were stopped, and said that it no longer regarded itself as bound by the 1953 armistice which ended the Korean War.⁵⁴

32. The Committees on Arms Export Controls (CAEC) examined the PSI and interdiction in its latest Report, in which it noted:

51 Council Common Position 2008/944/CFSP defining common rules governing the control of exports of military technology and equipment, 8 December 2008

52 Ev 173, 298

53 Ev 175; "North Korean Nuclear Blast Draws Global Condemnation", *Washington Post*, 26 May 2009

54 "North Korea abandons armistice agreement", *Wall Street Journal Asia*, 28 May 2009

At present the UK has no powers to seize goods subject to export controls on the high seas, or to interdict ships on the grounds that they are carrying such goods. The 2005 Protocol to the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (the SUA Protocol) will strengthen the international legal basis to impede and prosecute the trafficking of WMD, their delivery systems and related materials on the high seas in commercial ships by requiring state parties to criminalise such transport. The Protocol also establishes a mechanism to facilitate the boarding in international waters of vessels suspected of engaging in these activities. The SUA Protocol will only come into force after ratification by 12 countries. The Government said that currently only three countries—Spain, Cook Islands and St Kitts and Nevis—had ratified it.⁵⁵

UK ratification will be facilitated by provisions of the Transport Security Bill, part of the 2008/09 Draft Legislative Programme and due to be introduced in the 2009/10 Parliamentary Session.⁵⁶

33. We conclude that the UK's failure so far to ratify the 2005 Protocol to the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation is regrettable, given the way in which the Protocol will strengthen the UK's ability to impede the trafficking by sea of WMD-related materials. We further conclude that the provisions of the planned Transport Security Bill which will facilitate UK ratification are to be welcomed, and look forward to their early passage. We recommend that the Government should work actively to secure ratifications of the Protocol by other states so that it may rapidly enter into force.

Personnel: the UK's ATAS scheme

34. Another important element in the development of a WMD capability is the availability of staff with the required technical expertise. There are hundreds of laboratories in the UK from which staff could remove relevant materials⁵⁷ and there are historical cases of weapons scientists being trained in the UK. For example Rihab Taha, or 'Dr Germ', who studied for her PhD in plant toxins at the School of Biological Sciences of the University of East Anglia, went on to work on Iraq's biological weapons programme.⁵⁸ Dr A Q Khan, the Pakistani nuclear scientist who helped to supply the illicit nuclear weapons programmes of Iran, Libya, North Korea and possibly other states, worked at the uranium enrichment facility at Almelo in the Netherlands at an early stage in his career. In the US, the 2001 anthrax attacks which killed five people have been attributed by the authorities to a researcher at a US Army research laboratory, Bruce Ivins, who committed suicide in July

55 Business and Enterprise, Defence, Foreign Affairs and International Development Committees, First Joint Report of Session 2007–08, *Scrutiny of Arms Export Controls (2008): UK Strategic Export Controls Annual Report 2006, Quarterly Reports for 2007, licensing policy and review of export control legislation*, HC 254, para 139

56 Government Response to Business and Enterprise, Defence, Foreign Affairs and International Development Committees, First Joint Report of Session 2007–08, *Scrutiny of Arms Export Controls (2008): UK Strategic Export Controls Annual Report 2006, Quarterly Reports for 2007, licensing policy and review of export control legislation*, HC 254, page 21

57 Innovation, Universities, Science and Skills Committee, Sixth Report of Session 2007–08, *Biosecurity in UK Research Laboratories*, HC 360, para 56

58 "Terrorists try to infiltrate UK's top labs", *The Observer*, 2 November 2008

2008.⁵⁹ This attack demonstrated the threat from individuals with malicious intent. The Sixth Review Conference of the BTWC in December 2006 agreed an Inter-sessional Work Programme for 2007–2010 which includes work on oversight of science and codes of conduct.⁶⁰ Our predecessor Committee's Report on the Biological Weapons Green Paper in 2002 recommended that the Government should take steps towards an international code of conduct for scientists working with dangerous pathogens.⁶¹

35. In November 2007 the Government introduced the Academic Technology Approval Scheme (ATAS), a new system for overseeing security clearance for research students entering the UK from outside the European Economic Area. ATAS applies to those studying certain sensitive subjects in the fields of science and engineering at postgraduate (mainly research) level. It is administered by the FCO and replaced the previous Voluntary Vetting Scheme (VVS), under which universities decided which applicants were referred for vetting.⁶² Universities UK told us that a review of the VVS "was initiated following concerns about the effectiveness of the scheme as a counter-proliferation measure raised both by Higher Education Institutions (HEIs) and the Foreign Affairs Select Committee."⁶³ Under ATAS, students are required to complete a free, online application form once they receive an offer of a place from their Higher Education Institution. The information provided is assessed by officials from the FCO and advisers from the MOD, Defence Intelligence Staff and intelligence agencies, with the aim that this will take place within three weeks, with most answered in 5–10 days. An ATAS certificate is specific to the institution and course but multiple certificates can be held by any one individual. A certificate is a prerequisite for an application from a relevant individual to enter or remain in the UK.⁶⁴ 2008 was the first year in which ATAS operated over the busy autumn universities admission period. The FCO reported that:

An interim review of ATAS has already taken place and made several suggestions on funding and upgrading, including developing ATAS IT capacity. We will shortly be undertaking a full review of the Scheme, with input from Partners across Government, Posts and academia.⁶⁵

Universities UK described ATAS as "a proportionate response to an important national security issue" and points out that it "has not received any significant concerns from HEIs about the new scheme."⁶⁶ A recent press report suggested that up to 100 students have been prevented from studying in the UK by the ATAS scheme.⁶⁷

59 "Bioterrorism: a mystery unravelled", *The Economist*, 9 August 2008

60 Ev 185

61 Foreign Affairs Committee, First Report of Session 2002–03, *The Biological Weapons Green Paper*, HC 150, para 37

62 Ev 176, 261

63 Ev 261

64 Business and Enterprise, Defence, Foreign Affairs and International Development Committees, First Joint Report of Session 2007–08, *Scrutiny of Arms Export Controls (2008): UK Strategic Export Controls Annual Report 2006, Quarterly Reports for 2007, licensing policy and review of export control legislation*, HC 254; Ev 69, 261

65 Ev 176

66 Ev 261

67 "Terrorists try to infiltrate UK's top labs", *The Observer*, 2 November 2008

36. In addition to measures dealing with foreign students, there have been press reports that MI5 and the National Counter Terrorism Security Office have been vetting scientists without their knowledge, where they have access to incurable viruses which it is believed terrorists might be seeking to acquire.⁶⁸

37. We conclude that the Government is to be commended for introducing the Academic Technology Approval Scheme regarding security clearance for foreign students in sensitive fields, which is a significant improvement on the previous Voluntary Vetting Scheme. We recommend that the Government should take swift action to address any shortcomings in this relatively new scheme which are identified in its imminent review of the scheme's operation, of which we expect to receive a copy. We further recommend that the Government should set out in its response to this Report the progress made on oversight of science and codes of conduct for scientists as part of the current Inter-sessional Work Programme of the Biological and Toxin Weapons Convention.

Finance

38. The Government is committed to restricting the supply of finance to states, groups or individuals intending to proliferate relevant weapons or materials. Both the EU and the UN have asset-freezing regimes in place.⁶⁹ The FCO told us that:

HM Treasury leads on work within the international Financial Action Task Force (FATF) to identify future methods of tackling the financing of proliferation activity. They are also working closely with HM Revenue and Customs, the Serious and Organised Crime Agency and the Financial Services Authority on the UK domestic/legal response to this issue. We await an expected FATF report on Proliferation Finance and aim to build on its recommendations and to assist states which do not have capacity to enforce the recommendations themselves.⁷⁰

Recently, Iran has been subject to financial restrictions. Bill Rammell told us that “in the UK, Iranian banks no longer have access to sterling clearing facilities” since “about 18 months or two years ago.”⁷¹ However, we are concerned that this may not have been as early as possible. Lloyds TSB has recently paid \$350 million to US authorities following a breach of the US International Emergency Economic Powers Act, principally in relation to Iran. The bank removed payment originator information from some inter-bank payments instructions so that they could not be identified as originating from countries under US sanctions. The Treasury informed us that Lloyds TSB broke only US and not UK or EU law because EU regulations outlawing such payments only took effect in January 2007, whilst the transactions in question ceased in 2003. HM Treasury added that:

68 “MI5 fears virus theft from labs”, *Daily Telegraph*, 31 March 2008

69 HM Government, *Pursue Prevent Protect Prepare: The United Kingdom’s Strategy for Countering International Terrorism*, Cm 7547, March 2009, p 74

70 Ev 176

71 Qq 237–238

HMG continues to ensure UN and EU sanctions regimes are implemented robustly in the UK. We are the only country so far to be graded fully compliant with international standards on asset freezing by the Financial Action Task Force.⁷²

39. We conclude that restricting the finance available to those intending to proliferate nuclear, chemical or biological weapons and their delivery systems is a potentially effective mechanism to achieve non-proliferation aims. We recommend that the Government should consider how this can be done as quickly as possible when proliferation risks are identified. We further recommend that in its response to this Report, or earlier if possible, the Government should send us a copy of the imminent report of the international Financial Action Task Force, with an accompanying memorandum indicating whether, when and how it will implement its recommendations.

Scope for rationalisation of the non-proliferation architecture

40. A striking feature of the non-proliferation and disarmament landscape is the involvement of a large number of organisations whose work often overlaps. These include the UN (and organisations under its aegis such as the International Atomic Energy Agency), the EU, NATO, the G8 and the OSCE. A number of agreements have also been pursued in multilateral forums outside these structures, particularly in the field of conventional weapons, whilst other negotiations have proceeded on a purely bilateral basis, most notably between the US and Russia. Multilateral agreements are commonly supported by an organisation which oversees implementation of the relevant instrument, such as the Organisation for the Prohibition of Chemical Weapons, set up in support of the Chemical Weapons Convention, or the Preparatory Commission for the Comprehensive Nuclear Test Ban Treaty Organisation, set up to support the Comprehensive Nuclear Test Ban Treaty. In addition, as outlined above, there are a number of voluntary export control regimes in place covering different weapons types. This multiplicity of organisations prompted us to ask the FCO to provide us with details of the organisations involved in this field and its assessment of areas of overlap.⁷³

41. Two of these organisations, the Zangger Committee (ZC) and the Nuclear Suppliers Group (NSG), both focussed on exports of nuclear materials, have membership lists which overlap considerably. The FCO acknowledged that “the issue of disbanding the ZC has occasionally arisen over the past few years” but argued that “the technical work of the ZC is entirely complementary to the NSG” since “it is not a political forum, and has a different membership”, emphasising the value of its system of annual reporting. The FCO also stressed that “ZC meetings often take place the day before NSG Consultative Group meetings, so as to reduce travel costs for members.”⁷⁴

72 Letter to the Chairman of the Foreign Affairs Committee from the Economic Secretary to the Treasury, 23 February 2009, MISC 89, published online at <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmfaff/memo/miscmatt/ucmi8902.htm>

73 Ev 297

74 Ev 297

42. The Government further described the discussions that occurred over whether the Comprehensive Test Ban Treaty Organisation Preparatory Commission should be located within the IAEA or outside it. It was decided that:

the Secretariat for a treaty whose technical and operation functions are distinct from those of the IAEA were more appropriately housed separately. But co-location in Vienna allows for close coordination between the two organisations—and promotes efficiency in the way in which Member States/State Signatories interact with them.⁷⁵

43. There are multiple proposed mechanisms for internationalising the nuclear fuel cycle, as outlined in Chapter 3 below. In Chapter 7 we examine the support that the Government has given to securing a protocol on cluster munitions as part of the UN framework of the Convention on Certain Conventional Weapons, when it would appear to duplicate, or undermine its ratification of, the Convention on Cluster Munitions. An Arms Trade Treaty would also be likely to have implications for work already being carried out regarding the control of conventional weapons. When we asked Bill Rammell whether it would be possible to rationalise some of the effort in the field of non-proliferation and disarmament he told us that:

What you need to ensure is that there is not competitive overlap between the different approaches and not friction between them, and you have to spend and work a lot to ensure that that is the case. Take the example of the nuclear fuel cycle and how we can ensure that civil nuclear power is not being diverted into nuclear weapons. There are about 12 different international initiatives at the moment. On one level you might say that is too much [...] In an ideal world, you would probably say you need one initiative that everybody agrees on, and you pull together on. However, the world is not quite like that. What you need to ensure is that initiatives do not detract from each other, and I do not believe they do. If different states are working in different areas and actually make progress, I do not think that is necessarily a bad thing.⁷⁶

44. We conclude that the sheer number of organisations and initiatives in the field of non-proliferation and disarmament may lead to a lack of focussed progress. We recommend that the Government should press for the rationalisation of international efforts in this area and set out in its response to this Report where it believes such rationalisation could occur.

⁷⁵ Ev 293

⁷⁶ Q 226

3 Nuclear weapons

45. In its 2008 National Security Strategy, the Government stated that “nuclear weapons remain potentially the most destructive threat to global security”.⁷⁷ As in the cases of chemical and biological weapons, the Government identifies two types of potential threat to the UK from nuclear weapons: the threat of use by another state, and “the possibility of nuclear weapons or material or technology [...] falling into the hands of terrorists, who we know have ambitions to acquire it”.⁷⁸ We discuss matters related to the possible terrorist acquisition of nuclear weapons in Chapter 6. As regards the potential nuclear weapons threat from states, in the National Security Strategy the Government judged that “no state currently has both the intent and capability to pose a direct nuclear threat to the United Kingdom or its vital interests. But we cannot rule out the risk that such a threat will re-emerge over future decades.”⁷⁹ Dr Jones of Southampton University told us that “the National Security Strategy is probably right to recognise the possibility of a direct nuclear threat to the UK re-emerging in the next 50 years.”⁸⁰

46. The Government opposes the proliferation of nuclear weapons to additional states, as part of its overall non-proliferation goal. Professor Chalmers of the Royal United Services Institute (RUSI) and Mark Fitzpatrick of the International Institute for Strategic Studies (IISS) told us that the Government was right to do so. Apart from the fact that non-proliferation is a legal obligation on States Parties to the Nuclear Non-Proliferation Treaty (NPT), such as the UK, Professor Chalmers and Mr Fitzpatrick added that the existence of any nuclear weapons carried the risk that they might be used, by accident or design, and that the spread of nuclear weapons to further countries was therefore one of the ways in which this risk was heightened.⁸¹ Mr Fitzpatrick said that there was a particular risk when a country acquires nuclear weapons for the first time, as it typically lacks well-established systems for their security.⁸²

The Nuclear Non-Proliferation Treaty (NPT)

47. The Government regards the Nuclear Non-Proliferation Treaty (NPT) as the “cornerstone” of the international nuclear non-proliferation regime.⁸³ Under the Government’s ‘four-Ds’ non-proliferation strategy, which we outlined in paragraph 9, the NPT is at the heart of the Government’s effort to “dissuade” further states from acquiring nuclear weapons.⁸⁴

48. The NPT was signed in 1968 and came into force in 1970. When its initial 25-year lifespan expired in 1995, its States Parties extended it indefinitely. The number of NPT

77 Cabinet Office, *The National Security Strategy of the United Kingdom*, Cm 7291, March 2008, para 3.10

78 *Ibid.*, para 3.12; see para 8 above.

79 *Ibid.*, para 3.11

80 Ev 102

81 Qq 1-4

82 Q 5

83 Cabinet Office, *The National Security Strategy of the United Kingdom*, Cm 7291, March 2008, para 4.19

84 *Ibid.*, para 4.19

States Parties has continued to rise steadily. A particular milestone was reached in the immediate aftermath of the Cold War, when China and France both acceded, placing all five recognised nuclear powers and members of the UN Security Council inside the NPT regime. To date, all UN Member States have acceded to the Treaty bar three: India, Israel and Pakistan. This makes the reach of the NPT among the most extensive of all international treaties. North Korea acceded to the NPT in 1985 but announced its withdrawal in 2003. Whether or not Pyongyang met the procedural requirements for withdrawal is disputed, and there is no definitive legal position on whether North Korea remains an NPT State Party. The British Government continues to regard it as such.⁸⁵

49. The NPT enshrined a distinction between nuclear weapons states and non-nuclear weapons states. It recognised as nuclear weapons states those five which had manufactured and exploded a nuclear weapon before 1967, namely China, France, the UK, the USSR (now Russia) and the US. The NPT is often said to rest on a ‘grand bargain’ between these states and their non-nuclear weapons counterparts.⁸⁶ Under the NPT, non-nuclear weapons States Parties agreed not to acquire nuclear weapons, and the nuclear weapons states agreed not to assist or encourage them to do so. This is the core element of the NPT that is intended to prevent the spread of nuclear weapons to further states. For their part, under the Treaty’s Article VI, the NPT’s nuclear weapons States Parties undertook to “pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.” Finally, the NPT recognises the right of all States Parties to nuclear power for civil purposes. The structure of the NPT’s ‘grand bargain’ generates what are often referred to as the Treaty’s ‘three pillars’: non-proliferation, disarmament, and access to civil nuclear power. We consider each of these in further sections below.

The NPT’s successes

50. Our witnesses largely commended the NPT’s role in limiting nuclear weapons proliferation. For example, Dr James Acton of the Carnegie Endowment told us that “the non-proliferation regime has functioned remarkably effectively so far to curtail proliferation”.⁸⁷ Professor Chalmers noted that there were far fewer nuclear weapons states now than had at one time been expected,⁸⁸ and attributed the fact that several states had abandoned nuclear weapons programmes “in large part [...] [to] the norm created by the NPT.”⁸⁹ The apartheid regime in South Africa was known to have had a covert nuclear weapons programme, allegedly receiving technical assistance from Israel, and there was unconfirmed speculation that it carried out a nuclear test in the Indian Ocean in 1979.⁹⁰ However, in the early 1990s, South Africa gave up its nuclear weapons programme and acceded to the NPT as a non-nuclear weapons state, as did Belarus, Kazakhstan and

⁸⁵ Ev 177 [FCO]

⁸⁶ For example, Ev 131 [Dr Ritchie]

⁸⁷ Ev 203; see also Jonathan Granoff at Ev 117–8, BASIC at Ev 208.

⁸⁸ Q 8

⁸⁹ Q 8

⁹⁰ Federation of American Scientists, <http://www.fas.org/nuke/guide/rwa/nuke/index.html>

Ukraine, which had inherited nuclear arsenals on their territory after the break-up of the Soviet Union.⁹¹ Libya abandoned its covert nuclear weapons programme in 2003 and returned to NPT compliance.⁹² Argentina, Brazil and a number of other states also abandoned nuclear weapons-relevant programmes.⁹³ Professor Chalmers noted that South Korea and Taiwan had also not developed nuclear weapons, despite having the technological capacity to do so and despite regarding nuclear-armed China as one of their principle security threats.⁹⁴ In our “Global Security: Japan and Korea” Report in 2008 we noted that Japan had taken the same position.⁹⁵ Overall, Bill Rammell told us that “the NPT has worked.”⁹⁶

Nuclear weapons proliferation

51. Despite the NPT’s successes, nuclear weapons proliferation has occurred. While the NPT recognised the existence of five nuclear weapons states, the number of countries to have exploded nuclear devices is now widely accepted to be at least nine, possibly ten. The first new nuclear power was Israel, which is believed to have developed its first nuclear weapon shortly before the NPT was signed in 1968.⁹⁷ Israel has never confirmed that it possesses nuclear weapons. However, it has also never denied the claims that it does so, which the International Institute for Strategic Studies says are “accepted as fact throughout the world.”⁹⁸ The second new nuclear power was India, which tested nuclear devices in 1974 and 1998. Pakistan did likewise in 1998, and North Korea tested nuclear devices in 2006 and 2009. Three of the new nuclear states—Israel, India and Pakistan—never acceded to the NPT, whereas North Korea—whatever its NPT status now—started to develop its nuclear weapons while it was a Party to the Treaty and in violation of it.

Iran’s nuclear programme

52. Professor Chalmers said that Iran’s nuclear programme represented “the biggest current threat to the global non-proliferation regime.”⁹⁹ We considered the Iranian case in detail in our Report on “Global Security: Iran” in 2008.¹⁰⁰ As of April 2009, there was no publicly available evidence that Iran was engaged in weaponisation activities, which US intelligence concluded Tehran had halted in 2003;¹⁰¹ and in its most recent report, from February 2009, the International Atomic Energy Agency (IAEA) affirmed that it had been “able to continue to verify the non-diversion of declared nuclear material in Iran,” as a

91 Ev 118 [[Mr Granoff]], 204 [James Acton], 208 [BASIC]

92 Q 13 [Mr Fitzpatrick], Ev 118 [Mr Granoff], 208 [BASIC]

93 Q 8 [Professor Chalmers], Ev 118 [Mr Granoff], 204 [James Acton]

94 Ev 112

95 Foreign Affairs Committee, Tenth Report of Session 2007–08, *Global Security: Japan and Korea*, HC 449, paras 310–313

96 Q 216

97 International Institute for Strategic Studies, *Nuclear Programmes in the Middle East: in the shadow of Iran* (London, 2008), p 122

98 *Ibid.*, p 119

99 Ev 111

100 Foreign Affairs Committee, Fifth Report of Session 2007–08, *Global Security: Iran*, HC 142, Chapter 2

101 *Ibid.*, para 17

result of inspection activities carried out under Iran's safeguards agreement.¹⁰² However, a lack of full Iranian cooperation with the IAEA meant that the Agency was not "in a position to provide credible assurance about the absence of undeclared nuclear material and activities in Iran."¹⁰³ Meanwhile, Iran had failed to comply with the UN Security Council's call, made in five resolutions since July 2006, for it to halt uranium enrichment until confidence was restored in the exclusively peaceful nature of its nuclear programme. As a result of Iran's uranium enrichment, the IAEA reported in February 2009 that it had produced around a tonne of low-enriched uranium, which the Chairman of the US Joint Chiefs of Staff, Admiral Mike Mullen, said would be enough, if further enriched, to make a nuclear weapon—although the extent of Iran's further enrichment capabilities is not certain.¹⁰⁴ In April 2009, Iran also opened a fuel fabrication plant to feed a heavy-water reactor being built at Arak which would give Tehran a potential alternative plutonium-based route to weapons-grade nuclear material, although Iran is not known to have the required reprocessing capability. Giving evidence in November 2008, Professor Chalmers told us that "there is a real possibility that Iran will become the world's ninth (or tenth) nuclear weapons state within the next decade."¹⁰⁵ There is particular concern about the possibility of Iran gaining a nuclear weapon because of the risk that, in a context of regional geopolitical and Sunni-Shia rivalry, this might prompt further states to acquire a nuclear weapon, most notably Egypt and Saudi Arabia.

Other challenges to the non-proliferation system

53. The FCO told us that "the international counter-proliferation system is facing serious challenges."¹⁰⁶ In addition to the emergence of new nuclear weapons states, and breaches of their international legal obligations by Iran and North Korea, the FCO listed these challenges as including the refusal of India, Israel and Pakistan to join the NPT, the continuing existence of large nuclear arsenals, a major expected increase in the use of civil nuclear power around the world, and what the FCO called "stalled" efforts to "expand the international legal framework essential to contain nuclear weapons technology and numbers".¹⁰⁷ The FCO also referred to the challenge represented by terrorist efforts to acquire nuclear weapons, which we consider in Chapter 6. Our witnesses agreed that the international nuclear non-proliferation system was under serious strain. For example, the United Nations Association of the UK (UNA-UK) told us that the NPT "has been brought to near breaking point in recent years."¹⁰⁸

54. The FCO places a strengthening of the NPT regime at the centre of its effort to address the challenges facing the international nuclear non-proliferation system. According to the FCO, there is a "need to remake the bargain between the parties to the Nuclear Non-

¹⁰² IAEA, Report by the Director General, "Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran", 19 February 2009; on safeguards, see paras 58–69 below.

¹⁰³ *Ibid.*

¹⁰⁴ "Adm. Mullen says Iran has material for bomb", *Wall Street Journal*, 2 March 2009

¹⁰⁵ Ev 111

¹⁰⁶ Ev 170

¹⁰⁷ Ev 171

¹⁰⁸ Ev 96; see also, for example, MEDACT at Ev 89.

Proliferation Treaty (NPT) and [...] defend the Treaty aggressively on both the non-proliferation and the disarmament fronts.”¹⁰⁹ We consider some of the specific challenges facing the NPT regime and possible responses in further sections below.

55. NPT Review Conferences, at which its States Parties review the Treaty’s implementation, have been held every five years since the Treaty came into force. The next one will be held in April-May 2010. This is currently the focus of attention in the nuclear non-proliferation and disarmament community—especially as the previous, 2005, Conference is widely seen to have failed.¹¹⁰ The FCO has framed several of its aims regarding the NPT regime in terms of objectives for the 2010 gathering.¹¹¹

56. At the 2008 Preparatory Committee for the 2010 Review Conference, the five recognised nuclear powers made a joint statement in the NPT framework for the first time since 2000.¹¹² They committed to many of the objectives set by the British Government. The FCO told us that this “created a new P5 dynamic on which [it could] build.”¹¹³ However, the FCO also noted that “considerable work [is] still required to build the support necessary to achieve a positive outcome” at the 2010 Conference.¹¹⁴ At the 2009 Preparatory Committee, in May 2009, the States Parties agreed an agenda for the next Review Conference by consensus, for the first time in 15 years. The UK’s Ambassador for Arms Control and Disarmament, John Duncan, suggested that the meeting had brought the States Parties “out of the foothills of endless procedural wrangling and into the open grassland of the real debate.”¹¹⁵ The Prime Minister has said that the Government will in summer 2009 set out a “Road to 2010 Plan” with detailed proposals on all three main elements of the NPT.¹¹⁶

57. We conclude that the Government is correct to identify the international nuclear non-proliferation regime as being under severe strain. We further conclude that the Government is correct to identify the 2010 Review Conference of the Nuclear Non-Proliferation Treaty as critical for the future of that regime. We further conclude that the Government’s proposal for a “Road to 2010 Plan” is to be welcomed. We recommend that the Government should keep Parliament fully informed and engaged as it develops the Plan by summer 2009 and pursues it in the run-up to the Review Conference. We further recommend that the Government should make a full report to Parliament on the results of the Conference.

¹⁰⁹ Ev 171

¹¹⁰ On its failure, see the comments by Prime Minister Gordon Brown, speech on nuclear energy and proliferation, given at the international conference on the nuclear fuel cycle, “Securing Safe Access to Peaceful Power”, London, 17 March 2009, transcript via www.number10.gov.uk; for the 2005 NPT Review Conference see para 102 below.

¹¹¹ Ev 173; see also Bill Rammell at Q 220.

¹¹² The FCO appended the statement to its memorandum, at Ev 199.

¹¹³ Ev 173

¹¹⁴ Ev 170

¹¹⁵ Ambassador Duncan’s blog, 16 May 2009, via www.fco.gov.uk

¹¹⁶ Prime Minister Gordon Brown, speech on nuclear energy and proliferation, given at the international conference on the nuclear fuel cycle, “Securing Safe Access to Peaceful Power”, London, 17 March 2009, transcript via www.number10.gov.uk

Verification of the NPT and the International Atomic Energy Agency (IAEA)

Comprehensive Safeguards Agreements (CSAs)

58. The NPT gave the International Atomic Energy Agency (IAEA) responsibility for verifying that the Treaty's non-nuclear weapons States Parties are adhering to their core non-proliferation commitment not to divert civil nuclear material and facilities to develop nuclear weapons. The IAEA polices this aspect of the NPT by implementing 'safeguards agreements', which it concludes with states with civil nuclear sectors and which allow it to verify the information which they provide regarding their nuclear activities—for example, by conducting inspections. Before the NPT came into force, the IAEA implemented 'limited-scope' safeguards agreements, each of which covered only individual nuclear facilities, shipments or supply agreements declared by the state in question. The IAEA continues to implement such agreements with states which remain outside the NPT—that is, India, Israel and Pakistan.¹¹⁷ However, once they sign up to the NPT, non-nuclear weapons states are obliged under its Article III to conclude so-called 'full-scope' or 'comprehensive' safeguards agreements (CSAs). These cover all declared nuclear material on a state's territory or under its control or jurisdiction.

59. One problem with CSAs is that not all the NPT's non-nuclear weapons States Parties have concluded them. As of March 2009, 27 of the non-nuclear weapons States Parties did not have a CSA in force. Of these, nine were only waiting for their agreements to come into effect, six had had agreements approved by the IAEA Board of Governors but had not signed them, and twelve had not submitted agreements to the Board for consideration.¹¹⁸ None of the States Parties without a CSA is among those which are believed to have significant civil nuclear programmes.

60. A second problem with CSAs is the lack of mechanisms for their enforcement, if states decline to comply with their provisions. Enforcement is a general problem facing the NPT, which we discuss below. As outlined above, the most urgent current case of non-compliance with a CSA is Iran. That country has had such an agreement in force since 1974, but the IAEA Board has judged since 2005 that it has been violating it, because of its failure to provide all required information.¹¹⁹ Mr Fitzpatrick told us that Iran had violated its safeguards agreement "over 18 years in 14 different ways".¹²⁰

61. A third problem with CSAs is that, even when implemented, they have been shown to be inadequate for preventing nuclear weapons proliferation. Iraq had a CSA in place when it was revealed in 1991 to be running a clandestine nuclear weapons programme.¹²¹ The central weakness of CSAs, as revealed by the Iraqi case, is that they only cover nuclear materials and facilities which have been declared by the state in question, leaving a problem of undeclared activities.

¹¹⁷ IAEA, "Safeguards current status" table, via www.iaea.org

¹¹⁸ IAEA, "NPT Comprehensive Safeguards Agreement: Overview of Status", 3 March 2009, at http://www.iaea.org/Publications/Factsheets/English/nptstatus_overview.html

¹¹⁹ IAEA Board of Governors Resolution "Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran", 24 September 2005, via www.iaea.org

¹²⁰ Q 26

¹²¹ Q 132 [Sir Michael Quinlan], Ev 130 [Mr Granoff]

Additional Protocols (APs)

62. In response to the Iraqi case, and to further verification weaknesses revealed by its work in North Korea and South Africa, the IAEA introduced stronger verification measures under its existing CSAs, such as environmental sampling, no-notice inspections and remote monitoring.¹²² The IAEA also developed a new model Additional Protocol to its CSAs. The Additional Protocol was designed to overcome the ‘undeclared activities’ problem to at least some extent. Although each agreed Additional Protocol is specific to the state concerned, in general terms it expands the nuclear-related information which states are obliged to provide to the IAEA—for example, to cover more facilities and include information on some nuclear trade. It also allows the IAEA to conduct pre-arranged inspections of any facilities, including ones not declared by the state in question.¹²³

63. One weakness of the Additional Protocol is that it remains a voluntary commitment. As of March 2009, only 90 NPT States Parties had such protocols in force. A further 29 were waiting for them to come into effect, and twelve had had them approved by the IAEA Board but were yet to sign them.¹²⁴

64. The cases of Iran and Syria suggest the potential value of the Additional Protocol in reducing the risk that states are running clandestine nuclear programmes. Iran did not have an Additional Protocol in force when the National Council of Resistance of Iran, an opposition group, made public in 2002 that the country had an undeclared nuclear weapons programme.¹²⁵ Iran subsequently signed an Additional Protocol, in December 2003, but stopped implementing it in 2006.¹²⁶ The UN Security Council has been calling since then for Iran to implement its Additional Protocol.¹²⁷ In his latest statement on the matter to the IAEA Board, in March 2009, IAEA Director General Mohamed ElBaradei said that “unless Iran implements [...] the Additional Protocol, as required by the Security Council, the Agency will not be in a position to provide credible assurance about the absence of undeclared nuclear material and activities in Iran.”¹²⁸

65. Syria has had a CSA in force since 1992, but it does not have an Additional Protocol.¹²⁹ In April 2008, the US charged publicly that Syria had been constructing—with North Korean assistance—a covert nuclear reactor at al-Kibar which could have been used to produce plutonium suitable for use in nuclear weapons, although there was no evidence of the reprocessing plant which would be required for this, or of weaponisation activity. The

122 IAEA, “IAEA Safeguards: Stemming the Spread of Nuclear Weapons”, factsheet, at http://www.iaea.org/Publications/Factsheets/English/S1_Safeguards.pdf; Arms Control Association, “The 1997 IAEA Additional Protocol At a Glance”, factsheet, January 2008, via www.armscontrol.org

123 IAEA, “IAEA Safeguards Overview: Comprehensive Safeguards Agreement and Additional Protocols”, factsheet, via www.iaea.org; Arms Control Association, “The IAEA Additional Protocol at a Glance”, factsheet, January 2008, via www.armscontrol.org

124 IAEA, “Strengthened Safeguards System: Status of Additional Protocols”, 3 March 2009, at http://www.iaea.org/OurWork/SV/Safeguards/sg_protocol.html

125 See Foreign Affairs Committee, Fifth Report of Session 2007–08, *Global Security: Iran*, HC 142, para 9.

126 Mark Fitzpatrick, *The Iranian Nuclear Crisis*, Adelphi Paper 398 (International Institute for Strategic Studies, 2008)

127 UNSC Resolution 1696, 31 July 2006

128 IAEA Director General Dr Mohamed ElBaradei, “Introductory Statement to the Board of Governors”, 2 March 2009, via www.iaea.org

129 IAEA, “Safeguards current status” table, 21 January 2009, at http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf

al-Kibar facility was destroyed by Israel in an airstrike in September 2007. Syria denies that al-Kibar was a nuclear reactor. The IAEA has subsequently investigated the site, with the aim of establishing the nature of the facility. In March 2009, IAEA Director General ElBaradei reported that the Agency had found traces of uranium at the site which were of unknown origin, and that the Agency regarded Syria's claim that the traces originated in the Israeli airstrike as being of "low probability". Dr ElBaradei also reported that Syria continued to deny the IAEA access to material from al-Kibar for sampling and to additional sites which he said were "essential for the Agency to complete its assessment."¹³⁰

66. Describing as "compelling" the evidence that al-Kibar was a nuclear reactor intended to produce plutonium, Mr Fitzpatrick told us that the Syrian case gave him "cause for concern".¹³¹ While he acknowledged that there was no evidence of a reprocessing facility, Mr Fitzpatrick said that it was "logical" to conclude that there must have been a nuclear weapons purpose to Syria's plutonium production.¹³² As such, he suggested, Syria might have to be classed alongside Iran and North Korea as NPT non-nuclear weapons States Parties which have sought to acquire nuclear weapons capabilities.¹³³ If Syria received assistance for a nuclear weapons programme from North Korea, it would additionally be in violation of UN Security Council Resolution 1718, which banned trade in WMD goods and technologies with that country.

67. The FCO told us that it was "working for recognition" that both a comprehensive safeguards agreement and an Additional Protocol are needed to satisfy the safeguards requirement of the NPT.¹³⁴ Witnesses including Sir Michael Quinlan and UNA-UK agreed on the need to universalise the Additional Protocol.¹³⁵ Sir Michael saw this step as a means of addressing the NPT's verification weaknesses, which he in turn identified as one of his three priorities for the 2010 Review Conference.¹³⁶

68. One means by which the FCO is pursuing the wider application of the Additional Protocol is by using the lever of nuclear trade, through the Nuclear Suppliers Group (NSG) (see paragraph 24). Whereas the NPT obliges States Parties which are nuclear suppliers to ensure that each nuclear export is under at least a limited-scope safeguards agreement, the NSG requires that its members make nuclear exports only to states which have a CSA.¹³⁷ The FCO told us that it was working to strengthen the NSG requirement, so that receiving states must be implementing an Additional Protocol.¹³⁸

¹³⁰ IAEA Director General Dr Mohamed ElBaradei, "Introductory Statement to the Board of Governors", 2 March 2009, via www.iaea.org

¹³¹ Q 8

¹³² Q 16

¹³³ Q 8; on al-Kibar, see also International Institute for Strategic Studies, *Nuclear Programmes in the Middle East: in the Shadow of Iran* (London, 2008), Chapter 4

¹³⁴ Ev 174

¹³⁵ Ev 96 [UNA-UK]

¹³⁶ Q 132

¹³⁷ "Nuclear Suppliers Group", in "Inventory of International Nonproliferation Organizations and Regimes", via www.nti.org; Daryl G. Kimball, Fred McGoldrick and Lawrence Scheinman, "IAEA-Indian Nuclear Safeguards Agreement: A Critical Analysis", background memo, via www.armscontrol.org

¹³⁸ Ev 175

69. We conclude that the Government is correct to identify the universalisation of the International Atomic Energy Agency's Additional Protocol, to all States Parties to the Nuclear Non-Proliferation Treaty (NPT), to be an important means of strengthening verification of the NPT, and thus also to be a vital nuclear non-proliferation objective. We recommend that in its response to this Report, the Government should set out the institutional mechanisms by which it envisages that universalisation may be achieved. We further recommend that the Government should update us on its efforts in this direction, in particular with respect to its work through the Nuclear Suppliers Group and as part of the preparations for the 2010 NPT Review Conference.

70. In the absence of an Additional Protocol with Syria, the case of the al-Kibar facility highlighted the IAEA's continuing reliance on third states for intelligence and cooperation. The US only made the IAEA aware of the information which it had about al-Kibar at the same time as it made the information public in April 2008, after the facility had already been destroyed. The then US Administration acknowledged that it had had the relevant intelligence material by the time of the Israeli airstrike but had decided not to make it public, for fear of escalating tension both in the Middle East and vis-à-vis North Korea.¹³⁹ In his statement to the June 2008 IAEA Board meeting, IAEA Director General ElBaradei said that it was:

deeply regrettable that information concerning this installation was not provided to the Agency in a timely manner and that force was resorted to unilaterally before the Agency was given an opportunity to establish the facts, in accordance with its responsibilities under the NPT and Syria's Safeguards Agreement.¹⁴⁰

Dr ElBaradei told the Board in November 2008 that the IAEA had been “severely hampered in its assessment [of the al-Kibar site] by the unilateral use of force and by the late provision of information about the destroyed building.”¹⁴¹

71. When we asked Bill Rammell about this aspect of the al-Kibar case, he said that the IAEA “has argued that states should make available the intelligence information that they have about Syria. We have done that and other states have done that. [...] Undoubtedly we want positive interaction between states that are party to the NPT and the IAEA.”¹⁴² The Minister urged Syria and Israel to cooperate with the IAEA’s further investigations, but made no direct criticism of the US for its original behaviour. In its memorandum, the FCO also made no reference to this aspect of the Syrian case.

72. We conclude that the United States’ failure to pass to the International Atomic Energy Agency (IAEA)—if necessary in confidence—the information it had about Syria’s al-Kibar facility, before the facility was destroyed in September 2007, undermined the Agency’s credibility as the verification agency for the Nuclear Non-Proliferation Treaty. We recommend that the Government should press both Israel

¹³⁹ “Bush: US spoke out on IAF Syria strike to pressure rogue states”, *Jerusalem Post*, 30 April 2008; “Oh what a tangled web they weave – North Korea and Syria”, *The Economist*, 3 May 2008

¹⁴⁰ “Introductory Statement to the Board of Governors”, 2 June 2008, via www.iaea.org

¹⁴¹ “Introductory Statement to the Board of Governors”, 27 November 2008, via www.iaea.org

¹⁴² Q 242

and Syria to provide the IAEA with the information it requires about the al-Kibar site, and update us on its progress in this respect in its response to this Report.

Resourcing of the IAEA

73. Sir Michael Quinlan told us that if—as the FCO wishes—all states were to conclude Additional Protocols, the IAEA would require more resources in order to carry out the more extensive verification tasks which these agreements involve.¹⁴³ Baroness Williams, UNA-UK and the British American Security International Council (BASIC) also urged that the IAEA’s capacities and resources should be increased.¹⁴⁴

74. The IAEA will face further increased demand for its verification work if, as expected, non-nuclear weapons states commence or expand civil nuclear power programmes, in order to meet energy security and climate change objectives. In a report published in February 2009, the IAEA stated that of the 30 states currently using nuclear power for electricity generation, 24 intend to allow construction of further nuclear plants.¹⁴⁵ A further 12 states are “actively preparing for nuclear power”, and 38 have “indicated an interest in the possible introduction of a nuclear power plant”.¹⁴⁶ The one country which is currently constructing a new nuclear power plant, Iran, tested the reactor—at Bushehr—in February 2009.¹⁴⁷ In its February 2009 report, the IAEA made a “low projection” that five new countries might be operating nuclear power plants by 2030 and a “high projection” that 20 might be doing so.¹⁴⁸

75. In the face of the prospective increased demands for the IAEA’s verification work, Baroness Williams told us that the Agency “is now pushed to its limits”.¹⁴⁹ When we visited the IAEA in 2007 and 2009, we similarly gained the impression that its resources were stretched. The IAEA’s verification work is funded out of its regular budget, which is €293.7 million in 2009.¹⁵⁰ A commission of international experts requested by IAEA Director General ElBaradei to report on the future of the IAEA to 2020 noted in 2008 that “the amount of nuclear material under safeguards increased more than tenfold” between 1984 and 2007, while the Agency had been subject to zero real growth in funding except for a “modest” increase in 2003.¹⁵¹ The commission commented that the IAEA’s safeguards budget, “which is meant to safeguard hundreds of tons of nuclear material in hundreds of facilities in scores of countries, is not more than the budget of the police department of the city in which it is located.”¹⁵² It concluded that “a substantial increase in IAEA resources for

143 Q 130

144 Q 49 [Baroness Williams], Ev 96 [UNA-UK], 212 [BASIC]

145 IAEA, “International Status and Prospects of Nuclear Power”, December 2008, pp 2, 20

146 *Ibid.*, p 21

147 “Bushehr reactor test ‘successful’”, *Financial Times*, 26 February 2009

148 IAEA, “International Status and Prospects of Nuclear Power”, December 2008, p 22

149 Q 49

150 Ev 294 [FCO]

151 IAEA, “Reinforcing the Global Nuclear Order for Peace and Prosperity: The Role of the IAEA to 2020 and Beyond”, Report prepared by an independent Commission at the request of the Director General of the International Atomic Energy Agency, May 2008, p vii

152 *Ibid.*, p viii

safeguards is urgently required".¹⁵³ It recommended that IAEA members should provide a one-off boost to the Agency's budget of €80 million, agree to "consistent annual increases in the regular budget" of perhaps €50 million annually in real terms over several years, and envisage an IAEA budget perhaps double its current size by 2020.¹⁵⁴

76. We asked Bill Rammell about the British Government's willingness to provide further funding to the IAEA. He told us:

We face a tight fiscal environment. We have a general policy of zero real growth towards the budget of international organisations. I think most of our constituents would say that that is the right approach. It is also the case that if you look at the 2020 report commissioned by Mohamed ElBaradei, it recommends that the IAEA should place more priority on those areas that it works in and that there was further scope for efficiency savings. We want the IAEA to be resourced to do the job, and we will help in any way we can, but to say that we will commit greater resources than we are at the moment is not realistic.¹⁵⁵

77. British funding for the IAEA is provided through the Department for Energy and Climate Change (DECC). DECC confirmed that the UK is the fourth-largest contributor to the IAEA regular budget, in line with the normal UN scale for states' budgetary contributions; the British contribution in 2009 is €15.2 million plus \$3.75 million, equivalent to 6.64% of the total.¹⁵⁶ DECC told us that the Government was "looking closely at future Agency funding, in preparation for Budget Committee discussions commencing in mid-February."¹⁵⁷

78. Some IAEA activities are funded through voluntary extra-budgetary contributions from Member States. DECC told us that the UK is "one of the largest" contributors to IAEA voluntary funds. UK contributions to IAEA voluntary funds included \$5.1 million to the Technical Cooperation Fund in 2008 and around £2 million to the Nuclear Security Fund (NSF) in 2007.¹⁵⁸ In his speech to an international conference on the nuclear fuel cycle in London in March 2009, the Prime Minister announced that the UK would be doubling its contribution to the NSF, to £4 million.¹⁵⁹

79. In our Report on the FCO's 2007–08 Departmental Annual Report, we highlighted the pressures which the fall in the value of sterling is placing on the UK's ability to pay foreign currency-denominated dues to international organisations.¹⁶⁰ As regards the UK's

¹⁵³ IAEA, "Reinforcing the Global Nuclear Order for Peace and Prosperity: The Role of the IAEA to 2020 and Beyond", Report prepared by an independent Commission at the request of the Director General of the International Atomic Energy Agency, May 2008, p vii

¹⁵⁴ *Ibid.*, p ix

¹⁵⁵ Q 241

¹⁵⁶ Ev 303

¹⁵⁷ Ev 303

¹⁵⁸ Ev 294 [FCO], 303 [DECC]

¹⁵⁹ Prime Minister Gordon Brown, speech on nuclear energy and proliferation, given at the international conference on the nuclear fuel cycle, "Securing Safe Access to Peaceful Power", London, 17 March 2009, transcript via www.number10.gov.uk; IAEA, "Nuclear Security Fund receives key financial support", 27 March 2009, via www.iaea.org

¹⁶⁰ Foreign Affairs Committee, Second Report of Session 2008–09, *Foreign and Commonwealth Office Annual Report 2007–08*, HC 195, paras 211–214

contribution to the IAEA, DECC told us that sterling's fall "present[ed] difficulties".¹⁶¹ DECC noted that there was:

some limited scope to mitigate currency rate effects through changes in the timing of payments. As a matter of priority the Department is exploring, with others, ways to handle similar problems in future. But any specific financial measure, including hedging, would need to be balanced against the cost and other implications.¹⁶²

80. Both Mr Rammell and DECC highlighted what the latter called the UK's "major contribution-in-kind" to the work of the IAEA, through the provision both of safeguards inspectors and of training for them.¹⁶³ Baroness Williams suggested that the UK's contribution in this field was very valuable and could usefully be expanded, particularly given the prospect of civil nuclear reactors coming into operation "in countries that have never had anything to do with nuclear technology [and that have] virtually no knowledge, let alone people who would be capable of inspecting."¹⁶⁴

81. We conclude that the UK provides significant financial and other resources to the International Atomic Energy Agency (IAEA). We welcome in particular the Prime Minister's announcement of a doubling in the Government's voluntary contribution to the Agency's Nuclear Security Fund. However, we further conclude that it is incongruous for the Government to wish to see an expansion of IAEA verification work while ruling out an increase in UK funding for the Agency's regular budget. We recommend that in its response to this Report, the Government should update us on the IAEA Budget Committee discussions which were due to commence in February 2009. We further recommend that the Government should set out how it expects the IAEA to meet the increased demand for its verification work given the anticipated scale of its resources.

82. We conclude that the UK is making a valuable contribution in kind to the work of the International Atomic Energy Agency through the provision of inspectors and of training for them. We welcome this, and recommend that the Government should seek every opportunity to contribute further in this way.

Enforcement of the NPT

83. There have been several cases in which NPT non-nuclear weapons States Parties have violated the Treaty, by running programmes to develop nuclear weapons, and/or by failing to implement compulsory comprehensive safeguards agreements so as to allow the IAEA to be confident that they are not doing so.

84. North Korea violated the NPT by developing nuclear weapons. It then withdrew from the Treaty.¹⁶⁵ The issue of the treatment of NPT withdrawal is especially significant because, as regards the development of a nuclear weapon, only the final stages of the

¹⁶¹ Ev 303

¹⁶² Ev 303

¹⁶³ Q 241; Ev 303

¹⁶⁴ Qq 49–50

¹⁶⁵ Ev 177 [FCO]; see para 48.

process violate the NPT. Many of the steps which are necessary to develop a nuclear weapon may legitimately be taken while remaining in compliance with the Treaty. This raises the prospect that a state may reach a nuclear weapons threshold while remaining inside the NPT, before withdrawing from the Treaty without sanction and rapidly completing the production of a nuclear bomb, using material developed while inside the NPT regime.¹⁶⁶ Professor Chalmers judged the prospect that Iran might go “as far as they can within the constraints of the NPT, but not actually [...] over that final stage” to be “perhaps rather more likely than complete weaponisation”. He also said that “a situation in which Iran pulls out of the NPT in the way North Korea did” was “one of the things that [he] worr[ied] about”.¹⁶⁷

85. The NPT does not specify steps to be taken when States Parties violate or withdraw from it. Under its own statute, rather than the NPT, the IAEA is charged with determining non-compliance with a safeguards agreement, which its Board must report to the UN Security Council, as it did in the case of Iran. If non-compliance persists, the IAEA Board may curtail or suspend Agency assistance to the state in question, and suspend it from the rights of Agency membership.¹⁶⁸ The IAEA is also obliged to notify the UN Security Council “if in connection with the activities of the Agency there should arise questions that are within the competence of the Security Council”;¹⁶⁹ this provision was invoked as a second basis for Iran’s Security Council referral.¹⁷⁰ In practice, international political action aimed at securing NPT compliance has been taken on a case-by-case basis:

- **Iraq.** Iraq’s original WMD programmes were only fully revealed after its defeat in the first Gulf War in 1991. The UN Security Council charged the IAEA and specially-created UN inspection bodies with destroying Iraq’s WMD, but a lack of Iraqi cooperation led to the withdrawal of international inspectors between 1998 and 2002. A US-led coalition launched military action against Iraq in 2003, claiming that it retained WMD programmes which posed a security threat. Following the war and change of regime, the International Institute for Strategic Studies now judges that Iraq “is complying with international non-proliferation norms” and that “any further nuclear proliferation risk from Iraq is highly unlikely for the foreseeable future.”¹⁷¹ The UN Security Council terminated the special inspection mandates for Iraq in 2007.¹⁷²
- **Libya.** According to the FCO, “the case of Libya demonstrates what can be achieved by concerted joint diplomatic efforts.”¹⁷³ From the mid-1990s, the UK, later joined by the US, worked in secret with Libya to address its clandestine nuclear weapons programme, which remained little known until the 2003 interdiction of a Tripoli-bound ship carrying centrifuge technology. Under the impact of that seizure, plus the war in Iraq,

¹⁶⁶ Ev 208 [BASIC]

¹⁶⁷ Q 11

¹⁶⁸ Statute of the IAEA, Article XII.C, via www.iaea.org

¹⁶⁹ Statute of the IAEA, Article III.B.4, via www.iaea.org

¹⁷⁰ Mark Fitzpatrick, *The Iranian Nuclear Crisis*, Adelphi Paper 398 (International Institute for Strategic Studies, 2008)

¹⁷¹ International Institute for Strategic Studies, *Nuclear Programmes in the Middle East: in the shadow of Iran* (London, 2008), p 87

¹⁷² *Ibid.*, p 92

¹⁷³ Ev 178

the talks accelerated through that year. In December 2003, Libya announced that it would give up all its covert WMD programmes, declare all its nuclear activities to the IAEA, and submit to IAEA inspections in accordance with its comprehensive safeguards agreement. Tripoli has subsequently brought into force an Additional Protocol. In combination with other actions, Libya's steps have led to its de-listing by the US as a state sponsor of terror and to the lifting of EU sanctions.¹⁷⁴

- North Korea. After IAEA inspections revealed the existence of a clandestine plutonium-based nuclear weapons programme in 1992, the issue has been handled in a stop-start diplomatic process, initially bilaterally between North Korea and the US, and latterly in Six-Party Talks involving all North Korea's neighbours. North Korea has been offered political and civil energy concessions, but since it tested a nuclear device in 2006 it has also been subject to UN sanctions. After North Korea took nuclear dismantling and transparency steps in 2008 the US de-listed it as a state sponsor of terrorism, but the process again stalled in December 2008 over verification issues, and in April 2009 Pyongyang said that it was withdrawing altogether. In May 2009, North Korea tested a nuclear device for a second time. The UN Security Council immediately issued a statement condemning the test. As we completed our Report at the beginning of June, the Security Council was discussing a draft resolution put forward by the US and Japan which could authorise the interdiction of suspect North Korean shipping, including by force, and require much tougher restrictions on financial, weapons and weapons-related transfers into and out of North Korea.¹⁷⁵ We considered the North Korean case in detail in our Report on "Global Security: Japan and Korea" in November 2008.¹⁷⁶
- Iran. The international community is pursuing a 'dual-track' strategy to try to persuade Tehran to comply with its safeguards agreement and halt uranium enrichment, comprising UN sanctions coupled with offers of an enhanced economic and political relationship, including assistance in the development of civil nuclear power. We considered the Iranian case in detail in our Report on "Global Security: Iran" in 2008.¹⁷⁷

86. Mr Fitzpatrick told us that "bringing countries to account for their violations is one of the major weaknesses" of the NPT.¹⁷⁸ He referred to "the insufficient will and ability of the rest of the world to take measures [...] to penalise and to stop" states which violate their NPT obligations.¹⁷⁹ UNA-UK urged the Government to try to establish a standard response to be triggered when a state breaches or leaves the NPT.¹⁸⁰ As regards specific possible sanctions, Jonathan Granoff of the Global Security Institute suggested that states

¹⁷⁴ Ev 178 [FCO]; International Institute for Strategic Studies, *Nuclear Programmes in the Middle East: in the shadow of Iran* (London, 2008), pp 99–104

¹⁷⁵ "Draft UNSC resolution OK's forcible checks of DPRK ships", *Daily Yomiuri*, 30 May 2009

¹⁷⁶ Foreign Affairs Committee, Tenth Report of Session 2007–08, *Global Security: Japan and Korea*, HC 449, paras 107–143

¹⁷⁷ Foreign Affairs Committee, Fifth Report of Session 2007–08, *Global Security: Iran*, HC 142, Chapter 2

¹⁷⁸ Q 26

¹⁷⁹ Q 8

¹⁸⁰ Ev 97

violating their safeguards reporting requirements should forfeit their right to nuclear fuel for civil purposes.¹⁸¹

87. The FCO told us that establishing agreement on the need for “meaningful and valuable incentives for all states which [abide by their legally-binding obligations], complemented by robust and swift costs imposed on those states which do not”, “needs to be a key outcome of the NPT Review Conference in 2010”.¹⁸² Mr Rammell said that “In an ideal world, in advance of a particular cause for concern in respect of a specific state, I would want an agreement through the UN Security Council and certainly through the NPT for generic sanctions in respect of a generic breach.”¹⁸³ In March 2009 the Prime Minister said that “any material failure to cooperate with inspections, and any material breach or withdrawal from the Non-Proliferation Treaty, should automatically lead to reference to the United Nations Security Council, and indeed it should be assumed that sanctions will be imposed in response to anything other than the most minor of breaches.”¹⁸⁴ However, in his evidence to us, Bill Rammell admitted that the UK could not secure agreement on the establishment of generic sanctions for generic breaches of the NPT at present, “so we have to approach it on a case-by-case basis”.¹⁸⁵

88. As regards NPT withdrawal, Mr Fitzpatrick advocated “strengthening the withdrawal clause, so that we do not have another situation like North Korea, where a country violates, pulls out and still retains the capabilities it acquired while it was supposedly a member.”¹⁸⁶ Sir Michael Quinlan similarly identified “the need to do something about the right of withdrawal” as one of his three suggested priorities for the 2010 NPT Review Conference,¹⁸⁷ noting that withdrawal “can be done too cheaply and easily.”¹⁸⁸ Sir Michael said that “it would be good if international agreement could be reached on a package of rather disagreeable consequences, well displayed in advance, which any country seeking to withdraw without a very compelling reason must expect to undergo.”¹⁸⁹

89. We conclude that the Government is correct to identify a need to strengthen generic enforcement mechanisms for the Nuclear Non-Proliferation Treaty (NPT), in the face of states which violate and/or withdraw from it. However, we note that the Minister told us that this objective was unachievable at present. We recommend that in its response to this Report, the Government should set out the specific legal and institutional mechanisms for strengthened NPT enforcement which it will be advocating at the 2010 NPT Review Conference. In particular, we recommend that the

¹⁸¹ Ev 123

¹⁸² Ev 176

¹⁸³ Q 232

¹⁸⁴ Prime Minister Gordon Brown, speech on nuclear energy and proliferation, given at the international conference on the nuclear fuel cycle, “Securing Safe Access to Peaceful Power”, London, 17 March 2009, transcript via www.number10.gov.uk

¹⁸⁵ Q 232

¹⁸⁶ Q 31

¹⁸⁷ Q 132

¹⁸⁸ Q 130

¹⁸⁹ Q 132

Government should outline how it envisages that pre-announced penalties for NPT withdrawal might be strengthened.

Universalisation of the NPT

90. As noted above, three UN Member States—India, Israel and Pakistan—have never acceded to the NPT. All three are known or believed to have nuclear weapons. The FCO wishes to see Israel, India and Pakistan accede to the NPT—that is, to achieve the Treaty's 'universalisation'.¹⁹⁰

91. Professor Chalmers told us that the prospects of bringing India, Israel and Pakistan into the NPT were "very limited".¹⁹¹ Sir Michael Quinlan stated that these states "will not come in as non-nuclear weapons states, and they cannot be added to the list of nuclear weapons states."¹⁹²

Israel

92. As regards Israel, the FCO told us that "while never wholly rejecting the possibility of eventually acceding to the NPT, [Israel] has made clear that it will not do so before a comprehensive peace settlement is in place."¹⁹³ As such, Bill Rammell told us that he did not think that the prospects for Israeli NPT adherence were good.¹⁹⁴ The FCO judged that the establishment of a WMD-free zone in the Middle East, which the Government supports and which the 1995 NPT Review Conference concluded should be a goal, would probably also have to await a Middle East peace settlement. However, BASIC reminded us that Israel, as well as Arab states, reaffirmed the goal of a WMD-free Middle East in July 2008, in the founding statement of the EU's new Union for the Mediterranean.¹⁹⁵

93. The FCO told us that the UK "has consistently urged Israel to accede to the Nuclear Non-Proliferation Treaty as a non-nuclear weapon state."¹⁹⁶ However, giving evidence, FCO witnesses admitted that the Government did not in fact raise the issue of the country's nuclear weapons in its contacts with Israel.¹⁹⁷ BASIC said that Egypt had a position of resistance to strengthened non-proliferation measures such as universal application of the IAEA Additional Protocol "until the international community deals directly with the issue of Israel's nuclear weapons" and that this "casts doubt over the possibilities of a breakthrough at the [NPT] Review Conference in 2010".¹⁹⁸

¹⁹⁰ Ev 179

¹⁹¹ Q 19

¹⁹² Q 129

¹⁹³ Ev 180

¹⁹⁴ Q 254

¹⁹⁵ Ev 217; "Joint Declaration of the Paris Summit for the Mediterranean", Paris, 13 July 2008, via wwwue2008.fr

¹⁹⁶ Ev 180

¹⁹⁷ Q 246. The Government confirmed that this had remained the case at the first meeting between the Foreign Secretary and his new Israeli counterpart, Avigdor Lieberman, in May 2009; HC Deb, 20 May 2009, col 1424W.

¹⁹⁸ Ev 217

94. We conclude that the issue of Israel's nuclear weapons could become an obstacle to the achievement of Government goals at the 2010 Non-Proliferation Treaty (NPT) Review Conference. We recommend that in its response to this Report, the Government should consider whether encouraging greater transparency and nuclear disarmament measures by Israel, in public or in private, might improve the regional security situation, and begin to move Israel towards the Government's stated goals of Israeli accession to the NPT and the establishment of a WMD-free Middle East. We further recommend that the Government should update us on steps taken within the EU's Union for the Mediterranean towards a WMD-free Middle East and set out the ways in which it sees this new vehicle contributing towards that objective.

India

95. A major recent controversy in the nuclear non-proliferation field has surrounded the agreement on civil nuclear cooperation which was outlined by the United States and India in 2005 and signed in 2007. Reversing the previous US policy, the agreement allows US civil nuclear trade with India, despite the fact that India is a non-signatory to the NPT. In return, India is to implement a safeguards agreement with the IAEA that covers declared civilian nuclear facilities but not military ones. The safeguards agreement was approved by the IAEA Board in August 2008 and signed in February 2009. In September 2008, the Nuclear Suppliers Group (NSG) agreed to make India an exception to its guidelines, which—as noted above¹⁹⁹—normally require a state receiving nuclear supplies to implement a comprehensive safeguards agreement. NSG approval was required before the US—or any other NSG member—could proceed with civil nuclear transfers to India. In addition to its limited IAEA safeguards agreement, in the course of securing the US deal India has reiterated its commitments to the eventual abolition of nuclear weapons, a voluntary moratorium on nuclear testing, the conclusion of a Fissile Material Cut-off Treaty, and national export controls.²⁰⁰

96. The British Government supported the US-India deal, and agreed to the NSG making an exception to its guidelines for India. One of the principal arguments made by the Government and other supporters of the US-India deal potentially has a wider application. Supporters argue that, in the absence of the country's NPT adherence, or any short-term prospect of it, the deal offers a means of bringing India into some elements of the NPT's wider regime.²⁰¹ Lord Robertson and Sir Michael Quinlan both recognised the potential value and practicability of such an approach,²⁰² which the FCO suggested might also be applicable in general terms to Pakistan.²⁰³

97. All our witnesses who addressed the topic regretted the original US-India package itself. Mr Fitzpatrick told us that “the deal weakens the NPT regime for a number of reasons.”²⁰⁴ Baroness Williams said that she “rather agree[d]” with the view that the US-

¹⁹⁹ Para 68

²⁰⁰ Ev 179 [FCO]; for the Fissile Material Cut-Off Treaty see paras 153–158 below.

²⁰¹ Q 247 [Mr Rammell], Ev 179 [FCO]

²⁰² Qq 129, 134

²⁰³ Ev 179

²⁰⁴ Q 32; see also Jonathan Granoff at Ev 118.

India deal was a “coach and horses going right through the middle of the NPT”.²⁰⁵ She judged that the US could have extracted a greater price from India in return for civil nuclear cooperation, such as across-the-board implementation of IAEA safeguards.²⁰⁶ Jonathan Granoff suggested that the trade-off could have been an Indian commitment to ratify the Comprehensive Nuclear Test Ban Treaty (CTBT), something also highlighted by BASIC.²⁰⁷

98. In our Report on “South Asia” in 2006, we welcomed “the fact that the Indo-US nuclear deal will bring India’s civilian facilities further within the broader non-proliferation framework.” However, we also concluded that “the political significance of the US offering civilian nuclear cooperation to a non-signatory of the NPT has seriously undermined the NPT.”²⁰⁸

99. We welcome India’s granting of greater international access to its civilian nuclear facilities. However, we reiterate our 2006 conclusion that the US-India civil nuclear cooperation agreement undermines one of the central bargains of the international non-proliferation regime, namely that access to nuclear power for civil purposes is due only to states which do not develop nuclear weapons and place all their declared nuclear facilities under international safeguards. We conclude that, given its stated commitment to the international non-proliferation regime, the Government’s support for the US-India deal is thus regrettable. We recommend that in its response to this Report, the Government should set out how it foresees the US-India agreement being used to secure further disarmament and non-proliferation steps by India, such as ratification of the Comprehensive Nuclear Test Ban Treaty.

Nuclear disarmament and non-proliferation

100. Article VI of the NPT commits its nuclear weapons States Parties to “pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.” The FCO noted that this “represents the only binding commitment in a multilateral treaty by the nuclear weapons states to the goal of disarmament by the nuclear-weapon states”.²⁰⁹ The commitment by the nuclear weapons States Parties to nuclear disarmament is typically seen as a central element in the NPT’s ‘grand bargain’ between the nuclear weapons states and the non-nuclear weapons states (see paragraph 49 above).

101. At the 1995 NPT Review Conference, States Parties agreed a Statement of Principles and Objectives for Nuclear Non-proliferation and Disarmament which included a commitment to the “determined pursuit by the nuclear weapon states of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of

²⁰⁵ Q 45; see also Sir Michael Quinlan at Q 129.

²⁰⁶ Q 45

²⁰⁷ Ev 118, 121 [Mr Granoff], 217 [BASIC]; for the CTBT see paras 148–152 below.

²⁰⁸ Foreign Affairs Committee, Fourth Report of Session 2006–07, *South Asia*, HC 55, para 45

²⁰⁹ Ev 293

eliminating those weapons".²¹⁰ In the statement, the nuclear weapons states pledged, among other things, to complete a Comprehensive Nuclear Test Ban Treaty (CTBT) by the end of 1996 and start negotiations on a Fissile Material Cut-off Treaty (FMCT).²¹¹ At the 2000 NPT Review conference, States Parties agreed a Final Document which "interpret[ed] Article VI of the NPT in an abolitionist direction", in the words of Nicolas Sims.²¹² The Final Document included '13 steps' intended to implement the disarmament element of the Treaty, including entry into force of the CTBT (which had by then been opened for signature), a moratorium on nuclear testing in the meantime, implementation of the Anti-Ballistic Missile (ABM) Treaty,²¹³ steps by the nuclear weapons states to reduce, de-alert and make more transparent their nuclear arsenals, negotiations on nuclear disarmament, an "unequivocal undertaking" by the nuclear weapons states to achieve total nuclear disarmament, and, again, the negotiation of a FMCT.²¹⁴ A summary table submitted to us by BASIC highlighted the extent to which there is agreement on an international nuclear disarmament agenda, based on convergence between the '13 steps' from the 2000 NPT Review Conference and the proposals put forward by a number of international commissions and NGOs.²¹⁵

102. By the time of the 2005 NPT Review Conference, few of the disarmament steps outlined in 1995 and 2000 had been implemented. The Conference—which the Acronym Institute described as a "political disaster"²¹⁶—did not reaffirm the disarmament commitments which had been undertaken in 1995 and 2000, and was, indeed, unable to agree on a substantive final document. Although witnesses referred to several more specific difficulties, UNA-UK told us that the "primary obstacle to progress [in 2005] was essentially that nuclear and non-nuclear weapons states could not agree whether to emphasise non-proliferation or disarmament."²¹⁷ Mr Butcher and Mr Granoff attributed the failure to make greater progress on the nuclear disarmament agenda by 2005 primarily to the approach adopted by the Bush Administration in the US.²¹⁸ In evidence dated October 2008, Dr Acton told us that "France and the United States (tacitly supported by Russia and China) have effectively renounced the ['13 steps'] agreement."²¹⁹

103. The question of nuclear weapons retention or disarmament engages numerous strategic, doctrinal, legal, political, budgetary and industrial considerations. In this disarmament section of our Report, we consider only the relationship between nuclear disarmament and non-proliferation. (We discuss the specific question of the UK's renewal of its Trident nuclear weapons system in a separate section below.)

²¹⁰ Ev 107 [World Court Project UK], 119 [Mr Granoff]

²¹¹ For these, see paras 148–158 below.

²¹² Q 61

²¹³ For START, see paras 118–121; for the ABM Treaty, see para 231.

²¹⁴ Ev 107 [World Court Project], 119 [Mr Granoff], 161 [Acronym Institute], 212 [BASIC]

²¹⁵ Ev 212

²¹⁶ Ev 162

²¹⁷ Ev 96; see also Ev 120 [Mr Granoff].

²¹⁸ Ev 120 [Mr Granoff], 148 [Mr Bucher]

²¹⁹ Ev 205

104. According to Dr Nick Ritchie of Bradford University, the nuclear weapons states have tended to argue that their continued possession of nuclear weapons does not violate the NPT, and, as such, does not weaken the Treaty's non-proliferation element.²²⁰ With respect to the first part of this argument, several of our witnesses stressed that—despite Article VI—the NPT is not a disarmament treaty, at least not in the same way as are the main instruments governing chemical and biological weapons, the Chemical Weapons Convention (CWC) and the Biological and Toxin Weapons Convention (BTWC). Unlike those instruments, the NPT does not ban nuclear weapons or place requirements on States Parties possessing them to reduce them to specific levels, or eliminate them, by a particular deadline. Among WMD types, Mr Sims called nuclear “the odd one out” in this respect.²²¹ Compared to the CWC and BTWC, the nature of the disarmament obligation placed on its States Parties by the NPT is thus much more open to argument. In Professor Chalmers’ words, the “meantime” under the NPT, during which the five recognised nuclear powers continue to possess nuclear weapons, “could be a long one”.²²²

105. The FCO drew our attention to disarmament steps which it said had been taken by the recognised nuclear powers. In addition to steps taken by the UK, which we outline in the following section, the FCO said that the US had reduced its total nuclear arsenal by over a half since the end of the Cold War, and planned a further 15% cut by 2012. Russia had made, and France had announced, significant cuts. Overall, the FCO said, over 40,000 nuclear warheads have been destroyed since the end of the Cold War.²²³

106. Other witnesses argued that the nuclear weapons states had failed to fulfil their NPT disarmament obligations, and that this threatened to undermine the non-proliferation element of the Treaty. Equally, Dr Acton told us that “there are, on balance, good reasons to believe that a policy of trading disarmament for non-proliferation will be successful.”²²⁴

107. Dr Acton stressed that disarmament by the recognised nuclear powers would be unlikely to cause other states which possess or seek nuclear weapons to abandon them or relevant nuclear weapons programmes.²²⁵ Nevertheless, our witnesses referred to a number of other mechanisms by which the nuclear weapons policies of the recognised nuclear weapons states might affect nuclear weapons proliferation. First, witnesses including Dr Plesch, Dr Ritchie, Dr Hudson of CND, and the Quakers argued that the grounds on which the nuclear weapons states say that they retain their nuclear arsenals, namely that nuclear weapons are needed for deterrence in an uncertain world, are equally applicable to all states. As such, this claimed justification for the retention of nuclear weapons inherently undermines any effort to persuade other states not to acquire them.²²⁶ We have found in several parts of the world that this argument resonates powerfully.

²²⁰ Ev 136

²²¹ Q 61; see also Q 63 [Mr Sims].

²²² Q 25

²²³ Ev 181

²²⁴ Ev 204

²²⁵ Ev 204

²²⁶ Ev 136 [Dr Ritchie], 140 [Dr Hudson], 202 [Quakers]

108. Second, Sir Michael Quinlan and Dr Plesch, among others, argued that disarmament steps by the nuclear weapons states were part of the NPT's 'grand bargain', and that failure to take them weakened the NPT regime overall, including its non-proliferation element.²²⁷ BASIC said that there was a "crisis of confidence" in the NPT for this reason.²²⁸ Witnesses presented the relationship between disarmament and non-proliferation in a variety of ways. Mr Granoff characterised the *status quo* as "perpetual nuclear apartheid", which would unavoidably render the NPT regime unsustainable.²²⁹ Dr Ritchie argued that the notion of equality between states bound up in the prospect of disarmament by the nuclear weapons powers was vital to the NPT's legitimacy and therefore its effectiveness.²³⁰

109. Witnesses pointed to specific examples of the 'disarmament for non-proliferation' relationship. Dr Plesch and Mr Granoff said that India only decided to become a nuclear weapons state because it did not see the original negotiations on the NPT in the 1960s as likely to lead to the global elimination of nuclear weapons.²³¹ Mr Granoff, Dr Acton and BASIC all said that the non-nuclear weapons states had only accepted the indefinite extension of the NPT at the 1995 Review Conference because of the nuclear weapons states' simultaneous commitment to disarmament under the Conference's Statement of Principles.²³² Professor Chalmers suggested that, by enhancing the country's ability to claim that it was complying with the NPT, further disarmament steps by the UK would also enhance its ability to rally opinion against Iranian non-compliance.²³³

110. Third, it has been argued that disarmament steps by the recognised nuclear weapons powers would help to win goodwill and cooperation among particular non-nuclear weapons states which are needed as key partners in any effort to strengthen the international non-proliferation regime. Baroness Williams told us that there was by now "quite considerable anger, or certainly irritation" among the non-nuclear weapons states. She identified countries such as Australia, Egypt, Germany and Indonesia as among those which were increasingly speaking out about their sense of frustration.²³⁴ Dr Ritchie highlighted Brazil in similar terms,²³⁵ and Dr Acton referred also to Argentina and South Africa—three states which have given up nuclear weapons or weapons-relevant programmes but which appear to feel that they gained little in return.²³⁶

111. Baroness Williams told us that part of the purpose of the new International Commission on Nuclear Non-Proliferation and Disarmament (ICNNND) was to "create something of a pressure group on the part of the non-nuclear powers to, in their view, very much strengthen the NPT when the next Review Conference is held in 2010".²³⁷ The

²²⁷ Qq 100 [Sir Michael Quinlan], 143 [Dr Plesch]

²²⁸ Ev 210

²²⁹ Ev 123

²³⁰ Ev 133

²³¹ Q 142 [Dr Plesch], Ev 118 [Mr Granoff]

²³² Ev 118–119 [Mr Granoff], 204 [Dr Acton], 208 [BASIC]

²³³ Q 27

²³⁴ Q 38

²³⁵ Ev 135

²³⁶ Ev 204

²³⁷ Q 38

ICNND was initiated by Australian Prime Minister Kevin Rudd and created jointly with the Japanese Government in July 2008. The ICNND is chaired by former Australian Foreign Minister Gareth Evans, outgoing President of the International Crisis Group, and former Japanese Foreign Minister Yoriko Kawaguchi. Baroness Williams has been appointed as one of the Commissioners, in a personal capacity. The Commission is expected to report ahead of the 2010 NPT Review Conference.

112. Fourth, Baroness Williams and Dr Ritchie both suggested that the states prioritising the nuclear non-proliferation agenda, such as the UK, were effectively now increasing their demands on other states, for example by seeking more intrusive international verification, and decisions not to develop the full nuclear fuel cycle. As such, these witnesses implied that it was even more incumbent on the nuclear weapons states to deliver on disarmament.²³⁸

113. The FCO recognises a link between disarmament and non-proliferation. Bill Rammell told us that he was “not sure” that the view that the five nuclear powers had failed to keep their side of the NPT bargain was justified,²³⁹ but he acknowledged that “there is a concern among some non-nuclear weapons states that there has not been sufficient progress in terms of disarmament by the nuclear weapons states.”²⁴⁰ The FCO said that “counter-proliferation efforts risk being undermined if other states perceive, rightly or wrongly, that the nuclear weapons states are not delivering on their side of the bargain and actively pursuing nuclear disarmament.”²⁴¹ The FCO also said that it wanted “a clear forward plan put into practice, to demonstrate that the nuclear weapons states are serious about their obligations”, as its priority for the disarmament pillar of the NPT.²⁴²

114. We conclude that the five recognised nuclear weapons states have widely varying records as regards nuclear disarmament and arms control over the last decade. We welcome the fact that of the five the record of the UK has been the best. However, we also conclude that, owing to the way in which the Nuclear Non-Proliferation Treaty (NPT) enshrines a distinction between nuclear and non-nuclear weapons States Parties, the five recognised nuclear powers are often perceived as a group by the non-nuclear weapons states, and that, as such, the group is seen collectively to have failed to live up to the nuclear disarmament commitments made at the 1995 and 2000 NPT Review Conferences. As a result, we further conclude that without decisive movement by the five recognised nuclear weapons states as a whole on nuclear disarmament measures, there is a risk that the 2010 Review Conference will fail, like its 2005 predecessor—during a critical period for dealing with North Korea and attempting to constrain Iran’s nuclear programme. We therefore commend the Government on its public recognition of the link between nuclear disarmament and non-proliferation. We conclude that the Government is correct to identify a vital need to reinvigorate multilateral nuclear disarmament, ideally before and certainly at the 2010 NPT Review Conference.

²³⁸ Ev 134 [Dr Ritchie]

²³⁹ Q 221

²⁴⁰ Q 220

²⁴¹ Ev 171; see also Ev 180 [FCO].

²⁴² Ev 173

115. We conclude that there is a relatively well-defined agenda of nuclear disarmament steps around which there is a considerable degree of international consensus, such as entry into force of the Comprehensive Nuclear Test Ban Treaty, the start of negotiations on a Fissile Material Cut-off Treaty, and measures to scale down, de-alert and make more transparent existing nuclear arsenals. We recommend that the Government should aim to come away from the 2010 NPT Review Conference with agreement on a concrete plan to take the multilateral nuclear disarmament process forward, with target dates for specific steps, and with the political commitment from all nuclear and non-nuclear weapons States Parties to ensure implementation.

US-Russia nuclear weapons control

116. Baroness Williams and Dr Acton told us that, if there were to be renewed steps towards nuclear disarmament, they would have to be taken in the first instance by the US and Russia.²⁴³ Between them, the US and Russia hold 95-96% of the world's nuclear weapons;²⁴⁴ Baroness Williams put the number of US nuclear warheads at around 10,000 and Russian at around 16,000.²⁴⁵

117. Lord Robertson told us that these numbers are "quite significantly greater than would be necessitated by current deterrence theory."²⁴⁶ Baroness Williams said that current warhead numbers are "so far beyond the deterrent required that [...] it would not be difficult to get towards the point at which you could have major reductions".²⁴⁷

118. US and Russian nuclear warhead numbers are currently limited by two main treaties:²⁴⁸

- Strategic Arms Reduction Treaty I (START I). This came into force in 1994 and is the focus of current attention because it expires in December 2009. The US and Russia completed the required cuts to their active stockpiles of strategic nuclear warheads—to 6,000 each—by the 2001 deadline, but the Treaty also establishes an extensive ongoing verification regime.
- Strategic Offensive Reductions Treaty (SORT). Also known as the Moscow Treaty, this was signed in 2002. SORT stipulates that by the time it expires in December 2012, the number of strategic nuclear warheads deployed by each of the two parties will not

²⁴³ Q 47 [Baroness Williams], Ev 205 [Dr Acton]

²⁴⁴ Ev 117 [Mr Granoff], Ev 181 [FCO]

²⁴⁵ Q 47. Exact warhead numbers are not made public. The latest (2 April) estimates by the Federation of American Scientists are for 9,400 US and 13,000 Russian nuclear warheads, including reserve stocks as well as operational numbers, out of an estimated global total of 23,335; <http://www.fas.org/programs/ssp/nukes/nukestatus.html>. In a recent article, Professor Chalmers gave figures for the US of 2,700 operationally deployed warheads, 2,500 in reserve and 4,200 awaiting dismantling, and figures for Russia of 5,200 operationally deployed warheads and 8,800 in reserve or awaiting dismantling; "Britain's New Nuclear Debate", *RUSI Journal*, April 2009, p 37. The UK holds around 1% of the world's nuclear weapons stocks; David Miliband, "A world without nuclear weapons", *The Guardian*, 8 December 2008.

²⁴⁶ Q 91

²⁴⁷ Q 47

²⁴⁸ See "Arms Control and Weapons of Mass Destruction", House of Commons Library Standard Note SN/IA/1404, December 2005.

exceed 1,700–2,200. Neither the US nor Russia has yet completed the required reductions. Unlike START I, SORT does not include verification provisions.

119. The British Government would like to see the negotiation of a START successor agreement.²⁴⁹ Sir Michael Quinlan agreed that a new US-Russian nuclear arms treaty would be “perhaps the most crucial single part of the nuclear powers being seen to do their stuff in accordance with Article VI [of the NPT].”²⁵⁰

120. At their Sochi summit in April 2008, former Presidents Bush and Putin said that they would “continue development of a legally binding post-START arrangement.”²⁵¹ At their first meeting, in London a year later, new Presidents Obama and Medvedev announced that they were beginning negotiations on “new and verifiable reductions” in their strategic offensive nuclear arsenals, beginning with a “new, legally-binding treaty” to replace START I.²⁵² In his 5 April Prague speech, President Obama confirmed that the new treaty should be negotiated by the end of 2009.²⁵³ The US-Russian negotiations got underway in May 2009.

121. We conclude that the strengthened commitment of the US and Russia, under Presidents Obama and Medvedev, to negotiate a legally-binding nuclear arms reduction treaty to succeed START I, by the end of 2009, as part of a deeper process of nuclear arms cuts, will contribute significantly to the fulfilment of their disarmament obligations under the Nuclear Non-Proliferation Treaty, and is thus greatly to be welcomed. We recommend that the Government should offer every assistance to facilitate a speedy and productive conclusion to the negotiations.

122. It has been argued that not only the quantity of US and Russian nuclear weapons but also their current targeting and state of readiness are inappropriate. Professor Chalmers told us that:

one of the things that is quite remarkable is that the US and Russia still have thousands of nuclear weapons on five or 10 minute-alert to destroy the silos and cities of the other, as if nothing has changed politically. There is a disconnect between the military side and the political side.²⁵⁴

Professor Chalmers said that he thought that “quite significant progress could be made rather rapidly” in terms of lengthening alert times, “without creating extra vulnerabilities.” As well as raising the threshold for the use of nuclear weapons by the relevant states, Professor Chalmers noted that such de-alerting would also reduce the risk of nuclear weapons being launched as a result of cyber-attack by non-state groups.²⁵⁵ The removal of US and Russian nuclear arsenals from hair-trigger alert has been one of the main initiatives

²⁴⁹ Q 271

²⁵⁰ Q 125

²⁵¹ “US-Russia Strategic Framework Declaration”, Sochi, 6 April 2008

²⁵² “Joint Statement by President Dmitriy Medvedev of the Russian Federation and President Barack Obama of the United States of America”, 1 April 2009, via www.whitehouse.gov

²⁵³ “Remarks by President Barack Obama, Hradcany Square, Prague”, 5 April 2009, transcript via www.whitehouse.gov

²⁵⁴ Q 23

²⁵⁵ Q 28

pursued by the non-governmental Nuclear Threat Initiative (NTI) founded by former US Senator Sam Nunn. For example, Senator Nunn told the Defence and Security Committee of the NATO Parliamentary Assembly in January 2008 that:

the United States and Russia continue to deploy thousands of nuclear weapons on ballistic missiles that can hit their targets in less than 30 minutes—a short warning time, prompt launch capability that carries with it an increasingly unacceptable risk of an accidental, mistaken or unauthorised launch.

He went on to say:

We should ask ourselves a long overdue question: Seventeen years after the Cold War, how can it be in the United States' national security interest for the President of Russia to have only a few minutes to decide whether to fire his nuclear weapons or lose them in response to what could be a false warning? I would hope that this question would be asked in reverse in Russia and that we would begin to ask it together.²⁵⁶

123. Among our witnesses, UNA-UK made a broader call for all the recognised nuclear weapons states to reduce their weapons' state of readiness, as did Mr Granoff.²⁵⁷ The UK's de-alerting steps with respect to its own arsenal are referred to below,²⁵⁸ but the Government has not so far supported a UN General Assembly resolution introduced for the first time in 2007 which calls for further reductions in the operational readiness of nuclear weapons, with a view to the removal of all such weapons from high alert status.²⁵⁹

124. We conclude that reductions in the operational readiness of the world's nuclear arsenals could make a significant contribution to enhancing international security. We recommend that in its response to this Report, the Government should set out the steps which it is taking to encourage international action in this area, and explain its stance regarding the UN General Assembly resolution on this issue.

UK nuclear arsenal

125. The largest share of written submissions to our inquiry relating to nuclear disarmament and non-proliferation focused on the Government's decision to renew the UK's Trident system. In the White Paper "The Future of the United Kingdom's Nuclear Deterrent", published in December 2006, the Government announced that it intended to commission a new fleet of nuclear-powered ballistic missile submarines (SSBNs) to carry the UK's Trident nuclear weapons system, replacing the four existing Vanguard-class boats.²⁶⁰ The first of the new boats is scheduled to enter service in 2024. The Government also said that the UK would participate in the US programme to develop a new generation

²⁵⁶ "The Mountaintop: A World Free of Nuclear Weapons", remarks to the Defence and Security Committee of the NATO Parliamentary Assembly, Washington DC, 28 January 2008

²⁵⁷ Ev 96 [UNA-UK], 121–122 [Mr Granoff]

²⁵⁸ See para 129.

²⁵⁹ See Ev 122 [Mr Granoff]; the relevant resolution was number 62/36 in 2007 and 63/41 in 2008.

²⁶⁰ Ministry of Defence, *The Future of the United Kingdom's Nuclear Deterrent*, Cm 6994, December 2006

of missiles to replace the Trident D5 missiles currently carried by the submarines.²⁶¹ In March 2007, the House of Commons voted to back these decisions.²⁶²

126. The Government's policy regarding Trident has been examined in a series of Reports by the Defence Committee, most notably "The Future of the UK's Strategic Nuclear Deterrent: the White Paper", published in March 2007 ahead of the debate in the House.²⁶³ In the present Report we do not seek to reiterate the Defence Committee's analysis, but rather to focus on the implications of the UK's continuing possession of nuclear weapons for the non-proliferation agenda.

127. As with the nuclear policies of the recognised nuclear weapons states more generally, the Government's Trident renewal decision has generated argument about its compatibility with the NPT, and therefore about its potential impact on the non-proliferation element of the Treaty.²⁶⁴ Sir Michael Quinlan told us that the UK was "still operating entirely within what [it is] entitled to do, within [its] commitments under the Treaty." Provided that the Government adhered to these commitments, Sir Michael said that he did not see that the White Paper "need in any way diminish our credibility in the reinforcement of the non-proliferation regime as a whole", although he said that the Trident decision "perhaps makes it all the more necessary" that the UK does everything possible to strengthen the regime.²⁶⁵ Professor Chalmers argued along similar lines.²⁶⁶

128. The UK has abandoned all its nuclear weapons systems other than Trident, leaving it as the only recognised nuclear weapons state with only one nuclear weapons system. Professor Chalmers drew our attention to what might be seen as a paradox of the UK's single system, namely that it had to be renewed if the UK was to retain a nuclear arsenal at all.²⁶⁷ Sir Michael Quinlan similarly argued that "those who say that we should not renew are saying that we have an obligation to abandon, which is plainly not what the Treaty says, or suggests."²⁶⁸ However, whether the Government needed to decide in 2007 to start the Trident renewal process remains disputed. The issue of timing fell outside the scope of our inquiry.²⁶⁹

129. In addition to the decision to scale back to only one nuclear system, the FCO drew our attention to other Government steps which it said represented "significant progress" on nuclear disarmament.²⁷⁰ The 1998 Strategic Defence Review capped at three the number of nuclear warheads carried by each Trident missile, a reduction from the previous maximum of six, which itself had earlier been reduced from 12. This means that, with each submarine

261 Ministry of Defence, *The Future of the United Kingdom's Nuclear Deterrent*, Cm 6994, December 2006

262 HC Deb, 14 March 2007, cols 298–407

263 Defence Committee, Ninth Report of Session 2006–07, *The Future of the UK's Strategic Nuclear Deterrent: the White Paper*, HC 225

264 *Ibid.*, paras 102–127

265 Q 34

266 Q 25

267 Q 34

268 Q 103

269 The issue was discussed by the Defence Committee; see *ibid.*, Chapter 3.

270 Ev 181

carrying 16 missiles, each boat now carries 48 warheads. The missiles are not targeted at any country, and require several days' notice to fire. The number of the UK's operationally available warheads was reduced from 300 to below 200 by the Strategic Defence Review, and to "fewer than 160" by the 2006 White Paper, making for what the FCO said was a cut of nearly half since the end of the Cold War, and an overall reduction in the explosive power of the UK's nuclear arsenal of 75% during that period.²⁷¹ Overall, Professor Chalmers and Sir Michael Quinlan agreed with the FCO's assessment that the UK was "the most forward-leaning of the existing nuclear weapons states" as regards nuclear disarmament.²⁷²

130. Most witnesses who addressed the question directly—including the Acronym Institute for Disarmament Diplomacy—agreed that, even if the UK were to take further disarmament steps, these would be unlikely on their own directly to affect the nuclear weapons decisions of states which might develop nuclear weapons or which had already done so outside the NPT.²⁷³ For example, Mr Fitzpatrick told us that "Iran's pursuit [of nuclear weapons] has nothing to do with the United Kingdom."²⁷⁴ However, Dr David Lowry disagreed with this assessment.²⁷⁵

131. We received a large number of submissions which were critical of the Government's nuclear weapons policy, and above all of its Trident renewal decision, because of what were claimed to be its negative effects on the non-proliferation effort. Dr Ritchie stated bluntly that the Government was "wrong" to assert that its Trident renewal decision would have no detrimental impact on the NPT.²⁷⁶ Several witnesses drew attention to the statement in the Chairman's summary of the 2008 Preparatory Conference for the 2010 NPT Review Conference that "concern and disappointment were raised about plans of some nuclear weapon states to replace or modernise nuclear weapons and their means of delivery or platforms".²⁷⁷ Many submissions to our inquiry called for the suspension or reversal of the renewal decision. Critics of the Government's position highlighted in particular what appeared to be, in the terms of Peter Nicholls of Abolition 2000 UK, the particularly "stark" contrast between the Trident renewal decision and the Government's high-profile language about the importance of disarmament. Critics also regretted that, as a result of the Trident renewal decisions taken so far, plus the prospect of a decision in the next Parliament on renewing the Trident warhead, the Government appeared to be countenancing a scenario in which the UK would remain a nuclear weapons state into the 2050s.²⁷⁸ According to BASIC, nuclear weapons modernisation of this sort "signal[s] grave doubts [as to] the prospects of mutual nuclear disarmament".²⁷⁹

²⁷¹ Ev 181; Q 259 [Bill Rammell]

²⁷² Qq 34, 100, 214

²⁷³ Ev 158–159 [Acronym Institute]; see also Qq 27 [Professor Chalmers], 100, 106 [Sir Michael Quinlan], Ev 93 [Mr Bruce and Dr Crowcroft]

²⁷⁴ Q 27

²⁷⁵ Ev 240

²⁷⁶ Ev 132, 137; see also, for example, Acronym Institute for Disarmament Diplomacy, Ev 158 ff.

²⁷⁷ See Ev 192.

²⁷⁸ For example, Ev 109 [Mr Nicholls], 140–1 [Dr Hudson]

²⁷⁹ Ev 212

132. The MOD's first report on the Trident replacement programme is due in September 2009, during the Parliamentary recess. This marks the Initial Gate approval point at which approval is needed from the Government before further developments are undertaken. During the Parliamentary debate on Trident in March 2007, the Government made a commitment to providing regular reports on the progress of the programme.²⁸⁰

133. We conclude that the decision to renew the UK's Trident system is perceived by some foreign states and some among the British public as appearing to contradict the Government's declared commitment to strengthening the international nuclear non-proliferation regime. We recommend that the Government should intensify its public diplomacy work better to explain the reasons for the Trident renewal decision and to give greater prominence to its work for multilateral nuclear disarmament and arms control. We further recommend that in its response to this Report, the Government should update us on the progress of the timetable for renewal of the Trident submarines. We recommend that the Government should not take any decision at the Initial Gate stage until Parliament has had the chance to scrutinise the matter in a debate.

134. Witnesses including Lord Robertson identified scope for further reducing the size and significance of the UK's nuclear arsenal, even while renewing the Trident system.²⁸¹ For example, Sir Michael Quinlan suggested that the number of missiles on each boat might be reduced to perhaps 12.²⁸² In his March 2009 nuclear speech, the Prime Minister said that the new Trident submarines would indeed carry only 12 missiles each.²⁸³ Sir Michael also expressed the hope that the new system would involve three submarines rather than four.²⁸⁴ In the 2006 White Paper, the Government said that it would review this possibility in the light of more detailed work on the design and operating arrangements of the new submarines.²⁸⁵ According to a recent Public Accounts Committee Report, the decision on the number of new submarines needs to be taken by 2014.²⁸⁶ Other witnesses suggested variously that the UK could put the Trident system onto an even longer alert time, end the continuous at-sea patrols, separate the warheads from the missiles, and make doctrinal changes to reduce the significance of its nuclear force.²⁸⁷

135. In its March 2007 Report, the Defence Committee drew attention to the fact that the Government does not specify the process by which it determines the "minimum nuclear deterrent" to which it is, for the moment, committed. It is therefore difficult to assess the Government's nuclear disarmament performance in absolute terms, or the scope for

²⁸⁰ HC Deb, 14 March 2007, cols 308–9

²⁸¹ Q 99

²⁸² Q 106

²⁸³ Prime Minister Gordon Brown, speech on nuclear energy and proliferation, given at the international conference on the nuclear fuel cycle, "Securing Safe Access to Peaceful Power", London, 17 March 2009, transcript via www.number10.gov.uk

²⁸⁴ Q 106

²⁸⁵ Ministry of Defence, *The Future of the United Kingdom's Nuclear Deterrent*, Cm 6994, December 2006, p 7

²⁸⁶ Public Accounts Committee, Eleventh Report of Session 2008–09, *The United Kingdom's Future Nuclear Deterrent Capability*, HC 250

²⁸⁷ For example, Ev 138 [Dr Ritchie], 157 [Scottish CND], 158 [Acronym Institute], 168 [Nuclear Information Service], 206 [Dr Acton]

further steps compatible with the maintenance of a minimum deterrent. In its Response to the Defence Committee's call for it to specify how it calculates the scale of a minimum deterrent,²⁸⁸ the Government said that it was "not prepared to release precise details" of its assessment process, "because of the sensitive nature of the analysis involved and to maintain ambiguity over the circumstances in which we might consider use of our nuclear deterrent."²⁸⁹

136. We conclude that the steps which the Government has taken to scale down and de-escalate the UK's nuclear arsenal are to be commended. We welcome in particular the Prime Minister's announcement that the new Trident submarines are to carry fewer missiles than the current boats. We recommend that the Government should do more to highlight these steps, internationally and at home. However, we note that it is difficult to assess the Government's claim that it retains only a minimum nuclear deterrent in the absence of further information about the process by which it judges this minimum. We therefore recommend that the Government should accede to the Defence Committee's call for it to explain in greater detail the process by which it determines that the current scale and operational arrangements of the Trident force constitute the UK's minimum nuclear deterrent.

137. In seeking to reconcile its Trident retention and its disarmament commitments, the Government presented the former as a hedge against the possibility that multilateral disarmament negotiations might fail. Equally, the FCO told us that "when it will be useful to include [the UK's nuclear warheads] in any negotiations to reduce warhead numbers, we will willingly do so."²⁹⁰ The Prime Minister reiterated this position in his March 2009 speech.²⁹¹ Under our questioning, Bill Rammell confirmed that the relevant multilateral negotiations would have to involve "action on all fronts"—that is, all nuclear weapons states, not only the five recognised nuclear powers.²⁹² BASIC suggested that the other three recognised nuclear weapons states should perhaps join multilateral nuclear disarmament negotiations if the US and Russia agreed to bring their warhead numbers significantly below the maximum set by the SORT—that is, 1,700.²⁹³

138. We conclude that the Government's confirmation of its willingness to include the UK's nuclear force in multilateral nuclear disarmament negotiations is to be welcomed, as likely to strengthen its non-proliferation efforts. We recommend that the Government should give greater prominence to this commitment in its public diplomacy. We further recommend that in its response to this Report, the Government should specify—in the light of international disarmament developments by that time—the state of a multilateral nuclear disarmament process that would trigger UK

²⁸⁸ Defence Committee, Ninth Report of Session 2006–07, *The Future of the UK's Strategic Nuclear Deterrent: the White Paper*, HC 225, para 64

²⁸⁹ Defence Committee, Eleventh Special Report of Session 2006–07, *The Future of the UK's Strategic Nuclear Deterrent: the White Paper: Government Response to the Committee's Ninth Report of Session 2006–07*, HC 551, p 5

²⁹⁰ Ev 181; see also Bill Rammell at Q 274.

²⁹¹ Prime Minister Gordon Brown, speech on nuclear energy and proliferation, given at the international conference on the nuclear fuel cycle, "Securing Safe Access to Peaceful Power", London, 17 March 2009, transcript via www.number10.gov.uk

²⁹² Qq 282–283

²⁹³ Ev 212

participation. We further recommend that the Government should specify whether there are circumstances under which the UK would be prepared to suspend the Trident renewal programme.

'Global Zero'

139. In previous sections we have looked at nuclear disarmament steps which might be taken in the relatively near future. Recently there has been renewed international activism in support of the long-term goal of a world entirely without nuclear weapons. A series of non-governmental initiatives has been directed to this end, with strong links into the highest levels of policy-making:

- In January 2007, a cross-party group of four US statesmen—former Secretaries of State Henry Kissinger and George Shultz, former Secretary of Defense Bill Perry and former Senator Sam Nunn—published an article in the *Wall Street Journal* in which they called for a nuclear weapons-free world.²⁹⁴ The article spawned the Nuclear Security Project, an ongoing initiative to pursue that goal. In January 2008, the four statesmen reported a positive response to their initiative and set out concrete steps which they believed would further their objective.²⁹⁵ Referring to the initiative, as well as developments among elected politicians, Professor Chalmers referred to an “emerging bipartisan consensus in the US”²⁹⁶ on the need for a more active disarmament policy, and said that this was “the most encouraging recent development”.²⁹⁷
- In June 2008, a cross-party group of four British statesmen—former Foreign Secretaries Lords Hurd and Owen, former Defence Secretary Lord Robertson and former Foreign and Defence Secretary Sir Malcolm Rifkind—aligned themselves behind the US initiative.²⁹⁸
- December 2008 saw the launch of ‘Global Zero’, an international campaign backed by, among others, Queen Noor of Jordan, former Presidents Carter, Cardoso and Gorbachev, former prime ministers of France and Norway, former foreign ministers of Australia, Russia, Pakistan and four NATO states (including, from the UK, Margaret Beckett, Sir Malcolm Rifkind and Lords Hurd and Owen), former National Security Advisers from the US and India, former Chairmen of Pakistan’s Joint Chiefs of Staff, former US and UK Permanent Representatives to the UN, and two Nobel laureates.²⁹⁹

140. The British Government supports the goal of the abolition of nuclear weapons.³⁰⁰ The FCO told us that it aims to “demonstrate [...] that the goal of a world free from nuclear weapons is real, achievable and genuinely held by nuclear weapons states”.³⁰¹ The FCO told

294 “A World Free of Nuclear Weapons”, *Wall Street Journal*, 4 January 2007

295 “Toward a Nuclear-free World”, *Wall Street Journal*, 15 January 2008

296 Q 30

297 Q 30, Ev 112; see also Ev 210 [BASIC].

298 “Start worrying and learn to ditch the bomb”, *The Times*, 30 June 2008

299 The full list is at <http://www.globalzero.org/full-list-signatories>

300 Ev 180 [FCO]; see also David Miliband, “A world without nuclear weapons”, *The Guardian*, 8 December 2008.

301 Ev 171

us that it regards the ‘global zero’ goal as a “legally-binding obligation which we must strive to achieve as soon as practically possible.”³⁰² It frames its ‘global zero’ goal, like its other disarmament objectives, as a means of strengthening the non-proliferation element of the NPT.³⁰³

141. The Government has supported the goal of a nuclear weapons-free world on previous occasions, for instance in its 2006 White Paper on Trident renewal.³⁰⁴ However, CND noted that the Government’s position in this respect had become more prominent and proactive since mid-2007.³⁰⁵ The FCO drew our attention to a number of speeches made by senior Ministers in support of the ‘global zero’ goal, namely addresses by the then Foreign Secretary Margaret Beckett to the Carnegie Endowment in Washington D.C. in June 2007, by the Prime Minister in New Delhi in January 2008, and by the then Defence Secretary Des Browne to the UN Conference on Disarmament in Geneva the following month. In February 2009, the FCO published what it called a “policy information paper” entitled “Lifting the Nuclear Shadow: Creating the Conditions for Abolishing Nuclear Weapons”, which the Foreign Secretary launched at a public event at the International Institute for Strategic Studies (IISS). Bill Rammell told us that the publication was intended “to engage the public in most critical challenge that we face”, and also to help “generate increased momentum internationally.”³⁰⁶ Dr Acton told us that “simply by talking openly about the eventual abolition of nuclear weapons, the UK has earned itself credit and established a position of leadership.”³⁰⁷

142. Since taking office, US President Obama has confirmed his pre-election support for the ‘global zero’ goal. In his April 2009 Prague speech, he said that the US would “take concrete steps towards a world without nuclear weapons.”³⁰⁸ In his April 2009 joint statement with President Obama, President Medvedev also committed Russia “to achieving a nuclear free world”.³⁰⁹

143. Sir Michael Quinlan identified two sets of issues needing “a lot more work” if the goal of ‘global zero’ was to be realisable. First, he said that there were “technical issues, such as how to verify, how to define what a non-nuclear world is, what must not exist, what must not be done, how to enforce and what to do about the nuclear energy problem.” Second, he said that there were the “more intractable” questions of regional and global geopolitics that would need to be resolved before all the nuclear weapons states—including those outside the NPT—would feel able to commit to abolishing their nuclear arsenals.³¹⁰ Professor

³⁰² Ev 180

³⁰³ Ev 171

³⁰⁴ Ministry of Defence, *The Future of the United Kingdom’s Nuclear Deterrent*, Cm 6994, December 2006

³⁰⁵ Ev 139

³⁰⁶ Q 214

³⁰⁷ Ev 206

³⁰⁸ “Remarks by President Barack Obama, Hradcany Square, Prague”, 5 April 2009, transcript via www.whitehouse.gov

³⁰⁹ “Joint Statement by President Dmitriy Medvedev of the Russian Federation and President Barack Obama of the United States of America”, 1 April 2009, via www.whitehouse.gov

³¹⁰ Qq 92–3

Chalmers similarly identified the existence of a technical and a political track, and argued that work on the two could be mutually reinforcing.³¹¹

144. The FCO highlighted the work which the Government was doing on the technical track. In her June 2007 Washington speech, then Foreign Secretary Margaret Beckett announced that the UK would act as a “disarmament laboratory” for some of the technical work required for movement towards the global elimination of nuclear weapons. In implementing this initiative, the UK’s Atomic Weapons Establishment has been conducting work on the verification of warhead dismantling, partly with Norwegian partners. In September 2009, the UK is to host a conference of the five recognised nuclear weapons states which will deal with verification issues, among other matters.³¹² The FCO also helped to finance the publication of a major paper by the IISS which examined many of the technical issues which would be engaged by any realistic effort towards ‘global zero’.³¹³ Professor Chalmers highlighted the need for practical work of this type,³¹⁴ and Mr Granoff commended the Government’s work in this area.³¹⁵ However, Dr Acton warned that some non-nuclear weapons states regarded the Government as focusing on process over substance, and suggested that it could boost its credibility by demonstrating its new verification technology at an internationally-verified dismantling of some of the UK’s nuclear warheads.³¹⁶

145. We conclude that the goal of a nuclear weapons-free world is gathering more serious international political support than at any time since the end of the Cold War. We conclude that the Government’s leadership on this issue is to be commended. In particular, we conclude that the Government is correct to recognise the scale of the technical and confidence-building work that will be required for the goal to be realisable, and in particular the importance of verification. We recommend that the Government should continue and expand its work in this area.

146. A number of our witnesses referred approvingly to the possibility of a Nuclear Weapons Convention, which would—like the Chemical Weapons Convention and Biological and Toxin Weapons Convention—ban nuclear weapons.³¹⁷ The negotiation of such a Convention was one of the ‘13 steps’ included in the final document of the 2005 NPT Review Conference,³¹⁸ and in 2008 UN Secretary-General Ban Ki-moon circulated to all Member States a model text which has long been tabled at the UN.³¹⁹ The Acronym Institute argued that, because it would impose the same ultimate obligation equally on all

³¹¹ Q 22

³¹² Ev 181–182 [FCO]

³¹³ George Perkovich and James M. Acton, *Abolishing Nuclear Weapons*, Adelphi Paper 396 (International Institute for Strategic Studies, 2008)

³¹⁴ Q 30

³¹⁵ Ev 121 [Mr Granoff]

³¹⁶ Ev 206

³¹⁷ For instance, Abolition 2000 UK, the Acronym Institute, CND, International Physicians for the Prevention of Nuclear War, MEDACT, Ministry for Peace and UNA-UK.

³¹⁸ Ev 95 [UNA-UK]

³¹⁹ UN Secretary-General Ban Ki-moon, “The United Nations and Security in a Nuclear-Weapon-Free World”, speech to the East-West Institute, New York, 24 October 2008, text at <http://www.un.org/News/Press/docs/2008/sgsm11881.doc.htm>

States Parties, a Nuclear Weapons Convention “would be more successful at constraining states outside the NPT [...] and potential proliferators than the current regime”.³²⁰ A vote on a possible nuclear weapons convention is normally held in the UN General Assembly each year, in which China, India and Pakistan support the idea, and NATO (except Canada), Israel and Russia oppose it.³²¹ The FCO did not refer to a Nuclear Weapons Convention in its evidence to us.

147. We recommend that in its response to this Report, the FCO should set out its attitude to a possible Nuclear Weapons Convention banning such weapons, including the relationship which it sees between such a Convention, the Nuclear Non-Proliferation Treaty and its stated goal of the elimination of all nuclear weapons.

The Comprehensive Nuclear Test Ban Treaty (CTBT)

148. The Comprehensive Nuclear Test Ban Treaty (CTBT) would ban any nuclear weapon test or other nuclear explosion, and would therefore place a legally-binding constraint on the development of new nuclear weapons types. The Treaty would also activate the Comprehensive Test Ban Treaty Organisation (CTBTO), which stands ready to conduct monitoring activities so as to detect any possible test. The FCO identified the CTBT’s entry into force as one of the key steps required on the way to any nuclear weapons-free world, and, as such, to be supported.³²² All the nuclear weapons states—inside and outside the NPT—are already observing moratoria on testing, and Sir Michael Quinlan told us that the CTBT was “not, in cold strategic logic, as important as people have talked it up to be”. However, he acknowledged that it was “seen as a major symbol of seriousness.”³²³ Professor Chalmers had the CTBT at “no. 1” on his list of shorter-term priorities,³²⁴ and the Acronym Institute listed CTBT entry into force as one of the steps on which “the continued credibility of the NPT is likely to rest”.³²⁵ As we have noted above (in paragraph 101), the CTBT was one of the disarmament steps to which the NPT States Parties committed themselves at the 1995 and 2000 NPT Review Conferences. The Treaty is also potentially one of the measures to which the non-NPT states, of India, Israel and Pakistan, could adhere without having to accede to the NPT.

149. The CTBT was opened for signature in 1996 but has yet to come into force, because only 35 of the 44 named states which are required to ratify the Treaty have done so. The 44 are the five recognised nuclear powers plus 39 states with nuclear power and/or research reactors. Of the nine named states which have not ratified, six (China, Egypt, Indonesia, Iran, Israel and the US) have signed but not ratified the Treaty, and three (India, North Korea and Pakistan) have neither signed nor ratified.³²⁶

³²⁰ Ev 159

³²¹ “2008 First Committee Resolutions”, *Disarmament Diplomacy*, Winter 2008

³²² Ev 182

³²³ Q 126

³²⁴ Q 30

³²⁵ Ev 159

³²⁶ Information at <http://www.un.org/disarmament/WMD/Nuclear/CTBT.shtml>, viewed on 13 April 2009

150. Our witnesses identified US ratification as key to the prospects that the CTBT might be ratified by other states, such as India and Pakistan, and perhaps Israel and China³²⁷—although Professor Chalmers warned that even with US ratification, one or two countries might still “hold out”.³²⁸ Professor Chalmers also cautioned that if they did sign, India and Pakistan might be tempted to conduct final nuclear tests before doing so.³²⁹ Professor Chalmers also told us that the issue of CTBT ratification would be an “early indicator” of more general prospects for US nuclear disarmament policy in the run-up to the 2010 NPT Review Conference;³³⁰ Dr Acton called CTBT ratification “probably the single most important step toward disarmament the US could take.”³³¹

151. A number of our witnesses regarded the election of President Obama, together with a Democrat-controlled Senate, as bringing significantly enhanced prospects of US ratification of the CTBT. In his April 2009 Prague speech, President Obama duly said that his Administration would pursue US ratification “immediately and aggressively”.³³²

152. We conclude that the Government is correct to identify the speedy entry into force of the Comprehensive Nuclear Test Ban Treaty as a key early step towards reviving multilateral nuclear disarmament. We recommend that the Government should do everything possible to facilitate US ratification, and to maximise prospects that this will be followed by other especially politically important ratifications, such as those of China, India, Israel and Pakistan, even if these are still too few to bring the Treaty into force.

The Fissile Material Cut-off Treaty (FMCT)

153. A second potential international instrument which the FCO identified as an “essential step” towards ‘global zero’ is the Fissile Material Cut-off Treaty (FMCT).³³³ The FMCT would ban the further production of fissile materials for nuclear weapons, thus putting a limit for all time on the number of nuclear weapons that could be manufactured, and greatly reducing the risk of potential nuclear weapons material ‘leaking’ from active production facilities. A verified FMCT would also introduce verification mechanisms that would be required in any nuclear weapons-free world. Like the CTBT, a FMCT would be an instrument to which the non-NPT states of India, Israel and Pakistan could adhere without having to accede to the NPT.

154. Like the CTBT, a FMCT was among the disarmament steps to which the NPT States Parties committed themselves at the 1995 and 2000 NPT Review Conferences. On the basis of a UN General Assembly resolution, the UN Conference on Disarmament agreed to begin negotiations on a FMCT in 1995. However, the negotiations have never got underway. Mr Granoff told us that the two key obstacles to the start of negotiations have

³²⁷ Qq 19 [Professor Chalmers], 269–270 [Mr Rammell]

³²⁸ Q 31

³²⁹ Q 19

³³⁰ Ev 110

³³¹ Ev 206

³³² “Remarks by President Barack Obama, Hradcany Square, Prague”, 5 April 2009, transcript via www.whitehouse.gov

³³³ Ev 182

been the view taken latterly by the United States that it would be impossible to verify such a Treaty; and a linkage to progress on other desired disarmament measures made by states including Egypt, Israel, China and Pakistan.³³⁴ As regards the second of these, the FCO told us that it was continuing “to argue forcefully that allowing negotiations to begin does not undermine any country’s position on a final treaty.”³³⁵ There is also the obstacle that India and Pakistan, at least, are continuing to produce new nuclear material as they continue to build up their nuclear arsenals. Professor Chalmers told us that these two countries were unlikely to sign a FMCT now, but that they might do so “in the not-too-distant future.”³³⁶

155. In his April 2009 Prague speech, US President Obama announced a shift in US policy, back to support for a verified FMCT. “If we are serious about stopping the spread of these weapons”, he said, “then we should put an end to the dedicated production of weapons-grade materials that create them.”³³⁷

156. On 29 May, the UN Conference on Disarmament adopted a Programme of Work, for the first time in over twelve years. The programme includes the negotiation of a Fissile Material Cut-off Treaty. Welcoming the breakthrough, President Obama said that he was “committed to consult and cooperate with the Governments represented at the Conference on Disarmament to complete this treaty as soon as possible.”³³⁸

157. We conclude that the Government is correct to identify the start of negotiations on a Fissile Material Cut-off Treaty (FMCT) as a step which would significantly strengthen the international nuclear disarmament and non-proliferation process. In that context, we strongly welcome the agreement reached at the UN Conference on Disarmament in May 2009 on a Programme of Work which includes the negotiation of a FMCT. We recommend that the Government should do all it can to ensure that the negotiations get underway in a speedy and productive fashion and to maximise the prospects that they will result in the coming into force of a verified FMCT. We further recommend that in its response to this Report, the Government should set out its view of the most serious difficulties that are likely to arise in the negotiations, the most likely timetable for the conclusion of the talks, the most likely coverage of the proposed FMCT in terms of signatories and non-signatories, and any implications of the proposed FMCT for the UK.

158. We conclude that the agreement reached in May 2009 on a Programme of Work for the UN Conference on Disarmament, after over twelve years of deadlock, is an important signal of the renewed prospects for multilateral arms control which appear to have followed the election of President Obama and, as such, is greatly to be welcomed.

³³⁴ Ev 121

³³⁵ Ev 182

³³⁶ Q 19

³³⁷ “Remarks by President Barack Obama, Hradcany Square, Prague”, 5 April 2009, transcript via www.whitehouse.gov

³³⁸ “Statement by the President on Beginning of Negotiations on Fissile Material Cut-off Treaty”, 29 May 2009, via www.whitehouse.gov

Internationalising the nuclear fuel cycle

159. The ‘third pillar’ of the NPT regime comprises access for all States Parties to nuclear power for non-weapons purposes. Coming years are expected to see a significant increase in the use of civil nuclear power around the world, by states seeking to meet increased energy demand while minimising climate change effects and energy dependence on other countries.³³⁹ According to the FCO, this conjunction “increases the risk of diversion of the material and technologies involved [in nuclear power] for military use, whether by states or non-state actors.”³⁴⁰

160. These circumstances have led the British and other governments to put forward a number of proposals for the international provision of the most proliferation-sensitive elements of the nuclear fuel cycle needed for civil nuclear power. The FCO told us that it was “working for internationally-agreed mechanisms under IAEA auspices that will make it unnecessary for countries to develop their own enrichment and reprocessing capacity”.³⁴¹ According to the FCO, such international provision of access to the nuclear fuel cycle will strengthen the non-proliferation effort via two mechanisms—by rendering unnecessary some aspects of the development of nuclear materials, technologies and expertise in new parts of the world, and by delivering on another element of the ‘grand bargain’ with the non-nuclear weapons states.³⁴² Sir Michael Quinlan identified the nuclear energy issue as his third priority for the 2010 NPT Review Conference.³⁴³

161. The FCO outlined some of the main proposals that have been put forward for international involvement in the nuclear fuel cycle.³⁴⁴ These are:

- An internationally-controlled nuclear fuel bank, on which states could draw. The Nuclear Threat Initiative (NTI), a US NGO, launched a specific proposal for an IAEA-led bank in 2006; the US and Russia also back this kind of proposal. In March 2009, the IAEA announced that it had secured the \$100 million in matching funding which the NTI had required in order to release its initial \$50 million commitment. The EU has contributed €25 million.³⁴⁵
- An IAEA fuel cycle facility, built on IAEA land. This is a German proposal, known as the Multilateral Enrichment Sanctuary Project. Baroness Williams suggested that such a “nuclear Vatican”, constructed beyond the sovereignty of any other state, might be the only way around some of the political problems associated with international provision of access to the nuclear fuel cycle.³⁴⁶

³³⁹ See paras 53 and 74 above.

³⁴⁰ Ev 171

³⁴¹ Ev 173

³⁴² Ev 171

³⁴³ Q 133

³⁴⁴ Ev 183–184

³⁴⁵ IAEA, “Nuclear Security Fund receives key financial support”, 27 March 2009, via www.iaea.org

³⁴⁶ Q 51

- The Global Nuclear Energy Programme (GNEP). This is a US initiative to develop new, proliferation-resistant, civil nuclear energy technologies.
- A nuclear fuel assurance. Under this British Government proposal, a supplier state would guarantee nuclear fuel supplies in the event that a recipient state had them denied by a commercial supplier, for other than commercial or non-proliferation reasons. The assurance would be overseen by the IAEA.

162. Concerns have been expressed that the existence of multiple nuclear fuel cycle initiatives might make for competition between them, and a failure to implement any successfully. On this point, as we noted in Chapter 2, Bill Rammell told us that:

In an ideal world, you would probably say you need one initiative that everybody agrees on, and you pull together on. However, the world is not quite like that. What you need to ensure is that initiatives do not detract from each other, and I do not believe they do.³⁴⁷

The FCO sees the British fuel assurance proposal as one component in an international regime. Baroness Williams agreed that the British proposal was “useful essentially as a complement to a relatively small fuel bank.”³⁴⁸

163. Baroness Williams and Dr Acton told us that many non-nuclear weapons states were suspicious of schemes for international involvement in the nuclear fuel cycle, regarding them as mechanisms for denying states the access to civil nuclear power which is their right under the NPT.³⁴⁹ Dr Acton also cautioned that many states regard fuel cycle programmes as a “source of international prestige and national pride.”³⁵⁰ The FCO recognised the existence of this concern, and said that it needed “to reassure [such states] that these proposals are in fact intended as affirming their Article IV rights rather than undermining them.”³⁵¹ BASIC said that supplier states would have to agree that international involvement in access to the nuclear fuel cycle for recipient states was “a first step to a non-discriminatory uranium supply system”, which would ultimately require supplier states too to acquire their uranium through the same international mechanism.³⁵² IAEA Director General ElBaradei wants agreement that all new enrichment and reprocessing activities should be placed exclusively under multilateral control, to be followed by agreement to convert all existing facilities from national to multilateral control.³⁵³

164. The UK co-hosted an international conference on access to civil nuclear power in Berlin in April 2008, and hosted a further event in London in March 2009 which was attended by representatives of 37 states, the IAEA and the EU, and was addressed by the Prime Minister, the Foreign Secretary, the Secretary of State for Energy and Climate

³⁴⁷ Q 226; see also Qq 288, 290.

³⁴⁸ Q 51

³⁴⁹ Ev 203–205 [Dr Acton]

³⁵⁰ Ev 204

³⁵¹ Ev 183

³⁵² Ev 213

³⁵³ “Multilateral Approaches to the Nuclear Fuel Cycle”, message to the international conference on the nuclear fuel cycle, London, 17–18 March 2009, via www.fco.gov.uk

Change and, via videolink, IAEA Director General ElBaradei.³⁵⁴ In his speech, the Prime Minister noted that most of the international proposals made so far concentrated on enrichment and fuel provision, and called for more attention to be given to the handling of spent fuel. The Prime Minister also suggested that regional schemes for the joint development of civil nuclear power, under the oversight of an international body, might be a way forward.³⁵⁵ In his Chairman's summary of the conference, former IAEA Deputy Director General Bruno Pellaud said that "the general concept of multilateral nuclear arrangements was strongly supported by the majority of the participants."

165. We conclude that the Government is correct to identify a need to ensure access for non-nuclear weapons states to civil nuclear power under the Nuclear Non-Proliferation Treaty, notwithstanding the existence of a heightened proliferation risk arising from the spread of civil nuclear power. We further conclude that, unless pursued with political sensitivity, the effort to limit non-nuclear weapons states' access to the full nuclear fuel cycle risks reproducing the discrimination which it is claimed exists in relation to the possession of nuclear weapons. As such, this aim risks undermining other elements of the nuclear non-proliferation effort. We recommend that in its response to this Report, the Government should provide further details as to the steps it is taking to mitigate this risk.

³⁵⁴ FCO, "International Nuclear Fuel Cycle Conference: Securing safe access to peaceful power (London, 17–18 March 2009)", via www.fco.gov.uk

³⁵⁵ via www.fco.gov.uk

4 Biological and chemical weapons

Biological and chemical weapons: the threat

166. The public profile of biological and chemical weapons is low by comparison with that of nuclear weapons. The image of the mushroom cloud has haunted public imagination since 1945, and there is widespread awareness of the devastation, as well as the long-term radioactive effects, likely to be caused by any use of nuclear weapons. Although chemical weapons have also been used in warfare, during the First World War and since, their effects are not nearly as great in terms of the number of casualties arising from a single use. Public awareness of the threat posed by biological weapons is even lower, arising from the fact that, as Dr Jones told us, “to all intents and purposes biological weapons have never actually been applied, although my view is that they are possibly the most worrying of the three”.³⁵⁶ Daniel Feakes pointed out that an attack using biological weapons “would be less obvious. It would be more of a public health event, rather than an explosion and the attendant effects.”³⁵⁷

167. Much of the recent debate on non-proliferation and disarmament has focussed on nuclear weapons, leading Dr Jones to argue that control of biological and chemical weapons has been neglected:

Since the Iraq war the West's main thrust in arms control has switched away from WMD in general and focused on nuclear weapons in particular [...] There is little positive evidence that previous concerns about the proliferation of chemical and biological weapons have evaporated, but they appear to have been returned to the second division of arms control.³⁵⁸

Dr Jones believed that “the strong pursuit of nuclear non-proliferation, even as a precursor to total nuclear disarmament, also threatens the control of biological weapons and chemical weapons which some nations will see as the next best thing to nuclear.”³⁵⁹

Definitions of biological and chemical weapons

168. Chemical weapons attack the body in various ways, for example, by being nerve or blister agents. The major disarmament treaty relating to chemical weapons, the Chemical Weapons Convention (CWC), prohibits:

together or separately:

(a) Toxic chemicals and their precursors, except where intended for purposes not prohibited under this Convention, as long as the types and quantities are consistent with such purposes;

³⁵⁶ Q 54

³⁵⁷ Q 54

³⁵⁸ Ev 105

³⁵⁹ Ev 105

(b) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (a), which would be released as a result of employment of such munitions and devices;

(c) Any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (b).³⁶⁰

169. Biological weapons are biological agents or toxins used to cause disease or toxicity. The major disarmament treaty relating to biological weapons, the Biological and Toxin Weapons Convention (BTWC), prohibits:

(1) Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;

(2) Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.³⁶¹

Recent and historical uses of biological and chemical weapons

170. The first major use of industrially produced chemical weapons was during the First World War, although they have also been used recently by both states and non-state actors. Iraq is widely reported to have used chemical weapons in the Iran-Iraq war and against the Kurds at Halabja in 1988.³⁶² In 1995 members of the terrorist group Aum Shinrikyo released sarin gas into the Tokyo subway system, killing 12 people. Chemical weapons are often considered to be of little use in conventional warfare. Dr Jones assessed them as:

by far the least ‘destructive’ of the classes of weapon we place in the category of WMD. Perhaps they should not be there at all, because such large quantities of agent and hundreds of bombs or warheads would be needed to cause the same level of ‘destruction’ as a single nuclear or biological weapon.³⁶³

In a recent assessment of the threat of terrorist uses of such weapons, Dr Paul Cornish, Head of the International Security Programme at Chatham House, also concluded that they were of limited use in warfare, but he pointed out that they might still be potentially useful to terrorists (see Chapter 6 below).³⁶⁴

171. ‘Weaponisation’ of biological material is challenging and biological weapons can be comparatively slow to produce their effects, which reduces their usefulness in conventional warfare.³⁶⁵ Historically, the UK has been amongst those states with biological and chemical

³⁶⁰ Chemical Weapons Convention, Article II, <http://www.opcw.org/chemical-weapons-convention/articles/article-ii-definitions-and-criteria/>

³⁶¹ Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, April 1972, Article I

³⁶² Ev 103

³⁶³ Ev 100

³⁶⁴ Paul Cornish, “The CBRN System, Assessing the threat of terrorist use of chemical, biological, radiological and nuclear weapons in the United Kingdom”, Chatham House, February 2007

³⁶⁵ *Ibid.*, p 13

weapons programmes, for example having its own offensive biological weapons programme until the late 1950s.³⁶⁶ For some decades after this, the UK retained stocks of old chemical weapons, but these have been progressively destroyed, a process completed in March 2007.³⁶⁷ Research continues, but addresses defensive responses to chemical and biological weapons.³⁶⁸

172. Daniel Feakes commented that “it is hard to imagine any country being able to use CB [chemical and biological] weapons without provoking widespread condemnation and sanction from the international community. Even the possession of CB weapons has been delegitimised to the extent that no country openly admits to it.”³⁶⁹

173. At present there appears to be a greater threat of the use of biological weapons by terrorists than by states. Historical use of infected cadavers or animal carcasses as biological weapons demonstrates that biological warfare does not necessarily require cutting-edge technology. There are recent examples of the use of such weapons by non-state actors. In 1984 a religious cult in the US infected 750 people with salmonella after contaminating food³⁷⁰ and in 2001, also in the US, anthrax attacks killed 5 people.³⁷¹ Daniel Feakes told us that despite the stigma attaching to states’ use of chemical and biological weapons, “such normative considerations may not dissuade terrorists from acquiring and using CB weapons”.³⁷²

Control of chemical and biological weapons

174. Control of chemical and biological weapons has evolved since the 1925 Geneva Convention which banned first use whilst continuing to allow retaliation-in-kind. This was superseded by two disarmament treaties, the Chemical Weapons Convention (CWC) and the Biological and Toxin Weapons Convention (BTWC), which are supplemented by commitments such as those made by members of the Australia Group controlling exports (see paragraph 26 above) or under UN Security Council Resolution 1540 (see paragraphs 270–273 below). A wide range of organisations is currently involved in the control of CB weapons. Daniel Feakes listed these as including the EU, the Financial Action Task Force (FATF), the G8, the Global Health Security Initiative, the International Committee of the Red Cross, the International Maritime Organization, Interpol, NATO, the Organisation for Economic Cooperation and Development, the Proliferation Security Initiative (PSI), the World Customs Organization and the World Health Organization (WHO).³⁷³

366 FCO, *Strengthening the Biological and Toxin Weapons Convention: Countering the Threat from Biological Weapons*, Cm 5484, April 2002, para 17

367 Hart and Clevestig, “Reducing security threats from chemical and biological materials”, *SIPRI Yearbook 2008*, pp 439–442

368 http://www.dstl.gov.uk/capabilities/science_tech/index.php

369 Ev 238

370 Ulla Jasper, “The challenge of biological weapons: proposals for greater EU effectiveness”, *Disarmament Diplomacy*, July/August 2004

371 “Bioterrorism: a mystery unravelled”, *The Economist*, 9 August 2008; see also para 256 below.

372 Ev 238

373 Ev 238

175. As we noted in Chapter 3, both the CWC and BTWC are disarmament treaties, unlike those dealing with nuclear weapons, which primarily seek non-proliferation or only to limit nuclear arsenals.³⁷⁴ Nicholas Sims told us that disarmament has been an achievable aim because “biological and chemical weapons were marginal to the armouries of most states when nuclear weapons were very far from marginal for several.”³⁷⁵ Daniel Feakes told us that the term ‘non-proliferation’ is less applicable to biological or chemical weapons:

a focus on non-proliferation reflects the predominance of thinking about nuclear weapons where disarmament is a much less active part of the NPT regime. Within the CBW [chemical and biological weapons] field, disarmament and non-proliferation are two sides of the same coin—they can be seen as respectively addressing the demand and supply side of the CBW threat. Disarmament contributes to non-proliferation by ensuring there are fewer weapons to proliferate and by giving states less reason to acquire their own CBW capabilities. Non-proliferation contributes to disarmament by hindering the re-emergence of CBW stockpiles.³⁷⁶

Mr Feakes told us that he prefers the term ‘non-diversion’ to ‘non-proliferation’ in the CBW context,³⁷⁷ and Nicholas Sims concurred, for the reason that “it carries no implication of a division into two categories of states, respectively permitted and not permitted to have certain weapons,”³⁷⁸ but rather emphasises that “the diversion of biological or chemical materials, or know-how, to weapons purposes is forbidden equally”.³⁷⁹

176. Both treaties are based on the principle of a ‘general purpose criterion’. They do not contain a list of prohibited agents but rather assert a general principle that all agents are prohibited unless intended for a permitted purpose, and in types and quantities consistent with such a purpose. Mr Feakes commented that:

These ‘general purpose criteria’ allow the treaties to keep pace with scientific and technological developments, ensure that they cover all relevant agents, even those not yet invented and permits the use of dual-use chemical and biological agents by legitimate industries.³⁸⁰

The Chemical Weapons Convention (CWC)

177. The primary instrument in the effort to eliminate chemical weapons is the Chemical Weapons Convention (CWC), which entered into force on 29 April 1997.³⁸¹ Daniel Feakes described the CWC as “one of the most significant multilateral achievements of the past 15

³⁷⁴ Ev 101, 237

³⁷⁵ Q 61

³⁷⁶ Ev 238

³⁷⁷ Ev 238

³⁷⁸ Ev 237

³⁷⁹ Q 63

³⁸⁰ Ev 238

³⁸¹ “Status of participation in the Chemical Weapons Convention as at 19 June 2008”, Organisation for the Prohibition of Chemical Weapons Technical Secretariat, June 2008

years, although it is among the least known or appreciated by the public.”³⁸² The CWC “bans the development, production, stockpiling and the use of chemical weapons and requires the destruction of existing stockpiles by no later than 29 April 2012”.³⁸³ It was the first arms control treaty targeted at a verifiable ban on an entire class of weapons of mass destruction. CWC implementation is facilitated by the Organisation for the Prohibition of Chemical Weapons (OPCW), based in The Hague, which aims to “achieve the object and purpose of the Convention, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among States Parties”.³⁸⁴ The UK contribution to the OPCW’s £51 million budget for 2009 is £3.8 million.³⁸⁵

Universality

178. One way of measuring the success of the Convention is the number of states that remain outside it. At present the total number of States Parties to the CWC is 186, Lebanon and Iraq having recently (in December 2008 and February 2009 respectively) acceded to the treaty. At present nine states remain outside the CWC: the Bahamas, the Dominican Republic, Israel and Burma have signed but not ratified, whilst Angola, North Korea, Egypt, Somalia and Syria have not signed.³⁸⁶

179. In October 2003 the Executive Council of the OPCW adopted an Action Plan for the Universality of the Chemical Weapons Convention. Daniel Feakes has said that the Action Plan has been instrumental in the recent progress in moving towards universality.³⁸⁷ On 20 February 2009 the Director-General of the OPCW updated its Executive Council on developments, reporting that the Bahamas intended to join and that the Dominican Republic was preparing the instrument of ratification. The organisation was due to hold a workshop on universality in the Middle East and the Mediterranean Basin, in Istanbul, in April 2009.³⁸⁸ Whilst the number of non-signatories is small, Daniel Feakes told us that Egypt, Israel, North Korea and Syria are suspected of possessing chemical weapons.³⁸⁹ He added that “there are efforts by the OPCW and by states such as the UK to get Israel, Syria, Egypt and North Korea on board, but it is difficult—particularly in the Middle East.”³⁹⁰

180. The FCO stated that UK priorities in relation to the CWC are:

the promotion of universality and the full and effective national implementation of all the Convention’s provisions. The UK works bilaterally and with the EU and other

³⁸² Ev 238

³⁸³ Ev 185

³⁸⁴ <http://www.opcw.org/about-opcw/>

³⁸⁵ Ev 295

³⁸⁶ <http://www.opcw.org/news/news/article/opening-statement-by-the-director-general-to-the-executive-council-at-its-fifty-fifth-session/>

³⁸⁷ Daniel Feakes, “Practical steps for accelerating BWC universality”, *Disarmament Diplomacy*, Spring 2006

³⁸⁸ “Status of universality and external relations as at February 2009”, Organisation for the Prohibition of Chemical Weapons, 20 February 2009, at <http://www.opcw.org/news/news/article/status-of-universality-and-external-relations-as-at-february-2009/>

³⁸⁹ Ev 238; Q 69

³⁹⁰ Q 69

partners to coordinate diplomatic activity, such as lobbying all States not yet party to sign and ratify the Convention as soon as possible.³⁹¹

When asked whether in his opinion the UK was doing enough to encourage further progress towards universality, Daniel Feakes told us that:

It is hard to say exactly what is happening. As far as I know, there are démarches every so often. The EU has a collective démarche, say, in Tel Aviv or Damascus. Every so often, our Ambassador or the EU representative will deliver démarches to the Governments there. These countries are all invited to the various OPCW meetings. The Middle East is a particularly tough area. There are some meetings that Israel will not attend—for example, if Syria or Egypt are attending—or vice versa.³⁹²

181. We conclude that the fact that the UK has no chemical weapons, and that the process of destroying its past stocks of such weapons was completed in 2007, is to be welcomed.

182. We conclude that the Government has correctly identified further progress towards universality of the Chemical Weapons Convention as a priority, given that a number of key states of concern remain outside the Convention, some of which are thought to possess chemical weapons. We recommend that the Government should set out in its response to this Report what it believes to be the obstacles to the accession of each of these states and how it assesses the likelihood of overcoming these obstacles.

Implementation of the CWC

183. The Government told us that it “attaches the utmost importance to the full implementation of the CWC”.³⁹³ Daniel Feakes commented that both the Biological and Toxin Weapons Convention (discussed below) and the CWC

rely upon effective implementation at the national level and upon awareness among the relevant professional communities, such as the armed forces, scientists and industry. Analyses of the national implementation of both treaties shows that neither have particularly high rates of national implementation.³⁹⁴

Article VII of the CWC obliges States Parties to enact legislation to implement the Convention and to designate a National Authority to implement it. In the UK this is the Department for Business, Enterprise and Regulatory Reform (BERR), whose powers derive from the Chemical Weapons Act 1996 under which BERR is required to prepare an annual report on the operation of the act.³⁹⁵ The Government told us that BERR aims to involve business, academia and NGOs via a National Authority Advisory Committee which

³⁹¹ Ev 185

³⁹² Q 77

³⁹³ Ev 185

³⁹⁴ Ev 238

³⁹⁵ <http://www.berr.gov.uk/whatwedo/energy/non-proliferation/cbw/national-authority/page40746.html>

advises Ministers, and through CWC outreach seminars with universities which include discussion of dual-use research.³⁹⁶

184. National Authorities act as a point of contact with other states, and for the OPCW Technical Secretariat which co-ordinates meetings, and provides advice and assistance to support “effective, autonomous, national implementation”.³⁹⁷ However, such implementation may be of low priority in some countries where other, more pressing considerations dominate, such as “poverty, disease, famine, drought, instability and civil war, or a more straightforward lack of resources or of parliamentary attention”.³⁹⁸ Despite the requirements implicit in being a CWC signatory, by February 2009 only 178 of the 186 signatories had established a National Authority. Daniel Feakes stressed that as well as ensuring National Authorities are established it is “important to ensure that these National Authorities are provided with ongoing funding and resources and are not simply identified to fulfil a one-off request from the OPCW.”³⁹⁹ Even fewer States Parties (126) had informed the Organisation of the legislative and administrative measures they had taken to implement the Convention, and only 83 States Parties had legislation covering all key areas.⁴⁰⁰ Even this may overestimate the number of States Parties whose implementation of the treaty is complete. Daniel Feakes noted that:

the criteria by which the OPCW assess ‘all key areas’ are unclear and do not appear to include implementation of the comprehensive scope of the CWC which is enshrined in the ‘general purpose criterion’ [for which, see paragraph 176 above]. The UK should encourage the OPCW to turn its attention to supporting comprehensive national CWC implementation, including implementation of the ‘general purpose criterion’.

Mr Feakes further suggested that States Parties should also introduce systems for monitoring compliance and for enforcement. He added that the OPCW had now adopted a policy of naming and shaming those countries which shirked their obligations.⁴⁰¹

185. Bill Rammell told us that the Government “across the board, advise[s] and help[s] states with the legislative requirements necessary for them to comply with the Convention”.⁴⁰² He stated that “bilateral assistance has included the provision of National Authority training courses, contributions to the OPCW’s ‘Associate Programme’ [and] support for Protection Assistance courses (against the use of chemical weapons).”⁴⁰³ Daniel Feakes described BERR’s National Authority Advisory Committee as “unique”, adding that “the UK deserves praise for this innovation and the Government should encourage other CWC States Parties to establish similar committees.”⁴⁰⁴

³⁹⁶ Ev 186

³⁹⁷ <http://www.opcw.org/about-opcw/member-states/national-authorities/>

³⁹⁸ Ev 288

³⁹⁹ Ev 288

⁴⁰⁰ <http://www.opcw.org/about-opcw/member-states/national-authorities/>

⁴⁰¹ Q 78

⁴⁰² Q 292

⁴⁰³ Ev 185

⁴⁰⁴ Ev 237

186. We conclude that the relatively small number of States Parties which have comprehensively implemented the Chemical Weapons Convention is a matter of concern. We recommend that the Government should continue to put pressure on those states which have not implemented the Convention in full to do so. We further recommend that the Government should take positive steps to promote the Department for Business, Enterprise and Regulatory Reform's National Authority Advisory Committee as an example of good practice that might usefully be adopted by other countries, and that it should maintain its current programmes of bilateral assistance.

Destruction of existing chemical weapons

187. The CWC prohibits the development, production, acquisition, transfer and retention of chemical weapons, as well as their use. Within 30 days of the CWC coming into force each State Party is obliged to make a detailed declaration of the chemical weapons and production facilities that it possesses, or has possessed since 1946. It must draw up plans for the destruction of stocks and for facilities to be destroyed or converted for use for peaceful purposes. The deadline for the destruction of existing stockpiles is 29 April 2012.⁴⁰⁵ Bill Rammell told us that "real progress" was being made towards meeting this deadline.⁴⁰⁶ Albania, India, Libya, Russia, South Korea and the US have declared that they possess chemical weapons.⁴⁰⁷ The FCO commented that in practice:

One-third of the 8.6 million chemical munitions and containers covered by the Convention and one-third of the world's declared stockpile of approximately 71,000 metric tonnes of chemical agent have been verifiably destroyed. Since the CWC entered into force, two states have completed destruction of their entire CW [chemical weapons] stockpile; a further four states are following agreed destruction plans.⁴⁰⁸

Daniel Feakes identified Albania and South Korea as the states which had completed destruction of their stockpiles, stated that "India is due to destroy its stockpile by the end of next year, I think, and Libya by the end of 2010"⁴⁰⁹ and predicted that Russia and the US would miss their 2012 deadline for chemical weapons destruction.⁴¹⁰

The US has already said publicly that it cannot do so and that it will be perhaps 2017, or even 2023. The Russians are still saying that they can do it, but people who know doubt that they can do it by then as well.⁴¹¹

Nicholas Sims told us that in the first six years in which the Convention was in operation, Russia had only destroyed 1% of its arsenal.⁴¹² Mr Feakes argued that this was largely a

⁴⁰⁵ Chemical Weapons Convention, Article I; Ev 185

⁴⁰⁶ Q 218

⁴⁰⁷ Q 69

⁴⁰⁸ Ev 185

⁴⁰⁹ Q 69

⁴¹⁰ Ev 238

⁴¹¹ Q 69

⁴¹² Q 84

result of insufficient financing of destruction programmes in the past and that in both countries there were technical and environmental obstacles:

these weapons were never designed to be destroyed, other than through use. [...] You have incineration technologies or neutralisation technologies and various others [...] Some technologies are more expensive than others. Others can be done faster, but less effectively. Various things have to be weighed up there. In the US, you also have the issue of very strong environmental regulations. If you are incinerating, there are strong environment regulations on emissions. I think that the same applies to Russia. You are not allowed to transport these weapons.⁴¹³

He believed a lack of progress could have serious consequences for the OPCW:

If the OPCW is seen not to do anything about it or to just let the issue go, that would affect its credibility. But it also plays with the internal politics of the OPCW itself [...] Lots of states were saying that they cannot progress on this issue until those two states have progressed on destruction. Everything is being linked together, so it could slow down the whole agenda in The Hague.⁴¹⁴

188. The FCO described assistance provided by the UK Government for destruction of chemical weapons,

for example, by providing assistance to Russia's destruction programme through the Global Partnership. We have also provided technical advice to Libya and have participated in workshops organized by the OPCW to assist Iraq's preparations for CWC accession.⁴¹⁵

Bill Rammell told us that "with Russia we have committed about £23 million to help develop the necessary facilities for destroying chemical weapons stockpiles".⁴¹⁶ Daniel Feakes described in more detail how this assistance is:

focused on the Shchuch'ye CW destruction facility in the Urals which holds 1.9 million artillery and rocket munitions, containing some 5,500 tonnes of the nerve agents sarin, soman and VR. The Ministry of Defence has placed contracts worth over £44 million at Shchuch'ye on behalf of the UK and other international donors. The UK has also announced assistance to the construction of another destruction facility, at Kizner in the Udmurt Republic. This is a significant contribution to the Russian CW destruction programme and, while more funding would be welcome, it must be remembered that CW possessor states bear ultimate responsibility for destruction. To my knowledge the UK is not contributing to destruction activities in any other remaining declared CW possessor states (India, Libya and the US).⁴¹⁷

⁴¹³ Q 82

⁴¹⁴ Q 84

⁴¹⁵ Ev 185; for the Global Partnership, see paras 266–269.

⁴¹⁶ Q 292

⁴¹⁷ Ev 288

Whilst the FCO in its written evidence identified as a future challenge “addressing the potential failure by one or more State Party to fully comply with the 2012 deadline”,⁴¹⁸ Bill Rammell was positive about the progress made so far, telling us that the Government’s “intention remains that every state should get there by 2012. In respect of the United States and Russia, there is commitment and there has been considerable progress. Russia has reduced by about 25%.”⁴¹⁹ However, Nicholas Sims emphasised that greater focus was required, and that it was reasonable for other states “to expect the United States and the Russian Federation, which is far behind the United States on the percentage it has destroyed, to get a move on and devote far greater resources to [the destruction of stockpiles].”⁴²⁰

189. Another future challenge for the CWC is identified by the FCO as “securing consensus on the future priorities of the OPCW once all declared stockpiles have been destroyed”.⁴²¹ Daniel Feakes believed that:

the primary function of the CWC will shift from verifying destruction to ensuring that re-armament does not occur. This will entail a radical change in the nature of OPCW verification activities and will require States Parties to elaborate upon currently underdeveloped CWC provisions regarding transfers, assistance, encouragement and inducement and military preparations. [...] It was therefore disappointing that the transition was not discussed in more depth at the Second CWC Review Conference and it is worrying that many non-aligned States Parties appear to be reluctant to focus more heavily on science and technology and non-diversion.⁴²²

190. We conclude that the likely failure to meet the global 2012 deadline for destruction of chemical weapons stockpiles could erode the credibility of the Organisation for the Prohibition of Chemical Weapons and undermine progress towards elimination of chemical weapons. We further conclude that the Government is to be commended for the measures it has taken to assist other states, such as Russia and Libya, with their destruction of chemical weapons. We recommend that the Government should step up its assistance activities in this area, and that it should encourage the US and Russia in particular to devote greater resources to the task of destroying their chemical weapons stockpiles. We further recommend that the Government should set out in its response to this Report what its position will be at the next Chemical Weapons Convention (CWC) Conference in relation to the failure of any state to destroy its stocks of chemical weapons and in relation to the future priorities for the CWC once stockpiles have been eradicated.

⁴¹⁸ Ev 185

⁴¹⁹ Q 293

⁴²⁰ Q 84

⁴²¹ Ev 185

⁴²² Ev 238

Compliance with the CWC

191. In order to verify compliance with the CWC, facilities that produce certain chemicals are subject to control by the National Authority and inspection by the OPCW.⁴²³ The Convention provides for a “challenge inspection” if there are doubts over compliance. Although this may be requested by any State Party of any other State Party,⁴²⁴ Nicholas Sims told us that this provision has not been used.⁴²⁵ Daniel Feakes described the extent of the verification activities under the Chemical Weapons Convention:

There have been almost 3,500 inspections over the past 10 years at almost 200 chemical weapons facilities and more than 1,000 industrial facilities. There is a very intrusive and robust verification regime under the CWC. The Organisation for the Prohibition of Chemical Weapons, over in The Hague, has about 200 inspectors who go out every day to military and civilian facilities around the world. The regime is there and it is robust.⁴²⁶

The FCO informed us that the UK actively supports the OPCW’s verification activities, including the challenge inspection mechanism.⁴²⁷ Compliance is the responsibility of an Executive Council, responsible to the Conference. Daniel Feakes explained that:

if a State Party has failed to fulfil the Council’s request to redress the situation within the specified time, the Conference can restrict or suspend the State Party’s rights and privileges until it undertakes the necessary action to conform with its obligations. In cases which could cause serious damage to the CWC, the Conference can recommend ‘collective measures’ (e.g. sanctions) to States Parties in conformity with international law. None of these provisions have yet been utilised so it is impossible to comment on their effectiveness. What is apparent from other incidents though is that enforcement is frequently linked to wider political considerations and that finding a united front among key states can often prove extremely difficult.

Ultimately issues can be referred to the UN General Assembly and Security Council.⁴²⁸

192. Two issues arise in respect of the status of the US under the inspection regime. Firstly, a condition of CWC ratification by the US was that samples taken during inspections could not be analysed outside the country. Secondly, the implementing legislation allows the US President to make a “national security exception” and deny a request to inspect any US facility. Daniel Feakes told us that whilst this provision “has to date and to my knowledge, [...] not caused any practical problems”, it has “set a precedent” which has been “copied by other CWC States Parties”, potentially weakening the treaty.⁴²⁹ In response to one of our

⁴²³ Chemical Weapons Convention, Article VI

⁴²⁴ Chemical Weapons Convention, Article IX

⁴²⁵ Ev 280

⁴²⁶ Q 64

⁴²⁷ Ev 185

⁴²⁸ Ev 287

⁴²⁹ Ev 288

previous reports on weapons of mass destruction, published in 2000, the Government undertook to urge the US to rescind the Presidential veto over challenge inspections.⁴³⁰

193. The Harvard-Sussex Program on Chemical and Biological Weapons has proposed that, in addition to the provisions of the CWC and BTWC which are directed at States, the enforcement of both conventions could be strengthened by the introduction of a new treaty which criminalised CBW activities at the individual level. This proposal was supported by our witnesses, Nicholas Sims and Daniel Feakes.⁴³¹ Mr Feakes noted that the proposal had previously received the support of the Government, expressed during our predecessor Committee's inquiry into the 2002 Biological Weapons Green Paper.⁴³²

194. We conclude that the enforcement mechanisms of the Chemical Weapons Convention are yet to be fully tested. We recommend that the Government should continue to make representations to the new US Administration to rescind the Presidential veto over challenge inspections. We further recommend that the Government should commit to press for a new convention criminalising chemical and biological weapons at the individual level.

The Biological and Toxin Weapons Convention (BTWC)

195. The Biological and Toxin Weapons Convention (BTWC) was signed in 1972 and entered into force in 1975. Its full title is the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.⁴³³ It bans the "development, production, stockpiling, acquisition, retention or transfer of biological and toxin weapons".⁴³⁴ In addition, States Parties agree not to assist or encourage other States Parties or international organisations to acquire biological weapons and to take necessary national measures to implement the convention.⁴³⁵ The UK was one of the three depositaries of the Convention, along with the US and Soviet Governments.⁴³⁶ Each State Party to the BTWC:

undertakes to destroy, or to divert to peaceful purposes, as soon as possible but not later than nine months after entry into force of the Convention, all agents, toxins, weapons, equipment and means of delivery [...] which are in its possession or under its jurisdiction or control.⁴³⁷

In the UK these principles are enshrined in the Biological Weapons Act 1974.

⁴³⁰ Response of the Secretary of State for Foreign and Commonwealth Affairs to the Eighth Report from the Foreign Affairs Committee, Session 1999–2000, *Weapons of Mass Destruction*, Cm 4884, para 15

⁴³¹ Ev 253, 289

⁴³² Foreign Affairs Committee, First Report of Session 2002–03, *The Biological Weapons Green Paper*, HC 150; Ev 35

⁴³³ Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, April 1972; the Convention is also sometimes known simply as the Biological Weapons Convention (BWC).

⁴³⁴ Ev 185

⁴³⁵ Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, April 1972, Articles III-IV

⁴³⁶ Ev 186

⁴³⁷ Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, April 1972, Article II

Implementation Support Unit

196. The Sixth BTWC Review Conference in December 2006 established an Implementation Support Unit (ISU) with three full-time staff based in Geneva, whose role is to provide administrative support to the BWC and to work on confidence-building measures.⁴³⁸ In 2008 the UK contributed £33,412 to the ISU towards its total budget of £280,013.⁴³⁹

Universality

197. Since the Sixth Review Conference in December 2006, seven accessions have been made to the BTWC (most recently the United Arab Emirates, in June 2008), giving a current total of 163 States Parties. Israel, Egypt, Syria and Burma are amongst what the Government termed “notable non-ratifiers”.⁴⁴⁰ Masood Khan, chairman of the 2007 inter-sessional meeting of the BTWC, stated that Egypt, Israel and Syria had declared outright unwillingness to join in the near future as a result of “regional security circumstances”.⁴⁴¹ Significantly fewer States Parties have signed the BTWC than the CWC, despite the fact that it has existed for considerably longer.⁴⁴² States Parties agreed at the Sixth BTWC Review Conference that “a concerted effort by States Parties is needed to persuade states not party to join the Convention”⁴⁴³ and the FCO told us that the UK “continues to play an active role in promoting the universality of the BTWC”.⁴⁴⁴ Nicholas Sims said that “since 2006 clear responsibility has been placed on the Chairmen of the Meetings of States Parties for carrying forward the commitment to promote universality.”⁴⁴⁵ However, the BTWC has no secretariat equivalent to the OPCW which could work to achieve this end.⁴⁴⁶ Daniel Feakes suggested that instead this could be accomplished by:

strengthening the role of the chairs and by mandating the three-person Implementation Support Unit (ISU) set up by the States Parties to conduct outreach events such as seminars and bilateral visits to non-States Parties. Additional effort should be made to engage parliamentarians in non-States Parties. Such events could be coordinated with related organizations such as the OPCW and CTBTO. Existing outreach work by civil society should also be built upon, such as the successful work of the Bio-Weapons Prevention Project (BWPP) in Africa. Local civil society groups are able to sustain an ongoing dialogue with government officials and

⁴³⁸ Ev 296; Sixth Review Conference of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, 2006, p 19

⁴³⁹ Ev 296

⁴⁴⁰ Ev 186; [http://www.unog.ch/80256EE600585943/\(httpPages\)/7BE6CBBEA0477B52C12571860035FD5C?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/7BE6CBBEA0477B52C12571860035FD5C?OpenDocument)

⁴⁴¹ Hart and Clevestig, “Reducing security threats from chemical and biological materials”, *SIPRI Yearbook 2008*, p 434

⁴⁴² Ev 186

⁴⁴³ Sixth Review Conference of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, 2006, p 22

⁴⁴⁴ Ev 186

⁴⁴⁵ Ev 253

⁴⁴⁶ Ev 289

parliamentarians which foreign governments or international organizations cannot.⁴⁴⁷

198. A number of the states outside the BTWC are members of the Commonwealth, including some which have never signed the treaty (Cameroon, Kiribati, Mozambique, Namibia, Nauru, Samoa and Tuvalu) and some which have signed but are yet to ratify (Tanzania, Guyana and Malawi). Nicholas Sims argued that the UK could play a useful role in persuading these states to become party to the Convention.⁴⁴⁸

199. We recommend that the Government should set out in its response to this Report what efforts it is making to persuade other states to join the Biological and Toxin Weapons Convention and outline what it believes to be the obstacles to universality. We further recommend that the Government should seek to persuade those members of the Commonwealth who are yet to sign or ratify the Convention to do so.

Implementation of the BTWC: the absence of verification

200. The Government told us that effective national implementation of the BTWC is one of the “key UK priorities”:

Current FCO-funded activity is focused on legislative analysis and assistance to states which do not have comprehensive national implementing measures in place (a multi-year project worth £623,000 delivered through the Verification Research and Information Centre—VERTIC) and support to the Bio-Weapons Prevention Project to develop a strategy to promote universal adherence to the BTWC. Through the EU we are supporting a Joint Action in support of WHO activities on laboratory biosafety and biosecurity, and Joint Action assistance in the areas of Confidence Building Measures, and support to the Inter-sessional work programme, as well as ongoing activity in support of universality and national implementation.⁴⁴⁹

The BTWC differs from the CWC in two important respects. Firstly, the BTWC requires no declarations to be made and there is no verification procedure in place.⁴⁵⁰ Secondly, there is no equivalent of the Organisation for the Prohibition of Chemical Weapons in relation to the BTWC.

The failed verification protocol

201. Between 1995 and 2001 negotiations took place to design a verification protocol for the BTWC, but these ended without agreement. The FCO told us that the failure of these negotiations related to the nature of biological weapons:

The dual-use nature of virtually all the know-how, materials and equipment used in biological weapons means that identifying and agreeing workable and acceptable

⁴⁴⁷ Ev 289

⁴⁴⁸ Ev 281

⁴⁴⁹ Ev 186

⁴⁵⁰ Ev 185

verification and compliance measures for biological arms control is fraught with formidable intellectual, scientific and political problems.⁴⁵¹

EU Member States agreed on a common position but could not prevent a breakdown in talks. A number of states would not commit their support to the draft protocol—these included China, Cuba, Iran, India, Libya and Pakistan.⁴⁵² Critically, the US opposed the draft protocol, with John Bolton, the then US Under Secretary of State, commenting that:

first, it was based on a traditional arms control approach that will not work on biological weapons; second, it would have compromised national security and confidential business information; and third, it would have been used by proliferators to undermine other effective international export control regimes.⁴⁵³

Dr Jones concurred that there might be difficulty with verification in the case of biological weapons “by virtue of their greater potency, low cost, ease of production, small size, ease of transport and difficulty of detection”, adding that “for many concepts of use, which tend to the covert and pre-emptive, the accumulation of a stockpile of weapons for a rapid response is not a pre-requisite of an offensive BW [biological weapons] capability.”⁴⁵⁴

202. We previously expressed support for a verification protocol in our Fifth Report of Session 2002–03 on the Government’s Biological Weapons Green Paper, questioning whether the inclusion of the US in such a protocol was essential for its success.⁴⁵⁵ The Government’s response noted that whilst it had been in favour of a protocol “there was a widespread view amongst delegations at the 24th AHG [Ad Hoc Group] session that, without US participation, it was not worth pursuing a Protocol”, and that “it is not politically feasible to resurrect the Protocol given the strong opposition in Washington, as well as the continuing reluctance of many others to move forward without the US.”⁴⁵⁶ Nicholas Sims told us that he “[understood] the assessment was made that a Protocol without the USA would also be a Protocol without Russia, China, India, Pakistan or Iran”.⁴⁵⁷

203. President Obama has not indicated yet whether he will support a resumption of negotiations. Nicholas Sims’ view was that it is unlikely that even the new Administration will support a verification protocol:

Where people are perhaps over-optimistic is in expecting that the change of Administration would lead the US to be more favourable to verification of the BWC. I frequently have to diminish those hopes—pour cold water on them—because the Clinton Administration was extremely dubious about verification of the BWC. It

⁴⁵¹ Ev 185

⁴⁵² FCO, *Strengthening the Biological and Toxin Weapons Convention: Countering the Threat from Biological Weapons*, Cm 5484, April 2002, para 40

⁴⁵³ John Bolton, “Remarks at Tokyo America Center”, 27 August 2002

⁴⁵⁴ Ev 104

⁴⁵⁵ Foreign Affairs Committee, Fifth Report of Session 2002–03, *The Biological Weapons Green Paper*, HC 671, paras 6–9

⁴⁵⁶ *Response of the Secretary of State for Foreign and Commonwealth Affairs to the Fifth Report of the Foreign Affairs Committee, Session 2002–03, The Biological Weapons Green Paper*, Cm 5857, paras 4 and 10

⁴⁵⁷ Ev 281

became almost a dogma that the BWC was not really verifiable [...] The new Administration is likely to provide a change of tone first of all.⁴⁵⁸

I do not think that the USA is likely to be persuaded that its industry or its national security is safe with an inspection regime. Therefore, I do not think that a verification regime for the BWC involving inspection is a politically realistic goal for the foreseeable future. I know the EU has to hold it as a distant goal that it cannot retreat from, but realistically, it makes much more sense to go for other compliance measures.⁴⁵⁹

Mr Feakes agreed that this was likely to be the case, but expressed hope that verification “might start to come back onto the agenda. At the end of the day, you need something with boots on the ground and people on site.”⁴⁶⁰

204. Bill Rammell was clear that the Government remain “long-standing supporters of a verification regime”⁴⁶¹ and other witnesses emphasised that whilst they supported a protocol in principle, it was not an achievable short-term objective.⁴⁶² In the meantime, as Nicholas Sims told us, an alternative would be to strengthen the BTWC using other mechanisms:

My view is that [a verification protocol] could be useful, and achievable, but only if designed to fit the BWC’s distinctive needs (i.e. not a straight copy of the CWC) and shaped in recognition of the BWC’s long history (i.e. not assuming *tabula rasa*). It would need to be constructed around the limitations that (unless much has changed by the 2020s) some of the BWC prohibitions are more evidently verifiable than others, and certainty is seldom, if ever, attainable. Moreover, it should be pursued only after the BWC has exhausted all the latent potential for strengthening its treaty regime from within which is contained within the Convention as it stands and can be tapped through mechanisms developed within its review process [...] Until then it should remain a long-term aspiration.⁴⁶³

205. We conclude that securing a verification protocol for the Biological and Toxin Weapons Convention should remain a key objective for the Government. We recommend that the Government should work to persuade the new US Administration that such a protocol for the Convention is essential. We further recommend that the Government should, in conjunction with other States Parties, explore ways in which the Convention can be strengthened by other means until such time as a verification protocol can be achieved.

⁴⁵⁸ Q 73

⁴⁵⁹ Q 86

⁴⁶⁰ Q 87

⁴⁶¹ Q 297

⁴⁶² Ev 282, 290

⁴⁶³ Ev 282

Non-compliance with the BTWC

206. It is clear that some States Parties have continued to develop biological weapons, despite having signed the BTWC.⁴⁶⁴ Disputes in relation to the BTWC are settled through “appropriate international procedures within the framework of the United Nations”, with any State Party being able to report alleged cases of non-compliance to the UN Security Council.⁴⁶⁵ Whilst there has been one Consultative Meeting of States Parties to review a case of non-compliance which related to the United States’ alleged use of biological weapons against crops in Cuba,⁴⁶⁶ no compliance concern has ever been raised at the UN Security Council.⁴⁶⁷

Strengthening the BTWC

207. The FCO told us that since the failure to agree a verification protocol it has been focussed on “identifying and implementing other measures to strengthen the BTWC”.⁴⁶⁸ It has expressed a commitment to strengthening the Convention, believing that “international cooperation in the framework of the BTWC is key to defeating the threat from biological weapons”.⁴⁶⁹ At the Sixth BTWC Review Conference in December 2006 an Inter-sessional Work Programme for 2007–2010 was agreed. The FCO told us that it “promotes discussion, common agreements and the sharing of best practice on these topics through the contribution of working papers and active participation in BTWC and other meetings.” The topics included in the programme are:

national implementation (2007), biosafety and biosecurity, awareness-raising, education, oversight of science, and codes of conduct (2008), capacity building in the fields of disease surveillance, detection, diagnosis and containment of infectious diseases (2009) and assistance in cases of alleged use of biological or toxin weapons (2010).⁴⁷⁰

However, when questioned on the UK’s specific proposals for strengthening the BTWC Bill Rammell was unable to provide much detail, confirming that “inspection has a key role to play”, emphasising that the Government has a “determination to find a way through” and stating that “moving forward to the next review in 2011 has to be a priority.”⁴⁷¹

208. Nicholas Sims proposed a programme of specific measures which the FCO should pursue at the Seventh BTWC Review Conference in 2011. The first of these is an Accountability Framework, proposed by Canada in 2006:

464 “Strengthening the BTWC”, *Journal of the European Molecular Biology Organisation*, special issue, 2003

465 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, April 1972, Articles V-VI

466 FCO, *Strengthening the Biological and Toxin Weapons Convention: Countering the Threat from Biological Weapons*, Cm 5484, April 2002, para 26

467 “Strengthening the BTWC”, *Journal of the European Molecular Biology Organisation*, special issue, 2003

468 Ev 185

469 Ev 185

470 Ev 185

471 Q 298

The idea at its simplest is that the States Parties should show that they are accountable one to another in respect of demonstrating compliance, much more positively than they have done hitherto. [...] There could be regular accountability sessions where questions of doubtful activities could be raised and where there would be reassurance, if there can be reassurance, but also a working out of real compliance ambiguities and calls for clarification.

Mr Sims also supported the “Action Plan for Comprehensive Implementation [...] proposed by the President of the Sixth Review Conference—but unfortunately too late in the day to succeed.” Such a plan could include “a request to States Parties to create or designate National Authorities for the BWC, as they are already required for the CWC”. He suggested better collective scrutiny of developments in technology through, for example, a Scientific Advisory Panel meeting regularly, and advocated that in the absence of an equivalent to the OPCW the mandate and staff of the Implementation Support Unit should be expanded, allowing it to support a Scientific Advisory Panel, an Action Plan for Comprehensive Implementation, processing of Confidence Building Measure returns, the promotion of universality and the development of an Accountability Framework. The Government told us that in the absence of a verification protocol and subsequent creation of an OPCW equivalent “or any expansion of its mandate, the ISU is likely to remain sufficient to manage the day to day administration of the BTWC.”⁴⁷²

209. Mr Sims suggested that formal ‘BWC Annual Meetings’ should replace gatherings held in support of the inter-sessional work programmes and that there should be fewer constraints on the agenda and more recurring items. He also supported work to refine and improve the Confidence-Building Measures (as did Daniel Feakes)⁴⁷³ and to complete the ‘consolidation agenda’ of politically-binding commitments agreed by consensus at earlier Review Conferences and recorded in their Final Declarations but still not fulfilled—for example, withdrawal of the right of retaliation held under the Geneva Protocol. As we noted above (see paragraph 193), both Daniel Feakes and Nicholas Sims supported the Harvard-Sussex Program on Chemical and Biological Weapon’s proposal to enable criminal prosecutions of individuals involved in illegal preparation or use of biological weapons.⁴⁷⁴

210. Progress on strengthening the BTWC is likely to depend, in part, on the attitude taken by the US. Nicholas Sims argued that in the past the US had “a very good national record”⁴⁷⁵ in the area of biological weapons, having given them up before the BTWC came into force.⁴⁷⁶ However, he commented that the US “certainly are not engaged”, adding that:

In the BWC, they have been remarkably discouraging to multilateral endeavours ever since 2001, and therefore the predominant mode in BWC diplomacy in Geneva has been, ‘How much will the Americans allow us to do? How fast can we move towards recovery from the debacle of the ending of the protocol negotiations in July

⁴⁷² Ev 302

⁴⁷³ Ev 289

⁴⁷⁴ Ev 253, 289

⁴⁷⁵ Q 71

⁴⁷⁶ Q 72

2001? How far and how fast can we move towards something that is almost a secretariat? The Americans will not let us call it a secretariat, so we have to call it an Implementation Support Unit. It is a tremendous achievement to be allowed to employ three people full-time for four years. That is the sort of grudgingness that I hope the new US Administration will get right away from.

I would like them to be encouraged to be far more positive on reinforcing the BWC from within, allowing the treaty regime to develop in the sorts of ways that plenty of European Union and other NATO members, such as Canada and Norway, have put forward. Those members have, however, found themselves held back by the constraints that the US has placed since 2001 on any development of multilateralism within the BWC—very severe agenda constraints, very severe constraints on linking progress in one year's meeting of States Parties to the next, very severe constraints on any negotiation or addition of commitments at all and, unfortunately, no secretariat.

211. We conclude that strengthening the Biological and Toxin Weapons Convention should be a priority for the Government in the absence of a verification protocol. We recommend that in its response to this Report the Government should comment on the specific suggestions aimed at achieving this end, set out in previous paragraphs, and outline what measures it intends to pursue further at the Seventh Review Conference in 2011. The suggested measures include an Accountability Framework, Action Plan for Comprehensive Implementation, better collective scrutiny of developments in technology, an expansion of the role and staff of the Implementation Support Unit, formal annual meetings, work to refine and improve the Confidence-Building Measures, a consolidation agenda of politically-binding commitments agreed at earlier Review Conferences and criminalisation of biological weapons activities at the individual level.

The BTWC and CWC and new technologies

212. Technological advances are likely to pose significant challenges to the CWC and BTWC. The British Medical Association drew our attention to “the risks associated with the rapid advances in biotechnology”. It emphasised the need to engage with scientists and the medical profession about the “control of biological experimentation, and the dissemination of the results of such research”, particularly “how they make decisions on whether to publish the results of potentially ‘dangerous’ research.”⁴⁷⁷ The development of whole new fields such as synthetic biology, and the likely future convergence of chemistry and biology, mean that “the BWC and CWC will have to demonstrate adaptability and devote time to investigating the areas of overlap between them”.⁴⁷⁸

213. As we noted in paragraph 176, general purpose criteria were included in the CWC and BTWC “in conscious recognition of the need to prohibit in advance the sources of future threats”,⁴⁷⁹ and as Mr Feakes put it these apply to “intentions rather than to

⁴⁷⁷ Ev 260

⁴⁷⁸ Ev 238

⁴⁷⁹ Ev 283

particular chemical or biological agents.”⁴⁸⁰ The intention has been that such criteria should be incorporated into national implementing legislation,⁴⁸¹ but Mr Feakes explained that “loopholes can emerge during the implementation of the treaties and through disagreements between States Parties.”⁴⁸² Nicholas Sims told us that:

overlap of coverage between the two Conventions, for example in the case of toxins, should not be cause for concern. It does not matter if something is banned twice over. It does matter if something noxious falls between the two and is not banned at all. At present [...] I have no doubt over the comprehensiveness of legal coverage. But if others do have doubts, and can identify the S&T [science and technology] areas in which doubts arise, then there could be value in bringing together expert groups of BWC and CWC scientists to examine the problem and make agreed recommendations. Comprehensiveness of prohibitions—with nothing noxious falling between the two Conventions—could then be reaffirmed by the respective Review Conferences.⁴⁸³

It is important that suitable mechanisms are in place to monitor developments in science and technology. Daniel Feakes explained that the CWC already has a Scientific Advisory Board but that its recommendations “are not always heeded by the States Parties”. Both he and Nicholas Sims proposed a similar body for the BTWC.⁴⁸⁴

Non-lethal biological and chemical weapons

214. One of the significant recent developments in science is in the area of incapacitating biochemical weapons.⁴⁸⁵ A recent publication by the British Medical Association, entitled “The use of drugs as weapons”, “highlights how the development and use of medicines as a means of incapacitating people in law enforcement and combat situations, risks undermining chemical and biological weapons conventions.”⁴⁸⁶ These weapons were also the focus of a submission from the Bradford Non-lethal Weapons Research Project, at the Department of Peace Studies, Bradford University, which pointed out that, despite their name, so-called non-lethal weapons carry significant risk of death and are being developed by a number of states. In October 2002 Russian forces used an unidentified gas in a building where Chechen separatists were holding over 800 hostages, resulting in the death of 129 hostages, largely as a result of the gas. The CWC permits use of toxic chemicals for “law enforcement” without defining the term and there is no obligation to declare substances used for this purpose.⁴⁸⁷ Daniel Feakes stated that one danger of non-lethal weapons would be that “the norm against using poison and disease in warfare might start to unravel.”⁴⁸⁸ However, Nicholas Sims noted that “neither the CWC nor the BWC is

⁴⁸⁰ Ev 291

⁴⁸¹ Ev 238

⁴⁸² Ev 291

⁴⁸³ Ev 283

⁴⁸⁴ Ev 283, 291

⁴⁸⁵ Ev 291

⁴⁸⁶ Ev 260

⁴⁸⁷ Ev 226

⁴⁸⁸ Ev 238

limited to lethal weapons in terms of prohibitions”,⁴⁸⁹ suggesting that they would be covered.

215. We also examined the status of herbicides and defoliants under the CWC. Nicholas Sims told us that following the Vietnam War, “the sensitivity for the United States of the issue of defoliants and herbicides resulted in special handling of this issue”.⁴⁹⁰ Therefore, whilst these chemicals are in no way a new technology, the final Convention did not explicitly refer to such agents. Instead, a compromise was reached in which preambular paragraph seven contained the text “recognizing the prohibition, embodied in the pertinent agreements and relevant principles of international law, of the use of herbicides as a method of warfare”. As Mr Sims pointed out, “by its very nature a preambular reference does not constitute a treaty obligation but reflects the intentions of the negotiators and the context of existing law and institutions which they regarded as particularly relevant to the new treaty.”⁴⁹¹

216. Mr Sims cited a legal commentary on the CWC by Dr Walter Krutzsch and Dr Ralph Trapp which highlights the fact that the Convention specifically defines toxic chemicals in terms of their effects on humans or animals, excluding plants. The implication of this is that herbicides would be covered only if they also caused harm to humans and animals. Whilst use of agents directed against plants is covered by the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD) of 18 May 1977, the ban extends only to the use of such weapons, and then “only if the use is for military or any other hostile purpose and has effects which are widespread, long-lasting or severe as the means of destruction, damage or injury to another State Party.” The CWC, in contrast, prohibits a wider range of activities including development, production and stockpiling.⁴⁹² Mr Sims told us that “it would indeed be desirable to revisit the issue of defoliants and herbicides, but within the wider category of toxic chemicals” which could also include consideration of the status of other ‘non-lethal’ chemical agents that have been discussed. For this item to appear on the agenda of the CWC Third Review Conference in 2013 accompanied by useful proposals, the Government would need to press for this for several years in advance.

217. We conclude that whilst general purpose criteria provide the means by which the Biological and Toxin Weapons Convention and Chemical Weapons Convention can keep pace with advances in technology, this is still an area which requires close attention. We recommend that the Government should set out its proposals for ensuring that the Conventions are able to keep pace adequately with future technologies, particularly in areas of overlap.

218. We recommend that in its response to this Report the Government should set out its view on non-lethal agents such as herbicides, defoliants and incapacitating biochemical weapons and the status of such agents under the Biological and Toxin Weapons Convention and Chemical Weapons Convention. We conclude that there is a

⁴⁸⁹ Ev 283

⁴⁹⁰ Ev 245

⁴⁹¹ Ev 245

⁴⁹² Ev 245

case for certain biological and chemical agents which are non-lethal or which target plants, including crops and vegetation, to be prohibited from use as weapons for the purposes of these Conventions. We further recommend that the Government should press for negotiations on an unambiguous prohibition of their use as weapons to commence at the next Review Conferences.

5 Ballistic missiles and missile defence

219. A ballistic missile is a missile which is not powered beyond an initial launch phase. Once its initial fuel supply has been burnt up, it travels only by force of the launch plus gravity. Its trajectory is governed by its speed and flight angle at the end of the launch phase, plus gravity, and cannot be altered after the launch phase. Ballistic missiles may have single or multiple warheads, which in longer-range missiles typically separate from a booster section before detonation. They are classified according to their maximum ranges, which vary from under 1,000 kilometres to over 5,500 kilometres for intercontinental ballistic missiles (ICBMs). They may be sea-launched or launched from land (usually from underground silos). In terms of military strategy, ballistic missiles offer a means of delivering a weapon to a distant target which is less vulnerable to conventional air defences than an attack using manned aircraft. Ballistic missiles which may be familiar include, for example, the SCUD used by Iraq against Israel during the first Gulf War, the Taepodong tested by North Korea in 1998 and 2006, and the UK's Trident missile.

220. Ballistic missiles may be used to deliver nuclear, chemical or biological warheads, as well as conventional ones. As such, their possession is a key potential means by which a nuclear, chemical or biological weapon might be made deliverable to a target, by a state or, possibly, a non-state group.⁴⁹³ Without such missiles, WMD could currently only be delivered to the most distant targets by being transported by sea and/or land (or, in the case of state actors, by bomber aircraft). The proliferation of ballistic missiles to new countries is thus a key means by which the UK could become exposed to new WMD and conventional threats. In its National Security Strategy, the Government identified the "proliferation of the technology behind ballistic missiles" as something which "increases the chance of either new states or non-state actors being able to threaten the United Kingdom directly in the future".⁴⁹⁴

221. According to the US Missile Defense Agency, over 20 countries now have ballistic missile systems. Bill Rammell told us that in 2007 there were 100 non-US ballistic missile launches, 30% more than in 2006.⁴⁹⁵ Countries with ballistic missiles include Belarus, China, Egypt, India, Iran, Israel, Kazakhstan, Libya, Pakistan, North and South Korea, Russia, Saudi Arabia, Syria, Turkmenistan, United Arab Emirates, Ukraine, Vietnam and Yemen, as well as France, the UK and the US (see map).⁴⁹⁶ Evidently, several of the countries with ballistic missiles are also ones about which the British Government has nuclear weapons proliferation concerns. Bill Rammell told us that there is "genuine concern about the spread of capacity in terms of ballistic missiles".⁴⁹⁷

⁴⁹³ See paras 262–263 below.

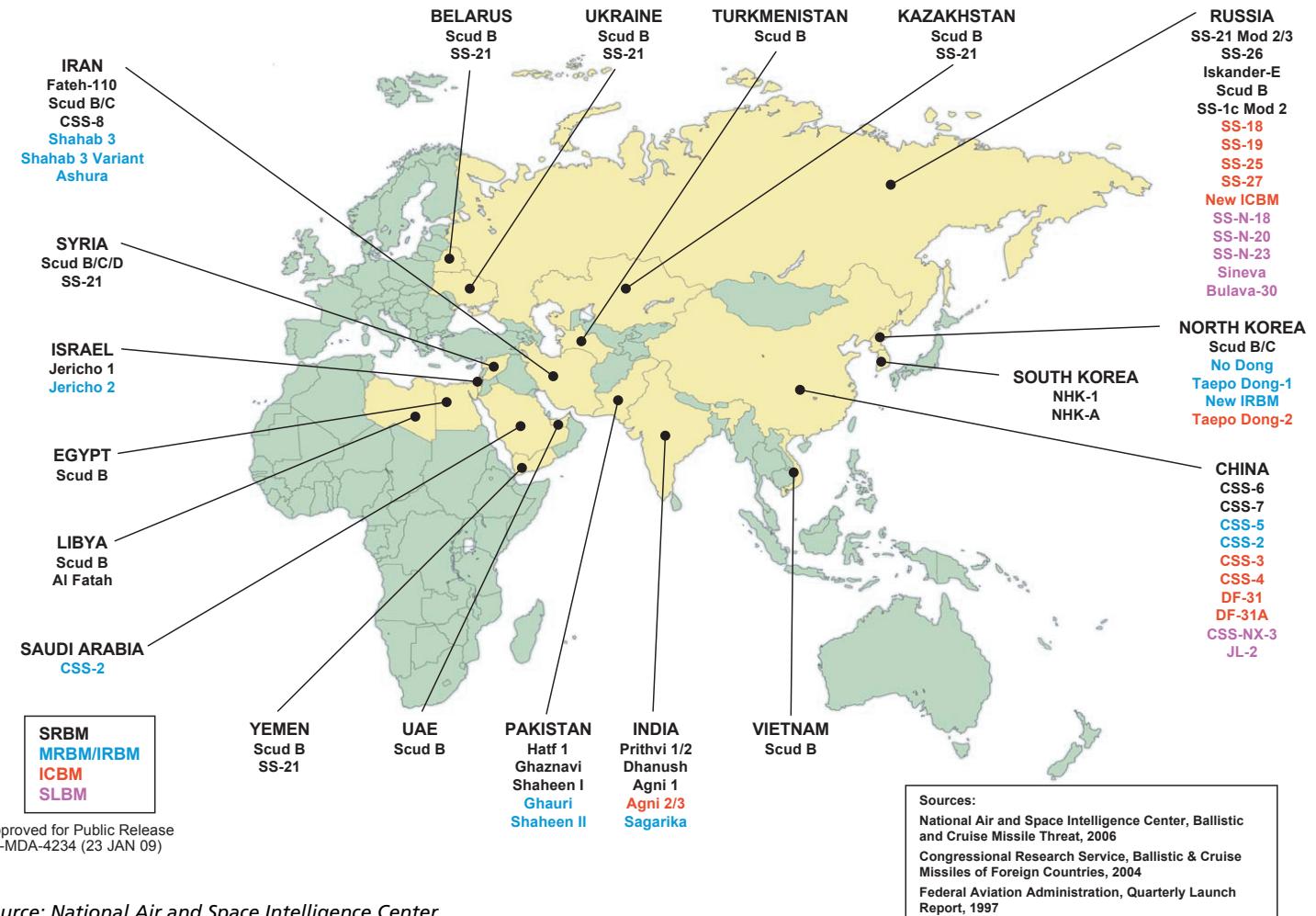
⁴⁹⁴ Cabinet Office, *The National Security Strategy of the United Kingdom*, Cm 7291, March 2008, p 12

⁴⁹⁵ Q 284

⁴⁹⁶ US Missile Defense Agency, "Foreign Ballistic Missile Capabilities", November 2008

⁴⁹⁷ Q 284

Ballistic Missile Proliferation



222. Neither North Korea nor Iran currently possesses ballistic missiles capable of delivering payloads to the UK. The FCO told our “Global Security: Japan and Korea” inquiry in 2008 that Pyongyang had “demonstrated expertise in technologies that could, if developed successfully, give its missiles the capability to reach the UK”.⁴⁹⁸ North Korea has missiles capable of reaching Japan and the US Pacific island of Guam, and possibly the US mainland; its 2006 launch of a missile capable of reaching the US was unsuccessful. Iran’s current ballistic missiles are believed to have a range of up to 2,000 kilometres, placing most of the Middle East and Gulf region, Turkey, parts of Eastern Europe, southern Russia and Central Asia, Afghanistan, Pakistan and part of north-west India within range.⁴⁹⁹ The FCO told us that “both Iran and North Korea [...] may have the capability to strike Europe within the next 20 years”.⁵⁰⁰

223. On 5 April 2009 North Korea launched a long-range rocket which it said was intended to put a communications satellite into orbit. The rocket passed over Japan, with two stages falling into the sea, respectively to the west and east of the country. Whether a satellite was placed into orbit remains disputed. The US, UK, EU, NATO, Japan and South Korea regarded the launch as related to North Korea’s ballistic missile programme and therefore a violation of UN Security Council Resolution 1718, which was passed in the aftermath of Pyongyang’s 2006 nuclear test and which demanded that North Korea suspend all such activities. In correspondence in follow-up to our Japan and Korea inquiry, the FCO told us that it judged that the April 2009 launch had involved a Taepodong-2 rocket and that, despite its failure, the launch would have “provided the North Korean regime with a lot of useful information to further develop its ballistic missile programme”.⁵⁰¹ The UN Security Council was unable to agree a resolution condemning the launch, owing to resistance from China and Russia, but on 13 April it agreed a Presidential Statement which declared the launch to have contravened UNSCR 1718. The Statement also activated a sanctions regime against North Korea which had been held in abeyance since 2006 so as to facilitate the Six-Party Talks on denuclearisation. In response, North Korea said that it would withdraw permanently from the Six-Party Talks and restore the nuclear reactor at Yongbyon, its source of weapons-grade plutonium.

224. Many states have acquired their ballistic missiles through imports, either of the missiles themselves or of relevant components and equipment. Many components and materials used in the manufacture of ballistic missiles are dual-use items, with legitimate industrial applications, making the control of their transfer especially difficult. A particular feature of the ballistic missile scene is the way in which countries currently or previously of concern to the West which have developed ballistic missile arsenals provide assistance to each other’s ballistic missile programmes, creating a network of bilateral flows: thus North Korea—which a recent US study called “the Third World’s greatest supplier of missiles,

498 Foreign Affairs Committee, Tenth Report of Session 2007–08, *Global Security: Japan and Korea*, HC 449, Ev 70

499 See the map after para 18 of Foreign Affairs Committee, Fifth Report of Session 2007–08, *Global Security: Iran*, HC 142.

500 Ev 186

501 Letter to the Committee Specialist from the Parliamentary Relations Team, FCO, 20 April 2009, GS(JK) 33, published online at <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmfaff/memo/japan/ucjk3302.htm>

missile components, and related technologies”⁵⁰²—may both have received relevant technologies or equipment from, and transferred them to, Iran, Pakistan and Syria.⁵⁰³

Action against ballistic missile proliferation

225. As we outlined in Chapter 2, two main international mechanisms have been established aimed at limiting the proliferation of ballistic missile technologies—the Hague Code of Conduct and the Missile Technology Control Regime (MTCR). The latter involves a set of export control guidelines based on a common list of controlled items.⁵⁰⁴ These may be supplemented by country-specific measures, such as those taken with respect to North Korea under UN Security Council Resolutions 1695 and 1718, which provided for relevant travel bans and asset freezes and required UN Member States to prevent transfers of missiles and missile-related items to North Korea and to refrain from procuring such items from it.

226. In our Report on “Global Security: Japan and Korea” in November 2008, we concluded that “there is evidence that international efforts to deny North Korea both assistance and customers for its missile programme appear to be having some effect.”⁵⁰⁵ Following North Korea’s rocket launch in April 2009, the FCO told us that it would continue to monitor North Korea’s ballistic missile programme and missile-related activity, and “work with international partners in support of robust and united international approaches to discourage further proliferation”.⁵⁰⁶

227. Bill Rammell told us that the MTCR “provid[ed] a way forward”. However, he also admitted that it “need[ed] strengthening” and accepted that the Government “need[ed] to do more in that area.”⁵⁰⁷

228. We conclude that the proliferation of ballistic missile technology is a significant security concern. We further conclude that the Government is correct to acknowledge that stronger action is required to curb the international transfer of ballistic missile technology. We recommend that in its response to this Report, the Government should set out specific steps which it plans to take to this end.

Ballistic missile defence (BMD)

229. The Government regards ballistic missile defence as a means of mitigating the risk represented by the spread of ballistic missiles.⁵⁰⁸ Ballistic missile defence (BMD) is a system of interceptor missiles which can destroy incoming ballistic missiles before they reach their

502 Daniel Pinkston, “The North Korean Ballistic Missile Program”, Strategic Studies Institute, US Army War College, February 2008, p 57

503 Foreign Affairs Committee, Tenth Report of Session 2007–08, *Global Security: Japan and Korea*, HC 449, para 156

504 See paras 27–28.

505 Foreign Affairs Committee, Tenth Report of Session 2007–08, *Global Security: Japan and Korea*, HC 449, para 161

506 Letter to the Committee Specialist from the Parliamentary Relations Team, FCO, 20 April 2009, GS(JK) 33, published online at <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmfaff/memo/japan/ucjk3302.htm>

507 Q 287

508 Cabinet Office, *The National Security Strategy of the United Kingdom*, Cm 7291, March 2008, para 4.68

target. BMD also involves a supporting network of radar to detect missile launches and trajectories.

230. US plans for a BMD system date back at least to former President Reagan's 'star wars' initiative.⁵⁰⁹ Former President Clinton developed plans for a National Missile Defence (NMD) system. The United States' current BMD plans were developed under the Administration of former President George W. Bush, building on the NMD plans. The US plans are for a single integrated BMD system spanning the US and Europe and capable of protecting the territory of the US and US allies and US troops deployed overseas, by being able to destroy incoming missiles of all types and at any stage of their flight. The planned system involves radar and other sensors deployed on satellites, at sea and on land, in Alaska, Greenland and the UK (see below); and interceptor missiles launched from sea, air and three land sites—in Alaska, California and Poland (see below).

231. The US plans are controversial because, in order to pursue them, in 2002 the Bush Administration withdrew the US from the Anti-Ballistic Missile (ABM) Treaty, signed between the US and the then USSR in 1972. The Treaty limited the scale of the two parties' missile defences, with the aim of preventing either side from deploying missile defences so extensive as to undermine the value of the other's nuclear arsenal and thereby destabilise the mutual nuclear deterrent. The Bush Administration prioritised what it saw as the need to develop defences against new missile threats from states such as Iran and North Korea. Talks between the US and Russia aimed at renegotiating the ABM Treaty, and thereby preventing a US withdrawal, failed.

232. The US BMD plans became especially controversial in Europe after the US announced in January 2007 that it planned to place elements of its system on the European mainland—specifically, that it was negotiating with the Czech Republic on the siting of a radar there, and with Poland for the siting of ten interceptor missiles there. In July 2008, the US and the Czech Republic signed an agreement allowing the siting of a ground-based early warning midcourse radar at Brdy, 90 kilometres south-west of Prague. The site is expected to be staffed by up to 200 US personnel. In August 2008, the US and Poland signed an agreement for the deployment of ten long-range interceptor missiles in underground silos in Slupsk-Redzikowo, in northern Poland. The associated US personnel are expected to number up to 500. Initial deployment of the Czech and Polish elements is planned for 2011, with full operational capability to be achieved by 2013–2014. Alongside the missile defence agreement, the US and Poland signed a declaration on strategic cooperation under which the US will deploy a Patriot air and missile defence battery to Poland.⁵¹⁰

233. Russia has rejected the United States' original European BMD plans. Moscow says that the US deployments in the Czech Republic and Poland are aimed at it, not the claimed 'rogue' states. At various stages in response to the US plans, Russia has suspended its participation in the Conventional Forces in Europe (CFE) Treaty, appeared to threaten to withdraw from the Intermediate-Range Nuclear Forces (INF) Treaty, announced plans to develop new missiles capable of penetrating the US shield, threatened to make the Czech

⁵⁰⁹ House of Commons Library, "Ballistic Missile Defence: Recent Developments", Standard Note 4378, December 2008

⁵¹⁰ "Declaration on Strategic Cooperation between the United States of America and the Republic of Poland", 20 August 2008, via website of the Polish Ministry of Foreign Affairs, www.msz.gov.pl

and Polish sites military targets, threatened to deploy missiles into the Russian enclave of Kaliningrad, next to Poland, and threatened to jam electronically the US BMD system.⁵¹¹ We examined Russia's reaction to the BMD plans in greater detail in our Report on "Global Security: Russia" in November 2007.⁵¹²

234. Partly because of Russia's reaction, the US European BMD plans have not been universally welcomed among Washington's NATO allies. Most recently, French President Sarkozy said in November 2008 that the planned deployment would do "nothing to bring security" and urged that it be put on hold.⁵¹³ However, at their Bucharest summit in April 2008, NATO leaders said that the planned US deployment would make a "substantial contribution to the protection of Allies from long-range ballistic missiles". They confirmed that they wished to explore ways in which the US system could be integrated with NATO's own possible missile defence plans.⁵¹⁴

235. In 2003, the British Government acceded to a US request that the radar at RAF Fylingdales be upgraded so that it could be incorporated into the US BMD system. In July 2007, the Government announced that it had agreed that RAF Menwith Hill would also participate in the system. In our "Global Security: Russia" Report, we regretted the fact that the Government announced the involvement of Menwith Hill by written statement, the day before the start of Parliament's summer recess. We called for a full Parliamentary debate on the issue.⁵¹⁵

236. We received a large number of submissions to our present inquiry arguing that the US European BMD plans threatened the international non-proliferation effort, primarily because of their potential to provoke new weapons development or deployments from Russia. For example, Dr Hudson of CND said that missile defence was "contributing to the development of a new nuclear arms race [...] and increasing the likelihood of wider proliferation."⁵¹⁶ Mr Butcher said that the case of European BMD showed how the "deployment of military defence systems intended to bring greater security can actually undermine that objective security".⁵¹⁷ Many witnesses called on the British Government to deny the US use of RAF Fylingdales and Menwith Hill for its BMD system. The FCO rejected such criticisms, saying that it is "clear that ballistic missile defence is a response to the current proliferation and strategic uncertainty, and not the cause."⁵¹⁸

237. Mr Fitzpatrick, Baroness Williams and Sir Michael Quinlan all questioned whether the current US European BMD plans offered a security gain commensurate with the risks surrounding the deployments.⁵¹⁹ Sir Michael said bluntly that he thought the deployments

⁵¹¹ Ev 152–153 [Mr Butcher]

⁵¹² Foreign Affairs Committee, Second Report of Session 2007–08, *Global Security: Russia*, HC 52, paras 276–95

⁵¹³ "Sarkozy pleads with US and Russia on missiles", *The Independent*, 15 November 2008

⁵¹⁴ "Bucharest Summit Declaration", 3 April 2008, via www.nato.int

⁵¹⁵ Foreign Affairs Committee, Second Report of Session 2007–08, *Global Security: Russia*, HC 52, para 275

⁵¹⁶ Ev 140

⁵¹⁷ Ev 153

⁵¹⁸ Ev 186

⁵¹⁹ Qq 47 [Baroness Williams], 33 [Mr Fitzpatrick]

were a “bad idea” and noted that he saw “an awful lot of ‘military-industrial complex’ around”.⁵²⁰

238. Our witnesses outlined a number of ways in which the US BMD plans could be developed so as to make them less of a source of conflict with Russia:

- Baroness Williams and Lord Robertson argued that Russia should be brought into a common missile defence system.⁵²¹ The Minister reaffirmed the Government’s positive stance towards this possibility.⁵²²
- Professor Chalmers referred to the possibility of some form of Russian verification of the nature of the installations in the Czech Republic and Poland, although when we were in Poland in January 2009 we heard that this would be difficult politically if it were to involve Russian personnel on the ground. Baroness Williams also suggested that some of the work which the UK Government is supporting on verification might be applied to the missile defence system.⁵²³
- Professor Chalmers recommended that the US should make it clear that it would not activate the interceptors in Poland until there was clear evidence that Iran had ballistic missiles capable of reaching central Europe.⁵²⁴

All these ideas had been floated within NATO and between the US and Russia before the change of US Administration, and received largely favourably in general terms. In our “Global Security: Russia” Report in November 2007 we concluded that “As long as it remains committed to the US BMD plans, [...] the Government [should] seek ways to build cooperation around them, both within NATO and with Russia”.⁵²⁵

239. There has been considerable uncertainty about prospects for BMD under the new US Administration, as before taking office Mr Obama appeared more cautious about the system than then-President Bush, partly on political and partly on cost and technical grounds. We were exposed to this uncertainty during our discussions in Prague and Warsaw in January 2009. In his Prague speech in April, Mr Obama reiterated his position that any missile defence system should be “cost-effective and proven”. He also appeared to confirm the way in which his Administration is making the Czech and Polish missile defence deployments conditional to a far greater extent on the development of Iran’s nuclear and ballistic missile capabilities. “If the Iranian threat is eliminated”, the President said, “we will have a stronger basis for security, and the driving force for missile defence construction in Europe will be removed.”⁵²⁶ This approach appears to hold out to Russia the prospect that the Czech and Polish deployments could be cancelled, especially if Iran’s nuclear and missile programmes are rolled back owing partly to Russian assistance.

⁵²⁰ Q 115

⁵²¹ Qq 114 [Lord Robertson], 48 [Baroness Williams]

⁵²² Q 284; see Cabinet Office, *The National Security Strategy of the United Kingdom*, Cm 7291, March 2008, para 4.68.

⁵²³ Q 48

⁵²⁴ Q 33; Ev 112

⁵²⁵ Foreign Affairs Committee, Second Report of Session 2007–08, *Global Security: Russia*, HC 51, para 273

⁵²⁶ “Remarks by President Barack Obama, Hradcany Square, Prague”, 5 April 2009, transcript via www.whitehouse.gov

240. Professor Chalmers suggested that, precisely because of Russia's objection to the European BMD deployments, it had become "very difficult for the US, in terms of its relations with new members of NATO, to withdraw" from them completely.⁵²⁷ Giving evidence in February 2009, Bill Rammell told us that his "gut instinct" was that the US would probably proceed with its BMD plans, "but maybe with a slower time frame."⁵²⁸

241. We are not convinced that, as they are currently envisaged and under current circumstances, the United States' planned ballistic missile defence (BMD) deployments in the Czech Republic and Poland represent a net gain for European security. We conclude that if the deployments are carried out in the face of opposition from Russia, this could be highly detrimental to NATO's overall security interests. We reaffirm our 2007 recommendation that BMD in Europe should be developed, if at all, as a joint system between the US, NATO and Russia. Given the Government's stated commitment to a rules-based international system, we further conclude that its early agreement to the inclusion of RAF Fylingdales and Menwith Hill in the US BMD system was regrettable, given that the United States' development of its system involved its abrogation of the Anti-Ballistic Missile Treaty. We recommend that in its response to this Report, the Government should update us on the NATO element of European BMD developments, in the light of the April 2009 NATO summit. We further recommend that in its response to this Report, the Government should state whether any changes made to the planned US BMD deployments in the Czech Republic and Poland would affect RAF Fylingdales or Menwith Hill. We further conclude that the uncertainty surrounding prospects for the US European BMD system has made a Parliamentary debate on this issue all the more necessary, and we recommend that the Government should schedule one before the end of this Parliament.

⁵²⁷ Q 33

⁵²⁸ Q 272

6 Terrorism and physical security

The threat posed by terrorists and weapons of mass destruction (WMD)

242. The threat that terrorists will acquire nuclear, biological or chemical weapons and use them against the UK is distinct from the risk which is posed by states, although in several respects related to it.⁵²⁹ In March 2009, the Government issued a revised version of its CONTEST counter-terrorism strategy which stated that:

The aim of the strategy is ‘to reduce the risk to the UK and its interests overseas from international terrorism, so that people can go about their lives freely and with confidence’. We believe that to date the strategy has achieved its intended aim.⁵³⁰

The strategy judged that:

Contemporary terrorist organisations aspire to use chemical, biological, radiological and even nuclear weapons. Changing technology and the theft and smuggling of chemical, biological, radiological, nuclear and explosive (CBRNE) materials make this aspiration more realistic than it may have been in the recent past.⁵³¹

The strategy features “[a] new cross-cutting strand of work on containing the threat from an attack using chemical, biological, radiological, nuclear and explosive (CBRNE) materials.”⁵³²

243. We wish to place on record that we do not have access to assessments by the intelligence services of the scale and nature of the threat of terrorist acquisition and use of WMD, other than those which are reflected in material in the public domain.

Nuclear weapons

244. The potential exists for terrorists to mount a nuclear or radiological attack in a number of ways, for example by acquiring a nuclear weapon, attempting to build one from basic materials, or attempting to achieve dispersal of nuclear material by attacking a nuclear facility or detonating a ‘dirty bomb’ (that is, a bomb which contains nuclear or radiological material but in which the explosion is achieved with conventional means). As Lord Robertson put it to us, “the existence of non-state actors, transnational terrorism and terrorist networks has brought more clearly into focus the potential dangers involved in the proliferation of nuclear weapons”.⁵³³

245. There is no doubt that terrorists would like to acquire nuclear weapons. Bill Rammell told us that al-Qaeda “clearly have that intent” and that “Osama bin Laden has talked about

529 Cabinet Office, *The National Security Strategy of the United Kingdom*, Cm 7291, March 2008, para 3.5; see para 8.

530 HM Government, *Pursue Prevent Protect Prepare: The United Kingdom’s Strategy for Countering International Terrorism*, Cm 7547, March 2009, p 7

531 *Ibid.*, p 127

532 *Ibid.*, p 56

533 Q 89

an Islamic duty to develop nuclear capability—[...] there was a call to arms, as it were, and they were seeking to recruit physicists and others to come forward and help.”⁵³⁴ Mariot Leslie, Director-General of Defence and Intelligence at the FCO, said that:

The Government are extremely worried about the capabilities of terrorist groups, but I know of no technology that could make it possible to make a viable nuclear device that did not use many kilograms of nuclear material. A miniature nuclear device is not something that we should be worried about. The acquisition of fissile material by terrorist groups is a serious concern and the Government have programmes to address that with our allies.⁵³⁵

246. Dr Jones told us that “It would be very difficult, but not impossible, for terrorists to acquire one or a very limited number of nuclear weapons. They would probably need the unwitting or unwitting assistance of a nuclear-capable nation to do so. It would be more difficult for intelligence to detect such activities with a high degree of reliability.”⁵³⁶ The unwitting assistance of a nuclear-capable nation could come as a result of inadequate physical security around nuclear material (discussed below) or the action of rogue individuals. Baroness Williams told us that “internal betrayals” were a serious risk:

the most serious breaches that we know of [...] are quite astonishing because they had nothing to do with terrorists. One involved the deputy chairman in charge of security at nuclear sites who was himself a Russian citizen. He was sacked from his job for attempting to smuggle and steal nuclear materials and sell them abroad. The second one, which is almost as troubling [...] was an attempt by certain senior figures in the Pakistani military to get hold of nuclear materials to sell them to al-Qaeda.

Baroness Williams cited as her source for these assertions the latest (2008) “Securing the Bomb” report by Matthew Bunn of the Belfer Center at Harvard University, which provides an extensive review of the physical and politico-administrative security of nuclear materials around the world. The report documents known instances of actual or attempted security breaches.⁵³⁷

247. Pakistan is a country of particular concern, having spawned the nuclear proliferation network run by A.Q. Khan which helped to supply the illicit nuclear weapons programmes of Iran, Libya, North Korea and possibly other states.⁵³⁸ Giving evidence in February 2009 to our inquiry into “Global Security: Afghanistan and Pakistan”, Professor Shaun Gregory of the Pakistan Security Research Unit at Bradford University described an incident in which “two very senior Pakistan atomic energy commission individuals” met Osama bin Laden in 2001. He posited that “it is not knowledge of specific individuals that matters; what matters is the relationship between those individuals and the networks that they can

⁵³⁴ Q 229

⁵³⁵ Q 230

⁵³⁶ Ev 99

⁵³⁷ Matthew Bunn, *Securing the Bomb 2008* (Cambridge, Mass. and Washington, D.C.: Project on Managing the Atom, Belfer Center for Science and International Affairs, Harvard Kennedy School and Nuclear Threat Initiative, November 2008)

⁵³⁸ Ev 174; see International Institute for Strategic Studies, *Nuclear Black Markets; Pakistan, A.Q.Khan and the rise of proliferation networks* (London, 2007).

reach—that is a very important meeting. One of the dynamics that we need to be worried about is the risk of transfer in that way.”⁵³⁹

248. Mark Fitzpatrick gave us his assessment of the danger that Pakistan’s nuclear technology could fall into the hands of terrorists:

Pakistan undertook a reform of the command and control of nuclear assets. It put in charge of the programme elements of the Pakistani army which are the most elite and reliable of forces available. I have a degree of confidence that it really did change its control over these weapons in ways that make me think they are not going to fall into the wrong hands overnight. That does not mean that I have no concern at all. Pakistan is a country beset by many problems. The confluence of terrorist threats in Pakistan and the existence of these nuclear weapons puts it very high on the list of countries that we need to be concerned about.⁵⁴⁰

249. Professor Gregory expressed concern that there was potential in Pakistan for collaboration between

those with extremist, Islamist sympathies inside the army and the ISI [Inter-Services Intelligence], with terrorists or extremists. The Pakistanis have put a huge amount of effort into trying to mitigate that problem. But they recognise, as we all do, that you cannot have 100 per cent assurance that the people who have day-to-day control over nuclear weapons are wholly reliable in that way.⁵⁴¹

Also giving evidence to our Afghanistan and Pakistan inquiry, in May 2009, FCO Minister Lord Malloch-Brown told us that:

If the responsible military establishment were to lose control of Pakistan’s nuclear arsenal, it could be devastating to world security. At the moment we believe that there is no immediate risk of that happening, but it remains a threat while it is there, and we have to deal with it. [...] we have to bring Pakistan properly into the international community on nuclear issues, and nuclear management and security, because it is an undeclared nuclear weapons state.⁵⁴²

250. Russia and other former Soviet states have also been regarded as countries from which terrorists might source nuclear material, owing to the large quantities present there and the often poor levels of security. Lord Robertson described the “gap [in time] between the collapse of the Soviet Union and the Putin era” as “a black hole that unfortunately still represents a danger to us”.⁵⁴³ He told us of a meeting which he had had as NATO Secretary-General with then-President Putin, “who said quite candidly that after the end of the Soviet Union a lot of things happened and a lot of things got lost, and he said that they

⁵³⁹ 25 February 2009, Q 45, HC 302-i, via www.parliament.uk/facom

⁵⁴⁰ Q 17

⁵⁴¹ 25 February 2009, Q 45, HC 302-i, via www.parliament.uk/facom

⁵⁴² 14 May 2009, Q 232, HC 302-iv, via www.parliament.uk/facom

⁵⁴³ Q 98

did not know where they were. He said that that represents a danger not only to them, but to the world as a whole.”⁵⁴⁴

251. Although the specific source of the polonium used has not been conclusively identified, at least in public, there was a Russian connection to what *The Economist* described as “in effect, a miniature act of nuclear terrorism on the streets of London”,⁵⁴⁵ namely the murder of Alexander Litvinenko by polonium poisoning in November 2006. According to a senior former Australian diplomat in the non-proliferation field:

the Litvinenko incident seems to confirm the long-recognized threat of radiological weapons but it also reminds us that criminals and terrorists can obtain a key component for producing nuclear weapons and smuggle it undetected through the airports of countries on high alert against terrorist threats.⁵⁴⁶

The Litvinenko murder also demonstrated the extent of the disruption that may be caused even by a radiological attack that does not appear to have been intended to cause mass casualties: over 700 people had to be tested for polonium contamination, as did a number of locations, some of which had to be closed for several months; and the Health Protection Agency was obliged to run two dedicated centres until February 2007 to deal with the incident, on which over 3,000 people worked in total.⁵⁴⁷

252. We conclude that, although it would appear to be difficult for terrorists acting independently of state agencies to build a nuclear bomb, there is a genuine risk that terrorists could acquire nuclear or radiological material, which might be used as an instrument of terror in various ways. We further conclude that, in addition to inadequate levels of physical security which might allow terrorists to seize nuclear or radiological material directly, ‘rogue’ individuals or groups in states possessing nuclear weapons or material represent an important but particularly hard-to-address means by which terrorists might acquire such material. We recommend that the Government should press its counterparts in countries that are potential sources of nuclear and radiological materials to treat this issue with the highest priority. We further recommend that the Government in its response to this Report should set out what action it is taking overseas to minimise the ‘dirty bomb’ threat to the UK.

Biological and chemical weapons

253. Biological and chemical weapons are potential terrorist weapons. Dr Paul Cornish of Chatham House has stated that:

Although the large-scale production, weaponization and delivery of chemical weapons would be challenging, scientifically and logically, as well as extremely expensive, a small number of low-yield chemical weapons would be relatively easy to hide and transport and might thus appeal to a well-organized and well-funded terrorist group.

⁵⁴⁴ Q 98

⁵⁴⁵ “Learning from the Cold War”, *The Economist*, 21 July 2007

⁵⁴⁶ Ken Berry, “Preventing Nuclear Terrorism”, EastWest Institute Policy Paper 2/2007

⁵⁴⁷ *The Guardian*, 5 June 2007

Dr Cornish also claimed that:

Although the weaponization of a biological agent would be complex, requiring high-level competence in microbiology, pathology, aerosol physics, aerobiology and meteorology, for a terrorist group seeking a ‘single-shot’ biological attack, safety, reliability and predictability in both production and weaponization might not be of great concern.⁵⁴⁸

254. This was also the view of Dr Jones, who told us that:

A few kilograms of the more lethal BW agents have the potential to kill as many or more people than a single large nuclear explosion, the device for their delivery would be much lighter and less bulky [...] It would be highly optimistic to expect any protective regime to be completely effective.⁵⁴⁹

255. One problem raised by biological weapons is that much of the technology required for their production is dual-use, and readily available.⁵⁵⁰ It is possible that some states may be willing to sponsor terrorist use of biological or chemical weapons. Dr Jones claimed that:

perhaps the highest risk is associated with the deniable covert use of biological warfare agent by a state which has used its resources to develop an effective weapon. The potential threat from non-state actors makes the attribution of any such attack more difficult.⁵⁵¹

256. There are precedents for the use of biological and chemical weapons by terrorists. In 2001, attacks in the US using the biological agent anthrax were attributed to a researcher at a US Army research laboratory, Bruce Ivins, who committed suicide in July 2008.⁵⁵² Dr Jones described the difficulties in establishing who has carried out such attacks, and said that many experts “remain sceptical” that Bruce Ivins was the culprit in this case.⁵⁵³ In 1995 sarin gas killed 12 people when it was released into the Tokyo subway system by Japanese terrorist group Aum Shinrikyo.⁵⁵⁴ However, production of the sarin was not easy and is estimated to have cost \$30 million, involved 80 scientists and taken over a year to achieve.⁵⁵⁵ Dr Jones judged that neither the sarin nor the anthrax attack had been particularly successful, and suggested that this was “indicative of the sort of problems that terrorists are much more likely to have in using these systems than a state, if that state has developed a capability using all its resources.”

⁵⁴⁸ Paul Cornish, “The CBRN System, Assessing the threat of terrorist use of chemical, biological, radiological and nuclear weapons in the United Kingdom”, Chatham House, February 2007, p v

⁵⁴⁹ Ev 99

⁵⁵⁰ Q 58

⁵⁵¹ Ev 97

⁵⁵² “Bioterrorism: a mystery unravelled”, *The Economist*, 9 August 2008

⁵⁵³ Ev 102

⁵⁵⁴ “Japanese leader of sarin gas cult to hang”, *The Times*, 28 February 2004

⁵⁵⁵ Paul Cornish, “The CBRN System, Assessing the threat of terrorist use of chemical, biological, radiological and nuclear weapons in the United Kingdom”, Chatham House, February 2007, p 6

257. In the UK there was an alleged attempt to produce ricin in a Wood Green flat in 2003, and in 2006 police raided a house in Forest Gate where it was suspected that chemical weapons had been in production.⁵⁵⁶

258. It is not easy accurately to assess the risk that terrorists will acquire or use biological or chemical weapons in future, or to adjudge whether there is a greater risk that terrorists will use such weapons than that states will do so. Bill Rammell told us that the FCO considers terrorists to be of greater concern than states in relation to these weapons. The FCO's Mariot Leslie added that "it is relatively easy to make something crude that would have a big impact on members of the public."⁵⁵⁷

259. There are clear indications that terrorist organisations are engaged in the pursuit of chemical and biological weapons capabilities. Dr Paul Cornish has written that al-Qaeda has made significant efforts to acquire a biological weapons capability and that "it is widely accepted that al-Qaeda has, for several years, been committed to the acquisition and/or production of chemical weapons".⁵⁵⁸ This is evidenced by the discovery of a laboratory at Kandahar in Afghanistan which was designed for the development of biological agents and to which scientists had been recruited.⁵⁵⁹ A number of other recent assessments have strengthened the consensus that terrorist use of biological weapons, in particular, is a serious threat.⁵⁶⁰

260. Daniel Feakes emphasised that any precautions taken must be proportionate to the risk:

There are two extremes to the debate and I would be somewhere in the middle. One extreme has been particularly apparent in the US, for example, where people talk about bioterrorism as an existential threat, which we need something as big as the Manhattan project to combat. Quite a lot of expensive facilities were built in the US, following that tangent. Then you have other people saying that the threat has been over-hyped and overblown. [...] I place myself somewhere in between the two extremes.⁵⁶¹

261. We conclude that the Government is correct in its claim that the UK faces a significant threat arising from terrorist use of chemical or biological weapons, and to argue that at present this threat is greater than the threat that such weapons might be used against the UK by hostile states. We recommend that in its response to this Report the Government should set out what action it is taking to mitigate this threat.

556 Ev 105; "Timeline: Recent Terror Alerts", *Financial Times*, 10 August 2006

557 Q 231

558 Paul Cornish, "The CBRN System, Assessing the threat of terrorist use of chemical, biological, radiological and nuclear weapons in the United Kingdom", Chatham House, February 2007, p 7

559 Ev 263

560 See Institute for Public Policy Research, Interim Report of the IPPR Commission on National Security in the 21st Century, "Shared Destinies: security in a globalised world", November 2008, p 14; "Mapping the Global Future", the US National Intelligence Council's Report of its 2020 Project, published in 2004; and the December 2008 Report of the Commission on the Prevention of WMD Proliferation and Terrorism, a body established in 2007 by the US Congress.

561 Q 56

Ballistic missiles

262. As we outlined in Chapter 5, ballistic missiles are one means by which both conventional and nuclear, chemical or biological weapons may be delivered to targets. With regard to ballistic missiles, the FCO told us that:

While concern has traditionally focused on state proliferators, after the tragic events of 11 September 2001 it became evident that more also has to be done to decrease the risk of WMD delivery systems falling into the hands of terrorist groups and individuals. One way to counter this threat is to maintain vigilance over the transfer of missile equipment, material, and related technologies usable for systems capable of delivering WMD.⁵⁶²

263. The extent to which terrorists might seek to acquire ballistic missiles as a delivery method is a matter for argument. Analysts often suggest that ballistic missiles would not be terrorists' most likely delivery method, largely because of the technical difficulties involved. For example, the Nuclear Threat Initiative states that:

Nor does it seem likely that terrorists will have the option of ballistic missiles for delivering nuclear weapons any time soon, all the more so because nuclear weapons fashioned by terrorists are likely to be bulkier and heavier than those that a country will be able to develop. (Of course, if terrorists can steal or take over both a nuclear weapon and a missile with which to deliver it, this assessment changes.)

Other means of delivery abound. [...] Terrorists would be likely to choose more 'primitive' delivery methods, as countries also might that wanted to attack someone without revealing the origin of the strike. Such methods could include stashing a bomb on an airliner; using a light aircraft to deliver a bomb over more modest distances (in much the way such aircraft are routinely used for smuggling drugs); or stowing a bomb on a boat (a freighter, a fishing trawler, a luxury yacht) to explode at pier-side in any coastal city.

A bomb that had already been smuggled into the target country, or assembled there, could also be delivered by train, bus, truck, or car. Boats, airliners, trains, buses, and long-haul trucks could handle nuclear weapons of any plausible size, no matter how crude and heavy. Only in the cases of delivery by light aircraft, automobile, or pick-up truck might it be necessary to confine the weight of the bomb to under a ton. And it cannot be ruled out that a bomb would be assembled at the location where it is intended to be detonated, in which case only the nuclear-explosive materials and other components would have to be 'delivered' and there would be essentially no constraint on the size of the completed device.

Nevertheless, concerns have been raised by the trend in ballistic missile technology towards the use of solid-fuelled missiles rather than liquid-fuelled ones, as the former are smaller, more mobile and more easily launched by fewer people.

⁵⁶² Ev 296

Initiatives against terrorist acquisition of WMD

264. Multilateral non-proliferation and disarmament treaties—if implemented effectively at the national level—are potentially useful in preventing terrorists from acquiring, developing and training to use WMD, because they reduce the number of states in which such activities might take place or from which they might be sourced. As Nicholas Sims told us:

On the day that the Chemical Weapons Convention entered into force—29 April 1997—I was interviewed by Tokyo television and they said, ‘Well, what use is this against Aum Shinrikyo?’ My answer was, ‘At least now, with the Chemical Weapons Convention in force, every state is obliged, under Article 7 of that Convention, to enact penal legislation to take administrative measures to do lots of surveillance and prevention.’ That was already required under Article 4 of the Biological Weapons Convention, so you need a treaty structure, but then you need an enormous amount of national implementation.⁵⁶³

265. In effect, terrorists as well as states are targeted by measures to control the trade in essential materials, reduce the threat posed by individuals (such as the UK’s ATAS scheme) and cut off sources of finance, such as those we outlined in Chapter 2. There are also a number of measures designed specifically to combat terrorist acquisition or use of WMD. We outline these below.

G8 Global Partnership/UK Global Threat Reduction Programme

266. The Global Partnership Against Weapons and Materials of Mass Destruction is a G8 programme established in 2002, initially for ten years, which aims “to prevent terrorists, or those that harbour them, from acquiring or developing nuclear, chemical, radiological and biological weapons; missiles; and related materials, equipment and technology.”⁵⁶⁴ Over 20 states are now involved, plus the EU. Through the Global Partnership, projects have been implemented in areas including the destruction of chemical weapons, to meet obligations under the Chemical Weapons Convention; the dismantling of nuclear submarines and nuclear reactors; nuclear safety and the physical security of nuclear materials; and the creation of alternative employment for former weapons scientists, to reduce the risk of diversion of expertise.⁵⁶⁵

267. The UK’s contribution to the Global Partnership is delivered through the UK’s Global Threat Reduction Programme. This is the UK’s largest programme of non-proliferation assistance, with a budget of £36.5 million a year for the three years from 2008/09 to 2010/11.⁵⁶⁶ The programme is led by the FCO, but the budget is allocated to the Department for Energy and Climate Change, which manages the nuclear and radiological elements of the programme and passes onto the Ministry of Defence the roughly 10% of

⁵⁶³ Q 56

⁵⁶⁴ “Statement by G8 Leaders: The G8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction”, Kananaskis, 27 June 2002, via www.g8.utoronto.ca

⁵⁶⁵ Ev 174 [FCO]; FCO/DECC/MOD, *Global Threat Reduction Programme Sixth Annual Report 2008*, DECC, February 2009

⁵⁶⁶ FCO/DECC/MOD, *Global Threat Reduction Programme Sixth Annual Report 2008*, DECC, February 2009, p 5

the budget which funds projects relating to chemical and biological weapons.⁵⁶⁷ The Government regards the Global Threat Reduction Programme as an “important element” of the ‘deny’ strand of its ‘4 D’s’ counter-proliferation strategy.⁵⁶⁸

268. The Global Partnership and the UK’s contribution to it have focused on Russia and other states of the former Soviet Union (FSU). We commended the work under way in Russia in our Report on “Global Security: Russia” in 2007.⁵⁶⁹ A mid-point review of the Global Partnership conducted under Germany’s G8 chairmanship in 2007 concluded that the scheme was open to geographical expansion. At the Hokkaido summit under Japan’s G8 chairmanship in July 2008, G8 leaders reaffirmed their commitment to completing and continuing with projects in the FSU but stated that the Global Partnership “must evolve further to address new, emerging risks worldwide” and said that new recipient countries could be included on a case-by-case basis.⁵⁷⁰ The UK is already active in Iraq, Libya and South Asia.⁵⁷¹ The latest (2008) annual report on the UK’s Global Threat Reduction Programme said that the Government “expects the geographic spread of its work to widen”;⁵⁷² and in response to our Report on “Global Security: Japan and Korea”, in which we commended the G8’s willingness to expand the Global Partnership and suggested that the programme could encompass work in North Korea,⁵⁷³ the FCO said that it had “already begun discussions with G8 partners [...] to identify both new recipient and donor countries.”⁵⁷⁴

269. We conclude that the G8 Global Partnership, and the UK’s contribution to it through the Global Threat Reduction Programme, are continuing to deliver important results in reducing the risks of a security breach occurring in relation to WMD. We recommend that, despite the current strains on its budgetary position, the Government should maintain its strong political and financial support for the Global Partnership, including the programme’s geographical expansion and continuation beyond 2012. We further recommend that in its response to this Report, the Government should provide an update on plans for the Global Partnership beyond 2012, following the July 2009 G8 summit in Italy.

UN Security Council Resolution 1540

270. UN Security Council Resolution 1540, passed in 2004, “imposes legally-binding obligations on all UN Member States to establish and enforce domestic legislation to prevent weapons of mass destruction and related delivery systems falling into the hands of non-state actors such as terrorists, criminals and proliferation networks”. It requires “all

567 FCO/DECC/MOD, *Global Threat Reduction Programme Sixth Annual Report 2008*, DECC, February 2009, p 11

568 See para 9 above.

569 Foreign Affairs Committee, Second Report of Session 2007–08, *Global Security: Russia*, HC 51, para 336

570 “Report on the G8 Global Partnership”, Hokkaido G8 summit,
<http://www.mofa.go.jp/policy/economy/summit/2008/doc/index.html>

571 Ev 174 [FCO]

572 FCO/DECC/MOD, *Global Threat Reduction Programme Sixth Annual Report 2008*, DECC, February 2009, p 53

573 Foreign Affairs Committee, Tenth Report of Session 2007–08, *Global Security: Japan and Korea*, HC 449, para 150

574 FCO, Tenth Report of the Foreign Affairs Committee Session 2007–08, *Global Security: Japan and Korea, Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm 7534, January 2009, p 12

states to tighten their domestic legal framework so as to criminalize and enforce measures against WMD proliferation to and by non-state actors.⁵⁷⁵ The Resolution established a Committee of the Security Council, the 1540 Committee, which collates reports from states and reports to the Security Council on implementation. In a process in which the UK was heavily involved, the Committee's initial two-year mandate has been extended twice, most recently in April 2008, for three years. On that occasion, the Committee was also given what the FCO described as a focus on "operational capacity-building" which "should enable the Committee to encourage and to provide practical or financial assistance to those states which still need to improve their performance in this crucial area."⁵⁷⁶

271. The FCO drew our attention to two key features of UNSCR 1540. First, it is legally binding on all UN Member States, unlike treaties which rely on states signing up voluntarily. In this respect, UNSCR 1540 has a more extensive reach than instruments such as the NPT, CWC or BTWC. Second, UNSCR 1540 is directed specifically at the threat posed by non-state groups, whereas international non-proliferation instruments had previously been targeted primarily at states.⁵⁷⁷

272. Lord Robertson described UNSCR 1540 as "a very important—and undervalued—part of the non-proliferation regime at the moment. [...] A lot of British expertise is being fed into that area, which we believe should be given greater attention".⁵⁷⁸ He expressed concern that it might "wither on the vine, simply because people think, 'Well, we have done as much as we can.' In fact, we have done nowhere near what we could do on that". He suggested that "policing, pushing and invigilating the implementation of that Resolution, believing in it and resourcing are some things that the British Government can do".⁵⁷⁹

273. We conclude that UN Security Council Resolution 1540 is a vital part of the international non-proliferation regime. We commend the work that the British Government has done in support of UNSCR 1540. We recommend that the Government should work actively to ensure that the Resolution is implemented successfully by all UN Member States, providing practical assistance and resources where required.

The Global Initiative to Combat Nuclear Terrorism (GICNT)

274. The Global Initiative to Combat Nuclear Terrorism (GICNT) was launched by then Presidents Bush and Putin in July 2006. It has 75 state members. It is not a treaty and has no secretariat or subscription, but is designed to build on other instruments described in this chapter. The FCO said that it "brings together like-minded countries to expand and accelerate efforts to combat nuclear terrorism", and that it aims to:

⁵⁷⁵ Ev 176 [FCO]

⁵⁷⁶ Ev 176 [FCO]

⁵⁷⁷ Ev 176 [FCO]

⁵⁷⁸ Q 104

⁵⁷⁹ Q 130

ensure accounting, control and physical protection of nuclear material and radioactive substances, as well as security of civilian nuclear facilities; detect and suppress illicit trafficking or other activities involving such materials (especially their acquisition and use by terrorists); respond to and mitigate the consequences of acts of nuclear terrorism; co-operate in the development of technical means to combat nuclear terrorism; ensure that law enforcement takes all necessary measures to deny safe haven to terrorists seeking to acquire or use nuclear materials; strengthen national legal frameworks to ensure the effective prosecution and punishment of terrorists and those who facilitate acts of nuclear terrorism.⁵⁸⁰

275. The initiative is currently focussed on a substantive exercise planning programme, as part of which states will host capacity-building workshops. The FCO told us that the UK hosted an Anti-Nuclear Smuggling Assistance workshop in September 2007 and a Knowledge Proliferation workshop in October 2008. A joint US/UK workshop on the detection of radiological and nuclear materials is being planned for 2009/10.⁵⁸¹

International Convention on the Suppression of Acts of Nuclear Terrorism

276. The International Convention on the Suppression of Acts of Nuclear Terrorism entered into force in July 2007. It aims to ensure that radioactive material is protected, via the designation by States Parties of certain acts as terrorist offences, and by requiring cooperation to prevent these offences from being committed. It also provides for judicial cooperation among States Parties in the event that such offences are committed, in order to deny terrorists any safe haven.

277. The UK has signed the Convention but has yet to ratify it. The Home Office has the departmental lead for UK ratification.⁵⁸² The Home Office told us that it anticipates UK ratification of the Convention before September 2009.⁵⁸³

278. We recommend that the UK should ratify the International Convention on the Suppression of Acts of Nuclear Terrorism as soon as possible. We look forward to the Government taking the steps necessary to allow this to happen in line with its anticipated September 2009 timeframe, and we recommend that in its response to this Report the Government should update us on this process.

Physical security

Nuclear materials

279. The FCO told us that “the need to ensure the physical protection of fissile material is central to [its] efforts” to tackle the threat of nuclear terrorism.⁵⁸⁴ Baroness Williams noted that the vast majority of known incidents in which nuclear material has fallen into

⁵⁸⁰ Ev 299

⁵⁸¹ Ev 299

⁵⁸² Ev 188

⁵⁸³ Ev 303

⁵⁸⁴ Ev 187

unauthorised hands “involved poor security or attempts by people—but not serious terrorist groups—to seize or steal”, but the number of these incidents highlights the scale of the physical security problem. Between January 1993 and December 2007, the IAEA had confirmed to its Illicit Trafficking Database (ITDB) 303 incidents involving unauthorised possession of nuclear or other radioactive materials and related criminal activities. Of these, fifteen involved highly enriched uranium and plutonium. There were in addition 389 reported incidents involving the theft or loss of relevant materials, and 571 incidents involving other unauthorised activities. The IAEA website commented that “information reported to the ITDB shows a persistent problem with the illicit trafficking in nuclear and other radioactive materials, thefts, losses, and other unauthorised activities.”⁵⁸⁵

280. Baroness Williams drew our attention to the risk represented by research institutions which possess highly enriched uranium, albeit often in very small amounts, which are “often in countries with no knowledge at all of the dangers of nuclear weaponry” and where there may be “very little proper security”.⁵⁸⁶ In November 2007, armed men attacked the Pelindaba nuclear research facility in South Africa, which houses “hundreds of kilograms” of weapons-grade uranium, and spent 45 minutes inside the supposedly secured perimeter, shooting a worker in the emergency control centre.⁵⁸⁷

281. Professor Chalmers told us that even as regards the arsenals of the UK and US, “there are real issues surrounding their accidental use and the security of those weapons, and the associated fissile materials, against terrorism which we need to address and which are not being addressed sufficiently right now.”⁵⁸⁸ He reminded us of two recent security breaches in the US:

Last year, half a dozen US nuclear-armed missiles went missing from the US Air Force for a couple of days without anybody realising. Subsequently, of course, very senior Pentagon officials were fired as a result. There was another case in May of this year in which there was a fire in a Minuteman silo. The fire was not even detected for five days by the people in charge of the site. Things like that happen in any complex organisation. I do not have any specific concerns in relation to UK nuclear weapons, but I think that we need to be very careful.⁵⁸⁹

282. Professor Chalmers outlined the advantages with regard to safety of the UK’s single-system, submarine-based nuclear arsenal:

because we have a survivable system, and only one system, there is less pressure in times of crisis or uncertainty to mobilise or reduce the safety level [...]. There is a lot to be said for a system such as ours, compared with that of other countries. I would not suggest for a moment that ours was less safe than others; I think that it is more safe by having single-platform delivery. Nevertheless, events happen. There could be

⁵⁸⁵ <http://www-ns.iaea.org/security/itdb.htm>, viewed on 29 March 2009

⁵⁸⁶ Q 46

⁵⁸⁷ Matthew Bunn, *Securing the Bomb 2008* (Cambridge, Mass. and Washington, D.C.: Project on Managing the Atom, Belfer Center for Science and International Affairs, Harvard Kennedy School and Nuclear Threat Initiative, November 2008), pp 3–4

⁵⁸⁸ Q 4

⁵⁸⁹ Q 9

breakthroughs in anti-submarine warfare—there might already be breakthroughs that I am not aware of—which mean that we have to change our operating patterns. They are dynamic systems, so we should never think that anything is foolproof.⁵⁹⁰

283. The most recent security incident involving the British nuclear force occurred in February 2009, when one of the Trident submarines collided underwater with one of its French counterparts while on patrol in the Atlantic. Both boats were damaged, but First Sea Lord Sir Jonathon Band said that nuclear safety had not been compromised.⁵⁹¹ An inquiry was under way as we completed this Report.

284. As we outlined above, Pakistan is a state of particular concern as regards the physical security of its nuclear materials.⁵⁹² Professor Gregory told our “Global Security: Afghanistan and Pakistan” inquiry that, owing to the fear of attack from India, Pakistan

moved all the nuclear weapons infrastructure to the north and west of Islamabad, so that the key centres are at Wah, Taxila and so forth. There are one or two exceptions, such as Sargodha, which is not in that area. But a substantial proportion of Pakistan’s nuclear weapons-related infrastructure is to the north and west of Islamabad, which is of course close to the tribal areas and [...] the instability.

While he said that the Pakistani authorities “have in place very robust measures for the safety and security of their nuclear weapons”, Professor Gregory said that he did not think that they “have completely secured their nuclear weapons against the terrorist threat”. He described the risk that nuclear weapons or related infrastructure could be

blown up, or catch fire and could certainly create a radiological hazard. If that sounds implausible, last year suicide bombers attacked one of the entrance points to Wah cantonment—a weapons production facility where part of nuclear weapons are thought to be assembled.⁵⁹³

285. Russia is another country of concern as regards the physical safety of nuclear materials. Baroness Williams told us that “about 55% of the Russian nuclear installations have been raised to what are called high security standards. That means that 45% are not there yet—they have not got that high.”⁵⁹⁴

286. We conclude that the physical security of nuclear and radiological materials around the world is far from assured, and should remain a prime Government concern. We recommend that the Government should continue to give a high priority to ensuring the security of nuclear and radiological materials, at academic, industrial and military locations in the UK, and to encourage its international partners to do likewise.

590 Q 10

591 “So, Admiral, what have you got to say about the nuclear submarine crash?”, *The Independent*, 17 February 2009

592 See paras 247–249 above.

593 25 February 2009, Q 44, HC 302-i, via www.parliament.uk/facom

594 Q 46

International action on the physical security of nuclear materials

287. In addition to wider initiatives such as the Global Initiative to Combat Nuclear Terrorism (GICNT) and the G8 Global Partnership, which we considered earlier in this chapter and which have important physical security components, there are a number of international initiatives aimed specifically at improving the physical security of nuclear materials. Most of these are delivered through the IAEA.

288. The IAEA set out recommendations for the physical protection of nuclear materials in its Information Circular (INFCIRC) 225, which was first published in 1975 and has been revised subsequently. A new revision is currently in progress. The FCO informed us that “although many states are obliged under various Conventions and Agreements to take [the INFCIRC 225 recommendations] into account”, they are not legally binding.

289. An instrument largely based on INFCIRC 225 which is legally binding is the Convention on the Physical Protection of Nuclear Material (CPPNM), which entered into force in 1987 and to which the UK is a State Party. However, the Convention applies only “to civil nuclear material and only to the standards to be met in the international transport of such material”,⁵⁹⁵ and it does not provide for verification. In July 2005 an amendment to the Convention was opened for ratification which would impose a legal obligation to “establish and maintain a legislative and regulatory framework to govern physical protection and to designate an authority to implement the framework.”⁵⁹⁶ The UK has not yet ratified the amendment, but ratification has been enabled by passage of the Criminal Justice and Immigration Act 2008, and the Government told us that it would be seeking specific Parliamentary approval for ratification. The amendment cannot come into force until two-thirds of the States Parties to the original Convention have ratified it.⁵⁹⁷

290. We conclude that the legally-binding Convention on the Physical Protection of Nuclear Material is an important and helpful measure, even though it covers only civil nuclear material. We look forward to the Government taking the steps necessary for UK ratification of the 2005 amendment strengthening the Convention. We recommend that the Government should actively promote the negotiation of legally-binding international instruments covering the physical security of nuclear and radiological materials not currently covered by the Convention.

291. The IAEA has brought the various strands of its work on physical protection together in a Nuclear Security Plan. Major activities carried out as part of the plan include:

the issuing of a range of guidance documents on nuclear security beyond just INFCIRC 225 [...]; the holding of training courses in nuclear security; encouraging the establishment of Nuclear Security Support Centres in member states; the provision of advisory services to states by the IAEA; the formulation of Integrated Nuclear Security Support Plans for individual states to help implement

⁵⁹⁵ Ev 188 [FCO]

⁵⁹⁶ Ev 188 [FCO]

⁵⁹⁷ Ev 188 [FCO]

recommendations from the Agency's range of nuclear security missions in a coherent way; and the development of the Illicit Trafficking Database.⁵⁹⁸

A new Nuclear Security Plan will run from 2010 to 2013.

292. Funding for these activities comes from the IAEA Nuclear Security Fund (NSF), which comprises voluntary contributions outside the regular IAEA budget. These contributions totalled £15,883,643 (€17,758,000) in 2007. The UK was the third-largest state donor in 2007, contributing around £2 million from the Global Threat Reduction Programme.⁵⁹⁹ As we noted in Chapter 3, in his speech to the international nuclear fuel cycle conference which the UK hosted in London in March 2009, the Prime Minister announced that the UK would be doubling its contribution to the NSF, to £4 million.⁶⁰⁰ The UK also contributes to the NSF through the EU.

293. We conclude that the funding provided for international work on the physical security of nuclear material through mechanisms such as the International Atomic Energy Agency's Nuclear Security Fund (NSF) is vital. We welcome the Prime Minister's announcement of a doubling of the UK's contribution to the NSF, and we recommend that the UK should continue to provide strong financial and practical support for this work.

294. The IAEA has developed a separate Code of Conduct on the Safety and Security of Radioactive Sources which are particularly vulnerable to being used as components of a 'dirty bomb'. The Code is not legally binding, but the FCO told us that "States have been urged to write to the IAEA Director General expressing their support for it. 92 had done so as of 24 July 2008, including the UK." The Code says that every state should be:

taking appropriate measures necessary to ensure that radioactive sources are safely managed and securely protected; having an effective national legislative and regulatory system; establishing a national register of radioactive sources and ensuring that any transfers are undertaken in a manner consistent with the provisions of the Code.⁶⁰¹

295. The IAEA has released Supplementary Guidance to the Code which relates to the import and export of radioactive sources. The FCO said that:

this is not legally binding but States have been encouraged to notify the Director General of their intention to support it, to designate a point of contact, and to send the IAEA a completed version of the specimen self-assessment questionnaire annexed to the Guidance. The UK has done all three.⁶⁰²

598 Ev 188–189 [FCO]

599 Ev 294 [FCO], 303 [DECC]

600 Prime Minister Gordon Brown, speech on nuclear energy and proliferation, given at the international conference on the nuclear fuel cycle, "Securing Safe Access to Peaceful Power", London, 17 March 2009, transcript via www.number10.gov.uk; IAEA, "Nuclear Security Fund receives key financial support", 27 March 2009, via www.iaea.org

601 Ev 189

602 Ev 189

Biological and chemical materials

296. Many research institutions hold stocks of biological and chemical materials which are of potential utility to terrorists. In particular, a number of commentators have noted the importance of biosecurity, but few countries have legislated specifically in this area.⁶⁰³ In 2004, the UN High-level Panel on Threats, Challenges and Change recommended that a biosecurity protocol be negotiated.⁶⁰⁴ The US Commission on the Prevention of WMD Proliferation and Terrorism concluded in 2008 that the US should “press for an international conference of countries with major biotechnology industries to promote biosecurity” and “conduct a global assessment of biosecurity risks”.⁶⁰⁵ Meanwhile, the Commission on National Security in the 21st Century established by the Institute for Public Policy Research concluded that, along with nuclear non-proliferation, global biosecurity was one of the “two fundamentally important areas which require multilateral cooperation.”⁶⁰⁶ Biosecurity is one of the focuses of the Inter-sessional Work Programme for 2007–2010 agreed at the Sixth Review Conference of the BTWC.⁶⁰⁷

297. We conclude that, given the real risk that terrorists may acquire and use chemical or biological weapons, the security of biological and chemical materials is of paramount concern. We therefore recommend that in its response to this Report, the Government should set out the action that it is taking in this area, including its efforts to secure international co-operation, particularly to reduce biological and chemical security risks.

603 Roffey and Kuhlau, “Enhancing bio-security: the need for a global strategy”, *SIPRI Yearbook 2008*

604 “A more secure world: our shared responsibility”, Report of the High-level Panel on Threats, Challenges and Change, UN, A/59/565, December 2004

605 Report of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, December 2008, p xix

606 Institute for Public Policy Research, Interim Report of the IPPR Commission on National Security in the 21st Century, “Shared Destinies: security in a globalised world”, November 2008

607 Ev 185; see paras 34, 204.

7 Conventional weapons

298. There is no official, internationally agreed, definition of what should be considered a conventional weapon. Whilst the Ministry of Defence simply defines conventional weapons as those which are “neither nuclear, biological nor chemical”,⁶⁰⁸ the NGO campaign Control Arms offers this wider definition:

Conventional weapons is a broad category that includes small arms, light weapons, ammunition, explosives, bombs and heavy weapons and military equipment such as missiles, tanks and military vehicles, military aircraft and helicopters and naval ships, as well as components for all these weapons. This category does not include weapons of mass destruction, chemical or biological weapons which are already covered by treaties.⁶⁰⁹

Further complication arises from ‘dual-use’ items—that is, items which can have both a civilian and military application, depending on how they are used.

Impact on global security

299. Conventional weapons are a major contributing factor to global insecurity. While the potential for human and physical destruction arising from nuclear, biological and chemical weapons may be greater, not to mention the strategic threat that they pose to the UK and its allies, conventional weapons exact much the greatest toll in practice. However, not all conventional weapons are equally lethal, with small arms and light weapons being particularly deadly. The FCO stated that “according to research by Oxfam, globally an estimated 1,000 people die every day due directly to the use of small arms and Africa loses around \$18 billion per year due to wars, civil wars and insurgencies.”⁶¹⁰ Writing in 2005, the UN Office of Drugs and Crime asserted:

Cheap and easy to use, small arms are traded globally through legal and illegal networks. They are ubiquitous and have the capacity to wreak staggering death tolls. Curbing the spread of these weapons ‘would be the single most important contribution to greater stability, peace and security’, concludes the United Nations’ refugee agency UNHCR in a study [...] ‘Health, security, education and economic growth all suffer where guns dominate’, says Eric Berman, Managing Director of the Small Arms Survey, a Geneva-based independent research institute.⁶¹¹

300. We conclude that, while it may not be straightforward to define what a conventional weapon is, more effective efforts to counter their proliferation would have a significant positive impact on global security. Accordingly, we conclude that the Government is to be commended for taking the view that countering the proliferation

⁶⁰⁸ Ministry of Defence, *United Kingdom glossary of joint and multinational terms and definitions*, Joint warfare publication 0-01.1 Edition 6, 2004, C-22

⁶⁰⁹ “Frequently asked questions on the Arms Trade and the Arms Trade Treaty”, Control Arms, April 2008

⁶¹⁰ Ev 189

⁶¹¹ UN Office on Drugs and Crime, “UN Firearms Protocol: Curbing the Spread of Illicit Weapons”, <http://www.unodc.org/newsletter/en/200504/page005.html>

of conventional weapons is one of its top foreign policy goals, and for seeking to pursue this goal through the promotion of bans on certain kinds of weapon and, as a longer-term aspiration, through the establishment of global rules and standards for the regulation of the conventional arms trade.

Success outside the UN framework: cluster munitions and landmines

301. Recent successes in the control of conventional weapons have been focussed on individual categories of weapon. The processes which banned both cluster munitions and landmines were set in motion by states which believed that negotiations at the UN pursuant to a further Protocol to the 1980 UN Convention on Certain Conventional Weapons were failing to address these issues adequately.

Cluster munitions

302. The 2008 Convention on Cluster Munitions bans the production, use, stockpiling and trade of cluster munitions. The Convention arose from an alternative, non-UN based process begun in Oslo in February 2007 by a group of countries led by Norway. At a conference in Dublin in May 2008, participating states agreed a definition of the term ‘cluster munitions’, which had proven impossible in negotiations under the auspices of the Convention on Certain Conventional Weapons, and they adopted the Convention. The Government helped to bring these negotiations to a successful conclusion through its announcement during the Dublin conference that it would withdraw all the UK’s cluster munitions from service with immediate effect, although some observers questioned why it had taken the Government so long to reach this decision.⁶¹² A signing ceremony took place in Oslo on 3 December 2008. The Convention on Cluster Munitions has already been signed by over 100 countries. It has yet to come into force but will do so six months after 30 states have ratified or acceded to it. Current non-signatories include the US, China, Russia, India, Israel and Pakistan. Perhaps more surprisingly, several EU Member States are also yet to sign: Finland, Poland, Romania, Estonia, Latvia, Slovakia, Greece and Cyprus.⁶¹³ Of these countries, only Poland has indicated that it does not intend to sign.⁶¹⁴ Greece, Cyprus and Romania have not indicated that they will sign the treaty.⁶¹⁵ Latvia’s position is unclear. Finland, Estonia and Slovakia were amongst the countries which adopted the Convention on Cluster Munitions at the Dublin conference in May 2008, which suggests that they will sign the treaty eventually.⁶¹⁶

612 Until that point, the Government had expressed a preference for retaining two types of cluster munition; “Brown commits to banning all cluster bombs”, Cluster Munition Coalition, Press Release, 28 May 2008, <http://www.stopclustermunitions.org/media/press-releases/?id=284>

613 For a full list of signatories and ratifications of the Convention on Cluster Munitions compiled by the UN Office at Geneva, see [http://www.unog.ch/80256EE600585943/\(httpPages\)/67DC5063EB530E02C12574F8002E9E49?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/67DC5063EB530E02C12574F8002E9E49?OpenDocument)

614 “The Ban Bus in Poland”, International Campaign to Ban Landmines, 10 December 2008, http://www.icbl.org/news/banbus_poland

615 “Sofia regional conference on the Convention on Cluster Munitions”, Cluster Munition Coalition, September 2008, <http://www.stopclustermunitions.org/calendar/?id=627>

616 “Signatories and Non-Signatories to the Convention on Cluster Munitions at 15 December 2008”, Cluster Munition Coalition, December 2008, http://www.fundacioperlapau.org/arxiu_documental/documents/181208_signaturesoslo.pdf

303. In March 2009, the US Congress passed legislation which introduced a ban on the export of cluster munitions. Campaigners have welcomed this move and have expressed the hope that the Obama Administration will soon renounce use by the US military of these weapons and sign the Convention on Cluster Munitions.⁶¹⁷ The UK has already begun to implement the Convention's provisions. With regard to export controls the FCO told us that: "All cluster munitions have been classified as Category 'A' goods, making them subject to the most stringent level of trade controls and thereby taking an immediate step to prevent proliferation."⁶¹⁸ In response to a Parliamentary Question in February 2009, Bob Ainsworth, Minister of State at the MOD, stated:

We will have eight years, from entry into force of the Convention on Cluster Munitions for the UK, to destroy all cluster munition stockpiles under UK jurisdiction and control. [...] Concerning any cluster munitions stored on UK territory but under United States control, we are engaged with the United States in order to meet the eight year deadline. All UK cluster munition types have been withdrawn from service. A progressive UK cluster munition disposal programme has begun, with some munitions already destroyed. We expect that all UK stockpiles will be destroyed by 2013 which we anticipate will be four or five years ahead of the deadline.⁶¹⁹

304. We conclude that the Government is to be commended for the role it played in helping to bring the negotiations on a Convention on Cluster Munitions to a successful conclusion. We recommend that the Government should continue to do everything it can to persuade other states, especially all EU Member States, to sign and ratify the Convention without delay. We recommend that in its response to this Report, the Government should set out what steps it is taking to achieve this.

Negotiations on cluster munitions under the Convention on Certain Conventional Weapons

305. The fact that the Convention on Cluster Munitions was negotiated outside the ambit of the Convention on Certain Conventional Weapons does not mean that those countries which took this step have abandoned negotiations under its auspices. The FCO stated:

We will continue to work within the UN framework of the Convention on Certain Conventional Weapons (CCW) to secure the strongest possible new Protocol on cluster munitions and thereby add to the humanitarian benefit we have achieved. It is in this forum that the major users and producers (e.g. the US, China, Russia, India, Pakistan and Israel) who have remained outside the Oslo Process are actively engaged.⁶²⁰

Bill Rammell told us that:

⁶¹⁷ "Obama takes US closer to total ban on cluster bombs", *The Guardian*, 13 March 2009

⁶¹⁸ Ev 190

⁶¹⁹ HC Deb, 23 February 2009, col 25W

⁶²⁰ Ev 191

The protocol is, if you like, a step along the road and a rung up the ladder for those countries that cannot yet sign up to the convention for financial reasons. For a number of states, that is a legitimate concern. In those circumstances, it must be better to get some controls—on exports, for example—rather than none, on major producers.⁶²¹

He added: “in all our bilateral and multilateral contacts, we make it clear that that is a short-term step towards eventual adoption of the Oslo convention.”⁶²² However, there is concern that such a Protocol might undermine the Convention on Cluster Munitions rather than reinforce it. Roy Isbister of the UK Working Group on Arms, a coalition of NGOs which campaigns on a range of non-proliferation issues, told us:

I think it would be a crying shame if the CCW introduced its own instrument on cluster munitions that could be in competition with what has already been agreed in the Oslo process. [...] The chances of the CCW producing something that could compete with the cluster munitions treaty would be pretty low, so I would be very nervous about that.⁶²³

306. We conclude that the negotiation of a Protocol on cluster munitions under the Convention on Certain Conventional Weapons might not be an appropriate foreign policy objective for the UK. We recommend that, if it decides to continue arguing for such a Protocol, the Government should ensure that any such Protocol is as strong in its provisions as the Convention on Cluster Munitions. It should withdraw its support for such a Protocol if it appears that this will not be the case.

Landmines

307. Signed in 1997, the Convention on the Prohibition of Anti-Personnel Mines (known as the Mine Ban Treaty) has been in force since 1999. The UK has been a strong supporter and passed the 1998 Landmines Act to incorporate the Convention’s provisions into national law. A significant number of non-signatories in 1997 remain non-signatories today. However, the “use of anti-personnel mines has been stigmatized and use of anti-personnel mines, especially by governments, has become a rare phenomenon.”⁶²⁴ Equally importantly, “global trade in anti-personnel mines has consisted solely of a low-level of illicit and unacknowledged transfers.”⁶²⁵ Key non-signatories have also introduced official or unofficial moratoria on the export of anti-personnel mines. For example, the US has an official moratorium in place until 2014 and Israel has a similar moratorium in place until 2011.⁶²⁶ In a leaflet published to mark its tenth anniversary, the International Campaign to Ban Landmines called the Mine Ban Treaty “a success in progress”.⁶²⁷

⁶²¹ Q 312

⁶²² Q 313

⁶²³ Q 180

⁶²⁴ Quote taken from the Landmine Monitor Report 2008, <http://www.icbl.org/lm/2008>

⁶²⁵ *Ibid.*

⁶²⁶ *Ibid.*

⁶²⁷ Of the EU Member States, Finland has not yet signed or ratified the Mine Ban Treaty, although it says that it will do so in 2012. Poland has signed but has not yet ratified. See “Finland”, Landmine Monitor Report 2005,

308. The UK has been criticised by some countries and by the International Campaign to Ban Landmines for its failure to start clearing mined areas in the Falkland Islands. At a meeting of States Parties in late November 2008, the Government requested a ten-year extension of its deadline for clearing landmines.⁶²⁸ The extension was granted, but the Government promised to produce within 18 months a detailed plan for completing the de-mining process.⁶²⁹ In our July 2008 Report on the UK's Overseas Territories, we concluded that:

[...] there are a number of issues to be considered, including cost, practicability, safety and environmental impact, before a decision can be taken on whether to carry out de-mining in the Falkland Islands. We therefore welcome the Government's announcement that it has sought an extension of the deadline to meet the UK's obligations under the Ottawa Convention. We recommend that the Government should discuss the results of its recent feasibility study with Falkland Islanders before coming to any decision about landmine clearance.⁶³⁰

Notably, the Falkland Islands Government has expressed no wish to have mined areas cleared, instead emphasising their value as wildlife conservation areas.⁶³¹ In his evidence to us, Bill Rammell also emphasised that, when he visited the Falkland Islands, he had not met "one person or elected representative [...] who said, given the very clear signage and that everybody knows where they are, that they thought that this was a priority."⁶³² He added that the UK was one of 15 states that applied for an extension at the November 2008 Meeting of States Parties. However, he also announced that contracts were due to be signed shortly for three de-mining area activities.⁶³³ In a subsequent letter, he stated that the procurement process was "at an early stage" but that the aim was that the contract would be awarded by the end of 2009, with work beginning "shortly thereafter".⁶³⁴

309. Roy Isbister took a more critical view. He said:

The UK had 10 years, did nothing, and then asked for a 10-year extension [...] It is easy to imagine other states looking at the situation and saying, 'Well, okay, if this is good enough for the UK then it is good enough for us'.⁶³⁵

However, Bill Rammell argued that the Government had prioritised correctly by

<http://www.icbl.org/lm/2005/finland.html> and "The Ban Bus in Poland", International Campaign to Ban Landmines, 10 December 2008.

628 "Anti-Land Mine campaign says Britain isn't abiding by Treaty", *International Herald Tribune*, 21 November 2008; for the Government position, see the statement of the UK Permanent Representative to the UK's Mission on Arms Control, Ambassador John Duncan, to the ninth meeting of States Parties on anti-personnel mines, 26 November 2008, <http://ukunarmscontrol.fco.gov.uk/en/newsroom/?view=Speech&id=9757102>

629 "Mine affected states given clearance but told to work urgently", International Campaign to Ban Landmines press release, 28 November 2008, <http://www.icbl.org/news/pr28nov08>

630 Foreign Affairs Committee, Seventh Report of Session 2007–08, *Overseas Territories*, HC 147, para 328

631 *Ibid.*, para 324

632 Q 315

633 Q 316

634 Ev 301

635 Q 183

contributing about £10 million per year to humanitarian de-mining activity in the most dangerous and heavily mined developing countries, such as Afghanistan, Angola, Laos and Sri Lanka. Like you, I have visited the Falklands, where there has not been an incident or accident in 25 years resulting from this. [...] in Angola, Laos and Sri Lanka, the population say, 'For God's sake, do something about this.' People risk being injured and killed. In fact, Falkland Islanders and representatives have said to me, 'Of course, you should be spending it on those other areas'.

The Mine Ban Treaty has not been followed by agreement of a new or amended Protocol on mines under Convention on Certain Conventional Weapons auspices.

310. We conclude that the Government has been correct to identify as a priority the clearance of mines worldwide which threaten human life. We conclude that there are understandable reasons for the failure to clear landmines on the Falkland Islands over the last decade. However, the failure to de-mine the Falklands risks damaging the UK's reputation and credibility in this area. We therefore conclude that the Government's intention to move ahead with de-mining in three areas to fulfil its international obligations is a positive step forward, and recommend that this should proceed provided this can be achieved without risk to human life.

The Arms Trade Treaty (ATT)

311. In December 2006 the UN General Assembly adopted resolution 61/89, endorsing the idea of an Arms Trade Treaty (ATT) to "establish common international standards for the import, export and transfer of conventional arms".⁶³⁶ The FCO told us that the criteria for assessing exports would include:

the recipient country's respect for human rights and international humanitarian law. The Treaty would thereby contribute to preventing imported arms being used for human rights abuse, repression, terrorism, and undermining social and economic stability and development.⁶³⁷

312. A Group of Governmental Experts met between February and August 2008 to discuss issues relating to an ATT. Its report revealed differences, among other things, over:

Whether an international treaty is the best way to improve the regulation of conventional arms;

Whether its scope would be more effectively established by a simple, generic set of descriptions of the categories of weapons covered or a comprehensive list;

Which activities and/or transactions should be covered;

⁶³⁶ For the text of this resolution, see <http://www.un.org/disarmament/convarms/ArmsTradeTreaty/html/ATT-GAResolutions.shtml>

⁶³⁷ Ev 189

Which international legal standards should be explicitly referred to in a treaty as the basis for the criteria that must be applied in deciding whether to approve an arms transfer.⁶³⁸

313. On 31 October 2008, 147 states voted in the First Committee of the UN General Assembly to move forward with work on a Treaty, up from the 139 who had voted in 2006 to initiate the process. Only the US and Zimbabwe voted against the resolution. However, 19 countries abstained, including China, Russia, Cuba, Egypt, Israel, India and Pakistan. There was particularly strong support from countries in Europe, South and Central America and Africa. The resolution called on the UN to convene an Open Ended Working Group (OEWG), in which all Member States can participate, which is due to meet a maximum of six times, starting in 2009, and then submit a further report to the General Assembly.⁶³⁹ According to the FCO, these meetings will seek "to establish areas of agreement on the possible scope and parameters for a treaty."⁶⁴⁰ The full General Assembly passed resolution 63/240 in December 2008, endorsing the First Committee's resolution of 31 October.⁶⁴¹

314. The Government has been a strong supporter of an ATT since 2005. In July 2008, the Committees on Arms Export Controls concluded that the Government "is to be commended and supported in its efforts to achieve a comprehensive and effective international arms trade treaty."⁶⁴² The UK Working Group on Arms told us that "alongside its international partners, the UK has continued to play a lead role in promoting the ATT on the international stage."⁶⁴³

315. We conclude that the Government is to be commended for the energy and commitment which it has displayed in seeking to achieve a comprehensive and effective international Arms Trade Treaty. We recommend that in its response to this Report the Government should provide an update on the status of the negotiations on the Treaty.

Feasibility of an ATT

316. While acknowledging the concerns of some states, the Government set out a positive view of the feasibility of the ATT in its March 2007 submission to the Group of Governmental Experts.⁶⁴⁴ Opponents and sceptics put forward a variety of arguments

638 Report of the Group of Governmental Experts to examine the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms, UN Document A/63/334, 26 August 2008, <http://www.poa-iss.org/DocsUpcomingEvents/a-63-334-e.pdf>

639 For the text of the resolution, see http://www.iana.org/un/documents/ATT_1com08.pdf

640 Ev 260

641 For the text of resolution 63/240, see <http://www.un.org/disarmament/convarms/ArmsTradeTreaty/html/ATT-GAResolutions.shtml>

642 Business and Enterprise, Defence, Foreign Affairs and International Development Committees, First Joint Report of Session 2007–08, *Scrutiny of Arms Export Controls (2008): UK Strategic Export Controls Annual Report 2006, Quarterly Reports for 2007, licensing policy and review of export control legislation*, HC 254, para 137

643 Ev 284

644 For the full text of the UK's submission to the Group of Governmental Experts, see Report of the Secretary-General, *Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms*, UN Document A/62/278 (Part II), pp 223–9, submitted 12 March 2007,

against the proposed treaty. Some of those countries that have not endorsed it, like Zimbabwe, largely reject it because they see it as an unwarranted infringement upon national sovereignty.⁶⁴⁵ Other positions are more nuanced. The previous US Administration was suspicious in general of binding international legal commitments of this kind, preferring in the context of conventional non-proliferation to act multilaterally through the Wassenaar Agreement, and did not believe that an ATT could be effective. During the debate in the General Assembly First Committee in October 2008, a representative of the US Government stated:

The only way to convince all major arms exporters to sign on to the ATT would be to weaken its provisions. Concluding a weak ATT would legitimise an international standard based on a lowest common denominator that would not address the problem of illicit and irresponsible arms transfers.⁶⁴⁶

When we asked him to respond to this argument, Roy Isbister said:

I respond by disagreeing. For a start, if you get the world's largest exporter [the US], the one country that is exporting more than 50% of the arms moving around the world, on side, then you are going a long way to not lowering the bar.⁶⁴⁷

317. Bill Rammell told us that the Government "want as strong a treaty as we can possibly deliver",⁶⁴⁸ qualifying this by adding that:

We are certainly not looking for the lowest-common-denominator approach [...] However, in taking it forward—and we are making progress—there is a balance to be struck between the strength of the treaty on one hand and, on the other, the number of states willing to sign up to it. Clearly, a key judgement for us will be ensuring that we do not concede too much in negotiations and end up with a universally adopted treaty with very little impact.⁶⁴⁹

In his evidence to us, David Hayes, representing the Export Group for Aerospace and Defence (EGAD), said: "Fundamentally, we see the concept as being one of raising the bar at the lower end of the continuum of export control systems, rather than adding another layer on top of systems that are already fairly rigorous".⁶⁵⁰

318. The UK is often considered to have a rigorous export control regime, and an ATT would potentially add little or nothing to the national regime. Concerns about UK conventional arms exports to Israel have been revived in recent months in the context of Israel's military action in the Occupied Palestinian Territory of Gaza in December 2008

<http://www.un.org/disarmament/convarms/ArmsTradeTreaty/html/ATT-ViewsMS.shtml>. Paras 7–11 deal with the issue of feasibility.

⁶⁴⁵ A group of ten Arab League states issued a statement explaining why they would be abstaining on the resolution. A key concern was that human rights and sustainable development criteria could be used to target importing countries. See *Reaching Critical Will, First Committee Monitor*, No. 5, 2008, p 20, <http://www.reachingcriticalwill.org/political/1com/FCM.html>

⁶⁴⁶ *Reaching Critical Will, First Committee Monitor*, No. 5, 2008, pp 18–20

⁶⁴⁷ Q 144

⁶⁴⁸ Q 301

⁶⁴⁹ Q 300

⁶⁵⁰ Q 201

and January 2009. Writing before the latest crisis in Gaza, the Campaign against the Arms Trade argued that the Government had failed to uphold the arms export criteria contained within the 2002 Export Control Act with regard to Israel. It also noted that no arms embargo was imposed during Israel's 2006 conflict with Hezbollah in Lebanon.⁶⁵¹ When asked if an ATT would have altered UK policy on selling arms to countries such as Israel, Saudi Arabia or Indonesia, both Roy Isbister and Dr Plesch told us that, as they conceived it, it would.⁶⁵² However, David Hayes disagreed.⁶⁵³

319. We conclude that whilst there are inherent dangers in adopting a lowest common denominator approach to an Arms Trade Treaty (ATT), a treaty that is both inclusive and credible can be achieved. We further conclude, however, that if in the future, the Government is forced to choose between giving priority to the strength of the treaty or achieving the widest possible ratification, it should give priority to securing the strongest possible treaty.

Enforcement of an ATT

320. Another important issue in terms of feasibility which is yet to be seriously addressed in the negotiations is that of effective enforcement, which will be crucial to the credibility of a future treaty but, as discussed above, will be difficult to achieve. Bill Rammell told us: "We are not looking for a paper tiger; we are looking for a legally enforceable instrument".⁶⁵⁴ Roy Isbister stated that this was "clearly a complex question [...] You will have all the normal problems and, hopefully, solutions involved in enforcing international law",⁶⁵⁵ whilst David Hayes said: "To be credible, the treaty needs to be enforceable. The tightness of rules is important, because a loose treaty would achieve little more than to bring export controls into disrepute".⁶⁵⁶

321. We conclude that effective enforcement will be crucial to the credibility and effectiveness of an Arms Trade Treaty (ATT), and we recommend that the Government does all it can to make this issue a high priority in future negotiations. We further recommend that, in its response to this Report, the Government should set out its current position with regard to the ways in which an ATT would ideally be enforceable.

Scope of an ATT

322. During its deliberations in 2008, the Group of Governmental Experts disagreed over important issues relating to the scope of a treaty.⁶⁵⁷ Firstly, some countries favoured agreeing a comprehensive list of weapons to be covered by the ATT, perhaps drawing on

⁶⁵¹ Ev 248

⁶⁵² Q 148

⁶⁵³ Qq 200 and 201

⁶⁵⁴ Q 300

⁶⁵⁵ Q 145

⁶⁵⁶ Q 186

⁶⁵⁷ Report of the Group of Governmental Experts to examine the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms, UN Document A/63/334, 26 August 2008

the list used under the Wassenaar Arrangement, in order to ensure that nothing important is excluded from its scope.⁶⁵⁸ Others appeared to prefer the idea of a treaty that is based on a simple, generic description of the categories of arms covered, similar to those that are used under the 1995 UN Register on Conventional Arms, a voluntary reporting mechanism for participating states which covers seven categories of major conventional arms, on the grounds that it could be relatively straightforwardly updated. Secondly, there were differences over which activities and/or transactions should be included. Key issues of debate included dual-use arms and equipment, brokering, transit and trans-shipment and in-country transfers, with some arguing that most, if not all, activities and/or transactions should be covered but others suggesting a more restrictive approach.

323. The Government set out its views on both issues in a March 2007 submission to the Group of Governmental Experts. On whether a treaty should be based on a simple, generic description of categories of arms covered or a detailed list, the Government stated that there are arguments for and against both. However, at the March 2009 meeting of the Open Ended Working Group, UK Ambassador for Arms Control and Disarmament John Duncan added that “no single existing list will be adequate for our global needs.”⁶⁵⁹ The Government favoured a treaty that covers all conventional arms and equipment, munitions, the technology used to produce and maintain them, and their parts and components. It also supported consideration of including dual-use items “directly relevant to the above arms, munitions and production technology.”⁶⁶⁰ In addition, it called for a treaty to make clear what is meant by the terms “import, export and transfers.” The Government also favoured including other activities within the scope of a treaty, “including brokering, transit and trans-shipment, loans, gifts and temporary imports/exports for demonstration or exhibition”. Finally, it suggested that the treaty should cover only transfers between states, excluding internal transfers.⁶⁶¹

324. The UK Working Group on Arms has expressed concerns about how discussions within the Group of Governmental Experts on scope have proceeded:

[The ATT] must also be as comprehensive as possible, applying to all conventional arms; including their components, manufacturing technology, production equipment and relevant dual-use goods. It is of great concern that discussions amongst governments are focusing on using the seven categories on major conventional weaponry from the UN Register of Conventional Arms (UNRCA), plus small arms and light weapons, often referred to as ‘7+1’. Under such formulation, the ATT would not cover many categories of weapons, police and internal security equipment that are used in the commission of human rights violations, including ammunition and explosives, many types of military vehicles and aircraft, and many categories of ordnance including short-range missiles and bombs. Utilising the UNRCA categories would also not include components and

⁶⁵⁸ For the Wassenaar Arrangement, see para 29.

⁶⁵⁹ UK Statement to the Open Ended Working Group on the scope of a potential Arms Trade Treaty, http://www.un.org/disarmament/convarms/ArmsTradeTreaty/docs/OEWG09_S1_statements/UK-Scope_4mar.doc

⁶⁶⁰ Q 302

⁶⁶¹ Report of the Secretary-General, Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms, UN Document A/62/278 (Part II), pp 223–9, submitted 12 March 2007; the issue of scope is covered in paras 12–16.

parts, which are central to international supply chains that dominate the increasingly global nature of the production of conventional weapons.

As a starting point, the UKWG recommends that the Wassenaar military list should be utilised, as it is comprehensive, multilateral, enjoys the support of a majority of arms exporting states, and is an agreed international standard for the classification of conventional weapons [...] The ATT must also cover all aspects of international arms transfers, including import, export, transit, transhipment, overseas production and arms brokering activities.⁶⁶²

325. Bill Rammell played down fears that a generic ‘7+1’ approach would be adopted, rather than a list akin to the Wassenaar military list, arguing that the negotiations were not yet at “that detailed stage”.⁶⁶³ Dr Plesch told us that some states may be suspicious about drawing too much on the Wassenaar military list because the Wassenaar Agreement was in origin a “Cold War device”.⁶⁶⁴ He added:

many States—you can already see it in the UN debate—are starting to ask, ‘Well, will there be no monitoring amongst those states that hold these weapons as it is just about transfers, and what happens to States that produce their own?’ Those lists could be used not only for the reduction, removal and scrapping of weapons, but possibly for the monitoring and verification of holdings as part of a separate process.⁶⁶⁵

326. We recommend basing an Arms Trade Treaty on a detailed list of the weapons to be covered rather than on a set of simple generic descriptions of the categories of arms covered. We conclude that the Government should take this position in future negotiations. We further recommend that a broad range of activities and/or transactions should be brought within the scope of the treaty, including dual-use items, brokering and trans-shipment.

Standards to be defined in an ATT

327. In August 2008 the Group of Governmental Experts also disagreed about which international legal standards should apply under an ATT.⁶⁶⁶ Some countries clearly favoured a minimalist approach, where explicit reference is made only to a very limited number of existing treaties—for example, the UN Charter. While the Charter refers to the importance of upholding and promoting human rights, it places strong emphasis on both the right of states to self-defence and the principle of non-interference in the internal affairs of states. Flowing from this minimalist approach would be a relatively limited set of conditions that must apply when considering whether to approve an arms transfer. Other countries, including the Member States of the EU, argued for a more expansive approach,

⁶⁶² Ev 284

⁶⁶³ Q 301

⁶⁶⁴ Q 151

⁶⁶⁵ Q 151

⁶⁶⁶ Report of the Group of Governmental Experts to examine the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms, UN Document A/63/334, 26 August 2008

where explicit reference is made not just to the UN Charter but more widely to the applicability of existing international human rights law and international humanitarian law, including the Geneva Conventions. This expansive approach would be the basis for the conditions to be applied when considering whether to approve an arms transfer.⁶⁶⁷

328. Both in its evidence to us⁶⁶⁸ and in its March 2007 submission to the Group of Governmental Experts, the Government endorsed a relatively expansive approach and suggested that the following criteria should be followed when deciding whether or not to approve a specific arms transfer:

Whether the proposed transfer will: Breach any international or regional commitments; Be diverted to a use which would breach any international or regional commitments; Be used in the commission of serious violations of international humanitarian or human rights law; Be used in the furtherance of terrorist acts; Be used in the commission of violent crimes; Be used to provoke or exacerbate internal or regional conflict; Be used to destabilize countries or regions; Seriously undermine the economy or hamper the overall development of the importing state; Be diverted to one of the above uses.⁶⁶⁹

Roy Isbister told us:

If it is a narrowly focused treaty [...] it will be a failure. If the protections of human rights and international humanitarian law are not included, it will be a failure. We need those elements [...]. The debate on international humanitarian law is easier to win than the human rights debate. In general more states are comfortable with the international humanitarian law side than with human rights.⁶⁷⁰

329. We recommend that an Arms Trade Treaty should fully incorporate the protections provided by international human rights law and international humanitarian law. We conclude that the inclusion within its ambit of human rights protections should be viewed as a key test of the likely credibility and effectiveness of such a treaty.

The future of negotiations towards an ATT

330. Negotiations on the next steps with regard to an ATT are to proceed on an ‘overwhelming majority’ basis, breaking with the customary UN tradition of proceeding by consensus on such issues. In its August 2008 report, the Group of Governmental Experts called for further progress “on the basis of consensus”.⁶⁷¹ However, the resolution of the

⁶⁶⁷ Report of the Group of Governmental Experts to examine the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms, UN Document A/63/334, 26 August 2008

⁶⁶⁸ Ev 302, Q 303

⁶⁶⁹ Report of the Secretary-General, Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms, UN Document A/62/278 (Part II), pp 223–9, submitted 12 March 2007; the issue of parameters is covered in paras 17–26.

⁶⁷⁰ Q 161

⁶⁷¹ See para 27 of the report of the Group of Governmental Experts. See also “Arms Trade Treaty discussion creeps forward”, Arms Control Association, December 2008, http://www.armscontrol.org/act/2008_12/armstradetreaty_progress

First Committee of the UN General Assembly on 31 October 2008 simply called for consensus to be further “developed”.⁶⁷² The UK has been a strong supporter of an ‘overwhelming majority’ approach. UK Ambassador John Duncan has been quoted as saying that the Group will “work on the basis of majority, but [...] strive to achieve consensus in the first instance.”⁶⁷³ This shift away from a requirement for consensus may reduce the ability of small numbers of countries hostile to the idea to undermine the entire negotiating process. However, it can be argued that there are also risks in such an approach. The previous US Administration claimed that it was the removal of “consensus-process language” that led it to vote against the resolution of 31 October 2008 and threw into doubt its participation in the Open Ended Working Group. However, a requirement for consensus can lead to frustration, as for example with negotiations on bans on cluster munitions and landmines which were eventually moved outside the UN framework. On the ATT, Roy Isbister told us: “Given that we have made progress and are still making progress, it would be remiss to suggest that we should move outside a UN formula at this stage”.⁶⁷⁴

331. The Open Ended Working Group is due to meet a maximum of six times. It held its first substantive session on 2–6 March 2009. The UK Working Group on Arms also highlighted a series of EU- and UN-sponsored regional meetings taking place over the next 15 months, calling them “an alternative platform to discuss elements further from Group of Governmental Experts consensus”.⁶⁷⁵ They went on to tell us that:

A resolution in 2009 will need to mandate the OEWG to move in 2010 beyond the least controversial issues, to more contentious items such as arms transfer criteria. This mandate will be necessary to speed the process towards the negotiation of a comprehensive, meaningful ATT.⁶⁷⁶

Bill Rammell told us that the Government hopes that a further resolution reflecting the work of the Open Ended Working Group during 2009 will be passed by the First Committee of the UN General Assembly in October or November of this year. This would “set in train negotiations on the treaty during 2010.”⁶⁷⁷ In subsequent written evidence, the FCO added:

The Open Ended Working Groups (OEWG) will broaden discussion from the 28-member Group of Government Experts which met in 2008 to include all members of the UN General Assembly. We think this will enrich the discussion to take account of the various aspects of arms export controls that different regions think should be addressed within an ATT to make it robust. It will also facilitate wider ownership and understanding of the benefits of an ATT [...] An OEWG will also provide a broader forum for all UN Member States to further consider those elements in the 2008 Group of Government Experts’ report where consensus could be developed for

⁶⁷² See para 5 of the resolution.

⁶⁷³ “Arms Trade Treaty discussion creeps forward”, Arms Control Association, December 2008

⁶⁷⁴ Q 164

⁶⁷⁵ Ev 285

⁶⁷⁶ Ev 286

⁶⁷⁷ Q 303

their inclusion in an eventual legally-binding treaty [...] Our general approach will be to seek support for UK positions, and to take account of the views of others in so doing. We cannot predict at this stage how each negotiation and discussion will be develop but we are sure that achieving as close as possible to universal support is a goal worth pursuing.⁶⁷⁸

332. We conclude that it is to be welcomed that negotiations on an Arms Trade Treaty are proceeding on an ‘overwhelming majority’ basis rather than by consensus, and we recommend that this continues. We further recommend, however, that in order to secure a treaty that is as widely supported as possible, all the parties to the negotiations should seek to keep them within the UN framework. We conclude that much depends on how effectively the Open Ended Working Group advances negotiations during 2009.

Universality of an ATT

333. The ATT has faced opposition from the US and Zimbabwe which voted against the 31 October 2008 resolution, and, in practice, from many of those states which abstained in that vote. Russia, one of the abstainers, is an interesting case. By all accounts, one of its main concerns is the costs that adherence to an ATT might impose on its struggling defence industry.⁶⁷⁹ When asked whether Russia and China were “still sitting on the sidelines”, Bill Rammell told us “Yes, but I do not think that they are in the position of outright hostility; rather, we are in the position of needing to persuade and convince those states to move.”⁶⁸⁰

334. The country which supporters of the ATT want most to convert is the US, which dominates the global arms export market. During the Bush Administration, the US was an implacable opponent of the proposed treaty, although it did participate in the Group of Governmental Experts. The Obama Administration may take a different view. NGOs working on the issue believe that the early signs, which include more positive US participation in the first meeting of the Open Ended Working Group in January 2009, have been good.⁶⁸¹ The Obama ‘transition team’ did not make a specific statement on the issue, but in September 2008 Obama stated that “In general, I strongly support international initiatives to limit harm to civilians caused by conventional weapons.”⁶⁸² At the first substantive session of the Open Ended Working Group, held on 2–6 March 2009, while noting that the previous Administration had been opposed to the ATT, the US representative stated:

678 Ev 302

679 J. Erickson, “The arms trade treaty. The politics behind the UN process”, German Institute for International and Security Affairs, Working Paper No. 9, July 2007, p 6, http://www.swp-berlin.org/common/get_document.php?asset_id=4149

680 Q 305

681 Q 162

682 “Arms Control Today 2008 Presidential Q&A: President-elect Barack Obama”, Arms Control Association, December 2008, <http://www.armscontrol.org/2008election>

the United States is currently undertaking a full review of what we might seek through these discussions. I look forward to being able to share the initial results of that review with you during the next session of this Open Ended Working Group.⁶⁸³

335. The Government is certainly hoping for a change of US position. Bill Rammell told us that “we are encouraging their attendance at the forthcoming Open Ended Working Group. There are hopes of movement, but we have to keep working and negotiating.”⁶⁸⁴ Despite the strong opposition of, amongst others, the National Rifle Association, there is little evidence that US public opinion as a whole is particularly hostile.⁶⁸⁵ But doubts must remain as to how much ‘political capital’ an Obama Administration will be prepared to expend on the ATT, when it has so many other objectives in the sphere of proliferation, not least with regard to nuclear weapons. It is as yet unclear whether a shift in the US position could trigger moves by other abstainers, such as China, Russia, India and Pakistan. Roy Isbister said: “In terms of a knock-on effect, certainly if you have the main exporter falling into line than everybody will have to reassess their own relationship to the process.”⁶⁸⁶

336. When asked if all Member States of the EU were pulling their weight in the negotiations, Bill Rammell responded that none of them had displayed any reluctance about supporting an Arms Trade Treaty, adding: “All our EU partners are helping us, some extremely enthusiastically.”⁶⁸⁷

337. We conclude that securing the support of the new US Administration for an Arms Trade Treaty should be a priority for the Government. We recommend that the Government should intensify its efforts to persuade those states that are as yet not persuaded of the merits of a treaty to change their mind.

The role of NGOs and the defence industry

338. The Government has encouraged the involvement of NGOs active on conflict, development and human rights issues, along with the UK defence industry, in the ATT process. The FCO said:

We are working to ensure that the UN agrees to maintain the momentum that has been generated so far [...] We also want to generate more support and understanding of the issues surrounding this proposal and to broaden the discussion. It is an issue that should be important not just to governments and NGOs, but to industry, academics, ‘think tanks’ and religious leaders [...] We are also working very closely with a core group of NGOs and UK industry through the Defence Manufacturers’ Association and Society of British Aerospace Companies in support of the ATT process, to galvanize a broader global coalition to act as multipliers and

⁶⁸³ US Statement to the Open Ended Working Group,
http://www.un.org/disarmament/convarms/ArmsTradeTreaty/docs/OEWG09_S1_statements/US-5Mar.PDF

⁶⁸⁴ Q 304

⁶⁸⁵ J. Erickson, “The arms trade treaty. The politics behind the UN process”, German Institute for International and Security Affairs, Working Paper No. 9, July 2007, p 78, http://www.swp-berlin.org/common/get_document.php?asset_id=4149. On the role of the National Rifle Association, see “Change for the worse”, NRA Publications, no date, <http://www.nrapublications.org/a1f/change.html>

⁶⁸⁶ Q 163

⁶⁸⁷ Q 307

to act directly to influence the sceptics and opponents by raising awareness more widely of what an ATT would be and the benefits that could accrue.⁶⁸⁸

Coalitions of NGOs such as the UK Working Group on Arms and the Control Arms campaign have been influential at the international level. The Government has provided funding to a number of NGOs such as Saferworld for their work on arms control issues.⁶⁸⁹

339. We conclude that the co-operation between the Government and key NGOs involved in the campaign for a credible and effective Arms Trade Treaty, which has included providing official funding for NGO activities on transfer control issues, has been productive. We recommend that the Government should continue to foster these productive relationships.

340. The UK Export Group for Aerospace and Defence (EGAD), which brings together the Defence Manufacturers Association, the Society of British Aerospace Companies and a number of other trade bodies, views an ATT as being an important means through which ‘irresponsible’ and illegitimate conventional arms transfers, which damage the reputation of all companies in the field, can be reduced.⁶⁹⁰ Given that, they argued that the UK already has a tightly regulated arms trade at the national level and therefore the defence industry has little to lose by supporting the idea of an ATT. EGAD also emphasises to its members that an ATT will level the playing field, removing the competitive advantages currently enjoyed by companies in countries where the regulatory framework is weaker. The UK Working Group on Arms has developed a longstanding relationship with EGAD and played an important role in persuading it to endorse the idea of an ATT in mid-2006. This does not mean that their views completely overlap. For example, EGAD has said in the past that it opposes the inclusion of any dual-use items within the scope of the ATT.⁶⁹¹

341. The Defence Manufacturers Association has on occasions joined meetings about the ATT between Government officials and representatives of more sceptical governments, for example, in Russia, as part of efforts to win them around.⁶⁹² EGAD told us that it “applaud[ed] [the Government] for its outreach activities in other countries, but believe that much more of this needs to be done”.⁶⁹³ However, David Hayes indicated that EGAD had no specific future plans for greater co-operation with the Government on lobbying work.

688 Ev 190

689 Qq 166–169

690 In December 2008 it was announced that the Defence Manufacturers Association and the Society of British Aerospace Companies had agreed in principle to merge.

691 Business and Enterprise, Defence, Foreign Affairs and International Development Committees, First Joint Report of Session 2007–08, *Scrutiny of Arms Export Controls (2008): UK Strategic Export Controls Annual Report 2006, Quarterly Reports for 2007, licensing policy and review of export control legislation*, HC 254, Q 65

692 J. Erickson, “The arms trade treaty. The politics behind the UN process”, German Institute for International and Security Affairs, Working Paper No. 9, July 2007, p 6, http://www.swp-berlin.org/common/get_document.php?asset_id=4149

693 Ev 280

342. Some commentators have argued that, if the US defence industry can be persuaded of the merits of an ATT, its influence is such that the US Government may well follow.⁶⁹⁴ Referring to contacts which EGAD had had with US counterparts, David Hayes suggested that it was more likely to happen the other way round. On whether the US defence industry favoured an ATT, he answered:

As you would expect, some do and some do not [...] As and when the political climate in the US changes and the new Administration give a lead in one direction or another, I would expect to see a shift in what might be called corporate positions on the arms trade treaty. I do not expect to see it until that point.⁶⁹⁵

343. We conclude that the wholehearted support of the defence industry for an Arms Trade Treaty (ATT) will help significantly in pursuit of an effective treaty and in its successful implementation. We recommend that the Government should swiftly draw up plans for greater co-operation with the UK Export Group for Aerospace and Defence on lobbying and outreach over the coming period, particularly with the aim of persuading the US defence industry of the merits of an ATT.

The future relationship between an ATT and existing non-proliferation initiatives

344. The FCO emphasised that it funds “a range of SALW [small arms and light weapons] projects undertaken by the UN, EU, OSCE and other international and regional organizations, NGOs and civil society more widely”.⁶⁹⁶ This has included expenditure of £31 million through its Conflict Prevention Pool since 2001. Funding worth £3.25 million was provided for 20 such projects during 2008. NGO beneficiaries included the International Action Network on Small Arms, Saferworld and the Small Arms Survey.⁶⁹⁷

The UN Programme of Action on Small Arms and Light Weapons

345. An ATT could have an impact on existing initiatives in the sphere of conventional non-proliferation, such as the 2001 UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (the UN PoA) and the Wassenaar Arrangement.⁶⁹⁸ The UN PoA is a non-legally binding political agreement that proceeds on the basis of consensus.⁶⁹⁹ It has produced a number of concrete initiatives—for example, on the marking and tracing of guns and on illicit brokering. In 2005 the International Instrument to Enable States to Identify and Trace, in a Timely and

⁶⁹⁴ J. Erickson, “The arms trade treaty. The politics behind the UN process”, German Institute for International and Security Affairs, Working Paper No. 9, July 2007, p 10, http://www.swp-berlin.org/common/get_document.php?asset_id=4149

⁶⁹⁵ Q 204

⁶⁹⁶ Ev 190

⁶⁹⁷ UK national statement for the Third Biennial Meeting of States on the implementation of the UN Programme of Action, 14 July 2008, <http://disarmament.un.org/cab/bms3/1BMS3Pages/1National%20Statements/UK/UNCL%20UK%20National%20Statement.pdf>

⁶⁹⁸ For the text of the UN Programme of Action, see <http://www.disarmament2.un.org/cab/poa.html>

⁶⁹⁹ *Ibid.*, para 22

Reliable Manner, Illicit Small Arms and Light Weapons was agreed.⁷⁰⁰ At the 2005 biennial meeting of states, it was agreed to establish a Group of Governmental Experts to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons. Its report was published in 2007 and contained a range of recommendations.

346. In 2006 a Review Conference on the implementation of the UN PoA was held in New York. However, participants were unable to agree an outcome document and for a few months there were fears that the entire process might collapse. A special edition of the *Small Arms and Human Security Bulletin* in the aftermath of the 2006 Review Conference stated:

The immediate reason for the RevCon's failure to agree an outcome document was the United States' objection to any continuation of the UN's role in monitoring small arms control efforts. The US argued that effective follow up should be limited to national and regional action.⁷⁰¹

However, it was agreed to continue with the system of biennial meetings, and in July 2008 the Third Biennial Meeting of States focused on cooperation and assistance, curbing illicit brokering, stockpile management and surplus disposal. The International Action Network on Small Arms stated afterwards that "the UN small arms and light weapons process remains healthy, two years after the meltdown at the UN Review Conference."⁷⁰² The FCO told us that the meeting "achieved a reasonable outcome, with a final document agreed, albeit by a vote."⁷⁰³

347. There was common agreement that the UN PoA could run parallel to any ATT. Roy Isbister stated that:

I think there was a period when there was confusion among states wondering whether if they had an ATT, it meant that they did not need a POA, or asking why they needed an ATT when they were looking at a POA [...] I think that we have now separated the two and are comfortable that both can move forward. There is still a lot of value to be had from the programme of action.⁷⁰⁴

While acknowledging that EGAD was less engaged with the UN PoA than with the ATT process, David Hayes told us: "I can see the two running in parallel, because the arms trade treaty has a much broader potential scope than the other activity."⁷⁰⁵ The future prospects of the UN PoA also depend on the position taken by the new Obama Administration.

⁷⁰⁰ UN Doc A/RES/60/88

⁷⁰¹ Humanitarian Dialogue, *Small Arms and Human Security Bulletin*, November 2006-February 2007, p 1

⁷⁰² Reaching Critical Will, *First Committee Monitor*, No. 5, 2008, p 17

⁷⁰³ Ev 190. "Albeit with a vote" means that consensus was not possible. 134 states voted in favour. Iran and Zimbabwe abstained. There were no votes against. Iran objected throughout the meeting to the procedures being followed. It is worth noting that China, Russia, India and Pakistan were amongst those who voted in favour. The US did not participate in the vote, having not attended the meeting. However, it did vote against the resolution on the issue considered by the First Committee on 29 October 2008. For full details of the vote, see <http://www.reachingcriticalwill.org/political/1com/1com08/votes/L57.pdf>

⁷⁰⁴ Q 175

⁷⁰⁵ Q 206

There are some initial indications that the US position will change, but as Roy Isbister said when giving evidence: "It is too early to say."⁷⁰⁶

348. We conclude that it is desirable that the new US Administration takes a more positive attitude to the UN Programme of Action on Small Arms and Light Weapons. We recommend that the Government should encourage such a shift. We further recommend that due care be taken by all stakeholders to ensure that the Arms Trade Treaty process and the UN Programme of Action remain complementary and mutually reinforcing.

The Wassenaar Arrangement

349. It remains to be seen what form the final ATT will take and whether it will supersede the Wassenaar Arrangement. Some states might wish to retain the Arrangement if the ATT does not contain similarly strong provisions, for example, in the area of transparency and scrutiny of arms transfers. A conceivable alternative to an ATT might be to extend the membership of the Wassenaar Arrangement. However, Dr Plesch described the Wassenaar Arrangement as a "Cold War device",⁷⁰⁷ whilst Roy Isbister argued that "it is not regarded well" by a significant number of states, adding: "It is seen as a political and excluding instrument—if you are not in, you are out".⁷⁰⁸ In his evidence, Bill Rammell said:

I am not a critic of the Wassenaar Arrangement; in terms of establishing a framework and a forum for sharing information and best practice, it has been positive. However, if we can get a legally enforceable treaty through the ATT, that must be a step forward.⁷⁰⁹

350. We conclude that, while the Wassenaar Arrangement may in due course be superseded wholly or in part by an Arms Trade Treaty, the positive gains made under the Arrangement should, as far as is possible, be incorporated into the Arms Trade Treaty and built upon.

⁷⁰⁶ Q 178

⁷⁰⁷ Q 151

⁷⁰⁸ Q 145

⁷⁰⁹ Q 300

8 Taking stock of Government strategy

351. In this final chapter we assess the Government's overall strategy with regard to non-proliferation and disarmament. This is characterised by the Government's commitment to a rules-based international system.

The rules-based approach

352. A number of witnesses emphasised to us the achievements of the rules-based approach. Bill Rammell argued that:

It has had some considerable success, but the scale of the threat and the challenge is enormous. Just a few years before the establishment of the Nuclear Non-Proliferation Treaty in 1968, President Kennedy had said that by the 1970s we would have in excess of 20 nuclear weapon states—that was not the reality. In that sense, the NPT has worked. We need stronger verification mechanisms and greater universality, but it has worked. If you look at the Chemical Weapons Convention, you will see that we are making progress towards the eradication of stockpiles, and there are similar moves under the Biological and Toxin Weapons Convention.

Given where we started, again going back to the NPT, our track record, and that of the US—50% down on its arsenals from the height of the Cold War—progress has been made. But bluntly, given the scale and the seriousness of the challenge, we must do more, and that is why we want a re-invigorated NPT to come out next year, a Comprehensive Test Ban Treaty and an urgent start to negotiations on fissile material cut-off.⁷¹⁰

Dr Plesch added that:

Over the past 15 years, and certainly over the past 40 or 50 years, the world has done far more to control weaponry internationally than at any other point in recorded history. It is easy to lose sight of that when we look at the individual problems of particular agreements, weapons systems and so on. There have been huge achievements. I think particularly of what I would call the golden decade, between the Russian-American Intermediate Nuclear Force Treaty in 1987, and the Chemical Weapons Convention and the Comprehensive Test Ban [Treaty] in the mid-1990s a decade later, when almost every variety of weapon was addressed forthrightly in a verified manner and, on some occasions, with lightning speed by the international community after decades of logjam. I think particularly of the Treaty on Conventional Forces in Europe, which had a huge impact and which people such as [EU security policy official] Robert Cooper would describe as underpinning the development of the European Union. In the end, the political will was found to carry out implementation in a very rapid, dramatic and highly effective manner.⁷¹¹

⁷¹⁰ Q 216

⁷¹¹ Q 137

Roy Isbister concurred that in the area of conventional weapons, “When you are involved in it day to day, it is easy to get lost in the difficulties but, if you step back and look at the grand scheme of things, there is a lot still to do but a lot that has been done.”⁷¹²

353. Whilst inevitably flawed in some respects, there may be no alternative to the rules-based approach. Mark Fitzpatrick said that:

a rules-based system is important for establishing norms. Even with states that we might call adversarial or rule-breakers, it constrains some of their abilities, and when they break rules, there are consequences. However, any rules-based approach needs to be supplemented by practical measures [...] I would not put all my emphasis on the rules, but neither would I put it all on practical measures. A multi-layered approach is the best way forward.⁷¹³

Nicholas Sims stressed that there is not “an acceptable alternative to the treaty approach as the cornerstone of our efforts, because that approach involves equality of obligation for everyone.”⁷¹⁴

Arguments against a rules-based approach

354. Other evidence pointed to weaknesses in the rules-based approach. At one extreme, Mr Lee Bruce and Dr Robert Crowcroft argued that “proliferation is inevitable”, that “the possibility of achieving international agreement as a means to successfully counter the proliferation of dangerous materials [...] is limited” and that consequently the Government should:

question the precise value of arms controls treaties and disarmament. Adversarial regimes are almost certain to ignore them, while benevolent states such as the UK are not aggressive anyway [...] Rather than attempting to establish international frameworks that are likely to be ineffective, the UK and its partners should take vigorous action against individual proliferators on a case-by-case basis. This should involve more extensive sanctions and the setting out of clear military ‘red lines’.⁷¹⁵

355. A number of difficulties face a rules-based regime. As we have described, achieving universality for treaties is challenging. There are currently few penalties for leaving or flouting a treaty, as demonstrated by the NPT, and Bill Rammell acknowledged that adherence was a problem.⁷¹⁶ Even if universality can be achieved, international treaties rely on national implementation. For example, Nicholas Sims described the

understandable irritation of countries such as the United Kingdom, which legislated the Biological Weapons Act 1974 and the Chemical Weapons Act 1996 before ratifying the treaties, to find that not all states have been that meticulous. Some have

⁷¹² Q 138

⁷¹³ Q 22

⁷¹⁴ Q 67

⁷¹⁵ Ev 90

⁷¹⁶ Q 217

gone into the treaty obligation before making sure that it can be implemented domestically, with proper legislative authority.⁷¹⁷

356. Finally, significant difficulties can be experienced in reliably verifying whether states possess or are actively developing weapons. We received conflicting assessments of the attempt to do just this in Iraq prior to the 2003 invasion. Dr Jones told us that “the false assertions about the status of Iraq’s WMD capabilities” had “challenged confidence that the compliance of states with their international obligations relating to these weapons can be reliably monitored.”⁷¹⁸ However, Daniel Feakes did not share this view:

People assume that Iraq showed the failure of inspections, and in some ways it showed that inspections can actually succeed, because the UN inspectors did find evidence of programmes. They picked up on various things. Because of what followed, I guess that UNSCOM [UN Special Commission] has the image of being a failure. Perhaps it was a failure politically, but technically in terms of on-site verification, it was quite successful.⁷¹⁹

357. Ultimate certainty through inspection is likely to be, as Dr Jones put it, “just about impossible, not least because any state that is transgressing will find some way of pulling the stumps before the smoking gun is found.”⁷²⁰ Daniel Feakes concurred, but doubted that any alternative is viable:

It is like a detective story—one builds up a picture. I understand from talking to people who were in Iraq that the things that they found were often not the weapons or the programmes themselves but all the concealment activities to do with them [...] Any state that went down the path of developing, say, a break-out capability, would have to be sure that it could never be detected. [...] There will often be leaks from programmes, as we saw in Iraq and with the former Soviet Union’s programme.⁷²¹

[...]

It is hard to think of anything better than getting people on the ground in facilities. The OPCW has gone to facilities in Russia that, during the Cold War, we did not know existed. It has gone to previously unknown chemical weapons programmes in India and South Korea. We did not know that India and South Korea had chemical weapons programmes before 1997, whereas now the OPCW sends its inspectors there on a routine basis. At present, I cannot think of anything different.⁷²²

⁷¹⁷ Q 56

⁷¹⁸ Ev 97

⁷¹⁹ Q 65

⁷²⁰ Q 66

⁷²¹ Q 64

⁷²² Q 65

In his evidence, Lord Robertson stressed that even nuclear disarmament would not provide complete security “without putting in place the proper verification and transparency regimes that are required.”⁷²³ This highlights the importance of such work.

358. We conclude that the rules-based approach to counter-proliferation taken by the Government has been moderately successful thus far and has greater prospects of being so than any alternative approach. However, we further conclude that more priority must be given to the enforcement of rules-based regimes. We recommend that the Government should continue to press for national implementation of treaty obligations, and strongly support verification mechanisms. We further recommend that the Government should advocate the inclusion in future international agreements of a defined set of ‘disagreeable consequences’ that would act as a deterrent to states flouting their commitments or withdrawing.

The treatment of different weapons types

359. The National Security Strategy uses the term ‘weapons of mass destruction’ (WMD) to refer to nuclear, biological and chemical weapons, a term which is in widespread use. There is some controversy over whether ‘WMD’ is a useful umbrella term. Some evidence stressed the linkages between the three weapons types. Daniel Feakes noted that “there are states that potentially have or have had all three programmes running at the same time”,⁷²⁴ and in a recent publication Dr Paul Cornish of Chatham House asserted that “too much of an emphasis in one CBRN [chemical, biological, radiological and nuclear] area, at the expense of the others, might prompt adversaries to take a line of lesser resistance, exploiting the redundancy evident in the CBRN system”.⁷²⁵ In the Middle East, Israel’s alleged possession of nuclear weapons is thought to have led to some Arab states being unwilling to renounce chemical weapons.⁷²⁶

360. However, other witnesses told us that the term ‘WMD’ does not distinguish sufficiently between weapons types and the different approach that is needed to tackle each.⁷²⁷ Daniel Feakes told us that in the case of the National Security Strategy “I would hope that in that case it is used as shorthand. I hope that policy-making, assessment and analysis is based on the differentiated approach.”⁷²⁸ He also suggested that the use of the term ‘WMD’ often leads to too much focus on nuclear weapons:

the National Security Strategy [...] [is] [...] a document from which fine detail should not be expected, [but] it devotes relatively little space to CBW [chemical and biological weapons]. [The issue] can also be seen in the responses received to this Committee’s inquiry which overwhelmingly address nuclear issues. Even the FCO’s own submission only devotes 3 of its 54 pages to CBW and none of the 8 ‘serious

⁷²³ Q 97

⁷²⁴ Q 63

⁷²⁵ Paul Cornish, “The CBRN System, Assessing the threat of terrorist use of chemical, biological, radiological and nuclear weapons in the United Kingdom”, Chatham House, February 2007, p 27

⁷²⁶ Eitan Barak, “Israel, the CWC and the Universality Objective: The view from Jerusalem”, *The CBW Conventions Bulletin*, June 2005

⁷²⁷ Qq 6, 62, Ev 99

⁷²⁸ Q 63

challenges' to the international counter-proliferation system listed in the submission relate to CBW. This neglect of CBW is not only limited to the Government. In Parliament, significant events such as BWC and CWC review conferences go almost unnoticed in comparison with their nuclear equivalents. The new focus on nuclear disarmament, while very welcome, may result in a further reduction in attention paid to CBW.⁷²⁹

361. Bill Rammell told us that it was important to strike a balance:

You do need separate regimes to focus on each of the threats, and there must be a dialogue on an international level to ensure that there is no means of slipping between the categories. But if you want real focus on the issues, you have to look at them in their own right.⁷³⁰ [...] ['WMD'] has been used as a generic term to describe and underline the threat we face on all these fronts. Undoubtedly, however, I think the nuclear threat is the most significant challenge that we face.⁷³¹

362. In practice, even if 'WMD' is not a useful term, it may not be possible to discontinue its widespread use. Daniel Feakes told us that ultimately "the term 'WMD' originates with the United Nations. It is written into various multilateral treaties. It is not something that we can ignore".⁷³² Bill Rammell said:

Would it help us to come up with a new terminology? Perhaps it would. However, I think we might then spend a great deal of time negotiating on the terminology—you need to get a consensus internationally—rather than making real progress on what matters in terms of disarmament.⁷³³

363. We conclude that the term 'weapons of mass destruction' will continue to be used, as it is written into multilateral treaties and is an accepted international term. However, we further conclude that whilst nuclear, biological and chemical weapons cannot be considered entirely in isolation, particularly in regions such as the Middle East where the linkages are clear, the three weapons types pose very different threats which require specific solutions. They can and should not be tackled in the same way. We therefore recommend that whilst the Government may use the term 'weapons of mass destruction' as a useful shorthand in documents such as the National Security Strategy, it should devote greater attention to outlining the different approaches which it takes to the three weapons types.

A holistic approach to disarmament and non-proliferation

364. Dr Plesch claimed that in practice there is still a "piecemeal approach towards proliferation"⁷³⁴ and argued that a genuinely comprehensive and global approach to non-proliferation would involve the integration of policy "on nuclear and other WMD non-

⁷²⁹ Ev 237

⁷³⁰ Q 218

⁷³¹ Q 227

⁷³² Q 63

⁷³³ Q 228

⁷³⁴ Ev 257

proliferation, arms control, and disarmament [...] with strategy on conventional weapons to implement a holistic approach within a new Strategic Concept for the Regulation of Arms Possession and Proliferation.”⁷³⁵ Referring to the Conventional Forces in Europe Treaty and the Open Skies Treaty, Dr Plesch further asserted that a major push is needed, not just to control the conventional weapons trade, but also to “reduce holdings of major weapons systems, ordnance stocks and production.” He referred to the longstanding legal commitment in the Nuclear Non-Proliferation Treaty to “general disarmament” of all weapons apart from those needed for internal policing.⁷³⁶ In terms of timescale, Dr Plesch proposed that:

one could look at getting the job done in the course of a decade. If we have timetables for global warming, and if we think that it is practical to get to grips with the entire climate of the planet, we should also see that it is practical to get to grips with weaponry.⁷³⁷

365. We conclude that there is a balance to be struck between addressing the specific threats posed by individual categories of weapons, and considering general disarmament in a more holistic fashion. We recommend that the Government should consider whether it can better build such considerations into its policies.

⁷³⁵ Ev 256

⁷³⁶ Ev 259

⁷³⁷ Q 139

Annex

Abbreviations

ABM	Anti-Ballistic Missile (Treaty)
AP	Additional Protocol (to a comprehensive safeguards agreement)
ATAS	Academic Technology Approval Scheme
ATT	Arms Trade Treaty
BASIC	British American Security Information Council
BERR	Department for Business, Enterprise and Regulatory Reform
BMA	British Medical Association
BMD	Ballistic Missile Defence
BTWC	Biological and Toxin Weapons Convention (also abbreviated to BWC)
BW	Biological weapons
BWPP	Bio-Weapons Prevention Project
CAEC	Committees on Arms Export Controls (of the House of Commons)
CB(W)	Chemical and biological (weapons)
CCW	Convention on Certain Conventional Weapons
CFE	Conventional Forces in Europe (Treaty)
CND	Campaign for Nuclear Disarmament
CPPNM	Convention on the Physical Protection of Nuclear Material
CSA	Comprehensive safeguards agreement (with the IAEA)
CSR	Comprehensive Spending Review
CTBT	Comprehensive Nuclear Test Ban Treaty
CTBTO	Comprehensive Nuclear Test Ban Treaty Organisation
CW	Chemical weapons
CWC	Chemical Weapons Convention
DECC	Department of Energy and Climate Change
EGAD	Export Group for Aerospace and Defence
ESS	European Security Strategy
EU	European Union
FATF	International Financial Action Task Force
FCO	Foreign and Commonwealth Office
FMCT	Fissile Material Cut-off Treaty
FSU	Former Soviet Union
GICNT	Global Initiative to Combat Nuclear Terrorism
GNEP	Global Nuclear Energy Programme
HEI	Higher Education Institution(s)
HMRC	Her Majesty's Revenue and Customs
IAEA	International Atomic Energy Agency
ICBM	Intercontinental ballistic missile
ICNND	International Commission on Nuclear Non-Proliferation and Disarmament
IISS	International Institute for Strategic Studies
INF	Intermediate-Range Nuclear Forces (Treaty)
INFCIRC	Information Circular (of the IAEA)

ISU	Implementation Support Unit (of the BTWC)
ITDC	Illicit Trafficking Database (of the IAEA)
MOD	Ministry of Defence
MTCR	Missile Technology Control Regime
NATO	North Atlantic Treaty Organisation
NGO	Non-governmental organisation
NMD	National Missile Defence
NPT	Nuclear Non-Proliferation Treaty
NSF	Nuclear Security Fund (of the IAEA)
NSG	Nuclear Suppliers Group
NSP	Nuclear Security Plan (of the IAEA)
NTI	Nuclear Threat Initiative
OEWG	Open Ended Working Group (on the ATT)
OPCW	Organisation for the Prohibition of Chemical Weapons
OSCE	Organisation for Security and Cooperation in Europe
PoA	(UN) Programme of Action (on Small Arms and Light Weapons)
PSA	Public Service Agreement
PSI	Proliferation Security Initiative
RUSI	Royal United Services Institute
SALW	Small arms and light weapons
SORT	Strategic Offensive Reductions Treaty
SSBN	Nuclear-powered ballistic missile submarine
START	Strategic Arms Reduction Treaty
UN	United Nations
UNA-UK	United Nations Association of the UK
UNRCA	UN Register of Conventional Arms
UNSCOM	UN Special Commission (for Iraq)
UNSCR	UN Security Council Resolution
UKWG	UK Working Group on Arms
VVS	Voluntary Vetting Scheme
WHO	World Health Organization
WMD	Weapons of Mass Destruction
ZC	Zanger Committee

Formal Minutes

Wednesday 3 June 2009

Members present:

Mike Gapes, in the Chair

Sir Menzies Campbell	Mr Malcolm Moss
Mr Fabian Hamilton	Sandra Osborne
Mr David Heathcoat-Amory	Mr Greg Pope
Mr John Horam	Mr Ken Purchase
Mr Eric Illsley	Sir John Stanley
Andrew Mackinlay	

Draft Report (Global Security: Non-Proliferation), proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 6 read and agreed to.

Paragraph 7 read, amended and agreed to.

Paragraphs 8 to 30 read and agreed to.

Paragraph 31 read, amended and agreed to.

Paragraphs 32 to 80 read and agreed to.

Paragraphs 81 and 82 read, amended and agreed to.

Paragraphs 83 and 84 read and agreed to.

Paragraph 85 read, amended and agreed to.

Paragraphs 86 to 113 read and agreed to.

Paragraph 114 and 115 read, amended and agreed to.

Paragraphs 116 to 121 read and agreed to.

Paragraph 122 read, amended and agreed to.

Paragraphs 123 to 131 read and agreed to.

A paragraph—(*Sandra Osborne*)—brought up, read the first and second time, and inserted (now paragraph 132).

Paragraph 132 (now paragraph 133) read, amended and agreed to.

Paragraphs 133 to 154 (now paragraphs 134 to 155) read and agreed to.

A paragraph—(*The Chairman*)—brought up, read the first and second time, and inserted (now paragraph 156).

Paragraph 155 (now paragraph 157) read, amended and agreed to.

A paragraph—(*The Chairman*)—brought up, read the first and second time, and inserted (now paragraph 158).

Paragraphs 156 to 186 (now paragraphs 159 to 189) read and agreed to.

Paragraph 187 (now paragraph 190) read, amended and agreed to.

Paragraphs 188 to 248 (now paragraphs 191 to 251) read and agreed to.

Paragraph 249 (now paragraph 252) read, amended and agreed to.

Paragraphs 250 to 293 (now paragraphs 253 to 296) read and agreed to.

Paragraph 294 (now paragraph 297) read, amended and agreed to.

Paragraphs 295 to 317 (now paragraphs 298 to 320) read and agreed to.

Paragraph 318 (now paragraph 321) read, amended and agreed to.

Paragraphs 319 to 362 (now paragraphs 322 to 365) read and agreed to.

Annex agreed to.

Resolved, That the Report be the Fourth Report of the Committee to the House.

Ordered, That the Chairman make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for printing with the Report, together with written evidence reported and ordered to be published on 29 October in the last Session of Parliament, 17 December, 4 March and 6 May.

[Adjourned till Wednesday 10 June at 2.00 pm.

Witnesses

Wednesday 5 November 2008

Page

Professor Malcolm Chalmers, Professor of International Politics, Bradford University, and Professorial Fellow, Royal United Services Institute, and **Mr Mark Fitzpatrick**, Senior Fellow for Non-Proliferation, International Institute for Strategic Studies (IISS), and Director, IISS Non-Proliferation and Disarmament Programme

Ev 1

Baroness Williams of Crosby, Adviser to the Prime Minister on Non-Proliferation; Member, International Commission on Nuclear Non-Proliferation and Disarmament; and Member, Board of Directors, Nuclear Threat Initiative

Ev 11

Wednesday 19 November 2008

Daniel Feakes, Harvard Sussex Programme on chemical and biological weapons, University of Sussex, **Dr Brian Jones**, Visiting Senior Research Fellow, Mountbatten Centre for International Studies, Southampton University, and **Nicholas Sims**, Reader in International Relations, London School of Economics

Ev 18

Wednesday 26 November 2008

Lord Robertson of Port Ellen, Co-President, Chatham House; Member, Advisory Board to the International Commission on Nuclear Non-Proliferation and Disarmament; former Secretary of State for Defence (1997–99); former NATO Secretary-General (1999–2003), and **Sir Michael Quinlan**, Consulting Senior Fellow, International Institute for Strategic Studies; Visiting Professor, Department of War Studies, King's College London; Member, Advisory Board to the International Commission on Nuclear Non-Proliferation and Disarmament; former Permanent Under-Secretary, MOD (1988–1992)

Ev 31

Wednesday 28 January 2009

Roy Ibsbister, Saferworld, on behalf of the UK Working Group on Arms, and **Dr Dan Plesch**, Director, Centre for International Studies and Diplomacy, School of Oriental and African Studies, University of London

Ev 43

Mr David Hayes, Chairman, Export Group for Aerospace and Defence

Ev 52

Wednesday 4 February 2009

Bill Rammell MP, Minister of State, **Paul Arkwright**, Head of Counter Proliferation Department, and **Mariot Leslie**, Director-General, Defence and Intelligence, Foreign and Commonwealth Office

Ev 56

List of written evidence

1	Department of Energy and Climate Change	Ev 286, 303
2	Foreign and Commonwealth Office	Ev 170, 260, 293, 301
3	Letter to the Foreign and Commonwealth Office from the Second Clerk of the Committee	Ev 286, 292
4	Home Office	Ev 303
5	Letter to the Home Office from the Committee Specialist	Ev 292
6	Abolition 2000 UK	Ev 108
7	Acronym Institute for Disarmament Diplomacy	Ev 158
8	James M. Acton, Carnegie Endowment for International Peace	Ev 203
9	Dr Arianna Andreangeli	Ev 79
10	Dr Derek Averre, Senior Research Fellow, Centre for Russian and East European Studies, University of Birmingham	Ev 219
11	Mr David Bargh	Ev 75
12	Nigel Barnacle	Ev 84
13	Joanna Bazley, Wimbledon Disarmament Coalition/CND	Ev 166
14	Joy Beswick, Erick Walker and Edna Lomay	Ev 84
15	B B Boshell	Ev 94
16	Bradford Nonlethal Weapons Research Project	Ev 224
17	British Medical Association	Ev 259
18	Mr Benjamin Brooks	Ev 165
19	Mr Lee Bruce and Dr Robert Crowcroft	Ev 90
20	Martin Butcher	Ev 143
21	Campaign Against Arms Trade	Ev 247
22	Campaign for Nuclear Disarmament (CND)	Ev 139
23	Professor Malcolm Chalmers, Royal United Services Institute	Ev 110
24	Luke Charles	Ev 75
25	Adam Colclough, West Midlands CND	Ev 83
26	Lesley Docksey	Ev 80
27	B E Driscoll	Ev 83
28	Export Group for Aerospace and Defence (EGAD)	Ev 279, 304
29	Daniel Feakes, University of Sussex	Ev 236; 287
30	Mr D J Finch	Ev 202
31	Peter Ford	Ev 77
32	Jonathan Granoff, President, Global Security Institute	Ev 117
33	Vera Graubart	Ev 85
34	Mrs Raymonde Hainton	Ev 85
35	Tim Hart	Ev 76, Ev 223
36	Ann Hillier	Ev 77
37	Paul Ingram, Executive Director, and Malcolm Savidge, British American Security Information Council	Ev 207
38	International Physicians for the Prevention of Nuclear War	Ev 165
39	Dr Brian F G Jones	Ev 97, 263

40	Roger Kattenhorn	Ev 78
41	Kingston Peace Council, CND	Ev 113, 254
42	Dr David Lowry	Ev 240
43	Jenny Maxwell, Chair, West Midlands CND	Ev 80
44	John Meager	Ev 94
45	MEDACT	Ev 88
46	Ministry for Peace Movement, National Co-ordinating Committee	Ev 86
47	Hazel Neal	Ev 78
48	Nuclear Information Service	Ev 167
49	John and Margaret Parry	Ev 82
50	David Penn	Ev 82
51	Janet Phipps	Ev 76
52	Dr Dan Plesch, Director, Centre for International Studies and Diplomacy, School of Oriental and African Studies	Ev 256
53	Barbara Pope	Ev 94
54	Religious Society of Friends (Quakers)	Ev 201
55	Dr Nick Ritchie, Department of Peace Studies, University of Bradford	Ev 131
56	Mrs K Ruskin	Ev 95
57	Scottish CND	Ev 155
58	Tina Shaw	Ev 75
59	Mr Nicholas A Sims, London School of Economics & Political Science	Ev 245, 250; 280
60	Letter to Mr Nicholas A Sims, Dr Brian F G Jones and Daniel Feakes from the Second Clerk of the Committee	Ev 241
61	J K Sirothin, CND	Ev 83
62	Sarah Teversham, CND	Ev 223
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Oral evidence

Taken before the Foreign Affairs Committee

on Wednesday 5 November 2008

Members present:

Mike Gapes (Chairman)

Mr. Fabian Hamilton
Mr. John Horam
Mr. Eric Illsley
Andrew Mackinlay

Mr. Malcolm Moss
Mr. Greg Pope
Sir John Stanley

Witnesses: Professor Malcolm Chalmers, Professor of International Politics, Bradford University, and Professorial Fellow, Royal United Services Institute,¹ and Mr. Mark Fitzpatrick, Senior Fellow for Non-Proliferation, International Institute for Strategic Studies and Director, IISS Non-Proliferation and Disarmament Programme, gave evidence.

Q1 Chairman: Good afternoon, everybody. I welcome our two witnesses, Mr. Fitzpatrick and Professor Chalmers. This is the first public evidence session of our new inquiry on global security and non-proliferation. Today we will focus on nuclear weapons issues, but later in the inquiry we will consider other issues, including chemical and biological weapons. We will also consider some conventional arms issues, including the arms trade treaty, but the focus today will be on the nuclear issue.

To begin by going back to the history, those of us who were around in the 1960s, '70s and '80s are well aware of all the various books about nuclear deterrence and the argument that in certain circumstances war was prevented by the existence of nuclear weapons. Are the Government right in those circumstances to have a policy of opposing all nuclear weapons proliferation, or could there be circumstances in which potential adversaries possessing weapons of mass destruction deter each other from the use of such weapons?

Mr. Fitzpatrick: I would be happy to answer, Mr. Chairman. Thank you very much for inviting me to attend and offer some thoughts. First of all, I think that the Government are correct. They are obliged by their commitment in the nuclear non-proliferation treaty to work towards the goal of nuclear disarmament, and they have reaffirmed that several times.

I think that there is a recognition that nuclear weapons present one of the greatest dangers to mankind, and even though nuclear weapons have played an important role in the past 60 days in helping to prevent a conflict between the major powers, the existence of the weapons themselves means that the potential for misuse, miscalculation and mistakes remains high. There are instances, as you with your reference to history will know well. In the Cuban missile crisis and the India-Pakistan standoffs of 1998 and 2002, the world came perilously close to seeing nuclear exchanges. As a

goal, disarmament remains vital.

Q2 Chairman: Thank you. I think that you meant 60 years, not 60 days.

Mr. Fitzpatrick: Sixty years, yes.

Q3 Chairman: I was wondering which crisis we had had in the past 60 days. No doubt we could say that there is always the potential for conflicts of that kind. Professor Chalmers, do you wish to add anything?

Professor Chalmers: I concur with everything that Mr. Fitzpatrick said. I think that it is the case that nuclear weapons contributed to more caution on the part of those possessing them when they were confronted with other powers with nuclear weapons during the cold war. Therefore, I think that they did reduce the chances of conventional conflict between the major powers. What they did not do was to end that possibility altogether. As Mark said, there was a real possibility that nuclear weapons could have been used during the cold war. We were lucky that they were not. In the current period, it continues to remain possible that they might be used. Indeed, I think that the reason why we are having this discussion is that there is concern that nuclear weapons might one day be used, by accident or deliberately, which would create a transformation in international politics, very much for ill.

Q4 Chairman: Is the real problem the proliferation of nuclear weapons to new countries or the existence of nuclear weapons themselves?

Professor Chalmers: I think that the problem is the possibility that nuclear weapons might be used. That relates both to countries that already possess nuclear weapons and to countries that might possess them in future. It does not apply to all those countries equally at any one point in time, but if we are talking about the next 20 or 30 years, I would be just as worried about the nuclear weapons of Russia or Pakistan as I would be about the

¹ Written evidence Ev 110.

possibility that Iran or North Korea might have them in 20 or 30 years' time. Of course, I am less worried about the arsenals of countries like the United Kingdom or the United States, but even in those cases there are real issues surrounding their accidental use and the security of those weapons, and the associated fissile materials, against terrorism which we need to address and which are not being addressed sufficiently right now.

Q5 Chairman: We are going to come on to some of these detailed areas in a moment. Mr. Fitzpatrick, do you wish to add anything?

Mr. Fitzpatrick: I largely agree with Professor Chalmers on that. There is a particular danger in the proliferation when countries newly acquire nuclear weapons. The potential for misuse, mistakes and miscalculation is higher than in states like the United States and the United Kingdom which have evolved careful control strategies, communications with potential adversaries and the like.

Q6 Chairman: In the debates around the issues there is often a tendency—the Government themselves do it in their documents—to group together nuclear, chemical and biological weapons under the heading of weapons of mass destruction. Without going into events of five years ago, there is sometimes therefore a confusion about what is meant by WMD. We have had at least one submission from an academic saying that it is very unhelpful to group them together in this way and that people should not talk about WMD because it does not give clarity. Do you agree?

Professor Chalmers: I would concur with that. I do not think that weapons of mass destruction is a very helpful term. People sometimes use the even worse acronym, NBC—which is also a TV channel in the United States—for nuclear, biological and chemical weapons, distinguishing them as distinct categories of weapons. Mass destruction in terms of physical destruction is a characteristic of nuclear weapons, not of chemical and biological weapons. Chemical and biological weapons may in some circumstances be very useful terror weapons, but in terms of their military utility against those who have organised their own defence, they are much more problematic. Nuclear weapons are in a category of their own and should remain so.

Mr. Fitzpatrick: I agree with that. WMD is usually used as shorthand. It does not create clarity. But it is a term that has some standing in international law. It has been used by the United Nations. We cannot simply discard it, but it is useful when analysing the problems to try to distinguish between the threats.

Q7 Mr. Horam: Looking at the overall global situation today, what view do you take of the trends there are in the possession of nuclear weapons by individual states. Do you think the trends are helpful, very bad or how would you assess the situation as we see it from today's perspective?

Professor Chalmers: The nuclear non-proliferation treaty has played an important role in slowing the pace—

Q8 Mr. Horam: It has done so?

Professor Chalmers: It has done so up to now. I was reading recently a US national intelligence estimate from 1957 which predicted that by 1961 Sweden would be acquiring nuclear weapons and that several other states would do so in the following decade. That simply did not happen. A large number of countries—Sweden, Spain, Yugoslavia, Australia and others—which did have nuclear weapons programmes in various stages, abandoned those programmes in large part because of the norm created by the NPT. Even today, the number of states that are actively pursuing nuclear weapons options beyond the nine states which we know have them is very limited. Iran is the main example in that category. That is not to say that other countries are not hedging around such options, but the idea that we have a cascade of proliferation under way right now is not the case.

What we should worry about, and this is why there is so much focus on Iran and North Korea, is that if those countries acquire and consolidate a nuclear weapon capability, there is likely to be considerable domino pressure in those regions, which would then lead to other countries acquiring them. Yes, we have had some degree of success, but I would come back to the point that I made in response to a previous question. The problem of nuclear weapons is not confined simply to new states. It is also characteristic of those who already possess them.

Mr. Fitzpatrick: A year ago, I might have said that the states seeking nuclear weapons were the same states that were seeking them 20 years ago—North Korea and Iran. The case of Syria, though, gives me further cause for concern. In the past year we have learned that Syria was pursuing nuclear capabilities, and it very much looked like the intention was to produce plutonium for nuclear weapons. There is this blip here, that there could be other states that already have been seeking to join Iran in acquiring capabilities, and that is of concern.

The other trend that is worrisome is that Iran and North Korea both violated their NPT obligations, and the enforcement of those obligations has, in my view, not been sufficient. So, there is both the impetus on the part of some states to seek nuclear weapon capabilities, and the insufficient will and ability of the rest of the world to take measures both to penalise and to stop them.

Q9 Andrew Mackinlay: Professor Chalmers, you said something almost as an aside. To paraphrase, you said, "I have some reservations, some concerns, about the security of the United Kingdom arsenal"—I think that you used the word "arsenal"—“the storage of fissile material, and so on.” I clocked that. Can you amplify on what you said? I have seen some of our nuclear security with the marines. What do you have in mind?

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Professor Chalmers: A couple of cases that have come up recently in relation to the United States arsenal illustrate that there is no such thing as entirely foolproof security. Last year, half a dozen US nuclear-armed missiles went missing from the US Air Force for a couple of days without anybody realising. Subsequently, of course, very senior Pentagon officials were fired as a result. There was another case in May of this year in which there was a fire in a Minuteman silo. The fire was not even detected for five days by the people in charge of the site. Things like that happen in any complex organisation. I do not have any specific concerns in relation to UK nuclear weapons, but I think that we need to be very careful. Perhaps the experience of the recent financial crisis has increased our concern about thinking that systems always work perfectly. They do not.

My final point is that there can be tension between, on the one hand, having nuclear weapons systems for use in very extreme circumstances which are designed to prevent the possibility of their not being able to be used when required, and on the other hand, the requirement to ensure that they are never used inadvertently. There is a trade-off there, and there always will be.

Q10 Andrew Mackinlay: Do you have any concerns about our single-platform delivery system—basically submarines, which tragically do break down and go wrong—compared with either land-based or aircraft systems? I am following your trend. I have listened to your last few comments and I think that you are right to caution us. Things go wrong; people get confident and complacent. However, it occurs to me that our delivery system is under the water—deep in the ocean—and vessels do go wrong and have accidents.

Professor Chalmers: One of the advantages in terms of safety that the UK has is that because we have a survivable system, and only one system, there is less pressure in times of crisis or uncertainty to mobilise or reduce the safety level to be able to use those systems. Therefore, there is a lot to be said for a system such as ours, compared with that of other countries. I would not suggest for a moment that ours was less safe than others; I think that it is more safe by having single-platform delivery. Nevertheless, events happen. There could be breakthroughs in anti-submarine warfare—there might already be breakthroughs that I am not aware of—which mean that we have to change our operating patterns. They are dynamic systems, so we should never think that anything is foolproof.

Q11 Mr. Pope: You have already mentioned three countries of concern—Iran, North Korea and Syria—so perhaps we could look briefly at each in turn. Professor Chalmers, in your submission you stated that there is a real possibility that Iran will become a nuclear weapon state within a decade, and it is possible that that might be unstoppable. A while ago the Committee visited Iran and went to Esfahan, and I understand that most of the nuclear

facilities are in the mountains around Esfahan. It looks like a very secure area. Is it inevitable that Iran will become a nuclear weapon state?

Professor Chalmers: No, I do not think that it is inevitable, but I think that it is possible. A lot will depend on the calculation of the Iranian leadership, which seems, like the leadership of most states, to be concerned to a very significant extent with regime survival and security. It has concerns in that regard and will make a calculation on whether pursuing the goal of complete weaponisation, which is distinct from stopping somewhere along the road towards that end goal, will add to or diminish its security. There are very strong reasons to suggest that going down that route could pose real dangers to the Iranian regime, but that has not stopped leaders going down such paths in the past. The UK and allied countries need to continue the strategy of doing everything we can to change the cost-benefit calculation of the Iranian leadership so that they do not go down that road.

My final point is that it is entirely possible that the Iranians will continue moving down a route of approaching such a capability, going as far as they can within the constraints of the NPT, but not actually going over that final stage, unless there is some immediate reason for doing so, and that is perhaps rather more likely than complete weaponisation. As politics with Iran play out over the next two or three years, one of the things that I worry about is avoiding a situation in which Iran pulls out of the NPT in the way North Korea did, because that could radically accelerate the nature of the crisis in a way that we would all lose out from.

Q12 Mr. Pope: It could reach a breakthrough capacity and stop short of the stage at which it could easily weaponise if it wanted to.

Professor Chalmers: Exactly.

Mr. Fitzpatrick: I agree with that. There is a difference between having a capability and having a weapon, but that difference is usually invisible, and in the case of Iran, which has such a low level of co-operation with international inspections and which has violated its treaty obligations in the past, if it has the capability we have to take the worst-case analysis and assume that it would have weaponisation. However, there are strategies that can be pursued to try to make that line more visible and stronger. Iran is already reaching the point at which it will soon be able to produce a quantity of enriched uranium that, if further enriched, could be enough for a nuclear weapon. It is very close to reaching the red line of mastery in enrichment. These are the questions: can it be persuaded to stop there, and can we keep its capabilities limited?

Q13 Mr. Pope: Iran is a depressing example, so maybe I could turn to North Korea, where there has arguably been more diplomatic success. What are the prospects that diplomatic pressure will bring North Korea's nuclear ambitions to an end?

Mr. Fitzpatrick: I would not call North Korea a success story, since diplomacy failed to prevent it from crossing the line of testing a nuclear device.

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The diplomacy is very active today in persuading North Korea to at least stop producing more fissile material and disable what it already has. The big question is whether it will be ready to go further and disable the nuclear devices that we presume it has and get rid of the plutonium. The big question is what would persuade North Korea to give up what it sees as its last remaining trump card and views as essential for the security of the regime and country. Can it be persuaded to take the course that Libya took and realise that nuclear weapons are not essential and are in fact a detriment to their security? I think that it is going to be very hard to persuade it, but a step-by-step process that establishes trust and shows that it gets rewards for taking steps to disable them is the only way forward.

Professor Chalmers: One of the differences between North Korea, on the one hand, and Iran and Libya, on the other, is that Iran and Libya, because of oil, potentially have very prosperous economies, and international sanctions, or the prospect of sanctions, have hampered their ability to develop their economies and to become very viable members of international society. On the other hand, North Korea has no such resources; its economy is dependent on illegal or nefarious activities such as missile exports, which are not covered by the current negotiations. The regime is clearly concerned that if it gives away all of its bargaining cards in this process, even if it is promised aid, it will become a state that is essentially dependent upon international aid, not least from South Korea, which could be withdrawn. My judgment is that we are in a situation, as we have been for some time, where there is a close interaction between discussions about the political future of North Korea and negotiations about its nuclear weapons and missiles. I think that it is unlikely that it will give up entirely those options without some significant political change.

Q14 Sir John Stanley: As you know, in the immediate run-up to the American presidential election yesterday, President Bush agreed to withdraw the Democratic People's Republic of Korea from the list of state sponsors of terrorism. In Seoul the weekend before last, I found that across the political spectrum within the Government, the view was that the Bush Administration's decision may have been heavily influenced by the impending presidential election. Their view was that the verification provisions that had been agreed with the DPRK by the American negotiator, Chris Hill, were far too loose and elastic, and that is very dangerous country to get into when dealing with the DPRK. What is your view of the strength of the verification provisions entered into by the US Government?

Mr. Fitzpatrick: I believe that it was the right decision to take North Korea off the terrorism list. There was an agreement that if North Korea declared its nuclear facilities, it would be taken off the list. That declaration was apparently not complete, so there needed to be a verification

process that could confirm whether it was complete. I think that the initial verification proposal put to North Korea was probably the kind of proposal that a nation might put in the first round of a negotiation seeking the maximum that one would want. I would certainly have wanted everything that was asked for, but verification means verifying what a country declared and North Korea only declared the facilities at Yongbyon, so it makes sense that the verification was largely limited to that, with some possibility for inspection of other undeclared sites. It is those undeclared sites that did not require access for the verification that some in Seoul took exception to. Verification will continue to be a very important issue as we try to learn more about the North Korean programme. One has to take it step by step, and if the United States had not taken that step, the process would have continued to unravel and we would be further from the goal.

Q15 Sir John Stanley: Professor Chalmers, do you want to add to that?

Professor Chalmers: No, I agree with it.

Q16 Mr. Pope: I just have one more question, which relates to Syria. A facility was destroyed al-Kibar just over a year ago by the Israelis in an air strike. In its written evidence, the British Foreign Office said that the evidence provided by the CIA that the Syrian facility was a nuclear facility was compelling. I am trying to be generous to the CIA, but its track record in assessing with accuracy whether or not a country has a WMD facility is patchy. I am interested to know what your assessment is of Syria's intentions. Was the facility at al-Kibar a nuclear one?

Mr. Fitzpatrick: I have looked at this question deeply and it was part of an assessment dossier we put out earlier in the year. I agree with the Foreign Office conclusion that the evidence the CIA put forward was compelling, in that the facility destroyed at al-Kibar was a nuclear reactor and that the purpose of the reactor was to produce plutonium. That much is very clear. What cannot be said with 100% clarity is that Syria intended to use this plutonium to produce nuclear weapons. There was no evidence of a facility that could reprocess the plutonium, which you need to do before you can make nuclear weapons. If I analyse it, it stands to reason: why would you produce plutonium except for a nuclear weapons purpose? It is a logical assessment. I think we can say that it is obvious that the reactor was there and it was for plutonium production, and that the assessment is probably correct.

The CIA's track record in past instances did not have anywhere near the degree of hard evidence that it had in this case. It had photographs on the ground that matched the overhead imagery. It had somebody inside the reactor with photographs. If somebody did not believe that, they would not believe anything.

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Mr. Pope: That is very helpful. Thank you.

Q17 Mr. Moss: May I now come on to Pakistan? Of course, Pakistan was the source of the most well-known illicit nuclear proliferation network. In your opinion, is Pakistan's nuclear weapons programme now secure from proliferation risks?

Mr. Fitzpatrick: I will take the question as I have also looked at this carefully. Not to blow our own horn, but the International Institute for Strategic Studies put out a dossier on this. There are three aspects of the Pakistan programme that I think are causes for ongoing concern. One is the security of the weapons themselves. Could they fall into the wrong hands in Pakistan? The second is the proliferation risk. Could it again sell the technology or used parts to other nations, as A. Q. Khan did? The third is, will Pakistan expand its nuclear arsenal? The last is a real concern because it is expanding its production capabilities.

Pakistan undertook a reform of the command and control of nuclear assets. It put in charge of the programme elements of the Pakistani army which are the most elite and reliable of forces available. I have a degree of confidence that it really did change its control over these weapons in ways that make me think they are not going to fall into the wrong hands overnight. That does not mean that I have no concern at all. Pakistan is a country beset by many problems. The confluence of terrorist threats in Pakistan and the existence of these nuclear weapons puts it very high on the list of countries that we need to be concerned about.

Q18 Mr. Moss: Can I pick up on your third point about proliferation and the scale of nuclear weapons? Is that to replace older weapons and capability, or is it adding to existing capability?

Mr. Fitzpatrick: It is largely adding to existing capabilities. Pakistan's programme has largely been based on highly enriched uranium. This was the technology that A. Q. Khan sold. It has supplemented that with the plutonium-based weapons programme, which is the one that is expanding. Pakistan is in competition with India. It is perhaps too much to call it a race, because they have not been racing as fast as they can, but Pakistan is making very significant efforts to increase its capabilities.

Q19 Mr. Moss: What are the prospects that India, Israel and Pakistan might be brought into the nuclear non-proliferation treaty?

Professor Chalmers: I think the prospects of that are very limited. However, one of the questions is whether there are other ways in which those countries can be brought into multilateral arms control—through a comprehensive test ban treaty, or some sort of limitation on fissile material production, for example. There are more possibilities, perhaps particularly in relation to the former.

Opportunities were missed after the cold war by not proceeding more rapidly in some of those areas, when India and Pakistan became openly nuclear.

Then, when we got into the recent discussion between the US and India about a nuclear deal, not enough advances were made in those areas for India and Pakistan to have had something that they were then under pressure to join.

There are now real prospects in relation to the comprehensive test ban treaty; we may now be in a situation where the US can ratify that treaty, which would then put significant pressure on countries such as India. It is entirely possible that Israel would ratify such a treaty. China would probably ratify it if the US did. It would very quickly come down to India and Pakistan being the only countries remaining. There may be risks that, in a situation in which India and Pakistan were the two main holdouts to CTBT entry into force, like France before its CTBT ratification, they might be tempted to test in advance of ratification. That would clearly create enormous problems. Mark may wish to add to that, but that is an area in which there could be progress.

Similarly—perhaps not now, but at some stage in the coming years—it is possible that India and Pakistan may come to the view that they have enough fissile material that they are prepared to sign on to a fissile material cut-off treaty. I do not think that is yet the case. As Mark was explaining in relation to Pakistan—it is also true of India—there is still a build-up of fissile material and warheads in those two countries. However, I think that it is possible in the not-too-distant future.

Q20 Andrew Mackinlay: Are both of you satisfied with what South Africa had developed? Has the security of that been accounted for? More difficult is the intellectual property surrounding its programme. You said how Khan sold stuff, which is obviously a major thing. What happened to the people who were developing the programme in South Africa? What happened to their information and the things themselves?

Mr. Fitzpatrick: South Africa deserves a great deal of credit in two regards. First, its co-operation with the International Atomic Energy Agency, when it disabled its facilities, was so thorough that the IAEA was able to conclude that, yes, everything had been disposed of. In terms of the intellectual property, there were cases when people involved with the South African programme then got involved with the A. Q. Khan network.

The second way that I would compliment South Africa is that it took judicial action against those individuals who got caught up in the Khan network, and imposed penalties more severe than any other country imposed on people involved in the Khan network. They were also very transparent in all this, with regard to bringing all the evidence forward to the world. In this case, other countries could take a model from South Africa.

Q21 Chairman: Can I go back to the Pakistan and India question? What arrangements are there for a hotline, consultation or crisis management between

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India and Pakistan, so that we do not get the potential world—or nuclear—war between them that we had a few years ago?

Mr. Fitzpatrick: Pakistan and India have had several agreements over the years to try to create such crisis management mechanisms—to create hotlines and to have procedures for the pre-notification of missile tests and force deployments. But it is fair to say that these have not all been implemented to the degree to which they were first proposed. The case of 2002, when the two came so close to the possibility of a nuclear exchange that certain embassies in New Delhi sent staff home, out of the country, indicates that there is still much more to be done. I am sorry; I do not have a very detailed answer.

Chairman: If you have any information, perhaps you could send us a note on it.² Clearly, it is a relevant issue for future stability, not just for that region—there are wider implications.

Q22 Mr. Horam: As you know, some experts whom we have heard evidence from question the value of arms control treaties and disarmament and the whole multilateral rules-based approach led by international institutions. They say that adversarial regimes will ignore all that anyway and that benevolent regimes are not a threat. Do you see any value in that criticism?

Professor Chalmers: I think that there is a point, but it can be taken too far. As I explained in my submission, there is clearly a relationship between international politics on the one hand and arms control on the other. To come back to the first question that was asked by the Chairman, it is not possible in current circumstances to envisage the abolition of nuclear weapons. There is a co-dependent relationship between politics and arms control. However, it is not the case that arms control cannot help that political process or aid the reduction of tensions between states that have a relationship that is somewhere between total amity and total hostility.

I think that that characterises a number of the relationships in today's world, so arms control can play a role in increasing trust, but if you put too much weight on it and do not address some of the fundamental underlying political issues, there is a severe limit to how far you can go. India and Pakistan are a good example of that. If you want to tackle the India-Pakistan nuclear issue, you have to tackle the issue of Kashmir and Pakistan's perception that it is a state under threat of dismemberment by India, however justified or not that perception might be.

Mr. Fitzpatrick: I would add that a rules-based system is important for establishing norms. Even with states that we might call adversarial or rule-breakers, it constrains some of their abilities, and when they break rules, there are consequences. However, any rules-based approach needs to be supplemented by practical measures, such as those led by the United States in the proliferation security

initiative—the PSI—to improve the capabilities of respective nations to be able to interdict shipments of illicit weapons when the rules have broken down. I would not put all my emphasis on the rules, but neither would I put it all on practical measures. A multi-layered approach is the best way forward.

Q23 Mr. Horam: So you both think that the present approach is correct? You would certainly use that approach as part of your advance on this topic, but does the present approach have real weaknesses? Are there things about it that you would like to improve?

Professor Chalmers: There have been weaknesses. There was an opportunity lost at the end of the cold war, when the political dynamic between the US and the Soviet Union ended. There was a dramatic transformation in the relationship between NATO and the then Warsaw pact conventional forces in Europe, but there was not a similar transformation in relation to nuclear weapons. Now, 18 years after the end of the cold war, one of the things that is quite remarkable is that the US and Russia still have thousands of nuclear weapons on five or 10 minute-alert to destroy the silos and cities of the other, as if nothing has changed politically. There is a disconnect between the military side and the political side.

We are now in a phase in which relationships with Russia have taken a turn for the worse, but they are not back to cold war times. I think that we would be in a better position politically with Russia today if we had taken the opportunity in the '90s to push much further with dismantling the nuclear infrastructure—not ending it, but getting it down to levels more suitable to a relationship between countries that are not the sort of ideological adversaries that they had been since 1917.

Q24 Mr. Horam: Do you think that it was feasible to do so, given that old enmities were still quite strong? It is hard to expect people to change so rapidly and see possibilities quite so quickly, is it not?

Professor Chalmers: Well, counterfactual history is a wonderful thing, but I think that the explanation for the relative lack of progress, although there clearly was some progress, had to do partly with the mindset of those involved in nuclear weapons. One got to the stage, in the early years of the George W. Bush Administration, where things went further backwards and the Administration argued that it was no longer necessary to verify US-Russian strategic treaties, because of the high level of trust. That sounds a bit dubious nowadays. If there had been a push forward with the comprehensive test ban treaty, a verifiable fissile material cut-off treaty and strategic reductions by the US and Russia, I think that we would be in a better position. It would have made some difference to the Russian mindset. We are now seeing the Russians, increasingly and very regrettably, deploying a nuclear card in international rhetoric in a way that deeply concerns other Europeans.

² Note by witness: For further information see Asia-Pacific Review, Vol 15, Issue 1, May 2008

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Q25 Mr. Hamilton: I am well aware of the provisions of the non-proliferation treaty regarding the nations that had nuclear weapons when it was signed, but can either of you comment on the view that we—Great Britain and other nuclear nations—would have a little bit more moral authority in persuading Iran and others who are trying to develop their own independent nuclear weapons facilities if we were not attempting, as the United Kingdom is, to renew the delivery vehicles for our own independent nuclear deterrent?

Professor Chalmers: That is a very good question. Clearly, there is an inevitable double standard at the heart of the non-proliferation regime. The NPT seeks to address that in article VI and the commitment of the five recognised nuclear weapon states to pursue the goal of ultimate disarmament, but it does not specify what should be done in the meantime. That meantime could be a long one. In the case of the UK nuclear force in particular, although I think that this applies to all five, the nature of the nuclear weapons systems is such that they do not last forever. Submarines wear out, in the case that you refer to. A decision never to replace those submarines no matter what happens to disarmament negotiation would effectively be a decision to give up that capability at some stage in the future, which is not something asked for in the NPT. What it means for the UK and other nuclear weapon states is that they have a responsibility, if they do have to maintain their delivery systems in the way that the UK has, to do so in such a way that they are not seen to be increasing their capability qualitatively or quantitatively. That is what the UK Government did, to their credit, in the White Paper. One can argue whether they could have done more, but that was basically what they did. Much more so than other nuclear weapon states, the UK went out of its way to explain to non-nuclear weapon states and others why it was going down that route and why, if it becomes possible—if nuclear disarmament makes progress over the next 20 years—it might not be necessary to continue the programme, but we are not there yet.

Q26 Mr. Hamilton: Do you know, Mr. Fitzpatrick? **Mr. Fitzpatrick:** I do not think that there is any lack of moral authority in calling on states to adhere to their commitments. Iran signed up to the NPT not to pursue nuclear weapons. The evidence suggests that it did have a nuclear weapons development programme. If one believes the US intelligence agencies, Iran had such a weapons development programme until 2003 and then put it on hold. Whether or not Iran resumed that programme—maybe it did not resume it—apparently it had such a programme, in addition to Iran's violations of its safeguards agreement over 18 years in 14 different ways. There is no reason not to call it to account for that programme. In answer to Mr. Horam's question about the weaknesses of the present system, if the issue is the weaknesses of the NPT, then the weakness is in

enforcing the NPT, and bringing countries to account for their violations is one of the major weaknesses.

Q27 Mr. Hamilton: When we were in Iran a year ago, we asked that very question. You will not be surprised to learn that the response we got from people was that it was quite un-Islamic to weaponise this technology—their religion would not allow it. Anyway, in their own self-interest, they recognised that, had they got those weapons, they would be open to immediate destruction by anybody they cared to point them at, without Iran even firing them, so why would they develop them? It is complete nonsense to suggest that they would. I am not suggesting that I believe every word of that argument, but it is plausible, is it not? Iranians look to the UK and they say, as some of our interlocutors did indeed say, “Well, you are just extending the life of your own nuclear weapons.” We recognise that that extension is allowable within the NPT, but do you not think that that shows a bit of a double standard?

Mr. Fitzpatrick: With regard to the religious prohibition, as I understand it, the fatwa against the development, production, stockpiling and use of nuclear weapons was issued by the Supreme Leader, Ayatollah Khamenei, in 2005. One might ask the Iranians this question: if there was a religious prohibition that preceded that, why would they develop these plans and designs for nuclear weapons, missiles and nuclear test facilities and so forth? Previous Iranian leaders are on record talking about nuclear weapons development. I do not underplay the utility of having such a religious prohibition; I think that it establishes an important norm. However, fatwas can change. They could say that the circumstances are different. Therefore, I think that holding Iran to the requirements of the Security Council and new international law to suspend the programmes that create concern is a reasonable approach to take.

I do not think that Iran would change based on what the United Kingdom does with its own nuclear policy; Iran's pursuit has nothing to do with the United Kingdom.

Professor Chalmers: I would just like to add briefly to what Mark said, which I agree with. I think that the audience for steps towards nuclear disarmament by the existing nuclear weapons states is more the broader international community of the vast majority of NPT members who are in good standing and are not developing nuclear weapons, to show them that we are in compliance with the treaty and that it is Iran that is not in compliance, rather than to influence Iran's decision making directly.

Q28 Sir John Stanley: Professor Chalmers, a few moments ago you made a very important but little publicly known point about the extraordinary anomaly—in my view, a grossly irresponsible anomaly—whereby on the one hand we have ended the cold war and on the other hand we have literally thousands of US and Russian nuclear

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weapons pointed at each other on hairline warning times, measured in minutes. Are you aware of the important work and contribution that has been made by a former Senator, Sam Nunn, in this field? I am sure that you are. Would you like to give the Committee your views on his proposals to extend significantly the warning times at which both American and Russian nuclear weapons are held?

Professor Chalmers: Yes, I would be delighted to do so. I think that that is a very important area, and one in which quite significant progress could be made rather rapidly. The dangers created by having very short alert times—a situation in which US and Russian forces could be used within 10 minutes of an order being given—mean that there are real dangers, for example, from cyber-attack. One of the things that states do to disrupt other states' nuclear weapons programmes is seek to subvert their communications systems, but that is something that terrorists and hackers could do, given the increasing dependence of states on information technology in relation to these systems. What Sam Nunn and his group of distinguished elder statesmen and associated experts in the United States have proposed is that the US and Russia take their nuclear forces off that hair-trigger alert. There are various technical ways that one can think about doing that. One could certainly take the vast majority of systems off that sort of alert. In that respect, I think that submarines are more stabilising, because even if there is, for example, intelligence that your own country has been attacked by nuclear weapons, you can take the time to find out whether that is actually, clearly, the case before a retaliatory strike is authorised. However, you need to have the procedures in place for your submarine or missile field commanders or for your bombers to ensure that time is available.

The other point I would make is about a world in which countries, including the US and Russia, say that they want to move forward on nuclear disarmament, but have so little confidence in the process that they maintain such a large number on very high levels of alert. There is a certain contradiction there, which suggests that they have little faith in the process. However, you can make a lot of progress relatively quickly in the process of de-alerting, whereas the process of disarmament, in terms of verifiably destroying warheads, will inevitably take much longer. One of the things that Sam Nunn, people at the Hoover Institute and others have talked about is that this is a first step towards that longer-term goal.

Whether it is wise to take all forces off some degree of alert is debatable. Some de-alerting proposals can increase vulnerabilities. That is a live debate in the case of the UK, but you can go an awfully long way down that road without creating extra vulnerabilities.

Q29 Sir John Stanley: Can I turn to a couple of other areas? First, in the well publicised dirty war threat, one of the most worrying nuclear proliferation possibilities is clearly that the huge arsenal of fissile material within the former Soviet

Union could get into non-state—terrorist—hands. Indeed, members of the Committee visited the location, which I shall not name, of a civil nuclear reactor being used for research purposes, where the external security was patently and seriously inadequate. The internal security was better, but there was no question but that the external security was seriously inadequate. Against that background, what is your assessment of the contribution that the Global Partnership has made, since the agreement was made at the G8 meeting in 2002, to improving the security of WMD materials in general—it applies to chemical as well as nuclear—held inside the former Soviet Union?

Mr. Fitzpatrick: I am not in a position to give a detailed answer, but I think it is clear that much more remains to be done. The efforts that a number of nations have taken, both within the Global Partnership and bilaterally with Russia and the other states of the former Soviet Union, have made some real strides in securing the most insecure areas. The weapons themselves and the fissile material that could be used for nuclear weapons should be the top priority. The material that could be used in dirty bombs also needs to be secured, but it will not create a threat to mankind in the same way. The threat of dirty bombs is more economical and psychological: they are not weapons of mass killing.

Q30 Sir John Stanley: I note your evidence. All I can say is that all the information I had, including that contained in the useful BBC documentary, which dealt with a purely fictitious scenario and demonstrated the consequences of the detonation of two dirty bombs in London, suggested that apart from the catastrophic economic consequences, the loss of life, both immediate and in the long term, through radiation, would have been substantially greater than occurred in the 9/11 attack or in the terrorist attacks in London.

I turn to the non-proliferation treaty. This Committee is here, above all, to examine the policy of the British Government. I ask you both to say, first, what realistic objectives might be achievable for the British Government from the non-proliferation treaty; and, beyond that, what objectives would you like to see achieved, but might not be so easily achievable? It is important to separate out what is within the realm of realistic possibilities, as opposed to hopes for the future.

Professor Chalmers: Perhaps I can start. For a few years, the UK Government have been rather a lone voice in their position on taking article VI of the NPT seriously. However, given the statements of Senator Obama and, to be fair, his Republican rival, the United States will be taking the issue much more seriously in the run-up to the 2010 review. That is reinforced by the work of Sam Nunn, Henry Kissinger, George Schultz and Bill Perry to create an emerging bipartisan consensus in the US that there needs to be a much more active policy in that area, if the NPT is to be strengthened and some of the dangers that we have been talking about are to be averted. That is creating an

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expectation of progress, which it will be difficult in the short term for western Governments to fulfil, for lots of different reasons. As Nunn and Kissinger and their colleagues have emphasised, it is therefore important to have shorter term progress on several different fronts. I put the comprehensive test ban treaty high on the list—No. 1. I have already commented on that: there is a real chance of significant progress in perhaps not immediate entry into force, but in reducing the number of hold-outs to one or two countries within the next couple of years.

Secondly, there is potential for real progress in US-Russia discussions. There are lots of different formulae out there. There is now a recognition by both Russia and the incoming US Administration that the verification provisions of the strategic arms reduction treaty should be extended beyond the end of 2009. Barack Obama has committed himself to a more or less immediate reduction in strategic warheads to the lower limit of the strategic offensive reductions treaty of 1,700, and an agreement between the US and Russia to come down to something significantly below that is possible over the next couple of years. Areas in relation to de-alerting could be involved.

The third area in relation to disarmament where some progress could be made, although perhaps on a longer time scale, is finding ways in which to develop transparency and verification measures between the five recognised nuclear weapons states. It is something that the UK Government have argued for, for which the French President has argued for and for which President-elect Obama has also argued. The western members of the P5 have argued for progress in that area and, indeed, as Russia is already part of transparency measures in START, there may be ways in which that could be extended to the P5 more generally. That will be hard, but if we are going to get into a situation where we are talking about nuclear disarmament by existing nuclear weapons states beyond the two former superpowers, you first need a baseline from which to work and a high degree of confidence that you know how much fissile material and how many warheads states produce. That will be difficult to achieve.

The caveat to that relates particularly to China, but it might also relate to other small nuclear weapons states: precisely because they have relatively small arsenals, they may be more reluctant than others to reveal where they are and how big they are. Nevertheless, it is an area where I think progress can be made.

All of this is important, but there is also a real risk in relation to Iran, which we have to be very aware of. If Iran gets into a situation of weaponisation, the political climate for progress in these other areas will be put at risk.

Q31 Sir John Stanley: Thank you. Mr. Fitzpatrick, do you want to add to that?

Mr. Fitzpatrick: I think these steps on disarmament are important in and of themselves, but they are also very important as a way of leveraging to get more in the area of non-proliferation. It would be ideal if the

non-nuclear weapons states were ready to adopt stronger measures in the non-proliferation area as a kind of quid pro quo for these disarmament steps, but it is going to be very difficult to get that because at the NPT review conference everything is done by consensus. At the last one, Iran was one of the three countries that really prevented consensus. Iran might even be the chairman of the next conference—it is in line for it.

I think there are some ways that the non-proliferation steps can be improved. One of these would be strengthening the withdrawal clause, so that we do not have another situation like North Korea, where a country violates, pulls out and still retains the capabilities it acquired while it was supposedly a member. I would not have too high expectations for the review conference, but some practical steps like this are something that the UK Government could pursue.

Chairman: Thank you. I am very conscious of time and that we have another witness waiting. We are not going to be able to ask all the questions that we had hoped to ask. I am going to get a quick question in about India from Eric Illsley and then I am going to go to John Horam for questions about the UK Government.

Q32 Mr. Illsley: One of the issues in non-proliferation at the moment that is quite controversial is the US-India deal. Some people support it and say that it brings India within the international regime and we can check what India is doing; other people oppose it on the basis that it is a bit hypocritical to be trying to persuade India to come into the NPT at the same time as doing deals with it and “rewarding” it for obtaining a nuclear weapon. Do you have a view on that? Do you think that the US-India deal strengthens or weakens the NPT regime?

Mr. Fitzpatrick: I think the deal weakens the NPT regime for a number of reasons. I would be happy to provide some further evidence in written form.

In a way we are crying over spilt milk—the deal is done. The Nuclear Suppliers Group ratified it and it is going forward. The question is how can we make butter out of the spilt milk? The best outcome would be if India took seriously the commitment it made when the deal was first agreed in principle between President Bush and President Singh. India undertook to seriously pursue a fissile material cut-off treaty to stop the production of more fissile material. Perhaps it will be hard to get such a treaty in Geneva, where it has been languishing for the last 10 years, but India could take steps unilaterally to stop the production of more material if it decided that it had enough for its deterrence capabilities. That would help to persuade Pakistan to stop. This is the area where diplomacy might be best applied to try to persuade India to make this a non-proliferation plus.

Mr. Illsley: We would welcome further material on that.³

³ Note by witness: For further information see Asia Pacific Review, Volume 15, Issue 1 May 2008, pp 76–85.
<http://www.informaworld.com/smpp/title~content=t713405589~db=all>

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Chairman: One quick question on ballistic missile defence from John Stanley, and then we will go to John Horam.

Q33 Sir John Stanley: I should be very grateful if you could help me on an angle of American policy that totally bemuses me. Perhaps the next Administration will make it a change of policy and I will understand the rationale. What I find almost incomprehensible, having looked at this area quite closely over many years, is why, for the sake of a minimal degree of ballistic missile defence in Europe—absolutely minimal in terms the scale of the deployment—supposedly against the Iranians, it is judged worth while to cause such an enormous amount of ruction with the Russians. I simply do not understand the logic of the policy. Can you help me please?

Mr. Fitzpatrick: I used to have to defend that policy when I represented the US Government. I do not represent them any more, so I respectfully decline to try to defend it. I share your sentiments, sir.

Professor Chalmers: My judgment is that the US decision to have a third interceptor site was taken in relation to the possibility of a missile threat—perhaps overstated—from Iran or countries in that region, not from Russia. The decision to site the interceptor and radar in eastern Europe, in countries that are new members of NATO, was taken largely because those countries, for reasons that have nothing to do with Iran, were prepared to take those sites when other members of NATO were not. Once the decision that they were to be located in Poland and the Czech Republic had been announced, it became an issue in relations with Russia. It then became very difficult for the US, in terms of its relations with new members of NATO, to withdraw. That is where we are now.

The US is exploring two proposals which may produce some way through this unfortunate situation. The first is to have some facility for Russian verification of what is happening at these sites, perhaps with personnel on the ground or remote verification. That is helpful. Secondly, the US can and indeed should make it clear that it would not activate the interceptors in Poland until there was clear evidence that Iran had the capability—that it had tested ballistic missiles capable of reaching western Europe, which of course it does not have now. It would be better if we did not have to think about such measures, but I think that the politics of the situation within NATO and relations between the US and its east European allies would make it very hard for it to stop the programme altogether, rather than freeze it in the way Secretary Gates and others have suggested.

Chairman: Thank you. We may revisit this question early next year.

Q34 Mr. Horam: As the Chairman has said, our focus is fundamentally on whether the UK Government are doing all they can to make progress. In so far as you are aware of the institutional arrangements inside Government to handle the NPT and so forth—in the Cabinet Office, which is co-ordinating it, and in the Foreign and Commonwealth Office, which has a minor role—do you have any comments on whether those arrangements are satisfactory?

Professor Chalmers: The only comment I would make—reiterating what I said earlier—is that for some time now the UK has been well ahead of the US and France in the seriousness with which it has addressed its disarmament obligations. We may now be moving into a period in which the US is much more active in that area, which means the UK has an opportunity to be more active in a way which does not leave it isolated.

Q35 Mr. Horam: How can it do that?

Professor Chalmers: As you know, the UK has floated some interesting proposals for the UK to be more of a disarmament laboratory. Some of those proposals require resources, work and people to think through the ideas. A good example, which has a lot of potential, is that to be serious about nuclear disarmament we have to find ways of verifying warhead dismantlement. We do not have proven ways right now. There are all sorts of sensitivities, because you do not want people without knowledge of warhead technology finding out what those technologies are. If the UK were to put some resources into testing methods of warhead dismantlement, perhaps in co-operation with other nuclear weapon states—there would be various options—that could be a real, practical contribution to the process.

Mr. Fitzpatrick: In comparison with the way in which many other countries arrange their institutions to deal with non-proliferation and disarmament issues, the UK has the best that I have seen. In comparison with my own country, where the arrangements have been dysfunctional at times, they seem to be functioning well here.

Chairman: Thank you, gentlemen, for a very useful session. We are grateful to you. We might pursue several matters in writing, but this evidence session was certainly extremely valuable and we are pleased to have had it. We will now pause for two minutes before beginning the next section of this session with the new witness, who has been patiently listening to us.

Witness: Baroness Williams of Crosby, Adviser to the Prime Minister on Non-Proliferation; Member, International Commission on Nuclear Non-Proliferation and Disarmament; and Member, Board of Directors, Nuclear Threat Initiative, gave evidence.

Q36 Chairman: Baroness Williams, welcome. We are pleased to have you come down from the other place to give us the benefit of your great experience. You heard many of the questions to our previous witnesses, and some of the issues we will discuss will cover the same areas. May I begin by asking you about your current role? You were appointed by the Prime Minister as adviser on nuclear proliferation in July 2007. What exactly do you do in that capacity for the Prime Minister, and do you also have a relationship with the Foreign and Commonwealth Office with regard to those issues?

Baroness Williams: Thank you very much. Right away, I should say that to many people this appointment was an odd one. Some people probably thought that it was just a case of bringing in more people to form the big tent. The Prime Minister announced that he wished to broaden the big tent, and I suppose that I was one of a number of examples of that, but there was more to it than that. I spent 12 years as a professor at Harvard, and I was on the board of the Belfer Centre for Science and International Affairs, which has prime responsibility in the university for looking at issues of security, with particular emphasis on nuclear security.

I was invited to join the board of the Nuclear Threat Initiative, which is directed by Sam Nunn, the former Senator for Georgia and chairman of the Senate Committee on Armed Services while he was in the Senate, which was a long period. He and the other board members invited me to serve on the board and I have been on it since 2001, which is a reasonably long period. In that capacity, I have been to almost all the board meetings and a number of the other projects that it undertakes. As you mentioned, those are primarily in the context of securing nuclear materials worldwide, with a particular emphasis on Russia.

I next got invited, partly because of this, by Gareth Evans, President and CEO of the International Crisis Group, who has now become the co-chair of the new international nuclear non-proliferation and disarmament group (ICNND), along with the former Prime Minister of Japan to become a member of the Commission. In that context, I have been to many discussions about nuclear security throughout different parts of the world.

What are my relationships within the Government? I primarily work with the Foreign and Commonwealth Office. I was present at the recent meeting that the Foreign Secretary had on 18 July to discuss the way ahead on nuclear security issues and so forth. I see a great deal more of him than of the Prime Minister, particularly since the economic crisis started. I often correspond with the Prime Minister, but it would be fair to say that the economic crisis in the last few months has tended to mean that nuclear proliferation has moved more thoroughly under the aegis of the Foreign Secretary, the Prime Minister having rather limited time for it. It is interesting that throughout the parts of the world that I have been involved in, including the United States, the preoccupation with the economic

crisis in the last couple of months has tended to push the nuclear issue on to the back burner to some extent. One may regret that, but it is pretty inevitable.

Q37 Chairman: Thank you, that is helpful. We will have some other questions in a moment from John Horam. First, you have referred already to your role in the new International Commission on Nuclear Non-proliferation and Disarmament. Are you there as a UK Government representative or in a personal capacity?

Baroness Williams: I am invited in a personal capacity, but I have the approval of the Prime Minister, although I did not ask for it. He wrote me a very nice letter saying he was pleased that I was on it. I think that I happen to be the only person from the UK on it, but that does not make me the Government's representative.

Q38 Chairman: What impact do you expect this organisation to have, generally, given the renewed upsurge of interest that there has been in nuclear disarmament and related issues?

Baroness Williams: I am not a believer in creating commissions for the sake of having them. I think that the key role of the new commission arises, at least in part, from what I would almost describe as the quite considerable anger, or certainly irritation, of the non-nuclear weapons powers. They have become a good deal more aggressive and frustrated by their sense that article VI of the NPT has not been adequately carried out. Part of that flows from the way in which some of the initiatives by the nuclear states, with regard to the NPT, are becoming more and more evident.

I have not often heard such outspoken comments as I heard at the 2008 preparatory committee of the NPT in Geneva a few months ago, particularly from some rather surprising countries. Obviously Australia, with the change of government, has become quite outspoken about its sense of frustration about what is happening under the aegis of the NPT. Germany has a much stronger voice than it used to have on similar issues. Indonesia and Egypt are both finding their voices. In fact, it was clear at the meeting of the review conference that Lord Malloch-Brown and I attended in May, that there was a very powerful feeling that something had to be done by the nuclear weapon states. Partly, that was of course about the unilateralism of some elements of the Bush Government's policy, most notably with regard to such things as the move away from the anti-ballistic missile treaty (ABM) and the growing strain between the United States and Russia. But part of the purpose of the new commission is to try to create something of a pressure group on the part of the non-nuclear powers to, in their view, very much strengthen the NPT when the next review conference is held in 2010.

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Q39 Mr. Illsley: That is exactly what I was going to ask about. Do you see that as a force for encouraging the NPT? Do you see the role of the commission as complementary, or is there a danger that the new commission will get in the way of the NPT, duplicate some of the work and perhaps create some resentment?

Baroness Williams: That is a very interesting question. My impression is that these are people who want a say in the NPT, to strengthen the regime, and they want to compel the nuclear powers to look again seriously at such issues as disarmament. They probably could be a very constructive force; a lot of very sensible Governments are involved. We should recognise that it is a real force, which has partly grown up—in my view at least—because the other leading Asian nuclear countries, namely India and Pakistan, have not really played a full part in the creation of this rules-based system. They have stayed outside of it, as we all know.

That means that there is a sense that, as the global balance shifts towards Asia, from being largely western based, there is not a sufficient voice for that part of the world in the negotiations that are now going on. The case of Indonesia is very striking. It is usually a fairly quiet power in discussions of this kind, but there is now a strong sense that it ought to exercise a louder voice, because it chose not to be a nuclear power—the biggest international country to do so. It feels, I think, that it should have a greater say in the review of the NPT.

Q40 Mr. Horam: I am very interested in what you said about the frustration on the part of the non-nuclear powers, and how that has built up to a point where it has become something that the nuclear powers have to take seriously. I am sure that the nuclear powers would say, “That is all very well, but what we are really concerned about is the possible rogue states such as Iran, and the difficulty that we face over there. That is a real threat. The threat does not come from us; it comes from Iran or North Korea.” How do you see the situation between those two perhaps conflicting viewpoints? The major powers are concerned about Iran and North Korea, and are probably less concerned about the frustrations of the non-nuclear powers.

Baroness Williams: I have attended about seven or eight conferences at which substantial numbers of non-nuclear weapon powers were present, and I have to say that they do not see Iran in the same way as the United States and the United Kingdom do. That is not particularly because Iran has done a very good job at diplomacy with them; Iran tends to be a rather remote power that does not go out of its way to build friendships. Having said that—I am talking not about Islamic countries but about non-Islamic ones—it is probably true that the sense of alarm that is felt here is not felt in the same way by other non-nuclear powers, including some European non-nuclear powers. I will come back, if I may, to why. I do not know, Mr. Chairman, whether you want me to go any further into Iran. I am happy to do so.

Q41 Mr. Horam: We are interested in why you think that that is the case, so please go further now.

Baroness Williams: Okay. I have recently been in Iran. There is a very strong argument about what Iran’s real motivations are and whether they resemble those of Iraq, in the sense that you hide the information because you do not want your bluff called, but it is a bluff. The second argument, strongly advanced by Dr. el-Baradei, director of the IAEA—including in a conversation with me a couple of months ago—is that one of the main reasons for Iran being obscure and leaving open the question of whether it is or is not developing nuclear weapons is that, because until very recently the United States was not prepared to talk directly to it or to recognise it diplomatically, it has been unable to establish a diplomatic presence in the region, so it uses the obscurity about whether it has a weapons programme as a way of compelling people to recognise its role in the region. Its real intention is to be taken as a serious regional power, not to develop nuclear weapons particularly.

It is interesting that Mr. James Dobbins, whom I know quite well, and is a director at the RAND Institute, which many of you will know has a highly sophisticated and very capable military intelligence centre, takes the same view. I thought that you might ask a question of that kind, so I brought a document from him for you to see. He says that he believes that the fear in Iran of a possible military strike, somewhat strengthened a few weeks ago by Israel’s consideration of such an action, has made Iran a very defensive and very secretive power. However, if it were possible to have direct discussions with Iran, one would be able to find out much more about what Iran’s real intentions were. Dobbins argues that there should be a diplomatic initiative, which was not possible under the Bush Administration but might be under a new one.

When I went to Iran a couple of months ago, I found that there were two unending problems. One was that the relationship between Ahmadinejad and the supreme ruler was very obscure—incidentally, his proper description is the Supreme Guide. He certainly seemed to be busily building up both sides of the argument in Iran itself, perhaps to strengthen his hand.

In that context—and now I will make a remark that may or may not appeal—I regret the fact that the Government did not welcome Dr. Larijani’s approach, when he asked for a select parliamentary group to meet with the Iranian Majlis to discuss issues between the west and Iran. I say that because of my impression that the Iranian Administration is not only layered, but divided, and that there are voices such as that of Larijani—who of course is the speaker of the Majlis and was so elected—who very much want a peaceful outcome to the divisions. This is only an impression and I do not want to put too much credence on it. There are others, such as Ahmadinejad, whose popular base is based upon making frightening and extreme statements. One has to make a difficult judgment about those two, but it is not in our interest not to welcome statements by,

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what one might call, the deliberately moderate-minded and internationalist element in the Iranian Government more than we do. Beyond that, it is hard to discover people who you can talk to there who will not revert to obscure and, in many cases, theological comments, which were rather hard to follow at the seminar that I recently attended.

Q42 Mr. Horam: That is interesting. You may be aware that this Committee went to Iran.

Baroness Williams: A year ago.

Mr. Horam: Yes, and we recognised some of the points that you are making. We said in our report, with certain qualifications, that we wanted talks to take place, not entirely without preconditions—

Baroness Williams: I thought that you were very nuanced.

Mr. Horam: We were giving a clear signal that we would like it to happen the way that you describe. As you said, we are at a significant moment with Obama being elected President of the United States, and the United States is the key. One lesson that we have learnt from all these talks with the Iranians, both in Washington and in Tehran, is that the United States is the key to unlocking this. If it does not play a role, everybody else—all the European powers—can talk until they are blue in the face but they will not necessarily make a difference, because that is what Tehran understands to be the power of the situation. Do you not think, therefore, that given what Obama has said, we are at a significant moment where some real progress could be made in relation to Iran?

Baroness Williams: I do. I would hope that our Government could encourage the new President, and perhaps even more so those people around him, such as the Secretary of State and the new Secretary of Defence—or perhaps the same Secretary of Defence—to consider sitting down and talking. There was one element of breakthrough a month or two ago, when the United States agreed to the presence of an observer on the one plus three discussions. That was encouraging.

There have also been back-channel discussions between individuals with a lot of knowledge of nuclear issues. They are, of course, not able to be publicly acknowledged, but they are known about by the American Administration without any doubt. Some of them are serious middle east and Iranian experts who are, in a sense, acting individually, apparently on their own. They are acknowledged in the American Administration but there is not any official acknowledgement.

I am hopeful of that. It is terribly important—and your Committee recognised it when you visited—that there has been no official diplomatic relationship with Iran since 1980, which is quite extraordinary. It is one of the major powers in the world. As we all know, when the leader of the Iranian Administration was rather liberal, Iran made deliberate attempts to reach across to the United States, particularly in 2002 and in 2004—perhaps an unfortunate year—to try to talk about the possibility of discussing how the two countries could deal with Iraq and how they should deal with the general troubles in the region. One of the problems

is that those approaches were rejected by the Bush Administration. That tends to build up a sense of paranoia among the Iranians because they feel that there is no way that they can reach a formal exchange of views which are officially recognised. The sensitivities are huge. Iran feels itself to be a great civilisation. It feels that it is not recognised as such by the major powers in the west.

Q43 Mr. Horam: To finish with this point on Iran—I am sure we do not want to carry on too long—one point that has been made to us by the experts on Iran, in the context of the Iranian push for nuclear weapons, or perhaps not nuclear weapons, is that when our Secretary of State, David Miliband, came to office, he failed to make an early visit to Tehran, when he could have done so. Because of the importance that the Iranians still attach to British opinion—it is second to America, certainly, but still important—that would have been well received. It is a pity that the UK Government did not make that initial effort.

Baroness Williams: That is rather my sense as well. That is why I said that I thought the opportunity that was offered by the Larijani initiative only a couple of weeks ago might have been one where we could at least have used the phrase, “This sounds interesting enough to explore,” or something of that kind. In fact, as far as I know, we said nothing. That is immediately seen as another rejection by Iran. I have only one other thing to add about that, which is that cultural exchanges, and for that matter, inter-faith exchanges with Iran could be very useful. That country is very far away and isolated from the rest of us. When we were going there, for example, there was a tight system of selection to decide who would be allowed to have a visa to get to Iran. At that time, rather sadly, all the American applications were dismissed, but that was because America, in turn, had dismissed all the Iranian applications to go there.

Mr. Horam: That is one issue that we took up with them.

Chairman: I am conscious that we do not want to spend too long on Iran because we have to get on to other areas.

Mr. Horam: Can I broaden out one question?

Chairman: On Iran?

Mr. Horam: No.

Chairman: In that case, Fabian wants to come in on Iran and then we can move on.

Q44 Mr. Hamilton: Baroness Williams, you touched on the point that just before we went to Iran last November, we were in Washington. As I recall, we had breakfast with the late Tom Lantos, who is sadly missed. At this breakfast with the House Committee on Foreign Affairs, he told us that he and a number of other Congressmen and women had applied to go to Tehran because they felt, independently of their Government, that they needed to talk to the Iranians—Iranian parliamentarians and people like Larijani—but they were told that there would be no visas. When we were there, we challenged people on why they were not given visas. They were going to go

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there to talk to the Iranians against their own Government's wishes. They were peaceful elements of the American Administration and the Iranians would not even talk to them because they would not give them visas. Has that changed?

Baroness Williams: Yes, I think that it has changed. I completely agree with you, and you are absolutely right. It was very foolish to refuse those visas, but you will remember that the Iranian Administration at that time was very much divided. There was the rise of Ahmadinejad, who had just recently come back as the President, and there was the attempt to move Larijani from the Administration altogether. He was later saved by the supreme ruler and brought back as his adviser on nuclear proliferation, and he is now showing signs of rising in the Administration. As I mentioned earlier, I suspect that the supreme guide does not discourage divisions between those around him. It is not a unified Administration, so now is a good time to revisit that because you have the initiative coming from Iran, albeit through the Larijani channel, but you are clearly not going to get it through the Ahmadinejad channel at the moment.

Mr. Hamilton: Thank you for your very clear analysis of Iran.

Q45 Mr. Horam: I want to look at the whole NPT situation and get away from the issue of Iran for a moment. We asked the two previous witnesses what they saw as the weaknesses of the present international arrangements for controlling nuclear weapons, and one answer was that we had not been tough enough on some of the people who threatened not to comply with them. Unfortunately, Iran is one of them, but I do not want to go on about that. Do you agree that we have not been tough enough with some of them?

Baroness Williams: I will step back for a moment and look at that word "we". We are by no means a completely united group, in the sense that France clearly follows a rather different line than the Bush Administration in the US does. I might put that in stronger terms than those that you have used so far, because I think that the Indo-US nuclear treaty was seen by many non-nuclear powers as a coach and horses going right through the middle of the NPT, and I rather agree.

At that time the US did not exact from India the requirement that the additional protocol apply to its military installations, for example, but allowed it to refuse any access to military installations. They proudly said that they would accept access to civil nuclear facilities, but that was not the point. We do not allow Iran to say, "You can have access to our civil nuclear facilities at Bushehr, but do not come and ask us about anything to do with the military." That would make a nonsense of the NPT. Although I am, personally, deeply pro-Indian, I thought that that was a very unfortunate and damaging case of double standards.

America was offering such a good deal on access to nuclear materials in almost every circumstance, so I would have thought that the US Administration could have exacted a heavier price—if not membership of the NPT, then at the very least full

adherence to the NPT requirements of inspection. However, they did not do that. Among other things, of course, that has made Pakistan, at an internal political level, argue that it has been treated quite differently from India and far less favourably. It is not a happy moment for that kind of attitude to be taken in a democracy that is clearly very frail at present.

Q46 Mr. Horam: Thank you, Baroness Williams. With our previous witnesses we discussed, as you might have heard, dirty bombs, their associated problems and the business of the wrong material getting into terrorist hands. Have we succeeded in making the acquisition of nuclear weapons and other weapons of mass destruction by terrorists less likely?

Baroness Williams: No, we have not. We have not given that anything like the necessary attention, but I would question slightly the use of the word "terrorist", and you will see why. I have just looked at a very interesting report called "Securing the Bomb", which the Committee might want to look at, which was put out by the Belfer Centre, of which I am a board member, and written by Malcolm Bunn, a brilliant man and one of the centre's experts in the field. The report points out that since 1993 there have been approximately 1,800 attempts to seize, sell or trade nuclear materials. Of that 1,800, only 18 have been serious attempts to seize highly enriched uranium. Most of the other incidents involved poor security or attempts by people—but not serious terrorist groups—to seize or steal.

So far, the most serious breaches that we know of among those 18—those that are on a substantial scale—are quite astonishing because they had nothing to do with terrorists. One involved the deputy chairman in charge of security at nuclear sites who was himself a Russian citizen. He was sacked from his job for attempting to smuggle and steal nuclear materials and sell them abroad. The second one, which is almost as troubling and is also mentioned in the report, was an attempt by certain senior figures in the Pakistani military to get hold of nuclear materials to sell them to al-Qaeda. The breaches were discovered, and in both cases the people concerned were sacked, but because we have concentrated so much on terrorism—I am not saying that that is wrong, but you see my point—there have been in some ways much more organised and much more serious internal betrayals involving nuclear materials and nuclear knowledge and understanding than any terrorist has so far succeeded in bringing about. It does not mean that they could not do so, but one has to look inside as well as outside—possibly even more inside than outside.

Very quickly on the broader issue, at the Nuclear Threat Initiative we think that about 55% of the Russian nuclear installations have been raised to what are called high security standards. That means that 45% are not there yet—they have not got that high. In the case of research materials using highly

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enriched uranium, there is very little proper security. The amounts are small, but even so, there is very little security.

One of the things that NTI is anxious to do wherever possible is to exchange, free of charge, lowly enriched uranium and a pledge to continue the supply for the highly enriched uranium that is being used in the many—literally, hundreds—of small research reactors, mostly in universities in the rest of the world but often in countries with no knowledge at all of the dangers of nuclear weaponry.

Mr. Horam: Thank you.

Chairman: That is very helpful. Some of the members of the Committee went to Russia on a previous inquiry and visited a nuclear research reactor. We saw what I would say was woeful security, but it was being improved with the support of Global Partnership and British Government money. That was just two years ago, so the issue that you mentioned is important.

Q47 Sir John Stanley: Baroness Williams, in the context of the NPT review process in 2010, what is your view as to what the British Government's policy objectives should be? What should we try to achieve in that review?

Baroness Williams: That is a huge question, but I will try to answer it quickly, because I know that you are a bit short of time.

The first thing is that in order to get the strengthening of the NPT on track before 2010, we really have to encourage an initiative by the United States and the Russians together. Questions were asked earlier about the reduction of nuclear arsenals, and there is no question about the need to do that in a major way. That would begin to get some of the sense of there being sharp divisions between non-nuclear and nuclear back on track again.

Let me say quickly that I heard the earlier interchange with Malcolm Chalmers and Mark Fitzpatrick. I was present at a very interesting meeting in Harvard of experts from Russia and the United States. It was held under the aegis of the Gorbachev Foundation at the time, but they were not Gorbachev people. They were mainly scientists and technicians. I do not pretend to be able to know whether what they were saying was right, but it was very interesting that the Russian and American scientists—the meeting was held two years ago—agreed that both sides could reduce their nuclear warheads to 500, and that that would be a more than sufficient deterrent. At present, the United States has 10,000 nuclear warheads, and the Russians have 16,000. The point about that is that it is so far beyond the deterrent required that there is a wide-open invitation to accessibility to the parts that are not needed and not well protected, but could certainly be the source of materials for other powers. One of my strong senses is that it would not be difficult to get towards the point at which you could have major reductions, without even Britain, France and China being affected, because they are well below these figures. That would go a long way to rebuild trust.

If you do not mind, I shall move on from that for one minute. You asked a question—I probably do not agree with my own Government on this—about the possibility of moving towards huge reductions in arsenals, taking weapons off alert status, with very few exceptions to that rule, and a much more manageable nuclear proliferation situation that we could probably cope with. That has suffered very much at the hands of the deterioration in relations between Russia, the United States and ourselves. The issue that you raised—ballistic missile defence—is absolutely central there. I cannot help wondering whether the price that we are paying for that is not much too high.

Q48 Sir John Stanley: Thank you. Rightly, in my view, you highlighted the huge scope and critical importance—preferably before 2010—of trying to get real substantive progress between the US and Russia in reducing their nuclear weapons stockpiles. We have a change of American President, but it remains to be seen what degree of priority this will have for President-elect Obama. However, from your knowledge of the Putin Government—he is now Prime Minister—and how they have moved, do you believe that there is a realistic possibility of getting them to move into an altogether more co-operative stance towards the United States and to talk really serious numbers in terms of reducing their own stockpile, if there are equivalent reductions by the Americans?

Baroness Williams: I think that there is. I spend a fair amount of time in Russia, because I am on the board of something called the Moscow School of Political Studies, which is a fairly democratic body, with all the parties of Russia in there, training young elected members of the Duma and the regional and major city dumas—that is to say, the next generation of Russian democrats, if there is a Russian democracy. The school is supposed to be for young people between the ages of perhaps 25 and 40, and they are almost all elected councillors or parliamentarians, but—although they are mostly pretty pro-American—I have never encountered such an absolutely united sense of hostility towards the United States and the UK over the recent installation of ballistic missiles, which are not necessarily nuclear, in Poland and the Czech Republic.

If one thinks for a minute about the history of Russia—with respect to my American colleagues, not many know it—it is a history that leads to paranoia. This is a country that has been invaded and invaded and invaded, and has gone into a sort of state of what one must almost call a security obsession. I think that whatever we may say rationally about this—“It’s not really threatening Russia”—the Russians are not going to be persuaded of that. They really believe that it is a threat to Russia. When they look at Iran or North Korea—well, “It’s a funny place,” one might say. What could we do? Personally, I think that the United Kingdom Government could do two

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important things. One, investigate the Russian proposal for linking up the radar screens, which you may remember that they made at an earlier stage. They said that we could link our radar screens to the Russian radar screens and have a common missile defence, which would go a long way to persuading them that it was not aimed at them. It would be well worth trying to explore that. The second, which I think the UK Government have been very good about, is the work done on verification—because verification dies out in 2009, which I think Malcolm Chalmers pointed out. There is no international verification system whatsoever after the START agreement comes to an end in 2009. Therefore, the British, who have been working hard on verification issues, including at a technical level in the Atomic Weapons Establishment, could put forward a proposal for seeing whether these missile protection schemes can be brought together.

I shall make a final point quickly—if I seem to have been controversial, forgive me. We are very fortunate that the possibility of Ukrainian membership of NATO has been put on to the back burner. It would have been seen by the Russians as a disastrous form of offensiveness because, whether we like it or not, Ukraine is clearly still seen by them rather like Ireland is seen by us—as being part of the same area of political interest, entity and so forth. They feel very strongly about it, so it would have been silly to go ahead with Ukrainian membership at the present time.

Q49 Chairman: You referred to the policy of the British Government in different ways. Wearing your hat in your special role, will you say whether the Government are doing enough on nuclear disarmament?

Baroness Williams: In some areas, they are doing a major job that has not been publicised much. I have mentioned the verification issue, so I shall refer to the very interesting proposal of the Ministry of Defence for a summit between the laboratories. Your earlier witnesses mentioned, for example, the importance of defining what is a warhead. Of the 16,000 Russian warheads, which are effective and which are just there to fill in the gaps? We have been able to do that sort of technical work, and we have done that well, both verification and the lab proposal.

We have not been sufficiently willing to talk about the BMD issue and NATO expansion. We could have risked saying that we were not feeling happy about them, instead of which we rather automatically backed the Administration. Because we have so long been dealing closely with the Bush Administration, I am slightly worried that we are not moving quite fast enough to see what changes might occur with an Obama Administration. A lot will depend on whom he appoints as Secretary of State.

My final point concerns the UK. There is one huge contribution that we can make. You have not asked me the question, so I shall ask it of myself.

Strengthening the IAEA at the resources and inspection level is absolutely crucial. It is now pushed to its limits. The UK could be a very satisfactory place for recruiting and training inspectors because ABWE is certainly one of the best technical bodies there is and, because of our well-known commitment to the IAEA and the United Nations, it is an area where there could be a British initiative. It could be very important. It could be helpful to America, which could not make that initiative at the moment because it has still not got the comprehensive test ban treaty through Congress. However, we have, and we have built up all the treaties; it is something that we could do in a major way and for which we could receive a great deal of credit.

Q50 Chairman: We, as a Committee, intend to look closely at what is happening in the IAEA. You referred to strengthening, but is it just a question of resources or could any other changes be made?

Baroness Williams: It is not just resources. We could explore the sort of training that new inspectors will need. They will need to be both civil and military to a much greater extent than they have been up to now. Obviously, the IAEA ought to expand to take in the inspection of potential proliferation in the form of civil nuclear reactors in countries that have never had anything to do with nuclear technology. There are an awful lot of them, such as Jordan, Saudi Arabia and Venezuela. They are all countries with virtually no knowledge, let alone people who would be capable of inspecting. There is a huge need, and the UK could help to fill that need. It is not just a matter of financial resources although, God knows, that is important. The level of experience is so low in human resources that the people from Britain and, for that matter, France who understand such matters, could do a useful job. In that context, you probably know that the new director of the World Institute for Nuclear Security—the NTI initiative for exchanging best practice on nuclear security—will be the former head of the British nuclear inspectorate, so that might be a useful link.

Q51 Chairman: One other area is related to the action of the British Government. It is the suggestion of a so-called enrichment bond. Do you have any views on that?

Baroness Williams: It is useful, but it is useful essentially as a complement to a relatively small fuel bank. It is another illustration of the distrust of non-nuclear weapon powers. You probably know that, a couple of months ago, they were advised by the IAEA to withdraw all support for fuel banks. It asked their Governments not to assist in creating a fuel bank. The reason for that was primarily sensitivity about sovereignty. It thought that it was a step towards refusing all non-nuclear weapon powers the ability to enrich uranium even up to the permitted level. It is a very sensitive area. Personally, I think that the only way in which we can deal with

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it is by leaping over the whole of that argument and moving to an international site for an enrichment plant—a nuclear Vatican—placed somewhere that could not have sovereignty.

Q52 Chairman: Perhaps you should not call it the Vatican in the context of Iran.

Baroness Williams: Of course, you are right, but you know what I am trying to say. It has to be placed somewhere where the sovereignty issue does not arise. In other words, it must be ceded to the United Nations. It has to be an international place, and that ceded place would probably best be Switzerland next door to the existing UN structures. A sovereign power must not be involved, because that power could decide to take over nuclear installations

unilaterally by an act of nationalisation, which, after all, happened in the case of the Suez canal a long time ago. Countries will not buy into that.

Going back to your question, my view is that we should have an enrichment facility that is international and internationally controlled, but it ought not to be on sovereign territory except that of the United Nations, and it could then be linked to our proposal for an enrichment bond, which is an excellent complement to a fuel bank, but not a total substitute for it. Sorry, that was a long answer.

Chairman: No, it was very helpful. Baroness Williams, the proceedings have been extremely useful. We are very grateful to you for coming along and for giving us your wide experience of such matters.

Baroness Williams: Thank you very much for inviting me. I am grateful to you, and good luck.

Wednesday 19 November 2008

Members present:

Mike Gapes (Chairman)

Sir Menzies Campbell
 Mr. Fabian Hamilton
 Mr. David Heathcoat-Amory
 Mr. John Horam
 Andrew Mackinlay

Mr. Malcolm Moss
 Sandra Osborne
 Mr. Ken Purchase
 Sir John Stanley
 Ms Gisela Stuart

Witnesses: **Daniel Feakes**, Harvard Sussex Programme on chemical and biological weapons, University of Sussex,¹ **Dr. Brian Jones**, Visiting Senior Research Fellow, Mountbatten Centre for International Studies, Southampton University², and **Nicholas Sims**, Reader in International Relations, LSE³, gave evidence.

Q53 Chairman: I apologise for the delay, gentlemen, which was due to the House having two votes. I am afraid there is a danger that there will be further votes. If so, we will have to break and come back. Before we begin, I ask members of the public to ensure that their mobile phones are either switched off or on silent mode.

In this sitting, we will focus on chemical and biological weapons as part of a wider inquiry on proliferation that we have just begun. We are grateful to the three of you for coming along and giving us your expertise. Will you please introduce yourselves for the record?

Nicholas Sims: I am a reader in international relations at the London School of Economics and Political Science.

Daniel Feakes: I am a research fellow at SPRU—science and technology policy research at the University of Sussex.

Dr. Jones: I am a retired civil servant, latterly on the Defence Intelligence Staff, and a visiting research fellow at the University of Southampton.

Daniel Feakes: I would go along with what Brian has said. It is partly a visual thing. With nuclear weapons, the image of the mushroom cloud has stayed in people's imagination for a long time. Chemical weapons have been used, as Brian said. I think it is also to do with complexity. Nuclear weapons are very complex. An area such as biological weapons, which have never been used in warfare, as Brian said, is very abstract, sometimes. I have listened to people in government and those who fund our academic research, such as foundations and research councils, and it is hard for them to understand the concept of disease being used as a weapon, and that with biological weapons there would rarely be an identifiable event. You might have people being infected and presenting with symptoms a week or so later, but it would be less obvious. It would be more of a public health event, rather than an explosion and the attendant effects. There are various reasons for it. It is true that both chemical and biological weapons have a lesser profile than nuclear weapons.

Q55 Chairman: What is the likelihood that terrorist groups or even states will be using biological and chemical weapons in the 21st century?

Nicholas Sims: I do not have any scientific or technological expertise, but my feeling is that, because of the very uncertainty about whether the greater threat comes from states or terrorists, we need to make sure that our treaty structures are in as good a state of repair as possible. That is why I feel very devoted to the nurture of the Biological Weapons Convention and the Chemical Weapons Convention, because I have this conviction that they must be made as strong as possible against a very uncertain threat.

Q56 Chairman: How effective is this treaty regime when you are dealing with terrorist groups or people who might acquire these weapons from criminal organisations by subterfuge, or even be sold them or supplied with them by rogue states?

Nicholas Sims: My feeling is that you have to start from treaties, but a great deal depends on the national implementation of treaties. On the day that the Chemical Weapons Convention entered into force—29 April 1997—I was interviewed by Tokyo

¹ Written evidence Ev 236

² Written evidence Ev 97

³ Written evidence Ev 242

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television and they said, "Well, what use is this against Aum Shinrikyo?" My answer was, "At least now, with the Chemical Weapons Convention in force, every state is obliged, under article 7 of that convention, to enact penal legislation to take administrative measures to do lots of surveillance and prevention." That was already required under article 4 of the Biological Weapons Convention, so you need a treaty structure, but then you need an enormous amount of national implementation.

I am very glad that over time, increasing attention has been given to that side—partly because of perceived terrorist threats, but also because of the understandable irritation of countries such as the United Kingdom, which legislated the Biological Weapons Act 1974 and the Chemical Weapons Act 1996 before ratifying the treaties, to find that not all states have been that meticulous. Some have gone into the treaty obligation before making sure that it can be implemented domestically, with proper legislative authority.

Daniel Feakes: Again, like Nicholas, I do not have the scientific or technological expertise, or much expertise in terms of terrorism, either. This sort of debate has arisen over the past 10 years or so. There are two extremes to the debate and I would be somewhere in the middle. One extreme has been particularly apparent in the US, for example, where people talk about bioterrorism as an existential threat, which we need something as big as the Manhattan project to combat. Quite a lot of expensive facilities were built in the US, following that tangent. Then you have other people saying that the threat has been over-hyped and overblown—we have the example of Aum Shinrikyo in Japan that Nicholas mentioned.

That was a religious cult group which had very large resources and well-trained people. They were not very well monitored by the Japanese security forces, so they had a really good environment for being able to do what they wanted to do. Still, they struggled. They tried biological weapons first and did not have very much success. They moved to chemical weapons, with the sarin that they used twice—once in Matsumoto in 1994 and then in Tokyo in 1995. Again, it was not as effective as they had hoped it would be, even though 12 people died and quite a few were injured. But a group such as that, with all its resources, still could not make much of an impact. I place myself somewhere in between the two extremes. It is something that you have to be prepared for—you have to entertain the possibility—but there is the end of the spectrum where it has been over-hyped and sensationalised in some ways, and basing policy on over-hyping can lead you down a path where that has repercussions for your own policy and your own security as well.

Dr. Jones: My years in intelligence, and the disciplines there, make me hesitate to use the word "threat" because it has a very specific meaning. I think of these as potential threats. I have a gut feeling that the use of one of these weapon systems by a terrorist organisation is probably more likely than its use in a major conflict between states that has a very direct influence on Great Britain.

There is something worth saying and making clear, whichever of these weapon systems you are thinking about. Daniel has mentioned the case of Aum Shinrikyo and there was a case of terrorist use of anthrax in the United States not many years ago. Neither of those was particularly successful, but perhaps they are indicative of the sort of problems that terrorists are much more likely to have in using these systems than a state, if that state has developed a capability using all its resources. So a potential threat coming from terrorism is not quite the same as a potential threat coming from a nation. This is probably quite an important difference to have in mind. I am not trying to defuse a very serious threat from a terrorist with any of these systems, but the sort of potential threat that we are talking about is probably of a different, lower order, compared to the threat a state would pose, and that applies to nuclear, biological and chemical weapons.

Q57 Sir John Stanley: Dr. Jones, in paragraph 56 of your paper, you say that al-Qaeda "continues to threaten major attacks against the West and its determination to acquire biological weapons was confirmed by the discovery of a dedicated laboratory near Kandahar in Afghanistan in 2001."⁴ Can you tell us, from your background in government, what factors were driving al-Qaeda to believe that their laboratory work might end up with a usable biological weapon, which they could use against those parts of the world and individual countries of whose culture and behaviour they disapproved? From which sources were they able to get the basic expertise that they presumably required to get their laboratory going in the first place?

Dr. Jones: I suspect that I would have to clear some of the details that you are asking for, but I can try to give you a good general answer. I think the indications were that al-Qaeda were trying to achieve in the Kandahar laboratory the sort of capability that they were pursuing on the chemical weapons side—that is, to establish a facility where they could train some of the foot soldiers—the operating terrorists—to do those things. From the reports that I heard about Kandahar, the strong suggestion from those who looked at the facility was that that was the sort of facility that they were seeking. There were some individuals—I can think of one in particular—who my staff members in the Defence Intelligence Staff identified. Again, I would rather not go into the detail of that, but that individual was pursuing other capabilities, in particular with anthrax, which is by far the most robust and easiest BW agent to pursue, albeit not one that nations might move to, because it has certain limitations. Does that help?

Sir John Stanley: Thank you. If you are able to get the clearance to give us anything further in writing, that would be helpful to the Committee.

Q58 Andrew Mackinlay: I listened to Mr. Feakes, but all of you going through the little history there of the 20th century seemed to overlook that chemical

⁴ Ev 105

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and biological weapons were used in a conflict situation by the South African authorities in Angola and/or Mozambique—I think I am correct in that. You might want to comment on that. We know from the record, through the evidence given in the trial of Dr. Wouter Basson in South Africa and the South African Truth and Reconciliation Commission, that it was used. I would like to hear your views. Also, after listening to you, Dr. Jones, has that capacity—that intellectual capability—migrated, been sold or moved on into the kind of things that Sir John was exploring with you? The Roodeplaat laboratory was deep into this, was it not? Can all three or any of you comment?

Dr. Jones: From what I understood of the situation in South Africa, Basson seemed to be primarily interested in fairly selective and directed use of infectious materials and poisons, to target—according to the evidence—individuals and small groups, rather than a widespread use. That was the main thrust, from what I recall. I am a bit hazy there. I might check that and look back, but it seems to me that those were the sort of approaches he made. That Basson's activities were covert and targeted in this way illustrates something relevant to any terrorist-type activity. (I hasten to add that I am not an expert on terrorism. This is just thinking about the issues that I have followed and, if you like, transferring that thinking.) The illustration applies, to a certain extent, to nations as well. There are key ideas and individuals, rather than a broad-brush acquisition of simply the technical capability. The technical capability, particularly with biological and chemical, is not that hard to come by to develop the agents and the materials. It is the ideas of how you use them and how you can disseminate them that will be useful at the terrorist level—that is the key. It is very difficult to predict when individuals with such expertise and ideas will suddenly surface and be available to a group of terrorists, I think.

Q59 Andrew Mackinlay: Have your colleagues got anything to say?

Daniel Feakes: I have colleagues and people I know in South Africa who have worked closely with and followed the TRC—they followed the Basson trial and things like that—so they know a lot more about it than I do. My understanding, as Brian said, is that those uses were fairly targeted. There was a lot of work on so-called non-lethal weapons by the South Africans, also very targeted, such as assassination weapons. I am not that sure myself on the full scope and nature of their programmes.

That illustrates something else about chemical and biological weapons—through history they have largely been used as weapons of sabotage and assassination. In some ways what we have seen during the 20th century is an aberration from the history of chemical and biological weapons through the centuries. With the South African programme, as I understand it, either the UK and the US went to South Africa or there was some kind of involvement in the early 1990s, on an official level, to make sure that the programme had been closed down and that whatever it was that the South Africans did have had

been disposed of. As I understand it, that did happen. It is an interesting question: where do the knowledge and the people with the know-how go?

Q60 Andrew Mackinlay: Were any of you three involved in the debriefing or interviews with Wouter Basson?

Chairman: Perhaps we can pursue that matter elsewhere.

Q61 Sir Menzies Campbell: I was wondering whether I interpreted a relationship between Dr. Jones and Mr. Sims, in the sense that Dr. Jones said—please correct me if I am wrong—that the acquisition of the technical ability for chemical and biological weapons is easier than for nuclear. It is that ease that gives rise to Mr. Sims's enthusiasm for control through convention. Of course, we do not have a nuclear convention. We have a biological convention and chemical convention in which control lies at the heart of efforts to achieve international supervision. Is it because of the relative ease of manufacture and the relative ease—at least in the case of biological weapons—of portability that the convention is so important?

Nicholas Sims: I am not sure. That would imply that we do not need a nuclear weapons convention, after a Biological Weapons Convention and a Chemical Weapons Convention.

Sir Menzies Campbell: That hypothesis does not lie behind my question.

Nicholas Sims: Good. The fact that the three weapons categories have been tackled in such different ways is mainly attributable to the fact that biological and chemical weapons were marginal to the armories of most states when nuclear weapons were very far from marginal for several. Therefore, it was historical opportunity that one could do something about biological weapons and then chemical weapons. It is nuclear weapons that are the odd ones out, where there is a series of treaties but none is an abolition, full-disarmament treaty of the kind that BWC and CWC represent.

The question about ease of manufacture is interesting—the relative ease of acquisition of materials, the relative ease of acquiring the technology and the know-how and so on. That was a very important motivation for the negotiations on BWC and CWC, although they took place at different times. In the case of nuclear weapons, I would guess the main motivation is the unequivocal undertaking to complete the elimination of nuclear arsenals, given at the sixth review conference of the NPT in 2000. That unequivocal undertaking interprets article VI of the NPT in an abolitionist direction which, to my regret, was not reaffirmed at the seventh review conference, which could not produce an outcome document at all. I hope it will be reaffirmed at the review conference in 2010. I repeat that I see nuclear as the odd one out in that we do not yet have a disarmament convention of the kind we have for biological and chemical weapons.

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Q62 Ms Stuart: May I follow on with a question regarding weapons of mass destruction, in terms of the legal structures not making sufficient distinction between nuclear, chemical and biological? Dr. Jones, you are on record as saying that you thought it required a slightly more sophisticated approach. For the benefit of our report, would you please say a little more on that?

Dr. Jones: Yes, I do have problems with the term “WMD,” mainly because I think its use masks the very important differences between not only the technical aspects of the weapons systems but also their concepts of use and how they are likely to be used. The term is useful to the extent that it reminds people that there is more to this subject of producing large numbers of casualties than nuclear weapons. Nuclear seems to be a little bit exclusive. The papers that have been submitted to the Committee contain barely a mention of biological and chemical weapons. Not that I want to play down nuclear: nuclear is very important. Do not get me wrong. But it is important to realise that some biological weapons have the potential to produce the same number of lethal casualties as nuclear but they would not be used in the same context and in the same way, and they do not have the same deterrent properties. It is those differences that are quite poorly understood.

I should like to cite Professor Meselson from Harvard, whom Daniel’s organisation is closely associated with. He assisted Dr. Kissinger when the Americans gave up biological weapons in 1969 and in the late ’90s he explained what had happened. He said that the American advice to President Nixon at the time realised that biological weapons were cheaper than nuclear weapons because the cost, effort and expertise required for their acquisition was much smaller than for nuclear weapons. But he added the rider that it was no simple thing either. There are important distinctions, but that is an important point and something that we tend to lose. When biological weapons raise their head from time to time we remember it, but then it rapidly recedes again in my experience.

Q63 Ms Stuart: This is a question for the entire panel. If you have a more differentiated approach between the various weapons, the response presumably also has to be different, does it not? With some of them we talk about non-proliferation and with others we talk about disarmament. I would add a third: powder in condoms thrown at the backs of Prime Ministers is sheer disruption, which in a modern society is probably even more damaging than anything else.

Daniel Feakes: I would share Brian’s concerns about the term “weapons of mass destruction”. In some ways WMD is convenient shorthand. It helps to emphasise the linkages between nuclear, biological and chemical weapons. I would not for a minute argue that they should be totally separate and not looked at together because there are states that potentially have or have had all three programmes running at the same time. There are linkages between them.

The term WMD originates with the United Nations. It is written into various multilateral treaties. It is not something that we can ignore, but I would agree with Brian. The national security strategy, for example, uses the term WMD. I would hope that in that case it is used as shorthand. I hope that policy-making, assessment and analysis is based on the differentiated approach that you describe because these weapons are different in terms of what they can do and how they can be used. They are different in terms of the treaty regimes.

We have two disarmament regimes—the CWC and the BWC—and we have the NPT, which is the odd one out. I would strongly urge that they be disaggregated. If there is too much of a focus on lumping them all together, nuclear dominates and chemical and biological weapons get left behind. People assume that what works with nuclear weapons therefore also works for chemical weapons. A second order value is therefore given to chemical and biological weapons. If they get neglected in that way and one’s thinking is dominated by nuclear weapons, one could come up with responses that work for nuclear weapons but do not work for chemical and biological weapons. That could be quite damaging in itself.

Finally, the UK has been one of the leaders on chemical and biological weapons, disarmament and arms control. Since the late 1960s, the UK has been one of the strongest supporters of disarmament and control of these weapons. I hope that what we see in the national security strategy and in the Foreign Office memo to your inquiry is that chemical and biological weapons are not being neglected, because the UK has a good and a positive record in that area. I hope that this focus on nuclear disarmament, which is obviously welcome and good, is not to the detriment of chemical and biological weapons.

Nicholas Sims: I very much agree with that. I also think that it is very unfortunate when all three treaties are placed under the heading of non-proliferation, which sometimes, rather carelessly, happens. It is most important that the CWC and the BWC are understood as banning possession and all activities prior to possession equally for everyone; there are no permitted possessors, as there are, for a time, in the NPT. Rather than “non-proliferation” I like the phrase “non-diversion,” which Daniel has used at the end of paragraph 9 of his memorandum. It is a very useful term to use about the CWC and BWC. He applies it to the CWC in paragraph 14, but I think that it is equally true for the BWC. The diversion of biological or chemical materials, or know-how, to weapons purposes is forbidden equally to the great majority of states that have not possessed and do not possess the weapons and to those that have possessed them in the past or that, with the CWC, are still on the way to completing the destruction of stockpiles—there are still four parties to the CWC in that position. It is equally important for all of them to ensure that there is no diversion. I am much happier with the term “non-diversion,” both for the BWC throughout its history and for the CWC, particularly after the completion of the destruction of stockpiles in 2012, than I am with

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“non-proliferation”. The danger with the overall category of non-proliferation is that it diminishes the standing of the BWC and the CWC as absolute, unconditional renunciations—in effect, simple disarmament treaties. As well as everything else that they have in them, they are simple disarmament treaties.

Q64 Mr. Hamilton: Gentlemen, as we are aware, the enforcement of the Chemical Weapons Convention relies on inspections and verification. There is obviously a similar regime to strengthen the Biological and Toxin Weapons Convention. However, in your written evidence to the Committee, Dr. Jones, you said that the false assertions about the status of Iraq’s WMD capabilities that were used to justify the war in 2003 have challenged confidence that the compliance of states with their international obligations relating to these weapons can be reliably monitored, and you said that it is an important omission. Do any of you think that multilateral rules-based treaties and conventions are effective against the states that are the most likely to flout them? Is this an effective non-proliferation strategy? Clearly, it is quite flawed—discuss.

Chairman: Who wants to start with that one?

Dr. Jones: Clearly, it is a major problem, and the extent of the problem varies from weapons system to weapons system. At the lowest level—a single nuclear weapon of small capability or a chemical or biological weapon—I think that the chances of detecting breaches to treaty obligations are very small, but I may be wrong. I hasten to add that I am not an expert in treaties or conventions. It is not something that I have ever studied; I have looked at the capabilities and the technical processes associated with the development of those weapons capabilities. A very major problem with biological weapons, which causes great confusion, is the lack of a requirement of a large stockpile to develop a significant capability. The development of a national-based nuclear weapons capability of the sort that we fear will be reasonably visible and detectable. From that follows one’s ability to reinforce the convention, or the deterrence value of a convention as I understand it.

As far as chemical weapons are concerned, I believe that a nation could break out and develop a capability over a period of months, say, during which time large quantities would have to be produced and physically large stockpiles generated. The problem with biological weapons, and I suspect one of the reasons why they currently have no inspection-type controls, is that it is possible to begin with relatively small amounts and generate sufficient quantities to be very dangerous very quickly. That makes the whole business of catching a nation that decides to do so very much more difficult. That is a special problem.

Daniel Feakes: Under the Chemical Weapons Convention, which I guess is the one that I know best, in terms of straight numbers there have been almost 3,500 inspections over the past 10 years at almost 200 chemical weapons facilities and more

than 1,000 industrial facilities. There is a very intrusive and robust verification regime under the CWC. The Organisation for the Prohibition of Chemical Weapons, over in The Hague, has about 200 inspectors who go out every day to military and civilian facilities around the world. The regime is there and it is robust.

When we get to the question whether the regime could detect everything, no regime will ever be 100% foolproof and verifiable. That is impossible in a global industry such as the chemical industry or, even more so, the biotech industry, in which things are done on a very small scale. What on-site inspections give you is some kind of confidence. They allow the organisations—the OPCW in this case—to build up a picture of what is going on in a particular state. Over time, they can build up an idea of that state’s capabilities, whether civilian or military. It gives them a picture of what is going on in that state. They send in inspectors and have them in that state, on the ground, asking questions. They might not find a smoking gun on any particular inspection, but it works over time. From what I understand of the United Nations Special Commission in Iraq, that was what happened there. It is like a detective story—one builds up a picture. I understand from talking to people who were in Iraq that the things that they found were often not the weapons or the programmes themselves but all the concealment activities to do with them. If you find heavily guarded facilities, there might be nothing inside, but the existence of the guards or fences raises suspicions.

In the case of the CWC, there is also the possibility of a challenge inspection—an almost surprise inspection that the OPCW can be requested to launch. Again, there are potentially ways in which states could get around those and still escape detection, but all those parts of the regime add up to a fairly strong deterrent. Any state that went down the path of developing, say, a break-out capability, would have to be sure that it could never be detected. It could never be 100% sure that something would not be detected, whether through the OPCW itself, the other states parties by their own intelligence means or a whistleblower in a particular programme. There will often be leaks from programmes, as we saw in Iraq and with the former Soviet Union’s programme. Verification is an important thing, with people in there on the ground who are able to go to the states involved and build up a picture.

Finally, even if a state has developed a break-out capability in a legitimate, civilian industry, it is something quite different to produce a deployable weapon for use, say, by military forces. The military forces will need training. They will need doctrine. They will need to know that they have such things and know how to use them. Even if the state had stockpiles of chemical agents, it is a question of how it would use and deploy them for them to be militarily useful. Production is one thing, but the other step is to translate the capability into a useable weapon. OPCW inspectors can pick up on that too and add it to their picture.

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Q65 Mr. Hamilton: Do you think there is an alternative strategy to the verification regime, the rules-based approach to inspections on the ground and the scenarios that you have described? Is there an alternative to that? Clearly, Iraq showed us that it was rather flawed.

Daniel Feakes: I do not know. People assume that Iraq showed the failure of inspections, and in some ways it showed that inspections can actually succeed, because the UN inspectors did find evidence of programmes. They picked up on various things. Because of what followed, I guess that UNSCOM has the image of being a failure. Perhaps it was a failure politically, but technically in terms of on-site verification, it was quite successful. Lots of things that happened in UNSCOM were lessons that the OPCW learned from when it started its operations in 1997.

As for alternatives, it is hard to think of anything better than getting people on the ground in facilities. The OPCW has gone to facilities in Russia that, during the cold war, we did not know existed. It has gone to previously unknown chemical weapons programmes in India and South Korea. We did not know that India and South Korea had chemical weapons programmes before 1997, whereas now the OPCW sends its inspectors there on a routine basis. At present, I cannot think of anything different.

Q66 Mr. Purchase: Given that the Iraqis and others might from time to time deny the existence of any development proposals, and given that inspections on the ground—unavoidable as they are and desirable as they are—may not discover serious concrete evidence that development is taking place, is it not the case that politicians are left with the serious dilemma of deciding whether to take at face value the protestations of the regime? How long can they expect the verification programme to continue in the face of denials, before a decision has to be taken? I hurriedly want to say that I voted against going to Iraq. Dr. Jones made the point—the words he used were “falsely asserted”—but politicians are still left with a dilemma about what they should do in those very difficult circumstances.

Chairman: Dr. Jones, you were quoted. Do you want to come back on that?

Dr. Jones: Absolute certainty in most areas is—

Mr. Purchase: Impossible—

Dr. Jones: Just about impossible, not least because any state that is transgressing will find some way of pulling the stumps before the smoking gun is found.

Q67 Mr. Purchase: So that could apply to Iran now, could it not?

Dr. Jones: Probably.

Mr. Purchase: It is the same conundrum.

Dr. Jones: Yes. I am thinking as I speak. The end point of the process has to be one step back from that absolute certainty and involve the sort of processes that are already available in conventions and United Nations Security Council resolutions. There comes a point at which the onus must be on the suspected

transgressor to come clean. In the case of Iraq, that was a major problem. That never happened and there was uncertainty.

Chairman: I am conscious that we do not want to discuss the nuclear issue and Iran, because the focus of the meeting is supposed to be on other areas, but it was worth making a point.

Nicholas Sims: I cannot see an acceptable alternative to the treaty approach as the cornerstone of our efforts, because that approach involves equality of obligation for everyone. There must be that equality of obligation for everyone, whether it is openness to inspection or, in the case of the BWC, where there is not a verification regime or inspection, the obligation to explain and to engage in various confidence-building measures, which are politically binding commitments, and also to consult and co-operate, which are legally binding commitments. We have to build on all those substitutes for verification and make them as strong as possible so that the compliance regime is as robust as it can be in the absence of verification.

The treaty approach is the cornerstone, but you can also have export controls co-ordinated by the Australia Group, for example, and the sort of obligations that states are under as a result of Security Council resolution 1540, directed particularly at preventing diversion to non-state actors in that instance. There must also be a tremendous amount of national implementation so that the prohibitions that a state has accepted at the international level are transmitted into domestic penal legislation and enforced.

Q68 Mr. Heathcoat-Amory: I am still trying to get a feel for the scale of the risk, because plainly the effort that the world is prepared to put into that is proportionate to the threat that it feels it faces. We have not seen the widespread use of chemical weapons since the first world war, and although there have been highly damaging incidents since then, the use of biological and chemical weapons has by and large been fairly rare and isolated, compared to the millions killed in every other way and the traumas that the world has gone through. Can you say a little more about the scale of the threat? Perhaps you might start, Dr. Jones. Without giving away too many secrets from your past work, you clearly faced that. I am looking for a quantitative assessment of how important that is.

Dr. Jones: We always used to talk about low probability but high impact if ever such things happened, and I do not know that there are any easy answers. In my submission to you, I pointed out that the National Security Strategy quite rightly recognises a whole range of problems for us as a nation, not all of which were from weapons and the military. Although at this range there are possible weapons-based, WMD-type threats downstream, it seems to me that there are probably more potential existential threats to us, for example from climate change, although I am not sure about the exact point in that debate. It seems to me that that is something

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we need to be concerned about for a variety of reasons. Perhaps I should also include mention of the possibility of pandemics.

One of the points that I was trying to make to the Committee is that an additional consideration for the whole non-proliferation agenda is that it is very important to ensure that we get some idea of those balances. My criticism of the National Security Strategy is that it gave us no guidance on how the Government see that. It is five years since I was working in Whitehall, so I can slope shoulders on that, but those are the sorts of issues that need to be addressed much more vigorously than they are. We tend to see suggestions and problems right across the board, where I think we really need to begin to say, "We think that this one is more important than that one."

Q69 Mr. Heathcoat-Amory: I think that we need a few more facts here, if we can. There are declared states which possess chemical and biological weapons, but do we have any idea about whether they deploy them, whether they are training troops to use them, or whether they have been recently tested? In the case of non-state agents, roughly what is the proliferation threat? How many terrorists have been picked up in possession or near the possession of these sort of agents? It is quite important that we get a handle on the realistic threat here. Maybe it is impossible. I imagine that if one asked to inspect Afghanistan, it would not be brilliantly successful, given that there are only one and a half provinces that are in any sense pacified. Is the answer that we just do not know? Or are we just groping around because there is a real threat—a possibly catastrophic one—and we are just taking out an insurance policy against it? That is probably valid, but I am trying to get an idea of the proportionality of the threat.

Dr. Jones: I do not think that I can help you very much with that, not having access to intelligence information at this stage.

Mr. Heathcoat-Amory: We do not know, in other words.

Dr. Jones: I do not, but someone might.

Daniel Feakes: In terms of declared states, when the Chemical Weapons Convention entered into force, states parties to that convention had to declare whether they possessed chemical weapons or production facilities for chemical weapons and also whether they had in the past possessed chemical weapons programmes. There are a total of six states since 1997 which have declared that they currently possess chemical weapons: Albania, India, Libya, South Korea, Russia and the US. Of those, Albania and South Korea have destroyed all their stockpiles, India is due to destroy its stockpile by the end of next year, I think, and Libya by the end of 2010. The big stockpiles are those of Russia and the US. The original deadline in the CWC was 10 years after entry into force, so all these stocks should have been destroyed by 2007. The CWC allows a one-time, five year extension, which all the states had to apply for, and they were granted various extensions. The US and Russia applied for the full five years, so their

deadline is now 29 April 2012, but both of them look unlikely to meet that deadline. The US has already said publicly that it cannot do so and that it will be perhaps 2017, or even 2023. The Russians are still saying that they can do it, but people who know doubt that they can do it by then as well. Within the convention that is what we know about.

Outside the convention there are 11 states that have not joined the CWC yet, among those 11 there are four—Israel, Syria, Egypt and North Korea—which people strongly suspect of having some kind of chemical weapons capability, but because they are outside the convention we do not know what they have. The production facilities of those inside the convention have been closed down, and lots of them have already been converted or destroyed. The ones that are still open are inspected by the OPCW and the stockpiles are being destroyed under OPCW verification. The weapons that exist there are under international monitoring. They have seals and tags on them and the facilities are being destroyed or converted. So training and so on would not be happening in those states that are inside the CWC, unless there was a covert programme in there somewhere, which hopefully the OPCW would detect. As I said, we do not know what is happening with the other four. There are efforts by the OPCW and by states such as the UK to get Israel, Syria, Egypt and North Korea on board, but it is difficult—particularly in the Middle East.

In terms of biological weapons, various states have historical biological weapons programmes—the UK, for example. Again, there are states outside the Biological Weapons Convention, similar to the states that I just mentioned regarding the Chemical Weapons Convention, that are suspected of having biological weapons programmes. Even for the states inside, as we said, there is no verification mechanism for the BWC, so there is no way of telling exactly what the states inside are up to. But there is a system, which Nicholas mentioned, of confidence building measures, in which states have to submit information on various facilities and various parts of legislation—domestic measures. They have to submit that annually to the United Nations, but unfortunately a very small percentage of states actually do so.

In quantitative terms, it is hard to give a definitive answer, particularly regarding terrorists. Terrorists are an unknown quantity. So I am sorry, but I cannot help you with that. In terms of the CWC and BWC numbers that we know about, those are the figures.

Chairman: I think that we should move on now.

Q70 Mr. Horam: Looking at non-proliferation policy over the three areas—nuclear, chemical and biological weapons—one bit of evidence that has been put to us is that NATO has effectively ceased to be interested since President Bush came to power, and has abandoned any attempt at threat reduction through arms control, in favour of a purely military response to potential WMD-armed adversaries, and that is because European nations have submitted to the American view of this area. Do you think that that is correct? Do you think the Europeans have

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given in on the issue in NATO, despite not sharing the Washington view, and that NATO has ceased to play a part in the whole thing?

Chairman: Mr. Sims?

Mr. Horam: You are looking very anguished, Mr. Sims.

Nicholas Sims: I am looking anguished because it is such a good question and so difficult to answer. I think that regardless of what is or is not the case at the moment, the coming-in of the new Administration in the United States gives the UK and other NATO countries an enormous, almost unprecedented opportunity to re-engage the United States in a much more wholehearted, reinvigorated multilateralism in this field, as in others.

Q71 Mr. Horam: You are implying, therefore, that the Americans are not engaged at the moment.

Nicholas Sims: I am more than implying: they certainly are not engaged. In the BWC, they have been remarkably discouraging to multilateral endeavours ever since 2001, and therefore the predominant mode in BWC diplomacy in Geneva has been, “How much will the Americans allow us to do? How fast can we move towards recovery from the debacle of the ending of the protocol negotiations in July 2001? How far and how fast can we move towards something that is almost a secretariat?” The Americans will not let us call it a secretariat, so we have to call it an Implementation Support Unit. It is a tremendous achievement to be allowed to employ three people full-time for four years. That is the sort of grudgingness that I hope the new US Administration will get right away from. If we look far enough back, they have a very good national record.

Q72 Mr. Horam: The Americans?

Nicholas Sims: Yes. They gave up their biological weapons to try to encourage the BWC. They had completed the abolition of their own BW stockpile before the BWC entered into force in 1975, and they also had a major role intellectually in the genesis of the first set of confidence-building measures in the mid-1980s. I would like them to be encouraged to be far more positive on reinforcing the BWC from within, allowing the treaty regime to develop in the sorts of ways that plenty of European Union and other NATO members, such as Canada and Norway, have put forward. Those members have, however, found themselves held back by the constraints that the US has placed since 2001 on any development of multilateralism within the BWC—very severe agenda constraints, very severe constraints on linking progress in one year’s meeting of states parties to the next, very severe constraints on any negotiation or addition of commitments at all and, unfortunately, no secretariat. At least, finally, in 2006, this four-year, three-person Implementation Support Unit was allowed. It is good that it was allowed, but let us hope that the new Administration will be persuaded to be far more positive.

Q73 Mr. Moss: Can I just follow on from that, Mr. Sims? You talk about hope that the new Administration may take a different approach. Were there any signs or signals during the presidential campaign from the eventual winner, President-elect Obama, that suggest to you that there might well be a significant change in the attitude of the USA towards non-proliferation?

Nicholas Sims: I am not aware of anything concrete from him. Within the Democrat camp, there have been encouraging signs that the US would be much more engaged in multilateral endeavours generally. Where people are perhaps over-optimistic is in expecting that the change of Administration would lead the US to be more favourable to verification of the BWC. I frequently have to diminish those hopes—pour cold water on them—because the Clinton Administration was extremely dubious about verification of the BWC. It became almost a dogma that the BWC was not really verifiable and, therefore, other types of compliance measures need to be sought, which the second Clinton Administration actively pursued through the protocol that was under negotiation between 1997 and 2001.

The new Administration is likely to provide a change of tone first of all. It is likely to be less grudging. Given all the Democrats who hope to be involved in policy making under President-elect Obama, I would be very surprised if there were not at least a change of tone. However, I do not expect a change of substance in regard to verification.

Daniel Feakes: May I add something to that? In a presidential debate or a statement by President-elect Obama—on the issue of science and technology, I think—he spoke about biological weapons and making the use of biological weapons a crime against humanity. “Crime against humanity” was the phrase he used, but I cannot remember if he was just addressing that to bio-terrorism, or whether he meant biological weapons used more widely. I am not sure of the context, but I remember it, because we monitor the press and pronouncements for this kind of thing. I remember that that phrase was used, which could mean various different things—a reinvigoration of the multilateral process, or a focus on non-multilateral measures against terrorism and non-state actors. I am not exactly sure of the thinking behind it, but I remember that that statement was made.

Q74 Mr. Moss: Could I turn to a European dimension? Back in 2003, we had the publication of the European Security Strategy and the publication on non-proliferation. Do you think that there are any lessons in those publications that might steer the UK’s policy on non-proliferation in any different direction?

Daniel Feakes: I have studied this area quite a lot. I have spoken to people in Brussels and in various places—The Hague and Geneva as well—about EU policy in this area. It is an evolutionary process. Over the years, the EU is becoming more involved. Since the strategy that you mentioned, the EU has also adopted a WMD strategy and action plan—later

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than 2003, I think. We have seen the profile of the EU develop in Geneva, say, when we attended the ad hoc group negotiations during the 1990s for the protocol, in the meetings that have happened since and in The Hague for OPCW meetings. The visibility of the EU has gradually increased in that area. Earlier, it was pretty low key—if it existed at all. People in Brussels told me that the aim was to increase the visibility of the EU. That was one of my concerns. What was it about? Was it about doing something, or was it just about increasing the EU's visibility and making it more of a presence within a particular negotiation forum or meeting?

It is important to distinguish the rhetoric. The presidency will make a statement on behalf of the EU at CWC or BWC meetings, rather than the 27 states making their own individual statements. A co-ordination process currently goes on among the EU states. It is useful. Since then, the EU has done various substantive things. A number of common positions have been adopted on both the BWC and the CWC about the universalisation of the treaties. After that, there have been joint actions in support of the BWC and the CWC in terms of resolution 1540, and one fairly recently in support of the World Health Organisation.

The EU is also putting money behind the rhetoric in some ways. Over the years, it has given between €5 million and €7 million to the OPCW for its activities. I think that it put in almost €1 million in support of various meetings to raise awareness of the BWC. The role of the EU is growing. It is still very much into common, foreign and security policy. It is intergovernmental. It is not something in which the Commission plays a great role.

There is another concern. Some people have spoken about a straitjacket on the 27 EU members within the treaties. Not all 27 are as engaged and as active as one another; but whether they are in a straitjacket, they negotiate common positions, and that is the lowest common denominator that can be agreed on among the 27. The UK might want to go further, but it is limited by that. The other side is that the 27 states negotiating a position together are already a fairly sizeable number of CWC or BWC states parties. As opposed to the policy straitjacket, there is also a laboratory of consensus model, whereas states outside the EU are more likely to say, “Yes, that is a good approach or position because you have already negotiated it among yourselves. Obviously, it is value that combines the national positions.” The EU is playing a positive role, but it needs to do more, and it needs more financial resources behind it.

Chairman: We are very conscious of the time. I shall bring Sir John Stanley in briefly, and I want to ask about the Chemical Weapons Convention. I hope that we shall then conclude. We are running late, and I am worried about Divisions.

Q75 Sir John Stanley: I want to talk about proliferation in relation to chemical weapons. I am following the question asked by Mr. Heathcoat-Amory earlier. As far as I am aware, the biggest single user in a so-called military context of chemical weapons since the first world war has been Saddam

Hussein—first against the Iranians and then against his own people, the Kurds. The use was widespread, and as we know, they are incredibly awful weapons resulting in terrible, protracted deaths with acute pain. As has been widely reported from open sources, the foundations of Saddam Hussein's chemical weapon capability were laid by chemical companies based mainly inside EU member states. Do you believe that, since those chemical exports took place into Iraq, the EU has sufficiently tightened up its control over dual-use chemicals and that, in future, it will be impossible—or, I hope, very difficult—for chemical companies inside the EU particularly or, say, in the United States, to make those types of exports to someone who could then put together that technology and create a chemical weapon capability? Or are we still basically as vulnerable as we were when Saddam Hussein's chemical weapon capability was established?

Daniel Feakes: I think that things have improved a lot since then. The EU now has a dual-use goods regime, which it did not have in the 1980s. That has also been improved over the years. All the member states have obligations under both conventions to have strong export controls. All members of the Australia Group do as well; they harmonise and talk about their export controls together. These things are also being more rigorously enforced. More press reports are coming out of the US about companies being fined for exporting to so-called countries of concern or companies that do not have licences to export what they have exported. A UK chemical company received a fine for an export made either last year or the year before. So enforcement is improving. The framework and the national enforcement are getting better. I would hope that something like that did not happen again.

There was a lot of soul searching within the German and Swiss industries—the various ones involved in the Iraqi programme. In Holland, there is the case of Frans van Anraat—a Dutch person who facilitated a lot of those transfers. He was tried last year or the year before and sentenced to prison. More has happened on that score, so I hope that that will not be allowed to happen again.

Q76 Sir John Stanley: If we do not have it already, could you please let us have a brief note of the UK company that was fined for breaching the chemical export control?

Daniel Feakes: Yes.

Q77 Chairman: Could I just ask a couple of questions about the chemical weapons convention? Mr. Feakes, you referred to the countries that had signed and those that were outside the regime. What is the British Government doing to encourage those who are outside to sign up and those that have signed but not ratified to ratify? Are we doing enough?

Daniel Feakes: It is hard to say exactly what is happening. As far as I know, there are demarches every so often. The EU has a collective demarche, say, in Tel Aviv or Damascus. Every so often, our ambassador or the EU representative will deliver demarches to the Governments there. These

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countries are all invited to the various OPCW meetings. The Middle East is particularly tough area. There are some meetings that Israel will not attend—for example, if Syria or Egypt are attending—or vice versa. That is a very tricky area. One thing that the EU has been doing recently is trying to link arms control—these kinds of issue—more to other issues such as trade. The EU holds a very big soft power weapon. It has come up with a non-proliferation clause in its recent agreements with third countries, so that the EU is saying, “We will meet you on trade as long as you do something on arms control.” There are various ways to do it. I am not sure of the details of what the UK Government do, but I know pressure is exerted, although I guess there could always be more.

Q78 Chairman: What about those countries that have signed but not yet legislated, or have not appointed or designated a National Authority within the terms of the chemical weapons convention? Are we doing anything on that issue?

Daniel Feakes: As far as I know, the same sort of things happen. It is a matter of pressure. For a long time, the OPCW would say that many states have not met such and such an obligation, whereas now it is naming such states. There is a naming and shaming process going on.

Q79 Chairman: Perhaps you could give us a note setting out more detail on these areas, because clearly it will be helpful when we produce our report if we can name and shame as well.⁵

Daniel Feakes: The UK is also involved in technical assistance programmes, so there is finance behind it, too.

Q80 Chairman: Does that also include assisting with the destruction of stocks? Do we put a lot of resources into that?

Daniel Feakes: Yes. That is mainly under the Global Partnership programme—the G8 programme—routed mainly through the Ministry of Defence, which oversees that. It is mainly to do with the Russians, as far as I know.

Q81 Chairman: We visited a civil nuclear facility in Moscow two years ago that was getting money from the Global Partnership.

Daniel Feakes: I think the UK’s main involvement in terms of chemical weapons is at Shchuch’ye, which is a chemical weapons destruction facility in the Urals, I think—a long way out anyway. The UK has put money there, along with the US and a few others.

Chairman: I must apologise. I have to go to another meeting. I am going to hand over the Chair to Sir John Stanley, who will carry on for a little while longer.

[SIR JOHN STANLEY in the Chair]

Q82 Chairman: The question that I would like to ask you, which I thought that you might be referring to in answer to Mr. Heathcoat-Amory’s previous question about the quantum, is whether the use made of chemical defoliants by the United States during the Vietnam war is possible under the present treaty arrangements. Certainly, the memories of those living in North Vietnam at the time are absolutely seared by the scale of the use of the extremely aggressive toxic chemicals, which today still make it absolutely impossible to grow crops on the areas that were subject to it and, allegedly, have led to the birth of children with congenital deformities. I am not a scientist, so I do not know whether or not the allegations are correct.

Within the existing treaty arrangements, is it still possible to use those very aggressive toxic defoliants as, effectively, chemical weapons? [*Interruption.*] Have we stumped the witnesses? If you do not know the answer, which is fair enough, could you send us a note with your views on whether that use of chemicals is within the treaty and, if it is not, on whether it might be brought in and how?

Daniel Feakes: There is a reference in the CWC to herbicides, in the preamble, so it is not in the substantive articles of the CWC itself. I think that it refers to the existing rules or prohibitions of the international law on herbicides, but I cannot remember.⁶

Nicholas Sims: My impression, Sir John, is that it was sidelined during the CWC negotiations in order to get a CWC at all. The United States was understandably very sensitive on the subject of anything at all being said about herbicides or defoliants. My recollection of it being referred to only in the preamble is very much the same as Daniel’s, but I will be very happy to send the Committee a note, as you suggest.⁷

Q83 Chairman: Obviously, a policy point for the Committee will be whether that is indeed the case. If it is merely in the preamble, is it a policy development that the British Government should press for when we come to the next review? We will be very glad to hear anything further that you have to tell us on that.⁸

I have one further question on chemical weapons, which arises from Mr. Feakes’s memorandum. You say at the beginning of paragraph 17: “More important will be deciding on an appropriate response to the likely failure by both Russia and the USA to meet the 2012 deadline for the total destruction of their CW stockpiles. This eventuality could have extremely serious repercussions for the OPCW.” Why will there be such a serious shortfall, as seems to be likely, in meeting the deadlines that the two major powers signed up to?

Daniel Feakes: Again, I do not have technical expertise in destroying these weapons, but, from what I understand, in terms of Russia, a lot of it was

⁶ Ev 288

⁷ Ev 245

⁸ Ev 246

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to do with financial resources. I think that the Russian programme was quite poorly resourced from the beginning, but it is much better now and has quite a lot of money from foreign donations under the G8 Global Partnership. In the beginning, the Russian programme was poorly funded, so a lot of the problems in Russia concerned funding. As I understand it, in the US, this is partly to do with the technology, which applies to both countries. It is very difficult, because these weapons were never designed to be destroyed, other than through use. When they were being designed back during the cold war, they were military weapons. They were designed to be dropped from planes or fired from artillery guns. No one gave much thought to how to take them apart and demilitarise them. When the treaty was being negotiated, the 10-year deadline—extendable to 15 years—was agreed. That was politically acceptable, but I do not think that it was based on a full appreciation of how difficult it would be to destroy them, because that had not started to happen then.

Technologically, this is a very difficult thing that they are doing. There are various different technologies. You have incineration technologies or neutralisation technologies and various others to do this. There is a choice to be made. Some technologies are more expensive than others. Others can be done faster, but less effectively. Various things have to be weighed up there. In the US, you also have the issue of very strong environmental regulations. If you are incinerating, there are strong environment regulations on emissions. I think that the same applies to Russia. You are not allowed to transport these weapons.

The logical thing in some instances would be to have one destruction facility—or two—in the country and move all the weapons from the dispersed stockpiles to that one facility. I know for sure that there is legislation in the US that says that these weapons cannot cross state lines. So you are not allowed to move them from Alabama to Kentucky. That is just not allowed to happen. They have to build one destruction facility at each storage site, which in the case of the US means eight separate destruction facilities. So, technologically, it is difficult and that obviously costs money.

Q84 Chairman: When you go on to say that this eventuality could have extremely serious repercussions for the OPCW, are you alluding simply to OPCW credibility, or are you alluding to something wider than that?

Daniel Feakes: It is definitely to do with credibility. In some ways, the fundamental obligation under the CWC is destroying the chemical weapons that you possess. For two of the most important states parties to the CWC not to meet that obligation will affect the credibility of the OPCW. If the OPCW is seen not to do anything about it or to just let the issue go, that would affect its credibility. But it also plays with the internal politics of the OPCW itself. Other states that do not possess these weapons will say, “Well, if they’re not destroying their weapons in time to the

deadline, why should we meet a deadline on submitting information on our legislation?” Various arguments like that would go on within the OPCW, and they have already been raised at the second review conference earlier this year. Lots of states were saying that they cannot progress on this issue until those two states have progressed on destruction. Everything is being linked together, so it could slow down the whole agenda in The Hague. **Nicholas Sims:** Might I add to that, Sir John? I agree with everything that Daniel has said. I am struck by the contrast between the first and second review conferences. The first review conference was six years into the life of the CWC at the end of April 2003. The Russian delegate announced, “We are proud to announce that we have completed the destruction of the first 1% of our stockpile.” Now six years into the life of the convention, they should have been a lot further on towards 100%, but there was little criticism then of either Russia or the US.

Sitting suspended for a Division in the House.

On resuming—

Chairman: We will resume our questioning for a further 15 minutes. Mr. Sims, would you like to complete what you were saying when the Division bell rang?

Nicholas Sims: Thank you. The first review conference seemed to me to be amazingly indulgent and tolerant towards Russia, which had only destroyed the first 1% in the first six years. The second review conference was much more robust, having said that it welcomed the assurances by the states concerned that they would complete the process of destruction by 29 April 2012 at the latest. There were absolutely no weasel words on what to do if they do not reach that, and that is how it should be.

The great majority of states that have either already destroyed their chemical weapons or had no such weapons anyway are entitled to expect the United States and the Russian Federation, which is far behind the United States on the percentage it has destroyed, to get a move on and devote far greater resources to it. As Daniel has explained, it is not just a question of throwing money at the problem, because there are real environmental problems and choices to be made between incineration and neutralisation.

I think that the rest of the world and the other parties to the Chemical Weapons Convention, including the United Kingdom, are entitled to expect the Governments of both the United States and the Russian Federation to show great seriousness in approaching the 2012 deadline.

Q85 Chairman: Thank you very much. In the last few minutes we will turn to the Biological and Toxin Weapons Convention. As we know, this whole area has been beset by the issue of verification. I thought that the problems relating to that were very well

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encapsulated in a sentence from Dr. Brian Jones, who wrote in paragraph 49 of his paper: "Biological weapons, by virtue of their greater potency, low cost, ease of production, small size, ease of transport and difficulty of detection, are a much greater challenge to detection by intelligence and inspection."

The key questions I would like to put to all of you are: given those indisputable and unavoidable facts about the nature of biological substances and weapons, do you believe that chasing after a comprehensive verification regime is effectively chasing after the end of a rainbow or that some form of verification regime can be negotiated and put in place? If so, what are the key elements of that verification system that you think the Government should be aiming at?

Dr. Jones: Well, I have raised the challenges in the sentence you read. I became very aware of those issues when trying to assess capabilities, and it seems to me that when it comes to some sort of verification regime the reliance must be on close national capabilities to monitor the activities of the institutions that are within their realm. Quite how one ensures that it is in the interests of the individual nations establishing those regimes, I am not sure. I do not know what thoughts my colleagues have.

Q86 Chairman: I think we all agree that it will not be able to be done in any distant technical way. Is there any form of inspection regime—obviously by virtue of a treaty arrangement—that could be negotiable that countries such as the United States will not view simply as a means of getting access to the key commercial secrets of their biotech industry?

Nicholas Sims: Whether there are or not, I do not think that the USA is likely to be persuaded that its industry or its national security is safe with an inspection regime. Therefore, I do not think that a verification regime for the BWC involving inspection is a politically realistic goal for the foreseeable future. I know the EU has to hold it as a distant goal that it cannot retreat from, but realistically, it makes much more sense to go for other compliance measures.

I am very attracted by the Canadian proposal for an accountability framework. The idea at its simplest is that the states parties should show that they are accountable one to another in respect of demonstrating compliance, much more positively than they have done hitherto. The compliance reports that have been sent in up to now, additional to the confidence building measures, have been few and haphazard. If they were made much more systematic and searching, there could be regular accountability sessions, as the Canadians proposed at the sixth review conference.

There could be regular accountability sessions where questions of doubtful activities could be raised and where there would be reassurance, if there can be reassurance, but also a working out of real compliance ambiguities and calls for clarification and all the rest of it. I know that it is not the same as a proper on-site inspection verification regime, but I

think that is more likely to be politically feasible and acceptable even to the United States. It already has support from quite a few countries in addition to Canada.

When preparing for the seventh review conference in 2011 I should like the UK to give priority to adopting a developed accountability framework. Anything else on compliance measures, such as sorting out the confidence-building measures, is all to the good and we also need a comprehensive programme of action which combines national implementation measures and the international co-operation in the prevention of disease and other peaceful applications of microbiology under article 10 of the BWC. That particular balance between article 4 and article 10 was attempted by the president of the sixth review conference, but too late in the day to be successful. I think it stands a very much better chance if it is carefully prepared for 2011 and the seventh review conference.

Q87 Chairman: I will just come to Mr. Feakes for his contribution to this question. Do you think that your accountability regime can stand alone as an agreement between states, or do you think that in order to have teeth and credibility it would require the setting up of an international body that would act as the monitor or policeman for it? In other words, it would be a biological convention equivalent body to the OPCW.

Nicholas Sims: I see it as the nearest that one can come in the short and medium term towards an equivalent to OPCW. I see it being serviced by a small secretariat based on the present implementation support unit, but somewhat expanded by agreement at the next review conference. I see it as essentially an agreement among those states parties to the BWC that are willing to take that further step. In the absence of any better compliance regime, I think that there is a good chance that they will take that further step in 2011.

Daniel Feakes: I fear that Nicholas is right about the political feasibility of a verification regime. He said that the EU position is a kind of distant ambition, but I still hold out a hope. So much work went into the whole concept of verification, into the protocol during the 1990s. The UK in particular put in a lot of work—the Foreign Office, the Ministry of Defence, the DTI, Porton Down. People put a lot of work into this; they spent weeks in Geneva over the course of years. Lots of other countries did the same. To see all of that go to waste would be a shame.

It is a question of how you would take verification further. Obviously the protocol approach was not right for the time, and I have my doubts that it would be right now, with the massive diffusion of biotechnology that we will see in the 21st century. I think that there still is a role for verification there. A few years back, research institutes in the US did various reports, and worked with the biotech industry to see what the industry thought would be an effective verification mechanism for the BWC. I

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think that something can be done; whether it would be politically feasible for everyone I do not know, but I would hope that it is worth exploring.

Perhaps with the new Administration in the US there is an opportunity to start mentioning what for years was just the V-word. In Geneva, verification could not be mentioned after the collapse of the protocol in any official documents from the BWC. It was off-territory, it was nowhere near the agenda. Hopefully, it might start to come back onto the agenda. At the end of the day, you need something with boots on the

ground and people on site. As Brian said, a lot of that will be national responsibilities and regimes, which could perhaps be overseen by some kind of international body.

Chairman: Dr. Jones, Mr. Feakes and Mr. Sims, I am afraid that we have delayed you because of the Divisions. Thank you very much for your evidence today. There are a few questions that we did not reach. We will put those to you in writing, if we may, and we would be very grateful for any replies that you can send us.

Wednesday 26 November 2008

Members present:

Mike Gapes (Chairman)

Sir Menzies Campbell
 Mr. Fabian Hamilton
 Mr. David Heathcoat-Amory
 Mr. John Horam
 Mr. Eric Illsley

Mr. Malcolm Moss
 Sandra Osborne
 Mr. Ken Purchase
 Sir John Stanley
 Ms Gisela Stuart

Witnesses: **Lord Robertson of Port Ellen**, co-President, Chatham House; member, Advisory Board to the International Commission on Nuclear Non-Proliferation and Disarmament; former Secretary of State for Defence (1997–99); former NATO Secretary-General (1999–2003), and **Sir Michael Quinlan**, Consulting Senior Fellow, International Institute for Strategic Studies; Visiting Professor, Department of War Studies, King's College London; member, Advisory Board to the International Commission on Nuclear Non-Proliferation and Disarmament; former Permanent Under-Secretary, MOD (1988–1992), gave evidence.

Q88 Chairman: Gentlemen, thank you for coming today. I apologise for keeping you waiting for a few minutes, but we had some important business that we had to sort out before the end of the parliamentary year.

As you know, we are just beginning an inquiry on proliferation and related issues; we had an evidence session last week. Clearly, we are particularly focused today on the nuclear issues and we are very pleased that both of you, with your extensive experience, are able to appear before us today.

For the record, would you introduce yourselves?

Sir Michael Quinlan: I am Michael Quinlan. I was once permanent secretary at the Ministry of Defence, which is where I spent most of my public service career. I have continued since then in various ways to take an interest in nuclear weapon issues.

Lord Robertson: I am Lord Robertson of Port Ellen. I was Secretary of State for Defence for this country and then Secretary-General of NATO. I was co-signatory with some other grandes—I think that was how we were referred to—of an article on the subject of proliferation. I am also co-chairman of the Institute for Public Policy Research's Commission on National Security, a body that I co-chair with Lord Ashdown. It is publishing its interim report tomorrow, which has quite a substantial section on non-proliferation and our ideas on that subject. You might wish to see a copy tomorrow when it is published. I would have brought one along with me, but I do not even have one myself.

Q89 Chairman: We will look out for that tomorrow. Following on from what you have just said, Lord Robertson, there is obviously growing interest in issues related to nuclear disarmament and nuclear arms control. Why do you think that is?

Lord Robertson: We live in a very different world from that of previous generations who dealt with this issue. The existence of non-state actors, transnational terrorism and terrorist networks has brought more clearly into focus the potential dangers involved in the proliferation of nuclear weapons. There is also growing concern that that is in part to do with the existing non-proliferation

regime, and that those commitments that we have signed up to over the years in the nuclear non-proliferation treaty in relation to abolishing nuclear weapons as a whole have been given insufficient weight. That may well have fuelled the desire and the ambition of other countries to join the nuclear club. So it has become a very current preoccupation that we should address.

Q90 Chairman: You referred in your introductory remarks to the fact that you were one of the authors of the article in June, which was a British response, in a sense, to an American initiative by Henry Kissinger, Sam Nunn and others. Have you been involved since then in any concrete co-operation with the American authors of that original article, and is there a kind of international network now developing on this issue?

Lord Robertson: It is developing and building, but I cannot say that I have been as energetic as I could have been in following through on it. I have been preoccupied with the work of the commission that I am on and the work that it is doing. However, I think that a lot of its recommendations will feed through. I know that Margaret Beckett has also been involved in leading another initiative, and a few people are trying to put flesh on the bones of that. I think that we have to do that, because we have to think through a number of the practical issues that simply cannot be wished away.

Sir Michael will speak for himself, but at the beginning of next year he is going to publish a book that he has kindly shown to me in advance. He is the great guru of this issue. The book not only analyses all the background to the debate but puts forward a sensible and practical middle way between the total abolitionists and the absolute retainers. That is the territory into which those of us such as the American group and the British group have to fit.

I am sorry that I am the only one here to represent that rather remarkable group of people, which includes Malcolm Rifkind, Douglas Hurd and David Owen. I know that Douglas Hurd would have been here but for his wife's death at the weekend. I

cannot necessarily speak on their behalf, and I think that Malcolm Rifkind has done a little more than others.

Q91 Chairman: Is there a comparable group of similar status in other European countries that includes people with similar experience who are saying the same kind of thing?

Lord Robertson: I understand that there is, and that there are others involved in that. In a way, what picks us out is that we have been Cabinet Ministers—Foreign and Defence Ministers—in one of the P5 countries and current nuclear states. That has given us a certain degree of weight. Clearly, one would hope that the French will be involved in future as well.

What we said in the article, and what the Shultz-Kissinger group says as well, is that the lead needs to come from the bigger nations. The attention has been focused on the American and the Russian arsenals. It is very important that they are reduced, because they are quite significantly greater than would be necessitated by current deterrence theory.

Chairman: Sir Michael, do you want to add anything?

Sir Michael Quinlan: I do not think that there is a continental European gang of four in quite the same sense as the two groups that have been mentioned, but there is certainly a great deal of activity. The Norwegian Government are putting a lot of money into the study of the abolition aspiration on both sides of the Atlantic. I have attended meetings both at Stanford and on this side of the Atlantic. I am due to go to a conference in Oslo in which people like Hans Blix and Carl Bildt will be much involved. There is a pretty widespread impetus in favour of at least serious study of these things, which I personally believe is what is most needed now, rather than high speechifying. Some pretty hard study needs to be done.

I had some small part in prompting the publication, or the launch, of a study by the International Institute for Strategic Studies on the abolition question, which came out as a paper in its "Adelphi" series this past September.

Q92 Mr. Horam: Sir Michael, you just said that what was necessary now was a rather more down-to-earth approach rather than high speechifying. I think Lord Robertson said something about the practical issues needing to be resolved. Will both of you comment on what are the most important practical issues to consider in the search for a third way, or whatever you like to call it?

Sir Michael Quinlan: To clarify, in the agenda immediately ahead of us or in studying the abolition question?

Mr. Horam: Yes.

Sir Michael Quinlan: On the abolition question, there are two large classes of issues. There are technical issues, such as how to verify, how to define what a non-nuclear world is, what must not exist, what must not be done, how to enforce and what to do about the nuclear energy problem. The IISS study got very much into that. There is also a quite

different class of issues, and in many ways a much more intractable one: how do we make the Israelis want it, the Pakistanis want it, Russia want it? What would we have to put in place in the whole world organisation to replace the role that nuclear weapons, to my mind, have played these past 60 years, in ensuring that all-out war is simply off the table? Both those classes of issues need a lot more work.

Q93 Mr. Horam: Those are essentially political issues?

Sir Michael Quinlan: That last group is essentially that, yes. It seems to me that those issues are, in a sense, both more important—because they are about the will to do this—and more intractable.

Q94 Mr. Horam: More intractable or more tractable?

Sir Michael Quinlan: More intractable.

Q95 Sir Menzies Campbell: You described that group of people as remarkable, and I think that is a legitimate description. What is remarkable is that before, the debate was joined between unilateralists and what you might call retentionists. What we now have on both sides of the Atlantic are people who have always valued the utility of deterrence but who now as a group are ready to embrace the notion of multilateral disarmament, which has been more referred to in the abstract than given any kind of substance. That is the most remarkable feature, is it not?

Lord Robertson: I just want a more peaceful world. You have to start off on that basis. Being in favour of nuclear disarmament is the wrong end to start off with. If all you do is replace nuclear weapons and nuclear deterrents with fighting all-out wars again, you have not exactly advanced. You need to create the conditions in which people do not feel that they have to have nuclear weapons or other weapons of mass destruction. I am much more worried about the use of chemical and biological weapons, which can be manufactured so easily and deployed so quickly, than I am about the use of nuclear weapons, but nuclear technology is not just a huge nuclear bomb or a ballistic missile. A dirty bomb would cause as much chaos.

As Sir Michael says, we really have to look towards creating conditions in the world in which people do not feel that they need that degree of deterrence. We can then move towards having the absolute minimum that is required to maintain what is useful at the moment, and move beyond that. That requires things, both political and mechanical, to be put in place to ensure that that really happens.

Sir Menzies Campbell: If it is any comfort to you, the Committee is taking evidence on both chemical and biological weapons.

Q96 Chairman: We heard evidence two weeks ago, I believe, from Baroness Shirley Williams, who is on the International Commission on Nuclear Non-Proliferation and Disarmament, which was set up by the Australian Prime Minister, Kevin Rudd. I

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understand that both of you are on the advisory board of that body, but it has only had its first meeting. Do you think that it is likely to provide a separate focus, or will it very much follow the same lines, given that it includes people from the southern hemisphere and Japan as well as people from Europe and the United States?

Sir Michael Quinlan: It is useful precisely because it brings in a wider constituency. From what I know of its composition, it seems to be more balanced than, say, the Canberra Commission of a dozen years ago, so I have high hopes for it.

I have not yet seen anything at all of its operation. In conversation with Gareth Evans I agreed to join the advisory council, but I have not heard a squeak since then.

Lord Robertson: I thought that I had not agreed to going on to the commission, but the press release apparently makes me a member. Such is life after politics. However, it is good and worthy, and it includes a wider view and fairly high-powered people, who will look at the issues and practicalities and go beyond simple declarations. That is where we need to go. I hope the commission will assist with looking at the practicalities of how we get from here to where we want to be.

For example, a number of significant states have not ratified the nuclear non-proliferation treaty, yet we have jumped the fence and are starting to talk about other things. Getting India, Pakistan, Egypt, China, Indonesia, North Korea, Israel, Iran and the United States to ratify the treaty would be one very big step towards the objective of an overall regime that might encourage other countries not to go down the nuclear route.

Q97 Mr. Purchase: I want to move to another subject, but just on that point, why would anyone any longer want to sign the treaty? If you develop a bomb outside of it, the President of the United States will make a special visit to your country and say, “Well done, chaps. Join the club.” That did somewhat make a mockery of all the excellent work that has been done on the treaty over the years. That is just a comment.

Thinking again about the *Times* article written by you and your colleagues, Lord Robertson, you argued, if I have it right, that the more nuclear material there is in circulation, the greater the risk that it falls into the wrong hands. With such a flash of the blindingly obvious, who could argue that that is wrong? The direction of the article is towards greater stability by reduction. When we were at the UN six weeks ago we asked about the updating and modernisation of Britain’s nuclear capability and whether that affects the perceptions of other nations, and we were told bluntly that it does. However, if we were to move down your track of choice, if I may term it so, and get to that wonderful, idealistic position where nuclear weapons were virtually out of the picture, would the world be more stable than it currently is?

Lord Robertson: In my view, not if you did it tomorrow without putting in place the proper verification and transparency regimes that are

required. You have made the point that no penalty seems to be paid by countries that violate their own subscription to the non-proliferation treaty or do not behave in accordance with the International Atomic Energy Agency’s rules on inspections. We have to move in lockstep with a series of other measures required to ensure that the same degree of security would be guaranteed. I will also say that statements of the blindingly obvious are not necessarily a bad thing: they are not always so obvious, and rarely blindingly so.

Q98 Mr. Purchase: Yes, the truth of the matter is that on both sides of the argument there are some perfectly sound points to be made, and the question is how we argue and move forward on that one step at a time.

Lord Robertson: One of the worrying things that has stuck in my mind since my period at NATO was a meeting with President Putin, who said quite candidly that after the end of the Soviet Union a lot of things happened and a lot of things got lost, and he said that they did not know where they were. He said that that represents a danger not only to them, but to the world as a whole. They think that they order their affairs very well, but when we were signing the Ottawa treaty on land mines, if I remember correctly, I was asked by a senior Russian, “Do you want us to do away with all our land mines?” I said yes, and he said, “We use land mines to protect most of our nuclear stockpile sites, so do you think that would be a good idea?” I am not saying that that was a convincing argument, but they take that seriously. There was that gap between the collapse of the Soviet Union and the Putin era—a black hole that unfortunately still represents a danger to us.

Q99 Mr. Purchase: May I press you a little further on the question of reduction? Do you think that the UK would gain from further reductions in nuclear stockpiles by the acknowledged nuclear weapons states? Would other states say, “Hip, hip, hooray. We should join you,” or would they sit back, smile cynically and say, “Good-oh,” or whatever other utterance came to their minds?

Lord Robertson: In dim and distant days I was a member of CND—it was very brief, and I lived beside the nuclear base on the Clyde. When I told President Bush that that was how I came into politics there was a degree of astonishment round the table, but I had mentioned people such as Robin Cook, Joschka Fischer, José Manuel Barroso and Mr. Piqué, who was then the Spanish Foreign Minister but who had spent five years in the Spanish Communist party, so President Bush probably thought, “Well, I was hell-raising at that time, so don’t let’s remind ourselves of what we did 30 years ago.”

Those participating in the Ban the Bomb marches I went on had the great belief that giving up our nuclear deterrent would have a dramatic effect on the world because everyone else would say, “You are absolutely right and have done the right thing, so we will do away with our weapons as well.” I grew

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disenchanted with that messianic sort of approach, but I think that the strategic defence review that I conducted in 1998 very considerably reduced our nuclear profile by doing away with free-fall bombs and nuclear depth charges and reducing the number of missiles on the submarines. There is still some scope for moving in that direction, especially if it is part of a graduated multilateral process that would encourage everybody to build down.

Q100 Mr. Purchase: Is there any evidence that further nuclear disarmament by the acknowledged nuclear weapons states would strengthen the wider non-proliferation effort, and would any such effect operate on states such as Iran—a key point, obviously—which are believed to be pursuing the idea of nuclear weapons?

Lord Robertson: You yourself said that people use the modernisation of Trident as an excuse for what they might see as joining our club. If there was a movement, especially by the United States and Russia, who are massively over-armed at the moment, it would, in my view, encourage the process that we are talking about of putting regimes in place. Sir Michael might have a more objective view.

Sir Michael Quinlan: Could I distinguish between two things? First, as to whether what we do will affect the decisions made by other nuclear weapons states, I am pretty cynical. They will consult their own interest as they see it. I do not think that the Indians, the Pakistanis or, dare I say it, even the French, will be much influenced by parades of good behaviour by the UK. That said, provided that we do not run to a point where our capability is incredible or unstable, actions of that kind by us and by the others help to reinforce the non-proliferation regime as a whole, because it is seen as the nuclear weapons states fulfilling their side of one of the key bargains that underpin the treaty. To that extent it is helpful to the regime, and it is fair to say that we, so far, have a better record of reduction and transparency than any of the other nuclear weapons states.

Q101 Chairman: Sir Michael, you are referring specifically to article 6 of the non-proliferation treaty, are you not?

Sir Michael Quinlan: Yes. That is only one of the bargains in the treaty, but it is an important one.

Q102 Mr. Moss: Following the White Paper in 2006 and the subsequent decision by the Government to renew the Trident nuclear capability, many commentators have said that the Government's declared disarmament and non-proliferation goals are not in fact compatible with that decision. Do you agree with those commentators?

Sir Michael Quinlan: I myself do not. We are still operating entirely within what we are entitled to do, within our commitments under the treaty. Provided that we keep what we do to the minimum—I think the plans laid out in Command 6994, the December 2006 White Paper, do that—I do not think that need in any way diminish our credibility in the reinforcement of the non-proliferation regime as a

whole, but it perhaps makes it all the more necessary that we do all we can to identify and forward what can be done to strengthen the regime. There are things that need to be done in that line.

Lord Robertson: I agree absolutely with that. We are continuing with the deterrent. On the question of a renewal or modernisation or whatever, we are going to build equivalent submarines to the ones that we currently have on patrol. There may be some technical changes to the warhead, but effectively we are continuing with what we have. If we again continue to look at what is the minimum that is required, I do not think that it breaches any of the lines that are there.

Q103 Mr. Moss: May I come on to some of the things you were mentioning about the Russian example of items going missing and the dirty bombs? Is there a case for retaining a nuclear deterrent, even if states signed up for some verifiable decommissioning, given that there are rogue states out there that may or may not have these nuclear weapons?

Sir Michael Quinlan: It would depend on what was the totality of the political setting. Certainly, I would not be in favour of abolition unless we were sure of everybody else, including some of those we find less congenial than others, like Iran. I would not be in favour of anything like a unilateral or even a unimultilateral disarmament. Perhaps I might add to my previous answer that those who say that we should not renew are saying that we have an obligation to abandon, which is plainly not what the treaty says, or suggests.

Q104 Mr. Moss: How do you view, or assess, the UK's work on nuclear disarmament? In your view, what would be the most effective measures that the UK could take to advance its multilateral disarmament agenda?

Lord Robertson: The evidence that the Government have given you itemises clearly that this is a nation that takes that very seriously. The last Defence Secretary made that one of the key priorities and made a number of positive suggestions. In our commission's report tomorrow we will go slightly further than that and make a number of other suggestions: that we must use the instruments at our disposal—and the change of power in the United States—to further encourage rapid reductions in the strategic arsenals of both the United States and Russia; work for strengthening the non-proliferation treaty; increase the financial contribution that this country makes to the IAEA; and provide further practical help for states who are not fully able to deal with UN Security Council resolution 1540, which is a very important—and undervalued—part of the non-proliferation regime at the moment. The resolution places an obligation on states to prevent the movement of weapons of mass destruction. A lot of British expertise is being fed into that area, which we believe should be given greater attention.

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We think that we should provide a financial contribution to the IAEA nuclear threat initiative nuclear fuel bank fund that has been set up. A number of other areas where commendable work has been done can be increased and intensified if we are going to be serious about getting a good outcome from the review conference.

Q105 Mr. Moss: Do you wish to add to that, Sir Michael?

Sir Michael Quinlan: No; I am in accord with all that.

Q106 Mr. Hamilton: Sir Michael, you said earlier that existing nuclear states will not be influenced by what the UK does in terms of its own disarmament or reduction of warheads. But of course we must fulfil the bargain that we agreed to under article 6, and others, of the non-proliferation treaty. However, put yourself in the shoes of countries like Iran for a minute. One of the arguments they put forward is, “We accept that under the NPT there are states which already have nuclear weapons and warheads and a capability, and they will try—or continue—to reduce those over the lifetime of the treaty. But you are saying to us that we cannot have these weapons—okay, we signed up to this in the NPT—yet you are continuing to renew them.” It is the renewal that I would like your opinions on.

I know that we have explored this already, but it seems to me that if we were able to turn around to countries such as Iran and say, “We really are reducing our capabilities and warheads. We are not going to renew all the submarines and we are going to make sure that we gradually phase our weapons out,” would we not be on the moral high ground? Would that not influence countries like Iran, who wish to develop these weapons, and other countries, of course who want to develop them if Iran produces its nuclear warheads? I am thinking of Saudi Arabia and maybe Egypt and others in the Middle East. Would Great Britain, by considerably reducing its stockpile of nuclear warheads and its ability to have an independent nuclear deterrent, not have a moral effect on those other countries?

Sir Michael Quinlan: I have to say that I doubt it. I would love to believe that it was so, but I just do not think it is a part of the Iranian calculation. I do not think that they would be in the least impressed by our getting out of the business, or by our halving our capability. I am all in favour, for reasons which I implied earlier, of our squeezing down as tightly as we can, and it may be that we can go further. I would hope, for example, that we will finish up with three submarines, not four, although I know that there are complicated operational questions there. Perhaps 12 missile tubes, rather than 16—things of that kind. That would help us in the wider context, as I described, but I find it very hard to believe that it would influence whatever calculations are being made in that rather opaque regime. It seems pretty improbable.

Lord Robertson: They say that they are not looking for nuclear weapons anyway.

Q107 Mr. Hamilton: Twelve months ago when we were there, they told us clearly that it is an un-Islamic thing to do, and that it is in their own self-interest not to have them, as they could be destroyed pretty much completely.

Lord Robertson: But if somebody says that, they will not be influenced by you saying, “Well, here’s a good thing.” They probably do not believe you, either.

Q108 Mr. Hamilton: Possibly not, but unlike them, we would be open to verification from outside bodies.

Lord Robertson: I know. However, when I moved with your Chairman from one side of an argument to another, I asked at the time how we could ever persuade the Russians that we would do something such as giving up nuclear weapons, which to them seems so completely counter-productive. How would we ever persuade them that the weapons were not actually buried under Ben Nevis or Snowdon?

Sir Michael Quinlan: Or even in England.

Lord Robertson: Or anywhere high or low enough for them to go. If Iran is seeking nuclear weapons, it is doing so for its own purposes. It needs to know that a price is going to be paid, and that is why the present diplomacy in relation to Iran is so important. Everybody except some people inside Iran agrees that Iran should not have nuclear weapons. We must push that diplomatic area. I strongly believe that we need more diplomacy in the world, and that follows on from the analysis that we put forward. We need more back channels and informal contacts. Iran is not a monolithic country run by a Saddam Hussein-type dictator. It is multi-layered, multi-faceted and has elections.

We must engage with the Iranians, and one of the great tragedies of the last few years of the Bush Administration was our unwillingness even to talk to them. As NATO Secretary-General I did the groundwork for putting our troops into Afghanistan. We spoke to the Chinese, who said, “Yes, we are all in favour.” I spoke to Uzbekistan and Tajikistan, I spoke to President Putin and President Musharraf of Pakistan. However, I was not allowed to lift the phone to talk to anybody in Tehran, despite signals which indicated that they wanted to talk. They were as worried about Afghanistan as most of its other neighbours. Instead of always talking about the mechanics of disarmament, more investment in diplomacy—both informal and formal—could be more productive than a lot of sabre rattling.

Q109 Mr. Hamilton: And it is clear that the Iranians are still resentful about the way in which we would not communicate with them at the time—they mentioned it to us when we were there last year. I want to return to the issue of disarmament. Call me old-fashioned, but I still stick to some of the old principles of CND. What other opportunities and ways are there for us to rid the world of nuclear weapons, or can we never do it? If we can never do it, we must always have them. Is that not the logical conclusion? If we must always have them, other states will want them too, whether they have signed

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up to a treaty or not. What is your solution for ridding the world of these terrible weapons? They are the most destructive weapons known to man.

Lord Robertson: You may have been out of the room when Sir Michael gave a very eloquent answer to that question. Perhaps he will give it to Mr. Hamilton again.

Sir Michael Quinlan: Essentially, we have to work with other people on a difficult and long-term political agenda, to change the desires of states regarding what they think they need for their security. We cannot do any of that significantly on our own.

Chairman: Let us move on.

Q110 Sandra Osborne: Sir Michael, you said that those who felt that Trident should not be renewed were tantamount to suggesting that there was an obligation to abandon nuclear weapons under the NPT, which I agree is not the case. However, I wondered about the timing of the decision to renew Trident. Did the Government have to take that decision when they did, or could they have waited until further down the line when there might have been progress on disarmament?

Sir Michael Quinlan: That turns very much on technical questions on which I have no particular expertise nowadays. Certainly, taking a cautious view on how long our submarines will last—we have only one system, and not much of it, so one has to take such a view—the lead times were such that, in the Government's opinion, we had to start moving. We have not ordered the boats; we have merely gone into substantial design work. We had to start moving then. There may also have been a consideration—a legitimate one, I think—that if we did not get some work going, the technical and industrial capability would have atrophied. You cannot switch these things on and off suddenly. So, although I am not in any way master of the detail, I find that a plausible story.

Lord Robertson: That is absolutely right. Certainly when I was at the MOD, the thinking about it was starting. When you have only one system and you have kept it to the very minimum, you have got to make sure that it is absolutely right—totally safe, utterly reliable—because what you are talking about is something pretty big and pretty grave as it stands. Therefore, saying that you can extend the service life of a submarine implies different risks in the system that you might not want to have. There are other countries in the world which clearly have been taking short cuts. We have seen examples of what that leads to.

What is right and proper when you are continuing a system? That is the issue here. We are not building a completely new system. This will be using the D5 missile. It may have to have an updated warhead, but it is basically the same design of submarine. Remember that that was one of the few Ministry of Defence procurement projects to come in on time and under budget. You cannot say that about pretty well anything else that has been produced by the Ministry of Defence, before or since my time in office. The reliability and the safety are absolutely

paramount concerns, so moving early with what is a continuation of the existing system was the wise thing to do.

Sir Michael Quinlan: Perhaps I could add, since I have a long memory in these matters, that we had experience of twice being scared by things going wrong technically. We once had to retire an entire V-bomber type almost overnight, when we found a major fatigue problem in it. In the late 1980s, I think, we had a serious fault develop in the Polaris submarines, which nearly caused us to lose continuous patrol. So one has to take a cautious, conservative—with a small “c”—view of these matters.

Lord Robertson: Has the Committee been on one of the Trident submarines? It is a pretty impressive regime in place there, to guarantee that mistakes are not made. That is a good principle, which should apply not just to the training and the quality of the crew but to the equipment.

Q111 Ms Stuart: Still on Trident, but now on the cost of it—given the pre-Budget report, and the fact that we have started talking not about billions, but about trillions of pounds going into the economy, do you anticipate that there may come a point when we will say that this may be something that a UK Government now or a few years down the road simply cannot afford?

Lord Robertson: I do not think so. I cannot imagine a British Government taking that viewpoint, although it would be important for the Government to make sure that they minimise, so far as is practicable and safe, the price that would be paid. I held a very strong view about procurement projects, and I was not, sadly, at the Ministry of Defence long enough to embed the principles that I thought should apply there. I have done a foreword to a book that the Royal United Services Institute is publishing today about the procurement process, saying that we need to do it. I would not take the figures at face value. I think that we need to press down on them. However, we should remember that the Trident system and the existing submarines did come in on time and under budget, which is significant. I would hope that the same could take place, and that the cost will be minimised for the taxpayer.

Q112 Mr. Purchase: May I push on a little further with the point that my colleague makes? When Robin Cook was Foreign Secretary, he visited the rusting, rotting Russian nuclear fleet. Considering the picture that you have just painted, Lord Robertson, of the immense technical problems that emerge in maintaining a fleet of this nature, allied to Gisela's point about the future, with billions, if not trillions, of liabilities that we might have in all kinds of directions, would it not be better to do without these things, given that no one can imagine the circumstances in which we would use them?

Lord Robertson: You have to imagine the circumstances in order to make sure that they never happen. That is the calculation made by the nuclear

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states. It has produced a remarkable period of stability in the world since 1945. These weapons have not been used since Hiroshima and Nagasaki. We are coming to a point now where, first, there are far too many nuclear weapons, secondly, the technology and the materials appear to be spreading, and thirdly, we have a new breed of terrorists and non-state actors who might well use them. That is the point. You cannot undervalue or underestimate what nuclear deterrence did after the second world war by stopping people thinking that they could win a conventional war. We need to move to a different mindset. Of course, it is costly. All forms of defence and security will have a cost. Everyone will have to make a measurement about it. Making us less safe is not a good bargain with public money. Sir Michael also has a view on stability terms.

Sir Michael Quinlan: If somebody came to me in five years' time and said, "I am very sorry. We got the figures wrong. It is not 15 to 20 billion, it is 100 to 150 billion", I would suck my teeth and think again. That is a far-out speculation. Meanwhile, though we cannot describe credible detailed scenarios, this is our long-term insurance against the world going seriously wrong in ways that we cannot at present pin down. I do not think the world is yet a sufficiently stable and predictable place that we should now abandon this last resort insurance. That is the nature of the calculation and the judgment that has to be made.

Q113 Mr. Purchase: MAD rules? Mutually assured destruction?

Sir Michael Quinlan: No, it does not have to be that. That is a slightly different question about what we should be capable of doing. I do not believe it should be vaporising the other man's cities. That is another and wider question.

Chairman: The acronyms from about 20 years ago include MAD and NUTS, which was "nuclear utilisation targeting strategies". We can get into some interesting ones.

Lord Robertson: No way here are we thinking about mutual annihilation.

Chairman: Let us move on to something related, but different.

Q114 Sir John Stanley: Lord Robertson, at the beginning you rightly drew attention to the huge scale of the Russian and American nuclear arsenals and how imperative it was to try to get them reduced. Because of the possibility—probability, perhaps—of ballistic missile defence deployment in Europe by the United States, the Russians have so far repudiated the conventional forces in Europe treaty and threatened to withdraw from the intermediate nuclear forces treaty. We have no conceivable prospect in the present climate of making any further progress on START, which is so imperative. Against that background, I would like to ask you both this question. Given the minimal degree of extra security, in my judgment, provided by the 10 interceptors proposed to be deployed in eastern Europe, is it worth while in our own security terms

to continue to support American ballistic missile defence deployment in eastern Europe, when the nuclear downside in terms of reducing nuclear arsenals—putting a stop on that—is patently clear as long as BMD stays an American policy?

Lord Robertson: That assumes that the Russians would stick with all the other agreements if the interceptors and radars were taken out of the equation, which is by no means certain. It is important to grasp the fact that the Russians are not opposed to ballistic missile defence. After all, they are closer to what President Putin once described to me as the "rogue states" than to mainland USA. Their excitement, worry and concern at the moment is about the location of the interceptors and the radars, which they see as being configured more against Russia than against the rogue states to the south.

Indeed, President Yeltsin's repudiation of President Clinton's offer about missile defence was succeeded, under President Putin, by an offer, which was made to me as NATO Secretary-General, of non-strategic European missile defence. It was a very thin document given to me by Marshal Sergeyev, the then Minister of Defence for the Russian Federation, which was essentially about a grand extra-theatre missile defence system based somewhere towards the south of Russia that would give protection against ballistic missiles.

There is common ground that there is a military threat, that there is a military solution and that the kind of deterrence that we have grown used to in the post-second world war period is not sufficient to deal with some of the new actors, which are unlikely to respond to conventional deterrence theory. I think we have to see what happens under the new American Administration and whether they take up President Putin's offer, which he made last year, of utilising a sovereign Russian base in Azerbaijan for an additional radar point, or even interceptor point, which, in many ways, would remove Russia's concern that the deployment was not actually about ballistic missile defence, but about relations with Russia. There is common ground that has to be explored. We should not necessarily assume that simply removing what has been proposed for ballistic missile defence resolves anything in itself.

Q115 Sir John Stanley: Sir Michael, on my original question, do you think that in nuclear disarmament terms it is worth the Americans' while, and worth our supporting it, to pursue the existing proposal for the deployment of the interceptors in the Czech Republic?

Sir Michael Quinlan: I think that it is a bad idea. I am more deeply sceptical than Lord Robertson about the value of these things. I see an awful lot of "military-industrial complex" around in the BMD territory. I note that the Russians have, of course, their own BMD, some of which, we believe, is still nuclear-tipped, if you like. It may be that the fuss that they are making about this small deployment is overblown, if not manufactured. That said, I do not believe that the deployment has any value commensurate with the trouble that it is currently

causing. I very much hope that, perhaps in a wider negotiation for a post-START or post-SORT treaty, the Obama Administration will be ready either to trade it away entirely, which would not grieve me greatly, or to make considerable concessions about its form and operation.

Lord Robertson: I would go along with a lot of that. I am not yet convinced that they have got it technically correct and, again, diplomacy is being overwhelmed by something that may not have been thought through. Going back to the previous questions about what is affordable in defence terms, President-elect Obama is going to have some very tough choices to make. It may well be that this issue will be one of those seen as being less important. Ultimately, it brings us back to the central point: if the conventional view of deterrence that we have had up to now cannot be seen to be effective against rogue states and non-state actors, what do we put in its place? Ballistic missile defence was one possibility. The other is building a world that is much more united, coherent and committed than the one we have now.

Q116 Chairman: Sir Michael, to take up your point, is there not far more politics in this than military utility? The symbolism for the Russians in the United States putting systems in former Warsaw Pact countries is more about a sense of the Russians' weakness. Therefore, they have become extremely agitated, because they want to show that they still matter in the world and that the Americans cannot position weapons in Poland.

Sir Michael Quinlan: I think that that is very likely the case. The Russians, I am sure, view with gut resentment the advance of NATO systems, even "defensive" systems, into what was once their own protective glacier. That is probably driving the steam. But, as I implied, I hope that we can turn that round in a bargain on a new treaty, which will not be easy with the Russians, because I would hope that a new treaty between the US and Russia would get into Russian non-strategic systems, about which they are very secretive and of which they probably have by now several times as many as the Americans. So there will be quite difficult bargaining to do, and we shall need chips to play.

Q117 Mr. Horam: Would you therefore support President Sarkozy's call, along with President Medvedev, for a European security pact or summit to discuss those things, under the auspices of the OSCE?

Sir Michael Quinlan: Lord Robertson will have a more solid view than I do. I am a little uneasy about things of that kind, which look like the Gorbachev attempts to talk about a common European home and let the Americans—

Q118 Mr. Horam: Why are you suspicious of those things?

Sir Michael Quinlan: Because it might be an attempt of the kind that France has been known to attempt before, in a different era, to arrange matters without the Americans or with the Americans in a less prominent role.

Q119 Mr. Horam: Will this not depend on American participation? Would it be best to have a US-Europe-Russian security summit? I think that that is part of the idea.

Sir Michael Quinlan: If so, that is fine. I am still interested to know what deal is being sought.

Q120 Mr. Horam: Involving Russia in all these decisions, both at a meeting and a practical level, would carry the idea forward.

Lord Robertson: But the idea is a Russian one. It has some, but not huge, support from President Sarkozy, and I am not sure whether he has followed that through. Any forum that involves discussion that is genuinely designed—

Q121 Mr. Horam: You want diplomacy, and this is diplomacy in action.

Lord Robertson: Well, yes, and I also am in favour of modernised and new institutions in the world today that actually fit both the threats and the promises of globalisation. But one has to look very carefully at what this is actually going to do, at whether it is a plan to separate the United States from Europe, to undermine the integrity of NATO. Remember that we have a relationship between NATO and Russia, which I think was abandoned too quickly after the Georgian conflict this year and should be rebuilt. There are already some institutions there, but if you have a broader forum for discussion, it may well be that you should try to test it. After all, we moved from the G8 to a brand new G20 a few weeks ago, to try to deal with the emergency in the financial world, but the plan needs to be a lot more thought through or it could be seen as something that would separate America from Europe. That would be very bad news for Europe, and very bad news for Russia as well.

Q122 Mr. Horam: But, Lord Robertson, you said in your article in *The Times*: "It is indisputable that if serious progress is to be made" on nuclear disarmament "it must begin with these two countries"—Russia and the United States. They have both reduced their stockpiles under the START treaty to the extent that they have fulfilled their obligations in practice. Do you think that they can make further progress? Should that further progress be between those two countries, without involving anyone else, or should we multilateralise the process and make it wider?

Lord Robertson: It would be very useful if those two countries would do it and found that mutually convenient. I think that the Americans went beyond START with their strategic missiles.

Sir Michael Quinlan: There was the Moscow treaty, which is post-START. They refer to it as SORT. That 2002 treaty runs the figures down below START levels, though without verification. They operate at a single moment in time at the end of 2012 and are

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expressed very oddly, as a bracket, a limit of 1,700 to 2,200. A good treaty would need to move beyond that, both numerically and in measures such as verification, but I would be uneasy about trying to get the other nuclear powers into it. If it is to be a negotiation about nuclear matters, it has to be US-Russia. Bringing the British and the French into it would do nothing other than complicate matters.

Q123 Mr. Horam: So you would carry on with what has happened historically under the strategic arms reduction treaty between the US and Russia?

Sir Michael Quinlan: Yes.

Q124 Mr. Horam: That treaty ends next year.

Sir Michael Quinlan: The verification does. The SORT treaty still has time to run, but without verification.

Q125 Mr. Horam: Do you think that this part of the jigsaw can play an important part in nuclear disarmament or non-proliferation?

Sir Michael Quinlan: I think that a new and frankly better, more solid US-Russian treaty is perhaps the most crucial single part of the nuclear powers being seen to do their stuff in accordance with article 6.

Lord Robertson: There are signs that the initial response by President Medvedev to the election of President Obama was peculiar: the threat to put in, as yet untested, missiles into Kaliningrad. Since the speech was made, there has been a much more cordial atmosphere, and it has been elaborated. The day before yesterday, President Medvedev said that he was looking forward to discussions. It may well be that the chemistry of the moment can produce something.

I think that President Bush originally wanted to be quite bold in his relationship with President Putin. I had a conversation with him at one point after they had a meeting at what is called the southern White House, I think.

Sir Michael Quinlan: Crawford.

Lord Robertson: Yes, at the ranch, dressed in cowboy boots. President Bush said that he proposed to reduce strategic missiles. The President of Russia said that he thought that ballistic missile defence was a mistake and, if that was to happen, that he would move more of the Russian stockpile. President Bush said that he just told him, “You can do that if you want. It will just waste money. I am going to do what I am going to do, because I don’t see you as the enemy any more. But we have lots of other enemies out there, and we have too many nuclear missiles.” That was the initial bonhomie feeling. If President Obama and those projected as his advisers on the defence and foreign policy side live up to expectations, now is the time for a bold initiative.

Q126 Mr. Horam: One of the other bits of the jigsaw is the comprehensive nuclear test ban treaty, which has not been ratified by the US Senate. One of our previous witnesses suggested that an early indicator of the new President’s attitude to nuclear

disarmament might be an attempt by him to get the Senate to ratify the treaty. Is that a sensible thing for him to do?

Sir Michael Quinlan: I hope so. I admit to believing that the CTBT is not, in cold strategic logic, as important as people have talked it up to be for the past 30 years. As an established political fact, however, it is seen as a major symbol of seriousness. I hope that President Obama will indeed revive the ratification attempts. With a Democratic Senate, perhaps he will have a better chance of bringing it off than before. That might crucially break the logjam, because the treaty, as you will know, sir, requires all of the 44 states to ratify before it can come into force. A lot of people are hiding behind the United States. If the United States ratifies, I do not think that the likes of India and Pakistan, for example, will want to be last holdouts. That would be a useful gesture, even if it were not as strategically important as people sometimes claim it to be.

Lord Robertson: That is why I think that our initiative, especially the one in America, is so important at this time, as it will become one of the early initiatives taken by the new Administration. I have had experience, as have others, of the separation of powers that the British donated to the United States of America and the sometimes helplessness of Presidents in the face of opposition from Congress. President-elect Obama has the remarkable coincidence of a huge majority in the Senate and in the House, along with huge good will in the country. If he has five minutes to take out of rescuing the economy, we want to make sure that he has a number of key objectives that he can do quickly to show that America is back in the world. That would be very important symbolically.

Q127 Mr. Horam: If you had a five-minute window, as it were, this is something that you would choose to put in?

Lord Robertson: You could focus on the elevator speech. That starts you in a good process.

Q128 Ms Stuart: May I take you to a different part of the world—India, and the US-Indian nuclear agreement? There has been criticism about why we are allowing this deal without India signing the non-proliferation treaty. The Committee concluded that we welcome the Indo-US nuclear deal, but added: “However, the political significance of the US offering civilian nuclear cooperation to a non-signatory of the NPT has seriously undermined the NPT. We recommend that the Government work to ensure the NPT is updated to take account of the reality of India and Pakistan’s possession of nuclear weapons.” The Foreign Secretary still hails this agreement as a great success. What would your view be? Are the British Government right to take that position, and what do you think the impact of the deal will be on the international community?

Lord Robertson: It has not yet happened. It still has to go through that famous US Congress. There is no guarantee that—

Sir Michael Quinlan: It has now.

Lord Robertson: Well, it highlights some of the things that we have already been saying. In the report that comes out tomorrow, we recommend that the British Government fund and contribute to a second, less formal track of diplomatic activity, involving former senior officials and policy experts from the P5, plus India, Pakistan and Israel, if possible, to start to talk about some of these aspects. We acknowledge that that is not easy. It is a bit of an aspiration, but unless you try these things they will not be successful. That is the important process that we now have to embark on.

Q129 Ms Stuart: Just to be clear, you would not say that it is a question of looking at the NPT itself, but a question of setting up a forum between those who say that the NPT is dead after this deal—a possible third way?

Lord Robertson: It is not dead. There is a review conference to come up.

Sir Michael Quinlan: I am among those who regret the US-India deal. I wish the United States had found some other way of fulfilling its excellent goal of trying to reinforce the relationship with India. But that is over the dam now. What I would hope is that ways could be found—Lord Robertson has referred to suggestions to this end—of involving India, along with Pakistan and others, in the general process of strengthening the non-proliferation regime, discussing things like strengthening the nuclear energy deal, and the withdrawal question.

I do not think that one can revise the treaty. That is a can of worms. It would simply be unfeasible or at least very perilous to try to do that. There is no way of bringing India, Pakistan and Israel into the treaties. They will not come in as non-nuclear weapons states, and they cannot be added to the list of nuclear weapons states. But I am sure that there are ways of involving them in a positive way in the future operation and strengthening of the regime.

Lord Robertson: One of the interesting features of the declaration by India and Pakistan that they were nuclear weapons states has been the sobriety that this has brought into the relationship between India and Pakistan. If someone says the bomb comes from under the table to on top of the table, you suddenly realise what is at stake. I learned at Sir Michael's knee how nuclear deterrence, certainly in the early stages, puts conventional war beyond question. Nobody could imagine that they would win a conventional war if nuclear weapons were there in the chain. So India and Pakistan are now talking in a way that they rarely talked before. Kashmir is much less of a flashpoint. There is much less sabre rattling. Building them into some new, informal arrangement might be the way to do it. Again, it comes back to whether we are willing to make an investment in diplomacy at this dangerous time.

Q130 Chairman: We have mentioned a number of the international agreements or treaties that have an impact on proliferation. You referred, Lord Robertson, to the UN's committee on resolution 1540. We have also touched on other issues. How effective are the other aspects—not only of the non-proliferation treaty, but of the overall nuclear weapons proliferation control regime—and what could we do to strengthen the system, in addition to trying to move towards the reductions we have discussed?

Lord Robertson: We need to take more seriously what we have actually taken on. UN Security Council resolutions are important. Resolution 1540 is a remarkably comprehensive, voluntary agreement by all UN member states to do something about the problem. We have to continue to take that seriously, reinforcing it as one of the P5 wherever we can. The UN has a committee on the subject, and a group of experts, including one from the UK, but there is a perpetual threat—occasioned partly by financial concerns and by the usual weariness of the subject—that it will be suggested that it is time to wind up the expert group and have the committee meet less frequently. People have a tendency to move on to the next big issue, such as climate change or organised crime, but we have to be serious about what we take on, and if there are treaty commitments, we need to pursue them.

Resolution 1540 is one of the ways in which you can get individual states, small and large, to accept that they took on an absolute obligation when that resolution was formed. Policing, pushing and invigilating the implementation of that resolution, believing in it and resourcing are some things that the British Government can do. That applies also to the other elements in the archipelago of the regime, but I use the resolution as an example of something that I detect might well wither on the vine, simply because people think, “Well, we have done as much as we can.” In fact, we have done nowhere near what we could do on that.

Sir Michael Quinlan: As Lord Robertson has implied, many instruments, not only the treaty, collectively form the regime as a whole. They include the missile technology control regime, the Nuclear Suppliers Group, the Hague Code of Conduct and the Proliferation Security Initiative. None of them is perfect, but in the round they amount to a pretty good apparatus, and the record over the years is not to be sneezed at. However, some of them could certainly be improved.

I suspect that more could be done with the Proliferation Security Initiative, although I am not a master of the detail of that; and there is certainly scope for improving verification, with more people—preferably everyone—signing up to the Additional Protocol to improve verification, although I am afraid that that would mean that the IAEA would require more resources. More could be done to tackle the problem of withdrawal from the treaty, which can be done too cheaply and easily. There could also be further, positive and more generous measures to cope with the nuclear

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energy problem. There is an agenda out there that the UK Government can help in and, I think, are minded to help in.

Q131 Chairman: Lord Robertson, using your experience in NATO, do you think that there is a role for that organisation to do more to counter proliferation and strengthen non-proliferation methods?

Lord Robertson: Yes, there is, and that was one of the objectives of the NATO-Russia Council when it was set up in 2002. It seemed at that point to be a unique forum, with the countries round the table agreeing, moving and incrementally progressing an agenda that everyone, on the face of it, says is good. To build it on a military organisation is no bad thing. The Russian military, for example, is obviously an important component in Russian society, and the military talking to the military brought about a bond of trust that I found remarkable, despite the cold war and its legacy. They speak roughly the same language and use the same acronyms and the same basic systems; and, after 9/11, they also had a very real common enemy, so NATO was ideally suited to do a lot of the sort of discussion that could have taken place.

Unfortunately, in the last few years, that body got a bit stuck in this process, partly because of the United States—the Department of Defence in particular—and partly because some of the other states which have never, or have not in recent years, traditionally liked Russia as a whole. The NATO-Russia Council was put into abeyance after Georgia, which seemed to me to be utterly perverse. I cannot understand the logic of having a forum in which Russia could, and should, have been engaged about what it did in Georgia. The council was never designed to be just for the good times; it was also designed to be a forum for debating and discussing some of the bad times and some of the differences of opinion, as well. The sooner it is resurrected, the better. The sooner it starts to look at that agenda, which included missile defence and non-proliferation, the better it will be and the more contribution it can make.

Q132 Mr. Horam: The Non-Proliferation Treaty comes up for review in 2010 and work is already going on towards the conference which will then take place. If you were still in your previous position, Sir Michael, advising the Government on their approach, what would you say should be their top priority in the build-up to the review conference? What should the main objective be, from the UK policy point of view?

Sir Michael Quinlan: Leaving aside the particular problems of Iran and North Korea, there are three general weaknesses in the regime, which the review conference ought to tackle. One is verification, which I have referred to. In 1991, when Iraq's books were forcibly opened, as it were, we made the uncomfortable discovery that the verification regime had not been working. That needs to be tackled by universalising the Additional Protocol.

I have also mentioned the second issue, which is the need to do something about the right of withdrawal. I do not think that it is politically feasible to amend the treaty and to remove the right to withdraw, but it would be good if international agreement could be reached on a package of rather disagreeable consequences, well displayed in advance, which any country seeking to withdraw without a very compelling reason must expect to undergo.

Q133 Mr. Horam: In other words, to be a disincentive to withdrawal?

Sir Michael Quinlan: Yes, a disincentive.

The third priority would be to devise better, more generous arrangements to deal with the nuclear energy problem, which seems to me to be bound to become—or will in all likelihood become—more salient. At present, there is no solid arrangement for giving help with nuclear energy, without creating the threshold problem that Iran is currently exploiting. Those are my three priorities for the conference.

Q134 Mr. Horam: You said earlier on that you thought that there was no prospect of Israel, India and Pakistan being brought into the NPT. Why do you think that is the case?

Sir Michael Quinlan: They either come in as non-nuclear weapons states, or nuclear weapons states. They would not come in as non-nuclear weapons states and the rest, to a man—or to a country—would not let them in as nuclear weapons states. There is no likelihood that people would want to open that particular breach, so one must, therefore, live with the fact that they are outside it. But the more one can recruit them into the purposes and the operations of the treaty, the better.

Lord Robertson: It is not an unknown phenomenon in international arrangements for people to go along with. Indeed, the Americans have done that with the comprehensive test ban treaty.

Sir Michael Quinlan: The French were outside the NPT until 1992—for 24 years.

Lord Robertson: So you obey the rules but you are not part of the club. You go along with that—it apparently gives you the freedom to do it. But, given the constraints that Sir Michael has stated, that would be a way in which they could come in. They are probably much more sober now, in terms of their responsibilities, than they were before.

Q135 Ms Stuart: How are the Government doing, in terms of their overall strategy on non-proliferation, given our view that it is very much a rules-based approach? It would also be interesting to see whether you think that we do not differentiate sufficiently between the nuclear and the biological threats? What about our internal institutional arrangements—within the Foreign Office and the funding or that, and the Prime Minister's special adviser? What is your assessment of the overall UK approach to non-proliferation?

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Lord Robertson: I am not the most objective person. Since I am supposed to be here representing Malcolm Rifkind, Douglas Hurd and David Owen, I am even less capable of being objective. Sir Michael is in a much better position to answer.

Sir Michael Quinlan: It is a long time since I was directly in the trade, you understand, Chairman. My impression is that we do better than almost any other country in getting our act together. That is an observation that runs right across the defence field, in my recollection and experience. It would be impossible to say it could not be improved, but the Foreign Office operates coherently within itself and it talks to the Ministry of Defence pretty well. I doubt that there are huge imperfections obstructing our optimising the way we work in this territory.

BW and CW territory, but as Lord Robertson implied earlier, that is something we should not forget about. There are things that can be done.

Lord Robertson: I firmly believe we should distinguish between them. What we have talked about, by and large, is nuclear weapons. It is very different. There is a non-proliferation treaty, the P5—there are all these arrangements, whereas with chemical and biological warfare, in the kind of world we now live in, with non-state actors and rogue states, there are real perils involved. We can focus on them and there can be some remedies, but there is almost a “nobody would dare do it” feeling around that paralyses people, even though the weapons are so easy to manufacture, easily available and easily deployable. In this increasingly globalised world, they can cause such trouble.

In research for our commission, it was interesting to see the estimate that if there were a flu epidemic now, as there was in 1918, 147 million people would die. Of those who caught SARS in the epidemic four years ago, 50% died, and the disease travelled to four continents in 24 hours. The capability for an epidemic—which might not be hostile-created—is huge and sometimes much more real than the threat from nuclear weapons, which people in all the countries that have them are very careful about. These other things are happening in a world where ordered society is disappearing and new threats are coming up all the time. The World Health Organisation says a new disease emerges every year. There has been a large number of new diseases in the last decade. Suddenly two weeks ago, following an unprecedented financial meltdown, we have piracy on the high seas, with huge tankers taken over. So the range of problems, difficulties and threats is enormous. What might happen if we had that flu epidemic is beyond thinking for many people, and yet we should be thinking about it.

Chairman: On that optimistic note, I conclude today's evidence session. Lord Robertson and Sir Michael Quinlan, thank you very much for coming.

Q136 Ms Stuart: Can I pursue one particular aspect? We have had witnesses who suggested that we ought to differentiate to a far greater extent between the various types of weapons of mass destruction. Some one wants to get rid of completely, whereas others one seeks to control. Is that an area where you think we could do better, by making greater differentiation, or do you think the present approach is sufficient?

Sir Michael Quinlan: I am not sure how much better we can do in practice. I deplore the term “weapons of mass destruction”, even though it has a UN history going back to 1948, because it lumps together, under a rather loose title, three things which are very different. We have a decent chance of getting biological and chemical weapons right out of the picture. As I think we have brought out, the prospect of doing the same with nuclear weapons is a much more distant one. I do not know how much effort is now going from HMG into the

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Members present:

Mike Gapes (Chairman)

Sir Menzies Campbell
Mr. Fabian Hamilton
Mr. John Horam
Mr. Eric Illsley
Mr. Paul Keetch
Andrew Mackinlay

Mr. Malcolm Moss
Sandra Osborne
Mr. Greg Pope
Mr. Ken Purchase
Ms Gisela Stuart

Witnesses: Roy Isbister, Saferworld, on behalf of the UK Working Group on Arms, and Dr Dan Plesch,¹ Director, Centre for International Studies and Diplomacy, School of Oriental and African Studies, University of London, gave evidence.

Q137 Chairman: This afternoon, we are taking evidence for our inquiry on proliferation and weapons. We are very pleased to see Dr. Dan Plesch and Roy Isbister here for the first session of evidence. Gentlemen, thank you for coming. Can I begin by asking a general question? Dr. Plesch, what lessons can we draw from what has happened in previous decades about arms control and efforts at non-proliferation in the international community and the systems that have been developed?

Dr. Plesch: First, thank you very much to the Committee for the invitation. It is a great honour and privilege to be here.

Over the past 15 years, and certainly over the past 40 or 50 years, the world has done far more to control weaponry internationally than at any other point in recorded history. It is easy to lose sight of that when we look at the individual problems of particular agreements, weapons systems and so on. There have been huge achievements. I think particularly of what I would call the golden decade, between the Russian-American intermediate nuclear force treaty in 1987, and the chemical weapons convention and the comprehensive test ban in the mid-1990s a decade later, when almost every variety of weapon was addressed forthrightly in a verified manner and, on some occasions, with lightning speed by the international community after decades of logjam. I think particularly of the treaty on conventional forces in Europe, which had a huge impact and which people such as Robert Cooper would describe as underpinning the development of the European Union. In the end, the political will was found to carry out implementation in a very rapid, dramatic and highly effective manner.

Q138 Chairman: Mr. Isbister, do you wish to add anything?

Roy Isbister: I come at it looking at conventional rather than nuclear, biological and chemical weapons but I would second what Dan has said. If you look at that area—the development of national legislation, regional agreements, the beginnings of a move towards an arms trade treaty and work in the small arms field through the programme of action—a lot has happened in the past 10 years. When you are involved in it day to day, it is easy to get lost in

the difficulties but, if you step back and look at the grand scheme of things, there is a lot still to do but a lot that has been done.

Q139 Chairman: The United Nations was talking years ago about an aspiration for general and complete disarmament. Is it realistic to have that kind of level—taking in all categories of weaponry and having a grand scheme—or do we need to take an incremental approach that looks at particular categories and areas, as has happened in some treaties?

Dr. Plesch: We need to do both. I think we have lost sight of the big picture. People in the United Nations and elsewhere did look at the picture as a whole. Now we look at individual pieces and, generally speaking, politicians and interested parties have lost sight of even the achievements that we had. What I have put forward in SCRAP—strategic concept for the regulation of arms proliferation and production—grew out of a discussion group with a number of international and UK advisers. If you look at how much was done during the period at the end of the cold war—indeed when it was still very difficult, as this was not after the fall of communism—we can see that the question is how can we build on that. Rather than looking at the fragments that we are now left with in the present debate, one can look, from a technical perspective, at doing it very rapidly.

After all, the hard work has mostly been done. The conventional armed forces in Europe treaty engaged all the OSCE countries. Yes, we have had problems with the Russians recently, and with NATO, but those processes have been very well developed, and rather than looking at these agreements as relics that may, or may not, be in need of repair, one should look at them as platforms. On that basis, one could look at getting the job done in the course of a decade. If we have timetables for global warming, and if we think that it is practical to get to grips with the entire climate of the planet, we should also see that it is practical to get to grips with weaponry.

Roy Isbister: Again, looking at it from the perspective of the work done on conventional arms, there is a balance to be struck between working on bite-sized chunks and keeping the perspective of the big picture. A lot of discussions take place on conventional arms—perhaps it is not spoken about

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at the time, but the issue of the relationship between nuclear arms, or the non-conventional arms, and conventional arms is in there somewhere and cannot be ignored.

Q140 Chairman: You have referred to this relationship. Clearly, when we are talking about the dangers of proliferation, and when there are delivery systems which are possible for use with both conventional systems and nuclear systems, how much should we concentrate on stopping countries possessing major conventional arms, or should we just concentrate on the dangers of proliferation of those weapons which are the most serious or the most destabilising on the nuclear side?

Dr. Plesch: I think that there is a problem overall in having a policy of “Do as we say, not as we do”. Proliferation and disarmament are two sides of the same coin, and one sees all the time in international dialogue that one should not just have, as it were, a proposal implemented by the most powerful. One example is the welcome idea to globalise the intermediate nuclear forces treaty, which we, with a number of other countries, have put forward in Geneva. However, this would, of course, remove the main strategic system from regional powers, which typically rely on ballistic missiles. In Geneva, this is treated with a certain amount of humour. We are not globalising the US-Russian strategic arms reduction treaty and we are not globalising some other treaty. We are not involving naval forces, which these countries would regard as a threat to them. At the moment, we are just suggesting a weapon that is—their equivalent of Trident. I would like to pick that up, as I have done in this paper, and say that it is a very good idea to think about globalising some of these key agreements from the Reagan-Gorbachev era, but let us see what more we can do to be more holistic.

The problem with just picking off one area is, of course, that we all know that, for example, nuclear weapons are considered in a conventional and regional security context by most countries. At the other end of the spectrum, we also know, when we are looking at small arms or the arms trade, that countries are looking at major systems and, from the perspective of sustainable development, weapons production and wars involving major conventional weapons are a problem along with small arms.

Roy Isbister: From our perspective, there are two different things here. One is the potential harm that the weapon can do, and the other is the harm that weapons are actually doing at the moment. Looking from the conventional weapons side, what we are focussed on is addressing the issue of weapons that are causing harm at the moment. As a rule, we do not talk about stopping countries from getting these kinds of weapons. It is about access based on potential use—looking at things on a case-by-case basis and judging transfers by certain criteria, and deciding whether it is a reasonable transfer or not.

141 Sir Menzies Campbell: I was very attracted by Dr. Plesch’s reference to a period when more things were possible than appeared likely. I was trying to

think what factors contributed to that: political will, obviously; the cost of keeping up; the relative economic weakness of one of the major parties—Russia. Dr. Plesch may have more factors. How far are those present, or not present, in 2009?

Dr. Plesch: Well, we are all looking at the unfolding economic crisis. Of course, one even hears the rhetoric of the 1920s depression, leading to world war. We have to understand, first of all, that the generation that fought and won the second world war regarded comprehensive measures through the United Nations to control conflict as a realist necessity, not as some sort of liberal add-on, and weapons control was critical to that. We are now seeing a period of retrenchment of weapons spending, and there are countries that cannot afford it. You can find yourself in some sense in a re-run of one of the tragedies of the interwar period, in which Britain, France and the United States backed away from disarmament, and German and Japanese social democrats went home disillusioned. They were discredited at home—and we saw what happened—then the British and the French did not have the political will. They did the worst of all worlds: they did not do the arms control-disarmament track, and they did not have the political will to prevent the build-up of the dictators. That would be the worst case that we might follow. Right now, we have the opportunity to get ahead of the game by picking up where we left off in the mid-1990s.

Q142 Mr. Purchase: The Chairman asked whether or not we could realistically do the whole thing, and you remarked a few moments ago that non-proliferation and disarmament were two sides of the same coin. The British Government take the view that non-proliferation is the most urgent priority, and that the disarmament proposals come later. Of course, the British Government have already agreed that we should modernise the nuclear platform. In your mind, there may be some contradictions in the way in which Government policy is being applied. Would you like to comment?

Dr. Plesch: I have not seen the full text, but there was a remark attributed to the Secretary of State for Defence, who said in Scotland that we needed our nuclear weapons for the long term in respect to terrorism. A colleague of mine was immediately confronted with this at an embassy in Washington by one of our closest allies, saying, “How on earth can we take seriously anything the British Government says about developing a good relationship and about disarmament if they are coming out with this sort of stuff?” I have not read the original—I think it was maybe said in respect of the domestic situation in Scotland—but the more one talks about our needing it indefinitely, the less one has an audience in other states. It is common to say: “Oh, other countries’ decisions are not reflected in what we do.” That is not the experience one has in talking to people in those states. There is a relationship, for example, between the Indian decision to go formally nuclear, and pressing ahead without them with the nuclear test ban and the non-proliferation treaty, which they saw as needing a real disarmament component.

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Q143 Mr. Purchase: You have opened up another question, but given that this whole area has been fraught with contradiction for many years, do you take serious issue with the British Government's view that non-proliferation really is at the top of the agenda? Ideally we would like to do everything all at once, but what can we do in practical terms?

Dr. Plesch: In practical terms, getting disarmament, and the world seeing that we are serious ourselves, is the best way to get countries to buy into our objective on proliferation. So I do think they are two sides of the same coin, and that is said very commonly around the world. They should be pursued in parallel: a twin track, to hark back to another era.

Q144 Mr. Horam: On the arms trade treaty, can you answer some of the views of the sceptics about the process? Either one of you will do on this one. The previous US Administration argued that the arms trade treaty would lower the bar, because to get in all the serious exporters of arms, you have to make it less comprehensive. What is being done now by voluntary means will have to be watered down. It will not, in practice, tackle the illicit and irresponsible arms trade transfers, which are half the problem. So, it will not do much good. How do you respond?

Roy Isbister: I respond by disagreeing. For a start, if you get the world's largest exporter, the one country that is exporting more than 50% of the arms moving around the world, on side, then you are going a long way to not lowering the bar. It seems like a weirdly circular argument that the US was employing there. You need them on board—

Mr. Horam: You mean the US?

Roy Isbister: Yes, the US. You need them on board, so that they are pushing for the highest possible standards.

I think that I speak for the entire NGO community—if I may—in that an arms trade treaty without high standards is not worth pursuing. It has to address some of those key issues. That is what we are championing. As I have mentioned, there are now a number of regional agreements, so there are a lot of states that have signed up to certain standards. If we could extend those into the global environment—

Q145 Mr. Horam: How do you see the Wassenaar arrangement in that respect? Is that the sort of thing that you are thinking of when you talk about voluntary and regional agreements?

Roy Isbister: The Wassenaar arrangement is a dangerous area to get into with the arms trade treaty, because it is not regarded favourably by a lot of states. It is seen as a political and excluding instrument—if you are not in, you are out. For regional agreements, there is an obvious sense to that—if you are in a certain region, you are in; if you are not in that region, it is perfectly sensible that you are not involved. So, Wassenaar is seen by a lot of states as politically charged. Wassenaar has a contribution to make in how it responds to technical

problems—for example, in developing the military list—but to introduce it to the debate on standards would not be helpful.

Q146 Mr. Horam: Okay. Suppose you get what you are shooting for—a legally binding agreement with high standards. How will you enforce it?

Roy Isbister: That is clearly a complex question, and it is sometimes frustrating in that people will look at it in isolation from other international law. You will have all the normal problems and, hopefully, solutions involved in enforcing international law.

Q147 Mr. Horam: You mean sanctions, or what?

Roy Isbister: You would need that in the treaty, ultimately. You need to be setting out how it is going to be implemented. That would cover a range of issues, such as record keeping, information sharing, transparency, capacity building, then monitoring the implementation, right down to disputes settlement, and further development of the treaty.

With a lot of the mechanisms used for implementation, it is more useful to look at this in a positive sense. If you had a strong arms trade treaty—the way we see it at the moment—a lot of states would not immediately be able to implement it fully, because they do not have the capacity to do so, willing or not. So, you would use the implementation framework of the arms trade treaty to develop people's capacity to implement and to develop shared understandings. You would have those difficult cases, but they should be used as a way of developing the case law, so that people understand what an arms trade treaty involves and how they are supposed to live by that.

Dr. Plesch: When we look at how we related to central and eastern Europe in developing and exporting standards and norms, a lot of that was voluntary—"You want to be part of a larger club, it makes huge sense for you to get involved." At the other end of the spectrum, we can look at what was done in UN Security Council resolution 1540, on proliferation, where we can talk about mandating national laws in particular areas. What is significant in the bigger picture is the momentum generated by states towards that effort in, historically speaking, an incredibly short time with a huge amount of leadership from the UK. Therefore, yes, there is a good reason to pick up on particular problems and issues, but the central trajectory is very positive, which is starting to focus on.

If I may say so, it is also a question of looking at some key elements—for example, the verification of end-use certificates—to focus on the things that will really matter on the ground.

Q148 Mr. Horam: You mentioned the UK Government. If an arms trade treaty of the kind that you want had already existed, do you think that it would have made any difference to the UK policy of selling arms to Israel, Saudi Arabia or Indonesia?

Roy Isbister: We have issues with a number of the sales that the UK has been involved in. The arms trade treaty, as we conceive it, would have had implications for some of the UK arms sales.

Dr. Plesch: In terms of how we would like to see it, yes, it would and it should. However it was cast, you would certainly have more debate on the issues and more pressure than we have at present. If you look at UK policy towards Israel, for example, there is dispute about items going to Israel, but not the sort of platforms that were regularly sent a few decades ago.

Q149 Mr. Hamilton: What would be the best basis for an arms trade treaty? Should it be based on generic categories of weapon or on a comprehensive list? If it were a list, where would you start? Would you use the Wassenaar arrangement list or another kind of list?

Roy Isbister: I think that the Wassenaar list is probably not a bad place to start. As I said before, it is a technical list. In a way, it is separate from the political agenda of Wassenaar. A lot of technical experts and licensing officials, have been involved in building it up over years, so it has a very solid technical base. One other factor to take into account is what states do nationally. There are differences around the fringes but there is a lot of common ground over what states currently control nationally. Currently, debates are about narrowing the scope of what states control nationally as things stand. At the moment, one of the main ideas is called seven plus one, which is the seven categories of the United Nations register of conventional arms, plus small arms and light weapons. I think that it would be a mistake to end up with that. If you look at it historically, the register came out of the end of the cold war, and was intended for the key cold war items. It was seen as a confidence-building measure to address the trade and holdings in those kinds of weapons. Different kinds of military aircraft, vehicles and vessels are not included in the register. Attack or fighter aircraft are in the register, but the support craft are not. Fighting vehicles are included, but not other military vehicles. Those other types of equipment have become critical in the kinds of wars that are currently being fought, so their control is critical. The list needs to have a very broad scope and also to include components that would not be included in seven plus one.

Q150 Mr. Hamilton: In other words, a detailed list is far more useful and would be far more effective with an arms trade treaty than the broad categories.

Roy Isbister: How it actually ends up working in practice and whether you use a list that is as technically detailed as the Wassenaar list is still up for grabs. It certainly needs to be clear in its comprehensiveness so that it covers the full range of military equipment. Ideally, we would like to see that move into the area of dual-use weapons as well.

Q151 Mr. Hamilton: I was going to move on to that, but perhaps Dr. Plesch would first like to comment on that list.

Dr. Plesch: I have two comments on that. First, you have to be aware that the Wassenaar arrangement grew out of COCOM as a cold war device and that there are old memories around that process,

although it has proved extremely useful. Secondly, if I may hark back to an earlier part of our discussion, many states—you can already see it in the UN debate—are starting to ask, “Well, will there be no monitoring among those states that hold those weapons as it is just about transfers, and what happens to states that produce their own?” Those lists could be used not only for the reduction, removal and scrapping of weapons, but possibly for the monitoring and verification of holdings as part of a separate process. I do not think that we need to overburden the arms trade process, but if we look at the earlier part of our discussion, we will see that there is a read-over on the work being done in the ATT for concerns about our actual holdings.

Q152 Mr. Hamilton: Mr. Isbister, earlier you touched on dual-use items, but how would you deal with those under an arms trade treaty?

Roy Isbister: Ideally, we would like to see dual-use items included, and we would then move on to technical questions about what we would base the list on. The UK has talked about extending into the area of dual-use items by controlling production equipment for producing items on the military list, so that might be an intermediate way forward. Also, we would hope that the arms trade treaty will develop over time and imagine that procedures will be included for review conferences and so on. If that cannot be addressed in the immediate term, it might be addressed further ahead. It is a complex area.

Q153 Mr. Hamilton: Finally, how would you deal with transhipment?

Roy Isbister: We argue that all states with jurisdiction over any part of a trade or a transfer should have to give permission for the transfer to proceed. With regard to the scope, it is not just the type of equipment that is important, but the type of transfer, so we are talking about export and import, transit and brokering, and that would be not only when there is a change in ownership, but when there is a potential change in control. You would also need to cover aspects such as leasing arrangements, gifts and those kinds of things. It needs to be comprehensive in scope with regard to not only the type of equipment, but the type of transfer.

Q154 Mr. Purchase: The whole issue of voluntary agreements is not to be scorned, as valuable work has clearly been done. We hope to see a change soon in the American standpoint on legally enforced agreements, so maybe they will come around a little. In the case of Britain, I recall that the late Alan Clark, when giving evidence to the Trade and Industry Committee, said, “What’s the problem? If we don’t sell arms, the French will.” That was indicative of a culture that existed at the time. How closely is that culture tied to a political viewpoint? If we had another change in the American Government and the British Government, have you any confidence from the work that you do that we could overcome the culture that says, “Comme ci, comme ça: if we don’t do it, someone else will.”? It seems to me that unless you change the culture

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seriously, without a legally enforced and properly policed agreement, we will go no further forward than Wassenaar has already taken us.

Roy Isbister: That is a very fair point. Part of the process of getting towards an arms trade treaty involves changing the culture from one that says, “If we don’t sell arms, someone else will,” to one in which we agree on what is appropriate. At the regional level, using the EU as an example, there has been such a change through the adoption of the EU code, which has just become a legally binding common position. We have seen a shift in attitudes. It is not perfect, so what we are talking about is a work in progress. If it is a work in progress at the level of the EU, it is obviously going to be a slower work in progress at the global level. Nobody that I know thinks that the ATT, once agreed, will be an immediate panacea to the problems of irresponsible arms transfers but it is a critical step on a path to finally coming to grips with it.

Q155 Mr. Keetch: Coming back to dual use, this to me is a minefield, if I may mix my metaphors. A Land Rover can be used as an offensive vehicle if it has someone with an RPG in the back, or it can be used as an SUV. The trouble is that almost anything potentially has a lethal content. Am I right?

Roy Isbister: Yes.

Q156 Mr. Keetch: So how do you limit that export? Do you say to Land Rover, “Sorry, we will let you sell long wheelbase Land Rovers but not short wheelbase”? What do you do? How do you make that happen? I can understand with weapons, with aircraft and all of that, but when you come to the dual use argument of limiting exports, if a contractor in my constituency is making parts for Land Rover, for example, why can they not sell that abroad?

Dr. Plesch: It also depends who they are selling to and what the end-use certification is. If they are sent directly to a militia group or a corporation working in eastern Congo, your constituents might well think—

Q157 Mr. Keetch: Say, the Israeli Government, for example?

Dr. Plesch: In present circumstances, many people would say they should not be selling them.

Q158 Mr. Keetch: But to a Government we have diplomatic relations with?

Dr. Plesch: There have been some calls for an arms embargo on Israel.

Roy Isbister: You do have to make judgment calls and you will have to draw a line somewhere at some point. On some occasions you would be looking for end-use assurance. Using the example of selling Land Rovers to the Israelis, you would be looking for an end-use assurance. If you included that within your dual-use products you would look for an end-use assurance as to what that was going to be used for. But you might not include that in an ATT on a global scale. You may not be able to go as far in a global context as you can in an EU context, for example. We have to be awake to that. You are

trying to put forward something that would be realistic and enforceable. Within the EU, given the capacity and like-mindedness of the states, you can probably achieve more than on a global level.

Q159 Andrew Mackinlay: Either or both of you—is your expertise in weapons? What about materials? Is that an area you can comment on?

Dr. Plesch: Materials tend to come into play with weapons of mass destruction production, industrial production and weapon-system production. The Wassenaar arrangement has a long list of these sorts of sensitive technologies. As industrialisation progresses, they become more and more accessible and one of the problems with Wassenaar is that there are a number of significant countries, including Israel, that are not part of it.

Q160 Andrew Mackinlay: So you have traditional arms and weapons of mass destruction and chemical and biological weaponry. Presumably, once you have the template or the brand, a lot of things today can be done under licence—both ordnance and weapons themselves?

Dr. Plesch: The short answer is that it depends on the type of system. It is not as easy as one might think. It depends on the system. Taking something as simple as an ammunition factory for small arms, while some of the main chemicals are cordite, which is our standard industrial production, if you start looking at detonators and the precursor chemicals with the detonators in the bullet, some of those chemicals are somewhat rarer. So even there attention to detail can take you further than you might think.

Andrew Mackinlay: Thank you.

Q161 Chairman: May I return to something that you said, Mr. Isbister? You referred to the European Union having a more rigorous regime than you would get with an arms trade treaty. As I understand it, quite a debate is going on between the EU collective position and some other states on the nature of the ATT. The EU countries—presumably the UK is playing a significant role—want explicit references to issues such as human rights law and international humanitarian law. In your assessment, what will be the outcome of those discussions? Will the treaty be narrowly focused, or will it include wider issues such as humanitarian law?

Roy Isbister: If it is a narrowly focused treaty in the way that you have described, it will be a failure. If the protections of human rights and international humanitarian law are not included, it will be a failure. We need those elements. A debate is going on now. The debate on international humanitarian law is easier to win than the human rights debate. In general, more states are comfortable with the international humanitarian law side than with human rights. The open-ended working group of the UN on the ATT will have its first substantive session on 2 March. This is one of the hot topics that will be debated.

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Chairman: No doubt we will get further information from the Government in due course on the outcome of that.

Q162 Mr. Moss: Can the open-ended working group that is due to start meeting be an effective mechanism for advancing the negotiations on the ATT? Will it help or hinder those negotiations that the consensus approach seems to have been replaced by the overwhelming majority approach, which the US is strongly against?

Dr. Plesch: We do not quite know what the US position will be now. Susan Rice is making positive noises. The first technical meeting of the group has taken place and a large number of states attended—getting on for 140 if I remember correctly. The debate about the chair was very useful.

There is a dilemma with the consensus rule. As we mentioned in respect of India and nuclear weapons, if key states are left out, there can be negative unintended consequences. On the other hand, you must ensure that you get momentum. It has been reassuring that the doctrine of the General Assembly principles has more or less been adopted as a means of advancing the process. That at least means that the process cannot be stopped in its tracks for ever because of one state.

Roy Isbister: On what has been said about the US, an organisational meeting was held last week. This was a one-dayer to choose the chair and to set the rules of procedure. The debate was left open on whether the group should operate under consensus or majority decision. The General Assembly rules, under which the open-ended working group was convened, are for majority decisions. The US said that it had a preference for consensus. However, it talked about rule 104 of the annex of something-or-other, which says that in the last resort there can be a majority decision, but that the reservations of states should be recorded. That is an encouraging shift in the US position, which is all to the good.

The open-ended working group should not be considered in isolation. Other things are going on during the course of the year. The open-ended working group is tasked in 2009 with looking at the areas closest to consensus and so will deal with the easy tasks or low-hanging fruit of what can be agreed. At the same time, the United Nations Institute for Disarmament Research will be running a series of EU-funded regional meetings around the world, getting regional perspectives on the issue. I anticipate that some of those meetings could be a bit more progressive and faster moving than the open-ended working group and could then feed back into the process. Of course there will be the P5, the G20, all kinds of bilateral discussions, the EU, the Troika meetings and so on, in all of which progress can hopefully be made and fed back into the UN process.

Q163 Mr. Moss: Both of you alluded to a slight shift in the position of the US. Would you like to say more about that? Will you give the Committee an idea of how far the new Administration of President Obama

might go on that? Would a major shift in the US position have a knock-on effect on other abstainers, such as China and Russia?

Roy Isbister: Dan might know more than I do, but it is very early to say what that shift will be. What Susan Rice has said is encouraging, as is the position in the open-ended working group organisational meeting, and we have seen some encouraging statements on small arms issues from President Obama, so the signs are good. In terms of a knock-on effect, certainly if you have the main exporter falling into line then everybody will have to reassess their relationship to the process. Obviously, some of the other more sceptical states have their own issues that are not US issues, but I think that most of the ones that I am aware of can be addressed.

Dr. Plesch: I do not think that anyone should predict too much at this stage. However, in a related area, I noticed that within days the US submitted instruments of ratification for four amendments to the agreement on certain conventional weapons, which had been sitting on hold for a very considerable period of time in the last Administration, and then moved very quickly to deposit those instruments. That says an awful lot about changing the mood in the diplomatic community and among the specialists. If the Administration can get their act together to move that quickly on what one might argue is a very obscure issue for most people and not exactly a high priority, I think that we will get a very high level of determination and professionalism, which we may not always like, and serious engagement with these processes such as we have not seen for at least a decade.

Q164 Sandra Osborne: You sounded optimistic about getting agreement on majority voting. Some of us are just back from the UN in Geneva, where it was clear that many aspects of the negotiations on disarmament and non-proliferation have been talked about every week for years and the conversations never seem to move forward. It was suggested to us by some journalists that the frustration about never getting anywhere resulted in an alternative group on land mines and cluster bombs being set up, and that civil society, rather than the conference itself, had been instrumental in that. What are your views on that? Is the same thing likely to happen with the arms trade treaty?

Dr. Plesch: It may. There is a change of climate, but one does not know how long it will last. We have seen this before. For example, the Clinton Administration boded well before they were crippled by the Republican majority in Congress. Clearly, global citizenship—civil society in all its forms—had a huge part to play in the landmines convention. I can recall being in groups discussing the development of work on land mines, and, a few years later, on small arms. The received wisdom was, “This is completely unrealistic: you can’t do anything about land mines; don’t even try.” After land mines, the same thing was said about small arms. The message I would try to convey is that these measures, particularly the effort on small arms and the ATT,

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have been carried forward in a very hostile political environment, with the deterioration of relations with the Russians and a poor view of these matters generally in Washington. If we have been able to get that level of progress in these areas over those years, how much more should we be prepared to try to achieve in a better climate? Now, it behoves us not to sit around waiting, but to think about how to maximise this moment, particularly bearing in mind some of the negative economic developments, which will last for some years to come, at a minimum.

Roy Isbister: If I can follow up on that looking specifically at the ATT and the progress that we have made in the past four years, if you had asked me this time four years ago where we would be now, I would not have said that we would be this far on. Given that we have made progress and are still making progress, it would be remiss to suggest that we should move outside a UN formula at this stage. The process is still going forward and we are foursquare behind it, and we will continue to support it for as long as we can make progress.

Q165 Mr. Horam: My colleague, Sandra Osborne, was referring to the Conference on Disarmament, where nothing much has happened for 13 years. One of the points made to us in Geneva and Vienna was that the international non-governmental organisations—I am not talking about yours in particular—seem to have switched their attention from the big disarmament issues, perhaps in favour of things like climate change, which has taken over the topical fashion. Some organisations, such as the Conference on Disarmament, would welcome more interest from NGOs and would welcome NGOs in the negotiating chamber, where they are not allowed at present, whereas the human rights organisations do allow them. How do you react to that?

Dr. Plesch: There has been a great falling off in public and political interest in arms control and disarmament. After the cold war, people generally thought that the job had been done; they are starting now to realise that it has not been completed and that a job half done is a dangerous place to leave it. We are not in a position to conjure up virtual NGOs, but there is a crying need for much greater public awareness.

I find it odd that you can say anywhere in this country that you are engaged or believe that we should change the world's climate and that that can be done, but if you start talking about world or international disarmament, people look at you as though you are rather strange. Actually, that is very unhistorical because for most of the last century—except when we were actually killing each other—disarmament held central stage in international politics. At the end of the cold war, no one would have predicted, "Well, one thing that will happen afterwards is we'll stop bothering about doing disarmament any more." People would have assumed that we would have the gumption to get on and finish the job.

Q166 Mr. Horam: Is there anything that you would like to add, Mr. Isbister?

Roy Isbister: No, not really.

Mr. Horam: Yours is a campaign organisation in this field.

Roy Isbister: We are not a public campaigning organisation.² We are not an Amnesty or an Oxfam,³ with a large public membership that campaigns, but we do advocate for change.

Q167 Mr. Horam: Do you get funds from the UK Government?

Roy Isbister: Yes.

Q168 Mr. Horam: Do you think that that is acceptable? Are you quite happy with that?

Roy Isbister: The relationship is constantly evolving in that we set our agenda of change that we would like to see, and then we take that to people who might be willing to fund it. Obviously, the UK Government have their agenda, so we have to keep our integrity and stick to our guns about what we are promoting.

Chairman: That is perhaps not the best phrase to use in this context.

Q169 Mr. Horam: Our job is to have a running critique of UK Government policy in this foreign policy area. From your point of view, how should the UK Government handle situations such as financing groups such as yours, or initiatives funded by groups such as yours?

Roy Isbister: One of the things that they need to do is to be fully transparent. I am not sure how transparent it is at their end, but there is full transparency at our end. That is the key. With transparency comes accountability. If people want to raise the issue of the way we are working and what we are doing, we are quite happy to engage in that debate. We do not go solely to the UK Government or other Governments; we get money from foundations and we have some private supporters. We retain our editorial independence.

Q170 Mr. Purchase: Thinking of the EU and NATO dimensions, how do you rate the performance of the EU and its member states in terms of support for the arms trade treaty?

Secondly, given that NATO has in recent years been considerably constrained in saying anything at all about the nuclear question in particular, do you think a change of American Government might cause NATO to reassess its position, break its silence and be a little more forthcoming?

Given that there is a considerable overlap with your membership in NATO and the EU, are they going to be replicating one another's work? Is it a recipe for argument and dissent? Will it have a positive bearing on the negotiations and how big could the EU become in this whole process?

² Note by witness: Speaking only for Saferworld and not the UK Working Group as a whole.

³ Note by witness: In this we are unlike our UK Working Group partners Amnesty or an Oxfam, nor do we have large public memberships that campaigns but we do advocate for change.

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Dr. Plesch: Are we just talking about the ATT or can we take it a little broader?

Mr. Purchase: You can take it a bit broader but I am looking at the ATT, although I understand that there is a broader dimension.

Dr. Plesch: NATO, in a sense, has to rediscover that political arms control dimension.

Q171 Mr. Purchase: Is that the same as backbone?

Dr. Plesch: Going back to the '60s, with the Harmel report, NATO decided that it needed to have a political arms control dimension alongside its military arm. Over the past eight or 10 years, that has been very much sidelined, but there is clearly institutional memory. There was a brief moment, with Lloyd Axworthy, when there was a strong push to get NATO moving on a, dare I say, comprehensive approach to arms control and disarmament—you have heard that from me before. For it to look favourably at the arms trade treaty would be useful, but because it deals with trade and NATO is not a trading organisation, there are limits to what it can do in that respect, but more broadly, there is huge scope for NATO to be more active in this area.

It is ironic that, for both institutions, the internal security arrangements that provide a peace dividend for European citizens ensure that these arms agreements are about the only ones that neither the EU or NATO exports as part of either's programmes. That is a significant irony and a gap that we ought to look to fill with the opportunity of new Government.

Roy Isbister: On the EU side of things, the EU is behind the arms trade treaty: it has nailed its colours to the ATT mast. It is not unique in that there are other countries and a predominant number of states and other regions who also support an ATT. As I mentioned, the EU is funding a series of regional seminars around the world over the next 15 months to look at this. The problem is that because the EU has a capacity that a lot of other states struggle to match, it is easy for the treaty to be seen as an EU baby. They can be more active in promoting it than can other states without the same capacity, and therein lies the danger: the ATT can be seen, wrongly, as something that has been cooked up by the EU, which is now trying to extend the EU Code of Conduct, now the Common Position. That is unfortunate because there are plenty of other states around the world that are showing just as much support for the treaty as the EU is.

On the NATO side of things, with the US being the leader of NATO and given the US position on the arms trade treaty until now, it has been quite a difficult area. I mentioned the political dimension to Wassenaar, but that can be written even larger when you talk about NATO, which some states consider, rightly or wrongly, to be actively threatening. There is a dimension to the NATO component where you have to be careful about having NATO in the lead.

Q172 Mr. Purchase: Colleagues referred earlier to visits to Geneva and Vienna. You will both have a good grasp of what all of these organisations—the UN, NATO, the EU, the OSCE—do. It has become

difficult for us to avoid the conclusion that there is considerable overlap and that it is not always clear what the particular duties of these organisations are. I am especially interested in how the EU might develop as a more powerful voice in these negotiations, but I fear at the same that the blurring around the edges and the other voices may undermine that. Do you have a comment to make?

Dr. Plesch: I sympathise about the organisations. Things like the Wassenaar arrangement or the Zangerer committee sound like airport thrillers. Clearly all these institutions are developed over time. There is some competition between the EU and NATO: you have generations of officials engaged in EU-NATO dialogue who are playing out a ritual, much as we used to with the Warsaw Pact in some ways.

We have to ask: are we better off? Which ones do we want to get rid of? Top of the list might be the Organisation for Security and Co-operation in Europe but I think it is one of the more critical bodies, the Cinderella of the European institutions, which could do with more enforcement. I do not think that in the course of this discussion we can get into picking them off.

When we developed the first EU code of conduct in the early 1990s and we talked to Labour in opposition and to other parties here it was a pipedream. Then it was, "Oh well, it does not matter because it will not be binding." Now here we are and it has got finally to the level of being legally binding. It is easy to be impatient—I am impatient—but if you look at the trajectory over the past 20 years or so, you see it is quite unprecedented.

Mr. Purchase: At any time, we would have expected to see Harry Lime appear again in Vienna.

Chairman: Okay. We will not go there. I will just bring Ming in quickly and then we have to move on.

Q173 Sir Menzies Campbell: I think what you last said owes a great deal to the efforts of Robin Cook.

Dr. Plesch: Yes, indeed.

Q174 Sir Menzies Campbell: Can I take you back to the NATO question? In the past 10 years, or since the break up of the Warsaw pact, NATO's emphasis has been on enlargement. Along with that has gone the question of capability and persuading new members to maintain capability and to add to it. It may be that that function of NATO has inevitably stood in the way of disarmament. On the face of it, it would be inconsistent to say that we want to increase the capability of NATO, but at the same time we want a process of disarmament.

Dr. Plesch: As you might expect, to some degree I entirely agree with that. In some specialist areas, such as the management of munitions stockpiles and destruction of munitions, where NATO has played an effective role and the US has as well—the Bush Administration did a number of useful things in this area, and we should not forget that. But yes, as I alluded to earlier, there is a huge problem globally in that Europe and the Euro-Atlantic community did not export the arms control and security confidence building measures that brought peace to the

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continent and enabled a huge peace dividend. We have not exported them either through the EU or through NATO. If we are talking about the sustainable development agenda, one key way to do that is to export these things.

There was some talk, for example, during Malcolm Rifkind's time at the Foreign Office and by the first Bush Administration, of having an OSCE for the middle east and taking these processes into the middle east. In the present climate we need to see a renewal of that. We have a programme of annual conferences at my centre on this with people from the region. We are starting to see a better climate.

Chairman: We have to move quickly to two other areas and then conclude this session, because we have another witness waiting.

Q175 Mr. Hamilton: Can I move us to the illicit trade in small arms and the UN Programme of Action, which, as we know, is a non-legally binding informal political agreement? Do either of you have a view on whether the move towards an arms trade treaty has in some way put the programme of action on the back burner? How do you see the relationship between the two?

Roy Isbister: I do not think that the ATT has put that on the back burner. I think that the PoA process itself almost put it on the back burner. Going up to the Review Conference in 2006, which effectively ended in failure, I do not think it had anything to do with the arms trade treaty. It was resurrected in 2008 with the last Biennial Meeting of States, which produced an outcome document that was more tightly focused on the implementation of existing ideas. The arms transfer component was only one part of the programme of action. One of the key issues for discussion in 2008 was stockpile security. A lot of work was done to develop the idea of good stockpile security and how states can assist others to get to grips with their stockpiles.

We are now in a better position with the Programme of Action than we were a couple of years ago. I think there was a period when there was confusion among states wondering whether if they had an ATT, it meant that they did not need a POA, or asking why they needed an ATT when they were looking at a POA. Obviously, the POA is about only small arms, whereas the ATT is about conventional arms—there is quite a difference between them. I think that we have now separated the two and are comfortable that both can move forward. There is still a lot of value to be had from the Programme of Action.

Q176 Mr. Hamilton: You mentioned the Biennial Meeting of States that took place last year. The Government said that there was a reasonable outcome to that meeting. Would you agree?

Roy Isbister: Yes.

Q177 Mr. Hamilton: Do you think, therefore, that non-legally binding political processes, such as the programme of action, have had their day, or is the future purely in a statutory treaty such as the arms trade treaty? Can we have both? Are they mutually compatible?

Roy Isbister: Yes, I think it is horses for courses. There is a real need for an Arms Trade Treaty to be legally binding—to have some teeth—so that there is the possibility of enforcement. The Programme of Action is more about getting a large number of states to improve the small arms environment in their own countries. I would have to look at this in more detail, but I think that, in many ways, a political commitment is an appropriate way forward. A broad and expansive Programme of Action allows states to pick and choose where they need to prioritise and what they need to focus on. I think it would be unreasonable to say to a state with little capacity, “Bang, you are legally obliged to do all of this stuff, regardless of how relevant it is to your circumstances.”

Q178 Mr. Hamilton: Given what you said about the political nature of the programme of action, what difference do you think President Obama will make?

Roy Isbister: It is too early to say. The US has done a lot on the small arms issue, but its priority has been on bilateral action and it has tended to be dismissive of the Programme of Action as a big international talking shop where nothing gets done. I think that there has been some validity to that criticism, which is why the BMS last year focused on just a few key issues with the idea that there has to be a move to implementation, rather than just a rhetorical agreement.

Q179 Chairman: Is there any prospect of action on the question of brokering at an international level and action against people who operate internationally outside of the role of national Governments, or is there no consensus on that?

Roy Isbister: On the small arms side of things, the BMS recommended to states that they implemented the recommendations of the group of governmental experts on brokering, which include putting national legislation in place to control the activities of brokers. The vast majority of states still have no controls, but all states have made a political commitment to do that. That is one area that would be positive.

In terms of looking at the Arms Trade Treaty stream, we see an Arms Trade Treaty as covering brokering. Such an ATT would mean that states would be legally obliged to control the activities of their brokers for all conventional arms.

Q180 Sandra Osborne: Taking you back to the mine ban treaty and the convention on cluster munitions, what is your assessment of the value of the convention on certain conventional weapons process? Is it becoming marginalised? What do you think of the UK Government's proposal for a new protocol under the convention on certain conventional weapons?

Dr. Plesch: I shall say a couple of things before handing over to Roy. First, I think it is a very useful forum, particularly as a safety net if we see science producing unexpected new types of weapons. You can bring up something like that in the forum. Secondly, in terms of momentum, I would say that it

was encouraging to see the Obama Administration immediately putting down these instruments of ratification to amendments. However, you have to be wary of there being moves for some sort of watered-down version of the agreement on cluster munitions coming from that.

Roy Isbister: Yes, just to back that up, I think it would be a crying shame if the CCW introduced its own instrument on cluster munitions that could be in competition with what has already been agreed in the Oslo process. That would give recalcitrant states the opportunity to say “Well, the cluster munitions treaty does not apply here; we are following the terms of the CCW.” The chances of the CCW producing something that could compete with the cluster munitions treaty would be pretty low, so I would be very nervous about that.

Q181 Sandra Osborne: Do you think that they would have been better to stay in the UN process in the first place, rather than going for an alternative process?

Dr. Plesch: Given the political circumstances, no. I do not think that we have to be an absolute prisoner of those processes, and they will, in the fullness of time, come back into them. You were also asking about the landmine ban. Did you want to follow up on that?

Q182 Sandra Osborne: I wanted to ask about the failure of the UK Government to de-mine in the Falkland Islands. What is your take on that? What are the implications, and does it undermine the landmine ban?

Dr. Plesch: As a director of the HALO Trust—I am not speaking for HALO but I should declare an interest—I think that HALO would love to have the ability to go and do that job and that it has the ideas to do it. I think that some of our diplomats in

Geneva feel slightly embarrassed about the lack of compliance. More broadly, there is a concern in HALO that, in these UN processes, there is a danger, which we saw in Kosovo, of declaring an area mine-free too rapidly when, in fact, it is not. Similarly, there is a danger of having bureaucratic processes that do not get the mines out of the ground so that people can get back to farming, which is really the nitty-gritty of what de-mining is all about.

Q183 Sandra Osborne: Yes, but the Falkland Islands Government are not particularly keen to have the area de-mined. How much account do you think that the UK Government should take of that?

Dr. Plesch: They certainly should take account of it. They also have to take account of their international legal obligations and allow other states, to put it crudely, to make fun of them for going on about these issues without having cleaned up their own back yard—some people say, “It should not be your back yard.” I know my colleagues at HALO would be very keen to do the job and probably could do it moderately effectively, to put it at a minimum.

Roy Isbister: There is a difficult clearance issue. You raised the point of what the locals were saying. It is also, from an environmental point of view, quite a complicated job—mine clearance could cause environmental damage there. However, we would hope that the UK would lead by example, so it is more than just a case of being made fun of. The UK had 10 years, did nothing, and then asked for a 10-year extension. There should be at least something about the steps they will begin to take to address this, even if that for the long term. It is easy to imagine other states looking at the situation and saying, “Well, okay, if this is good enough for the UK then it is good enough for us.”

Chairman: Thank you very much for coming, Mr. Isbister and Dr. Plesch. It has been a very useful session.

Witness: Mr. David Hayes, Chairman, Export Group for Aerospace and Defence,⁴ gave evidence.

Chairman: Mr. Hayes, you heard the previous witnesses, so that should reassure you. We will not ask you the same questions that they were asked—perhaps just one or two. Thank you for coming along and giving your organisation’s perspective. For the record, introduce yourself and say what you do.

Mr. Hayes: I am David Hayes, a director of David Hayes Export Controls and chairman of the Export Group for Aerospace and Defence.

Q184 Chairman: You are known to at least some of us through the Committees on Arms Export Controls, which used to be known as the Quad. Can we start with some questions about the nature of the arms trade treaty? In the previous session we touched on whether the treaty would lower the bar of countering proliferation because it would be so weak and general. What is your view?

Mr. Hayes: Industry is generally supportive of the ATT. We do not see it as lowering the bar. If you look at the continuum of export control systems in terms of their efficiency, we see the case more as raising the bar at the lower end of the continuum and bringing those countries with rudimentary export control systems, or no such systems to speak of, up to a higher level, without detracting from the higher level export control systems that already exist.

Q185 Chairman: Speaking on behalf of the manufacturers and exporters, you are in favour of a treaty?

Mr. Hayes: Yes.

Q186 Chairman: Any treaty, or one with tight and enforceable rules?

Mr. Hayes: To be credible, the treaty needs to be enforceable. The tightness of rules is important, because a loose treaty would achieve little more than to bring export controls into disrepute. Coupled

⁴ Written evidence Ev 279, 304

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with that, the use of existing, established definitions from the export control world, which are already clearly understood concepts in a lot of the countries involved, would make it easier for industry to comply. Yes, industry is supportive of the treaty, but at the same time we have to keep an eye on the proliferation of controls, and the cost associated with having several different systems.

Q187 Chairman: What about dual use systems, which we also touched on earlier? Do you have a view?

Mr. Hayes: Yes. Dual use is an important area. There are legal competency issues, as we found in the progress towards the US-UK defence trade co-operation treaty. The UK cannot itself negotiate a treaty on dual use items, because that is an EU legal competence. At the same time, as industry, we are concerned that, at least on a prime facie basis, there are severe problems with dual use compliance. A lot of the prosecutions that are taking place are focused on the arms industry. A lot of the publicity is focused on the defence industry. We see the occasional prosecution on dual use, which is welcome, but at the same time we are concerned that, for an industry that is generally accepted to account for 2% of gross domestic product, it does seem peculiar that the defence industry accounts for more than 60% of export licence applications.

Q188 Chairman: But that might be because of the type of things you are selling.

Mr. Hayes: If you look at the control list and at the breadth and scope of the dual use list, it seems inconceivable that an industry that accounts for 2% of GDP can account for 60% of export licences. It is particularly worrying when we are being told that one of the biggest security threats facing us is a non-state actor using something like a dirty bomb. Most of the ingredients for a dirty bomb are controlled on the dual use list, not the military list. It prompts the question, why is the focus apparently so much on the military list?

Q189 Mr. Purchase: Carrying on with the subject of the dual use list, I looked at the applications approved in the first six months of this year for Israel. Trying to understand how we might control that better is truly bewildering. It occurs to me that trying to define what can and cannot be dual use is an impossible task. What we could do is determine that we should not export to certain countries that are involved in any kind of internal or external conflict. That is already our position, but so much of this stuff still appears to find its way to end users who were never intended to get it.

Mr. Hayes: It depends what you mean by "end user". There are probably a lot of apparent exports to Israel that are not actually for end use by the Israeli defence forces. Israel is a major exporter of defence equipment, and you will probably find that the ultimate end user of the final piece of equipment could be anywhere around the world, including our own Ministry of Defence.

Mr. Purchase: Exactly.

Sir Menzies Campbell: That makes my colleague's point.

Q190 Chairman: We had a discussion with the Minister Ian Pearson a few days ago, and it was quite clear that the Government are going to look at these matters with some urgency. Have you as manufacturers and employers in the area had any recent discussions with the Government about definitions and how difficult it is to get them?

Mr. Hayes: Are we talking about definitions of pieces of equipment or of what is an end user?

Chairman: Both.

Mr. Hayes: Discussions about definitions go on all the time, but I am not aware of any particular discussions going on around the end user, although we have previously expressed the view to the Committees on Arms Export Control that perhaps there should be some way of identifying within the annual report which exports are in fact for incorporation and onward export or incorporation and return, rather than end use in the apparent country of export.

Q191 Chairman: That would cover things such as microchips and liquid crystal display units that might then be incorporated in some other system which was then sent back or forwarded on to another country.

Mr. Hayes: Absolutely, but I would not underestimate the difficulty of doing that.

Q192 Mr. Horam: Would you enlarge a little bit on the area we have been skirting round—enforcement? When we put that question to the people who preceded you—Dr. Plesch and so forth—they seemed to say that it is extremely difficult, but if you get an ATT, you will get other countries complying to a degree, you will get a momentum going, and you may be able to build capacity in various organisations in different countries. Is that your answer, too, or do you see this area as inherently so difficult that it is almost impossible to monitor and police? You talked about dirty bombs from a terrorist organisation—that is where it ends up. Who can do anything about that?

Mr. Hayes: It helps to try. I do not regard it as impossible, but there will be differing degrees of commitment and success, just as there are in any other area of enforcement. Presumably, countries will continue to use current resources to police export controls or normal border activity—predominantly the customs service. They will decide what level of priority they attach to policing the arms trade treaty within their other operational priorities such as anti-drugs interdiction and general anti-smuggling activities.

Q193 Mr. Horam: Do you think that what has been called the "global civil society"—a rather pompous term, but you know what I mean: the NGOs and so forth—has a role to play in getting this up in front of public opinion and getting some effective action?

Mr. Hayes: Again, it will vary from country to country. Logically, I would expect civil society and NGOs to have a greater impact in countries with more open democracy than in those which lack that.

Q194 Mr. Horam: That is where the problem is, of course.

Mr. Hayes: Yes.

Q195 Mr. Hamilton: Talking of more open countries, in your view are the new US Administration more likely to move in support of an arms trade treaty? Have you had any discussions with your counterparts in the USA?

Mr. Hayes: I have, but I have to revert to my NGO colleague's previous answer that it is just too early to say.

Q196 Mr. Hamilton: You have called on the UK Government to expand their outreach activities in support of the arms trade treaty in other countries. How much co-operation has there been between your group, similar groups in other countries and the UK Government themselves? Can you give us any specific examples?

Mr. Hayes: Yes, we have meetings with our own Government and we have had contact with similar groups in other countries. Generally speaking, UK industry is willing to support this activity by talking either to other Governments or to industry in other countries. At the same time, we are mindful of the fact that we do not want to create the impression that this is a purely UK or EU initiative.

Q197 Mr. Hamilton: Do you have any future plans for greater co-operation?

Mr. Hayes: Not specifically, no. However, we are prepared to help with the outreach activity to any extent that a Government think is useful.

Q198 Mr. Hamilton: Are you confident that there will be an arms trade treaty in the near future?

Mr. Hayes: Yes, the momentum is such that a form of treaty will be agreed.

Q199 Mr. Hamilton: Would you like to give a time scale on that?

Mr. Hayes: No, thank you.

Mr. Hamilton: Understood.

Q200 Chairman: If there was such a treaty, do you think it would have made any difference to current UK policy on selling arms to particular countries?

Mr. Hayes: Probably very little. There is an EU embargo of sorts against China, for example. Yet if you look at the UK statistics, most of the export licence refusals for military equipment in relation to China have been made under the EU consolidated criteria, not under the arms embargo. If an arms trade treaty were in existence today, probably the preponderance of licence refusals would still be made under the consolidated criteria, not under the treaty.

Q201 Chairman: What about countries such as Israel, which we have touched on, or Saudi Arabia, where we sell quite a lot of arms? Do you think that the arms trade treaty would have influenced that?

Mr. Hayes: It is hard to say until we have an approved treaty and we see what the terms are. Fundamentally, we see the concept as being one of raising the bar at the lower end of the continuum of export control systems, rather than adding another layer on top of systems that are already fairly rigorous. I would not think, therefore, that an arms trade treaty would make a significant difference in that area.

Q202 Chairman: To summarise, then, and correct me if I have got this wrong, you are saying that the UK already has a rigorous system of controls on arms exports?

Mr. Hayes: Yes.

Q203 Chairman: The arms trade treaty will raise the international standard to somewhere below that level, but higher than it is currently in the world as a whole?

Mr. Hayes: Yes.

Q204 Sir Menzies Campbell: In response to an earlier answer, you said that you had spoken to your American equivalents. Did they share the same constructive attitude towards the treaty that you have described other members as having?

Mr. Hayes: As you would expect, some do and some do not. You cannot draw a logical distinction between them and say that one end of the political spectrum is more in favour or that certain sectors of industry are more in favour. It boils down to the individual preference of the person to whom you are speaking. As and when the political climate in the US changes and the new Administration give a lead in one direction or another, I would expect to see a shift in what might be called corporate positions on the arms trade treaty. I do not expect to see it until that point.

Q205 Sir Menzies Campbell: Do you think that they are waiting to see which way to jump?

Mr. Hayes: Yes.

Q206 Chairman: May I take you back to some questions that were touched on earlier on the programme of action on small arms and light weapons? Do you have any view on whether the discussions on an arms trade treaty have influenced that process? Has your organisation had a role in engaging with that process?

Mr. Hayes: Our organisations have very little engagement with that process when compared with the arms trade treaty. Again, I echo Roy Isbister's comments on business. I can see the two running in parallel, because the arms trade treaty has a much broader potential scope than the other activity.

Q207 Chairman: Within that programme, there is a so-called international instrument to enable states to identify and trace illicit small arms and light

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weapons in a timely and reliable manner. In other words, it is an international tracing instrument. Has that had an impact on the UK defence industry?

Mr. Hayes: Not really, because the UK already identifies and marks weapons. That is enforced rigorously, so I would not expect such a requirement to have any impact on the UK industry.

Q208 Chairman: Do you have a view on the issue of brokering, which we have touched on?

Mr. Hayes: Brokering is a complex area. As you know, UK legislation on brokering is, among other things, under review. It almost becomes an issue of brokering controls versus export controls. If we lived in an ideal world where every country had an efficient, rigorous, well-enforced export control system, there would be no need for brokering controls by definition, because nearly every act of brokering is also an export or an import somewhere. If those systems were working correctly, there would be no need for brokering controls. It could almost be said that the need for brokering controls is a measure of the failure of export controls. Should we be looking to plug the gaps in other countries' export control systems by exercising extraterritorial control over activities that are difficult to police or should the focus be on bringing other nations' export control systems up to speed, so that the need for brokering controls is reduced?

There is little or no consensus around the world on what constitutes an act of brokering or what is controlled by brokering. The American definition of brokering under the international traffic in arms regulations is completely different from the UK definition of brokering under the Export Control Act 2002. The Germans do not control everything on the German military list for brokering purposes; they control only a subset of it. You end up with a proliferation of different control regimes, which could be absolutely horrendous for a global company.

Q209 Chairman: Is that not an argument for stronger international institutions and regimes, rather a reason to say that it is too complicated and that we cannot do anything about it?

Mr. Hayes: That is the argument that I am making, but the argument I am making is for stronger regimes for export controls, as distinct from brokering controls.

Q210 Mr. Hamilton: There has been some discussion about ATT and whether dual-use items would have been exported to Israel. You said yourself earlier that a lot of the dual-use items that may be exported to Israel are exported back to the United Kingdom and other countries as finished products. What is your view of an arms trade treaty? As well as raising the bar internationally towards the kind of standards that we have in the UK, surely it is not aimed at democratic and open countries such as Israel, but at those countries with oppressive regimes that might be using those weapons against their own people. Is that not one of its purposes?

Mr. Hayes: Yes.

Mr. Hamilton: Thank you.

Chairman: We do not have time now to go into a discussion of Gaza and all the other things—

Mr. Hamilton: No, I just wanted to make the point about democratic and oppressive regimes.

Q211 Chairman: All right. Can I finally raise the issue of the cluster munitions and the land mines treaty? What is your assessment of that issue?

Mr. Hayes: They have both been successful in different ways, but at the same time, they have thrown up some unexpected problems for industry. For example, I am aware of an issue where a company ran into difficulties demonstrating its mine clearance equipment because of the restrictions of the anti-personnel landmine convention.⁵

Q212 Chairman: They could not actually export a landmine in order to show it in practice?

Mr. Hayes: Exactly.

Chairman: That is interesting. Perhaps you could send us a note on that. Mr Hayes, thank you very much for coming. It has been very valuable as a complement to what we heard in the previous session; it will be extremely helpful to us as we do our report. Thank you very much.

Mr. Hayes: We appreciate the opportunity.

⁵ Ev 304

Wednesday 4 February 2009

Members present:

Mike Gapes (Chairman)

Sir Menzies Campbell
Mr. Fabian Hamilton
Mr. John Horam
Mr. Eric Illsley
Mr. Paul Keetch

Andrew Mackinlay
Mr. Malcolm Moss
Sandra Osborne
Mr. Ken Purchase
Sir John Stanley
Ms Gisela Stuart

Witnesses: **Bill Rammell MP**, Minister of State,¹ **Paul Arkwright**, Head of Counter Proliferation Department, and **Mariot Leslie**, Director-General, Defence and Intelligence, Foreign and Commonwealth Office, gave evidence.

Q213 Chairman: Good afternoon. Before we begin, can I ask members of the public to switch off their mobile phones or put them on silent?

Minister, it is good to see you again. You have been before our Committee in several guises on several different subjects, and we are pleased to see you once again. Your colleague, Mrs Leslie, has been before us on previous occasions, but I do not know whether this is Mr. Arkwright's first appearance.

Paul Arkwright: No. I gave evidence to the Iran inquiry.

Q214 Chairman: Of course. So you will know the procedures and how we are all very friendly. Can we begin by referring directly to the context of the document that the Foreign and Commonwealth Office has just published—"Lifting the Nuclear Shadow: creating the conditions for abolishing nuclear weapons"? Is this a change of approach by the Government or is it just a reaffirmation of our existing national security strategy policy?

Bill Rammell: I think it is a reinforcement of our existing strategy. In terms of nuclear weapons, we have a very good track record. We are the most forward-leaning of the existing nuclear weapons states. We have reduced the explosive capability of our own arsenal by 75% since the height of the cold war. But we also want greater momentum internationally, and we want concerted action on the part of the P5. We want to tackle proliferation—in many senses, this is the most serious threat that we face internationally. We are coming to a critical period in the run-up to the review conference next year, and we want, bluntly, to engage the public in the most critical challenge that we face.

It is probably fair to say that there is nothing new in the document. We have probably set out in greater detail what we are doing in the document. I think it is right that we use it as a tool, one, to engage with people, but two, to generate increased momentum internationally.

Q215 Chairman: So this is written for a public audience, not a specialist audience? In defence White Papers over the years, you had a series of essays, and Michael Quinlan, who came before us a few months ago, was one of the authors. Is this the popular version of what used to be an essay?

Bill Rammell: It is certainly not a populist version.

Chairman: I did not say populist.

Bill Rammell: It is an attempt to do a number of things. One is to genuinely engage the public. Two, it has, as I say, a level of detail in it that we have not committed to before, and I think for the specialist audience that would be important. It is also a tool in international diplomacy, registering and underlining our commitment, which can, in some way, increase the momentum towards disarmament.

Q216 Chairman: Our existing approach, set out in the national security strategy, is referred to as a rules-based approach to international affairs. How successful has that been?

Bill Rammell: It has had some considerable success, but the scale of the threat and the challenge is enormous. Just a few years before the establishment of the nuclear non-proliferation treaty in 1968, President Kennedy had said that by the 1970s we would have in excess of 20 nuclear weapon states—that was not the reality. In that sense, the NPT has worked. We need stronger verification mechanisms and greater universality, but it has worked. If you look at the chemical weapons convention, you will see that we are making progress towards the eradication of stockpiles, and there are similar moves under the biological and toxins weapons convention.

Given where we started, again going back to the NPT, our track record, and that of the US—50% down on its arsenals from the height of the cold war—progress has been made. But bluntly, given the scale and the seriousness of the challenge, we must do more, and that is why we want a re-invigorated NPT to come out next year, a comprehensive test ban treaty and an urgent start to negotiations on fissile material cut-off.

Q217 Chairman: But even if you have a treaty and people sign up to it, there has always been a problem about whether they comply with it. We have the debate at the moment about Iran; we had the issue with the North Koreans in the past; and—it will be controversial to say this, in some quarters—the Iraq question, including its clear attempts to develop nuclear weapons in at least one period. How do we ensure compliance with that treaty?

Bill Rammell: Are you talking specifically about the NPT?

¹ Written evidence Ev 170, 293

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Chairman: You referred to the NPT.

Bill Rammell: Specifically on the NPT, in the review conference next year, we must generate political commitment to re-invigorate the bargain that is at the heart of the NPT—so, while the nuclear weapons states continue to make real progress on multilateral disarmament, we rein in rogue states that are seeking to get around the treaty. We need a stronger International Atomic Energy Agency and a number of different initiatives to try to get greater adherence. But the blunt reality is, yes, you can establish an international treaty, have sanctions—which is part of the debate that we are looking at—and have activity at the level of the UN Security Council to focus on states of concern, but you still run the risk that some people will try to get around it, and that is what we have to ward against.

Q218 Chairman: We will have some more detailed questions on the NPT later, and I will just keep in the general area for now. Is there a case for saying that we should not categorise weapons into specific boxes, and that there should instead be a more holistic view on disarmament and arms control? Otherwise, you end up in a place where you deal with certain areas, but some systems fall between the gaps, or there are people who are interested in one category of controls when the real threat to them is something that only a few states have developed.

Bill Rammell: That point has not been put to me in that way before. You do need separate regimes to focus on each of the threats, and there must be a dialogue on an international level to ensure that there is no means of slipping between the categories. But if you want real focus on the issues, you have to look at them in their own right.

Although there are ongoing, significant challenges, the track record of the NPT is relatively good. If you look at chemical weapons, leading up to the 2012 deadline, you see that real progress is being made there. So I think that merit of a rules-based approach, but one that focuses specifically on the different types of disarmament that is needed, is the right one.

Q219 Ms Stuart: Forgive me, but I have not had the time to actually read this document. Given your opening comments about trying to take the debate further, and given that the people with whom we have to do that are the Chinese, the Russians and the Indians, who, in a sense, do not publish, it just struck me, flicking through the document, that it mentions Albert Einstein, two former American Presidents, one former American vice-president and a former Secretary-General of the UN. If I was Chinese, or from any of those countries, and saw this document, I would feel pretty much left out of the debate, other than being told what to do.

Bill Rammell: That is certainly not the intention. If you reflect on the whole of the document, you see that that is certainly not what we are arguing. If you look, for example, at the strategic arms reduction treaty, you will see that there have been significant reductions in nuclear capability by both the United States and the Russians, which should be very

welcome. We will come to talk about the comprehensive test ban treaty, and I think that it is very welcome that President Obama has committed to ratifying that. I had some interesting discussions in Beijing two weeks ago, and you may find that there is a similar response from the Chinese. So it is certainly not that we are on our own and we know best. Bluntly, to make the desperately needed further progress, it is going to take agreement right across the board.

Q220 Sir Menzies Campbell: I think I heard you say, Minister, that the NPT had a good track record. I wonder if you would maintain that in the light of the experiences of both 2000 and 2005 at the review conferences, where there were very substantial difficulties all around. Is there not a sense that the 2010 review is of enormous importance? If it were seen to be a failure in any sense, that would make the sustainability of the NPT very difficult to achieve.

Bill Rammell: I agree with that and, bluntly, at the last review conference there were too many empty seats. I need to get the balance right here in that I do think the NPT has achieved progress; if you look at President Kennedy's predictions back in the 1960s, we have reined back what was the accepted wisdom at that stage of how far nuclear proliferation would go. But the challenges are daunting, and that is why we have got to make further progress. I think I am justified by the evidence in saying that there is a concern among some non-nuclear weapon states that there has not been sufficient progress in terms of disarmament by the nuclear weapons states. We need to do more to get across the evidence of the progress that has been made, but also to set out a trajectory of how we want to, and, indeed, how we can, go further. I also worry that some non-nuclear weapon states simply do not see proliferation as a concern and a challenge, so we have to engage on that level as well. In summation, I absolutely agree with you that next year's conference will be critically important to reinvigorating the NPT. Yes, it has made progress, but given the scale of the challenge that we face it has got to go further.

Q221 Sir Menzies Campbell: The treaty is essentially a bargain between the declared nuclear powers and the non-nuclear powers. Do I understand from what you say that you accept that there is a sense of disappointment on the part of some of the non-nuclear powers that the bargain has not been kept?

Bill Rammell: To state the obvious, you could go around the world and find people who articulate that—

Q222 Sir Menzies Campbell: But if I asked whether it was justified?

Bill Rammell: I am not sure it is justified. Has it achieved all that we want it to achieve? No, but the Government and I remain committed to trying to create the conditions where we can have a non-nuclear world in terms of nuclear weapons. Have we done enough? No, we have not. Have we made progress? I think we have. Take examples like South

Africa and Libya, which voluntarily renounced nuclear weapons—I think that has been very positive progress. There are concerted efforts within the international community, through the treaty, to tackle states of concern like Iran and the Democratic People's Republic of Korea. On the back of what has already been substantial disarmament by the recognised nuclear weapon states, I think there is an ambition to go significantly further.

Q223 Mr. Horam: There are obviously specific issues in this area, such as Iran and North Korea, but some of us who were in Vienna and Geneva recently discussing the broad issue of non-proliferation and disarmament were told by many of the ambassadors there that, in their view, the whole issue had dropped away significantly in the last few years. The non-governmental organisations no longer had a great interest in it; they had switched their attention to things such as climate change and human rights. You talked about this document being designed to engage the public and get some momentum going, but that is extremely difficult, because apart from these one or two specific problems, people think it is all over. Would you agree with that?

Bill Rammell: There is a grain of truth in that. At one level, it is a demonstration of the success that has been achieved in terms of the reduction of nuclear arsenals that people think the threat and the danger have gone away. I think this is still the most significant challenge that we face. You have still got—even with the reductions—enormous arsenals that exist. You have got rogue states that clearly have an intent to develop nuclear capability. You have terrorists—

Q224 Mr. Horam: What is the key to getting momentum going though?

Bill Rammell: One, I think you need political leadership and I think the—

Q225 Mr. Horam: Is it all about President Obama?

Bill Rammell: I would be lying if I did not say that I think his election provides a genuinely positive re-injection of commitment and momentum into this process. But it not just about him; it is about political leadership right the way across the board. It is also about engaging with people and convincing them that, despite the progress, there is a real threat here. In part, that is what the document is about. I was going to say you have also got al-Qaeda and other terrorist networks that have made their desire and their intent to develop nuclear capability explicitly clear. They do not have that capability as of yet, but this is a serious ongoing challenge.

Q226 Mr. Horam: On a slightly separate point, one of the things which struck us in Vienna and Geneva was the enormous number of overlapping organisations in this field. You have, for example, the IAEA and the Comprehensive Test Ban Treaty Organisation—even though the test ban treaty has not even been ratified—doing similar work and you have the Zanger group and the Nuclear Supply Group doing similar work. Is there not a case for

some rationalisation and co-operation in this whole area? I nearly said minefield, but you know what I mean.

Bill Rammell: At one level, it is about a coalition of the willing. What you need to ensure is that there is not competitive overlap between the different approaches and not friction between them, and you have to spend and work a lot to ensure that that is the case. Take the example of the nuclear fuel cycle and how we can ensure that civil nuclear power is not being diverted into nuclear weapons. There are about 12 different international initiatives at the moment. On one level you might say that is too much—

Mr. Horam: It is.

Bill Rammell: In an ideal world, you would probably say you need one initiative that everybody agrees on, and you pull together on. However, the world is not quite like that. What you need to ensure is that initiatives do not detract from each other, and I do not believe they do. If different states are working in different areas and actually make progress, I do not think that is necessarily a bad thing.

Q227 Chairman: Witnesses have said to us that the use of the term “weapons of mass destruction” is not helpful and that it blurs the fact that nuclear weapons are a category that should be dealt with in a separate way. Do you agree?

Bill Rammell: I am not sure I do. I agree that you can have a chemical or a biological attack that is clearly survivable in terms of the whole of mankind, but I find it difficult to envisage a nuclear conflict that is, in the main, survivable. However, it has been used as a generic term to describe and underline the threat we face on all these fronts. Undoubtedly, however, I think the nuclear threat is the most significant challenge that we face.

Q228 Chairman: I do not want to reopen history, but in 2002 and 2003, there was all this stuff in the media about WMD and it was not clear whether people were talking about a chemical shell or a nuclear bomb. You are talking about popularising and making things clear for the lay person. One of the difficulties is that if you use that broader term in a debate, it conceals the differences between the categories and their ability to have very different effects on the battlefield.

Bill Rammell: I will reflect on that. We are in danger of going back over the Iraq conflict.

Chairman: I am not trying to do that.

Bill Rammell: I was at the Foreign Office at the time, at the heart of it, and if you look back on all the statements that were made, certainly in terms of what we were saying as a country and a Government, we were very clear that this was a chemical threat that we were taking, notwithstanding the fact that Saddam may have had a desire to develop nuclear capability.

Would it help us to come up with a new terminology? Perhaps it would. However, I think we might then spend a great deal of time negotiating on the

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terminology—you need to get a consensus internationally—rather than making real progress on what matters in terms of disarmament.

Q229 Mr. Purchase: One of the main, if not major, scientific narratives of the 20th and 21st centuries has been miniaturisation. Everything is getting smaller and more portable, which is reflected in our concerns that it is not so much countries that may attack one another by using of nuclear weapons, but terrorist organisations. As miniaturisation processes advance, what assessment have the Government made of the risk of it becoming easier and easier almost to conceal nuclear weapons to the point where they can operate in just the same way as suicide bombers are operating now?

Bill Rammell: Clearly such a risk exists. I referred earlier to terrorist networks—what al-Qaeda has said on the record, and the fact that Osama bin Laden has talked about an Islamic duty to develop nuclear capability—and there was a call to arms, as it were, and they were seeking to recruit physicists and others to come forward and help. They clearly have that intent.

We have to ward against their developing that capability, which means that we need a number of instruments internationally to try to tackle the problem. Things like the proliferation security initiative help us, and we need to work with individual countries of concern. We are doing that with a number of countries to ensure that there is not the dispersal and the spread of nuclear weapons technology. In a sense, it is about ongoing attention and vigilance.

Q230 Mr. Purchase: I have not really got an answer from you, Minister. Is there any work taking place that might prevent religious fundamentalists from using or getting hold of this technology to miniaturise and to become an even bigger threat, because of their religious convictions, than is possibly the case now?

Mariot Leslie: The Government are extremely worried about the capabilities of terrorist groups, but I know of no technology that could make it possible to make a viable nuclear device that did not use many kilograms of nuclear material. A miniature nuclear device is not something that we should be worried about. The acquisition of fissile material by terrorist groups is a serious concern and the Government have programmes to address that with our allies. Other attempts by people to get their hands on advanced technology is a serious concern, but the spectre of a miniature nuclear bomb is not something that we should be worried about.

Q231 Chairman: Can I take that a step further? Getting back to WMD categorisation, how do you assess the relative risks of chemical or biological weapons being used by a terrorist group and by a state? Would it be fair to say that states are less likely than terrorist groups to use such weapons because of the general international climate between states?

Bill Rammell: My instinctive answer to that is yes. Mariot, do you agree?

Mariot Leslie: There is always a risk—if I have understood your question correctly, correct me if I have not—with biological and chemical materials that have dual use that it is relatively easy to make something crude that would have a big impact on members of the public. The risk is obviously an extremely serious one with nuclear materials, but they are much more difficult to deliver in an effective form. Rather than saying that we worry about one more than the other—it is rather like your question about WMDs—we need to work on all the components and have a coherent policy that looks at the risks for each element.

Q232 Mr. Illsley: Minister, I have seen the memorandum that you supplied in relation to this inquiry, which talks about the need for “meaningful and valuable incentives” to be a key outcome of the NPT conference and treaty obligations. In the evidence that we have received so far, it has been suggested that if the issue is the weaknesses of the NPT, then there are weaknesses in enforcing it. In view of that, and given the need for consensus at the review conference, and given what my colleague just referred to as a lack of enthusiasm around the conference as a whole, is there a legal or political instrument that could introduce automatic sanctions for violation of, or withdrawal from, the treaty?

Bill Rammell: In an ideal world, in advance of a particular cause for concern in respect of a specific state, I would want an agreement through the UN Security Council—and certainly through the NPT—for generic sanctions in respect of a generic breach. Bluntly, if I am honest, we would not get agreement on that at the moment, so we have to approach it on a case-by-case basis. When those instances occur, we have to take real, concerted, co-ordinated action. One would always like it to be stronger, but if we take Iran as an example, we have now had four successive Security Council resolutions, indicating that there is a degree of concerted pressure and agreement internationally. Similarly, through the six party talks, there has been a real focus on the DPRK. Ideally, I would like to say that, yes, we ought to have generic sanctions that kick in when there is a concern with a particular state. That is the endgame—we are not there at the moment, so we have to make efforts on a case-by-case basis.

Q233 Mr. Illsley: My next question is going to be about Iran: is there anything in prospect in relation to the Iranian situation? Are you saying that that is not likely to be the case?

Bill Rammell: The threat and challenge with Iran is a real and genuine one. Looking at the track record, one can see concealment for 20 years and refusal to engage adequately with the IAEA. Our estimate is that Iran could develop capability in years, not decades. The next year is going to be critical. There is a substantial offer on the table through the E3 plus 3 process that meets all of what Iran, on the face of it, says that it wants on civil nuclear capability. At all levels, we are urging Iran to engage with that. The new US administration have indicated that this will be a priority, and they have indicated that they will

talk directly to the Iranians, but within a context that makes it clear that a nuclear weaponised Iran is not acceptable. There is a choice for Iran: either to engage and receive all the benefits that are available through the E3 plus 3 process, or to face a significant ratcheting-up of further sanctions.

Q234 Mr. Illsley: Is there a comparison between this issue in relation to the NPT and the chemical and biological conventions? Is there a similar issue of a lack of enforcement provision in those conventions as well?

Bill Rammell: If you look at the chemical weapons convention, a verification regime is available—that is less the case with biological and toxin weapons conventions. Our strong view in respect of all three is that you need universalisation, with everybody signed up. You need as much verification as possible to ensure that the progress stated as being made is genuinely being made, and that we are not facing a threat from proliferation.

Q235 Mr. Hamilton: Continuing on the theme of Iran, one of the problems we have is that they signed up to the NPT, and they told us when we were there in November 2007 that the development of nuclear weapons was unIslamic, but we have plenty of evidence to suggest that covert work is going on there. They want to develop a civil nuclear power programme and we in the West—holders ourselves of considerable stocks of nuclear weapons—are telling them they may not have them. At the same time, their arch-enemy, Israel, which has never signed up to the NPT, has a civil nuclear power programme and also, as far as everybody is aware, a military nuclear weapons programme. There is a problem for them and they are trying to sell to their own public the fact that they have abided by all the world's treaties and conventions, but are being deliberately targeted, because the world hates Iran. How do you deal with the view that we are trying to stop them having what is rightfully theirs—their civil nuclear power programme? That is what this is all about, and it is certainly the way they are selling it to their population.

Bill Rammell: In respect of Israel, we consistently argue that it should sign up to the NPT as a non-nuclear weapons state.

Sir Menzies Campbell: As a non-nuclear weapons state?

Bill Rammell: We have also strongly argued that we would like to see a nuclear-free zone in the Middle East. However, to say that Iran has been abiding by its commitments is not borne out by the evidence. First, for 20 years, they were concealing their activities from the international community. Secondly, if you are going to sign up and operate properly and effectively under the auspices of the NPT, you need to agree to the safeguards agreement. In our view, you should agree to the additional protocol. Iran has not been doing that.

As I have said, four successive Security Council resolutions have asked Iran to engage with the IAEA and they have not been doing that. There have been the alleged studies for military purposes. If you look

at what Dr. el-Baradei said in November, he said that the information he had received from a number of countries about what was taking place was derived from multiple sources over different periods of time, that it was detailed in content, and appeared to be generally consistent. I think Iran is not operating in the way anyone would expect it to. If we say this is about its civil nuclear power desires, the E3 plus 3 process makes it abundantly clear that that civil nuclear resource is available to Iran if it will simply engage. I just cannot see on the evidence before me that there is a defensible position that says this is just about Iran trying to get civil nuclear power.

Q236 Mr. Hamilton: How do we get that message to the Iranian public? I know it is not for us to do that, but there is no real free press there—any free press gets shot down pretty quickly. So how do you get the message across that it is not the NPT signatories, and it is not the rest of the world that is trying to stop them having a civil nuclear power programme? We are simply trying to make them abide by the rules as everybody else must. Clearly, the Government of Iran do not tell their own public that for 20 years it was deliberately trying to hide information from the IAEA. How do we do that?

Bill Rammell: The honest answer is you keep trying. Through all the channels that are available to us, we try to get that message across to the regime. Although there is an issue about communicating with the Iranian public, I think we need to be realistic, because the regime, given the structure of the society, will make those decisions. We need to try and get that message across.

We also try to engage—I met an Iranian parliamentary delegation last week, and I think a number of Committee members met it, too. Although I would not for a minute say that it was a meeting of minds, it was actually one of the more constructive discussions that I have had on this issue. We take the opportunity through radio and television—I was doing some interviews with al-Jazeera and others just before Christmas—to try and communicate directly.

Mr. Hamilton: We will have to see if the BBC Persian language service will help.

Chairman: I think that is a plug for an event later today.

Q237 Andrew Mackinlay: Part of our problem is rogue states or terrorists, along with states which we are uncomfortable about. Iran would certainly be in the last category at least. We have sanctions against Iran, and I assume their purpose is twofold. One is to show our disapproval, and the other is to frustrate them in their nuclear weapons ambitions. Also, after 11 September, the UK Government, through the good offices of Greenstock at the UN, drove United Nations countries to have full transparency—full disclosure of financial institutions—to home in on resources which could be made available to purchase weapons of mass destruction and/or embark on other terrorist activities, which cost money.

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I received a reply yesterday from the Prime Minister, who said that in the United Kingdom, the sanctions regarding the disclosure of moneys relating to the Iran regime have only existed in respect of Iran and the UK for a year or two. I find that quite astonishing, and it is against a backdrop—we have written as a Committee to the Government about this—of Lloyds TSB admitting in the United States courts that they falsified documents to ensure that moneys were available from Sudan and on behalf of the Iranian Government of \$300 million. If you look at all the available evidence on the web, it appears that the intent was to get money into the United States to buy at least dual-use materials illegally. They have been rumbled in the United States, but what I am concerned about it is whether our sanctions and statutes are sufficient for us to control and, if need be, prosecute people who are putting money through London either as terrorists or as rogue states and dodgy countries? I found the Prime Minister's reply quite astonishing. Can you throw some light on just what we are able to do in the UK? Are we up to speed on this? Are we up to muster? You know about this, don't you?

Bill Rammell: Yes, I do. Let me go back to the beginning of your question. What is the purpose of the sanctions? Bluntly, their purpose is to bring Iran to the table. It is a stick and carrot approach. In respect of what we have done, it is fair to describe us as being at the leading edge of the European debate on sanctions. For example, in the UK, Iranian banks no longer have access to sterling clearing facilities.

Q238 Andrew Mackinlay: Since when?

Bill Rammell: About 18 months or two years ago.

Q239 Andrew Mackinlay: That was partly my point. Why just 18 months ago? I think we were under the impression that there were constraints on them for a long time. We are a bit slow on this, aren't we?

Bill Rammell: Ultimately, if necessary, we will go further on our own, but we are trying to get international consensus because, bluntly, that will be the most effective way of dealing with the regime. That is why we have been working in the Security Council, and why we have been working in the European Union. We have made it clear that, if necessary, we will go further on our own. I can assure you that there is a very strong message going from the Government to banks and British industry about the undesirability of investing in Iran.

Andrew Mackinlay: This was handling money from Iran.

Bill Rammell: Yes, absolutely. I think we have been at the leading edge of the argument. We have certainly been implementing sanctions, which are having an effect. I am sure that the delegation I met last week, which a number of you met, too, raised their concerns about sanctions with you. That is all for a purpose: to bring them to the table. If that does not happen, then we will go further. Ideally we would like to do that globally and multilaterally, but if not—

Q240 Andrew Mackinlay: I used Iran as an example, but are you comfortable that we have sufficient powers in statute law to be homing in on the three categories to which I referred? Those are terrorists, rogue states and other states. I am not arguing this thing. It shows a flaw in our powers does it not? We have boasted around the world—we bash people's heads around the world—saying it must comply with the United Nations, the Greenstock committee and so on, yet we have been found to be flawed.

Bill Rammell: If you look at our track record compared with other states, we have a good record. Does that mean that it works in every circumstance? Arguably not, and we constantly need to keep under review whether we need to go further.

Q241 Sandra Osborne: Minister, you suggested that the IAEA needs to be strengthened. Should the additional protocol be implemented on a more widespread basis? Given the likely increase of the use of civil nuclear power to secure energy supply and climate change obligations—an independent commission of experts suggested last year that they would need £80 million up front with £50 million increases in real terms on a yearly basis—what commitment are the British Government going to give to increasing the resources as part of their contribution to the IAEA's budget?

Bill Rammell: Let us look at the track record. We are the fourth largest contributor to the IAEA at the moment—I think I am right in saying that we are the second largest contributor to the non-statutory funding stream. So, we are substantial contributors to areas such as the technical co-operation fund and the nuclear security fund. We contribute thousands of IAEA safeguard inspectors, we have been undertaking that process since 1981—the IAEA is certainly very appreciative of the support that we give.

Across the board—as MPs around this table will know—we face a tight fiscal environment. We have a general policy of zero real growth towards the budget of international organisations—I think most of our constituents would say that that is the right approach. It is also the case that if you look at the 2020 report commissioned by Mohamed el-Baradei, it recommends that the IAEA should place more priority on those areas that it works in and that there was further scope for efficiency savings. We want the IAEA to be resourced to do the job, and we will help in any way we can, but to say that we will commit greater resources than we are at the moment is not realistic.

Q242 Sandra Osborne: May I ask you about the al-Kibar facility in Syria? The IAEA was not aware of that—it did not pick up on it—and the US did not divulge the information that it had about it in advance of the attack on the facility. What do you think that says about the IAEA's role in effectively monitoring compliance with the NPT?

Bill Rammell: The IAEI—I always have problems with that terminology—the International Atomic Energy Authority has argued that states should make available the intelligence information that

they have about Syria. We have done that and other states have done that. If you look at the presentation that the US made in April last year, in our estimate that did provide compelling evidence to support the assessment that Syria was building a nuclear site with North Korea's co-operation. Undoubtedly we want positive interaction between states that are party to the NPT and the IAEA.

Q243 Chairman: The Syrians vigorously denied the allegation that that was a nuclear site. Neither Syria nor Israel has been prepared to co-operate with the IAEA to answer how the uranium traces found at the site got there. Why do you think that is?

Bill Rammell: I am not sure that I know the answer to that in detail. Certainly we have spoken directly to the Syrians—you will know that for the last 18 or 20 months we have been developing a dialogue with the Syrians—and we have strongly urged them to engage with Dr. el-Baradei. If you look at his report from last November, that concluded that the building that was destroyed and its related infrastructure was similar to that which may be found at a nuclear reactor site—although he could not rule out a non-nuclear use. He went on to call explicitly for Syria to agree to a further IAEA visit. That is what we have urged and asked Syria to comply with. Similarly, if Israel has information that can help Dr. el-Baradei get to the bottom of that problem, it should do that.

Q244 Chairman: The Syrians are claiming that the uranium traces were introduced when the Israelis bombed the site. Presumably the Israelis could provide information that would make clear that that was not the case.

Bill Rammell: And that is what we have said, publicly and privately, that we want the Israeli Government to do. Also, from Syria's point of view, I think that if there is genuinely nothing to hide, there is a way of reassuring, and that is to bring the IAEA in and allow them unfettered access to reach a conclusion.

Q245 Mr. Horam: Do the Government have any dialogue with Israel on its assumed nuclear capacity?

Bill Rammell: I said to you earlier that we have consistently made it clear that we want Israel to sign up as a non-nuclear weapon state.

Q246 Mr. Horam: But it cannot, of course, if it has got nuclear weapons.

Bill Rammell: Yes. Mariot, do you want to talk about dialogue on that front?

Mariot Leslie: I think that the simple answer is no.

Q247 Mr. Horam: We do not have such dialogue. Moving on to India, how does the Government's support for the US-India civil nuclear co-operation initiative advance the aim of bringing India into the NPT?

Bill Rammell: Ideally, I would like India to be in the NPT now as a non-nuclear weapon state. In the short term, that is unlikely to be achieved. One of the advantages of the US-India deal was that it brought

India into the broader non-proliferation framework. The fact that, unilaterally and publicly, India declared that it would not test further was a positive step. The fact that it said that it was willing to engage in negotiations on a fissile material cut-off treaty was a positive indication. Short of getting India to do what we ideally want, it was a step to pull it in within the broader non-proliferation target.

Q248 Mr. Horam: Do you think that we have got as far as we can?

Bill Rammell: No. I would still like to get to the position where India signs up as a non-nuclear weapon state. In the short-term, however, this is better than where we were.

Paul Arkwright: The Indians have now signed the safeguards agreement with the IAEA, which I think is a very important step following the separation of the civil and military nuclear facilities in India. We are pressing them hard to continue their negotiations on signing up to an Additional Protocol, which would be another further step of confidence that they can take. We would like them to pursue those negotiations energetically.

Q249 Sir Menzies Campbell: If the policy is that Israel should sign up as a non-nuclear power, then that could only be effective if Israel was a non-nuclear power. Accepting for the moment, as most people do, that Israel is a nuclear power, it is very difficult to foresee circumstances, in the medium or even the long term, where that is likely to happen.

Bill Rammell: That remains our position. However, realistically, short of a substantive agreement in terms of the Middle East peace process, that is unlikely to happen.

Q250 Sir Menzies Campbell: If there is no dialogue, then how do you progress the policy? Is it raised? The Prime Minister told us—I think at Prime Minister's Questions today—that he had had a conversation with Mr. Olmert. When he has conversations with Mr. Olmert, do you understand that that issue may be raised?

Bill Rammell: Certainly, the Israeli Government are aware of our position. In terms of discussions with the Israeli Government, I think you will understand that, over the recent periods, the 100% focus of that has been about trying to secure a ceasefire in Gaza. But the Israeli Government are certainly aware of our view and position.

Q251 Sir Menzies Campbell: The truth is that, for the foreseeable future, Israel is going to retain its nuclear capability.

Bill Rammell: There is an assumed capability. **Sir Menzies Campbell:** Mr. Mordechai Vanunu, I think, tells us a little bit about that when he is allowed to from time to time.

Bill Rammell: I do not resile from the position at all. The Government and I would like to see a nuclear-free Middle East and we would like Israel to sign up as a non-nuclear weapon state. That is our position.

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However, if one is realistic, until there is much greater progress in terms of peace within the Middle East, the auguries for that are not optimistic.

Q252 Sir Menzies Campbell: I wonder how realistic it is to have a policy which, on the face of it, is incapable of achievement.

Mariot Leslie: You can perfectly well have a position that you are working to achieve through other means, notably the great effort the Government are putting into the Middle East peace process, into dealing with Iran, and into improving security in the region. Those are the conditions that would make it possible to have a Middle East that was free of nuclear weapons.

Q253 Sir Menzies Campbell: Is this not more a hope and a prayer than a policy?

Bill Rammell: No, I do not think it is. Our position is clear. As with a lot of these issues—and I find this a lot in terms of the foreign policy debate—it is not the case that we can just say something and make it happen.

Q254 Sir Menzies Campbell: We all understand that. But there are questions of credibility about how realistic policies may be. Do you not feel any reservations about articulating that as being the Government's policy, when the prospects of achievement are as limited as I think you concede?

Bill Rammell: Let us turn it on its head. The alternative to that would be to say that we are comfortable accepting states that are not parties to the NPT possessing nuclear weapons. That is emphatically not our position, which is why we hold the position that we do. However, does that mean that I think it is realistic that we will make progress on that in the short term? No—I am being straight with you—I do not think the prospects for that are good.

Q255 Sir Menzies Campbell: I am personally comfortable with that last answer, but that would, in my mind, trigger the importance of seeking dialogue.

Bill Rammell: I hear what you are saying, but there is a very great awareness of our position.

Q256 Chairman: May I take you back to India and Pakistan? The Americans have signed the deal with the Indians, which has run into difficulties. What is the British Government's assessment of the prospects of that deal actually coming to fruition? Also, what are the implications of that deal for Pakistan, given that the memorandum from the FCO says that co-operation with Pakistan on civil nuclear power is "not under consideration"?

Bill Rammell: In terms of the prospects to get the deal through, I think that ultimately they are still good, but there are issues and challenges that need to be addressed; I believe that those can be. In respect of Pakistan, I think our position is more accurately described as "not now"—in that the conditions are not appropriate—"but not never".

Q257 Chairman: So, it could be under consideration next month, or the month after?

Bill Rammell: We are not talking about that time scale. I think you would need to see a number of other changes within Pakistan. But certainly—as an indicator of the efforts we are making in this regard—we are at the moment working with the IAEA in assisting Pakistan in implementing its nuclear security action plan. If, over an extended period of time, we made progress on that and on other fronts, we could envisage circumstances in the future where that may be possible, but, certainly, that is not the position at the moment. We would not contemplate that at the moment, but, as I said, it is not now, but it is not never.

Q258 Chairman: May I put it to you that India and Pakistan nearly went to war five or six years ago and that would have been a nuclear conflict? It could happen at any time over Kashmir or other issues, including the very bad relations that there currently are as a result of the terrorism in Mumbai. Is this not one of the most urgent priorities—to deal with this potential nuclear conflict between two countries which still have very bad relations, closed borders and lots of potential sources of friction?

Bill Rammell: The answer to that is yes. That is why we strongly support the composite dialogue between the two countries—

Chairman: Which has been broken off.

Bill Rammell: Yes, but I still think that that is the best route to make progress. It is very positive that, between the directors general of their respective militaries, there is a continuing channel of communication. In terms of our efforts, I agree with your assessment that there have historically been real concerns about the balance of power and the potential conflict between these two countries. We invest a lot of time and effort in working with both sides to ensure that we do not get to the position of ultimate conflict.

Chairman: We will come back to this later in the year. I think we should move on.

Q259 Mr. Hamilton: Successive British Governments have insisted on retaining an independent nuclear deterrent. Within the last two years, this Parliament has voted on the continuation and reconstruction of Trident submarines. The memorandum, which I think was submitted to the Committee by the FCO, accepted that there is a possible linkage between non-proliferation efforts and progress in wider nuclear disarmament. It says, "Counter-proliferation efforts risk being undermined if other states perceive, rightly or wrongly, that the Nuclear Weapon States are not delivering on their side of the bargain and actively pursuing nuclear disarmament".

Last December, the Foreign Secretary said, "The UK is committed to working actively to create a world free from nuclear weapons", and that international action against proliferation needed to include "re-energised action on multilateral nuclear disarmament" in order to be fully effective.

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Do you accept, Minister, that the Government's decision to renew Trident—which Parliament endorsed—is problematic? Surely in terms of public perception, the fact that we continue to build submarines and have a nuclear deterrent, while telling other countries that they may not have them, is a little embarrassing?

Bill Rammell: No, I do not think that is the case. However, I preface that by saying that it is a statement reflecting the reality that, in terms of our international posture, no subject has been more divisive, particularly in this country, for decades. People on either side of the argument hold very strong views.

Part of our challenge politically is to get across our track record on disarmament and the fact that our explosive capability in nuclear terms has been reduced by 75% since the height of the cold war. Our missiles are not targeted and they require several days' notice to fire. Those are de-escalatory measures. We are among the strongest advocates for the universal ratification of the comprehensive test ban treaty, and we are energetically pursuing a fissile material cut-off treaty. All those measures indicate that we are not only strong advocates of nuclear disarmament, but that we practice what we preach. We are rightly seen by international partners and by non-governmental organisations as the most forward leaning of the nuclear weapon states in terms of disarmament.

However, to come to the nub of your question, despite that track record, and even with the reductions that have taken place elsewhere, substantial arsenals still exist internationally. There are rogue states which, according to all available evidence, are clearly seeking a nuclear capability, and there are terrorist networks that would like to develop that capability into the bargain. Given all that, and given the projections about the time span over which the submarines and equipment would become dysfunctional, we faced a choice. Had we not taken the decision at that stage, we would have effectively been committing future Parliaments and generations to unilateral nuclear disarmament. Although I genuinely want to arrive at a world that is free from nuclear weapons, I do not think that it would have been the right decision to take at that stage.

Q260 Mr. Hamilton: But here we are, we go to Iran as parliamentarians and sit before the members of the Majlis. We tell them that they have no right to have nuclear weapons and that they must not develop those weapons—which of course are un-Islamic anyway. They will turn round to us and say, “You are just renewing the vehicles for your own independent nuclear deterrent. Who are you to tell us that we should not have these weapons? If you have them because it is important for your own defence and security, why is it not equally important for ours?”

Bill Rammell: I will turn that argument on its head. There is an argument that comes across implicitly on the liberal left—I am not saying that that is your view—which almost says that because some states

have got these weapons, how do we have any moral basis not to say that everyone should have them? At one level we could argue that, but it is an extraordinarily dangerous proposition to advance. If we were making the case against proliferation in the context of increasing our level of nuclear capability, that argument, even though I would still reject it, would have more plausibility. Taking our example of a state that has reduced its arsenal by three quarters and is one of the strongest advocates internationally for the treaty-based approach to get genuine further reductions in nuclear capability, I do not think that that argument is justified.

Q261 Mr. Hamilton: What further steps can we now take? You said that we have reduced our arsenal by 75 per cent. What more can we do to reduce it further, as is our obligation under the NPT? Furthermore, if we continue to retain these weapons, as the Government and Parliament have agreed we should, what use are they against not the rogue states particularly but the terrorist groups that would wish to acquire them? How on earth could we defend ourselves with nuclear weapons against that kind of attack?

Bill Rammell: Given the range of threats that exist at the moment it would be wrong, and certainly not prudent, for us to unilaterally give up that capability. In terms of further action—and this is where the NPT conference next year is so critical—we want a coming together of the nuclear weapons states and the non-nuclear weapons states to re-inject energy into that process. The fact that Barack Obama has committed to ratification of the comprehensive test ban treaty is a very positive step forward. We want to commence down the path of the fissile material cut-off treaty and we want further multilateral efforts to reduce the number of nuclear warheads. A reinvigorated strategic arms reduction treaty process to see further major reductions between the United States and Russia would be very positive in that regard as well.

Q262 Mr. Hamilton: Finally, how do you react to the suggestion that cancelling the Trident programme, not building these incredibly expensive vehicles to transport these weapons around and dismantling our nuclear arsenal would make us safer because we would have far more resources to spend on conventional weapons, ships, submarines, vehicles, men and equipment, which would make our Army and our armed forces a lot more effective both in the UK and worldwide?

Bill Rammell: I remember putting forward that argument as a Labour activist on the doorsteps in the 1983 general election. It was not convincing. The prevailing view now is still that given the scale of the risks that we face, yes we need to push as strongly as we can for disarmament, but to take that step now to unilaterally disarm would be wrong. I am not accusing you of this, because I know your views and we have talked about this, but in some quarters there is an underlying dishonesty in this debate. People say that we should do that, with the underlying knowledge that we would still be protected by the

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American nuclear umbrella. I want to see progress across the board. I do not think that we could achieve that at the moment by that unilateral gesture.

Q263 Mr. Purchase: You were unembarrassed by the dilemma or paradox that my colleague presented to you. Let me tell you that every time we have asked this question on our travels from the United Nations in New York and Geneva to many other places, they are all quite perplexed by Britain's decision to renew, improve and modernise the platform. I agree entirely with my colleague: the likelihood of any of the rogue states or anyone else targeting Britain with a nuclear weapon is almost beyond belief. However, it is likely that at some stage terrorists—religious fundamentalists, as they should truthfully be called—will obtain a means of attacking other countries with nuclear weapons of some kind. We will not have, and no one else will have, any serious defence in terms of a response, because there is no country to attack with anything. The colossal expenditure that we are now entering into should be spent more properly—if it is to be spent on defence at all—on improvements to the conditions of our armed services. We hear all the time that they do not have the right equipment on time, in the right way, and that they often do not even have decent living conditions in our military bases here in Britain. The Government have a very serious problem. It is true that on the doorsteps in 1983 no one was convinced by Labour's arguments, and the Conservatives had the finest propaganda ever of Labour's defence policy—a soldier with his arms up. It is absolutely true that we could not compete with that. But I do not think that this is 1983 and, besides which, even if all the press barons are warmongers in disguise, people are getting smarter. We face a genuine dilemma in both the Ministry of Defence and foreign policy, and we appear to be in what I would call “a bugger's muddle” over this whole business of whether or not we should be developing—I will finish in just a second. Should we be developing further our capabilities when pleading with everyone else to reduce them? It is simply not principled, and at best it could be called eclecticism, but at worst it could be described as totally unprincipled.

Chairman: We will not get through the rest of our business if we have long speeches, rather than questions.

Mr. Purchase: I just thought—

Chairman: I know. You have made yourself feel better, now the Minister can respond.

Bill Rammell: You and I have talked about this long and hard before, and I know and respect your view. I acknowledge that we are not in 1983. I could be wrong, but my gut instinct is that ultimately, in a debate, a majority of British people, despite wanting disarmament, will not conclude that the circumstances are right, even now, to unilaterally disarm. The ongoing costs, with renewal, are about 5% or 6% of the overall defence budget, which is roughly what it is costing at the moment.

On your point about equipment, the Ministry of Defence makes strenuous efforts to ensure that our military is properly equipped. I also do not agree with you that the threat from rogue states is negligible. I think it is much more substantive—

Mr. Purchase: It is nil. By the way, I have never been a member of CND, Bill.

Bill Rammell: Neither have I, for the record.

Q264 Mr. Keetch: Just for the record, Minister, you suggested that if Britain gives up its nuclear weapons, we would somehow be shielding under the American umbrella. Let us be clear: every NATO country that does not possess nuclear weapons is in the same position—effectively protected by the American nuclear umbrella. If there was a nuclear attack from Russia on Lithuania, for example, then America would be obliged to respond.

Bill Rammell: Yes, but those countries did not take, rightly or wrongly, the historic decisions that this country took to be a nuclear weapons state. You cannot uninvent the reality. We do have that capability and there is an issue about integrity—that we can give it up in the full knowledge that we will still be protected.

Q265 Mr. Keetch: I would perhaps disagree. I want to talk about the Obama Administration, and I would also like to come back to something that Ken Purchase said because it follows on from what we have just been discussing. Am I correct in interpreting what you said earlier—that the biggest threat of chemical or biological attack on Britain, at the moment, comes from a terrorist organisation and not from a rogue state or an actual state? Is that effectively what you said?

Bill Rammell: Yes.

Q266 Mr. Keetch: Secondly, did you say that if a terrorist organisation possessed a nuclear weapon, then the biggest threat we would face from a nuclear attack would come from a terrorist organisation, and not a rogue state or an actual state?

Bill Rammell: In terms of nuclear capability, we are projecting too far forward. However, your analysis in terms of chemical or biological is accurate.

Q267 Mr. Keetch: To follow on from the questions of my two colleagues, how would we use Trident against al-Qaeda? I am the commander of HMS Vanguard, you are the Secretary of State for Defence, or the Foreign Secretary. The Taliban plants a nuclear weapon and blows up Hereford. How would we respond?

Bill Rammell: It is much more challenging, but it is not the only threat that we face.

Mariot Leslie: I was perhaps just going to remind the Committee of what was said about Trident in the 2006 White Paper, because it is sometimes misquoted or misinterpreted. What the Government said then about the rationale for wanting to retain the nuclear deterrent was that terrorists have an aspiration to get their hands on nuclear materials. The only route by which they would acquire that capability would be via proliferation from a state,

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and what we would be holding to account would be the state that might be tempted in the direction of that sort of proliferation. The only route by which they would acquire that capability would be via proliferation from a state, and what we would be holding to account would be the state that might be tempted in the direction of that sort of proliferation. The Government have never said that they intended to direct nuclear weapons against a terrorist; they were simply setting out a wide range of ways in which they might want to retain a nuclear deterrent against the possibility of a nuclear state misusing its own nuclear weapons.

Q268 Mr. Keetch: To be clear, al-Qaeda launches a nuclear attack on a UK city, and we believe that it has acquired that nuclear technology from say, pick a country—

Mr. Hamilton: Russia.

Mr. Keetch: We will then respond by launching a nuclear attack on Russia.

Mariot Leslie: The Government have never said under what circumstances exactly they would use their nuclear deterrent—that ambiguity is part of the deterrent. We do not believe that al-Qaeda has the capability to launch a massive attack with a normal militarised nuclear weapon on this country, as we sit at the moment.

Q269 Mr. Keetch: Let me move on to the Obama Administration—slightly happier news, we hope. Minister, you said earlier that you believed that the comprehensive nuclear test ban treaty would be ratified by the Obama Administration. Are you confident of that? Do you think that it would go through the Senate?

Bill Rammell: The prospects for disarmament under President Obama are much greater and stronger than they were under President Bush. How do I adduce that in evidence? You can look, for example, at Hillary Clinton's confirmation hearings, when she talked about the importance of rebuilding staffing and financing the relevant bureaus within the State Department. Obama has made it clear that he wants to ratify, and have negotiations on, the fissile material cut-off treaty. All that I see and hear is very positive and I have belief in President Obama, but there is a caveat: in the American system, you have to get those treaties through the Senate as well. I think that with the degree of support that the President has and the political make-up of the Senate at the moment, the grounds for that are optimistic, but it is not as simple as saying that the President decrees and it happens.

Q270 Mr. Keetch: I am sure that our excellent embassy in Washington would help to achieve that. Do you think that China would then follow?

Bill Rammell: I would not want to presume to state Chinese intentions, but certainly when I was in Beijing a couple of weeks ago interesting discussions were taking place and there was a desire to know what the intentions of the Obama Administration were. I would hope that in those circumstances China would follow.

Q271 Mr. Keetch: We read in *The Times* today that the President will establish a non-proliferation office, which I am sure we would support, and there is a suggestion of a new treaty with Russia to cut their warhead numbers to 1,000 each. Presumably the UK Government would want to support that and do everything possible to encourage it.

Bill Rammell: I have not seen that confirmed. I understand that it is based on a leak, and I do not comment on our leaks or anybody else's. Our very clear position is that we want a renegotiation of START and further efforts and impetus towards disarmament. If that means substantial further reductions in the arsenal of both the United States and Russia, we would welcome that.

Q272 Mr. Keetch: Presumably the situation of the missile defence programme, particularly the siting of radars in the Czech Republic, would look to remove one of the obstacles that possibly was there under the previous Administration. The new Administration seems to be moving in the correct direction on that.

Bill Rammell: No, I think that that is a different issue. I know that there are different views. I think that missile defence has some merits. It was interesting when Obama's nominee for the policy Under-Secretary at the Pentagon went before the armed forces hearing. She articulated the view that co-operation with Russia might be a way forward on this issue. The record of what President Obama said shows that he supports ballistic missile defence but would want to ensure that it is developed in a way that is pragmatic and effective and does not divert resources from other national security priorities until it is clear that the technology works. What does all that mean? We will clearly talk to the Americans and work with them. My gut instinct is that they probably will go ahead, but maybe with a slower time frame.

Q273 Chairman: We will come on to John Stanley in a minute with more questions on this. Before we move away from President Obama and the strategic arms reduction proposal, if the Americans and Russians get to 1,000, does that not mean that the several hundred warheads in British, French, Chinese, Israeli, Indian, Pakistani and—question mark—North Korean and Iranian possession will become a big problem? Is there not, therefore, an argument that at least the fellow NATO countries' nuclear warheads should be taken into consideration within the US total, or at least be added in, as part of a negotiation on a wider, strategic agreement?

Bill Rammell: I am not going to get drawn into the detail of a front-page newspaper article.

Q274 Chairman: Whether that newspaper article is true or not, the principle of reductions by the Americans and the Russians going ahead to such low levels, without having an impact on other states, is a problem, is it not?

Bill Rammell: We have always said that our long-term aim remains to create the conditions where we could establish a nuclear-free world. If substantial,

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genuine, multilateral progress is really being made, we have made it clear that we would be willing to look at our weapons within those multilateral negotiations.

Q275 Chairman: Given that we have only one system, and that there is a certain minimum number of missiles and warheads that you have to have before it becomes completely ridiculous, there is the question—not to take Mr. Hamilton's line—that at some point, potentially in the foreseeable future, we could move down the road whereby neither Britain nor France have national nuclear weapons systems because the total global stockpiles have been reduced so much.

Bill Rammell: I am going to restate what I have already said. We have substantively reduced our arsenals. We want further multilateral reductions. We have made it clear that, in the future, if those multilateral negotiations are genuinely taking place, we would consider involving our weapons as part of them. I am not in a position to commit.

Q276 Chairman: I know that you are not in a position to do that, but I am interested to know what point we are moving to. Potentially, in the next few years, this is a dilemma—a choice—that the British Government will have to confront.

Bill Rammell: Our long-term aim remains to create the conditions for a nuclear-free world, and there are all sorts of difficult decisions that we will have to face up to in getting there.

Q277 Sir Menzies Campbell: It comes to this: if your avowed policy, as set out in the document, is successful, then a point will arise at which our weapons will have to be on the table.

Bill Rammell: I have made it clear that, in future multilateral negotiations, if the circumstances were right, we would include those weapons as part of those multilateral negotiations.

Q278 Sir Menzies Campbell: The more successful we are, and the quicker we are successful, with this policy, the sooner the British deterrent would have to be a part of the discussion.

Bill Rammell: With respect, I will restate what I have said. We have made it abundantly clear that we want a world free of nuclear weapons. We have a very good track record—probably acknowledged to be the best, internationally—in terms of reducing our nuclear arsenals. If there is genuine, multilateral progress, we would consider putting our weapons on the table as part of that.

Q279 Sir Menzies Campbell: I have some sympathy with you on the point that we have been pretty good at getting rid of systems. I just wrote down, “nuclear artillery”, “depth charges”, “no short-range weapons”, “freefall bombs”—the WE177. These are all unilateral actions taken by successive British Governments. In that regard, I think that you are quite right to claim that our record in this matter is a pretty good one.

May I just ask you this last question? You have Kissinger, Shultz, Perry and Nunn on the other side of the Atlantic; you have Hurd, Rifkind, Robertson and Owen on this side—no shrinking violets any of them. This debate is moving on very, very fast, and that critical moment of decision, as you have agreed with my colleague, Mr. Keetch, may come rather more quickly than many of us anticipate. In that case, policy formulation is a matter of urgency, not of leisure.

Bill Rammell: Absolutely. And the fact that all those eminent people that you mentioned are putting forward the views that they are, indicates a view that we share—and that I strongly share—that this is a critical and fundamental challenge. One of the original questions, from Mr. Horam, I believe, was whether this has gone off the boil in terms of international opinion and NGOs. Nothing could be further from the reality. We must re-inject urgency into this matter, which is why the NPT review conference next year is so critical. That is one of the reasons why we published the document today. It underlines the huge importance of the issue and is an attempt to engage people in that debate.

Q280 Mr. Illsley: On what Ming said, the article about Obama seeking to cut nuclear warheads has been referred to. Thursday's press carried the headline “Russia ready to shelve missiles plan in conciliatory gesture to Obama”. There is no reduction, but a commitment not to deploy more. The point is that there seems to be a consensus breaking out. In the light of what Ming said and with the Americans and others signing up to the initiatives, does our decision on Trident look a little premature? I am not arguing that we should or should not have Trident, but that our decision to renew years before we needed to was a bit premature.

Bill Rammell: I desperately hope that the multilateral process works and that we can get to the stage of a world free from nuclear weapons. If we had not taken a decision on Trident, we would have been deciding on unilateral disarmament if the multilateral process does not work. If in 13 or 14 years the multilateral process had not worked, we would have been left with an ineffective and inoperable nuclear deterrent.

Q281 Sir John Stanley: Minister, when you refer to the multilateral process, will you confirm that you are saying that Government policy is that British nuclear weapons will be put on the table in that process only if every other nuclear weapon-holding state—including the French, Americans, Israelis, North Koreans and Iranians—also puts its nuclear weapons on the table at the same time?

Bill Rammell: Mariot, do you want to pick up on the context for that?

Sir John Stanley: I would like a ministerial answer to my question.

Bill Rammell: Okay, I will restate for you what I have said previously. Such negotiations will be detailed and challenging and it is difficult to prescribe in advance how the process will work. However, if there was genuine multilateral progress on

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disarmament, we would consider putting our nuclear weapons into the mix as part of the negotiations. In advance of such circumstances, it is difficult to go beyond that.

Q282 Sir John Stanley: I am sorry Minister, you have not answered my question. Are you saying that British nuclear weapons go on the table when, and only when, every other nuclear weapon-holding state puts its weapons on the table?

Bill Rammell: Multilateral progress and negotiations that will get to the situation where we can eradicate nuclear weapons will require action on all fronts.

Q283 Sir John Stanley: By all fronts do you mean all other nuclear weapon-holding states?

Bill Rammell: Yes.

Chairman: Can we move on to some questions on ballistic missile defence?

Q284 Sir John Stanley: Minister, I think that you will agree that as far as we and Europe are concerned, the most important arms control agreement was the intermediate nuclear forces agreement in the 1980s, which led to the removal of thousands of nuclear weapons from European soil. You will be aware that the Russians have threatened that if the European component of ballistic missile defence goes ahead, they will repudiate that agreement. You will also be aware that the European deployment constitutes only a very limited protection against Iranian ballistic missiles. There will be 10 interceptors in Poland. I was briefed at the Missile Defence Agency in Washington last week that each warhead requires two interceptors. It was repeatedly stressed that ballistic missile defence represented a net and not a shield. Given those circumstances, why are the British Government so committed to the European component of ballistic missile defence, which they have already made clear through their commitment to carry out the crucial radar upgrading at RAF Fylingdales, when the European deployment will have only a very limited additional defence capability against Iran but could leave Europeans hugely worse off in terms of nuclear weapons deployed against European soil by the Russians?

Bill Rammell: First, we need to be clear, as you have underlined, that there are 10 interceptors compared with an arsenal the size of Russia's—the Americans have repeatedly made it clear that is not where it is directed. Secondly, the evidence in 2007 was that the number of non-US ballistic missile launches was 100, which was 30% more than the previous year. There is genuine concern about the spread of capacity in terms of ballistic missiles. I think that the solution to this, to ensure that ballistic missile defence can genuinely help us in defence terms and that it does not lead to the kind of escalation that you are talking about, is the kind of arrangements with the Russians that Michèle Flournoy, the Under-Secretary of Policy at the Pentagon, talked of in terms of US-Russia co-operation. Already there has been a more accommodating response—for want of

a better phrase—from the Russians to the comments and views that the Obama Administration have been setting out. There clearly needs to be intense dialogue and discussion, but if we could end up in a situation where there was co-operation between the US and Russians on this issue that would be a positive outcome for both those countries and also for us in Europe.

Q285 Sir John Stanley: Yes, but is it not the case that the Russians have so far been wholly unimpressed and unconvinced? You may say “entirely irrationally” and I would agree with you, but the public posture is that they do not believe the Americans when they are told that the situation does not represent any degradation of their nuclear capability. Given that is the case, surely it can make no sense for those of us in Europe to have a fractional improvement in our defences against Iran at the expense of a very major reduction of our security against Russia?

Bill Rammell: I genuinely do not believe that is what it should come to. If you look at the dialogue that has taken place between the US and Russia and the Russia-NATO dialogue, there have been detailed discussions about how you might reassure Russia on this front—maybe, for example, in terms of federating Russian sensors into the overall ballistic missile defence structure. That might be a way forward.

I do not want to overstate things, as I think Barack Obama has enormous hopes—probably too great—resting on his shoulders, but the fact of his election has injected possibilities and new ways forward in a number of different areas. Already, based on what he and his appointees have been saying and the response from Russia, I think the prospects are greater of reaching a situation where those concerns on the part of Russia can be addressed and we can still go forward with a system that would give us some greater defence.

Q286 Sir John Stanley: May I turn to the key element behind ballistic missile defence? As you rightly pointed out, the key issue is the huge proliferation of ballistic missile technology. At the start of your evidence you rightly said that our worst expectations about nuclear proliferation had not occurred, but I think you will agree that our very worst expectations about ballistic missile technology have occurred and we now have 20-plus states with operational ballistic missiles. What is the Government's policy to try to halt the proliferation of ballistic missiles, all of which are potentially able to take conventional, biological, chemical or nuclear warheads? What are the Government going to do to try to reverse the incredibly dangerous large-scale proliferation of ballistic missiles throughout the world? As there is also a terrorist dimension, what are the British Government doing to try to enhance the security given to existing ballistic missile holdings?

Bill Rammell: One response is what we have just been talking about, in terms of ballistic missile defence. We also need to work through the relevant

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international forums, whether it is the missile technology co-operation group—a co-operative arrangement whereby states declare what they are doing and that it can be verified—or another initiative. We need to do more on that front. The issue is about competing priorities, however, and the NPT is an absolute priority, but we need to do more on conventional weapons and I am sure that we will come on to that. It remains a priority for us, but I cannot say that we have automatic solutions on every front to deal with the threats and challenges. One strong reason why we have argued as we have on missile defence, however, is that, potentially, it does give us a defence.

Q287 Sir John Stanley: Would you not agree that the proliferation of ballistic missile technology is one of the major cancers in terms of proliferation? Would you also agree that, at the moment, no significant international structures have any prospect of introducing an element of control? Should not that be given far higher priority not only by the British Government but by other Governments? Unless that is gripped, 30-plus countries may have ballistic missiles at their disposal—alongside the serious risk that, sooner or later, some could fall into the hands of terrorist parties.

Bill Rammell: First, the missile control regime, of which we are strong supporters, provides a way forward, but arguably it needs strengthening and we are looking into that. The defensive system that we have discussed is also part of the solution, but there is some merit in what you say. We are focused on a range of threats and challenges, and that is a significant one. By telling you that the missile technology control regime needs strengthening, I accept your point that we need to do more in that area.

Q288 Mr. Moss: Minister, may I take you back to your answer to an earlier question, about the international dimension of civil nuclear power? Will you outline to the Committee the operation of the Government's proposed nuclear fuel bond and tell us how it would complement other proposals in the field?

Bill Rammell: We have stopped calling it a bond, because there was—

Mr. Moss: A financial implication?

Bill Rammell: Yes, we felt that there was a financial implication. The commitment to nuclear fuel assurance is absolutely firm, however. It is an attempt to produce a creative response to the worldwide civil nuclear renaissance, and it is about guaranteeing the sourcing and disposal of nuclear fuel, which will bluntly undermine one of the reasons why states seek proliferation. We remain absolutely committed to that, we will take a proposal to the IAEA board of governors later this year, we have engaged with other countries on it, and we will shortly—on 17 and 18 March—host a conference on a range of multinational initiatives to deal with the nuclear fuel cycle. Through the European Union, we are also committed to the nuclear fuel bank, under IAEA auspices, which would create a real fuel bank

that countries would be able to access if they experienced fuel shortages for reasons other than proliferation.

I said earlier that there are about 12 different initiatives. I do not have the sense that they are contradictory or competing with each other, but we work actively at ensuring that all those approaches can work. In our view, the nuclear fuel assurance still has real merit and that is why I shall be taking it to the IAEA board.

Q289 Mr. Moss: Is it incompatible with any of the other proposals that you mentioned? I thought you said earlier that there were 13.

Bill Rammell: There are 12. I thought that I said 12 earlier.

Q290 Mr. Moss: Okay. Is there a risk with the proliferation of all the different proposals that we will sign up globally to a key component?

Bill Rammell: No. You face difficulty in international relations in a number of areas. We are dealing with sovereign states, all of which have their own views and their own determination to find ways forward. That sometimes means that different initiatives come forward from different states or groups of states. I do not perceive at the moment that there is a contradiction between those approaches, but we certainly need to watch the position carefully to ensure that that is not the case.

Chairman: Let us be brief on this one, and then we must move to other areas.

Andrew Mackinlay: You have not heard from me much.

Chairman: No, and that is good.

Bill Rammell: I should like to hear from a fellow Essex MP.

Q291 Andrew Mackinlay: On what used to be called the enrichment bond, it would be done commercially, but nation states would have an interest in the commercial aspects because it could mean enormous wealth and power. The Russian Federation first canvassed the idea, so perhaps copyright should go to it. Surely the idea is that, geographically around the world, there would be four or five centres of excellence. If not, what is in your mind's eye? Clearly, everyone could sign up and say that it was a good idea, but the \$64,000 or more question concerns where the places are located. There would be potential for enormous wealth generation for the states in which either that facility or facilities are located. There is also a powerful, logical case for it to be in four places around the globe.

Bill Rammell: The difference between our nuclear fuel assurance and the nuclear fuel bank is, first, that the first element of guarantee within the nuclear fuel assurance is the market, and the market actually has a good track record of delivering. The second difference is a guarantee on the part of the signed-up states whereby in extremis that support would be provided. I am not ducking the question, but it is also the case that we are working on the detail of the matter through discussion. It will be part of the

discussion that takes place at the conference in London in a few weeks' time to take the proposal to the IAEA board. The issue is about getting the maximum number of countries signed up to the principle, so the content and the detail will evolve.

Q292 Chairman: May we now move briefly to the other areas of WMD? In an earlier answer, you touched on the relative importance of chemical and biological weapons, but can I ask you specifically about the chemical weapons convention? There are 184 signatories to the convention, but only 177 national authorities and 126 state parties have informed the central organisation of what they are doing legislatively and only 82 have introduced the key legislation in their national Parliaments, so clearly there is a long way to go to make it universal. What are the Government doing to strengthen the chemical weapons convention and ensure that other countries fully implement it?

Bill Rammell: First, we are one of the strongest supporters of the chemical weapons convention and, through all forums and particularly bilaterally, we are urging states to sign up. The recent support from and signing by Iraq, given the history, was a very positive step forward.

In terms of the commitment to eradicate chemical weapons stockpiles by the 2012 deadline, we have been doing a lot financially to support states in achieving that. For example, specifically, with Russia we have committed about £23 million to help develop the necessary facilities for destroying chemical weapons stockpiles. We also, across the board, advise and help states with the legislative requirements necessary for them to comply with the convention.

Q293 Chairman: You have referred to the 2012 deadline—in just three years' time—but it is quite clear that both the United States and Russia are not going to comply with that timetable. What are we doing to deal with that problem?

Bill Rammell: There is a risk of self-fulfilling prophecies. Our intention remains that every state should get there by 2012. In respect of the United States and Russia, there is commitment and there has been considerable progress. Russia has reduced by about 25%; I cannot recall the exact figure for the US, but certainly it has made significant progress—there is the sheer quantity for both countries, in terms of the volume. There are difficult issues to overcome in both those countries. For example, setting up chemical weapons destruction facilities in what are both democracies, given the environmental concerns, is a challenge that needs to be overcome. Nevertheless, our strong view remains that we need to get there, and we shall provide whatever support we can—as I said, with Russia we have used £23 million to try and help. I do not want to get into the realms of what happens if in 2012 the deadline has not been achieved, but the end game has to be the eradication of all the stockpiles.

Q294 Chairman: Is there not also a problem in the United States with the presidential veto, and the presidential record in the past? Is that likely to change with the new Administration?

Bill Rammell: My instinct is that the Obama Administration will be very strong supporters of the chemical weapons convention.

Q295 Chairman: So, the difficulties that we had with the US under the Bush Administration are likely to be removed?

Bill Rammell: With the caveat that support in Congress is required, as well as in the presidency.

Q296 Chairman: Presumably—hopefully—our diplomats in Washington are doing all they can to influence the US, not just the Administration, but also the key players in the Senate and the House of Representatives.

Bill Rammell: Certainly.

Chairman: Good. Now let us touch on the biological and toxin issues.

Q297 Sir John Stanley: As we know, biological weapons are infinitely more difficult to detect than chemical weapons, which are usually stockpiled, and they have the capacity to cause loss of life on a hugely greater scale than chemical weapons, yet we have a verification regime for the chemical weapons convention but, sadly, none as yet for the biological weapons convention.

We did of course spend seven years negotiating a verification protocol. Sadly, that was torpedoed by the Bush Administration and their arms control Minister, Mr. John Bolton, with whom the Committee had a number of interesting and vigorous exchanges, so we still have no verification regime for this critically important arms control convention. What are the British Government doing to try to establish a verification regime? Should we be going down the route of inspections or of the Canadian alternative of accountability regimes?

Bill Rammell: Both have a role to play. In terms of the decisions taken, we have are long-standing supporters of a verification regime. As I said at the beginning about our treaty-based approach, we would want both universality and effective verification regimes.

In terms of the proposals that were put forward, the United States took the view that it did. It was not only the US—China, Libya, India and Pakistan also objected to that approach. Our view remains that in the longer run—or in the short run if we could achieve it—we need a verification tool. However, we should not underestimate the difficulty that because of the dual-use nature of virtually all the know-how, materials and equipment used in biological weapons, getting a verification regime and compliance measures in place is fraught with real intellectual, scientific and political difficulties. Nevertheless, that is what we have to remain focussed on.

The 2011 review will give us an opportunity to make further progress. The fact that since the last review, seven additional states have become party to the

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convention is progress, as is the fact that the implementation support unit has been created, which gives us further impetus. However, this is a difficult and challenging area—and I am being absolutely straight with you—to establish the kind of verification regime that we want.

Q298 Sir John Stanley: I understand all the difficulties, but I am asking whether the British Government have a policy as opposed to just generalities? Do they have a proposal? What are they rooting for? What type of verification regime are they going for? Do they still want to try to go for inspection, or do they want to go for some of the alternatives that have been offered, such as the Canadian alternative based on accountability?

Bill Rammell: Certainly we are in favour of inspection, and we promote that. You asked me specifically what we are doing to try to push this agenda forward. We are supporting financially legislative analysis and assistance to states that do not have comprehensive national implementing measures in place to help them comply with the regime as well.

Inspection has a key role to play. I have set out for you the challenges and the difficulties, which are real but, nevertheless, there is still a determination to find a way through. I hope and believe that we can do that in the foreseeable future. Certainly moving forward to the next review in 2011 has to be a priority.

Q299 Sir John Stanley: Are the British Government considering adding to the arrows in their quiver a policy of name and shame? Should the UK not be doing more to highlight those countries that we believe are holding biological weapons stocks, or researching to try to achieve a biological weapons capability? Should not such countries be pilloried publicly?

Bill Rammell: Part of me is instinctively attracted to that proposition. However, given the difficulties and political challenges, ultimately with this kind of issue, if you want states to move with you, you have to provide the right framework to achieve that. I am open to debate, but I am not sure that that approach would get us there sooner than the routes we are pursuing at the moment.

Q300 Chairman: Thank you. Can we move on to the conventional area? The British Government have played the leading role with the arms trade treaty progress so far. However, it has been put to us in evidence that we have received from witnesses that an arms trade treaty, however welcome, could set international standards that are lower than those of current national regimes and some other national agreements. For example, it would make no difference to UK policy on arms sales to countries such as Israel, Saudi Arabia and Indonesia. It would be weaker than the current Wassenaar agreement. Is that true? If so, does that mean that we would wish to retain our own national criteria and the

Wassenaar voluntary arrangements in addition to an arms trade treaty, or would those all be subsumed within such a treaty?

Bill Rammell: We have some of the strongest arms export control regimes internationally. What we are seeking to do through the arms trade treaty—you rightly described the leading position that we have taken in driving it forward—is to get the highest standards possible to stop the spread of conventional weapons and the abuse of human rights. We are certainly not looking for the lowest-common-denominator approach.

Let me be clear: there is no intention and no sense in any way, shape or form that we would let the arms trade treaty dilute what we are committed to in our arms export control criteria. However, in taking it forward—and we are making progress—there is a balance to be struck between the strength of the treaty on one hand and, on the other, the number of states willing to sign up to it. Clearly, a key judgment for us will be ensuring that we do not concede too much in negotiations and end up with a universally adopted treaty with very little impact.

That is what we are determined to do. We are not looking for a paper tiger; we are looking for a legally enforceable instrument. That is one of the differences with the Wassenaar arrangement. I am not a critic of the Wassenaar arrangement; in terms of establishing a framework and a forum for sharing information and best practice, it has been positive. However, if we can get a legally enforceable treaty through the ATT, that must be a step forward.

Q301 Chairman: But the Wassenaar arrangement has a quite comprehensive list, whereas it has been put to us that in the so-called seven plus one negotiations, certain things would be excluded. For instance, categories of police and internal security equipment, and other equipment that can be used in human rights violations, would not be covered in an arms trade treaty.

Bill Rammell: Given that we have not got to that detailed stage—we are trying to engage people, make progress and get international support—I am not sure how people have reached that conclusion. Our determination is—

Chairman: Read the transcript of our evidence session with the people from the UK Working Group on Arms.

Bill Rammell: Sure. People can have all sorts of fears and concerns—

Chairman: They are experts in the area.

Bill Rammell What I am telling you very strongly is that we want as strong a treaty as we can possibly deliver. The fact is that we have strong NGO support from Oxfam, Amnesty International and others for what we are doing. We also have welcome industry support. We have some strong support and some resistance internationally, and we must overcome that.

Q302 Chairman: What about dual-use items? Should they be included in such a treaty?

Bill Rammell: Ideally, in our view, yes, but we would need to ensure—this will be part of the detailed negotiations—that we do not frame it so as to choke off legitimate trade. Ideally, yes. We would like dual-use items to be part of it.

Q303 Chairman: And what about the crucial debate about human rights? It perhaps reflects wider international problems with countries that do not wish to discuss human rights issues. Clearly, the European and British approach is much more focused on human rights than that of some countries in the rest of the world. How is that likely to shake out in the end?

Bill Rammell: We have made it clear that human rights are part of the rationale for pushing this forward. I do not underestimate the difficulties and challenges, but when I was last at the Foreign Office, back in 2003 or 2004, we launched the proposal and led the way on it, and I think that we are in a stronger position now than we were then.

A significant number of international states have indicated support for the concept. Some states are more reluctant, but in the coming year, work will be undertaken twice in the open-ended working group, and we hope to get to the stage of the UN General Assembly by October or November. In first committee, we would get agreements to a resolution that would set in train negotiations on the treaty during 2010. We are making progress, but there are challenges to be overcome.

Q304 Chairman: One of those challenges is that countries such as Russia and China have abstained, and the position of the United States has not yet changed. Do you envisage any changes in those three countries so that they will be brought on board?

Bill Rammell: I choose my words carefully, because if you want people to move, telegraphing that you are convinced that they—

Chairman: Take the easy one: talk about President Obama.

Bill Rammell: The US did not support the United Nations General Assembly resolution in December but, interestingly and encouragingly, the US delegation took part in the UN Preparatory Committee meeting on 23 January, which I think is a sign that the US remains engaged in discussions. Certainly, we are encouraging their attendance at the forthcoming open-ended working group. There are hopes of movement, but we have to keep working and negotiating.

Q305 Chairman: And are Russia and China still sitting on the sidelines?

Bill Rammell: Yes, but I do not think that we are in the position of outright hostility; rather, we are in the position of needing to persuade and convince those states to move.

Q306 Chairman: Is every EU country on board? Are they all pushing in the same direction, or are some dragging their feet?

Paul Arkwright: There is an EU common position on the arms trade treaty, which is fully supportive.

Q307 Chairman: I know that there is a common position, but EU common positions sometimes reflect a spectrum of views. Are any of our EU partners not really helping us?

Paul Arkwright: No. All our EU partners are helping us, some extremely enthusiastically, if I may put it that way—

Q308 Chairman: Some but not all?

Paul Arkwright: Not all have the resources to put behind it, but the French, for example, have been extremely helpful in supporting us.

Q309 Chairman: Are any EU countries with an arms export industry reluctant?

Paul Arkwright: Not to my knowledge.

Q310 Chairman: That is helpful.

Finally, you said that you assessed the outcome of the third biennial meeting of states in 2008 as reasonable in regard to small arms and light weapons rather than the arms trade treaty. Do you think that that process will continue, or will it accelerate, because of the changes in the US to which we referred?

Bill Rammell: First, there has been progress and, other things being equal, I think that it will continue, with this caveat: I think the Obama Administration is very good news, but they are not going to stop every challenge that we face in the world. However, that instrument is making progress, and it is likely to continue to do so.

Q311 Sir John Stanley: Those of us on this Committee who went to southern Lebanon after the last war, when Israel again invaded, and saw for ourselves the cluster munitions in the fields, on trees, in the bushes, and lying around all over the place after they had been rained down in extraordinary numbers in the 72 hours between the signing of the ceasefire and its coming into effect, were left in no doubt about the terrible danger that they present to the civilian population. We welcome the Government's success with others in getting the Oslo convention against cluster munitions. We might be allowed to say that that success owed something to the Committee's consistent prodding, and indeed to the Arms Export Controls Committee.

Will you clarify the Government's policy on trying to get more widespread adherence to the ban on cluster munitions? On the radio this morning, they talked about cluster munitions being used in Sri Lanka at the moment, so they remain a serious worldwide threat.

Can you explain why you believe that getting a watered-down cluster munitions protocol to the UN convention on certain conventional weapons might undo the gains of the Oslo convention?

Bill Rammell: I think that the Committee and the Quadripartite Committee played positive roles. In December, we joined more than 90 countries in signing the convention and, internationally, we have played a leading role. In terms of our own actions, we will ratify as soon as possible. In the meantime we have begun implementing the key provisions and

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have taken immediate steps to prevent proliferation by making cluster munitions subject to the most stringent trade controls. However, signing the convention is just the beginning. Our aim is a global treaty on munitions, and we are looking to work with international partners to secure principle and practical sign-up and the widest possible adherence to the convention. We will continue to work for meaningful action, including on tackling transfers of weapons under the UN disarmament framework and the convention on certain conventional weapons.

Could you repeat the question about the protocol?

Q312 Sir John Stanley: We would like to understand why the Government do not consider it a risk that going down the UN route to achieve a protocol on cluster munitions within the UN convention on conventional weapons might lead to a seriously watered-down UN protocol, which would seriously undermine what has been achieved in the Oslo convention.

Bill Rammell: The protocol is, if you like, a step along the road and a rung up the ladder for those countries that cannot yet sign up to the convention for financial reasons. For a number of states, that is a legitimate concern. In those circumstances, it must be better to get some controls—on exports, for example—rather than none, on major producers. That is what is driving our approach. Ultimately, we want universal adoption, but if we can help some people along the way, it makes sense.

Q313 Sir John Stanley: There seems to us to be a risk that you will undermine the effectiveness of the Oslo convention by going down a halfway-stage route. What are you doing to try to ensure that that watering-down process does not occur? Countries given the option of either signing up to the tougher Oslo convention and having on offer a nice, comfortable, watered-down UN protocol will say, “Oh yes, we’ll sign up to the UN one, and forget about Oslo.”

Bill Rammell: Our track record of supporting the Oslo convention has been very strong.

Sir John Stanley: I know. I am thinking about other countries around the world, such as Sri Lanka.

Bill Rammell: Absolutely. And in all our bilateral and multilateral contacts, we make it clear that that is a short-term step towards eventual adoption of the Oslo convention. The alternative is that you have a significant number of states that, for financial reasons, cannot get to that signing position. I think, therefore, that it makes sense, as a short-term measure, to get them part way along. However, we continue to argue forcefully that everyone has to get there.

Q314 Sir John Stanley: A “best is the enemy of the good” policy then?

Bill Rammell: That is not quite how I would put it, but I understand where you are coming from.

Q315 Chairman: I have one final question about the commitment to clear the mined areas on the Falkland Islands. There was some criticism of the fact that we have asked for another 10 years to do that. Will we meet that 10-year target? More importantly, do you not think that, for whatever reason—it might be understandable—it has damaged our credibility and reputation internationally on such issues?

Bill Rammell: No, I do not, objectively. For the record, we remain committed to the Ottawa convention and its aims. Via an extension, we now have until March 2019 to de-mine the Falkland Islands. On any objective analysis, we are among the strongest supporters. For example, through the Department for International Development we are contributing about £10 million per year to humanitarian de-mining activity in the most dangerous and heavily mined developing countries, such as Afghanistan, Angola, Laos and Sri Lanka. Like you, I have visited the Falklands, where there has not been an incident or accident in 25 years resulting from this. We are going ahead. Detailed studies have been undertaken and the contracts are now in place for three de-mining area activities on the Falklands. In Angola, Laos and Sri Lanka, the population say, “For God’s sake, do something about this.” People risk being injured and killed. I did not meet one person or elected representative on the Falklands who said, given the very clear signage and that everybody knows where they are, that they thought that this was a priority. In fact, Falkland Islanders and representatives have said to me, “Of course, you should be spending it on those other areas.”

Q316 Chairman: We understand the argument, and we have had the same conversations with Falkland Islanders, but the problem is the international propaganda argument. If we argue vociferously for a global programme within a certain time scale, but then ask for an extension, other people will be able to use that same argument for less legitimate reasons than those which you have cited.

Bill Rammell: First, I misspoke—the contracts are not yet in place, but they will be. There is a plan to put them in place. Secondly, we were not on our own. My memory is that the deadline came up for 18 states this year, 15 of which applied for an extension. All sorts of people will make all sorts of cases, depending on the circumstances, but you have to look at the evidence. Our very strong support for an international mechanism to tackle land mines and our very strong financial support, in putting our money where our mouth is and supporting de-mining activities, means that one cannot credibly—people will advance all sorts of arguments when they are in a tight corner—make a case that this country and this Government are undermining that.

Q317 Sir John Stanley: I am glad to hold up my hand to the fact that, when I was a Minister, I ordered the halting of anti-personnel mine clearances outside Stanley after the Falklands war. After the third bomb—or ordnance—disposal soldier had his legs

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blown off, I was not prepared to see any more casualties among our servicemen, so I endorse what you have said. The technological difficulties of clearing that one remaining sandy beach, with constant tide changes, and of clearing the boggy area between Stanley and the beach, which is a heavily mined peat bog, without damaging our personnel were insuperable. I think you are entirely right to be extremely cautious and to give first priority to the preservation of life and limb.

Bill Rammell: I will simply say that the whole thrust of the Ottawa convention is about saving life, and I do not think that that comes into play in the Falklands.

Q318 Sir Menzies Campbell: Will we meet the 2019 deadline?

Bill Rammell: As I said earlier, we remain committed to the Ottawa convention and its aims, and that is what we are working towards.

Q319 Sir Menzies Campbell: When will the contracts be placed?

Bill Rammell: I thought that they already had been for the three areas, but my understanding is that it will certainly be in the near future. I will write to you setting that out.²

Chairman: Mr. Rammell, Mr. Arkwright and Mrs Leslie, thank you very much for coming. We have covered an enormous area, but we might write to you about one or two areas to seek further information. I am grateful to you all. We will now conclude.

² Ev 301

Written evidence

Letter from Mr David Bargh

As a Christian, green socialist I would like to raise a few issues with you. From a Christian perspective — “Thou shalt not kill”—so, that means no nuclear, chemical, biological or conventional weapons of any description. “Love thy/thine neighbour/enemy”.—Why are you not already doing this? If you did this, you would put yourselves out of a job. Are you not Christians? If you are Christians, then you know what your duty is.

From a green perspective weapons of all description take time to decay and become obsolete, in the case of nukes about 240,000 years. So, you can see into the future for that amount of time can you?

It is a shame that the current “socialist” government in Britain seems to have abandoned all its youthful commitments. How many are ex-members of CND?

Lastly, “Missile Defence”, a waste of time, effort and money, also guaranteed to irritate and annoy just about every country in the world who may have a vague foreign policy difference to the USA. If you are looking for the next nuclear strike, then may I suggest that you check out what is on the top of every terrorist’s wish list—a small nuclear device that they can sneak into a country like the USA, by the back door.

I close in wishing you and all on the team many sleepless nights sorting this mess out, someone has to, it appears to be you.

25 August 2008

Letter from Tina Shaw

I am writing to you as Chair of the Foreign Affairs Committee Inquiry into Global Security: Non-Proliferation.

I believe that the Non-Proliferation treaty has, to date, been successful in preventing the further spread of nuclear weapons to other countries. However, it is clearly very difficult to continue to be so successful if those countries which have nuclear weapons are not honouring their commitments under Article 6.

How can the UK take a world lead when it is planning to renew Trident? The UK’s willingness to allow the US to use Fylingdales and Menwith Hill also sends the wrong message to other non-nuclear nations. The placing of the US missile defence interceptors in Poland similarly sends the wrong message and is escalating a dangerous response from Russia.

27 August 2008

Letter from Luke Charles, CND Supporter

I would like to comment that the Non Proliferation Treaty has been effective in preventing the spread of nuclear weapons to other countries. However the P5 are not honouring their commitments under Article 6 of the NPT and are modernising their nuclear arsenals. This could lead to a possible collapse of the NPT.

Will the UK take a lead in honouring its own commitments under Article 6 and abandon plans to renew Trident. This money saved could help the poor and regenerate vast parts of the UK.

Furthermore the US missile shield plans in Poland has produced a reaction in USSR, now called Russia.

Will the government act to refuse the US permission to house missile defence systems in Fylingdales and Menwith Hill which will only hasten a new and dangerous arms race?

29 August 2008

E-mail from Janet Phipps

- The Non-Proliferation Treaty has been effective in preventing the spread of nuclear weapons to other countries.
- However the P5 far from honouring their commitments under Article 6 of the NPT, are modernising their nuclear arsenals.
- Unless there is genuine movement on the part of the P5, the NPT is in danger of collapse.
- The UK could take a world lead in honouring its commitments under Article 6 and abandoning plans to renew Trident.
- The agreement to site US missile defence interceptors in Poland has produced a predictably dangerous response from Russia.
- The UK should refuse to allow the US to use the Yorkshire bases of Fylingdales and Menwith Hill for the US missile defence system, which is leading to a new arms race.

25 August 2008

Letter from Tim Hart

I would like the contents of this letter to be considered by the committee during its inquiry.

Since the non-proliferation treaty came into force in 1970 it has been largely successful in halting the spread of nuclear weapons. This is in spite of the lack of progress of the P5 states, of the USA, UK, China, Russia and France, in nuclear disarmament and their failure to honour their obligations under Article 6 of the treaty.

The decision to renew Trident is a blatant example of the UK dishonouring its treaty obligations. The intention of the UK government to allow the USA to site new missile systems (euphemistically termed “missile defence” but in reality an aggressive pre-emptive strike capacity) and the acquiescence of the UK government to the USA placing missile systems in Poland are further examples of the UK government complicity with the USA in fuelling a new arms race. This is one of the factors which have led to Russia invading Georgia and remains an important issue in the deteriorating relations between Russia and “the West”. The UK Government is light years away from Robin Cook’s vision of a moral foreign policy! How can the UK justify spending on new nuclear weapons whilst castigating those states such as Iran and North Korea for having the desire to own nuclear weapons and criticising India and Pakistan for acquiring such weapons? Of course there is also Israel, although little is said by way of criticism of its behaviour.

In 2007 the UK had the second largest military expenditure in the world, spending \$60 billion dollars on armaments; only surpassed by that “peace loving” nation of the USA with spending of \$547 billion dollars. The USA expenditure incidentally was more than the aggregate total expenditure of the other nine nations in this notorious league table.

Unless the P5 make rapid and substantial moves to get rid of their nuclear, chemical and biological weapons then it can only be blatant hypocrisy to lecture to other nations on the evils of acquiring such weapons.

Article 6 of the treaty requires that the P5 nations:

“pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control”.

How can the UK Government claim to be in compliance with its obligations in Article 6 given its behaviour?

The USA is the most powerful nation on Earth. Its people are subjugated by the military industrial complex that dominates government policy. The US openly proclaims its right to be the dominant power in the world and to achieve this through pre-emptive military aggression. The only potential countervailing force to this coercive power is the European Union. The UK continually frustrates and undermines the EU potential in this regard by its unquestioning loyalty to the USA in major foreign policy decisions—which have proved disastrous in Iraq and will no doubt prove so in Afghanistan as well. Russia, by its recent behaviour in Georgia, has grown tired of this proclaimed supremacy by the USA. Terrorism is on the increase as a direct result of the UK supporting USA aggression against other nations. One could hardly have a more dangerous and volatile set of conditions in the world. The UK continues to align itself with the USA, like the child in the playground who befriends the bully in the hope that it will not be on the receiving end of the bully’s behaviour, no matter that others suffer such fate.

Isn't it time that the UK took an independent and moral lead on this issue? It could have considerable influence in shaping world events on this vital aspect of international policy. Its influence would be all the greater given it is so closely allied with the USA and a "nuclear state" in its own right.

Please call for the reversal the decision to renew Trident and to start positive moves to rid the UK of nuclear weapons. Are we so bereft of moral conduct and have so little faith in humanity that the only way we feel that we can achieve safety as a nation is to threaten genocide on other peoples of the world. Please take this opportunity to do something good. Recollect those early days of hope and idealism when you first entered politics and reaffirm your commitment to doing what is right; not what is politically expedient. Ignore those who warn of dire consequences of not towing the line. Take some bold actions. Take the political risk!

28 August 2008

Letter from Ann Hillier

Today there is a crisis looming again between the states of East and West and the work of the Foreign Affairs Committee Inquiry is vital in maintaining a peaceful outcome. I would like to make three points.

1. The NPT has been effective in preventing the spread of nuclear weapons and other states to a large extent. It was a good treaty and has helped to keep a peaceful and safer world for millions of people, but it is time to move it on to the next stage and protect new generations from what we have lived through. I hope the Committee will take this opportunity to make a bold step forward.
2. The P5 countries—China, France, Russia, UK, US—are continuing to modernise their nuclear arsenals. This is against the principles of the NPT even if not against the rules as laid down. We are planning to develop Trident and "improve" its capabilities, but we are not working towards "*a cessation of the nuclear arms race at an early date*". Those words were written in 1968 and we are no nearer achieving this the main purpose of the Treaty. We need to take action if we are to expect anyone else to take action, and I hope this will be a main concern of the Committee.
3. Today Russia is feeling beleaguered and hemmed in by a growing European Union, and NATO, which has led to military action in Georgia. Unless steps are taken to relieve the understandable pressures on the Russian government, then there are likely to be more tanks on the streets, or other violent responses to the situation. What we could do to ease this situation is to ensure that the US does not use our bases at Fylingdales and Menwith Hill for their new missile defence system, and encourage them to pull out of their plans in Poland. We do not have to agree to all US requests, and by making a stand on this we would be reassuring Russia that there is no strategy for a new "Cold War".

1 September 2008

Letter from Peter Ford

I should like to make the following points, particularly with reference to Britain's National Security Strategy.

It must be recognised that the Non-Proliferation Treaty has been effective in preventing the spread of nuclear weapons to other countries but, unless there is genuine movement on the part of the original nuclear weapon states P5, this Treaty is in danger of collapse.

Although the NPT accepts that the P5 had nuclear weapons when the Treaty was signed, this is quite different from saying they can keep them forever. In fact under Article 6 all countries agreed to:

"pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control".

Yet the P5, including UK, are modernising their nuclear arsenals, contrary to their commitment.

On the other hand, the UK could take a world lead in honouring this commitment by abandoning plans to renew Trident, and should refuse to allow the US to use the Yorkshire bases of Fylingdales and Menwith Hill for the US missile defence system, which is leading to a new arms race.

2 September 2008

Submission from Hazel Neal

1. THE BRITISH GOVERNMENT'S NON-PROLIFERATION APPROACH.

I am aware that the government maintains that renewing and refining Trident nuclear missiles does not put it in contravention of Article 6 of the Non-Proliferation Treaty. Nonetheless, it seems plain to me that it disproves any avowal on the UK's part that it intends to work in good faith toward nuclear disarmament.

At a time when the Non-Proliferation Treaty is in danger of collapse because of the determination of the P5 to upgrade their nuclear arsenals, the UK ought to take a lead by abandoning our extravagant plans to replace Trident. We are in a uniquely good position to do this with at least 14 years negotiating life left in the system as it stands. I also feel strongly that the government should not allow the use of Fylingdales and Menwith Hill for US National Missile Defence, which is leading to a new arms race and a new cold war.

2. THE EFFECTIVENESS OF THE INTERNATIONAL SYSTEM IN CURBING CURRENT WEAPONS PROLIFERATION.

From the point of view of nuclear non-proliferation the Non-Proliferation Treaty has been very effective.

With the exception of North Korea which withdrew in 2003, all the other countries who were non-nuclear when they signed in 1968, agreeing to remain so, have remained non-nuclear.

Unfortunately the P5 have been less obliging about adhering to Article 6, which was their part of the agreement when they signed.

Which brings me to:

3. THE POTENTIAL MERIT OF FORTHCOMING DIPLOMATIC INITIATIVES ON NON-PROLIFERATION, EG. THE 2010 NUCLEAR NON-PROLIFERATION REVIEW CONFERENCE.

At the risk of going from the sublime to the ridiculous, the P5's idea of working towards eventual nuclear disarmament is a bit like many people's attitude to cleaning a shared kitchen—everyone waits for someone else to make a start.

A timeline and a rota can solve kitchen problems, with some kind of penalty, and maybe it wouldn't be too simplistic to suggest that the NPT Review Conference needs to establish something similar. I can think of no other effective penalty, to enforce compliance, than a loss of negotiating power.

4. THE ROLE OF ARMS CONTROL AND DISARMAMENT, INCLUDING NUCLEAR DISARMAMENT IN NON-PROLIFERATION EFFORTS.

Hard-headed former advocates of nuclear weapons, such as Dr Kissinger and Mr Shultz, have argued that dramatic reductions in the number of nuclear weapons in America's possession could be made without risking America's security.

They are supported by a growing number of influential people who have come round to thinking that a nuclear-free world is not only possible, but essential to our security.

I wish to add my voice to theirs.

1 September 2008

Letter from Roger Kattenhorn

I would like to point out to your Committee that since January 1967 the Non-Proliferation Treaty (NPT) has been effective in preventing the spread of nuclear weapons to other countries. However this positive result is more to the credit of the non-nuclear signatories (with the exception of North Korea). These nations have been more diligent in honouring their commitments and the spirit of the Treaty than the five original nuclear weapons states (P5) which include the UK. Indeed far from pursuing "negotiations in good faith ...on a treaty on general and complete disarmament" they have in fact actively engaged in the modernisation of their nuclear arsenals.

Unless there is some genuine positive movement on the part of the P5 the NPT is in danger of disintegrating, a prospect that raises the possibility of a return to the free-for-all of 19th century power politics with the added terror and distortion of atomic weapons.

I would like your Committee to consider the Chinese proposal to the 2005 NPT Review which suggested that the P5 countries should make a commitment not to attack non-nuclear countries with atomic weapons. This seems a reasonable way of reducing the deterrent arguments put forward at different times by countries like North Korea, Israel, Taiwan and Iran. In this context your Committee should also consider the practice of P5 states siting nuclear weapons in the territories of non-nuclear states.

Thank you for your consideration of these points.

30 August 2008

Letter from Heather Williams

I request that the Committee considers the following points in its deliberations:

1. The Non-Proliferation Treaty has been effective in preventing the spread of nuclear weapons to all states in the world which had not tested a nuclear weapon before January 1967. Their good faith however has been betrayed by the 5 states, namely China, France, Russia, the UK and the US, who have not kept to the promise they made in Article 6 to ‘pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date’. Far from keeping to their agreement these states are modernising their nuclear arsenals and putting the continued effectiveness of the NPT in danger of collapse.
2. The UK could take a world lead in honouring its commitment under Article 6 and abandon plans to renew Trident.
3. The UK should refuse to allow the US to use the Yorkshire bases of Fylingdales and Menwith Hill for the US missile defence system, which is leading to a new arms race.

30 August 2008

Letter from Dr Arianna Andreangeli

I wish to make a submission to the current inquiry pending before the Foreign Affairs Committee and concerning the current approach as well as the future perspectives of the UK in relation to Global Security and the non-proliferation of nuclear weapons and focusing especially on the effectiveness of the existing international arrangements.

- Current arrangements: the Nuclear Non-Proliferation Treaty, which is due for review in 2010, has proved to be effective in curbing the ambitions of countries other than the P5 states to acquire nuclear weapons. However, it is my opinion that it is the very P5 members that are threatening its effectiveness. It appears from the policies being pursued by some of them that the existing arsenals, far from being progressively dismantled, are actually being modernised and expanded. For instance, the recent US/Poland agreement as regards the installation of missile defence interceptors, belonging to the American strategy of ballistic missile defence, appears inconsistent with the Treaty’s spirit and has caused a predictably dangerous reaction from Russia.
- Future prospects: the United Kingdom Government has consistently argued that the existing Treaty allows the P5 countries to retain nuclear weapons. However, I would like to argue that such an interpretation of the Treaty defies its very purpose, which is that of leading to the eventual elimination of the nuclear threat on the part of all states, including the P5. In addition, all the other countries have agreed not to develop new nuclear capability.

The Non Proliferation Treaty has proven truly effective in deterring an arms race on the part of non-P5 countries. However, the policies adopted by some of the P5 states risk undermining its purpose and could lead to its collapse. I would therefore urge your Committee to call upon the Cabinet to renew the British obligations to non-proliferation undertaken as a result of the NPT by:

- Dropping its plans to replace Trident;
- Denying the US use of the bases in Flyngdales and Menwith Hill for ballistic missile defence purposes.

It is my opinion that global security which is stable and based on true commitment to peace cannot be based on the threat of nuclear weapons being developed or replaced, but should instead be built upon mutual understanding and on true disarmament.

I am very grateful for the time the Committee will devote to my submission and look forward to the final report.

8 September 2008

Letter from Jenny Maxwell, Chair, West Midlands Campaign for Nuclear Disarmament

1. West Midlands CND welcomes the inquiry by the Foreign Affairs Committee.
2. The Non-Proliferation Treaty has, until now, been mostly effective in preventing the spread of nuclear weapons to countries which did not have them when the NPT came into force.
3. The exceptions are India, Pakistan and Israel which remain outside the treaty.
4. The recent treaty on nuclear co-operation between the United States and India will do nothing to encourage India to join the NPT as a non-nuclear state, and is seen by many as violating Article 1 of the NPT. Jayantha Dhanapala, former UN Under-Secretary for Disarmament, has called it a “*major setback in international relations [that] violates the NPT*”.
5. The presence of nuclear weapons in Israel is extremely destabilising in the Middle East and can only encourage others in the region, notably Iran, to acquire their own nuclear arsenals. More than 40 nations, including some Arab states and Israel, have formed a Union for the Mediterranean. A final declaration from its meeting said its members would: “*pursue a mutually and effectively verifiable Middle East Zone free of weapons of mass destruction*”.
6. The P5, far from honouring their commitments under Article 6 of the NPT, are modernising their nuclear arsenals and unless there is genuine movement on their part, the NPT could be in danger of collapse at its Conference in 2010.
7. The recent agreements on missile defence bases between the United States and Poland on the one hand and the Czech Republic on the other has produced a predictably dangerous response from Russia.

RECOMMENDATIONS

1. The UK should attempt to dissuade the United States from pursuing its agreement with India on nuclear cooperation.
2. The UK should actively support the movement for a Nuclear Weapon Free Zone in the Middle East.
3. The UK should take a world lead in honouring its commitments under Article 6 and abandoning plans to renew Trident.
4. The UK should refuse to allow the US to use the Yorkshire bases of Fylingdales and Menwith Hill for the US missile defence system, which is leading to a new arms race.

5 September 2008

Letter from Lesley Docksey

I would like the deliberations of the Foreign Affairs Committee Inquiry, Global Security: Non-Proliferation to take the following submission into account.

Before going into more detail, I will make these general points:

- The first (and how many times do those in favour of disarmament have to make this point?) is that the Nuclear Non-Proliferation treaty does *not* allow the P5 to maintain nuclear weapons; it simply recognises that those states possessed and had tested nuclear weapons at the time of the drawing up of the Treaty. Under Article 6 they committed themselves to disarmament.
- The Non-Proliferation Treaty *has* been effective in preventing the spread of nuclear weapons to other countries.
- The P5 are modernising their nuclear arsenals, not honouring their commitments.
- Unless there is genuine movement on the part of the P5, the NPT is in danger of collapse.

The British Government’s stated goal is “*to counter weapons proliferation and its causes.*” Let us look at the British Government’s non-proliferation approach, as set out in the National Security Strategy:

NUCLEAR WEAPONS

4.17 *Our approach to proliferation reflects our commitment to... multilateralism and the rules-based international system.*

If the Government is committed to the “*rules-based international system*”, this includes the Nuclear Non-Proliferation Treaty which, by keeping and updating the Trident missile programme, the United Kingdom is not complying with. The Government is therefore demonstrating a lack of commitment to the “*rules-based international system*”, not otherwise.

4.20 *In the run-up to the 2010 NPT conference, we will lead the international effort to accelerate disarmament among possessor states...*

“Possessor states” includes the United Kingdom. Disarmament means disarmament. It does not mean reducing the number of weapons we hold, while updating the remainder. It means removing *all* nuclear weapons from our arsenal, something the United Kingdom has signally failed to do since it signed the Non-proliferation Treaty in 1968.

BIOLOGICAL AND CHEMICAL WEAPONS

4.23 *...tackling chemical and biological weapons. We will work to ...press possessor states to meet the agreed 2012 deadline for the destruction of chemical weapons.*

We are a “possessor state”. Does this include our own weapons? Or will the Government continue researching developing chemical and biological weapons “for defensive purposes”—in other words using the same approach as for nuclear weapons—one rule for me, another rule for you?

My contention is that, in possessing these weapons ourselves, we are one of the causes of proliferation. In particular, our use of military force over the last few years has been viewed by much of the world as a threat, has increased the risk of terrorism, and has made it more rather than less likely that other states would wish to arm themselves as a “deterrent”.

The United Kingdom also causes weapons proliferation by manufacturing and selling weapons, and arming states, which states later become seen as a threat. Witness the arming of Iraq with chemical and biological weapons, and then using Iraq’s supposed possession of them as a reason for a disastrous invasion.

Your terms of reference in this Inquiry are to examine the work of the British Government in working towards the Foreign and Commonwealth Office’s policy goal on countering weapons proliferation and its causes.

THE EFFECTIVENESS OF THE CURRENT RULES-BASED INTERNATIONAL SYSTEM IN CURBING CURRENT WEAPONS PROLIFERATION

While the NPT has had some success in preventing the proliferation of nuclear weapons, international rules apply to *all* states. When the P5 insist on keeping their nuclear arsenals while demanding that other states get rid of theirs, they are demonstrating that they consider themselves to be beyond rules and laws, those rules and laws which they demand other states comply with.

This one thing by itself makes any rules-based international system completely ineffective, a discouragement to any other state to disarm, and a very real encouragement to other states to procure their own nuclear weapons. The very fact that we continue to possess these weapons increases the security threat to the world and our own country. Holding onto our nuclear weapons does not protect us—it simply increases the likelihood of other states (rogue or otherwise) attempting to go along the nuclear route.

COUNTERING WEAPONS PROLIFERATION AND ITS CAUSES

I repeat—one cause of proliferation is the UK’s possession of WMD. While we continue to pour resources into the research and development of WMD we do not make ourselves secure; we pose a perceived threat to other states which some will inevitably address by the production of WMD.

The National Security Strategy says we should keep our nuclear arsenal:

4.22 *...maintaining our independent nuclear deterrent, based on our 2006 assessment that we cannot rule out a nuclear threat to the United Kingdom re-emerging over the next 50 years.*

We also cannot rule out a large meteor strike on the United Kingdom in the next 50 years or that this country will become uninhabitable due to climate change. We cannot do anything to prevent a meteor, and we can only work to prevent the worst effects of climate change, not to prevent climate change itself. The nuclear threat we can do something about. The way to rule out a nuclear threat is to remove all nuclear weapons from the world, and that includes *our* weapons. The Government cannot “lead the international effort to accelerate disarmament among possessor states...” (see above) while stating in the same document a commitment to maintaining our nuclear weapons arsenal.

But also in the National Security Strategy it says this:

STATE-LED THREATS TO THE UNITED KINGDOM

3.25 *Our assessment remains the same as in the 1998 Strategic Defence Review: for the foreseeable future, no state or alliance will have both the intent and the capability to threaten the United Kingdom militarily, either with nuclear weapons or other weapons of mass destruction, or with conventional forces.*

“For the foreseeable future.” The Government cannot have it both ways. Either you can foresee the possible re-emergence of a nuclear threat or you can foresee that there is no threat.

The UK could and should take a world lead in honouring its commitments under Article 6 and abandoning plans to renew Trident. Apart from removing one of the causes of proliferation, the country would benefit financially to the tune of several billion pounds.¹ It could also stop its expensive military research into chemical and biological weapons.² In today’s financial climate, the country cannot afford to keep these programmes running. And the money would be far better spent elsewhere—training for and implementation of conflict resolution would do far more for the security of this country (and the rest of the world) than the possession of highly dangerous weapons, the use of which, under international law, is illegal.

Finally, the Government should, in the long-term security interests of the world, refuse the use of Menwith Hill and Fylingdales bases for the US missile defence programme. The US plan to place missile interceptors in Europe has greatly increased insecurity in our part of the world. The agreement to site interceptors in Poland has played a large part in the current tensions between Russia, Europe and the US. We are beginning to see a new arms race and a new cold war—in other words, an increase in insecurity and the further proliferation of weapons, something which the Government insists it wishes to prevent.

I trust your Inquiry will point the Government in the right direction and advise that the most fruitful way of countering and preventing weapons proliferation is to start, in the near future, with the destruction and disarmament of our own WMD arsenals.

4 September 2008

Letter from David Penn

It has become increasingly obvious in recent years that worldwide nuclear disarmament is an imperative, as more and more countries are saying, “if you can, so can we”. Don’t forget, we all promised at the UN we would work towards disarmament.

We must now make talks practical, with this real and urgent goal.

Meanwhile, as we cannot afford to wait, maybe for many years, before there are tangible results, we must eliminate our own nuclear arms immediately, as a necessary example and as a real, practical contribution to the process, and allow free and full verification inspections in the UK and in all other countries.

No more dallying!

No more billions of wasted money!

No more threatening postures, instead more friendship and cooperation.

(I will not be sending a written version of this, but please don’t therefore ignore it—what a mad gesture that would be!)

3 September 2008

Letter from John and Margaret Parry

We hope you will look at the exact wording of the Treaty signed by the P5 in 1968. Britain, as one of the signatories, agreed to pursue measures relating to “cessation of the nuclear arms race at an early date and to nuclear disarmament”.

Forty years later, despite a reduction in our nuclear arsenal, it is hard to see how upgrading Trident and spending £76 billion helps this aim. That vast sum of money could, even if just reallocated within the defence budget and not spent on health or education, radically improve Britain’s armed forces at all levels for a huge number of contingencies.

¹ The Eurofighter, Trident and aircraft carrier programmes *as of now* are costing us £5 billion a year (Simon Jenkins *Sunday Times* 24 Feb 2008).

² In 2004/5 the MoD spent £2.5 billion on military research and development for “defence purposes” (figures from Scientists for Global Responsibility).

The one contingency that was not considered in the last century, under the doctrine of mutually assured destruction, was the readiness of extremists to deploy suicide bombs. Since 9/11, there is ample evidence that many groups would be quite happy to bring down annihilation on themselves and their compatriots, if it destabilised or destroyed their “enemies”. Therefore, the whole idea of a nuclear deterrent is not only obscenely wasteful of the world’s resources and a threat to its survival but strategically flawed.

Instead of deterring the Russians from restarting a new Cold War, deployment of a missile defence system in Poland and UK bases at Fylingdales and Menwith Hill has provoked them into new threats of retaliatory deployment. All this adds to international tension, the possibility of a nuclear accident, and the exact opposite of non-proliferation.

Hard as it is for politicians to accept that our nuclear weapons are wholly useless (and could only be used if facilitated by the US), we urge you and your committee to adopt a more enlightened mindset for the 21st century.

Otherwise, it seems unlikely that the world will see a 22nd century.

1 September 2008

Letter from Adam Colclough on behalf of West Midlands Campaign for Nuclear Disarmament

I request that the following letter be considered as evidence submitted to the Global Security: Non-Proliferation inquiry being undertaken by the Foreign Affairs Committee.

The Nuclear Non-Proliferation Treaty, which has been in force since 1970, has proved itself to be an effective tool for preventing the spread of nuclear weapons, however, the P5, including the UK have failed to honour their commitment under Article 6 of the treaty to disarm and have instead modernised their nuclear arsenals; in the case of the UK this has most recently involved the planned replacement of Trident.

Unless the members of the P5 honour their commitments in this area there is a real risk the treaty will collapse with disastrous consequences for world peace.

It is, therefore, a matter of urgency that the UK takes the lead in encouraging its fellow members of the P5 to disarm by scrapping the replacement of Trident and diverting the monies involved to peaceful purposes at home and abroad.

In addition the UK government should refuse to grant permission to the United States for the use of the bases at Fylingdales and Menwith Hill as part of its missile defence system, a project which threatens to reignite the arms race and speak out against the plans by the US to base missile interceptors in Poland.

The recent conflict between Russia and Georgia has made the advent of a new Cold War into a realistic and unsettling possibility; at such a time honouring the commitments made under the NPT is more important than ever.

2 September 2008

Letter from B E Driscoll

The Non-Proliferation Treaty has been effective in preventing the spread of nuclear weapons to other countries, but, because we have plans to renew Trident and are allowing the US to use the Yorkshire bases for their missile defence system in Poland, we are dishonouring our commitment under article 6 of the NPT.

This could lead to the collapse of the NPT, and, non-nuclear countries considering our actions as saying “Don’t do what we do, do what we say”. This is degrading the Non-Proliferation Treaty and a disgrace.

9 September 2008

Letter from J K Sirothiin, Campaign for Nuclear Disarmament member against Government legislation of nuclear weapons

I am a member of the CND to where my Co-ordinator has authorised me to write to you to give evidence to your inquiry on Global Security: Non-proliferation this month.

The Treaty was signed in 1968 and came into force in 1970 to where North Korea withdrew in 2003.

The points that I wish to make are as follows:

- (i) The Non-Proliferation Treaty has been effective in preventing the spread of nuclear weapons to other countries.
- (ii) However, the P5 had nuclear weapons authorised by NPT when the Treaty was signed in 1968 that is quite different from saying that they can keep them for ever, that is far from honouring their commitment under Article 6 of the NPT, that are modernising their nuclear arsenals.
- (iii) Unless there is a genuine movement on the part of the P5, the NPT is in danger of collapse.
- (iv) The UK could take a world lead in honouring its commitments under Article 6 and abandoning plans to renew Trident.
- (v) The agreement to site US missile defence interceptors in Poland has produced a predictably dangerous response from Russia.
- (vi) The UK should refuse to allow the USA to use the Yorkshire bases of Fylingdales and Menwith Hill for the US missile defence system, which is leading to a new arms race.

If my dispute is turned down I shall complain to the Parliamentary Ombudsman.

1 September 2008

Letter from Nigel Barnacle

I wish to comment on the Global Security: Non-Proliferation inquiry. Please take my views into account.

I would point out that the Non-Proliferation Treaty has been effective in preventing the spread of nuclear weapons. However China, France, Russia, UK and US (the P5) are not honouring their commitments under Article 6 of the NPT. They continue to modernise their nuclear arsenals and should be called upon to stop this. The NPT is in danger of collapse if the P5 do not genuinely begin to disarm. The UK should abandon plans to renew Trident in order to influence other P5 members and in order to take a lead in honouring Article 6 commitments.

The UK decision to site its missile defence interceptors in Poland is to be regretted and opposed and understandably has produced aggressive responses from Russia. The US is being overly warlike and aggressive by its actions and should not be supported by Britain.

The UK should now refuse the US to use the bases of Fylingdales and Menwith Hill for its missile defence system. This currently is leading to a new arms race and is against the spirit of the NPT.

There is also growing evidence of proliferation in chemical and biological weapons. Britain should have no part in this.

Israel, India and Pakistan should be urged far more than at present to sign the NPT. Also the NPT was never intended for the P5 to keep nuclear weapons forever. Britain should take far greater steps to disarm its nuclear weapons.

Failure by the P5 and the continuation by Israel, India and Pakistan to develop its nuclear weapons will only encourage other countries to develop nuclear weapons and understandably. This is to be regretted.

5 September 2008

Letter from Joy Beswick, Erick Walker and Edna Lomay

The Non-Proliferation Treaty has been effective in preventing the spread of nuclear weapons to other countries apart from Israel. However the P5 far from honouring their commitments under Article 6 of the NPT are modernising their nuclear arsenals, the UK government is planning to update their nuclear weapons making them more deadly and costing billions of pounds which our country cannot afford. It is immoral.

Unless there is genuine movement on the part of the P5 the NPT is in danger of collapse. The UK should take a world lead in honouring its commitments under article 6 of the NPT and abandoning plans to renew Trident.

The agreement to site US missile defence interceptors in Poland has produced a predictably dangerous response from Russia. The UK should refuse the use of the Yorkshire bases of Fylingdales and Menwith Hill to the US missile defence system which is leading to a new arms race.

So surely most people in the world would be very glad if there could be some real “Non-Proliferation”—that these ugly weapons could eventually be phased out.

And I am sure the local CND group would be wanting to sign besides many more than half the British people are against updating nuclear weapons, they would rather the billions of pounds planning to be spent on such an immoral undertaking to be spent on extra money for senior citizens pensions—the NHS and higher wages for the poorly paid etc. etc.

16 September 2008

Letter from Vera Graubart

The proliferation of nuclear and other weapons around the world must concern us all! The loosely termed “balance of power” between larger nations becomes increasingly unbalanced as further nations arm themselves (or are armed by others—see India, Saudi Arabia, Iran etc.)

Proliferation is very costly—particularly at a time of economic woes such as now (the 1929 bank crash made world war II that much more likely). Those who would “guard” us with incalculable weapons impoverish us too—and make us a prime target for attack.

Hopefully, the USA Government will not court Russia in retaliation by siting missile systems in Poland or other lands bordering Russia (that would be all too reminiscent of the “stand-off” between USA and Russia when missiles were sited in Cuba in the 1960s). Hopefully a future USA President will have more sense.

As weapons testing produces a lot of carbon, where is the United Kingdom’s “footprint” in all this?

I hope very much that you will argue the case for ridding—or at least reducing—the nuclear weapons held in the UK.

8 September 2008

Letter from Mrs Raymonde Hainton

Until now the NPT has been effective in preventing the spread of nuclear weapons to other countries apart from Israel, India and Pakistan and North Korea.

The NPT defines China, France, Russia, UK and US (the P5) as Nuclear weapon states. Article IX.3 says “*For the purposes of this Treaty a nuclear weapon state is one which has manufactured and exploded a nuclear weapon or other nuclear explosive prior to 1 Jan 1967.*” The UK government argues that this clause allows the P5 to have nuclear weapons. Article IX.3 does not say that these states are legally entitled to possess these weapons. In fact, under Article VI we are committed to pursuing negotiations to get rid of them. Article IX.3 is merely a definition, not a justification.

The Foreign Office has frequently stated that the ultimate aim of the British Government is the global elimination of nuclear weapons. However, the British Government, far from honouring our commitment under Article VI of the NPT, is modernising our nuclear arsenal. Shortly before the summer recess a senior defence official informed the arms industry of the government’s plans to spend £3 billion to replace our 160 nuclear warheads. Parliament has not been consulted on this matter.

Unless there is a genuine movement by the P5 to “pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament” (Article VI of NPT) the NPT is in danger of collapse. The NPT is a disarmament treaty. The non-nuclear powers agreed not to get nuclear weapons in return for the nuclear powers negotiating to get rid of theirs (Article II of NPT). If we replace Trident we commit ourselves to keeping nuclear weapons for another 50 years. It is hypocrisy to expect the non-nuclear powers to keep their side of the bargain, not to get nuclear weapons, if we are not negotiating for nuclear disarmament.

The UK could show real leadership in foreign policy at the NPT Review in 2010 by promoting a Nuclear Weapons Convention for the abolition of nuclear weapons. A draft treaty to this effect has already been tabled at the United Nations.

The agreement to site US missile defence interceptors in Poland has produced a predictably dangerous response from Russia.

The UK should refuse to allow the US to use the Yorkshire bases of Fylingdales and Menwith Hill for the US missile defence system, which is leading to a new arms race.

9 September 2008

Submission from Jim McCluskey, Ministry for Peace movement, National Co-ordinating Committee

Submitting Organisation: The Ministry for Peace is a voluntary citizens' organisation that works towards enhancing a culture of peace both outside government and within it. We pursue this goal by seeking to raise awareness of peaceful non-violent solutions to problems and conflicts, and by advocating a peace-oriented approach to social and cultural affairs.

INTRODUCTION

1. In our view the question of non-proliferation is bound up with issues of security, the arms trade, international law, and democratic accountability, hence the subheadings below.

THE ARMS TRADE

2. We would like to start by welcoming the Foreign Secretary's recent statements regarding the need for an Arms Control Treaty. Such a Treaty could, if adequately structured and honoured, become a useful step towards a more secure world. We also welcome renouncement of cluster bombs and fully support the movement towards the banning of depleted uranium weapons. Such measures are also useful steps towards greater security and indirectly enhance the goal of non-proliferation by reducing the atmosphere of threat and tension in international affairs.

3. We note that in 2007 the UK exported more arms than any other nation, largely due to the Al Yamama contract. The alleged corrupt practices involved in this deal is, in itself, ample proof of the need for much better control over the arms trade. In the average year the UK is among the five largest exporters of arms. We consider this a shaming fact that works towards a more violent world and we note that in modern armed conflict the large majority of victims are innocent civilians and a large proportion of these civilians are children and women.

4. We reject the argument that the UK arms export industry is justified by the number of jobs created. At a time when there is an urgent need to develop alternative energy sources and work on means of tackling Global Warming there is an overwhelming case for diverting destructive jobs in the arms industry to creative ones in the burgeoning new tasks arising from these areas of activity. These points are cogently argued in the Report "*Making Arms, Wasting Skills*" by Steven Schofield.

We welcome the announcement of the extension of controls to cover brokering of small arms by British citizens overseas (Cm 7291, p36).

We urge that the government continue its work towards an internationally agreed and enforced Arms Trade Treaty.

SECURITY

5. In the National Security Strategy as described in Cabinet Office Paper Cm. 7291 there appears to be a fundamental misconception of what constitutes security.

There is no weapon in existence that can incinerate most of the human race in an hour except nuclear weapons. There are 27,000 of these weapons. It is estimated that about 5,000 are held in a state of high alert. This means that they can be sent on their way in about 15 minutes after the order is given. The missiles carrying the weapons can travel at 15,000 miles per hour, in other words they can travel 1,000 miles in four minutes. The leader of a nuclear state has therefore, almost no time to decide whether to order a retaliatory launch after the Chiefs of Staff have informed him that the country is under attack; the decision of the Chiefs of Staff have necessarily been based on fallible electronic information.

6. In view of the above, the statement in the Cabinet Office Paper that "...we are more secure than at most times in our history" (p10) is simply amazing. President Kennedy stated that the chances of global nuclear war breaking out in 1962, during the Cuban crisis, were between one in three and fifty/fifty. We are arguably less secure than we were then, since there are now eight nuclear weapons states rather than two.

There are also the huge risks of nuclear proliferation, nuclear accidents, and a nuclear launch due to a misunderstanding (there have already been terrifying near-misses).

There can be no true security or peace in the world while there are nuclear weapons, nor can the drive to stop proliferation be successful if the nuclear states insist on retaining their stockpiles.

It is our view that security is best achieved by establishing amicable relationship with other states and dissociating ourselves from the policy of those who take a primarily militaristic approach to foreign affairs.

INTERNATIONAL TREATIES REGARDING NUCLEAR WEAPONS

7. We fully support the Nuclear Non-Proliferation Treaty, the full amPLICATION of the Comprehensive Test Ban Treaty including completion of its verification system, and the development of a treaty to control and phase out weapons-grade fissile materials (Fissile Material Cut-off Treaty).

We consider that the government has failed to honour the terms of the Nuclear Non-Proliferation Treaty which states that "*There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects...*" This government failure seems to be confirmed by the statement in the strategy document that "... we cannot rule out a nuclear threat to the United Kingdom re-emerging over the next 50 years" (P31), implying a further 50 years of nuclear tension and threat for UK citizens.

8. We also take the view that the expenditure at Aldermaston on facilities for the electronic testing of nuclear weapons and components is against the spirit of the nuclear Test Ban Treaty and all such activities can only contribute to the tendencies towards greater proliferation.

However we welcome the government's offers to host a technical conference for the 5 NPT Nuclear Weapons States on the verification of nuclear disarmament.

We recommend that the government should increase its efforts to rid the world of nuclear weapons and in particular we ask that the government support the Nuclear Weapons Convention which is now lodged with the United Nations.

NUCLEAR WEAPONS PROLIFERATION

9. The key to preventing nuclear weapons proliferation is an enforced world-wide ban on nuclear weapons. Any other approach will inevitably cause conflict which could lead to escalating violence as is currently threatened between America/Israel and Iran, and has recently been threatened between India and Pakistan.

10. We fully support the following statement made by Margaret Beckett, when addressing American leaders in Washington, on 25th June, 2007, when UK Foreign Secretary

"Mine, like yours, is a generation that has existed under the shadow of the bomb—knowing that weapons existed which could bring an end to humanity itself. We have become almost accustomed to that steady underlying dread, punctuated by the sharper fear of each new nuclear crisis: Cuba in 1962, the Able Archer scare of 1983, the stand-off between India and Pakistan in 2002."

"But there is a danger in familiarity with something so terrible. If we allow our efforts on disarmament to slacken, if we allow ourselves to take the non-proliferation consensus for granted, the nuclear shadow that hangs over us will lengthen and it will deepen. And it may, one day, blot out the light for good."—www.britainusa.com/sections/articles_show_nt1.asp?d=9&i=41020&L1=0&L2=0&a=46665

The underlying dread is still there and the threat is worsening since, partly due to the nuclear posture of the original nuclear states including the UK, proliferation continues.

11. The National Security Strategy Paper (NSSP) states "*Our approach to proliferation reflects our commitment to act early to reduce future threats*" (p29). We trust that this does not imply the use of pre-emptive strikes against sovereign states which we consider counter-productive. It also states that part of the government approach to proliferation is to "*Dissuade states from acquiring, developing, and contributing to the spread of WMD, and related materials and expertise*". With respect to nuclear weapons we consider that this is unrealistic without disposing of our own nuclear arsenal.

12. We consider that the government is wrong to welcome US plans to place further missile defence assets in Europe (p44) since this will only increase the likelihood of nuclear standoffs as will the further extension of NATO in Eastern Europe.

We consider that the stopping of nuclear weapons proliferation can only be achieved by nuclear weapons countries disposing of their own arsenals.

TERRORISM

13. We hold the view that terrorism in the UK is primarily a matter for the police and the intelligence community. We welcome the integration of the government's counter-terrorism approach with the establishment of the Joint Terrorism Analysis Centre, the Multi-departmental Research, Information and Communications Unit, and the cross-government Office for Security and Counter-Terrorism.

14. We believe that a major contributor to the prevention of terrorist activity in the UK is the establishment of good relations with the Muslim community. We note that £2.5 billion pounds of tax-payers wealth is currently spent on counter-terrorism and intelligence and that this is to rise to £3.5 billion by 2011 (p27). We urge that a significant proportion of this expenditure is dedicated to improving relations with, and helping to integrate, the Muslim community.

We further recommend that a substantial proportion of defence expenditure be focussed on increasing the intrapersonal and interpersonal skills of all military personnel to increase effectiveness in winning hearts and minds, including violence prevention, conflict management, community building, and humanitarian professionalism such as rescue and infrastructure restoration.

15. The *Security Strategy Paper* claims that the only threat the UK faces at the present time is the terrorist threat. This being the case the massive expenditure of the citizens money by this government seems wildly out of proportion. The paper mentions a new generation of Typhoon fast jets at £50 million each and the new Type 45 destroyers at £1 billion (p46) each. We can add to this an estimated total cost for replacing the Trident fleet of nuclear submarines of £70 billion, the new Armed Forces Academy planned in South Wales at £14 billion, two new aircraft carriers with their support vessels and aircraft add many more billions, and so on. All this vast expenditure on weapons of war can only increase pressure for proliferation in countries that feel threatened. And all this is in the face of the fact that the worst recent terrorist attack on the UK mainland resulted in the death of 52 people.

16. Clearly the existence of our nuclear arsenal and much of our huge expenditure on armaments, which contribute to the tendency towards proliferation, are not relevant to the elimination of terrorism.

We recommend that the government considers diverting some of its expenditure on “The War On Terror” and re-scheduling it to building alternative energy facilities in addition to the other recommendations in Para. 14 above.

THE CITIZENS OF THE UNITED KINGDOM

17. We note that nowhere in the *National Security Strategy Paper* is there any mention of eliciting the views of the citizens of the UK regarding what measures they want taken to protect *their* security with respect to the threat of nuclear weapons proliferation. Nor does there appear to be any plan put forward for an ongoing dialogue with the citizenry and NGOs—nor does there appear to be any plan to discover whether or not the population of the UK wants our nuclear arsenals to be retained. We consider these grave omissions.

18. The citizens of the world do not want nuclear weapons. Of the 192 states of the United Nations only eight have developed nuclear weapons. The remaining 184 states are put at risk by the eight who have them. Of the eight states that have developed these weapons, in no case has the populations of those states been asked if they want them.

We recommend that the National Security Strategy be worked out in consultation with the citizens of the Nation.

22 September 2008

Submission from MEDACT

1. MEDACT is a UK charity of health professionals concerned with the health effects of nuclear weapons, conflict, poverty and the environment. It is the UK affiliate of International Physicians for the Prevention of Nuclear War (IPPNW: Nobel Peace Prize 1985). Medact has a history of advocating against nuclear weapons on the basis of their devastating consequences for health and well-being, and the threat they pose to world peace.

2. The British Government’s non-proliferation approach, as set out in the National Security Strategy 2008 (NSS).

2.1 We commend the British government for its stated commitment to supporting the NPT, pressing for early entry into force of the CTBT, seeking agreement to start negotiations for an FMCT, and for leading the international technical research into the verification of nuclear disarmament.

2.2 The NSS opposes all proliferation; however it is difficult to argue that Britain is committed to non-proliferation when it is renewing the Trident Missile System. If nuclear weapons are promoted as being important to our security, it is very hard to argue that others should not seek to obtain them, particularly when Britain is perceived as not taking steps towards serious nuclear disarmament itself.

2.3 The marked deterioration in relations between Russia and the US, combined with their continued reliance upon high-alert launch-ready postures for one third of their strategic nuclear arsenals, does nothing to improve the odds of avoiding an accidental nuclear exchange (as the numbers of incidents over the past 30 years have demonstrated).

Given the decreasing stability, increasing acrimony and distrust of that relationship, the need to institute measures to avoid catastrophic misunderstanding is greater than ever. The unwillingness of some NWS to admit that they maintain their nuclear weapons on high alert status does little to decrease the current levels of mistrust.

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- 2.4 The urgency of taking real steps towards the implementation by NWS of Article VI obligations, and of sending a strong signal that it is being implemented is greater than ever.
- 3.0 The effectiveness of the current rules-based international system in curbing current weapons proliferation.
- 3.1 The rules-based system for the control of nuclear weapons proliferation is under severe strain. The nuclear weapon states are turning once again to nuclear arms—finding new targets, framing new policies and strategies, and building new weapons and delivery systems.
 - 3.2 The United States has withdrawn from disarmament treaties and adopted the policies and rhetoric of pre-emptive use of military force, including nuclear weapons. The NPT, which is the cornerstone of global security, is severely threatened. The non-signatories India, Pakistan and Israel are *de facto* nuclear weapon states. North Korea has withdrawn from the Treaty and has developed nuclear capability. In an increasingly anarchic nuclear-armed world, other states are developing civil nuclear power programmes with the potential of developing nuclear weapons capability. The recent decision of the Nuclear Suppliers Group to grant India exemption from NSG rules and receive nuclear fuel and technology from the US—even though it is not a signatory to the NPT and refuses to allow IAEA inspections—signals to other countries that there are advantages in not being a member of the NPT.
 - 3.3 Additionally, and as raised in the NSS, there is the possibility of nuclear weapons, related materials and technology being acquired by terrorists and the dangers of nuclear terrorism.
- 4.0 The potential merit of forthcoming diplomatic initiatives on non-proliferation, for instance the 2010 NPT Review Conference.
- 4.1 Recent signs of a shift in thinking among past and present leaders have generated guarded optimism about the elimination of nuclear weapons. In January 2007, US “cold warriors” Henry Kissinger, George Schultz, William Perry and Sam Nunn called for a world free of nuclear weapons.
 - 4.2 In June 2007, our former Foreign Secretary, Margaret Beckett, challenged the nuclear paradigm and also called for a world free of nuclear weapons. A few weeks ago, the Australian Prime Minister, Kevin Rudd, echoed the same sentiments and committed Australia to creative middle power diplomacy by appointing an International Commission on Nuclear Non-Proliferation and Disarmament. In the United States, both presidential candidates—Senators Barack Obama and John McCain—have expressed support for further disarmament and the elimination of nuclear weapons.
 - 4.3 On June 30th 2008 Hurd, Owen, Rifkind and Robertson published a letter in *The Times* advocating for a dramatic reduction in nuclear weapons and calling for support of the campaign in the US for a non-nuclear world. Of the nuclear weapon states, China supports the commencement of negotiations leading to a Nuclear Weapons Convention.
 - 4.4 At the 2000 review conference of the Nuclear NPT, Malaysia and Costa Rica introduced a working paper calling for the implementation of NPT obligations through the commencement of negotiations, culminating in a Nuclear Weapons Convention. In December 2007, the same two countries submitted an updated version of the 1997 Model Nuclear Weapons Convention, which has since been adopted as an official document of the United Nations (UN Doc A/62/650).
 - 4.5 A resolution on “*Operational Readiness of Nuclear Weapons*” is being presented to First Committee of UNGA by Chile, Malaysia, New Zealand, Nigeria, Sweden and Switzerland.
 - 4.6 The European Parliament Foreign Affairs Committee is proposing to submit a recommendation to the EU Council of Ministers on the future of the NPT.
- 5.0 The role of arms control and disarmament, including nuclear disarmament, in non-proliferation efforts.
- 5.1 Given the political dynamics of the NPT, it can be argued that a focus on negotiating a Nuclear Weapons Convention would strengthen compliance with all NPT obligations, including Article VI. The Model Nuclear Weapons Convention includes specific disarmament steps agreed in the final documents of the NPT Review Conferences in 1995 and 2000, and expands on additional elements, such as a verification regime, that would be required to achieve and maintain a nuclear-weapon-free world.
 - 5.2 Such negotiations would require unequivocal political commitment and investment of resources for engendering trust, transforming political mindsets, and developing mechanisms, procedures and regimes for nuclear abolition. Some argue that NWS might not be prepared to join such negotiations and that negotiations would have little value unless all NWS participated. But there are a range of scenarios which could pave the way.
 - 5.3 Firstly, some NWS might be prepared to participate, while reducing their reliance on nuclear weapons at the same time and achieving security through other means. North Korea would be an example. Other NWS might agree to join negotiations on the understanding that the final treaty would not enter into force unless ratified by all the NWS. China, India and Pakistan could take such a position.

- 5.4 Secondly, the commencement of negotiations would stimulate the development of some of the measures required for the implementation of a Nuclear Weapons Convention, such as compliance and verification. This happened with negotiations for a Comprehensive Test Ban Treaty, when the development of a global monitoring and verification system helped build confidence in a verifiable CTBT.
- 5.5 Thirdly, the commencement of negotiations would strengthen the global norm against nuclear weapons, highlight their illegality under international humanitarian law, and put considerable pressure on the NWS to join. Under the Ottawa process, the actual commencement of negotiations on banning landmines created sufficient momentum and pressure on a number of governments to abandon their possession of landmines and sign the Landmine Ban Treaty. This was also true of the Oslo process which initiated negotiations on a cluster munitions treaty.

6. Recommendations

- 6.1 Britain should cooperate in a series of preparatory meetings with other like-minded governments, such as Australia and the New Agenda Coalition countries. These meetings would provide a forum for examining the political, legal, technical and institutional requirements for abolition, and could lead to wider multilateral negotiations, culminating in a framework of agreements that would make up a Nuclear Weapons Convention.
- 6.2 Britain should support the Resolution on "*Operational Readiness of Nuclear Weapons*" being submitted to the First Committee of UNGA by Chile, Malaysia, Nigeria, Norway, Sweden and Switzerland.
- 6.3 Britain should vigorously oppose the decision of the Nuclear Suppliers Group to exempt India from its guidelines and allow the US to supply India with nuclear fuel and nuclear technology—even though India is not a signatory of the NPT and has not agreed to permit IAEA inspections.
- 6.4 Britain should take a decisive step to realising its obligations under Article VI by reversing its decision to renew the Trident Nuclear Weapons System.
- 6.5 If Britain is serious about the NPT, we should be making an 80% rather than a 20% reduction in the number of warheads, and be working towards the reduction of ballistic missiles.

24 September 2008

Submission from Mr Lee Bruce and Dr Robert Crowcroft

Mr Bruce is an expert on political negotiations, defence and military strategy having completed a research thesis at the University of Leeds on British policy in Northern Ireland. Dr Crowcroft is an expert on British political parties and transatlantic security. He recently received a doctorate from the University of Leeds on British politics and statesmanship during the Second World War. He has published articles in learned journals.

SUMMARY

- The possibility of achieving international agreement as a means to successfully counter the proliferation of dangerous materials and ballistic missile technology is limited. Only export controls negotiated between a small number of countries are likely to be effective, and even then only in the short term. Wider ranging agreement is impractical and the UK Government should focus its efforts in alternative directions.
- Proliferation is inevitable, and consequently a much tougher foreign policy stance should be adopted by the UK and its partners. Negotiation with proliferators is unlikely to produce long-term success. Some states and certain non-state actors are committed to the overthrow of the present international system, and consequently cannot be bought off. The UK should lead the way in arguing the case for a firmer line on combating this threat. There is a serious danger that controversies over the 2003 invasion of Iraq risk obscuring the merits of that approach as a means to enhance security.
- The UK Government should question the precise value of arms control treaties and disarmament. Adversarial regimes are almost certain to ignore them, while benevolent states such as the UK are not aggressive anyway. The historical precedents for seeking successful dialogue on these issues are not encouraging, and it is difficult to see how this will change.
- Rather than attempting to establish international frameworks that are likely to be ineffective, the UK and its partners should take vigorous action against individual proliferators on a case-by-case basis. This should involve more extensive sanctions and the setting out of clear military "red lines". Given the gravity of the threat, the UK and its allies should be more willing to take military action on this issue than they seem at present.

THE MERIT OF DIPLOMATIC INITIATIVES IN COMBATING PROLIFERATION

1. The UK Government must adopt a hard-headed view of the feasibility of impeding the proliferation of weapons of mass destruction (WMD) and ballistic missiles technology. Proliferation is unfortunately inevitable and thus it must be questioned as to how useful future diplomatic initiatives to address this threat are likely to be. Furthermore it must be doubted whether certain polities and non-state actors are likely to be restrained by such initiatives.

2. This is not to rule out the potential value of export controls and similar measures intended to restrict the follow of certain targeted materials to “rogue” regimes and other proliferators. For instance the 2003 Proliferation Security Initiative, making provision for the interdiction of WMD and delivery systems, is worthwhile, as is the April 2004 United Nations Security Council Resolution 1540, placing obligations on states to physically control WMD-related materials. Yet while the international mechanisms for conducting this should be strengthened, a great deal of scepticism is warranted as to the possibility of success. It is almost inevitable that given time a sufficiently determined regime will be able to acquire specific materials via illicit trade. And the feasibilities of international consensus are too remote to warrant optimism. Advanced states such as Russia, China and Pakistan, for instance, will prove particularly difficult to tie into international diplomatic efforts on a consistent basis. Moreover, none of this takes into account the fact that nations might seek to supply Islamic extremist groups with WMD capabilities. In a sense, within many countries, WMD and ballistic missiles will be pursued for reasons that cannot be easily signed away—or owned up to—in a treaty.

3. The idea of successfully linking UK foreign policy on proliferation to international mechanisms is therefore implausible. Diplomatic initiatives to construct anti-proliferation frameworks are likely to prove a failure in an international community of 195 states due to the sheer impossibility of a workable agreement. The practicalities of agreeing materials to be controlled, ways to monitor them and methods of punishing proliferators are too difficult for the international community to reach a consensus on. Even states such as Britain, France and Germany would have difficulty agreeing on a framework for non-proliferation, as events of recent years have demonstrated. Nation states have different interests. The notion that proliferation should be countered is not enough in itself; agreement is also necessary on precisely *how* to counter it. The ineffective attempts over the last five years by the European Union to deal with Iran’s nuclear programme have demonstrated that if no red lines are clearly laid out the endeavour will simply lead to a weakened geopolitical position, as well as increased demands by proliferators. Diplomacy cannot be, and is not, an end in itself. Bilateral agreements, or arrangements between a small number of countries, may be useful, but larger agreements are problematic and if enforcement mechanisms are not clear the potential for disagreement means the arrangements will likely prove useless when violation occurs.

ARMS CONTROL IN THEORY AND PRACTICE

4. Arms control and disarmament have historically been unproductive in their objectives of preventing proliferation, in improving the stability of the international environment, and modifying the behaviour of other states. Arms treaties do not work if one of the signatories is a rogue state, ie the type of regime that anti-proliferation efforts are directed against. Entering into negotiations with such actors is likely to prove dangerous. The value of any agreements reached with regimes of this sort is questionable due to the innate character of that regime. The fact is that authoritarian states cheat. Peaceful states on the other hand do not act aggressively because of the fundamental nature of their polity, regardless of their military-industrial power. Frequently, debate over arms control becomes trapped in technical details, while the soundness of the notion itself escapes attention. In a sense, the question that must be asked is precisely what can a treaty achieve?

5. The basic logic of arms control is that states enter into agreement, on either a bilateral or multilateral basis, in order to co-operate, even if they are enemies, because of the awful damage to their nation and interests that might occur should conflict erupt. But is it tenable to see the above logic being applicable to cases such as Iran, North Korea, Libya, Syria, Pakistan and potentially Saudi Arabia? Why would states such as Iran and Syria be sufficiently anxious of the “awful damage” that might occur through usage of certain weapons, particularly nuclear forces, when they are faced with powerful adversaries that, in their view, threaten their security? The imperative acting upon Iran and others is therefore to seek to develop the weapons themselves. The logical direction of current international trends is towards a more heavily nuclearised world.

6. We must be careful not to confuse the *act* of diplomacy, ie negotiating with states, for actual progress in the *art* of diplomacy, ie concrete achievements. The reality is that proliferators are simply not likely to respond to calls for reasonableness. The sooner the UK absorbs this and impresses it upon its allies the better.

7. The key issue in international relations is not armaments but the motives of those who seek to possess them. As Professor Colin Gray has noted, “arms control theory postulates a cause-and-effect nexus between armaments and conflicts that does not stand up well under either historical inquiry or theoretical challenge”.³ Lethal instruments only become so in the hands of those inclined to use them. The Nuclear Non-Proliferation Treaty and similar initiatives represent an inconvenience and nothing more for those determined to acquire WMD and ballistic missile technology.

³ Colin Gray, “Arms Control Does Not Control Arms”, in Gray, *Strategy and History* (London, 2006), p. 121.

8. Arms control has little precedent for success. The most striking example is, of course, post-1987 US-Soviet relations—but this occurred only *after* the Reagan administration had “won” the Cold War and forced changes in Soviet behaviour through a strategy of pressure not accommodation; arms control agreements became something to be sought only after the political paradigm was changed. Once it had been, for some years it seemed that almost any measure of arms control seemed possible (and much good work was achieved as a result). But it is difficult to see how this could be replicated with, for instance, Iran. Beyond the Reagan-Bush era successful examples are few. Even the relative successes of the 1920s were easily reversed—and the fallacies underpinning them brutally exposed—in the 1930s. Moreover, the treaties that *were* made in the thirties—for instance the Anglo-German naval agreement of 1935—did nothing to prevent Europe’s slide into war. As Gray argued, “Arms control glitters attractively only when its ideas are viewed in isolation as ideas. Adhering generally to pleasing concepts, spokesmen for arms control have not had to suffer a rigorous audit or to contend with fundamental theoretical challenges”.⁴

9. Arms treaties are therefore only useful if negotiated from a position of strength and as a means to specific foreign policy goals. The initiatives taken by the Reagan administration, particularly the 1987 Intermediate Range Nuclear Forces Treaty, as a means of managing the ongoing collapse of the USSR in the late 1980s and guiding it to a “soft-landing” are one isolated example of the utility of armament-centred diplomacy. Such treaties are dangerous, however, if negotiated from a position of weakness. For instance, the SALT process of the 1970s begun by the Nixon Administration helped the Soviet Union avoid expending resources it could not afford, thus considerably strengthening the USSR. The pre-eminent historical lesson of arms control treaties is that they allowed the lifespan of the Soviet empire to be prolonged. They also permitted the USSR to divert resources elsewhere, principally to sponsoring Communist forces across the globe. The treaties did not secure any significant change in Soviet behaviour. Moreover, the 1972 Anti-Ballistic Missile Treaty had virtually no impact on the rise of strategic offensive weapons, while the rather more modest content of arms talks between 1983–90—relating principally to theatre deployment and command-and-control arrangements for nuclear arms rather than reductions in numbers—achieved far greater success in the way of verifiable results than earlier efforts to address the overall size of arsenals. It only became possible to properly address the number of nuclear weapons once the USSR had yielded and it broke up post-1991. In the same vein, North Korea extorted concessions from the Clinton administration and still built nuclear weaponry despite a number of “agreed frameworks”; prior to 2003, Iraq used these tactics effectively while Iran and Syria are replicating this at present. On the other hand, Libya gave up its WMD programme because of fear of US power, not because of the “awful damage” that spiralling possession of WMD could bring about.

10. It might be thought offensive to question the idea of arms control, but that should not deter analysis of what it can actually achieve. Would-be controllers need to bear in mind that arms control agreements have *never* successfully shaped the political dynamic between governments. Hoping that a nebulous agreement will reshape antagonistic relations for the better is naïve.

IMPLICATIONS AND RECOMMENDATIONS

11. The UK Government should not expend diplomatic energy on arms control agreements as a strategy for countering proliferation. Such treaties will embolden recalcitrant actors and tie the hands of the UK and its partners. A tougher approach to foreign policy is more likely to achieve results than consensus-dependent international arrangements. As noted earlier, proliferation is inevitable. In this respect the effort to stop it is doomed to long-term failure. However, two points flow from this: firstly, that it can be *slowed* through the robust application of economic and diplomatic pressure—if this is likely to be effective—and the employment of military power where necessary. Secondly, that it should be *countered* through the build-up of military strength sufficient to defend the UK and its partners, deter an adversary or prevail should war come.

12. In this respect, the rationale for the invasion of Iraq was strategically sound, and the model could be duplicated as a basis for action elsewhere. The international community faces a series of challenges from proliferators and those attempting to acquire weapons of mass destruction and ballistic missiles. Efforts to counter this should not centre upon offering incentives for non-proliferation, currently being tried with no success in Iran, but instead upon the application of pressure sufficient to persuade proliferators to desist. For instance, far more aggressive pursuit than is undertaken at present of those countries’ financial portfolios abroad would be one worthwhile measure. So too would stringent economic sanctions and political isolation. Military action, escalating from blockades to targeted air strikes to regime-change interventions should also be policy options clearly “on the table”. Red lines must be marked out, the crossing of which entail serious consequences. Signalling weakness to proliferators, as UK Government policy has done since 2003, is a fatal error; more positive results would flow from an alternative stance.

13. The UK should work with its partners, particularly the US, to achieve this. The EU and its other member states should only be co-operated with on this issue where those countries take a stand sufficiently firm to be compatible with UK national interests, which, to date, they have not. French attempts to mend fences with the Saddam Hussein regime from 1991–2003, and the weak response to Iranian belligerence, are

⁴ Gray, p. 125.

not encouraging precedents. Given the inevitability of proliferation, it is probable that the UK will face attack from WMD and ballistic missiles. The UK must not compromise its foreign policy for fear of breaking with EU partners who favour “mediation” to firm action.

THE POSSIBILITY OF DISARMAMENT

14. The strategic errors in the case mounted by proponents of disarmament are replete. For instance, the authors of one recent publication by the International Institute for Strategic Studies asserted that it is illegitimate to use concerns over the strategic intentions of adversarial states as a reason to avoid disarmament, while arguing that “the size, roles and political-strategic significance” of US and Russian nuclear arsenals should be reduced.⁵ How security is thought attainable minus the traditional constituents of power is unclear, while judgments about the intentions and capabilities of other states represent the fundamental starting-point of external policy since the time of Thucydides. Moreover, considering the success of the size of the US and Russian arsenals in preserving international peace, the value of such a reduction is debatable. The advocates of disarmament outline no alternative authority that can plausibly assume responsibility for providing states with their security, nor explain precisely why states should give up the right to take their own decisions to a nebulous body. Finally, the proponents of disarmament demand robust enforcement mechanisms but seek to deprive the UK and its partners of the means to defend global security. A world without nuclear weapons in the hands of the UK, US and other unofficial guarantors of security is an unsafe world.

15. In addition, there is a risk in constructing an elaborate international framework that would entail stigmatising nuclear weaponry when it might feasibly become necessary to use nuclear forces to attack Hard and Deeply Buried Targets (HDBT)—such as bunkers containing weapons, laboratories, assembly facilities and C³—resistant to conventional attack. This is a real possibility, as recognised in both the 2001 US Nuclear Posture Review (NPR) and subsequent, if vague, comment by the UK Government. The US believes there to be 10,000 HDBTs worldwide. Conventional weapons may lack the destructive capability necessary for attacks on such locations and stigmatising nuclear weaponry without an understanding of how foreign policy would operate in practice without them is dangerous.

16. Disarmament advocates ignore the fact that the type of states that pose the biggest risk are not likely to be responsive to the type of solutions that they outline. The UK has less than 200 operationally available warheads and the December 2006 White Paper announced a further twenty per cent reduction. This is quite sufficient as a measure of disarmament. It may be enticing to seize the moral high ground with the argument that UK disarmament could set an example for others, but this is not borne out by the historical record or the probable reactions of others. States will make security decisions based upon their own perceived needs. Advocates of this position have yet to demonstrate that UK disarmament would influence others.

CONCLUSION

17. The UK Government should base a key part of its foreign policy around combating the problem of proliferation. Paradoxically, however, this must include acceptance of the fact that proliferation is inevitable and a robust foreign policy posture consequently necessary. The UK should take the lead in forging consensus for such a posture with its partners. The feasibility of constructing effective arrangements between the international community is limited and likely to prove unworkable, as well as providing proliferators with the scope to exploit divisions, avoid punishment and play for time—precisely as Iran has done since 2004. Moreover, non-adversarial actors such as Taiwan, South Korea and Japan could also enter a race for nuclear weaponry. The Government should recognise this and shift its efforts accordingly.

18. Moreover, the utility of arms control treaties has historically been questionable. The same is true of disarmament. The very fact that proliferators are willing to defy the international community suggests that attempts to conciliate them will fail. The current preference in European foreign policy circles for a role as “mediator” should not divert UK policy from the necessity of demanding concrete results from its diplomacy. The utility of this as a foreign policy strategy should thus be seriously questioned. A tougher approach to those proliferating WMD and missile technology could be adopted, including much firmer economic, political and military sanctions. The controversy over Iraq should not deter the UK and its allies from using decisive force where necessary to remove threats.

25 September 2008

⁵ G. Perkovich and J. M. Acton, *Abolishing Nuclear Weapons* (London 2008), pp. 113–5.

Letter from B.B. Boshell

GLOBAL SECURITY: NON PROLIFERATION

In connection with the above inquiry I have studied the terms of reference and would like to submit the following points:

- I consider the Non Proliferation Treaty to have been largely effective in preventing the spread of nuclear weapons to other countries. It is acknowledged that not all nuclear states are signatories.
- It is disappointing that the P5 states have not honoured their commitments under Article 6 of the NPT. In fact, they are modernising their nuclear arsenals.
- Unless there is genuine movement on the part of the P5 states the NPT is in danger of collapse.
- Here is a chance for the UK to take a world lead in honouring its commitments under Article 6 by abandoning its plans to renew the Trident submarine system.
- The agreement to site US missile defence interceptors in Poland, and possibly the Czech Republic, has produced a predictably dangerous response from Russia.
- The UK should refuse the US government the use of the Yorkshire bases Fylingdales and Menwith Hill for the missile defence system. This will exacerbate the arms race which seems apparent.

Thanking you, in advance, for your attention to these matters

30 August 2008

Submission from Barbara Pope

Any discussion leading to agreements in the control and eventual prevention of weapons proliferation must surely begin with the necessity of established legal measures levied by an independent world court to bring to task Governments such as George Bush's and Tony Blair's who, by their arrogance and subsequent illegal actions, have caused the deaths of millions of people, not to mention the disruption of so many lives. They need to face a court and its consequences, as did Saddam Hussein, who was supported by the west for so long!

The political hypocrisy, so prevalent during present times, destroys the veracity of the NPT, as western actions have threatened the security and trust in so many other parts of the world. Can one blame others for feeling a dire need to protect themselves?

Actions such as the plans to renew Trident laugh in the face of any NPT, particularly Article 6. They hyperbolic semantics used eg missile *defence* interceptors facing Russia, adds to the already prevalent weight of distrust of the west throughout the rest of the world.

The so called US missile defence system for which the British Government has allowed the use of Fylingdales and Menwith Hill is, of course, leading to a new arms race. What a mess the west has made of a treaty which, had it been honoured, could have done much to bolster peace in the world, and what a catalogue of failure and mistrust the people have witnessed.

Incidentally—why twelve men and only two women on your committee?

19 September 2008

Letter from John Meager

I wish to submit some views on the matter of global Security and Nuclear Non-Proliferation for the FAC inquiry. The NPT has long been praised for its effect in restricting nuclear proliferation, but there is a real need for it to receive real support from its signatories. To this end, there is much the British government (of whatever party) can do.

First, there is the contradiction between supporting the Treaty and modernising our own nuclear arsenal. The commitment to disarmament is clear in Article 6. The other nuclear weapons states are in the same position. There will be few better opportunities to remove the possibility of nuclear tension and to extend a friendlier hand to Russia (than we seem to wish to do) than to continue nuclear "run down" and decommissioning. They need what expertise we have on that.

Second, this would involve a serious reconsideration of the posture taken towards Russia, not merely over Georgia, but also with respect to the “missile shield” arrangements in Poland and the Czech Republic and to the use of the so-called RAF stations at Menwith Hill and Fylingdales.

Third, this contradiction leaves us wide open to exploitation by North Korea and Iran. Their governments are making the most of it, having a field day laughing, primarily at Washington but by association with the rest of us drawn along on US coat-tails.

The NPT must be strengthened and observed both to the spirit and letter by its signatories. Otherwise, dodgy regimes can ridicule it and become much harder to “muscle” back into line.

25 September 2008

Submission from Mrs K Ruskin

The Non-Proliferation Treaty (NPT) has not been effective in preventing the spread of nuclear weapons. This is because the nuclear weapons states have failed to pursue negotiations to bring about nuclear disarmament and a treaty on general and complete disarmament. At the same time they have ignored the development of nuclear weapons by non-nuclear states and sometimes even encouraged it—notably by India, Pakistan and Israel.

The United States, in particular, turns a blind eye to states which it regards as its allies and which have developed nuclear weapons since the signing of the NPT. Furthermore, it failed to pressurize these states to become signatories of the NPT. In contrast, together with the European Union and the UK, the US is exerting its diplomatic and economic power to force Iran—a signatory to the NPT—to stop enrichment of uranium. Iran is legally entitled to develop a civil nuclear industry and the IAEA has no evidence to support the US contention that Iran intends to develop nuclear weapons. At the same time no pressure is being brought upon Israel to sign the NPT and relinquish its nuclear arsenal. Israel is the greatest threat to peace in the Middle East and it is not beyond the bounds of possibility that its repeated aggressions could lead the world into a nuclear war.

The biased approach of the western powers is the reason why the NPT has failed to achieve its ultimate objectives—the abolition of nuclear weapons worldwide and general and complete disarmament. It is to be hoped that your Committee will use its influence to encourage the UK Government and, through it, the other nuclear states to enter into meaningful negotiations to secure the aims of the NPT.

24 September 2008

Submission from the United Nations Association of the United Kingdom (UNA-UK)

1. UNA-UK is the UK’s leading independent policy authority on the UN and a UK-wide membership organisation, supporting the work of the UN and its agencies. We campaign for a strong, credible and effective UN, promoting the principles of multilateralism and adherence to international law contained in the UN Charter. UNA-UK is independent of the UN system and receives no funding from it, allowing us to be critical of the UN’s decisions and activities when we need to be and enabling us to call for the organisation to be reformed so that it is better equipped to fulfil its fundamental functions.

2. UNA-UK is non-party political. Our head office in London provides policy expertise to support the advocacy work of UNA-UK members. It maintains an ongoing dialogue with UK government ministers, parliamentarians and the media on issues relating to the UN and acts as the Secretariat to the All-Party Parliamentary Group on the UN.

3. At its 2008 Annual Conference in Exeter on 28–30 March, UNA-UK unanimously endorsed a resolution on nuclear disarmament and non-proliferation, the key elements of which were:

- to seek through the Security Council the development of a nuclear-weapons convention as outlined in the 13 point plan of the 2000 NPT Review Conference with the aim of securing immediate restraint and eventually general and complete disarmament; and
- to give strong support to the Reykjavik initiative aimed at achieving progress towards a world free from nuclear weapons, and urgently needed efforts to strengthen the nuclear non-proliferation regime at the 2010 NPT Review Conference.

UN'S ROLE IN NUCLEAR NON-PROLIFERATION

4. UNA-UK welcomes the launch of the Committee's inquiry, and will focus its response on Nuclear Non-proliferation. Nuclear weapons pose an undeniable and growing threat to human survival. The current geopolitical circumstances make the need to manage the associated risks more urgent than at any other time since the Cold War. Today, the nuclear threat touches the interests of all states, as it is bound up in wider systemic issues of energy security, regional power balances and global terrorism. Dealing with these threats requires a concerted international approach at the UN and the adoption of a strategy that is as wide-ranging and complex as the risks faced.

5. There is an urgent imperative to strengthen the Nuclear Non-Proliferation Treaty (NPT)—the cornerstone of the international nuclear regime—which has been brought to near breaking point in recent years. The erosion of confidence in the NPT was most evident in 2005, when states failed to reach agreement on ways to strengthen the regime and move closer towards achieving its objectives. The primary obstacle to progress was essentially that nuclear and non-nuclear weapon states could not agree whether to emphasise non-proliferation or disarmament. There is now an urgent need to reach agreement on the major challenges facing the NPT at its next Review Conference in 2010.

6. There is an emerging consensus that, as an integral part of this process, practical steps must be taken along the path of nuclear disarmament by the five recognised nuclear weapons states in line with the commitments they entered into at the NPT Review Conferences in 1995 and 2000. UN Secretary-General Ban Ki-moon has stated that achieving progress towards nuclear disarmament is one of the four most pressing global challenges faced today. In the US, four former leading statesmen—Henry Kissinger, George Schultz, William Perry and Sam Nunn—have launched the Nuclear Security Project, an initiative calling for a fresh drive to achieve nuclear disarmament. Such an approach has been supported by both presidential candidates. What is urgently needed now is to turn these laudable intentions into practical actions. This means making tangible progress towards nuclear disarmament, whilst taking steps to strengthen the international non-proliferation regime.

RECOMMENDATIONS

7. The UK, as a permanent member of the UN Security Council and a depository to the Nuclear Non-Proliferation Treaty, has particular responsibility for maintaining international peace and security by reversing recent trends towards a weakening of the NPT. The UK is ideally situated to take the lead in addressing the complex challenges faced as it has demonstrated the greatest commitment to disarmament out of the five recognised nuclear-weapon-states.

8. UK support for the US-led Nuclear Security Project has been expressed by four UK statesmen (Lord Hurd, Sir Malcolm Rifkind, Lord Owen and Lord Robertson), as well as by leading members of the government and senior opposition MPs. EDM 2053, calling on the government to stimulate and support developments which enhance the prospects for non-proliferation and a fresh drive for nuclear disarmament, has already been signed by 75 MPs. What is needed now is to translate this emerging consensus into practical action.

9. UNA-UK believes that the UK government should be prepared to engage in concerted advocacy and action to further nuclear disarmament by:

- Raising awareness of the urgent need for action to counter the threats posed by nuclear weapons. Securing bipartisan recognition that tackling the threat is not a party political issue but a vital and urgent national interest which needs a common purpose and shared vision.
- Pressing all nuclear-weapons-states to de-alert their existing weapons and their means of delivery.
- Launching a joint initiative with the new US administration to work towards the shared vision of a world free from nuclear weapons. This should include the UK government urging the new US President to re-submit the Comprehensive Test Ban Treaty to Congress for ratification.
- Energetically pursuing existing proposals to use British nuclear weapons expertise to conduct ground-breaking research into the technical challenges and requirements of verifying nuclear disarmament.
- Pushing for the start of negotiations without pre-conditions on a Fissile Material Cut-off Treaty (FMCT) at the Conference on Disarmament.
- Strengthening the international safeguards and inspections system. This could be achieved by increasing the IAEA's capacity and budget, and by initiating dialogue between the nuclear and non-nuclear-weapon-states over the need to make adoption and ratification of the Additional Protocol a requirement on all NPT signatories.
- Giving a high priority to securing agreement on a mechanism, overseen by the IAEA, guaranteeing access to the safe and peaceful use of fuel for civil nuclear purposes and avoiding the further proliferation of uranium enrichment and reprocessing technology.

- Continuing working towards establishing a standard response when a state breaches or leaves the NPT.
- Assisting states meet their obligations under UN resolutions aimed at preventing nuclear proliferation.

10. UNA-UK believes that a revival of the multilateral disarmament process which has languished and in some cases regressed in recent years should be a major objective of UK foreign policy in the years ahead, and that HMG should be prepared to make its own substantive contribution to such a process.

26 September 2008

Submission from Dr Brian F G Jones

The Case for Challenging Convention

SUMMARY

1. The National Security Strategy generally reflects that one of the consequences of the end of the Cold War was to re-order the significance of the various security risks to which the British government should respond. From shortly after World War II until 1990, the perceived threat to the freedom and democracy of our nation⁶ from the Soviet Union dominated all other potential challenges. Since 1990 non-military risks of a different kind have assumed greater relative significance. Although the government draws attention to these changes it is not clear that its reaction across the broad range of potential threats is yet as “joined-up” as it might be.

2. With regard to physical (military-like) challenges from other nations or entities two other events have occurred since the demise of the Soviet Union that seriously alter the context in which we need to consider any potential threat from WMD.

3. First, as the National Security Strategy identifies, the rise of international terrorism, culminating in the suicidal mass casualty⁷ attack on America on 11 September 2001, has added new dimensions to the security problem. Whilst the attacks in London on 7 July 2005, and the attempted attacks two weeks later which failed, did not have the same overtones of mass destruction, they highlighted yet another dimension to Britain’s security concerns—the links that exist between a very small but significant elements of our indigenous population with Islamic terrorist organisations, and the sympathy which exists in a larger, but still small, element of that ethnic minority for the perceived grievances expressed by al Qaida (AQ). The significance here is that AQ has demonstrated it can achieve its declared intention to execute mass casualty attacks against the west, that it has identified WMD as one important means of achieving this, and that it has actively pursued, and is probably still pursuing, the acquisition of the capability to do so.

4. Some argue that non-state actors are unlikely to master the complexities of developing a significant WMD capability and that the risk of a mass casualty attack is low. Even if this judgement proves to be valid in the long term, the uncertainty about it in the shorter term introduces a significant additional security concern. Perhaps the highest risk is associated with the deniable covert use of biological warfare agent by a state which has used its resources to develop an effective weapon. The potential threat from non-state actors make the attribution of any such attack more difficult.

5. Second, although ignored in the National Security Strategy, the false assertions about the status of Iraq’s WMD capabilities that were used to justify the war in 2003 has challenged confidence that the compliance of states with their international obligations relating to these weapons can be reliably monitored. It is an important omission.

⁶ The term “national security,” which might have been used here, tends to be employed without clear definition. I use it here in the context of the continued existence of the United Kingdom as a democratic entity capable of self government because this better enables the establishment of policy priorities. It is often politically convenient to use the term to encompass a range of security related matters ranging from national *interests* to personal safety and, whilst there is a good degree of overlap in the systems required to deal with them, it is important not to lose the essential definition.

⁷ “Mass casualty” and “mass destruction” are also terms that are used vaguely and this is the case in the National Security Strategy. I use these terms in relation to events and weapons that have the potential to cause human fatalities on a scale that exceeds those with which our national emergency systems are normally expected to cope, eg natural disasters such as are caused by extreme weather, or major accidents such as air or rail disasters. I have in mind that the transition figure from “large scale” to “mass” is about 1000 deaths but it would be difficult and perhaps unwise to establish an official definition of this sort. On this basis the 9/11 terrorist attack on the World Trade Center in New York in 2001 with almost 3000 fatal casualties is correctly described as a mass casualty attack. The 7/7 attack in London in 2005 with about 50 deaths is not.

With regard to “weapons of mass destruction,” if they are described simply as chemical, biological and nuclear weapons without further definition, then not all systems that qualify as WMD would be capable of producing “mass casualties.” I suggest that weapons that qualify as WMD should be those with the potential to produce 1000 or more human fatalities in a single use.

6. Further, there is a tendency to treat the three types of weapon—nuclear, biological, chemical—that make up WMD as a single entity. In reality they are very different and present individually and collectively a range of challenges to our security that appear not to be recognised in the National Security Strategy.

7. There is a strong case for a fuller evaluation of the challenge to the national security and the national interest than appears to underpin the National Security Strategy with respect to WMD. Whilst attempts to limit the proliferation of WMD remain important and should continue to be a short term policy goal, the broader approach should give greater recognition to the relationship between WMD policy and the other significant non-military risks to Britain's security that are separately acknowledged in the National Security Strategy. In other words WMD policy should acquire a more pragmatic dimension in recognition of the other security issues, and the likelihood of further WMD proliferation in the future.⁸ The following paper provides background and argument on these points.

INTRODUCTION

8. The new challenge presented by WMD is but one of a number which are rooted, not so much in the latest scientific and technological advances, but more in the increasing availability of established capabilities across a multitude of disciplines. Detailed consideration of the other challenges, which are listed in the National Security Strategy, is beyond the scope of this paper but I must consider some in outline to provide context and comparison to facilitate decisions on priorities in policy. The devotion of academic, diplomatic, military, and political resource to prevent national destruction by WMD will be of little consequence if other more urgent security problems, capable of the same effects, are neglected in the process. The National Security Strategy offers little indication of the priorities which the government attaches to the various security challenges.

9. Foremost among the other challenges identified in the National Security Strategy is the strong possibility that man is contributing to irreversible changes in the climate that are dangerous. Another is the potential for disease pandemics to ravage humanity, whether the micro-organisms that cause them develop naturally or arise accidentally due to shifts in the behaviour or location of populations. Shortages of food and water or energy, however brought about, are a potential source of instability which could trigger chain reactions of conflict and suffering. And, as recent events have shown, increasing inter-connectivity represents a national vulnerability to events in the global market place, that has a technical dimension the failure of which could have the most serious of consequences. It is perhaps the disproportionate impact of these changes on some transnational, national, or intra-national groupings of people that will highlight inequalities that could lead on to conflict.

10. There is little doubt that an acceleration in what we now call "globalization" has brought many of these challenges to our door at this time. The easing of the brake that the cold war exerted on global integration has contributed to a rapid growth in international civil trade, transport, migration, and the communication by electronic means of messages about ideas, concepts, plans, capabilities, and technologies. In the main, the problems that arise from this share a common characteristic—they can be addressed effectively only by the collaborative effort of many nations.

11. With regard specifically to the risks of aggressive acts that generate mass destruction, although events have demonstrated that there are alternatives, WMD remain the most potent means by which a nation or group could achieve such a thing. But the government provides no indication that it has questioned whether the traditional approach to preventing the proliferation of WMD remains compatible with the efforts to reduce tension or resolve conflict which it rightly regards as essential, or examined whether alternative strategies are now appropriate.

WEAPONS OF MASS DESTRUCTION

12. It is as well to remind ourselves of the differences between the weapons embraced by the term WMD.⁹ I offer no apology for revisiting what may be familiar ground because there is little doubt that the failure to understand these differences can lead to a seriously flawed approach to their control.¹⁰ There is nothing in the National Security Strategy to suggest that its authors have understood the importance of these differences or considered the implications of the possession of more than one type of WMD. It is disappointing to note that the government bases its strategy for dealing with WMD almost entirely on the potential nuclear weapons threat. Whilst I believe nuclear weapons to be of vital importance, the

⁸ I recognise that to acknowledge or publicise such a lack of faith in present non-proliferation efforts might tend to undermine them, and that the *status quo* probably offers some security advantages in the short to medium term. This presents the government with an unenviable dilemma.

⁹ A number of detailed studies contain comparative information on the nature and properties of nuclear, biological and chemical weapons. Amongst the most informed and useful are: Foreign Broadcast Information Service translation of a report of the Foreign Intelligence Service of the Russian Federation, Moscow 1993: "*A New Challenge after the "Cold War": The Proliferation of Weapons of Mass Destruction*," and U.S. Congress, Office of Technology Assessment, *Proliferation of Weapons of Mass Destruction: Assessing the Risks*, OTA-ISC-559 (Washington, DC: U.S. Government Printing Office, August 1993).

¹⁰ J Cirincione, J Wolfsthal, M Rajkumar, *Deadly Arsenals: Nuclear, Biological and Chemical Threats*, Second Edition (Washington DC: Carnegie Endowment for International Peace 2005), p 13.

focus on their unique properties should not be allowed to exclude detailed consideration of the other WMD and their very different properties and concepts of use. This is particularly important for biological weapons. Neither should the three main WMD systems—nuclear, biological, chemical—be treated only in their individual compartments. The overall concept of WMD use, and hence the strategy for defence, could be significantly modified by the possession of more than one system.

NUCLEAR WEAPONS

13. Nuclear weapons are generally taken to be relatively small devices that cause enormous explosions which almost instantly destroy and kill most things that happen to be within a mile or so of where they are detonated. The more sophisticated the design, the smaller (and hence more easily hidden and transported) the device can be to achieve a given explosive power. There is little that can be done to protect people within the primary zone (and this is in contrast with biological and chemical weapons where it is possible to protect people at least to some extent). There are additional complications with nuclear weapons caused by the release of radioactive material that can generate very wide area effects and, in the medium and long term, greatly magnify the immediate impact. However, the overall effect of a single device would be unlikely to exceed that of a number of occasional natural catastrophic events (earth quakes, tsunamis, volcanic eruptions, disease pandemics such as Spanish “flu”) which mankind has repeatedly demonstrated the capacity to absorb, and the resilience to recover from.

14. A *national* nuclear weapons capability large enough to threaten our national security would have to be mature and comprise tens or hundreds of weapons. This would require many experts and a large dedicated infrastructure, even if the weapons were supplied by another nation. It would be difficult to hide such a mature or maturing programme from a competent national intelligence organization. A full nuclear test would not be an essential precursor to having confidence in a fission weapon capability, but once acquired there is probably little advantage for a nation to keep its nuclear weapons capability secret, deterrence generally being its most valuable property. This means that under most circumstances a stockpile of nuclear weapons for rapid availability, or the components of the weapons for rapid assembly, would define a true nuclear weapons capability.

15. It would be very difficult, but not impossible, for *terrorists* to acquire one or a very limited number of nuclear weapons. They would probably need the willing or unwitting assistance of a nuclear capable nation to do so. It would be more difficult for intelligence to detect such activities with a high degree of reliability.

BIOLOGICAL WEAPONS

16. Biological weapons work by infecting their victims with diseases. There are many different biological warfare (BW) agents (diseases) which can be spread (by “weapons”) in a number of quite different ways.¹¹ Biological weapons do not flatten buildings or other structures. If an explosion is part of the operation of a biological weapon its sole function is to release and/ or disperse BW agent. Some, but not all, BW agents can kill humans. A few kilograms of the more lethal BW agents have the potential to kill as many or more people than a single large nuclear explosion, the device for their delivery would be much lighter and less bulky.

17. It is possible to protect people from BW agents by providing masks, respirators and possibly other protective clothing but some advance warning of the presence of agent would be necessary for this. Vaccines against some agents are available to provide almost continuous protection from infection, and some medical treatments can arrest the development of disease if applied soon enough after exposure. But some foreknowledge of the exact nature of the agent likely to be used and, for timely treatment, a means of detecting its release in an attack are essential requirements. All protection options are expensive and potentially disruptive of normal life. Some elements of protection themselves carry risks and have the potential to cause incidental deaths. It would be highly optimistic to expect any protective regime to be completely effective.

18. Those few kilograms of BW agent mentioned above can be made by a *nation* or knowledgeable *terrorists* within days with dual-purpose equipment in a very small facility by one or two experts. Relatively simple devices can be made to spread the agent, for example by spraying. It would *not* be difficult to conceal such a programme and capability, even from the best intelligence organizations. However, large scale field testing to ultimately validate the effectiveness of the systems involved would be highly desirable in a military programme and this would be more vulnerable to detection. The biological weapon produced would be much easier to conceal and transport than a nuclear weapon.

¹¹ The term “weapon” is problematic in that the BWC and the CWC classify BW agents and CW agents as “weapons,” whereas more normal convention is to classify the entire entity involved in delivery and/or dissemination as a weapon.

19. It takes many hours, or more usually a few days, for people exposed to a BW agent to develop symptoms, become ill and die. Because of this, such weapons are of limited use in conventional military scenarios or on the battlefield. This means that for many concepts of use, which tend to the covert and pre-emptive,¹² the accumulation of a stockpile of weapons for a rapid response is not a pre-requisite of an offensive BW capability. The maintenance of secrecy about possessing a capability would be advantageous to maximize surprise, and perhaps assist denial of use.

20. It would not be difficult, but neither would it be easy, for *terrorists* to produce or acquire lethal BW agent and to improvise a way of spreading it efficiently enough to cause many thousands, even tens of thousands, of deaths.¹³ Failed early attempts at operations are not so significant for terrorists because they tend to learn by practice and while the assistance of a nation with an offensive BW capability would help in the learning process it would not be an essential requirement.

CHEMICAL WEAPONS

21. Chemical weapons work by poisoning, blistering or asphyxiating their victims. There are many chemical compounds that have potential as chemical warfare (CW) agents and their effects and properties vary widely. They do not damage structures. Many produce an effect within seconds, minutes or hours. But small amounts, or a few weapons, even of the most lethal CW agents do not have the potential to produce nearly as many deaths as is the case for nuclear or biological weapons. They are by far the least "destructive" of the classes of weapon we place in the category of WMD. Perhaps they should not be there at all, because such large quantities of agent and hundreds of bombs or warheads would be needed to cause the same level of "destruction" as a single nuclear or biological weapon.

22. It is possible to protect people against CW agents in much the same way as for BW agents. The same requirements and limitations apply.

23. A few kilograms of CW agent can be made by a *nation* or knowledgeable *terrorists* within days with dual-purpose equipment in a very small facility by one or two experts. But such quantities would not be of great value to an offensive national military programme, and would not have the same potential impact for the terrorist as an equivalent amount of BW agent. But the modification of large legitimate chemical plant to provide a stand-by capability for the production of CW agent in time of crisis would provide a degree of disguise which would not be possible for nuclear weapons. Similar, relatively simple devices can be made to spread the agent, for example by spraying, but they would be less easy for the terrorist to handle and transport. Military programmes would tend to use suitably modified munitions such as warheads, bombs and shells. It would *not* be so easy to conceal a national military offensive CW programme and capability which would require quantities of up to many hundreds or thousands of tons of agent and weapons. Large scale field testing to ultimately validate the effectiveness of the systems involved would be highly desirable in a military programme and this would add to the vulnerability to detection. The chemical weapon produced would be as or more difficult to conceal and transport than a nuclear weapon.

24. Those anti-human CW agents which kill or incapacitate relatively quickly or are persistent and contaminate terrain or equipment could be extremely useful on the modern fast-moving battlefield. The maintenance of secrecy about the existence of a capability, or at least the details of it, would reduce the enemy preparedness to deal with it. Although chemical weapons are not ideal as a deterrent (because a single or a few weapons will not kill large numbers) there may be circumstances where they could provide a degree of deterrence against even a nuclear capable enemy. In this case there would be an advantage to advertising its existence in a general way but without revealing any detail.

25. Terrorists would have no greater difficulty in producing some CW agents than some BW agents, but the most lethal ones would be more difficult to produce and handle than BW agents with much greater potency. This is even the case for terrorists willing to take great personal risks or sacrifice their lives because the much greater speed of action of CW agent could compromise an attack if the participants were accidentally exposed.

¹² By this I mean the delivery of agent by special forces, intelligence operatives as well as terrorists. Nationally developed capabilities are likely to be more reliable and potent than terrorist capabilities. As indicated in the following paper, the Soviet/Russian authorities were particularly alert to this potential threat: Foreign Broadcast Information Service translation of a report of the Foreign Intelligence Service of the Russian Federation, Moscow 1993: *"A New Challenge after the "Cold War": The Proliferation of Weapons of Mass Destruction."*

¹³ Judgements regarding the feasibility of the development of a BW capability by terrorists sometimes make the mistake of assuming the problems experienced in national programmes are indicative of the difficulty a terrorist might have. Traditional military requirements demand levels of scale, reliability, efficiency and safety that would not be of such great concern to many terrorist organisations.

NON-PROLIFERATION

26. Why not “Disarmament”?

27. The term “non-proliferation” is used to accommodate the peculiar circumstances relating to nuclear weapons and the nuclear weapon states (NWS).¹⁴ The states that already have nuclear weapons are reluctant to relinquish them and the political and military advantages that possession gives them. Those advantages would be lost or reduced if other states were to acquire nuclear weapons. “Disarmament” might be OK for biological and chemical weapons, but not for nuclear. The result is “non-proliferation” rather than “disarmament.”

28. There is a significant disadvantage in choosing the term non-proliferation rather than disarmament as pursuing it as an ideal is limiting. Leaving aside, for the moment, the differences I have discussed between the three WMDs, and the significance of that with respect to their control, there is a more fundamental question that must be addressed about why we have been trying to prevent the spread of such weapons.

29. It is, of course, the potential of WMD, directly or indirectly, to kill or maim very large numbers of people using only a few individual weapons that singles them out for special attention.¹⁵ However, in the limit it is the relationship between peoples rather than the existence of the weapons that is the more fundamental factor. Persuading one nation to accept a lesser state of military capability than other nations is ultimately about instilling a confidence in them that they can trust the others not to exploit their weakness. Any threat to penalize them simply for seeking parity with more powerful nations, even by asymmetric means, is hardly likely to boost such confidence. In a general way, the National Security Strategy recognises the importance of gaining the confidence of states it wishes to influence, but it is not clear how it squares this requirement with some of the more aggressive policies it has pursued (Iraq) and continues to threaten (Iran) in relation to non-proliferation.

30. It is important to consider the extent to which the pursuit of non-proliferation and its enforcement is compatible with the development of tolerant, respectful and trusting international relationships. That it should be compatible is a vitally important pre-requisite to dealing with any more urgent challenges facing the national security.

31. The National Security Strategy recognises how globalization has brought with it a weakening of national borders, and that ethnicity, culture and religion are becoming increasingly important factors in governance and security at both the national and international level. This important change of context was brought into focus by the London terrorist attack of 7 July 2005 and it must not elude the thinking about non-proliferation.

32. In framing the first international agreement that addressed the issue of WMD arms control in terms of non-proliferation, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), those responsible specified the objective of eventual total disarmament. Perhaps they were being pragmatic in recognizing that, in the depths of the cold war of the late 1960s, that ultimate goal had to be deferred. After the NPT was signed, the two main protagonists, the United States and the Soviet Union, with fluctuating degrees of enthusiasm, continued to give the impression at least of trying to pursue the higher principle of total elimination. However, overriding these efforts is the fact that sixty years on from the arrival of nuclear weapons, and forty on from the NPT, no significant progress has been made by the NWS towards elimination.

33. Unfortunately, any opportunity that was offered by the demise of the Soviet Union and the sudden end of the Cold War was swept away in the deluge of largely unanticipated social, economic and political changes that quickly ensued. Western capitalism, which was expected to replace the failed socialist experiment, showed itself unsympathetic to the problems created by the changes demanded in cultural attitudes, and the west lacked the generosity of spirit that was surely in its own long term interest. Russia was left emasculated and impoverished in all but its nuclear capability as the United States and the west sought to exploit the disappearance of a challenging superpower. All of the NWS held on to their nuclear weapons, and latterly the United States and Russia appear to have been further developing aspects of their slightly reduced but still vast arsenals. The layers of mutual distrust proved insoluble and limited progress was achieved before a recovering Russia began to find new ways of flexing its muscles. Although Russia no longer has the ideological attachment to communism and the expansionist philosophy that accompanied it, there is little doubt that it continues to see itself as a separate, embattled society and the possession of nuclear weapons as essential to its security and future economic wellbeing.

¹⁴ The 1968 Treaty for the Non-proliferation of Nuclear Weapons (NPT) which entered force when the US and Russia had ratified it in 1970 differentiated between states which possessed nuclear weapons and those which did not, requiring the latter *not* to attempt to get them, and the former to retain them, but work towards their elimination. The five states which possessed nuclear weapons when it entered force are now parties to the Treaty. They had acquired them between 1945 and 1964 in the following sequence—US (1945), USSR (1949), UK (1952), France (1960), China (1964). US, UK and Russia were full nuclear weapon states when the Treaty entered into force, but France and China did not join until 1992.

¹⁵ The term WMD is thought by some to include all versions of nuclear, chemical and biological weapons regardless of whether it is their purpose or capability to directly cause death on a massive scale. Whilst this is probably appropriate for all nuclear weapons, it is arguably less so for those chemical and biological weapons based on agents that are designed to incapacitate rather than kill target populations.

34. Meanwhile, outside the NPT Israel, India, Pakistan, apartheid South Africa (albeit briefly), and probably North Korea became dissociated members of the nuclear weapons fraternity. South Africa which abandoned its nuclear weapons may well be replaced in the peripheral gang by Iran in the medium term. (The National Security Strategy is probably right to recognise the possibility of a direct nuclear threat to UK re-emerging in the next 50 years.)

35. As the Soviet Union collapsed, western intelligence assessments that it possessed extensive secret offensive CW and BW capabilities were confirmed. These revelations somehow added greater substance to the developing picture of chemical and biological weapons proliferation in a number of countries, mainly in the Middle East, North Africa, and Asia. The impression that WMD non-proliferation efforts were failing was further reinforced in 1998 when India and Pakistan decided to conduct underground nuclear explosions, and publicly proclaim their success, despite pressure from the west to refrain from doing so.

THE NON-STATE ACTORS

36. Another lesson for the new millennium has been that those who do not have weapons of mass destruction will find alternative means to achieve the goal of killing large numbers of people. AQ has shown that a non-state actor has the capability to terrorize even the most powerful nation in the world despite geographical remoteness. In 2001, the fundamental Islamic organization AQ, based in Afghanistan, supported a group that achieved the near simultaneous flight of a number of commercial aircraft into the large, densely populated World Trade Center buildings in New York City and the Pentagon in Washington DC.

37. Whilst this act of terror was a powerful reminder that there is more to worry about than WMD, the events in the United States of the following weeks showed that it remained essential to include the potential threat from such weapons in any rationale for tackling international, mass casualty terrorism. The anthrax attacks that affected various parts of the Eastern Seaboard in the autumn of 2001 were limited in the scale of resulting casualties, but caused enormous and costly disruption as well as demonstrating that a lethal biological agent of a quality suitable for a weapon was within the reach of non-state actors. An additional lesson has been about the difficulty of attribution of attacks of this sort.¹⁶ Whether the objective of that individual or group was to cause random mass casualties is not clear (23 people contracted anthrax and five died, apparently having inhaled spores). The methodology of the attack itself was crude and poorly executed with a false start alerting authorities before a second attack was conducted. However, the potential for the achievement of much greater damage was clearly demonstrated and advertised on a global scale.

38. Although the AQ attacks on the United States in 2001 came as a bolt from the blue to many, there had been hints that this might be the future, first in a truck-bomb attack on the same World Trade Center in 1993, and then by Aum Shinrykio's¹⁷ partially successful nerve gas attacks in Japan in 1994 and 1995. Throughout the 1990s intelligence agencies accumulated evidence of the intention of AQ to acquire the means of conducting mass casualty attacks on western targets and of its interest in WMD. But the political reaction was muted, partly because of the non-specific nature of the intelligence, and partly because there was resistance to the notion of the existence of a new (suicidal) form of international terrorism unconstrained by local political considerations, and which could not be deterred by traditional means.

THE IRAQ FACTOR

39. If the terrorist attacks on America on September 11, 2001 illuminated one facet of the evolving problem, the background of the fractious relationship between the west and Iraq that had existed since shortly before the first Gulf War in 1991 was another. Iraq has been a complicating factor in redefining the non-proliferation challenge since that time. Almost two decades and another war on from the first conflict, the wider implications of the Iraq experience in the context of the changed, uni-polar world remain largely unrecognized, undefined or ignored by many. It is not acknowledged as having been an influential factor in the National Security Strategy.

40. Iraq's invasion of Kuwait in August 1990 occurred whilst the dust was still settling on the collapsing Soviet empire. Like many others, a relatively isolated and unworldly Saddam Hussein had not understood the implication of the disappearance of one of the two global superpowers. The latter event had offered the United States a new freedom of action to use its military might in response to a range of perceived threats to its interests. Saddam's invasion of Kuwait threatened the future disruption of the oil supplies from the Middle East that are essential to western economies. The shock for the US-led military coalition

¹⁶ From early on the U.S. security authorities encouraged the view that the perpetrator was a US government official with access to anthrax through his work. Until July 2008 a former government scientist, Steven Hatfill, appeared to be the FBI's main suspect. When Bruce Ivins, an experienced microbiologist who was employed at the US Army Medical Research Institute for Infectious Diseases in Maryland, committed suicide at the end of July, the FBI announced that it believed it was he who had conducted the attacks. Many US BW experts remain sceptical of this suggestion.

¹⁷ Aum Shinrykio was an apocalyptic cult with a large membership and considerable resources known to the Japanese authorities. There is reason to believe that its experimentation with chemical and biological agents was still immature when pressure from the authorities triggered what may have been a premature and hastily arranged attack.

of nations licensed by the United Nations to liberate Kuwait was that, at both the political and military level, they encountered a range of novel strategic and operational issues the like of which had not been faced for more than a generation.

41. In the wake of their use in the second world war, nuclear weapons had come to dominate strategic military thinking in the old bipolar world. Since the early 1970s little more than lip-service had been paid to biological and chemical weapons by the most senior western policy makers and military commanders. Biological weapons were supposedly constrained by the 1973 Biological and Toxin Weapons Convention (BWC), and, although not yet banned by international agreement, chemical weapons were of doubtful strategic utility. Suddenly, having committed to the liberation of Kuwait, coalition leaders were faced with a combatant that did not have nuclear weapons but had more than just a conventional capability. Iraq possessed chemical weapons and demonstrated at al Faw in 1987–8 that, during the course of its war with Iran, it had learned how to use them effectively on the battlefield. Western intelligence knew much about Iraq's chemical weapons and identified the existence of its offensive biological weapons programme, estimating this had probably matured to the point of possession of an actual military capability, at least with a few agents.

42. Ironically, the assessment that Iraq did not have nuclear weapons placed the coalition in a strategic environment that the western nuclear weapons states involved had not thought about. The constraints of the NPT meant that a threat to use nuclear weapons could not be made overtly against a non-nuclear enemy. The coalition possessed no chemical or biological weapons that it could use to counter Iraq's capability in these areas¹⁸ and thus faced the potential problem of undertaking offensive military action against an enemy with markedly superior usable WMD capabilities. Unfortunately, the state of preparedness for the military of the coalition to operate in a chemical and/or biological environment was not well developed and the sudden appreciation of the vulnerability of coalition forces came as a surprise to many.

43. In the event, the coalition completed its UN sanctioned mission without Iraq using its chemical or biological weapons. It is not clear whether this was because coalition military action stopped short of directly threatening Saddam Hussein's regime in Baghdad, or because Iraq feared using them against such a powerful enemy. However, the uncertainty about whether they would be used if Baghdad was threatened had an impact on both sides. Saddam claimed it was his possession of chemical and biological weapons that deterred the coalition from extending its mandate. The coalition were left uncertain as to whether it would have been challenged with such weapons if the advance had threatened Baghdad, and what their impact might have been.

44. The upshot was that the ceasefire terms embodied the United Nations Security Council Resolution 687 of 3 April 1991 required Iraq to demonstrate the elimination of its chemical and biological weapons and all its WMD and ballistic missile programs, and subsequently to submit to a regime of continuous monitoring to ensure it did not resurrect them. Suddenly, all the abstract discussions about non-proliferation and the much debated ideas about compliance monitoring were given substance as a specially constituted United Nations Special Commission (UNSCOM) and the existing International Atomic Energy Agency (IAEA) accepted the responsibility of judging whether Iraq was fulfilling its obligations.

45. Despite a degree of authority and access beyond that which any current international arms control agreement offers, or is likely to offer in the foreseeable future, these two organizations, together with the intelligence agencies of contributing countries, were unable to establish in the seven years to 1998 that Iraq had, to all intents and purposes, abandoned its chemical, biological and nuclear weapons programs in 1991. The Iraq Survey Group that was established in 2003, after the second war, confidently reported in October 2004 that Iraq had done so, although it did note that essential know-how had been retained, and Saddam had the intention, to quickly re-establish the 1990–91 status of its programmes and capabilities when circumstances allowed.¹⁹

46. It appears that no official body has yet undertaken a comprehensive examination of why it was not possible to generate an accurate picture of the status of the WMD programs in Iraq before inspectors left in 1998. It is highly desirable that this should be done and reflected in future iteration of the National Security Strategy as well as inform future international non-proliferation initiatives.

47. Casual observation suggests that at some point before 1998, the IAEA had a high degree of confidence that it understood what the Iraqi nuclear weapons effort had achieved, and was satisfied that the programme had been abandoned. The IAEA clearly believed that the monitoring regime it had established was adequate to ensure that no significant elements of a programme could be reinstated covertly. The judgment of UNSCOM with respect to chemical weapons was that, although Iraq continued

¹⁸ Although the Chemical Weapons Convention had not been concluded and the United States retained some chemical weapons, there was a widespread international commitment to the negotiation of a treaty which constrained the coalition from contemplating their use. Of course, the BWC already excluded biological weapons.

¹⁹ The Comprehensive Report of the Special Advisor to the DCI [Director of Central Intelligence of the USA] on Iraq's WMD, September 30, 2004. This is a three volume report running to several hundred pages to which a short addendum was later added. It is published under the title "Iraq Survey Group Final Report, 30 September 2004" in a convenient format by Global Security.Org and can be found at: <<http://www.globalsecurity.org/wmd/library/report/2004/isg-final-report/>>

to be less than frank about the totality of its achievements in the development of agents and weapons technologies, it did not possess a militarily significant stockpile of either. Nor could it have resurrected a such a stockpile without early detection in the presence of the monitoring regime that was in place.

48. It was uncertainty about Iraq's biological warfare programme that most hindered progress towards a resolution of the WMD problem. Intelligence was confident that a BW program had existed, but unsure whether it had advanced to the stage of generating a capability to deliver agent before Iraq admitted it had filled bombs and missile warheads with three BW agents. Iraq denied the existence of even a programme until 1995 and was then unable to provided evidence enough to give UNSCOM confidence that the programme had been dismantled and that the regime had changed its intention to retain or resurrect it. There were three main reasons for this.

49. First, there was the inherently more subtle nature of biological weapons programmes and related aspects of BW arms control compared to nuclear and chemical. Biological weapons, by virtue of their greater potency, low cost, ease of production, small size, ease of transport and difficulty of detection, are a much greater challenge to detection by intelligence and inspection. The small quantities of BW agent needed to have large effects, and the ease with which a capability can be concealed probably encouraged Saddam to believe that evidence of a past programme could be denied, and measures to keep elements of it alive concealed, even in the face of intense inspection. The BW inspectors' suspicion that this may have been what was happening prolonged their uncertainty.

50. The second factor that undermined UNSCOM's confidence in Iraq's BW declarations was the related decision of Iraq to undertake unilaterally the destruction of the few weapons it had produced and most of its biological weapons infrastructure, before it could be discovered. This decision had the additional effect of obscuring whether the bombs and missile warheads it had produced were sufficiently advanced to achieve efficient dissemination of viable agent.

51. And third, there was the lack of a plausible explanation from Iraq of its rationale for various aspects of the BW programme that was eventually acknowledged, most specifically regarding the envisaged concepts of use. The biological weapons produced by Iraq appear to have been the result of a crash programme instituted in 1990 and are unlikely to reflect the full scale and scope of the background programme. An examination of the full range of potential agents that were part of that programme suggest that some concepts other than the delivery of agent by bomb and missile were part of the broader thinking.

52. In fact, the Iraq experience and the decision by American and British politicians to conflate all three WMD systems—nuclear, chemical and biological weapons—when they were making a case in 2002–3 for the invasion of Iraq, has highlighted the fundamental but often neglected truth about the individual properties of each weapon type and their control from a non-proliferation perspective.

53. The problem for those trying to establish the status of Iraq's WMD capability after 1998 was complicated because, rather than estimating the progress in a developing programme, the problem was one of judging the degree of the resurrection of capabilities that had existed but been rolled back earlier in the decade. Previously the inspectors of UNSCOM and the IAEA had struggled to gain confidence that the capabilities they had uncovered would not be regenerated all the more quickly and effectively because of the existence of a reservoir of expertise and experience. (This, in a nutshell, is a major problem that faces those who aspire to a future of total WMD disarmament). One of the many tragedies of the Iraq war is that, by conflating nuclear weapons with chemical and biological ones, embroidering intelligence assessments, ignoring the UN inspectors' appeals for more time, and making WMD the central and ultimately flawed reason for invading Iraq, those who made the case for invasion have undermined the main instruments of arms control: the Biological and Toxic Weapons Convention, the Chemical Weapons Convention and even the NPT itself. The effectiveness of such international treaties and conventions were balanced precariously on the belief (and fear) that intelligence will detect and weapons inspectors confirm any significant attempt to cheat. The real situation in Iraq was found to be very different from that claimed by senior intelligence advisers before the war, and weapons inspectors were perceived to be unable to establish the true facts within a reasonable timescale. Confidence in both these processes has been severely shaken if not irrecoverably damaged.

THE FUTURE

54. Tony Blair said that he concluded in the early years of this millennium that global terrorism and weapons of mass destruction represented the main security issues for the 21st century.²⁰ He and US President Bush both expressed concern that international terrorists would acquire weapons of mass destruction. Few would dispute that these issues represent a major challenge and that non-proliferation efforts in the future must address them.

55. As I have argued above, biological weapons are the WMD that are likely to be the most readily available to non-state actors and the least difficult for terrorist groups to employ, albeit at a lower level of efficiency and effect that would be the objective of a national military capability. A forward-looking

²⁰ See, for example, the British Prime Minister's speech at his Sedgefield constituency on 5 March 2004, available in the Tony Blair Archive at the No 10 website.

report in 2000 by the US National Intelligence Council²¹ forecast that terrorists were likely to try to use biological agents: "Bioterrorism appears particularly suited to the smaller, better-informed groups. Indeed, the bioterrorist's laboratory could well be the size of a household kitchen, and the weapon built there could be smaller than a toaster." Final production of a weapon by a skilled cell of operatives could take place in the country of intended use, avoiding the need to transport significant and possibly identifiable elements through international border controls. British authorities are clearly conscious of this potential threat because they have intervened when there has been suspicion of related activities, such as the alleged attempt to produce ricin in a Wood Green flat shortly before the invasion of Iraq in 2003 and the raid on a house in Forest Gate in 2006.

56. Some would argue that a substantial and successful biological attack would be beyond the scope of terrorists, citing the limited success of the anthrax attacks in the US in 2001 and the failure of Aum Shinrykio's attempts to develop a lethal anthrax agent in the 1990s. However, the US anthrax attacks demonstrated that a lethal biological agent of a quality suitable for a weapon was within the reach of an individual. It was the dissemination method chosen that lacked precision and efficiency. AQ continues to threaten major attacks against the West and its determination to acquire biological weapons was confirmed by the discovery of a dedicated laboratory near Kandahar in Afghanistan in 2001.

57. Tony Blair also observed that the objective of international terrorism is to undermine the power of states by creating an environment of chaos in which national and international institutions will be unable to function. He argued that the struggle must be about retaining and enhancing order in the world so that our civilization can survive and progress. The National Security Strategy recognises that the primacy of nation states is fundamental to the way in which the world is governed and is indeed fundamental to non-proliferation. Strong national governments that can secure their own institutions and oppose and control terrorism within their borders would appear to be a pre-requisite for global order. It is important, therefore, to consider how non-proliferation efforts can contribute to this objective or, at the very least, avoid undermining it.

58. Since the Iraq war the west's main thrust in arms control has switched away from WMD in general and focused on nuclear weapons in particular. The countries of primary concern, as identified in the Strategy, have been Iran, North Korea, Pakistan and, to a lesser extent India. There is little positive evidence that previous concerns about the proliferation of chemical and biological weapons have evaporated, but they appear to have been returned to the second division of arms control. In the last year or so, there have been strong calls in the United States and Britain for renewed efforts towards total nuclear disarmament,²² but there is little evidence of new thinking behind these exhortations. They do not take us beyond the undefined period when non-proliferation remains the limited goal, and there is nothing to suggest a breakthrough is any more likely than in recent decades. It is notable that these calls come most earnestly from the west and from states that possess nuclear weapons. Unfortunately, no constructive alternatives to the *status quo* have been advanced by other NPT members, or those nuclear weapons states on the fringes.

59. The divisive potential of WMD non-proliferation initiatives, especially concerning nuclear weapons, has been well illustrated in recent years. Such divisiveness can only be counter-productive to the solution of the other global threats discussed earlier. Arguably, it also undermines the requirement to establish and maintain a cooperative and collaborative nation based global effort to contain terrorism. The strong pursuit of nuclear non-proliferation, even as a precursor to total nuclear disarmament, also threatens the control of biological weapons and chemical weapons which some nations will see as the next best thing to nuclear. Success in the nuclear non-proliferation realm could well have a negative influence on disarmament efforts for the other WMD and, whilst this may be of lesser concern in the case of chemical weapons, it could have disastrous consequences in relation to biological weapons. If biological weapons are recognized as dangerous in the hands of terrorists who will be operating from a relatively restricted technological, financial and industrial base, how much more dangerous they would be in the hands of nations disaffected by the attempts of other nations to prevent their acquisition of a nuclear deterrent. Indeed, an initial reaction to the anthrax attacks in the United States in 2001, was to suspect that it had been inspired or conducted by Iraq—a suggestion that was far from incredible.

60. Therefore, there is a need to examine whether the way forward is simply through the reinforcement of the status quo by attempting to extend and strengthen existing arms control agreements, or whether a fundamental rethink of our approach to arms control is necessary. The NWS have already been forced into the unacknowledged compromise of accepting Israel, India and Pakistan as fellow possessors of

²¹ US National Intelligence Council, "2020 Project Mapping the Global Future," December 2000

²² For example:

George P. Shultz, William J. Perry, Henry A. Kissinger, and Sam Nunn, "A World Free of Nuclear Weapons," *The Wall Street Journal*, 4 January 2007.

Carnegie Endowment speech by UK Foreign Secretary, Margaret Beckett, Washington DC, July 5, 2007
<http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/>

ShowPage&c = Page&cid = 1007029391647&a = KArticle&aid = 1181134008127&year = 2007 >
 George P. Shultz, William J. Perry, Henry A. Kissinger, and Sam Nunn, "A World Free of Nuclear Weapons," *The Wall Street Journal*, 15 January 2008.

Douglas Hurd, Malcolm Rifkind, David Owen and George Robertson, "Start worrying and learn to ditch the bomb," *The Times*, 30 June 2008.

nuclear weapons and have, I assume, seen it as in their own interest to provide back-channel advice to them on the safety and security of those weapons. Whilst it would be foolhardy to rush to abandon the NPT and related agreements which have made a positive contribution up to this point, or to depart from efforts to discourage nuclear weapon development, it would be wise to explore medium to long term alternatives in this rapidly changing security environment. Those countries which have long had the potential to produce nuclear weapons but chosen not to do so remind us that there are powerful arguments in favour of abstinence. Stronger security guarantees by the NWS to non-nuclear members of the NPT, perhaps linked to arrangements to ensure the future energy needs of compliant states, may be one way of discouraging any future rush to nuclear capability.

61. We must be prepared to ask ourselves some uncomfortable questions. Would a world with more nuclear weapons states necessarily be a less safe place? Could an increase in the number of nuclear weapons states lead to more enthusiastic collaboration in the control of other WMD and terrorism, and encourage cooperation in tackling other global problems? These are issues that demand more active consideration than they have so far received.

26 September 2008

Submission by World Court Project UK

World Court Project UK is part of an international citizens' network which worked for the 8 July 1996 Advisory Opinion of the International Court of Justice (ICJ) on the legal status of the threat or use of nuclear weapons. Since then it has worked to raise awareness of this Opinion and its implications in the UK and internationally, and to have it implemented.

1. This submission will concern itself only with the Committee's request for views on the effectiveness of the current rules-based international system in curbing current weapons proliferation.

2. Since the end of the Cold War the public's fear of nuclear weapons has diminished and they only feature on the political agenda sporadically. But nuclear weapons have not gone away. Arsenals have been slimmed down but there are still about 26,000 of them, enough to destroy all the cities of the earth many times over. In many ways the situation has become more dangerous and urgent since the end of the Cold War. This is because:

- nuclear weapons are no longer a last resort. The nuclear-armed states now see them as a way of responding to and even pre-empting chemical, biological and other vaguely defined threats or attacks,
- the nuclear club is growing. First there was the U.S. By 1968 Russia, U.K., France and China had joined. Then came Israel, India, Pakistan and possibly North Korea. Now additional states could decide to go nuclear and terrorists groups may well have nuclear ambitions.

3. World Court Project UK believes that the only rational way forward is the global abolition of nuclear weapons under the law. We are not alone in this. It has long been the policy of all three political parties and several senior statesmen, across the political spectrum, have recently reinvigorated the call for global abolition.

4. We already have a framework for abolition. In 1996 the ICJ provided legal advice on nuclear weapons for the UN General Assembly. This made it quite clear that:

- the threat or use of nuclear weapons, would, as a general rule, violate International Humanitarian Law—the customs and treaties accepted by states as a way of limiting the suffering of war, especially to civilians. We argue that because of their enormous and unpredictable explosive, heat, and radiation effects no one launching a nuclear strike could reliably foresee whether it would be lawful or not. As the ICJ stated, nuclear weapons cannot be contained in space or time,
- there is a "Good Faith" obligation to achieve the global abolition of nuclear weapons. The ICJ concluded that:

"There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control."

5. This obligation is closely linked with the basic illegality of nuclear weapons and their threat or use. A binding global framework for a nuclear weapon-free world would put nuclear weapons beyond the bounds of legality once and for all.

6. Since 1968 nearly every state has signed the Nuclear Non-Proliferation Treaty (NPT). This defined the five states, the U.S. France, China, Russia and the U.K., which had nuclear weapons at that time as the "Nuclear-Weapon States". Almost all the other states—the Non-Nuclear Weapon States—have also signed up to the Treaty. The only important exceptions are Israel, Pakistan and India which do have nuclear weapons but have not entered the NPT, and North Korea which left the Treaty but could rejoin as a result of current negotiations.

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7. The NPT has three equally important aims which reinforce each other.
- preventing further proliferation of nuclear weapons,
 - controlling the use of materials such as plutonium and uranium for nuclear power to ensure that they are not used for nuclear weapons manufacture,
 - the global abolition of nuclear weapons.
8. The 1995 Review and Extension Conference of the NPT adopted the *Statement of Principles and Objectives for Nuclear Nonproliferation and Disarmament* which included the “*determined pursuit by the nuclear-weapon states of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons....*”
9. The 2000 Review Conference built on the Principles and Objectives and reinforced the ICJ Opinion. All 187 NPT states agreed on *13 Practical Steps*. These showed how Article VI of the NPT should be interpreted and applied. The Thirteen Steps included verified reductions, further efforts by the Nuclear-Weapon States to reduce their nuclear arsenals unilaterally, removing nuclear weapons from hair-trigger alert, and reducing their importance in security policies. This would minimise the risk that nuclear weapons would ever be used, and prepare the way for their total elimination. These steps must be *irreversible*. There must be no going back on them. Above all, the 13 Practical Steps included an “*unequivocal undertaking*” by the Nuclear-Weapon States “*to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament ...*”
10. The Chair’s Paper at the end of the 2007 NPT Preparatory Committee recorded that most states were concerned that thousands of nuclear weapons were still deployed. They called for full implementation of the 13 Practical Steps. Failure to comply with Article VI of the NPT could undermine both non-proliferation and disarmament.
11. The Court’s strong statement of the Good Faith obligation is based on NPT Article VI:
- “Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control.”*
12. There have been claims that Article VI was only a vague commitment to negotiation. The ICJ firmly rejected this view. It said that negotiations must be pursued in Good Faith and brought to a conclusion. Just negotiating is not enough. There must be a result—global nuclear disarmament. The fulfillment of this obligation is a Convention, or a series of interlocking instruments, banning the development, possession, use and threat of use of nuclear weapons. The Court’s Opinion implies that the obligation applies to all states, not just the NPT ones and would therefore necessarily involve India, Pakistan and Israel.
13. Furthermore, the Court’s Opinion firmly rejected the claim that nuclear disarmament is legally dependent on “complete and general disarmament”. The final paragraph treats of nuclear disarmament and nuclear disarmament only. We recognize that there is certainly a *contingent* connection between general and nuclear disarmament. Both processes reinforce each other. However, if we had to wait for a general disarmament treaty before negotiating nuclear abolition, nuclear weapons would be with us for generations.
14. There is no substance in the claim sometimes made by Nuclear Weapons States that the NPT “recognises” the nuclear weapons status of the nuclear-armed states. It only notes the fact that they do, indeed, possess them, but that is only a temporary situation which must be brought to an end.
15. The “Good Faith” obligation is the heart of the matter. In our view this means negotiating sincerely and flexibly to achieve the desired result—global nuclear disarmament. The objective must be pursued consistently with political will. It means considering proposals from the other side, and re-examining one’s own position. The conclusion should be reached within a reasonable time-frame and the parties must avoid policies which contradict the very purpose of the negotiations.

RECOMMENDATIONS

In its National Security Strategy the UK Government refers to “the effectiveness of the current rules-based international system in curbing current weapons proliferation.” The forgoing reflects our understanding of what such a system entails.

The Strategy lays considerable emphasis on counter-proliferation, but the references to disarmament do not go far enough. We recognise the value of pursuing negotiations towards a Fissile Material Cut-off Treaty and a Comprehensive Test Ban Treaty, but can find little reference to irreversible steps to be taken by the UK towards a reduction in the salience of its nuclear weapons.

However, we welcome the statement in the Security Strategy that “In the run up to the 2010 NPT review conference, we will lead the international effort to accelerate disarmament among possessor states, in pursuit of our objective of a negotiated elimination of all nuclear weapons. We have offered to host a technical conference for the five NPT Nuclear Weapons States on the verification of nuclear disarmament.” However,

as far as detail is concerned, it mentions only the offer to host a technical conference for the five NPT Nuclear Weapons States on the verification of nuclear disarmament. Valuable as this is, it is only one of the international initiatives that the UK could provide.

The UK Government should:

- (a) emphasise that the global abolition of nuclear weapons is a legally binding obligation on all states and avoid any suggestion that the treaty confers the right on any state to possess nuclear weapons. It should also make it quite clear that the negotiation of their abolition is legally independent of complete and general disarmament,
- (b) ask itself whether it is complying with its Good Faith obligations by retaining the option to retain its policy of nuclear deterrence for the next generation by replacing Trident and upgrading work at Aldermaston and Faslane to achieve this,
- (c) unilaterally carry out irreversible measures which would make nuclear deterrence less relevant in its security policy. Examples include taking Trident off continuous patrol, separating warheads from their delivery systems and renouncing the policy of nuclear first-use by NATO,
- (d) take account of the urgent need to achieve global abolition. Although the NPT does not refer to a time-bound framework, Good Faith requires implementation of the disarmament obligation within a reasonable period; and the Treaty was signed forty years ago,
- (e) devote considerable resources to taking a lead, at the highest level, in starting negotiations for the global abolition of nuclear weapons in order to comply with the obligations of the NPT as confirmed by the ICJ,
- (f) clarify, in detail, the claim constantly made by ministers that negotiations for a Convention would undermine the NPT. This seems to contradict the statement in the Security Strategy that UK “will lead the international effort to accelerate disarmament among possessor states, in pursuit of our objective of a negotiated elimination of all nuclear weapons”,
- (g) provide a more comprehensive account of what “achieving a positive outcome from the 2010 NPT Review Conference” (as referred to in the Security Strategy) would actually comprise,

We believe that these recommendations are ultimately consistent with the government’s declared policies.

September 2008

Submission from Peter Nicholls, Chair, Abolition 2000 UK

BACKGROUND—OUR ORGANIZATION

Abolition 2000 UK is part of the wider Abolition 2000—a global coalition working for the abolition of nuclear weapons. Abolition 2000 internationally was founded in the wake of the Nuclear Non-Proliferation Treaty’s Review Conference in 1995, which made that treaty permanent. We welcomed the 13-point programme for nuclear disarmament contained in paragraph 15 of the gloss on NPT article VI in the final report of the 2000 Review Conference. We advocate negotiations to bring about a nuclear weapons convention (designed along the lines of the chemical and biological weapons conventions) and we distribute the published model convention text together with an analysis of the problems to be overcome.

Abolition 2000 UK was founded in October 1996 and is a coordinating body for over 100 groups in Scotland, Wales and England that have signed the Abolition 2000 statement. Abolition 2000 UK exchanges information, organizes cooperative actions, produces discussion papers on the problems of nuclear weaponry, and lobbies for nuclear disarmament at the national and international levels.

Referring to: National Security Strategy (Cabinet Office paper Cm. 7291, March 2008).

A. General comments on Cm. 7291.

1. We found the general style and approach of Cm. 7291 rather simplistic. It fails to answer or sometimes even analyse key problems in attaining “security” for the U.K. and elsewhere in the world. We believe that true security for the U.K. will depend upon security for other nations, states and cultures, including those that are substantially socially and politically different from our own.
2. Cm. 7291 conflates a number of very different security issues, including nuclear weapons, other WMD, terrorism, global warming, threats of pandemics, flooding, and economic problems. We do not believe that all these issues, although some are linked, can be addressed in similar ways. Each is unique and demands specific and detailed focussed attention.

3. Cm. 7291 also treats as similar or analogous some different geopolitical problem areas, most obviously including Iraq and Afghanistan. The recent history of these two states, and the historical roles of the peoples of the two states, their own governments, the UN, NATO, the “coalition of the willing” (in Iraq), and other military agencies that have intervened in their administration and governance, requires a detailed analysis and conclusions that are specific to each case.

4. Cm. 7291 also does not distinguish clearly the roles of the different alliances of which UK is a member, especially the primarily military alliance NATO and the primarily economic and political alliance represented by the EU.

B. Specific comments on security aspects of U.K. nuclear weapons policy.

1. We have welcomed the UK’s government’s support for progress under the NPT (including the 13 points agreed in 2000), for the ratification of the CTBT by all the named states, and for negotiations leading to an FMCT. But we note that each of these treaties and potential treaties is only a partial step in the direction of nuclear weapons abolition. We would therefore urge that government acknowledge the eventual need for an over-arching treaty or convention that would ban the possession, use or threat of use of nuclear weapons in the same way that the Chemical Weapons and the Biological and Toxin Weapons Conventions ban those WMD. Such a treaty would represent the logical culmination of all the relevant partial treaties such as the NPT and not conflict with it.

2. The UK’s commendable support for a cluster weapons ban shows that we can promote measures of disarmament involving weapons otherwise seen as of substantial value by the military. The moral arguments against cluster bombs are equally cogent when applied to nuclear weapons (NW). Banning the latter would therefore seem to be a logical further step in the progress towards a world in conformity with both morality and the relevant Geneva Conventions on the conduct of war.

3. Securing the non-proliferation of NW is essential to preserve a safe world. But nuclear non-proliferation is inevitably linked with nuclear disarmament. The contrast between the “50 more years” of UK NW anticipated both by Cm. 7291 and by the governmental white paper last year on the question of Trident renewal, and the official support for disarmament initiatives, is a stark one. H.M. Government must acknowledge the need to put UK NW on a disarmament negotiating table. The decision to continue in possession of the U.K.’s nuclear weapons must be seen as tentative, potentially reversible, and certainly dependent upon progress with disarmament involving all the nuclear weapons states, both those acknowledged by the NPT and others.

4. NATO is primarily a military alliance. Although it has a modest political dimension, as illustrated by the Partnership for Peace, it is clearly distinct in style and governance from a moderately democratic alliance such as the European Union. The role of NATO in the post cold war world and its involvement in “out of area” actions such as that in Afghanistan needs to be carefully examined and if necessary deconstructed. All such alliances have problems which need to be addressed; indefinite extension of NATO membership, even involving democratic states, is not a necessary “good”. NATO’s nuclear doctrine, including its continued acceptance and sometime advocacy of a possible “first strike” role for nuclear weapons, is a cold war legacy which requires discussion and revision. The political role of NATO needs to be emphasized over the military role. Its military role, if actively used at all, must be consistent with the U.N. charter and conducted with continuous oversight by the Security Council.

5. We wish to emphasize the need to find non-military solutions to security problems, including especially the problems of terrorism. The government must acknowledge the different security problems represented by the existence of different militant groups and the different forms taken by such groups—as in the modest Cm. 7291 statement distinguishing Hamas and Hizbullah from other groups creating security concerns.

6. We point out that deterrence theory, both nuclear and non-nuclear, is intrinsically problematic. But in particular deterrence of any kind is unlikely to work against non-state actors, and nuclear deterrence cannot be effective against such groups; its use only encourages small states to think of NW as an insurance option and hence weakens the effectiveness of the NPT.

7. Any discussion of security needs must acknowledge the political and economic roots of conflict. It is arguable that some UK policies may exacerbate or have exacerbated such conflict roots rather than ameliorated them and that government has been slow to acknowledge the possibility of policy mistakes.

8. We wish to point out the possibility of various disarmament actions that fall short of complete nuclear disarmament but which can represent gradual steps toward a world without nuclear weapons. These include: decreasing the numbers of NW; de-alerting; abandoning continuous NW patrols; separating missiles and warheads; formally abandoning the “first use” option (both for NATO and UK); and transparency re the location and existence of NW in the UK (thus we should acknowledge the removal of US NW from Lakenheath). The UK should also support all treaty structures that limit any role for NW, including the recognition of all the currently agreed Nuclear Weapons Free Zones and agreeing formally to provide negative security assurances (NSAs) both by the UK individually and by NATO as an alliance currently depending on nuclear weapons. It should press for similar actions by the other NWS. The success of the 2010 review conference of the NPT will depend upon such unilateral or multilateral actions as well as upon progress within the Conference on Disarmament in negotiations for an FMCT and for PAROS.

9. We believe that it should be but perhaps is not unnecessary to point out that a “rules based” world means that no actions prohibited by the UN charter or not specifically authorised by the Security Council should be undertaken. It is hard to see how any use or threat of use of NW would be consistent with the charter or ever authorized by the Security Council. Continued possession of NW, and all that implies, may thus be inherently inconsistent with the establishment of a “rules based” world.

10. The security of the UK, and of other states, is thus linked with the need for progress in nuclear disarmament. Failure to secure concrete proposals either within the CD beforehand or at the 2010 NPT Review Conference itself will mean a reversion to a less secure world.

26 September 2008

Submission from Professor Malcolm Chalmers, Royal United Services Institute

Nuclear Disarmament and Non-proliferation: Strengthening the Links

RECENT DEVELOPMENTS

1. The last two years have seen a revival of interest in nuclear disarmament in the US, most notably through the initiative led by distinguished statesmen George Shultz, Bill Perry, Sam Nunn and Henry Kissinger. Both John McCain and Barack Obama have made clear their commitment to give a higher priority to non-proliferation than the current administration, and have confirmed their support for the “vision” of a world free of nuclear weapons.

2. The UK Government has welcomed these developments. Its announcement of a programme to replace Trident submarines and missiles was accompanied by a reaffirmation of its commitment to the goal of global nuclear disarmament, a commitment that was subsequently highlighted in Foreign Secretary Margaret Beckett’s speech in Washington DC in June 2007. In March 2008, the National Security Strategy committed the Government to *“lead the international effort to accelerate disarmament among possessor states, in pursuit of our objective of a negotiated elimination of all nuclear weapons.”*

3. As in the US, there is growing cross-party agreement on the need for progress in this area. In June 2008, former Foreign Secretaries Douglas Hurd, David Owen and Malcolm Rifkind, together with former NATO Secretary-General George Robertson, called for the UK to support the campaign in America for a nuclear weapon free world. Subsequently, Shadow Foreign Secretary William Hague, in a major speech in July 2008, welcomed the renewed debate, and made it clear that *“showing that we take our disarmament commitments seriously is a vital part of winning the moral argument against nuclear proliferation.”*

4. It remains to be seen whether these recent developments in the discourse on nuclear disarmament, on both sides of the Atlantic, is carried through into policy in the run up to the 2010 NPT Review Conference. An early indicator will be whether a new US administration is confident in its ability to obtain Senate ratification for the CTBT, a step which would require a significant degree of cross-party support. The US will also come under considerable pressure to promise further deep reductions in its nuclear stockpile, beyond those currently planned. The prospects for developing a political consensus behind such reductions, however, could become hostage to the wider state of relations between the US and Russia.

Language matters

5. While nuclear disarmament has risen up the political agenda over the last two years, there is still a tendency to view it as being largely subordinate to the problem of proliferation. This is reflected in the FCO’s policy goal of *“tackling nuclear proliferation and countering terrorism”*, the first part of which is the subject of this Inquiry. It may be time to revisit this nomenclature. The result of labelling proliferation as the primary problem is that it focuses attention on those who have not yet acquired nuclear weapons (or other WMD), while devoting less effort to those who have already done so. A more appropriate goal might be *“countering the threats of nuclear weapons and terrorism”*.

6. A primary focus on proliferation tends to assume that existing nuclear-armed states have developed stable deterrent relationships, and are therefore not of primary concern. Some go further, distinguishing the “trustee” role that existing nuclear weapons states allegedly provide for the international order from the destabilisation that acquisition by other states would bring. Such an argument underestimates the danger that existing nuclear arsenals might be at risk of use or diversion. Over the next two decades, the possibility of political instability in Pakistan and Russia, in particular, make their arsenals as significant a source of concern as those of North Korea or (potentially) Iran are today. The possibility of future arms racing between existing nuclear-armed states (especially China, Pakistan, India and the US) also poses real risks to international peace and stability.

7. The “double standards argument”—that existing nuclear weapons states must support the vision of nuclear disarmament in order to fulfil their NPT obligation to do so, and in order to address the accusation that the regime is a discriminatory one—is a powerful one. But it should not be the only reason for promoting nuclear disarmament. There are good reasons why the UK and its allies do not want particular regimes to acquire nuclear weapons. There are also particular risks involved in the transition to nuclear-armed status for states in regions of tension, not least that their weapons programmes might trigger pre-emptive attacks by other powers (as is the case for Iran). But such risks are case-specific and time-limited, rather than generic. By contrast, the argument for non-discriminatory norms for constraining, and eventually eliminating, nuclear weapons is based on an assessment that both current and possible future arsenals are a source of concern.

Politics matters

8. The prospects for nuclear disarmament cannot be viewed in isolation from wider strategic and political circumstances. Of all the nuclear-armed states, the US and its European allies have the greatest structural incentives to support nuclear disarmament. The removal of nuclear weapons from world politics would reinforce the advantages derived from US strength in conventional forces, while removing one of the few ways in which other states could pose credible threats to US or European territory. Similarly, India might view nuclear disarmament positively, given the conventional superiority that it would give it over Pakistan, and the lack of a credible threat of invasion from other states.

9. For the four other nuclear-armed states, by contrast, support for disarmament is likely to be dependent on significant amelioration to current strategic vulnerabilities. Israel will not disarm in the absence of a peace settlement with the other states of the region, some of whom (notably Iran) continue to contest its very existence. Renunciation of nuclear weapons by Pakistan is difficult to envisage without a transformation of its relationship with India, including a settlement of the Kashmir dispute. Similarly, preventing proliferation in potential candidates for acquiring nuclear weapons will require continuing attention being given to their strategic vulnerabilities and concerns. The central success of the current non-proliferation regime is that far fewer states have acquired nuclear weapons than have had programmes to do so. But the remaining cases are the most difficult ones.

10. The strategic vulnerabilities of both Russia and China pose more fundamental problems for the prospects of nuclear disarmament. Both are seeking to maintain status and autonomy in a world where the US will remain the dominant military power for at least the next two decades. Both are powerful enough to exert an effective veto on wider moves towards nuclear disarmament.

11. As its economic and soft power increases, China may become less reliant on military strength for its security. Moreover, the conventional military balance with other Asian states seems likely to shift in its favour over time, giving it additional reasons to favour nuclear disarmament. On the other hand, there are growing signs of armament competition between the US and China, which could limit the extent to which China (or, in future, the US) is prepared to reduce its nuclear arsenal. Without a broader process of military confidence-building and détente between the two countries, arms racing between the US and China could develop into a central feature of the world’s strategic landscape a decade from now.

12. Russia’s nuclear posture is a more immediate issue. The collapse of the Soviet Union has left Russia’s leadership concerned at their country’s vulnerability (political and military) to NATO members’ efforts to extend their sphere of influence eastwards. In recent years, it has given a high priority to modernising its nuclear force, reflecting the continuing centrality that conflict with NATO plays in its strategic thinking. Given the extent of “overkill” in the arsenals of both states, Russia may be prepared to agree some further reductions in strategic forces with the US in coming years. But much more fundamental change in Russian perceptions of its strategic vulnerabilities—both to NATO and, increasingly, to China—would be required for it to be willing to support a world free of nuclear weapons.

Iran: the next crisis?

13. The Iranian nuclear programme is the biggest current threat to the global non-proliferation regime. Current E3+3 efforts to persuade Iran to freeze or suspend its enrichment programme have failed to produce any sign of movement from Iran. As a result, military action against Iran’s nuclear facilities is a real possibility in the near term, despite all the risks for regional security and global energy markets that this would involve. Yet even large scale military strikes may not be sufficient to prevent Iran from acquiring nuclear weapons if it remains determined to do so. It may have the opposite effect, as bombing of Iraq’s Osirak nuclear facility in 1980 (by Iran) and Israel (in 1981) probably did in the past. Whether or not an attack takes place, therefore, there is a real possibility that Iran will become the world’s ninth (or tenth) nuclear weapons states within the next decade.

14. Optimists argue that, if Iran does acquire nuclear weapons, it will quickly learn the risk-averse and stability-enhancing behaviour that, it is claimed, existing nuclear-armed states (including India and Pakistan) already exhibit. It is perhaps just as likely that Iranian armament will lead to an extended period of instability, testing deterrence theory as never before.

15. Diplomatic possibilities for preventing Iranian nuclearisation still remain. The Iranian government has already been offered substantial economic and political concessions in return for suspending its programme. It could gain more, consolidating its strategic gains in Iraq and lessening the risk of US-inspired regime change.

16. Although the current focus of attention is on the risk of Iran acquiring nuclear weapons, the UK and its allies should also be considering how to prevent further proliferation in the region. Even if Iran does become a nuclear-armed power, it is far from inevitable that other regional states (notably Saudi Arabia and Egypt) will follow in its path. Nor would it be in the wider interests of regional or global stability that they do so. Although both states are currently US allies, medium-term diversion risks would be as high, and probably higher, than for Iran. East Asian experience suggests that it is possible to halt regional proliferation to less powerful states (South Korea, Taiwan) even when the region's largest state (China) goes nuclear. The US and its European allies need to be thinking now about how to contain proliferation in the Middle East in the event of Iran being successful in its current efforts. The provision of security guarantees to Iran's neighbours could play an important role in this effort.

Missile defences and nuclear umbrellas

17. Since its origins in the 1960's, nuclear arms control has had to consider the interaction between offensive and defensive strategic systems. For much of this period, the symbolic importance which the US and the Soviet Union (and now Russia) have attached to defensive systems has not been matched by technical effectiveness. Nevertheless, notably in relation to President Reagan's Strategic Defense Initiative, the prospect of defensive deployments has had considerable political impact.

18. Current controversies over the planned deployment of ten US missile interceptors in Poland by 2011 illustrate the continuing political sensitivity of this issue for US/Russia relations. Yet, at least in the early phase of the decision-making process, US military leaders do not appear to have considered how a deployment intended primarily to counter threats from the Middle East might be perceived by Russia. The current assumption that deployment could proceed before Iran has tested missiles capable of reaching central Europe, far less the US, does little to dampen speculation on the purposes of the deployment.

19. It would therefore be a welcome recognition of Russian concerns if the US were to refrain from interceptor deployment until Iran tests missiles capable of reaching the region that they are intended to protect. If Iran does acquire nuclear-armed missiles capable of reaching central Europe and/or the US, the political pressure for missile defence deployment (at or in excess of currently planned levels) is likely to become irresistible. This possibility makes it all the more important that the US should also continue to seek ways of providing verifiable assurances to Russia that the interceptors are not configured against its strategic forces.

20. Even if Iran fails to deploy longer-range missiles, its acquisition of nuclear weapons is likely to increase pressure from its neighbours for the provision of external security guarantees, including the deployment of US missile defence systems and troops in the western Gulf. In the Cold War, the provision of "extended deterrence" to the US's non-nuclear allies in Asia and Europe was widely taken to require a credible threat of nuclear retaliation against threats to their security. In the case of a nuclear-armed Iran, however, the threat of regime change would be a more credible, and morally justifiable, deterrent. Far from driving the US out of the region, one of the many consequences of an Iranian nuclear capability could be the consolidation of its military presence there.

Taking the high ground

21. The immediate prospects for rapid progress on the nuclear disarmament agenda are not good. Negotiations with Iran show few signs of producing a change of heart in that country's drive to develop a military nuclear capability. Military action against its known nuclear sites could further deepen, rather than resolve, this impasse. At the same time, the recent deterioration in US/Russia relations is narrowing the ability of leaders, in both countries, to make progress on bilateral arms control.

22. Despite these problems, commitment to the NPT as the centre piece of efforts to contain the threat of nuclear weapons remains strong. The most encouraging recent development has been the US policy establishment's recognition of the need for a more active approach towards fulfilling the disarmament part of the NPT bargain. If translated into Government policy, this can help put the US and Europe on the front foot in discussions leading up to the 2010 NPT, as well as providing additional legitimacy to its opposition to Iran's nuclear ambitions.

Letter from Kingston Peace Council, Campaign for Nuclear Disarmament (CND)

Security is not just, or even mainly, about weapons, defence, about ability to counter or defend against attack, to contain, thwart or prevent attack. Absolute security is to be free of the possibility of attack. In avoiding some of the mistakes of the past that have bred resentment, distrust and antagonism it should be possible to reduce the risks of attack. International Terrorism, which is to an extent a product of Britain and its allies' activities overseas, particularly sponsorship of fanatical Islam, presents us with new and different challenges. We don't believe that it could ever be possible to guarantee freedom entirely from terrorist attack should an individual/individuals be determined to pursue one. The best that can be achieved is to take measured precautions. The fanatical attacks of recent years do originate from somewhere. It seems that grievances, real or imagined, ferment in the minds of people who, for a variety of reasons, convince themselves that nihilistic action is the solution. In some cases British governments have not shown proper consideration and respect for lives and cultures in territories overseas. It seems to us that resentment and antagonisms generated have helped sow seeds of international terrorism from which we now suffer. Massive arsenals of weaponry and overawing military power are no deterrent because the terrorism is a tactic conceived to by-pass the conventional forces of the states against which grudges are borne. Better considered action overseas, showing greater respect for cultures and populations would be a significant asset in countering international terrorism.

Proliferation is by definition not an issue for which any particular sovereign state can be held accountable, yet every state is accountable, since all contribute by increasing their weapons. The act of increasing weapons by one state triggers escalation elsewhere. Increased global weaponry in the end bestows no military advantage on any particular state because of competing escalation by "opponents". Increased weaponry increases the possibility of use and, when used, the increased weaponry is more lethal than before. This is true for all weapons, but particularly nuclear weapons. Launching a nuclear attack would be most likely to invite retaliation, even if the launch were accidental, which has nearly happened on occasion. The radiation fall-out would poison the globe and make it uninhabitable. It is thought that states having nuclear weapons could be the first targeted in a nuclear war. The answer to proliferation is to work to reduce the pressure to escalate. There are a number of measures that can be taken which do not require precipitate disarmament. The British position is currently feeding the flames of escalation through significant spending on upgrading weapons, from nuclear submarines to aircraft carriers to fighter planes. We regard this as a retrograde step liable to cost the taxpayer heavily, to no advantage. Concern about security in the longer term ought correctly to persuade governments to think carefully about measures that would reduce the probability of conflict, reduce pressure to increase weapons' spending, and reduce the tendency to proliferate.

We have been saddened by events that have conspired to devalue and undermine the standing of the United Nations. It was set up to "save succeeding generations from the scourge of war" and its first session was in the Methodist Central Hall, Westminster, in January & February 1946 amidst high hopes and expectations. The circumstances then were different from those of 2008, and many have suggested changes and updates of its organisation to make it more representative and reflect the altered world. Fine words; but little action. It was particularly damaging that Britain and others by-passed the UN debate by "cutting loose" and invading Iraq. The British parliamentary vote was secured with inverted logic, vaunting rhetoric, and delusions. That didn't make it right. The UN was unable to stop the invasion of the sovereign territory of Iraq and the UN's "currency" was consequently devalued. In the circumstances Britain has particular responsibility to try to make amends and support changes to the UN so that it can be effective in securing peace and security for all of us, as was intended in 1946. It was well understood then that, without a forum for international agreement and mediation, situations can develop into anarchy and mayhem. We believe that investing time and energy in rejuvenating the United Nations offers better prospects for security than arms escalation and proliferation.

Attached is our submission which we hope the Committee will find worthy of careful consideration.

25 September 2008

Submission from Kingston Peace Council, Campaign for Nuclear Disarmament (CND)

We are a voluntary body of like-minded citizens campaigning against nuclear weapons and for disarmament and the peaceful resolution of dispute and conflict, fairness and justice. We believe that in important respects peace and security are synonymous. To attempt to build an impregnable "fire-wall" of military capability to try to secure Britain's defence is a vain hope. We see proliferation as a threat to world peace and reject any notion that increased weaponry equates to increased security. We believe a long-term ambition should be the cultivation of good relations world-wide which is most likely to meet our security ambitions.

1. CONTRADICTIONS:

This written submission is our response to apparent contradictions in government pronouncements and policy.

2. EXAGGERATED SECURITY CLAIMS:

The Cabinet Office Paper, (P10), asserts: "*we are more secure than at most times in our history.*" We believe that is not borne out by the evidence of concrete barricades around Westminster, armed guards and other measures recently introduced nation-wide. Were the situation as secure as it formerly was, these measures would not have been thought necessary.

3. ALIENATING INFLUENCE OF FOREIGN POLICY:

We believe that government policy of attacking sovereign nations, without good reason, who pose no threat whatever to our national security, and causing death on a massive scale, particularly of innocent civilians, has had the effect of alienating people at home and abroad. It may have spurred some Britons to seek protest options outside the parameters of normal peaceful protest or the political processes. We believe that government action may have significant responsibility for the importation of radical ideas and terrorism, and is a hindrance to the promotion of peace and security at home and abroad.

4. CHANGED GOVERNMENT POLICIES CAN IMPROVE SECURITY PROSPECTS:

It is true that British governments past and present have adopted policies that have, because of the inequitable treatment of other states and their populations, caused antagonisms. A wiser course in future would be to try to repair the damage and establish a new British strategy that promotes the achievement of good relations globally, through ethical foreign policy. We believe that true security can only be achieved through good international relations, fairness in our dealings with other states, and trust engendered by examples of ethical practice.

5. REGRETTABLE PROMOTION OF RADICAL ISLAM:

It is to our shame that Britain, together with allies like the US, Saudi Arabia, and Pakistan, encouraged fanatical indoctrination and funded, armed and trained, "fanatical holy warriors" amongst the Mujaheddin in Afghanistan and the tribal areas of Pakistan. These "fanatical holy warriors" were the founders of a dynasty of fanatics who nurtured the reactionary international terrorist wave which now proves so costly and difficult to counter and guard against; and which has poisoned international relations.

6. THE "WAR ON TERROR" MISGUIDED:

Considered defensive action is a natural and sensible response to terrorist outrages but it isn't possible to bomb an idea to extinction. The perpetrators don't fear death: they welcome martyrdom. Some are persuaded that terrorist acts are justified partly by the actions and behaviour of their victims. "Heavy" military response causing innocent deaths and civilian destruction gives succour to attitudes prejudicial to western values. Action should aim to separate fanatics from potential support.

7. EMPHASIS ON SECURITY AND RESTRICTION HAS NEGATIVE CONSEQUENCES:

Britain invests heavily in increased security and in measures which have the effect of restricting the freedoms of the population at large. In policing and security services there is an emphasis on targeted scrutiny of individuals thought to be of Muslim conviction, and their communities. This has the potential to poison relations with followers of classical Islam and counters a natural trend towards harmony and integration with wider British society. Therefore this is a negative policy if the aim is for increased understanding, communication, and participation in the apparatus of British society

8. WEAPONS ARE A SAFETY RISK:

We agree with the Rt Hon Jacqui Smith MP, Home Secretary, that the carrying of weapons by teenagers makes them and everyone else less safe. It increases the risk of death or serious injury from their use. However, we see a contradiction between the admonition of teenagers and government decisions to renew the Trident fleet and increase our "conventional" armaments significantly; particularly Typhoon fast jets, Type 45 destroyers, two new aircraft carriers, their support vessels and aircraft. Coupled with aggressive government policy, increasing our armaments further is escalation, with a predictable tendency to promote proliferation and counter-escalation.

9. BRITAIN ONE OF THE WORLD'S TOP ARMS EXPORTERS

Britain is one of the top arms exporters, achieved, in no small part, as a result of government promoting and facilitating arms sales. Government ministers at the highest level have used, some might say abused, diplomatic opportunities to promote British arms in discussion with heads of governments; and massive sales are underwritten by taxpayer-funded guarantees. We also believe that government fiscal policies have the effect of favouring arms manufacture by various means, using taxpayer money. Other manufacturers can only dream of such advantages: manufacturing generally is in decline. Government promotion of British arms sales is effectively promoting global proliferation, and a reputation for selling to both sides in a conflict damages Britain's image abroad.

10. SKILLS AND JOBS ARGUMENT A SMOKESCREEN:

There are genuine skills shortages in the UK which need to be addressed, whilst it is argued that the arms trade supports skills. Were that the case, the arms trade would be responsible for draining skills away from where they are needed. However, much of what is exported uses imported components manufactured overseas, which effectively supports those skilled jobs in the places of manufacture. The "skills" argument looks questionable. We believe that the prominence of the arms industry has the effect of diverting investment and scientific research away from more socially productive areas of the economy.

11. SECURITY IS NOT A STIMULUS TO INCREASED ARMS SPENDING:

Increasing our armaments if we are truly "more secure than at most times in our history" is contradictory and inconsistent. Security is the result of not feeling threatened, and in such circumstances there would be no pressure to increase British armaments. This fundamental flaw in the argument in the National Security Strategy needs answering. We believe it would be more productive to increase investment in the Ministry of Defence Section researching non-violent conflict resolution than to increase arms spending and trigger further proliferation.

12. GOVERNMENT DISHONOURING NNPT PROMOTES PROLIFERATION:

The indications are that government is willfully disregarding the spirit and letter of the Nuclear Non-Proliferation Treaty. Signatories are pledged "*to pursue in good faith ... negotiations leading to nuclear disarmament ...*" The decision to renew Trident, the massive expansion of facilities at Aldermaston, and the clearly stated objective of retaining nuclear weapons for a further 50 years, are not consistent with negotiating disarmament in good faith. The retention and updating of our nuclear weapons increases the sense of threat and is a spur to proliferation.

13. DIMINISHING THE UNITED NATIONS HEIGHTENS INSECURITY:

We are dismayed at the apparently high-handed attitude, particularly of Britain and allies, in by-passing the UN to avoid a vote which was thought would not favour an immediate invasion of Iraq. It is more concerning that some declared that the Iraq invasion was "doing the work of the UN", based on an assumption that the UN should have sanctioned the invasion. Effectively this was a snub to the authority of the UN, which had sanctioned the gathering of evidence before deciding upon military or other action. The UN was created "to save succeeding generations from the scourge of war". It thus provides, for us all, a shield of protection from arbitrary attack by other nations, provided its authority is respected. Disrespecting the UN by attacking the sovereign state of Iraq, contrary to international law, was foolhardy and, in so far as UN authority is diminished, it exposes us all to an inferior security status. The National Security Strategy says: "*In an increasingly interdependent world we cannot opt out of overseas engagement*". We agree; with the caveat that it must be done in step with the UN and the rest of the world.

14. NEED FOR COOPERATION IN UN REFORM:

The UN has not moved with the times and changing global politics. It is disproportionately influenced by former WWII axis powers and needs reforming. A positive lead by Britain would assist in securing greater security for the future.

15. GEORGIA AND RUSSIA:

We were dismayed at the conflict in Georgia and, despite it being predicted months earlier when troops were massing around Ossetia, none of the NATO allies made effective efforts to dissuade Georgia from invading. This triggered confrontation with Russia and inevitable Georgian defeat and humiliation. It might be thought that the Georgians could have felt encouraged by NATO allies to "send in the tanks"—a "Stalinist tactic" used against dissenters in the USSR. Ossetians overwhelmingly voted to remain in the Russian orbit and sending in tanks wins neither affection nor allegiance. British government castigated Russia for not respecting sovereign territory (Britain invaded the sovereign territory of Iraq in 2003) whereas we believe a more reasonable attitude would have been to criticise both sides.

16. RUSSIA AND NATO:

We believe that Russia is understandably unhappy at the prospects of the continuing march of NATO weaponry eastwards. The aim appears to be to station weapons and equipment in territory adjacent to the borders of the Russian Federation. To do so whilst professing “friendship” with Russia seems an odd contradiction. An alternative interpretation could be that some NATO allies are manipulating our defense treaties and leading us all towards an unwelcome confrontation with Russia. If true, this would inevitably lead to further proliferation.

17. PALESTINE/ISRAEL:

Britain has some responsibility for the present conflict, having been present at the birth of Israel. The conflict is a running sore that poisons relations around the world. Clearly the Palestinians are the “under-dogs”. It would be good for the security of Britain and the world to secure a fair and just settlement.

18. FUTURE POLICY DEBATE:

Wide consultation over the innovative policy of “wars of choice”, like the violent invasion of Iraq in pursuit of non-existent WMDs, is needed. There was a palpable lack of political commitment to the interests of civilian life when Iraq was occupied. Increased reliance on technological warfare has caused significant levels of death and injury to local populations (collateral damage). Morally indefensible, this is a source of potential conflict escalation. Recently the balance of policy has favoured military aggression over defence and peace-keeping, and the change is too important to be allowed to become policy by default. British forces have earned an above average reputation for peace-keeping and crisis support which is eclipsed by aggressive military policy. Excessive emphasis on militarisation will tend to promote proliferation. Budgets and personnel are stretched and debate is essential.

CONCLUSIONS:

- A. We believe there are good prospects for peace and security, but find contradictions between what government claims and professes, and the evidence of practice.
- B. We believe there is need to face up to previous errors of judgement and historical events which have left Britain seriously compromised, and which have resulted in untold deaths and casualties, bringing inevitable resentment and distrust in their wake.
- C. There is urgent need to reject an aggressive and hostile posture and look towards positive policies and practices aimed at harmony, fairness and justice.
- D. Abiding by our pledge to work towards disarmament would be a useful start.
- E. It is unfortunate that we were instrumental in arousing fanaticism that has given birth to international terrorism. It will have to be endured for some time. We should be aware that some actions are provocative and should be avoided wherever practicable.
- F. Military aggression and subversion in sovereign states around the world should be relegated to the dustbin of history.
- G. At home we should be aware that aggressive policy abroad generates divisiveness in Britain amongst our multi-cultural communities.
- H. Better considered relationships overseas are in the long-term interests of Britain and Britons, and are most likely to ensure that we are more secure than we have ever been.
- I. In the 21st century world we cannot afford to be “in the pocket” of one superpower, particularly one that has an unfortunate reputation for causing trouble and dissent, which is widely distrusted, and which seems intent upon following an “America First” policy widely annunciated by many close to power in Washington.
- J. The world belongs to its peoples, not to a Washington elite.
- K. We believe that we have an important role in the world as an integrated part of Europe.
- L. There are, and will be in future, important centres of power with which, logic and self-interest dictate, we need to ensure we enjoy good relations for the future.
- M. Our relations with China, Russia and India, to name but a few, will be of the greatest importance for the future.
- N. Peace and security are as much about not antagonizing other members of the family of nations as they are about our ability to confront, neutralise and contain threats.
- O. Maintaining a position of neutrality, mutual respect and friendship with as wide a circle of nations as possible is most likely to ensure the security and prosperity of Britain for the future.
- P. History is one useful point of reference when contemplating the future, but present and future strategy can be seriously distorted by excessive focus on the events of WWII.

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- Q. As an example of archaic obsession we remind the Committee of the then Prime Minister's exhortation, when garnering support for his Iraq war plans, not to forget the "appeasement of Hitler".
 - R. The National Security Strategy says there is need "to tackle security challenges early", and to identify "the causes of violent extremism". Useful lessons from history have often been overlooked, like the fact that every conflict has a preceding history of discontent which could be addressed in a spirit of conflict avoidance—not a desire for one-upmanship.
 - S. The world continually moves on and it is vital that our policies and practices reflect the realities of present and future circumstances if the security and prosperity of Britain is to be assured, and our status in the family of nations is to command respect and trust.
 - T. The United Nations is the vehicle for promoting trust, harmony and peace. It urgently needs reform to reflect 21st century reality and needs. It is unfortunate that some recent events have devalued its image which can yet be restored by the concerted effort of nations to effect necessary changes. This is an important aspect of security for Britain and the world which we neglect to our cost.
 - U. Proliferation is the inevitable consequence of individual nations "ratcheting up" their military capability and triggering increases elsewhere. It is illogical to complain about proliferation whilst increasing spending on weapons. It is not possible to isolate proliferation from the philosophy and attitudes that lead to remorselessly increasing spending on weapons.
 - V. We believe that the above prospectus offers a sound basis for improving and securing peace and security for Britain and Britons for the future.

We believe the way forward is to open up discussion of the issues above with the people who are the ultimate beneficiaries of the consequences of government policy—the people of Britain.

25 September 2008

Submitted by Jonathan Granoff, Esq. President, Global Security Institute

In 1965, I met Robert Kennedy while working in Washington. A small group of interns listened in rapt attention as he explained how close we were to the end of civilization during the Cuban Missile Crisis. I will never forget how he emphasized that the challenge of eliminating nuclear weapons before they eliminate us is the litmus test for humanity. Success or failure will determine our moral standard and our capacity to be led by reason and law to security, or to oblivion through fear, the quest for power and apathy.

Nearly every country in the world has accepted the nuclear Non-Proliferation Treaty (NPT) as a necessary legal instrument to address this threat. While simultaneously condemning the spread of nuclear weapons, this treaty sets forth a related obligation to obtain their universal elimination. In 1995, in order to obtain the indefinite extension of the NPT, now with 188 states parties, commitments to nuclear elimination were confirmed and strengthened by the five declared nuclear weapon states—China, United States, France, Russia, and the United Kingdom. However, the nuclear weapon states with over 96% of the weapons, the United States and Russia, have not fully addressed their fundamental dilemma: they want to keep their nuclear weapons indefinitely and at the same time condemn others who would attempt to acquire them. It is as if parents were telling their children not to smoke while puffing on cigars themselves. It is simply not effective.

This incoherence in policies leads to instability in cooperation. Nothing could be more hazardous in today's world. In order to ensure that nuclear weapons do not proliferate to more states and to dangerous sub-state actors, confidence in the restraint of the exercise of power by the most powerful is needed. The trust and cooperation needed for a global assault against such threats will not be effective if some states flaunt their disarmament obligations yet display a passion for non-proliferation.

I will highlight some of the incoherencies that are creating instability in the non-proliferation regime, and a path to coherence that simultaneously reduces threat and strengthens non-proliferation efforts. The path to stability and security is a return to promoting the pursuit of collective security through the rule of law. In the field of nuclear weapons, this translates—among other things—into fulfilling the existing legally mandated disarmament responsibilities that remain unaddressed by the nuclear weapon states. It is simply impractical and hypocritical for some to say that nuclear weapons are morally acceptable for them to possess and even threaten to use, and evil for others to attempt to acquire.

With this in mind, allow me to address the perception, common in Washington, that the NPT is failing. Looking at the NPT's good record over the past three and one-half decades, it is hard to understand the basis for the perception. It is true that three states that stayed outside the treaty have acquired arsenals, Israel, India and Pakistan. This is unfortunate, but it is also a problem that predated the NPT.²³

In contrast to these three, other states have changed their policies over time, renounced nuclear weapons and joined the treaty. For example, South Africa relinquished its small arsenal and Brazil and Argentina gave up weapons-relevant programmes. China and France accepted the NPT disarmament obligation in joining the treaty as declared nuclear weapon states in 1992. The vast majority of states have complied with the obligation of non-acquisition. Serious, demonstrated efforts to acquire nuclear weapons in violation of the treaty are known to have occurred only in a handful of cases, Iraq and Libya, where programmes have been reversed, and North Korea.

With a negotiated settlement to the North Korean situation, the area of immediate concern relating to the spread of nuclear weapons is Iran. Should Iran achieve a weapons capability over the next five to ten years, or go further and acquire weapons at some point in the future, other states in the region will face enormous pressure to follow suit. Whilst speaking at a conference in Tehran hosted by the Iranian Ministry of Foreign Affairs, I put forth a "win-win-win" approach that meets the core concerns of the West, Iran and, moreover, strengthens the international disarmament and non-proliferation regime as a whole. A policy brief on Iran further outlining this win-win-win approach is appended here as Appendix A.²⁴

THE NPT BARGAIN: RECENT DEVELOPMENTS

The NPT has a remarkable record of preventing the spread of nuclear weapons, but is now facing multiple challenges, such as:

1. Iran's defiance of Security Council sanctions and its claims to rights to a fuel cycle pursuant to Article IV of the Treaty;
2. The encouragement of proliferation by awarding Nuclear Suppliers' Group exemptions to India;
3. The failure of the nuclear weapon states to unambiguously affirm and act upon their disarmament commitments.

The first issue is addressed in Appendix C.²⁵ The nuclear trade arrangement with India represents a clear setback for non-proliferation. States which have ratified the Comprehensive Test-Ban Treaty, an essential element of a stable non-proliferation regime, failed to attach a condition that India sign the CTBT, thus undermining a core bargain of the NPT: that those who eschew nuclear weapons should get the benefit of nuclear technology.

A good understanding of the mechanisms of the Treaty is needed to explicate its disarmament commitments. The basic bargain underlying the text completed in 1968 was this: In exchange for a commitment from the non-nuclear weapons states not to acquire nuclear weapons and to submit their peaceful nuclear activities to monitoring to verify compliance with the non-acquisition commitment (Article II), the NPT nuclear weapon states pledged to engage in disarmament negotiations aimed at the elimination of their nuclear arsenals (Article VI)²⁶ and promised the non-nuclear-weapon parties unfettered access to peaceful nuclear technologies (eg nuclear power reactors and nuclear medicine; Article IV). During the negotiations at its creation, several prominent non-nuclear weapons states—Germany, Italy and Sweden, for example—would not permit the treaty to be permanent and ensured that it would be reviewed after 25 years and either be extended for a fixed period, be indefinitely extended (Article X), or lapse. At the 1995 Review and Extension Conference, many states were extremely dissatisfied with the progress on disarmament of the nuclear weapons states—US, Russia, UK, France, and China—and argued that they would not accept the inequity of a dual global system of nuclear haves and have-nots. They demanded and

²³ In the case of India, facing a Chinese arsenal, it made clear during NPT negotiations that a process of global elimination of nuclear weapons would be required for it to forgo the option of acquiring its own. Given that India's traditional commitment to nuclear disarmament dates back to the days of Gandhi and Nehru, I am convinced that India, as it repeatedly says in international forums, would participate in a disarmament process. The United States and India are now seeking to create an arrangement under which India would accept safeguards on civilian but not military nuclear facilities in return for access to civilian nuclear fuel and technology. While the proposed deal would partially engage India in the non-proliferation system, it undermines a core bargain of the NPT: that countries renouncing nuclear weapons are promised access to peaceful uses of nuclear technology, and would indirectly augment India's capability to produce fissile materials for weapons. It is therefore unacceptable as currently framed. Minimal criteria for approval of the deal by the US Nuclear Suppliers Group should be entry into force of a verified Fissile Materials Cut-off Treaty and the Comprehensive nuclear Test-Ban Treaty as well as India's formal acceptance of the NPT obligation of good-faith negotiation of cessation of arms racing and nuclear disarmament.

²⁴ Ev 123

²⁵ Ev 127

²⁶ See Thomas Graham, Jr., *Commonsense on Weapons of Mass Destruction* (2004) 10.

obtained a bargain. It contained a Statement of Principles and Objectives for Nuclear Non-proliferation and Disarmament,²⁷ which politically, if not legally, conditioned the indefinite extension of the treaty, pledging to:

- complete a Comprehensive nuclear Test-Ban Treaty by the end of 1996
- reaffirm the commitment to pursue nuclear disarmament
- commence negotiations on a treaty to stop production of nuclear bomb materials
- encourage the creation of nuclear weapons free zones
- vigorously work to make the treaty universal by bringing in Israel, Pakistan and India
- enhance IAEA safeguards and verification capacity
- reinforce negative security assurances already given to non-weapons states against the use or threat of use of nuclear weapons against them

The bargain to extend the treaty centered on a strengthened review process with near yearly preparatory conferences and a rigorous review every five years to ensure the promise as set forth in the Principle and Objectives:

“The determined pursuit by the nuclear-weapon states of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons.”

The 1995 re-commitment to and elaboration of the NPT nuclear disarmament obligation was reinforced by the 1996 advisory opinion of the International Court of Justice. Interpreting Article VI of the NPT and other international law, the Court unanimously held: “There exists an obligation to pursue in good faith and bring to a conclusion negotiations on nuclear disarmament in all its aspects under strict and effective international control.”²⁸

The 2000 Review Conference successfully reached a consensus on 13 Practical Steps to advance the commitments to lower the salience of nuclear weapons in policies, reinforce non-proliferation measures, and move toward the elimination of nuclear weapons. All 187 States Parties agreed on the following measures:²⁹

1. Entry into Force of the Comprehensive Nuclear Test-Ban Treaty (CTBT): The importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the CTBT.
2. Holding the Line Against Testing: A moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending entry into force of the CTBT.
3. Fissile Material Cut-off Treaty (FMCT): The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.
4. Negotiations on Nuclear Disarmament: The necessity of establishing in the Conference on Disarmament an appropriate subsidiary body with a mandate to deal with nuclear disarmament. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate establishment of such a body.
5. Irreversibility: The principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures.
6. Commitment to Elimination: An unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States parties are committed under Article VI.
7. Verified Reductions: The early entry into force and full implementation of Strategic Arms Reduction Treaty (START) II and the conclusion of START III as soon as possible while preserving and strengthening the Anti-Ballistic Missile (ABM) Treaty as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.
8. Control of US/Russian Excess Fissile Materials: The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.

²⁷ 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Decision 2, “Principles and Objectives for Nuclear Non-Proliferation and Disarmament,” *Final Document*, Part I, NPT/CONF.1995/32, Annex: Access at <http://disarmament2.un.org/wmd/npt/1995nptrevconfdocs.html>.

²⁸ International Court of Justice, “Legality of the Threat or Use of Nuclear Weapons,” Advisory Opinion of 8 July 1996, *ICJ Reports* (1996): 226, para. 105(2)F. Online at <http://www.icj-cij.org/icjwww/icases/iunan/iunanframe.htm>.

²⁹ 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Final Document*, Vol. I, NPT/CONF.2000/28, Part I: 14-15. Access at <http://disarmament.un.org/wmd/npt/finaldoc.html>.

9. Progress by Nuclear Weapons States: Steps by all the nuclear-weapon States leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all:

- Further efforts by the nuclear-weapon States to reduce their nuclear arsenals unilaterally.
- Increased transparency by the nuclear-weapon States with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to Article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament.
- The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process.
- Concrete agreed measures to further reduce the operational status of nuclear weapon systems.
- A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination.
- The engagement as soon as appropriate of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons.

10. Excess fissile materials under IAEA control: Arrangements by all nuclear weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under International Atomic Energy Agency (IAEA) or other relevant international verification and arrangements for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside of military programs.

11. General and Complete Disarmament: Reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control.

12. Reporting: Regular reports, within the framework of the NPT strengthened review process, by all States parties on the implementation of Article VI and paragraph 4 (c) of the 1995 Decision on “Principles and Objectives for Nuclear Non-Proliferation and Disarmament”, and recalling the Advisory Opinion of the International Court of Justice of 8 July 1996.

13. Verifying: The further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.

On this last point, the UK Government should be commended for its work to examine and experiment with potential methodologies in a future disarmament verification regime. This type of leadership by the British Government is all the more important and useful at this time, since, unfortunately, the United States, since 2000, has backtracked on key commitments made in the Practical Steps, notably the CTBT; negotiation of a *verified* FMCT; the START process and the ABM Treaty. The 2002 bilateral Strategic Offensive Reductions Treaty (SORT) with Russia fails to apply the principles of transparency, verification, and irreversibility. Furthermore, it could be argued that SORT fails to diminish the role of nuclear weapons in security policies, a duty consistent with NPT pledges. It is worth emphasizing that what is at stake here is not just a US-Russian issue. The Practical Steps, adopted at the 2000 NPT Review Conference, represent an international consensus on the means for compliance with Article VI. The US's recent failure to live up to its good faith commitments undermines not just the NPT, but the primacy of international law.

In the absence of active US leadership, hopes for progress on nuclear non-proliferation and disarmament were dashed from the outset of the 2005 Review Conference, held at the UN in May 2005. The states parties were unable to even generate a timely working agenda and 15 out of 20 days were squandered on procedural battles. The procedural squabbles masked real debate on substantive political differences. The capacity to make substantive progress on disarmament or non-proliferation was thwarted despite efforts of the world's best diplomats. The 2005 agenda was stalled along several fault lines. The United States would not permit the commitments already made under the treaty review process to be the basis for a working agenda and focused on the proliferation threats posed by Iran and North Korea; Egypt demanded recognition of previous commitments, in particular regarding making the treaty universal; Iran baited the nuclear weapon states on their failure to make progress on disarmament, specifically the United States for its research on modified or new-design warheads with new military capabilities. In the end, no consensus document was generated.

This institutional deadlock has poisoned most of our other existing multilateral disarmament machinery, beyond just the NPT review process. The Conference on Disarmament (CD) has failed to make any substantive progress in over a decade. Other fora spawned from the General Assembly First Special Session on Disarmament in 1978, such as the annual Disarmament Commission, has been unable to contribute substantively to the global regime. This institutional deadlock has arisen from a profound failure of political will to work cooperatively, wherein substantive disagreements are callously masked by procedural wrangling and arcane squabbling over agendas and asterisks. This diminution of utilization of diplomacy and law renders the reliance on force and war more likely. Proliferation is unacceptable, indeed. Yet we now know that counter-proliferation efforts, such as the war in Iraq, far from an effective non-proliferation measure, actually exacerbate insecurity on a regional and global scale.

Coupling this failed review process with the recent India deal's approval by the NSG makes rapid clear progress on disarmament obligations even more important. If the commitment of the nuclear weapon states to disarmament is not vouchsafed through actions, the NPT will not be sustainable.

LOOKING FORWARD

With the next Review Conference less than two years away, our task now is to ascertain the achievable steps that can be taken now to ensure that we do not squander another important opportunity. The steps that I advocate here meet key criteria: they do not diminish the security of any state; they reinforce the NPT and enhance the rule of law; they make the world safer now; and they move the world towards the elimination of nuclear weapons.

These steps, *inter alia*, were derived from and advocated by a process called The Article VI Forum, an ongoing series of consultations between like-minded governments and non-governmental experts. The priorities identified by the Article VI Forum are contained in the briefing paper, *Towards 2010: Priorities for NPT Consensus*.³⁰ The Article VI Forum is a project of the Middle Powers Initiative, a programme of the Global Security Institute.³¹

Fissile Materials Cut-off Treaty

An FMCT would permanently end production of fissile materials, primarily separated plutonium and highly enriched uranium (HEU), for use in weapons. It would affect most directly the countries possessing nuclear weapons; NPT non-weapon states already are subject to a verified ban on diverting materials to weapons. Achievement of an FMCT would restrain arms racing involving India, China, and Pakistan, cap Israel's arsenal, and establish ceilings on other arsenals as well. A verified FMCT also would help build a stable framework for reduction and elimination of warheads and fissile material stocks; help prevent acquisition of fissile materials by terrorists; meet a key NPT commitment; and institutionalize one of the basic pillars of a nuclear weapons-free world.

The two major hurdles to an effective FMCT are: the 2004 reversal by the United States of its position to support a verification mechanism within a future treaty and; resistance by some CD members, in particular Egypt, Israel, China and Pakistan to begin negotiations absent concurrent discussions within the CD on issues relating to outer space and/or nuclear disarmament.

The United Kingdom has maintained a careful position on this issue, neither accepting the US's claims that verification is impossible nor adamantly insisting on inclusion of verification prior to the commencement of negotiations. With increased British expertise and leadership on this issue, however, the onus is upon the UK to bring that expertise and priority to the FMCT context and work diligently to include such an effective mechanism into the final treaty.

Verification of reduction and elimination of nuclear arsenals

US President Reagan repeatedly invoked the Russian dictum, "trust but verify." The principle of verification follows from the truth that none of us can be secure in an insecure world. Verification is needed to bring greater security to the rest of the world because the rest of the world is properly concerned with the efficacy of the disarmament and arms reduction efforts of the US and Russia. It is essential to bring the principle of verification symbolized by that dictum back to centre stage. Thankfully, the United Kingdom is well-situated to take up this crucial task.

The UK should be commended for its "verification laboratory" initiatives undertaken with Norway and the non-governmental organization VERTIC. The findings of these experiments will be useful to all nuclear weapon states as they work to implement their sworn "unequivocal undertaking" to the total elimination of nuclear weapons. Strict, proven, effective verification methods will do much to assuage the fears of adversaries that actual disarmament has taken place. The smaller the arsenals, the greater these insecurities become. Therefore, as global arsenals gradually reduce, the more important the UK/Norway/VERTIC's work will be. Therefore, the UK Government must continue its financial and political support of these undertakings for the foreseeable future.

Reduction of the operational status of nuclear forces

Since 2000, the UK has reduced the operational status of its nuclear forces with a several day "notice-to-fire" readiness posture. This measure contributes to disarmament and non-proliferation by minimizing the risks of use associated with mistakes, coups, attacks on nuclear weapons facilities, false warnings, unauthorized launches, hacking into command and control systems and developments that could not now be anticipated. De-alerting also lessens the moral corruption inherent in reliance on nuclear weapons for security and defense.

³⁰ The full text of *Towards 2010* can be downloaded at: http://www.gsinstitute.org/mpi/docs/Towards_2010.pdf

³¹ For more information about MPI and GSI, see: www.gsinstitute.org

The UK should pressure other nuclear weapon states to emulate its position as a step towards the goal of having zero weapons on alert or on patrol at any time. Furthermore, the UK, having demonstrated its commitment to this issue, should vote in favour of the General Assembly resolution that calls for further de-alerting measures (A/62/36), which will be put to a vote again in the 2008 First Committee.

Comprehensive Nuclear Test-Ban Treaty

As a signatory to the CTBT, the United Kingdom must strongly support all efforts to achieve its entry-into-force. It is regrettable that the UK missed the tremendous opportunity of requiring CTBT ratification as a condition of approval by the NSG for the US-India deal. Other such opportunities to advance the entry-into-force of the Test Ban Treaty must not be similarly ignored.

The United Kingdom must make entry-into-force of the CTBT one of its top foreign policy objectives, using the wide range of diplomatic carrots at its disposal.

A diminishing role of nuclear weapons in security policies and strengthened assurances of non-use of nuclear weapons against non-weapon states

The 2007 White Paper extending the life of the Trident system was a step backwards for diminishing the role of nuclear weapons. Both the Trident system and its predecessor Polaris were designed to deter aggressive action by the now defunct USSR. The downfall of the USSR eliminated that threat. No new existential threats to the UK have emerged. The UK continues to spend half of its defence budget on a system to protect against a threat that does not exist. Moreover, nuclear weapons are not only useless in the face of real threats—such as terrorists, climate change, poverty and disease—but they actually work to heighten the risks posed by these threats. Even a limited nuclear exchange would have calamitous effects on the climate and global food supplies. The continued production of fissile material and the failure to lockdown and secure the existing stockpiles heightens the risk of nuclear terrorism. The absurd sums of money spent on nuclear weapons on a daily basis are an affront to the global battle to meet the Millennium Development Goals and eradicate poverty forever. In the 21st century, nuclear weapons make us all less, not more, secure. In sum, the most serious challenges to national and global security cannot be addressed by nuclear weapons. Indeed, the continued reliance on nuclear weapons exacerbate these threats.

The package of decisions adopted at the 1995 Review and Extension Conference of the NPT contained non-binding negative security assurances that nuclear weapons will not be used against non-nuclear weapon states party to the NPT. However, these assurances, and similar ones issued via Security Council resolution 984, remain insufficient. The NPT would be strengthened greatly by the codification of these assurances to non-nuclear weapon states parties. The UK should incorporate these assurances into their nuclear security doctrine, thus eliminating the perceived need of some non-nuclear weapon states to develop a nuclear deterrent of their own.

Prevent the Weaponization of Outer Space

At the Reykjavik summit in 1986, both the US and the Soviet Union were willing to discuss the abolition of nuclear weapons, not just steps to stop the arms race. But President Reagan's refusal to include Star Wars and other space-based weapons in the framework of nuclear abolition thwarted the talks. Just as nuclear weapons are not just about nuclear weapons, space weapons are not just about space weapons. Rather, the two are burlesque examples of the lack of a cooperative security framework. The pursuit of space weapons is about the pursuit of dominance. Gorbachev understood this at the time, and he reiterated it recently at a conference at the Belfer Center at Harvard in December last year.³² He knew that what the Americans called defence (or missile shield), was a concomitant capacity for offensive space weapons, which would create strategic imbalances, all the more pronounced if there were actual movement toward the elimination of nuclear weapons.

Therefore, serious efforts to move towards the total abolition of nuclear weapons must also address efforts to prevent, through a legally-binding, verifiable treaty, the weaponization of outer space. The UK must support such efforts at the Conference on Disarmament and in the General Assembly First Committee.

³² Read the report of the Belfer Center conference at:
http://belfercenter.ksg.harvard.edu/publication/18102/gorbachev_and_belfer_center_combine_forces_to_overcome_nuclear_danger.html.

For a full listing of conference participants, which included GSI President Jonathan Granoff, see:
http://www.gsinstitute.org/gsi/newsletter/newsletter_2008_Spring.html#dpe

CONCLUSION: DISARMAMENT AS THE COMPASS POINT

Implementation of the above-outlined priority measures and the regime-management reforms outlined in the Appendix I should take place in the context of a visible intent to achieve a nuclear weapons-free world. The priority measures are valuable in and of themselves. They decrease risks of use, diminish the access of terrorists to catastrophic weapons and materials to build them, raise barriers to acquisition by additional states, and generate support for strengthening the non-proliferation side of the regime and resolving regional crises. Moreover, the measures pass key tests: they enhance security generally; they do not diminish the security of any state; they reinforce the NPT and enhance the rule of law; they make the world safer now; they move the world towards elimination of nuclear weapons.

To conclude: Building an effective non-proliferation/disarmament regime is complex and challenging. The underlying principle, however, is simple, and serves as a guide to the work. Nuclear weapons are morally, legally, and practically unacceptable. As my mentor, the late Senator Alan Cranston, used to say, “Nuclear weapons are unworthy of civilization.” Perpetual nuclear apartheid—some countries have the weapons, others are forbidden to have them—is unsustainable. Both practical and moral coherence requires application of a universal standard, a golden rule: no country may possess weapons capable of inflicting catastrophic, city-destroying or even civilization-ending, damage. If we meet the challenge of implementing this rule, we will pass down to our children and grandchildren and all succeeding generations a world preserving the advances made by hundreds of previous generations, including our own.

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Appendix A

Needed Non-proliferation Reforms

Experience since the Cold War with preventing proliferation, in particular with regard to North Korea and Iran, teaches four lessons about strengthening the regime for the future.

First, material and ongoing violations of safeguards reporting requirements should result in forfeiture of the right to acquire nuclear fuel production technology under Article IV of the NPT. The United States made this point in NPT meetings with respect to Iran, but it has never been squarely addressed by the IAEA Board of Governors, NPT states parties, or the Security Council.

Second, institutional reform is needed to create effective compliance assessment mechanisms. There is no body empowered to assess whether a state is breaching its NPT obligation by seeking to acquire nuclear weapons nor by failing to comply with the commitment to good faith negotiations on disarmament. Under its Statute, the IAEA has the important but limited task of ascertaining whether nuclear materials have been diverted to a weapons programme, which it has *not* found to be the case in Iran. But there are other aspects to a weapons program, for example warhead design and missile development. What is needed is an NPT governing body which together with the IAEA, perhaps also drawing on UNMOVIC-type resources, has this responsibility, as well as the responsibility of monitoring reduction and elimination of existing arsenals. There have been multiple proposals to strengthen NPT institutional capability, by adding a secretariat, a governing council, and/or empowered annual meetings of states parties. The proposals have come from responsible states like Ireland and Canada and from the Weapons of Mass Destruction Commission,³³ and have been advanced as well by Jayantha Dhanapala, chair of the 1995 Review and Extension Conference and former UN Under Secretary-General for Disarmament Affairs.³⁴ So far the United States has shown no interest.

Third, policy tools work best when integrated into the global system. Effective non-proliferation and disarmament requires a robust multilateralism based upon global norms. This is not to say that policy tools involving international cooperation short of a global regime have no place. The tools include export control arrangements; the network of states (the Proliferation Security Initiative) prepared to interdict illicit shipments of nuclear, biological and chemical (NBC) weapon-related equipment, materials, and delivery systems; and the G-8 program building on the Cooperative Threat Reduction program aimed at securing NBC weapons and materials in Russia and other countries. But their effectiveness can be optimized by finding ways to link them to the global regime. An example of movement towards such integration is Security

³³ Weapons of Terror at 63-66.

³⁴ See Jayantha Dhanapala with Randy Rydell, *Multilateral Diplomacy and the NPT: An Insider’s Account* (UNIDIR, 2005) 129-132.

Council resolution 1540, which requires all states to take steps to prevent acquisition of and trafficking in NBC weapon-related items by states, terrorists and other non-state actors. Among other things, the resolution requires all states to appropriately regulate exports. It is a step toward universalizing nuclear weapons control by means of law established by the Security Council. The Bush administration is to be commended for its leadership in the solidification of global law through resolution 1540. But I must register two cautions. The first is that, as with other non-proliferation measures, the extent of compliance will depend crucially on how well the states possessing nuclear arsenals do in fulfilling their side of the bargain. The second is that given the limited membership of the Security Council and its control by the United States and other permanent members, all possessing nuclear weapons, legitimacy and in-depth commitment will best be achieved by subsequent codification of 1540 and similar requirements in multilateral treaties.

Appendix B

Underlying Practical and Moral Concerns

“The unleashing of power of the atom bomb has changed everything except our mode of thinking, and thus we head toward unparalleled catastrophes.”—*Albert Einstein*

“If men can develop weapons that are so terrifying as to make the thought of global war include almost a sentence of suicide, you would think that man’s intelligence and his comprehension ... would include also his ability to find a peaceful solution.”—*President Dwight D. Eisenhower*

We must and we can change our course for life is precious.

General George Lee Butler, former Commander-in-Chief of US Strategic Air Command (1991–92) and US Strategic Command (1992–94), was responsible for all nuclear forces of the American Air Force and Navy. His insights should be of paramount concern to all Members of Congress:

“Despite all the evidence, we have yet to fully grasp the monstrous effect of these weapons, that the consequences of their use defy reason, transcending time and space, poisoning the Earth and deforming its inhabitants.” Nuclear weapons are “inherently dangerous, hugely expensive and militarily inefficient.”

General Butler stated that “accepting nuclear weapons as the ultimate arbiter of conflict condemns the world to live under a dark cloud of perpetual anxiety. Worse, it codifies mankind’s most murderous instincts as an acceptable resort when other options for resolving conflict fail.” He added, “I have spent years studying nuclear weapons effects...have investigated a distressing array of accidents and incidents involving strategic weapons and forces... I came away from that experience deeply troubled by what I see as the burden of building and maintaining nuclear arsenals ... the grotesquely destructive war plans, the daily operational risks, and the constant prospect of a crisis that would hold the fate of entire societies at risk”³⁵

He stated his profound concern regarding how little high-level scrutiny (the US nuclear war plan) had received over the years, and by how readily his military colleagues threw up their hands and rolled their eyes at the grim challenge of converting mathematical estimates of the destructiveness of nuclear arms and the resilience of Soviet structures into dry statistical formulas for nuclear war. (reprinted from R. Jeffrey Smith, *Ex-Commander of Nukes Wants to Scrap Them, A Believer No More*, The Sacramento Bee, 29 March 1998. See also R. Jeffrey Smith, *The Dissenter*, The Washington Post, 7 December 1997, at Magazine, W18.)

General Butler had a unique comprehension of how little the matter has been understood in the chambers of decision making:

“‘It was all Alice-in-Wonderland stuff,’ General Butler says. The targeting data and other details of the war plan, which are written in an almost unfathomable million lines of computer software code, were typically reduced by military briefers to between 60 and 100 slides that could be presented in an hour or so to the handful of senior US officials who were cleared to hear it: ‘Generally, no one at the briefing wanted to ask questions because they didn’t want to embarrass themselves. It was about as unsatisfactory as could be imagined for that subject matter. The truth is that the President only had a superficial understanding’ of what would happen in a nuclear war, Butler says. Congress knew even less because no lawmaker has ever had access to the war plan, and most academics could only make ill-informed guesses.”³⁶

We remain in a state of incomplete comprehension largely because the magnitude of the destructive capacity of a nuclear bomb is simply too great to imagine. Moreover, the illogic of this improved means to

³⁵ CHARLES J. MOXLEY JR., NUCLEAR WEAPONS AND INTERNATIONAL LAW IN THE POST COLD WAR WORLD, 535 (footnote omitted) (reprinted from Otto Kreisher, *Retired Generals Urge End to Nuclear Arsenal*, THE SAN DIEGO UNION-TRIB., Dec. 5, 1996, at A-1.); See, Jonathan Granoff, *Nuclear Weapons, Ethics, Morals, and Law*, Volume 2000 Number 4, Brigham Young University Law Review, 1417 (2000).

³⁶ See id. at n 27 (quoting R. Jeffery Smith, *Ex-Commander of Nukes Wants to Scrap Them, A Believer No More*, SACRAMENTO BEE, Mar. 9, 1998; see also R. Jeffrey Smith, *The Dissenter*, WASH. POST MAG., Dec. 7, 1997, at W18).

an unimproved end challenges our fundamental concepts of what we are willing to do to millions of innocent people to protect our own creation, the State.

The UN in its 1991 report found the “(n)uclear weapons represent a historically new form of weaponry with unparalleled destructive potential. A single large nuclear weapon could release explosive power comparable to all the energy released from the conventional weapons used in all past wars.”³⁷

Experts have estimated that the total conventional bombs dropped by United States Air Force amounted to only two megatons for the entirety of WWII, the yield of one or two ordinary nuclear bombs today.³⁸

What exactly does one nuclear bomb do? Former Director of Central Intelligence Stansfield Turner offers his brief description:

The fireball created by a nuclear explosion will be much hotter than the surface of the sun for fractions of a second and will radiate light and heat, as do all objects of very high temperature. Because the fireball is so hot and close to the earth, it will deliver enormous amounts of heat and light to the terrain surrounding the detonation point, and it will be hundreds or thousands of times brighter than the sun at noon. If the fireball is created by the detonation of a 1-MT (megaton) nuclear weapon, for example, within roughly eight- to nine-tenths of a second each section of its surface will be radiating about three times as much heat and light as a comparable area of the sun itself. The intense flash of light and heat from the explosion of a 550-KT weapon can carbonize exposed skin and cause clothing to ignite. At a range of three miles surfaces would fulminate and recoil as they emanate flames. Particles of sand would explode like pieces of popcorn from the rapid heating of the fireball. At 3.5 miles, where the blast pressure would be 5psi, the fireball could ignite clothing on people, curtains and upholstery in homes and offices, and rubber tires on cars. At four miles, it could blister aluminum surfaces, and at six to seven miles it could still set fire to dry leaves and grass. This flash of incredibly intense, nuclear-driven sunlight could simultaneously set an uncountable number of fires over an area of close to 100 square miles.³⁹

What is the destructive effect of this blast? In his landmark opinion for the International Court of Justice, Judge Christopher Weeramantry made a short list:

Nuclear weapons

1. cause death and destruction; induced cancers, leukemia, keloids and related afflictions;
2. cause gastrointestinal, cardiovascular and related afflictions; continued for decades after their use to induce the health related problems mentioned above;
3. damage the environmental rights of future generations;
4. cause congenital deformities, mental retardation and genetic damage;
5. carry the potential to cause a nuclear winter;
6. contaminate and destroy the food chain;
7. imperil the eco-system;
8. produce lethal levels of heat and blast;
9. produce radiation and radioactive fallout;
10. produce a disruptive electromagnetic pulse;
11. produce social disintegration;
12. imperil all civilizations;
13. threaten human survival;
14. wreak cultural devastation;
15. span a time range of thousands of years;
16. threaten all life on the planet;
17. irreversibly damage the rights of future generations;
18. exterminate civilian population;
19. damage neighbouring states;
20. produce psychological stress and fear syndromes--as no other weapons do.⁴⁰

³⁷ MOXLEY, *supra* note 1, at 398 (quoting WORLD HEALTH ORGANIZATION, UNITED NATIONS, EFFECTS OF NUCLEAR WAR ON HEALTH AND HEALTH SERVICES 7 (2d ed. 1987); see also, UN DEPARTMENT FOR DISARMAMENT AFFAIRS, NUCLEAR WEAPONS: A COMPREHENSIVE STUDY 6, at 7, (1991)).

³⁸ See Center for Defense Information, Nuclear War Quotations 39, (hereinafter NUCLEAR WAR QUOTATIONS) (quoting Ray S. Cline in WORLD POWER ASSESSMENT 58 (1975).

³⁹ STANSFIELD TURNER, CAGING THE NUCLEAR GENIE , app. A 127–128 (1997).

⁴⁰ Threat or Use of Nuclear Weapons, 1996 I.C.J. at 454 (separate opinion of Judge Weeramantry).

What does this mean in terms of human experience? Please read this bearing in mind that the current arsenals represent nearly one million times the horror that overtook Hiroshima. Takashi Hiroaka, Mayor of Hiroshima testified before the International Court of Justice:

"The atomic bombs dropped on Hiroshima and Nagasaki shattered all war precedent. The mind-numbing damage these nuclear weapons wrought shook the foundations of human existence..."

The dropping of the nuclear weapons is a problem that must be addressed globally. History is written by the victors. Thus, the heinous massacre that was Hiroshima has been handed down to us as a perfectly justified act of war.

As a result, for over 50 years we have never directly confronted the full implications of this horrifying act for the future of the human race. Hence, we are still forced to live under the enormous threat of nuclear weapons...

Beneath the atomic bombs' monstrous mushroom cloud, human skin was burned raw. Crying for water, human beings died in desperate agony. With thoughts of these victims as the starting point, it is incumbent upon us to think about the nuclear age and the relationship between human beings and nuclear weapons...

The unique characteristic of the atomic bombing was that the enormous destruction was instantaneous and universal. Old, young, male, female, soldier, civilian—the killing was utterly indiscriminate. The entire city was exposed to the compound and devastating effects of thermal rays, shock wave blast, and radiation...

Above all, we must focus on the fact that the human misery caused by the atomic bomb is different from that caused by conventional weapons. (H)uman bodies were burned by the thermal rays and high-temperature fires, broken and lacerated by the blast, and insidiously attacked by radiation. These forms of damage compounded and amplified each other, and the name given to the combination was "A-bomb disease..."

(T)he bomb reduced Hiroshima to an inhuman state utterly beyond human ability to express or imagine. I feel frustrated at not being able to express this completely in my testimony about the tragedy of the atomic bombing...

It is clear that the use of nuclear weapons, which cause indiscriminate mass murder that leaves survivors to suffer for decades, is a violation of international law."⁴¹

During the Cold War the deployment of the arsenals of the Soviet Union and the US were designed to ensure nonuse. Not only does it seem that nuclear weapons challenge our capacity of using law and morality to guide our conduct but also reason as well. We have built a device which renders us less secure the more we perfect its effectiveness. Thus, George Kennan, a key figure in developing the architecture of the Cold War, said about nuclear weapons:

"The readiness to use nuclear weapons against other human beings—against people we do not know, whom we have never seen, and whose guilt or innocence is not for us to establish—and, in doing so, to place in jeopardy the natural structure upon which all civilization rests, as though the safety and perceived interests of our own generation were more important than everything that has taken place or could take place in civilization: this is nothing less than a presumption, a blasphemy, an indignity—an indignity of monstrous dimensions—offered to God!"⁴²

The perverse logic of the Cold War based on having enough destructive capacity at the ready to make a use unthinkable makes no sense at all today. The hair trigger deployments of thousands of warheads between Russia and US renders logic impotent since we are not even enemies. Yet, as if we were acting rationally, we keep these arsenals precisely calibrated and well organized thus efficiently risking the destruction of all human life on the planet.

I would now like to offer a simple legal test that the National Academy has given to these devices followed by the relevant excerpts from statements of recent years of the Nobel Peace Laureates who have gathered at a Summit in Rome, Italy and then close with the entire most recent Nobel Peace Laureates Statement from Gwangju, Korea of June 2006.⁴³

My hope is to instill a greater sense of the moral aspect of this issue into our public discourse. At root we are addressing whether this use of the gift of science and technology solves any problem as great as the problem this use has created. I would contend that practically, legally, morally, and militarily it has not. Thus the argument to set the compass point toward abolition is well founded.

⁴¹ JOHN BURROUGHS, THE (IL)LEGALITY OF THE THREAT OR USE OF NUCLEAR WEAPONS, 90-91(1997); see also, DOUGLAS ROCHE, THE ULTIMATE EVIL AND AN UNACCEPTABLE RISK (1995) for thorough expositions of the relationship between the threat of nuclear weapons and international legal and diplomatic affairs.

⁴² GEORGE F. KENNAN, THE NUCLEAR DELUSION 206-207 (1982).

⁴³ Report on Nobel Laureate organization the International Peace Bureau delegations to the Nobel Peace Laureate Summits lists the Laureate participants and the statements in full,
<http://www.gsinstitute.org/docs/IPB_NobelSummitReports.pdf>; see also the official web site of the Summits at
<<http://www.nobelforpeace-summit.org>>

The Committee on International Security and Arms Control of the US National Academy of Sciences succinctly summed up the legal analysis of the current posture of international law:

“(T)he International Court of Justice agreed that the threat or use of nuclear weapons is strictly limited by generally accepted laws and humanitarian principles that restrict the use of force. Accordingly, any threat or use of nuclear weapons must be limited to and necessary for, self-defense; it must not be targeted at civilians, and be capable of distinguishing between civilian and military targets; and it must not cause unnecessary suffering to combatants, or harm greater than that unavoidable to achieve military objectives. In the Committee’s view, the inherent destructiveness of nuclear weapons, combined with the unavoidable risk that even the most restricted use of such weapons would escalate to broader attacks, makes it extremely unlikely that any contemplated threat or use of nuclear weapons would meet such criteria.”⁴⁴

Judge Ranjeva, of the ICJ, stated what should be axiomatic in addressing world threats, and by that I mean, threats that impact on not just United States’ interests but the entire planet and generations yet unborn:

“On the great issues of mankind the requirements of positive law and ethics make common cause, and nuclear weapons, because of their destructive effects, are one such issue.”⁴⁵

In a world with many different religions and cultures there are few places where we can look for an expression of global ethical principles and norms. Many would agree that the Nobel Peace Laureates are a sufficiently distinguished group whose opinions should not be lightly ignored. Below are several quotes from Summits of this distinguished group on the subject of nuclear weapons.

From the 2005 Rome Final Statement:

While expressing regret that some African nations spend too much on conventional weapons, we commend the entire African continent for becoming a nuclear weapons free zone. It is absurd that the nations with nuclear weapons refuse even to pledge not to use nuclear weapons against all nuclear weapons free nations.

As in past years, we reiterate our insistence that the existence of nuclear weapons is morally unacceptable and condemn military doctrines allowing their use. We demand progress by the nuclear weapons states in fulfilling their disarmament obligations under the Nuclear Non-Proliferation Treaty. The corrosion of the non-proliferation regime is a danger to world peace.

From the 2004 Rome Final Statement:

Preserving and strengthening the Nuclear Non-Proliferation Treaty. We reject double standards and emphasize the legal responsibility of nuclear weapons states to work to eliminate nuclear weapons. We call for continuation of the moratorium on nuclear testing pending entry into force of the Comprehensive Test Ban Treaty, and for accelerating the process of verifiable and irreversible nuclear arms reduction. We are gravely alarmed by the creation of new, usable nuclear weapons and call for rejection of doctrines that view nuclear weapons as legitimate means of war-fighting and threat pre-emption.

From 2003 Rome Final Statement:

The threat of weapons of mass destruction remains with us. We call for an immediate end to the newly resurgent arms race, which is being fueled by a failure to universally ratify a treaty banning nuclear testing, and by doctrines that lower the threshold of use and promote the creation of new nuclear weapons. This is particularly dangerous when coupled with the doctrine of pre-emption.

For some to say that nuclear weapons are good for them but not for others is simply not sustainable. The failure of the nuclear weapons states to abide by their legal pledge to negotiate the elimination of nuclear weapon, contained in the Nuclear Non-Proliferation Treaty, is the greatest stimulus to their proliferation.

Nuclear weapons are immoral and we call for their universal legal prohibition. They must be eliminated before they eliminate humanity.

For a list of the Nobel Peace Laureates who have endorsed these strong statements, please go to <http://www.nobelforpeace-summit.org/index-en.asp>

⁴⁴ JOHN BURROUGHS, THE LEGAL FRAMEWORK FOR NON-USE AND ELIMINATION OF NUCLEAR WEAPONS, quoted at p. 6 (2006), <<http://www.lcnp.org/disarmament/Gpeacebrfpaper.pdf>>

⁴⁵ Threat or Use of Nuclear Weapons 1996 ICJ 296 (separate opinion of Judge Ranjeva).

Appendix C**A Sensible Policy on Iran: Towards a Safer, Saner World**

By Jonathan Granoff, President, with Rhianna Tyson, Senior Officer, September, 2008.

Preventing the spread of nuclear weapons to new states is imperative.⁴⁶ Iran is one such state. The current policies towards this end are not working well. There is a need for a more effective course, one with more clearly defined goals and objectives, and one which is situated within the global framework of disarmament and non-proliferation. Further, a more responsible policy must take into deeper consideration the cultural, as well as the political motivations for Iran's behavior, and seek to re-employ those motivators towards a behavior aligned with our goals.

The goal of US policy towards Iran must be to prevent it from becoming a nuclear weapon state. Other distracting objectives towards this end—including regime change through international pressure and/or by supporting opposition groups inside Iran—are of dubious legality or, at the least, undermine the capacity of the United States to be a trusted leader in promoting the norms of nuclear non-proliferation. Such mistrust is too high a cost to the US, especially at this historical juncture.

The most effective route to achieving our goal is to strengthen the global non-proliferation regime based on the rule of law, and simultaneously take steps to ensure that no more countries, regardless of the vicissitudes of political leadership, can develop nuclear weapons. This route is dramatically enhanced to the extent that the US decries, in policies and practices, the use of nuclear weapons and takes active steps to fulfill disarmament obligations under the nuclear Non-Proliferation Treaty (NPT). Such leadership affects other existing nuclear weapon states to similarly begin walking down the nuclear ladder toward the stable ground of a nuclear weapons-free world. The proliferation flashpoint of Iran is an immediate challenge to that journey.

A responsible Iran policy must: understand the role that national pride plays in Iran's pursuit of a nuclear program; highlight and exploit the incompatibility of nuclear weapons with Islam, as stated by the highest Shi'a clerics including Ayatollah Khomeini;⁴⁷ and enable Iran to feel it is taking a leadership role in strengthening a global non-proliferation norm. Based on these understandings, an effective policy can successfully advance a “win-win-win” approach, satisfying the core concerns of Iran, the US and the international community.

This article is premised on the political legitimacy of the sovereign state of the Islamic Republic of Iran, recognized by the international system. This recognition is a fact, regardless of whether one likes or dislikes the government of Iran.

Iran seeks to have its own indigenous, complete nuclear fuel cycle as a means to produce nuclear energy. As a signatory to the NPT, Iran has the “inalienable right... to develop, research, produc(e) and use... nuclear energy for peaceful purposes without discrimination,” as stated in Article IV of the Treaty. Several non-nuclear weapon states party to the Treaty, such as, *inter alia*, Japan, Germany, Argentina and Brazil possess this capability. In Iran's view, they want to gain the perceived benefits of the right that these other states already enjoy as part of the NPT bargain. It is particularly bothersome to Iran, and many other non-nuclear weapon states in the NPT, that India has refusal to join the NPT and other important non-proliferation treaties and is nevertheless being rewarded and encouraged in pursuing nuclear energy by the US through a vigorously sought-after nuclear sharing deal.

In 2003, the International Atomic Energy Agency (IAEA) reported that Iran had been engaging in surreptitious nuclear activities, such as plutonium separation, that violated Iran's IAEA safeguards agreement.⁴⁸ The US argues that Iran's past misconduct diminished its rights to nuclear energy under the NPT and that its ongoing efforts represent a quest to develop a fuel cycle enrichment process that will enable it to develop nuclear weapons materials.⁴⁹ Yet, the IAEA has confirmed that it has not discovered dispositive evidence that Iran then was using such technology for weapons purposes nor that it is pursuing nuclear weapons development now. Nevertheless, based on Iran's past deceptive conduct and President

⁴⁶ 187 states are party to the 1975 Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which was indefinitely extended in 1995 and reaffirmed and strengthened again in 2000. Under the NPT, the five nuclear weapon states—the US, Russia, the United Kingdom, France and China—agreed to negotiate in good faith nuclear disarmament, in exchange for the promise of the non-nuclear weapon states to never acquire them. Additionally, non-nuclear weapon states are granted the “inalienable right” to the technology and materials needed for nuclear energy. The full text of the treaty can be found at: <http://www.un.org/events/npt2005/npttreaty.html>

⁴⁷ See Appendix A.

⁴⁸ See, in particular, p7 of the report of the Director-General: <http://www.iaea.org/Publications/Documents/Board/2003/gov2003-40.pdf>.

⁴⁹ “In light of the serious unresolved issues posed by Iran's nuclear programme, we strongly disagree with Iran's assertion that it has an inherent ‘right’ under Article IV to its programme or to receive foreign assistance or cooperation with it.” Statement by Dr. Andrew K. Semmel, Alternative Representative of the United States of America to the Second Session of the Preparatory Committee for the 2005 NPT Review Conference. Geneva, Switzerland, May 7, 2003: <http://geneva.usmission.gov/press2003/0507semmel.htm>

Ahmadinejad's bellicose rhetoric, three Security Council resolutions have been adopted,⁵⁰ two of which (1737 and 1747) impose serious economic and trade sanctions unless Iran suspends all uranium enrichment activities.

Iran insists that it is in full compliance with its obligations under the NPT and has provided information and assistance beyond what is legally required of them, such as (temporary) voluntary implementation of the Additional Protocol, a non-required agreement with the IAEA to allow for relatively intrusive inspections.⁵¹ (Iran has since rescinded on this voluntary implementation.) Iran's view is that because the IAEA has yet to unambiguously declare Iran to be in non-compliance with its duties not to pursue the development of nuclear weapons, the actions undertaken by the Security Council are politically motivated and illegal. Pursuant to Article 25 of the UN Charter,⁵² Security Council resolutions are to be honored, and Iran's conduct challenges therefore the integrity of the UN Charter. Thus the present course discredits international law and does not enhance security.

Should Iran develop nuclear weapons, they would have to overcome several considerable hurdles and pay a significantly high political and cultural cost, both internationally and domestically. Internationally, Iran would be roundly condemned by the international community. The tepid support for Iran's nuclear programme currently expressed by the Non-Aligned Movement would promptly dissolve. Most importantly, it would spark a new wave of nuclear proliferation by states in the region and elsewhere, including by states that are historically at odds with the Persian nation. It is sadly ironic then, that Iran has been one of the foremost champions of a nuclear weapons-free zone in the Middle East for over 30 years.⁵³ This stated aspiration would be drastically, nearly irreversibly undermined by a nuclear weapons arsenal in Iran.

Domestically, the Iranian leaders will have to reconcile their nuclear weapons capability against the statements by the highest Islamic clerics which declare nuclear weapons to be fundamentally against the principles of Islam. (See Appendix A)⁵⁴ These statements have been reiterated in multilateral fora, such as the Security Council, and reverberated in mosques and universities throughout the country.

What is to be done now? The cost of using force to strong-arm Iran into compliance is inordinately high and very dangerous. Attempting to punish Iran through sanctions is unlikely to prevail since it has financially profited from the skyrocketing price of oil and their confidence in their domestic oil reserves.

With these considerations in mind, the United States should adopt a “win-win-win” approach that addresses the concerns of all parties and strengthens international law as a whole. Such an approach could include the following:

1. Iran's rights under Article IV of the NPT.

Under the nuclear Non-Proliferation Treaty, all non-nuclear weapon States are granted an “inalienable right to develop, research, production and use of nuclear energy for peaceful purposes without discrimination.” Under the NPT, there are no limits to uranium enrichment and thus far no stipulations over reprocessing.

The NPT is law. In order to avoid further erosion of international law, there must be an explicit acknowledgement of Iran's rights under the law, which are fully enjoyed by countries such as Japan, Sweden, Brazil, Canada and others.

However, since Iran has engaged in a secret program it is proper to state that it has a burden of proving that its practices remain well within the realm of singularly peaceful purposes of nuclear energy production. In that regard an inspection and monitoring regime is in which a sufficient degree of confidence must be established.

⁵⁰ The first resolution on Iran, SC/Res/1696, was adopted on July 31, 2006. Full text is available at: <http://daccessdds.un.org/doc/UNDOC/GEN/N06/450/22/PDF/N0645022.pdf?OpenElement>. The second resolution, SC/Res/1737, adopted December 23 2006, is available at: <http://daccessdds.un.org/doc/UNDOC/GEN/N06/681/42/PDF/N0668142.pdf?OpenElement>. The most recent resolution, SC/Res/1747, was adopted on March 24, 2007: <http://daccessdds.un.org/doc/UNDOC/GEN/N07/281/40/PDF/N0728140.pdf?OpenElement>

⁵¹ The Model Additional Protocol is a voluntary bilateral agreement between an NPT state party and the IAEA to serve as a supplement to the safeguards agreement required under the NPT to further prevent diversion of nuclear material and technology for weapons purposes. The need for an additional protocol developed after Iraq's clandestine nuclear programme was discovered in the 1980s in spite of its implemented mandatory safeguards. For the full text of the Additional Protocol, see: <http://www.iaea.org/Publications/Documents/Infocircs/1997/infocirc540c.pdf>. For a history of the development of the Additional Protocol, see Findlay, Trevor, “Looking Back: The Additional Protocol,” *Arms Control Today*, November 2007: http://www.armscontrol.org/act/2007_11/Lookingback

⁵² “The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.” The full text of the Charter can be found at: <http://www.un.org/aboutun/charter/>

⁵³ “The establishment of a Nuclear Weapons Free Zone in the Middle East has been the long-standing goal of the people of the region. Iran first initiated the idea of the establishment of a nuclear weapon-free zone as an important disarmament measure in the Middle East in 1974, followed by the relevant resolutions in the United Nations General Assembly, the IAEA General Conference as well as Final Declarations of all NPT Review Conferences.”—statement by H.E. Dr. Ali Asghar Soltanieh, Ambassador and Permanent Representative of the Islamic Republic of Iran to the United Nations and Other International Organizations, Vienna, to the First Session of the Preparatory Committee for the 2010 NPT Review Conference; 1 May 2007, Vienna. Available at: <http://www.reachingcriticalwill.org/legal/npt/prepcocom07/statements/1mayIran.pdf>

Will Iran allow itself to be singled out as if it were a criminal or rogue state or even a state with questionable integrity? No. But will Iran submit to a new highly intrusive regime that could be applied to other states similarly situated under the NPT? Most likely yes if it could claim that it is doing so voluntarily and not in response to US led coercion.

2. The creation with the IAEA and Iranian leadership of much more intrusive verification and monitoring measures to be applied universally to enhance non-proliferation efforts and lead to a nuclear weapons free world.

Currently the only safeguards on nuclear facilities *required* by the NPT are inadequate to fully ensure that no materials or resources from a civilian nuclear program have been diverted for weapons purposes. This was demonstrated by Iraq's clandestine nuclear program in the 1980s, which was destroyed by UNSCOM and later UNMOVIC. Such alarming revelations led to the creation of the IAEA Additional Protocol,⁵⁵ a more stringent set of safeguards that is not required by all states party to the NPT. (As of 2008, 86 NPT states party have an Additional Protocol in force, with another 30 that have signed it.) Iran, for its part, has not signed it but maintains that they are "voluntarily implementing" the Additional Protocol. Still, the Additional Protocol is insufficient at alleviating all concerns of the international community.

International leaders like Gareth Evans, former Australian Foreign Minister and the President of the International Crisis Group⁵⁶ as well as one of the driving visionaries of the prestigious Canberra Commission on the elimination of nuclear weapons, are championing an idea called "Additional Protocol Plus," a system of verification and monitoring, going well beyond even the snap inspections and environmental sampling of the Additional Protocol. Such strengthened verification mechanisms are needed to upgrade confidence in preventing the production of materials for weapons purposes. Heightened levels of confidence are a requirement to move toward a nuclear weapons free world.

Iran should be offered the opportunity to work directly with the IAEA to formally set up this new, more intrusive inspection, verification and monitoring regime that will set the standard for universal application. Whatever this regime will cost it will be a fraction of the cost of war or the ongoing corrosion of respect for international law.

Iran's leadership in this field will not only contribute towards achieving a viable Fissile Material Cut-Off Treaty—a stated goal of nearly all countries—but it will allow Iran to claim to be a global leader in efforts to stem proliferation. Also, it will make us all safer.

3. *Multinationalization of Iran's fuel cycle activities of concern.*

Making Iran's enrichment efforts multinational has been previously endorsed by Iranian leadership and has now been recently advocated by several much respected Americans—Ambassador Bill Luers, the President of the United Nations Association of the USA, Ambassador (ret.) Thomas Pickering and Jim Walsh.⁵⁷ They highlight that such an approach could help pave the way for Iranian membership in the World Trade Organization, increase trade with Europe, help access quickly advanced technologies. Iran could continue to run its existing facilities and centrifuges but management and operations would be shared by partner governments and any new technologies owned and managed jointly by the consortium.

4. *Security assurances*

In 1995, the Permanent Five members of the Security Council each offered assurances that non-nuclear weapon states party to the NPT would not be threatened by use of nuclear weapons. This was part of the negotiations to persuade countries to support the indefinite extension of the NPT. These so called Negative Security Assurances were referenced in Security Council Resolution 984⁵⁸ and were referenced by countries as part of their reason for supporting US led efforts in obtaining the indefinite extension of the NPT. These assurances must be embodied in positive international law through a formal, legally-binding instrument. Additionally all talk about regime change must cease and be replaced by efforts to change minds and policies through ongoing civil dialogue and diplomacy.

Iran is a leading voice for the codification of these "negative security assurances". Such a carrot would be perceived as a "win" for Iran, and, since the US already agreed to these through SC resolution 984, it would not require us to give up anything new. Further, it would not be applied *only* to Iran, but rather would constitute a new universal norm, a step toward the realization of a world free of nuclear weapons.

⁵⁵ See footnote 52.

⁵⁶ See "Iran: Is There a Way Out of the Nuclear Impasse?" *Middle East Report* No.51, 23 February 2006:
<http://www.crisisgroup.org/home/index.cfm?id=3976&l=1>

⁵⁷ "A Solution for the US-Iran Nuclear Standoff," *The New York Review of Books*, Vol. 55, No. 4, March 20, 2008:
<http://www.nybooks.com/articles/21112>

⁵⁸ SC/Res/984 was adopted on 11 April 1995:
<http://daccessdds.un.org/doc/UNDOC/GEN/N95/106/06/PDF/N9510606.pdf?OpenElement>

5. Implementation of Security Council resolutions

Three sets of Security Council resolutions calling on Iran to suspend uranium enrichment have gone unheeded. Iran regards these resolutions as politically motivated and, thus illegal. The result is that international law is corroded. The motivation for why a law is created is not relevant if the correct political body has acted. That is the case here, whether it is a good decision or not.

In order to restore the credibility, viability and primacy of international law, part of the diplomatic package must include Iran's commitment to abide by the resolutions, suspend enrichment pending establishment of the inspection and monitoring regime and the enrichment consortium. In the meantime there would be no reason Iran could not start a very innovative process of bringing before the Security Council a resolution asking the International Court of Justice to render and advisory opinion on the Security Council resolutions. This would give Iran a degree of pride in advancing a legal process.

These are but a few of the many positive steps that can be taken which meet important principles. They must enhance respect for international law, constrain universally the proliferation of nuclear weapons, and reinforce efforts leading to the abolition of nuclear weapons. These steps will help encourage Iran to take a leadership role in setting a global standard for inspections that ultimately will have to be applied universally, including to nuclear weapon states. They will also help in addressing the confidence deficit with real actions that build bridges through shared activities. This approach could give wins to the US, Iran and the entire world.

(Appendices to this brief were omitted for inclusion in this testimony. Please visit www.gsinstitute.org or contact us to receive this brief in full.)

24 September 2008

Submission from Dr Nick Ritchie, Department of Peace Studies, University of Bradford⁵⁹

The Legitimacy and Effectiveness of the Nuclear Non-Proliferation Treaty and the Decision to Renew Trident

1. The Nuclear Non-Proliferation Treaty (NPT) was signed in 1968 and entered into force in 1970. It recognised five states as "nuclear weapon states", defined as those that had "manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967". These were the United States, the Soviet Union (now the Russian Federation), Britain, France and China.

2. The treaty is often presented as a "grand bargain" between the five nuclear weapon states and the rest of the world in which the nuclear weapon states agreed to work towards nuclear disarmament, not provide nuclear weapons or weapon materials or technology to other countries and assist non-nuclear weapon states with peaceful uses of nuclear technology. Non-nuclear weapon states in return agreed not to acquire or develop nuclear weapons and to accept international safeguards on their civil nuclear programmes monitored by the International Atomic Energy Agency (IAEA).

3. Compliance with the NPT and support for nuclear non-proliferation activities is widely regarded as a vital contribution to global security. The government argues in its National Security Strategy that the proliferation of nuclear weapons will increase "the risk of instability in the international system and ultimately the risk of nuclear confrontation".⁶⁰ The government also acknowledges that the NPT is the cornerstone of international efforts to curb the spread of nuclear weapons⁶¹ and that "the NPT has helped ensure that fewer states have acquired nuclear weapons than many predicted" even if the number of nuclear-armed states has slowly increased.⁶² Ambassador John Duncan, head of Britain's delegation to the 2008 NPT Preparatory Committee, stated that "the NPT remains the foundation stone of international non-proliferation architecture. If it didn't exist, the world would be a much more dangerous place, and we would assuredly need to re-invent it".⁶³

4. The government also places considerable emphasis in its National Security Strategy on the benefits for international peace and security of a multilateral rules-based international system. The government is "committed to a multilateral, rules-based approach to international affairs, where issues are resolved through discussion and due process, with the use of force as a last resort".⁶⁴ This applies equally to addressing the proliferation of weapons of mass destruction where the government's approach reflects its "commitment to multilateralism and the rules-based international system".⁶⁵

⁵⁹ Nick Ritchie is a research Fellow at the Department of Peace Studies, university of Bradford.

⁶⁰ *The National Security Strategy of the United Kingdom: Security in an Interdependent World*, Cm 7291 (London, Cabinet Office, March 2008), p. 12.

⁶¹ *Ibid*, p. 30.

⁶² *Ibid*, p. 11.

⁶³ John Duncan, "UK General Statement to the 2008 Non-Proliferation Treaty Preparatory Committee", (Vienna, United Kingdom Permanent Representation to the Conference on Disarmament, April 28, 2008).

⁶⁴ *The National Security Strategy of the United Kingdom*, p. 47.

⁶⁵ *Ibid*, p. 29.

5. The effectiveness of multilateral institutions depends on their legitimacy. The government argues that addressing today's international security challenges requires "Multilateral engagement, ideally through international institutions...to allow the international community to draw on the full range of political, economic, and security resources at the disposal of different countries, *and to provide the legitimacy on which effective action demands*" (emphasis added).⁶⁶ This applies equally to the NPT.

6. We can therefore conclude that the government considers a) the spread of nuclear weapons is detrimental to national security; b) the NPT is a vital international institutional tool for stemming the spread of nuclear weapons; c) national and international security can best be achieved through a multilateral rules-based international order, of which the NPT is an important component; and d) the effectiveness of the NPT is innately tied to its perceived legitimacy.

7. The government has claimed that its decision announced in December 2006 to begin the process of replacing the current Trident nuclear weapons system will have no impact on the NPT and the efforts to stem the further spread of nuclear weapons. It claims that the decision to replace Trident and maintain a strategic nuclear weapons capability is benign with no negative international political repercussions. It asserts that Britain must continue to field these weapons for the foreseeable future as a necessary element of its security in order to deter the use nuclear weapons and other weapons of mass destruction by other states or potentially terrorist groups.⁶⁷

8. This government is wrong. Its decision will have a detrimental impact on the NPT by undermining the treaty's legitimacy. The question is how much, not whether it will or will not.

THE NPT'S NORMS

9. The NPT embodies two crucial norms: a norm against nuclear proliferation; and a norm of legitimate expectation of progress towards nuclear disarmament. The first norm is widely accepted and supported by the world's major powers, particularly following the accession of France, China, South Africa, Argentina, Brazil and all the post-Soviet states to the NPT in the 1990s. The second norm is contested by a number of nuclear weapon states.

10. Norms are a vital part of international security. They operate in two ways. First, they can define a state's identity and therefore its interests such that upholding or disregarding specific norms defines and validates what sort of state the state is, for example a "civilised", "Western", "non-aligned", or "rogue" state.⁶⁸ Second, norms perform an instrumental role by regulating the behaviour of states by prescribing or proscribing particular actions in a particular situation based on a state's established identity and interests.⁶⁹

11. Norms do not determine state behaviour but provide collective expectations about proper and therefore legitimate behaviour.⁷⁰ The non-proliferation norm, for example, may not prevent states that are determined to possess nuclear weapons from acquiring them but it does provide a vital framework for legitimising condemnation and sanctions against norm violators. Without the NPT regime the norm against nuclear proliferation would lack a robust and legitimate foundation.⁷¹

12. Norms and the institutional structures that embody them may shape state identity and behaviour but they have no independent existence beyond the actions of states. If all states ignored a norm it would eventually cease to exist. Norms and normative institutions must be continually reproduced and reconstructed through state policies and actions, even as they are guided by them.⁷² State practices therefore affect what a norm means, its strength, legitimacy and therefore effectiveness in international politics.⁷³

13. The non-proliferation and disarmament norms embodied by the NPT are a very valuable part of international security and stability, but they are not immutable and will not endure without support. The actions and policies of the nuclear weapon states will either reinforce or undermine these norms to varying extents. To pretend otherwise is a fallacy.

⁶⁶ *Ibid*, p. 37.

⁶⁷ Major problems with the government's deterrence justification for replacing Trident are examined in Nick Ritchie, "Trident: What is it For?—Challenging the Relevance of British Nuclear Weapons", *Bradford Disarmament Research Centre Briefing Paper*, (Bradford, University of Bradford, April 2008).

⁶⁸ Martha Finnemore & Kathryn Sikkink, "International Norm Dynamics and Political Change", *International Organization* 52: 4, Autumn 1998, p. 903

⁶⁹ Peter J. Katzenstein, Alexander Wendt, et al., "Norms, Identity, and Culture in National Security", in Katzenstein, P. J. (Ed.) *The Culture of National Security: Norms and Identity in World Politics* (New York, Columbia University Press, 1996), p. 54.

⁷⁰ *Ibid*, p. 54; Vaughn Shannon, "Norms are what States Make of them: The Political Psychology of Norm Violation", *International Studies Quarterly* 44: 1, June 2000, p. 295.

⁷¹ See Jayantha Dhanapala, *Multilateral Diplomacy and the NPT: An Insider's Account* (New York, United Nations, 2005) chapter 7.

⁷² Katzenstein, Wendt, et al., "Norms, Identity, and Culture in National Security", p. 63.

⁷³ Antje Wiener, "Contested Compliance: Interventions on the Normative Structure of World Politics", *European Journal of International Relations* 10: 2, 2004, p. 192.

THE NPT'S LEGITIMACY

14. Compliance with international rules and institutions is achieved through a combination of coercion, pure self-interest and legitimacy.⁷⁴ Legitimacy can be defined as “the normative belief by an actor that a rule or institution ought to be obeyed”.⁷⁵ When an institution or rule is considered legitimate it is invested with authority by the actor, such as a state, and the rule or body becomes an “authority”.⁷⁶ States will comply with rules and institutions considered legitimate because they become motivated “by an internal sense of moral obligation: control is legitimate to the extent that it is approved or regarded as ‘right’.”⁷⁷

15. Legitimacy is crucial because without it the exercise of control either through coercion or through provision of sufficient levels of incentives to induce self-interested compliance becomes costly and difficult.⁷⁸ Ian Hurd argues that “a common lesson of studies of complex organizations is that coercion and repression tend to generate resentment and resistance, even as they produce compliance, because they operate against the normative impulses of the subordinate individual or group.”⁷⁹

16. Nina Rathbun argues that equality is a defining dimension of legitimacy: “Legitimacy refers to the degree to which regimes ensure sovereign equality. Legitimate regimes are universal and nondiscriminatory”.⁸⁰ The NPT does not discriminate when it comes to preventing the proliferation of nuclear weapons or benefiting from the peaceful uses of nuclear energy, but it does discriminate between nuclear and non-nuclear weapon states. This “is the major factor reducing the legitimacy of the treaty” and it is here that the norm of progress towards nuclear disarmament is so vital because it “strengthens the legitimacy of the regime by creating the expectation that the special rights of the nuclear weapon states will end at some point in the future”.⁸¹ As a result the legitimacy of the NPT is based on “a fine balance of interests and principles that work together to circumscribe and limit the fundamental discrimination inherent in the treaty”.⁸²

17. Compliance with and support for the NPT is therefore intimately linked to its legitimacy, and its legitimacy is underpinned by the fundamental principles of sovereign equality and non-discrimination. The discrimination between nuclear and non-nuclear weapon states that weakens the legitimacy of the treaty is ameliorated through an expectation of progress towards nuclear disarmament that will end the treaty’s discrimination by eliminating the distinction between nuclear and non-nuclear weapon states. Progress towards nuclear disarmament alongside progress in preventing nuclear proliferation is therefore intrinsic to the legitimacy and consequently the effectiveness of the NPT.

UNDERMINING THE NPT'S LEGITIMACY

18. Efforts to galvanise support for containing and rolling-back illicit nuclear weapon programmes in North Korea and Iran and efforts to negotiate and implement new initiatives to enhance controls on peaceful uses of nuclear technology as a means of impeding further proliferation draw on the *legitimacy* of these actions under the NPT as a multilateral, rules-based international institution.

19. This has become particularly salient with the prospect of a proliferation of nuclear energy capabilities in response to climate change and energy security demands. The world’s major powers are anxious to ensure these emerging and expanding civil nuclear programmes cannot be put to military use. This will require a broader and deeper international verification and inspection regime and additional non-proliferation measures.⁸³

20. For the majority of states the legitimacy of further non-proliferation measures is *dependent* upon further nuclear disarmament measures. New initiatives by the nuclear weapon states to impose further obligations on non-nuclear weapon states under the NPT in terms of restricting access to nuclear energy capabilities are likely to be resisted unless the nuclear weapon states take further concrete and irreversible steps towards nuclear disarmament.⁸⁴ James Acton and George Perkovich’s recent study on nuclear abolition for the International Institute for Strategic Studies argues that the recent momentum behind calls to take nuclear disarmament seriously have been motivated by “the belief that it will be impossible to curtail nuclear weapons proliferation without serious progress towards nuclear disarmament”.⁸⁵

⁷⁴ Ian Hurd, “Legitimacy and Authority in International Politics”, *International Organization* 53: 2, Spring 1999, p. 381.

⁷⁵ *Ibid.*, p. 381.

⁷⁶ *Ibid.*, p. 381.

⁷⁷ *Ibid.*, p. 387 and p. 400.

⁷⁸ *Ibid.*, pp. 383, 388.

⁷⁹ *Ibid.*, p. 384.

⁸⁰ Nina Rathbun, “The Role of Legitimacy in Strengthening the Nuclear Non-Proliferation Regime”, *The Nonproliferation Review* 13: 2, July 2006, p. 228.

⁸¹ *Ibid.*, p. 233.

⁸² *Ibid.*, p. 237.

⁸³ See James Acton & George Perkovich, *Abolishing Nuclear Weapons* (London, Routledge for IISS, 2008).

⁸⁴ Rathbun, “The Role of Legitimacy in Strengthening the Nuclear Non-Proliferation Regime”, p. 236.

⁸⁵ Acton & Perkovich, *Abolishing Nuclear Weapons*, p. 7.

21. The norm of a legitimate expectation of progress towards nuclear disarmament must be adhered to *in order to* reproduce and strengthen the norm against nuclear proliferation. The lack of much greater progress towards nuclear disarmament will undermine the NPT's legitimacy and risks an erosion of the non-proliferation norm as non-nuclear weapon states become increasingly disillusioned with the NPT leading to withdrawals from the treaty and a potential cascade of nuclear proliferation.⁸⁶

22. Efforts by the nuclear weapon states to place further obligations on non-nuclear weapon states that curtail their access to peaceful uses of nuclear energy *without* the legitimising authority of the NPT risk a backlash that may undermine non-proliferation efforts and could have counter-productive consequences. As Professor John Simpson writes, “the use of raw power without legitimacy generates the anarchy it may be claiming to moderate”.⁸⁷ Such initiatives could also destabilise the NPT’s “fine balance” by threatening to institute an additional level of informal discrimination between “nuclear fuel cycle” states and “non-nuclear fuel cycle states”.⁸⁸

23. The policies and actions of the nuclear weapon states that implicitly or explicitly support the prospect of permanent discrimination through indefinite possession of nuclear weapons and downgrade or even dismiss the disarmament norm *simultaneously* support the prospect of a permanently illegitimate NPT and the attendant consequences in terms of its effectiveness. Professor William Walker, for example, questions whether “*the non-proliferation norm [can] possess meaning and legitimacy if its grounding in disarmament is denied, and if the NNWS come to regard the NPT as a duplicitous instrument for locking them into permanent inferiority and dependence?*”⁸⁹ David Boucher, former British Ambassador to the Conference on Disarmament, warns that if the nuclear powers implicitly or explicitly abolish the idea they are on a path towards nuclear disarmament and “*if you say there are always going to be nuclear weapons in the world, then it becomes very much more difficult to maintain the moral authority for saying that some countries can have it [a nuclear arsenal] and some cannot*”⁹⁰.

24. Statements and actions that reinforce the value of nuclear weapons and the logic of nuclear deterrence *can only* stand in opposition to the norm of progress towards nuclear disarmament and in support of the discrimination at the heart of the treaty that weakens its legitimacy.⁹¹

25. The NPT's legitimacy therefore depends on the realistic expectation of a non-discriminatory NPT through nuclear disarmament, universal application of the non-proliferation norm and acceptance by the nuclear weapon states that their possession of nuclear weapons is a temporary phenomenon. The two norms are innately connected through the powerful and mobilising notion of legitimacy.

A WIDELY HELD VIEW

26. The majority of non-nuclear weapon states accept a clear relationship between the NPT's non-proliferation and disarmament norms in which the strength of one norm depends on the strength of the other. The argument that the NPT is primarily about non-proliferation is refuted, the argument that the nuclear weapon states have done more than enough to meet their nuclear disarmament obligations is rejected, and a norm of expectation of progress towards nuclear disarmament is considered integral to the NPT and cannot be dismissed.⁹²

27. This view maintains that the NPT acknowledged the possession of nuclear weapons by the five NWS not as a permanent situation but as a “temporary trust” until nuclear disarmament is achieved.⁹³ The decision taken at the 1995 NPT Review and Extension Conference to extend the NPT indefinitely cannot and must not be interpreted as legitimising the indefinite possession of nuclear weapons by the nuclear weapon states.⁹⁴ The double standard at the heart of the NPT that allows some states to enjoy the supposed security benefits of nuclear weapons whilst denying those benefits to others cannot last indefinitely.⁹⁵

28. This view that progress on nuclear non-proliferation and the strength and legitimacy of the non-proliferation norm is linked to progress towards nuclear disarmament and the strength and legitimacy of the nuclear disarmament norm is reflected in the Principles and Objectives for Nuclear Non-Proliferation and Disarmament agreed at the 1995 NPT Review and Extension Conference, the “13 steps” to work towards nuclear disarmament agreed at the 2000 Review Conference, the 1996 Advisory Opinion of the

⁸⁶ Michael McCwire, “The Rise and Fall of the NPT: An Opportunity for Britain”, *International Affairs* 81: 1, 2005, p. 124.

⁸⁷ John Simpson, “The Nuclear Non-Proliferation Regime: Back to the Future”, in Vignard, K. (Ed.) *Strengthening Disarmament and Security* (Geneva, Disarmament Forum, UNIDIR, 2004, No. 1)

⁸⁸ Rathbun, “The Role of Legitimacy in Strengthening the Nuclear Non-Proliferation Regime”, p. 237.

⁸⁹ William Walker, “International Nuclear Order: A Rejoinder”, *International Affairs* 83: 4, 2007, p. 752.

⁹⁰ *The Future of the UK's Strategic Nuclear Deterrent: The Strategic Context*, HC 986, (London, The Stationery Office, June 2006), Ev. 22.

⁹¹ See Harald Muller, “The Future of Nuclear Weapons in an Interdependent World”, *The Washington Quarterly* 31: 2, Spring 2008, p. 72.

⁹² See William Walker, “Nuclear Enlightenment and Counter-Enlightenment”, *International Affairs* 83: 3, 2007, p. 436.

⁹³ *Ibid.*, p. 436; Tariq Rau & John Simpson, “The 1999 NPT PrepCom”, *The Nonproliferation Review*: Winter 1999, p. 128.

⁹⁴ Ambassador Paul Kavanagh, “The First Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons”, (Vienna, Permanent Mission of Ireland to the Conference on Disarmament on behalf of the New Agenda Coalition, May 1, 2007).

⁹⁵ See Ivo Daalder, “What Vision for the Nuclear Future?” *The Washington Quarterly* 18: 2, 1995, p. 139; George Perkovich, “Bush's Nuclear Revolution: a Regime Change in Nonproliferation”, *Foreign Affairs* 82: 2, March/April 2003, p. 2; and Lewis A. Dunn & Victor Alessi, “Arms Control by Other Means”, *Survival* 42: 4, Winter 2000/01, p. 130.

International Court of Justice that confirmed “an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control”,⁹⁶ and concerted pressure from the New Agenda Coalition⁹⁷ and Non-Aligned Movement to establish a programme of action on nuclear disarmament.

29. It is reflected in widespread dissatisfaction with progress towards nuclear disarmament.⁹⁸ A 2007 working group report on “The P-5 and Nuclear Proliferation” by the Center for Strategic and International Studies directed by Robert Einhorn, former US Assistant Secretary of State for Nonproliferation from 1999–2001, acknowledges that “One of the factors weakening the NPT today is the perception by many nonnuclear weapon states party to the treaty that the nuclear powers are not living up to their obligation under article VI to pursue nuclear disarmament”.⁹⁹

30. It is reflected in statements from the UN including those by UN Secretary General Ban Ki-Moon,¹⁰⁰ former Under-Secretary General for Disarmament Affairs at the United Nations Jayantha Dhanapala,¹⁰¹ and Ambassador Sergio Duarte of Brazil who presided over the 2005 NPT Review Conference.¹⁰²

31. It is reflected in statements by many of Britain’s “Western” allies including Switzerland, Norway, South Korea, Japan, and Australia and it is a view widely held beyond the “West” by the Non-Aligned Movement comprising 118 nations from Africa, Asia, Latin America and the Caribbean, and the League of Arab States comprising 10 countries from North Africa and the Middle East.¹⁰³ This majority view is reinforced by a review of a representative sample of government delegation statements made to the 2002, 2003 and 2004 NPT Preparatory Committees.¹⁰⁴

32. It was also acknowledged, with a degree of surprise, by a 2006 report on “*Foreign Perspectives on U.S. Nuclear Weapons Policy and Posture*” by the Pentagon’s Defense Threat Reduction Agency (DTRA). One of the report’s conclusions was that America should rethink its approach to nuclear disarmament in order to secure help from others for its non-proliferation objectives. This was judged “the most controversial potential implication of this exploration of foreign perspectives on U.S. nuclear policy and posture”.¹⁰⁵

33. A particularly salient statement was made by the Brazilian delegation to the NPT in 2007. Brazil hesitantly acceded to the NPT in 1998. It has a significant civilian nuclear power programme that now includes a uranium enrichment capability, a nuclear research programme that dates back to the 1930s and had a secret nuclear weapons programme that was terminated in 1990. It represents a state that may in the future opt to leave the treaty if the nuclear weapon states fail to make significant progress towards nuclear disarmament.¹⁰⁶ In 2007 the Brazilian delegation stated that “the implementation of a sustainable and long-term strategy in the field of non-proliferation depends on the simultaneous adoption of concrete measures as far as nuclear disarmament and fissile material are concerned... Without effective, verifiable and irreversible progress in the field of disarmament, non-proliferation regimes can provide little—if any—sustainable results...an essential step to face nuclear proliferation is the fulfilment by the nuclear armed states of their unequivocal commitment towards nuclear disarmament, assumed at the 2000 NPT Review Conference. Brazil understands that, notwithstanding the changes which eventually took place in the international security scenario, agreements reached at earlier conferences are necessarily valid and shall by no means be overlooked.” In the context of the Trident decision Brazil also stated that “We are also concerned with modernization processes of nuclear arsenals which seem to ensure that nuclear weapons will remain operative for at least a quarter of a century”.¹⁰⁷

⁹⁶ “Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion at the request of the UN General Assembly”, *ICJ Reports*, (The Hague, International Court of Justice, July 8, 1996).

⁹⁷ The New Agenda Coalition comprises Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, and Sweden. It represents a group of middle power countries seeking to build an international consensus for progress on nuclear disarmament.

⁹⁸ See Dhanapala, *Multilateral Diplomacy and the NPT*, p. 120.

⁹⁹ Robert Einhorn, “The P-5 and Nuclear Proliferation”, Washington, D.C., Center for Strategic and International Studies, December 2007, p. 12.

¹⁰⁰ Ban Ki-moon, “Message to the First Session of the Preparatory Committee for the 2010 NPT Review Conference”, Vienna, United Nations, April 20, 2007.

¹⁰¹ Jayantha Dhanapala, “Multilateralism and the Future of the Global Nuclear Nonproliferation Regime”, *The Nonproliferation Review*: Fall 2001, p. 3.

¹⁰² Sergio Duarte, “Keeping the NPT Together: A Thankless Job in a Climate of Mistrust”, *The Nonproliferation Review* 13: 1 March 2006, p. 9.

¹⁰³ See statements made by government delegations to the 2007 and 2008 NPT Preparatory Committees, available at <http://disarmament.un.org/wmd/npt/index.html>.

¹⁰⁴ Nick Ritchie, “*Contrasting views at the NPT*”, (Oxford, Oxford Research Group, working paper, October 2004).

¹⁰⁵ Lewis Dunn, Gregory Giles, et al., *Foreign Perspectives on U.S. Nuclear Policy and Posture* (Ft. Belvoir, VA, Defense Threat Reduction Agency, 2006), p. 7.

¹⁰⁶ Daphne Morrison, *Brazil’s Nuclear Ambitions, Past and Present* (Washington, D.C., Nuclear Threat Initiative, 2006), retrieved from <http://www.nti.org/e_research/e3_79.html> on September 20, 2008; Mitchell Reiss, *Bridled Ambition: Why Countries Constrain their Nuclear Capabilities* (Washington, D.C., Woodrow Wilson Center Press, 1995), pp. 48–66.

¹⁰⁷ Sérgio Duarte, “The First Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons”, Ministry of External Relations, Brazil, April 30, 2007.

LEGITIMACY ACCORDING THE NUCLEAR WEAPON STATES

34. The nuclear weapon states generally do not accept this view. They tend to argue that their nuclear weapons policies and actions have little or no effect on the legitimacy of the NPT, on nuclear proliferation, or on the willingness of other states to assist them in achieving their non-proliferation goals. They argue, for example, that the major reductions in nuclear forces by Russia and the United States throughout the 1990s did little stop North Korea or Iran pursuing nuclear weapons.

35. Several nuclear weapon states have attempted to “de-link” the disarmament and non-proliferation norms.¹⁰⁸ The extent to which the NPT represents a “grand bargain” between the nuclear weapon states and non-nuclear weapon states to halt proliferation in exchange for eventual nuclear disarmament is disputed.

36. They have traditionally placed far greater emphasis on the non-proliferation norm. America’s Ambassador to Conference on Disarmament, for example, declared in 2007 before UN First Committee that the US had done more than its fair share of work towards nuclear disarmament under the NPT and that it was now time to focus on the “crisis of noncompliance with its core of nonproliferation provisions”. She declared that *“To those who say progress on disarmament and non-proliferation are out of balance, I say that the United States fully agrees. It is time for the international community to make the kind of gains on strengthening nonproliferation norms that we have made in reducing the numbers of nuclear weapons and the degree of reliance on those weapons in national security strategies.”*¹⁰⁹

37. They also tend to argue that the NPT is a treaty to halt nuclear proliferation rather than a treaty to achieve nuclear disarmament. Dr. Christopher Ford, US Special Representative for Nuclear Nonproliferation, insisted in 2007 that “aside from this obligation to “pursue” negotiations, Article VI [of the NPT] requires no specific disarmament measures.”¹¹⁰

38. The British government claims that the decision to begin replacing Trident to maintain the capability to deploy nuclear weapons into the 2050s will have no detrimental effect on the NPT. Defence secretary Des Browne, for example, argues that “there is nothing destabilising about our plans. Under the NPT regime all the recognised nuclear weapon states, have taken equivalent steps to maintain their deterrents, including ourselves in the 1980s, without any perceptible “destabilising” effect.”¹¹¹

39. The government carefully limits the definition of “effect” to whether the decision to replace Trident will affect the decisions of the handful of states that are currently seeking nuclear weapons.¹¹² This limited conception of “effect” obscures the wider impact of the British decision on the *legitimacy* and therefore effectiveness of the NPT.

40. The decision by the British government to renew the Trident system with what initially appears to be a like-for-like replacement *can only* reinforce the value of nuclear weapons and the logic of nuclear deterrence in international politics. The decision to replace Trident and the rationales presented to support it reveal a commitment by the government to what it considers an inescapable and fundamental logic: nuclear weapons are an essential capability in an increasingly uncertain world. Declarations of retaining only a “minimum deterrent”, of not targeting nuclear weapons at any particular country and of only using them in extreme situations of national survival are overshadowed by this logic. This makes it very difficult for the government to fully support efforts to reduce the spread of nuclear weapons and support a universal norm against nuclear proliferation whilst insisting that it needs these weapons for its own security for the foreseeable future, particularly when Britain faces no strategic nuclear threats.¹¹³

41. The decision to replace Trident therefore reproduces rather than ameliorates the discrimination at the heart of the NPT and by its very nature fails to support or reproduce the norm of progress towards nuclear disarmament, despite some government rhetoric to the contrary. In doing so the decision *intrinsically* undermines the legitimacy of the NPT and the norm of non-proliferation because of the commonly accepted linkage between the NPT’s two core norms.

42. Clearly this is not the government’s intention but it is nevertheless the outcome. The government stated before the NPT gathering in 2008, for example, that “the UK does not belong to an opposite camp that insists on “non-proliferation first.” The UK fully accepts the proposition that progress must be made on the disarmament and non-proliferation tracks in parallel”.¹¹⁴ Nevertheless, the government fails to acknowledge the detrimental impact of the decision to replace Trident on the legitimacy of the NPT.

¹⁰⁸ Nabil Fahmy, “An Assessment of International Nuclear Nonproliferation Efforts After 60 Years”, *The Nonproliferation Review* 13: 1, March 2006, p. 83.

¹⁰⁹ U.S. Ambassador to the Conference on Disarmament, Christina Rocca, “Statement by Christina Rocca Permanent Representative of the United States to the Conference on Disarmament”, delivered in the General Debate of the United Nation’s First Committee, October 9, 2007.

¹¹⁰ See Christopher Ford, “Nuclear Disarmament and the ‘Legalization’ of Policy Discourse in the NPT Regime”, (Washington, D.C., James Martin Center for Nonproliferation Studies, November 29, 2007) and Joachim Krause, “Enlightenment and Nuclear Order”, *International Affairs* 83: 3, 2007, p. 486.

¹¹¹ Des Browne (2007), “The United Kingdom’s Nuclear Deterrent in the 21st Century”, speech at King’s College London, London,

¹¹² *The Future of the United Kingdom’s Nuclear Deterrent: The White Paper: Government Response to the Committee’s Ninth Report of Session 2006–07*, HC 551, (London, The Stationery Office, May 2007), p. 9.

¹¹³ See Nick Ritchie, “Trident: The Deal Isn’t Done—Serious Questions Remain Unanswered”, *Bradford Disarmament Research Centre Briefing Paper*, (Bradford, University of Bradford, December 2007).

¹¹⁴ John Duncan, “Statement by Ambassador John Duncan to the First Preparatory Committee for the Eighth Review Conference of the Nuclear Nonproliferation Treaty”, (Vienna, United Kingdom Permanent Representation to the Conference on Disarmament, April 30, 2007).

LEGALITY AND LEGITIMACY

43. The nuclear weapon states, particularly in the West, have a different interpretation of legitimacy under the NPT. They argue that the distinction drawn in the NPT between nuclear and non-nuclear weapon states represents a legal, and therefore legitimate, entitlement to possess and deploy nuclear weapons.

44. The British government legitimised its decision to begin replacing Trident based on this legal definition of legitimacy: “The UK’s retention of a nuclear deterrent is fully consistent with our international legal obligations. The NPT recognises the UK’s status (along with that of the US, France, Russia and China) as a nuclear weapon State. The NPT remains the principal source of international legal obligation relating to the possession of nuclear weapons. We are fully compliant with all our NPT obligations, including those under Article I (prevention of further proliferation of nuclear weapon technology) and Article VI (disarmament).”¹¹⁵

45. The problem with this legal interpretation of legitimacy is that by extension it appropriates the logic of nuclear deterrence for just those five countries the treaty recognises as “nuclear weapon states” and no others. Yet the logic of nuclear deterrence as an abstract process of reasoning can be objectively applied to and appropriated by *any* state that feels militarily threatened regardless of whether they have accepted legal obligations and the legal designation of a non-nuclear party to the NPT.

46. The Western nuclear weapons states proceed *as if* the logic of nuclear deterrence is not applicable to non-nuclear weapon states *because* they have accepted the designation of “non-nuclear weapon states”. The danger is that the nuclear weapon states feel free to extol the virtues of the logic of nuclear deterrence secure in the knowledge that such activity has no adverse persuasive effect on the non-nuclear community of states in the NPT because the logic of nuclear deterrence *cannot* be appropriated to them or in some cases is ameliorated through extended deterrence guarantees. It is this legal definition of legitimacy under the NPT that is used to justify the nuclear weapon states’ “do as I say, not as I do” approach to the possession of nuclear weapons.

47. The problem is that it *does* have a persuasive effect precisely *because* the logic is universally applicable on its own strategic political-military grounds. Non-nuclear weapon states recognise that the logic of nuclear deterrence articulated by the nuclear weapon states is objectively applicable to all states. They recognise that the logical destination of the non-discriminatory application of this logic is a world brimming with nuclear-armed states and argue that the only *legitimate* alternative is the non-discriminatory rejection of the logic of nuclear deterrence to avert a frighteningly dangerous nuclear-armed world.¹¹⁶ It was just such a prospect that motivated states to negotiate the NPT in the 1960s.

48. Repeated articulation of the legitimacy of the strategic political-military reasoning that underpins the logic of nuclear deterrence whilst denying the appropriation of that logic by others based on a legal (rather than strategic) distinction reinforces the discrimination at the heart of the NPT. This erodes the regime’s legitimacy and with it the legitimacy of efforts to prevent the spread of nuclear weapons. William Walker, for example, argues that “to pay open homage to nuclear deterrence is to jeopardize the non-proliferation norms and regime”.¹¹⁷

49. By framing the issue of compatibility with the NPT in a purely legal context, the government avoids discussion of whether the decision to replace Trident is compatible with reinforcing or undermining the NPT as a legitimate and therefore effective normative framework for state behaviour regarding the possession of nuclear weapons. The government’s position may arguably be legal, but that does not mean it is legitimate. As Rathbun states, “although legality is a necessary prerequisite for legitimacy, it is not sufficient.”¹¹⁸

CONCLUSIONS AND RECOMMENDATIONS

50. The NPT has a crucial normative effect in legitimising efforts to constrain proliferation, hold proliferators to account and mobilise international action and opprobrium against them, and to provide a vehicle through which states can define their identity and consequently their interests as a law-abiding non-nuclear weapon state.

51. Progress on nuclear disarmament is widely regarded as essential for maintaining the integrity of the non-proliferation norm and the legitimacy of the NPT. The treaty’s legitimacy and therefore effectiveness is contingent upon concrete actions that reproduce and reinforce both the non-proliferation and disarmament norms.

52. The government’s argument that the decision to renew Trident will have no impact on the NPT is wrong. The decision to begin renewing Trident based on the claim that nuclear deterrence remains a necessary part of British security undermines the legitimacy of the NPT by reinforcing value of nuclear weapons, the intention to remain a nuclear weapon state for the indefinite future, and consequently the

¹¹⁵ Ministry of Defence (MOD) and Foreign & Commonwealth Office (FCO), *The Future of the United Kingdom’s Nuclear Deterrent*, Cm 6994, (The Stationery Office, London, December 2003), p. 14.

¹¹⁶ On the logic of nuclear deterrence carried to its logical conclusion see Kenneth Waltz, *The Spread of Nuclear Weapons: More May Better* (London, International Institute for Strategic Studies, Adelphi Paper 171, 1981).

¹¹⁷ Walker, “*International Nuclear Order: A Rejoinder*”, p. 752.

¹¹⁸ Rathbun, “*The Role of Legitimacy in Strengthening the Nuclear Non-Proliferation Regime*”, p. 242.

discrimination at the heart of the treaty. This, in turn, undermines the legitimacy of new initiatives to enhance nuclear non-proliferation measures that draw on the legitimacy of the NPT, despite government proclamations to the contrary.

53. At a fundamental level the government's nuclear weapons policies and actions can either support or undermine the NPT's norms and the decision to replace Trident falls under the latter. This reality cannot be escaped. The decision can be argued to be legally permissible, but legality should not be conflated with legitimacy.

54. Diplomatic initiatives to agree concrete steps towards nuclear disarmament are therefore essential at the 2010 NPT Review Conference if the nuclear weapon states are to successfully negotiate additional effective and legitimate steps to stem nuclear proliferation.

55. The government should therefore commission and publish a detailed study of steps Britain could take to further de-value and reduce its own nuclear force on a verifiable path from the current definition of "minimum deterrence" based on having at least one submarine from four on patrol at all times armed with 48 warheads under a "continuous-at-sea deterrence" policy, towards zero nuclear weapons. This would be a significant step towards former Foreign Secretary Margaret Beckett's vision of Britain as a nuclear "disarmament laboratory".¹¹⁹

56. Britain should seriously consider further de-valuing nuclear weapons by formally restricting its nuclear deterrence doctrine to the deterrence of the nuclear arsenals of other major nuclear powers. The government currently insists that the logic of nuclear deterrence still pertains in four broad areas:

- i. Deterrence against aggression towards British/NATO vital interests or nuclear coercion/blackmail by major powers with large nuclear arsenals.
- ii. Deterrence against nuclear coercion or blackmail by regional "rogue" states.
- iii. Deterrence against state-sponsored acts of nuclear terrorism.
- iv. A general "residual" deterrent to preserve peace and stability in an uncertain world.¹²⁰

57. It also asserts that British nuclear weapons are not only meant to deter possible threats from other nuclear forces, but also the threat from chemical and biological weapons and general threats to British "vital interests" anywhere in the world. This broad and controversial remit for nuclear weapons extends far beyond extreme threats to the survival of the nation to include the deterrence of threats to the security of the European continent, global economic interests based on the free flow of trade, overseas and foreign investment and key raw materials, the safety and security of British citizens living and working overseas and its Overseas Territories, and general international stability.¹²¹ The government also retains the right to use nuclear weapons first in a conflict.

58. Finally, the government should introduce a working draft of a Fissile Material Cut-off Treaty (FMCT) to the Conference on Disarmament to ban the further production of fissile materials for use in nuclear weapons. An FMCT is widely accepted as the next step towards multilateral nuclear disarmament after the Comprehensive Test Ban Treaty. The Conference on Disarmament has failed to initiate negotiations on such a treaty despite agreement on a negotiating mandate in 1995. The government should consider sponsoring either directly or indirectly high-level meetings with other government delegations to explore how an FMCT could be negotiated and to invest the negotiation of such a treaty with the full political will and capital of a nuclear weapon state.

59. It should be re-called that when the government introduced its motion to the House in March 2007 to authorise its decision to begin the process of replacing Trident it assured the House that it would renew its efforts to secure measures pursuant to nuclear disarmament under Article VI of the NPT, in particular to bring about negotiations on a FMCT.¹²²

September 2008

¹¹⁹ Margaret Beckett, "A World Free of Nuclear Weapons?", Carnegie International Nonproliferation Conference, Keynote Address, June 25, 2007.

¹²⁰ See "The Future of the United Kingdom's Nuclear Deterrent", pp. 5, 18, 19; Geoff Hoon, "Intervening in the new Security Environment", speech by the Secretary of State for Defence, Foreign Policy Centre, November 12, 2002; "Deterrence, Arms Control and Proliferation", Office the Secretary of State for Defence, Ministry of Defence, July 1998; Browne, "The United Kingdom's Nuclear Deterrent in the 21st Century".

¹²¹ See Ministry of Defence, *Strategic Defence Review*, Cm 3999 (The Stationery Office, London, 1998), chapter two, paras 18–20; Ministry of Defence, *Delivering Security in a Changing World*, Cm 6041-I (The Stationery Office London, 2003), p. 4; *National Security Strategy for the United Kingdom*, pp. 31, 44. "The Future of the United Kingdom's Nuclear Deterrent", p. 14.

¹²² Official Report (*Hansard*), March 14, 2007 column 301.

Submission from Campaign for Nuclear Disarmament (CND)

The Campaign for Nuclear Disarmament (CND) welcomes the Foreign Affairs Committee's new inquiry which will examine the work of the British Government in countering weapons proliferation and its causes. CND was established in 1958 to work for the global abolition of nuclear weapons, with a particular emphasis on Britain's role in achieving that goal. CND is one of Europe's biggest single-issue peace campaigns, with over 35,000 members in the UK.

1. THE NATIONAL SECURITY STRATEGY: STRENGTHS AND WEAKNESSES

CND welcomed the government's intention to provide, through the National Security Strategy (NSS), an overarching approach to understanding the increasingly complex and unpredictable international environment in which we live and interact. We also welcomed the government's attempts to devise an integrated approach to addressing the "diverse but interconnected set of threats and risks" that Britain—and the international community—currently faces. We did, however, identify a number of weaknesses with the approach as outlined in the NSS, most notably in the document's tendency to see Britain as being on the receiving end of negative external factors without adequate consideration of the role of Britain and its allies in creating some of those negative situations. For example, the role of Britain's historic economic, political and military involvement and intervention in the Middle East, and the impact that has had on the stability of that region and in the development of anti-western forces. Failure to recognise the impact of long-running injustices, in effect ripping current events out of their historical context, will make it impossible to resolve these complex and difficult problems. In short, a greater understanding of the causes of the world's complex problems must be embraced and addressed. That understanding must recognise the impact of Britain's policies and actions. These have often had unintended consequences in the past and continue to do so today. It is CND's primary concern that Britain's current policies and actions will again have unintended consequences, contributing to the likelihood of nuclear proliferation, rather than diminishing the risk.

2. Welcoming the Government's Shift in Emphasis on Nuclear Non-Proliferation

With specific regard to nuclear non-proliferation, CND welcomes the shift in emphasis, indicated by senior government figures over the past year. We also welcome a number of statements internationally from across the political spectrum, which advocate multilateral disarmament initiatives, including those of Kissinger, Shultz *et al*, and of former UK foreign and defence secretaries. The government has now explicitly recognised that there is a link between the failure of the nuclear weapons states to meet their disarmament obligations, under the nuclear Non-Proliferation Treaty, and an increased likelihood of nuclear proliferation. In other words, disarmament and non-proliferation must go hand in hand. This was very clearly spelled out in July 2007, when Foreign Office Minister Meg Munn MP addressed a Westminster Hall adjournment debate on non-proliferation. She stated "*Any solution must be a dual one that sees movement on both proliferation and disarmament—a revitalisation, in other words, of the grand bargain struck in 1968, when the Non-Proliferation Treaty was established.*"¹²³ ie disarmament by existing nuclear weapons states in exchange for other states renouncing the development of such weapons.

The importance of Britain playing a role in achieving that has been increasingly emphasised. This was initially made clear in Margaret Beckett's speech "*A world free of nuclear weapons?*" delivered at a conference hosted by Carnegie Endowment, Washington D.C. on 25 June 2007, where she made the following statement:

*"What we need is both vision—a scenario for a world free of nuclear weapons. And action—progressive steps to reduce warhead numbers and to limit the role of nuclear weapons in security policy...For more than sixty years, good management and good fortune have meant that nuclear arsenals have not been used. But we cannot rely on history just to repeat itself...When it comes to building this new impetus for global nuclear disarmament, I want the UK to be at the forefront of both the thinking and the practical work. To be, as it were, a "disarmament laboratory".*¹²⁴

That position was subsequently strengthened earlier this year by the Prime Minister, notably in his speech to the Indian Chamber of Commerce, delivered in New Delhi, on 21 January 2008:

*"I pledge that in the run-up to the Non Proliferation Treaty Review Conference in 2010 we will be at the forefront of the international campaign to accelerate disarmament amongst possessor states, to prevent proliferation to new states, and to ultimately achieve a world that is freer from nuclear weapons."*¹²⁵

¹²³ Foreign Office Minister Meg Munn, Westminster Hall adjournment debate, 23 July 2007.

¹²⁴ Foreign Secretary Margaret Beckett, Carnegie Endowment, Washington D.C., 25 June 2007.

¹²⁵ Prime Minister Gordon Brown, Indian Chamber of Commerce, New Delhi, 21 January 2008.

Most significant in concrete terms has been the speech by the Defence Secretary, Des Browne, “*Laying the Foundations for Multilateral Disarmament*”, delivered at the UN Conference on Disarmament on 5 February 2008, where he stated:

*“The UK is willing to host a technical conference of P5 nuclear laboratories on the verification of nuclear disarmament before the next NPT Review Conference in 2010. We hope such a conference will enable the five recognised nuclear weapons states to reinforce a process of mutual confidence building: working together to solve some of these difficult technical issues.”*¹²⁶

This intention was re-emphasised in the NSS, together with a focus on making progress before the 2010 Review Conference of the nuclear Non-Proliferation Treaty.

3. CONTRADICTIONS IN GOVERNMENT POLICY

The government’s positive statements on disarmament are welcome, but there are major contradictions in the government’s approach to non-proliferation, as indicated in the NSS, as well as through government policies and actions on this matter. The NSS emphasises the government’s determination to maintain a nuclear weapons system, pressing ahead with a replacement of Trident, effectively ensuring that the UK is a nuclear-armed state to 2050 and beyond. The government also supports NATO expansion and the US missile defence system, both of which are contributing to the development of a new nuclear arms race between existing nuclear states and increasing the likelihood of wider proliferation. CND urges the government to pull back from policies that will encourage nuclear proliferation and pursue policies—as well as statements—which will advance the twin requirements of the Treaty—disarmament and non-proliferation. Both are fundamental to the security of the world today. The consequences of failing to advance both requirements were very clearly expressed by Kofi Annan at the 60th anniversary of the UN:

*“the more that those states that already have [nuclear weapons] increase their arsenals, or insist that such weapons are essential to their national security, the more other states feel that they too must have them for their security”*¹²⁷

The failure of the nuclear weapons states to comply with their obligations under the NPT—taken together with an apparent orientation towards nuclear use by some of these states—has real potential to create a tendency towards proliferation. The logic of the “deterrent” notion is that all states need nuclear weapons to protect themselves. This point has also been made by Nobel Laureate Professor Sir Joseph Rotblat,

*“If some nations—including the most powerful militarily—say that they need nuclear weapons for their security, then such security cannot be denied to other countries which really feel insecure. Proliferation of nuclear weapons is the logical consequence of this nuclear policy.”*¹²⁸

4. DECISION TO REPLACE THE TRIDENT SUBMARINES

The most grave contradiction between the government’s stated commitment and its actual practice is the decision made on March 14 July 2007, to replace the submarines, the “platform” for the Trident nuclear weapons system, committing Britain to being nuclear armed until 2050 and beyond. This decision conflicts not only with Article Six of the nuclear Non-Proliferation Treaty, signed by the UK, which states:

*“Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.”*¹²⁹

It is also contrary to the “unequivocal commitment”, given at the 2000 NPT Review Conference by the UK and the four other declared nuclear weapons states (China, France, Russia and the USA), to “work towards the total elimination of their nuclear arsenals.”

5. DECISION TO REPLACE THE NUCLEAR WARHEADS

A decision to manufacture new nuclear warheads would also be counter-productive to disarmament initiatives and the current confusion over whether or not a decision has already been taken behind closed doors does not strengthen the government’s non-proliferation case. Whilst the decision was made to begin the process for replacing the submarines, the government has continually stated that the decision can be reversed if parliament so decides, and that a decision has not yet been taken to replace the nuclear warheads for the system. In her contribution to the 14 March 2007 debate on Trident replacement, the then Foreign Secretary Margaret Beckett told Parliament, “we are not making any decision about the warheads in this Parliament, so the matter will inevitably come before a subsequent Parliament.”¹³⁰

¹²⁶ Defence Secretary Des Browne, Conference on Disarmament, 5 February 2008.

¹²⁷ Kofi Annan, UN 60th anniversary event, London, January 2006.

¹²⁸ Sir Joseph Rotblat, Science and Nuclear Weapons: Where do we go from here? *The Blackaby Papers*, no 5, Dec 2004, p.7.

¹²⁹ Article Six, Nuclear Non-Proliferation Treaty.

¹³⁰ Foreign Secretary Margaret Beckett, House of Commons *Hansard*, 14 March 2007, column 299.

And during the debate on the Atomic Weapons Establishment Aldermaston, held on 26 March 2008, the Minister of State for Defence Bob Ainsworth told parliament, “*No decisions have yet been taken on whether, or how, we will need to refurbish or replace the warhead. Such decisions are likely to be necessary during the next Parliament.*”¹³¹

Despite these statements, *The Guardian* reported on 15 July 2008 that “*previously unpublished papers released under the Freedom of Information Act reveal...The UK is to replace its stockpile of nuclear warheads at an estimated cost of more than £3 billion.*”¹³²

The government has subsequently stated that the papers—speaker’s notes for a meeting between MoD officials and arms manufacturers—were erroneous, but nevertheless cause for concern remains, particularly in view of the extensive investment in staff and facilities at AWE Aldermaston, where Britain’s nuclear weapons are made.

6. DECISION TO SUPPORT THE US MISSILE DEFENCE SYSTEM

Britain supports the US missile defence system both in terms of provision of facilities here in the UK, and in backing the location of US facilities for the system in central Europe. This system is contributing to proliferation and a new nuclear arms race, and Britain’s support will be conducive to that. The US missile defence system is a highly controversial military initiative. It is based on the Strategic Defence Initiative (or “Star Wars” plan of President Reagan), and is an anti-ballistic missile system—previously illegal under the ABM Treaty signed between the United States and the Soviet Union. Such systems were outlawed because of their ability to destabilise the strategic balance between the two superpowers. The US unilaterally withdrew from the ABM Treaty a few years ago in order to pursue a missile defence system. It is widely understood that the system will allow the US to attack other countries without fear of retaliation. Although the US says the system is designed to confront “rogue states”, it is generally thought to be against Russia and China. US plans to put facilities in Poland and the Czech Republic have only reinforced that assumption and increased Russia’s concerns.

The role of Britain is significant in missile defence. RAF Fylingdales in Yorkshire had already been assigned to the US missile defence system, and there had been concerns that the same would happen to the communications base at RAF Menwith Hill. Former Prime Minister Tony Blair had told the House of Commons in February 2007 that such a matter would be put to the House first, “*I am sure that we will have the discussion in the House... When we have a proposition to put, we will come back and put it.*”¹³³

However, on 25 July 2007, the Secretary of State for Defence, Des Browne, made a written statement to the House of Commons, stating that at RAF Menwith Hill, “*equipment will be installed and operated by the US Government to allow receipt of satellite warnings of potentially hostile missile launches... The Government welcome US plans to place further missile defence assets in Europe to address the emerging threat from rogue states...we have been exploring ways in which the UK can continue to contribute to the US system as well as to any future NATO missile defence system.*”¹³⁴

This statement was given on the last day of Parliament before the summer recess, depriving MPs of the opportunity to raise their concerns about this development. There is considerable concern within Britain about the system, with many taking the view that it will put countries that host elements of the system at greater risk, effectively putting them on the front line in future US wars.

Nevertheless, a number of MPs protested in the press about the lack of transparency and accountability, and the Foreign Affairs Committee issued a strong protest later in the year. The committee said that they “*regret the manner and timing of the Government’s announcement...and the resulting lack of Parliamentary debate on the issue*” referring to the release of the news as a written statement on the last day before Parliament broke for the summer.

7. RELATIONS WITH RUSSIA

During the recent conflict in the Caucasus, Poland and the US reached an agreement on the siting of interceptor missiles for the system in Poland. It is hard to imagine a worse time to make such an announcement. A US spokesperson was reported as saying Russia has nothing to worry about because its arsenal could easily overwhelm the interceptors.

That would be true if Russia launched a first strike against the US. But if the US launched a first strike against the Russian arsenal and knocked most of it out, then the interceptor missiles would be able to knock out most of Russia’s retaliatory strike. Whilst many people may consider that such an attack would be out of the question, it is necessary to recall that many others will think that as the US has recently pursued illegal pre-emptive war, it cannot be ruled out that it might do it again. There can be no doubt that such fears will be triggered in Moscow as a result of this provocative and destabilising development.

¹³¹ Defence Minister Bob Ainsworth, House of Commons *Hansard*, 26 March 2008, column 122WH.

¹³² *The Guardian*, 25 July 2008.

¹³³ Prime Minister Tony Blair, House of Commons *Hansard*, 28 February 2007, column 920.

¹³⁴ 12 Defence Secretary Des Browne, House of Commons *Hansard*, 25 July 2007, column 72WS.

Moscow had already announced that it will re-target its missiles on Europe if missile defence goes ahead. Following the US-Polish agreement, Russian General Anatoly Nogovitsyn stated that “*By hosting these (US Missile Defence facilities), Poland is making itself a target. This is 100% certain. It becomes a target for attack. Such targets are destroyed as a first priority.*”¹³⁵

Russian President Medvedev has recently announced that Russia plans to upgrade its nuclear systems including new nuclear submarines and a system of aerospace defence. Medvedev stated that the new systems were necessary in response to US plans to site missile defence facilities in Poland and the Czech Republic.

These developments should send a clear message to our government about the urgent need to defuse tensions with Russia, and to pull back from missile defence if we are to avoid a new Cold War, a new nuclear arms race and even a nuclear confrontation.

8. NATO EXPANSION AND ITS NUCLEAR POLICY

This is a further area where current British policy will contribute to an increase in the dangers of nuclear proliferation. The North Atlantic Treaty Organisation (NATO) was formed in 1949, during the Cold War, ostensibly as a defensive military alliance. This nuclear-armed institution should have been disbanded when its counterpart, the Warsaw Pact was dissolved, at the end of the Cold War in 1991. Instead, two waves of expansion took place in 1999 and 2004, pushing up the membership from sixteen to twenty six. And, at NATO’s Bucharest meeting, held in April 2008, Albania and Croatia were invited to join. President Bush called for Georgia to be allowed to join the Membership Action Plan, which is the next stage towards full membership. This was rejected due to opposition from several countries, led by Germany and France. But Georgia was assured in a special communique that it would eventually join NATO and a review of the decision was been pledged for December 2008. It is thought that this strong US backing may have encouraged the Georgian government to attack South Ossetia.

NATO is a nuclear-armed alliance, and between 150 and 240 US B61 nuclear bombs are stationed in five countries across Europe—Belgium, Germany, The Netherlands, Italy and Turkey. There is strong campaigning opposition to the nuclear weapons in those countries. Until earlier this year there were 110 US nuclear bombs located at RAF Lakenheath in East Anglia, under the auspices of NATO and outside the control of the British government. It is reported that these have now been removed. NATO’s nuclear policies conflict with the legal obligations of the signatories to the nuclear Non-Proliferation Treaty (NPT). Articles 1 and 2 of the NPT forbid the transfer of nuclear weapons to non-nuclear weapon states, but US/NATO nuclear weapons in Europe are located in non-nuclear weapons states. NATO has also rejected a policy of “no first use” of nuclear weapons. In other words, NATO would be prepared to use nuclear weapons in a first strike. The UK’s own rejection of a no first use policy is also linked to NATO’s policy and Defence Secretary Des Browne has recently confirmed that position, indicating that a policy of no first use of nuclear weapons would be incompatible with the UK and NATO’s “doctrine of deterrence.”

The UK’s nuclear weapons system has been assigned to NATO since the 1960s. Ultimately, this means that the UK’s nuclear weapons could be used against a country attacking (or threatening to attack) one of the NATO member states since an attack on one NATO member state is seen as being an attack on all member states. Potentially, since the 1999 rewrite of NATO’s mission, they could also be used outside the NATO area in a first-strike capacity.

9. CONCLUSION AND RECOMMENDATIONS

CND welcomes the positive statements by the British government and senior politicians both in the UK and the USA—who used to be leading advocates of nuclear weapons—calling for a nuclear weapon free world. If acted upon, this will bring government policy in line with the majority view. In a poll taken before the decision on Trident replacement was taken, 72% of the British people did not support the government’s plans to replace Trident at that time. This scale of opposition to a new nuclear weapons system is reflected in large sections of society calling for nuclear disarmament, including students, trade unions, church leaders and faith communities. A majority of the population also supports the idea of a nuclear weapons convention which would ban all nuclear weapons worldwide.

However, in order to make progress in this crucial area, the government must not only take concrete steps towards disarmament, making practical advances as well as positive statements. It must also cease to support or initiate policies which will encourage nuclear proliferation and a new nuclear arms race—potentially leading to catastrophic nuclear war. We must be quite clear that if Britain is serious about contributing to global nuclear disarmament, it cannot say one thing and do another.

CND makes the following proposals for consideration by the Foreign Affairs Committee, as short-term concrete steps towards nuclear disarmament and non-proliferation:

- A halt must be called to the Trident replacement developments—both submarines and warheads.
- Steps must be taken to advance and implement the “Thirteen Steps” agreed at the 2000 NPT Review Conference.

¹³⁵ 13 General Anatoly Nogovitsyn, reported in *The Daily Telegraph*, 15 August 2008.

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- Support must be given for a nuclear weapons convention, or any other comparable treaty or treaties, banning all nuclear weapons, as chemical and biological have been banned.
 - The further expansion of NATO must be halted and Britain must oppose NATO's first strike nuclear policy and urge the withdrawal of US nuclear weapons from Europe.
 - Use of British bases for the US missile defence system must be withdrawn and Britain must cease to support proposals for expansion of the system within Europe.
 - Concrete timetabled proposals for achieving a nuclear weapons-free world must be made to the NPT Review Conference in 2010.

29 September 2008

Submission from Martin Butcher

Using NATO as an arms control vehicle to enhance European Security

SUMMARY

- The British government should prepare itself for a change in US administration, and the review of the NATO Strategic Concept, through development of proposals to return to the use by NATO of arms control, non-proliferation and disarmament, as well as CSBMS, as security building measures.
- The government has elaborated a policy of non-proliferation, arms control and disarmament, leading to the final elimination of all nuclear weapons. It has not yet chosen to pursue this agenda through its principle defensive forum, NATO. If it did so, it would find that the strength of 26 nations was brought to bear in support of its policies. NATO nations are currently fortunate that they face few if any immediate military threats to their security. Now is the time to act to enhance regional security by ensuring, through negotiations and the revitalization of NATO's role in arms control, that such threats do not emerge in the near future.
- The North Atlantic Council could become a vehicle for the discussion of such agreements once more; while NATO could work within the NATO-Russia Council, the Mediterranean Dialogue and other fora to promote threat reduction. At a time when NATO faces no military peer, it would seem only logical to use this position of strength to negotiate agreements with neighbours and near neighbours that can obviate new WMD threats before they arise.
- This would be a return to NATO's past successful policies. Since the days of President Eisenhower, the US consulted NATO allies on arms control. This process was formalized as part of Alliance policy in the 1967 Harmel Report. The "dual-track" policy of the 1980s resulted in the INF Treaty and contributed to a significant reduction in East-West tensions. The CFE Treaty helped bring a peaceful end to the Cold War. Both significantly improved the security situation in Europe.
- In 2000, the Alliance endorsed the "13 steps" from the NPT Review Conference concluding document, and agreed to work towards their implementation. Had this happened, the security would likely be markedly better today than it is. However, since 2001, the Alliance has slowly abandoned this approach. NATO no longer supports the ABM Treaty, CTBT, the START process, and others; leaving only declaratory support for the NPT.
- Relations with Russia which deteriorated markedly this Summer, had been worsening over issues including missile defence, CFE, NATO expansion and Russian intransigence in Moldova and Georgia. Cooperation on missile defence and conventional forces, building on continuing cooperation over Afghanistan, could help mark a path back to better relations.
- NATO has a border with Iran, and if the Alliance negotiated as a whole with Iran on a broad package of security issues, then the ability to provide solid security guarantees to Iran's leadership are likely to provide a basis for success in nuclear talks.
- NATO should eliminate its few remaining tactical nuclear weapons in Europe as part of this process, and significantly reduce the role of nuclear weapons in defence strategy. Current attempts to alter Alliance doctrine to reflect that of the United States are divisive and reduce, rather than enhancing NATO unity and security.

RECOMMENDATIONS

The British government could initiate a debate with its NATO allies on a wide range of specific policy alternatives. This should form part of the Strategic Concept debate, and should:

- Rely on multi-lateral arms control, non-proliferation and disarmament as the primary tools for the reduction and elimination of all WMD threats and potential threats in the Euro-Atlantic area;
- Facilitate this through the removal of US nuclear weapons from Europe, the ending of NATO nuclear sharing, and the termination of all nuclear elements in joint strategy and doctrine;
- All Alliance members should consider how they can reduce and eventually eliminate the role of nuclear weapons in national defence policies, and how enhanced arms control policies could assist in bringing this to fruition

Perhaps the most important shift that NATO could undertake would be the revitalization of the North Atlantic Council as a venue for consultation and negotiation of arms control positions with the North Atlantic Alliance. This has worked well for NATO in the past, and contrary to current policy assumption would do so again.

Specifically, NATO could engage in a series of areas that directly affect the security of all Alliance members. These might include:

- Consultations with the US in the North Atlantic Council and with Russia in the NATO-Russia Council on the follow on to the START I and Moscow treaties;
- Discussions in the NATO-Russia Council on globalizing the INF Treaty, as well as urgent talks on reinstating the CFE Treaty;
- Consultations between NATO ministers on arms control measures to reduce the threat of ballistic missiles;
- Examination of measures to reduce and eliminate specific WMD threats, especially the potential nuclear threat from Iran;
- Examination within NATO's Mediterranean Dialogue of changes in nuclear use policy necessary to implement the Negative Security Assurances in the Pelindaba treaty—Africa's nuclear weapon free zone—and also on how NATO can assist in bringing that Treaty into force;
- Consultations on the entry into force of the CTBT, with a focus on US ratification and assistance that NATO as an organization can give to the CTBTO;
- A thorough study of all potential WMD threats to the Alliance and an analysis of measures that can be taken to eliminate them through multilateral negotiations, including concessions that NATO would need to make to achieve these goals.

INTRODUCTION

1. The British government is committed to pursuing further initiatives for non-proliferation, arms control and disarmament. As Defence Secretary Des Browne has said:

“Despite significant reductions in stockpiles since the Cold War, there remain thousands of nuclear warheads worldwide. The proliferation of nuclear material, technology and weapons represents a grave threat to international security. These challenges require a global solution. The international architecture to promote disarmament and counter proliferation is extensive, but still not sufficient. So we must continue to address these threats internationally. Every nation, both with and without nuclear weapons, needs to contribute to this effort. Nuclear Weapons States must show forward commitment to disarmament in order to maintain broad support from the Non-Nuclear Weapons States on countering proliferation.”¹³⁶

2. While the UK has been active within the NPT framework, as well as at the Conference on Disarmament, it has not been similarly active in using its mutual defence alliance to enhance security by reducing threats. There is now an opportunity to use NATO as a vehicle to pursue UK government non-proliferation and disarmament policy objectives—ensuring that these policies are seen as essential to our security and not merely as an expendable add-on.

3. NATO Ambassadors are beginning discussions on elaborating the terms of reference for a new Strategic Concept, to replace the one agreed in Washington DC in 1999. NATO Secretary General Jaap de Hoop Scheffer has continued to voice his opinion that NATO's leaders “should endorse a new strategic concept” based in “lessons of 21st century security” learned in Kosovo and Afghanistan. Such a rewriting would provide an intellectual basis for future alliance roles and missions. Since the threat posed to the Alliance by WMD and their means of delivery has for some years been identified as a central fear, it is only logical that debating the role of nuclear weapons in NATO strategy, and of arms control, non-proliferation and disarmament in eliminating these threats must be central to consideration of a new Strategic Concept.

¹³⁶ UK Secretary of Defence Browne, Speech to the Conference on Disarmament, February 2008.

4. Some NATO officials are questioning NATO's future roles. In their new model, if NATO has an Article V mission it is against far more diffuse threats—counter-terrorism (including defending against the threat of terrorists armed with nuclear, biological, chemical or radiological weapons), missile defence, managing the destabilizing effects of migration, and even guaranteeing energy security and filling a role in counter-narcotics operations. In such a world, it is likely that a pro-active and intensive diplomatic approach to the elimination of those threats will do much more to assure the safety and security of NATO members than any deterrent posture. There must also be discussion of the extent to which NATO's nuclear posture harms the global non-proliferation regime and acts as a stimulant to threats and potential threats it is intended to deter.

5. For decades, NATO pursued dual track policies of deterrence and arms control as a means of managing nuclear threats. The balance of these policies has become distorted since the adoption of the last Strategic Concept in 1999. NATO nations should undertake an evaluation of current policy and practice. They should further engage in a review of their support for arms control and disarmament as threat reduction and elimination measures, and revise policy accordingly to become more effective at building NATO security. All this needs to be achieved urgently, as the new confrontation with Russia is chipping away at the structure of international arms control agreements, and threatening to develop into a new nuclear stand-off in Eastern Europe.

6. The 2009 Summit presents an excellent opportunity to begin negotiation of a new, forward looking Strategic Concept. The British government, as a leader in the Atlantic Alliance, is well placed to argue for the adoption of its own policies by NATO as part of this process. This memorandum examines the past contribution that NATO has made as an organisation to advancing this agenda, and goes on to propose ideas that the British government could pursue through NATO to enhance security through the reduction and elimination of threats from nuclear, biological and chemical weapons, as well as their means of delivery.

NATO, ARMS CONTROL AND THREAT REDUCTION

7. NATO has a long and honourable history of contributing to global stability and security through participation in, and support for, arms control, non-proliferation and disarmament agreements. The North Atlantic Council has frequently been a body that engaged in detailed examination of agreements, and then endorsed them once concluded.

8. This contribution came because NATO regarded arms control as an important component in the reduction of threats to the Alliance from NBC weapon-armed adversaries or potential adversaries.

The Early Years

9. In the 1950s, for example, the Eisenhower administration used NATO as a consultation body with Allies before engaging in talks with the Soviet Union that led ultimately to the Partial Test Ban Treaty. Since NATO's deliberative bodies bring together both defence and foreign ministers in discussions of security policy, it is the logical forum for such debate. Internal NATO discussions about the Non-Proliferation Treaty lasted throughout the 1960s (often admittedly not concentrating on the non-proliferation aspects of the Treaty, but on preserving Allied nuclear weapons cooperation mechanisms). This dichotomy, enhancing security through threat reduction while also maintaining a nuclear exceptionalism for NATO members remains at the heart of Alliance policy today.

10. In the 1960s, the Harmel Report on Future Tasks of NATO included disarmament and arms control as Alliance tasks, recognizing their role in Alliance security:

The Allies are studying disarmament and practical arm control measures, including the possibility of balanced force reductions. These studies will be intensified. Their active pursuit reflects the will of the Allies to work for an effective détente with the East.¹³⁷

11. During this period the North Atlantic Council regularly debated treaties under discussion between the US and Russia, and in the UN Eighteen Nation Disarmament Committee (ENDC, now the UN Committee on Disarmament). Regular consultations occurred on Treaties including the Sea Bed Arms Control Treaty, the Anti-Ballistic Missile Treaty, the Biological and Chemical Weapons Conventions, nuclear Strategic Arms Limitation talks and, for many years, the Mutual and Balanced Force Reduction talks.

12. While NATO is not a signatory to any of these agreements, it was recognized by the United States (as NATO's leading partner) that the security of all members was affected by the agreement and implementation of these treaties and that, as such, it was advisable as far as possible to take Allied considerations and opinions into account during the negotiating process. For those treaties negotiated in the Eighteen Nation Disarmament Committee (ENDC), NATO provided an excellent coordinating body for the positions of the several NATO members participating directly in talks.

¹³⁷ *The Future Tasks of the Alliance*, Report of the Council, 14 December 1967.

Towards the End of the Cold War

13. The most visible example of NATOs use of arms control came, perhaps paradoxically and perhaps logically, at the height of the renewed Cold War in the late 1970s and early 1980s. In 1979, following intensive NATO consultations at ministerial and ambassadorial level, a special meeting of NATO Foreign and Defense Ministers, meeting in Brussels, adopted a “dual-track” strategy on Intermediate Range Nuclear Forces.

14. The “dual-track” decision, in which intermediate range nuclear forces deployed to Europe, to counter SS-20 deployments by the Soviet Union, were matched with an arms control track that eventually led to the INF Treaty, and the removal of Cruise, Pershing and SS-20 missiles from Europe.

15. NATO established a Special Consultative Group to manage the negotiations track. In 1987, agreement was reached and an entire class of nuclear weapons with ranges between 500 and 5500km was banned. This contributed massively to the end of the Cold War with a huge reduction in previously high levels of tensions between the two blocs. Soviet leader Mikhail Gorbachev was given the room to pursue Perestroika and Glasnost at home, in large part because of his successes internationally.

16. NATO undoubtedly missed an opportunity for threat reduction in 1989 when Germany failed to persuade the Allies to adopt the so-called “Third-Zero”—the elimination of all short-range nuclear forces (SNF) from Europe. The later elimination from Europe of all SNF except US gravity bombs under the 1991 Presidential Nuclear Initiatives (PNI), as well as reductions in Russian weapons at the same time, didn’t meet the INF standard as they are non-binding, unverified and can be easily reversed. NATO leaders must now be regretting that they failed to obtain the elimination of Russian tactical nuclear weapons, of which some 10,000 remain, in return for the elimination of a much smaller number of their own weapons.

17. By the end of the 1980s, with the Cold War ending, Paul Nitze, who negotiated the INF Treaty at the end of a long and distinguished career, was able to make the following declaration:

As it prepares to enter the next decade, NATO can look back on a period of substantial success. The challenge of Soviet INF [intermediate-range nuclear forces] missiles was met and, as a result, the INF Treaty is in place; the basic outline of a strategic arms reduction treaty has been established; important confidence-building measures have been implemented; nuclear testing talks have moved us well along toward completion of verification protocols for the Threshold Test Ban and Peaceful Nuclear Explosions Treaties, which would enable their ratification; progress has been made toward reestablishing support for the 1925 Geneva protocol banning illegal chemical weapons (CW) use and toward completing a comprehensive and verifiable ban on production or possession of chemical weapons; and a mandate has been concluded for negotiations on conventional armed forces in Europe.

But this review is a litany not of tasks completed but rather of good beginnings yet to be concluded. Even the INF problem will not be behind us until the treaty has been fully implemented. And, in the other areas, there is a long road yet ahead.

As the alliance travels this road, its fundamental goal should remain unchanged—to seek collectively to protect the ability of its member nations to live in peace with freedom and to do so by deterring war.

Arms control can play an important role in enhancing our security and producing a more stable East-West relationship. But it cannot be a substitute or replacement for adequate defenses. Instead, it is but one element of our overall security policy, a complement to the measures we must take unilaterally, such as maintaining weapons and forces necessary for an adequate deterrent. Indeed, experience shows that what we as an alliance are able and willing to do for ourselves is not only more important to our security than what we can accomplish through arms control but is also essential to the success of our arms control efforts.¹³⁸

18. This realist, who served in both Democrat and Republican administrations, had recognized the role of arms control in building stability and enhancing the security of NATO and the Warsaw Pact. This must be a fundamental principle of good arms control and non-proliferation, that it enhances security and that all parties to an agreement give something to gain enhanced security. This was certainly the basis of the INF Treaty and the agreements that followed.

NATO, Arms Control and Disarmament in the 1990s

19. This was a principle that NATO followed during the 1990s. NATO members and the Alliance gave great support to arms control, non-proliferation and disarmament measures in the immediate aftermath of the Cold War. The 1990 CFE Treaty set limits on military equipment, and set new standards for verification and transparency. With the PNIs, and the START I Treaty, the negotiated (although never ratified) START II Treaty, the Chemical Weapons Convention, the indefinite extension of the nuclear Non-Proliferation Treaty (NPT), and the agreement of the Comprehensive Test Ban Treaty, the 1990s were an important decade for arms control. In all of this, NATO allies were very supportive. NATO ministerial communiqués from

¹³⁸ Paul H. Nitze, “Security challenges facing NATO in the 1990s”, Address before the Nobel Institute’s Leangkollen Seminar in Oslo on 6 February 1989.

the period reflect this, with many positive references to treaties and negotiated agreements. NATO ministers also offered support for START II ratification and for the negotiation of START III. NATO has also consistently supported the negotiation of a Fissile Material Cut-Off Treaty.

20. In June 1994, NATO adopted its Alliance Policy Framework on Proliferation of Weapons of Mass Destruction. This followed the January 1994 Brussels Summit acknowledgement that the proliferation of WMD and their means of delivery was a threat to international security and a matter of concern to the Alliance, something NATO leaders had been moving towards since 1991, when they first mentioned the proliferation of WMD as a threat to the Alliance. This framework was the first major public NATO document on WMD proliferation, covering both the political and defence dimensions of the subject. In 1996 NATO Foreign Ministers reiterated their concern that WMD proliferation continued to pose a potential threat to NATO.

21. The Senior Politico-Military Group on Proliferation (SGP) and the Senior Defence Group on Proliferation (DGP) were established in 1996 and mandated to focus on proliferation issues: one Group to address the political aspects of NATO's approach to the proliferation problem; and the other to identify the military capabilities needed to discourage NBC proliferation, to deter threats and the use of NBC weapons, and to protect NATO populations, territories and forces. This marks the public beginning of a joint strategy of arms control and non-proliferation on the one hand, and military counter-proliferation on the other; both as part of a coordinated approach to the reduction of nuclear and other WMD threats to NATO. The Joint Committee on Proliferation (JCP) provides co-ordinated reports to NATO leaders on the politico-military and defence aspects of proliferation.

22. In 1997, NATO ministers supported the demarcation agreement on missile defences and the ABM Treaty as important to strategic stability. The Madrid Summit of the same year called for a legally binding and effective verification mechanism for the Biological Weapons Convention.

23. In 1998 in Vilamoura, during an informal meeting of NATO Defence Ministers, the US Secretary of Defence introduced, for the first time, the WMD Initiative. Its purpose was to expand the Alliance's understanding of the proliferation issue and to focus appropriate attention on WMD risks. At the April 1999 Washington Summit, NATO launched a Weapons of Mass Destruction Initiative to address the risks posed by the proliferation of these weapons and their means of delivery. NATO describes this initiative thus:

The WMD Initiative will: ensure a more vigorous, structured debate at NATO leading to strengthened common understanding among Allies on WMD issues and how to respond to them; improve the quality and quantity of intelligence and information-sharing among Allies on proliferation issues; support the development of a public information strategy by Allies to increase awareness of proliferation issues and Allies' efforts to support non-proliferation efforts; enhance existing Allied programmes which increase military readiness to operate in a WMD environment and to counter WMD threats; strengthen the process of information exchange about Allies' national programmes of bilateral WMD destruction and assistance; enhance the possibilities for Allies to assist one another in the protection of their civil populations against WMD risks; and create a WMD Centre within the International Staff at NATO to support these efforts. The WMD initiative will integrate political and military aspects of Alliance work in responding to proliferation.¹³⁹

24. At the same Summit, NATO agreed the so-called paragraph 32 process. This was named after paragraph 32 of the Washington Summit communiqué. This reads:

Arms control, disarmament and non-proliferation will continue to play a major role in the achievement of the Alliance's security objectives. NATO has a long-standing commitment in this area. Allied forces, both conventional and nuclear, have been significantly reduced since the end of the Cold War as part of the changed security environment. All Allies are States Parties to the central treaties related to disarmament and non-proliferation of weapons of mass destruction, the Nuclear Non-Proliferation Treaty, the Biological and Toxin Weapons Convention and the Chemical Weapons Convention, and are committed to the full implementation of these treaties. NATO is a defensive Alliance seeking to enhance security and stability at the minimum level of forces consistent with the requirements for the full range of Alliance missions. As part of its broad approach to security, NATO actively supports arms control and disarmament, both conventional and nuclear, and pursues its approach against the proliferation of weapons of mass destruction and their delivery means. In the light of overall strategic developments and the reduced salience of nuclear weapons, the Alliance will consider options for confidence and security building measures, verification, non-proliferation and arms control and disarmament. The Council in Permanent Session will propose a process to Ministers in December for considering such options. The responsible NATO bodies would accomplish this. We support deepening consultations with Russia in these and other areas in the Permanent Joint Council as well as with Ukraine in the NATO-Ukraine Commission and with other Partners in the EAPC.¹⁴⁰

¹³⁹ Washington Summit Communiqué, *An Alliance for the 21st Century*, April 1999, para. 31.

¹⁴⁰ *Ibid.* para. 32.

25. This process was agreed as the end result of a disagreement within the Alliance during 1998. As in 1989, Germany took the lead in proposing the withdrawal of US tactical nuclear weapons (by then numbering a few hundred) from Europe. Unlike the 1989 debate, they had the support of Canada amongst others. However, the United States having adapted its nuclear doctrine for the use of these weapons in counter-proliferation missions was, by this time, dead set against the removal of the B61s from Europe. American leaders were in no way concerned about Russia at this time, seeing little need to engage Moscow in serious arms control and disarmament talks.

26. This process led to the agreement of the *Report on Options for Confidence and Security Building Measures (CSBMs), Verification, Non-Proliferation, Arms Control and Disarmament* in December 2000. While some regarded this report as disappointing, since it reiterates the need for NATO to retain some nuclear weapons, it does include some far-reaching ideas. This report reiterates previously agreed Alliance positions on the threats and risks from WMD. It recaps Alliance support for arms control and disarmament during the 1980s and 1990s. It then lays out a series of measures that NATO will undertake in the future. These include support for:

- all the “13 steps” from the 2000 NPT review Conference, including establishment of a body in the Conference on Disarmament to address nuclear disarmament;
- the entry-into-force of the Comprehensive Test Ban Treaty;
- a UN process on the peaceful uses of Outer Space;
- enhanced dialogue with Russia on tactical nuclear weapons, CSBMs and transparency on nuclear matters;
- dialogue with all NATO partners on proliferation, arms control and disarmament.¹⁴¹

27. Introducing this report, the Foreign Minister’s communiqué at this meeting stated that:

Recalling the Alliance’s longstanding commitment to the goals of arms control, disarmament and non-proliferation, we welcome the comprehensive report on options for confidence and security building measures (CSBMs), verification, non-proliferation and arms control and disarmament called for by our Heads of State and Government in Washington. We task the Council in Permanent Session to pursue vigorously implementation of the recommendations contained in this report, including with Russia through the PJC. A public report has been released as a NATO document.¹⁴²

28. Had NATO worked to implement the recommendations they adopted, and tasked Ambassadors to develop and pursue them, this report could have had a very positive impact on the security environment in Europe and its periphery. However, only a month later President Bush took office and the climate for arms control and disarmament changed dramatically.

NATO and Arms Control Since 2000

29. From this high point in late 2000, NATO’s public commitment to threat reduction through multilateral agreement has steadily diminished. This reflects the antipathy of the Bush administration, which took office in January 2001, to anything that can be interpreted as restricting American freedom of action in the realm of national security.

30. The effect of the change of American policy in this field was almost immediate. By May 2001, when NATO Foreign Ministers met in Budapest, the commitments of December 2000 were gone. Their communiqué stated that:

76. The proliferation of nuclear, biological and chemical (NBC) weapons and their means of delivery continues to be a matter of serious concern for the Alliance as it poses risks to international and regional security and can pose a direct military threat to Allies’ populations, territory and forces. The principal non-proliferation goal of the Alliance and its members remains unchanged: to prevent proliferation from occurring, or, should it occur, to reverse it through diplomatic means. In this context we continue to place great importance on non-proliferation and export control regimes, international arms control and disarmament as means to prevent proliferation.¹⁴³

31. However, the communiqué also dropped almost all the practical commitments agreed only six months previously. Instead of full support for the outcome of the 2000 NPT Review Conference, NATO is now only offering to “contribute to the implementation” of its conclusions. A softening of support for the CTBT is also obvious. Support for continuation of the START process has become a mere recognition of “the achievements” of the START process, and in a sign of things to come, states that following up the coordinated, unilateral and non-treaty nuclear reductions of the 1991 Presidential Nuclear Initiatives might be the way to move forward.

¹⁴¹ The full text of this report can be found at <http://www.nato.int/docu/pr/2000/p00-121e/home.htm>.

¹⁴² Final Communiqué, Ministerial Meeting of the North Atlantic Council, Brussels, December 2000, para. 55.

¹⁴³ Final Communiqué, Ministerial Meeting of the North Atlantic Council Held in Budapest, 29–30 May 2001.

32. This softening of support for formal treaties and arms control continued through following years. The 2004 Istanbul Summit saw a further reduction in support for concrete measures to reduce nuclear and other NBC threats. While the communiqué recognized that “... the Alliance’s policy of support for arms control, disarmament and non-proliferation will continue to play a major role in the achievement of the Alliance’s security objectives, including preventing the proliferation of Weapons of Mass Destruction and their means of delivery,”¹⁴⁴ it offered support only for the NPT and for the biological and chemical weapons conventions. Other measures supported were unilateral or non-treaty based, notably the US-led Proliferation Security Initiative. Treaties that had previously been seen as vital, for example the Comprehensive Test Ban treaty which can prevent new states deploying any but the most rudimentary nuclear weapons, are now ignored by the Alliance—despite the fact that all member states except the United States continue to fully support the Treaty.

33. This trend has only accelerated. By the 2006 Defence Minister’s Session of the Defence Planning Committee in June, Ministers stated that:

7. In this regard, we note that deterrence and defence, along with arms control and non-proliferation, will continue to play a major role in the achievement of the Alliance’s security objectives. We reaffirmed our full commitment to the Nuclear Non-Proliferation Treaty as the cornerstone of global nuclear non-proliferation efforts and an essential basis for the pursuit of nuclear disarmament. In this context, we expressed serious concern over the possible consequences for security and stability, resulting from instances of non-compliance with the Treaty. We call again on all countries to abide by their commitments in this domain.¹⁴⁵

34. Their session of the North Atlantic Council at the same time made no reference to arms control whatsoever. This declaratory policy, without offering support for any concrete measures, was a measure of how far NATO had moved away from a policy of building security through multilateral cooperation. Even this small reference is expressed in terms of the failure of others to observe the NPT, not NATO’s failure to address criticism of their nuclear sharing program, something which has been repeatedly criticised as a breach of the Treaty at NPT Review Conferences since 1995.

35. By the Riga Summit at the end of 2006, arms control had all but vanished. The Comprehensive Political Guidance adopted in Riga (intended to guide Alliance defence thinking for 10 to 15 years) states that the “principle threats” to the Alliance are likely to include “the spread of weapons of mass destruction”. Other security risks include the “growing availability of sophisticated conventional weaponry; the misuse of emerging technologies” and “terrorists armed with weapons of mass destruction.”

36. The Riga communiqué reaffirms the NATO “commitment to the CFE Treaty as a cornerstone of European security”, it was not important enough for NATO to move forward with ratification of the Adapted CFE Treaty, as agreed with Russia in 1999. These adaptations removed the old bloc-to-bloc structure of the CFE Treaty, replacing them instead with national and regional restrictions on Treaty-limited weapons. The Adapted Treaty also provided for greater transparency, and for the accession of new states to the Treaty.¹⁴⁶ NATO’s reticence in ratifying the Adapted CFE Treaty has subsequently led Russia to suspend the Treaty and to threaten withdrawal. There is no other mention of arms control, non-proliferation or disarmament in the communiqué. The only measure concerning controlling WMD comes under the section on NATO force structures:

The adaptation of our forces must continue. We have endorsed a set of initiatives to increase the capacity of our forces to address contemporary threats and challenges.

— continuing efforts to develop capabilities to counter chemical, biological, radiological and nuclear threats;¹⁴⁷

37. This communiqué reflects perfectly the world view of the Bush administration. Military measures to attack and destroy potential threats are favoured to the exclusion of arms control and non-proliferation measures. There is no recognition of the stability and security that comes from negotiating away potential threats with a current or future adversary, or even that the process of negotiations itself can (as in the 1980s) have value in trust building and reducing the likelihood of conflict.

38. The meeting of the North Atlantic Council in Defence Ministers’ Session in Brussels in 2007 also failed to mention arms control, except for a perfunctory mention of the CFE Treaty.

¹⁴⁴ Istanbul Summit Communiqué, Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council, 28–29 June 2004.

¹⁴⁵ Final communiqué, Meeting of the North Atlantic Council in Defence Ministers session held in Brussels on Thursday, 8 June 2006.

¹⁴⁶ A full description of the Adapted CFE Treaty can be found at <http://www.acronym.org.uk/dd/dd42/42cfe.htm>.

¹⁴⁷ Riga Summit Declaration, Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Riga on 29 November 2006.

In December 2007, the German and Norwegian governments launched an initiative to stimulate the arms control, non-proliferation and disarmament debate within NATO. Foreign Ministers noted a report on the subject and looked forward to the Bucharest Summit. At Bucharest, this process was again noted as the need to “raise the profile” of these topics within the Alliance.

39. NATO leaders at Bucharest noted that:

We are committed to develop policies and capabilities to deal with emerging challenges and threats. This includes the development of a comprehensive policy for preventing the proliferation of WMD and defending against chemical, biological, radiological, and nuclear threats.¹⁴⁸

Concrete measures for arms control measures to implement this policy, negotiating away threats before they can emerge were notably absent however. The counterproliferation-driven military approach to removing threats is also evident in this statement.

40. The Declaration further stated that:

We reaffirm that arms control, disarmament and non-proliferation will continue to make an important contribution to peace, security, and stability and, in this regard, to preventing the spread and use of Weapons of Mass Destruction and their means of delivery. We took note of the report prepared for us on raising NATO’s profile in this field. As part of a broader response to security issues, NATO should continue contributing to international efforts in the area of arms control, disarmament and non-proliferation, and we task the Council in Permanent Session to keep these issues under active review.¹⁴⁹

41. The Summit welcomed past nuclear reductions, but contained no proposals to move forward. References to Iran and North Korea called for compliance with ongoing UN attempts to resolve outstanding issues. Particularly with the case of Iran, this is striking. NATO borders Iran. If Iran developed a nuclear capability it would impinge directly on the security of the Alliance. And yet, the North Atlantic Council is not the venue for coordination of western policy on Iran. There is no NATO-Iran process for negotiating confidence-building measures, transparency and to engage each other on threat perceptions and measures to eradicate threats. Even worst case estimates for the production of a nuclear weapon by Iran suggest we have years in which to work before they might achieve a nuclear capability.

42. The German/Norwegian initiative is welcome, but more needs to emerge from it than came as a result of the last review. The Norwegian government has now published a welcome and detailed policy paper on this issue. Other nations such as Belgium, the Netherlands and Germany which have voiced support for a NATO role in this field now need to add their contribution.

IMPLICATIONS OF THE DECLINE OF NATO SUPPORT FOR ARMS CONTROL

43. It appears that NATO has abandoned any attempt at threat reduction through arms control, non-proliferation and disarmament, in favour of a purely military response to potential WMD-armed adversaries. This is strange, given the successful use during the 1980s of multi-lateral agreements to reduce armaments and the likelihood of conflict, both nuclear and conventional. At the very least, the role of non-proliferation has been severely downgraded. This reflects US national policy much more than it reflects the collective view of the Alliance as a whole.

44. At a time when NATO faces no military peer, it would seem only logical to use this position of strength to negotiate agreements with neighbours and near neighbours that can obviate new WMD threats before they arise. It seems that European nations have submitted to the Bush administration’s global outlook, and allowed it to become the policy of the entire Alliance. This despite the fact that it is clear that European nations do not share the bleak world view emanating from Washington DC. Both the European Security Strategy and the Strategy Against the Proliferation of WMD adopted by the EU place much more emphasis on multilateral diplomacy to construct security from WMD threats than is now the case for NATO—and yet, because of NATO’s consensus rule Europeans have been overridden by United States.

45. Even the most problematic current potential nuclear weapons threat facing NATO nations, Iran, is both some years away and open to resolution through negotiation and arms control. A security guarantee for Iran’s government, on behalf of NATO or its member states, could be the basis for achieving agreement on other much wider areas of concern for the West, including Iran’s support for terrorism and their nuclear program. The removal of U.S. nuclear weapons from Turkey could also play a role in such a process. Iran must, naturally, play its part and become much more open and honest about its nuclear activities than it has been to date. That NATO, under U.S. leadership, refuses even to discuss such measures shows how far the Alliance has moved from the use of arms control as a security enhancing tool.

¹⁴⁸ NATO Bucharest Summit Declaration, Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Bucharest on 3 April 2008, paragraph 45.

¹⁴⁹ *Ibid*, paragraph 39.

Undermining the NPT

46. The continuing reliance on nuclear defence creates a number of problems for the Alliance, even making pursuit of its own policies goals more difficult in some cases. In particular, the shifting role of nuclear weapons in Alliance defence strategy poses problems for the Non-Proliferation Treaty. These problems include:

- NATO's retention of its nuclear arsenal, and failure to address nuclear arms control, non-proliferation and disarmament, is also a serious impediment to its own stated goal of addressing the threat to NATO of the proliferation of WMD.
- NATO nuclear sharing policy undermines the NPT, providing nuclear weapons and training in their use to nominally non-nuclear countries. Other European countries, such as Sweden and Ireland, the New Agenda Coalition of cross-regional states, and the 111-member group of Non-Aligned states parties to the NPT have objected to this policy.
- Nations in the NATO periphery and far beyond are unlikely to be able to accept NATO as an impartial arbiter of international security while it maintains an arsenal of nuclear weapons that are deployed in Europe and available for use even against non-nuclear nations across the globe. This is more the case as NATO has moved towards US-style counterproliferation policy. The use of nuclear weapons in counterproliferation is deeply controversial in Europe, and undermines Alliance solidarity in the struggle against proliferation.

47. Hundreds of free fall bombs still remain assigned for NATO missions and even the use of NATO nations in wartime, and the US and UK allocate Trident forces for NATO missions. The Alliance states a need to defend "NATO deployed forces" against WMD with missile defences, and to be able to "conduct operations taking account of the threats posed by weapons of mass destruction", nuclear, biological or chemical. Over the past 15 years, the American concept of counterproliferation has dramatically changed U.S. nuclear weapons use policy and doctrine, and also had an effect on NATO policy.

48. One particular emerging concern within the NPT review process has been a focus on Negative Security Assurances. While NATO and some of its member states continue to allow for the possible use of nuclear weapons against chemical or biological weapons (and in the case of the United States even against very large conventional weapons they describe as WMD), it is very difficult for NATO members to satisfactorily respond to the concerns of non-nuclear weapons states in the NATO periphery and the wider world.

49. A number of states raised this question during the 2008 NPT PrepCom. The issue of security assurances is an especially important one for the Non-Aligned Movement. While most interventions were of a non-specific nature, Rebecca Johnson of the Acronym Institute reports that the Ukraine made some concrete proposals to advance the issue:

Ukraine sought to include them as it identified four key elements that a legally binding instrument on security assurances should include:

- an obligation for states that possess nuclear weapons to refrain from the threat or use of force against the territorial integrity or political independence of any non-nuclear states, to respect their sovereignty and existing borders;
- an obligation for states that possess nuclear weapons to refrain from coercive political, economic and other forms of pressure on NNWS;
- an obligation for providing assistance to any state that became a victim of an act of aggression or an object of threat of aggression with use of nuclear weapons; and provisions that would stipulate the responsibilities of a state possessor of nuclear weapons in the event that it violated these obligations;
- established procedures for reacting to cases of such violation or impingement on sovereignty, territorial integrity and security of NNWS with the use of nuclear weapons.¹⁵⁰

50. NATO is in a position to review these points and engage this debate. It would strengthen the NPT (even now a stated NATO objective) and could contribute to the resolution of the current crisis with Iran. NATO would need to review and substantially alter the role of nuclear weapons in NATO defence strategy as part of such a change of position.

51. There are other issues within the NPT context where NATO's current position is controversial. The indefinite extension of the NPT in 1995 was conditioned by non-nuclear weapon states in part on the conclusion of a Comprehensive Nuclear Test Ban. All NATO nations except the United States have now ratified that Treaty. The Bush administration has gone so far as to explore withdrawing its signature from the CTBT, although to the frustration of administration officials they were legally unable to pursue that option. As noted above, it has prevented NATO offering practical or even declaratory support for the Treaty, thus undermining both the CTBT and faith in the NPT itself.

¹⁵⁰ Rebecca Johnson, "2008 NPT PrepCom: Decisions taken, Security Assurances debated", 6 May 2008. Available at <http://www.acronym.org.uk/npt/08pc05.htm>

52. Another area where NATO's nuclear strategy could be hurting its defence efforts is the question of tactical nuclear weapons. This is also a hot button issue in the NPT review process. Belgium called at this year's PrepCom for action in this field, although the Belgian government does not yet have specific policies to pursue. The deployment of US nuclear weapons in NATO Europe, and the nuclear sharing programme under which some of these are allocated for Allied use in time of war is an impediment to progress. Nuclear sharing also means that several Allied nations have an ambiguous status as non-nuclear weapons states. Belgium is part of this programme, and it would be sensible for Belgium to end its participation in nuclear sharing and request the withdrawal of US nuclear weapons if it wishes to advance its policy agenda. Arms control, as noted above, requires sacrifice in some military capability for a gain in net security. Removal of the US nuclear weapons from Europe would also open the door to discussions on elimination of thousands of tactical nuclear weapons held by Russia. All this would significantly strengthen the NPT, restoring much of the belief of non-nuclear states in the Treaty that has been lost over the past decade.

THE ABM TREATY, BMD DEPLOYMENTS AND WORSENING RELATIONS WITH RUSSIA

53. Relations between the Atlantic Alliance and Russia have deteriorated over the past two years, in large part because an increasingly resurgent and even aggressive Russia bitterly resents NATO actions, perceiving abandoned arms control agreements and new strategic moves by NATO as a threat to Russian security. Figuring large in the new confrontation is the termination of the ABM Treaty by the United States and the proposed deployment in Europe of US ballistic missile defences.

54. The Bush administration insists that European facilities would be aimed at detecting and destroying missile launches from Iran or elsewhere in the Middle East and would not be a challenge to Russia's strategic nuclear forces, which are still being reduced. Russia, however, sees a threat. In early January 2008, the Russian Ambassador to Belgium, Vadim Lukov, told a seminar that: "The trajectory of any American missile from Poland would be south-south-east and the speed would be very high. In this situation any notion of an early warning evaporates. Poland is just six and a half minutes from Moscow and in this situation the Russians would rely on an automated response. I am sure you may all well imagine the unfortunate consequences."¹⁵¹

55. The NATO Summit, which President Putin attended, and the following US-Russia Summit at Sochi calmed the atmosphere, but provided no resolution of ongoing disputes. The Russian over-reaction to Georgian attack on South Ossetia, followed by their unacceptable military actions, risk a serious and long term deterioration of relations.

56. A Russian initiative to globalise the INF Treaty has gone largely ignored by NATO nations. Over and above narrow Russian objections, important though these are, the potential deployment of even a small part of the US strategic BMD system in Europe has damaged a range of measures within the global non-proliferation regime.

57. Despite US denials, concerns that a European-based missile defence system is ultimately meant for Russia are exacerbated by US plans to extend its weapons into space. Although the first phase of BMD involves only land-based missile interceptors, the Bush administration's planned missile defence architecture envisages interceptors based also at sea, in the air and on satellites in space. As Paul Wolfowitz, then US Deputy Secretary of Defense, noted in 2002: "while we have demonstrated that hit-to-kill works, as we look ahead we need to think about areas that would provide higher leverage. Nowhere is that more true than in space. Space offers attractive options not only for missile defence but for a broad range of interrelated civil and military missions. It truly is the ultimate high ground. We are exploring concepts and technologies for space-based intercepts."¹⁵² This follows from an earlier US Space Command document that bluntly identified space as the fourth medium of warfare.¹⁵³

58. Against this background, Russian experts have also expressed dismay at the use of the Pacific BMD system to shoot down an old Pentagon satellite earlier this year. This proven anti-satellite capability is a further threat to Russia and other nations, and undermines prospects for successful talks on Preventing an Arms Race in Outer Space in the Conference on Disarmament.

59. A significant part of the damage already done by European BMD plans is that to existing arms control agreements. Kremlin spokespeople have upped the ante by threatening to deploy new kinds of strategic nuclear warheads that could overwhelm the US defences. They have also raised the spectre of Russian withdrawal from the 1987 Intermediate-Range Nuclear Forces (INF) Treaty if US plans for bases in Eastern Europe go ahead. Russian Army Chief of Staff Baluyevsky has said that the decision on the INF Treaty will

¹⁵¹ Angus McDowall, Poland "agrees" to US missile defence deal, *Daily Telegraph*, February 4, 2008.

¹⁵² Paul Wolfowitz, US Deputy Secretary of Defense, to the Frontiers of Freedom organisation, "Transcript—Wolfowitz Outlines Missile Defense Successes, Way Ahead, US State Department (Washington File)", 25 October 2002. Some of the Bush administration's more ambitious plans and timetables have been derailed, mainly due to the budgetary and military overstretch in Iraq.

¹⁵³ United States Space Command, Vision for 2020, February 1997: "the medium of space is the fourth medium of warfare—along with land, sea and air."

rest on American actions on missile defences. In early July 2007, Russian First Deputy Prime Minister Ivanov also threatened to deploy intermediate range missiles to Kaliningrad ready for use against the Polish and Czech BMD sites:

If our proposal is accepted, then the need will disappear for us to place ... new weapons, including missiles, in the European part of the country, including Kaliningrad, to counter those threats that ... will appear if the decision is taken to place the missile defence system in Poland and the Czech Republic.¹⁵⁴

60. Russia has also suspended participation on Russia's compliance with the CFE Treaty. While officially separate from the missile defence issue, the two items have clearly been linked in Russian minds. While NATO has offered a solution to the CFE row, NATO nations have yet to ratify the Amended CFE Treaty and Russia clearly links the issues.

61. There could not be a clearer series of examples of how deployment of military defence systems intended to bring greater security can actually undermine that objective security, and how a mutually agreed programme of multilateral security measures could dramatically improve European and indeed global security. NATO nations need to be much more proactive in assuaging a range of Russian security concerns if they hope to renew cooperation in the CFE arena, and also if any solution to the situation in Georgia is to be found amicably.

CONCLUSION AND RECOMMENDATIONS

62. As NATO debates its future, the role of nuclear weapons in the Alliance is an essential part of that debate. The role of arms control in Alliance policy for threat reduction should be a major component of that nuclear weapons policy. The elimination of serious consideration of arms control and disarmament from Alliance policy—contrary to NATO protestations to the contrary—has serious implications for European security. In following this path, NATO is taking off the table a series of options for the reduction and elimination of potential threats to the Alliance that could significantly enhance regional security, and obviate the need for NATO to pursue a policy of nuclear deterrence and potential nuclear use in counterproliferation. Potential benefits from an arms control approach include:

- The reduction and elimination of Russian tactical nuclear weapons;
- The peaceful elimination of any potential Iranian nuclear threat;
- The entry-into-force of the Pelindaba Treaty, the African nuclear weapon free zone;
- The ability to play a constructive role in the elimination of chemical and biological weapons by nations in NATO's periphery.

63. The current government has elaborated a policy of non-proliferation, arms control and disarmament, leading to the final elimination of all nuclear weapons. It has not yet chosen to pursue this agenda through its principle defensive forum, NATO. If it did so, it would find that the strength of 26 nations was brought to bear in support of its policies. NATO nations are currently fortunate that they face few if any immediate military threats to their security. Now is the time to act to enhance regional security by ensuring, through negotiations and the revitalization of NATO's role in arms control, that such threats do not emerge in the near future. This approach is well aligned with stated UK government policy in the fields of non-proliferation, arms control and disarmament. Ministers should be examining ways in which NATO can be used as a vehicle to enhance national policy.

Recommendations

64. The British government could initiate a debate with its NATO's allies on a wide range of specific policy alternatives. This should form part of the Strategic Concept debate, and should:

- Rely on multi-lateral arms control, non-proliferation and disarmament as the primary tools for the reduction and elimination of all WMD threats and potential threats in the Euro-Atlantic area;
- Facilitate this through the removal of US nuclear weapons from Europe, the ending of NATO nuclear sharing, and the termination of all nuclear elements in joint strategy and doctrine;
- All Alliance members should consider how they can reduce and eventually eliminate the role of nuclear weapons in national defence policies, and how enhanced arms control policies could assist in bringing this to fruition

65. Perhaps the most important shift that NATO could undertake would be the revitalization of the North Atlantic Council as a venue for consultation and negotiation of arms control positions with the North Atlantic Alliance. This has worked well for NATO in the past, and contrary to current policy assumption would do so again.

¹⁵⁴ Neil Buckley and Demetri Sevastopulo, Russians threaten to counter US shield, *Financial Times*, 4 July 2007.

66. Specifically, NATO could engage in a series of areas that directly affect the security of all Alliance members. These might include:

- Consultations with the US in the North Atlantic Council and with Russia in the NATO-Russia Council on the follow on to the START I and Moscow treaties;
- Discussions in the NATO-Russia Council on globalizing the INF Treaty, as well as urgent talks on reinstating the CFE Treaty;
- Consultations between NATO ministers on arms control measures to reduce the threat of ballistic missiles;
- Examination of measures to reduce and eliminate specific WMD threats, especially the potential nuclear threat from Iran;
- Examination within NATO's Mediterranean Dialogue of changes in nuclear use policy necessary to implement the Negative Security Assurances in the Pelindaba treaty—Africa's nuclear weapon free zone—and also on how NATO can assist in bringing that Treaty into force;
- Consultations on the entry into force of the CTBT, with a focus on US ratification and assistance that NATO as an organization can give to the CTBTO;
- A thorough study of all potential WMD threats to the Alliance and an analysis of measures that can be taken to eliminate them through multilateral negotiations, including concessions that NATO would need to make to achieve these goals.

67. This agenda could be facilitated through the removal of US nuclear weapons from their few remaining European deployment sites. The presence of US nuclear weapons in Europe, and the participation of nominally non-nuclear European nations in nuclear planning, is counterproductive to European security on a number of grounds:

- It clearly divides the Alliance on military means that can be used to address imminent threats, and by doing so decreases the worth of the Article V guarantee;
- It undermines the arms control, non-proliferation and disarmament goals of the Allies, collectively and individually, rendering threat reduction harder;
- It undermines the relationship with Russia, especially in the context of the current debate on US missile defences;
- It accords an enormous political and military importance to nuclear weapons, a fact not lost on all States party to the NPT;
- It provides political cover for Russia when it threatens to reintroduce nuclear weapons into Belarus, or elsewhere.

68. In the post-Cold War world, the drift of NATO nuclear weapons policy is actually harming Alliance security. Threats which could be addressed through arms control will not be because the Alliance no longer gives full support to arms control, and because its excessive reliance on nuclear weapons to deter a range of actual and even potential threats means that others will continue to rely on nuclear weapons to deter NATO.

69. Moreover, by refusing to confirm or deny recent nuclear weapon withdrawals from European nations, NATO has missed a significant opportunity to improve the atmosphere in the relationship with Russia; and just as significantly in the PrepCom meetings leading to the 2010 Review Conference of the NPT. The contribution that the announcement of already achieved nuclear reductions could have should not be underestimated. The British government could, in conjunction with the US administration, confirm the removal of nuclear weapons from Lakenheath. This could be part of action by NATO to reverse the current air of negativity around nuclear reductions. The Non-Nuclear Weapon States (NNWS) have become cynical about promises of future reductions, matched with lack of actual progress in disarmament and modernisation of arsenals by Nuclear Weapon States (NWS).

70. Further, the incremental steps that have been outlined would fit very well within the strategy for the complete elimination of nuclear weapons proposed by Henry Kissinger, William Perry, Sam Nunn and George Schulz. This approach is consistent with UK government policy, and would significantly enhance the security of NATO member states, through the reduction and elimination of actual and potential WMD threats to the Alliance. The initiative by Lord Hurd, Lord Owen, Sir Malcolm Rifkind, Lord Robertson leant support to the Kissinger et al concepts.

71. Changes in the political leadership of key NATO members provide an opportunity for this possible reexamination of the Strategic Concept. It may be that a new U.S. administration, for example, may be more receptive to reviving NATO's traditional role in arms control and disarmament initiatives. Developing some alternatives now may aid positive action later. What NATO does in the time preceding the 2010 NPT Review Conference will be watched closely by States around the world, and may well tip the balance either toward

a continued trend toward proliferation or to a promotion of greater security through confidence building and other measures. The British government is well-placed to take a lead in the Alliance in ensuring a positive outcome in this vital policy area.

29 September 2008

Submission from Scottish Campaign for Nuclear Disarmament (CND)

1. The Scottish Campaign for Nuclear Disarmament (CND) has worked for the global elimination of nuclear weapons for 50 years. Scottish CND Coordinator John Ainslie has a BA in International Relations and has produced several detailed reports on the UK Trident system.¹⁵⁵

SUMMARY

2. (i) Progress in tackling proliferation will be influenced by success in moving towards nuclear disarmament.
 - (ii) Procuring nuclear technology from the US undermines efforts to tackle proliferation.
 - (iii) The Government should not modernise or replace Trident because this would reinforce the value of nuclear weapons and undermine non-proliferation
 - (iv) UK policy should be framed in accordance with the Advisory Opinion of the ICJ.
 - (v) The UK should take measures to implement the 13 steps including taking Trident off patrol.

DISARMAMENT AND PROLIFERATION

3. Disarmament and proliferation could only be separated if it could be established that states make decisions about their possession of nuclear weapons in isolation. In practice the opposite is the case. Factors which influence whether a state acquires and retains nuclear weapons include:

- (i) Perception of potential threats from nuclear-armed competitors;
- (ii) Status relative to nuclear-armed partners;
- (iii) International opinion on the acceptability of the possession, threat and use of nuclear weapons.

4. Examples of the first are the nuclear triangle of China, India and Pakistan and Iran's relationship with Israel. France and Britain provide an illustration of the second factor. International opinion has been a factor when countries have renounced their nuclear programmes and capabilities and in the many nations who have decided that they do not need a nuclear weapons programme.

5. The Chair's factual summary of the 2008 Preparatory Committee for the Review Conference said: "Emphasis was placed on the mutually reinforcing nature of disarmament and non-proliferation".¹⁵⁶

6. A recent report on the Abolition of Nuclear Weapons, part-funded by the Foreign Office, points out: "Double standards on matters as materially and psychologically important as nuclear weapons will produce instability and non-compliance, creating enforcement crises that increase the risk of conflict and nuclear anarchy."¹⁵⁷

7. General Lee Butler, a former Commander of US nuclear forces, said: "It is untenable that a handful of nations should forever arrogate to themselves the right to nuclear weapons, while denying it to others".¹⁵⁸

8. If the spread of nuclear technology is to be addressed it is essential that there is real progress towards disarmament and the devaluing of nuclear weapons.

US SUPPORT FOR THE UK NUCLEAR PROGRAMME

9. The success of efforts to stop the spread of nuclear technology will require widespread agreement on measures to prevent the type of exchanges which take place every month under the Mutual Defence Agreement and Polaris Sales Agreement. The Anglo-American nuclear black market creates the impression that the UK ignores the principle that nuclear technology should not cross international boundaries and is not serious about non-proliferation.

¹⁵⁵ The Safety of Trident, SCND, 1994; Trident: Britain's Weapon of Mass Destruction, SCND 1999; The Future of the British Bomb, WMD Awareness Programme, 2005.

¹⁵⁶ Factual Summary of the NPT Preparatory Committee 28 April—9 May 2008.

¹⁵⁷ George Perkovich & James Acton, *Abolishing Nuclear Weapons*, Adelphi Paper 396, IISS, August 2008.

¹⁵⁸ General Lee Butler, former Commander STRATCOM, interviewed in Jonathan Schell, *The Gift of Time*, Granta, 1998, p188

10. Every thermonuclear weapon deployed by the UK has included essential components from the US. Although Britain tested a hydrogen bomb in 1958 this design was never transformed into an operational weapon. Red Snow, WE177, Polaris and Chevaline warheads all used a US design for the secondary stage.¹⁵⁹ The UK Trident warhead is of Anglo-American origin. It contains vital parts purchased off-the-shelf from the US.¹⁶⁰ The US supplies not only Trident missiles but also the targeting software. In the past nuclear material for warheads has been exchanged between Britain and America. There has been no guarantee that this practice has ceased.¹⁶¹

MODERNISATION AND REPLACEMENT OF UK NUCLEAR FORCES

11. The National Security Strategy says that the Government's approach to proliferation includes defending our strategic interests by maintaining nuclear forces, based on the 2006 assessment that a nuclear threat might emerge over the next 50 years. This is an oblique reference to the plan to develop, with American help, a new nuclear capability which could remain in service until 2055.¹⁶² The plan to replace Trident signals to other nations that nuclear weapons are of value even where these weapons have no relevance to any current security threats.

12. At the 2008 Preparatory Committee for the NPT Review Conference "concern and disappointment were raised about plans of some nuclear weapon States to replace or modernize nuclear weapons and their means of delivery or platforms".¹⁶³

13. Two current UK modernisation projects are the acquisition over the next decade of a new fusing system, which will increase the destructive capability of the current warheads, and the purchase of new computer systems in 2010, which will increase targeting flexibility.¹⁶⁴

14. With regard to Trident Replacement David Gould, Chief Operating Officer at Defence Equipment and Support, revealed that the programme goes well beyond the construction of a new submarine. In June 2007 he said: "The intention is to replace the entire Vanguard class submarine system. *Including the warhead and missile.*"¹⁶⁵

15. Under the Nuclear Warhead Capability Sustainment Programme the MoD are rebuilding the Atomic Weapons Establishment (AWE). If completed this expensive project would give AWE the capability to design and manufacture a new warhead, with assistance from the US.¹⁶⁶

16. The US Department of Defence are developing a new missile, the Underwater Launched Missile System (ULMS), to replace Trident. ULMS was discussed at 3 meetings of the Joint (US/UK) Steering Group in 2007.¹⁶⁷ In due course the UK would be expected to opt for ULMS, so that they were not left supporting the Trident system on their own.¹⁶⁸

17. Annual spending on nuclear weapons is set to double from £1.1 billion in 2003–04 to £2.1 billion in 2010–11 and then to rise further.¹⁶⁹ Continuing with this project as we enter a recession would send a powerful message that the UK is determined to keep its nuclear weapons for 50 years.

ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE

18. A critical part of the rules-based system is the Advisory Opinion of the International Court of Justice in 1996. The Advisory Opinion said that the threat or use of nuclear weapons was generally contrary to the rules and principles of International Law. The Court left open a hypothetical window where the survival of the state was at risk. The UK has failed to adopt the language of the Opinion. UK policy would appear to permit the use of nuclear weapons in circumstances which were extreme but when the survival of the state was not at risk.¹⁷⁰

¹⁵⁹ Information from The National Archives

¹⁶⁰ The US have provided the Neutron Generators and most of the Arming, Fuzing and Firing System for UK Trident warheads.

¹⁶¹ When asked when the last transfer of nuclear material had taken place the Defence Secretary, Geoff Hoon, said "Precise details of such transfers are being withheld in order to safeguard national security". Written Answers 8 February 2005 Column 1379W, *Hansard*.

¹⁶² *The Future of the United Kingdom's Nuclear Deterent*, MoD and FCO, December 2006, Cm 6994

¹⁶³ Factual Summary of the NPT Preparatory Committee 28 April—9 May 2008.

¹⁶⁴ Over the next decade the warheads will incorporate the new US Mk4A Arming, Fuzing and Firing system. Written Answers, 9 May 2006, *Hansard*. The submarines will be fitted with the Mk98 Mod 7 fire control system and the targeting computers at the Corsham Computer Centre will be upgraded to match this. Written Answers, 28 March 2007, *Hansard*.

¹⁶⁵ Papers from the Future Deterrent Industry Day, Abbey Wood, 29 June 2007. The phrase "including the missile and warhead" was redacted from the version of the speech initially released to Scottish CND under the Freedom of Information Act. The full statement was only issued after an internal review under the Act. Reported in the *Guardian* 25 July 2008.

¹⁶⁶ A series of PQs have been asked but only a limited amount of financial information has been disclosed.

¹⁶⁷ Written Answer 3 December 2007, Column 843W, *Hansard*

¹⁶⁸ Professor John Simpson pointed out that the MoD would not want to repeat the situation where they were left supporting Polaris after it had been withdrawn from the US Navy. Defence Committee inquiry into *The Future of the UK's Strategic Nuclear Deterrent: The Strategic Context*, June 2006, HC 986, Ev 29.

¹⁶⁹ Written answers 30 October 2007 Column 1358W & 3 June 2008, *Hansard*

¹⁷⁰ "we would only consider using our nuclear weapons in self defence (including the defence of our NATO allies), and even then only in extreme circumstances"—*The Future of the United Kingdom's Nuclear Deterrent*, MoD & FCO, December 2006, Cm 6994.

19. The Advisory Opinion and the comments by the President of the Court seriously question whether there are any circumstances where nuclear weapons could be legally used or deployed as a threat. Lord Murray, a former Lord Advocate, has argued that it is not only the threat or use of nuclear weapons that would be illegal but that the current deployment of the British Trident system is probably contrary to international law.¹⁷¹

20. The failure to take account of the full Advisory Opinion and its implications for British nuclear weapons undermines the potential for international law to regulate nuclear weapons and their proliferation.

IMPLEMENTING THE 13 STEPS

21. At the 2010 Conference the UK Government should stress the importance of the 13 Steps to implementing Article VI, which were agreed at the 2000 Review Conference. The Government should also take practical measures to implement these steps. This should include the following measures outlined in Step 9:

22. *"Further efforts by the nuclear weapon States to reduce their arsenals unilaterally".*

In 2007 the Government reduced the number of operationally available warheads by around 40. This could have been achieved without altering the number of weapons deployed on submarines.¹⁷² The Government should be encouraged to make further unilateral reductions and should abandon plans for modernising and replacing Trident.

23. *"Increased transparency by the nuclear-weapon States"*

The MoD has scheduled a major milestone in the Trident Replacement programme, the Initial Gate of the Future Submarine Programme, for August 2008. This will be only months before the review Conference. At or before the Initial Gate the Government should be urged to explain in full their plans for Trident Replacement along with a full justification and detailed costs.

24. *"The further reduction of non-strategic nuclear weapons based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process"*

The Government should encourage the US to withdraw all its B61 nuclear bombs from Europe. They should also state whether or not there are US nuclear weapons at RAF Lakenheath.

25. *"Concrete agreed measures to further reduce the operational status of nuclear weapons systems."*

The P5 Disarmament Conference in the UK will provide an opportunity to address the difficult issue of reducing the readiness of nuclear submarines. The Government should announce that it will take Trident submarines off patrol, store the warheads on shore and increase the alert notice to one month or more.¹⁷³

If there is no current threat, only a concern about long-term uncertainty, then there is no need for the nuclear force to be invulnerable. The theoretical risk from the revised posture would be more than offset by the contribution such a move would make to the devaluing of nuclear weapons.

The MoD has stated that the submarine on patrol is on an alert state of several days. But this cannot be verified. Ending patrols and storing warheads on shores could be verified. This would provide a model for other countries, including China and Russia, and so contribute to wider moves to reduce nuclear risks.

Taking Trident submarines off patrol and storing the warheads on shore would increase the potential life of the submarine hulls and the warheads. No case could be made for replacing the submarine or warhead at this time and the current replacement proposals could be shelved, saving over £1 billion per year.

26. These limited measures are only a starting point. Britain is in a good position to make progress towards nuclear disarmament. This would enable the Foreign Office to use our diplomatic influence to effectively promote both non-proliferation and disarmament.

29 September 2008

¹⁷¹ Paper submitted by Lord Ronald King Murray to the Scottish Government Summit on Nuclear Weapons, October 2007 and *Sunday Herald* 20 September 2008

¹⁷² In 1998 36 warheads were removed from submarines into storage. These warheads remained part of the operational stockpile until 2007.

¹⁷³ NATO's air-based nuclear forces in Europe are on an alert state measured in months. NATO's Nuclear Forces in the new security environment, www.nato.int

Submission from Acronym Institute for Disarmament Diplomacy

The Acronym Institute, established in 1995 in Geneva and London, publishes the quarterly journal *Disarmament Diplomacy* and has internationally-recognized expertise on a range of multilateral, bilateral and global security treaties and agreements, including the nuclear Non-Proliferation Treaty (NPT), Comprehensive Test Ban Treaty (CTBT), Chemical Weapons Convention (CWC), Biological and Toxin Weapons Convention (BWC), UN Security Council Resolutions 1540 and 1325, the Outer Space Treaty, and many of the still-relevant cold war treaties relating to nuclear weapons, outer space and Conventional Forces in Europe. In 1999–2000 the Acronym Institute initiated the establishment of the All Party Parliamentary Group for Global Security and Non-Proliferation and provided support staff, funding and eminent speakers for the APPG's first few years before transferring this responsibility to another NGO in order to devote more resources to the Institute's international security work. A long-time consultant for the United Nations and European Parliament, Rebecca Johnson holds a PhD in international relations and multilateral arms control from the London School of Economics and was senior advisor to the Weapons of Mass Destruction Commission chaired by Hans Blix from 2004–2006.

This submission will focus on contradictions between the security analysis and UK policy and practice with regard to nuclear weapons, the NPT, rules-based multilateralism and the distortion of collective security approaches as a consequence of continued reliance on nuclear weapons and doctrines, including the use of nuclear weapons.

SUMMARY

1. In our assessment, the National Security Strategy of the United Kingdom “*Security in an interdependent world*”, published in March 2008, correctly recognises that UK and international security requires addressing a range of diverse but interconnected threats. It reflects a better understanding that security is not only about military resources and approaches and makes commendable efforts to identify policies that would address these challenges. Nevertheless, the discussions on non-proliferation are hampered by the retention of out-dated defence assumptions about the role of the UK in international relations.

2. The UK has much experience in policing, emergency response, forensics and verification and is undoubtedly able to contribute usefully towards collective and global security. Though much of the Strategy emphasises partnerships and cooperation, at times there are still echoes of an out-dated colonialist mentality that treats Britain as having a special or dominant role beyond our actual geostrategic position and resources. Examples include force-projection policies that show Britain attempting to “punch above our weight” by means of the inadequately thought-through UK role in the wars in Iraq and Afghanistan and the procurement of new generations of Trident submarines and aircraft carriers.

3. The persistence of such out-dated ideologies in some areas has resulted in perpetuation of some inappropriate policies—most notably with regard to nuclear weapons—that are counterproductive or irrelevant for dealing with today's complex threats and challenges, and which in some cases feed the very threats that the Government says it wants to reduce and manage.

4. While the rules-based non-proliferation regime has its flaws, the network of treaties and agreements centred on the NPT, CWC, BWC and reinforced by the International Atomic Energy Agency and UN Security Council resolutions, provide most of the principles and tools needed to constrain and prevent the acquisition and use of nuclear weapons. Britain's own nuclear policies, particularly the renewal of Trident, undermine the NPT and our strategic and non-proliferation objectives.

5. The NPT rested on the understanding that if the majority of states renounced the option of nuclear weapons and joined the treaty as non-nuclear weapon states, the five defined nuclear weapon states would pursue disarmament. Anything else would perpetuate the privilege of the nuclear “haves” to the perceived detriment of the rest. The UK recognises that non-proliferation is unsustainable without integrated disarmament, but appears to think that public diplomacy can substitute for genuine steps to renounce nuclear weapons and remove them from British security policies.

6. While the positive mood music from the UK since Margaret Beckett's presentation to the Carnegie Conference in June 2007 has been widely welcomed, civil society and NPT states are sceptical that the UK's actions do not match the words. The continuation of AWE's verification work, stated aspirations to make Britain into a disarmament laboratory and initiative on holding a P-5 technical conference are warmly welcomed, but they are no substitute for concrete actions to devalue and dismantle UK nuclear weapons.

7. Britain would have far more influence in the world if the government took positive and irreversible steps to demonstrate that nuclear weapons are not essential for security. An announcement that Britain does not envisage replacing Trident would boost the NPT in the run-up to the 2010 Review Conference and make a qualitative difference to global security. Though it would not immediately sweep away the ambitions of Iran or North Korea (which have different motivations for pursuing nuclear capabilities), UK renunciation would cut through the perceived incentives and provide greater muscle and integrity to international efforts

to contain Iran and others within the NPT. With regard to current Trident deployment, the government should reduce nuclear dangers and boost international confidence by de-alerting and taking Trident off its continuous at-sea patrols.

8. As NATO develops a new Security Concept for the 21st century, consideration should be given to removing the anachronistic role of nuclear weapons in the Alliance and reassuring Russia that NATO's expansion poses no security threat.

9. Instead of risking stability through ballistic missile defences (BMD) and programmes to use weapons in and from outer space, a more sensible approach—and one consistent with the Security Strategy and the EU's Common Foreign and Security Policy (CFSP)—would combine arms control efforts with the technical hardening and shielding of as many satellites as possible, plus space situation awareness, redundancy and other “passive” defence means. Progress in nuclear disarmament, strengthening the NPT, negotiating a nuclear weapons convention, further efforts to restrict missile proliferation, building on the Missile Technology Control Regime (MTCR) and the Hague Code of Conduct Against Ballistic Missile Proliferation (HCoC) would also contribute to security and reduce the chances of space becoming a battleground—which would be in nobody's interests.

10. The chief purpose of defence should be to enhance security. In seeking to eliminate nuclear threats, we must make sure that deterrence theory is not proved right. In other words, we neither want to see nuclear weapons provoke wars, nor does anyone want more bloody, conventional wars to take the place of nuclear weapons. Therefore, in advocating that nuclear weapons must be progressively abolished, it is important to recognise the need to reduce the arsenals of other weapons too. As implied in the Security Strategy, that means we have to move defence strategies away from old patterns of aggressive, military-dependent national security reactivity towards multifaceted, preventive human security approaches.

11. It will be important to work for a successful review conference in 2010, but it would be counterproductive if “success” were conceived to be an agreed lowest common denominator document. While most of the elements of the 1995 and 2000 programmes of action are still relevant, some will be more critical to a constructive 2010 review conference than others. The continued credibility of the NPT is likely to rest on: the viability of CTBT entry into force under a new American president; whether the nuclear weapon states continue to insist on rights to use, renew and modernise their nuclear weapons; and how well (or badly) the regime deals with the nuclear aspirations of potential proliferators such as Iran.

12. While welcoming the government's verification initiatives the Committee should question where it is all intended to lead. At present much energy is being expended on demonstrating how complex and difficult verification of disarmament would be. While true, there is a difference between projects designed to convince the public that verification would be too difficult for disarmament to be practicable, and projects intended to work out practical solutions to provide confidence that disarmament is feasible. As the 2006 Weapons of Mass Destruction Commission, chaired by Dr Hans Blix stated:

“Weapons of mass destruction cannot be uninvented. But they can be outlawed, as biological and chemical weapons have been, and their use made unthinkable. Compliance, verification and enforcement rules can, with the requisite will, be effectively applied. And with that will, even the eventual elimination of nuclear weapons is not beyond the world's reach.”¹⁷⁴

It is more practical to design and implement a regime that would successfully ban and contain sophisticated nuclear technologies than to try to prevent terrorist acquisition or “break-out” under the confused mixed messages of the current nonproliferation regime.

13. Efforts to achieve a global nuclear weapon convention would be more successful at constraining states outside the NPT (India, Israel and Pakistan) and potential proliferators than the current regime, based on differential obligations. A nuclear weapon convention, misleadingly portrayed by some government officials as competing with or detracting from the NPT, is the logical rules-based objective for states seeking the full implementation of the NPT. Efforts to achieve a nuclear weapon convention will reinforce rather than undermine the existing NPT-based regime, and are consistent with the goals enshrined in the Treaty's preamble and articles.

14. The practical steps of verified disablement, dismantlement and irreversible denuclearization will take time, and those countries still possessing nuclear weapons will need to keep them safe pending total elimination. Pending negotiations on a prohibition convention and to undercut the present attractiveness of nuclear weapons as an instrument of policy or threat, a first step that the UK could initiate or support is to declare that the use of nuclear weapons by anyone for any purpose would be deemed a crime against humanity. Such a move would support both our non-proliferation and counter-terrorism objectives and strategies and be very popular with the majority of NPT states parties, armed forces and civil society.

¹⁷⁴ *Weapons of Terror: Freeing the world of nuclear, biological and chemical arms*, Report of the WMD Commission, Stockholm, June 2006, p 17.

BACKGROUND AND ARGUMENTS

15. The Security Strategy rightly recognises that transnational threats and climate change are relevant security challenges and that traditional military and state threats have declined. It perceptively analyses the links and interactions between individual, collective and global security and responsibility. We applaud that this significant step to provide joined-up policy analysis on security has gone further than previous government documents in recognizing that the challenges and opportunities of the human security paradigm are more relevant than the national security paradigm that has dominated thinking since Westphalia.

16. We welcome that the government identifies as guiding principles and core values “human rights, the rule of law, legitimate and accountable government, justice, freedom, tolerance and opportunity for all” [para 2.1]. It is likewise significant that in paragraph 1.9 the objective of protecting UK security and interests and enabling people to live freely and with confidence is placed in the context of “a more secure, stable, just and prosperous world”. In perception at least, the government clearly recognises the interdependence between security for people in the UK and conditions in the rest of the world, and that we have a responsibility to tackle the causes as well as the symptoms of insecurity.

17. Emphasis is placed on intelligence, policing and the responsibility to protect, recognising links between transnational crime and trafficking in weapons, drugs and women. The UK should expand its tools for investigation, prevention of conflict and human rights abuses and implementation of treaties and agreements beyond the traditionally male-dominated military and police approaches, tools and ways of working. A passing reference is made to UN Security Council resolution 1325 on Women, Peace and Security, but this needs to be mainstreamed into all levels of security policy and practice. The UK should devote far more resources and training to enable women in this country and abroad to contribute their skills so that efforts to address and diminish security threats can benefit fully from gender diversity and women’s different experiences and ways of perceiving and resolving potential threats and conflicts.

18. Though the Security Strategy discusses the causes of insecurity and preventing incipient threats from becoming big, serious or uncontrollable, it does not go far enough in considering how the UK’s own policies, practices and projections can feed into the development of future threats. For example, the possible re-emergence of a major state-led threat is canvassed and may even be considered to justify the maintaining of nuclear weapons and large conventional forces. Russia’s military intervention in Georgia on the side of South Ossetia and statements by Putin and Medvedev about strengthening Russia’s armed forces including nuclear weapons and space defences are perceived by some as the first signs of a newly confident Russia as a re-emerging security threat. They are indeed worrying, but did not come from nowhere. More attention needs to be given to how perceptions and experiences of UK, US and NATO actions may fuel other states’ senses of insecurity and impel them to take steps that could become drivers for new arms build-ups and aggressive posturing. Until we have developed a more cooperative security architecture regionally and internationally, it is a sad fact that one state’s precautionary military actions (ballistic missile defence, retention or renewal of nuclear weapons etc) feed another’s threat assessments and may create or amplify the security challenges they purported to deter.

Trident renewal undermines the UK’s strategic and non-proliferation objectives in the run-up to the 2010 NPT Review Conference

19. The Security Strategy emphasises rule-based multilateralism, but the UK decision to renew Trident conflicts directly with UK obligations under the NPT and will contribute to the further weakening of the non-proliferation regime and the credibility of international efforts to reduce nuclear dangers and prevent the spread of nuclear weapons. Criticism of Trident renewal has already been voiced at the NPT Preparatory Committee (PrepCom) meetings and if the UK does not reverse this policy it could contribute to another Review Conference failure in 2010.

20. The decision to replace Trident gave a strong and unpopular signal to the rest of the world that Britain—a small country on the Western edge of a relatively safe and stable European Union—continues to place great value on having nuclear weapons. Despite Des Browne’s rhetoric to the Conference on Disarmament about the “vision of a world free of nuclear weapons”¹⁷⁵ the financial and political commitment to replacing Trident underscores the government’s expectation that nuclear weapons will remain a valuable asset for at least the next 50 years. Such contradictory messages undermine the ability of the UK and international community to deal consistently and effectively with potential proliferators. “Do as I say and not as I do” smacks of hypocrisy and alienates those we need to convince, as well as giving ammunition to potential proliferators.

21. Despite assurances given at the time of the 14 March 2007 vote on the Nuclear Policy White Paper,¹⁷⁶ the renewal of Trident clearly entails upgrading the warheads as well as the submarines. This is confirmed by media reports and demonstrated by new funding and developments (notably the Orion laser) at AWE

¹⁷⁵ Des Browne, Secretary of State for Defence, *Speech to the Conference on Disarmament*, Geneva, February 5, 2008.

¹⁷⁶ White Paper on *The Future of the United Kingdom’s Nuclear Deterrent*, December 4, 2006. See the Acronym Institute’s Critique on the White Paper, submitted to the Defence Select Committee and subsequently revised and published as Rebecca Johnson, “The UK White Paper on Renewing Trident: the wrong decision at the wrong time”, *Disarmament Diplomacy* 83, pp 3–14.

Aldermaston and Burghfield. At the NPT PrepComs in 2007 and 2008, a large number of non-nuclear weapon state parties to the NPT raised concerns about nuclear weapon states (including the UK) going ahead with modernisations, refinements and new procurements. Summarising the second Preparatory Committee for the 2010 NPT Review Conference, held in Geneva this year, paragraph 14 of the Chair stated “*Concern and disappointment were voiced about plans of some nuclear weapon States to replace or modernize nuclear weapons and their means of delivery or platforms, and about the development of new types of nuclear weapons.*”¹⁷⁷

22. By acknowledging that Britain is not militarily threatened by other states, the Security Strategy reinforces the widely-held understanding that there is no security or defence rationale for deploying or replacing Trident. Having recognised the need to target military and civilian resources carefully to support the Security Strategy’s objectives, the decision to replace Trident is indefensible. Likely to be many billions greater than the government’s advertised £20 billion price tag,¹⁷⁸ the high cost of Trident renewal will either deprive other, more necessary areas of security and defence of vital resources or else require the Treasury to fund it directly, in keeping with its role as a national status project rather than anything to do with defence. At the same time, Britain’s willingness to spend so much on Trident when budgets are stretched thin for other security and military endeavours reinforces the proliferation-promoting message that the UK regards its nuclear forces and status as indispensable.

23. When nuclear-armed states continue to prioritise their nuclear weapons (and especially if they claim that their security and deterrence require such weapons of mass destruction, a claim reproduced in the Security Strategy, though with much less conviction than in the 2006 White Paper and other nuclear policy documents), they advertise and provide justifications that weak leaders in other states—especially in volatile regions—can seize on. If these weapons are so potent in security terms, how could the leaders of any self-respecting country explain to their citizens why such magnificent protectors should not be acquired and deployed by everyone. The government’s justifications for clinging to Trident undermine the NPT and the goals of its own Security Strategy and make it harder for other leaders and states to resist the lure of nuclear status and power projection.

24. The government’s determination to renew Trident has also led to potentially dangerous misinterpretations (through intent or ignorance) of the NPT. Tony Blair, for example, told the House of Commons that the NPT “makes it absolutely clear that Britain has the right to possess nuclear weapons”.¹⁷⁹ On the contrary, the NPT defines a “nuclear weapon state” (the five that had conducted a nuclear test before 1 January 1967) in order to impose specific obligations, including nuclear disarmament (Article VI) and non transference of weapons and related technologies (Article I). These obligations are necessarily different from the obligations the NPT imposes on the other 184 states parties, which joined as non-nuclear weapon states. But they are obligations nonetheless, and equally binding. They reflected the *status quo* in 1968 but were not supposed to perpetuate it. Like the counterproductive effects of the Bush neocons’ policies based on assertions of US exceptionalism, claiming UK exceptionalism undermines collective rules-based security by implying that there are different rules for some or that we can pick and choose among the tenets of international law that we wish to adhere to.

25. On three occasions during 2004–6, eminent British and international lawyers¹⁸⁰ gave authoritative Advice that the consensus decisions and agreements adopted by NPT states parties in 1995 and 2000 have become part of the legal meaning and interpretation of the Treaty. They argued that Article VI contained legal obligations, consistent with Articles I, II and III, and that strict observance with the letter and the spirit of the NPT is required of all its parties including the nuclear weapon states. This, they said, applies to the disarmament obligation no less than the non-transference and non-acquisition obligations. Moreover, the post-1995 NPT, which is now in operation, is not the same as the original NPT that entered into force in 1970. As a result of the decisions taken and cross-referenced with the extension decision on May 11, 1995, the principles, objectives and obligations were made stronger and more specific, especially with regard to disarmament.

26. The 2000 NPT Review Conference, the first after the 1995 extension, was considered a great success in part because it adopted by consensus a very substantial final document that contained, among other things, a 13-paragraph plan of action to accomplish nuclear disarmament. As part of this, the NPT states parties endorsed an “unequivocal undertaking by the nuclear weapon states to accomplish the total elimination of their nuclear arsenals”. Other steps included: entry into force of the CTBT; conclusion of a fissile materials production treaty (fissban); moratoria both on testing and on production of plutonium and highly-enriched uranium (HEU), pending entry into force of those treaties; deeper unilateral and bilateral US-Russian

¹⁷⁷ The factual summary of the Second Preparatory Committee for the 2010 NPT Review Conference, prepared by the Chair, Volodymyr Yelchenko of Ukraine, was opposed by Iran and Syria and was therefore issued as a Chair’s working paper on May 9, 2008. NPT/CONF.2010/PC.II/WP.43

¹⁷⁸ The MoD’s record of cost over-runs on many procurement projects suggests that the overall cost to taxpayers is likely to be even larger than the £76 billion figure calculated by the Liberal Democrat Party analysts.

¹⁷⁹ Tony Blair, Prime Minister’s Questions, February 21, 2007. See also and “Blair wins Trident vote after telling UK Parliament that the NPT gives Britain the right to have nuclear weapons”, *Disarmament Diplomacy* 84, pp 60–70.

¹⁸⁰ Rabinder Singh QC and Professor Christine Chinkin (Matrix Chambers and London School of Economics) and Philippe Sands QC were consulted by different clients and gave different but consistent Advice regarding the NPT and the British government’s proposed renewal of its nuclear cooperation pact with the United States (the Mutual Defence Agreement, originally signed in 1958 and renewed several times thereafter) and procurement of a further nuclear weapon system as a follow-on to Trident. See www.acronym.org.uk

reductions in nuclear forces; transparency (ie the provision of more open information on nuclear capabilities and the implementation of disarmament agreements); reductions in non-strategic (tactical) nuclear weapons; concrete measures to reduce the operational status of nuclear weapons (diplomatic circumlocution for taking the weapons off alert); diminishing the role of nuclear weapons in security policies (understood to mean abandoning the potential first use of nuclear weapons that underpins NATO and Russian doctrines of deterrence); the principles of irreversibility, transparency and verification; five power disarmament approaches; further initiatives to put fissile materials (declared “excess”) permanently under safeguards, and further progress on conventional disarmament.¹⁸¹

27. Since the 2005 Review Conference was a political disaster, the 2010 Conference is likely to measure progress against the agreements adopted in 2000 and 1995, though it is recognised that some commitments may have been overtaken by events. It will be important to work for a successful review conference in 2010, but “success” needs to be conceived as more relevant to the real world than just getting agreement on a lowest common denominator document. While most of the elements of the 1995 and 2000 programmes of action are still relevant, some will be more critical to a constructive 2010 review conference than others.

28. The continued credibility of the NPT as an effective mechanism to prevent the spread of nuclear weapons is likely to rest on four major planks: the viability of CTBT entry into force under a new American president; whether the nuclear weapon states continue to insist on rights to use, renew and modernise their nuclear weapons; how the regime is strengthened institutionally and politically to deal with nuclear aspirants such as Iran; and finding proliferation resistant solutions for meeting the world’s energy demands.

29. In light of the 1995 extension of the NPT and the commitments undertaken in 2000, a further legal Advice in 2005 concluded that: (i) the use of the Trident system would breach customary international law, in particular because it would infringe the “intransgressible” requirement that a distinction must be drawn between combatants and non-combatants; (ii) Article VI is a provision “essential to the accomplishment of the object or purpose of the treaty”; the replacement of Trident is likely to constitute a breach of Article VI; and (iv) that such a breach would be a “material” breach of the NPT.¹⁸²

30. Insisting on the renewal of Trident flies in the face of the laudable principles and analyses promoted by the Security Strategy. Clinging to nuclear weapons misdirects resources and undermines UK credibility at a time when Britain should be doing its utmost to uphold the NPT and demonstrate that we take the multilateral treaty-based regimes and international law seriously. The fact that the other nuclear-armed states have a worse record than us is no excuse.

31. Nuclear weapons undermine our security. As recognized by the government, they cannot possibly deter extreme ideologues or terrorists, whether state or non-state. As Professor Malcolm Chalmers noted, “Far from being deterred by nuclear weapons, terrorists would be delighted to provoke a Trident retaliation, fully aware of the global opprobrium that this would bring on Britain.”¹⁸³ In other words, a terrorist aggressor would not be deterred by nuclear or other weapons of mass destruction held by their target countries or anyone else. On the contrary, having nuclear weapons could make a country a more attractive target for a mass-destructive terrorist attack, as the extremists’ game plan could include provoking a nuclear or similarly disproportionate retaliation.

Devalue nuclear weapons by having their use declared a crime against humanity

32. The Security Strategy emphasises the need to act early, work with partners and put UK efforts and assets behind a multilateral rule-based approach (eg para 4.96). With regard to nuclear weapons threats, acting early means not only keeping the materials and weapons out of the hands of those who might use them, but also removing incentives and justifications. While verified reductions in numbers of weapons are undoubtedly important, implementing the NPT and strengthening the regime will require that weapon states like Britain accept and demonstrate that there is no security role for nuclear weapons in their doctrines and policies.

33. The practical steps of verified disablement, dismantlement and irreversible denuclearization will take time, and those countries still possessing nuclear weapons will need to keep them safe pending total elimination. However, an essential confidence-building security step is to stigmatise and devalue nuclear weapons in the eyes of everyone. One way, which is attracting growing interest in part due to the support of some of the eminent nuclear policy architects behind the *Wall Street Journal* op-eds by Henry Kissinger, George Shultz, William Perry and Sam Nunn, is for the use of nuclear weapons to be declared a crime against

¹⁸¹ 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, adopted May 20, 2000, New York, NPT/CONF.2000/28 (Part I). For a detailed examination of the political context and choices before the Sixth Review Conference, see Rebecca Johnson, *Non-Proliferation Treaty: Challenging Times*, ACRONYM 13, The Acronym Institute, London, February 2000.

¹⁸² Rabinder Singh QC and Professor Christine Chinkin, *The Maintenance and Possible Replacement of the Trident Nuclear Missile System*, Joint Opinion, Matrix Chambers, published by Peacerights, December 19, 2005.

¹⁸³ Malcolm Chalmers, “Long Live Trident?” *Physics World*, August 2005.

humanity. This would address terrorist and resurgent state threats and be popular with the armed forces as well as the non-nuclear weapon states and civil society around the world. It would reinforce non-proliferation, remove incentives from the nuclear aspirants and accelerate disarmament.

34. The NPT does not address use, but the International Court of Justice (ICJ) in its landmark advisory opinion of July 1996 found that in almost all situations the use of nuclear weapons would violate international humanitarian law.¹⁸⁴ In the legal and political landscape in 1996, a minority of ICJ justices left open a possible loophole if a state's very survival was at risk. Though the Security Strategy regards terrorist acquisition of weapons of mass destruction as a significant threat, only two kinds of nuclear threat could put Britain's survival at risk: all out nuclear war; or an exchange of nuclear weapons in another region that caused environmental and climate effects that threatened our ability to grow sufficient food. A single use by a terrorist or despotic leader of a failed state would be locally devastating and cause widespread horror and shock, but recovery would be possible, especially with international support. Hanging on to nuclear weapons ourselves does nothing to deter or mitigate such threats and could exacerbate them. Renouncing our reliance on nuclear weapons would, by contrast, strengthen other tools to prevent such threats and give impetus to global efforts to eliminate these WMD.

35. In its post cold war doctrines, the United States reintroduced the possibility of nuclear weapons being used for pre-emption as well as retaliation. While the UK has tried to distance itself from some aspects of US nuclear policy that is difficult in view of the UK's dependence on US missiles and guidance systems and the role of US nuclear weapons in NATO. Though the details of UK deterrent policies and operations are opaque, they appear still to entail the option (and threatened) first use of nuclear weapons and a permanently deployed capability to fire, epitomised by the retention of continuous patrols with at least one nuclear-armed submarine always at sea. Those clinging to nuclear deterrence need to wake up to the 21st century. Post cold war deterrence does not require deployed, operational readiness to fire nuclear weapons. If you want to deter terrorists or states from acquiring or using nuclear weapons (or blackmailing with threats to use them), as advocates of nuclear deterrence claim, one of the most effective ways, reflecting post-Nuremberg accountability and the remit of the international criminal court, would be to make the use of nuclear weapons a crime against humanity.

36. Unlike a fissile materials ban or nuclear weapon convention, which have to be negotiated multilaterally and would be complex and time-consuming, with many political, technical, verification and implementation challenges to be worked out, the process of stigmatising and outlawing the use of nuclear weapons offers opportunities for courageous leaders to take unilateral steps that build towards creating a multilateral norm. Declaring the use of nuclear weapons a crime against humanity would not eliminate nuclear dangers overnight, but would have major impact in taking nuclear weapons off the lustrous list of objects of political status and desire. Nuclear weapons may be used against us, whether or not we have some of our own. But which is worse: a single use that prompts united international assistance to the victim and a concerted worldwide effort to bring the perpetrators to justice; or multiple use, which would almost certainly be triggered by pre-emptive or retaliatory nuclear strikes? Recovery would be possible from the first scenario, but much more difficult from the second. For our national as well as international security, it is now time for the option of using nuclear weapons to be outlawed. We need to reinforce the taboo and, like the WMD Commission, treat all nuclear threats as weapons of terror that no sane or civilized person would want or be able to use. A potent aspect of making non-use a component of our deterrence is that even despots and terrorists fear being held personally accountable and subjected to public trial and punishment.

Protecting against nuclear weapon threats at home

37. In addition to the international threats posed by the deployment of nuclear weapons and promotional doctrines, Trident poses a current threat to UK health, safety and the environment, especially in the areas near AWE Aldermaston and Burghfield in Berkshire, the Faslane and Coulport nuclear bases in Scotland and along the warhead convoy routes. The Security Strategy talks of working with partners to protect and plan against external threats but fails to address how the manufacture and deployment of Trident nuclear warheads, the transporting of live warheads by road between England and Scotland and the storage of over a hundred warheads at Coulport pose unnecessary and very significant potential threats. According to recent reports, all these sites have suffered accidents and severe safety lapses. The warhead convoys have got lost and are regularly monitored, followed and sometimes stopped by protesters. Local councils, fire and emergency services are kept out of the loop when the warhead convoys pass through their jurisdiction, but they would be expected to respond to any emergency with alacrity. We recommend that as part of steps to fulfil the NPT, the MoD should mothball the warheads and reduce nuclear transports to the minimum necessary to return the warheads and related materials to Berkshire for safe dismantlement.

¹⁸⁴ International Court of Justice Reports 1996, p 225. [Reported for July 8, 1996, General List No. 95]. The full decision, documentation and dissenting decisions also formed the Annex to "Advisory Opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons", Note by the Secretary-General, United Nations General Assembly A/51/218, October 15, 1996 pp 36–37.

Time to denuclearize NATO's security concept and increase resources for its peace-supporting roles.

38. In several places (inc. para 3.31), when discussing the importance of international institutions, the Security Strategy refers to NATO and the European Union without distinguishing the different roles that these organisations play in conception, intention and the perceptions of others. The UK needs to recognize how NATO's expansion and actions such as the push to deploy US missiles in Poland and sophisticated radar and tracking facilities in the Czech Republic are perceived as aggressive by others, most notably Russia.

39. NATO Secretary-General Jaap de Hoop Scheffer has put the development of a new Strategic Concept for the 21st century onto NATO's agenda. It is anticipated that debates on this will be formally kick-started at the Strasbourg-Kehl Summit in April 2009 and continue for at least a year, with adoption of a new strategic concept likely to be in 2010. Rather than expanding the NATO nuclear alliance to Russia's borders, consideration should be given to removing the anachronistic role of nuclear weapons in the Alliance and increasing ways to build cooperative security approaches with Russia and other neighbours.

40. NATO's 1999 Strategic Concept states that war prevention requires "widespread participation by European Allies involved in collective defence planning in nuclear roles, in peacetime basing of nuclear forces on their territory and in command, control and consultation arrangements." As a consequence, several participating countries host US nuclear bases and tactical weapons on their soil, some of their aircraft are equipped to carry nuclear weapons and their pilots are trained to fly nuclear missions. Since Britain deploys its own nuclear weapon system, which is assigned to NATO, it does not participate in nuclear sharing *per se*. The UK has long hosted over 100 US nuclear free-fall bombs at the Lakenheath airbase in East Anglia, but analysts with the Federation of American Scientists recently revealed information that pointed to the withdrawal of these.¹⁸⁵ If US nuclear weapons have now been withdrawn from Britain, this should be explained and confirmed by the US or UK governments. If not, it is time that they were.

41. As part of any review of its Strategic Concept, NATO ought to withdraw all US nuclear weapons from Europe. The need to eliminate tactical nuclear weapons has been repeatedly raised at NPT Conferences because they are portable, vulnerable and readily usable. They are potentially destabilizing and create additional risks and insecurities. NATO should use its decision in a leverage strategy to persuade Russia to eliminate its tactical nuclear forces from Europe as well.

42. NATO members hold that their nuclear sharing is in compliance with Articles I and II of the NPT, arguing that the arrangements predated the NPT and that "general war" would end the validity of the NPT. Both interpretations have been challenged by other NPT Parties. Looking forward to the 2010 Review Conference, NPT states should strengthen the Treaty by declaring that it is binding on all State Parties "under any circumstances".

43. To enhance stability and security in Europe, it will be important to withdraw the ballistic missile defence (BMD) bases from Russia's borders and rethink the threat assessments, purpose and parameters of programmes to protect against possible missile threats and developments in the Middle East. The Security Strategy talks of strongly supporting efforts to include Russia through a joint regional missile defence architecture (para 4.68). In view of US reluctance, is this realistic or is it just a PR gesture towards Russia? The objective is constructive, but the Committee should find out what in practice is the government doing to pursue this objective and persuade the United States not to increase insecurity in Europe by putting unnecessary and inflammatory pressures onto Russia. The UK should promote a greater role for NATO in arms control and reduce its capacity for harm as a military expansionist alliance, as that will have unintended consequences that could undermine British and international security.

The weaponization of space would pose unacceptable dangers to security on Earth

44. In para 4.99 the Security Strategy made a passing reference to space assets. It is a major weakness of the Strategy that the government fails to address how the uses and abuses of space for civilian and military applications could have fundamental ramifications for our security. The commercial, economic, strategic and security importance of outer space has come to the fore worldwide. Interest in space exploration, observation, communications and other uses of space is growing. Space assets can provide unparalleled resources for supporting our security in relation to humanitarian and environmental crises and diverse natural, criminal and military threats.¹⁸⁶ At the same time, it is important to recognise that potential misuses of space assets could turn outer space into a battlefield.

¹⁸⁵ Hans M. Kristensen, US Nuclear Weapons Withdrawn from the UK, at <http://www.fas.org/blog/ssp/>

¹⁸⁶ Rebecca Johnson, "*Europe's Space Policies and their Relevance to ESDP*", published by the European Parliament (External Policies), October 2006.

45. US programmes for BMD have promoted the argument that whoever controls space will obtain an unassailable military and commercial dominance on Earth.¹⁸⁷ Any country that seeks to establish space superiority and dominance will jeopardise the peaceful uses of space, with a serious risk that the weaponisation of space could harm terrestrial security and might even—as occurred in US wargame scenarios based on an exchange of anti-satellite attacks—lead to nuclear war. If allowed to continue, the further militarisation of space could threaten global security as well as compromising a range of civilian and security applications on which our daily lives now rely.

46. Instead of turning to the sledgehammer of space weaponisation to deal with the potential vulnerabilities of space assets, a more sensible approach—and one consistent with the Security Strategy and the EU's Common Foreign and Security Policy (CFSP)—would combine arms control efforts with the technical hardening and shielding of as many satellites as possible, plus space situation awareness, redundancy and other “passive” defence means. Progress in nuclear disarmament, strengthening the NPT, negotiating a nuclear weapons convention, further efforts to restrict missile proliferation, building on the Missile Technology Control Regime (MTCR) and the Hague Code of Conduct Against Ballistic Missile Proliferation (HCoC) would also contribute to security and reduce the chances of space becoming a battleground—which would be in nobody’s interests.

29 September 2008

Submission from International Physicians for the Prevention of Nuclear War

International lawyers, physicians, scientists, and other civil society experts have offered a roadmap toward a nuclear-weapons-free world in the Model Nuclear Weapons Convention. The model NWC—a comprehensive framework for global nuclear disarmament in all its aspects—has been a working document of the General Assembly since 1997. Support for a convention has been voiced repeatedly by majorities of UN Member States. A First committee resolution (A/C.1/62/L.36) adopted last year and supported by 127 Member States called for the commencement of “multilateral negotiations leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination”.

We believe that UK leadership toward the achievement of a nuclear-weapons-free world, through the kind of comprehensive approach to disarmament spelled out in the Convention, is essential if this goal is to be reached.

IPPNW welcomes the Committee’s inquiry into the British government’s approach to non-proliferation and disarmament, and fully endorses the analysis and recommendations submitted to the Committee by our British affiliate, Medact. We urge the Committee to give full consideration to these recommendations, and we look forward to the outcome of your deliberations.

26 September 2008

Submission from Mr Benjamin Brooks

I write to you today in reference to the inquiry by the Foreign Affairs Committee entitled “Global Security: Non-Proliferation” of which you are chair. I wish to draw the committee’s attention to the level of contradiction and hypocrisy contained within the governments National Security Strategy (NSS) and its supposed commitment to the Non-Proliferation Treaty (NPT).

The government freely admits within the NSS that the threats faced in the twenty-first century are radically different to those of recent decades and have thus confounded all assumptions relating toward national defence. If this ascertain is correct then we must question the logic and rationale of renewing a defence system (trident nuclear missiles/polaris submarines) that was conceived and deployed primarily in

¹⁸⁷ The drive towards developing weapons for use in or from space is related to missile defence and its proponents use two principal justifications: firstly, that space weapons are essential to protect space assets from a pre-emptive attack, dramatically called a “Space Pearl Harbor” by the Commission to Assess United States National Security Space Management and Organization (known as the 2001 Space Commission); and secondly, that who controls space will obtain an unassailable military and commercial dominance on Earth (and that this space superiority and dominance is the destiny of the United States). In addition to the assumptions of vulnerability, control and space power projection, some argue from historical analogy that space weaponization is inevitable, and that whoever gets there first will enjoy an overwhelming advantage. From the mid-1990s on, all three types of argument could be found in US policy documents. See the 1996 National Space Policy; the 1999 Department of Defense Space Policy; US Space Command’s Vision for 2020 (1997) and Long Range Plan (1998); The US Air Force Strategic Master Plan for FY02 and Beyond; the Defense Department’s 2001 Transformation Study Report; and the 2001 and 2006 Quadrennial Defense Reviews.

response to a nuclear armed USSR. An often used governmental response to this line of questioning is that modern nuclear missiles are of a far greater technological standard and accuracy, therefore minimising any risk to civilians. Yet accompanying this level of hypothetical reassurance are the sobering dual realities that; (a) due to the comprehensive test-ban treaty the effects (especially long-term) of any nuclear explosion are unknown, (b) by assuming the contrary that because of technological advances and fewer warheads the UK nuclear arsenal is actually decreasing. The potential yield of Britain's nuclear arsenal is unknown and as such impossible to qualify as decreasing, therefore contradicting the NPT. A second danger brought about by a belief in a smaller, more accurate arsenal is the likelihood of the government deploying them in active combat.

The NSS continues by announcing that Britain will be at the forefront of diplomatic action pertaining to nuclear weapons control and (crucially) reduction. Yet with the decisions to renew all major facets of Britain's nuclear arsenal this commitment is surely voided. If Britain timely wishes to become a world leader (within the field of nuclear weaponry) then it should turn its expertise on verifying the elimination of warheads inward and become the first of the recognised nuclear-states to completely disarm.

With the implementation of the US missile defence shield Britain must begin to believe its own rhetoric as to the level of safety this system will provide. If Britain is not safe without a deployable nuclear arsenal then why should states such as Israel be contented with hypocritical reassurances. By using our expertise to deconstruct our own arsenal we can begin to regain the trust and respect of our international partners. If Britain fails to take such historic steps toward a nuclear-free world we seek only to heighten the role of proliferation of nuclear material to states whom feel threatened by global events. Who would deny the people of Georgia an effective deterrent to the threat of an overbearing Russia. As a global leader it is Britain's responsibility to show these states that protection can be found within international institutions (as espoused in the NSS) and not via a missile system that in the best case scenario lies dormant for its lifetime and merely wastes billions of pounds of tax-payers money.

19 September 2008

Submission from Joanna Bazley, Wimbledon disarmament coalition/CND

On behalf of Wimbledon Disarmament Colition/CND I should like to suggest that the Select committee explore further the logic of the claim by the Rt Hon. Bob Ainsworth MP that negotiations towards a Nuclear Weapons Convention would undermine the Nuclear Non-Proliferation Treaty. I enclose a copy of a letter to our local MP Stephen Hammond which contains some very disturbing remarks about the "key role" of nuclear deterrence.

26 September 2008

Letter to Stephen Hammond MP from The Rt Hon Bob Ainsworth MP

Thank you for your letter of 9 May enclosing one from your constituent, Mrs J Bazley, regarding the Government's position with regard to a Nuclear Weapons Convention (NWC).

The aim of a NWC would be to prohibit both the development and use of nuclear weapons and set a framework for the elimination of existing stockpiles. We agree with these principles—we are publicly committed to achieving a global security environment in which there is no longer a requirement for any nuclear weapons in the world; a commitment which has been reaffirmed by Gordon Brown, Margaret Beckett and Des Browne within the past year—and we recognise that a NWC could particularly form the legal underpinning of such a world free of nuclear weapons.

However, as was explained to Ms Bazley in a letter to her dated 21 February, present political realities mean that negotiations toward a NWC are unlikely to make headway. You will be aware of the difficulties experienced in attempting to open negotiations on a Fissile Material Cut-Off Treaty (FMCT), which itself forms only part of the model NWC. FMCT remains our priority at the Conference on disarmament in Geneva, without which we could not expect progress on a treaty to ban nuclear weapons outright. Moreover, it is difficult to see how a NWC could not undermine the credibility of nuclear deterrence, which has been a major part of the security calculus of the Nuclear Weapons States for over half a century. Attempts at negotiations would therefore prove fruitless in the current security climate where nuclear deterrence plays such a key role and, significantly, focus diplomatic efforts away from the international architecture already in place.

Rather, efforts need to be concentrated on reinforcing and reinvigorating the Nuclear Non Proliferation Treaty (NPT). The NPT has served the international community extremely well over the last forty years and provides the path towards a world free of nuclear weapons. It makes an invaluable and irreplaceable contribution to multilateral nuclear disarmament and is the cornerstone of UK policy in this area. The UK,

and the vast majority of the international community, remain committed to the three pillars of non-proliferation, disarmament and the peaceful use of nuclear energy. I strongly believe that continued and balanced application of the NPT will eventually lead to a world in which negotiation of a NWC can become a reality.

I hope this explains the situation.

23 May 2008

Submission from the Nuclear Information Service

1. A DEFINITION OF SECURITY

“Over recent decades, our view of national security has broadened to include threats to individual citizens and to our way of life.” (1.5)

1.1 A permanent threat to “individual citizens and our way of life” is the risk of a nuclear accident associated with the production, transport, handling and storage of nuclear warheads. This risk is unjustifiable and fails the justification test because the benefit of having weapons that cannot be used is a myth, as most other countries have recognised.

1.2 The additional risk of terrorist attack on AWE Aldermaston or (less likely) a warhead convoy, is a further risk to national security. Whilst this threat will remain until the current warhead stockpile is decommissioned, and whilst nuclear materials and waste remain at AWE, the threat to live work at AWE Burghfield can be relieved by completing the decommissioning process and de-licensing the Burghfield site as soon as practicable.

1.3 Security requires a high level of nuclear safety. UK Nuclear weapons production no longer meets modern standards of safety and should be abandoned for this, if for no other reason.

2. DISARMAMENT

“we oppose all proliferation, as undermining our objectives of de-escalation and multilateral disarmament, and increasing the risk of instability in the international system and ultimately the risk of nuclear confrontation.” (3.10)

2.1 The key objective of the Security Strategy is to achieve de-escalation and multilateral disarmament; proliferation is identified as an impediment to disarmament and as a cause of instability that risks nuclear confrontation. This concern has been at the heart of every NPT conference, and will be so in 2010.

2.2 A definition of proliferation is “increase” and “spread”. In the context of nuclear weapons, we have to go further and define what it is that must not increase. For example: numbers, dimensions and fire-power are less relevant than delivery miniaturisation, increasing accuracy and reliability. If the capacity of the nuclear weapons states (NWS) is increased in this way, the result is vertical proliferation. The possible spread of nuclear weapons to newly capable states (horizontal proliferation), is the other element to be addressed. These two aspects of proliferation are inextricably linked by cause and effect. At NPT summits, we have seen that there is no confidence in the good faith of the negotiating position of NWS whilst they persist in only addressing horizontal proliferation. The UK is in a strong position to be taken seriously as a key advocate of non-proliferation, if only it would put its own house in order.

2.3 The new order requires the UK to refrain from building a new generation of SSBNs and nuclear warheads. Despite government explanations for its current developments at AWE Aldermaston and submarine design contracts at Barrow, no-one interested in nuclear disarmament is convinced that these projects are necessary to retain the current level of nuclear capability. To do that, it would merely be necessary to ensure that existing facilities for warhead management were in good order and that the existing submarines reduce their sea operations to enable them to stay in service for another 22 years. Unless a stop is put to the current UK direction, there is no real incentive to achieve disarmament.

2.4 Proliferation

UK proliferation includes upgrading the existing system and building a new Trident system, both submarines and warheads. The reduction in warhead numbers as a non-proliferation plus is massively outweighed by the proposals to build new SSBNs and a new warhead. In particular, the MoD’s recent Annual Report message is destabilising, and bodes ill for proliferation for the 2010 NPT Conference:

“the major rebuilding and development programmes at both Aldermaston and Burghfield [is] gathering pace.”—(MoD annual report for 2007–08)

2.5 De-escalation

Opportunities for de-escalation abound. However, the reduction of UK warheads to a more manageable number below 140 appears to reflect the poor state of the infrastructure to support them at AWE Burghfield rather than political de-escalation. What is needed now, is a reduction in sea patrols, removal of warheads to storage at RNAD Coulport and a steady programme of warhead disassembly. Serious problems at AWE concerning the lack of disassembly capacity should not have been allowed to develop. But we are where we are, and practical solutions can be found, albeit at a slower pace than would have been necessary had the plant been properly maintained.

3. THE LINK BETWEEN NUCLEAR PROLIFERATION AND REGIONAL CONFLICT

“the link between nuclear proliferation and regional conflict .”(3.53)

3.1 The two issues of “access to nuclear materials” and “nuclear weapons or nuclear technology” should not be packed in the same “nuclear proliferation” bag. Control of nuclear materials is a matter for the IAEA. The challenge for the NPT Conference is to support this practical task by agreeing de-escalation for all NWS. Only when NPT ambassadors can trust the NWS not to say one thing and do another, can their focus be shifted to dealing with problems of materials proliferation.

3.2 In terms of nuclear weapons, there are plenty of regional conflicts that are not related to proliferation. If this fact is confused with the materials problem, it implies that the NWS cannot de-escalate for fear of destabilizing regional security. On the contrary, nuclear de-escalation would be beneficial in key areas, but in most cases, would have no effect.

4. UK LEAD TO ACCELERATE DISARMAMENT

“In the run up to the 2010 NPT review conference, we will lead international effort to accelerate disarmament among possessor states” (4.19)

4.1 The UK is well placed to accelerate disarmament, but this will require a real UK disarmament offer on the table. Verification, as in other treaties, requires something to verify. Technical means without concrete disarmament steps to measure will not achieve disarmament. (See 5. below).

5. VERIFICATION TECHNICAL CONFERENCE

“in pursuit of our objective of a negotiated elimination of all nuclear weapons. We have offered to host a technical conference for the five NPT Nuclear Weapons States on the verification of nuclear (4.19)

5.1 The UK’s unique offer to host a conference on the technical means of verification is an opportunity to prepare the ground for a workable disarmament convention. But if it is to be a serious initiative, participants will need to be confident that the UK seeks no technical advantage. How are they to be sure that the UK is genuine in its commitment to verifying disarmament, rather than seeking insight into their nuclear warheads? As things stand, this commitment is not clear. Transparency of intent can only be achieved by a policy commitment at NPT level. Exchange of verification techniques is suspect without an end to UK submarine and warhead development. The possibility of moving towards disarmament verification will be wasted unless it is undertaken in parallel with disarmament. Time-wasting at this level would indeed be criminal, and could be subject to challenge.

5.2 The value of Citizen Verification should be valued. For example, developments at the Iran nuclear site would not have come to light at an early stage unless the information had been reported by civil society. In the UK, safety issues at AWE and road transport incidents have been reported by NIS, Nukwatch and others.

6. 2010 NPT REVIEW CONFERENCE

“achieving a positive outcome from the 2010 NPT Review Conference.” (4.23)

6.1 Any further delay in progress at the NPT will be disastrous. Unless the NWS take a risk for peace by 2010, it might be too late by 2015. Negotiating positions at the Conference on Disarmament need to change in 2009 and work must be redoubled in order to achieve a nuclear turn around by 2010. And that would only be the start!

6.2 The UK has the opportunity to lead. Its good faith credentials could be restored by a change of nuclear policy to wind-down if the current wind-up policies and contracts were to be cancelled. The alternative is for there to be no positive NPT Review outcome; no concentration on real security; no control of proliferation; no disarmament; no de-escalation; nothing to verify and a continuing build-up of an increasingly threatening nuclear order.

7. DETERRENCE THEORY

"We decided to maintain our independent nuclear deterrent because, while we are strongly committed to multilateral nuclear disarmament and to the global elimination of nuclear weapons, we cannot rule out a threat to the United Kingdom involving nuclear weapons re-emerging over the next 50 years." (4.67)

7.1 The familiar contradiction in this statement is unworthy of serious political justification in 2008. Clearly, for disarmament commitments to be worthy of attention, they must be backed by disarmament measures, not by re-armament.

7.2 All are agreed that there is no current foreign military threat to the UK and that no such threat is foreseeable. Should such a threat occur, it is inconceivable that it would be resolved by nuclear weapons.

7.3 Deterrence policy is based on a belief system. The theory is essentially flawed because there is no way of demonstrating that it has worked. There is absolutely no evidence to support the view that if we had not possessed nuclear weapons we would have been invaded, attacked or in any other way violated as a nation state.

7.4 UK nuclear weapons present a complex of risks to the British people every day. The risk of a criticality event at the substandard warhead assembly/disassembly facilities at AWE Burghfield and the transport of warheads by road to name but two. These risks are unjustifiable since there is no tangible benefit.

7.5 The argument that a future threat might demand nuclear weapons is also flawed, since there is no conceivable threat that could be resolved to the UK's advantage by a nuclear exchange. The nuclear power base is discredited and must now be de-constructed with the UK taking a lead.

8. VITAL INTERESTS

"Sea and air approaches, [its] information and communications systems, and [its] other vital interests, including our Overseas Territories." (4.63)

8.1 The interpretation of "vital interests" will vary according to the government of the day, but no interpretation could justify a nuclear attack by the UK. How could a UK nuclear attack on any state, agent or individual be justified in response to a threat to our overseas interests? While the FCO is charged with avoiding such a threat, the MoD can also contribute by advocating restraint and diplomatic solutions.

8.2 The idea that a nuclear threat could "protect" UK assets from attack is not accepted on two grounds:

- (i) it is an idle threat, and would be interpreted as such, or
- (ii) it is not an idle threat and if carried out, would change the world into an unpredictable nuclear jungle, with the original provocation being quickly forgotten.

8.3 Climate change and energy resources are the real vital interests we have to address in the foreseeable future. The FCO should advocate massive investment at home in renewable energy to avoid the calamity that is foreseen in a recent speech by a government spokesman linking energy security with national sovereignty:

...an international battle for energy security is emerging as one of the most significant threats to both UK competitiveness and national sovereignty.—John Hutton, Government Business Secretary Labour Party Conference 2008

9. MISSILE DEFENCE

To help mitigate the threat of weapons of mass destruction, we welcome US plans to place further missile defence assets in Europe to provide cover for allies. (4.68)

9.1 Support for the US plans to deploy missile defence is to support a de-stabilising experiment in technology and politics. The new 2009 USA administration will need sound advice from a European member it is willing to listen to on this subject. Too much is at stake for Europe to be a platform for a dominant US presence. The UK government should learn from the damning effect of US Cruise Missile on European relations in the 1980s.

10. FUTURE SECURITY STRUCTURES

"Future priorities include:

- consulting on a joint Parliamentary National Security Committee
- strengthening the work of horizon scanning
- creating a national security forum
- publishing the National Risk Register" (5.8)

10.1 These proposals to widen consultation on foreign and defence policy are valuable democratic initiatives that should be established as soon as possible. However, each will bring difficulties, and unless the FCO and MoD are prepared to work with ground rules accepted by all participants, they will be reduced to time-wasting exercises. If openness, transparency, respect, consistency and patience are enshrined in the process to bring together the skills and perceptions of a wide range of people, then democracy will be well-served. The resulting decisions could shape wise UK policy and actions through cooperative national and international relations in an uncertain future.

11. ULTIMATE RESPONSIBILITY FOR OUR NATIONAL SECURITY LIES WITH THE UK

"some areas of policy covered in this document are the responsibility of devolved administrations and legislatures. In these cases decisions will ultimately be for the devolved institutions concerned."
Endnote.

11.1 The Endnote comment that national security ultimately lies with the UK is a timely reminder that the current status quo of the Union may change in the coming years, and that change requires considered management. The Scottish people may decide to be an independent state. A mature democracy welcomes inevitable change as an opportunity not a threat. Citizens and politicians must meet the challenge with wisdom and self-confidence.

29 September 2008

Memorandum submitted by the Foreign and Commonwealth Office

1. TERMS OF REFERENCE OF THE INQUIRY

1.1 The Terms of Reference given by the Select Committee on Foreign Affairs (FAC) for this Inquiry on Global Security: Non-Proliferation are as follows:

"The Foreign Affairs Committee will examine the work of the British Government in working towards the Foreign and Commonwealth Office's policy goal on countering weapons proliferation and its causes. The Committee will consider the proliferation of nuclear, chemical and biological weapons. It will also consider the role of ballistic missiles. In particular, the inquiry will examine:

- The British Government's non-proliferation approach, as set out in the National Security Strategy;*
- The effectiveness of the current rules-based international system in curbing current weapons proliferation;*
- The potential merit of forthcoming diplomatic initiatives on non-proliferation, for instance the 2010 Nuclear Non-Proliferation Treaty Review Conference;*
- The role of arms control and disarmament, including nuclear disarmament, in non-proliferation efforts."*

2. THE INTERNATIONAL CONTEXT

2.1 Through the Nuclear Non-Proliferation Treaty (NPT), the Chemical Weapons Convention (CWC) and the Biological and Toxin Weapons Convention (BTWC), the overwhelming majority of states has chosen not to develop weapons of mass destruction (WMD). Some states have abandoned their nuclear weapons programmes altogether while the five Nuclear Weapons States have substantially reduced their nuclear arsenals since the Cold War and further significant reductions are in prospect.

2.2 But the international counter-proliferation system is facing serious challenges. In particular:

- (i) the emergence of India and Pakistan as nuclear-armed states and their continued resistance, with Israel, to joining the NPT;
- (ii) the clear breaches of the international legal obligations of two non-nuclear weapons States Parties to the NPT, Iran and North Korea, and the risks these pose for the global counter-proliferation system as well as for regional security and proliferation;
- (iii) the considerable work still required to build the support necessary to achieve a positive outcome at the NPT's Review Conference in 2010. Many moderate states do not give priority to counter-proliferation, leaving more radical states space to pursue their own narrower agendas;
- (iv) increasing efforts by terrorists and criminal networks to acquire WMD;
- (v) the increasing ranges of ballistic missiles available to rogue states, bringing the UK, our friends and allies potentially within range of an attack;

- (vi) an anticipated significant increase in the use of civil nuclear power world-wide, driven by the need for energy security and to address climate change. This increases the risk of diversion of the materials and technologies involved for military use, whether by states or non-state actors;
- (vii) large arsenals of nuclear weapons remain. The START I treaty expires in December 2009 and no agreement is yet in place for the extension of its provisions, although the US and Russia have agreed in principle to work for a legally binding successor. Counter-proliferation efforts risk being undermined if other states perceive, rightly or wrongly, that the Nuclear Weapon States are not delivering on their side of the bargain and actively pursuing nuclear disarmament;
- (viii) meanwhile, efforts to expand the international legal framework essential to contain nuclear weapons technology and numbers are stalled, with the Comprehensive Nuclear Test Ban Treaty yet to enter into force or be ratified by several key states and agreement yet to be reached to start negotiations on a Fissile Material Cut-Off Treaty.

2.3 How these challenges are addressed in the next few years will be critical for the future of global security. As the National Security Strategy published in March concluded: “*the international security architecture has yet to adapt satisfactorily to the new landscape. Its level of ambition in the face of new challenges is too low and the response to crises is too slow. The range and scale of those challenges is only likely to grow, particularly as a result of climate change and competition for resources. How the international system responds and how well it succeeds in entrenching the rules-based approach to resolving disputes and dealing with states which violate international laws and norms will be one of the most significant factors in global and UK national security.*”

3. THE UK GOVERNMENT RESPONSE

3.1 The UK Government has made clear that it judges that the proliferation of WMD poses one of the gravest threats to UK and to global security and that we are firmly committed to the goal of the global elimination of all such weapons. Driving forward more urgent and robust international action on both counter-proliferation and nuclear disarmament is a personal priority for the Foreign Secretary. As recently as last week, at the Council on Foreign Relations in New York, the Foreign Secretary emphasised that to address the profound threats to the counter proliferation regime, we need to remake the bargain between the parties to the Nuclear Non-Proliferation Treaty (NPT) and that we must defend the Treaty aggressively on both the non-proliferation and the disarmament fronts. Our aim is to reinforce the consensus against proliferation: firstly by demonstrating that the goal of a world free from nuclear weapons is real, achievable and genuinely held by nuclear weapons states; and secondly by building ways in which all countries can enjoy the benefits of peaceful nuclear technology.

3.2 The revision of the FCO’s Strategic Framework in April 2008 made counter proliferation, together with counter terrorism, one of the FCO’s four new Policy Goals. (Departmental Strategic Objective 5 is “to counter terrorism, weapons proliferation and their causes”.) To achieve this objective, detailed action plans have been elaborated within the FCO, which the Foreign Secretary is personally involved in reviewing on a regular basis.

3.3 To prompt fresh thinking on the issues, on 18 July the Foreign Secretary hosted a brainstorming seminar with eminent academics, commentators and policy makers from the UK, France and US on the future of nuclear non-proliferation and disarmament. Building on the themes discussed at the seminar, this autumn the Foreign Secretary will be launching a public discussion paper to stimulate public debate on the key issues around nuclear disarmament and proliferation. (A copy of the paper will be forwarded to the Committee as soon as it is available.)

3.4 The Foreign Secretary’s initiatives build further on the UK’s international leadership on these issues:

- (i) the former Foreign Secretary, Margaret Beckett, set out a progressive agenda in her June 2007 speech “A World free of Nuclear Weapons?” to the Carnegie Endowment in Washington and announced that the UK would act as a “disarmament laboratory” for the thinking and practical work required to move forward global nuclear disarmament;
- (ii) in Delhi in January the Prime Minister argued for a reinvigorated global commitment to nuclear disarmament and for zero tolerance for proliferation. The Prime Minister subsequently announced in Parliament on 19 March a major international conference in London, likely to be in early 2009, to take forward work on nuclear energy;
- (iii) the Secretary of State for Defence announced in a 5 February speech to the Conference on Disarmament that the UK is willing to host a conference of P5 nuclear laboratories. The conference would examine ways to move forward on disarmament as well as building trust and fostering transparency;
- (iv) the appointment of Baroness Williams as Non-Proliferation Adviser to the Prime-Minister;
- (v) speeches by Dr Howells and Lord Malloch Brown to expert audiences;
- (vi) the launch of the National Security Strategy in March.

3.5 We have also warmly welcomed the contributions to this important debate by other leading figures in particular by US statesmen Schultz, Perry, Kissinger & Nunn, by President Sarkozy, by former Foreign and Defence Secretaries of State Lords Hurd, Robertson and Owen and Sir Malcolm Rifkind, by the Shadow Foreign Secretary, Mr Hague, by Prime Minister Rudd of Australia and by the US Presidential candidates.

3.6 Broadly, HMG's approach recognizes that effective strategies for tackling non-proliferation and disarmament, energy security, climate change and the strengthening of international institutions must be linked. We also recognise that the impetus behind proliferation is complex and varies from one state to another: for there to be progress, we need to take account of the security concerns of all states and to promote peaceful, just and comprehensive settlements of regional conflicts and tensions. For these reasons, we consider that collective action, in international bodies including the UN, the EU, NATO, the IAEA, treaty-specific and export control groups remains the most effective way of managing and reducing the threats and the only prospect of eliminating them completely. A multilateral approach, in particular a rules-based approach led by international institutions, legally-binding and verifiable where possible, brings not only greater effectiveness but also, crucially, greater legitimacy.

3.7 The National Security Strategy set out the main lines of the UK Government's work to counter the threat from WMD arranged under four strands—the “4 Ds” ie dissuade, detect, deny and defend. The considerable body of work government-wide and by other relevant departments and agencies on these is co-ordinated by the Cabinet Office, which oversees action plans under each of the four headings through the Counter Proliferation Committee. On the international aspects, the FCO works closely with other relevant Departments, in particular with the Ministry of Defence and the Department for Business, Enterprise and Regulatory Reform as well as with other parts of the Government as appropriate.

3.8 The FCO's new Strategic Programme Fund provides funding rising from £300,000 in 2008–2009 to £2 million in 2009–10 and £3 million in 2010–11 in support of the strategic objectives set out in the FCO's counter proliferation and counter terrorism Policy Goal. Drawing on these funds, in the months ahead the UK will finance a series of direct legislative assistance visits to help 30 states to fulfil their obligations under a number of treaties including the BTWC, CWC and NPT. Other funded activities include NPT outreach and workshops in sub-Saharan Africa. We have also sponsored a project by the International Institute of Strategic Studies on the practical steps required for the elimination of nuclear weapons which has recently been published (see below). More widely, the UK Government is spending some £36 million a year through the Global Threat Reduction Programme (see below).

3.9 We also work closely with EU partners and the EU institutions to ensure the EU contributes effectively to countering the threat from states acquiring or developing WMD (including means of delivery) and preventing terrorists from acquiring WMD or radiological weapons or materials. This is carried out through co-ordinated bilateral and multilateral activity and through the deployment of funds from EU Joint Actions or the Commission's new Instrument for Stability.

3.10 This paper sets out how the UK is leading and contributing to international action to counter the proliferation of WMD, starting with nuclear weapons and the three pillars of the nuclear non-proliferation regime. It then addresses chemical and biological weapons, ballistic missiles, the specific threat of terrorists acquiring WMD, and current initiatives on conventional weapons.

4. NUCLEAR WEAPONS

4.1 The clear international consensus is that the way forward on both nuclear non-proliferation and disarmament is through the NPT. States remaining outside the regime (India, Israel and Pakistan) or breaching its provisions (North Korea) or flouting their United Nations Security Council and IAEA obligations in respect of their nuclear programmes (Iran), risk undermining the basis of this consensus, igniting a dangerous arms race and endangering stability in and beyond their regions. It will be vital to reinforce the international commitment to non-proliferation and disarmament at the next in the five-yearly cycle of NPT Review Conferences (RevCons) in 2010.

Towards the NPT Review Conference in 2010

4.2 HMG's goal remains adherence by all states to the NPT and to see its original “grand bargain” strengthened at the Treaty's 2010 RevCon. This is based on the three pillars of the treaty:

- (i) The five states (China, France, Russia/USSR, UK and USA) that had manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967 were recognised as “Nuclear Weapons States”. They undertook not to assist any other state to acquire or develop nuclear weapons. All other signatories—the “Non-Nuclear Weapons States”—renounced the right to develop or acquire nuclear weapons or to assist others to do so. This is the non-proliferation pillar (Articles I and II);

- (ii) In return the Non-Nuclear Weapons States received an undertaking from the Nuclear Weapons States that they would pursue good faith negotiations on cessation of the nuclear arms race at an early date and nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control. This is the disarmament pillar (Article VI);
- (iii) The Non-Nuclear Weapons States' right to develop nuclear energy for peaceful uses under international safeguards and in conformity with Articles I and II, was formally recognised and acknowledged. This is the peaceful uses pillar (Article IV).

4.3 The three pillars need to be treated equally: to advance, we need to address all three in parallel. Our priorities under each are:

- (i) Zero tolerance for nuclear proliferation, which needs to be robustly supported by all the P5. North Korea and Iran must comply with their UN Security Council, NPT and IAEA obligations;
- (ii) A re-invigorated approach to nuclear disarmament. The UK wants a clear forward plan put into practice, that demonstrates that the Nuclear Weapons States are serious about their obligations;
- (iii) Ensuring the expected growth in civil nuclear power generation is not accompanied by increased proliferation risks. The UK is working for internationally-agreed mechanisms under IAEA auspices that will make it unnecessary for countries to develop their own enrichment and re-processing capacity.

4.4 The Second Preparatory Committee of the 2010 NPT Review Conference took place in Geneva from 28 April to 9 May (a copy of the Chairman's Summary is at Annex 1). Lord Malloch Brown and Baroness Williams (Non-Proliferation Adviser to the Prime Minister) attended a high-level conference in the margins. UK leadership resulted in the first statement from the five permanent members of the UN Security Council (known as the "P5") for eight years and created a new P5 dynamic on which we can build. Significantly, Thailand became the first developing country publicly to support nuclear fuel assurances.

4.5 But much remains to be done to secure a successful RevCon in 2010. To build the consensus necessary to achieve a positive outcome in 2010, there are three key groups of countries:

- (i) P5: a substantive and cohesive P5 dynamic is essential. The P5 statement at the NPT PrepCom this year was a good start (a copy is at Annex 2). This dialogue would benefit from further deepening. We are also in touch with both US Presidential campaigns and will work closely with the new US Administration on these issues;
- (ii) some key Non-Nuclear Weapons States Parties (eg South Africa, Brazil, and Egypt) have appreciated the UK's commitment. But urging such states to approach the negotiations required for 2010 in a more constructive way—and leave actual and potential proliferators with nowhere to go—will require continued senior political engagement;
- (iii) the majority of developing countries see nuclear non-proliferation as a lower priority than economic development, poverty and regional instability. We need to raise awareness of the dangers posed to developing countries by nuclear proliferation and re-engage mainstream NAM members with the NPT process.

4.6 The Foreign Secretary regularly engages with his counterparts on these issues, for example with the Chinese and Brazilian Foreign Ministers at the UN this month. We also work closely with our EU partners in this area, both through co-ordinated bilateral activity and effective use of the available multilateral tools (eg use of the "WMD clauses" with Third Parties.)

4.7 We have an active programme of outreach. FCO, BERR and MOD officials regularly meet stakeholders from outside Government to listen to new ideas, brief on UK objectives and policies, and answer questions. We benefit from regular interaction with Members of both Houses of Parliament. Since the start of this year we have held an "outreach" event for parliamentarians to explain our "Enrichment Bond" proposal, have hosted nuclear disarmament NGOs such as Medact, Mayors for Peace and the Campaign for Nuclear Disarmament. Dr Howells took questions from students on counter-proliferation issues during his recent visit to the United States and made a speech to an academic audience in South Africa. We briefed NGOs and other interested parties and published a guide to the NPT setting out UK objectives before the start of this year's Preparatory Committee in Geneva in April. We also have an extensive programme of outreach on export controls (see below). We will remain engaged with NGOs and civil society more broadly as the 2010 RevCon approaches.

4.8 We welcome the establishment of an International Commission on Nuclear Non-Proliferation and Disarmament, co-chaired by former Australian and Japanese Foreign Ministers, Gareth Evans and Yoriko Kawaguchi, and the appointment of Baroness Williams as the UK Commissioner. The Commission intends to publish a report by January 2010 with the aim of helping to shape a global consensus in the lead-up to the 2010 NPT Review Conference. It will also consider publishing a supplementary report in mid-2010, making such further recommendations as it judges may be appropriate in the aftermath of that Conference. We look forward to co-operating closely with the Commission.

4.9 The following sections examine each of the three NPT pillars in turn.

5. PILLAR ONE: NON-PROLIFERATION

5.1 We are pursuing a number of tracks in parallel:

- (i) strengthening the IAEA and its safeguards regime;
- (ii) initiatives to make nuclear weapons (and other WMD) and their related materials and technologies more secure;
- (iii) robust action against any state which breaks the rules;
- (iv) working to bring into the NPT the three states which remain outside it;
- (v) supporting regional zones free from nuclear weapons and WMD.

(i) Strengthening IAEA safeguards

5.2 IAEA safeguards provide the essential foundation of international non-proliferation work. We are pressing for all those Non-Nuclear Weapons States which have not yet done so to agree, sign and bring into force a comprehensive safeguards agreement with the IAEA, as provided for in Article III of the NPT.

5.3 We are also urging those States that have not yet done so to agree, sign and bring into force an Additional Protocol based on the Model Protocol developed by the IAEA (INFCIRC/540) to strengthen the system of safeguards. This involves, inter alia, the provision of additional information to the IAEA and greater access for IAEA inspectors to enable the IAEA to build up a more complete picture of a State's nuclear-related activities, thereby enabling it to look for inconsistencies or anomalies which could be indicative of clandestine activities. A key feature of the new system is that, for the first time, it gives the IAEA access to information on nuclear fuel cycle-related activities (for example, manufacture of specialised equipment, and research & development) even where nuclear material is not involved. We are working for recognition that a comprehensive safeguards agreement and an Additional Protocol should be the norm for IAEA safeguards, and that both are needed to satisfy the requirements of Article III of the NPT.

5.4 We will also engage in taking forward recommendations contained in the wide-ranging report into the future of the IAEA by the Commission of Eminent Persons, including to allow the Agency to inspect for indicators of weaponisation and for more transparency in civil nuclear activities. The UK will also work to ensure the election of a successor to the outgoing Director General who has the vision, leadership and change management skills the IAEA requires.

(ii) Making Nuclear (and other WMD) more secure

5.5 We are working urgently to make it increasingly difficult for states or non-state actors, including terrorists, to acquire nuclear (and other WMD) or the related materials, equipment, skills and technologies and to detect any attempts to do so. Work on this was particularly stimulated by the valuable work done to identify and close down the proliferation network set up by AQ Khan, in supporting nuclear weapons programmes in states including Libya, Iran and North Korea. The main actions in this area are as follows.

G8 Global Partnership/UK Global Threat Reduction Programme

5.6 These initiatives are aimed at establishing cooperative projects to reduce the threat of proliferation of the most dangerous nuclear, radiological, biological and chemical materials. Its main focus is the Former Soviet Union and focuses on projects to improve the security of fissile materials; reducing the number of sites containing nuclear material; working towards closure of reactors still producing plutonium; improving nuclear safety, to reduce the risk of further Chernobyl-type incidents; contributing to the destruction of chemical weapons stocks; and providing sustainable employment for former weapon scientists whose expertise could be misused.

5.7 The UK has committed up to \$750 million over ten years to this work. Expenditure is currently running at around £36 million a year. Projects we are currently supporting include work to:

- Assist in long term safety and security of spent nuclear fuel from decommissioning nuclear submarines in Russia;
- Enhance physical protection of nuclear and radiological materials held in insecure facilities across the Former Soviet Union;
- Support the irreversible shutdown of plutonium production reactors in Kazakhstan and Siberia;
- Create sustainable employment opportunities for 3,000 former Soviet weapons scientists.

5.8 In delivering the programme, the UK works closely with key partners, most notably the US, Canada, the EU, France, Sweden, Norway and the IAEA. The sheer quantity and poor level of safety and security of materials has meant that Russia has been the focus of the majority of this work. However, significant progress has been made and the programme is increasingly focusing on collaboration in other FSU countries and other key geographical regions such as Iraq, Libya and South Asia. This widening of the UK's

geographical focus reflects the broader agreement the UK and close partners secured at the G8 Tokyo Summit to ensure that Global Partnership activity is able to focus on emerging threats where national capacity to ensure security of WMD-related materials and equipment is least developed.

Nuclear Suppliers Group (NSG)

5.9 The Nuclear Suppliers Group (NSG) is a group of nuclear supplier countries which seeks to contribute to the non-proliferation of nuclear weapons through the implementation of Guidelines for nuclear exports and nuclear related exports. The NSG Guidelines are implemented by each Participating Government (currently 45) in accordance with its national laws and practices. Decisions on export applications are taken at the national level in accordance with national export licensing requirements.

5.10 The NSG Guidelines aim to ensure that nuclear trade for peaceful purposes does not contribute to the proliferation of nuclear weapons or other nuclear explosive devices. The Guidelines facilitate the development of trade in this area by providing the means whereby obligations to facilitate peaceful nuclear cooperation can be implemented in a manner consistent with international nuclear non-proliferation norms.

5.11 The AQ Khan revelations have given an impetus to thinking anew about how to control the spread of enrichment and reprocessing technology. The G8 declared in July 2008 that they do not intend to transfer such technology, material or equipment to any additional states while more lasting arrangements are considered. The NSG is currently working on these. The NSG did, however, agree in 2005 on what its members should do if a recipient state's compliance with its safeguards obligations is in doubt or if non-compliance is proven.

5.12 We are also working to establish the Additional Protocol as a condition of supply; to promote enhanced nuclear cooperation with India (see below); and to prevent the supply of nuclear related items to prohibited Iranian nuclear activities.

International outreach on export controls

5.13 More broadly, HMG believes that outreach to promote effective export controls is an important tool in the fight against proliferation. The UK works closely with EU partners, with the USA, and with other countries in delivering this work. Outreach can take several forms, including bilateral activities by the UK, or multilateral efforts through other institutions such as the EU and other export control regimes. It can consist of inward and outward visits involving officials from across Government (including from the FCO, BERR, MOD, and HMRC), and covers areas such as: industry awareness of export controls; capacity-building; customs procedures; and assistance with drafting legislation. It also includes targeted lobbying on political issues such as how to ensure that export controls and customs activities are used effectively to implementing UN Security Council resolutions.

5.14 As the resources available for export control outreach work are limited, HMG efforts are prioritised; in 2008, our priority countries are China, Malaysia, Pakistan, and the UAE. We have also hosted inward visits from Jordan and Thailand. The Committees on Arms Exports Controls have also kindly agreed to participate in an Outreach visit to their opposite numbers in Kiev, to focus on Parliamentary Scrutiny. This follows an inward visit by Ukrainian parliamentarians in 2007. (Further information on outreach activities was provided in the 2007 Report on the UK's Strategic Export Controls (pages 19-20) and is provided on an ongoing basis directly to the Committee on Arms Export Controls at their request.)

Proliferation Security Initiative (PSI)

5.15 Launched by President Bush in May 2003, the PSI is a multi-national initiative that aims to establish a more coordinated and effective basis through which to combat the illicit trafficking of WMD and related materials. PSI is not treaty-based but participants are committed to a Statement of Interdiction Principles to improve their efforts to impede and stop shipments of WMD. Nations meet in a number of formats and take part in an exercise programme intended to test national capabilities and decision-making structures. PSI is best characterised as an activity rather than an organisation and remains an open and flexible mechanism.

5.16 The UK plays an active role in PSI, hosting and participating in exercises, outreach events and meetings of the Operational Experts Group, the PSI "steering committee". The PSI 5th Anniversary Senior-Level Meeting was held in Washington on 28 May 2008. The focus was building on past successes and strengthening the initiative for the future. Nearly 90 endorsees of the initiative attended the meeting.

5.17 To ensure PSI continues to be effective we need to find ways to persuade key non-endorsees such as China, Malaysia and Republic of Korea to support PSI, encourage less active endorsees to participate more and ensure that PSI meetings and exercises remain focussed on operational issues.

UN Security Council Resolution 1540

5.18 UNSCR 1540 (2004) is a Chapter VII resolution which imposes legally-binding obligations on all UN member states to establish and enforce domestic legislation to prevent weapons of mass destruction and related delivery systems falling into the hands of non-state actors such as terrorists, criminals and proliferation networks, such as AQ Khan's. The resolution seeks to strengthen existing non-proliferation mechanisms by focusing on areas which are under-represented in the non-proliferation architecture, most notably in two areas:

- (i) Non-State Actors. Pre-existing WMD related treaties fail to address adequately the role played by non-state actors in the proliferation of WMD materials or their means of delivery and assume that only states have the intention and capability to develop WMD. UNSCR 1540 seeks to address this by requiring all states to tighten their domestic legal framework so as to criminalize and enforce measures against WMD proliferation to and by non-state actors;
- (ii) Non-signatories of International Treaties. As UNSCR 1540 is mandatory on all UN member states, it has the advantage of applying to those states which have chosen not to sign up to the NPT, CWC or BTWC.

5.19 UNSCR 1540 established a Committee of the Security Council (known as the 1540 Committee) charged with reporting to the Security Council on the implementation of the resolution by States, which were themselves to report to the Committee on their implementation activities. This Committee has played a central role in raising awareness and promoting implementation. The resolution gave this Committee a life of only two years but, following extensive diplomatic activity by the UK, in April 2006 a further resolution (UNSCR 1673) was passed extending its life for a further two years and in April 2008 another resolution (UNSCR 1810) extended its life for a further three years with a focus on operational capacity-building. This should enable the Committee to encourage and to provide practical or financial assistance to those States which still need to improve their performance in this crucial area.

Proliferation Finance

5.20 HM Treasury leads on work within the international Financial Action Task Force (FATF) to identify future methods of tackling the financing of proliferation activity. They are also working closely with HM Revenue and Customs, the Serious and Organised Crime Agency and the Financial Services Authority on the UK domestic/legal response to this issue. We await an expected FATF report on Proliferation Finance and aim to build on its recommendations and to assist states which do not have capacity to enforce the recommendations themselves.

5.21 In the meantime, a number of financial restrictions have been put in place against Iran (see below). Under UN Security Council Resolutions, Bank Sepah's assets have been banned. The EU has also frozen Bank Mellî's assets, and is in the process of setting rigorous reporting requirements for the Iranian banks, especially Bank Saderat. These financial restrictions have limited Iran's ability to move funds to and from abroad, making their proliferation-sensitive activities more difficult.

Student Screening

5.22 The UK's Academic Technology Approval Scheme (ATAS) has been in place for nearly one year. We are now able to provide, on request, nationality-specific reports of clearances issued on a regular basis. An interim review of ATAS has already taken place and made several suggestions on funding and upgrading, including developing ATAS IT capacity. We will shortly be undertaking a full review of the Scheme, with input from Partners across Government, Posts and academia.

(iii) Robust action against states which break the rules

5.23 It must be clearly and widely understood and agreed that all States Parties of the NPT and other international legal instruments must abide by their legally-binding obligations. There need to be meaningful and valuable incentives for all states which do so, complemented by robust and swift costs imposed on those states which do not. Establishing agreement on this needs to be a key outcome of the NPT Review Conference in 2010. Bringing other states with us in this direction is clearly vital. We need to build a common understanding of where the main threats lie and the best way to tackle them.

5.24 Consultations on proliferation issues among P5 representatives in the Security Council help build common understandings and pave the way to greater unity at times of crises. Despite the challenges of pressure of other work and differences of approach among the P5, we would like to see these become more regular and to include looking ahead, to anticipate and as far as possible to head off emerging proliferation threats.

5.25 Since the international response to the nuclear weapons programme in North Korea and to Iran's breach of IAEA safeguards has been addressed extensively in other recent submissions by the FCO to the Foreign Affairs Committee, the following offers only an overview and update on both issues. It also briefly addresses the situations in Syria and Libya.

Iran

5.26 The UK Government considers that it is vital that the international community remains united in order to compel Iran to come clean about the past, present and future ambitions for its nuclear programme. The UK does not deny Iran its rights to civil nuclear power under the Non-Proliferation Treaty and in fact has made a generous offer including help to develop this. But we and the international community are concerned that Iran hid aspects of its programme for two decades and continues its proliferation sensitive activities, such as uranium enrichment, despite the lack of any convincing civilian use. As successive IAEA reports have made clear, Iran refuses to answer key questions concerning possible military aspects of its programme. Unless Iran can be deterred from continuing its proliferation-sensitive activities until such time that trust has been restored, there are concerns that other states in the region may feel that they need to respond to the risk of Iran armed with a nuclear weapon. There is a further danger that Iran's actions will undermine the wider counter-proliferation architecture.

5.27 Iran's consistent failure to abide by its commitments and to stop all enrichment-related activities has led directly to a series of UN Security Council Resolutions, most recently 1835 of 27 September 2008, including three resolutions (1737, 1747 and 1803) imposing sanctions on Iran. At the same time, the E3 + 3 (the UK, France, Germany, the US, Russia and China) have been pursuing a dual-track strategy of sanctions to press Iran to comply with its obligations and dialogue to persuade Iran to change its path. The E3 + 3 have consistently stated that they are not seeking to deny Iran its right to civil nuclear power and in their June 2006 proposal to Iran they have included help with developing a modern nuclear power programme. Javier Solana subsequently handed over a revised proposal in Tehran on 14 June. Solana met the Iranians again on 19 July in Geneva. Iran's non-committal replies to these efforts to seek a diplomatic solution have been disappointing. Meanwhile it continues to develop its uranium enrichment capability at increasing speed. Diplomatic efforts to find a way forward continue. But the leaders of Iran need to understand that they have a choice: further defiance leading to increasing confrontation and economic and political isolation, or acceptance of the E3 + 3's latest generous offer of June 2008 leading to a transformed relationship with the international community.

5.28 EU Member States have sought to implement UNSCR 1803 through the adoption of a revised Common Position on 8 August 2008 and an EC Regulation currently being finalised. The new Common Position reinforces financial vigilance, extends the EU ban on certain dual-use goods, includes provisions for carrying out cargo inspections on Iranian shipping lines and calls for restraint in export credits for Iran.

5.29 The Director General of the IAEA issued his latest report on Iran on 15 September. As he did in his May report, the Director General reported that Iran has continued to fail to answer the IAEA's questions relating to studies with a military dimension, which he notes are of "serious concern". This was followed up by a new UN Security Council Resolution 1835, unanimously adopted on 27 September, which reaffirmed the call on Iran to comply with its international obligations. The Foreign Secretary welcomed the resolution, emphasizing that it "is designed to send a very particular signal ... that our resolve has not weakened on this issue ... and that a very clear message needs to go out around the world that the two-track policy—of engagement on the one hand, including on economic and scientific matters, but also sanctions in the face of Iranian defiance of the UN and the IAEA inspectors—remains very much in play and it's important that the unity that does exist about this issue is not clouded."

5.30 Iran needs to establish, in an open and transparent manner, that its ambitions are, as it claims, entirely peaceful and to suspend uranium enrichment. Once that has been achieved we will be able to forge a more productive and positive relationship between Iran and the international community. Until it is achieved, we will seek to increase the international pressure on Iran.

North Korea

5.31 The DPRK's nuclear weapons and ballistic missiles programmes are the most immediate threat to security in the region. Besides the potential threat to the DPRK's neighbours and the wider risk from onward proliferation, an unchecked DPRK nuclear programme would undermine global non-proliferation norms weakening our ability to counter proliferation elsewhere.

5.32 By conducting a nuclear test in 2006, North Korea contravened its international legal obligations under Article II of the Nuclear Non-Proliferation Treaty, whereby it undertook not to manufacture or otherwise acquire nuclear weapons. The UK recognises the sovereign right of every state to withdraw from its Treaty obligations. However, this withdrawal must take place within the requirements of the Treaty (Article X in the case of the NPT). We do not believe that the DPRK has fulfilled these obligations. We continue, therefore, to regard it as a State Party, bound by the provisions of the Treaty.

5.33 On 3 October 2007, in return for political and financial concessions from the other parties to the Six Party Talks (US, Japan, China, Republic of Korea, and Russia), the DPRK agreed to disable its nuclear reactor at Yongbyon and to make a declaration of its nuclear programmes. Although the North Koreans missed the original deadline of 31 December 2007 for the declaration, they finally produced it on 26 June

2008. In a symbolic gesture, the cooling tower at Yongbyon was destroyed on the 27 June in front of the media. In return for the declaration, the US has instigated the procedure necessary to remove the DPRK from the Trading with the Enemy Act, and the State Sponsors of Terrorism List.

5.34 But Washington has made clear that sanctions can be re-imposed, depending on satisfactory verification and on the DPRK's actions and that it would not take the final steps in this process until arrangements to verify the DPRK's declaration were agreed. When no such agreement was reached, and the US therefore refused to take the final delisting step, the DPRK retaliated by suspending the removal of spent fuel from the Yongbyon reactor that had hitherto been taking place and have started to restore some facilities, had IAEA staff remove the seals within the fuel reprocessing plant and barred access to the plant by the IAEA and US monitoring teams. The focus now is on trying to find a way forward out of this impasse.

5.35 There are concerns that the DPRK is being allowed to move towards normalisation while falling short of the "complete and correct" declaration promised last October. But the deal is a compromise in order to pursue the central goal of dismantling the DPRK's plutonium production capability and removing their existing plutonium stockpile, based on an assessment that any past HEU programme is probably defunct, and that extracting an accurate account of past DPRK proliferation activities and clandestine programmes is less important than depriving them of the fissile material which we know they have actually produced.

5.36 The next phase will involve the DPRK giving up its plutonium stockpile in exchange for normalised relations with the US—and this will demand unprecedented levels of trust on both sides, and robust and intrusive verification arrangements inside the DPRK.

5.37 While not a member of the Six Party Talks, the UK strongly supports the process. We remain in touch with all the parties, urging the North Koreans to fulfil their obligations, and encouraging the Chinese (including through the EU) to keep up their pressure on the DPRK. We also continue to urge DPRK to adhere to UN Security Council Resolutions 1695 and 1718. We will consider seriously any request for UK practical assistance. At the same time, we continue to keep close to partners about any requirements that are beyond the IAEA's remit, including possible future dismantling of weapons. We are working closely with EU partners to maintain support for the Six Party Talks and to keep up international pressure on human rights in DPRK.

Syria

5.38 In April, the CIA presented compelling evidence to Congress and the media on clandestine Syrian activity to build a nuclear reactor with North Korean help (the Israeli Airforce destroyed the site in September 2007). From 22–24 June an IAEA team inspected the Al Kibar site and had meetings in Damascus with the Syrian Government. In his opening statement to the IAEA Board of Governors in September, the Director-General said that samples taken from the site are still being analysed but so far no indication of any nuclear material had been found. In order to assess the veracity of information available to the IAEA, they asked the Syrian authorities in July to provide access to additional information and locations. Syria has not yet responded to this request but has indicated that any further developments would depend on the results of the samples taken during the first visit. The Director General encouraged Syria to show maximum cooperation and transparency and to provide all the information needed by the Agency to complete its assessment. It is clearly vital that the IAEA should be able to verify that Syria has remained compliant with its legally binding obligations as a State Party to the NPT and not broken UNSCR 1718.

Libya

5.39 The example of Libya demonstrates what can be achieved by concerted joint diplomatic efforts. In December 2003, Libya announced that it intended to give up its covert WMD programmes including a covert nuclear weapons programme and to restrict its ballistic missile programmes. This followed nine months of secret discussions between Libya, the UK, and the US and was followed in 2004 by a further period of intense tripartite work, now with IAEA and the Organisation for the Prohibition of Chemical Weapons (OPCW) involvement as well, to make sure the Libyan decision was implemented and met with due recognition. As a result, Libya has seen genuine benefits including the lifting of EU sanctions and the US removing Libya from the State Sponsors of Terrorism list. Both decisions have enabled redevelopment of political, commercial, scientific and technical contact. We are currently funding a Strategic Programme Fund project to assist Libyan former nuclear weapons specialists to establish new and sustainable business streams based on the nuclear facilities at Tajura. This process has also led to the Libyan accession to the Chemical Weapons Convention, which is leading to the conversion of its chemical weapons production facility into a pharmaceutical plant which will manufacture drugs for Africa. On 24 September, the IAEA Board adopted a resolution (co-sponsored by the UK) highlighting Libya as a model of co-operation and transparency and supporting the recommendation of the Director-General to implement safeguards in Libya as a routine matter.

Working to bring the remaining three states into the NPT

5.40 We are committed, including through the EU Strategy Against Proliferation Of Weapons Of Mass Destruction, to the universalisation of multilateral disarmament and non-proliferation treaties and agreements. Together with our European Union partners, we have carried out extensive lobbying activity to secure adherence by all states to key non-proliferation agreements, particularly the NPT and in the meantime, we are working to bring them closer to conformity with its rules.

India

5.41 The EU Common Position and UNSCR 1172 call on India and Pakistan to accede to the NPT as Non-Nuclear Weapons States without conditions and to sign and ratify the Comprehensive Nuclear Test Ban Treaty (CTBT). That is and remains the basis of the UK Government's position. At the same time, we are working to draw India into the broader non-proliferation framework. Hence we have actively supported the US/India Civil Nuclear Initiative in the context of which India has agreed to put its civil nuclear facilities and material under safeguards and to make a number of important non-proliferation commitments. This initiative involved the negotiation and approval of a new India/IAEA safeguards agreement (achieved in August 2008) and an exemption by the Nuclear Suppliers Group (NSG) to its Guidelines to allow civil nuclear exports to India.

5.42 A number of NSG Participating Governments, as well as UK domestic commentators, had concerns over the implications of the Initiative for the international non-proliferation regime. The UK worked hard in the NSG for consensus on key issues such as the provisions for a review mechanism, making clear that the NSG would regularly discuss all matters relating to the implementation of the decision, and undertake urgent consultations if circumstances required; and how to handle the issue of the export of enrichment and reprocessing technology (any such exports would remain subject to the relevant provisions of the NSG Guidelines).

5.43 In a statement by its Foreign Minister on 5 September (a copy is at Annex 3), India reiterated its "long-standing, steadfast commitment to the universal, non-discriminatory and total elimination of all nuclear weapons", to maintain its voluntary moratorium on nuclear testing, to the conclusion of a Fissile Material Cut-Off Treaty, to an effective and comprehensive system of national export controls and all necessary steps to secure its nuclear materials and technology, and to sign and adhere to an Additional Protocol with the IAEA with respect to India's civil nuclear facilities.

5.44 The Foreign Secretary warmly welcomed the NSG agreement on 6 September: "We believe it will make a significant contribution to energy and climate security, as well as developmental and economic objectives, for India and the International Community. India's clear commitment to a voluntary unilateral moratorium on nuclear testing is also important. Today's result represents a gain for the non-proliferation regime by bringing India further into the broader non-proliferation framework, a framework the UK firmly supports."

5.45 We look forward to building on our engagement with India on a full range of non-proliferation and arms control issues. We believe the agreement between the US and India will have a positive impact on the broader nuclear non-proliferation framework. We remain committed to the objective of universal NPT adherence, but recognise this is a long-term objective.

Pakistan

5.46 Pakistan's strategic posture, including nuclear, is clearly framed around its perception of the threat from India. We are working to reduce the risk of a nuclear conflict between Pakistan and India by supporting Indo-Pakistan rapprochement, including through the Composite Dialogue, and encouraging dialogue and trust building initiatives.

5.47 We continue to pursue our long-term objective, which is for Pakistan to accede to the NPT as a non-nuclear weapon state. In the shorter term, we are looking for ways in which we can ensure Pakistan aligns itself more closely with NPT principles. In particular, we continue to argue that it is in Pakistan's interests to agree to start negotiations on a Fissile Material Cut-Off Treaty (see below) in the Conference on Disarmament without preconditions.

5.48 We want to work with Pakistan and others (possibly using the offices of the IAEA) to improve civil nuclear security and to encourage Pakistan's continuing active participation in the Global Initiative to Combat Nuclear Terrorism. We also need to work to ensure that any civil nuclear power new-builds are put under safeguards alongside existing facilities and that more nuclear power does not result in an increased proliferation risk. A Civil Nuclear Initiative with Pakistan on the lines of that agreed with India is not under consideration, particularly given concerns over the AQ Khan clandestine supply network.

Israel

5.49 Israel has never admitted to having nuclear weapons but there is a widespread assumption that it does. Its neighbours believe Israel should renounce such weapons by acceding forthwith to the NPT (which it can only do as a non-nuclear-weapon State) and to a Middle East Zone Free of WMD (which the UK has actively supported, see below). Led by Egypt, they regularly seek to highlight this issue at international gatherings, in particular at NPT Preparatory Committees and Review Conferences. Israel, for its part, while never wholly rejecting the possibility of eventually acceding to the NPT, has made it clear that it will not do so before a comprehensive peace settlement is in place.

5.50 The UK has consistently urged Israel to accede to the Nuclear Non-Proliferation Treaty as a non-nuclear weapon state, and to sign a full-scope safeguards agreement with the IAEA. Under such an agreement, Israel's nuclear facilities would be subject to regular inspection to detect any diversion of nuclear materials for weapons production.

Supporting Nuclear and WMD-free zones

5.51 The UK remains fully committed to the negative security assurances we gave to the Non-Nuclear Weapon States Parties to the NPT in our 1995 letter to the UN Secretary General, subsequently noted in United Nations Security Council Resolution 984. These assurances state that the UK will not use nuclear weapons against Non-Nuclear States Parties to the NPT, except in the case of attack on the UK, or its allies, carried out by such a state in alliance with a nuclear weapon state.

5.52 We believe that the most appropriate way to give further effect to the stated desire of the Non-Nuclear Weapon States for treaty-based security assurances is to make further progress with Nuclear Weapons Free Zones. This will provide credible, regional, internationally binding legal instruments on negative security assurances, which many are looking for. The UK has achieved this through our ratification of the relevant protocols to the treaties of Tlatelolco (Latin America and Caribbean), Rarotonga (South Pacific) and Pelindaba (Africa—not yet in force) establishing nuclear weapon-free zones in those particular regions and has, as a consequence, granted treaty-based negative security assurances to almost 100 countries.

5.53 We are keen to help resolve outstanding differences that will enable the Nuclear Weapons States to sign protocols to the Treaties of Bangkok (South East Asia) and Semipalatinsk (Central Asia) and thereby bring into force the South-East Asia and Central Asia Nuclear Weapon-Free Zones.

5.54 The UK Government fully supports the principle of establishing a Middle East Zone free from all weapons of mass destruction. We co-sponsored the resolution on the Middle East, which called for the establishment of a Middle East Zone free from Weapons of Mass Destruction, at the 1995 Non-Proliferation Treaty (NPT) Review and Extension Conference and have consistently supported similar resolutions at the First Committee of the UN General Assembly. But we also recognise that the achievement of a MEWMDFZ is unlikely in the absence of a comprehensive regional peace settlement in which Israel is recognised by all its neighbours. It will also require confidence in Iran's compliance with all its treaty and other international non-proliferation obligations: the unanimously adopted UN Security Council Resolution 1747 recalled that a solution to the Iran nuclear issue would contribute towards the objective of a Middle East free from weapons of mass destruction.

6. PILLAR TWO: NUCLEAR DISARMAMENT

6.1 The UK is committed to working towards the ultimate goal of a world free from nuclear weapons. The UK Government does not regard this as simply a theoretical obligation under Article VI of the NPT; rather, it is a legally-binding obligation which we must strive to achieve as soon as practically possible. However, regrettably, the conditions for total nuclear disarmament do not exist today. Hence the Government's decision to retain our ability to have an independent nuclear deterrent beyond the 2020s. The continuing risk from the proliferation of nuclear weapons, and the likelihood that a number of other countries will still have substantial nuclear arsenals, mean that our minimum nuclear deterrent capability, currently represented by Trident, remains a necessary element of our security although, as described below, we have been able to further reduce this minimum capability.

6.2 But we remain absolutely committed to working actively to create the conditions under which a nuclear weapons free world can be achieved and to moving more decisively towards it. We want to see a renewed political determination to that goal.

6.3 While there is no conditionality between progress on disarmament and non-proliferation, progress on one reinforces the other and the disarmament obligations enshrined in Article VI of the NPT are a vital element of the global nuclear arms control regime. To build and sustain international consensus for non-proliferation, we need to ensure progress on the interests of all parties. We have to recognise that, despite the substantial reductions made in nuclear arsenals since the Cold War, there is nevertheless a widespread perception by many states that the five recognized Nuclear Weapons States are not living up to their

obligations under Article VI to pursue nuclear disarmament, in part because of the absence of a clear forward plan. Renewing the credibility of this commitment will be critical to reinvigorating the commitment of Non-Nuclear Weapons States to essential WMD counter-proliferation measures.

6.4 UK action to take forward nuclear disarmament lies primarily in four areas:

- (i) Reductions in existing stockpiles of nuclear weapons;
- (ii) UK technical work as a “Disarmament Laboratory”;
- (iii) P5 discussions;
- (iv) At a global level: the Comprehensive Test Ban Treaty and the Fissile Material Cut-Off Treaty.

(i) Reductions in nuclear weapons

6.5 The UK has made significant progress in respect to its disarmament obligations as set out in Article VI of the NPT. Since the end of the Cold War we have:

- (i) withdrawn and dismantled our maritime tactical nuclear capability and the RAF’s WE177 freefall bomb;
- (ii) significantly reduced the operational status of our nuclear weapons system. Normally, only one Trident submarine is on deterrent patrol at any one time. It has a maximum of 48 warheads on board, and is normally at several days “notice to fire”. Its missiles are not targeted at any country;
- (iii) now met the commitment outlined in the 2006 White Paper on the future of the United Kingdom nuclear deterrent to reduce the number of operationally available warheads to fewer than 160. The explosive power of our nuclear arsenal has been reduced by 75% since the end of the cold war;
- (iv) not conducted a nuclear test explosion since 1991. We ratified the Comprehensive Nuclear Test Ban Treaty in 1998;
- (v) ceased production of fissile material for nuclear weapons and other nuclear explosive devices and increased our transparency with regard to our fissile material holdings. We have produced historical records of our defence holdings of both plutonium and highly enriched uranium.

6.6 The UK holds only a small fraction of the global stockpile of nuclear warheads. Our consistent position remains that when it will be useful to include these in any negotiations to reduce warhead numbers, we will willingly do so.

6.7 The US has similarly reduced its total arsenal by over a half since the Cold War. It plans a further reduction of 15% by 2012. This brings its stockpile to less than one quarter of its Cold War high, the lowest level for 50 years. France, before Easter, announced its intention to cut its arsenal to below 300 warheads. Russia too has made significant reductions under START. Overall, over 40,000 nuclear warheads have been destroyed by the US and Russia since the end of the Cold War.

6.8 But further urgent steps to reduce the numbers of nuclear weapons are essential. The US and Russia retain some 95% of the total. START, the mainstay of their bilateral arms control effort, will expire in 2009. We welcome their commitment to work for a successor agreement, and hope that this will achieve greater reductions to come, going beyond the reductions already agreed in the 2002 Moscow Treaty on Strategic Offensive Reductions. We will continue to work closely with the US Administration, current and future, to strengthen US confidence in the international rules-based system and commitment to multilateral action.

(ii) The UK as a “Disarmament Laboratory”

6.9 In parallel, we are undertaking analysis, as a “disarmament laboratory”, of what the commitment to a world free of nuclear weapons means in practice. We want the UK to act as a role model and testing ground for measures on disarmament, to determine the requirements for verifiable elimination of nuclear weapons, enabling us all to have confidence that when a state says it has fully and irrevocably dismantled a warhead, we can all be assured it has. We want to help clarify what verification and enforcement regimes may be necessary to enable the practical attainment of that goal without creating new instabilities.

6.10 Whilst acknowledging that verification of multilateral nuclear disarmament is a political as well as technical issue, the Atomic Weapons Establishment (AWE) is developing technical expertise in this area. It has also undertaken a cooperation initiative with several Norwegian defence laboratories, which is already providing valuable insights into how future multilateral discussions might proceed at a technical level. The challenge is to develop technologies which strike the right balance between protecting security and proliferation considerations and at the same time providing sufficient international access and verification. The sensitivities in verifying the dismantlement of warheads are considerable. Access to nuclear warheads is tightly restricted—for good reasons. Not only are national security concerns at stake, but the NPT itself prohibits any transfer of information relating to nuclear weapon design. The AWE reports its latest conclusions to the international community at meetings of the parties to the NPT.

(iii) *P5 discussions*

6.11 We must continue to foster greater confidence and build relationships on a number of levels, both political and technical, between the five Nuclear Weapons States. In February 2008, the Secretary of State for Defence proposed a conference of the P5 nuclear weapons laboratories to discuss the issues on verifying nuclear disarmament. Discussions on the scope and format of this conference are moving forward with P5 colleagues.

6.12 We also want to engage the other members of the P5 in deepening our discussions on transparency and confidence building measures (CBMs) to promote greater trust and confidence as a catalyst for further reductions, without undermining the credibility of existing nuclear deterrents. We co-sponsored a report by the International Institute of Strategic Studies on the practical steps required for the elimination of nuclear weapons which has recently been published. This work has been valuable in identifying a wide range of issues, both of a practical and a policy nature, which will need to be resolved if the goal of a nuclear weapons free world is to be realised. Discussion of these and other issues amongst the Nuclear Weapons States needs to begin.

(iv) *Comprehensive Nuclear Test-Ban Treaty (CTBT) and Fissile Materials Cut-Off Treaty (FMCT)*

6.13 The UK continues, *in good faith*, to pursue multilateral negotiations toward disarmament within the NPT and other disarmament fora. At the global level, the next key steps towards a nuclear weapons free world are already clear: early entry into force of the Comprehensive Nuclear Test Ban Treaty (CTBT) and the start of negotiations, without preconditions, on a Fissile Material Cut-Off Treaty (FMCT).

6.14 The entry into force of the CTBT would constrain the development of new types of nuclear weapons and would therefore represent an important step towards global disarmament. The UK and France were the first Nuclear Weapons States to ratify the CTBT and we are working for its entry into force at the earliest possible date. On 24 September, a CTBT Ministerial Meeting was held in New York to reaffirm commitment to the CTBT and to promote its entry into force; Dr Howells made a statement to underline the UK's support. Following the adoption of its third Joint Action in support of the CTBT's international monitoring system, the EU also plan a new round of diplomatic demarches to promote entry into force. Both US Presidential candidates have indicated readiness to take forward the US debate on CTBT ratification, and this is something on which we will seek to build.

6.15 In the meantime, the UK is committed to furthering the development of the CTBT's verification regime, including completion of the international monitoring system, in support of which the EU has recently adopted a third Joint Action. The CTBTO Provisional Technical Secretariat ran a major on-site inspection exercise in Kazakhstan at the former Soviet nuclear test site from 27 August to 30 September; UK experts from AWE Aldermaston, University of Keele and the FCO participated.

6.16 In addition to the CTBT, a key priority remains the negotiation of a treaty banning the future production of fissile material for nuclear weapons or other nuclear explosive devices, an FMCT. This is an essential step towards the global elimination of nuclear weapons. The start of negotiations in the Conference on Disarmament remains blocked. We continue to argue forcefully that allowing negotiations to begin does not undermine any country's position on a final treaty. We have been very active at high levels in making the case to reluctant states that it is in their interests to enable the negotiations to go ahead without preconditions.

6.17 The UK is legally entitled to hold stocks of nuclear materials needed for national security outside international safeguards. But we have declared details of the size of these stocks and placed those not required for national security under EURATOM safeguards and made them liable for inspection by the IAEA. All planned future reprocessing and enrichment in the UK will take place under international safeguards. In the Strategic Defence Review in 1998, we announced that we would forego our right as a recognized Nuclear Weapons State to withdraw fissile material from these safeguarded stocks, except for small quantities of material unsuitable for weapons purposes (and this would be made public).

7. PILLAR THREE: PEACEFUL USES OF NUCLEAR ENERGY

7.1 We remain absolutely committed to upholding the inalienable right of all States Party to the NPT under Article IV to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in accordance with the relevant provisions of the Treaty and the relevant principles on safeguards. We are working to create a viable regime of nuclear fuel assurances under IAEA auspices to guarantee supply of nuclear fuel to reinforce that right.

7.2 Recent years have seen a resurgence of interest in civil nuclear power across the globe for sound economic, energy and security reasons. Nuclear power can make a significant contribution to meeting commitments to mitigate damaging climate change whilst at the same time meeting increasing demands on energy supplies. Although there is limited proliferation concern over States running nuclear reactors, there are proliferation risks in attempting to master the entire fuel cycle, in particular enrichment and reprocessing. These technologies could be misused to produce materials suitable for weapons.

7.3 In order to provide attractive and secure alternatives to States contemplating going down the route of developing their own fuel cycle technologies, and thereby mitigate the above proliferation risks, some in the international community have begun to develop initiatives whereby security and assurance of supply of the relevant fuel products would be guaranteed.

7.4 In 2005, and with the Director-General taking a lead, the IAEA published a report that looked at the proliferation risks of a growth in civil nuclear power. A subsequent report in 2007 set out 3 main approaches that would help minimise the proliferation risks but improve assurance of supply. These approaches are:

- (i) the reinforcement of existing market mechanisms;
- (ii) involvement of governments and the IAEA in the assurance of supply, including the establishment of low-enriched uranium stocks as reserves;
- (iii) conversion of existing national uranium enrichment and reprocessing enterprises into multilateral ones under international management and control, and setting up new multilateral enterprises on regional and international levels.

7.5 We welcome the work of the IAEA on multilateral approaches to address this challenge. Such an approach would support implementation of the right to peaceful uses of nuclear energy in a safe and secure fashion, preserve the existing competitive open market, respond to the real needs of recipient countries and simultaneously strengthen the non-proliferation regime.

7.6 HMG's work in this area continues to expand. The UK and our Urenco partners Germany and the Netherlands co-hosted a conference in Berlin in April 2008 to follow-up on our joint declaration entitled "Multilateral Cooperation in Energy Security". 35 countries were represented, including both countries considering civil nuclear power for the first time and those which supply nuclear fuel and enrichment services, to discuss the practical implementation of Article IV of the NPT. We intend to use the major international conference in London (the date is yet to be confirmed but is likely to be early 2009) announced by the Prime Minister in Parliament on 19 March to take this work forward. We are now working on the scope, timing and objectives of the conference.

7.7 One of the key challenges we face is to secure agreement from NAM states which have been sceptical of these proposals and the EU is looking at ways in which it can assist. Many see them as an attempt to maintain the current supplier monopoly or as violating their rights under Article IV of the Non-Proliferation Treaty to the peaceful exploitation of nuclear technology. We need to reassure them that these proposals are in fact intended as affirming their Article IV rights rather than undermining them.

Nuclear Fuel Cycle proposals

7.8 A number of proposals addressing the issue of the nuclear fuel cycle are already on the table. Many are complementary rather than in direct competition. We aim to develop a viable regime of proposals that will support States' rights to the safe, secure and peaceful use of nuclear technology. We anticipate this will draw on a number of the initiatives that have been put forward. The four main sets of ideas currently under discussion are:

(i) Enriched Uranium Reserves/Fuel Bank

7.9 Proposals from the US, Russia and the Nuclear Threat Initiative (an influential US NGO) would create stockpiles of nuclear fuel under IAEA control (though the host country would still exercise control over the release of the fuel). Such stocks would be drawn down if the commercial market failed to deliver for other than commercial or non-proliferation reasons. This is instinctively attractive to many in the international community. We recognise that an international nuclear fuel bank has the potential to offer genuine benefits in terms of energy security and reduced proliferation risks. Challenges which will need to be addressed include the costs (a typical reactor takes 100 tonnes of low enriched fuel whose raw value, without fabrication into fuel rods, is around US\$ 20 Million at current rates); coping with demands for fuel for any type of reactor, all of which require different enrichment levels; where the reserve would be situated; how national legal issues would be resolved; and who would be responsible for security.

(ii) Multinational Enrichment Facilities

7.10 This German proposal involves the concept of ceding land to the IAEA on which to build a new fuel-cycle facility. Likewise this is instinctively attractive but with some practical difficulties. Such a facility would only be justifiable from a proliferation perspective if the region in which it sits has sufficient nuclear power stations to use the output of the centre. Further discussion is needed to clarify who would operate the plant and how the staff would be selected so that they do not present an additional proliferation risk, and what would be the impact on the commercial market of the operation of the centre.

(iii) *Global Nuclear Energy Programme (GNEP)*

7.11 This US proposal seeks to develop new technologies to provide proliferation-resistant nuclear power. It also contains aspects of fuel assurances through the concept of fuel leasing and take-back. Its intention to limit developing states to yet-to-be-developed proliferation-resistant reactor technology is questioned by some NAM states. But it has attracted positive engagement from both well-established civil nuclear power countries (including the UK—we joined earlier this year—the other P5, Japan, South Korea) as well as some states aspiring to develop civil nuclear power industries. Some 21 partner States have now signed up to the GNEP principles. The Programme has the potential to draw together experts who are able to discuss and identify ways forward in a cooperative manner which other forums, such as the IAEA, would find difficult in this potentially contentious area.

(iv) *Enrichment Bond*

7.12 This UK proposal is intended as a key component in any international agreed regime of nuclear fuel assurances. As such we do not see it as the sole proposal to be adopted, but as one of several different proposals that would complement each other. For example, the Enrichment Bond could be adopted in the short term while others, such as the German proposal, are likely to take longer before they become practical realities.

7.13 The idea is based on assurance of supply and relies on the commercial market to continue to provide the actual fuel and enrichment, but backs this with a “bond” between the supplier state and the customer state, overseen by the IAEA. This “bond” would guarantee the supply of fuel services if the Customer State had its normal commercial supplies withheld for other than commercial or non-proliferation reasons. The customer would still be expected to pay the commercial going rate for its fuel under the “bond”. This approach does not need any physical buffer, costs of set up are minimal and, with the IAEA acting as the Guarantor, the international community should have confidence in the “bonds”. Any other supplier state could also offer equivalent “bonds”; this would be beneficial in both sharing the risks and increasing confidence in the supply market. States are not asked to explicitly forego developing indigenous enrichment capabilities, although the Bond provides an economic and proliferation incentive not to do so and the Supplier State(s) can choose which State they sign a bond with.

7.14 We are engaging with potential recipient and supplier states to develop the proposal further. We will also be working on the legal framework within which the enrichment bond will operate. We aim to have this in place soon and to have at least one recipient State signed up to the Bond by the 2010 NPT Review Conference. We have asked many NAM States for their views on the proposal. The feedback so far has been mostly positive with many key NAM states expressing their interest to know more about the proposal.

Memoranda of Understanding

7.15 At the same time as pursuing the Enrichment Bond proposal, we have also been working bilaterally with states such as the UAE and Jordan in support of their plans for civil nuclear energy, which they hope will meet their domestic energy needs. The UAE announced plans to develop a civil nuclear programme on 20 April 2008. The announcement emphasised UAE’s intention to be transparent and committed to safety and full compliance with IAEA obligations and international co-operation. Domestic enrichment and reprocessing has been specifically forsown and the UAE have additionally said that they will adopt the Additional Protocol and the Convention on Nuclear Safety, Spent Fuel Management and the Physical Protection of Nuclear Material. We hope the UAE will provide a model for countries embarking responsibly on the civil nuclear path. A final UAE decision is likely in mid-2009, but in the meantime a UK-UAE MOU was signed by Lord Digby Jones during his visit to the UAE on 15 May in support of the UAE’s goal of developing civil nuclear power.

7.16 A similar agreement was signed with Jordan on 29 June. Jordan has a solid non-proliferation record having implemented the Additional Protocol and signed up to the full range of relevant international agreements. Jordan signed up to the US led Global Nuclear Energy Partnership (GNEP) shortly after signing a civil-nuclear agreement with the US in September 2007. The GNEP principles include long term commitments to promote the development of more proliferation-resistant nuclear reactors and the responsible disposal of nuclear waste. Given Jordan’s clear commitment to non-proliferation the UK Government is working closely with the private sector to support all aspects of Jordan’s development of nuclear civil power, in line with existing international obligations.

7.17 A number of other Middle Eastern countries are interested in developing civil nuclear energy plants in the near future. These include Egypt (2018), Turkey (2015), Morocco (2017), and Saudi Arabia (which have signed an MOU on civil-nuclear cooperation with the US).

8. CHEMICAL AND BIOLOGICAL WEAPONS

The Chemical Weapons Convention (CWC)

8.1 The CWC entered into force on 29 April 1997. It bans the development, production, stockpiling and the use of chemical weapons, and requires the destruction of existing stockpiles by no later than 29 April 2012. It has a rigorous verification and inspection regime, thus making it the first multilateral disarmament agreement that aims to ban an entire category of WMD in a verifiable manner.

8.2 184 states have acceded to the CWC, with only 11 remaining outside (Angola, Barbados, Burma, DPRK, Dominican Republic, Egypt, Iraq, Israel, Lebanon, Somalia and Syria). One-third of the 8.6 million chemical munitions and containers covered by the Convention and one-third of the world's declared stockpile of approximately 71,000 metric tonnes of chemical agent have been verifiably destroyed. Since the CWC entered into force, two States have completed destruction of their entire CW stockpile; a further four States are following agreed destruction plans.

8.3 The UK is strongly committed to the Chemical Weapons Convention and to the Organisation for the Prohibition of Chemical Weapons (OPCW), and attaches the utmost importance to the full implementation of the CWC. Since entry into force in 1997, the UK has played a full and active role in the CWC's policy and decision-making bodies within the OPCW. The Second Review Conference took place in April 2008 and agreed a comprehensive final document reaffirming the strong commitment of all States Parties to achieve universality, complete the destruction of chemical weapons, further strengthen verification measures to ensure non-proliferation, provide assistance and protection, and promote the uses of chemistry for peaceful purposes.

8.4 UK priorities include the promotion of universality and the full and effective national implementation of all the Convention's provisions. The UK works bilaterally and with the EU and other partners to coordinate diplomatic activity, such as lobbying all States not yet party to sign and ratify the Convention as soon as possible, and implementation assistance efforts. Bilateral assistance has included the provision of National Authority training courses, contributions to the OPCW's "Associate Programme", support for Protection Assistance courses (against the use of chemical weapons), and support to the OPCW's verification activities, including the Challenge Inspection mechanism.

8.5 We are also committed to providing practical assistance where possible to help States meet their obligations to complete the destruction of chemical weapons stockpiles, for example, by providing assistance to Russia's destruction programme through the Global Partnership. We have also provided technical advice to Libya and have participated in workshops organized by the OPCW to assist Iraq's preparations for CWC accession.

8.6 The UK is also involved in outreach to other stakeholders, including business, academia and NGOs. A CWC National Authority Advisory Committee created in 1997 advises Ministers on the actions taken by the National Authority (BERR) to ensure UK compliance with the CWC and the Chemical Weapons Act. The UK is also conducting a series of outreach seminars to regional universities to raise awareness of the CWC and of potential dual-use issues.

8.7 The CWC's forthcoming challenges include securing consensus on the future priorities of the OPCW once all declared stockpiles have been destroyed; addressing the potential failure by one or more State Party to fully comply with the 2012 deadline, ensuring that the CWC remains relevant in the face of scientific and technological advances and is able to respond to new challenges including that of terrorism, and making progress towards universalisation. The UK is engaged in detailed discussions with partners and the OPCW on ways to address these challenges.

The Biological and Toxin Weapons Convention (BTWC)

8.8 The BTWC, which entered into force in 1975, bans the development, production, stockpiling, acquisition, retention or transfer of biological and toxin weapons. Upon ratification or accession, each State Party "undertakes to destroy, or to divert to peaceful purposes, as soon as possible but not later than nine months after entry into force of the Convention, all agents, toxins, weapons, equipment and means of delivery...which are in its possession or under its jurisdiction or control...". Unlike the CWC, there are no declared stockpiles of biological weapons, and the BTWC has no effective provisions to verify compliance. The dual-use nature of virtually all the know-how, materials and equipment used in biological weapons means that identifying and agreeing workable and acceptable verification and compliance measures for biological arms control is fraught with formidable intellectual, scientific and political problems. Between 1995 and 2001 an Ad Hoc Group of States Parties attempted to negotiate a draft verification Protocol but was unable to reach consensus on a text. Since then UK efforts have focused on identifying and implementing other measures to strengthen the BTWC.

8.9 The UK believes that international cooperation in the framework of the BTWC is key to defeating the threat from biological weapons, and we are committed to strengthening the BTWC. The Intersessional Work Programme 2007–10, agreed at the Sixth BTWC Review Conference in December 2006, is advancing work on agreed topics such as national implementation (2007), biosafety and biosecurity, awareness-raising, education, oversight of science, and codes of conduct (2008), capacity building in the fields of disease

surveillance, detection, diagnosis and containment of infectious diseases (2009) and assistance in cases of alleged use of biological or toxin weapons (2010). The UK promotes discussion, common agreements and the sharing of best practice on these topics through the contribution of working papers and active participation in BTWC and other meetings.

8.10 The UK (not least as one of the three depositaries of the Convention) also continues to play an active role in promoting the universality of the BTWC. The UAE acceded to the BTWC in June, bringing the number of States Parties to 162 (the seventh accession since the 6th Review Conference in December 2006). Despite this steady progress, the BTWC remains significantly behind the CWC, so promoting universal adherence and effective national implementation remain key UK priorities (notable non-ratifiers include Israel, Egypt, Syria and Burma). The UK works bilaterally and with the EU and other partners to coordinate diplomatic action and assistance activities in these areas. Current FCO-funded activity is focused on legislative analysis and assistance to states which do not have comprehensive national implementing measures in place (a multi-year project worth £623,000 delivered through the Verification Research and Information Centre—VERTIC) and support to the Bio Weapons Prevention Project to develop a strategy to promote universal adherence to the BTWC. Through the EU we are supporting a Joint Action in support of WHO activities on laboratory biosafety and biosecurity, and Joint Action assistance in the areas of Confidence Building Measures, and support to the Intersessional work programme, as well as ongoing activity in support of universality and national implementation.

8.11 Scientific and technological advances in the life sciences, increasing international cooperation in research, public health, agriculture and the pharmaceutical and biotechnological industries, and the availability of knowledge through the internet bring huge benefits. But the wider dissemination of knowledge and skills in dual-use scientific applications also increase the potential for their misuse in biological weapons. We therefore monitor advances in such technologies and assess their implications to raise awareness among the scientific and research communities of their ethical and legal obligations. Since 2003 the UK has held five BTWC related seminars for academics, research councils, professional and trade organisations, and the pharmaceutical and biotechnology industries. The most recent event took place in March 2008 and was devoted primarily to oversight, education and awareness-raising.

Australia Group

8.12 The Australia Group (AG) is an informal forum of countries which, through the harmonisation of export controls, seeks to ensure that exports do not contribute to the development of chemical or biological weapons. Coordination of national export control measures assists Australia Group participants to fulfil their obligations under the Chemical Weapons Convention and the Biological and Toxin Weapons Convention to the fullest extent possible. At the annual Plenary meeting in April, there was considerable interest in the UK's presentation on the Academic Technology Approval Scheme (ATAS) and in a UK proposal to enhance Australia Group industry outreach. The Ministry of Defence are pursuing the outreach initiative.

9. BALLISTIC MISSILES

Ballistic Missile Defence (BMD)

9.1 In the coming years, it is likely that a small number of states will further develop their ballistic missiles, improving their range, accuracy and also their supporting infrastructure. In particular, both Iran and North Korea continue to develop their ballistic missile capabilities and both may have the capability to strike Europe within the next 20 years. There were some 100 non-US ballistic missiles launches around the world in 2007, some 30% more than the previous year, reflecting the determination of many countries to acquire and develop ballistic missile capabilities.

9.2 In the light of this potential threat, in 2002 NATO Heads of State and Government commissioned a Missile Defence Feasibility Study to examine options for protecting Alliance territory, forces and population centres against all ranges of missile threats. The study was completed in 2006 and further work, examining the political and military implications of acquiring missile defence for the Alliance, was requested at the NATO Riga Summit in November 2006.

9.3 Separately, in February 2007, the US announced that it intended to begin formal negotiations to place missile defence assets in Poland (interceptor missiles, which will be manned and operated by a garrison of US military personnel) and the Czech Republic (radar facilities) which would provide coverage for most of Europe, including the UK, from a limited ballistic missile threat from a country of concern, such as Iran or North Korea. On 19 September, the US and Czech Republic signed a Status of Forces Agreement covering the basing of US troops in the Czech Republic to operate the radar. US negotiations with the Poles are nearing conclusion.

9.4 The UK Government has welcomed these developments, and the consequent benefits for European security. We are clear that ballistic missile defence is a response to the current proliferation and strategic uncertainty, and not the cause. HMG will continue to support US ballistic missile defence plans, including through the use by the US of facilities in the UK at RAF Fylingdales and RAF Menwith Hill.

9.5 At the April 2008 Bucharest Summit, NATO leaders recognized that ballistic missile proliferation poses an increasing threat to Allies' forces, territory and populations; that missile defence forms part of a broader response to counter this threat; and that the planned deployment of European-based US missile defence assets will make a substantial contribution to the defence of NATO allies. The Summit also agreed a plan of work to: explore ways in which to link the US BMD capability with NATO's missile defence efforts; and tasked NATO to develop a range of options for a missile defence architecture that covers those parts of Alliance territory not otherwise covered by the US system. This work has begun, and it is anticipated that a paper containing recommendations for NATO Ministers will be presented at the 2009 Summit in Strasbourg.

9.6 Although the US has made clear that its plans to place missile interceptors in Poland and radar in the Czech Republic are not aimed at countering Russian strategic nuclear forces, Russia has reacted adversely, claiming this would upset the existing strategic balance. They have also linked missile defence with a threatened withdrawal from, and the suspension of, their obligations to legally binding treaties.

9.7 The US missile defence system does not threaten the nuclear strategic balance: a defensive system with ten interceptor missiles cannot undermine an arsenal of many hundreds of missiles, such as that held by Russia. Nevertheless, Russia's concerns have been addressed directly through high level bilateral discussions between the US and Russia. Both sides have suggested a number of practical measures to resolve the concerns which have been raised, in particular: including Russian radar sensors in a joint missile defence architecture; the creation of joint missile defence data exchange centres in Russia and Europe; and the phased activation of the Europe missile defence system, commensurate with the emerging ballistic missile threat from the Middle East.

Missile Technology Control Regime (MTCR)

9.8 The Missile Technology Control Regime is an informal and voluntary association of countries which share the goals of non-proliferation of unmanned delivery systems capable of delivering weapons of mass destruction, and which seek to coordinate national export licensing efforts aimed at preventing their proliferation. While concern has traditionally focused on state proliferators, after the tragic events of 11 September 2001 it became evident that more also has to be done to decrease the risk of WMD delivery systems falling into the hands of terrorist groups and individuals. One way to counter this threat is to maintain vigilance over the transfer of missile equipment, material, and related technologies usable for systems capable of delivering WMD.

9.9 The MTCR rests on adherence to common export policy guidelines applied to an integral common list of controlled items. All decisions are taken by consensus, and MTCR partners regularly exchange information about relevant national export licensing issues. National export licensing measures on these technologies make the task of countries seeking to achieve capability to acquire and produce unmanned means of WMD delivery much more difficult. As a result, many countries, including all MTCR partners, have chosen voluntarily to introduce export licensing measures on rocket and other unmanned air vehicle delivery systems or related equipment, material and technology.

Hague Code of Conduct Against Ballistic Missile Proliferation (HCOC)

9.10 The HCOC is aimed at bolstering efforts to curb ballistic missile proliferation worldwide. It consists of a set of general principles, commitments, and limited confidence-building measures, including annual declarations by each subscribing state on its space and ballistic missile policies and pre-launch notifications. It is intended to supplement, not supplant, the Missile Technology Control Regime (MTCR). It was brought into effect in 2002. The UK is one of the original Subscribing States. HMG's objectives in HCOC are to promote the universalisation of the Code by increasing the number of subscribers, and to encourage all members to meet their commitments under the Code. As of July 2008, 130 countries had subscribed to it.

10. TERRORISM

10.1 Terrorists using WMD or radiological weapons poses a global threat and requires a global response. The UK Government takes extremely seriously the potential threat from terrorists acquiring chemical, biological, radiological or nuclear weapons and we are working actively, across UK Government Departments and agencies and with the international community to take robust and urgent measures to prevent such weapons or their related materials, equipment, technology and expertise falling into the wrong hands.

10.2 The need to ensure the physical protection of fissile material is central to these efforts. Through substantial financial contributions to the Global Partnership, the Global Threat Reduction Initiative and the IAEA's nuclear security fund, the UK, in addition to providing high level technical and project management expertise to international partners, has made a long term commitment in helping to address the potential risks associated with proliferation and terrorism issues.

10.3 Many of the steps set out elsewhere in this paper, to help ensure compliance and to detect non-compliance with NPT and other treaty obligations, such as the work under UN Security Council Resolution 1540, are relevant and form part of a comprehensive strategy to deny WMD to terrorist organizations. But these steps have also been complemented with a number of specific initiatives.

Global Initiative to Combat Nuclear Terrorism (GICNT)

10.4 The GICNT was launched jointly by the US and Russia in July 2006. Twelve initial Partner Nations subsequently agreed a Statement of Principles “to develop partnership capacity to combat nuclear terrorism on a determined and systematic basis.” Since then there have been further meetings of a gradually-widening number of subscribers (now over 70) to the Statement of Principles. The focus is on providing help to states which need it to:

- ensure the accounting, control and physical protection of nuclear materials and radioactive substances;
- detect and suppress illicit trafficking of nuclear materials;
- respond to and mitigate consequences of nuclear terrorism;
- co-operate in the development of technical means to combat nuclear terrorism;
- deny safe haven to terrorists who wish to acquire or use nuclear materials;
- strengthen national laws to prosecute and punish terrorists and their supporters.

10.5 The UK contributes to partner capacity-building efforts through this initiative and others. UK experts attend workshops and seminars on the full range of issues in a bid to raise awareness, share information and advise partners on best practise. The UK also hosts activities and expert events, such as the Anti-Nuclear Smuggling Assistance Workshop in London (September 2007).

INFCIRC 225, the Convention on the Physical Protection of Nuclear Material and Amendment

10.6 IAEA recommendations for the physical protection of nuclear material are set out in INFCIRC 225, first published in 1975 and revised four times since then; a fifth revision is currently underway in a Working Group chaired by the Deputy Director of the UK’s Office of Civil Nuclear Security. These recommendations reflect a broad consensus among IAEA Member States on the requirements which should be met by systems for the physical protection of nuclear material and facilities.

10.7 Although many states are obliged under various Conventions and Agreements to take them into account, the IAEA recommendations are not legally binding. The Convention on the Physical Protection of Nuclear Material (CPPNM), which entered into force in 1987, imposed such legally binding obligations, based on INFCIRC 225. But these apply only to civil nuclear material and only to the standards to be met in the international transport of such material. The Convention does not contain any mechanism for verifying the application of these standards, it being the view of states that responsibility for physical protection within a state rests entirely with that state. The UK is a party.

10.8 The Amendment to the CPPNM was opened for ratification in July 2005. This will, for the first time, impose a legal obligation to establish and maintain a legislative and regulatory framework to govern physical protection and to designate an authority to implement the framework. It will come into force when two-thirds of the parties to the original Convention have ratified. The necessary legislation to enable the UK to ratify (contained in the Criminal Justice and Immigration Act 2008) received Royal Assent on 8 May; an Explanatory Memorandum on the Amendment is being prepared and will be laid before Parliament to obtain approval for UK ratification. BERR has the policy lead on this.

International Convention on the Suppression of Acts of Nuclear Terrorism

10.9 This Convention entered into force in 7 July 2007. It requires States Parties to make every effort to adopt appropriate measures to ensure the protection of radioactive material. It is principally concerned with identifying a number of terrorist offences relating to attacks involving the use of radioactive material (which it defines as including nuclear material), obliging States Parties to establish these as criminal offences under their national laws, and requiring them to cooperate in preventing the commission of these offences. It also contains provisions for mutual judicial cooperation in the event of such terrorist offences, to help ensure that there is no hiding place for terrorists who use WMD or radiological weapons. The UK has signed the Convention but not yet ratified it. The Home Office has the policy lead for achieving this.

IAEA’s Nuclear Security Plan

10.10 Following 9/11, the IAEA’s physical protection activities were brought together into a Nuclear Security Plan (NSP). Activities carried out include the issuing of a range of guidance documents on nuclear security beyond just INFCIRC 225 (the Agency launched a new Nuclear Security Series in 2006); the holding of training courses in nuclear security; encouraging the establishment of Nuclear Security Support Centres

in member states; the provision of advisory services to states by the IAEA; the formulation of Integrated Nuclear Security Support Plans for individual States to help implement recommendations from the Agency's range of nuclear security missions in a coherent way; and the development of the Illicit Trafficking Database.

10.11 While there is no obligation on Member States to engage with the IAEA on nuclear security, experience has shown that its services are highly sought after. Its programme is heavily supported by Member States who provide experts to participate in its advisory missions and training activities as well as helping to develop guidance documents. The programme has expended some \$15 million in each of the past three years. This is financed from a Nuclear Security Fund, which relies on voluntary extra-budgetary contributions. The EU is one of the major donors.

10.12 Thought is now being given to the development of a new NSP to run from 2010 to 2013. There is to be a major International Symposium on Nuclear Security in Mar/Apr 2009 and the discussions there will feed into the finalisation of the new NSP at the IAEA's September 2009 Board of Governors meeting. We are considering how best to ensure an effective British input to this Symposium.

Code of Conduct on the Safety and Security of Radioactive Sources

10.13 Radioactive sources are used throughout the world for a wide variety of peaceful purpose in industry, medicine, research, and education as well as in military applications. Because of their high level of radioactivity, some of these radioactive sources could pose a significant risk to safety or security, in particular if they were used in a radiological dispersion device, also known as a "dirty bomb"—ie, a bomb that would use conventional explosives to disperse radioactive material but would not involve a nuclear explosion.

10.14 The Code of Conduct on the Safety and Security of Radioactive Sources has been developed by the IAEA to address this risk. It sets out basic principles that every State should follow, including taking appropriate measures necessary to ensure that radioactive sources are safely managed and securely protected; having an effective national legislative and regulatory system; establishing a national register of radioactive sources and ensuring that any transfers are undertaken in a manner consistent with the provisions of the Code.

10.15 The Code is not legally binding but States have been urged to write to the IAEA Director General expressing their support for it. 92 had done so as of 24 July 2008, including the UK. Supplementary Guidance to the Code of Conduct, relating to the import and export of radioactive sources, has also been developed and approved by the IAEA. Again, this is not legally binding but States have been encouraged to notify the Director General of their intention to support it, to designate a point of contact, and to send the IAEA a completed version of the specimen self-assessment questionnaire annexed to the Guidance. The UK has done all three. (DEFRA is responsible for the Code's implementation within the UK.)

Forensic science

10.16 The UK Government has made clear that we will hold states accountable if they assist terrorists in acquiring WMD. World-leading forensics work by the AWE, in cooperation with other leading nuclear laboratories overseas, will help us identify the source of nuclear materials in any device used against us so that we will be in a position to respond appropriately. Our ability to do so should constitute a powerful deterrent against any state considering assisting terrorists in the use of WMD against the UK or our allies.

11. CONVENTIONAL WEAPONS

11.1 While strictly outside the scope of this Inquiry, an important part of UK counter proliferation work is aimed at tackling the threat posed by conventional weapons to humanitarian interests, to UK, regional and global stability, and to sustainable development. The following briefly summarises our current efforts on three sets of issues in particular: an Arms Trade Treaty, cluster munitions and small arms and light weapons.

Arms Trade Treaty (ATT)

11.2 According to research by Oxfam, globally an estimated 1,000 people die every day due directly to the use of small arms and Africa loses around \$18bn per year due to wars, civil wars and insurgencies.

11.3 The aim of an Arms Trade Treaty is to establish a globally-agreed set of common standards for the trade in all conventional arms. It would make it a legal obligation for all countries to adopt uniform and high standards against which they would assess their arms exports, including the recipient country's respect for human rights and international humanitarian law. The Treaty would thereby contribute to preventing imported arms being used for human rights abuse, repression, terrorism, and undermining social and economic stability and development.

11.4 In 2006, the UK worked with Argentina, Australia, Costa Rica, Finland, Japan and Kenya to introduce a draft UN General Assembly resolution calling for a global Arms Trade Treaty. This was supported by 153 countries. In 2007, there was an unprecedented level of response to calls from the UN

Secretary General for views on the scope and feasibility of this treaty; over 100 countries submitted their views. A UN Group of Government Experts has concluded its review of these submissions and their conclusions will be discussed at the UN General Assembly in October. We are working to ensure that the UN agrees to maintain the momentum that has been generated so far.

11.5 We also want to generate more support and understanding of the issues surrounding this proposal and to broaden the discussion. It is an issue that should be important not just to governments and NGOs, but to industry, academics, “think tanks” and religious leaders. With this in mind, on 9th September the Foreign Secretary met a broad constituency of stakeholders from the wider business community, NGOs, and from a range of religious communities to discuss the issues and the benefits that such a treaty would offer, and to explain how stakeholders in the wider community can contribute to the achievement of this goal.

11.6 We are also working very closely with a core group of NGOs and UK industry through the Defence Manufacturers’ Association and Society of British Aerospace Companies in support of the ATT process, to galvanize a broader global coalition to act as multipliers and to act directly to influence the sceptics and opponents by raising awareness more widely of what an ATT would be and the benefits that could accrue.

Cluster Munitions

11.7 The Dublin Conference (19-30 May), which brought the Oslo Process to an end, adopted a Convention that defined cluster munitions and imposed a ban on the use, production, stockpiling and transfer of them. The Prime Minister’s announcement on 28 May that we would withdraw from service all the UK’s cluster munitions with immediate effect was instrumental in bringing about this result. The UK intends to sign the Convention when it is opened for signature in Oslo on 3 December. We are already implementing key norms ahead of signature, such as putting the remaining UK cluster munitions into a disposal programme and introducing new export controls. All Cluster Munitions have been classified as Category “A” goods, making them subject to the most stringent level of trade controls and thereby taking an immediate step to prevent proliferation.

11.8 We will continue to work within the UN framework of the Convention on Certain Conventional Weapons (CCW) to secure the strongest possible new Protocol on cluster munitions and thereby add to the humanitarian benefit we have achieved. It is in this forum that the major users and producers (eg the US, China, Russia, India, Pakistan and Israel) who have remained outside the Oslo Process are actively engaged. The Group of Governmental Experts established in November last year has had productive meetings in January, April, July and September this year taking forward work on drafting a new Protocol that includes restrictions on transfers. In November they will hold their final meeting before reporting back to the Meeting of States Parties later that month.

Small Arms and Light Weapons (SALW)

11.9 The Biennial Meeting of States (BMS) for the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA) took place in New York in July. It achieved a reasonable outcome, with a final document agreed, albeit by a vote. We continue to fund a range of SALW projects undertaken by the UN, EU, OSCE and other international and regional organisations, NGOs and civil society more widely.

12. CONCLUSION

12.1 The UK Government’s goal is a more secure UK in a more secure world. We believe that a world free of nuclear, chemical and biological weapons would be a more secure place. Conversely, the proliferation of such weapons, both to states and to terrorists, poses one of the most significant threats to global security. Accordingly, the National Security Strategy and the FCO attach high strategic priority to our work to counter proliferation and to pursue nuclear disarmament.

12.2 The UK, from the Prime Minister down, is providing vital leadership to the international community, in setting out the vision of where we need to go, in working bilaterally and in concert with our partners and allies to persuade others to join us, and in doing the hard diplomatic and technical work at official and expert level to find effective ways forward and to build consensus around them. We do not underestimate the considerable challenges involved nor the time and sustained commitment which will be required to resolve them. We would welcome the views of the Select Committee and its recommendations for how our efforts might be further enhanced or focused.

Annexes

1. Chairman's Summary from NPT Preparatory Committee meeting, May 2008
2. P5 Statement at NPT Preparatory Committee meeting, May 2008
3. Statement by the External Affairs Minister of India, 5 September 2008

Annex 1**CHAIRMAN'S SUMMARY OF NPT PREPARATORY COMMITTEE 2008**

NPT/CONF.2010/PC.II/WP.43

Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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CHAIRMAN'S WORKING PAPER¹⁸⁸

1. States parties¹⁸⁹ reaffirmed that the Treaty on the Non-Proliferation of Nuclear Weapons (Non-Proliferation Treaty) was the cornerstone of the global non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament. In the face of grave challenges to the non-proliferation regime, preserving and strengthening the Treaty was vital to international peace and security.
2. States parties noted the positive outcome of the first session of the 2007 Preparatory Committee and expressed the need to lay a solid basis for a successful Review Conference in 2010. They also noted that the 2008 session of the Preparatory Committee had taken place in the year of the fortieth anniversary of the Treaty's opening for signature. Recent public and political momentum towards a world free of nuclear weapons was noted. The need for concrete and practical steps to achieve that goal was highlighted.
3. States parties reaffirmed that the Treaty rested on three pillars: nuclear disarmament, nuclear non-proliferation and peaceful uses of nuclear energy. The importance of the balanced, full and non-selective application and implementation of the Treaty was stressed. Emphasis was placed on the mutually reinforcing nature of disarmament and non-proliferation, and due respect for the right of States parties to the peaceful use of nuclear energy in conformity with the Treaty.
4. States parties continued to attach great importance to achieving compliance with the Treaty. The importance of compliance by all States parties with all the provisions of the Treaty at all times was stressed. Non-compliance with the Treaty's provisions by States parties undermined non-proliferation, disarmament, universality and peaceful uses of nuclear energy.
5. States parties reiterated their commitment to the effective implementation of the objectives of the Treaty, the decisions and resolution on the Middle East of the 1995 Review and Extension Conference, adopted without a vote, and the final document of the 2000 Review Conference, adopted by consensus.
6. States parties reaffirmed the importance of promoting the peaceful uses of nuclear energy and international nuclear cooperation for peaceful purposes in ways consistent with the non-proliferation goal of the Treaty. A number of proposals for establishing multilateral mechanisms that guaranteed the provision of nuclear fuel under strict international control were presented.
7. States parties stressed that continued support to achieve universality of the Treaty remained essential. They expressed concern about the lack of progress in the achievement of universality, which seriously undermined the Treaty. States parties called upon India, Israel and Pakistan to accede to the Treaty as non-nuclear-weapon States, promptly and without conditions. Those States were also called upon to bring into force the required comprehensive safeguards agreements, together with Additional Protocols, for ensuring nuclear non-proliferation, to reverse clearly and urgently any policies to pursue any nuclear weapons development, testing or deployment, and to refrain from any action that could undermine regional and

¹⁸⁸ Paragraph 7 of the section entitled, "Improving the effectiveness of the strengthened review process for the Treaty" in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.2000/28, Parts I and II), vol. I, part I) states, "The consideration of the issues at each session of the Preparatory Committee should be factually summarized and its results transmitted in a report to the next session for further discussion."

¹⁸⁹ Any reference to "States parties" in the present summary is not intended to imply unanimity among States parties.
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international peace and security and the international community's efforts to achieve nuclear disarmament and the prevention of nuclear weapons proliferation. States parties called upon India and Pakistan to maintain moratoriums on nuclear testing, and called upon India, Israel and Pakistan to become parties to the Comprehensive Nuclear-Test-Ban Treaty.

8. States parties expressed concern that non-State actors could gain access to weapons of mass destruction and their means of delivery. The gravity of the dangers of weapons of mass destruction being acquired by terrorists further reinforced the need to strengthen the Treaty and its implementation. In addition, States parties noted the need for adherence to existing legal instruments, especially the International Convention on the Suppression of Acts of Nuclear Terrorism, and for full compliance with Security Council resolution 1540 (2004).

9. States parties expressed the need for multilateralism and mutually agreed solutions, in accordance with the Charter of the United Nations, as the only sustainable method for dealing with the multiplicity of disarmament, non-proliferation and international security issues. Multilateralism based on the concept of shared commitments and obligations provided the best way to maintain international order.

10. States parties remained committed to implementing article VI of the Treaty. The full implementation of the 13 practical steps, including the unequivocal undertaking contained in the final document of the 2000 Review Conference, was called for. Recent moves towards nuclear disarmament by some nuclear-weapon States were recognized. Concern continued to be expressed, however, about the slow pace of progress made in implementing the practical steps. A forward-looking review of the 13 steps and of progress towards their implementation was urged.

11. States parties stated that the total elimination of nuclear weapons was the only absolute guarantee against their proliferation or use or threat of use. Despite achievements in bilateral and unilateral reductions by some nuclear-weapon States, concern was expressed that the total number of nuclear weapons deployed and stockpiled still amounted to thousands. It was stressed that the indefinite extension of the Non-Proliferation Treaty did not imply the indefinite possession of nuclear arsenals. There were calls for a time-bound framework for achieving the total elimination of nuclear weapons.

12. The advisory opinion of the International Court of Justice regarding the obligations of nuclear-weapon States (96/23 of 8 July 1996) was recalled and support was voiced for the development of a nuclear weapons convention. A subsidiary body dealing with nuclear disarmament at the 2010 Review Conference was sought.

13. Concerns were also voiced about the increased role of nuclear weapons in some strategic and military doctrines, and the apparent lowering of the threshold for the use of nuclear weapons. Calls were made for the re-evaluation of the strategic utility of nuclear weapons and their role in national security policies in the post-Cold War context.

14. Concern and disappointment were voiced about plans of some nuclear-weapon States to replace or modernize nuclear weapons and their means of delivery or platforms, and about the development of new types of nuclear weapons. In response, France, the United Kingdom of Great Britain and Northern Ireland and the United States of America provided clarifications and explanations on their efforts to achieve nuclear disarmament. The need to foster an environment conducive to nuclear disarmament was underlined. Considerable concern was also expressed about nuclear cooperation of States parties with States not parties to the Non-Proliferation Treaty.

15. States parties also attached significance to reducing the deployed status of nuclear weapons through de-alerting and de-targeting, to reducing reliance on nuclear weapons and to securing greater information from nuclear-weapon States on the active and reserve status of nuclear arsenals with a view to increasing confidence among all States parties. They welcomed the efforts of some nuclear weapon States in that regard, noting such practical measures could raise the threshold for uses of nuclear weapons and help avoid the risk of accidents and miscalculation.

16. Nuclear weapon States reiterated their commitment to nuclear disarmament under article VI of the Treaty. The more forthcoming way in which some nuclear weapon States were treating their article VI commitments was recognized. A number of nuclear weapon States outlined their respective measures taken in accordance with article VI, underscoring actual and projected reductions in nuclear weapons arsenals, an accelerated programme of dismantlement, reduced reliance on nuclear weapons and reductions in their status of alert. France referred to its concrete plan of action on disarmament, to which the nuclear-weapon States should commit by 2010. The importance of transparent verification for nuclear disarmament measures was stressed, and the initiatives of the United Kingdom to explore the technical aspects of verifying nuclear disarmament through greater cooperation among nuclear-weapons States and with non-nuclear-weapon States were welcomed. It was noted that strategic conditions could have an impact on the pace of nuclear disarmament. Concerns were also voiced about apparent re-interpretations of nuclear disarmament obligations.

17. States parties underlined the special responsibility of the two States possessing the largest nuclear arsenals and acknowledged the progress made under the Treaty on Strategic Offensive Reductions (the Moscow Treaty). While noting those achievements, States parties called for further reductions beyond those required by the Moscow Treaty and stressed that reductions in deployments and in operational status could not be a substitute for irreversible cuts in, and the total elimination of, nuclear weapons. States parties noted

that START I and the Moscow Treaty were due to expire in 2009 and 2012, respectively, and called for bilateral follow-up agreements. They welcomed the Russian Federation–United States declaration in Sochi regarding a legally binding post-START arrangement. It was stressed that the principles of irreversibility, verifiability and transparency should guide all nuclear disarmament measures.

18. States parties welcomed the more detailed information provided by most nuclear-weapon States on the number of weapons in their arsenals and progress in reducing those numbers. All States parties were called upon to increase transparency and accountability with regard to their nuclear weapons arsenals, implementation of disarmament measures and security doctrines. The establishment of mechanisms for standardized reporting and progressive recording of reductions in nuclear arsenals was urged.

19. Reporting by all States parties on the implementation of article VI was urged. Reporting by non-nuclear-weapon States in regional alliances with nuclear-weapon States on their efforts to reduce the salience of nuclear weapons in collective security arrangements was encouraged. It was noted that routine reporting would promote increased confidence in the overall Treaty regime by increasing transparency and at the same time would help address compliance concerns.

20. States parties welcomed the impetus that had developed in the Conference on Disarmament under the six Presidents for 2006 and 2007 and that had continued in 2008. The positive contribution of cooperation and coordination of the six-President mechanism was noted and calls were made for its continuation. With reference to proposal CD/1840, it was widely emphasized that the Conference should commence substantive work as a matter of urgency.

21. Strong support was expressed for the Comprehensive Nuclear-Test-Ban Treaty. The importance and urgency of its early entry into force were underscored. In that regard, the recent ratifications by Bahamas, Barbados, Colombia, the Dominican Republic, Malaysia and Palau were welcomed. States that had not ratified the Treaty, especially the remaining nine whose ratification was necessary for its entry into force, were urged to do so without delay. The Joint Declaration of the Article XIV Conference, held in Vienna in 2007, was welcomed.

22. The testing of a nuclear weapon by the Democratic People's Republic of Korea had highlighted the need for the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty. States parties reaffirmed the importance of maintaining a moratorium on nuclear weapon test explosions or any other nuclear explosions. They commended the progress made by the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization in establishing the international monitoring system. States parties were called upon to support the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organization by providing adequate resources and expertise.

23. The abrogation of the Anti-Ballistic Missile Treaty and the development of missile defence systems drew concern as adversely affecting strategic stability and having negative consequences on nuclear disarmament and non-proliferation. Concern was also expressed about the risk of a new arms race on Earth and in outer space. In the latter regard, States parties noted the tabling in the Conference on Disarmament of a proposal for a treaty on the prevention of the placement of weapons in outer space.

24. States parties highlighted the need to address non-strategic nuclear weapons, including their withdrawal to the possessor's territory. The Presidential Nuclear Initiatives of 1991 and 1992 by the United States and the Russian Federation were welcomed and calls were made for the formalization of those initiatives. The importance of further reductions in non-strategic nuclear weapons in a transparent, accountable, verifiable and irreversible manner was stressed. The proposal by the Russian Federation to transform the Intermediate-Range Nuclear Forces Treaty into a multilateral instrument was noted, as was the importance of continuing to fulfil existing commitments. The need to deny terrorists access to non-strategic nuclear weapons was also noted. Moreover, concerns were expressed about the ongoing proliferation of ballistic missiles. The reference to the elimination of the means of delivery in the Intermediate-Range Nuclear Forces Treaty was noted, and States parties were invited to adhere to the Hague Code of Conduct against Ballistic Missile Proliferation.

25. The importance of the immediate commencement of negotiations in the Conference on Disarmament on a treaty concerning fissile material for nuclear weapons or other nuclear explosive devices was stressed. Calls were made to address the verifiability of such an instrument and the need for coverage of existing stocks. The urgent conclusion of such a treaty would be beneficial to the global non-proliferation and disarmament regime. Several proposals for progress on that issue were put forward, including a phased approach perhaps beginning with a framework treaty that could be strengthened and elaborated in protocols, the establishment of a group of scientific experts within the Conference on Disarmament, joint declarations to stop production of such material, a fissile material control initiative and the convening of a high-level expert panel. States that had not yet done so were called upon to declare moratoriums on the production of fissile material for nuclear weapons or other nuclear explosive devices.

26. The importance was emphasized of arrangements by all nuclear-weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under the International Atomic Energy Agency (IAEA) or other relevant international verification, and on arrangements for the disposition of such material for peaceful purposes. Some nuclear-weapon States

reported on the actions they had taken in that regard. In that context, the Trilateral Initiative was regarded as an important measure. The ongoing efforts of nuclear weapon States to convert excess highly enriched uranium for civilian use was commended and encouraged.

27. States parties recognized the positive contribution of various initiatives towards cooperation in reducing threats from all weapons of mass destruction. They included the Global Initiative to Combat Nuclear Terrorism, the Global Partnership against the Spread of Weapons and Materials of Mass Destruction, the Global Threat Reduction Initiative and the Proliferation Security Initiative.

28. States parties welcomed other new initiatives by Governments and within civil society aiming at achieving the vision of a world free of nuclear weapons, including the five principles and 10 recommendations developed at an international disarmament conference held in Oslo in February 2008, the Weapons of Mass Destruction Commission and the call from four United States elder statesmen.

29. The importance was stressed of education on disarmament and non-proliferation to strengthen the disarmament and non-proliferation regime for future generations. In that regard, States parties were encouraged to undertake concrete activities to implement the recommendations contained in the report of the Secretary-General on disarmament and non-proliferation education (see A/57/124) and to share information thereon. Steps and means as well as new initiatives to implement the recommendations were reiterated at the meeting.

30. States parties noted that, pending the elimination of nuclear weapons, nuclear weapon States should provide security assurances to non-nuclear-weapon States that they would not use or threaten to use nuclear weapons against them. Security assurances could serve as incentives to forgo the acquisition of weapons of mass destruction and to achieve universality of the Treaty. It was recalled that both the 1995 Review and Extension Conference and the 2000 Review Conference had underscored the importance of security assurances. It was further recalled that the final document of the 2000 Review Conference called upon the Preparatory Committee to make recommendations to the 2005 Review Conference on security assurances. It was emphasized that negative security assurances, an element that contributed to the 1995 extension decision, remained essential and should be reaffirmed and implemented. The view was expressed that it was a legitimate right of non-nuclear-weapon States parties to the Non-Proliferation Treaty to receive such assurances. Reaffirmations were expressed of commitments under Security Council resolution 984 (1995). Some States parties emphasized the importance of a no-first use policy as maintained by China.

31. States parties stressed that efforts to conclude a universal, unconditional and legally binding instrument on negative security assurances to non-nuclear-weapon States should be pursued as a matter of priority, without prejudice to security assurances already given bilaterally or under nuclear-weapon-free zone treaties. In that regard, references were made to pursuing a protocol to the Non-Proliferation Treaty and to the prospect of substantive discussions envisaged by the current draft decision put forward by the six Presidents of the Conference on Disarmament. Pending the conclusion of any new instrument, nuclear-weapon States were called upon to honour their respective commitments under Security Council resolution 984 (1995), nuclear-weapon-free zone treaties and bilateral arrangements. The view was expressed that commitments under resolution 984 (1995) were not legally binding or unconditional, falling short of meeting non-nuclear-weapon States' security requirements. Concern was expressed that recent developments in respect of nuclear doctrines might, in any event, undermine the aforementioned commitments. An international conference under the auspices of the United Nations to discuss the issue of security assurances was proposed. There were calls for the establishment of a subsidiary body on security assurances at the 2010 Review Conference.

32. It was stressed that the non-proliferation of nuclear weapons was a fundamental goal of the Treaty. Concern was expressed that grave proliferation challenges strained the Non-Proliferation Treaty regime, eroding confidence in the compliance by States parties with their obligations under the Treaty. The need to effectively address proliferation issues within the Treaty was stressed. States parties were called upon to exert maximum effort to bring about diplomatic solutions to concerns about compliance and strengthen confidence among all States parties.

33. States parties reaffirmed that IAEA was the sole competent authority responsible for verifying and assuring, in accordance with the statute of the Agency and the IAEA safeguards system, compliance with its safeguards agreements with States parties undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty, with a view to preventing the diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. States parties underlined the need for strengthening the role of IAEA and reaffirmed that nothing should be done to undermine the authority of the Agency in verifying non-diversion. They noted the need for effectively addressing violations of safeguards obligations in order to uphold the integrity of the Treaty.

34. States parties welcomed the efforts of the Agency in strengthening safeguards and its completion of the conceptual framework for integrated safeguards, as well as the steps taken towards their application. They stressed the importance of IAEA safeguards as a fundamental part of the nuclear non-proliferation regime and commended the important work of IAEA in implementing safeguards to verify compliance with the non-proliferation obligations of the Treaty. The IAEA safeguards thereby promoted further confidence among States, helped to strengthen their collective security and played a key role in preventing the proliferation of nuclear weapons and other nuclear explosive devices.

35. States parties expressed the need to strive towards the universalization and strengthening of the IAEA safeguards system. While welcoming the recent entry into force of comprehensive safeguards agreements and Additional Protocols with a number of States parties, concern was expressed that some 30 States parties had yet to bring into force safeguards agreements, as required by article III, and that only 87 had Additional Protocols in force. States that had not yet concluded comprehensive safeguards agreements with IAEA were called upon to do so without further delay.

36. The importance of the Additional Protocol as an essential and indispensable tool for effective functioning of the IAEA safeguards system was underlined. It was stressed that States parties must have both a comprehensive safeguards agreement and an Additional Protocol in place for IAEA to be able to provide credible assurance of both the non-diversion of declared material and the absence of undeclared nuclear material or activities in the States concerned.

37. States parties reaffirmed the need for the Additional Protocol to be universalized, and noted that further efforts in promoting that goal were needed to increase confidence in the compliance by States parties with their non-proliferation obligations. States parties that had not yet concluded Additional Protocols were called upon to do so as soon as possible. Efforts to achieve universal application of the Additional Protocol should not hamper efforts towards achieving universality of comprehensive safeguards agreements.

38. Views were expressed that the strengthened safeguards system—a comprehensive safeguards agreement coupled with the Additional Protocol—constituted the Non-Proliferation Treaty's verification standard and that that standard should be used as a precondition for new supply arrangements. In that regard, views were also expressed that concluding an Additional Protocol should remain a voluntary confidence-building measure. New arrangements on the Small Quantities Protocols agreed in 2005 at IAEA were welcomed and considered an important step in the process of strengthening safeguards. All concerned States were called upon to adopt that new standard.

39. It was reiterated that export controls were a key element of the non-proliferation regime under the Treaty. In the light of revelations regarding clandestine proliferation networks, States parties underlined that effective export controls, together with IAEA safeguards, were an integral part of the regime. Their legitimate role in ensuring compliance with articles I, II and III, and in facilitating peaceful nuclear cooperation was emphasized, as was the need for all States to exercise vigilance in the transfer of sensitive equipment and technology. The important role played by the international export control framework for nuclear related materials and technologies, namely the Zangger Committee and the Nuclear Suppliers Group, was noted, in particular their utility in guiding States in setting up their national export control policies. States parties were urged, however, to implement export controls in a transparent, non-discriminatory and cooperative manner. It was further stressed that the inalienable rights under article IV should not be undermined.

40. Support was expressed for internationally recognized nuclear-weapon-free zones established on the basis of arrangements freely arrived at among States in the regions concerned and on the basis of established United Nations guidelines. The contribution of such zones to enhancing global and regional peace and security, including the cause of global nuclear non-proliferation, was emphasized. It was noted that the number of States covered by the nuclear-weapon-free zones exceeded 105. The establishment of such zones under the treaties of Tlatelolco, Rarotonga, Bangkok, Pelindaba and Semipalatinsk was considered a positive step towards attaining the objective of global nuclear disarmament. The importance of the entry into force of all the nuclear-weapon-free zone treaties was stressed. In that regard, States parties welcomed the recent ratifications of the Pelindaba Treaty and the Plan of Action endorsed by the South East Asia Nuclear Weapon-Free Zone Commission to strengthen the implementation of the Bangkok Treaty. Nuclear-weapon States' renewed efforts to resolve the pending issues on the protocol to the Bangkok Treaty were seen as encouraging. Nuclear-weapon States were called upon to provide security assurances to members of nuclear-weapon-free zones by signing and ratifying protocols to those treaties.

41. Continuing and increased cooperation among the parties to the zones was encouraged, as was the development of a nuclear-weapon-free southern hemisphere. States parties welcomed the conclusion and the recent ratifications of the Central Asia Nuclear-Weapon-Free Zone Treaty. The need for further consultations among concerned countries in accordance with the 1999 United Nations Disarmament Commission guidelines to resolve outstanding issues regarding the Central Asia Nuclear-Weapon-Free Zone was expressed. Support for the nuclear-weapon-free status of Mongolia was reiterated. Efforts to institutionalize that status were noted.

States parties underlined the importance of establishing new nuclear-weapon-free zones, especially in the Middle East and South Asia.

42. States parties reaffirmed the importance of the resolution on the Middle East adopted at the 1995 Review and Extension Conference, and emphasized that the resolution remained valid until its goals and objectives were achieved. The resolution was both an essential element of the outcome of the 1995 Conference and an essential part of the basis on which the Treaty on the Non-Proliferation of Nuclear Weapons had been indefinitely extended without a vote in 1995. States parties reiterated their support for the establishment of a Middle East zone free of nuclear weapons as well as other weapons of mass destruction and their delivery systems. Strong concern was voiced at the lack of measurable implementation

of the resolution. Renewed, action-oriented determination to implement the resolution was strongly urged. States parties affirmed the importance of establishing practical mechanisms within the review process to promote the implementation of the 1995 resolution on the Middle East, in particular by reporting to the Secretary-General on the steps they had taken to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East. A subsidiary body within Main Committee II of the 2010 Review Conference was sought, together with a specific period of time during the Preparatory Committee and the establishment of a standing committee of the members of the Bureau of that Conference to follow up inter-sessionally the implementation of recommendations concerning the Middle East. The convening of an international conference on the establishment of a nuclear-weapon-free zone in the Middle East, with the participation of nuclear-weapon States and all States in the region, was sought.

43. States parties noted that all States of the region of the Middle East, with the exception of Israel, were States parties to the Non-Proliferation Treaty. Great concern was expressed regarding the nuclear capability of Israel. States parties called upon Israel to accede to the Treaty as soon as possible as a non-nuclear weapon State, conclude a comprehensive safeguards agreement and place its nuclear facilities under full scope IAEA safeguards. Concern was also expressed about nuclear cooperation with States outside the IAEA safeguards system, especially Israel. The need for monitoring compliance by States parties with articles I, II and III, in particular obligations regarding transfer, was stressed.

44. The importance of creating an environment conducive to implementation of the Middle East resolution was emphasized. The presence of nuclear weapons in the region was seen as an impediment to aspirations for the Middle East to become a nuclear-weapon-free zone. States parties welcomed the voluntary decisions by the Libyan Arab Jamahiriya to abandon its programmes for developing weapons of mass destruction and their means of delivery, as well as its ratification of the Additional Protocol. All States in the region that had not yet done so were urged to accede to the Non-Proliferation Treaty, conclude with IAEA comprehensive safeguards agreements and Additional Protocols, and become parties to the Comprehensive Nuclear-Test-Ban Treaty. More generally, States parties also expressed full support for achieving a comprehensive, just and lasting peace in the Middle East. The view was expressed that the lack of progress in the Middle East peace process should not inhibit implementation of the 1995 resolution. It was also noted that the accession of all States in the region to the Non-Proliferation Treaty would contribute to the objective of establishing a Middle East zone free of nuclear weapons as well as of other weapons of mass destruction.

45. States parties reaffirmed the importance of the implementation of the Non-Proliferation Treaty safeguards agreement of the Islamic Republic of Iran and insisted that that country comply fully and without further delay with all the requirements in Security Council resolutions 1696 (2006), 1737 (2006), 1747 (2007) and 1803 (2008) as well as the relevant resolutions of the IAEA Board of Governors. States parties noted that IAEA had reported that it continued to verify the non-diversion of declared nuclear material in the Islamic Republic of Iran and that it remained unable to verify the absence of undeclared nuclear material and activities in that country; and that certain questions and verification matters were resolved while yet others, including some of serious concern, were not. The completion of the work-plan to resolve some outstanding issues between the Islamic Republic of Iran and IAEA was noted. States parties noted further that IAEA would continue, in accordance with its procedures and practices, to seek corroboration of its findings and to verify, as part of its verification, the completeness of that country's declaration. States parties believed the issue should be resolved peacefully through diplomatic efforts and negotiations. Questioning the need for the involvement of the Security Council, the Islamic Republic of Iran indicated its readiness to continue to resolve the outstanding issues within the framework of IAEA. It underscored its intention to continue to cooperate with IAEA in accordance with its legal obligations envisaged in the IAEA statute and the Non-Proliferation Treaty. It reiterated the peaceful nature of its nuclear programme and declared its resolve not to suspend enrichment and reprocessing activities.

46. States parties recognized that the nuclear activities of the Democratic People's Republic of Korea presented a grave challenge to the Non-Proliferation Treaty and noted the progress achieved under the 13 February 2007 initial actions and the shutdown of the Yongbyon nuclear facilities. They welcomed the monitoring and verification arrangements implemented by IAEA with the agreement of the Democratic People's Republic of Korea. They also welcomed the continuing verification by IAEA of the shutdown status of the Yongbyon nuclear facilities. States parties noted that the disabling of some of the Yongbyon nuclear facilities by the Democratic People's Republic of Korea was currently under way. They were concerned that the Democratic People's Republic of Korea had not yet submitted a complete and correct declaration of all its nuclear programmes and activities, and urged it to do so promptly. They urged that country to comply with Security Council resolutions 1695 (2006) and 1718 (2006) and the joint statement of September 2005, to abandon all nuclear weapons and existing nuclear programmes as well as associated ballistic missile programmes in a complete, verifiable and irreversible manner, and to return promptly to

compliance with the obligations under the Non-Proliferation Treaty and the IAEA comprehensive safeguards agreement. States parties stressed the importance of achieving the goal of the verifiable denuclearization of the Korean Peninsula. They underlined the need for a peaceful solution to that issue and welcomed the diplomatic efforts undertaken in the framework of the six-party talks.

47. There was concern about reports of alleged clandestine nuclear activities by the Syrian Arab Republic, and calls were made for prompt clarifications regarding those activities in cooperation with IAEA. The unilateral actions taken in response to those alleged activities prompted some States parties to highlight the need for early involvement of IAEA in cases of suspected proliferation activities. The Syrian Arab Republic reiterated its commitment to compliance with the Non-Proliferation Treaty and safeguards agreements with IAEA, rejecting the validity of any information suggesting otherwise.

48. States parties reaffirmed their inalienable right under article IV to develop research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with articles I, II and III of the Treaty. It was noted that, as part of the fundamental bargain, nothing in the Non-Proliferation Treaty should be interpreted as affecting that right. It was stressed that participating in and facilitating the exchange of nuclear technology for peaceful uses must be consistent with the Treaty's non-proliferation obligations.

49. In view of climate change and the growing demand for nuclear energy and sustainable development, a call was also made to fully ensure the free, unimpeded and non-discriminatory transfer of nuclear technology for peaceful purposes. The proliferation risks associated with the growing global energy demand were noted. The importance of assisting States parties to develop safeguards, safety and security was emphasized. The development of internationally agreed criteria for transfers of proliferation-sensitive nuclear equipment and technology was suggested. It was reiterated that additional restrictions should not be applied to the peaceful uses of nuclear energy, especially in developing countries or for political purposes.

50. In that context, States parties emphasized the value and importance of the IAEA Technical Cooperation Programme, underlining that technical cooperation played an important role in further developing the application of nuclear energy for peaceful purposes. States parties acknowledged the wide application of nuclear technology for areas in health, industry, agriculture and environmental protection. Appreciation was expressed for the assistance rendered, in particular for developing countries, through the programme. It was stressed that States parties should take measures to ensure that the programme was adequately and predictably financed. There was some concern that the programme could be used as a political tool.

51. Attention was drawn to the significance of developing proliferation-resistant nuclear technologies, including through the international project on Innovative Nuclear Reactors and Fuel Cycles (INPRO). In that regard, references were made to the Global Nuclear Energy Partnership.

52. The importance of strengthening nuclear safety, radiation protection, the safety of radioactive waste management and the safe transport of nuclear and radioactive materials, including maritime transport, was highlighted. The need for maintaining the highest standards of safety at civilian nuclear installations through national measures and international cooperation was also emphasized. Concern was expressed about the environmental consequences of uranium mining and assistance was sought with radiological assessment and remedial measures in the affected areas in accordance with the appeal made in the 1995 and 2000 Review Conferences.

53. The role of IAEA in the promotion of safety in all its aspects was underlined and it was noted that further efforts were needed in that regard. States parties that had not yet done so were called upon to accede to all relevant conventions on nuclear safety, safe waste management and physical protection of nuclear material and the IAEA Code of Conduct on the Safety and Security of Radioactive Sources. States parties supported efforts to enhance the security of existing stockpiles of highly enriched uranium, while minimizing its use in the civilian nuclear sector.

They called for the acceleration of efforts to develop and implement a fully effective global nuclear security framework. Support was expressed for the work undertaken by the International Expert Group on Liability (INLEX). The importance of maintaining dialogue on facilitating safe maritime transport of radioactive material was stressed.

54. States parties noted the importance of combating nuclear terrorism and strongly supported existing IAEA initiatives in that regard. The IAEA action plan on protection against nuclear terrorism was widely noted and supported. States parties called for full implementation of Security Council resolutions 1540 (2004), 1673 (2006) and 1810 (2008). In addition, the entry into force of the International Convention for the Suppression of Acts of Nuclear Terrorism, in July 2007, was noted and States parties were called upon to accede thereto.

55. Other initiatives, including the Global Initiative to Combat Nuclear Terrorism were also noted. IAEA work in support of States' efforts to prevent the illicit trafficking of nuclear and other radioactive material was commended. In that context, States noted the new proliferation threat posed by clandestine activities and networks for the supply of nuclear goods and technologies. It was emphasized that only through proactive and full cooperation and assistance to the Agency could such proliferation threats be addressed. States parties were encouraged to enhance cooperation among themselves and with international organizations, in particular IAEA, to prevent, detect and respond to suspected proliferation activities and

illicit trafficking of nuclear materials, equipment and technology. States parties stressed the importance of contributions to the Nuclear Security Fund of IAEA. States expressed support for measures to prevent terrorists from acquiring weapons of mass destruction and related material and welcomed the principles of the Group of Eight in that regard.

56. States parties urged the strengthening of the physical protection of nuclear material and facilities as an element of the non-proliferation regime that should be emphasized, in particular in the light of the heightened risk of nuclear terrorism. They welcomed the amendment to the Convention on the Physical Protection of Nuclear Material and urged States that had not yet done so to accede to the amended convention. All States were urged to implement the IAEA Code of Conduct on the Safety and Security of Radioactive Sources.

57. States parties emphasized the need to increase international cooperation in respect of the promotion of multilateralism in the nuclear fuel cycle and the supply of nuclear fuel. The numerous existing proposals, including the establishment of a fuel bank of low enriched uranium and multilateral enrichment centres, as well as the ongoing discussions in IAEA on fuel supply assurance mechanisms, were welcomed. States parties expressed their willingness to participate in and contribute to such discussions. It was stressed that such proposals should be addressed in a multilaterally negotiated, comprehensive, economically viable and non-discriminatory manner under the auspices of IAEA, without restrictions on access to nuclear material, equipment and technology for peaceful purposes. It was noted that a balanced multilateral mechanism could significantly contribute to confidence-building in the field of non-proliferation, to peaceful uses of nuclear energy and to the overall strength of the non-proliferation regime. It was emphasized that the multilateralization of the fuel cycle should not deny States parties choices regarding the development of national fuel cycles and should be consistent with the Treaty.

58. States parties reaffirmed the sovereign right of each State party to withdraw from the Non-Proliferation Treaty, as provided for in article X (1). It was noted that article X envisaged that withdrawal would be exercised only in the face of extraordinary events. It was stated that the goal was not to deny the right to withdraw, but to make it more difficult for violators to use withdrawal to escape accountability for their violations. Importance was attached to the need for any withdrawal to be made in a manner consistent with the requirements, purposes and objectives of the Treaty. The view was expressed that because of its potential to undermine the Treaty, a withdrawal would warrant international scrutiny, as envisaged in article X. The elaboration of effective and prompt modalities under which States parties could collectively respond to notifications of withdrawal was urged.

59. Views were expressed that a State that withdrew from the Non-Proliferation Treaty should not be able to benefit from nuclear materials, equipment and technology acquired while party to the Treaty. States parties urged supplier countries to make arrangements to retrieve from the withdrawing State any nuclear material, facilities and equipment transferred prior to withdrawal or ensure an end to their use. It was emphasized that, under international law, a withdrawing party was liable for breaches of the Treaty that occurred prior to withdrawal. It was also stressed that nuclear material, equipment and technology acquired by States parties for peaceful purposes prior to withdrawal must remain subject to peaceful uses under IAEA safeguards. Concerns were expressed that some proposals on article X went beyond the provisions of the Treaty.

60. The need was noted for States parties to undertake consultations and conduct every diplomatic effort, including on a regional basis, to encourage a party to reconsider its sovereign position to withdraw. Given the particular circumstances envisaged in article X for the exercise of the right to withdraw, the role of the Security Council, as provided for in that article, was also underlined.

61. The need to strengthen the Treaty and its review process was expressed. A range of views was expressed on the need for institutional improvements, such as annual or extraordinary meetings of States parties, consideration of national reports, a small standing bureau or standing committee, streamlining of documentation and an enhanced secretariat.

62. Views were expressed on rotation among regional groupings of the chairpersonship of the preparatory committees and the review conferences for future cycles. The issues of financial assessments and adequate financial support for the Non-Proliferation Treaty review cycle were also raised.

63. Noting the contributions from civil society in promoting the vision of a world free of nuclear weapons and in developing proposals on practical measures to achieve this vision, States parties emphasized the value of the involvement and contribution of civil society in the process of reviewing the Treaty. Substantive proposals were made for the enhanced participation of non-governmental organizations.

Annex 2**P5 Statement to the NPT Preparatory Commission 2008****THE NUCLEAR NON-PROLIFERATION TREATY*****NPT PrepCom 2008***

Statement by the Delegations of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America delivered by UK Ambassador John Duncan to the 2008 NPT PrepCom, Geneva, 9 May 2008.

1. The delegations of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America reaffirm the strong and continuing support of our countries for the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) on the occasion of the second Preparatory Committee of the eighth NPT review cycle.

2. The proliferation of nuclear weapons constitutes a threat to international peace and security. The NPT has served the global community well over the last four decades. It remains a key instrument for collective security and the bedrock on which the international architecture to prevent proliferation of nuclear weapons is built. We wish to see the NPT thrive and therefore affirm our unequivocal commitment to strengthening the Treaty and to a successful outcome to the 2010 Review Conference. We welcome the constructive and substantive discussion that has taken place at this year's Preparatory Committee meeting and will work to reinforce the positive dynamic that has been established.

3. We wish to address the proliferation challenges through Treaty-based multilateralism and through partnerships and relevant initiatives in which we all participate. The NPT's central role in promoting security for all depends on concerted action by all States Party to ensure compliance and respond quickly and effectively to non-compliance. We attach great importance to achieving the universality of the NPT and call on those countries remaining outside to accede to the Treaty as non-nuclear weapon States.

4. We stress the importance of the IAEA Safeguards system, which should be adequately funded. We seek universal adherence to IAEA comprehensive safeguards, as provided for in Article III, and to the Additional Protocol and urge the ratification and implementation of these agreements. We are actively engaged in efforts toward this goal, and are ready to offer necessary support.

5. We reaffirm that all States Party must ensure strict compliance with their non-proliferation obligations under the NPT. The proliferation of nuclear weapons undermines the security of all nations, imperils prospects for progress on other important NPT goals such as nuclear disarmament, and hurts prospects for expanding international nuclear co-operation. The proliferation risks presented by the Iranian nuclear programme continue to be a matter of ongoing serious concern to us. We recall that the United Nations Security Council recently sent for the third time a strong message of international resolve to Iran by adopting sanctions resolution 1803 on Iran's nuclear programme under Article 41 of Chapter VII of the United Nations Charter as part of a dual-track strategy. We call for Iran to respond to the concerns of the international community through prompt and full implementation of the relevant United Nations Security Council Resolutions and the requirements of the IAEA. We are fully behind the E3 + 3 process to resolve this issue innovatively through negotiations on the basis of the offer agreed in London on 2 May 2008. We also restate our support for the Six-Party Talks process moving towards the verifiable denuclearization of the Korean Peninsula, urge the implementation of relevant United Nations Security Council Resolutions and call on the relevant Six-Party members to continue their cooperation through the full implementation of the Joint Statement of 19 September 2005. We confirm our determination to achieve satisfactory resolution of these dossiers through dialogue and negotiation.

6. We reiterate our enduring commitment to the fulfilment of our obligations under Article VI of the NPT and note that these obligations apply to all NPT States Party. We note the unprecedented progress made by Nuclear Weapon States since the end of the Cold War in the field of nuclear disarmament, which has enhanced global security and advanced the goals of the NPT. Our individual contributions to systematic and progressive efforts in nuclear disarmament, including the reduction of the number of nuclear weapons in the world, have been and will be highlighted by each of us nationally.

7. We restate our support for the 1995 NPT resolution on the Middle East, which, *inter alia*, advocates a Middle East zone free of nuclear weapons as well as other weapons of mass destruction. We welcome efforts to support the principles and objectives of the Middle East peace process, which contribute toward this end. We note that significant security challenges remain in the region.

8. We reaffirm our determination to abide by our respective moratoria on nuclear test explosions. We recognise that one element in the effective implementation of Article VI and in the prevention of nuclear proliferation is a treaty banning the production of fissile material for use in nuclear weapons or other explosive devices. We urge all members of the Conference on Disarmament to show the necessary flexibility to get the Conference back to work.

9. We reaffirm the inalienable right of all States Party to the NPT under Article IV to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in accordance with the relevant provisions of the Treaty and the relevant principles on safeguards. We note that a growing number of States Party is showing interest in developing nuclear programmes aimed at addressing their long-term energy requirements and other peaceful purposes. We are ready to co-operate with States Party in the development of nuclear energy for peaceful uses and we emphasise the requirement for compliance with non-proliferation obligations and for development of research, use and production of nuclear energy to be solely for peaceful purposes. We believe such international co-operation should contribute to the full implementation of the NPT and enhance the authority and effectiveness of the global non-proliferation regime.

10. We welcome the work of the International Atomic Energy Agency on multilateral approaches to the nuclear fuel cycle and encourage efforts towards a multilateral mechanism to assure access for all countries to nuclear fuel services as a viable alternative to the indigenous development of enrichment and reprocessing. We note the various proposals that have been put forward. Such an approach would support implementation of the right to peaceful uses of nuclear energy in a safe and secure fashion, preserve the existing competitive open market, respond to the real needs of recipient countries and simultaneously strengthen the non-proliferation regime. We hope States Party will contribute to discussion and development of this agenda in an open-minded and constructive manner. We stress the necessity for the 2010 Review Conference to address this issue.

11. We support, and will work to uphold and strengthen, the framework for the safe and secure uses of nuclear and radioactive materials for peaceful purposes. We reaffirm our commitment to safe and secure regulatory infrastructures, and our determination to develop innovative nuclear energy systems via our respective joint and national initiatives, which will underpin clean and affordable nuclear development, increase energy security, minimise the impact on the environment and the production of radioactive waste, and provide greater protection against proliferation through the provision of reliable fuel services, proliferation-resistant reactor technologies and strengthened international safeguards.

Annex 3

Statement by India's Minister of External Affairs, 5 September 2008

STATEMENT BY EXTERNAL AFFAIRS MINISTER OF INDIA SHRI PRANAB MUKHERJEE ON THE CIVIL NUCLEAR INITIATIVE

05/09/2008

To reiterate India's stand on disarmament and nonproliferation, EAM has made the following statement:

A Plenary meeting of the Nuclear Suppliers Group to consider an exception for India from its guidelines to allow for full civil nuclear cooperation with India is being held in Vienna from 4–5 September 2008.

India has a long-standing and steadfast commitment to universal, non-discriminatory and total elimination of nuclear weapons. The vision of a world free of nuclear weapons which Shri Rajiv Gandhi put before the UN in 1988 still has universal resonance.

We approach our dialogue with the Nuclear Suppliers Group and all its members in a spirit of cooperation that allows for an ongoing frank exchange of views on subjects of mutual interest and concern. Such a dialogue will strengthen our relationship in the years to come.

Our civil nuclear initiative will strengthen the international non-proliferation regime. India believes that the opening of full civil nuclear cooperation will be good for India and for the world. It will have a profound positive impact on global energy security and international efforts to combat climate change.

India has recently submitted a Working Paper on Nuclear Disarmament to the UN General Assembly, containing initiatives on nuclear disarmament. These include the reaffirmation of the unequivocal commitment of all nuclear weapon States to the goal of complete elimination of nuclear weapons; negotiation of a Convention on the complete prohibition of the use or threat of use of nuclear weapons; and negotiation of a Nuclear Weapons Convention prohibiting the development, production, stockpiling and use of nuclear weapons and on their destruction, leading to the global, non-discriminatory and verifiable elimination of nuclear weapons within a specified timeframe.

We remain committed to a voluntary, unilateral moratorium on nuclear testing. We do not subscribe to any arms race, including a nuclear arms race. We have always tempered the exercise of our strategic autonomy with a sense of global responsibility. We affirm our policy of no-first-use of nuclear weapons.

We are committed to work with others towards the conclusion of a multilateral Fissile Material Cut-off Treaty in the Conference on Disarmament that is universal, non-discriminatory and verifiable.

India has an impeccable non-proliferation record. We have in place an effective and comprehensive system of national export controls, which has been constantly updated to meet the highest international standards. This is manifested in the enactment of the Weapons of Mass Destruction and their Delivery Systems Act in 2005. India has taken the necessary steps to secure nuclear materials and technology through comprehensive export control legislation and through harmonization and committing to adhere to Missile Technology Control Regime and Nuclear Suppliers Group guidelines.

India will not be the source of proliferation of sensitive technologies, including enrichment and reprocessing transfers. We stand for the strengthening of the non-proliferation regime. We support international efforts to limit the spread of ENR equipment or technologies to states that do not have them. We will work together with the international community to advance our common objective of non-proliferation. In this regard, India is interested in participating as a supplier nation, particularly for Thorium-based fuel and in establishment of international fuel banks, which also benefit India.

India places great value on the role played by the IAEA's nuclear safeguards system. We look forward to working with the IAEA in implementing the India-specific Safeguards Agreement concluded with the IAEA. In keeping with our commitment to sign and adhere to an Additional Protocol with respect to India's civil nuclear facilities, we are working closely with the IAEA to ensure early conclusion of an Additional Protocol to the Safeguards Agreement.

5 September 2008

Submission from the Religious Society of Friends (Quakers)

1. INTRODUCTION

1.1 The Religious Society of Friends in Britain is a religious denomination with 16,000 members in 470 worshipping communities. We are committed to working for peaceful and effective responses to violence and social injustice.

1.2 The Religious Society of Friends (Quakers) has a long history of seeking peaceful solutions to intractable political problems. We are committed to an understanding of security that recognises the inherent, absolute worth of every person, and to long-term sustainable security built on trust and mutual understanding.

2. THE RULES-BASED INTERNATIONAL SYSTEM

2.1 We welcome the government's stated commitment to the rules-based international system, and its continuing support for the Nuclear Non-Proliferation Treaty (NPT) as the cornerstone of the international community's approach to non-proliferation.

2.2 We emphasise the dual-nature of the NPT, requiring that nuclear weapons states should take steps towards disarmament in return for those states that do not have nuclear weapons undertaking not to develop them. Article VI includes the provision that "Parties to the Treaty undertake to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control".

2.3 Although we welcome the UK's 20% reduction in its operationally available warheads, we are concerned that this decision was announced alongside the decision to renew Trident—the UK's nuclear submarine system—which we regard as displaying a deep-seated reliance on nuclear weapons.

2.4 We consider the 2007 decision to replace the Trident nuclear weapons system to be incompatible with our obligations under the NPT. The replacement programme sends the unedifying message that such weapons systems are morally acceptable. It encourages other States to develop these weapons systems and it undermines the rules-based international system to which the government has emphasised its commitment.

2.5 We regret the UK government support for the recent Nuclear Suppliers Group decision to endorse the US nuclear agreement with India. This decision weakens the NPT and undermines the rules-based international system by signalling that there are benefits to remaining outside of the NPT regime.

2.6 We welcome the fact that the National Security Strategy (NSS)—for the first time in a government document of this nature—emphasises the interdependence of different issues affecting the UK's security. However, we regret that it fails to make any link between the UK's decision to renew its Trident nuclear weapons system and the impact this has on non-proliferation, arms control and disarmament.

3. THE UK GOVERNMENT APPROACH

3.1 We welcome the government's willingness to work outside of orthodox approaches and with partners beyond government—including an offer to host a technical conference for the 5 NWS on the verification of nuclear disarmament. We note that by working outside normal channels, the UK government was recently able to contribute significantly to making the agreement on the new Cluster Munitions Convention possible. We urge the government to pursue such independent approaches—which we regard as essential tools in helping to break deadlocks.

3.2 We commend the government's decision to remain fully engaged in the work of the UN Conference on Disarmament. This body remains important and it is crucial that the UK as a NWS continue to seek to break the deadlock.

3.3 We commend the government for pressing for entry into force of the Comprehensive Test Ban Treaty (CTBT) at the earliest possible moment, and for seeking agreement to start negotiations for a Fissile Material Cut-off Treaty (FMCT). We also commend the government's continuing and active role in sustaining and strengthening the Chemical Weapons Convention (CWC) and Biological Weapons Convention (BWC) regimes.

3.4 We regret that the government's approach to non-proliferation—set out in the NSS as “Dissuade, Detect, Deny and Defend”—makes only one mention of nuclear disarmament, and fails to acknowledge the essential role that disarmament plays in non-proliferation efforts.

3.5 We believe that for non-proliferation efforts to succeed, Nuclear Weapons States (NWS) need to recognise that so long as they still regard nuclear weapons as fundamental to their security, other states will seek to acquire nuclear weapons as a means of ensuring their own security. We affirm the words of Mohamed ElBaradei, Director-General of the International Atomic Energy Agency, who in 2005 said: “As long as some countries place strategic reliance on nuclear weapons as a deterrent, other countries will emulate them. We cannot delude ourselves into thinking otherwise.”

3.6 We consider it a necessity that NWS such as the UK remain seriously engaged in multilateral arms control and disarmament efforts, if we are to prevent proliferation. We affirm the comments of the Shadow Foreign Secretary, William Hague that “Showing that we take our disarmament commitments seriously is a vital part of winning the moral argument against nuclear proliferation.”

3.7 As regards UK government attempts to prevent NNWS from acquiring nuclear weapons, we advocate firm diplomacy linked with strong signals of one's own willingness to move towards nuclear disarmament as key to non-proliferation success.

4. CONCLUSION

4.1 We welcome the government's undertaking to lead the international effort to accelerate disarmament among possessor states as well as its goal of a positive outcome at the 2010 NPT Review Conference. We believe that the 2010 Conference will be critical and we urge the government to ensure progress at the conference by making firm steps to implement its Article IV obligations.

4.2 We call on the government to: implement fully the 13 steps as agreed at the 2000 NPT Review Conference, to report on UK's progress towards achieving these at the 2010 Conference and to encourage other NWS to do the same.

4.3 A unilateral act of disarmament by a NWS would be the most significant step that the UK could take in breaking the deadlock in negotiating towards non-proliferation. We therefore call on the government to exercise bold leadership by incorporating its disarmament obligations into its approach to non-proliferation and by rejecting nuclear weapons as a tool for security.

14 October 2008

Submission from Mr D J Finch

Although the NPT has been reasonably successful in stopping proliferation, the “big powers” have been very reluctant to continue nuclear disarmament proposals. In fact the opposite is likely to ensue (eg Trident).

The UK in my opinion should halt the Trident renewal programme and take a world lead in honouring Article 6 of the NPT. It should also refuse to allow Fylingdales and Menwith Hill to be updated for the US Missile Defence System.

13 October 2008

Submission from James M. Acton¹⁹⁰, Associate, Carnegie Endowment for International Peace

1. On 25 June 2007, at the Carnegie International Nonproliferation Conference in Washington DC, the then Foreign Secretary Margaret Beckett launched a new disarmament initiative.¹⁹¹ Her speech followed a January 2007 article in the *Wall Street Journal* by George P. Shultz, William J. Perry, Henry A. Kissinger and Sam Nunn which called for practical progress toward a world free of nuclear weapons.¹⁹² Their call has been echoed by the Presidents of France and India, as well as four internationally-respected British statesmen, Douglas Hurd, Malcolm Rifkind, David Owen and George Robertson, who, between them, represent all of the three main UK political parties.¹⁹³

2. Most of these initiatives were motivated by the belief that without serious and sustained progress toward disarmament the existing non-proliferation regime is unsustainable. The purpose of this memorandum is to assess the prospects for the UK initiative enhancing the non-proliferation regime and identify ways in which its chances of success can be increased.

BACKGROUND: NON-PROLIFERATION POLICY OBJECTIVES

3. The non-proliferation regime has functioned remarkably effectively so far to curtail proliferation. Since the Nuclear Non-Proliferation Treaty (NPT) was concluded in 1968, just one state that was a party to the treaty, North Korea, has acquired nuclear weapons. Nonetheless, recent cases of non-compliance, most notably North Korea and Iran, and—just as importantly—the failure of the international community to deal with them robustly have highlighted the need to strengthen the regime.

4. This need is made all the more urgent by the prospect of the so-called nuclear renaissance. With increased concern about global warming, fading memories of the Chernobyl accident, and a general trend of rising fossil fuel prices, many states have recently expressed interest in nuclear energy. From February 2006 to January 2007, for instance, at least 13 states in the Middle East alone announced an interest in acquiring nuclear power reactors.¹⁹⁴ For a number of these states, nuclear power also serves as a strategic hedge. If new robust rules to prevent proliferation are not agreed and implemented, it is likely that the nuclear renaissance will be accompanied by further proliferation.

5. Broadly, desirable non-proliferation measures fall into three categories:

- a. Physical barriers to proliferation, namely preventing any further spread of enrichment or reprocessing facilities (also known as fuel cycle facilities), which are used in the manufacture of fuel for both nuclear reactors and nuclear weapons;
- b. Political barriers, such as tougher sanctions for non-compliant states and tightening (or at least clarifying) the conditions under which a state is permitted to withdraw from the NPT;
- c. Technical barriers, such as universalizing the Additional Protocol (a legal instrument that gives the International Atomic Energy Agency greater authority) and agreeing further enhancements to the safeguards system.

6. Realising any of these objectives will require the cooperation of key non-nuclear weapon states. Many of these states do not regard non-proliferation as a priority. Moreover, they view the non-proliferation measures outlined above as being a burden. Many, for instance, complain (rightly or wrongly) that their nuclear industries are put at a competitive disadvantage by the imposition of IAEA safeguards that are generally not applied on corresponding facilities in nuclear weapon states.

7. More fundamentally, many non-nuclear weapon states argue that they have an absolute right to acquire any type of fuel cycle facility, whether or not it is economically viable. In consequence, the states that wish to prevent the spread of fuel cycle facilities have stopped talking about new legal restrictions and have instead sought to create a system of fuel supply assurances in an attempt to make it economically attractive for others to rely on the international market for the provision of nuclear fuel. Nonetheless even this more nuanced approach is still viewed with deep suspicion by many non-nuclear weapon states.

¹⁹⁰ Dr Acton is currently an associate in the Nonproliferation Program of the Carnegie Endowment for International Peace and is co-author of the recent Adelphi Paper, *Abolishing Nuclear Weapons*. A physicist by training, Acton has worked previously in the Department of War Studies in King's College London and the Verification Research, Training and Information Centre (VERTIC), where he was involved in the UK-Norway initiative to develop technology for verifying disarmament.

¹⁹¹ Margaret Beckett, "Keynote Address: A World Free of Nuclear Weapons?", Carnegie International Nonproliferation Conference, Washington DC, 25 June 2007, <http://www.carnegieendowment.org/events/index.cfm?fa=eventDetail&id=1004>.

¹⁹² George P. Shultz, William J. Perry, Henry A. Kissinger and Sam Nunn, "A World Free of Nuclear Weapons", *Wall Street Journal*, 4 January 2007, p. A15; George P. Shultz, William J. Perry, Henry A. Kissinger and Sam Nunn, "Toward a Nuclear-Free World", *Wall Street Journal*, 15 January 2008, <http://online.wsj.com/article/SB120036422673589947.html>.

¹⁹³ Douglas Hurd, Malcolm Rifkind, David Owen and George Robertson, "Start Worrying and Learn to Ditch the Bomb", *The Times*, 30 June 2008, http://www.timesonline.co.uk/tol/comment/columnists/guest_contributors/article4237387.ece; Manmohan Singh, speech to "Towards a World Free of Nuclear Weapons" conference, New Delhi, 9 June 2008, <http://pmindia.nic.in/lsspeech.asp?id=688>; Nicolas Sarkozy, "Presentation of SSBM [sic] Le Terrible", Cherbourg, 21 March 2008, <http://www.ambafrance-uk.org/President-Sarkozy-s-speech-at,10430.html>.

¹⁹⁴ International Institute of Strategic Studies, *Nuclear Programmes in the Middle East: In the Shadow of Iran*, Strategic Dossier (London: IISS, 2008), p. 7.

8. There is no doubt that much greater efforts can and should be made to persuade key non-nuclear weapons states to support enhanced non-proliferation measures. Yet, it seems unlikely that any degree of persuasion, by itself, could be sufficient to overcome the current antipathy toward enhancing the non-proliferation regime.¹⁹⁵

Can disarmament be traded for non-proliferation?

9. Many non-nuclear weapon states have publicly stated that were the weapon states to make greater progress toward disarmament, they would be more amenable to strengthening the non-proliferation regime.¹⁹⁶ Doubtless, some of these states have little intention of fulfilling it. Nevertheless, there are, on balance, good reasons to believe that a policy of trading disarmament for non-proliferation will be successful. Before outlining the reasons for this, two points of clarification are in order.

10. First, this author does *not* claim that were the nuclear weapons states to disarm, others, like North Korea or Iran, that possess or are looking to acquire nuclear weapons would abandon those weapons or eliminate nascent programmes. Non-proliferation, however, ought to be about more than crisis management. The vast majority of states is not currently seeking nuclear weapons and is in good standing with its non-proliferation commitments. If, in return for greater progress toward disarmament, these states were to agree to tougher non-proliferation rules today, they may be deterred from proliferating tomorrow. It is in this way that disarmament could have a key role to play in strengthening the non-proliferation regime.

11. The second point of clarification is that “greater progress toward disarmament” does not mean the immediate or unilateral elimination of nuclear weapons. It does, however, mean more than just paying lip service to disarmament commitments and working in good faith and on a multilateral basis toward a world free of nuclear weapons.

12. For many states, such as Argentina, Brazil, and South Africa, the lack of progress by the nuclear weapon states toward disarmament appears to be a genuine grievance. Such states point to the bargain enshrined in the NPT under which they agreed not to develop nuclear weapons (article II) in return for eventual disarmament (article VI) and assistance with the development of nuclear energy for peaceful purposes (article IV). Those states abandoned nuclear weapons programmes—and in the case of South Africa actual nuclear weapons—and with them the political currency that is (unfortunately) accorded to nuclear-armed states. They feel that their decision to abandon their military nuclear programmes and join the NPT lost them power and influence and hence they genuinely value the disarmament they were promised as a means of promoting equity. It is hard to imagine the non-proliferation regime being sustainable over the long term without such equity.¹⁹⁷

13. This argument does not hinge on any legal nexus between non-proliferation and disarmament.¹⁹⁸ Non-nuclear weapon states, for instance, must accept a safeguards agreement with the IAEA regardless of progress toward disarmament; conversely, in a world free from nuclear weapons they would be under no obligation to accept the Additional Protocol, say. This misses the point, however, as does the argument, sometimes deployed, that article VI of the NPT actually requires something short of the eventual abolition of nuclear weapons.¹⁹⁹ The argument made by the non-nuclear weapon states is political, not legal. The NPT would not have been concluded in 1968 without a commitment to disarm. Even more importantly, it would not have been indefinitely extended in 1995 without that commitment being reaffirmed. Many non-nuclear weapon states argue, therefore, that it is unreasonable to expect them to accept *additional* obligations until the nuclear weapon states have made more progress toward fulfilling their basic undertakings.

14. The sense of grievance felt by some non-nuclear weapon states also explains their extreme antipathy to any measures to restrict the spread of fuel cycle facilities.²⁰⁰ Argentina, Brazil and South Africa have all retained or restarted their enrichment programmes. These programmes are a source of “nuclear currency”, partly in the sense that they provide a strategic hedge but mostly because they are a source of international prestige and national pride. Other states are considering acquiring fuel cycle facilities for similar reasons.

¹⁹⁵ For a survey of states’ views on the subjects of disarmament and non-proliferation that demonstrates the extent of the divide between nuclear weapon states’ and non-nuclear weapon states’ perceptions see Deepa Choubey, “Are New Nuclear Bargains Attainable?”, Carnegie Report, October 2008, http://www.carnegieendowment.org/files/new_nuclear_bargains.pdf.

¹⁹⁶ See, for instance, statement by Ahmed Fathalla to the 2005 NPT Review Conference, New York, 3 May 2005, www.un.org/events/npt2005/statements/npt03egypt.pdf.

¹⁹⁷ For a more detailed exploration of this argument see William Walker, “Nuclear Enlightenment and Counter-Enlightenment”, *International Affairs*, vol. 83, no. 3, May 2007, pp. 431–53; and George Perkovich, “Principles for Reforming the Nuclear Order”, *Proliferation Papers*, no. 22, Fall 2008, http://www.ifri.org/files/Securite_defense/Perkovich_Reforming_Nuclear_Order.pdf.

¹⁹⁸ James M. Acton, “Strengthening Safeguards and Nuclear Disarmament: Is There a Connection?”, *The Nonproliferation Review*, vol. 14, no. 3, November 2007, pp. 525–35.

¹⁹⁹ Christopher A. Ford, “Debating Disarmament: Interpreting Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons”, *The Nonproliferation Review*, vol. 14, no. 3, November 2007, pp. 401–28, <http://cns.miis.edu/npr/pdfs/143ford.pdf>.

²⁰⁰ George Perkovich, speech to “The Crisis in Nonproliferation: Meeting the Challenge” conference, American Enterprise Institute for Public Policy Research, Washington DC, 8 April 2008, <http://www.aei.org/events/filter.all.eventID.1703/transcript.asp>.

Making the global nuclear order more equitable through disarmament is a necessary (but probably not sufficient) condition for states to agree new rules to prevent the spread of enrichment and reprocessing technology, or, at least, to choose not to acquire them.

15. Just as there appear to be some states for which the lack of progress toward the fulfillment of article VI is a genuine grievance, there are surely others for which it is a convenient excuse for not supporting tougher non-proliferation rules. Yet, even these states might be swayed into accepting enhanced non-proliferation measures in return for disarmament. States that have repeatedly and publicly demanded progress toward a nuclear weapon free world before accepting enhanced non-proliferation measures will find themselves in a very awkward position if the nuclear weapon states do indeed make serious and sustained progress on disarmament. Either they will have to acquiesce to further non-proliferation measures (the preferable outcome) or permit their insincerity to become apparent (a useful outcome for nuclear weapon states as it would strengthen their hand at NPT Review Conferences and in other foray). In the words of one British diplomat, a policy of disarmament “reduces the political space for states to proliferate.”

16. It would be a mistake to think that negotiating a new disarmament for non-proliferation bargain will be easy. At the 2000 NPT Review Conference the nuclear weapon states agreed to a set of benchmarks for disarmament, known as the 13 Steps. Not only has very limited progress been made on implementing them, but France and the United States (tacitly supported by Russia and China) have effectively renounced the agreement.²⁰¹ As recent research by Deepi Choubey has demonstrated, the nuclear weapon states now have a substantial credibility deficit and many non-nuclear weapon states are unwilling to (re)negotiate a formal bargain until they have seen proof of the nuclear weapon states’ good faith.²⁰²

17. Demonstrating this good faith in time for the 2010 Review Conference will be a significant challenge (not least because of the short period of time a new US administration will have in office before the conference). For this reason, it would be wrong to judge the feasibility of negotiating a disarmament for non-proliferation quid pro quo by whether the 2010 Review Conference adopts a final document. Although, this is a worthy goal, the agreement of a final document does *not* necessarily equate with success at strengthening the regime. The 2000 Review Conference, for instance, did adopt a final document but the decision by France and the United States to distance themselves from the undertakings contained therein did great damage to the regime. Conversely, if the 2010 NPT Review Conference does not adopt a final document but involves substantive and productive discussions that start to reconcile interests and map out the path to a more sustainable non-proliferation regime, it should be judged a qualified success. (Moreover, as decisions must be taken by consensus, a single spoiler is enough to prevent the adoption of a final document.)

REACTIONS TO DISARMAMENT INITIATIVES IN THE NUCLEAR WEAPON STATES

18. France seems to have been directly influenced by the UK initiative. Although, in private, French officials express deep skepticism about the wisdom of a renewed public commitment to work toward disarmament, President Sarkozy gave a speech on 21 March 2008 that was unprecedented for a French leader in his support for the eventual abolition of nuclear weapons.²⁰³ It appears the French government has come to the conclusion that it would be politically embarrassing not to support, at least rhetorically, the elimination of nuclear weapons (although whether France will play a constructive practical role remains to be seen).

19. The Bush administration is also skeptical of the UK initiative. Although it has made more of a public diplomacy effort recently, unlike the French government, it has not committed itself to working practically toward a world free from nuclear weapons. However, both Senator Obama and Senator McCain have endorsed this goal and many expect renewed leadership from the US in this area after the election.²⁰⁴

20. In private, both Russian and Chinese officials and analysts express deep concern that disarmament will actually enhance US power relative to their own. Nevertheless, if a new US administration does shows leadership on disarmament, it will be very hard for Russia or China not to give it, at least, rhetorical support. Although neither state has made as much progress toward disarmament as the US, it is very convenient for them that the US currently draws the majority of criticism from non-nuclear weapon states. They are likely to publicly endorse disarmament efforts to avoid criticism being directed toward them. Given their concerns about disarmament, however, they are almost certain to be much less constructive in discussions and negotiations over practical issues.

²⁰¹ Rebecca Johnson, “Is the NPT up to the Challenge of Proliferation?”, *Disarmament Forum*, no. 4, 2004, pp. 9–19, <http://www.unidir.org/pdf/articles/pdf-art2186.pdf>.

²⁰² Choubey, “Are New Nuclear Bargains Attainable?”.

²⁰³ Sarkozy, “Presentation of SSBM [sic] Le Terrible”.

²⁰⁴ Barack Obama, “A New Beginning”, Chicago, IL, 2 October 2007, http://www.barackobama.com/2007/10/02/remarks_of_senator_barack_obam_27.php, John McCain, “Nuclear Security”, Arlington, VA, 27 May 2008, <http://www.johnmccain.com/Informing/News/Speeches/e9c72a28-c05c-4928-ae29-51f54de08df3.htm>.

ENHANCING THE UK'S LEADERSHIP CREDENTIALS

21. The United Kingdom's initiative has generally been well received by non-nuclear weapon states. Simply by talking openly about the eventual abolition of nuclear weapons, the UK has earned itself credit and established a position of leadership. For instance, at a major disarmament conference earlier this year in Oslo, almost every speaker in the opening session acknowledged UK leadership in this area. Nevertheless, many key non-nuclear weapon states have taken a "wait and see" position and express some skepticism that the UK initiative will actually result in concrete progress.

22. There has been some criticism by these states that the UK initiative is heavily focused on process rather than action. Three out of four components of the UK initiative (commissioning a study on the challenges of abolishing nuclear weapons, developing verification technology in collaboration with Norway, and initiating a conference on verification technology with the national laboratories of other nuclear weapon states) are indeed focused on process; whereas just one (promoting confidence building measures between the nuclear weapon states) aims to produce concrete action directly. Progress on this final component, in spite of government officials' best efforts, has been slow.

23. In one respect, this criticism is rather unfair since the abolition of nuclear weapons will certainly not occur without establishing processes to map out challenges and develop verification technology. Nevertheless, the perception that the UK is concentrating on process to avoid making more concrete progress could undermine UK leadership.

24. The UK should combat this perception by making further incremental, but meaningful steps toward disarmament. It could, for instance, commit to demonstrating, at the earliest opportunity, the verification technology it is currently developing by inviting international inspectors to verify the dismantlement of some or all of the warheads the UK recently committed to remove from its arsenal. Even with greater funding and effort, it will require further research and development before prototype technology is ready, but that should not stop the UK from committing now to use the technology as and when it is ready. Providing no classified information was divulged to uncleared personnel, it would not matter if the technology was not perfect in the first instance. The very act of permitting the verification of warheads would set an important precedent. Moreover, the lessons learned would certainly be useful for further research and development.

25. There are other steps the UK could take to indicate its seriousness of purpose. In broad terms it should factor the security benefits of working toward disarmament into decisions about the future of its nuclear weapons much more than it has done in the past. This consideration will be relevant when determining, for instance, the number and armament of a future SSBN class.

26. Changing UK nuclear doctrine provides another area in which to demonstrate leadership. Many non-nuclear weapon states see changes to doctrine as a better indicator of commitment to disarmament than simple reductions in the size of an arsenal. In this regard, the United Kingdom should consider restricting and clarifying the circumstances in which it would utilize nuclear weapons, as well as rethinking the necessity of continuous-at-sea deterrence.

ENGAGEMENT WITH THE UNITED STATES

27. Although there is much the United Kingdom could do in practical terms, while retaining nuclear weapons, to demonstrate that its reliance upon them is not permanent, it would be naïve to suppose that UK actions, by themselves, will be sufficient to induce key non-nuclear weapon states to accept more robust non-proliferation rules. Realistically, the key to strengthening the regime will be a renewed commitment to disarm by the United States and Russia, which between them posses over 90% of the nuclear weapons in the world.²⁰⁵

28. Given the state of UK-Russian relations, there appears little that the United Kingdom could do to persuade Russia of the importance of making progress on disarmament. In contrast, the UK has much more influence with the United States and should use this influence to encourage the US to adopt more progressive disarmament policies.²⁰⁶ A programme of engagement with the United States must be well targeted, however. For instance, ratification of the Comprehensive Test Ban Treaty is probably the single most important step toward disarmament the US could take. However, the barrier to ratification is the politics of the US Senate. Any attempt by the UK to "interfere" with this process could well be counterproductive. Instead, the UK should focus on engaging on aspects of disarmament policy that are primarily controlled by the executive branch. For it to be effective, such diplomacy *must* be high level.

29. Most importantly, the UK should impress upon the US the importance of effective public diplomacy. The UK has earned itself considerable credit by invariably mentioning its commitment to article VI of the NPT in any government document on nuclear weapons. In contrast, documents produced by the US Departments of Defence and Energy rarely mention disarmament. Although these documents are intended

²⁰⁵ SIPRI Yearbook 2008: *Armaments, Disarmament and International Security*, (Oxford: Oxford University Press for SIPRI, 2008), Table 8A.1.

²⁰⁶ For a detailed survey of "next steps" on the way to a nuclear weapon free world see George Perkovich and James M. Acton, *Abolishing Nuclear Weapons*, Adelphi Paper 396 (Abingdon: Routledge for the IISS, 2008), Chapter 1.

for a domestic audience, they are carefully scrutinized by other states and undermine claims made by the US at NPT conferences about its disarmament credentials. The US could do much to convince states about its record on disarmament by raising the subject more domestically.

30. If they are not already occurring, the United States also needs to begin serious, high-level but very quiet consultations with key non-nuclear weapon states to determine whether a non-proliferation for disarmament agreement might possible in future. The UK should encourage the US to enter into such a dialogue and could even potentially facilitate discussions.

31. Finally, the United States' nuclear doctrine and the structure and composition of its nuclear forces are primarily determined by the President. Again, there is room here for the UK to encourage the US to reduce its nuclear arsenal and moderate its nuclear doctrine. Indeed, a joint UK-US statement on nuclear doctrine could be a potentially significant step.

CONCLUSIONS

32. Although, it is, of course, impossible to prove that a disarmament for non-proliferation quid pro quo is achievable, there are good reasons for optimism. Crucially, progress in disarmament may induce the vast majority of states—those that are in compliance with their non-proliferation obligations—to support the urgent strengthening of the non-proliferation rules that will be required if further proliferation is to be prevented (even if it would not result in states that have already made the decision to acquire nuclear weapons changing their minds). The costs of such a policy are small, in the first instance, and the potential gains considerable. Moreover, it appears that there is increasing political will to try it. Both US Presidential candidates have endorsed the vision of a world free of nuclear weapons, as has the French government (albeit more reluctantly).

33. The crucial question is, therefore, what can be done to increase the chances of success. Although the United Kingdom's disarmament initiative has been generally well received, some states have expressed skepticism about whether it will actually lead to concrete progress toward the abolition of nuclear weapons. The United Kingdom should, therefore, take practical action to demonstrate its commitment to disarmament and further enhance the credibility of its leadership. Potential steps include a commitment to use the verification technology currently being developed and modifying UK nuclear doctrine. Nevertheless, the single most important role the UK can play is to engage with the US and argue the case for renewed US leadership.

19 October 2008

Submission from Paul Ingram, Executive Director and Malcolm Savidge, British American Security Information Council

EXECUTIVE SUMMARY

This submission reviews the strengths and weaknesses of the present non-proliferation regime. It then looks critically at various proposals seeking to enforce non-proliferation on the non-nuclear weapons states [NNWS], while avoiding the nuclear weapons states' [NWS] commitment to disarm.

In contrast, there is a growing international consensus that only a major initiative by the NWS to fulfil their disarmament obligations can make revival and vital improvements to the non-proliferation regime possible. There is an urgent need to make real progress before and at the Non-Proliferation Treaty Review Conference in 2010 [NPT 2010]. There is close correlation between proposals coming from the Nuclear Security Project which might be favoured by the new US administration, and the thirteen steps agreed at NPT 2000, which are widely supported by the NNWS.

Relations between the USA and Russia will be crucial to success and there are other problematic issues to be confronted.

BASIC

The British American Security Information Council (BASIC) is an independent research organisation that analyses government policies and promotes public awareness of defence, disarmament, military strategy and nuclear policies in order to foster informed debate. BASIC has offices in London and in Washington and its governing Council includes former US ambassadors, academics and politicians.

We look to a world free from the dangers posed by nuclear weapons; we engage with policy makers and opinion shapers in a constructive manner, and serve as a trusted source of information for politicians, government officials and other decision-makers to promote effective strategies toward nuclear non-proliferation and disarmament. We facilitate opportunities for transatlantic dialogue on multilateral nuclear

disarmament to flourish and promote active partnerships within the network of international NGOs in order to develop practical alternative approaches and strategies that can achieve progress towards multilateral nuclear disarmament.

1. The current situation

1.1. Our common security improved dramatically with the end of the Cold War and its associated nuclear arms race.²⁰⁷ International collaboration to tackle common security threats strengthened around that period.

1.2. As the National Security Strategy says: “While the global stockpile has reduced since the Cold War, large arsenals remain” and, “Nuclear weapons remain potentially the most destructive threat to global security”.²⁰⁸ This submission will focus on nuclear weapons.

1.3. The nuclear arms control regime, particularly The *Nuclear Non-Proliferation Treaty* (NPT), has been far more successful than most experts predicted when it was first negotiated.²⁰⁹ Only 3–4 additional states have acquired nuclear weapons and the Treaty otherwise has universal membership.

1.4. With the exception of North Korea, today every state without a nuclear arsenal is locked into the Treaty as a non-nuclear weapon state with legally enforceable commitments, and those with civil nuclear power programmes have a Comprehensive Safeguards arrangement with the International Atomic Energy Agency (IAEA).

1.5. The experience in Iraq after 1991 demonstrated that strong containment, inspections and destruction measures could force an unwilling state to disarm. Pressure and diplomacy have persuaded Libya to abandon its attempt to obtain nuclear weapons. Other countries such as Brazil have abandoned past military programmes while developing sophisticated civilian operations, and several countries such as Ukraine and South Africa have voluntarily renounced nuclear weapons which had already been developed and deployed.

1.6. Nuclear Weapon Free Zones have been established in a number of regions since the signing of the NPT in 1968, and if an African Treaty is successfully established, there will be zones free of nuclear weapons throughout and beyond the southern hemisphere.

1.7. There have been more disturbing developments:

- 9/11 highlighted the danger that certain absolutist/apocalyptic terrorist groups could seek to kill on a vast scale and might therefore resort to nuclear terrorism.
- The A Q Khan network revealed the potential for a sophisticated international black market ready to trade to states and non-state actors in nuclear materials, components and knowledge.

1.8. Despite its successes, the NPT faces significant challenges:

- The “dual use” nature of the technology was underestimated by the drafters of the Treaty. Exactly the same enrichment process used to manufacture low-enriched uranium for civilian use can be used to further enrich the uranium for military use. Plutonium is a by-product of reprocessing.²¹⁰
- The growing number of “latent” or “threshold” nuclear weapons states could yet make the political decision to convert civil nuclear programmes to weapons production.
- There are insufficient security measures to prevent theft or subversion of nuclear materials to terrorists or “rogue states”.
- There remain three non-signatory nuclear-armed states (NAS).²¹¹
- The problem of states cheating or leaving the Treaty.
- Discrimination between five recognised Nuclear Weapon States and the Non-Nuclear Weapon States is not sustainable indefinitely.
- The non-nuclear weapon states’ (NNWS) perception that the nuclear weapon states (NWS) have shown insufficient progress on, and will to achieve, nuclear disarmament, particularly in the failure to follow through on the commitments made in the “13 steps”, in the Final Document of the 2000 NPT Review Conference.²¹²

²⁰⁷ Although the threat then may have seemed less complex, the consequences of major conflict would have been absolutely catastrophic. As the Cuban missile crisis showed, the risks were far too great. The probability of war occurring through accident, misunderstanding or design was too high to provide indefinite security.

²⁰⁸ Para 3.10

²⁰⁹ In March 1963, President J F Kennedy expressed concern that by the early 1970s there might be “15 or 20 or 25” nations with nuclear weapons. While retrospectively in 2004, George Bunn, one of the US negotiators of the original NPT, claimed that without the Treaty “30–40 countries would now have nuclear weapons.”

²¹⁰ M. McCwire, “The rise and fall of the NPT: an opportunity for Britain”, *International Affairs* 81, 1 (January 2005), pp 115f.

²¹¹ Nuclear Armed States is a term used by George Perkovich and James Acton, *Abolishing Nuclear Weapons*, (Adelphi Papers, 48: 396, 2008), referring to all states with nuclear weapons.

²¹² Are New Nuclear Bargains Attainable?, Deepa Choubey, Carnegie Report, October 2008, available online at: <http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=22229&prog=zgp&proj=znpp>

1.9. If the predicted expansion of nuclear energy occurs without additional safeguards, more countries will become threshold states. The UN Secretary General's High-level Panel (2004) warned: "We are approaching a point at which the erosion of the non-proliferation regime could become irreversible and result in a cascade of proliferation."²¹³

1.10. Soon after this warning the 2005 NPT Review Conference and the 2005 UN Summit failed to achieve any agreement on this issue.

1.11. The Conference on Disarmament has been moribund.

1.12. The US-Russian relationship has deteriorated particularly over Georgia, yet is absolutely central to progress on disarmament and non-proliferation.

1.13. The United Nations, which is integral to non-proliferation, has been weakened by differences within the Security Council, not least over the conflict in Iraq.

2. Some agendas for change

2.1. For Richard Perle, writing on the eve of the invasion of Iraq, this was a desired side-effect of the conflict

*"What will die is the fantasy of the UN as the foundation of a new world order. As we sift the debris, it will be important to preserve, the better to understand, the intellectual wreckage of the liberal conceit of safety through international law administered by international institutions."*²¹⁴

2.2. Killing the patient seems too drastic a remedy for the current ills of the nuclear proliferation regime even for other neo-conservatives such as the Center for Security Policy [CSP]²¹⁵ and the Heritage Foundation²¹⁶ in their recent submissions to the US Congressional Strategic Posture Review Commission [SPRC].

2.3. CSP calls on the US to preserve "existing nuclear weapons platforms and capabilities", modernise its "outdated arsenal" and develop and test new nuclear weapons. It claims that "over the last several decades, the NPT has been distorted by the preoccupation of its stewards with nuclear *disarmament*, rather than with preventing proliferation" [their italics], claiming that the Treaty enshrines the inequality of possession, and "places no restriction whatsoever on the five NWS as regards designing, testing, producing and deploying nuclear weapons". It calls on the US government to prevent proliferation by enforcement action "unilaterally, or in coalition".

2.4. The Heritage Foundation submission is more sophisticated, seeking to position its policy of "Damage Limitation" as middle of the road. Where CSP concentrates on expanding the variety of types and yields of US nuclear weapons and of delivery systems, Heritage adds missile defence to the inventory. It does not hint, as CSP appears to, at counter-proliferation through war. However, both submissions call for strengthening the US nuclear arsenal while, expecting the NPT to prevent proliferation to other countries.

2.5. The flaw in their interpretation of the NPT is that it ignores half the bargain, which was that in return for the Non-Nuclear Weapons States [NNWS] not seeking proliferation, the NWS would pursue nuclear disarmament in good faith. That was stated originally in article VI, it was the basis on which the NNWS agreed to indefinitely extend the NPT in 1995, and it was reiterated at NPT 2000. It was reinforced by the advisory opinion of the International Court of Justice.

2.6. Legalities aside, abandoning the disarmament pledge would not be practical politics. If the Treaty permanently enshrined inequality it could not survive; it would not command enduring respect within the NNWS.

2.7. In recent research for the Carnegie Endowment,²¹⁷ foreign ministries of sixteen key and diverse NNWS were interviewed; there was a uniform demand for the NWS to fulfil their disarmament undertakings.

2.8. As Mohamed ElBaradei said at the IAEA annual meeting on 30 September 2008:

"How can I go with a straight face to the non-nuclear weapons states and tell them nuclear weapons are no good for you, while the weapon states continue to modernize and to say 'we absolutely need nuclear weapons'?"

2.9. In relation to military enforcement action to prevent proliferation "unilaterally, or in coalition", when Richard Perle spoke in Parliament in November 2002,²¹⁸ he dismissed the possibility of UN inspection, together with pressure and containment, ever succeeding in removing WMD from Iraq and advocated pre-emptive war. We know now that Iraq had been forced to destroy its WMD—probably by the mid-90s—and that war did not provide a simpler and better solution to proliferation than "international law administered by international institutions".

²¹³ *"A more secure World"*, Report of the High-level Panel to UN Secretary-General, p39, para 111.

²¹⁴ Richard Perle, "Thank God for the Death of the UN", *Guardian*, March 21, 2003.

²¹⁵ CSP, *Towards a New Deterrent*, <http://www.centerforsecuritypolicy.org/modules/newsmanager/center%20publication%20pdfs/towards%20a%20new%20deterrent%20516.pdf>.

²¹⁶ The Heritage Foundation: Baker Spring, *Congressional Commission Should Recommend a "Damage Limitation" Strategy*, (Heritage Foundation, August 14, 2008).

²¹⁷ *Are New Nuclear Bargains Attainable?*, Deepthi Choubey, Carnegie Report, October 2008, available online at: <http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=22229&prog=zgp&proj=znpp>

²¹⁸ He spoke to the All Party Parliamentary Group on Global Security and Non-proliferation

2.10. The answer to weaknesses in the non-proliferation regime is not to abandon it but to strengthen it. As previously stated, to achieve this with the urgency required, the NWS will have to move much more rapidly, not just towards nuclear disarmament, but towards reducing the importance—or “salience”—of nuclear weapons in their defence strategies.

2.11. A challenge to moving in that direction was issued by five former NATO commanders, including Field Marshal Lord Inge, in January 2008. They advocate maintaining a full range of options from diplomacy to nuclear attack—including nuclear first use and nuclear pre-emption in order to establish “escalation dominance”.

“Nuclear escalation is the ultimate step in responding asymmetrically, and at the same time the most powerful way of inducing uncertainty in an opponent’s mind.”

“It is important, furthermore, to have dominance over the opponent’s ability to calculate his risks. It is a very important element of strategy to keep things unpredictable for the opponent, who must never be able to know, or calculate, what action we will take.”²¹⁹

2.12. However, although strategies of flexible escalation, unpredictability and creating uncertainty for an opponent may be clever tactics in the conventional war manuals, it is surely questionable if they are wise in the nuclear age. In November 1983, there was a misunderstanding over the NATO exercise Able Archer 83, which the USSR feared was being used as cover for a pre-emptive nuclear attack. The United States and the Soviet Union became sufficiently concerned about how close they might have come to catastrophe that they then sought greater predictability, mutual understanding and confidence-building in their relations.

2.13. There is the real possibility that if a nuclear weapon is used in war, sophisticated theories of flexible escalation would break down, and a total nuclear exchange would rapidly ensue. If such policies of giving high salience to nuclear weapons are combined with steady proliferation could humanity really survive without disaster throughout the coming centuries?

2.14. In order to prevent proliferation urgent action is required now, not just to preserve the present regime but to strengthen it—and the lead needs to come from the NWS.

“Our chances of eliminating nuclear weapons will be enhanced immeasurably if the Non-Nuclear Weapon States can see forward planning, commitment and action toward multilateral nuclear disarmament by Nuclear Weapon States. Without this, we risk generating the perception that the Nuclear Weapon States are failing to fulfil their disarmament obligations and this will be used by some states as an excuse for their nuclear intransigence.”—Des Browne²²⁰

3. Evolving mainstream opinion: vision and steps

3.1. Such an approach has been gaining strong currency internationally across the political spectrum. It has been led by the Nuclear Security Project (otherwise known as the Hoover Group or Reykjavik 2), made up of distinguished former US Secretaries of State and Defense, and diplomats.²²¹ This initiative calls for the nuclear weapons states to give new impetus to nuclear non-proliferation by taking their nuclear disarmament responsibilities seriously, working by short-term, medium-term and long-term steps towards the declared vision of a nuclear weapons free world.

3.2. This initiative is potentially significant in various ways. It is American, and the world’s only superpower is essential to success. It is rooted in experience of the hard realities of pragmatic politics and has a strong academic and research base. It is bipartisan, and not only should these issues transcend party politics, practically if they do not, accusations of being “weak on defence” undermine progress. Its eminent and experienced sponsors have attracted powerful support from other experts, from across the political and defence—“hawk”/“dove”—spectrum. Endorsement by both presidential candidates, Barack Obama²²² and John McCain,²²³ gave early indication that this would have the support of the next US administration.

3.3. The Nuclear Security Project (NSP) questions whether deterrence can work in the event of proliferation or against the threat of nuclear terrorism.²²⁴

3.4. Doubts may be felt about the possibility of a nuclear weapon free world, but:

- we are already legally and morally committed to such an objective in the NPT
 - a reaffirmation is needed because of the crisis in confidence in the NPT
 - the current situation is not sustainable
 - efforts to move in the right direction have a stabilising and positive impact
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²¹⁹ General John Shalikashvili, General Klaus Naumann, Field Marshal Peter, Lord Inge, General Henk van den Breemen, and Admiral Jacques Lanxade, *Towards a Grand Strategy for an Uncertain World*, (Lunteren: Noaber Foundation, 2007) 96f.

²²⁰ Then Defence Secretary, speech to the Conference on Disarmament on 5th February 2008.

²²¹ Shultz, Perry, Kissinger and Nunn, *A World Free of Nuclear Weapons*, (Wall Street Journal, January 14, 2007) and other articles in Shultz, Drell and Goody, *passim*. See also www.nuclearsecurityproject.org/

²²² Barack Obama, *A New Strategy for a New World*, July 15, 2008, Washington D C.

²²³ John McCain, *Speech*, University of Denver, May 27, 2008.

²²⁴ Even Harold Brown, a former Secretary of Defense and critic of the Nuclear Security Project, points out that deterrence relies upon internal stability, rational decision-making, command and control, and that today’s relationships do not fit the criteria. Harold Brown, *New Nuclear Realities*, *Washington Quarterly* 31, no.1 (Winter 2007–8), p.18

3.5. The question of whether there is a realistic prospect of abolishing nuclear weapons was addressed in a thought provoking seminar by Sir Michael Quinlan at the International Institute of Strategic Studies, London, March 22, 2007,²²⁵ which engendered a research study supported by the UK Government, resulting in the *Adelphi Paper: "Abolishing Nuclear Weapons"* by George Perkovich and James Acton.²²⁶ This provides a valuable basis for further discussion of the technical challenges to be overcome, and can be supplemented by some of the research papers produced by the NSP Group.

3.6. The Group strongly believes that progressive steps combined with vision, will create a process that deepens cooperation and confidence that will in itself overcome some of the obstacles to eliminating nuclear weapons that today look insurmountable.

*"In some respects, the goal of a world free of nuclear weapons is like the top of a very tall mountain. From the vantage point of our troubled world today, we can't even see the top of the mountain, and it is tempting and easy to say we can't get there from here. But the risks from continuing to go down the mountain or standing pat are too real to ignore. We must chart a course to higher ground where the mountaintop becomes more visible."*²²⁷

3.7. The NSP approach has been enthusiastically embraced by the British and other governments. The then-Foreign Secretary, Margaret Beckett, warmly welcomed the initiative in a speech at the Carnegie conference in Washington on 25 June 2007 and outlined the government's initial contributions—commissioning studies into the verification of warhead dismantlement and of the steps required to achieve zero nuclear weapons.²²⁸

"The moderate majority of states—our natural and vital allies on non-proliferation—want us to do more. And if we do not, we risk helping Iran and North Korea in their efforts to muddy the water, to turn the blame for their own nuclear intransigence back onto us. They can undermine our arguments for strong international action in support of the NPT by painting us as doing too little too late to fulfil our own obligations."

3.8. A similar point had already been expressed in a more forthright manner in 2004 by the Secretary General of the IAEA, Mohamed ElBaradei:

*"We must abandon the unworkable notion that it is morally reprehensible for some countries to pursue weapons of mass destruction yet morally acceptable for others to rely on them for security—and indeed to continue to refine their capacities and postulate plans for their use."*²²⁹

3.9. The Government declares a clear and welcome intention in the National Security Strategy:

*"In the run up to the 2010 NPT review conference, we will lead the international effort to accelerate disarmament among possessor states, in pursuit of our objective of a negotiated elimination of all nuclear weapons"*²³⁰

3.10. This agenda has significant cross party support in both Houses.²³¹

4. The key steps

4.1. The 2010 NPT Review Conference is possibly the most important foreseeable watershed for the wider non-proliferation regime, so much so that the then Foreign Secretary, Margaret Beckett identified it over a year ago at her Carnegie speech on 25 June as key:

"By the time that is held, we need the international community to be foursquare and united behind a global non-proliferation regime. We can't afford for that conference to be a fractured or fractious one: rather we need to strengthen the NPT in all its aspects."

4.2. The UK Representative at the previous 2005 NPT Review Conference pointed out before the failure to reach agreement on a final document: "the NPT is a treaty for us all; it is a treaty from which there can be no turning back, no evasion of our responsibilities—all our responsibilities."²³²

4.3. The UK needs to consider now what success at the 2010 Review Conference would look like. An agreed final document may indicate improvement on the 2005 experience, but if it is achieved by avoiding the structural weaknesses in the regime it will be a pyrrhic victory. Success in 2010 will require determined action between then and now.

²²⁵ *The Abolition of Nuclear Weapons: Time for Serious Examination?* Published as Michael Quinlan, *Abolishing Nuclear Armies: Policy or Pipedream?* (*Survival*, 49 ,4; 2007), 7–15.

²²⁶ George Perkovich and James Acton, *Abolishing Nuclear Weapons*, (*Adelphi Papers*, 48: 396, 2008).

²²⁷ Shultz, Drell and Goodby, 82. [*WSJ*, January 15, 2008].

²²⁸ See above, para 3.5. George Perkovich and James Acton, *Abolishing Nuclear Weapons*.

²²⁹ Director General, *International Atomic Energy Agency*, published in *International Herald Tribune*, 13 February 2004

²³⁰ National Security Strategy, para 4.19.

²³¹ Letter in the Times: Douglas Hurd, Malcolm Rifkind, David Owen and George Robertson, "Start worrying and learn to ditch the bomb", 30 June 2008. Also, Early Day Motion 2053 "Nuclear Security Project", 16 July 2008, originally sponsored by Margaret Beckett and now by James Arbuthnot, with other co-sponsors Menzies Campbell, Michael Ancram, Michael Howard, John Reid and Adam Ingram. As of 16 October this had 29 Conservative, 121 Labour, 27 Liberal Democrat and 10 other signatories.

²³² Ambassador John Freeman, 7th NPT Review, para 3.

4.4. The most important early initiatives will rest with the United States and Russia because of the size of their arsenals and the need to conclude the follow-on to START during negotiations in 2009. If they can move significantly beyond the Moscow Treaty on Strategic Offensive Reductions [SORT] in terms of total numbers (in the range of 1000–1700 warheads each), timing, irreversibility, monitoring and verification, then the other NWS should consider joining the negotiations. However, there are additional unilateral measures that all of the NWS individually and collectively should consider to assist in kick-starting the process.

4.5. All NWS should seriously consider deferral of any major modernisation programmes. These programmes signal grave doubts by NWS of the prospects of mutual nuclear disarmament, and undermine willingness of NNWS to cooperate in shoring up other critical aspects of the regime, which include more extensive controls and safeguards of materials and technology.

4.6. There is substantial consensus on early steps to be considered, as outlined in the table below:

<i>Program</i> ²³³	<i>NPT2000</i>	<i>Canberra</i>	<i>Blix</i>	<i>UN HLG</i>	<i>NSP</i>
Commitment to complete nuclear disarmament	X	X	X	X	X
Ratification of CTBT	X	X	X	X	X
Fissile material cut-off ²³⁴	X	X	X	X	X
Implement existing treaties	X	X	X	X	X
Tighter verification linked to treaties	X	X	X	X	X
Increase warning and decision-times to reduce the risks of accident	X	X	X	X	X
Resolve problems over missile defence	X	X	X	X	X
Reduce and eliminate tactical nuclear weapons	X	X	X		X
Irreversibility of disarmament measures	X	X	X		X
Early deep cuts in arsenals	X	X	X		X
Increase transparency	X		X		X
Establish NPT disarmament body	X		X		
Reduce role of nuclear weapons in posture	X		X		
No “first use” pledge			X	X	
Unilateral cuts	X				
Excess material under IAEA	X				

Table compiled by Jeff King, BASIC.

4.7. Particularly significant is the agreement between the NSP agenda, which is likely to influence the new US Administration,²³⁵ and the 13 steps adopted by all NPT members within the Final Document at the 2000 NPT Review Conference, which are viewed as particularly important by key NNWS.²³⁶ It could be valuable for the NWS to frame proposals with reference to the 13 steps.

4.8. The preamble to the NPT speaks of working towards “the easing of international tension and the strengthening of trust between states in order to facilitate … the elimination … of nuclear weapons and their means of delivery …” As Sir Michael Quinlan has argued, success with disarmament proposals depends on creating suitable political conditions.²³⁷ In parallel with arms control, then, improved international understanding, regional conflict resolution and tension reduction are crucial to minimising risks of nuclear war, dissuading proliferation and moving towards nuclear disarmament, particularly in key trouble areas.

4.9. Positive signals from the new Administration on the Comprehensive Test Ban Treaty (CTBT) will be welcomed by the NNWS, though progress on final ratification will depend upon the new Senate. US ratification could be followed by China, and other states, but this will require a major and concerted diplomatic offensive. The CTBT is important in formalising and significantly strengthening the *de facto* moratorium on nuclear testing, valuable in itself and as an important impedance to the development of nuclear arsenals; a CTBT in force would also deepen the effectiveness of the CTBTO’s established global monitoring network.

4.10. Clear progress on disarmament measures by the NWS will improve the prospects of the NNWS agreeing to greater safeguards and controls in relation to civil nuclear energy. Achieving this in 2010 is particularly important, in view of the predicted expansion of nuclear energy. Successful negotiation is likely to be easier before states have developed new capacities.²³⁸

²³³ NPT2000: Commitments made by all NPT member states in the Final Document to the NPT Review Conference 2000, commonly known as the 13 steps

Canberra: Canberra Commission on the Elimination of Nuclear Weapons; 1996

Blix: The Weapons of Mass Destruction Commission, June 2006: <http://www.wmdcommission.org/>

UNHLC: Report of the UN Secretary-General's High-level Panel on Threats, Challenges and Change, Dec 2004

NSG: Nuclear Suppliers Group, January and October 2007, January 2008

²³⁴ Refers to any proposal designed to cut off fissile material production, or more specifically, the Fissile Material Cut-Off Treaty (FMCT).

²³⁵ As mentioned above, both Senators Obama and McCain have endorsed the approach.

²³⁶ *Are New Nuclear Bargains Attainable?*, Deepa Choubey, Carnegie Report, October 2008

²³⁷ Quinlan 10f.

²³⁸ For a useful discussion on this whole subject see Perkovich and Acton, especially pp69ff.

4.11. There have been a number of supplier proposals to establish an international facility for the provision of uranium fuel for reactors worldwide. Such a measure will be essential if the spread of nuclear power generation, deemed essential by many countries to address their energy security, does not lead to the spread of dual-use technologies and a weakened non-proliferation regime. There are three features of such a facility, currently under-developed, that are essential if they are to receive the support of recipient states:

- Negotiations will require participation of recipients and suppliers, right from the start. Otherwise, recipients will see it simply as a tool for continued discrimination and the withholding of technology essential to an independent energy industry.
- Suppliers will need to agree with the principle that this is a first step to a non-discriminatory uranium supply system, which will require them to eventually acquire all their own uranium from the same system. Just as the government talks of the need to combine vision with the steps towards a nuclear weapon free world, so the establishment of a supply system needs to incorporate the vision of non-discrimination in the longer term.
- It will require credible guarantees that supply will not be unduly influenced by the principal suppliers. It is no surprise the Iranian government is able to convince its people that they cannot rely upon external suppliers, when such suppliers have pulled the plug with Iran on a number of occasions in the past.

4.12. Greatly improved verification will be required for military and civil facilities. Useful initiatives to develop these have already come from Norway and Britain, but above all there is an urgent need to expand and increase the resources of the International Atomic Energy Authority [IAEA]. As William Hague vividly expressed it:

*“As routes to proliferation multiply and become more difficult to detect, the task allotted to the IAEA grows. It is extraordinary that 650 IAEA inspectors guard against illicit nuclear activities in 900 nuclear facilities around the world. By comparison, as was recently pointed out, Walt Disney World employs more than 1,000 security personnel to protect its amusement park”.*²³⁹

5. P5 negotiations

5.1. HMG recognises that the NWS have a particular responsibility to break the deadlock and achieve progress in advance of the 2010 Review Conference, presenting a critical watershed for progress. It was a significant step for the P5 states to have issued a joint statement near the end of the 2008 Preparatory Committee, opening up a precedent for further and more substantial statements at later NPT meetings.

5.2. The former Defence Secretary, Des Browne, has proposed P5 states get together for a technical conference to discuss establishing the technology and procedures necessary to move forward on the disarmament agenda. This proposal is evolving in discussions between the states, but it is important to achieve some progress on this soon.

5.3. Progress is also going to take some concerted, high-level diplomatic discussion amongst the P5 dedicated to nuclear disarmament to overcome the obstacles to progress and focus on concrete steps. Relying upon brief discussions on the margins of an already packed agenda at general P5 meetings will not achieve the progress necessary.

6. NATO strategic posture and tactical nuclear weapons

6.1. NATO will hold its 60th Anniversary Summit in April 2009 and is expected to start a review of its Strategic Concept. As part of this review, NATO will consider the role of nuclear weapons in its doctrine, and the issue of nuclear sharing. This presents an opportunity for NATO to consider the means of expressing solidarity and “common commitment” to security in ways that do not rely upon expensive and out-dated measures that harm its own security.²⁴⁰

6.2. Tactical nuclear weapons have no military utility in current or future NATO operations, and present an opportunity cost to more critical requirements, such as stabilising Afghanistan. European host countries are soon to face procurement decisions involving billions of dollars for the next generation of dual-capable aircraft, at a time of increasing US demands for greater European contributions to collective military operations, and poor economic outlook.²⁴¹ NATO unity may be strengthened if states were released from costly obligations that are in no-one’s interests.

6.3. NATO’s nuclear sharing arrangements in Europe today are legacies from a past overwhelming Soviet conventional superiority and the threat of a massive invasion that no longer exists and shows no sign of returning. They simply serve to increase Russia’s sense of threat without contributing to NATO’s own security. It would be irrational to simply hold on to these weapons to punish Russia’s “intransigence”. At

²³⁹ William Hague, *Meeting the Challenge of Nuclear Proliferation in the 21st Century*, Address at IISS, July 24, 2006.

²⁴⁰ NATO Alliance Strategic Concept, Press Release NAC-S(99)65, April 24, 1999, quoted in Diakov et al (2004), p. 37.

²⁴¹ Olivier Meier, “News Analysis: An End to U.S. Tactical Nuclear Weapons in Europe?” *Arms Control Today*, July/August 2006, available at: http://www.armscontrol.org/act/2006_07-08/NewsAnalysis, accessed on 15 September 2008.

the very least, the removal of these weapons will take away a crucial self-justification for Russia's own tactical arsenal, and improve the possibilities of a follow-up to the Strategic Arms Reduction Treaty (START).

6.4. NATO states could rid themselves of this extra resource burden, reduce the risk of nuclear theft, and achieve a crucial diplomatic non-proliferation goal by implicitly tying the removal of U.S. tactical nuclear weapons to the expressed expectation of clear reductions in Russia's tactical arsenal.

6.5. Perhaps most importantly, the removal of U.S. tactical nuclear weapons from Europe would signal the sincerity of individual NATO members' commitments to nuclear disarmament under Article VI of the NPT. The withdrawal of the weapons would also reassure NNWS that NATO members honour their international obligations under NPT Articles I and II, and improve prospects for the 2010 NPT Review Conference, and be a symbolic starting point for more bold measures on the road toward a world free of nuclear weapons.

6.6. Eliminating short-range nuclear weapons from Europe will require delicate consultation within NATO following the Ossetia crisis, but could ultimately provide the basis for negotiating an NWFZ across most of the continent.

6.7. A key reason for lack of movement is fear on the part of European allies that a request to review the situation would signal a weakening of their commitment to the Alliance and its nuclear posture, and fear on the part of the Americans that it would be seen as weakening of their commitment to Europe. Britain has unquestioned commitment to both, and is in a strong position to initiate a review of NATO's tactical nuclear weapons without undesirable political signals being read into their position. It could play the role of the bridge to which British spokespeople so often allude.

6.8. NATO's summit in 2010 is likely to discuss the review of the Strategic Concept, possibly including the role of tactical nuclear weapons, and comes just a few weeks before the NPT Review Conference. NATO could have an impact upon the review conference conclusion.

7. Relations between US and Russia

7.1. The relationship with Russia is central to non-proliferation and disarmament efforts for five reasons:

- Along with the United States, Russia possess by far the largest nuclear arsenals, and possibly the arsenal still most vulnerable to theft or accident;
- A new Cold War must be avoided;
- Russia is a leading global supplier of nuclear technology, and other energy sources;
- Russia is a key permanent member of the UN Security Council, charged with policing the non-proliferation regime, that exercises an assertively independent perspective from the United States;
- Russia is a member of both the P5+1 Negotiations with Iran and the Six-Party Talks with North Korea.

7.2. The prospects for arms control negotiations with Russia currently look bleak, following events surrounding the territorial dispute in Georgia. The EU suspended talks on a strategic pact with Russia on 2nd September,²⁴² and President Medvedev appeared to welcome this stance.²⁴³ There even appears to be some discussion in Moscow of deploying tactical nuclear weapons in Kaliningrad as a response to ballistic missile defence facilities in Poland.²⁴⁴

7.3. Russia has lost status, and many Russians feel they have been humiliated in recent years. Although Russia retains more warheads, technically the US has substantial nuclear superiority. Even before the crisis of summer 2008, some in Russia perceived relations with NATO as a "zero-sum" game, with any gain of influence (or of former satellites) by NATO a direct affront to Russia's power.²⁴⁵ Several factors in the last ten years have deepened suspicions, including:

- Russian responses to rapid NATO enlargement eastward;
- U.S. unilateral withdrawal from the Anti-Ballistic Missile Treaty;
- U.S. proposals to station radar and missile interceptors in Poland and the Czech Republic;
- NATO support for the break up of Serbia and the independence of Kosovo;
- Russian suspension of its participation in the Conventional Forces in Europe Treaty; and
- Russia was offended by the summary dismissal of its proposals for closer partnership with NATO.

²⁴² EU leaders act against Russia with freeze on strategic pact talks, Ian Traynor in Brussels and Luke Harding in Moscow, The Guardian, 2 September 2008

²⁴³ Russia Shrugs Off EU "Punishment", Jessica Le Masurier, Sky News reporter, 2 September 2008

²⁴⁴ Russia Considers Siting Nuclear Arms in Kaliningrad, September 7th, 2008, online report at: <http://www.theotherrussia.org/2008/09/07/russia-considers-siting-nuclear-arms-in-kaliningrad/>

²⁴⁵ Gunnar Arbman, Charles Thornton, "Russia's Tactical Nuclear Weapons, Part I: Background and Policy Issues," Swedish Defence Research Agency (November, 2003), p. 39. <http://www.cissm.umd.edu/papers/files/thorntonrussia.pdf>

7.4. It is by no means clear in what future direction relations with Russia will turn. The view amongst many western analysts is that recent high oil and gas prices mask a continuing decline in the capacity of the Russian economy, caused by severe social and structural weaknesses. The global economic whirlwind of recent weeks, with falling prices and emerging recession, has exposed these weaknesses and led to drastic economic policy responses in Russia.

7.5. Whilst Russia's behaviour in Georgia demands a response from the international community, targeting agreements that are clearly in our own interests is a grave error.

"This drift toward confrontation must be ended. However appropriate as a temporary device for showing our concern, isolating Russia is not a sustainable long-range policy... We believe that the fundamental interests of the United States, Europe and Russia are more aligned today—or can be made so—even in the wake of the Georgian crisis, than at any point in recent history. We must not waste that opportunity."—Henry Kissinger and George Shultz, Washington Post, 8 October 2008.

7.6. Arms control, weakened by a sceptical Administration in Washington these last eight years, is all the more important if relationships are strained. Russia is already upgrading its nuclear arsenal to penetrate the yet-to-be-installed missile defence system in eastern Europe, and decisions look likely to be made to expand their tactical nuclear deployments in western Russia, unless new diplomatic initiatives are opened up.

8. *Missile Defence*

8.1. The National Security Strategy statement “we welcome US plans to place further missile defence assets in Europe to provide cover for allies” [4.68], contrasts with the cautious agnosticism with which the Government responded to the extremely sceptical conclusions of the FAC Report on “*Weapons of Mass Destruction*” in 2000. The Government’s conversion to enthusiastic advocacy of missile defence, which appeared to start early in 2001, may have been driven less by serious strategic analysis than by Downing Street’s over-riding concern with getting fundamentally close to the Bush administration.²⁴⁶

8.2. The FAC Report in 2000 used the criteria, which President Clinton had set, to assess missile defence: whether the threat warrants deployment, technical feasibility, cost and impact on strategic stability. They remain a rational basis for current re-assessment.

8.3. The FAC Report cited evidence that the threat from so-called “rogue states” had been exaggerated, driven by ideological and commercial interests.

8.4. In retrospect, experience in Iraq provides clear support for that view. The Iraq Survey Group [ISG], which was appointed by President Bush, confirmed that—in contrast to all the claims made before the invasion:

- In relation to capacity, Iraq had abandoned all its nuclear and other WMD programmes, destroyed all WMD, and had only limited missile and delivery vehicle resources;
- In relation to intention, though the ISG suggested Saddam would have wished to resume WMD programmes in the future, they based that wholly on regional rivalries in the Middle East, not on any objective of attacking the USA or Europe.

8.3. It would be wise to be wary of “threat inflation” (often by the same people and organisations) in relation to the alleged dangers posed by other “rogue states”.

8.4. One of these, Libya, has since negotiated an end to its programmes.

8.5. Negotiations with Iran will be difficult, but the unanimous judgement of the USA’s sixteen intelligence agencies in the latest National Intelligence Estimate [NIE]²⁴⁷ is that Tehran halted its nuclear weapons programme in 2003, is less determined to develop nuclear weapons than previously thought and would be “guided by a cost benefit approach rather than a rush to a weapon irrespective of the political, economic and military costs”.

8.6. The Six-Party Talks with North Korea will not be easy either, but news of a positive response on 12 October 2008 to the US decision to remove North Korea from its terror list is very encouraging. The nuclear explosion the DPRK achieved does not mean they are near producing a deployable nuclear weapon, any more than their failed attempts at testing longer-range missiles mean that they are near to producing an ICBM. Both may be designed primarily as bargaining chips for blackmailing countries into giving them financial assistance and other concessions.

8.7. If negotiations fail, neither Iran nor North Korea is likely to be able to develop the capacity to launch a nuclear missile attack on the USA for several years. The only realistic reason either would attempt to attain such a capacity would be to deter a US attack—not to deliberately provoke devastating US retaliation. Repressive regimes care about self-preservation and can therefore be deterred.

²⁴⁶ According to one leaked extract posted on Amazon, the US-based bookselling website, Sir Christopher was told by Mr Blair’s chief of staff, Jonathan Powell: “We want you to get up the arse of the White House and stay there.” “Conflict over Meyer Book Deal”, *The Guardian*, 6 July 6 2006 “The IoS Interview: Sir Christopher Meyer—No regrets. No apologies”, *Independent on Sunday*, 13 November 2005

²⁴⁷ NIE, *Iran: Nuclear Intentions and Capabilities*, (Washington: 2007).

8.8. The National Security Strategy maintains the view the Government has consistently expressed for over a decade that no state has or will have in the foreseeable future the capacity and intention to launch such an attack on the UK.²⁴⁸

8.9. The National Security Strategy does mention the possibility of non-state actors being able to threaten with ballistic missiles.²⁴⁹ Although the risk of nuclear terrorism cannot be discounted, the possibility of such groups obtaining or developing a nuclear ICBM, constructing a launch pad undetected and successfully firing the weapon, presumably without prior testing, is remote. Why should they want to, when a nuclear weapon smuggled in a van would have the advantages of greater prospect of success, accuracy, surprise and concealing its point of origin?

8.10. Despite lengthy and colossally expensive experimentation, there is still tremendous scepticism about missile defence, because of failures, artificial test conditions and the suspicion that secrecy is being used to conceal the fallibility of the system. It is still thought that counter-measures such as metallic decoy balloons could easily overcome any late-phase system.

8.11. There is the possibility that a system that might fail under real attack could have the double danger of creating a false sense of security in the US about risking conflict, while because strategists in, say, Russia or China would assume on “worst-case analysis” that it might work, provoking responsive military programmes.

8.12. Missile defence has already cost over \$100 billion. It may be suggested that this is solely a concern for US tax-payers. If, however, the UK is expected to buy into the system, it could entail extravagant costs for unproven technology against a threat which the Government does not believe exists or will exist in the foreseeable future. The exorbitant cost also fuels the fears of other major states that the system is not really directed against “rogue states”.

8.13. The Bush administration’s withdrawal from the Anti-Ballistic Missile Treaty also breached one of the Thirteen Steps agreed at NPT 2000 and, together with a number of other decisions, gave the impression that the sole remaining superpower had scant regard for international law and treaties.

8.14. The National Security Strategy expresses the hope that Russia could be included within the missile defence architecture, but whatever the prospects of the US genuinely sharing the system with Russia before, the chances of the two countries attaining that level of trust in the aftermath of Ossetia seem poor.²⁵⁰

8.15. Even if Russia and the USA could work jointly on missile defence, there is the risk that that could seem threatening to China. Primarily in response to missile defence, China has started to increase and upgrade its relatively small nuclear arsenal. In a disturbing development the US International Security Advisory Board has suggested that the US should respond by developing new weapons systems and pursuing “missile defense capabilities, including taking full advantage of space”. This is a worrying return to arms racing.

8.16. There is a powerful Washington lobby for whom missile defence is part of a plan for US military dominance. Shaping “a new century favorable to American principles and interests”²⁵¹ is to be achieved by further military expansion so that US military forces can “fight and decisively win multiple, simultaneous major theater wars;” “maintain nuclear strategic superiority” and achieve full spectrum dominance of space including “global missile defenses … to provide a secure basis for U.S. power projection around the world”.²⁵²

8.17. In the modern world military and technical superiority cannot bring lasting unilateral national security. Sustainable safety can only be based on the common security of all nations in an equitable, rules-based international order.

8.18. The colossal political and “military industrial complex” vested interests in the missile defence programme mean however that currently there is no realistic possibility of its suspension. There might be a possibility of a moratorium on the most sensitive construction in the Czech Republic and Poland. There is no reason to rush ahead with deployment against a remote threat which may never emerge, if it undermines the prospects of early progress on nuclear non-proliferation and disarmament.

8.19. The UK Government should re-assess the strategic implications of missile defence; how far the threats it is designed to meet can be resolved by “diplomatic persuasion, arms control, deterrence and other defensive measures”,²⁵³ which do not destabilise arms control and disarmament. It should consider whether it should be encouraging the new US administration to rush ahead with this project, or advising restraint.

²⁴⁸ National Security Strategy, paras 3.11, 3.25; cf., FAC, WMD, 2000, p xiv, 36

²⁴⁹ National Security Strategy, para 3.12

²⁵⁰ National Security Strategy, para 4.68

²⁵¹ Project for the New American Century, PNAC, Statement of Principles, 1997.

²⁵² Thomas Donnelly, Principal Author, *Rebuilding America's Defenses*, (Washington: PNAC, 2000)

²⁵³ FAC, WMD, [2000], p xviii, para49.

9. Non-signatory nuclear armed states (NAS)

9.1. All the while there continue to be states outside the NPT developing their own nuclear arsenals, there will be simmering resentment towards their freedom to threaten regional security, and a motivation within neighbouring states to respond.

9.2. This has been seen in very concrete terms when Arab states initiated a process during the Review and Extension Conference in 1995 aimed at bringing Israel into the regime and establishing a nuclear weapon free zone in the Middle East. The resolution passed on the Middle East, proposed by the United States, United Kingdom and Russia, called upon Israel to disarm, join the NPT and accept full scope safeguards. Its last point was particularly telling:

*"Calls upon all States party to the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular the nuclear-weapons States, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems."*²⁵⁴

9.3. Few efforts have been made to encourage Israel to join discussions on establishing a framework, leading some within the region to speculate that this was all simply a ploy to achieve indefinite extension of the NPT. As a direct result, Egypt played a central role in blocking any further agreement on strengthening non-proliferation measures at the 2005 Review Conference until the issue was addressed. Egypt, with some support from like-minded states, has said that it will resist any suggestions of a compulsory or universal application of strengthened Additional Protocols by the IAEA until the international community deals directly with the issue of Israel's nuclear weapons. This all casts doubt over the possibilities of a breakthrough at the Review Conference in 2010.

9.4. Although the ambiguity over Israel's nuclear status may have reduced some of the regional pressures of proliferation, it has also blocked any developments that might bring Israel closer in to the non-proliferation regime. While this situation may appear a prickly but necessary reality to some within the international community, it is a source of extreme frustration within the region and an indicator of hypocrisy behind the international regime. Hasty declarations that expose Israel's position would be a mistake, but serious attempts to open negotiations around a Middle East free of weapons of mass destruction are urgent. Israel itself has signed up to such suggestions, as recently as July 2008 at President Sarkozy's Union for the Mediterranean summit. Britain could raise this issue with the new US Administration within the context of a revived Middle East peace process. Ignoring the problem risks damage to the NPT.

9.5. The passage of India's Nuclear Suppliers Group waiver in August and September 2008 was widely criticised for giving India the benefits of NPT membership (access to nuclear technology) without the responsibilities. While the US-India deal brings India into closer involvement with the non-proliferation regime, some believe it is tantamount to formally accepting their *de facto* nuclear weapons status. It is urgent that states consider strengthening incentives for non-nuclear weapon states to stay within the regime—it will take more than just talk of an international fuel bank or equivalent.

9.6. India is committed to negotiating in good faith towards a fissile material treaty. Supplier states could also collaborate to strengthen diplomatic requests for India to formalise their *de facto* test moratorium and sign up to and ratify the Comprehensive test Ban Treaty once the United States and China do so.

9.7. Pakistan's nuclear programme has been a significant source of global proliferation, and the state itself is unstable. Whilst reassurances have been forthcoming, and apparently confirmed by western intelligence sources, that the nuclear forces are insulated from political instabilities, Pakistan's arsenal will remain a primary concern.

9.8. Kofi Annan's proposal that there should be a special UN conference on nuclear disarmament to directly involve the NAS merits serious consideration.

9.9. There is a strain of thought—particularly within the US—that some or all of the NAS should be treated more favourably than other countries. Indeed some argue that other US allies, which are regarded as stable democracies or "reliable", could be designated as "responsible stewards", and could be permitted or even encouraged to develop nuclear weapons.

9.10. Such concepts are dangerous. In considering national foreign policy, sensible judgements may be made about other Governments and there may be "favoured nations"—though "reliable" regimes can change for the worse. Stable international treaties, however, cannot be based on distinctions which will often seem to be arbitrary, capricious and discriminatory, influenced by current national interest. International law must be equitable. Furthermore, as a matter of practical politics, if "responsible stewards" develop nuclear weapons, that will be seen as an incentive for neighbours and potential adversaries to follow their example.

9.11. As the Government states in the National Security Strategy:

*"We oppose all proliferation, as undermining our objectives of de-escalation and multilateral disarmament, and increasing the risk of instability in the international system and ultimately the risk of nuclear confrontation."*²⁵⁵

²⁵⁴ The resolution is available online at: <http://www.reachingcriticalwill.org/legal/npt/1995dec.html#4>

²⁵⁵ National Security Strategy, para 3.10.

10. Iran

10.1. Iran has been focused on its domestic fuel cycle, until 2003 in secret, causing suspicion internationally that its principal purpose is to acquire a nuclear weapon capability. In the last five years it has been forced to be more open in its activities, and to accept intrusive safeguards operations by the IAEA, but continues to improve its enrichment facilities (under safeguards), and is said by several intelligence agencies to be only a few years away from possessing a weapons capability. Such a capability could cause neighbouring Arab states to develop their own.

10.2. It appears the current strategy of sticks and carrots has not been persuasive with the Iranians. More extensive sanctions or forceful strategies do not attract the full support of the Security Council, and in any case could well be counter-productive.

10.3. If the new US administration engages more directly in negotiations with Iran, it may improve the prospects of success.

10.4. In the long run, States need to agree to the early establishment of some form of international fuel bank (such as proposed by HMG) with guarantees of access credible to all customers. In the short run, the international community needs to prevent break-out by Iran. We may need to live with Iran's civil fuel cycle under significantly strengthened safeguards and inspections, ideally involving an international consortium [ref John Thomson] to reduce the chance of diversion of materials, technology or know-how undetected.

10.5. From an Iranian perspective, the NWS cannot credibly deny Iran a full civil nuclear programme if they embark on their own nuclear renaissance and modernise their nuclear arsenals.

11. Recommendations

11.1. HMG influence on the new US Administration in 2009 could be the most important contribution it can make to strengthening the non-proliferation regime. It could use its position within several international fora, such as the EU, the Commonwealth, and the group of seven states (Norwegian initiative) to develop the agenda linking nuclear disarmament and non-proliferation. It could collaborate closely with its NATO partners and communicate to Washington that the United States has the support of its allies in pursuing this agenda.

11.2. The UK needs to consider now what success at the 2010 Review Conference would look like. An agreed final document may indicate improvement to 2005, but if it is achieved by avoiding the structural weaknesses in the regime it will be a pyrrhic victory.

11.3. HMG policy accepts the close connection between non-proliferation and disarmament. With a change in administration in Washington, today's government could pick up on its previous diplomatic agenda that had so successfully influenced the outcome of the 2000 NPT Review Conference. It needs to work with other possessor states to devalue nuclear weapons in their doctrines with a view to negotiating them away. This requires HMG and our fellow NWS to adopt a plan involving key steps that have been outlined by the Hoover Group, in several recent commissions, and to which they are already committed in the 2000 Final Document.

11.4. HMG's proposals to establish a P5 technical conference to discuss disarmament are evolving, and look likely to expand to include political discussions. This is a positive development, and adequate time and resource need to be devoted to creating a forum to share concerns and solutions.

11.5. HMG could provide leadership within NATO at a critical juncture to review its Strategic Concept, and remove the remaining redundant tactical nuclear weapons from Europe. Britain is in a unique position to do this, when its allies' room for manoeuvre is limited.

11.6. All NWS should seriously consider deferral of any major modernisation programmes.

11.7. HMG needs to involve all relevant states—suppliers and recipients—early in the process when considering a fuel bank and other proposals for the international supply of nuclear fuel for reactors. This is a critical component of the non-proliferation project, and is likely to demand important compromises on the part of suppliers to reassure recipients and provide them with sufficient comfort to forgo their own domestic options. HMG should provide leadership in raising the budget and capacity of the IAEA, as part of the agenda to roll out strengthened universal safeguards practices.

11.8. While it would not be appropriate for HMG to block the export of nuclear technologies in general, not least because such a provision is at the heart of the NPT bargain, Britain should be ready to provide, and on occasion subsidise, the transfer of technologies associated with other energy sources to address energy security concerns in a manner that does not unintentionally assist proliferation of sensitive technologies.

11.9. The downturn in relations with Russia must not be allowed to undermine progress on arms control and the transformation of the longer-term strategic relationship. It has implications for progress on arms control globally, and is increasingly important for its own sake, as Russia modernises its arsenal and considers redeployment of tactical nuclear weapons in the West.

11.10. The Select Committee may wish to re-assess missile defence, with a view to informing Government opinion on the relative advisability of encouraging rapid deployment in Europe, or of urging caution on our US allies.

11.11. A successful NPT Review Conference will require evidence that the international community is doing more to resolve the issue of Israeli possession of nuclear weapons, the Middle East peace process and the establishment of a WMD-free zone in the Middle East.

11.12. Particular attention will need to be given to ensure that India's waiver by the Nuclear Suppliers Group to receive nuclear materials and technology, while still being outside the NPT, does not lead to proliferation elsewhere. It would help if HMG and its allies pressed India to sign up to the CTBT, particularly if the United States and China ratify the treaty.

11.13. Consideration should be given to the proposition of a special UN Conference on Nuclear Disarmament to involve the Nuclear Armed States outside the NPT.

11.14. Treaties must be equitable, and all proliferation must be resisted; there can be no special status for favoured nations because they are "responsible stewards".

19 October 2008

**Submission from Dr Derek Averre, Senior Research Fellow Centre for Russian and East European Studies,
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1. This is an individual submission, written from the point of view of an academic who follows current developments in Russia's foreign and security policy and has researched non-proliferation issues. It provides a brief analysis of Russia's policy on WMD non-proliferation in the sphere of export controls, in other words policy aimed at checking and averting "horizontal" proliferation. (Issues relating to "vertical" proliferation, that is, increases in Russia's nuclear potential, or to counter-proliferation, are not dealt with in this submission).

2. The problem of proliferation of WMD and the means of their delivery has received constant attention by the Russian government in the post-Soviet era and constitutes one area in which Moscow has generally been cooperative, in spite of occasional disagreements over approaches to specific problems. In the recent period the issue has acquired greater urgency in view of official Russian assessments of the risks posed to national security by potential terrorist use of WMD. The adoption of the *Principles of Russian Federation State Policy in the Sphere of the Non-proliferation of Weapons of Mass Destruction and Means of Their Delivery*, the *Comprehensive Programme on the Non-proliferation of Weapons of Mass Destruction and Means of Their Delivery for the Period Until 2010*, as well as a series of normative legal documents concerning issues of non-proliferation and export control, have been accompanied by a white paper, *The Russian Federation and Non-proliferation of Weapons of Mass Destruction and Delivery Systems: Threats, Assessments, Problems and Solutions* (unofficial English translation at <http://cns.miiis.edu/pubs/other/rusfed.htm>), which describes in some detail Russia's international commitments and initiatives in the sphere of WMD arms control, disarmament and non-proliferation.

3. Russia inherited both a substantial infrastructure from the Soviet Union for the development and manufacture of nuclear, chemical, biological and dual-use goods and technologies (G & T) and the USSR's obligations and commitments in the area of WMD disarmament. The Yeltsin government, evidently aware of the extent and urgency of the potential proliferation problem, immediately pledged support for international efforts to control exports of WMD-related G & T and began to put in place a system of export controls. An initial step was the establishment in 1992 of an Export Control Commission charged with coordinating the export control system and establishing a unified state policy, as well as participating in the work of international organisations dealing with these issues. Subsequent presidential decrees were issued which established lists pertaining to each class of export-controlled G & T. Legal penalties for violating export controls were introduced during this period, with the passing of the Federal Law establishing the Russian Federation (RF) Criminal Code; it contained a number of articles determining penalties for violating export controls and stated that the illegal export of WMD-related G & T was punishable by between three and twelve years' imprisonment.

4. The legal and normative basis for export controls was strengthened by the 1999 Federal Law on Export Control which, accompanied by a reorganisation of the export controls system during the administrative reform of 2000, laid the groundwork for the current system. The Law established legal definitions for export control and introduced a mechanism for "catch-all" controls; also, whereas formerly the government had recommended firms to establish internal export control systems, this now became mandatory for organisations engaging in scientific or production activities in the defence or security sphere linked with foreign trade in controlled items. It also established state accreditation of organisations promoting internal company export control programmes and created a system of independent expertise to assess foreign trade deals involving export controlled G & T to identify export controlled items. Amendments were introduced to the Law in 2007 which tightened up what were rather general provisions in the original 1999 draft and introduced a specific reference to the importance of export controls in the fight against terrorism.

5. Concerns about the ability of the Russian customs service—lacking personnel, infrastructure and technical equipment—to cope with monitoring shipments of sophisticated G & T across Russia's extensive land borders, led to measures to improve the service by introducing a comprehensive customs code, increasing the number of staff in the State Customs Committee and augmenting border controls. The RF customs code specifically designated nuclear, chemical and biological G & T as contraband items. Efforts were also made by the newly-created Federal Border Service, directly subordinated to the President's office, to organise and maintain border controls and regulate cooperation between border and customs services. In 2003 a new Customs Code simplified customs rules and procedures with the ultimate goal of reducing red tape and arbitrary actions of customs officers and making foreign trade operations more stable and predictable, including with respect to export controls, including improving identification procedures and checks on goods shipped across Russia's borders. Efforts to establish a coordinated Commonwealth of Independent States policy with common schedules and criteria for the issue of licences initially made little headway; however a programme of long-term cooperation with CIS countries in the sphere of WMD non-proliferation was approved in 2003, which *inter alia* provides for advice and technical assistance to the latter in improving national legislation on export controls. Cooperation within the framework of international agreements, for example the Collective Security Treaty, is also ongoing. The most important of these is an Agreement among the member states of the Eurasian Economic Community, namely the Russian Federation, Belarus, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, to ensure harmonised norms and rules and a unified system of export controls in their states.

6. The Law on Export Control provides the legal basis for export control lists for each class of controlled G & T which, including via a number of technical and procedural amendments, have brought Russia in line with its international commitments in the sphere of non-proliferation of WMD and their means of delivery. These lists are:

- Chemicals, equipment and technologies which can be used to create chemical weapons; the list includes chemicals listed in the Schedules in the appendix to the Chemical Weapons Convention.
- Human, animal and plant pathogens, genetically modified organisms, toxins and associated equipment and technologies.
- Dual-use G & T used for nuclear purposes, including equipment and parts for separation of uranium isotopes, equipment linked with heavy water production units, testing and measuring equipment for development of nuclear explosive devices; and components for nuclear explosive devices.
- Equipment, materials and technologies which can be used to create missile weaponry.
- Dual-use G & T which can be used to create weapons and military technologies.
- Nuclear materials, equipment, special non-nuclear materials and associated technologies.

7. Other important measures include:

- A decree “On the control of exports from the Russian Federation of nuclear materials, equipment and technologies”, issued in 1992 and updated in 2000. The original decree stated that exports of such items can only be made to a non-nuclear weapons state in the case that all nuclear activity of the state is under International Atomic Energy Agency guarantees. The amendments state that in exceptional cases exports from the RF can be made to states not subject to IAEA guarantees by individual decisions by the RF government if the export does not contravene the RF's international obligations; if the government of the receiving state provides official assurances that the exported items will not be used to create nuclear explosive devices; if the export is exclusively to ensure safety of exploitation of nuclear units in the territory of the receiving state; and if IAEA guarantees apply to the said units.
- Two decrees issued in support of UN Security Council resolutions. The first is related to UNSC resolution 1718, which envisages a number of restrictions concerning North Korea in connection with its nuclear testing programme; the decree bans exports from Russia or transit through Russia of a range of heavy armaments as well as goods, materials, equipment and technologies identified by the UNSC resolution and listed in Russian export control schedules which may assist North Korean nuclear weapons programmes and other WMD and ballistic missile programmes. The second relates to UNSC resolutions 1737 and 1747 and bans exports from Russia or transit through Russia of goods, materials, equipment and technologies which may be used in Iran's programme of nuclear enrichment, including the production of uranium hexafluoride, the processing of spent nuclear fuel, or heavy water (including research reactors with heavy water moderators), or which may assist the development of means of delivery of nuclear weapons (an exception is made for G & T designated for use in light water nuclear reactors and uranium enriched to no more than 5% isotope uranium-235 when it forms part of fuel assemblies). It also bans the export or transit of any items identified in UNSC resolution 1737 which may assist enrichment or reprocessing of heavy water or means of delivery of nuclear weapons. A range of restrictions on dealing with certain Iranian organisations and persons designated in a list appended to decree no 1593 is also introduced.

8. The 1996 Federal Law establishing the abovementioned RF Criminal Code contained a number of articles determining penalties for violating export controls. In addition, the Code for Administrative Violations entered into force in 2002, covering violations of legislation on export control and of customs laws, both of which introduced a fixed system of heavy administrative fines. A Federal law was passed in 2006 which introduced more stringent state surveillance of export controls, including increasing the level of administrative fines and term of limitation for breaching export controls, and established a higher normative threshold for responsibility of individuals responsible for export controls to follow established procedures and provide full and accurate information to export control organs.

9. Effective communication between government and industry and the cooperation of the latter are essential to the success of non-proliferation export controls, both in terms of ensuring that breaches of controls do not inadvertently take place and of making use of the technological knowledge which industry and the scientific community can provide when schedules of controlled items are being drawn up. Russia has addressed the issue of introducing a code of practice on export control compliance. The Center for Export Controls, a nongovernmental not-for-profit organisation, provides information, educational and consulting services in the sphere of export controls and has been promoting industry awareness in collaboration with RF government agencies; it carries out a regular programme of seminars to provincial industrial centres in Russia focusing on export controls compliance procedures, the methodology of identifying and classifying dual-use G & T according to control lists, licensing documentation and procedures, customs controls and related themes. With overseas assistance export control programmes have been established both at enterprises and in organisations under the jurisdiction of government agencies.

10. Regarding decision-making structures, a 2001 presidential decree established a new interdepartmental Export Control Commission, formed under the Law on Export Control and composed of representatives of all relevant agencies, to ensure a unified export control policy. In addition, as a result of a reorganisation of executive agencies, the high-profile Federal Service for Technical and Export Control (FSTEC) was established with effect from 1 January 2005; FSTEC, as well as acquiring responsibility for guaranteeing security of information in key systems of the country's information and telecommunications infrastructure, was also charged with the functions relating to export control formerly carried out by the Ministry for Economic Development and Trade; it is thus currently the Russian licensing agency responsible for export controls (the Law on Export Controls having established the legal basis for licensing procedures) and provides organisational, technical and information support to the Export Control Commission. Export control directorate departments within the FSTEC administration deal specifically with the various categories of controlled items; there are also territorial directorates in each of the RF regions. One important change was that FSTEC was subordinated to the RF Ministry of Defence, despite the fact that the RF President formally oversees direction of the Service. A vertical decision-making structure has thus been developed in Russia in the sphere of export controls.

11. As mentioned above, the Law on Export Control legally enshrined the principle of catch-all controls, in other words to include items not included in export control schedules; if the exporter has reason to believe that exported item might be used in producing WMD or means of their delivery, as a result of information from state agencies or of the exporter's own investigation, the latter has to apply to the Export Control Commission for guidance and permission to export. The exporter is obliged to check the reliability of the buyer and end user of the controlled G & T, whether the deal will contravene Russia's non-proliferation commitments and whether the interests and security of the state are damaged. A further government resolution appeared in 2005 which strengthened the catch-all principle.

12. Russia thus has an export control system recognisable as one conforming to international practice, with an executive infrastructure, an effective licensing system and a legal and normative basis, including end user guarantees, catch-all controls, controls over intangible technologies and technology transfer and internal company educational programmes. Russian lists of controlled G & T have been brought into line with those of international control regimes, most of which—with the exception of the Australia Group—Russia is a member. Training of customs and licensing officials, including under programmes carried out with international assistance, have improved practice in these areas. Moreover, provisions have been established for legal sanctions against persons contravening export control laws. According to specialists, successive Russian administrations have “never questioned the need to control proliferation or to impose effective export controls” since Russia's interest lies conforming to international practice in order to ensure that export markets are open to Russian G & T and that Russia has access to imported high-tech items. A three-year project between FSTEC and an EU subcontractor, which has established direct contacts between Russian and EU export control officials, was put in place in 2006; work is ongoing on recommendations aimed at harmonisation of Russian legislation with the EU export control system, including a single list of controlled goods, enhancement of transparency for industry and increasing exporters' awareness.

13. The abovementioned white paper explicitly declared the need for transparency and cooperation among states in the struggle against WMD proliferation in the interests of national security, and reflects Russian concerns about the risks of radioactive “dirty” bombs; of biological proliferation in the absence of a BTWC verification regime; of the development of non-lethal chemical and biological weapons; and of the

absence of clear international regulation of missile-related G & T. The paper contains a section on export controls and states that in the last few years alone over 60 criminal cases involving charges relating to unauthorised exports of controlled items have been brought and more than 30 attempts by foreign persons or companies to smuggle sensitive items have been forestalled. The numerous instances of alleged export control violations by Russian organisations have mainly involved nuclear- and missile-related G & T, and have generally become less frequent in recent years. While US Central Intelligence Agency assessments have stated that Russian entities remain a key source of dual-use items, particularly for Iran, independent Russian experts have stated that US claims are “grossly exaggerated”

14. Nevertheless the white paper candidly asserts that further improvement in Russian export control legislation, structures and procedures are needed. Expert analysis has identified a number of continuing problems facing Russian export controls:

- Political disputes between states, in an international system which is characterised by alternating impulses to cooperation and competition, still intrude into export controls. Despite the recent decree which places limitations on trade with Iran, disagreements with the US over Russia's nuclear cooperation with that country is a well-known case in point. One authoritative source states that Russian officials privately tend to admit that, as a result, nonproliferation issues do not enjoy great prominence in Russia's foreign policy considerations, especially compared to other perceived threats arising from such as US missile defences or NATO enlargement.
- The balance between trade and security considerations still affects export controls, particularly in dual-use G & T; although prepared to play a responsible role in the sphere of non-proliferation, Russia is reluctant to sacrifice its economic and political interests, particularly where it perceives double standards in Western states' policies.
- Whereas European companies themselves are obliged to keep track of whether a particular product they make is subject to licensing by the controlling authority and submit applications to the latter, there is no such practice in Russia. Also, in Europe it is more difficult to set up “fly-by-night” companies, while in Russia it is still possible and many are taking full advantage of legal loopholes.
- The customs service remains a weak link in the export control system; it is still short of the requisite equipment and experienced personnel and is still beset by lack of professionalism at best and corruption at worst. In practice customs officials are often not able to assess whether goods should be placed in the category of controlled items or not, leading to unauthorised exports or to delays in processing legitimate exports. The system of independent identification expertise introduced by the Law on Export Control has, however, improved the identification of controlled items.
- Despite an improvement in recent years, enforcement (while not a problem confined to Russia) is still regarded as relatively weak by both Western and Russian specialists, with penalties applied unevenly and few violations being taken to court and resulting in criminal prosecution. Acts covering administrative responsibility for violations of export controls are also not rigorously enforced. In general there is little in the way of an effective counterweight to powerful state agencies or organisations interested in exporting controlled G & T.
- In spite of ongoing efforts to promote internal company export control programmes, industry representatives complain that they do not have the resources to ensure effective compliance or to carry out a pre-licensing check on prospective end users; there has also been the problem of lack of trust in government non-proliferation policy.
- The catch-all concept is not well understood by many in industry and even by some in government; the latter rarely provides information on suspicious end-users and lacks the resources to implement checks. Again, the Russian government is making efforts to tackle this problem, and more information sharing at the international level, for example the EU-Russia initiative described above, is improving this situation.
- Control over the transfer of intangible technologies—again, an international problem given the information revolution—has been discussed in interdepartmental government meetings but legislation in this sphere requires improvement.

21 October 2008

Letter from E B Worrall

I would like to submit the following evidence to the Committee's Inquiry.

- The Non-Proliferation Treaty has been effective in preventing the spread of nuclear weapons to other countries.
- But China, France, Russia, UK and the US (P5) instead of honouring their commitments under Article 6 of the NPT, are modernising their nuclear arsenals.

-
- If the P5 nations continue to behave in this way, the NPT is in danger of collapse.
 - The UK could and should take a world lead in honouring its commitments under Article 6 and decline to renew Trident.
 - Recently the agreement to site US missile defence interceptors in Poland has predictably produced a dangerous response from Russia.
 - The UK should refuse to allow the US to use the Yorkshire bases of Fylingdales and Menwith Hill for the US missile defence system, as this is leading the way to a new arms race.

25 August 2008

E-mail from Sarah Teversham, Campaign for Nuclear Disarmament (CND)

- The Non-Proliferation Treaty has been effective in preventing the spread of nuclear weapons to other countries.
- However it has failed totally in its aim of ridding the world of nuclear weapons; the nuclear states, far from getting rid of their nuclear arsenals, are modernising them; the UK could take a world lead in honouring its commitments under Article 6 of the NPT and abandoning its plans to renew trident.
- The agreement to site US missile defence interceptors in Poland has produced a predictably dangerous response from Russia.
- The UK should refuse to allow the US to use the Yorkshire bases of Fylingdales and Menwith Hill for the US missile defence system, which is leading to a new arms race.

29 September 2008

Further submission from Tim Hart

I was very pleased to receive the notice that the Committee has decided to widen its terms of reference to include conventional weapons. I feel that this is an appropriate and necessary step in being able to fully address the issue.

I have also noted that you have extended the deadline for submissions to the Committee to the 1 December 2008. I originally wrote to you on the 28 August 2008 and you have acknowledged safe receipt of my letter. I would be grateful if the Committee would consider the contents of this letter together with those contained in my letter of 28 August.

INTERNATIONAL INSTITUTE FOR STRATEGIC STUDIES [IISS]

The IISS has recently published a report: ["Abolishing Nuclear Weapons" by George Perkovich and James M. Acton.] The report examines the strategic challenges faced in attempts to abolish nuclear weapons and the associated technical issues. I urge the Committee to find time to study the report and to seek ways of taking forward the ideas contained in it.

WORLD FINANCIAL CRISIS

Since my previous letter to you the extent of the financial crisis has become ever more apparent and it has yet to have its full impact. It is already leading to heightened tension in international relations as individual countries seek to protect their domestic populations from its consequences. Apart from disputes over debts, loans, tariffs, culpability etc. it seems likely that this tension may lead to disputes over natural resources as these key resources become economically more expensive and environmentally scarce. Wars may occur over food and water as people in the poor countries of the world struggle to survive. Such local conflicts could easily escalate into regional and global war. The sense of grievance of citizens in these badly affected countries may also manifest itself in increased terrorism. If the UK government, along with other countries, produce more energy with nuclear power [a proposal that I oppose] then this presents not only an inherent risk from these installations, but also the associated risk of further nuclear proliferation and nuclear terrorism.

For these additional reasons I feel that the Committee's work has gained even more urgency and poignancy in recent weeks. The presence of such hugely destructive weapons in the hands of so many countries and the imbalance of power and the sense of injustice which this fact and other circumstances provoke poses a grave risk that one or other nation will resort to the use of nuclear and other mass destruction weapons in desperation at its predicament.

28 October 2009

Submission by Bradford Nonlethal Weapons Research Project²⁵⁶

INTRODUCTION

Bradford non-lethal weapons research project (BNLWRP) welcomes the opportunity to present a submission to the Foreign Affairs Select Committee inquiry examining the UK government's work in furthering the Foreign and Commonwealth Office's policy goal of countering weapons proliferation and its causes. In our submission we will focus upon the development, utilisation and potential proliferation of an emerging class of weapons—incapacitating biochemical weapons. We will examine the current limitations of the existing international control regime, specifically the Chemical Weapons Convention, to regulate incapacitating biochemical weapons. Finally, we will explore the role that the UK government can play in facilitating effective control of such weapons.

Bradford Non lethal weapons Research Programme

The Bradford non-lethal weapons research project (BNLWRP) was established at the Centre for Conflict Resolution, Department of Peace Studies, University of Bradford in 1995. The project's key objectives are to:

- Review and describe non-lethal weapons (NLWs), which are being developed and deployed.
- Identify and track defence and related research institutes involved in the development and manufacture of NLWs.
- Follow doctrine and policy debates related to the use of NLWs.
- Monitor the operational use of NLWs.
- Examine the impact of NLWs on international laws, arms treaties and conventions.
- Highlight the ethical and societal issues that surround the research, development, deployment and use of such weapons.

INCAPACITATING BIOCHEMICAL WEAPONS

Although there is currently no universally agreed definition, incapacitating biochemical agents can be described as substances whose chemical action on specific biochemical processes and physiological systems, especially those affecting the higher regulatory activity of the central nervous system, produce a disabling condition (eg can cause incapacitation or disorientation, incoherence, hallucination, sedation, loss of consciousness).²⁵⁷ They are also called chemical incapacitating agents, biotechnical agents, calmatives, and immobilizing agents. There are a wide variety of chemicals that could potentially be utilised as incapacitating biochemical agents and recent research has concentrated upon the following varieties of candidate agents: anaesthetic agents, skeletal muscle relaxants, opioid analgesics, anxiolytics, antipsychotics, antidepressants and sedative-hypnotic agents.²⁵⁸ A number of these agents are currently in use by the medical or veterinary professions as tranquilising or anesthetising agents. It is important to differentiate incapacitating biochemical agents from another distinct class of chemical agents currently used by many states for law enforcement, namely the riot control agents (RCAs). Unlike incapacitating biochemical agents, riot control agents act peripherally on the eyes, mucous membranes and skin to produce rapid sensory irritation or disabling physical effects which disappear within a short time following termination of exposure.

²⁵⁶ This report was written by Michael Crowley and Malcolm Dando, Bradford Nonlethal Weapons Research Project, Department of Peace Studies, Bradford University.

²⁵⁷ Pearson, Chevrier & Wheelis (eds), *Incapacitating Biochemical Weapons*, 2007, Lexington Books, Lanham, United States.

²⁵⁸ See for example: Lakoski J, Bosseau Murray W & Kenny J (2000), The advantages and limitations of calmatives for use as a non-lethal technique. College of Medicine Applied Research Laboratory, Pennsylvania State University.

Proponents of incapacitating biochemical weapons have promoted their development and use in certain law enforcement scenarios (such as hostage taking situations) where there is a need to rapidly and completely incapacitate single or a group of individuals without causing death or permanent disability. Incapacitating biochemical agents have also been raised as a possible tool in a variety of military operations, especially in situations where combatants and non-combatants are mixed.

Concerns relating to the development and use of incapacitating biochemical weapons

A broad range of observers including scientific and medical professionals, arms control organisations, international legal experts, human rights monitors and humanitarian organisations such as the International Committee of the Red Cross, as well as a number of states, are highly sceptical about the development and utility of incapacitating biochemical weapons, highlighting the fact that such weapons are not inherently “non-lethal”, even if they were to be used with a non-lethal intent. As one leading US academic notes: “*For all practical purposes, any biochemical weapon that can significantly incapacitate the vast majority of those exposed will very likely cause a significant number of deaths at the same time.*”²⁵⁹ Similarly, a report by the British Medical Association states: “*The agent whereby people could be incapacitated without risk of death in a tactical situation does not exist and is unlikely to in the foreseeable future. In such a situation, it is and will continue to be almost impossible to deliver the right agent to the right people in the right dose without exposing the wrong people, or delivering the wrong dose.*”²⁶⁰ This was grimly illustrated following the use of an incapacitating biochemical weapon by the Russian Federation in October 2002 (see case study below).

Even if all technical barriers to the development of a truly non-lethal incapacitating biochemical weapon were overcome, there are a number of serious risks that could follow from the development of such weapons. These include:

- Proliferation and creeping legitimization: Pearson believes that: “*...efforts to develop incapacitating biochemical weapons may well gather steam as more nations become intrigued by them and, observing the efforts of Russia and the United States, become convinced not only that effective and acceptably “non-lethal” incapacitating agents can be found, but that their use will be legitimized.*”²⁶¹ Professor Julian Perry Robinson has described this process as “creeping legitimization” and believes that it is the greatest threat to the existing prohibitions on chemical weapons.²⁶²
- Facilitation of torture and other human rights violations: Amnesty International, the Omega Research Foundation and other human rights and arms control organisations have highlighted how existing “non-lethal” weapons have been widely misused for torture, cruel, inhuman and degrading treatment or punishment.²⁶³ As well as being utilised for torture and ill-treatment, incapacitating biochemical weapons could also facilitate wide-scale repression by, for example, allowing the capture of large numbers of peacefully demonstrating crowds.
- Use as a lethal force multiplier: There is a danger that incapacitating biochemical weapons could be used by both military and law enforcement agencies, not as an alternative to lethal force, but as a means to make lethal force more deadly. This has happened with previous “non-lethal” weapons for example the US military employment of CS in the Vietnam war.²⁶⁴ And the indications for incapacitants are worrying. During the October 2002 Moscow theatre siege, those Chechen hostage takers who were rendered unconscious by the incapacitating biochemical agent were then shot by Russian Forces rather than being arrested.²⁶⁵
- Confusion between lethal and non-lethal chemical weapons: A state deploying or using a “non-lethal” incapacitating biochemical weapon during an armed conflict may be perceived by another party as having used a lethal chemical weapon. This in turn could initiate an escalating cycle of retaliation leading to actual use of lethal chemical agents in a theatre of war.

²⁵⁹ Pearson, A. Incapacitating Biochemical Weapons: Science, Technology, and Policy for the 21st Century, Non-proliferation Review, Vol.13, No: 2, July 2006.

²⁶⁰ British Medical Association Board of Science and BMA Science & Education department, *The use of drugs as weapons: The concerns and responsibilities of healthcare professionals*, London: BMA, May 2007

²⁶¹ Pearson, A. Incapacitating Biochemical Weapons: Science, Technology, and Policy for the 21st Century, Non-proliferation Review, Vol.13, No: 2, July 2006

²⁶² Perry Robinson, J. Non-lethal Warfare and the Chemical Weapons Convention, Further Harvard Sussex Programme submission to the OPCW Open-Ended Working Group on Preparations for the Second CWC Review Conference, October 2007, <http://www.sussex.ac.uk/Units/spru/hsp/Papers/421rev3.pdf>

²⁶³ Amnesty International, The Pain Merchants: Security Equipment and Its Use in Torture and Other Ill-Treatment, 2003; Omega Foundation, An Appraisal of the Technologies of Political Control, European Parliament, Scientific and Technological Options Assessment, 1998.

²⁶⁴ Furmanski, Historical military interest in low-lethality biochemical agents, in: Pearson, Chevrier & Wheelis (eds), *Incapacitating Biochemical Weapons*, 2007, Lexington Books, Lanham, United States

²⁶⁵ Kaplow, The Russians and the Chechens in Moscow in 2002 [in] Non-lethal weapons: The Law and Policy of Revolutionary Technologies for the Military and Law Enforcement (2006).

- Proliferation to, and misuse by, non-state actors: A number of analysts have highlighted the potential utility of incapacitating biochemical weapons to a range of non-state actors including criminals, terrorists, paramilitary organizations, and armed factions in failing or failed states many of whom would not feel as constrained as states by international law and concerns about lethality.²⁶⁶
- Militarisation of biology: The continuing utilisation of the life sciences in the development of incapacitating biochemical weapons could potentially open the way to more malign objectives, such as the widespread repression of entire populations. The British Medical Association described this danger in its 2007 report: “*Using existing drugs as weapons means knowingly moving towards the top of a “slippery slope” at the bottom of which is the spectre of “militarization” of biology, this could include intentional manipulation of peoples’ emotions, memories, immune responses or even fertility*”²⁶⁷.

REGULATION OF INCAPACITATING BIOCHEMICAL WEAPONS UNDER THE CHEMICAL WEAPONS CONVENTION

Although there is a range of international law that is potentially applicable to incapacitating biochemical weapons, currently discussions on the regulation of such weapons have largely concentrated on the Chemical Weapons Convention.²⁶⁸

The Chemical Weapons Convention (CWC) entered into force on 29th April 1997 and, at the time of writing, it comprises 184²⁶⁹ Member States that have either ratified or acceded to the Convention.²⁷⁰ The Convention prohibits the development, production, stockpiling, transfer and use of chemical weapons.²⁷¹ In addition, it also requires that all existing stocks of chemical weapons²⁷² and chemical weapons production facilities²⁷³ be destroyed. The implementation of the CWC is overseen and facilitated by the Organisation for the Prohibition of Chemical Weapons (OPCW).²⁷⁴

Although the Convention prohibits chemical weapons, it allows for the controlled peaceful use of toxic chemicals. Article 2.2 of the Convention defines a “toxic chemical” as:

“any chemical, regardless of its origin or method of production, which, through chemical action on life processes, can cause death, temporary incapacitation or permanent harm to humans or animals.”²⁷⁵

The Convention therefore covers all toxic chemicals within its scope including chemical agents that could be used for so-called “non-lethal” chemical weapons, such as riot control agents and incapacitating biochemical agents.

To determine whether the use of a toxic chemical such as an incapacitating biochemical agent would be in conformity with the CWC, the intention or purpose for its use needs to be determined. Under Article 2.1 of the Convention, chemical weapons are defined as:

“(a) toxic chemicals or their precursors, except where intended for purposes not prohibited by the Convention, as long as the types and quantities are consistent with such purposes;”²⁷⁶

Consequently the “purposes not prohibited” are defined under Article 2.9, as:

- (a) Industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;
- (b) Protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

²⁶⁶ See for example: Wheelis, M. and Dando, M. Neurobiology: A case study of the imminent militarization of biology, International Review of the Red Cross, Vol 87, Number 859, September 2005; Pearson, A. Incapacitating Biochemical Weapons: Science, Technology, and Policy for the 21st Century, Non-proliferation Review, Vol.13, No: 2, July 2006.

²⁶⁷ British Medical Association Board of Science and BMA Science & Education department, *The use of drugs as weapons: The concerns and responsibilities of healthcare professionals*, London: BMA, May 2007

²⁶⁸ Incapacitating biochemical agents also potentially fall within the auspices of the Biological Weapons Convention. For an analysis of this see: Chevrier, M and Leonard, J, Incapacitating Biochemicals and the Biological Weapons Convention. In Pearson, Chevrier & Wheelis (eds), *Incapacitating Biochemical Weapons*, 2007, Lexington Books, Lanham, United States. For a discussion of the applicability of international law to the regulation of incapacitating biochemical weapons see: Hampson, F, International law and the Regulation of Weapons, in Pearson, Chevrier & Wheelis Op cit; Aceves, J. Human Rights Law and the Use of Incapacitating Biochemical Weapons, in Pearson, Chevrier & Wheelis Op cit; Fidler, D. Incapacitating Chemical and Biochemical Weapons and Law Enforcement Under the Chemical Weapons Convention, in Pearson, Chevrier & Wheelis *Op cit*.

²⁶⁹ See OPCW website for full details of States Parties. [Http://www.opcw.org](http://www.opcw.org)

²⁷⁰ An additional four Signatory States (Bahamas, Dominican Republic, Israel, Myanmar) have signed the CWC, thus rendering political support to the objectives and principles of the Convention and committing themselves to not undermining the Convention’s objectives. Only seven Non-Signatory States (Angola, DPRK, Egypt, Iraq, Lebanon, Somalia and Syria) have not taken any action on the Convention.

²⁷¹ Article 1.1, Chemical Weapons Convention.

²⁷² Article 1.3, Chemical Weapons Convention.

²⁷³ Article 1.4, Chemical Weapons Convention.

²⁷⁴ The mandate and powers of the OPCW are elaborated in Article 8 of the Chemical Weapons Convention.

²⁷⁵ Article 2.2, Chemical Weapons Convention.

²⁷⁶ Article 2.1, Chemical Weapons Convention.

- (c) *Military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare;*
- (d) *Law enforcement including domestic riot control purposes.*²⁷⁷

Toxic chemicals such as incapacitating biochemical agents that are used for purposes not provided for in Article 2.9 (for example as a method of warfare) would then constitute a chemical weapon and be prohibited under the CWC.

Limitations of the CWC control regime

There are a number of limitations in the CWC and its current implementation which BNLWRP believes could seriously restrict its ability to effectively regulate incapacitating biochemical weapons.

Firstly, there are ambiguities in the terminology of certain articles detailing the obligations of State Parties under the Convention. For example, although use of toxic chemicals is permitted for law enforcement, there is no definition of “law enforcement” in the Convention. This, in turn, has led to questions being raised by international legal experts over the scope and nature of law enforcement activities permitted under the Convention both domestically and internationally.²⁷⁸ Consequently, the extent to which incapacitating biochemical agents could be used for activities such as counter-terrorist and counter-insurgency operations is unclear. As Dando has stated: “...there is clearly a grey area where different interpretations of what is permitted are possible—when, in short, does law enforcement end and a method of warfare begin?”²⁷⁹

Secondly, whilst there are (albeit limited) declaration and transparency mechanisms in the Convention which require State Parties to declare the identity (but not the amount) of all chemicals held for riot control purposes,²⁸⁰ there are no such declaration requirements for other “law enforcement purposes”. States are therefore under no specific obligation under the Convention to provide the OPCW with information about the research, development and stockpiling of incapacitating biochemical agents.

Thirdly, although there are potentially strong consultation, investigation and fact-finding mechanisms²⁸¹ that could be applied to cases of concern relating to the development, production, stockpiling, transfer and use of chemical weapons (including incapacitating biochemical weapons) there has been a significant failure by State Parties to utilise them. This is exacerbated by the fact that there are currently no mechanisms for civil society to bring concerns about the development, production, stockpiling, transfer or use of such chemicals to the OPCW.

Finally, there has been a collective failure by the CWC State Parties and the OPCW policy making organs to effectively address (or even adequately discuss) the issue of incapacitating biochemical weapons.

BNLWRP believes that this combination of failures of design and action risks allowing state practice to determine the scope and nature of the regulation of incapacitating biochemical weapons under the Convention, without challenge. If this situation remains, there is a consequent danger that the restrictions on the use of incapacitating biochemical agents, and toxic chemicals more generally, will be fundamentally undermined. This in turn could lead potentially to the undermining of the Chemical Weapons Convention itself with consequent dangers of chemical weapon proliferation. As the Weapons of Mass Destruction Commission stated:

“There is an increasing interest among some governments to adopt a more flexible interpretation of the CWC rules on the use of incapacitating chemical weapons, even as a method of warfare, in order to use them in diverse situations. Such an interpretation, in the view of the Commission, would constitute a dangerous erosion on the fundamental ban on chemical weapons that the authors of the Convention intended.”²⁸²

Concerns about the potential threats of incapacitating biochemical weapon proliferation and misuse have been heightened following the use of such weapons by the Russian Federation and the failure of the international community to adequately respond to such use.

²⁷⁷ Article 2.9, Chemical Weapons Convention.

²⁷⁸ For divergent argumentation on this issue see Fidler, D. Incapacitating Chemical and Biochemical Weapons and Law Enforcement Under the Chemical Weapons Convention, in Pearson, Chevrier & Wheelis *Op cit*; Von Wagner, A. Toxic Chemicals for Law Enforcement Including Domestic Riot Control Purposes Under the Chemical Weapons Convention, in Pearson, Chevrier & Wheelis *Op cit*.

²⁷⁹ Dando, M. Scientific and technological change and the future of the CWC: the problem of non-lethal weapons. Disarmament Forum. No.4. 2002.

²⁸⁰ Article 3.1(e), Chemical Weapons Convention.

²⁸¹ Where a State Party is concerned about the possible non-compliance of another State Party it can initiate a range of consultation, clarification and fact-finding mechanisms elaborated under Article 9 of the Convention. These include on-site challenge inspections of any facility or location in the territory or in any other place under the jurisdiction or control of another State Party. If such procedures fail to clarify the situation or uncover evidence of non-compliance, the matter can be passed to the Executive Council or a Special Session of the Conference of States Party for resolution.

²⁸² Weapons of Mass Destruction Commission, Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms, 2006.

Case study: Russian Federation use of an incapacitating biochemical weapon

On the evening of 23 October 2002, a group of heavily armed Chechen separatists invaded the Dubrovka theatre in Moscow, taking more than 800 people hostage. They demanded the withdrawal of Russian armed forces from Chechnya and threatened to kill the hostages if their demands were not met. After three days, during which time three hostages had been shot by the hostage-takers, Russian security forces pumped an unidentified gas into the theatre, putting the hostages and some of the hostage takers into a deep sleep. Approximately 30 minutes later, members of the Russian *spetsnaz* special forces²⁸³ stormed the theatre killing all of the hostage takers, including those unconscious from the gas. An estimated 129 hostages died during or following the raid, mostly as a result of the incapacitating gas used by the Russian forces.²⁸⁴ An additional unknown number have suffered permanent disability.²⁸⁵

Treatment of the hostages who had been poisoned was delayed and compromised by the refusal of the Russian authorities to state publicly what type of gas had been used in the theatre for four days after the siege had ended. On 30 October 2002 the Health Minister Yuri Shevchenko finally identified the incapacitating agent as “a mixture of derivative substances of the fast action opiate Fentanyl.”²⁸⁶ Mr Shevchenko further stated that: *“I officially declare: chemical substances which might have fallen under the jurisdiction of the international convention on banning chemical weapons were not used during the special operation.”*²⁸⁷ However, the Minister refused to be more precise about the chemicals used even on 11 December 2002 when faced with a parliamentary question. He said it was a “state secret”.²⁸⁸ At the time of writing, the Russian authorities have still not stated officially exactly what chemical or chemicals were used.

The Moscow incident was not met with any significant public expressions of concern from the international governmental community. Indeed some governments, such as the USA,²⁸⁹ supported Russia’s actions. The NATO Research and Technology Organisation reviewed the Moscow incident favourably, stating that:

*“Although it may seem excessive that 16% of the 800 hostages died from the “gas” exposure, still 84% survived. We do not know that a different tactic would have provided a better outcome. The use of a “sleeping gas” or “calmative” or “incapacitant” agent in this setting is a novel courageous attempt at saving the most lives. This counterterrorist action showed on the other hand that chemical “non-lethal” weapons are not always non-lethal.”*²⁹⁰

Denmark, which then had the Presidency of the European Union, also praised Russia’s actions. Denmark’s prime minister, Anders Fogh Rasmussen, said the EU *“commends the Russian government for exercising all possible restraint in this extremely difficult situation.”*²⁹¹

At the time, the UK government appeared to give a rather more ambiguous response. In reply to a Parliamentary Question, Foreign Office minister Mike O’Brien stated: *“Following inquiries by the United Kingdom and others, Russian authorities have announced that the gas used in ending the siege on a Moscow*

²⁸³ The Spetsnaz “Alpha Team” that conducted the assault was a hybrid commando unit of the Federal Security Service (FSB), according to BBC News, Spetsnaz: Russia’s Elite Force, 28th October 2002. This 1,500–2,000 anti-terrorist unit had seen extensive action in Afghanistan and Chechnya. As cited in Kaplow, The Russians and the Chechens in Moscow in 2002 [in] Non-lethal weapons: The Law and Policy of Revolutionary Technologies for the Military and Law Enforcement (2006).

²⁸⁴ For descriptions of the incident see: Amnesty International 2003 Annual Report entry on the Russian Federation; Amnesty International: *Rough Justice: The law and human rights in the Russian Federation*, October 2003 (AI Index EUR 46/054/2003); Kaplow, The Russians and the Chechens in Moscow in 2002 [in] Non-lethal weapons: The Law and Policy of Revolutionary Technologies for the Military and Law Enforcement (2006); BBC news coverage; Pearson, Chevrier & Wheelis (eds), *Incapacitating Biochemical Weapons*, 2007, Lexington Books, Lanham, United States;

²⁸⁵ Pearson, Chevrier & Wheelis (eds), *Incapacitating Biochemical Weapons*, 2007, Lexington Books, Lanham, United States

²⁸⁶ ITAR-TASS, from Moscow in English, 2112 hrs GMT 30th October 2002, as in FBIS-SOV-2002-1030, “Russian experts discuss use of Fentanyl in hostage crisis”, as cited by Perry Robinson, J. October 2007, Non Lethal Warfare and the Chemical Weapons Convention, *Further HSP submission to the OPCW Open-Ended Working Group on Preparations for the Second CWC Review Conference*, Harvard Sussex Program, SPRU—Science & Technology Policy Research, University of Sussex, UK

²⁸⁷ Sebastian Alison from Moscow for Reuters, 1257 hrs ET 30 October 2002, “Russian confirms siege gas based on opiate fentanyl”, as cited in Perry Robinson (2007) Op cit.

²⁸⁸ Amnesty International: *Rough Justice: The law and human rights in the Russian Federation*, October 2003 (AI Index EUR 46/054/2003)

²⁸⁹ During a press conference on 18th November 2002, US President George Bush stated: *“People tried to blame Vladimir [Putin] ... They ought to blame the terrorists. They’re the ones who caused the situation ... Eight hundred people were going to lose their lives ... These people were killers, just like the killers that came to America. There’s a common thread—that any time anybody is willing to take innocent life for a so-called cause, they must be dealt with.”* [As reported in the CBW Conventions Bulletin No 59 (March 2003) p.16 (www.sussex.ac.uk/Units/spru/hsp/cbwcb59.pdf)]

²⁹⁰ The Human Effects of Non-Lethal Technologies, RTO-TR-HFM-073, August 2006

[ftp://ftp.rta.nato.int//PubFullText/RTO/TR/RTO-TR-HFM-073/\\$\\$TR-HFM-073-ALL.pdf](ftp://ftp.rta.nato.int//PubFullText/RTO/TR/RTO-TR-HFM-073/$$TR-HFM-073-ALL.pdf)

²⁹¹ BBC News, Putin: Foreign support but also concern, 28th October 2002, <http://news.bbc.co.uk/1/hi/world/europe/2367735.stm> [accessed 8th August 2008]; Japan Today, Russian counts cost of deadly siege, 27th October 2002, <http://archive.japantoday.com/news/jp/e/tools/print.asp?content=news&id=236131> [accessed 9th August 2008]

theatre, on Saturday 26 October, was based on Fentanyl, an opium based narcotic. Fentanyl is not a chemical scheduled under the Chemical Weapons Convention. Non-scheduled chemicals are not in themselves prohibited under the Convention for use in law enforcement, including domestic riot control purposes..." The Minister then went on to quote Mr Shevchenko's statement declaring that no banned chemical substances had been used.²⁹²

In April 2008 in correspondence with BNLWRP, the UK Ministry of Defence has been more forthright in its position:

*"The Convention clearly provides for the use of toxic chemicals for law enforcement purposes. The Government made clear at the time that it regarded the use of an incapacitating agent during the Moscow theatre siege in 2002 as permitted under the Convention. I am not aware that any State Party expressed a different view."*²⁹³

Despite the serious immediate consequences and long-term implications of the first utilisation of an incapacitating biochemical weapon, the vast majority of states appeared to turn a blind eye to the actions of the Russian Federation. Even during the First Review Conference of the Chemical Weapons Convention, which took place during April-May 2003, just six months after the Moscow siege, State Parties failed to address the issue. Although three states—New Zealand,²⁹⁴ Norway²⁹⁵ and Switzerland²⁹⁶—did raise the issue of non-lethal weapons in their opening national statements to the Review Conference, there was no subsequent public discussion by the CWC State Parties and no mention made in the Review Conference Final Document.²⁹⁷

CONTEMPORARY RESEARCH AND DEVELOPMENT OF INCAPACITATING BIOCHEMICAL WEAPONS²⁹⁸

Whilst the international governmental community has refused to adequately address or even to discuss the issue of incapacitating biochemical weapons, there are indications that a number of countries have undertaken research programmes into such weapons.

In 2004, during an interview with BNLWRP the Director of the Anaesthesiology Research Laboratories at the University of Utah, who is reportedly close to the US incapacitating biochemical programme²⁹⁹ stated that: *"The events in Moscow have opened up the potential for this area of research (ie incapacitating/immobilizing chemicals) to be explored in much greater depth. It would not be surprising if a number of countries were conducting more detailed and renewed research as a result."*³⁰⁰

Russian Federation

There are indications that research into incapacitating biochemical agents is an area that Russia intends to continue to work on, building upon the experiences gained following the Moscow incident..³⁰¹ In May 2005, for example, Russian researchers presented a paper describing the computer modelling of a scenario in which aerosolised chemical agents were introduced into a building where hostages were held captive. The paper states that:

"If the level of 95% efficiency is absolutely required to neutralize terrorists and to prevent mass destruction, there is no chance to eliminate hard consequences and fatalities. Calculations show that the majority of hostages can get serious poisoning and part of them—fatality. This is the cost of releasing if no other solutions left."

²⁹² Mike O'Brien, 4th November 2002, Response to Parliamentary Question, Hansard, http://hansard.millbanksystems.com/written_answers/2002/nov/04/moscow-theatre-siege [accessed 5th August 2008]

²⁹³ Correspondence with authors, Des Browne, Secretary of State, Ministry of Defence, 9th April 2008

²⁹⁴ Statement by the Honourable Marian Hobbs, Minister for Disarmament and Arms Control, New Zealand, First Review Conference of the Chemical Weapons Convention General Debate, 28th April 2003, The Hague, Netherlands

²⁹⁵ Johan Ludvik Lovald, Deputy Secretary General, Norwegian Ministry of Foreign Affairs, Norwegian Statement at the First Review Conference of the Chemical Weapons Convention General Debate, 28th April 2003, The Hague, Netherlands

²⁹⁶ Statement by the head of the delegation of Switzerland, OPCW Conference of the States Parties, First Chemical Weapons Convention Review Conference, General Debate, 28th April 2003, The Hague, Netherlands

²⁹⁷ Report of the First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (First Review Conference) 28th April–9th May 2003

²⁹⁸ For a comprehensive overview of past and present research into incapacitating biochemical weapons see: Davidson, N. "Off the rocker" and "On the floor": The Continued Development of Biochemical Incapacitating Weapons, Bradford Disarmament Research Centre, University of Bradford, August 2007.

²⁹⁹ Pearson, A., Late and Post Cold War Research and Development of Incapacitating Biochemical Weapons, in Pearson, Chevrier & Wheelis *Op.Cit.*

³⁰⁰ Stanley, T., cited in N.Davison and N.Lewer, Bradford Non-Lethal Weapons Research Project Research Report no.5, Bradford University, May 2004.

³⁰¹ See Klochikin, V., Pirumov, V., Putilov, A and Selivanov, V. (2003) The Complex Forecast of Perspectives of NLW for European Application. Proceedings of the 2nd European Symposium on Non-Lethal Weapons, Ettlingen, Germany, 13–14th May 2003; Klochikhin, V., Lushnikov, A., Zagaynov, V., Putilov, A., Selivanov, V. and Zatekvakhin, M. (2005). Principles of Modelling of the Scenario of Calmative Application in a Building with Deterred Hostages, Proceedings of the 3rd European Symposium on Non-Lethal Weapons, Ettlingen, Germany, 10–12th May 2005.

The researchers further note that:

*“...the full solution [to this problem] demands the big intensive work of many scientific teams within several years”*³⁰²

Since the Moscow incident, there has been one further reported use of an incapacitating biochemical weapon by Russian Security Forces. On 13 October 2005, armed Chechen separatists launched attacks on the Russian town of Nalchik. Russian Special Forces were deployed in response. On the second day of fighting, Russian NTV reported that Russian Forces employed a “knockout gas” against the armed separatists who were holding two women hostage in a shop. There was no information about the nature of the chemical used.³⁰³ However, it was reported that victims of the attack were administered an antidote.³⁰⁴

United States

The US has a long history of research into incapacitating biochemical agents.³⁰⁵ There are indications that research was ongoing prior to, and continued after, the Moscow theatre siege. In 2003 the National Research Council (NRC) issued a report highlighting incapacitating chemicals as one of the major weapons technologies for further development.³⁰⁶ Whilst the report highlighted concerns regarding compliance with the Chemical Weapons Convention (CWC), the National Research Council panel recommended “increase[d] research in the field of human response to calmatives”, arguing: “Calmatives have potential as NLWs [non lethal weapons] in many types of missions where calming of individuals or crowds is needed”.³⁰⁷

Previously, in fiscal year 2001 the National Institute of Justice (NIJ) had funded a three phase project on “non-lethal” weapons at the Institute for Non-Lethal Defense Technologies (INLDT) at Pennsylvania State University (PSU). Phase two of the project was to “...conduct an investigation of controlled exposure to calmative-based oleoresin capsicum.”³⁰⁸ Although publicly available information regarding this project is scarce, it apparently involved the combination of incapacitating biochemical agents with the chemical irritant oleoresin capsicum (commonly used in varieties of pepper spray) in order to produce more profound effects. In February 2003, a presentation by the Senior Program Manager for the NIJ Less-Than-Lethal Technology Program, indicated that the project had been reviewed by a liability panel and that work was progressing at Pennsylvania State University.³⁰⁹

The US Joint Non Lethal Weapon Department has funded research into the development of delivery systems designed to carry a variety of potential chemical payloads, including “markers, taggants, incapacitants, malodorants [and] OC/RCA,” including long range mortars and airbursting grenades.³¹⁰ In its 2003 report the National Research Council panel also recommended that the US should “target efforts to develop chemical delivery systems”.³¹¹ There have also been indications of US interest in exploring the use of unmanned aerial vehicles (UAVs) to deliver “non-lethal” payloads including chemical agents at long distances.³¹²

³⁰² Klochinkhin, V, Lushnikov, A, Zagaynov, V, Putilov, A, Selivanov, V and Zatekvakhin, M, (2005). Principles of Modelling of the Scenario of Calmative Application in a Building with Deterred Hostages, Proceedings of the 3rd European Symposium on Non-Lethal Weapons, Ettlingen, Germany, 10–12th May 2005, page 4.

³⁰³ Perry Robinson, J. October 2007, Non Lethal Warfare and the Chemical Weapons Convention, *Further HSP submission to the OPCW Open-Ended Working Group on Preparations for the Second CWC Review Conference*, Harvard Sussex Program, SPRU—Science & Technology Policy Research, University of Sussex, UK.

³⁰⁴ D. Holley “Russian Forces Crush Rebels After Two Days of Fighting”, Los Angeles Times, 15th October 2005, A3.

³⁰⁵ See for example: Furmanski, Historical military interest in low-lethality biochemical agents, in: Pearson, Chevrier & Wheelis (eds), *Incapacitating Biochemical Weapons*, 2007, Lexington Books, Lanham, United States; Pearson, A., Late and Post-Cold War Research and Development of Incapacitating Biochemical Weapons in: Pearson, Chevrier & Wheelis (eds), *Incapacitating Biochemical Weapons*, 2007, Lexington Books, Lanham, United States Dando, M. and Furmanski, M. (2006) Midspectrum Incapacitant Programs. In: Wheelis, M., Rózsa, L., and Dando, M. (Eds). *Deadly Cultures: Biological Weapons Since 1945*. Cambridge: Harvard University Press.

³⁰⁶ National Research Council (2003) *An Assessment of Non-Lethal Weapons Science and Technology*. Washington, DC: National Academies Press.

³⁰⁷ National Research Council (2003) *An Assessment of Non-Lethal Weapons Science and Technology*. Washington, DC: National Academies Press.

³⁰⁸ National Institute of Justice Grant No. 2001-RD-CX-K002. Details from NIJ Research Portfolio available December 2006 at: <http://nij.ncjrs.org/portfolio/>. Cited in Davidson, N. “Off the rocker” and “On the floor”: The Continued Development of Biochemical Incapacitating Weapons, Bradford Disarmament Research Centre, University of Bradford, August 2007.

³⁰⁹ Cecconi, J. (2003) Less-Than-Lethal Program. *Presentation to the 2003 National Institute of Justice Annual Technology Conference*. Cited in Davidson, N. “Off the rocker” and “On the floor”: The Continued Development of Biochemical Incapacitating Weapons, Bradford Disarmament Research Centre, University of Bradford, August 2007.

³¹⁰ See for example, Robert J. Hegarty, “Joint Non-Lethal Weapons Program: Non-Lethal Mortar Cartridge (NLMC),” presentation at National Defense Industry Association 2003 Picatinny Chapter/PEO Mortars Conference, Oct. 2003, B/www.sunshine-project.org/incapacitants/jnlwdpdf/usamort03.pdf/_; Camilo A. Sanchez, “Non-Lethal Airburst Munition(s) for Objective Individual Combat Weapon,” presentation at 2001 National Defense Industry Association Joint Services Small Arms Symposium, Aug. 15, 2001, B/www.sunshineproject.org/incapacitants/jnlwdpdf/sanchez.pdf. As cited in Pearson, A. Incapacitating Biochemical Weapons: Science, Technology, and Policy for the 21st Century, Non-proliferation Review, Vol.13, No: 2, July 2006.

³¹¹ National Research Council (2003) *An Assessment of Non-Lethal Weapons Science and Technology*, Washington DC: National Academies Press.

³¹² Office of the Secretary Office of the Secretary of Defense (2005) *Unmanned Aircraft Systems Roadmap 2005–2030*. August 2005. Washington D.C.: Office of the Secretary of Defense. As cited in Davidson, N. Op cit.

Although there have been reports that US Special Forces are equipped with a form of “knock-out” gas³¹³ these reports have not been substantiated. There is currently no publicly available evidence that the US has successfully developed or deployed weapons containing incapacitating biochemical agents for either military or police use.³¹⁴ Indeed, an unnamed US official interviewed by *Arms Control Today* following the Second CWC Review Conference stated that: “*We have no programs to develop incapacitants and got rid of our stockpiles*”.³¹⁵ However, given the limited information released to the public since 2003, BNLWRP is unable to determine the nature of current US activities in this area.

Czech Republic

In 2005 evidence came to light that the Czech military were funding the development of biochemical incapacitating agents. At the 3rd European Symposium on Non-Lethal Weapons in Ettlingen, Germany in May 2005 a paper was presented entitled *Pharmacological non-lethal weapons*.³¹⁶ The research, to develop sedative and anaesthetic agent combinations for use as weapons, had been funded by the Czech Army under Project No: MO 03021100007. The Czech paper describes the results of experiments with rhesus monkeys over several years in which the researchers injected the animals with different mixtures of drugs to determine combinations and doses that would result in what they termed “*fully reversible immobilization*”. One of the Czech researchers has also described testing on human subjects, with one combination of ketamine, midazolam and dexmedetomidine administered to ten nurses and a second combination of fentanyl, midazolam and dexmedetomidine given to patients prior to surgery.³¹⁷

In a follow-up paper presented in May 2007 to the 4th European Symposium on Non-Lethal Weapons, Czech researchers describe how they “*decided to test new combinations [of calmatives—drugs producing calm, non-violent behaviour] for suppression or complete abolition of aggressive behaviour*.” According to the researchers “*All tested combinations resulted in macaques in reduction or complete loss of aggressiveness... The onset of effect was rapid and we achieved complete manipulability of the animal with low motoric sedation*.” The researchers claim that: “*the results can be used to pacify aggressive people during medical treatment (mental disease), terrorist attacks and during production of new pharmacological non-lethal weapons*.”³¹⁸

The Czech researchers have also investigated various delivery routes including testing of an aerosol route using rats and human volunteers, who were reported to have been children in hospital.³¹⁹ Subsequently the researchers reportedly have been exploring a number of weapon-delivery system options such as projectiles uploaded with formulations of the drugs containing dimethyl sulphoxide to enhance skin penetration.³²⁰ One analyst has reported that “*While Russian, Chinese and American scientists may have similar lines of study, the Czechs are brazen enough to go on scientific record... [M]ore than one American researcher connected with the military thinks [the] presentation is compelling*.”³²¹

Other countries

Although there is no open source information describing specific current incapacitating biochemical agent programmes, there are indications that a number of other states are interested in exploring this issue.

³¹³ Wheelis, M, Non-Lethal Chemical Weapons: A Faustian Bargain, Issues in Science and Technology, Spring 2003, Hersh, S, The Iran Plans, New Yorker April 2006

³¹⁴ Pearson, A. Late and Post Cold War Research and Development of Incapacitating Biochemical Weapons, in Pearson, Chevrier & Wheelis Op.Cit.

³¹⁵ CWC Review Conference Avoids Difficult Issues, Arms Control Today, May 2008, http://www.armscontrol.org/act/2008_05/CWC

³¹⁶ Hess, L., Schreiberová, J., and Fusek, J. (2005) Pharmacological Non-Lethal Weapons. *Proceedings of the 3rd European Symposium on Non-Lethal Weapons, Ettlingen, Germany, 10–12 May 2005*. V23. Pfinztal: Fraunhofer ICT. As cited in Davidson, N., “Off the Rocker” and “On the Floor”: The Continued Development of Biochemical Incapacitating Weapons, Bradford Science and Technology Report No. 8.

³¹⁷ Davidson, N., “Off the Rocker” and “On the Floor”: The Continued Development of Biochemical Incapacitating Weapons, Bradford Science and Technology Report No. 8

³¹⁸ Drug-Induced Loss of Aggressiveness in the Macaque Rhesus. Hess, L. Schreiberová, J., Málek, J., Fusek, J. 4th European Symposium on Non-Lethal Weapons, 21st–23rd May 2007, Ettlingen, Germany, European Working Group on Non-Lethal Weapons.

³¹⁹ Hess, L., Schreiberová, J., and Fusek, J. (2005) Pharmacological Non-Lethal Weapons. *Proceedings of the 3rd European Symposium on Non-Lethal Weapons, Ettlingen, Germany, 10–12 May 2005*. V23. Pfinztal: Fraunhofer ICT. As cited in Davidson Op.Cit.

³²⁰ Dumiak, M., Defense Technology International, November 2007, as cited in CBW Conventions Bulletin, June 2008, Harvard Sussex Programme, <http://www.sussex.ac.uk/Units/spru/hsp/bulletin/cbwcb79.pdf>

³²¹ Dumiak, M., Defense Technology International, November 2007, as cited in CBW Conventions Bulletin, June 2008, Harvard Sussex Programme, <http://www.sussex.ac.uk/Units/spru/hsp/bulletin/cbwcb79.pdf>

NATO

In its report 2004 report outlining the utility of non lethal weapons in peace keeping operations, NATO's Research and Technology Organisation outlined seventeen "non-lethal technologies of interest", among these were "chemical technologies [that] could act on the central nervous system by calmatives, dissociative agents, [and] "equilibrium agents", and "by convulsives".³²²

France

In 2004, a non-governmental research organisation, the Sunshine Project, published a report entitled *Biological and Biochemical Weapons Related Research in France*.³²³ The report described military research investigating the behavioural and cognitive effects of various psychoactive and anaesthetic compounds, however it noted that researchers did not find any indication of an incapacitating agent programme at that time.

China

In July 2005, the US Army Journal *Military Review* contained a speculative article by two Chinese analysts in which they claimed that "*the times call for new kinds of weapons, and modern biotechnology can contribute such weapons*".³²⁴ They claimed that "*War through the command of biotechnology*" will "...lead to success through ultramicro, nonlethal and reversible effects...Modern biotechnology offers and enormous potential military advantage."³²⁵ It is not clear what, if any, militarily applicable research or development China has undertaken in this area. However, there does appear to be some research and development of incapacitating biochemical agents for law enforcement devices, with one state-owned Chinese company promoting an apparent anaesthetic dart-firing gun.³²⁶

UK

Although there is documentation indicating previous UK research into biochemical incapacitating agents from the late 1950s till the early 1970s,³²⁷ there is no evidence of contemporary military research in this area. Furthermore, although proposals for utilising chemicals other than RCAs for UK law enforcement were reportedly considered, they were not implemented.³²⁸ In January 2004, the UK's Northern Ireland Office Steering Group published the Patten report recommendations relating to public order equipment.³²⁹ As part of its review, the steering group examined the use of "calmatives", but concluded that "*use of calmatives in policing situations would not be a straightforward process. The decision to use any drug whether intended to induce a state of calm or complete unconsciousness requires knowledge of a subject's medical history, particularly the use of any prescribed or non-prescribed medication and any relevant medical conditions. There would also be considerable responsibility in terms of immediate and post-incident aftercare.*"³³⁰ The Steering Group concluded that further research on calmatives was not required at present. However, they did recommend the continued monitoring of: "*this area, focusing on international research programmes and future developments in delivery methods and potential tranquilising agents.*"³³¹

³²² NATO Research and Technology Organisation, Non-Lethal Weapons and Future Peace Enforcement Operations, RTO-TR-SAS-040 (December 2004) <http://www.rta.nato.int/Main.asp?topic=sas.htm#>>. Cited in Pearson, A. Incapacitating Biochemical Weapons: Science, Technology, and Policy for the 21st Century, Nonproliferation Review, Vol 13, No 2, July 2006

³²³ The Sunshine Project (2004) French "Non-Lethal" Chemical Weapons In: *Sunshine Project Country Study No. 2: A Survey of Biological and Biochemical Weapons Related Research Activities in France*, 16 November 2004. pp. 26–32. Available March 2007 at: http://www.sunshine-project.org/countrystudies/France_BW_Report.pdf

³²⁴ Guo Ji-Wei and Xue-sen Yang, "Ultramicro, Nonlethal and Reversible: Looking Ahead to Military Biotechnology, Military Review, July-August 2005, as cited in A. Pearson Late and Post-Cold War Research and Development of Incapacitating Biochemical Weapons, in Pearson, Chevrier & Wheelis Op cit.

³²⁵ Guo Ji-Wei and Xue-sen Yang, "Ultramicro, Nonlethal and Reversible: Looking Ahead to Military Biotechnology, Military Review, July-August 2005, as cited in A. Pearson Late and Post-Cold War Research and Development of Incapacitating Biochemical Weapons, in Pearson, Chevrier & Wheelis Op cit.

³²⁶ Omega Research Foundation database

³²⁷ Advisory Council on Scientific Research and Technical Development. Minutes of the 32nd meeting of the Chemistry Committee, 5th Marcy 1959 as cited in The Use of Drugs as Weapons, British Medication Association, 2007; The Secret Science of Crowd Control, BBC Radio 4 News, 25th June 2008, http://news.bbc.co.uk/today/hi/today/newsid_7471000/7471743.stm; Dando, M. and Furmanski, M. (2006) Midspectrum Incapacitant Programs. In: Wheelis, M., Rózsa, L., and Dando, M. (Eds). *Deadly Cultures: Biological Weapons Since 1945*. Cambridge: Harvard University Press; Davidson, N., "Off the Rocker" and "On the Floor": The Continued Development of Biochemical Incapacitating Weapons, Bradford Science and Technology Report No. 8.

³²⁸ In July 2001 it was reported that the Home Secretary explored the possibility of issuing police with tranquillizer dart guns. "Police to be armed with sleep darts", *The Observer*, 15th July 2001, as cited in Non Lethal Warfare and the Chemical Weapons Convention, Perry Robinson, J. Further HSP submission to the OPCW Open Ended Working Group on Preparations for the Second CWC Review Conference, October 2007.

³²⁹ Northern Ireland Office (2004) *Patten Report Recommendations 69 and 70 Relating To Public Order Equipment. A Research Programme Into Alternative Policing Approaches Towards The Management of Conflict*. Fourth Report prepared by the Steering Group led by the Northern Ireland Office, in consultation with the Association of Chief Police Officers. Belfast: Northern Ireland Office, January 2004.

³³⁰ Patten Report

³³¹ Patten Report

Scientific and technological developments—the future threat

The brief survey above indicates that currently a number of states have initiated research programmes exploring incapacitating biochemical agents, whilst a larger number of states have at least shown an interest in this area.

Such activities are taking place in the context of extremely rapid advances in relevant science and technology, particularly genomics, synthetic biology, biotechnology, neuroscience and the understanding of human behaviour. For example, in 1999 a special meeting of the National Academies of Sciences and the Society of Neuroscience noted that:

“The past decade had delivered more advances than all previous years of neuroscience research combined.”³³²

Of course many of these advances have great potential to benefit mankind—for example in the development of more effective, safer medicines. As one expert has noted:

“We are at present in the midst of a golden age of biomedical research. We are currently engaged in two of the most important endeavours in the history of science and medicine. We are simultaneously mapping the human brain and the human genome...The achievements occurring on these two levels will meet one another some time within the next decade or perhaps two...Once mind and molecule meet, prevention is possible. Improvements in treatment are certain.”³³³

However, there is also concern at the potential for the misapplication of the new capabilities for hostile purposes. Professor Matthew Meselson of Harvard University has stated:

“During the century ahead, as our ability to modify fundamental life processes continues its rapid advance, we will be able not only to devise additional ways to destroy life, but also be able to manipulate it including the processes of cognition, development and inheritance.”³³⁴

And he added:

“A world in which these capabilities are widely employed for hostile purposes would be a world in which the very nature of conflict had radically changed. Therein could lie unprecedented opportunities for violence, coercion, repression or subjugation...”³³⁵

There are indications that the current advances in genomics, biotechnology, neuroscience, etc are being monitored by the military of certain states. As one review noted:

“Advances in discovery of novel bioregulators, especially bioregulators for incapacitation, understanding of their mode of operation and synthetic routes for manufacture have been very rapid in recent times...”³³⁶

The review continued:

“Some of these compounds may be potent enough to be many hundreds of times more effective than the traditional chemical warfare agents. Some very important characteristics of new bioregulators that would offer significant military advantages are novel sites of toxic action; rapid and specific effects; penetration of protective filters and equipment; and military effective physical incapacitation.”³³⁷

Wheelis and Dando have surveyed current developments and future trends in neurobiology and believe that there are indications that military interest is already directed towards the next generation of biochemical agents affecting the brain and central nervous system:

“In addition to drugs causing calming or unconsciousness, compounds on the horizon with potential as military agents include noradrenaline antagonists such as propranolol to cause selective memory loss, cholecystokinin B agonists to cause panic attacks, and substance P agonists to induce depression. The question thus is not so much when these capabilities will arise—because they certainly will—but what purposes will those with such capabilities pursue.”³³⁸

³³² Neuroscience 2000: A New Era of Discovery”, Symposium Organised by the Society of Neuroscience, Washington DC, 12–13 April 1999

³³³ Andreasen, N., Brave New Brain: Conquering Mental Illness in the Era of the Genome, Oxford University Press US, 2004

³³⁴ M. Meselson, “Averting the Hostile Exploitation of Biotechnology”, The CBW Conventions Bulletin 48 (2000), p 16–19.

³³⁵ M. Meselson, “Averting the Hostile Exploitation of Biotechnology”, The CBW Conventions Bulletin 48 (2000), p 16–19.

³³⁶ Boken, S., Breen, J. and Orehovec, Z., “An Evaluation of Bioregulators as Terrorism and Warfare Agents”, Applied Science and Analysis Newsletter 90 (2002): 1, 16–19

³³⁷ Boken, S., Breen, J. and Orehovec, Z., “An Evaluation of Bioregulators as Terrorism and Warfare Agents”, Applied Science and Analysis Newsletter 90 (2002): 1, 16–19

³³⁸ Wheelis, M. and Dando, M. Neurobiology: A case study of the imminent militarization of biology. International Review of the Red Cross, Volume 87, Number 859, September 2005.

CURRENT DEBATE CONCERNING INCAPACITATING BIOCHEMICAL WEAPONS

There are some indications that the international community is at last beginning to discuss the issue of incapacitating biochemical agents. For example, during the January 2008 meeting of the International Union of Pure and Applied Chemistry that was held in preparation for the CWC Second Review Conference, the issue of non-lethal (bio)chemical weapons was discussed in some depth. The IUPAC Report concluded:

"The risks associated with advances in science and technology would increase significantly, should dedicated [chemical weapon] programmes be able to take advantage of them. There is, therefore, good reason...to carefully assess the CWC compatibility of the development of devices that use toxic chemicals for law enforcement purposes (including so called 'nonlethal weapons')."³³⁹

A briefing document circulated by the OPCW Director General to all State Parties before the Second Review Conference stated that: "*the SAB [OPCW Scientific Advisory Board] noted again the question of the use of incapacitating chemicals for law enforcement, pointing to the possibility that new compounds might be discovered that more closely fit the profile required of such agents...The Director-General wishes to add that some aspects of the development of means of delivery of such incapacitants for law-enforcement purposes might be difficult to distinguish from aspects of a chemical weapons development programme. If States Parties find it desirable to evaluate the broader implications of the use of incapacitants for law-enforcement purposes, the Second Review Conference could offer an opportunity to initiate such an evaluation, and the SAB's observations might help in such an endeavour.*"³⁴⁰

During the Second Review Conference, a number of State Parties raised concerns about incapacitants and other non-lethal weapons, with the Swiss Government declaring that: "*Switzerland fears that the uncertainty concerning the status of incapacitating agents risks to undermine the Convention. A debate on this issue in the framework of the OPCW should no longer be postponed.*"³⁴¹ Switzerland also presented a formal National Working Paper on incapacitating biochemical agents, the first time that any state had done so at a CWC Review Conference. The Swiss Working Paper concluded by calling: "*upon States Parties to consider adopting during the Second Review Conference a mandate for a discussion of, inter alia, an agreed definition of incapacitating agents, the status of incapacitating agents under the Convention, and possible transparency measures for incapacitating agents.*"³⁴²

Because of the EU's working practices, the UK did not present an individual statement to the Second Review Conference, but rather adhered to the EU joint statement which was made on behalf of the EU by its then president, Slovenia.³⁴³ Unfortunately, the EU joint statement made no explicit reference to incapacitating biochemical weapons.

However, the UK government did outline its position with regard to incapacitating biochemical weapons in a statement to the House of Lords on 21 April 2008.

In response to a Parliamentary Question by Lord Avebury,³⁴⁴ Baroness Taylor of Bolton, the Parliamentary Under-Secretary of State, Ministry of Defence stated that:

*"The issues surrounding so-called incapacitating biochemical weapons and their potential impact on the Chemical Weapons Convention are highly complex and most states party to the convention have yet to express clear ideas on the implications for the convention. The UK believes that thorough study of the complex technical and legal implications is required and therefore does not consider the issue ready for detailed discussion at the second review conference. But we are willing to examine, with other states party to the convention, the options for taking forward work after the conference, if it appears that consensus on how to move forward seems achievable, and if a suitable mechanism and scope for discussions can be decided."*³⁴⁵

In correspondence with the BNLWRP, the UK Ministry of Defence elaborated upon the issues that such a discussion process might cover: "*We would wish to consider the options carefully with other interested States Party. Key areas that future work might address include agreement on definitions and scope, consideration of possible limitations on the use of toxic chemicals for law enforcement, and whether any measures to improve transparency are appropriate or practicable.*"³⁴⁶

³³⁹ Balali-Mood. M, Steyn. P, Sydnes. L, Trapp. R, International Union of Pure and Applied Chemistry (IUPAC), Impact of Scientific Developments on the Chemical Weapons Convention (IUPAC Technical Report), January 2008.

³⁴⁰ Note by the Director General, Report of the Scientific Advisory Board on Developments in Science and Technology, RC-2/DG.1, 28 February 2008, [http://www.opcw.org/docs/csp/rc2/en/rc2dg01\(e\).pdf](http://www.opcw.org/docs/csp/rc2/en/rc2dg01(e).pdf)

³⁴¹ Statement by Ambassador Dominik M. Alder, Permanent Representative of Switzerland to the OPCW, Second Review Conference of the Chemical Weapons Convention, General Debate, The Hague, Netherlands, 8 April 2008.

³⁴² Switzerland Working Paper, Riot Control and Incapacitating Agents Under the Chemical Weapons Convention, The Hague, Netherlands, RC-2/NAT.12, 9th April.

³⁴³ Statement by Ms Anita Pipan, Director General for Policy Planning and Multilateral Political Relations, Ministry of Foreign Affairs, Republic of Slovenia on Behalf of the European Union and Associated Countries, to the Second Special Session of the Conference on the States Parties to Review the Operation of the Chemical Weapons Convention, General Debate, The Hague, Netherlands, RC-2/NAT.13, 7 April 2008.

³⁴⁴ Lord Avebury, Parliamentary Question, asking whether the UK would "propose that the role of incapacitating biochemical weapons in military operations and law enforcement be discussed at the Chemical Weapons Convention Review Conference".

³⁴⁵ Baroness Taylor of Bolton, Written Answer, Column WA216, Hansard, 21 April 2008.
http://www.publications.parliament.uk/pa/l200708/lhansrd/text/80421w0001.htm#80421w0001.htm_spnew18

³⁴⁶ Correspondence with authors, Des Browne, Secretary of State, Ministry of Defence, 9th April 2008.

During the Review Conference, Switzerland put forward language on incapacitating biochemical agents for inclusion in the Review Conference Final Document. Although this language gained widespread support from State Parties, it was removed “at the last minute” due to the objection of Iran.³⁴⁷

THE ROLE OF THE UK IN COMBATING THE PROLIFERATION AND MISUSE OF INCAPACITATING BIOCHEMICAL WEAPONS

Incapacitating biochemical weapons and the UK government’s National Security Strategy

BNLWRP notes the inclusion in the UK National Security Strategy of sections relating to chemical and biological weapons, including the following threat assessment:

“A number of states retain the ability to produce chemical and biological weapons. Again, we do not judge that they currently pose a direct threat to the United Kingdom, but we will continue to monitor their ability to produce weapons, the development and proliferation of potential delivery mechanisms, and the possibility of material falling into the hands of terrorists.”³⁴⁸

Furthermore, BNLWRP welcomes the UK government’s commitment to countering the threat of chemical and biological weapons. Specifically its adoption of an “integrated, multilateral approach to tackling chemical and biological weapons.” This approach incorporates commitments to:

“work to strengthen international conventions and to press possessor states to meet the agreed 2012 deadline for the destruction of chemical weapons; strengthen the international verification regime; work with experts to minimise the risk of misuse of commercial material; and seek to reduce the risk of CBRN material, including commercial material, falling into the hands of failed and failing states or terrorists, through strengthening codes of conduct and export control regimes, and improving the international monitoring architecture.”³⁴⁹

However, despite these important commitments there is no specific reference made to incapacitating biochemical weapons anywhere within the National Security Strategy in terms of threat assessment nor with regard to measures combating the dangers of proliferation and misuse of such weapons.

Although there does not appear to be an immediate direct threat of the use of such weapons against the UK or its armed forces in the short term, the ongoing research and development of such weapons by certain states is of concern and we believe does present a potential security challenge, particularly if such research and development were to proliferate. In this regard, BNLWRP notes that the National Security Strategy states that:

“Wherever possible we will tackle security challenges early. We are committed to improving our ability to scan the horizon for future security risks, and to developing our capabilities for preventative action. The most effective way to tackle all the major security challenges involves early engagement.”³⁵⁰

BNLWRP RECOMMENDATIONS

Given the current levels of research into incapacitating biochemical weapons, the future trajectory of such research, the potential for proliferation and misuse of such weapons and the potential danger to the integrity of the Chemical Weapons Convention, BNLWRP recommends that the UK government should develop specific responses to meet this security challenge as a matter of urgency. These should include:

1. *Informal inter-governmental mechanism*

Despite growing recognition of the need to regulate incapacitating biochemical agents, the Second CWC Review Conference did not agree a formal mechanism for CWC State Parties to collectively address this issue. BNLWRP therefore recommends that the UK together with interested CWC State Parties, such as Switzerland, should initiate an informal intergovernmental mechanism to address this issue. BNLWRP believes that this process could usefully:

- Develop proposals for a definition of incapacitating biochemical agents.
- Explore the status of incapacitating biochemical agents under the CWC.

³⁴⁷ Following the Second CWC Review Conference, an unnamed Iranian official stated: “Iran was in favor of having a strong statement on the problem of incapacitants and riot control agents. We wanted a clear reference to incapacitating agents and not simply to “new developments in the field of toxic chemicals,” as had been proposed by Switzerland, the United Kingdom, and the United States. We objected to that proposed language because it was too weak from our perspective and because the subject of the new proposal was different from what we expected.” Arms Control Today, CWC Avoids Difficult Issues, May 2008, http://www.armscontrol.org/act/2008_05/CWC

³⁴⁸ Paragraph 3.13, The National Security Strategy of the United Kingdom: Security in an interdependent world, March 2008, CM 7291

³⁴⁹ Paragraph 4.23, The National Security Strategy of the United Kingdom: Security in an interdependent world, March 2008, CM 7291

³⁵⁰ Paragraph 2.3, The National Security Strategy of the United Kingdom: Security in an interdependent world, March 2008, CM 7291

- Reaffirm and define the CWC prohibition on the use of all toxic chemicals—including incapacitating biochemical agents—as a method of warfare.
- Explore the CWC limitations on the use of toxic chemicals—including incapacitating biochemical agents—for law enforcement.
- Explore the CWC limitations on the development, transfer and use of munitions and delivery devices for toxic chemicals including incapacitating biochemical agents.
- Propose options for CWC reporting and transparency measures for toxic chemicals—including incapacitating biochemical agents—used for law enforcement.
- Explore the limitations on the development, transfer and use of incapacitating biochemical agents arising from existing obligations under other relevant treaties specifically the Biological Weapons Convention, the Single Convention on Narcotic Drugs and the UN Convention on Psychotropic Substances, as well as relevant aspects of international humanitarian law and international human rights law.

Given the multifaceted and multidisciplinary nature of the issues surrounding incapacitating biochemical agents, BNLWRP believes that it is important that relevant experts from governmental, intergovernmental and non-governmental scientific, medical, legal, law enforcement, security, human rights and humanitarian communities contribute to these discussions.

Recommendations from this process should then be submitted to the relevant policy making organs of the Chemical Weapons Convention, with the aim that the issue of incapacitating biochemical weapons be formally addressed at a Conference of State Parties and subsequently the Third CWC Review Conference. If it is deemed appropriate, recommendations from this process should also be submitted to the relevant policy making organs and meetings of other treaty bodies including the Biological Weapons Convention.

Given the importance and complexities of the issue, BNLWRP believes that the UK should begin consultation with possible partners, including Switzerland, as soon as possible.

2. Utilising existing CWC consultation, investigation and fact-finding mechanisms

The UK government should seek relevant information from those CWC State Parties reportedly undertaking research into incapacitating biochemical agents that will demonstrate that their activities are in conformity with the CWC and relevant international law. Given the Russian Federation's reported use of incapacitating biochemical agents on two occasions, the UK should seek clarification regarding its presumptive stockpile of incapacitating biochemical agents, the anticipated uses to which they might be put, and the political and legal controls on their deployment and use. If bilateral consultations with the Russian Federation and other relevant states are not fruitful, the UK should consider a formal request under Article IX of the CWC.

3. Transparency and public accountability with regard to UK policy and practice on incapacitating biochemical agents

Given the previous record of UK research into incapacitating biochemical agents, BNLWRP recommends that the UK government make a statement to Parliament describing current UK policy with regard to research, development, transfer and use of such agents by the UK for law enforcement, military or other purposes. This statement should highlight any relevant research regarding such agents currently taking place or planned in the UK.

In addition, the UK government should report to Parliament on its current strategy and activities for combating the proliferation and misuse of incapacitating biochemical weapons.

The Foreign Affairs Select Committee, possibly in conjunction with the Defence Select Committee and Home Affairs Select Committee, should consider undertaking a review of UK policy and practice with regard to incapacitating biochemical agents. Such a review would encompass the UK's activities in combating proliferation and misuse of incapacitating biochemical agents as well as investigating any relevant research activities the UK has undertaken into such agents.

6 November 2006

Submission from Daniel Feakes, University of Sussex

1. I am a Research Fellow in SPRU—Science and Technology Policy Research at the University of Sussex. I am affiliated to the Harvard Sussex Program on Chemical and Biological Weapons (HSP) which is an inter-university collaboration for research, communication and training in support of informed public policy towards chemical and biological weapons. I have been following chemical and biological warfare (CBW) issues since 1997 when I was seconded from HSP to work in the Organization for the Prohibition

of Chemical Weapons (OPCW). Since returning from the OPCW in 2000, I have particularly focused on the implementation of the 1972 Biological Weapons Convention (BWC) and the 1993 Chemical Weapons Convention (CWC).

2. The Committee's decision to undertake an inquiry into non-proliferation, and particularly its broad remit that includes chemical and biological weapons in addition to nuclear weapons, is very welcome. Given that much attention will inevitably focus on nuclear disarmament, my submission concentrates on CBW, a field which is often overlooked. A number of developments in this area require attention, not least follow-up to the April 2008 Second CWC Review Conference, preparation for the 2011 Seventh BWC Review Conference and the ongoing need to keep pace with developments in the rapidly advancing field of science and technology. Given the renewed focus on nuclear disarmament, it is important that such issues are not neglected.

3. This submission first examines the CBW-related aspects of the *National Security Strategy*, then assesses the effectiveness of the current disarmament and non-proliferation system for CB weapons before highlighting some future challenges and potential initiatives and concluding with some suggested recommendations.

THE NATIONAL SECURITY STRATEGY

4. The *National Security Strategy* published by the Government in March 2008 is welcome in its comprehensive assessment of the threats and challenges facing UK security. The Strategy recognises the interconnectedness of the modern world and acknowledges that the UK cannot tackle many of the threats that it faces alone. The way in which it presents a holistic view of threats to UK national security and an integrated set of policy responses is a significant advance on the traditional way of conceptualising national security as primarily a military issue.

5. The Strategy identifies "nuclear weapons and other weapons of mass destruction" as one of the security challenges facing the UK.³⁵¹ It is likely correct in its view that no country currently poses a direct threat to the UK with CB weapons, and it sensibly says that the Government will continue to monitor countries suspected of possessing CB weapons. The Strategy describes the Government's "integrated, multilateral approach" to tackling CB weapons. Having observed UK participation in many BWC and CWC meetings, I can state that this approach appears to work well, with the UK frequently being among the more effective delegations. It would also appear that the related institutional machinery—the Counter-Proliferation Committee and the Counter-Proliferation Implementation Committee—functions effectively. Furthermore, the UK is unique in that its CWC National Authority, which is based in BERR, has at its disposal an advisory committee made up of industrialists, scientists and academics. The UK deserves praise for this innovation and the Government should encourage other CWC states parties to establish similar committees.

6. It is unfortunate that the *National Security Strategy* uses the term "weapons of mass destruction" (WMD). The term is convenient shorthand and is useful in that it acknowledges the many linkages between nuclear, biological and chemical weapons. It is also a term defined by the United Nations and used in several multilateral treaties. However, the Carnegie Endowment for International Peace, and many others, has argued that "a failure to differentiate [nuclear, biological and chemical weapons] can lead to seriously flawed policy" as it "conflates very different threats from weapons that differ greatly in lethality, consequence of use, and the availability of measures that can protect against them."³⁵² The WMD conflation also ignores the significant political and legal distinctions between international responses to nuclear, biological and chemical weapons. The 1968 Nuclear Non-Proliferation Treaty (NPT) is not a disarmament treaty; it divides its states parties into nuclear weapons states and non-nuclear weapons states. The BWC and CWC in contrast are fully-fledged disarmament treaties; all states parties are treated equally, and all are required to renounce and destroy any CB weapons they possess. One hopes that the Strategy uses WMD as convenient shorthand and that actual assessment, analysis and policymaking within Government are based on a clear understanding of the distinct characteristics of nuclear, biological and chemical weapons.

7. Another consequence of CB weapons being conflated with nuclear weapons under the WMD rubric is that most attention actually focuses on nuclear proliferation with consideration of CB weapons very much a second-order priority. This is illustrated in the *National Security Strategy* which, although a document from which fine detail should not be expected, devotes relatively little space to CBW. It can also be seen in the responses received to this Committee's inquiry which overwhelmingly address nuclear issues. Even the FCO's own submission only devotes three of its 54 pages to CBW and none of the eight "serious challenges" to the international counter-proliferation system listed in the submission relate to CBW. This neglect of CBW is not only limited to the Government. In Parliament, significant events such as BWC and CWC review conferences go almost unnoticed in comparison with their nuclear equivalents. The new focus on nuclear disarmament, while very welcome, may result in a further reduction in attention paid to CBW.

³⁵¹ UK Cabinet Office, *The National Security Strategy of the United Kingdom: Security in an Interdependent World*, Cm 7291 (March 2008), p. 11.

³⁵² Joseph Cirincione, Jon Wolfsthal and Miriam Rajkumar, *Deadly Arsenals: Nuclear, Biological, and Chemical Threats*, [Second Edition Revised and Expanded], Carnegie Endowment for International Peace: Washington, DC, 2005), p. 3. See also George Perkovich, *Deconflating "WMD"*, WMD Commission Paper No. 17 (October 2004); Wolfgang Panofsky, "A Damaging Designation", *Bulletin of the Atomic Scientists*, vol. 63, no. 1 (January/February 2007), pp. 37–39.

8. The apparent neglect of CBW in the *National Security Strategy* is of concern as the UK has long been one of the strongest supporters of CBW arms control and disarmament. This role dates back until at least 1968 when the UK tabled a draft biological weapons treaty in the Geneva disarmament conference. When the BWC emerged from the subsequent negotiations, the UK was designated as one of its three depositaries, alongside the USA and USSR. More recently, when negotiations to strengthen the BWC collapsed in 2001, the UK contributed to finding a way forwards with the publication of a Green Paper.³⁵³ The UK also played an active role throughout the 20 years of the CWC's negotiation. When the CWC was finalised in 1993 a UK diplomat, Ian Kenyon, was chosen as Executive Secretary of its Preparatory Commission. Another British diplomat, John Freeman, is currently Deputy Director-General of the OPCW, and preparations for the Second CWC Review Conference were chaired by the UK Ambassador in The Hague, Lyn Parker. Any diminution of this record would be detrimental to the UK's external profile and to international efforts to sustain and strengthen the anti-CBW regime, with consequent repercussions for UK national security.

THE EXISTING ANTI-CBW REGIME—NON-PROLIFERATION AND DISARMAMENT

9. The effectiveness of the existing rules-based regime (which consists not just of the BWC and CWC but also the 1925 Geneva Protocol, the empowerment of the UN Secretary-General to investigate allegations of the use of CB weapons and UN Security Council resolution 1540) in curbing proliferation is difficult to assess. Any assessment depends largely on the political context within which it is undertaken and the expectations that are placed upon the regime. It is also important to understand that non-proliferation is only one element of the anti-CBW regime, the other key element is disarmament. In some ways, a focus on non-proliferation reflects the predominance of thinking about nuclear weapons where disarmament is a much less active part of the NPT regime. Within the CBW field, disarmament and non-proliferation are two sides of the same coin—they can be seen as respectively addressing the demand and supply side of the CBW threat. Disarmament contributes to non-proliferation by ensuring there are fewer weapons to proliferate and by giving states less reason to acquire their own CBW capabilities. Non-proliferation contributes to disarmament by hindering the re-emergence of CBW stockpiles. As was seen at the Second CWC Review Conference, non-proliferation is a contentious term, partly because of its roots in the NPT context. Within the CWC, where there is no distinction between haves and have-nots, non-proliferation is not a strictly accurate term, perhaps non-diversion might be more so.

10. One way to measure the effectiveness of the current system is to take a quantitative approach. The CWC has 184 states parties and is therefore not far from achieving universal adherence, although the remaining 11 states include some, such as Egypt, Israel, North Korea and Syria, which are suspected of possessing CW. The six declared possessor states (Albania, India, Libya, Russia, South Korea and the USA) have destroyed over 40% of the world's declared stockpile of 71,315 metric tonnes of chemical weapons.³⁵⁴ Albania and South Korea have completed their destruction operations, but Russia and the USA are expected to miss their 2012 deadline. The OPCW has undertaken 3,491 inspections at 195 chemical weapon-related and 1,103 industrial sites on the territory of 81 states parties. The CWC has been one of the most significant multilateral achievements of the past 15 years, although it is among the least known or appreciated by the public. As a much less elaborate treaty, there are fewer quantitative yardsticks against which to measure the effectiveness of the BWC.

11. Taking a qualitative approach offers another perspective on the effectiveness of the current system. Neither the BWC nor the CWC are self-executing; they rely upon effective implementation at the national level and upon awareness among the relevant professional communities, such as the armed forces, scientists and industry. Analyses of the national implementation of both treaties shows that neither have particularly high rates of national implementation. In addition, to be truly effective national legislation has to incorporate the comprehensive nature of each treaty, which is enshrined in the “general purpose criterion” contained in both. Neither treaty is based on a list of prohibited biological or chemical agents using instead this criterion of purpose whereby all agents are prohibited unless intended for a permitted purpose, as long as in types and quantities consistent with such purposes. These “general purpose criteria” allow the treaties to keep pace with scientific and technological developments, ensure that they cover all relevant agents, even those not yet invented and permits the use of dual-use chemical and biological agents by legitimate industries.

12. Another measure of the effectiveness of the existing regime is the strength of its underlying norm. There is an ancient, cross-cultural taboo against the use of poison and disease in warfare which is today codified in the BWC and CWC. It is hard to imagine any country being able to use CB weapons without provoking widespread condemnation and sanction from the international community. Even the possession of CB weapons has been delegitimised to the extent that no country openly admits to it. Even those countries suspected of possessing CB weapons do not proudly parade them as countries do with nuclear weapons and ballistic missiles. The delegitimisation of CBW means that the anti-CBW norm is strong. However, such

³⁵³ Foreign and Commonwealth Office, *Strengthening the Biological and Toxin Weapons Convention: Countering the Threat from Biological Weapons*, April 2002, Cm 5484.

³⁵⁴ Figure provided at <http://www.opcw.org>, accessed on 16 November 2008.

normative considerations may not dissuade terrorists from acquiring and using CB weapons, and the norm against using poison and disease in warfare might start to unravel if “non-lethal” CB weapons came to be widely assimilated and deployed by military forces.

13. Studying how the existing system deals with challenges is another way to measure its effectiveness. In 2001, the BWC received its biggest blow when six years of negotiations to strengthen the treaty ended in failure. While many feared for the future of the treaty, a stop-gap “rescue package” exceeded all expectations and has now taken the BWC off in a totally new direction, which does however, seem better suited to the challenges now faced. At the forefront of these challenges are the dramatic advances in science and technology which are producing whole new subject areas, such as synthetic biology, which pose new challenges to policymakers. To complicate matters further, the disciplines of chemistry and biology are converging, and the life sciences are converging with information technology and nanotechnology. This convergence means that the BWC and CWC will have to demonstrate adaptability and devote time to investigating the areas of overlap between them.

14. Since its entry into force in 1997, the CWC has focused mainly upon its disarmament function given that possessor states were under a strict obligation to destroy their CW stocks within 10 years (with a maximum five-year extension to 2012). The CWC also contains much more detail within its text on destruction than it does on non-diversion. However, two out of the six possessor states have already completed destruction and two more (India and Libya) will have done so before the 2012 deadline. While it is likely that Russia and the USA will require some more time, the fact will remain that most CW will have been destroyed and the primary function of the CWC will shift from verifying destruction to ensuring that re-armament does not occur. This will entail a radical change in the nature of OPCW verification activities and will require states parties to elaborate upon currently underdeveloped CWC provisions regarding transfers, assistance, encouragement and inducement and military preparations. It will also require a broadening of the presently rather narrow approach to CWC implementation followed by many states parties who stick rigidly to the detailed text of the CWC. It was therefore disappointing that the transition was not discussed in more depth at the Second CWC Review Conference and it is worrying that many non-aligned states parties appear to be reluctant to focus more heavily on science and technology and non-diversion.

15. These current and impending challenges to the existing system have led to a situation in which the BWC and CWC are no longer the sole points of reference in the CBW field. One analysis describes the transition of the BWC from “lone monolith” in the early 1970s to “crucial keystone” among numerous instruments and initiatives today.³⁵⁵ Another argues that “action is required at all levels; individual, sub-national, national, regional, like-minded, and international, public, private, government, and intergovernmental levels. Managing the biological weapons problems requires a rubric of measures from the individual to the international.”³⁵⁶ Therefore, international organizations and initiatives now relevant to CBW include: the 1540 Committee; the Australia Group; the European Union; the Financial Action Task Force; the G8; the Global Health Security Initiative; the International Committee of the Red Cross; the International Maritime Organization; Interpol; NATO; the Organization for Economic Cooperation and Development; the Proliferation Security Initiative; the World Customs Organization; and the World Health Organization.

FUTURE INITIATIVES

16. In terms of forthcoming diplomatic initiatives, both the BWC and CWC are currently between review conferences. The Seventh BWC Review Conference will convene in 2011, while the Third CWC Review Conference will convene in 2013. Both events will require significant planning and preparation, but both are sufficiently distant as to not require urgent action now. For the present, attention is focused on the regular cycle of BWC and CWC meetings, namely the BWC Meeting of States Parties in Geneva in early December and the CWC Conference of the States Parties at the same time in The Hague.

17. More important will be deciding on an appropriate response to the likely failure by both Russia and the USA to meet the 2012 deadline for the total destruction of their CW stockpiles. This eventuality could have extremely serious repercussions for the OPCW, and it was already casting a shadow at this year’s Second Review Conference. The Government will need to decide its response to the fact that two key states parties are unlikely to meet one of the most fundamental obligations under the CWC. The outline of possible solutions is already apparent, but reaching consensus among the OPCW’s current 184 member states is likely to prove very difficult and could impact negatively on other areas of CWC implementation.

18. The *National Security Strategy* states that “the international security architecture has yet to adapt satisfactorily to the new landscape.”³⁵⁷ This is equally true of the CBW field where the “new landscape” includes not only terrorism, but also the dramatic advances in science and technology and the global spread of infectious diseases. Space only permits mention of two initiatives, both of which have their origins in academia. One such proposal would criminalise CBW at the individual level, thereby filling a gap in the

³⁵⁵ Piers Millet, “The Biological and Toxin Weapons Convention in Context: From Monolith to Keystone”, *Disarmament Forum*, No. 3 (October 2006), p. 59.

³⁵⁶ Jez Littlewood, *The Biological Weapons Convention: A Failed Revolution*, Aldershot: Ashgate, 2005, p. 234.

³⁵⁷ *National Security Strategy*, p. 17.

BWC and CWC which primarily apply at the state level.³⁵⁸ The Government has already stated its support for this proposal during the Committee's inquiry into the 2002 BWC Green Paper.³⁵⁹ Another initiative, at an earlier stage of development, proposes the negotiation of a "framework convention on biological and chemical controls" which would facilitate synergies between the BWC and CWC and which could more effectively keep pace with developments in science and technology and in related areas of convergent technology such as nanotechnology.³⁶⁰ Finally, three books have been published recently calling for a "global governance" approach to biosecurity and the misuse of the life sciences.³⁶¹

RECOMMENDATIONS

19. The brief overview presented here leads to a number of recommendations. First, the Government, but also Parliament, should pay proper and distinct attention to CB weapons and not simply conflate them with nuclear weapons under the WMD rubric. Second, reflecting the convergence of chemistry and biology, much more effort should be put into improving the relationship between the BWC and CWC and into creating synergies among the organizations listed above in paragraph 15. Third, with respect to the BWC, the Government should push for more regular, formal reviews of relevant developments in science and technology. Fourth, still on the BWC, the Government should support the strengthening of the Implementation Support Unit and other measures to address the BWC's institutional deficit. Fifth, on the CWC, the Government should support a broadening of its currently rather narrow agenda, perhaps through annual meetings similar to those under the BWC. Sixth, the Government should encourage other states parties to focus on the implications for the OPCW of the transition from disarmament to non-proliferation, and should make efforts to reach out to those states parties which appear reluctant to acknowledge the shift. Seventh, the Government should use the opportunity presented by the change of administration in the USA to explore new, possibly legally-binding, initiatives while still sustaining current activities. Eighth, Parliament itself should examine ways to improve its scrutiny of CBW issues, particularly around the time of BWC and CWC review conferences, and of the activities of the CWC National Authority which reports annually to Parliament.

16 November 2008

Submission from Dr David Lowry

PROLIFERATING PROBLEMS

On 5 November I listened to three witnesses give oral testimony before the FASC. These comprised respectively Professor Malcolm Chalmers, Professor of International Politics, Bradford University, and Professorial Fellow, Royal United Services Institute, and Mark Fitzpatrick, Senior Fellow for Non-Proliferation, International Institute for Strategic Studies and Director, IISS Non-Proliferation and Disarmament Programme, presented together, followed by an excellent and impressively incisive contribution by Baroness Williams of Crosby, Adviser to the United Kingdom Prime Minister on Non-Proliferation; Member, International Commission on Nuclear Non-Proliferation and Disarmament.

Mr Fitzpatrick, an American citizen, gave the impression that the United Kingdom's own glacially slow progress on meeting its own nuclear disarmament obligations—under the NPT and other treaties—would have no impact on Iran's atomic aspirations, as he sees them. He said, in terms:

"I do not think that Iran would change based on what the United Kingdom does with its own nuclear policy; Iran's pursuit has nothing to do with the United Kingdom."

Based on some thirty years experience of nuclear policy, nuclear security and nuclear proliferation analysis, some of it as co-founder and director of the European Proliferation Information Centre (now defunct), I disagree.

Below I have compiled a collection of my recent writings on member state compliance with NPT, and related asymmetrical obligations on States Parties to the NPT, to demonstrate that what self-appointed nuclear weapons states such as the United Kingdom does, has a material diplomatic impact on states such as Iran, which have ambiguous atomic status.

³⁵⁸ Matthew Meselson and Julian Perry Robinson, "A Draft Convention to Prohibit Biological and Chemical Weapons under International Criminal Law", *Fletcher Forum of World Affairs*, vol. 28, no. 1 (Winter 2004), pp. 57–72.

³⁵⁹ Foreign Affairs Committee, *The Biological Weapons Green Paper*, First Report of Session 2002–03, HC 150, 11 December 2002, Ev. 35.

³⁶⁰ Malcolm Dando, "The Merits of a Biochemical Framework Convention", *Bulletin of the Atomic Scientists*, web edition, 1 October 2008, available at <http://www.thebulletin.org/web-edition/columnists/malcolm-dando/the-merits-of-a-biochemical-framework-convention>.

³⁶¹ Nayef RF Al-Rodhan, Lyubov Nazaruk, Marc Finaud and Jenifer Mackby, *Global Biosecurity: Towards a New Governance Paradigm*, Editions Slatkine, 2007; Lawrence Gostin and David Fidler, *Biosecurity in the Global Age: Biological Weapons, Public Health and the Rule of Law*, Stanford University Press: Stanford, 2008; Barry Kellman, *Bioviolence: Preventing Biological Terror and Crime*, Cambridge: Cambridge University Press, 2007.

I would be very pleased to give further evidence if you would find that helped the Inquiry. Otherwise, please do publish this evidence.

Dr David Lowry

Environmental Policy and Research consultant, specialising in nuclear materials and security matters

20 November 2008

Letter to Mr Nicholas A Sims, Dr Brian FG Jones and Daniel Peakes

Thank you for attending the evidence session held on 19 November to discuss biological and chemical weapons as part of the Committee's inquiry into Global Security: Non-proliferation. At various points during the session the Committee requested a note in further explanation of key points. I have listed these below. Secondly, as a result of divisions in the House, the Committee were unable to ask all the questions they would have liked and I would be grateful if, as you agreed at the session, you could provide answers to these additional questions in writing. Again, I have listed them below. We would welcome your responses to all those questions to which you can provide an answer, preferably before the House rises on 18 December.

Requests for notes on additional points

1. The Committee would be grateful for any further information that you could provide regarding the Al-Qaeda laboratory discovered at Kandahar, mentioned in Dr Jones's evidence and by Sir John Stanley when he asked Dr Jones "Can you tell us, from your background in government, what factors were driving al-Qaeda to believe that their laboratory work might end up with a usable biological weapon, which they could use against those parts of the world and individual countries of whose culture and behaviour they disapproved? From which sources were they able to get the basic expertise that they presumably required to get their laboratory going in the first place?". (Question 57)
2. The Committee would be grateful for further details of the UK chemical company Mr Feakes mentioned that was fined for an export "made either last year or the year before". This was in response to a question asked by Sir John Stanley regarding controls of dual-use items exported from the EU. (Question 75–76)
3. The Chairman requested further information on the following aspects of the Chemical Weapons Convention:
 - a. Whether the Organisation for the Prohibition of Chemical Weapons possesses all the possible and necessary means of enforcement in relation to the Chemical Weapons Convention? What impact does the USA's Presidential Veto have on the authority of the inspection regime?
 - b. Many signatories are yet to legislate in order to implement the Chemical Weapons Convention and some are yet to even designate a National Authority. What does this indicate about their intentions to comply with their obligations?
 - c. Is the UK doing enough to assist in the destruction of chemical weapons stocks and aiding other States to implement the Chemical Weapons Convention? (Question 79)
4. Sir John Stanley requested a note on the status of defoliants and herbicides under the Chemical Weapons Convention and whether it would be permissible for these to be used as they were by the USA during the Vietnam War. He asked further for a view on whether "if it is merely in the preamble, is it a policy development that the British Government should press for when we come to the next review?". (Question 82–83)

Additional Questions for all witnesses

1. Once existing stocks are destroyed what will be the role of the Organisation for the Prohibition of Chemical Weapons and the Chemical Weapons Convention?
2. What practical steps should be taken to accelerate universal membership of the Biological and Toxic Weapons Convention?
3. Are there sufficient measures to deal with non-compliance with the Biological and Toxic Weapons Convention?
4. What would be the likely success of a negotiated verification protocol which did not include the USA? Would this be a useful tool for the Biological and Toxic Weapons Convention and would it be achievable?
5. How effective is the UK's approach to the control of the expertise necessary to create chemical and biological weapons? Can incidents such as the 2001 anthrax attacks in the USA be prevented?
6. How effective is the Australia Group in preventing exports of materials for biological and chemical weapon production?

7. Is an informal forum such as the Australia Group the most effective way to go about harmonising export controls?
8. What are the prospects of an expansion of the Australia Group regime? Is this desirable?
9. Is the Proliferation Security Initiative sufficient to intercept smuggling of materials for WMD production or should additional measures be pursued?
10. Are the CWC and BTWC able to meet the changing threats that will arise as science advances, for example the development of incapacitating biochemical weapons?

21 November 2008

Submission from Mrs Elizabeth Young (Lady Kennet)

I am a second generation arms control enthusiast, my father, on retiring from the Royal Navy, having become Naval Advisor to the Disarmament Section of the League of Nations (1929–39). I joined the Institute of Strategic Studies shortly after its foundation and am also a long term member of Chatham House and of RUSI.

It was for the ISS (as it then was) that in April 1969, I wrote an Adelphi Paper, No 56, on *The Control of Proliferation: The 1968 Treaty in Hindsight and Forecast*. Later, in 1972, I wrote a Pelican Special, *A Farewell to Arms Control?*

The first pages of the *Adelphi Paper*, describe the situation as it was in the late 1960s. Nothing has very much changed since then: Governments continue to value their own state's interests above others' and above those of the international community. With Mr Bush's United States, it is almost as if other states' probable reactions to their own policies need not figure in their formulation.

In practice, then—and since—National Interest was and has been the main motivator for proliferation. This started with the UK in 1945. President Truman—unilaterally—backed out of war-time agreements between Mr Churchill and President Roosevelt (the Montreal and Hyde Park memoranda) to continue atomic cooperation after the War. Prime Minister Attlee immediately decided the United Kingdom, particularly as the original source of the relevant atomic physics, should indeed continue to develop nuclear weapons, despite the American wish to secure a nuclear weapon monopoly. The Atomic Energy Authority was set up at Harwell in October 1945.

Today, in a not entirely dissimilar situation, one principal motivator of the ill-feeling between the United States (ever eager to enhance its strategic posture) and Russia (equally eager to protect its own) is the US Missile Defence Programme. In 2002, President Bush withdrew, as unilaterally as Mr Truman in 1945, from the Anti-Ballistic Missile Treaty, which had been agreed in 1972, precisely to avoid a predictable arms race in missile defences.

MISSILE DEFENCES' ROLE IN AN OFFENSIVE STRATEGY

Despite the name, missile defences form part of an offensive posture: with a pre-emptive attack—and President Bush has announced pre-emption as an essential element in US strategy—you can reduce the effectiveness of your opponent's retaliatory force. When he does attempt to retaliate, you can hope to destroy the remains of a much attenuated force. Missile defences, in short, damage the doctrine of mutual deterrence which has in fact served us well since 1945.

If the proposed American “missile shield” is indeed set up in Eastern Europe, TIT will certainly be followed by TAT. Strangely, in the West, this seems not to have been properly analysed. For instance, in the long interview in the October 2008 issue of the *RUSI Journal* with Lieutenant General Henry Obering III, Director of the US Missile Defense Agency, he shows no awareness that Missile Defences can indeed be seen as forming part of an offensive posture, and that this is how the Russians have always seen them, and that it is such that they are reacting to them now.

And all American efforts to persuade the Russians that a Global Missile Defense System, including Russia, and able to defend against anything that Iran, North Korea, or any other irresponsible rogue might wish to deploy, could be a good idea, have failed: it would necessarily be under American control.

A Russian—hardly serious—counter proposal for a system, making use of an existing Russian radar base, was rejected by the Americans.

And the Czech and the Poles have, not surprisingly, rejected another Russian “compromise” proposal, which would have Russian personnel permanently stationed at the US bases.

There cannot ever in fact be a satisfactory solution to the problems of the requisite Integrated Command and Control. All decisions to engage a presumed attack would have to be under exclusive US control, and then under some kind of virtually automatic control: there would be no time for consultation, even with superiors, let alone with “allies”, with an “attack” on the way.

To the Russians, and to many others, all this is the US seeking, not global peace or stability, but global hegemony: that *Full Spectrum Military Dominance—Land, Sea, Air, Space, and Cyber Space*, that United States officials so often mention in other contexts.

In 1972, Nixon had signed the ABM Treaty with Brezhnev to

“clos[e] off the possibility of a spiralling, potentially dangerous competition in anti-ballistic missile systems”,

[as it is put in the *Kissinger Transcripts*, p. 15.]

Then in 1983, President Reagan attempted to have everyone accept his own great anti-missile idea: the Strategic Defense Initiative—“STAR WARS”...

According to Helmut Schmidt, German Chancellor,

“there was no allied consultation whatever before Mr Reagan publicly declared, on March 23rd 1983, that SDI was meant to “change the course of history”...and even make nuclear weapons obsolete” [*A Grand Strategy for the West: the Anachronism of National Strategies in an Interdependent World*, 1985, p61]

Of that project, Yuri Andropov, Soviet Premier, said,

“It is time they [Washington] stopped... search[ing] for the best ways of unleashing nuclear war... Engaging in this is not just irresponsible. It is insane”. [*Pravda*, 27 March 1983].

Precisely to remove all restraints placed on US policy President Bush, unilaterally, withdrew from the ABM Treaty in 2002. Ever since, he has given enthusiastic support to his Missile Defense Agency, and to the relevant parts of the Military Industrial Complex, against whose blandishments President Eisenhower had warned. Less enthusiasm from the Congress has followed, but enough funding to keep things going. (And cooperation with Israel has also been enthusiastic and continuous.)

Secret negotiations with the Czech Republic and with Poland followed, for bases in those countries, radar and missiles respectively. Strangely, other NATO countries were not consulted, although they were obviously legitimately concerned. (At some point, the United Kingdom must have been consulted, because the US radar base at Fylingdales was enhanced to become part of the US Missile Defense System. This, Des Browne announced just before the 2007 summer recess.)

President Bush’s Missile Defense plans for Eastern Europe Did soon become public knowledge and the Czech and Polish governments have each actually reached agreement with the US. The texts have not yet been ratified by the respective Parliaments and with some 70% of the people in each country reported in polls to be opposed, they may not be. As one Czech newspaper has put it,

“Public opinion and political elites in the Czech Republic and Poland are ambivalent about the US radar and missile defence bases. This is understandable—we had an army of one superpower in this region for 40 years, so why should those from the other side of the world be here now, after all?”

The Polish Prime Minister, Donald Tusk, on the other hand, having secured promises of US assistance in updating the Polish military in return for agreeing to a base for US Missiles, was reportedly annoyed by M. Sarkozy’s 14 November remark that the US missile defence plans were misguided: missile defence, said Mr Tusk, was a matter strictly between the United States and Poland and did not involve France or any other “third parties”. (Did he mean Russia?) It has now been reported that “Patriot” missiles—short-range anti-missile missiles will arrive in Poland in 2009—part of the military assistance the US has agreed.

The Russian view has remained consistent.

The President of the *Russian World Foundation*, Vyacheslav Nikonov, has recently pointed out:

“The conflict field between Russia and the USA is quite big but the problems that have significance for the Kremlin can be counted on the fingers of one hand... NATO enlargement, the acceptance of Ukraine and Georgia into NATO, and the anti-missile defence system”.

And on 4 November, just as Barak Obama was being elected, President Medvedev announced that if the US, under the new President, continued with President Bush’s plans to deploy elements of his Missile Defense system in Poland and the Czech Republic, Russia would deploy certain missiles in Kaliningrad, capable of taking them—and much else—out. TIT following TAT...

None of which is in the least surprising, and can hardly be news to the State Department, or even the Pentagon, if they have done the appropriate thinking.

Slightly new proposals are said to be now emerging from Washington, but in these last days of the Bush Presidency, the Russians are not willing to enter into any agreement at all on missile defences. The only purpose they see behind the new proposals is to rule out future discussion—ie with President Obama.

What they see is the Bush administration

“intent on putting the new U.S. president in a hopeless situation, so that he should take responsibility for what they concocted without him,...something that had been designed without his involvement.”

Or, of course, ours.

PROLIFERATORY RESPONSES TO MISSILE DEFENCES

Responses to Missile Defences can take a great many forms, of which a new deployment of short-range missiles in Kaliningrad is only one. Others—all “proliferatory”—include: more warheads on existing missiles; improved warheads on existing missiles; multiple war-heads; bigger, less vulnerable warheads; disguised warheads; the earlier deployment of announced missiles or warheads; failure to adhere to existing arms control agreements regarding missile number reductions; and so on, ad infinitum.

Nevertheless, General Obering is hoping to persuade President-elect Obama to continue with the programme:

“Our testing has shown not only can we hit a bullet with a bullet, we can hit a spot on a bullet with a bullet,”

he recently told reporters.

“Hitting a bullet with a bullet” is hardly the point when the problem remains how to identify the “bullet”; how to determine if, indeed, it is a “bullet”, and if so, of what kind, and what the results of releasing its unknown contents might be.

The “militarization of space” is bound to follow the US deployment of missile defences. Space systems already provide most of the information about missile-launchings, etc., and, next, sending up weaponised satellites will look quite reasonable. The US reaction to the Chinese destruction of one of their own worn-out weather satellites showed the kind of alarm to which the US—is prone, faced with even unsurprising reality. Just what the consequences of US-Japanese cooperation in missile defences may be is of course another matter to keep sight of. How will China respond?

And, given the extent to which missile defences are dependent on their cyber-connexions, and the vulnerability of these to hackers of all kinds, these systems are not those on which it would be sensible to rest the security of one’s country.

Here, in the UK, we were (rather) surreptitiously inserted into the US Missile Defense System, when Desmond Browne announced, in July 2007, that the US Radar base at Fylingdales was being brought up to Missile Defence standards. At the time he promised full-scale national debate, but that has not happened. None of the three major think-tanks—RIIA (Chatham House); Royal United Service Institution; the IISS (International Institute for Strategic Studies)—have had open meetings to discuss the matter. A few PQs have been asked, and Lord Wallace had a debate in the House of Lords, but there has been no general excitement about what should be a major public issue.

“...and the FCO’s policy goal on countering weapons proliferation

There could be a lot to be said for “countering weapons proliferation”, but there is a very strong urge among governments to see the arms industry and the arms trade as useful tools of economic policy. Clearly, as President Eisenhower foresaw, the “unwarranted influence” of both the “military industrial complex” and of the “scientific-technological” elite, has been there, in Washington, powerful and dangerous as never before, with a militarily and scientifically illiterate American President.

And we ourselves need to think about our arms industry, our arms trade, differently from how we think about other exports: the globalising world requires us to engage in “peacekeeping”, but the uncontrolled export of arms is—usually—peace-destroying. And in the UK such “control” as there is, is quite inadequate in a Government Department that is intended vigorously to promote “trade”: trade that includes the arms trade. Which in turn promotes Proliferation.

US President-elect Barack Obama

We now have in the United States a President-Elect, of whom Russian Deputy Foreign Minister Sergey Ryabkov has said that Russia

“regards statements made by the headquarters of newly elected US President Barack Obama as a favourable background for Russian-American relations.”

And Obama’s staff are quoted as saying that he

“will seek real and verifiable reductions in all US and Russian nuclear weapons, and work with other nuclear powers towards significant reductions in nuclear arsenals by the end of his presidency”

Which is good. And Obama himself stated in July that he would welcome a “world free of nuclear weapons”. But he also said that as long as others had nuclear weapons, he would always see to it that the United States had sufficient deterrent forces.

The point here is that whatever agreements are reached with who-ever it may be, there will never be certainty that ALL nuclear weapons and nuclear weapons technology have been abolished. A report just published by a Harvard unit urges

“a global campaign to lock down every nuclear weapon and every significant stock of potential nuclear bomb material worldwide as rapidly as that can possibly be done.”

And while that is sensible, it is very different from “a world free of nuclear weapons”.

Would the US ever totally disarm? Would France, or Britain, or Israel or Russia or India? Why should Iran commit itself, when it is actively threatened by Israel, and even by some elements in the United States?

We managed during the Cold War—eventually—to recognize that the other party’s interests were as real as our own, and settled for Mutually Assured Deterrence—MAD.

And—its unacceptability to the Russians—is why there is no point whatever in the missile defence system that President Bush is bequeathing to his successor—and to the rest of us: every response to it is proliferatory.

The causes of Proliferation are obvious: TIT for any suspected TAT. It is a response to the military activities or acquisitions of others that could amount to a threat to one’s own country or its interests.

“Worst case analysis” is central, and no hypocrisy will remain unsuspect. Thus there is no way any United States President can persuade Russia—or indeed anyone else—that the proposed “missile shield” is a harmless plan aimed at protecting us all from the weapons that Israel’s, or the United States own, nuclear weapons have probably inspired.

If we wish our views on Proliferation to be taken seriously we have to explain to ourselves, and to the world at large, how it is that we have for so long tolerated Israel’s nuclear weapons—Israel’s not unreasonable nuclear deterrent—and India’s, and Pakistan’s—and then announce that any of Iran’s would be no less than “unacceptable”. Iran is already surrounded by states with nuclear weapons; Israel threatens her; the United States refuses, in negotiations, to take the “military option” off the table. Would Iranian nuclear weapons necessarily start up any new arms races?

Most desirable, would be a nuclear-weapon-free Middle East. Should we not make that our anti-proliferation policy for the region, rather than concentrate on what Iran is doing, which has not yet exceeded what is allowed by Article 4 of the Non-Proliferation Treaty?

November 24th 2008

**Further submission from Mr Nicholas A Sims, Reader in International Relations,
London School of Economics and Political Science**

STATUS OF DEFOLIANTS AND HERBICIDES UNDER THE CHEMICAL WEAPONS CONVENTION

(*REF Questions 82 and 83*)

Nicholas Sims

Q.82

1. The only explicit reference to herbicides in the CWC is preambular: “*Recognizing* the prohibition, embodied in the pertinent agreements and relevant principles of international law, of the use of herbicides as a method of warfare”. This is preambular paragraph 7. By its very nature a preambular reference does not constitute a treaty obligation but reflects the intentions of the negotiators and the context of existing law and institutions which they regarded as particularly relevant to the new treaty.

2. During the negotiation of the CWC the Committee on Disarmament (constituted in 1979) and the Conference on Disarmament (as it was renamed in February 1984) worked through an *Ad Hoc* Working Group and later an *Ad Hoc* Committee on Chemical Weapons. The *Ad Hoc* Committee in turn set up working groups at different times to deal with particular aspects of the drafting of the CWC. This substructure helped the Committee elaborate a draft known as the Rolling Text between 1984 and 1992, which was pruned of square brackets and footnotes in 1992 first by Australia and then by Germany (as the 1992 Chairman of the *Ad Hoc* Committee) and became the basis of the eventual Convention. Negotiations were concluded at Geneva on 26 August 1992; the Convention was adopted by the Conference on Disarmament on 3 September 1992 and opened for signature at Paris on 13–15 January 1993, entering into force on 29 April 1997.

3. The use of defoliants and herbicides during the Vietnam War was well known to the Conference on Disarmament and there was a possibility that they might be covered by the eventual CWC. The sensitivity for the United States of the issue of defoliants and herbicides resulted in special handling of this issue. It was sidelined for some time into the “Wisnomoerti conversations”, chaired by the Deputy Permanent Representative of Indonesia to the Conference on Disarmament (Mr Wisnomoerti), to avoid the risk of

deadlock to the drafting work being undertaken in the *Ad Hoc* Committee and its main substructure of working groups. Being thus kicked into touch the issue would not delay progress in the negotiations until (if at all) near their end.

4. The outcome of the Wisnomoerti conversations was inconclusive: square-bracketed (ie disputed) draft language and a (Swedish) footnote to the Rolling Text which was carried forward in that form until 1992. This noted that the placement of any reference to herbicides in the CWC and in particular their coverage under Article II (Definitions) remained to be decided. In May 1992 an attempt to put herbicides into Article I and thereby make their use as a method of warfare an object of prohibition on a par with all the other CWC prohibitions³⁶² was unsuccessful, and after “intensive negotiations under the moderatorship of Australian Ambassador O’Sullivan, near consensus was reached to drop this prohibition under Article I and instead make reference to the recognition of such a prohibition in the *Preamble*”.³⁶³ The Chairman of the *Ad Hoc* Committee, Ambassador von Wagner, explained why he was recommending this compromise, on 26 June 1992: “in many years of negotiations positions had remained contentious on whether and how the possible war-time use of so-called ‘herbicides’...should be dealt with in the Convention, as witnessed by footnotes and bracketed text which stayed untouched until recently” and he was therefore recommending “a new seventh paragraph in the Preamble, reiterating the already existing prohibition on the use of herbicides as a method of warfare.”³⁶⁴

5. A legal commentary on the definitive text of the Convention was published in 1994 by Dr Walter Krutzsch and Dr Ralf Trapp, both closely associated with the 1992 concluding stage of negotiations at Geneva and then with the setting up of the OPCW at The Hague. They point out that Article II.2 defines *toxic chemicals* in terms of their effects on *humans or animals* only:

“The definition excludes... toxicity against plants. Herbicides will not be regarded as chemical weapons if used with an intent to destroy plants. That would even apply if the (secondary) effect of such use were the killing or harming of people, for example by toxic side effects or by denial of food supplies. On the other hand, herbicides would be covered if they were used in order to directly kill or harm people through their toxicity. It could also be argued that military use of herbicides in an ‘anti-plant’ mode yet at a dosage that would make collateral toxic effects in humans inevitable would be prohibited under the Convention.”³⁶⁵

...

“This peculiar treatment of anti-plant chemical agents under the CWC has often been explained by the implications for legitimate civilian and military uses of herbicides. The latter could include, *inter alia*, such activities as clearing airfields or perimeters of military bases. Another argument has been that excessive use of herbicides is already covered under the ENMOD Convention. During the negotiations for the ENMOD-Convention the USA made an interpretive Statement on this subject: ‘In our view the Convention would prohibit such use of herbicides as a means of destruction, damage, or injury if the effects were widespread, long-lasting or severe...’ The 1992 Review Conference on the ENMOD Convention agreed in its Final Document on a similar statement.”³⁶⁶ That 1992 statement added that the ENMOD criteria would be met “if such a use of herbicides upsets the ecological balance of a region.”³⁶⁷

However, Krutzsch & Trapp also comment that

“The argument that anti-plant chemical weapons should not be covered by the CWC as they are already covered under the ENMOD treaty has little legal validity. That treaty only relates to use in war, not to possession or development.”³⁶⁸

Q.83

6. Sir John Stanley went on to ask: “if it is merely in the preamble, is it a policy development that the British Government should press for when we come to the next review?”

7. It would indeed be desirable to revisit the issue of defoliants and herbicides, but within the wider category of *toxic chemicals*. The Third Review Conference in 2013 should be encouraged to revisit definitions to clear up loose ends or uncertainties, of which this is one; another, which neither of the first two Review Conferences was keen to take up, is the status of “non-lethal” chemical agents other than when used for domestic riot control purposes or for other (very limited) purposes of law enforcement as understood while the CWC was under negotiation. The Convention bans the use of riot control agents as a method of warfare, in Article I.5, but not the possession of such agents for non-prohibited purposes. “Purposes not prohibited under this Convention” are defined in Article II.9.d as including “Law

³⁶² Conference on Disarmament document CD/CW/WP.400, cited in Walter Krutzsch & Ralf Trapp, *A Commentary on the Chemical Weapons Convention* (Dordrecht: Martinus Nijhoff, 1994) p 31 footnote 25.

³⁶³ Conference on Disarmament documents CD/WP/WP.400/Rev.1 and /Rev.2. Krutzsch & Trapp, p 31 footnote 25.

³⁶⁴ Conference on Disarmament, *Ad Hoc Committee on Chemical Weapons*, Chairman’s Explanatory Note CD/CW/WP.414. Krutzsch & Trapp, p 8 footnote 5.

³⁶⁵ Krutzsch & Trapp, p 30 and footnote 21.

³⁶⁶ Krutzsch & Trapp, p 30 and footnote 24.

³⁶⁷ Paragraph 11 of the Final Declaration of the 1992 ENMOD Review Conference. Krutzsch & Trapp, p 9 and footnote 6.

³⁶⁸ Krutzsch & Trapp, p 30.

enforcement including domestic riot control purposes". The definition of "Military purposes not connected with the use of chemical weapons and not dependent on the toxic properties of chemicals as a method of warfare" as another category of non-prohibited purposes (Article II.9.c) may also need attention in relation to some military uses of defoliants and herbicides. The issue of "non-lethals" is a complicated one both because the science and technology involved are controversial and because it touches on several different points in the text of the Convention.

8. The issue will only be tackled by the Third Review Conference if some States Parties to the CWC start pressing for this several years in advance, so that it is not just nominally on the agenda but is accompanied as an agenda item by proposals for extended understandings which would define *toxic chemicals* for CWC purposes so as to encompass defoliants and herbicides and other "non-lethal" chemical agents within the Convention. It would be good if the British Government would press for this.

9. As pointed out at the end of paragraph 5 above, the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD) of 18 May 1977 (in force since 5 October 1978) only bans the use of such techniques—and then only if the use is for military or any other hostile purpose and has effects which are widespread, long-lasting or severe as the means of destruction, damage or injury to another State Party. The activities banned by the CWC, on the other hand, include not only use but also a whole set of logically prior activities: development, production, stockpiling, acquisition, retention, transfer and military preparations to use chemical weapons. Effectively they rule out a CW programme. How widely this should be defined depends *inter alia* upon the definition of *toxic chemicals*, and this definition—in the spirit of the "general purpose criterion" which the UK has consistently championed—needs to be rendered wider rather than narrower so as to prevent circumvention of the CWC.

Submission from Campaign Against Arms Trade

1. The Campaign Against Arms Trade (CAAT) is working for the reduction and ultimate abolition of the international arms trade, together with progressive demilitarisation within arms-producing countries.

2. CAAT welcomes the amendment of the terms of reference for this inquiry to include conventional weapons. This submission will focus on the export of these, in particular, the contradiction between the Government's policies on national security, which it says are grounded in human rights and democracy, and its promotion of arms exports; and on the proposed Arms Trade Treaty (ATT).

NATIONAL SECURITY AND MILITARY EXPORT PROMOTION

3. The Guiding principles of the National Security Strategy (NSS) start by saying: "Our approach to national security is clearly grounded in a set of core values. These include human rights, the rule of law, legitimate and accountable government, justice, freedom, tolerance and opportunity for all ... we will promote them consistently in our foreign policy." CAAT supports these principles, but disputes whether the Government really adheres to them.

4. Whilst climate change is almost certainly the greatest threat to UK and global security, it barely registers when resources are allocated to "security". Instead, the Government sees security in military terms and continues to look for military solutions. The arms companies, obviously, encourage this approach and, through their lobbying and links with Government, make themselves seemingly indispensable. This close relationship between the Government and military industry, leads, in turn, to the former putting aside the principles of the NSS to promote the latter's sales.

5. This leaves the UK open to the charge of hypocrisy, a matter of great concern since many of those who have committed acts of violence against UK citizens say they are motivated by injustice perpetrated with the assistance of western powers.

SAUDI ARABIA

6. The UK government's support for BAE Systems' arms sales to Saudi Arabia has been well-documented. These sales are currently co-ordinated by the Ministry of Defence Saudi Armed Forces Project within the Ministry of Defence (MoD). It has 200 employees in the UK and Saudi Arabia—these are UK civil servants and military personnel whose salaries are paid for by the Saudi Arabian government. The Export Credits Guarantee Department underwrites the sales. The liability for the UK taxpayer at 31 March 2008 was £750 million.

7. The promotion of the sales over several decades, and the financial and practical support given to them by successive UK governments, has given succour to the undemocratic government of Saudi Arabia. This has a human rights record which makes it a "country of concern" for the Foreign and Commonwealth Office (FCO). It treats women as second-class citizens and its immigrant workers appallingly.

8. Far from giving the UK influence in Saudi Arabia, in 2006 the UK government put BAE's desire to sell Eurofighter Typhoon aircraft before all else, enabling the Saudi authorities to successfully halt the Serious Fraud Office investigation into corruption allegations by threatening to withdraw security co-operation. If the UK government had really taken the threat to national security seriously, surely it beggars belief that it should have allowed, let alone continued to press for and support, the sale of the planes.

ISRAEL

9. Despite the frequent use of arms against Palestinian civilians, the UK government continues to licence the export of military equipment to Israel, both directly and via the United States as components to be incorporated in US supplied weaponry. Even during the 2006 war with Lebanon, no embargo was imposed.

10. In July 2002, the Government even changed its own policy to allow the export of components for F-16 fighters being made by the US company Lockheed Martin and sold to Israel. A new "Factor" was added to the arms export criteria, justified by the then Foreign Secretary Jack Straw who said: "The Government has judged that the UK's security and defence relationship with the US is fundamental to the UK's national security ... Defence collaboration with the US is also key to maintaining a strong defence industrial capacity." In other words, the commercial relationship between BAE and US companies such as Lockheed Martin was judged more important than the arms export criteria as they stood and the lives of Palestinian people.

INDIA AND PAKISTAN

11. The conflict between India and Pakistan makes South Asia one of the most volatile regions of the world, yet the UK supplies weapons and weapon parts to both. The £800 million contract for 66 BAE Systems Hawk Jets was signed in 2004 after no fewer than 17 visits to the country by Prime Minister Tony Blair and other UK ministers. Although the Hawks were sold as training aircraft, they are also advertised as "multi-role", in that they can be used effectively in ground attacks and as "a combat aircraft should an operational scenario present itself."

12. Pakistan has not been one of the UK's most important arms export markets, but there have been some significant deals. In 2002, when India and Pakistan were on the brink of war, it was discovered that Alenia Marconi Systems, then half owned by BAE, was training elite Pakistani pilots and fighter operations controllers in the use of integrated electronic warfare at a specialist training college in Wales. Additionally, between 1999 and 2002, Marconi Super Skyranger radars were fitted into Pakistan's fighter jets.

UKTI

13. In April 2008, UK Trade & Investment's Defence and Security Organisation (UKTI DSO) assumed responsibility for the promotion of military exports from the MoD's Defence Export Services Organisation which closed. UKTI is responsible both to the FCO and the Department for Business, Enterprise and Regulatory Reform.

14. UKTI gives disproportionate support to military exports. Such exports make up about 1.5% of total UK exports with arms export employment accounting for 0.2% of the UK workforce and just 2% of manufacturing employment. Before the establishment of UKTI DSO, UKTI's industry-specific trade promotion was undertaken by the Sectors Group, with a total of 129 staff covering all industries. UKTI DSO has a staff of 170.

15. Arms fairs are large-scale arms proliferation events where buyers and sellers of any country can meet and arrange deals. UKTI DSO organises the UK presence at them. For example, in November 2008 it did so with regards to the International Defence Exhibition and Seminar in Pakistan which was billed as showcasing "a wide variety of technology, ranging from equipment used in third world countries to the most sophisticated systems from the West."

NO ECONOMIC JUSTIFICATION

16. In common with many other sectors of the economy, there is no longer any identifiable UK arms industry. Military industry is internationalised with most equipment containing components and sub-systems from a variety of companies, which typically may have their headquarters in one country, but subsidiaries in several others. Sales, too, are global with, for example, Thales and General Dynamics being major suppliers to the UK Ministry of Defence, whilst BAE Systems sells more to the US than it does to the UK government.

17. UKTI addresses this lack of recognisably UK businesses by saying that: "To qualify for UKTI trade services the business should be able to demonstrate that it has an active UK trading address. This includes both UK-based business investing, or looking to invest, overseas and foreign-owned businesses based in the UK. There is no policy with regard to foreign content, we are looking at overall benefit to the UK economy."

18. With the arms export sector, there is no such benefit. Military industry is extremely heavily subsidised, especially through export credits and research and development spending. Even the Ministry of Defence, in its 2005 Defence Industrial Strategy, admits: “Arguments for supporting defence exports in terms of wider economic costs and benefits eg the balance of payments, are sometimes also advanced. A group of independent and MoD economists (M Chalmers, N Davies, K Hartley and C Wilkinson—The Economic Costs and Benefits of UK Defence Exports. York University Centre for Defence Economics, 2001) examined these, by considering the implications of a 50% reduction in UK defence exports. They concluded that the ‘economic costs of reducing defence exports are relatively small and largely one off...as a consequence the balance of argument about defence exports should depend mainly on non-economic considerations.’”

OPPORTUNITIES MISSED

19. Military exports undoubtedly bring commercial benefit to arms companies and their shareholders. This is not, however, the same as benefiting the UK economy as a whole and the subsidy skews the economy towards arms production. In turn, this potentially damages other sectors that might be more efficient and innovative. There is also the question of the business opportunities that are lost because of conflicts that are supported materially by UK arms exports or politically by the legitimisation they lend.

20. The money saved by reducing or ending the UK arms trade could be invested in other industries such as renewable energy and transport, which would create new, highly skilled jobs. This would mean that the principles of the Government’s NSS would be complemented by a “low carbon” economic policy that would enhance international and UK security rather than undermined by a military export promotion policy which increases instability.

ARMS TRADE TREATY

21. CAAT supports the idea of an ATT in principle, but questions whether it will be effective, at least in so far as major conventional and high-technology equipment is concerned. The ATT could strengthen the hands of governments trying to prevent the circulation of small arms, and CAAT would warmly welcome this, but it is clear that the deals the companies find most lucrative, such as those to Saudi Arabia, Israel, India and Pakistan, would continue unabated.

22. The FCO itself stresses that the proposed ATT is “not a disarmament treaty but an export control treaty” aimed at stopping weapons reaching “the hands of terrorists, insurgents and human rights abusers”. The ATT is supported by the arms industry; unsurprisingly, since the FCO says it: “will be good for business, both manufacturing and export sales.”

23. The FCO has told CAAT that the ATT will not prevent any UK sales. This was reinforced by the Defence Manufacturers Association’s DMA News, January 2006, which said the DMA believes “the eventual Treaty would not bring new obligations for UK industry.” It seems that sales to FCO countries of concern, such as Saudi Arabia, would continue unabated.

24. As envisaged by the UK government, the ATT would not provide adequate constraints and could well serve simply to legitimise arms sales. CAAT is concerned that its support for the ATT allows the Government to the impression it is taking action, whilst it continues to support the arms companies in their deadly business.

RECOMMENDATIONS

25. Active promotion of arms around the world is the last thing that any responsible, pragmatic and forward-thinking government, concerned for its citizens’ security, should be doing. The UK government should close down UKTI DSO without transferring its functions elsewhere.

26. The UK government should match its words with actions with regards to the NSS’s Guiding principles. Respect for human rights and robust anti-corruption measures must not be subordinated to the desire of global arms companies to make profits for their shareholders.

27. There is no such thing as a responsible arms trade. The UK government must acknowledge that an ATT will be worthwhile only if it stops arms sales, from the UK as well as elsewhere, to areas of conflict and to human rights violators.

Submission from Nicholas A Sims, Reader in International Relations, London School of Economics And Political Science

1. This Memorandum is addressed to that part of the Inquiry which concerns the Biological Weapons Convention (BWC).

2. My involvement with the BWC goes back to its prehistory as a supporter of the British initiatives of 1968–69 towards a Convention and a critical commentator on the dilution of the British proposals in subsequent negotiations. I was a guest of the FCO at the BWC's entry into force ceremony at Lancaster House in 1975 and gave a keynote address on the 25th anniversary in the Palais des Nations at Geneva in 2000, to celebrate its first quarter-century in force. In 1980 I was seconded to the FCO as a member of the UK Delegation to the BWC First Review Conference and played a full part in it, but my role in following or observing subsequent Review Conferences and other BWC meetings has been non-governmental (as also at the CWC First Review Conference at The Hague in 2003).

3. By profession I am a university teacher, employed in the Department of International Relations at LSE since 1968 (Assistant Lecturer 1968–69, Lecturer 1969–89, Senior Lecturer 1989–2002, Reader since 2002). I have taught courses mainly on the United Nations and other International Organisations, Disarmament and Arms Limitation and International Verification. My research and publications have mostly concerned disarmament diplomacy in the UN and related contexts, with particular reference to the BWC and CWC. Not being a scientist or a weapons expert I have concentrated on the more diplomatic, legal and institutional aspects, especially the treaty regimes flowing from the BWC and CWC and punctuated by their respective Review Conferences. My interest lies in how they can be strengthened, by making fuller use of the Conventions as they stand, unamended, and adding politically-binding commitments. In the case of the BWC this means reinforcing the treaty regime by various means short of verification, which include recording extended understandings of the implications of particular Articles and remedying the institutional deficit. This has been a consistent theme through my books *The Diplomacy of Biological Disarmament* (1988), *The Evolution of Biological Disarmament* (2001) and *The Future of Biological Disarmament* (in press) as well as policy briefs and many other writings. I have been a Trustee since 2004 of the Verification Research, Training and Information Centre (VERTIC) and a member since 2000 of the Pugwash Study Group on the Implementation of the Biological and Chemical Weapons Conventions where several of my proposals for reinforcing the BWC and CWC have been tried out in conference papers.

4. The FCO Memorandum, at paragraph 8.9, reaffirms that the UK sees international cooperation in the framework of the BWC as key to defeating the threat from biological weapons. I see the BWC as key to the attainment of the UK's goals, which cohere with the wider common interest, because it is the cornerstone of an international structure of biological disarmament. It embodies the treaty approach, which I strongly support. A treaty has the advantage of simplicity in recording obligations to which all the parties have consented as legally binding. In the case of the BWC these obligations are equally binding on everyone and, importantly, the same for everyone. There are no permitted possessors, but an absolute and unconditional renunciation of the possession of biological weapons and activities logically prior to possession.

5. This is why it belongs to the realm of disarmament. Non-proliferation is an awkward and potentially misleading category in which to place the BWC because it is redolent of the implication that the problem to be addressed is the spread of biological weapons, and even that there are some permitted possessors of BW and others who must be prevented from acquiring them. The overshadowing effect of the nuclear NPT is so powerful that it is difficult to disentangle the concept of non-proliferation from that single treaty. The BWC is a quite different kind of treaty. It introduces a permanent regime of disarmament. It requires there to be no stockpiles whatever; so any move away from zero would be in breach of the BWC whichever state party committed it. The CWC belongs to the same category (which will be even more clearly apparent after the last remaining stockpiles of chemical weapons have been destroyed by the extended deadline of 29 April 2012). The NPT does not; but its eventual supersession by a treaty for nuclear disarmament, providing for total abolition of nuclear weapons, is the logical end-goal of the good-faith negotiations to which its Article VI commits the parties and which at the Sixth Review Conference in 2000 the UK, with the other four nuclear-weapon states parties to the NPT, reinforced through their unequivocal undertaking to complete the elimination of their nuclear arsenals. The BWC and CWC would then be complemented by a Nuclear Weapons Convention. Until abolition is achieved, from a disarmer's standpoint nuclear weapons are the odd ones out.

6. Non-diversion of materials or technologies from permitted purposes to those banned by the BWC and CWC will always remain a vital element in the permanent regimes of biological and chemical disarmament. I welcome the use of this term in the Memorandum from Daniel Feakes. He applies it (at the end of paragraph 9, and in paragraph 14) to the CWC but it is equally applicable to the BWC. Unlike non-proliferation, it carries no implication of a division into two categories of states, respectively permitted and not permitted to have certain weapons.

7. The FCO Memorandum in the same sentence of paragraph 8.9 says the UK is committed to strengthening the Convention. It details the Intersessional Work Programme for 2007–2010, which is indeed important and must be used to the full; but I hope the Committee will encourage the FCO also to look further ahead and start putting together a concerted effort constructed around the Seventh Review

Conference, in 2011, to push ahead the systematic reinforcement of the treaty regime. There is much from the Sixth Review Conference that needs to be reaffirmed or extended, and much else that can be taken forward as next steps in the life of the BWC.

8. I suggest seven policy points to be pursued with high priority:

8.1 *Accountability Framework*. This Canadian proposal of 2006³⁶⁹ is independently developed in my forthcoming book *The Future of Biological Disarmament* (to be published by Routledge in April 2009 in the series *LSE International Studies*) where I argue for it as a key concept in exploring next steps for the BWC. States parties have always been under an obligation to cooperate and consult with one another over compliance concerns in the broadest sense (Article V) but their reports on compliance have been few and haphazard. Making the reports more systematic and the scrutiny of them more searching would be a step towards an enhanced compliance regime for the BWC and many ambiguities could be clarified and suspicions allayed by fuller answers. And what if they were not allayed? States parties which did not answer one another's questions could always be subjected to the more formal Consultative Meeting procedure under the Article V contingency mechanism (only invoked once so far, in 1997) or a complaint to the UN Security Council under Article VI. The Accountability Framework would not alter the existing provisions of the BWC. It would simply organise an opportunity to give yearly expression (through the "accountability sessions" proposed by Canada for the Annual Meetings) to the basic idea that states in a treaty relationship are accountable at least to one another — if not to the wider world of peoples too — and should take steps positively to demonstrate how they are complying with their own obligations as well as questioning others about theirs.

8.2 *Action Plan for Comprehensive Implementation*. Article IV on national implementation of the BWC obligations ("any necessary measures to prohibit and prevent") and Article X on international cooperation in the application of microbiology for prevention of disease or other peaceful purposes were the subject of separate Action Plan proposals in 2006, which cancelled each other out. Eventually an Action Plan for Comprehensive Implementation, combining the two, was proposed by the President of the Sixth Review Conference — but unfortunately too late in the day to succeed. In 2011 something of the kind if well prepared in time for advance consideration should be acceptable, and the UK should make an effort to ensure that much more substance than hitherto should go into the Plan. One element, for example, might be a request to states parties to create or designate National Authorities for the BWC, as they are already required for the CWC under Article VII; some countries (eg the Czech Republic) have combined the two. Such a request could be an extended understanding of Article IV, as the requirement for penal legislation already is. This (the request for BWC National Authorities) would again be using the experience of CWC Article VII to inform the working out in practice of BWC Article IV: what is needed to give it full effect.

8.3 *Collective scrutiny of BWC-relevant developments in science and technology (S&T)*. The creation of something like a Scientific Advisory Panel in the service of the BWC states parties as a collectivity seems to have been UK policy since at least 2002, but we are no nearer seeing it in practice. The FCO Memorandum at paragraph 8.11 rightly draws attention to what the FCO has been doing nationally, both to monitor S&T developments and to hold awareness-raising seminars; but what is happening internationally about collective scrutiny? S&T is not even allowed to be a "recurrent topic" on the agenda of the 2007–2010 Meetings of States Parties. So the infrequency of collective scrutiny, which the UK was seeking to remedy back in 2001, continues to weaken the treaty regime. Scientific advisers to delegations may still foregather only every five years in Review Conferences, when there is all too little time (or structure) for their expertise to be drawn on productively. It would be a good idea to make S&T a subject for collective scrutiny more frequently, if possible on the agenda of each Annual Meeting. As long ago as 1979 the UK³⁷⁰ was proposing a group of experts, with an elected Chairman and a Scientific Secretary, whose assessments (the words used in 1979 were "comments" and "recommendations") of S&T in the general areas identified at the experts' first meeting would be circulated for the experts' scrutiny, with their comments incorporated into a draft review for consideration by the experts collectively at a second meeting, the definitive review going on to the States Parties at the Review Conference. This was in the context of preparation for the First Review Conference but it could provide a model for the relationship between a Scientific Advisory Panel and the collective scrutiny of S&T assessments when Annual Meetings have been appropriately mandated by the Seventh Review Conference.

8.4 *Implementation Support Unit*. The creation of an Implementation Support Unit (ISU) for the BWC was the most concrete achievement of the Sixth Review Conference. It authorised three full-time posts guaranteed for four years and funded *pro rata* by all the states parties. It also gave the unit a carefully crafted, and fairly restrictive, mandate. The UK should promote the case for extending the mandate of the ISU for a further five years with a slightly expanded staff complement (perhaps from three to five full-time posts) and a clearer authority to support the comprehensive implementation of the BWC in the round. This depends particularly on the United States and Japan (as the two largest financial contributors) being satisfied with the performance of the three-person unit over its first four years, and the US being less grudging in its attitude to BWC institutions — because less suspicious of multilateral approaches to security in general — under a new Administration. The FCO should be encouraged to work with the new US Administration to produce a less

³⁶⁹ Canada, "Accountability Framework" (BWC/CONF.VI/WP.1: 20 October 2006).

³⁷⁰ United Kingdom, "Preparatory Committee for the [First] Review Conference: Working Paper on Background Documentation" (BWC/CONF.I/PC.3: 10 July 1979) paragraph 6.

restrictive, more enabling, attitude in US policy on BWC institutions generally and the ISU in particular. An expanded staff complement would enable the ISU to give specialist support to a Scientific Advisory Panel or equivalent, to the Action Plan for Comprehensive Implementation in respect of both Article IV and Article X, to the processing of CBM returns, to the promotion of universalisation and to the development of an Accountability Framework. All are functions in respect of which the BWC states parties should, it is hoped, be readier by 2011 to look to the ISU for support.

8.5 BWC Annual Meetings. This change of title and function should be authorised by the Seventh Review Conference so SPs can make fuller use of the occasions on which they foregather between review conferences. This would be a development from the single-topic or two-topics Meetings of States Parties preceded by Meetings of Experts which have constituted the agreed inter-sessional work programmes of 2003–2005 and 2007–2010. The BWC Annual Meeting would be a natural evolution from the pattern of meeting at Geneva for two or three weeks every year which has been practised by the States Parties since the Fifth Review Conference. All that is needed is to lift the constraints on the agenda of these annual gatherings so that their subject-matter can range over the whole of the BWC. More “recurrent topics” must appear on the agenda every year. At present the only ones allowed (since 2007) are the annual report of the ISU and the Chairman’s report on progress towards universalisation. The collective scrutiny of S&T needs to be added. So too does the Accountability Framework. So does progress on the Action Plan for Comprehensive Implementation (assuming one has been adopted in 2011). There are still other topics which may not need consideration every year but the aim should be to add them on to the core agenda of “recurrent topics” in such a way as to ensure that the BWC is considered in the round within each quinquennium. Review Conferences would then be better prepared and their outcome documents could add extended understandings based on thorough work in the inter-sessional period. Acceptable language for the final declaration or other outcome document of each Review Conference would reflect the collective thinking of the States Parties expressed in the preceding Annual Meetings.

8.6 Sorting out the Confidence-Building Measures (CBMs). The CBMs, dating from 1986, were enhanced and expanded in 1991 but have remained unchanged ever since. The Sixth Review Conference got itself into a tangle over how and when to deal with CBMs which meant it ended up only taking decisions on confidentiality of information provided and minor procedural matters but missed the chance to engage with the CBMs in substantive terms. Are they the right measures and correctly defined? Are they the ones most relevant to the BWC? Do they provide a full enough account of the normal pattern of permitted activities and facilities for anything abnormal to stand out the more clearly? Does the information provided under each CBM actually build confidence? There has been an understandable reluctance on the part of those who fulfil their politically-binding commitments of 1986 and 1991 by making annual declarations under each CBM to refine or replace the existing CBMs until more of the non-respondents join in. But by 2011 there will be an accumulation of useful ideas on improving the CBMs’ content and process. Some are in working papers from France and Switzerland which received insufficient attention at the Sixth Review Conference; more are in studies published by academic research centres and NGOs.³⁷¹

8.7 Completing the “consolidation agenda” of politically-binding commitments agreed by consensus at earlier Review Conferences and recorded in their Final Declarations but still not fulfilled. The most important is the withdrawal of reservations purporting to reserve a right of retaliation with “bacteriological methods of warfare” which some states attached when ratifying or acceding to the Geneva Protocol of 17 June 1925. Maintenance of such reservations is evidently incompatible with the renunciation made on becoming party to the BWC, yet nearly twenty of the states parties to the BWC still maintain them. This may be through inattention, but the BWC states parties have collectively appealed for such reservations to be withdrawn, first at the Third Review Conference in 1991 and then in even stronger terms at the Fourth Review Conference in 1996 — repeated in 2006. It is now 36 years since the Irish reservation was withdrawn on the grounds that to maintain it could undermine the BWC (which Ireland was then about to sign): “Ireland considers that the [BW] Convention could be undermined if reservations made by the parties to the 1925 Geneva Protocol were allowed to stand, as the prohibition of possession is incompatible with the right to retaliate. As the Convention purports to strengthen the Geneva Protocol, there should be an absolute and universal prohibition of the use of the weapons in question.”³⁷² This Irish initiative was followed by others,

³⁷¹ France, “Enhancement of the CBM Process” (BWC/CONF.VI/WP.4: 20 October 2006); Switzerland, “Actions to Improve Confidence-Building Measures” (BWC/CONF.VI/WP.14: 15 November 2006); Nicolas Isla, “Transparency in past offensive biological weapons programmes: an analysis of Confidence Building Measures Form F, 1992–2003”, Occasional Paper no.1 (Hamburg: Research Group for Biological Arms Control at Hamburg University, 2006); Iris Hunger and Nicolas Isla, “Confidence-building needs transparency: an analysis of the BTWC’s confidence-building measures”, *Disarmament Forum* 2006/3 (Geneva: UNIDIR, 2006) pp 27–36; Nicolas Isla, “Strengthening the BWC’s Confidence-Building Measures regime: a catalogue of recommendations, Occasional Paper no.3 (Hamburg: Research Group for Biological Arms Control at Hamburg University, 2007); Filippa Lentzos and Angela Woodward, *National Data Collection Processes for CBM Submissions* (London: BIOS and VERTIC, 2007); Jez Littlewood, “Confidence-Building Measures and the Biological Weapons Convention: where to from here?”, *Compliance Chronicles* no.6 (Ottawa: Canadian Centre for Treaty Compliance, 2008).

³⁷² *World Armaments and Disarmament: SIPRI Yearbook 1976* (Stockholm: Almqvist & Wiksell; Cambridge, Mass. and London: The MIT Press, 1976) p 468 and p 474. The Irish declaration of 7 February 1972 was a Note received by the (French) Depositary for the Geneva Protocol on 10 February 1972 and in slightly adapted form was attached to the Irish signature to the BWC on 10 April 1972. It thereby links the two treaties and forms part of the legal documentation of both.

mostly withdrawing their retaliatory reservations in respect of both BW and CW at the same time,³⁷³ but in respect of BW alone by Canada and the UK in 1991 (both, however, later renouncing the right of retaliation with CW too, following the 1997 entry into force of the CWC) and by South Korea in 2002. However, some states parties to the BWC have not withdrawn their Geneva Protocol reservations even in respect of BW. Lists vary, mainly because there are uncertainties in international law over the status of historic reservations “inherited” (or not) upon succession of states to treaties; but it is fairly certain that between 17 and 19 of the BWC states parties do still have such reservations in force, as well as two states outside the BWC (Angola and Israel). The seventeen are: Algeria, Bahrain, Bangladesh, China, Fiji, India, Iraq, Jordan, North Korea, Kuwait, Libya, Nigeria, Papua New Guinea, Serbia, Solomon Islands, Vietnam and Yemen. Some lists add Cambodia and Pakistan. In some cases interest was expressed during the 1990s in withdrawing reservations but not followed through; in a very few cases lack of resources within the foreign ministry of a small state may be a partial excuse for inaction. Whatever reason do the others have? Completing the “consolidation agenda” in 2011 could usefully include demarches to the governments of these seventeen or nineteen states parties to the BWC, unless they have withdrawn their reservations in the meantime, by the President of the Seventh Review Conference, perhaps acting jointly with the French government (as Depositary for the Geneva Protocol and since 1996 a keen advocate of everyone withdrawing the remaining reservations). Reports could be made twice a year on the state of play in these demarches, as has been done since 2007 by successive Chairmen of the Meetings of States Parties reporting case by case on progress in persuading non-parties to the BWC to ratify their signatures or to accede, under the mandate for promoting universalisation of the BWC which the Sixth Review Conference agreed.

9. These policy points for high priority attention, if pursued to fruition, would enable the Seventh Review Conference to build on the partial success of the Sixth in generating new hope for the BWC. The Final Declaration and other outcome documents of 2011 could then reinforce the treaty regime and propel it on an upward trajectory to the review conference of 2016. It is assumed that, however regrettably, neither a Verification Protocol nor the closely related concept of an OPBW is attainable in the short or medium term (although that may change in the longer term, perhaps as early as the 2020s). In their absence, the states parties to the BWC would be well advised to pursue a process of reinforcement of their treaty regime through drawing out the latent potential of the text as it stands and agreeing extended understandings, definitions and procedures to make it work more fully in the common interest. This process was revived in 2006, but tentatively, after a long interval which had included major setbacks. It would be good if the Committee could encourage the FCO to start working with others on the broad set of proposals outlined in paragraph 8 above, so that they are thoroughly prepared and promoted well in advance of the Seventh Review Conference, in order to achieve a much more confident outcome in 2011.

10. The BWC could usefully be complemented by a firmer attribution of individual criminal responsibility, with BW (and also CW) activities defined as an international crime more unambiguously than has been done in the 1998 Rome Statute for the International Criminal Court. A stand-alone Convention to Prohibit Biological and Chemical Weapons under International Criminal Law would help to fill the gaps which may be left by patchy national legislation and the imperfections of the Rome Statute. I therefore support the criminalisation initiative of Professors Matthew Meselson of Harvard and Julian Perry Robinson of Sussex.³⁷⁴ Daniel Feakes points out, in paragraph 18 of his Memorandum, that the Government has already stated UK support for this proposal during the Committee’s Inquiry into the FCO’s Green Paper of April 2002.³⁷⁵ I would like to see the FCO promoting international criminalisation of BW activities with individual criminal responsibility, including (but not limited to) discussions on the possibility of proposing the Harvard-Sussex Draft Convention in the Sixth Committee (Legal) of the UN General Assembly or an equivalent forum.

28 November 2008

³⁷³ The BWC States Parties which withdrew their retaliatory reservations to the 1925 Geneva Protocol after the 1972 Irish initiative were Barbados 1976, Australia 1986, New Zealand 1989, Mongolia 1990, Czechoslovakia 1990, Romania 1991, Bulgaria 1991, Chile 1991, Spain 1992, South Africa 1996, France 1996, Belgium 1997, Estonia 1999, Russia 2001 and Portugal 2002. It should be noted that many states had never attached a retaliatory reservation at all, and two (Netherlands in 1930, United States in 1975) had ratified the Geneva Protocol with a retaliatory reservation which only ever applied to CW. (The Netherlands withdrew its CW reservation in 1997 following the entry into force of the CWC.) For such states there was no problem of inconsistency between their status under the 1925 Geneva Protocol and their obligations under the BWC.

³⁷⁴ “A Draft Convention to Prohibit Biological and Chemical Weapons under International Criminal Law”, *Fletcher Forum of World Affairs*, vol.28, no.1 (Winter 2004) pp 57–72.

³⁷⁵ Foreign Affairs Committee, *The Biological Weapons Green Paper*, First Report of Session 2002–03, HC 150, 11 December 2002, Ev.35. The FCO’s Green Paper was *Strengthening the Biological and Toxin Weapons Convention: Countering the Threat from Biological Weapons*, April 2002, Cm. 5484.

Submission from Kingston Peace Council, Campaign for Nuclear Disarmament

We welcome the amended terms of reference and extended submissions deadline. We feel that there may be a little that can usefully be added to our original submission of September 2008, and we are grateful for this opportunity to offer a few comments addressing points in the extended remit.

1. Debatable distinction between nuclear and conventional weapons' proliferation.

Whilst it is accepted that nuclear weapons are intended for the delivery of incomparable global decimation we do not believe it is advisable, when considering proliferation, to isolate them purely because of the technology employed to create the devastation. The bombs used on Hiroshima and Nagasaki in 1945 were seen militarily as a logical extension to the bombing campaign directed at the Japanese mainland, its military capability, infrastructure, and its cities and civilian populations. The nuclear bombing superseded 1,000-bomber raids whose effects were almost as devastating; though less dramatic, "efficient" and absolute. (*The cataclysmic nuclear destruction was compounded by the effects of radiation release which burns and destroys humans tortuously, and continues to this day.*) Undoubtedly there are differences between conventional and nuclear weapons but the 1945 Japanese campaign teaches us that nuclear weapons are a logical progression in campaigns focused on the total annihilation of an opponent and an opponent's civilisation, ie: should available conventional weapons be found wanting then nuclear weapons are the next logical step. But given sufficient conventional capability it is possible to visit annihilating assaults on opponent's civilisations, so it seems illogical to disregard proliferation of conventional weaponry which feeds the destructive impulses leading to possible nuclear weapons' use. In considering proliferation it is, in our view, essential to consider proliferation of all weapons that enable the accomplishment of the death or destruction of an opponent. Without the means to accomplish an outrageous plan it remains a crazy idea, and conversely the more means are available the more feasible is the possibility of an outrageous plan's fulfillment.

2. Inducements favour non-observation of rules curbing proliferation.

There are already a range of regulations and restrictions which, if properly observed, would have the effect of dampening-down inclinations to proliferate. However, flouting these rules is not uncommon, Britain does not enjoy an unblemished record and government continues to devote disproportionate resources to promoting arms manufacturing and export through UKTI DSO, and other government activity. An unfortunate consequence of the exceptional financial gain achievable from arms trading, and of government support for sales and manufacture, is the tendency for ways to be found to subvert the intentions of regulation and of moral and ethical proclamations.

3. Recent assertion of military might encourages proliferation.

Example can significantly influence others around the world. The use of military means to achieve an objective, particularly where the objective is widely seen as of doubtful integrity, sets an example to others who may be encouraged to contemplate the use of similar means to meet their own objectives. And any tacit encouragement of military engagement could lead others to consider revising their military capability for defensive purposes. We believe that examples of recent military incursions by western powers promote increased global demand for weapons and accelerated proliferation.

4. NATO expansions threaten to encourage proliferation.

Following the dissolution of the Warsaw Pact, NATO has pursued a relentless expansion into the eastern European territory formerly in its embrace. This expansion incorporates an existing commitment to first-strike nuclear use and facilitates an eastward movement of anti-ballistic missile installations effectively able to neutralise reciprocal nuclear attacks. These measures have the effect of provoking further proliferation in response.

5. Need to consider range of factors favouring proliferation.

In considering proliferation we believe it unrealistic not to look at a range of contributory factors helping create a climate favourable for proliferation, like the examples above. Proliferation doesn't occur in a vacuum, and all weapons, including nuclear weapons, are potentially the tools for realising perverted ambitions of death, destruction, and ultimately of annihilation. To counter proliferation it is necessary to consider all contributory influences and address them all as appropriate.

6. The intentions of the Nuclear Non-Proliferation Treaty dishonoured.

Signatories to the NNPT plan to update nuclear arsenals and have no proposals to honour the pledge to disarm. Of the eight nuclear states, five are NNPT signatories and the three non-NNPT signatories, India, Israel, and Pakistan are warm allies of the United States. Meanwhile the United States continues to maintain pressure for punitive measures against Iran because of its “nuclear programme”, despite the recent National Intelligence Estimate concluding that there is no Iranian nuclear weapon programme. The continuing expansion of nuclear weapons globally, including the unconditional acceptance of proliferation beyond the original five NNPT signatories, does not inspire confidence in the sincerity of claims about supporting non-proliferation and disarmament. The singular treatment of Iran, which has neither weapons nor proposals for nuclear weapons, looks perverse and vindictive and it might incline others to believe it best to take evasive measures lest they be targeted for similar treatment for not having nuclear weapons. International co-operation is essential for agreement on non-proliferation but on the evidence it is hard to put trust in current arrangements to effectively deter proliferation.

7. Non-Proliferation needs international co-operation and agreement.

Only by all parties coming together to agree that they will jointly co-operate in reducing weapons will it be possible to implement agreements about weapons limitation. Otherwise any individual nation which agrees to limitation, without a reciprocal agreement, runs the risk of exposing itself to the possibility of attack by those not signed up to weapons limitation or non-proliferation. The continuing expenditure on weapons, nuclear weapons’ updates and renewals, the relentless march of NATO eastwards and its commitment to first-strike nuclear weapons’ use, the ruthless employment of military might directed against the lightly defended sovereign states of Afghanistan and Iraq, which have suffered untold numbers of dead and suffering, and the installation of an elaborate shield which effectively precludes retaliation for a NATO nuclear strike, doesn’t create an atmosphere conducive to trust and negotiation vital to agreement on non-proliferation of any weapons whatever.

8. Conclusions.

- Agreements to limit the spread of weapons, and consequently the potential for harm, do need to start somewhere and we believe it logical to consider Weapons of Mass Destruction and illegal weapons with the greatest destructive power potential first.
- Weapons cannot be un-invented and states possessing devices with such destructive potential as modern nuclear weapons are obligated to behave with the utmost restraint, deliberation, ethics and responsibility.
- The idea of a club of nuclear grandees, having unassailable rights to ownership, determining who, and who should not, be allowed to join is a very hard sell even when all the circumstances are favourable. The disposition of the responsibilities and roles in the nuclear proliferation debate is an accident of history, owing nothing to consensus in the 21st century and little to merit. Even if the key players had behaved with impeccable integrity, their authority is entirely dependent on the acquiescence of others. This is not a sound basis for international agreement about nuclear weapons or anything else.
- The select group of signatories to the Nuclear Non-Proliferation Treaty is viewed with scepticism and the process is so discredited that overdue alternatives are urgently needed if real progress in non-proliferation is to be made.
- Any agreement for restricting the proliferation of weapons, including illegal Weapons of Mass Destruction like chemical, biological and nuclear weapons, is to be welcomed. Recent agreements on the use of mines and cluster munitions will save untold innocent lives (it is reliably reported that in the past five years over 40,000 unintended civilian deaths and injuries were caused by mines and other unexploded munitions), and agreements curtailing reprehensible arms trading are to be welcomed.
- We don’t doubt that there are sincere individuals of high integrity, at various levels, engaged in the debate about non-proliferation, arms trading and limitation, but it is our observation that this unqualified attribute may not extend to all the key players. Without a proper representative mechanism, unfettered by vested interest, there is no adequate framework for constructing effective workable and enduring agreements.
- It is better to have the debate than not but we are not confident that the 2010 Nuclear Non-Proliferation Review Conference will take note of inconvenient conclusions or recommendations that result.
- To advance the cause of non-proliferation significantly we believe it necessary the task be undertaken by a properly convened representative body that enjoys international recognition. It could be the proposed Nuclear Weapons Convention (supported by UN resolution and by a cross

party group in the European Parliament) or, with an expanded remit to consider both non-proliferation and disarmament of a range of weapons, including conventional weapons, the United Nations Disarmament Commission.

We hope the Committee will feel that our contributions have been useful. As British electors we believe we have a responsibility to engage in the debate and share our analysis and observations, and we sincerely hope that you do too.

23 November 2008

Submission from Dr Dan Plesch, Director, Centre for International Studies and Diplomacy, School of Oriental and African Studies

SUMMARY OF MAIN POINTS

- Policy on nuclear and other WMD non-proliferation, arms control, and disarmament should be integrated with strategy on conventional weapons to implement a holistic approach within a new Strategic Concept for the Regulation of Arms Possession and Proliferation.
 - Existing agreements on non-proliferation, arms control, and disarmament should be viewed as platforms for expansion rather than relics in need of repair.
 - The NPT regime faces an uncertain future and the importance of the 2010 meeting hinges on all states parties (and those 3 outside) working cooperatively to address the issue of nuclear weapons and civil energy in the context of global and regional security needs.
 - Non-proliferation policy has produced useful innovations in law-based approaches but needs to be reconnected to the strategy of security through effective and verifiable agreements.
1. The UK Government initiatives on nuclear disarmament, WMD, cluster munitions and the Arms Trade Treaty show a significant commitment across the spectrum of the non-proliferation and disarmament agenda. It has been noted before that WMD disarmament and non-proliferation are two sides of the same coin. Similarly, while there is no linkage between conventional and WMD control strategies there is much to be gained to developing them in a mutually reinforcing manner. There are now latent and converging interests in addressing major conventional weapons holdings and proliferation as well as WMD. Globally, the core constituency actively pursuing nuclear and WMD non-proliferation and disarmament can usefully combine with the broader coalitions interested in controls on conventional armaments.
2. President-elect Obama's public commitment to a world with no nuclear weapons is the first time that an American President has been elected with such an explicit commitment to disarmament; with far less public attention Russia appears to have made a range of proposals on security and disarmament. Barack Obama has given support to issues such as removing nuclear weapons from hair-trigger alert that have not been accepted by the Department of Defence despite decades of pressure from the NGOs. The international challenge is to ensure that initiatives such as this, helped by former senior officials, are not a false dawn similar to the rejection of nuclear weapons by General Butler and others in the mid-1990s. Much of the outcome will depend on internal U.S. dynamics. However a nuclear-only approach will need to be complemented by a broader approach to security so that nuclear-only initiatives do not founder on a lack of integration with wider issues, not least in the Middle East.

DEVELOPING A STRATEGY ON CONVENTIONAL ARMS

3. There are a number of convergent global issues and interests that favour the development of a global approach to the regulation of the possession and proliferation of major conventional weapons. These include:

- (1) nuclear and other WMD disarmament requires attention to regional security issues that include a conventional focus;
- (2) holdings and production of conventional arms in general are emerging as an issue in debates on the Arms Trade Treaty and on weapons systems or categories under SALW and Cluster Munitions;
- (3) some states see progress on "General and Complete Disarmament" as linked to nuclear disarmament in Article VI of the Nuclear Non-Proliferation Treaty (NPT)—and globalisation of some provisions of the CFE/CSBMs and Open Skies offer a means of realising this NPT provision rather than regarding it as an obstacle to progress on nuclear disarmament.
- (4) Recession driven defence cuts in the shorter term will provide strains on U.S. international commitments that regional agreements may ameliorate.
- (5) An major expansion of effective arms control is an effective preventive measure to the well-known conflict pressures arising from international economic slump.

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- (6) The European agreements on Conventional Armed Forces in Europe (CFE) and the associated Confidence- and Security-Building Measures (CSBMs) and Open Skies regime provide a strong and unprecedented institutional platform for expansion that should not be allowed to collapse through NATO-Russia disputes.

FROM START TO SCRAP

4. The next NPT meeting is scheduled for 2010 and much needs to be done to avoid the problems of 2005. The international community's earlier breakthroughs are again an inspiration here: for the long-standing legal commitment (embodied in the nuclear non-proliferation treaty [1970]) to "general disarmament" of all weapons save those needed for internal policing is actually in sight. Just as the acronym START (Strategic Arms Reduction Treaty) denotes the nuclear-arms talks leading to the treaties of 1991 and 1993, today's equivalent could be SCRAP—A Strategic Concept for Regulation of Arms Possession and Proliferation.

5. In 1989, NATO and the Warsaw Pact began talks on arms reductions: by 1991 they had signed a treaty that saw 52,000 of their tanks, warplanes, artillery guns and helicopters destroyed. Ronald Reagan reached agreements with Mikhail Gorbachev that led to many thousands of nuclear missiles going the same way. More than 20,000 nuclear warheads have been dismantled, leaving some 30,000 intact. In this same period, near-universal agreements banned chemical weapons and the test-firing of nuclear weapons; as a result, global test-firings since 1996 have been reduced almost to zero (previously the US and the Soviet Union had been firing off hundreds a year).

6. The continuation of the Nunn-Lugar programme and recent initiatives to revive the FMCT talks are positive signs. Useful innovations in practical—including non-violent—methods of controlling dangerous commodities including nuclear materials, for example in transport and logistics, have come gradually as the disarmament and arms control mainstream has both dwindled and split. The novel legislative approach embodied in UNSCR 1540 is certainly a step in the right direction in the battle on illicit WMD transfers but it has suffered through problems of implementation at the state level. Efforts to create new initiatives for example on the "illicit trade" in small arms and light weapons are floundering on narrow conceptions of security sector reform (SSR) and the international rule of law.

7. With respect to conventional arms, the overwhelming vote in the General Assembly for a coordinated UN process to consider the feasibility, scope and parameters of a global Arms Trade Treaty reflects an increased international concern in arms control debates with humanitarian, human rights and development standards and impacts. However, to achieve these ends, this concern needs to also be directed at initiatives to reduce holdings of major weapons systems, ordnance stocks and production, and not only to the control of the conventional weapons trade. Moreover, the parallel surge of interest by the international donor community, reflected in the OECD Development Assistance Committee, in using such standards to measure the success of security sector reform requires the development of an integrated, risk-based approach to equipment and weaponry, and hence to disarmament, in the re-shaping of military, security and policing institutions—one without the other will not deliver sustained security.

8. What is needed is not to set aside the useful aspects of the new, piecemeal approach towards proliferation but to reunite them with a renewed "classical" process based on strategies towards disarmament and the use of treaty and rule of law methods—with the associated principles of equity, objectivity, universality and transparency. This new combination could achieve a more rational division of labour and subsidiarity. Such an approach should fill dangerous gaps in the pattern of coverage and effort, and minimise the double-think and double standards that are rife in current policies and practices.

A REALISTIC PROSPECT

9. Much can be done to advance a Strategic Concept for the Regulations of Arms Possession and Proliferation— including setting deadlines to conclude negotiations and implement agreements. It took just eighteen months to overcome the ideological and technological issues governing the cold-war armies. Today, with this precedent as a guide and no ideological barrier comparable to the confrontation with communism, a "general disarmament agreement" could be scheduled within two years of the talks starting. The basis for a global-disarmament compact is provided by current agreements. There have been arguments for and against timetables. One notable success was the 1996 CTBT, agreed by a date set at the 1995 NPT meeting. For public opinion used to target dates for climate change and the Millennium Development Goals—disarmament targets are an obvious next step.

10. A way ahead is to adapt procedures that have worked in the past rather than engage in developing a new set. The "best practice" here lies in the UNMOVIC work in Iraq and in the work of the International Atomic Energy Agency (IAEA). UN inspectors should have access to the permanent members of the Security Council (China, France, Russia, the United Kingdom and the United States) as well as to the "smaller" nuclear powers (India, Pakistan and Israel). These procedures will also be effective in restricting terrorist access to nuclear technology; and they can be adapted to work with biological and chemical weapons.

11. In practice, the Start and intermediate nuclear force (INF) agreements of the Reagan-Gorbachev era should be extended to all states, and include missile defence and Star Wars systems. The European agreements reducing and regulating tanks, artillery, helicopters and war planes should also be globalised and include naval vessels. Most of the technical work has already been done for all these agreements; implementation could be as swift as in the most effective existing agreements. 75% of all stocks would be verifiably “Scrap’d” in two years; the remaining quarter would be cut again by 75% in the next two years; until, after a decade, they are all gone.

12. An international coalition must build upon the important precedents set by the Canberra Commission, the Blix Commission, governmental initiatives by the likes of Norway, Germany and the UK, and non-governmental reports from BASIC to Amnesty across the spectrum of human security. The bonus for citizens in every country, taxpayers, the poor and the global economy as a whole would be immense.

GLOBALISING THE END OF THE COLD WAR TREATIES

13. The following paragraphs are an adaptation of the informal proposal to globalise the INF Treaty made by a number of States to the UN Conference on Disarmament in November 2007. It extends it to include other major agreements made at the end of the Cold War and include sea-launched systems. It is designed to complement both the recent proposals on security suggested by Russia and by Barack Obama.

14. "Basic elements of an international legally-binding arrangement on the elimination of strategic, intermediate-range, shorter-range and short range missiles; verification of nuclear weapon manufacturing and stockpiles; verification of biological disarmament and verification of conventional armed forces holdings and manufacture, open for broad international accession"

15. Preamble

The States Parties to this Arrangement,

Guided by the objective of strengthening strategic stability both globally and regionally, *Convinced that* the measures set forth in this Arrangement will help to reduce the risk of outbreak of war and strengthen international peace and security,

Determined to act with a view to achieving effective progress towards general and complete disarmament under strict international control,

Desiring to contribute to the realization of the purposes and principles of the Charter of the United Nations,

Have agreed as follows:

16. Article I

General Obligations

1. Each State Party to this Arrangement upon entry into force of this Arrangement and thereafter shall not produce or flight-test any strategic, intermediate-range and shorter-range missiles or produce any stages of such missiles or any launchers of such missiles.
2. Each State Party to this Arrangement shall eliminate all its strategic-range, intermediate-range and shorter-range and short-range missiles and launchers of such missiles, as well as all support structures and equipment associated with such missiles and launchers, being in its possession or ownership, or being located in any site or on any vessel under its jurisdiction or control, under categories subject to an agreement, so that no later than the agreed date after entry into force of this Arrangement and thereafter no such missiles, launchers or support structures and equipment shall be possessed by each State Party.
3. Each State Party to this Arrangement shall permit inspections on its territory consistent with the provisions developed by UNMOVIC with respect to nuclear and biological weapons and carry out the verified elimination of such weapons and supporting technologies and infrastructure according to a timetable agreed.
4. Each State Party to this Arrangement shall not produce or test any weapon system of category types described in the Conventional Forces in Europe (CFE) Treaty regardless of whether they are fitted to land, air or sea systems.
5. Each State Party to this Arrangement shall provide data to other States Parties to this Arrangement concerning weapon systems of all category types within the CFE Treaty whether operated from land or at sea.
6. Each State Party to this Arrangement shall adhere to the Open Skies Treaty.
7. Each State Party to this Arrangement shall adhere to the Vienna Confidence and Security Building Measures developed by the OSCE.

17. Article II

Rules of Accounting and Definitions of Types of Weapons systems

Provisions for Rules of Accounting and Definitions of Types weapons and supporting technologies are subject to an agreement pursuant to the adapted provisions of START, INF, UNMOVIC, CFE, CSBMs

18. Article III

Limitations on numbers of weapons and supporting technologies are subject to an agreement,

19. Article IV

Exchange of an Information Related to the Obligations

Provisions for exchange of an information under categories of data, related to the obligations provided for by this Arrangement, are subject to an agreement pursuant to the provisions of START, INF, UNMOVIC, CFE, CSBMs and drawing on the timetables therein.

20. Article V

Elimination Procedures

Each State Party to this Arrangement shall eliminate all its strategic, intermediate-range, shorter-range, and short range missiles and launchers of such missiles, and all support structures and support equipment associated with such missiles and launchers in accordance with the procedures which are subject to an agreement. Each State Party to this Arrangement shall reduce the other categories of weapon systems and supporting equipment and manufacturing capability subject to agreement.

21. Article VI

Rules of Compliance Verification

Rules of compliance verification are subject to an agreement.

22. Article VII

Definitions shall draw on the relevant paragraphs of the treaties listed herein.

23. Article VIII

The Organization for Implementation of the Arrangement

The States Parties to this Arrangement shall come to an agreement about mechanism of implementation of the subject and the objective of this Arrangement.

24. Article IX

Duration of the Arrangement

This Arrangement shall be of unlimited duration.

25. Article X

Amendments, Signature, Accession, Ratification, Entry into Force, Reservations, Depositary, Authentic Texts.

Amendments, signature, accession, ratification, entry into force, reservations, depositary, authentic texts are subject to an agreement.

30 November 2008

Submission from Professor Vivienne Nathanson, Director of Professional Activities, British Medical Association

Thank you for inviting the British Medical Association (BMA) to submit evidence to the Foreign Affairs Committee inquiry into Global Security: Non-Proliferation. The BMA is a voluntary professional association with more than 138,000 members and an independent trade union.

The BMA welcomes this inquiry and believes that strong action on non-proliferation is essential to reduce the threat to global security. Today, with globalisation and the increased availability of dual-use technologies (eg nuclear energy technology and equipment), proliferation challenges are evolving and gaining a wider geographic presence. Global security requires action by the international community of nations, by national governments and by those with specific expertise in science, medicine and law.

The BMA believes that the UK Government should work towards the elimination of nuclear weapons by condemning the development, testing, production, deployment, threat and use of nuclear weapons. It is vital that all governments refrain from these activities, and work in good faith for their elimination by calling for a nuclear weapons convention similar to those for biological and chemical weapons. A progressive reduction in world arms spending is also necessary to limit proliferation of nuclear, chemical, biological and conventional weapons.

One of the greatest challenges facing the scientific and medical community in the 21st century is to ensure that chemical and biological agents are not used in hostilities. In 1999, the BMA Board of Science published *Biotechnology weapons and humanity*³⁷⁶ which stresses that urgent action is required to ensure the Biological and Toxin Weapons Convention (BTWC) is strengthened. It also reinforces the central concept that biological weapons, whether simple or complex in design and production, are wholly unacceptable. The 2004 BMA Board of Science report *Biotechnology weapons and humanity II*³⁷⁷ provides an update on the scientific developments since 1999, and considers the progress on the development of international arms control. In 2007, the BMA Board of Science published *The use of drugs as weapons*³⁷⁸ which highlights how the development and use of medicines as a means of incapacitating people in law enforcement and combat situations, risks undermining chemical and biological weapon conventions. It also emphasises how the use of drugs as weapons is an example of the dual use of medical knowledge and therefore damages the trust that is an essential element of patient/doctor interactions. Copies of these reports are enclosed for your information.³⁷⁹

As highlighted in *Biotechnology weapons and humanity II*, the development of effective weapons control standards requires action by a number of different groups, including:

- All states—must take every possible step to find ways of agreeing a means of strengthening the BTWC through the negotiation of a legally-binding instrument, as detailed in the UK National Security Strategy. States should implement the official purpose of the BTWC which was to “promote common understanding and effective action”³⁸⁰ and should agree to demonstrate that they have met all their obligations under the BTWC.
- National governments—to ensure that the BTWC is safe, effective and secure, all national governments need to take individual domestic measures, as well as participating in inter-governmental actions. These include passing legislation to implement fully the requirements of the BTWC, and sharing information on implementation of legislation and other relevant materials through the UN. Governments should commit to developing national strategies to ensure compliance with the legal and ethical norms of non-use of biological and toxin weapons. It is also important that governments engage in debate with scientists, other experts and journal editors about the control of biological experimentation, and the dissemination of the results of such research.
- Scientists and the medical profession—scientists need to be aware of how their work might impact on legal and ethical norms that prohibit the development and use of biological weapons, and of the risks associated with the rapid advances in biotechnology. They should engage in a worldwide debate about how they police their own areas of expertise and, in discussions with scientific publishers/editors, on how they make decisions on whether to publish the results of potentially “dangerous” research.

I hope you find this information helpful, and I look forward to hearing the outcome of your inquiry.

26 November, 2008

Supplementary Memorandum from the Foreign and Commonwealth Office

In the light of the amendment to the Terms of Reference of this Inquiry specifically to include conventional weapons, the Foreign Affairs Committee might welcome up-dates on two of the issues related to conventional weapons covered in the original FCO Memorandum.

ARMS TRADE TREATY

The First Committee of the United Nations General Assembly discussed the issues surrounding a possible Arms Trade Treaty (ATT) during its October meeting in New York. On 31 October, delegations voted on a resolution calling for further work on the ATT. This resolution had been co-authored by the UK with six other states (Argentina, Australia, Costa Rica, Finland, Japan and Kenya). The resolution passed with overwhelming support, with 147 states voting in favour (nearly 90% of those present) and only two states voting against (the USA and Zimbabwe). The resolution called for the UN to continue the work towards an ATT by convening a series of Open Ended Working Groups, open to all UN Member States, which will meet in the first half of 2009. These meetings will work to establish areas of agreement on the possible scope and parameters for a treaty. The General Assembly Plenary is scheduled to endorse this vote in December.

³⁷⁶ British Medical Association (1999) *Biotechnology weapons and humanity*. London: BMA.

³⁷⁷ British Medical Association (2004) *Biotechnology weapons and humanity II*. London: BMA.

³⁷⁸ British Medical Association (2007) *The use of drugs as weapons*. London: BMA.

³⁷⁹ Not published. Already in the public domain.

³⁸⁰ BWC/CONF.V/17, paragraph 18a.

CLUSTER MUNITIONS

The Foreign Secretary is due to sign the Convention on Cluster Munitions on behalf of the UK at the signing ceremony in Oslo on 3 December. The Government is committed to ratification as soon as feasible thereafter.

On a separate track, the final Group of Government Experts' Meeting and the Meeting of States Parties to the Convention on Certain Conventional Weapons both took place in Geneva in November. Despite being unable to reach consensus on a new Protocol on cluster munitions, some progress was made and States Parties agreed that negotiations should continue under a clearer mandate with a view to reaching a conclusion as early as possible in 2009.

9 December 2008

Submission from Universities UK

1. Universities UK is pleased to provide this short memorandum on the Academic Technology Approval Scheme (ATAS) to the House of Commons Foreign Affairs Select Committee enquiry on Global Security: Non Proliferation.

2. The former Voluntary Vetting Scheme (VVS) which focused on postgraduate research students in specific subject areas from specific countries, was reviewed by the FCO and Cabinet Office from 2004–07. The review was initiated following concerns about the effectiveness of the scheme as a counter-proliferation measure raised both by Higher Education Institutions (HEIs) and the Foreign Affairs Select Committee.

3. A new scheme, the Academic Technology Approval Scheme (ATAS), has been developed and the FCO began formal operation of the new scheme in November 2007 following a two-month trial period. Ahead of its implementation there was considerable dialogue between the higher education sector and the FCO to try to ensure the new scheme operated appropriately. It is also Universities UK's understanding that the timescales outlined for the operation of the scheme are shorter than those in place in a number of competitor countries including the USA.

4. As at November 2008 Universities UK has not received any significant concerns from HEIs about the new scheme. There were some delays in October but it appears that those delays have been cleared. The view from the sector appears to be that the scheme is a proportionate response to an important national security issue. HEIs welcome the fact that the scheme applies equally to all HEIs and all relevant students. It is appropriate that the UK Government controls this vetting process as they will have intelligence information on which individuals it is appropriate to allow into the country. This is preferable to the situation that operated under VVS where HEIs had to decide whether to refer applicants to the Government or not.

KEY FEATURES

- The new scheme applies to all international (non-EEA) postgraduate research students in specific subject areas (identified by the Joint Academic Coding System (JACS)) and a small number of Masters programmes in specific subject areas.
- It requires students who fall into the above category to seek and obtain "clearance" before they can apply for a visa or entry clearance to come to the UK or to renew a visa if they are already in the UK.
- "Clearance" is sought through a free, online application process to the FCO.
- The student is asked to provide information on their proposed research area in the application.
- The FCO aim to decide on most applications within 5–10 working days and all applications within three weeks.
- Participation in ATAS has been mandatory from 1 November 2007.
- Once "clearance" has been obtained a student is able to enter the visa process and as part of the visa process students are required to provide evidence of the "clearance" in the form of a "clearance certificate".

ISSUES

5. There remain some issues to consider around the new scheme.
6. There could be difficulties for students who are renewing visas and require "clearance" as length of leave does not always correspond to course length so there could be students who have progressed onto research programmes using existing visas but then seek "clearance" and are refused. The FCO has said that this scenario is very unlikely but Universities UK has already been alerted to at least one case of an ATAS

refusal involving a student who was already part way through their research programme. This scenario can cause significant difficulties for the student involved, the HEI involved and obviously does not reflect well on the UK.

7. It is still a comparatively new scheme. Work needs to continue to ensure information about the scheme is communicated both overseas and in the UK.

8. The new system does not link directly into the existing visa system and will not link into the new points-based immigration system.

9. If the turnaround time for the processing of applications becomes longer it could present difficulties for the recruitment and admission of international postgraduate students.

SUBJECT AREAS COVERED BY THE SCHEME

10. The scheme primarily focuses on postgraduate research students but a small number of taught Masters in certain subject areas are included.

11. If the exit qualification will be a Doctorate or Masters by Research (MRes, MPhil etc but not MEng, MPharm, MSci) the following subject areas are included:

Subjects allied to Medicine:

JACS codes beginning:

- B1—Anatomy, Physiology and Pathology
- B2—Pharmacology, Toxicology and Pharmacy
- B9—Others in Subjects allied to Medicine

Biological Sciences:

JACS codes beginning:

- C1—Biology
- C2—Botany
- C4—Genetics
- C5—Microbiology
- C7—Molecular Biology, Biophysics and Biochemistry
- C9—Others in Biological Sciences

Veterinary Sciences, Agriculture and related subjects:

JACS codes beginning:

- D3—Animal Science
- D9—Others in Veterinary Sciences, Agriculture and related subjects

Physical Sciences

JACS codes beginning:

- F1—Chemistry
- F2—Materials Science
- F3—Physics
- F5—Astronomy
- F8—Physical and Terrestrial Geographical and Environmental Sciences
- F9—Others in Physical Sciences

Mathematical and Computer Sciences

JACS codes beginning:

- G1—Mathematics
- G2—Operational Research
- G4—Computer Science

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- G7—Artificial Intelligence
 - G9—Others in Mathematical and Computing Sciences

Engineering

JACS codes beginning:

- H1—General Engineering
- H2—Civil Engineering
- H3—Mechanical Engineering
- H4—Aerospace Engineering
- H5—Naval Architecture
- H6—Electronic and Electrical Engineering
- H7—Production and Manufacturing Engineering
- H8—Chemical, Process and Energy Engineering
- H9—Others in Engineering

Technologies

JACS codes beginning:

- J2—Metallurgy
- J4—Polymers and Textiles
- J5—Materials Technology not otherwise specified
- J7—Industrial Biotechnology
- J9—Others in Technology

12. Subjects included for Taught Masters as well as Doctorate and Masters degrees by research (but not MEng, MPharm, MSci):

- F2—Materials Science
- F3—Physics (including Nuclear Physics)
- H3—Mechanical Engineering
- H4—Aerospace Engineering
- J5—Materials Technology not otherwise specified

10 December 2008

Further memorandum submitted by Dr Brian F G Jones

Please find in the following pages my response to the request for notes on additional points, some additional information that relates to matters I raised on the corrected transcript of my oral evidence (as we discussed), and my answers to those additional questions to which I felt I could contribute. For convenience, I include as Appendices copies of two articles to which I have referred. Find also, attached separately to the covering email, a copy of the article from SCIENCE, to which I refer in my response to additional point 1.

Please convey to the Committee my strong advice that it should request a briefing on WMD proliferation and capabilities from the Defence Intelligence Staff, possibly in association with the Cabinet Office Assessment Staff and the Joint Terrorism Assessment Centre (JTAC). I have no doubt that things have moved on and considerably changed since I was involved but the Committee's questions clearly demand a more up-to-date picture than the one I was able to provide.

I trust you will not hesitate to contact me should the Committee require any further advice or assistance.

12 December 2008

Requests for notes on additional points

1. The Committee would be grateful for any further information that you could provide regarding the Al-Qaeda laboratory discovered at Kandahar, mentioned in Dr Jones's evidence and by Sir John Stanley when he asked Dr Jones "Can you tell us, from your background in government, what factors were driving al-Qaeda to believe that their laboratory work might end up with a usable biological weapon, which they

could use against those parts of the world and individual countries of whose culture and behaviour they disapproved? From which sources were they able to get the basic expertise that they presumably required to get their laboratory going in the first place?". (Question 57)

RESPONSE

My recollection is that in the late 1990s and/or early 2000s there was intelligence that suggested that it was an Al-Qaeda objective to generate attacks on western targets that would cause mass casualties and that nuclear, biological and chemical weapons were discussed by its leadership in this context. Lord Butler's Review of Intelligence on Weapons of Mass Destruction considered "Terrorism" in Chapter 3 of its report and in paragraphs 131 and 132 noted

"131. In 1999, the JIC reported that:

In February 1999 one of his followers claimed that UBL [Usama bin Laden now more often called Osama bin Laden] intended to attack US and UK targets in India, Indonesia and the US, by using means which even the US could not counter, implying the use of chemical or biological material.—[JIC, 9 June 1999]

132. Some work with biological agents was also attributed to Abu Khabbab, though the evidence was not detailed. However, the JIC's judgement that Al Qaida was developing biological weapons was confirmed by the discovery in Afghanistan of the Kandahar laboratory, and evidence that scientists had been recruited."

I attach a copy of a short paper "Understanding Threats to Scientific Openness" by James B Petro and David A Relman. It appeared in the journal *Science* on 12 December 2003 (Vol 302 p 1898) and discusses the availability of "dual use" information on microorganisms for biological agents in the context of Al-Qaeda's activities.

The Committee should note that the acquisition and production of sufficient agent is the key stage in producing a weapon. The quantities of agent involved for a potentially major terrorist attack would be of the order of kilograms and the weapon itself (means of dissemination) need not be sophisticated in the sense of the nuclear device that would be needed to produce a similar number of casualties. Suitable agent most easily in the form of a slurry or, with slightly greater sophistication, a powder, could be sprayed to form an aerosol. Simple hand held or hand portable aerosol sprayers would not necessarily be very efficient in producing a large fraction of aerosol particles of a size to enter and remain in the human lung, but a small fraction in this size range could still be sufficient to cause many (mass) casualties. A variety of factors would dictate the effectiveness of such an act, and military level degrees of efficiency would be difficult for a terrorist to achieve, but it is possible that casualties of many thousands could be generated if the aerosol cloud covered an appropriately populated area.

The Committee should bear in mind that I left the intelligence community in January 2003 and that a fuller picture of Al-Qaeda's capabilities and intentions may now be available to the government. As recently as 11 November 2008 Secretary of State for Defence John Hutton is reported as having said in a speech at the International Institute for Strategic Studies:

"9/11 didn't then and doesn't now remain the limit of Al Qaida's ambitions. Whilst using Afghanistan as a haven, Al Qaida ran training courses on how to make and use poisons. After 9/11, we found, in Kandahar, a laboratory for developing biological agents, along with evidence that scientists had been recruited to assist in their production."

2. The Committee would be grateful for further details of the UK chemical company Mr Feakes mentioned that was fined for an export "made either last year or the year before". This was in response to a question asked by Sir John Stanley regarding controls of dual-use items exported from the EU. (Question 75–76)

3. The Chairman requested further information on the following aspects of the Chemical Weapons Convention:

- a. Whether the Organisation for the Prohibition of Chemical Weapons possesses all the possible and necessary means of enforcement in relation to the Chemical Weapons Convention? What impact does the USA's Presidential Veto have on the authority of the inspection regime?
- b. Many signatories are yet to legislate in order to implement the Chemical Weapons Convention and some are yet to even designate a National Authority. What does this indicate about their intentions to comply with their obligations?
- c. Is the UK doing enough to assist in the destruction of chemical weapons stocks and aiding other States to implement the Chemical Weapons Convention? (Question 79)

4. Sir John Stanley requested a note on the status of defoliants and herbicides under the Chemical Weapons Convention and whether it would be permissible for these to be used as they were by the USA during the Vietnam War. He asked further for a view on whether "if it is merely in the preamble, is it a policy development that the British Government should press for when we come to the next review?". (Question 82–83)

Additional Information

I was asked

Q64 Mr. Hamilton: Gentlemen, as we are aware, the enforcement of the chemical weapons convention relies on inspections and verification. There is obviously a similar regime to strengthen the biological and toxic weapons convention. However, in your written evidence to the Committee, Dr. Jones, you said that the false assertions about the status of Iraq's WMD capabilities that were used to justify the war in 2003 have challenged confidence that the compliance of states with their international obligations relating to these weapons can be reliably monitored, and you said that it is an important omission. Do any of you think that multilateral rules-based treaties and conventions are effective against the states that are the most likely to flout them? Is this an effective non-proliferation strategy? Clearly, it is quite flawed—discuss.

The first recorded response to this was from me and not Nicholas Simms as indicated in the initial transcript (agreed with Ed Waller). I would like to add the following:

On a point of clarification, my written evidence suggested that the absence of an acknowledgement of the reduced confidence in the reliability of monitoring treaties was an important omission from the National Security Strategy's summary of changed circumstances.

Otherwise, my oral response was incomplete. This is partly because I felt my knowledge of the relevant Treaties/ Conventions would take me into territory on which I was unable to comment with confidence.

However, on reflection, I feel I should make a comment that goes to the heart of the dilemma that faced all those concerned with the Iraq issue, and which is illustrative of a broader problem with respect to WMD.

The Iraq debate was conducted, and questions asked of the experts, in terms of "WMD" or "chemical and biological" weapons.

The assessments of DIS intelligence analysts in the run up to the Iraq war can be summarised as follows:

Nuclear weapons were pretty clearly still some way off for Iraq but remained a future concern. The acquisition of a nuclear capability beyond one or a few weapons would be unlikely to escape western intelligence.

It was probable that Iraq did not hold stockpiles of major amounts of chemical weapons. The production of quantities of chemical weapons that are likely to be of military significance, and the preparation for their use, was likely but not certain to be identified by intelligence.

Iraq had the capability to have produced undetected any one of a number of BW agents that it was known to have previously produced or researched. It could have acquired these in quantities sufficient to be of strategic significance and it may have possessed a capability to use them to achieve this. However, the existence of an actual capability was not established, nor was there evidence of an intention to use BW in this or any other way. However, had such a capability and intention existed there is a high likelihood that intelligence would not have detected it. This could be true for any potential possessor or aggressor in many circumstances.

Although not explicitly stated in these terms the uncertainty in the intelligence on Iraq was identified in the March 2002 JIC paper on Iraq WMD, and at least implicit in the JIC paper of 9 September 2002 (as produced in the Report of the Butler Review).

Additional Questions for all witnesses

1. Once existing stocks are destroyed what will be the role of the Organisation for the Prohibition of Chemical Weapons and the Chemical Weapons Convention?

RESPONSE

This is really for my colleagues who are expert in the Convention. However, it is my perception that the OPCW's terms of reference are already broader than the question suggests. I believe some invited or routine inspections of declared sites have taken place under the auspices of the OPCW, but I have heard some experts complain that the absence so far of any Challenge Inspection means that the effectiveness of the treaty has not yet been tested and, as a consequence, its full value as a deterrent has not been realised.

2. What practical steps should be taken to accelerate universal membership of the Biological and Toxic Weapons Convention?

RESPONSE

The particular problem of biological weapons was at the heart of my written submission to the Committee. Some important aspects of the potential threat from biological weapons have been reflected in two recent reports which I am sure the Committee will study but which appeared too late for me to take account of when I gave evidence.

Lord Robertson, in his oral evidence, mentioned the interim report of the IPPR Commission, which he co-chairs with Lord Ashdown, on International Security in the 21st Century, "Shared Destinies—security in a globalised world." It coincidentally reflected many of the issues I raised in my submission to the FAC, and highlighted the BW issue. Unfortunately, neither it nor the US report to the President of the US Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, "The World at Risk" seemed to me to achieve the degree of focus on biological weapons issues which would have allowed a more complete assessment of the potential threat from them, and its implications. This is despite the fact that the US report reached a similar conclusion to my own—that the main issues of concern are nuclear and biological weapons, with biological weapons the more likely to be used.

I believe that part of the problem which people have in engaging fully with the BW issue is the lack of a detailed appreciation of the nature and potential utility of biological warfare agents. In 2006 I attempted to address this problem. First in a lecture I gave to the Harvard-Sussex programme which it published on the University of Sussex website, and second in an article published by the London Review of Books which focused on the Iran nuclear issue as an illustration of the broader point I would wish the Committee to consider. For the convenience of the Committee, I attach copies of both of these papers as Appendices 1 and 2, respectively. (I will be responding to the IPPR Commission's request for comment on its interim report by drawing its attention to the same documents.)

The point I endeavour to make is that perhaps the greatest potential WMD threat we face is not a "conventional" military one, but a covert, deniable biological one from a state source using "terrorist-like" concepts of use. A biological attack from a real terrorist source may be more likely, but I argue that such an attack would be less likely to achieve the efficiency and effectiveness to cause mass casualties than one which emanated from a state source.

This is the thinking which prompts me, in paragraphs 59–61 of my submission to the Committee, to call for a more balanced and interactive debate about the relationship between nuclear and biological weapons and the reduction of the threat emanating from them collectively as well as individually. It may be that more states can be encouraged to join the BWC if they can be made to feel more secure and less excluded from the reassurance that the nuclear weapon states feel they gain from their possession of nuclear weapons.

3. Are there sufficient measures to deal with non-compliance with the Biological and Toxic Weapons Convention?

RESPONSE

Again this is Treaty related and, perhaps for my colleagues, but are there established "measures" for dealing with non-compliance with any of the three treaties? I think requests for measures (eg sanctions or in the limit military action to disarm and dismantle) are put to the Security Council and not always approved.

4. What would be the likely success of a negotiated verification protocol which did not include the USA? Would this be a useful tool for the Biological and Toxic Weapons Convention and would it be achievable?

RESPONSE

I would question the likely success of any negotiated verification protocol in providing a high degree of assurance of anything other than an industrial scale military BW capability.

5. How effective is the UK's approach to the control of the expertise necessary to create chemical and biological weapons? Can incidents such as the 2001 anthrax attacks in the USA be prevented?

RESPONSE

A wider appreciation of the nature of the range of potential BW threats within the relevant scientific/technical disciplines and their associated industrial and academic base, and more widely in academia, commerce and the political sphere might reduce the risk if the relevant institutions were to set up a system of self-policing. However, it must be recognised that this might also increase the risk of the disaffected minority using their knowledge inappropriately. My own view is that the broader benefits of a wider appreciation of the dangers outweigh the potential disadvantages, but this is an issue that demands debate,

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6. How effective is the Australia Group in preventing exports of materials for biological and chemical weapon production?
 7. Is an informal forum such as the Australia Group the most effective way to go about harmonising export controls?
 8. What are the prospects of an expansion of the Australia Group regime? Is this desirable?
 9. Is the Proliferation Security Initiative sufficient to intercept smuggling of materials for WMD production or should additional measures be pursued?
 10. Are the CWC and BTWC able to meet the changing threats that will arise as science advances, for example the development of incapacitating biochemical weapons?

Appendix 1

NUCLEAR BLINDNESS AND THE SILENT RISE OF BW

Brian Jones

INTRODUCTION

This paper is based on a “Sussex Day” presentation and discussion held on 13 March 2006. It focuses mainly on the potential utility of biological weapons. The difficulty of conceptualising how biological warfare (BW) agents could be used is a barrier to understanding the challenge they pose and, hence, the development of defences against them. The absence of a general appreciation of the complex nature of biological weapons is an impediment to an appreciation of their wider significance with respect to international security. Unless BW in all of its many forms is better understood and correctly factored into the global security equation, then related policies, not only for biological weapons, but right across the spectrum of strategic concerns, will lack relevance.

EXAMPLES

Unfortunately, it is not easy to understand BW. It has many facets. Some of the difficulties are illustrated by the following examples.

Robin Cook was UK Foreign Secretary from 1997 to 2001 and thus in charge of Britain’s non-proliferation and arms control policy. In June 2003 he told the Parliamentary Foreign Affairs Committee:³⁸¹

“I would also make the point that biological agents such as anthrax are extremely toxic and a menace to anybody near them, but they were not weaponised [by Iraq], and if not weaponised cannot be used for military purpose. We are fortunate in that it is not particularly easy to weaponise biological agents because weapons do tend either to explode or incinerate, which tends to have the effect of destroying the biological agent that they are carrying.”

This statement is comprehensively inaccurate. In the first place, anthrax is not necessarily dangerous to handle. For example, in WWII anthrax-laced cattle cakes were manufactured in Britain by workers at Porton Down with little more protection than cloth masks, rubber gloves and aprons. There were no casualties during production. (They were never deployed.) Secondly, Iraq had previously weaponised anthrax weapons as bombs and missile warheads. Third, effective “exploding” weapons had been made by Britain as early as the 1940s. Apart from which, the most important dissemination method is by non-explosive means—the spraying of an aerosol. Remarkably, I am not aware that Cook’s statement was ever challenged—by the government he was criticising at the time, or by anyone else.

If, as some have suggested to me, the misunderstanding of biological weapons is less widespread in the United States, it does persist in some very influential quarters. The July 2005 edition of the influential Carnegie Endowment’s publication “Deadly Arsenals: Nuclear, Biological, and Chemical Threats”³⁸² says:

“One significant change in the new edition is that it no longer employs the term “weapons of mass destruction.” Though used widely by officials and the media, this phrase conflates very different threats from weapons that differ greatly in lethality, consequence of use, and the availability of measures that can protect against them.”

“Chemical weapons are easy to manufacture, but they inflict relatively limited damage over small areas and dissipate fairly quickly.”

³⁸¹ 9th Report of the House of Commons Foreign Affairs Committee, The Decision To Go To War in Iraq, 7 July 2003, Oral Evidence and Appendix HC 813-III (ISBN 0 21 501309 3) Evidence of Mr Robin Cook MP in response to Question 25.

³⁸² J Cirincione, J Wolfsthal, M Rajkumar, Deadly Arsenals: Nuclear, Biological and Chemical Threats, Second Edition (Pub: Washington DC: Carnegie Endowment for International Peace) 2005, p 13 (ISBN: 0-87003-216-X).

Biological weapon agents can be made in most medical laboratories, but it is very difficult to turn these agents into effective weapons, and prompt inoculation and quarantine could limit the number of victims and the areas affected.

Nuclear weapons are difficult to produce, but one weapon can destroy an entire city, killing hundreds of thousands instantly and leaving lingering radiation that would render large areas uninhabitable for years.

A failure to differentiate these threats can lead to seriously flawed policy."

In general the Carnegie report is a valuable work of reference that carries several important messages. It makes the important point that the term "weapons of mass destruction" is usually unhelpful unless accompanied by careful qualification. It is, indeed, important to differentiate the nuclear, biological and chemical threats, but that is not done *accurately* in this publication.

Despite what is stated above, some significant biological weapons are as "easy" to make, if not easier, than most chemical weapons. The term "not difficult" is preferable to "easy" as both demand a degree of scientific or technical training and practice. However, beyond that the extent of the "difficulty" involved is critically dependent on the nature of the "weapon" being created which is in turn dictated by the intended context for its use, the degree of "reliability" required, and exactly how "success" in its application is to be measured. For example, a terrorist might be more inclined to accept and try to use a relatively simple and less reliable weapon than a military commander would.

Furthermore, defending against BW agents, whether by inoculation or other means, is far from straightforward. It is simply not possible for many agents. Where it is possible, it can be so complicated as to be impractical.

The Carnegie statement also *neglects* some important points. For example, at the more sophisticated end of the spectrum, many biological weapons can inflict primary damage over areas much larger than nuclear weapons. Some can cause very long-term contamination. This means that the potential impact on societies of some biological weapons is comparable with nuclear weapons—a message not entirely apparent from the Carnegie report.

MISUNDERSTANDINGS AND MISCONCEPTIONS

So why are biological weapons so poorly understood? There are a number of complicated inter-related factors.

CW v BW

It is a problem that chemical and biological weapons are often confused. Contributing to this is that two distinct types of agent are classified as BW agent—toxins, which are non-living, and microorganisms or "germs" which are "live". It is confusing that toxins such as ricin or botulinum toxin are called BW agents. Although, in origin they are the product of biological processes, they relate more closely to CW agents and several can be synthesised by purely chemical means. Toxins poison or produce an effect that relates directly to the amount of them that enters the body. In that sense they behave like chemical weapons and, although some "toxins" are much more toxic than the most potent traditional chemical weapons, the quantities required to cause casualties in a given area are still much larger than for "live" BW agents.

Live microorganisms are very different in that the "live" agent "infects" the target. That means relatively few microorganisms need to get into the body where they then multiply to cause disease and damage. The detailed mechanism by which this happens varies from agent to agent and disease to disease. One mechanism might involve the expression of toxins within the infected body. Because of this the relevant toxins are of interest and may be studied in their own right, even when the biological agent of prime concern to a development programme is the live microorganism that produces them.

To simplify things, unless stated otherwise in this paper, BW agents are considered to be live microorganisms.

Range of Agents and Effects

Even within the group of live BW agents there are great variations. Some agents are lethal and others are non-lethal and some diseases caused by such agents will be readily transmissible from primary victims to others not directly exposed to the attack. Other diseases are not easily transmitted beyond those directly exposed to the causative microorganism. Within these sub-divisions there are a large number of potential agents with a wide variety of properties.

Few Examples

Perhaps the thing that makes it most difficult for modern policy makers to come to terms with biological weapons is that there have been few mature offensive BW programmes. Britain's offensive BW programme ended half a century ago having reached a stage which would be considered relatively primitive today, in terms of current knowledge of relevant science and technology. Furthermore, there is no truly significant and memorable example of the use of biological weapons that would compare with the nuclear weapons of Hiroshima or Nagasaki. There are no spectacular films to compare with the numerous atmospheric atomic and hydrogen bomb tests caught for the record on celluloid.

Absence of Offensive Programmes

The implications for a nation's understanding of the BW threat of not having an up-to-date offensive programme are significant. The Holland Committee grasped the significance of the absence of offensive programmes almost a hundred years ago. In 1919, immediately after World War I it pointed out:

....it is impossible to divorce the study of defence against gas from the study of the use of gas as an offensive weapon, as the efficiency of the defence depends entirely on an accurate knowledge as to what progress is being or is likely to be made in the offensive use of the weapon."

The history of the UK's programme provides an illustration of this.

Perhaps as a result of the Holland advice Britain maintained an offensive BW programme for almost 40 years. It was not until the mid 1950s that it, and the offensive CW programme, were halted. Two main factors influenced the timing. First, the decision coincided with the advent of an operational nuclear weapon capability. Second, it happened before the significance of two major scientific and technical developments was understood. One was the revolution in biotechnology and genetics sparked by Crick and Watson's unravelling of the double-helix structure of DNA which occurred at about the same time. The implications of that for BW agent design and development were not fully understood for at least another decade. The other was the development of a new understanding of aerosols and aerobiology which led to systems that could achieve wide area coverage of BW agent at "useful" concentrations. The importance of this appreciation should not be underestimated. And it should be noted that it lagged the demonstration of "the atom bomb" by a decade. The Americans were on to this more quickly than the British and it is interesting to note than in some of the last joint UK/US field trials of BW agents and weapons, the British were confused by the increasing range from the BW agent release point at which the Americans were placing their targets and detectors.

Of course, the Americans were to continue their BW programme for more than another decade. They conducted a huge secret programme of trials on land and at sea, fully developing a number of BW agents and several dispersal systems. For example, cruise missile delivery was established as being of particular value. The American programme went through and completed the whole complex procurement cycle for a number of agents and weapons and established production facilities and a small operational stockpile with surge capacity.

Although out of the offensive game, the British did eventually grasp the greater potential and threat from wide areas of coverage achievable with BW agents. Several major experiments were conducted using non-toxic simulant agents that were designed to behave in the same way as real BW agents. These trials clearly demonstrated the vulnerability of UK, especially to clandestine and covert attack because such small quantities of agent were required to cover large areas and affect large numbers of people. Simulated agents were disseminated by spraying from small boats offshore, and from light aircraft, and using various hand-carried devices on the London underground and in other places.

This seems to have prompted something of a re-evaluation of Britain's decision to abandon BW because a British Defence Secretary Denis Healey said the following to a House of Commons Select Committee in July 1968:³⁸³

"We have not felt it necessary, nor indeed did the previous [Conservative] Government, to develop a retaliation capability here [with chemical or biological weapons] because we have nuclear weapons, and we might choose to retaliate in that way if there were a requirement."

It is important to remember that all this was in the depths of the Cold War, the Soviet Union was viewed as a real strategic threat, and the context was one of defending against a perceived aggressor.

Myths and Misperceptions

The Americans were apparently reaching similar conclusions and this brings us to the next reason why BW is so poorly understood. What appears to have happened is that the decision of the Nixon Administration to stop the US secret offensive programme was misinterpreted by some of those not familiar with the programme, as an indication that biological weapons had little value. Since few knew about the existence let alone the results of the programme this included many of those concerned with international security

³⁸³ Evidence of the Secretary of State for Defence to the House of Commons Select Committee on Science and Technology, 18 July 1968.

across the world. There is no evidence that the American government positively encouraged this view. Indeed a good deal of the related debate took place in the public domain. However, the government appears to have done little to correct or clarify it, possibly because there may not have been a clear awareness of the development of such a view, not least because it gained currency with the passage of time, subsequent events and changes of administration.

President Nixon appointed Dr Henry Kissinger as his National Security Adviser when he took office in 1969 and the BW programme was one of several issues that were identified for early scrutiny. Kissinger asked a former colleague at Harvard University, Professor Matthew Meselson, to assist him on this matter. In 1998, Meselson shed some welcome light on the background to America's momentous decision to abandon biological weapons in a television interview.³⁸⁴ He said the perception conveyed to the administration by those familiar with the US programme and its results at the time, was:

BW weapons were extremely powerful.

- Large areas could be covered and large numbers of people killed.
- Biological weapons were cheap in comparison to nuclear weapons—the cost, effort and expertise required for their acquisition was much smaller than to make nuclear weapons. (But it was no simple thing either.)

Meselson believes it likely that President Richard Nixon made the decision in 1969 to renounce the BW option for the United States because he recognised America was pioneering the development of weapons that would make it possible for a multitude of other states, and even non-state entities, to destroy the US. Yet America had no need for such a weapon because it had the nuclear deterrent. The argument put to the President appears to have been that these weapons would put into the reach of others, a capability which only America had at the time, which was to destroy whole countries, whole nations with biological weapons. America had that capability with nuclear weapons which were much more difficult and expensive to acquire. It would be folly to pioneer this easier alternative for other people to follow.

So after the 1969 decision a myth appears to have begun to develop that the US thought of biological weapons as ineffective. This myth was reinforced in 1972 by the US decision to sign a “toothless” Biological and Toxin Weapons Convention (BWC). If it was aware of them, no effort appears to have been made on the part of the US government to correct any misconceptions—indeed that would have been counter-productive to an important part of the rationale for the decision. Those inside and outside government who knew better appear to have decided not to draw attention to the matter. The impression may have taken a stronger hold in Britain which was the prime mover of the BWC and which, in 1979, discontinued even the Microbiological Research Establishment which had been dedicated to the development of BW defensive capabilities. The presumption was that no BW threat existed. In the early 1980s, two much publicised accusations related to BW—the Sverdlovsk incident in the Soviet Union and the “Yellow Rain” affair in South East Asia—were widely dismissed as the product of an overly aggressive Reagan Administration and a naive element of the US intelligence community inclined to exaggeration. The result was that those who believed the potential BW threat was being neglected found it increasingly difficult to advance their case. Only after “the genie escaped the bottle” and the world became increasingly aware of the potential of biological weapons through the exposure of the Soviet programme and Saddam Hussein’s capability in Iraq was a BW threat more seriously considered by a new generation of policymakers.

Thus the myth that grew over a decade or more skewed Western, and even American perceptions of BW for twenty years. Although this is fairly recent history, it is already easy to overlook the vast changes that have occurred in the last thirty years. Reflections on decisions taken between 1969 and the end of the Cold War should fully recognise the context in which they were made. The views outlined by Meselson, above, were made specifically in relation to the situation in 1969 when East-West tensions created a more clearly defined and constrained politico-military environment long before the great leaps in global communication and movement that we now take for granted.

The 1969 decision is discussed mainly in terms of a threat from lethal BW agents. (Interestingly, as the US military programme approached its conclusion, an increasing amount of effort was being directed to non-lethal agents. This aspect will be discussed later in the paper.)

Difficulty, Cost and Comparison

The comparison of relative costs of each WMD system can too easily be made in terms of the traditional military “industrial-scale” programmes that are typical of nations with highly developed procurement systems. These aim to produce the ultimate in safety, reliability and efficiency, which is very expensive. However, such constraints do not apply to all programmes. Making a reliable and optimised biological weapon for a war between advanced nations will never be easy or cheap. Doing the best you can in reduced circumstances generates a different equation.

³⁸⁴ Matthew Meselson, interviewed on US Public Broadcasting Service, Frontline “Plague War” 1998 (find at <http://www.pbs.org/wgbh/pages/frontline/shows/plague>).

It is instructive to make comparisons for nuclear with biological weapons but it is important to compare like with like. In the following table I make a rough comparison of cost and of the ease or difficulty of achieving various key aspects, for a national “industrial” military capability:

Aspect	Nuclear	Biological
Technical complexity	Very High	Moderate
Infrastructure	Large, complex and dedicated	Compact, less complex and dual-use
Trials and Tests	Systems tests but full nuclear test not essential for fission weapon	Systems tests and Field Trials
Size and Weight	Significant factor	Small
Delivery	Ideally missile, possibly aircraft	Wide range of options
Cost	High	Low
Visibility to intelligence	Higher	Lower
Detectability before attack	Quite High	Potentially Low

In all regards, except the need for field tests, requirement for the development of biological weapons is lower or advantageous. However, there is an assumption inherent in this comparison that we are comparing weapons required to perform the same or similar functions. That will not necessarily be true.

The following table is my interpretation of the utility of biological weapons in various scenarios—in war, transition to war and notional peace. Notional peace or “peace” is when the opposition does not realise the war has started. Lethal and non-lethal BW agents are compared.

Scenario	Lethal agent	Non-lethal agent
<i>War</i>		
Battlefield	Limited	Limited
Civilian Targets	Moderate	Moderate—High
<i>Transition to war</i>		
Military Infrastructure	Moderate—High	High
Civilian Targets	Moderate—High	High
<i>“Peace”</i>		
Military Infrastructure	Moderate—High	High
Civilian Targets	High	High

The limited utility of BW agents on the battlefield relates mainly, but not exclusively, to the delay between the delivery of the agent and the effect it will eventually have. Depending on the agent, this delay can vary from several hours to several days. The increasing utility as you move away from strictly military scenarios relates to the potential for covert and even unattributable delivery. Non-lethal agents inevitably raise fewer suspicions but can present significant complications for the “defender” at both military and political levels.

These are my best estimates. When I had regular access to British military specialists, I had great difficulty in persuading them to find the time to contribute to my thinking about such matters and discuss them in terms of the military scenarios that occurred to them. In modern, efficient organisations there seems to be little time to think “outside the box” and military education on BW had been minimal. Luckily my intelligence background meant I could obtain “advice” from sources where offensive considerations on BW had been a feature of more recent military thinking.

Concepts of Use

The most advanced thinkers about BW were undoubtedly in the Soviet programme and some strong indications on their perceived utility of biological weapons are now in the public domain.

Vladimir Pasechnik³⁸⁵ was a Soviet BW expert, who defected to Britain in about 1990. He made an interesting comment in this regard. He told a Panorama programme when asked about how the Soviet BW capability would be used:

“If you take, for example, a city with a population, say of 100,000 people, then I would say that it is very possible that in a very short time, say a week time, the preparation will be prepared to apply to the whole city, with effect that about half its population will be killed.

If there may be subversive activity in the city much less quantity would be required for that. Because it may be produced very easily and then applied in such a way that it would be very difficult to discover who had applied it. User would deny it. That had been discussed in Biopreparat.”

This comment illustrates that nations are likely to develop covert capabilities with BW that will have similarities with those more normally associated with terrorists. However, a terrorist might be less concerned about the ease of attribution—he might even seek it.

³⁸⁵ Pasechnik was the head of a large laboratory complex in St Petersburg dedicated to offensive BW development.

The WMD terrorist threat that provokes most comment from politicians is from nuclear weapons. However, it is interesting to make the comparison between the cost and difficulty of acquiring nuclear and biological weapons for a covert capability rather than the military/industrial capability given above.

Aspect	Nuclear	Biological
Technical Complexity	High	Moderate to low
Infrastructure	Moderate and dedicated	Small and relatively straightforward
Trials and Tests	Trial and error	Trial and error
Size and Weight	Significant factor	Small
Delivery	Challenging	Straightforward
Cost	High	Low
Visibility to intelligence	Moderate	Very Low
Detectability before execution	Quite High	Potentially Low

At the covert level of application, biological capability is much less difficult and less costly to acquire than nuclear weapons for a terrorist or a nation, in every regard. There is no doubt that most *national* covert capabilities would be better resourced and there would be more scope to perfect an efficient and effective capability, but the scale of the activity would still be such as to make a programme quite easy to conceal.

The terrorist would probably tend to use trial and error, and tolerate a few failed attempts along the way. There are illustrations of this terrorist attitude—the World Trade Center attacks, Aum Shinrikyo experiments with nerve gas in Japan and the anthrax letters of 2001 in America.

After Vladimir Pasechnik gave us his thoughts on the utility of biological weapons and after the fall of the Warsaw Pact and the Soviet Union, the Foreign Intelligence Service of the Russian Federation gave us some more information about its perceptions of the utility of BW. Certain aspects of an official document on proliferation,³⁸⁶ signed off by Yevgeny Primakov³⁸⁷ chime closely with what Pasechnik had said. Their report says that “*the tendency towards broad dissemination of biotechnologies (having dual use as a rule)*” are fuelling proliferation of BW and it draws attention to their potential for “*subversive and terrorist purposes*”. It notes that only “*small initial stockpiles*” are needed because “*large-scale production of biological weapons can be set up over the course of several weeks*”. It adds that, whilst for a nuclear weapon the “*complex infrastructure [is] difficult to conceal*” for “*biological weapons [it] is barely noticeable through visual detection*”. It follows that “*the indispensable role in detecting... biological weapons belongs to the human factor... human intelligence.*”

And of course, this is why it is difficult for intelligence to be sure that a country does *not* have a biological weapons capability, especially if it has previously had one, as was the case for Iraq. It remains true for Russia.

Perhaps most significantly, in Primakov’s Russian proliferation report, the first identified in a list of indicators of the presence of biological weapons development was:

“*the existence of programs for training troops, special subunits or intelligence and sabotage groups, for operations with the use of biological weapons.*”

This adds to the growing list of reasons why biological weapons are so poorly understood—there are a number of quite different concepts for their use. This theme can be further developed and again the Russians have provided further assistance. A statement in 1987 by a senior Soviet apparatchik, Valentin Falin, the head of the Novosti Press Agency appears to demonstrate one idea. He said,

“*We won’t copy [the US] any more, making planes to catch up with your planes, missiles to catch up with your missiles. We’ll take asymmetrical means with new scientific principles available to us. Genetic engineering could be a hypothetical example. Things can be done for which neither side could find defences or countermeasures, with very dangerous results. If you develop something in space, we could develop something on earth. These are not just words. I know what I am saying.*”

The context is important. Falin was accompanying President Mikhail Gorbachev on a visit to the United States. He said this in a news interview against the background of Soviet concerns about President Reagan’s “Star Wars” missile defence programme. A reasonable interpretation of this is that it was an attempt to use BW as a deterrent—put crudely, “You might be able to stop our nuclear missiles but our BW would get you.” Whilst, at the time, this might have been considered an idle threat, it was the subsequent revelation of the nature and extent of the Soviet programme that suggested Falin might indeed have known what he was saying, and provided one possible reason why the BW programme was boosted in the 1980s after the election of President Reagan. Current Russian President Vladimir Putin made a similar argument against the invasion of Iraq in 2003 when he said any attempt to eliminate Iraq’s WMD was irrelevant to the war on terror. He argued that even if Iraq’s overt WMD capabilities were eliminated it would not greatly impact the overall threat, especially from BW.

³⁸⁶ Foreign Broadcast Information Service translation of a report of the Foreign Intelligence Service of the Russian Federation, Moscow 1993: “A New Challenge after the ‘Cold War’: The Proliferation of Weapons of Mass Destruction.”

³⁸⁷ Primakov, a career KGB officer, was appointed Head of Russia’s Foreign Intelligence Service in 1991. In 1996, Boris Yeltsin appointed him first Foreign Minister and later Prime Minister.

I have no doubt that the Soviet offensive BW programme was all-embracing—covering a whole range of concepts of use. In the early 1990s, Western intelligence lifted the veil on a part of it—the military/industrial programmes. But Kanatjan Alibekov,³⁸⁸ better known these days as Ken Alibek, tells us that that the Chairman of the KGB at the time, Vladimir Kryuchkov, was quite prepared to sacrifice the military programme to keep the rest. The Trilateral Agreement between the US, UK and Russia offered a way of exploring the situation more widely but foundered on Russian obfuscation and American and British reluctance to undermine successively the governments of Gorbachev and Yeltsin. These were, and still are, sensitive times for the stability of Russia.

The other national BW programme we have had some visibility of belonged to Saddam Hussein's Iraq, but there is rather less evidence of the envisaged concepts of use. When they eventually admitted to it in the mid 1990s, it proved to be more extensive than intelligence had estimated in 1991. They eventually acknowledged that they had weaponised anthrax spores and botulinum toxin, as had been suspected by intelligence. Despite all that has been learned by the Iraq Survey Group after the 2003 invasion, it is still not clear how sophisticated the programme was. We have known since the mid 1990s there was research on an anti-crop agent (wheat smut), on non-lethal agents including a viral incapacitant (rotavirus) and on aflatoxin (a fungal toxin). The latter was declared by Iraq to have been filled into weapons but neither agent or its weaponisation had been detected by intelligence. Because of Saddam's unilateral decision to destroy BW agents and weapons unsupervised by UNSCOM this aspect of the declaration has never been properly confirmed. However, assuming it to be true, did this range of interests reflect careful thinking about the broader range of applications for BW? If so, it suggests a range of concepts for use including economic or indirect targeting. Or did it simply represent more random developments based on partial knowledge and available materials and expertise?

The Iraqi interest in aflatoxin illustrates this problem. Aflatoxin has been dismissed by most as an ineffective agent, having only low acute toxicity and a long term carcinogenic effect. However, the toxin does have strong immuno-suppressant properties and as such could be of real interest to an offensive BW programme. Depression of the immune system by aflatoxin occurs within the incubation timescale of several disease causing microorganisms. Thus it could be used to enhance the effect of otherwise innocuous agents or to increase the susceptibility of a population to naturally occurring disease. For deployed troops that could be very important. The modulation of the immune system in general and an interest in aflatoxin and other mycotoxins could be relevant to more advanced concepts of use and agent development. On the one hand Iraqi interest in this agent raises suspicions that some of their BW thinking was quite advanced. On the other hand loading it into ballistic missile warheads, as they claim to have done in 1991, makes little obvious sense.

In the build up to the invasion of Iraq in 2002–3 there was a concern, but no direct indication in intelligence, that Iraq had retained some BW capability backed by more sophisticated thinking. Could Iraq have chosen a way of using BW against US/UK forces that would have challenged military and political decision-making? There were concerns that the use of a non-lethal agent, covertly delivered against assembling forces before the invasion commenced, could cause widespread incapacitation and reduce military capability. Politically, it would have been difficult to justify escalation to deal with such a development on the grounds of proportionality.

Beyond the Iraq problem there was and is the terrorist dimension which, to some, has been greatly exaggerated. But the invasion of Afghanistan in late 2001 led to the discovery of an Al Qaida laboratory near Kandahar that was designed for BW agents preparation. Osama bin Laden's first lieutenant, the Egyptian medic Ayman al Zawahiri, was in charge of the BW objective. There was ample evidence that he had recruited one or more PhD level experts. Documentary evidence showed they were looking in the right places and had the right ideas. The laboratory appeared to be a training facility for operatives rather than a production unit. The concept may have been one of preparing individuals to disperse carrying only the necessary feed-stocks and minimal equipment to the locations where they would produce enough agent to commit acts of bioterrorism. This aspect of Al Qaida's approach should not be confused with the more general training of “lower grade” terrorists in larger numbers who were given more rudimentary instruction, including in the production of poisons.

SUMMARY

For BW

Clearly, there is the need for policy-makers to understand the full range of BW risks described above and others that may be on the near horizon. The barriers to understanding BW that have been elucidated may be summarised as follows:

³⁸⁸ Alibekov was deputy Head of Biopreparat, a Soviet organisation dedicated to the development of offensive BW capabilities.

Confusion between CW and BW

- Two distinct types of “BW” agent—toxins, microorganisms
- Two main effects—lethal, non-lethal
- Numerous BW agents in all categories
- Few mature offensive BW programmes
- Myth/Misperception of the 1970s and 1980s
- Different types of offensive programme—Advanced (industrial) military/ Primitive military/ Covert (state or non-state)
- Various Concepts of Use—including anti-human, anti-animal, anti-crop
- Reluctance to acknowledge BW

For WMD

The BW problem is more complicated than its nuclear equivalent but just as dangerous. Additionally, there is a need to think about BW in a nuclear context and visa versa. The potential advantage of possessing both nuclear and biological weapons appears to have been well understood by the Russians. As discussed above, it seems likely that they tried to exploit it in an advanced and sophisticated way to deter President Reagan’s “Star Wars” ballistic missile defence programme. There are other concepts for the strategic use of biological weapons in an environment that includes nuclear weapons. For example, a state which possesses a nuclear deterrent might be inclined to make limited overt use, or more comprehensive covert use, of BW agents for subversive purposes. It may feel its nuclear weapons would act as the ultimate deterrent to retaliation in the event of the attribution of its use of biological weapons. It would be difficult for a country like Britain to respond with nuclear weapons to an attempt to undermine its economy with biological attacks on its agriculture. Foot and mouth virus, Gumborro disease or some other avian flu virus would all be credible possibilities and could have an impact at the strategic level.

I have already given an example of how a smaller state might try to resist military interference by using non-lethal BW agents by explaining some of the concerns that existed in relation to Iraq before the invasion.

The British and American governments assess the greatest security risk at present is the use of “WMD” including BW agents by an al Qaida related terrorist group. So far as a “WMD” threat is concerned, the least challenging way for entities such as al Qaida to generate the large numbers of casualties we know it seeks would be BW. Such an attack, somewhere in the world, seems inevitable. It may be that the first attempts will be flawed and inefficient but, as with the anthrax letters they will probably cause great disruption. There is always the possibility of the first succeeding. If not, terrorist organisations have a reputation for patience.

If the WMD threat from terrorists with a global reach is the immediate challenge, there could be another close at hand from Iran. Arguments about Iran’s nuclear aspirations have been largely one dimensional in WMD terms so far. It is argued at the highest political level in Britain and America, and widely supported by commentators, that Iran cannot be allowed to acquire nuclear weapons and become a threat. Questions about its susceptibility to deterrence are brushed aside by vague references to nuclear terrorism and the “war against terror”. Most recently there has been an increasing entanglement with the Israel/Lebanon/Palestinian problem.

However, there has been no mention of the danger of provoking Iran into using terrorist-type BW attacks.³⁸⁹ Perhaps it is a potential problem that has not been recognised but there is also the possibility that public discussion of BW and how it might be used is constrained for fear it might stimulate terrorists to pursue such methods. Of course, the reluctance to talk about BW contributes to the poor understanding of the problem.

There are undoubtedly problems about promoting interest in weapons and capabilities in those you may wish to remain in ignorance of them. However, there is a tipping point where such ignorance interferes with the processes that might reduce risk of BW attack and consequence management. In recent years, politicians have shown little reluctance to discuss the threat and to publicise “successful” interventions that are said to have prevented such attacks. I suggest, therefore, that the nature of the threat in all its forms should be a matter for debate and public education whilst keeping the detail that would assist a terrorist to a minimum.

³⁸⁹ Brian Jones, London Review of Books, Volume 28 Number 12, 22 June 2006, 31–33.

Appendix 2**NUCLEAR BLINDNESS**

Brian Jones on Iran, the West and the Bomb

From: London Review of Books, 22 June 2006

It is time for the West to develop a new policy on nuclear proliferation. The highly partisan Nuclear Non-Proliferation Treaty of 1968, which allowed only the US, Russia, Britain, France and China to retain nuclear weapons, has been gradually eroded, as Israel, India, Pakistan, North Korea and, briefly, apartheid South Africa, have unofficially joined the club. Now Iran, too, may be trying to develop the bomb, and has threatened to withdraw from the treaty, as North Korea did in 2003.

Iran's determination to acquire the capability to enrich uranium and process spent reactor fuel in order to obtain plutonium is beyond doubt. This would enable it to produce fissile material suitable for nuclear weapons, and the step from there to building some sort of explosive device would be relatively small. On the other hand, the American intelligence assessment that Iran is seeking nuclear weapons appears to be based on circumstantial evidence—on the principle that Iran's nuclear activity must be covert for a reason—rather than on any firm information about Iranian government decisions. We can allow the strong possibility of an intention to develop a bomb, but it is by no means a certainty.

Some previous uncertainties have been resolved by the direct access that the IAEA has had to various nuclear facilities in Iran, by Iranian admissions in response to discoveries by inspectors, as well as by unsolicited declarations. However, in the light of Saddam Hussein's statements about WMD, it would be unwise to take Iranian claims at face value, even when they appear to be incriminating. The claim that they are capable of uranium enrichment could be an exaggeration, designed to pre-empt the pre-emptive attack that Seymour Hersh has recently suggested the US is planning for. The ultracentrifuge cascades that are used for enrichment are complex structures, containing some very delicate mechanisms. They have the potential to self-destruct. It might take a cascade of 1000 centrifuges operating continuously for a year to produce enough highly enriched uranium for a single weapon.

On the other hand, the Iranian claim could be designed to divert attention from an attempt to develop other methods of producing fissile material, such as laser enrichment of uranium, in which it has shown an interest, or plutonium extraction, on which it has made at least a start. Or its purpose could be to conceal greater progress than they have acknowledged, to encourage a false belief in the West that sufficient time remains for a relatively relaxed approach to negotiations. Traces of more highly enriched uranium have been discovered in Iran, although the IAEA has not been able to disprove the Iranian explanation that they originated from contaminated imported equipment.

Two years ago, Washington's challenge to Tehran was being expressed in stronger terms than it is now. At that time, Britain was keen to encourage the more moderate faction in Iran, led by the then president, Mohammad Khatami. Together with Germany and France, the Blair government tried to persuade Tehran to demonstrate to the IAEA that it was in compliance with the NPT. President Bush, however, bluntly warned Iran either to reform or face the consequences. He said the US was investigating links between Iran and al-Qaida, with the implication that a third invasion might follow those of Afghanistan and Iraq. If that is less likely now, it's because we have seen the limits of America's military capacity.

The European attempt at moderation ground to a halt when Mahmoud Ahmadinejad succeeded Khatami in June 2005, Khatami's defeat suggested that it had been a mistake to allow the nuclear argument to take precedence over the effort to bolster Khatami in his struggle with the Supreme Leader, Ayatollah Khamenei, because it had placed too much pressure on him at a difficult time. Iran has vivid memories of the suffering caused by Iraq's chemical weapons: the use of nerve agents on the battlefield in 1988 was a significant factor in bringing about the ceasefire which ended the war that had begun in 1980. The West is blamed in Iran for having helped Saddam to acquire these weapons. What might have happened to Iran if Iraq had produced the nuclear weapons that were almost in its grasp in 1991?

It was a mixed blessing for the Islamic Republic when the bomb was snatched away from Saddam in the aftermath of his invasion of Kuwait, since it also meant that "the Great Satan's" foothold in the region was extended and consolidated. But Iranian suspicions about Iraq's WMD remained, and intensified when the UN weapons inspectors left the country in 1998. Under such circumstances, no Iranian leader could disregard the question of national security and rule out the acquisition of WMD. Iran is surrounded by countries that are not its natural allies, and which either have or are seeking such weapons. Yet those who would wish Iran to renounce its independent nuclear ambitions are not prepared to give reliable security guarantees in exchange, in a region where there is likely to be much competition for scarce energy resources. The only offer of substantial help with nuclear fuel has come from Russia, which has offered to supply Iran with enriched uranium and take back the spent reactor fuel, bringing Iran a step closer to producing weapons.³⁹⁰ However, Russia has yet to establish a reputation as a reliable supplier of energy.

³⁹⁰ Error in published version: "bringing Iran a step closer to producing a weapon." should read "thus eliminating the need for Iran to acquire technologies that would make it easier to produce weapons."

The vague notion of a multilateral system for the “safe enrichment for nuclear energy” that Blair unveiled in his Georgetown University speech on 26 May may mark a belated acknowledgment of the validity of Iran’s concerns about the security of its future energy supplies, but it would need to be developed quickly to make any contribution to resolving the current problem. Blair suggested that “an international bank of uranium”, overseen by the IAEA, could ensure a reliable fuel supply “without the need for everyone to own their own fuel cycle”. Such an arrangement would be more likely to attract those currently striving for an independent capability if it removed the need for *anyone* to own their own fuel cycle; but it is difficult to imagine any of the eight or nine countries that currently possess nuclear weapons agreeing to that.

The Iranian people seem to believe that their country needs nuclear weapons as well as nuclear power, and are likely to celebrate in the streets when they arrive, just as the citizens of India and Pakistan did in 1998. It is unfortunate that, partly as a consequence of relentless Western pressure over the nuclear issue, Khatami was ousted in 2005. But Ahmadinejad won an election fully as democratic as any recently held in the region. The new fundamentalist president seems to be more in touch with the popular mood, although many Iranians, including perhaps the Supreme Leader, are concerned about his behaviour. It’s not clear whether Ahmadinejad’s outbursts against Israel and the West result simply from inexperience, or are designed to bolster his popular support. It is possible that his devotion to Imam Mahdi, whose second coming is expected to be heralded by an apocalypse, imbues the president with a disregard for what could be the consequences of his rash threats.

Understanding exactly what is happening in Iran is complicated by the fact that military and political power is divided between the Supreme Leader and the elected president in a way that is not entirely clear. Responsibility for defence and security lies somewhere between the Islamic Revolutionary Guard Corps (IRGC) and the Ministry of Defence. It’s unclear too what role is played by the Ministry of Intelligence and Security. The tension between the clerical leadership and Khatami exacerbated the division between the two camps and, when he was president, there may even have been two separate bomb projects. That would have been an inefficient deployment of scarce and expensive resources, but it would have improved the chances that one or other programme might escape detection and destruction. What has happened since the election of Ahmadinejad is no clearer, but the president’s links with the IRGC introduce a new element.

If Iran did produce an explosive nuclear device it would probably be large, heavy, awkward to transport, and hard to deliver as a weapon. Acquiring a nuclear weapon does not necessarily provide a country with a military capability that is immediately useful at all levels, especially against a more experienced nuclear power. It is still a significant challenge to build a device that is small, light and efficient enough to fit on a ballistic missile, and even more difficult to make one that could fit in a suitcase. If Iran ever gains the expertise and materials to achieve this, it is very unlikely to jeopardise its achievement by using the bomb in any but the most extreme circumstances. Actual use of a relatively primitive weapon would instantly result in a disproportionately powerful American response.

There are, in any case, encouraging signs about the general direction of Tehran’s nuclear plans. Mostly its nuclear infrastructure is large, visible and therefore vulnerable. Its decision to protect the important centrifuge enrichment facility at Natanz by building it underground does not necessarily imply that Iran wants to work on its nuclear weapons there, but rather its recognition of the US and UK’s inclination, demonstrated all too clearly in Iraq to take military action on the basis of a suspicion that falls well short of certainty. In 1981, Israel bombed Iraq’s French-built nuclear reactor at Osirak, near Baghdad, shortly before it was completed, claiming that it could have eventually contributed to Saddam Hussein’s quest for a weapon. Iran, which had itself bombed Osirak, with less success, in 1980, will be sensitive to such risks to its own nuclear facilities, whatever their ultimate purpose. If weapons are involved in its plans, it seems that Iran wants to be able to produce and maintain a significant stockpile. It also has a ballistic-missile capability, and periodically tests improved models with a better range. But whatever its ultimate capability, it will be of a kind that can itself be deterred.

Bush and Blair like to allude to the danger of nuclear terrorists being supplied by Iran, but there is little risk of that, because Iran would fear that it would automatically be held responsible and suffer disproportionate retaliation. Since the failure of the European diplomatic initiative, Blair has seemed inclined to align this country once again with the US, whatever course Bush decides to adopt. Bush has tried to dispel the idea of an imminent military strike by saying that the process at the UN has a long way to go and, most recently, by making a conditional offer to participate in negotiations. However, his disenchantment with international arms control agreements has not been a secret for several years. In the nuclear sphere the US was prepared to sacrifice the Anti-Ballistic Missile Treaty for the sake of developing a missile defence capability. Republican politicians in particular believe that the threat of unilateral offensive action is a necessary part of reducing the risk to America from foreign threats. They have been slow to recognise the limits of the immunity that superior wealth and military power can provide. The lessons from Vietnam, 9/11, Afghanistan and Iraq have not been fully grasped. But if Bush’s hesitation is genuine, it is ironic that the war in Iraq has probably scuppered any chance of reaching a meaningful agreement on Iran in the Security Council.

Why? Because the most significant of the many casualties of the Iraq war may yet prove to be the international control of WMD. By conflating nuclear weapons with chemical and biological ones, embroidering intelligence assessments, ignoring the UN inspectors’ appeals for more time, and making WMD the central and ultimately flawed reason for invading Iraq, Bush and Blair have undermined the main

instruments of arms control: the Biological and Toxic Weapons Convention, the Chemical Weapons Convention and even the NPT itself. The effectiveness of such international treaties and conventions balances precariously on the belief (and fear) that intelligence would detect and weapons inspectors confirm any significant attempt to cheat. The real situation in Iraq was found to be very different from that claimed by intelligence advisers before the war, when weapons inspectors were perceived to be unable to establish the true facts within a reasonable timescale.

Even if the thought of Iran being armed with nuclear weapons is uncomfortable, it is far from being the only or even the most serious problem. The stability of President Musharraf's regime in Pakistan is not assured. Long before Iran comes anywhere close to achieving its presumed goal, an Islamic government in Pakistan could inherit a small but significant stockpile of nuclear weapons and missile delivery systems, and a mature infrastructure for making more and better weapons. North Korea may already possess weapons in some form, and has a well-developed ballistic-missile capability. The more relaxed approach of the US to those problems may signal a pragmatic acceptance of the inevitability of nuclear proliferation. If so, Bush's preoccupation with Iran may have as much to do with the region's significance to America's strategic economic interests—and the US wish to ensure its own continued political, military and economic freedom of action—as it does with a threat from the weapons themselves.

In Britain, it is difficult to shake off the notion that Blair's wish to remain in step with Washington will be the most important factor in any decisions on the issue, just as it was with Iraq. This would mean using the weapons issue to disguise an objective that cannot be acknowledged for reasons of diplomatic sensitivity: to keep America "on board". A decision to play politics with WMD in this way suggests a loss of hope in the future of international arms control agreements. This may be an acknowledgment of the inevitable, but it should not be adopted without rigorous parliamentary and public examination.

We urgently need the relationship between the government's position on Iran and its overall strategy on potential future nuclear threats to be spelled out, especially since decisions need to be taken soon regarding the renewal of Britain's own nuclear deterrent. The problem of nuclear weapons and WMD in general gets discussed in such a confusing and piecemeal way that it is difficult to see whether the government has a coherent policy. We need a better sense of what Blair's "big picture" looks like.

First, the government should make clear whether it believes that, if nuclear weapons are involved, other WMD pale into insignificance. The emphasis on nuclear weapons in statements on Iran reinforces the impression that it would have preferred to make the case against Iraq in similar terms. Since the intelligence could not be stretched quite that far, however, a "threat" from "real" stockpiles of chemical and biological weapons was relentlessly promoted and then reinforced with reference to "mushroom clouds" and "45-minute" warnings.

Most politicians and political commentators suffer from a form of nuclear blindness. They believe that biological and chemical weapons can be treated merely as smaller or less effective versions of nukes. They don't appreciate that each weapon can be used in a different way. They haven't grasped how much the security environment has changed since the end of the Cold War, or under the impact of globalisation and interdependence. The London suicide bombers provided an illustration of that change. Chemical weapons have limited potential beyond the battlefield. Biological weapons, however, by virtue of their greater potency, low cost, ease of production, small size, ease of transport and difficulty of detection, are more of a challenge. They may not bring about the same level of physical destruction as 9/11 or a nuclear weapon, but they could well cause more casualties than either. Attitudes to the problem of proliferation must take full account of the related but distinct problem of the proliferation of biological weapons. What we should now be asking is whether Iran might currently pose a biological weapons threat.

In November 2004, the then director of the CIA, Porter Goss, reported to Congress that Iran continued to "vigorously pursue programmes to produce nuclear, chemical and biological weapons". Earlier US assessments had concluded that it already held stocks of biological agents and weapons. The last official British statement on this was made in 2002, when the Ministry of Defence told the House of Commons Defence Committee that Iran was capable of producing biological weapons. The Butler Report on UK intelligence about WMD, published in July 2004, told us nothing about Iran's biological warfare capabilities. They didn't feature in Goss's *Global Intelligence Challenges 2005*, and John Negroponte didn't refer to them in his statement to the US Senate earlier this year. Unfortunately, the absence of recent evidence, if that is the explanation for the US and British silence on the matter, can't be taken as evidence of the absence of a capability.

At the end of 2004, a forward-looking report by the US National Intelligence Council reckoned that terrorists were likely to try to use biological agents: "Bioterrorism appears particularly suited to the smaller, better-informed groups. Indeed, the bioterrorist's laboratory could well be the size of a household kitchen, and the weapon built there could be smaller than a toaster." Final production of a weapon by a skilled cell of operatives could take place in the country of intended use, avoiding the need to transport significant and possibly identifiable elements through international border controls. British authorities are clearly conscious of this potential threat because they have intervened when there has been suspicion of related activities, such as the alleged attempt to produce ricin in a Wood Green flat shortly before the invasion of Iraq and, more recently, the raid on a house in Forest Gate at the beginning of this month. So far, there has been no confirmation of any such activity in Britain.

Many would argue that a substantial and successful biological attack would be beyond the scope of terrorists, citing the limited success of the anthrax attacks in the US in 2001. Those incidents demonstrated, however, that a lethal biological agent of a quality suitable for a weapon was within the reach of an individual, though in that instance one whose objective seems not to have been to cause random mass casualties. Very small quantities of anthrax spores were posted in envelopes or packages, apparently in two batches. The first batch seems to have targeted media organisations in New York City and Florida. The second batch was sent to the offices of two senators in Washington. Even this limited attack was only partially successful: the initial batch used poor quality agent that did not easily form an aerosol and caused less serious infections on contact with the skin. This alerted the authorities, preparing them for subsequent attacks when an agent that more readily formed an aerosol was used. In the end, 23 people contracted anthrax and five died, apparently having inhaled spores.

Al-Qaida continues to threaten major attacks against the West and its determination to acquire biological weapons was confirmed by the discovery of a dedicated laboratory near Kandahar in Afghanistan. There is also evidence that it has recruited suitably qualified scientists. Iran is classified by both the US and the UK as one of the world's foremost sponsors of terrorism, which suggests that both the IRGC and the Ministry of Intelligence and Security know very well how to support and conduct covert operations. If Iran was reluctant, as it might well be, to hand over a biological weapon to terrorists, it could still carry out a (deniable) terrorist-style operation using its own operatives. Reportedly, there is no shortage of IRGC volunteers for suicide missions. A series of biological attacks in enclosed, densely occupied public spaces could produce casualties in the tens of thousands.

It will always be difficult to control nuclear proliferation without provoking a different threat that may be just as deadly but easier to develop and harder to deter. Military interventions, even if they succeed in setting back nuclear programmes, are unlikely to destroy them completely and may only strengthen hostile regimes. Or a regime may fall, leading to a breakdown of civil order, as has happened in Iraq. In either case, the likelihood of an unconventional response to perceived aggression using methods associated with terrorists will increase. We appear to be faced with an uncomfortable choice between promoting a world of strong, stable nation-states, some of which will be antipathetic to Western political and cultural values, or living in a more chaotic global society.

In 2004, the British and American governments claimed that their action in Iraq had created a situation in which proliferation could be controlled. I argued then that strong, stable states that could be deterred from using their weapons might well be preferable to failing states with WMD capabilities and the potential to harbour terrorists. I was greeted with a deafening silence, but I still believe this suggestion warrants serious consideration. Before supporting precipitate action to halt Iran's nuclear programme, Britain should consider whether that would undermine the chances of establishing a stable global framework, in which more states would possess nuclear weapons, but in which rogue states and terrorists would find it hard to survive, let alone to develop WMD.

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12 December 2008

Submission from Export Group for Aerospace and Defence

Many thanks for inviting us to give evidence to the Committee on the afternoon of Thursday 28 January 2009, which we very gladly accept.

We must apologise for failing to meet the Committee's deadline for the receipt of memoranda. If we may, we would like to submit to the Committee, for their consideration, the following comments, which we hope that you will be able still to accept.

The Export Group for Aerospace and Defence (EGAD) is the only dedicated national industrial trade body in the UK dealing with export control issues. EGAD operates under the joint auspices of: the Association of Police and Public Security Suppliers (APPSS), the British Naval Equipment Association (BNEA), the Defence Manufacturers Association (DMA), INTELLECT, the Society of British Aerospace Companies (SBAC) and the Society of Maritime Industries (SMI).

The services provided to Members include:

- Providing reliable information concerning export control issues;
- Providing a forum for discussion and education;
- Sharing of information and experiences;
- Lobbying Government for and on behalf of the Membership.

EGAD's overall purpose may be summarised as follows:

To provide a Defence and Aerospace Industry focus for export control issues'

1. We believe that Her Majesty's Government's stated commitment to non-proliferation efforts is highly laudable, and, indeed, is utterly essential, especially at this time with a growing perception of increased threat to us all, especially from non-state actors. However, conversely, industry continues to experience practical difficulties in getting signed End-User Undertakings (EUUs) out of our own UK MoD, to satisfy the export control authorities of other sovereign nation states. While we understand the arguments of principle adduced by the UK MoD, the fact is that this does not offer a very good example to others.

2. In this regard, it must be understood that the constituent elements of a so-called "dirty bomb" are, for the most part, more likely to be found on the dual-use control list than on the military list. Therefore, at present the greatest enforcement effort does not appear to be focused on the greatest perceived threat. Enforcement is, though, not the first stage in the export control process; more significant is the need to ensure that exporters of licensable items are actually working within the export control system, in the first instance.

3. *Prima facie*, it is worrying that the Defence industry, which accounts for approximately 2% of UK GDP, accounts for over 60% of export licences. At the very least, this lends strong support to the (very considerable) anecdotal evidence that there is significant non-compliance in the dual-use sector.

4. This non-compliance is not that which is often encountered by the relevant agencies, that of a mostly law-abiding and compliant exporter making an honest mistake or a technical breach of licence conditions, rather it is a sector of what should be a regulated Industry operating wholly outside of the regulatory regime.

5. The difficulties of bringing these companies into the compliant community are well recognized, both by Government and Industry; however, the risk of not doing so is that an easy market for proliferators is created, in addition to an "uneven playing field" commercially where compliant companies alone carry the overhead of the Regulations and the non-compliant compete at an advantage, at a time of acute financial stress.

6. For the foregoing reasons, we believe that HMG must put in much greater effort (and resource) into enhancing the effectiveness of the UK's export controls relating to the dual-use sector, as this is clearly the area of greatest potential concern in this arena; if only HMG could be clearly perceived to be doing this just as vigorously as it is in the conventional sector (eg the Military List), then there would be far fewer concerns.

7. We were delighted to read recently about the fact that Mr Colin Stott and Mr Simon Knowles, directors of Organic Intermediates Limited, based near Liverpool (which went into liquidation in August 2004), have become the first people to be prosecuted under the Chemical Weapons Act, and been fined for breaching rules designed to halt the spread of weapons of mass destruction (WMD). We look forward eagerly to hearing and reading more about other similar successful prosecutions that HMG may pursue in the future.

8. Currently, global efforts at counter-proliferation just do not work, as they cannot actually prevent proliferation, but, at best, can merely delay it and mildly inconvenience the potential customers, whilst they scour around the World for an alternative source of supply. Therefore, on this basis, it really does not matter

how much more effective we make our own system, unless these efforts and systems are replicated by other nations. With that in mind, we applaud HMG for its outreach activities in other countries, but believe that much more of this needs to be done.

9. We believe that HMG is to be congratulated for its efforts to promote the proposed International Arms Trade Treaty, which does offer considerable potential benefits, although, contrary to the overly-enthusiastic pronouncements of some in the NGO lobby, we do not perceive this, alone, as being a panacea, in itself.

10. Business has gone global, whilst regulatory regimes are still implemented at the national level; this basic fact must be seen to be what it is: a fundamental weakness in the global counter-proliferation system.

11. Under the ATT, we would want to see total transparency on what has been approved for export by other nations.

12. For a truly effective ATT to be introduced, there must be provision of capacity-building outreach assistance to other signatories, by HMG, and other nations who have effective and robust export control systems of their own.

13. For the ATT to succeed, there needs to be greater clarity on definitional issues, to minimise the burden on legitimate Industry and to make the systems and procedures more robust.

We hope that the above comments may be of interest to the Committee.

Mr Brinley Salzmann,
Secretary,

18 December 2008

Supplementary written evidence from Nicholas A. Sims, Reader in International Relations, London School of Economics and Political Science

1. Once existing stocks are destroyed what will be the role of the OPCW and the CWC?

The OPCW will then be able to devote its verification efforts more single-mindedly to its permanent role of non-production verification (NPV). This means making sure that all States Parties are complying with their CWC obligations and not clandestinely developing or producing CW by diversion from industrial or medical or other non-prohibited purposes, or by masking it under the guise of commercial or academic research programmes, or by secretly modifying their armed forces' legitimate protective programmes to offensive ones. Inspection of varying degrees of stringency under the different Verification Annex regimes of the CWC should then apply equally to all States Parties, irrespective of their previous CW-possessor or non-possessor status. This is the "non-diversion" aspect of the CWC as a permanent disarmament regime, something which ought to have become more prominent since 2007 but is now due to become apparent after 29 April 2012, the final, extended, date for completion of destruction of the Russian and US stockpiles.

I say "more single-mindedly" advisedly, because of the possibility that the OPCW will have to revive, alongside its permanent NPV functions, its time-limited functions of verifying the complete destruction of stocks and keeping CW storage and destruction facilities under inspection until then. This could occur in either of two eventualities, which one might call the "Albanian" and "Libyan" scenarios respectively: (1) an existing State Party, which had joined the CWC as a non-possessor, belatedly discovering hitherto overlooked CW stocks under its jurisdiction and control; (2) a CW-possessor, hitherto a non-party, deciding to ratify or accede to the CWC. It would be up to the OPCW Executive Council to negotiate CW destruction schedules individually in either eventuality, and the OPCW Technical Secretariat under its Director-General to conduct the necessary verification.

Up to now no State Party to the CWC has invoked its provision for challenge inspection. A great deal of work, not least from the UK, went into devising acceptable arrangements for "iterative managed access" during the CWC negotiations of the 1980s, and although these were regrettably watered down by the USA in 1991 the challenge inspection is still the most intrusive and politically-charged form of verification in the CWC repertoire. It is essential that the OPCW maintains a state of high readiness to mount a challenge inspection should this provision ever be invoked. Practice challenge inspections should continue after the destruction of existing stocks so that preparations for the eventuality of challenge inspection do not grow rusty.

The CWC is, of course, not just about verification. The other tasks in which the OPCW is already engaged will continue. These include, for example, promoting national implementation and universality of membership, through regional seminars and in other ways, organising annual meetings of CWC National Authority personnel, encouraging "peaceful uses" technical cooperation, and standing ready to coordinate members' obligations to provide assistance and protection against any incident involving use of CW.

2. What practical steps should be taken to accelerate universal membership of the BWC?

Since the Sixth Review Conference there has been much greater transparency over progress towards universal membership of the BWC. Successive Chairmen of the Meetings of States Parties in 2007 and 2008 (Ambassador Masood Khan of Pakistan in 2007, who wrote to the Foreign Ministers of all the remaining non-parties on 29 October 2007, and Ambassador Georgi Avramchev of The Former Yugoslav Republic of Macedonia in 2008) have reported on their correspondence and meetings with the governments of non-parties and have grouped the individual non-parties by perceived likelihood of ratification or accession, from the imminent to the remote. This is a marked improvement on the reliance on an unsystematic practice of occasional demarches, and following up vague rumours of interest in joining the BWC, which used to prevail. (It is to the credit of the UK and other EU members, and of Australia, that the demarches to non-parties had become more systematic in the run-up to the Sixth Review Conference.) Since 2006 clear responsibility has been placed on the Chairmen of the Meetings of States Parties for carrying forward the commitment to promotion of universality, which they do on behalf of the States Parties as a whole.

Accordingly, any practical steps to accelerate universal membership should be coordinated with the Chairman (Ambassador Marius Grinius of Canada) of the 2009 Meeting of States Parties through the BWC Implementation Support Unit which was tasked in 2006 to assist the successive Chairmen with the promotion of universality.

Gradually the roster of States Parties to the BWC is approximating more closely to that of the CWC. However the BWC with 163 States Parties is still about 20 short of the CWC despite having been in force 22 years longer (26 March 1975 as against 29 April 1997). It would be highly desirable for this gap to be closed more expeditiously, bringing the BWC roster up into the 180s like the CWC and leaving just the “hard cases” which are party to neither treaty.

Seven of the eighteen UN member-states which have never signed the BWC and have yet to accede are also fellow-members with the UK in the Commonwealth: Cameroon, Kiribati, Mozambique, Namibia, Nauru, Samoa and Tuvalu. The two of these seven where the accession process was reported as being most advanced in August 2008 were Cameroon and Mozambique. Another Commonwealth member (Canada) has the Chairmanship in 2009 and it would be good if the UK could join Canada in persuading Cameroon and Mozambique to complete their accession processes and the other five Commonwealth members to start theirs. The most likely of these five to accede according to the 2007 Chairman’s report was Namibia.

Of the thirteen “signatories-only” to the BWC, all of them UN member-states, only three are also members of the Commonwealth, with Tanzania reported as further advanced towards ratification than Guyana or Malawi. Again, it would be good if the UK could join Canada in persuading Tanzania to complete its ratification process and Guyana and Malawi to start theirs. The unratified signatures date from 1972 in the case of the two African countries and 1973 in the case of Guyana.

In my view the most important ratifications to obtain are those of (in alphabetical order) Burma, Egypt, Somalia and Syria; and the most important accessions, those of Angola and Israel. However I am under no illusion as regards the difficulty of persuading the last few “hold-outs” to join. Nor am I aware (although the Committee may be) of any particular leverage which the UK could exert in these cases.

3. Are there sufficient measures to deal with non-compliance with the BWC?

No, but in their absence I see the first step towards an enhanced compliance regime for the BWC as being to develop the Accountability Framework recommended in paragraph 8.1 of my Memorandum for the Committee. The key decision here needs to be taken by the Seventh Review Conference in 2011.

In the medium and longer term I advocate a stronger institutional structure for the BWC, including the possibility of negotiating a BWC-specific regime of verification in the 2020s; but well short of that eventuality I would expect the BWC States Parties on their current upward trajectory to grow in confidence to deal more decisively with compliance issues. They can do this through the existing provisions of the Convention: bilateral and multilateral consultation under Article V, including the contingency mechanism of Consultative Meetings, and the complaint procedure involving the UN Security Council under Article VI.

4. What would be the likely success of a negotiated verification protocol which did not include the USA? Would this be a useful tool for the BWC and would it be achievable?

In July/August 2001 the UK and other long-term proponents of the strengthening Protocol then under negotiation in the BWC Ad Hoc Group seem to have concluded that the answer to the first question was none. A Protocol without the USA would not be worth having. At the time, and since, I understand the assessment was made that a Protocol without the USA would also be a Protocol without Russia, China, India, Pakistan or Iran. It may be significant that in 1997 Russia, China, Pakistan and Iran had only ratified the CWC once it was certain that the USA would ratify and thereby be obliged to subject itself to verification. (India’s instrument of ratification, like the UK’s, had been deposited earlier, in 1996.)

As for the future, I would expect the pharmaceutical and biotechnology industries in EU and other Western countries to raise strenuous objections to the “burdens” of liability to inspections and compilation and updating of declarations, invoking the perceived inequality of compliance costs vis-a-vis their competitors in the USA and other non-participants in a new verification regime, even if steps had been taken to reassure them against loss of confidential proprietary information (a major issue in 1995–2001). Whether their opposition would be insuperable is impossible to estimate, but I can imagine governmental and parliamentary approval for ratification of a verification protocol which the USA and other key states were unwilling to join would be all the harder to obtain in countries otherwise supportive of verification because of these commercial considerations and the resultant lobbying.

Whether a negotiated verification protocol would be a useful tool for the BWC with the USA is a question which arises only if the long-established doctrine, held almost as dogma, that the BWC is unverifiable begins to lose its grip on the US political class. My view is that it could be useful, and achievable, but only if designed to fit the BWC’s distinctive needs (ie not a straight copy of the CWC) and shaped in recognition of the BWCs long history (ie not assuming *tabula rasa*). It would need to be constructed around the limitations that (unless much has changed by the 2020s) some of the BWC prohibitions are more evidently verifiable than others, and certainty is seldom, if ever, attainable. Moreover, it should be pursued only after the BWC has exhausted all the latent potential for strengthening its treaty regime from within which is contained within the Convention as it stands and can be tapped through mechanisms developed within its review process, such as those recommended in paragraph 8 of my Memorandum for the Committee as policy points for the Seventh Review Conference to be pursued with high priority. Until then it should remain a long-term aspiration.

5. How effective is the UK’s approach to the control of the expertise necessary to create chemical and biological weapons? Can incidents such the 2001 anthrax attacks in the USA be prevented?

The key to effectiveness is the vigour with which existing legislation is implemented —the Biological Weapons Act 1974 and the Chemical Weapons Act 1996. Beyond that, and limiting myself to the biological side because the chemical side benefits from a UK National Authority and Advisory Committee, I support raising awareness of the BWC as part of the education of life scientists and others in their social and ethical responsibilities (a cause in which academic researchers in UK universities have been among the most active pioneers in defining the need and laying the foundations); developing codes of conduct (whom the Royal Society has likewise been a pioneer); and the close monitoring of all involved in biodefence research and development, including threat analysis and protective programmes (although I have no reason to suppose that internal controls have failed here as they evidently did at Fort Detrick in 2001). All these are ways in which the UK can demonstrate compliance with its BWC obligations, bearing in mind that Article IV requires national implementation of a stringency and rigour sufficient not just to prohibit but to prevent BW activities occurring anywhere on its territory or anywhere else under its jurisdiction or control, and that this requires constant vigilance.

I am not complacent about threats from elsewhere but the first responsibility of the UK, having renounced BW absolutely and for all time, is to honour its own obligations and ensure that no one here involves it in a breach of the BWC. The “rogue scientist” scenario implicated in the US anthrax letters is but one potential risk to be guarded against in a state of vigilance which must also extend to the armed forces, industry and the universities, the private and public sectors and non-state actors.

6. How effective is the Australia Group in preventing export of materials for biological and chemical weapon production?

I regret I am not competent to answer this question.

7. Is an informal forum such as the Australia Group the most effective way to go about harmonising export controls?

I regret I am not competent to answer this question.

8. What are the prospects of an expansion of the Australia Group regime? Is this desirable?

I regret I am not competent to answer this question.

9. Is the Proliferation Security initiative sufficient to intercept smuggling of materials for WMD production or should additional measures be pursued?

I regret I am not competent to answer this question.

10. Are the CWC and BWC able to meet the changing threats that will arise as science advances, for example the development of incapacitating biochemical weapons?

Legally I have no doubt that the prohibitions in the CWC and BWC taken together are sufficiently comprehensive to encompass future developments in science and technology. Both treaties were drafted in conscious recognition of the need to prohibit in advance the sources of future threats. Hence the importance of the General Purpose Criterion which governs both.

On the subject of incapacitants, I observe that neither the CWC nor the BWC is limited to lethal weapons in terms of prohibitions on development (or production, stockpiling, acquisition, retention or transfer).

But legal comprehensiveness, on its own, is not enough. Both treaty regimes need to institutionalise collective scrutiny, at frequent intervals, of relevant developments in science and technology (S&T) so that new threats do not take them unawares. There is a need for everyone to be kept aware at the political and diplomatic levels of what is already covered at the legal level. Then they can record, by consensus, agreed understandings of definitions and implications of the two treaties, so as to reassure the world that this legal comprehensiveness is fully understood and reaffirmed. This is an important responsibility of the States Parties, accountable one to another and to the world at large, and drawing on the best S&T expertise at their disposal.

The CWC has the means to do this through its Scientific Advisory Board which is a statutory organ of the OPCW established, as a formal treaty body, under Article VIII paragraph 21(h) of the CWC. Article VIII paragraph 45 requires the OPCW Director-General in consultation with States Parties to appoint members of this Board (who serve in their individual capacity); moreover, under the same paragraph 45 there is also provision for “temporary working groups of scientific experts to provide recommendations on specific issues” to be established by the Director-General, as appropriate, in consultation with members of the Board. This might be a good way of starting to address international public policy questions over such matters as the development of incapacitants and related classes of agent, preparatory to establishing, with legal and diplomatic input added, the relationship of the so-called “non-lethals” generally (including herbicides and defoliants) to the CWC where uncertainties remain.

The BWC does not have an equivalent treaty provision; such collective scrutiny as does take place is conducted only once every five years, at Review Conferences, and up to now has been inadequately handled even then because the conferences have not been organised in such a way as to make time for systematic consideration of the S&T papers produced individually by States Parties or national academies of science or NGOs. In paragraph 82 of my Memorandum for the Committee I drew attention to UK thinking since 1979 which has favoured a Group of Experts with a Chairman and a Scientific Secretary, or a Scientific Advisory Panel, in the service of the BWC States Parties as a whole; and I urged that the Seventh Review Conference in 2011 should be encouraged to mandate a Scientific Advisory Panel possibly based on the UK 1979 model for the First Review Conference which would advise the BWC States Parties, preferably through the Annual Meetings of States Parties. This would meet the need, recognised by the UK at least since 2001, for more frequent consideration of S&T developments within the BWC than only at five-year intervals.

Although not a scientist myself I am aware of a consensus among scientists supportive of the BWC and CWC that, as science advances, convergences of chemistry with the life sciences are likely to erode still further the accepted distinctions between “chemical” and “biological” categories. Conceptually, there is already a “mid-spectrum” area on any spectrum of CBW agents. Does this matter? Overlap of coverage between the two Conventions, for example in the case of toxins, should not be cause for concern. It does not matter if something is banned twice over. It does matter if something noxious falls between the two and is not banned at all. At present (as stated at the beginning of this answer) I have no doubt over the comprehensiveness of legal coverage. But if others do have doubts, and can identify the S&T areas in which doubts arise, then there could be value in bringing together expert groups of BWC and CWC scientists to examine the problem and make agreed recommendations. Comprehensiveness of prohibitions—with nothing noxious falling between the two Conventions—could then be reaffirmed by the respective Review Conferences (or, between Review Conferences, by the CWC Conference of the States Parties in annual regular session and the BWC Annual Meeting of States Parties if the “intersessional” Meetings of States Parties are allowed a wider mandate in 2011).

16 December 2008

³⁹¹ For the purposes of this submission, the UK Working Group on Arms compromises Amnesty International UK, Landmine Action, the Omega Research Foundation, Oxfam GB and Saferworld

Submission from the UK Working Group on Arms³⁹²

ARMS TRADE TREATY

1. *Background*

The development of an international Arms Trade Treaty, to help curb the flow of arms to those using them to undermine sustainable development and to commit abuses of human rights and international humanitarian law, remains crucial. Significant progress continues to be made. The UKWG very much welcomes the commitment of the UK government, expressed by the Foreign Secretary in September. Alongside its international partners, the UK has continued to play a lead role in promoting the ATT on the international stage. As one of the leading governments backing the ATT initiative, the UK must continue to work hard to drive the ATT process through the UN system and increase efforts to secure widespread and international active support, particularly from southern governments.

It is also clear that an ATT will only save lives and protect human rights if it is truly comprehensive, robust and effectively implemented. UKWG does not support an ATT at any cost; we believe that the eventual treaty must enshrine the core principles of international human rights, humanitarian law and sustainable development, if it is to be effective in saving lives.

2. Parameters of an ATT

A set of core “Global Principles” for international arms transfers, has been developed by NGOs advocating the establishment of the ATT.³⁹³ These principles, which include obligations based on relevant international treaties and customary international law, outline the conditions under which arms transfers should or should not be permissible, and they provide the foundation for an effective and comprehensive ATT.

The Global Principles can be summarised as follows:

1. States are responsible for and must regulate all arms transfers that are relevant to their jurisdiction
2. States must assess all international transfers of arms according to three categories of restrictions under existing international law:
 - (a) Express prohibitions where states must not transfer arms in certain situations based on existing prohibitions on the manufacture, possession, use and transfer of arms, for example in violation of a UN arms embargo or of a particular treaty to which a state is party, for instance the 1997 Convention on the Prohibition of Anti-Personnel Mines.
 - (b) Prohibitions based on the likely use of the weapons, in particular whether the arms are likely to be used to commit serious violations of international human rights law or international humanitarian law
 - (c) Criteria and emerging norms that must be considered when assessing arms transfers, for example states should not authorise a transfer if it is likely to be used for terrorist attacks, for violent or organised crime, or likely to adversely affect regional security or sustainable development
3. States must agree a monitoring and enforcement mechanism, providing for prompt, impartial and transparent investigation of alleged violations of an ATT, and appropriate penalties for offenders

3. *Scope of an ATT*

An ATT should reflect the inherent right of all states to self-defence under Article 51 of the UN Charter. An ATT must also reflect the UN Charter obligation to promote and observe human rights and fundamental freedoms—including civil, political, economic, social and cultural rights—all of which are essential for sustainable development. There is also a universal obligation on states to ensure respect for the rules of international humanitarian and human rights law as well as a multitude of relevant international humanitarian, human rights and criminal law obligations to which many governments are state parties. Without the inclusion of these elementary principles and a clear obligation not to authorise transfers that risk being used in contravention of international law, an ATT will not be effective.

It must also be as comprehensive as possible, applying to all conventional arms; including their components, manufacturing technology, production equipment and relevant dual-use goods. It is of great concern that discussions amongst governments are focussing on using the seven categories on major conventional weaponry from the UN Register of Conventional Arms (UNRCA), plus small arms and light weapons, often referred to as “7 + 1”. Under such formulation, the ATT would not cover many categories of

³⁹² For the purposes of this submission, the UK Working Group on Arms compromises Amnesty International UK, Landmine Action, the Omega Research Foundation, Oxfam GB and Saferworld

³⁹³ “Compilation of Global Principles for Arms Transfers”, Arms Trade Treaty Steering Committee, April 2007, <http://www.amnesty.org/en/library/info/POL34/003/2007>.

weapons, police and internal security equipment that are used in the commission of human rights violations, including ammunition and explosives, many types of military vehicles and aircraft, and many categories of ordnance including short-range missiles and bombs. Utilising the UNRCA categories would also not include components and parts, which are central to international supply chains that dominate the increasingly global nature of the production of conventional weapons.

As a starting point, the UKWG recommends that the Wassenaar military list should be utilised, as it is comprehensive, multilateral, enjoys the support of a majority of arms exporting states, and is an agreed international standard for the classification of conventional weapons. While a number of states view the Wassenaar Arrangement as politically suspect—on the grounds that it is dominated by the “North” and discriminates against non-Wassenaar members—there is widespread recognition of the technical validity of the Wassenaar list.

The ATT must also cover all aspects of international arms transfers, including import, export, transit, transhipment, overseas production and arms brokering activities.

4. The ATT Process

In December 2006, 153 states voted in favour of UN General Assembly Resolution 61/89, “Towards an Arms Trade Treaty”.³⁹⁴ This resolution requested that states submit their views to the UN Secretary General, on “the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms.” It also established a Group of Governmental Experts (GGE) to examine the feasibility, scope and draft parameters for such an instrument.

Between January and June 2007, 100 states responded to the Secretary General’s request for views. Human rights, international humanitarian law and sustainable development were among those parameters most commonly referred to by states as important for an effective ATT.³⁹⁵

In 2008, as instructed by the UN Secretary General, the GGE, which comprised representatives from 28 states, convened in New York for three week-long meetings to discuss the ATT. The GGE process was difficult, given the presence of states (eg China, Russia, India, Pakistan, Egypt) which remain sceptical about the ATT. However, a consensus report was produced, essentially a narrative of the sessions which concluded that “further consideration of efforts within the UN to address the international trade in conventional arms is required”.³⁹⁶

We are concerned that, despite the views expressed in 2007, while the GGE reached consensus on the point that “principles enshrined in the Charter of the UN” would be central to any potential ATT, “differing views” were expressed on the “applicability of existing international human rights law and international humanitarian law”.³⁹⁷ It is critical that the ATT process does not pay undue heed to the concerns of a small minority of states at the expense of the opinions of the wider international community as expressed in the submissions to the Secretary General.

In October 2008, 147 governments voted in favour of a UN General Assembly First Committee resolution which endorsed the GGE report and decided to establish an Open-Ended Working Group (OEWG) on the ATT.³⁹⁸ The only states to vote against the resolution were the US and Zimbabwe. The OEWG is mandated to meet in six, one-week sessions, with the first two set for 2009. These 2009 sessions are tasked to consider “those elements in the GGE report where consensus could be developed for their inclusion in an eventual legally binding treaty.” Meanwhile, the EU is in the process of agreeing a Joint Action that will mandate the UN Institute for Disarmament Research (UNIDIR) to organise a series of regional meetings to take place over the next 15 months. This will provide states with an alternative platform to discuss elements further from GGE consensus, such as criteria based on human rights, international humanitarian law and sustainable development.

The GGE report refers to proceeding on a step-by-step basis. While we recognise that appropriate time must be allowed for the consideration of complex issues, the human cost of the unregulated arms trade means that a sense of urgency must be maintained, and the process of agreeing a treaty must not be allowed to drag on for many years.

³⁹⁴ “Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms”, UN General Assembly, A/RES/61/89, 18 December 2006, http://disarmament.un.org/cab/ATT/Resolution_61_89.pdf.

³⁹⁵ An NGO analysis of 92 states’ submissions showed that 72 referenced international human rights law, 65 referenced international humanitarian law, and 43 referenced sustainable development. See “A Global Arms Trade Treaty: What States Want” at <http://www.controlarms.org/en/resources-and-reports/reports>

³⁹⁶ “Report of the Group of Governmental Experts to examine the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms”, UN General Assembly, A/63/334, 26 August 2008.

³⁹⁷ *Ibid.*

³⁹⁸ The full UN General Assembly vote on this resolution was scheduled for 22 December 2008.

5. The UK and the ATT in 2009

Over the course of 2009, the UK needs to work hard to ensure that both the OEWG and the EU regional meetings generate positive outcomes. The UK must not only maintain its leading role but should also use its position to build a core group of states, regionally diverse and regionally powerful, to share the burden of leadership and create bridgeheads of proactive support around the world. This approach will be necessary to ensure that a substantial majority of UN Member States vote for a resolution on the ATT that drives the process forward. A resolution in 2009 will need to mandate the OEWG to move in 2010 beyond the least controversial issues, to more contentious items such as arms transfer criteria. This mandate will be necessary to speed the process towards the negotiation of a comprehensive, meaningful ATT.

Moreover, the UK should respond to the imminent change in the US administration by increasing its engagement with the US at the political level and through contacts among officials, and by encouraging the UK defence industry to engage their US counterparts, with a view to bringing about a shift in the US position on the proposed treaty. Persuading the world's most powerful state and biggest arms exporter to move from a stance of outright opposition would be a major step forward in securing the ATT's eventual agreement.

6 January 2009

Letter to the Parliamentary Relations Team, Foreign and Commonwealth Office from the Second Clerk of the Committee

NON-PROLIFERATION

The Committee would be grateful for a supplementary memorandum describing in detail the remit and function of those organisations which the FCO considers to be the major international organisations operating in the field of non-proliferation and how they relate to each other including any areas of duplication and overlap.

It would be helpful if the memorandum could include details of the budget of each organisation, including the UK's financial contribution to its work, and details of the number of staff employed by each organisation.

It may be helpful to note that Members discussed this request with Ambassador Simon Smith in Vienna, who agreed that he would be able to help the Committee with their request.

The Committee would be grateful to receive the memorandum by Friday 13 February.

22 January 2009

Letter to the Parliamentary Relations Team, Department for Energy and Climate Change

GLOBAL SECURITY: NON-PROLIFERATION

The Foreign Affairs Committee is currently undertaking an inquiry into non-proliferation, in connection with which it recently visited Vienna to meet with the International Atomic Energy Agency (IAEA). The Committee understands that the UK's financial contribution to the IAEA comes from the Department for Energy and Climate Change.

The Committee would be grateful if the Department could provide a memorandum to its inquiry on this matter addressing the following issues:

- the extent of the UK's current financial contribution to the IAEA's work
- the implications of the current weakness in Sterling in relation to these commitments
- the Government's position in relation to the suggestion that the IAEA's budget should be increased dramatically, as set out in the Report by an Independent Commission appointed by the IAEA Director-General, *Reinforcing the Global Nuclear Order for Peace and Prosperity, The Role of the IAEA to 2020 and Beyond*, May 2008.

It would be helpful to have your reply by Friday 13 February.

I am copying this letter to the head of the Parliamentary Relations Team at the Foreign and Commonwealth Office, as well as to the Clerk of the House of Commons Energy and Climate Change Committee.

22 January 2009

Further submission from Daniel Feakes, Harvard Sussex Programme on Chemical and Biological Weapons, University of Sussex

Requests for notes on additional points

1. The Committee would be grateful for any further information that you could provide regarding the Al-Qaeda laboratory discovered at Kandahar, mentioned in Dr Jones's evidence and by Sir John Stanley when he asked Dr Jones "Can you tell us, from your background in government, what factors were driving al-Qaeda to believe that their laboratory work might end up with a usable biological weapon, which they could use against those parts of the world and individual countries of whose culture and behaviour they disapproved? From which sources were they able to get the basic expertise that they presumably required to get their laboratory going in the first place?". (Question 57)

This question was directed to Dr Jones and there is little that I can add except to suggest reading pages 29–39 of Milton Leitenberg's *Assessing the Biological Weapons and Bioterrorism Threat* on the subject of the suspected BW laboratory at Kandahar.³⁹⁹

2. The Committee would be grateful for further details of the UK chemical company Mr Feakes mentioned that was fined for an export "made either last year or the year before". This was in response to a question asked by Sir John Stanley regarding controls of dual-use items exported from the EU. (Question 75–76)

The company to which I was referring was Avocado Research Chemicals Ltd (ARC Ltd) which was fined £600 and ordered to pay £100 costs on 27 July 2007. In July 2005, ARC Ltd exported 100g of 2-diisopropylaminoethyl chloride hydrochloride (also known as DCH) and 10g of hafnium, with a total value of around £60. DCH can be used as a pre-cursor to VX nerve gas. Hafnium can be used in the production of nuclear control rods. Both substances were exported without a necessary license to a broker in Egypt, a non-signatory to the CWC. A press release on the Revenue and Customs Prosecutions Office website at http://www.rcpo.gov.uk/rcpo/pressoffice/news/20070727_1.shtml gives more details.

3. The Chairman requested further information on the following aspects of the Chemical Weapons Convention:

a. *Whether the Organisation for the Prohibition of Chemical Weapons possesses all the possible and necessary means of enforcement in relation to the Chemical Weapons Convention? What impact does the USA's Presidential Veto have on the authority of the inspection regime?*

The CWC itself does not specify in great detail provisions for its enforcement. Article VIII allows for the Executive Council to take action when considering "doubts or concerns regarding compliance and cases of non compliance." Action can include consulting with the states parties involved and requesting the situation to be redressed within a specified time. If further action is required, the Council can inform all states parties of the issue, bring it to the attention of the Conference of the States Parties and make recommendations to the Conference regarding measures to redress the situation and to ensure compliance. In cases of "particular gravity and urgency" the Council can bring the issue directly to the attention of the UN General Assembly and Security Council. CWC Article XII on "Measures to Redress a Situation and to Ensure Compliance, Including Sanctions" states that if a state party has failed to fulfil the Council's request to redress the situation within the specified time, the Conference can restrict or suspend the state party's rights and privileges until it undertakes the necessary action to conform with its obligations. In cases which could cause serious damage to the CWC, the Conference can recommend "collective measures" (eg sanctions) to states parties in conformity with international law. None of these provisions have yet been utilised so it is impossible to comment on their effectiveness. What is apparent from other incidents though is that enforcement is frequently linked to wider political considerations and that finding a united front among key states can often prove extremely difficult. One way in which the enforcement of both the BWC and CWC could be strengthened would be through the adoption of a new international treaty criminalising acts of chemical and biological warfare including preparatory actions, as proposed by the Harvard Sussex Program.⁴⁰⁰ Such a measure would be targeted on individuals rather than states.

³⁹⁹ Milton Leitenberg, *Assessing the Biological Weapons and Bioterrorism Threat*, United States Army War College, Strategic Studies Institute, December 2005, <http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?PubID=639>.

⁴⁰⁰ "A Draft Convention to Prohibit Biological and Chemical Weapons Under International Criminal Law", *The CBW Conventions Bulletin*, no. 42 (December 1998), pp. 1–2, <http://www.sussex.ac.uk/Units/spru/hsp/documents/cbwcb42.pdf>.

I am not clear what is being referred to by the term “the USA’s Presidential Veto”. I am assuming that the Chairman is referring to Condition 18 of the US Senate’s resolution of ratification for the CWC which was mirrored in a declaration submitted along with the USA’s instrument of ratification and also appears in the US CWC implementing legislation. Under this condition, no sample taken by OPCW inspectors in the US can be transferred for analysis to any laboratory outside the country. This is controversial as the OPCW had originally been expected to transfer samples to its network of designated laboratories. It is possible that the Chairman might also be referring to the “national security exception” in the US implementing legislation which allows the President to deny a request to inspect any facility in the US in cases where he “determines that the inspection may pose a threat to the national security interests of the United States.” The US Permanent Representative at the time stated his belief that the provisions would not harm CWC verification in the US. However, while that might be the case, such provisions set a precedent and have been copied by other CWC states parties. They thus represent a potential weakening of the treaty’s verification regime although, to date and to my knowledge, they have not caused any practical problems.

b. Many signatories are yet to legislate in order to implement the Chemical Weapons Convention and some are yet to even designate a National Authority. What does this indicate about their intentions to comply with their obligations?

According to the most recent report from the OPCW, 96 per cent of states parties have fulfilled the requirement to “designate or establish” a National Authority. For the future, it will be important to ensure that these National Authorities are provided with ongoing funding and resources and are not simply identified to fulfil a one-off request from the OPCW. The OPCW and states parties can support National Authorities, but prime responsibility rests with their own national governments. Only 68 percent of states parties have submitted to the OPCW information on their national implementing legislation and only 45 per cent have legislation which covers “all key areas”. The low level of effective national implementation reflected in these figures is of serious concern. However, these figures may mask an even more serious situation as the criteria by which the OPCW assess “all key areas” are unclear and do not appear to include implementation of the comprehensive scope of the CWC which is enshrined in the “general purpose criterion”. The UK should encourage the OPCW to turn its attention to supporting comprehensive national CWC implementation, including implementation of the “general purpose criterion”. In addition, the focus of the OPCW should not only be on legislation, important as that is. Legislation is only the first step in what should be seen as a process of national implementation which must also include systems for monitoring compliance and enforcement.⁴⁰¹

For many states parties, CWC implementation is not a high priority falling behind poverty, disease, famine, drought, instability and civil war, or a more straightforward lack of resources or of parliamentary attention. In the vast majority of cases, the lack of implementing legislation does not indicate an intention to violate the fundamental provisions of the CWC, rather it is a symptom of the low priority given to the CWC. Countering this requires ongoing long-term outreach by the OPCW and states parties to ministers, officials and parliamentarians in the recalcitrant states parties. There are examples of good practice among states parties with regard to national implementation and these should be shared widely. In the UK, it would be helpful if the annual report submitted to Parliament by the CWC National Authority was considered in more detail, either in debate or in committee. Similar governmental and parliamentary attention to UK implementation of the BWC would also be welcome.

c. Is the UK doing enough to assist in the destruction of chemical weapons stocks and aiding other States to implement the Chemical Weapons Convention? (Question 79)

The UK is contributing to CW destruction in Russia through the G8 Global Partnership programme. UK assistance is focused on the Shchuch’ye CW destruction facility in the Urals which holds 1.9 million artillery and rocket munitions, containing some 5,500 tonnes of the nerve agents sarin, soman and VR. The Ministry of Defence has placed contracts worth over £44 million at Shchuch’ye on behalf of the UK and other international donors. The UK has also announced assistance to the construction of another destruction facility, at Kizner in the Udmurt Republic. This is a significant contribution to the Russian CW destruction programme and, while more funding would be welcome, it must be remembered that CW possessor states bear ultimate responsibility for destruction. To my knowledge the UK is not contributing to destruction activities in any other remaining declared CW possessor states (India, Libya and the US).

The UK has always spoken strongly in support of activities to improve national implementation. The 2004 annual report of the UK CWC National Authority stated that “the UK offers, where possible, both technical and legal expertise to any requesting States Party.” It has also participated in many OPCW regional meetings offering UK experiences of CWC implementation. One aspect which the UK could perhaps promote more actively is its National Authority Advisory Committee made up of industrialists, experts and scientists to advise BERR and ensure UK compliance with the CWC and UK legislation. To my knowledge,

⁴⁰¹ Daniel Feakes, Filippa Lentzos, Caitriona McLeish and Angela Woodward, “Making Legislation Work”, 15 May 2007, www.lse.ac.uk/collections/BIOS/biosecurity/pdf/MLW_Briefing_Note.pdf.

the UK is the only CWC state party to have established such a committee but it plays a key role in facilitating contacts between government, industry and academia which are likely to become more important in future years.

4. Sir John Stanley requested a note on the status of defoliants and herbicides under the Chemical Weapons Convention and whether it would be permissible for these to be used as they were by the USA during the Vietnam War. He asked further for a view on whether “if it is merely in the preamble, is it a policy development that the British Government should press for when we come to the next review?”. (Question 82–83)

Nicholas Sims has already submitted to the Committee a note on this subject with which I wholeheartedly agree and I do not feel the need to add anything further to his note.

Additional Questions for all witnesses

1. Once existing stocks are destroyed what will be the role of the Organisation for the Prohibition of Chemical Weapons and the Chemical Weapons Convention?

The role of the OPCW and CWC will certainly not disappear with the destruction of existing stocks. Partly this is because there are likely additional (undeclared) stockpiles in countries which have not yet joined the CWC. More importantly it is because destroying existing stocks is only one part of preventing chemical warfare. The other, potentially more difficult, part is ensuring that chemical weapons do not re-emerge in the future. Chemical weapons cannot be “un-invented” and there is a risk that legitimate activities could be diverted for malign purposes. The other major goal of the OPCW and CWC is therefore to prevent the re-emergence of CW. The OPCW refers to this objective as “non-proliferation” although it might be better thought of as “non-diversion” since non-proliferation implies the spread of actual weapons and the term has associations with nuclear weapons which are unhelpful in a CW context. Non-diversion in contrast emphasizes that the main threat is likely to stem from the diversion of legitimate activities such as industrial applications, defensive protection programmes or other “dual use” technology. The OPCW will therefore need to focus much more on verification within the chemical industry, particularly at the so-called Other Chemical Production Facilities (OCPFs), and on monitoring advances in science and technology. This will increase the importance of effective national implementation (legislation, monitoring and enforcement) and of the scientific reviews undertaken by states parties and the OPCW’s own Scientific Advisory Board.

2. What practical steps should be taken to accelerate universal membership of the Biological and Toxic Weapons Convention?

The BWC now has 163 states parties and 13 other signatory states. A total of 19 states have neither signed nor ratified the treaty. This compares poorly with the much younger CWC which has 186 states parties and four signatory states with only five that have neither signed nor ratified. The BWC lacks a secretariat to undertake outreach activities to non-states parties on its behalf and what activities have taken place have traditionally been undertaken by the governments of the three depositary states (Russia, the UK and the US). The Sixth BWC Review Conference in 2006 agreed a slightly more ambitious programme of activities with national points of contact and the empowerment of the chairs of the annual meetings to coordinate universalization activities. This programme should be reinforced by strengthening the role of the chairs and by mandating the three-person Implementation Support Unit (ISU) set up by the states parties to conduct outreach events such as seminars and bilateral visits to non-states parties. Additional effort should be made to engage parliamentarians in non-states parties. Such events could be coordinated with related organizations such as the OPCW and CTBTO. Existing outreach work by civil society should also be built upon, such as the successful work of the BioWeapons Prevention Project (BWPP) in Africa. Local civil society groups are able to sustain an ongoing dialogue with government officials and parliamentarians which foreign governments or international organizations cannot.

3. Are there sufficient measures to deal with non-compliance with the Biological and Toxic Weapons Convention?

No, the BWC has an underdeveloped compliance regime, particularly in comparison to the CWC. Existing BWC provisions include bilateral and multilateral consultations under Article V, including the possibility of a formal consultative meeting as held in 1997 over Cuban allegations against the US, and the complaint procedure involving the UN Security Council under Article VI. One way in which both the BWC and CWC could be strengthened is through measures to criminalise—at an individual level—chemical and biological weapons as proposed in the initiative of the Harvard Sussex Program mentioned on page 2 of this submission. Since 9/11 many countries have invested heavily in biodefence programmes and concerns have been raised that such programmes could serve as “cover” for the development of biological weapons in violation of the BWC. The lack of transparency of such programmes raises the risk of a “biological arms race” as countries try to keep pace with what they think their rivals are developing. One way to address this problem is by strengthening the BWC Confidence-Building Measures (CBMs). The UK is a particularly diligent submitter of CBMs but other states parties are not, and the CBMs have not been collectively

reviewed by BWC states parties for many years. Another complementary way to address the problem would be through improved national compliance review processes with information shared at the annual BWC meetings. Such a proposal can be found in a recent issue of *Nature*.⁴⁰²

4. What would be the likely success of a negotiated verification protocol which did not include the USA? Would this be a useful tool for the Biological and Toxic Weapons Convention and would it be achievable?

A return to the BWC verification protocol negotiations of the 1990s is extremely unlikely. The topic of verification has been off the agenda in BWC meetings since 2001. With the new administration in the US, it is possible that verification may re-emerge in a BWC context, possibly at the Seventh Review Conference in 2011. At the time of the verification protocol, it was argued that if the US did not support it, then various other key countries such as Russia, China, India, Pakistan and Iran would also not join. Such a protocol would likely only include countries such as Australia, Canada and member states of the EU and would therefore not really address proliferation concerns. The draft BWC Protocol of the 1990s was largely modelled on the CWC and, as my answer to question 1 demonstrates, CWC verification will soon be needing to be conceptualised differently as the focus shifts from stockpile destruction to non-diversion. The BWC is already in a “post-disarmament” situation and, given advances in the life sciences, any scheme for verification of the BWC would likely look very different to that developed in the 1990s. In the short-term, continued focus on national implementation (meaning legislation, monitoring and enforcement) offers the best chance for progress, with discussion of new verification approaches as a medium-term goal.

5. How effective is the UK’s approach to the control of the expertise necessary to create chemical and biological weapons? Can incidents such as the 2001 anthrax attacks in the USA be prevented?

The UK’s approach rests on the Biological Weapons Act 1974, the Chemical Weapons Act 1996, the Export Control Act 2002 and the relevant sections of the Anti-Terrorism, Crime and Security Act 2001. These acts need to be firmly implemented but, aside from the CWA the implementation of which is the subject of an annual report and which established a National Authority Advisory Committee, there is little publicly available information on which to assess their effectiveness. In recent years, the amount of information provided in the annual report has also been reduced. Beyond legislation, in November 2007 the Foreign and Commonwealth Office introduced the Academic Technology Approval Scheme (ATAS) to replace the Voluntary Vetting Scheme (VVS). ATAS is designed to ensure that non-EU students applying to study certain subjects at postgraduate level at UK universities do not have links to WMD programmes. Additional initiatives which should be supported include awareness-raising about the BWC and CWC among scientists and students, the development of codes of conduct and the oversight of biodefence research activities. On the latter, the Defence Science and Technology Laboratory at Porton Down has apparently issued new guidance on its BWC compliance review process to ensure its research complies with the provisions of the BWC. Without intrusive and impractical regulation and surveillance it is probably impossible to be totally confident that incidents like the 2001 US anthrax attacks can be prevented. However, a vigorously implemented national web of measures from legislation and regulation down to ethics courses for students and codes of conduct covering all relevant sectors (civil, military, academic, industrial, public, private etc) would provide a strong safeguard.

6. How effective is the Australia Group in preventing exports of materials for biological and chemical weapon production?

The secretive nature of the Australia Group makes it extremely difficult to offer any definitive assessment of its effectiveness using open sources. According to a 2002 report by the US Government Accountability Office “the Australia Group has helped raise the costs of attaining a chemical weapons capability by cutting off sources of supply and forcing proliferators to use less efficient means to produce chemical weapons.”⁴⁰³ The GAO report states that multilateral export control regimes have helped set international standards for limiting exports of sensitive items and helped stem proliferation in particular countries of concern. However, the report also states that not all regime participants share complete and timely information, that some countries are slow in implementing regime decisions, that there are differences in how regime decisions are implemented and that some participants do not have effective export control systems in place. Much attention has focused on export controls since 2002 so hopefully some of these problems have been rectified.

However, without accurate information and assurance that the Government has criteria in place by which to measure the effectiveness of the Australia Group, it is impossible to credibly assess the Group’s effectiveness. The Committee could usefully inquire into how the Government assesses the effectiveness of the multilateral export control regimes, particularly in an age of ever increasing diffusion of technology and know-how. On this last point, a recent US National Academies report declared that “the system of export

⁴⁰² Matthew Meselson, “Vast biosecurity expenditures require better oversight and monitoring”, *Nature*, 457, pp. 258–261 (15 January 2009) | doi:10.1038/457258a; Published online 14 January 2009.

⁴⁰³ US, General Accounting Office, *Nonproliferation: Strategy Needed to Strengthen Multilateral Export Control Regimes*, GAO-03-43 (October 2002), www.gao.gov/cgi-bin/getpt?GAO-03-43.

controls on the international flow of science, technology, and commerce is fundamentally broken” and it went on to state that “the current list-based systems are unwieldy, slow, difficult to administer rationally, and are overly prescriptive given global developments in science and technology.”⁴⁰⁴

7. Is an informal forum such as the Australia Group the most effective way to go about harmonising export controls?

The informal nature of the Australia Group means that there are no explicit tools to enforce participants’ compliance with their commitments. Unlike the CWC which has enforcement provisions and institutions able to assist states parties in meeting their obligations, the Australia Group relies largely on the fact that its participants all profess to share a common approach to CBW proliferation. Countries are only allowed to join with the agreement of all existing participants and provided they are in good standing with their BWC and CWC obligations. However, while the Australia Group can set standards and share information and best practice, it cannot oblige states to implement its decisions and there are examples of participants taking many months to implement Group decisions and of a lack of harmonization with regard to how decisions are actually implemented. Therefore, while the Australia Group is useful, it is essential to also have legally-binding obligations with which states must comply, such as those under the BWC, CWC and UNSCR 1540. In this way, states can be held to account and those which experience difficulties can be identified and offered assistance.

8. What are the prospects of an expansion of the Australia Group regime? Is this desirable?

I am not clear if this question refers to geographical expansion, expansion of the control lists or expansion of the Group’s mechanisms. Geographically, the Group has been expanding gradually over the course of its existence to reach its current total of 40 participating countries plus the European Commission. A further significant expansion of the Group seems unlikely as its main function is to bring together the world’s primary manufacturers, exporters and transshippers of controlled items. There are of course countries in these categories not in the Australia Group (eg China and India) but these are members of the Non-Aligned Movement and have been strident critics of the Group since its inception, and particularly since the completion of the CWC in 1992. It would be quite a reversal for such countries to join. However, the Group does conduct outreach activities to such countries and, particularly since the adoption of UN Security Council resolution 1540 in April 2004, many more countries (even critics of the Australia Group) have implemented their own national export control systems, sometimes even using the Group’s control lists. The most likely scenario is therefore an incremental geographical expansion in the Group, coupled with more extensive outreach activities to non-participants.

9. Is the Proliferation Security Initiative sufficient to intercept smuggling of materials for WMD production or should additional measures be pursued?

Like the Australia Group, the PSI conducts much of its work in secret and it is therefore difficult to come to any conclusions about its sufficiency. In 2005, the former US Secretary of State Condoleezza Rice said that some PSI partners had “quietly cooperated” on 11 successful interdiction efforts but gave few additional details. PSI partners stress that their activities are in support of their BWC and CWC obligations so it might be helpful for them to provide more information to non-PSI partners in the BWC and CWC. Transfers of chemical or biological weapons would be violations of the respective treaties and, if discovered by PSI partners, should therefore be discussed and dealt with within the BWC and CWC. In 2005, the International Maritime Organization adopted a protocol to the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation designed to create a legally-binding prohibition on the transfer of weapons of mass destruction. Entry into force of this Protocol would strengthen PSI and also serve to give it added legitimacy in the eyes of its critics.

10. Are the CWC and BTWC able to meet the changing threats that will arise as science advances, for example the development of incapacitating biochemical weapons?

Both the BWC and CWC were specifically designed to be able to keep pace with developments in science and technology. Both include a general purpose criterion which means that their prohibitions apply to intentions rather than to particular chemical or biological agents. There are thus no loopholes in the scope of either treaty’s prohibitions. However, loopholes can emerge during the implementation of the treaties and through disagreements between states parties. Institutionally, the CWC seems best prepared to meet the challenges posed by scientific advances as it possesses a Scientific Advisory Board and an annual Conference of the States Parties with decision-making powers. However, the recommendations of the SAB are not always heeded by the states parties and the Second CWC Review Conference clearly demonstrated that not all states parties acknowledge the challenges. It should be an urgent task to endow the BWC with similar

⁴⁰⁴ National Research Council, *Beyond “Fortress America”: National Security Controls on Science and Technology in a Globalized World*, National Academies Press, 2009, http://www.nap.edu/catalog.php?record_id=12567.

scientific review mechanisms as proposed by the Royal Society, among others,⁴⁰⁵ and to give its annual Meetings of States Parties more power. More fundamentally, both treaties need to be aware of, and prepared for, the growing convergence of chemistry and biology. Emerging disciplines such as synthetic biology and new developments in, for example, “non-lethal” weapons, straddle both treaties and raise the possibility of gaps developing in the anti-CBW regime. While it is traditionally hard for international regimes and organizations to cooperate effectively, the scientific convergence of chemistry and biology requires it. In recent years, the BWC has become more outward-looking and inclusive, while the CWC has continued to focus on the detail of implementing its complex verification regime. The OPCW and its member states now need to learn from the example of the BWC and engage more actively with other international organizations, industry, scientists, academia and civil society. The UK Government should do all it can to encourage and facilitate synergy between the BWC and CWC and with other related sectors.

4 February 2009

Letter to the Head, Parliamentary Relations Team from the Second Clerk of the Committee

I write further to the oral evidence session on 4 February 2009 with Bill Rammell MP to request some further information. The Committee would be grateful for a further memorandum from the FCO addressing the following points:

1. Mr Rammell indicated that he would “reflect on” the question (Q227 and 228) in which the Chairman asked whether the term “Weapons of Mass Destruction” was helpful because it does not distinguish between nuclear, chemical and biological weapons. The Committee would be grateful for further details of the way in which the Government uses this term and Mr Rammell’s considered view on how helpful a term it is.
2. What role does the Government foresee for the EU and NATO in the area of non-proliferation and disarmament, particularly in light of its stated long-term aim to pursue the abolition of all nuclear weapons and the fact that all NATO members are effectively covered by the extended deterrence of the US nuclear umbrella? How does the European Security Strategy relate to the UK’s National Security Strategy in this regard?
3. What is the UK’s policy with regards to the future of the Biological and Toxin Weapons Convention’s Implementation Support Unit (ISU)? Does the Government support an expansion of the remit, budget and staffing of the ISU? Is there any prospect of creating an organisation in this field which resembles the Organisation for the Prohibition of Chemical Weapons?
4. How does the Government intend to persuade sceptics that the Arms Trade Treaty should be based on the applicability of international human rights and international humanitarian law?
5. Can the Open Ended Working Group be an effective mechanism for advancing negotiations on an Arms Trade Treaty? Will an overwhelming majority approach help or hinder negotiations and is the UK supportive of such an approach in general? If not, why is it in this specific case?
6. Mr Rammell indicated that he would provide the Committee with further details of the contracts for de-mining in the Falkland Islands.

It would be helpful if we could receive a response to these further points by 23 February.

9 February 2009

Letter to Parliamentary Clerk, Home Office from the Committee Specialist

The Foreign Affairs Committee is currently nearing completion of an inquiry into “Global Security: Non-Proliferation”. In its memorandum to the Committee, submitted at the start of October, the FCO noted that the UK had signed but not yet ratified the International Convention on the Suppression of Acts of Nuclear Terrorism. The FCO said that the Home Office had the UK policy lead for the ratification process. The Convention came into force in July 2007.

It would be very helpful if the Home Office could provide a note to the Committee, confirming that the UK has still not ratified the Convention, briefly explaining why, and giving an anticipated ratification timeframe.

⁴⁰⁵ UK, Royal Society, “The individual and collective roles scientists can play in strengthening international treaties”, Policy Document 05/04 (April 2004), <http://royalsociety.org/displaypagedoc.asp?id=11499>.

It would be appreciated if the Home Office could provide the note by 13 March.

Thank you in advance for your assistance.

12 February 2009

Supplementary memorandum from the Foreign and Commonwealth Office

REFERENCE

The Foreign Affairs Committee might welcome updates on those organisations which the FCO considers to be major international organisations in the field of non-proliferation and how they relate to each other.

This document is intended to expand on the information previously submitted to the Committee on 1 October 2008 and 27 November 2008, as requested by the Committee in their letter of 22 January 2009.

INTERNATIONAL ORGANISATIONS AND TREATIES

Nuclear

In the area of non-proliferation the major international agreements are the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the Comprehensive Nuclear Test Ban Treaty (CTBT). Both of which focus on nuclear non-proliferation and disarmament. In addition the Comprehensive Nuclear Test Ban Treaty's central purpose is to prohibit any nuclear weapons test explosion or any other nuclear explosion. The International Atomic Energy Agency (IAEA) is the major International Organisation in this area.

There was substantial discussion at the time of the CTBT's negotiation on the merits of situating the CTBTO Preparatory Commission *within* the IAEA. It was broadly recognised at the time that the Secretariat for a treaty whose technical and operation functions are distinct from those of the IAEA were more appropriately housed separately. But co-location in Vienna allows for close coordination between the two organisations—and promotes efficiency in the way in which Member States/State Signatories interact with them.

The Treaty On The Non-Proliferation Of Nuclear Weapons (NPT)

The NPT is a landmark international treaty, signed and ratified by the UK in 1968, whose objective is to prevent the spread of nuclear weapons and weapons technology, to promote co-operation in the peaceful uses of nuclear energy and to further the goal of achieving nuclear disarmament and general and complete disarmament. The Treaty represents the only binding commitment in a multilateral treaty by the Nuclear-Weapons States to the goal of disarmament by the Nuclear-Weapons States.

The International Atomic Energy Agency (IAEA)

The International Atomic Energy Agency (IAEA) was set up in 1957 as the world's "Atoms for Peace" organisation within the United Nations family. It is the international organisation that seeks to promote the safe, secure and peaceful use of nuclear energy.

Although often dubbed by the media as "the UN's nuclear watchdog", the IAEA has three main areas of work within its mission. These are:

Safety and security: The IAEA helps countries to upgrade nuclear safety and security, and to prepare for and respond to emergencies. Work is linked to international conventions, standards and expert guidance. The main aim is to protect people and the environment from exposure to harmful radiation.

Science and technology: The IAEA helps countries to mobilise peaceful applications of nuclear science and technology. The work contributes to goals of sustainable development in the fields of energy, environment, health, and agriculture, among others, and to cooperation in key areas of nuclear science and technology.

Safeguards and verification: The IAEA is the world's nuclear inspectorate, with more than four decades of verification experience. Inspectors work to verify that safeguarded nuclear material and activities are not used for military purposes. The Agency is additionally responsible for the nuclear file in Iraq as mandated by the UN Security Council.

Though established independently of the United Nations under its own international treaty (the 1956 IAEA Statute), the IAEA ("the Agency") reports to both the General Assembly and the Security Council because of their respective responsibilities in the fields of economic and social development and in international peace and security. The Agency co-ordinates its activities with those of the UN and its

specialized agencies to avoid overlap and duplication (eg with the World Health Organization to expand the benefits of cancer therapy to development countries, with the Food and Agricultural Organization (FAO) through a Joint Division established in partnership to foster the development and application of nuclear techniques in food and agriculture).

The Agency works closely with other international organisations, including international partnerships and initiatives, which are active in the field of nuclear security and physical protection, as well as with the regional safeguards systems. In nuclear security, the IAEA has observer status in the US- and Russian-led Global Initiative to Combat Nuclear Terrorism (GICNT) which aims, among other goals, to improve accounting, control and physical protection systems for nuclear and other radioactive materials and substances. The Agency participates in meetings of the G8 Global Partnership and periodically briefs participants on activities being carried out under the Agency's Nuclear Security Plan in order to better coordinate programmes.

IAEA activities are funded by a regular budget and extra-budgetary funds. The IAEA Regular Budget for 2009 amounts to £262.6 million (€293.7 million).⁴⁰⁶ The UK is the fourth largest contributor to the IAEA regular budget (6,577 per cent). In 2009 the UK's contribution to the regular budget comprises separate payments of £13,912,722 (€15,554,499) and £2,658,216 (\$3,837,161).⁴⁰⁷

The provision of technical cooperation by the Agency to Member States is financed from its Technical Cooperation Fund (TCF), which receives its income mainly in the form of voluntary contributions (a target for which is set each year by the General Conference) and from National Participation costs paid by recipient Member States. The target for voluntary contributions to the Technical Co-operation Fund for 2009 is £58,884,247 (\$85million). In 2008 UK's contribution to the Technical Cooperation Fund amounted to £3,550,789 (\$5,125,600).

The implementation of the IAEA Nuclear Security Plan is dependent on extra-budgetary contributions from Member States and others to the Nuclear Security Fund (NSF). The NSF budget for 2007 was £15,883,643 (€17,758,000), to which the UK contributed voluntarily £2,720,022 (€3,041,000), making it the third largest state donor. The UK funding comes from the Global Threat Reduction Programme. The UK contribution to the Nuclear Security Programme has been targeted at projects to enhance security of nuclear and radiological materials held at key locations across the former Soviet Union.

The projects are implemented in close collaboration with UK experts and the UK provides significant support to ensure effective programme management. We are considering a new tranche of projects for 2009 but no decision has yet been taken. Since 2004 the UK has also indirectly contributed to the NSF through EU Joint Actions in support of IAEA activities in the areas of nuclear security and verification and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction. A fourth EU Joint Action was adopted on 14 April 2008. This foresees a European Union contribution of £6,887,265 (€ 7.7 million) to fund the IAEA's efforts to support nuclear security activities in Southeast Asia.

In addition to financial contributions, Member States provide "in kind" contributions such as donations of equipment, cost free experts, the use of facilities and the hosting of meetings and training activities.

The IAEA Secretariat is made up of a team of 2,200 multi-disciplinary professional and support staff from more than 90 countries.

The Preparatory Commission For The Comprehensive Nuclear-Test-Ban Treaty Organisation (Prepcom)

The Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) was established on 19 November 1996 with its seat in Vienna. Its main purpose is to make the necessary preparations for effective implementation of the Comprehensive Nuclear Test Ban Treaty.

Another duty of the Commission is to establish a global verification regime to monitor compliance with the comprehensive ban on nuclear test explosions, which must be operational when the Treaty enters into force. This involves the buildup of 321 monitoring stations and 16 radionuclide laboratories throughout the world. It also includes the provisional operation of an International Data Centre (IDC) and the preparation of on-site inspections in case of a suspected nuclear test.

Upon signing the CTBT, a State automatically becomes a member of the Preparatory Commission. The Commission consists of two main organs: a plenary body composed of all the States signatories (also known as the Preparatory Commission); and the Provisional Technical Secretariat (PTS) which assists the Commission in carrying out its activities. In December 2008 the PTS employed 265 staff from 75 countries.

The PTS started its work in Vienna on 17 March 1997. The Executive Secretary is the only PTS official appointed by the Commission and reports directly to the Commission on PTS operations. The main function of the PTS is to assist the Preparatory Commission in the establishment of a global verification regime to monitor compliance with the comprehensive ban on explosive nuclear testing. This regime—

⁴⁰⁶ Exchange rate of Euro to GBP of 0.89404, as correct on 12 February 2009.

⁴⁰⁷ Exchange rate of USD to GBP of 0.69254, as correct on 12 February 2009.

sometimes referred to as a “global alarm system”—is being built up so that it will be operational as soon as the Treaty enters into force. Another PTS function is to promote the signing and ratification of the Treaty so that it enters into force as soon as possible.

The Preparatory Commission is financed by the CTBT States signatories. It has a strong technical focus, with continued steady build-up and sustainment of the verification regime a key priority. In 2009 the Commission’s budget is £79,498,376 (US\$113.6million). The UK’s financial contributions to the CTBTO for 2009 is £4,601,025 (€5,114,011).

CHEMICAL

Chemical Weapons Convention

The Chemical Weapons Convention (CWC) bans the development, production, stockpiling and use of chemical weapons and requires the destruction of existing weapons and stockpiles by fixed deadlines under strict international monitoring and verification procedures.

The CWC entered into force on 29 April 1997 and requires the destruction of existing stockpiles of chemical weapons by no later than 29 April 2012. 186 states have acceded to the CWC, with only 9 remaining outside (Angola, Barbados, Burma, DPRK, Dominican Republic, Egypt, Israel, Somalia and Syria). The UK signed up to the CWC on 13 January 1993 when it opened for signature. The UK acceded to the Convention on 13 May 1996.

Organisation For The Prohibition Of Chemical Weapons (OPCW)

The Organisation for the Prohibition of Chemical Weapons (OPCW) is the implementing body of the Chemical Weapons Convention (CWC), based in The Hague. The OPCW’s mandate is to achieve the object and purpose of the Convention, to ensure the implementation of its provisions (including those for international verification of compliance with the CWC), and to provide a forum for consultation and co-operation between States Parties. There are 186 States Party to the CWC, only 9 States remain outside the Convention. Key non-States Party include Israel, Syria, Egypt and DPRK.

In terms of the OPCW’s structure, the Executive Council (EC) and Conference of States Parties (CSP) are designed primarily to determine questions of policy and resolve matters arising between the States Parties on technical issues or interpretations of the CWC. The Executive Council comprises representatives of 41 Member States, elected by all other OPCW Member States to serve two-year terms. The Conference is the main policy-making organ of the OPCW, and is composed of all Member States. The Chairs of the Executive Council and the Conference are appointed by each body’s members.

The Technical Secretariat of the OPCW assists both the EC and CSP, and is responsible for the routine administration and implementation of the CWC, including conducting inspections. The Technical Secretariat is headed by the Director-General, who is appointed by the Conference on the recommendation of the Council. The current Director-General is Rogelio Pfirter, who has been in post since 2002. The Deputy Director General is John Freeman, currently on secondment to the OPCW from the FCO.

The OPCW is an independent, autonomous international organisation, with a working relationship with the United Nations. Article VIII, paragraph 34(a), of the Convention mandates the Executive Council to conclude agreements or arrangements with States and international organisations on behalf of the OPCW, subject to prior approval by the Conference of the States Parties.

The first such agreement, the Relationship Agreement between the United Nations and the OPCW, was concluded with the United Nations in 2000 and entered into force in 2001. The Relationship Agreement was approved by the OPCW Conference of the States Parties in decision C-VI/DEC.5 dated 17 May 2001 and by the United Nations General Assembly in resolution A/RES/55/283 dated 7 September 2001.

The OPCW has a budget of approximately £51,610,311 (€74.5 million) for 2009. States Parties are required to pay annual assessed contributions to the OPCW. The United Kingdom’s contribution for 2009 is £3.8 million, 6.7% on the UN scale of assessments. Further information relating to the OPCW and its work can be found online at <http://www.opcw.org/>

BIOLOGICAL AND TOXINS

Biological And Toxin Weapons Convention (BTWC)

The BTWC entered into force in 1975, and bans the development, production, stockpiling, acquisition, retention or transfer of biological and toxin weapons. The UK signed up to the BTWC on 10 April 1972, and deposited its instrument of ratification on 26 March 1975. The UK believes that international cooperation in the CWC and BTWC are key in defeating the threat of chemical and biological weapons. And by the UK working with AG partners, the export of materials which create these WMDs are monitored and better controlled.

Although the BTWC does not have a formal secretariat comparable to other organisations, States Parties agreed at The Biological and Toxin Weapons Convention (BTWC) Sixth Review Conference (2006) to establish an Implementation Support Unit (ISU) within the Geneva Branch of the United Nations Office for Disarmament Affairs. The ISU is funded by the States Parties to the Convention and is staffed by three employees. The FCO considers the ISU to be the only international organisation operating under the BTWC.

Cost of Implementation Support Unit in 2008: £280,013 (\$404,201). Costs of Conference services in 2008 (eg: Meeting of Experts & States Parties Meeting): £219,950 (\$317,500). UK's contribution to the ISU in 2008: £33,412 (\$48,231).

INTERNATIONAL EXPORT CONTROL REGIMES AND THE HAGUE CODE OF CONDUCT

Missile Technology Control Regime (MTCR)

The Missile Technology Control Regime was formed in 1987, and is an informal and voluntary association of countries which share the goals of non-proliferation of unmanned delivery systems capable of delivering weapons of mass destruction, and which seek to coordinate national export licensing efforts aimed at preventing their proliferation. The UK is one of the founder members.

The 34 MTCR Partners agree to incorporate a common "control list" of sensitive goods into their national legislation. These control lists are designed to provide clarity to both UK industry and government officials on the exports of WMD-related goods, and are updated continually to better control emerging sensitive technologies.

While concern has traditionally focused on state proliferators, after the tragic events of 11 September 2001 it became evident that more also has to be done to decrease the risk of WMD delivery systems falling into the hands of terrorist groups and individuals. One way to counter this threat is to maintain vigilance over the transfer of missile equipment, material, and related technologies usable for systems capable of delivering WMD.

The MTCR rests on adherence to common export policy guidelines applied to an integral common list of controlled items. All decisions are taken by consensus, and MTCR partners regularly exchange information about relevant national export licensing issues. National export licensing measures on these technologies make the task of countries seeking to achieve capability to acquire and produce unmanned means of WMD delivery much more difficult. As a result, many countries, including all MTCR partners, have chosen voluntarily to introduce export licensing measures on rocket and other unmanned air vehicle delivery systems or related equipment, material and technology.

As a voluntary association of countries, the MTCR does not have a formal budget, nor does it employ permanent members of staff. The Chairmanship of the MTCR is also voluntary, and changes on an annual basis. The French Ministry of Foreign Affairs (MFA) acts as the MTCR's secretariat or point of contact (POC), and the Canadian MFA run the MTCR website. The UK does not formally provide funding to the MTCR. The costs for UK officials attending MTCR meetings are covered by the FCO's budget.

The Hague Code Of Conduct Against Ballistic Missile Proliferation (HCoC)

The HCoC was launched in 2002. The UK is one of the original Subscribing States. HMG's objectives in HCoC are to promote the universalisation of the Code by increasing the number of subscribers, and to encourage all members to meet their commitments under the Code. As of January 2009, 130 countries had subscribed.

The HCoC is aimed at bolstering efforts to curb ballistic missile proliferation worldwide. It is not an export control regime, but a voluntary international instrument. It consists of a set of general principles, commitments, and limited confidence-building measures (CBMs), including Annual Declarations (ADs) by each subscribing state on its space and ballistic missile policies and Pre-Launch Notifications (PLNs). It is intended to supplement, not supplant, the Missile Technology Control Regime (MTCR).

The HCoC does not formally employ staff, nor does it have a budget. However, Austria serves as the Immediate Central Contact (Executive Secretariat) and therefore coordinates the information exchange of the HCoC. The UK does not directly contribute financially to the running of the Code. The costs for UK officials attending HCoC meetings are covered by the FCO's budget. The EU recently agreed to spend £958,749 (€1,015,000) in implementing a joint action plan which outlined a number of projects and activities designed to promote and improve the Code:

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:345:0091:0095:EN:PDF>)

Nuclear Suppliers Group (NSG)

The NSG is a voluntary export control regime, created in 1975 following the explosion of a nuclear device by a non-nuclear-weapon-state, which showed that nuclear technology transferred for peaceful purposes could be misused. The aim of the group is to co-ordinate national export licensing efforts to prevent the diversion of nuclear material or technology, and dual use items, to WMD programmes of concern.

The NSG consists of 45 nuclear supplier countries, which seeks to contribute to the non-proliferation of nuclear weapons through the implementation of Guidelines for nuclear and nuclear-related exports. The NSG Guidelines are designed to provide clarity to exporters and government officials on the transfer of nuclear goods, and dual use items (which could have non-nuclear uses). These Guidelines are reviewed and updated regularly so as to capture new and emerging sensitive technologies.

In order to participate in the NSG, nuclear supplier countries must:

- Adhere to the Guidelines and act in accordance with them,
- have and enforce a legally based domestic export control system,
- adhere to one or more international nuclear non-proliferation agreement (eg: The Nuclear Non-Proliferation Treaty, NPT),
- support international efforts towards non-proliferation of WMD and their delivery vehicles.

These requirements, combined with the robust, comprehensive Guidelines, make it more difficult for those seeking the technology to build nuclear weapons or uranium enrichment facilities to succeed. All NSG decisions are taken by consensus, and NSG Participating Governments (PGs) regularly exchange information on national export licensing issues and on export licence denials. It is also common for PGs to share best practise on export licensing systems, end use controls, and Intangible Transfer Technology. The UK has recently taken the lead on this, sharing our experiences of our automated export licensing database, and our new and improved student vetting scheme “Academic Technology Approval Scheme” (ATAS).

The NSG is at the implementation end of nuclear non-proliferation, and complements such arrangements as the NPT by actually taking forward controls on an operational level.

The NSG, as a voluntary regime, does not have a formal budget, nor does it employ staff. The Permanent Mission of Japan in Vienna hosts the yearly NSG Consultative Group meetings, and also provides, at its own expense, a small secretariat or point of contact (POC). The NSG Chair rotates on a yearly basis and is also voluntary. As a result the cost of running the regime is minimal, and the only costs to HMG are for UK officials attending NSG meetings. These are budgeted for by the relevant Government Departments (FCO, MOD, DECC) on a yearly basis.

Zangger Committee (ZC)

The ZC first started meeting in 1971 after the Nuclear Non-Proliferation Treaty (NPT) came into force. The ZC is not an export control regime, but instead an informal, voluntary group which currently has 37 members.

The Committee focuses on what is meant in Article III, Paragraph 2 of the NPT by “especially designed or prepared equipment or material for the processing, use or production of special fissionable material.” The ZC maintains a Trigger List (triggering IAEA safeguards as a condition of supply) of nuclear related strategic goods to assist NPT parties in identifying equipment and materials subject to export controls.

The technical work of the ZC is entirely complementary to the NSG. It is not a political forum, and has a different membership. In addition to maintaining the Trigger List, ZC members submit a report on a yearly basis on trigger list items they have transferred to non-nuclear weapon states not party to the NPT. This is a useful information-sharing tool. ZC meetings often take place the day before NSG Consultative Group meetings, so as to reduce travel costs for members. The Czech Republic currently chairs the Committee on a voluntary and ongoing basis, and the UK acts as Secretariat. This does not have cost implications for HMG, other than supplying a small percentage of one staff member based in Vienna to circulate minutes on a yearly basis, and to circulate occasional documents from the ZC Chair.

The ZC Chair conducts outreach activities throughout the year, which complement the work of the NSG, and are focused on the technical remit of the ZC to interpret Article III, Paragraph 2 of the NPT.

The issue of disbanding the ZC has occasionally arisen over the past few years. Given the potential for export control regimes such as the NSG to become more politicised, it is important that the smaller technical groups such as Zangger are maintained. The ZC also adds an important layer of information sharing and control in its Annual Report system, which is beneficial to supplier countries.

Australia Group (AG)

The Australia Group (AG) is an export control regime that aims to prevent proliferation of WMD, specifically chemical and biological agents and dual-use manufacturing equipment.

The AG's principal objective is to use export licensing measures to ensure that exports of certain chemicals, biological agents, and dual-use chemical and biological manufacturing facilities and equipment, do not contribute to the spread of Chemical and Biological weapons (CBW).

There are currently 41 members of the AG, including the EU. All AG members are also States Parties to the Chemical Weapons Convention (CWC) and Biological and Toxic Weapons Convention (BTWC) and support for these conventions and their aims remains the overriding objective of AG participants. By co-ordination of export control measures, the AG participants seek to fulfil their obligations under the CWC and BTWC.

The Wassenaar Arrangement (WA)

The WA is a global arrangement comprising 40 participating states. The WA promotes transparency, provides a forum in which to exchange views and information and provides greater responsibility in transfers of conventional arms and dual-use goods and technologies. The aim is to prevent destabilising accumulations of arms and to provide an expert technical view on which materials should be subject to export controls.

The WA places an emphasis on the more technical aspects of export controls. Through the work of the Experts Group the Arrangement maintains lists of goods to which export controls should apply. There are separate lists for arms and dual use goods. The Dual Use lists are sub divided further into sensitive and very sensitive lists. These lists are revised on a regular basis by the expert group.

Participating States notify each other through the Wassenaar Arrangement of denials of export licenses. This enables fellow WA participants to access information that would help with future license applications.

The WA engages on a regular basis in outreach work. There are a number of countries outside the Arrangement which are using the WA control lists to help with their export control regimes. WA Participating States hold a number of outreach events annually in order to keep these countries up to date on changes to the control lists. Other countries have expressed interest in the work of the Arrangement and would like to develop export controls in line with WA best practice. The Arrangement conducts outreach on a regular basis with these countries as well.

In 2009 the Arrangement will be focusing on a number of key areas:

- Destabilising accumulations; which is at the heart of the arrangement. This has come to the fore in the light of recent conflicts, for example in Africa.
- Man Portable Air Defence Systems (MANPADS); which are recognised as a serious threat if they fall into the wrong hands. The UK is playing a leading role in providing better advice on controlling the proliferation of these weapons
- Re-exports; the process whereby items are exported to one country for inclusion in a larger weapons system before being exported to a third country.

The Wassenaar Arrangement is based in Vienna with a small secretariat headed by an Ambassador (the current head is Ambassador Sune Danielsson of Sweden). This secretariat is funded by voluntary funding provided by Participating States. The total budget for 2009 is £1,524,177, of which £113,549 was provided by the UK. The specialist working groups of the organisation meet on a regular basis. A plenary session held in December is the decision-making body of the Arrangement.

NON-TREATY BASED INITIATIVES

As well as taking an active part in Counter-Proliferation regimes such as the MTCR and Wassenaar Arrangement, the UK is also a partner nation in several more informal groupings such as the Proliferation Security Initiative (PSI) and the Global Initiative to Combat Nuclear Terrorism (GICNT). These do not have any official secretariat or subscriptions, but do offer a useful forum in which to work with other partner nations on capacity building. We are keen to ensure that each of these initiatives is focussed on specific areas of work where they can add most value.

Proliferation Security Initiative (PSI)

The Proliferation Security Initiative (PSI) was launched by President Bush in Krakow in May 2003 as a way to bring together the international community's efforts to prevent the proliferation of weapons of mass destruction, their delivery systems and related materials. PSI seeks to involve all countries that have the ability and willingness to take an active role in stopping the trafficking of such items by sea, air and land. All actions taken in support of PSI are consistent with national legal authorities and relevant international law and frameworks, including the United Nations Security Council Resolution 1540.

PSI builds on wider efforts by the international community to prevent the proliferation of WMD, including through existing treaties and regimes. However, the increasing efforts by proliferators to stand outside or to circumvent existing non-proliferation norms, and to profit from such trade, requires ever newer and stronger actions by the international community.

The PSI is not a formal institution, nor is it a treaty organisation and there is no administrative secretariat or country subscriptions. PSI participants are committed to a set of interdiction principles to improve their efforts to impede and stop shipments of WMD, delivery systems, and related materials flowing to and from states and non-state actors of proliferation concern. The Statement of Interdiction Principles, agreed in Paris in September 2003, calls on all nations concerned with WMD trafficking to:

- Undertake effective measures, either alone or in concert with other states, for interdicting the transfer or transport of WMD-related cargo.
- Adopt streamlined procedures for rapid exchange of relevant information.
- Work to strengthen their relevant national legal authorities to accomplish these objectives and work to strengthen them international law and frameworks.
- Board and search suspect vessels flying their flags, and consent under appropriate circumstances to the boarding and searching of their own flag vessels by other states.
- Require suspect aircraft that are transiting their airspace to land for inspection, and deny aircraft transit rights through their airspace.
- Prevent their ports, airfields, or other facilities from being used as transhipment points for WMD-related cargo.
- More than 80 countries have expressed their support for this statement of principles.

PSI participants undertake a range of activities: they participate in exercises—principally but not exclusively military in nature—both to demonstrate the collective will to undertake interdictions and to develop their own capabilities to conduct the full range of activities associated with interdictions. Workshops which cover core issues of industry-outreach, legal, intelligence and law enforcement are also conducted regularly and overseen by the PSI Operational Experts Group (OEG).

Global Initiative To Combat Nuclear Terrorism (GICNT)

The Global Initiative to Combat Nuclear Terrorism (GICNT) is a joint US-Russia initiative announced by Presidents Bush and Putin on 15 July 2006 in advance of the St Petersburg G8 meeting. GICNT brings together like-minded countries to expand and accelerate efforts to combat nuclear terrorism. The founding principles of GICNT include steps to improve partners' capabilities to:

- Ensure accounting, control and physical protection of nuclear material and radioactive substances, as well as security of civilian nuclear facilities;
- Detect and suppress illicit trafficking or other activities involving such materials (especially their acquisition and use by terrorists);
- Respond to and mitigate the consequences of acts of nuclear terrorism;
- Co-operate in the development of technical means to combat nuclear terrorism;
- Ensure that law enforcement takes all necessary measures to deny safe haven to terrorists seeking to acquire or use nuclear materials;
- Strengthen national legal frameworks to ensure the effective prosecution and punishment of terrorists and those who facilitate acts of nuclear terrorism.

GICNT is not a formal institution, nor is it a treaty organisation, and there is no administrative secretariat or country subscriptions. GICNT does not exist in isolation but aims to build on wider efforts by the international community to meet the threat of nuclear terrorism. The International Convention on the Suppression of Acts of Nuclear Terrorism is an important, although not the exclusive, legal basis for the work of the Initiative. Other important legal bases include the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities, and UN Security Council Resolutions 1373 and 1540, as well as national legal authorities.

GICNT welcomes all states who share the common goals of the initiative and are actively committed to combating nuclear terrorism. The initiative has now grown to 75 partner nations (the IAEA and EU are observers). Following Director-level meetings in Ankara (February 2007) and Astana (June 2007), it was agreed that the initiative would focus on a substantive exercise planning programme, which would include a range of capacity-building workshops hosted by partner nations. As part of this programme the UK hosted an Anti-Nuclear Smuggling Assistance workshop in London on 5–6 September 2007 and a Knowledge Proliferation workshop on 24 October 2008. A joint US/UK workshop on the detection of radiological and nuclear materials is being planned for 2009–10. The next Exercise Planning Group will take place in Korea on 16 April 2009. The next high level political meeting of the GICNT will be hosted by the Netherlands on 16–17 June 2009.

INTERNATIONAL FORA FOR NON-PROLIFERATION AND DISARMAMENT

Conference on Disarmament (CD)

The CD is the negotiating forum of the international community as a result of the first Special Session on Disarmament of the United Nations General Assembly held in 1978. It succeeded earlier Geneva-based negotiating fora, which include the Ten-Nation Committee on Disarmament (1960), the Eighteen-Nation Committee on Disarmament (1962–68), and the Conference of the Committee on Disarmament (1969–78). The Conference on Disarmament (CD) was established in 1979 as the sole multilateral disarmament

The CD and its predecessors have negotiated such major multilateral arms limitation and disarmament agreements as the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, the seabed treaties, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and Comprehensive Nuclear-Test-Ban Treaty.

The terms of reference of the CD include practically all multilateral arms control and disarmament problems. Currently the CD primarily focuses its attention on the following issues:

- cessation of the nuclear arms race and nuclear disarmament (including an Fissile Material Cut-Off Treaty)
- prevention of nuclear war, including all related matters
- prevention of an arms race in outer space
- effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons
- new types of weapons of mass destruction and new systems of such weapons including radiological weapons
- comprehensive programme of disarmament and transparency in armaments.

There is no fixed budget specifically for the functioning of the CD. Instead, its budget is included in that of the United Nations. Staff members of the Geneva Branch of the Department for Disarmament Affairs service the meetings of the CD and are paid on the Regular Budget through each department.

The total budget for the Office of Disarmament Affairs during 2008-2009 currently stands at £14,257,400 (\$20,580,700). The UK pays its share according to the UN scale of assessment which currently stands at 6.642%

United Nations Disarmament Commission (UNDC)

The United Nations Disarmament Commission is a UN body that is mandated by the General Assembly and operates on the basis of consensus. Beginning in 2000, the United Nations Disarmament Commission has chosen to limit its agenda to two items over a three-year session. This was to allow the Commission to allow maximum consideration on those items.

Over the previous sessions the two items for consideration have been “Ways and Means to Achieve Nuclear Disarmament” (nuclear disarmament working group) and “Practical Confidence Building Measures in the Field of Conventional Arms” (conventional weapons working group), neither of which made any substantive progress. The next round of its three- year session is due to start in 2009 with Poland presiding. No agreement has yet been found on the issues to be addressed at its forthcoming session.

United Nations General Assembly First Committee

The United Nations General Assembly First Committee is one of six main committees and it deals specifically with issues relating to international peace and security. Throughout its five weeks duration, time is devoted to statements from States and thematic debate on Nuclear and Conventional weapon issues as well as the associated Disarmament machinery. Draft resolutions on arms control and disarmament issues originating at the UN First Special Session on Disarmament in 1978 but updated to take into account subsequent developments and concerns, are tabled by Members States for consideration and support.

At the time of writing, there are approximately 60 resolutions that are submitted and are ultimately voted on at the First Committee and then again in the main body of the UN General Assembly. Whilst the decisions of the Assembly have no legally binding force for Governments, they carry the weight of world opinion on major international issues, as well as the moral authority of the world community.

Letter from Bill Rammell MP to the Chairman of the Committee

When giving evidence to the Committee on 4 February I undertook to provide further detail on how we were proceeding with awarding the contract to carry out the clearance of mined areas in the Falkland Islands that was announced in November 2008.

We are at an early stage in the procurement process and therefore I am unable to provide precise timings, but our aim is to have awarded the contract by the end of this year and for the clearance operation to begin shortly thereafter. In January we engaged Cranfield University, who carried out the Field Survey as part of the Feasibility Study into clearing landmines in the Falkland Islands, to assist in scoping the requirement. When this is complete, which we anticipate will be in April, we will issue the tender document and assess bids as quickly as feasible, in line with domestic and EU procurement regulations.

The Falkland Island Government was regularly consulted whilst the Feasibility Study was being carried out and we will continue to engage with it. A visit by British Government officials to the Falkland Islands to discuss the issues involved with the Falkland Islands Government is planned to take place in early March.

February 2009

**Letter to the Committee from the Head, Parliamentary Relations Team,
Foreign and Commonwealth Office**

Thank you for your letter of 9 February, which outlined a number of additional points on which the Committee would like further clarification.

Q1. Mr Rammell indicated that he would “reflect on” the question (Q227 and 228) in which the Chairman asked whether the term “Weapons of Mass Destruction” was helpful because it does not distinguish between nuclear, chemical and biological weapons. The Committee would be grateful for further details of the way in which the Government uses this term and Mr Rammell’s considered view on how helpful a term it is?

The Government regards the term “weapons of mass destruction” as generally being understood now to mean nuclear, biological and chemical weapons. It recognises that there are of course distinctions between each of these types of weapon, both in terms of their nature and their effects. But the term “weapons of mass destruction” has long been used in common parlance to embrace all three types of weapon and to distinguish them from “conventional” weapons. It is the Government’s view that it is therefore unlikely to be possible to avoid using the term, though it is certainly important to be aware at the same time of the differences between nuclear, biological and chemical weapons.

Q2. What role does the Government foresee for the EU and NATO in the area of non-proliferation and disarmament, particularly in light of its stated long-term aim to pursue the abolition of all nuclear weapons and the fact that all NATO members are effectively covered by the extended deterrence of the US nuclear umbrella? How does the European Security Strategy relate to the UK’s National Security Strategy in this regard?

The UK National Security Strategy states that “providing security for the nation and for its citizens remains the most important responsibility of government”. . . “The Cold War threat has been replaced by a diverse but interconnected set of threats and risks, which affect the United Kingdom directly and also have the potential to undermine wider international stability. They include international terrorism, weapons of mass destruction, conflicts and failed states, pandemics, and trans-national crime.” Non-proliferation and disarmament are two key objectives in tackling this threat and both NATO and the EU have a significant role to play in this context.

The NATO summit of Heads of State and Government in Bucharest last year saw the approval of a paper on “Raising NATO’s profile in the field of arms control, disarmament and non proliferation”. NATO has several groups that meet regularly to discuss non-proliferation and disarmament issues and the Alliance continues to ensure that—as an important part of its broad approach to security—defence and arms control, disarmament, and non-proliferation objectives remain in harmony. There has been a 90% reduction in the nuclear forces attributed to NATO since the end of the Cold War and the Alliance seeks to enhance security and stability at the lowest possible level of forces consistent with the ability to provide for collective defence and to fulfil the full range of its missions.

The EU’s December 2008 report on the implementation of the European Security Strategy states that “Proliferation by both states and terrorists was identified. . . as potentially the greatest threat to EU security. That risk has increased in the last five years. . .” On the basis of the EU WMD Strategy, adopted in 2003, the EU has been active and at the forefront of international efforts to address proliferation concerns; is a

key donor to multilateral initiatives, including the IAEA Nuclear Security Fund; and by working with third countries and regional organisations makes an important contribution to building national and regional capacities to prevent proliferation.

Q3. What is the UK's policy with regards to the future of the Biological and Toxin Weapons Convention's Implementation Support Unit (ISU)? Does the Government support an expansion of the remit, budget and staffing of the ISU? Is there any prospect of creating an organisation in this field which resembles the Organisation for the Prohibition of Chemical Weapons?

Since its inception (and most recently at the Meeting of States Parties in December 08), the ISU has been widely acclaimed by States Parties including the UK. The UK has worked with and supported the ISU through the offices of the FCO and the UK Disarmament Mission in Geneva. The UK has also contributed financially and technically to one-off events held by the ISU in the margins of BTWC meetings aimed at raising awareness of technical aspects of the Convention and its implementation.

There has been an ongoing debate over the role of the ISU—some states initially expressed reservations about its creation but have since acclaimed its work. In preparation for the 2011 Biological Toxin and Weapons Convention Review Conference, the Foreign and Commonwealth Office and other key stakeholders will review the UK's position. Expanding the ISU's mandate would require an increased budget; there would be implications for the UK's contribution.

Under the BTWC an organisation similar to the OPCW could be created if States Parties were able to reach agreement on a verification protocol. As Mr Rammell said when giving evidence to the FAC “we are long-standing supporters of a verification regime... we would want both universality and effective verification regimes”. In the absence of such an agreement or any expansion of its mandate, the ISU is likely to remain sufficient to manage the day to day administration of the BTWC.

Q4. How does the Government intend to persuade sceptics that the Arms Trade Treaty should be based on the applicability of international human rights and international humanitarian law?

The UK will continue to argue for an Arms Trade Treaty that includes provisions which relate to international human rights law and international humanitarian law. These laws enjoy wide acceptance and States have already undertaken obligations and commitments in this respect. We would make it clear that an ATT does not create new obligations in these areas, but that by signing and ratifying an ATT States would confirm that they would take into account these existing obligations when considering arms export controls.

We hope that when this is clarified and understood by all States, they will feel able to agree to include these provisions within an ATT.

Q5. Can the Open Ended Working Group be an effective mechanism for advancing negotiations on an Arms Trade Treaty? Will an overwhelming majority approach help or hinder negotiations and is the UK supportive of such an approach in general? If not, why is it in this specific case?

The Open Ended Working Group model has a number of anticipated benefits:

We want an ATT that enjoys broad and deep support so that there is shared ownership. The Open Ended Working Groups (OEWG) will broaden discussion from the 28-member Group of Government Experts which met in 2008 to include all members of the UN General Assembly. We think this will enrich the discussion to take account of the various aspects of arms export controls that different regions think should be addressed within an ATT to make it robust. It will also facilitate wider ownership and understanding of the benefits of an ATT, making it a treaty that we hope will be not only be widely ratified but also effectively enforced by individual States, who see that it is in their interests to do so.

An OEWG will also provide a broader forum for all UN Member States to further consider those elements in the 2008 Group of Government Experts' report where consensus could be developed for their inclusion in an eventual legally-binding treaty. This includes ideas on how to strengthen existing export controls, for example through the provision of technical assistance, and information-sharing.

Our general approach will be to seek wide support for UK positions, and to take account of the views of others in so doing. We cannot predict at this stage how each negotiation and discussion will develop but we are sure that achieving as close to universal support as possible is a goal worth pursuing. We are confident that the OEWGs provide further momentum towards our goal of achieving an effective ATT as soon as possible.

Q6. Mr Rammell indicated that he would provide the Committee with further details of the contracts for demining in the Falkland Islands.

I understand that this question has been answered already in separate correspondence.⁴⁰⁸

I hope that the information provided above is useful and answers the Committee's questions fully. As always, our officials would be happy to provide any further details which could help the Committee in their inquiry.

24 February 2009

Submission from the Parliamentary Unit, Department of Energy and Climate Change

INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)

THE UK'S CURRENT FINANCIAL CONTRIBUTION TO THE IAEA'S WORK

The UK is the fourth largest contributor to the IAEA regular budget, a sum of €15.2 million and US\$3.75 million for FY 2009 (6.64%). Relative contributions of each member are derived from the UN's Regular Budget scale, as adopted by the General Assembly. The UK is also one of the largest contributors to IAEA voluntary funds—notably the Technical Cooperation Fund (US\$5.1 million in 2008) and the Nuclear Security Fund (£2 million so far since 2007).

The implications of the current weakness in Sterling in relation to these commitments.

Clearly the extent of the fall in the value of Sterling—over 30% since the budget was set—presents difficulties, as the UK has a legal commitment for regular budget contributions. Any unavoidable and significant overspend can undermine priority setting and the financial planning process, and can affect the UK's potential to pay voluntary contributions, both now and in following years. There is, however, some limited scope to mitigate currency rate effects through changes in the timing of payments. As a matter of priority the Department is exploring, with others, ways to handle similar problems in future. But any specific financial measure, including hedging, would need to be balanced against the cost and other implications.

The Government's position in relation to the suggestion that the IAEA's budget should be increased dramatically, as set out in the Report by the independent Commission appointed by the IAEA Director-General entitled "*Reinforcing the Global Nuclear Order for Peace and Prosperity, the Role of the IAEA to 2020 and beyond*", published in May 2008.

As a committed Board member, the UK seeks to ensure that the Agency has the necessary resources to do its job effectively. The Department is currently looking closely at future Agency funding, in preparation for Budget Committee discussions commencing in mid February. Several issues need to be considered. While the grounds for more resources—for example to support a greater number of IAEA inspections of nuclear facilities in future—are clear, the "2020 Report" itself acknowledged that the IAEA should prioritise those areas where it can make the most difference and explore efficiency gains using up to date management and communications. Timing is also key, to ensure that funding is available when it is needed, and that rebates are minimised, since they represent an opportunity cost. Not least the UK makes a major contribution-in-kind to the Agency's work through the engagement of UK experts and provides a support programme on safeguards, including the training of inspectors—activities that will continue to be strengthened and developed to support future IAEA work.

27 February 2009

Letter from Parliamentary Clerk, Home Office to the Committee Specialist

Thank you for your letter of 12 February 2009 about ratification by the UK of the UN International Convention for the suppression of Acts of Nuclear Terrorism. I am sorry for the slight delay in replying.

The United Kingdom signed the Convention when it opened for signature in September 2005 and remains fully committed to the aims of the Convention which, as you state, entered into force in July 2007.

Following signature of the Convention, Home Office policy leads assessed the provisions of the Convention against UK legislation to ensure sufficient powers were in place to enable the UK to implement the Convention, and submitted an Explanatory Memorandum to parliament. Concerns around whether or not the necessary consultations had taken place with the Devolved Administration, Overseas Territories and Crown Dependencies have delayed the final stages of the ratification process. The final stage of the process involves FCO preparing a formal instrument of ratification, and notifying the UN. This process can be carried out in a matter of weeks.

⁴⁰⁸ GS(NP)81—Letter from Bill Rammell, Minister of State.

I can confirm that Home Office policy officials are double checking, as a matter of priority, that sufficient consultation has taken place and that all relevant procedures have been followed. Once that has been done, the Home Office will instruct the FCO to press ahead with the final stage of the ratification process, as outlined above. Finally, we should therefore be in a position to conclude the process and notify the UN of UK ratification ahead of its annual treaty events in September 2009.

24 March 2009

Letter from Export Group for Aerospace and Defence, to the Second Clerk of the Committee

Many thanks for arranging for us to give evidence to the Committee on the afternoon of Thursday 28 January 2009.

I believe that the Committee asked for further details of the problems that our companies have reported encountering when seeking to export anything relating to anti-personnel land mines. I must apologise for the delay in addressing this issue, but I have been taking soundings of our Members to try to get a better feel of the scale of the problem.

The fact appears to be that, initially, when the regulations first came into effect here in the UK, back in the very late 1990s, they did cause some problems for our Members involved in this field, but that since the officials have got increasingly familiar with them, the problems have been fewer and fewer in number. As very few UK companies were in any way involved in the manufacture or storage of anti-personnel land mines for some years before the introduction of the Ottawa Convention, the impact was felt on those of the periphery of this area, especially involving those who sell equipment to detect and clear such mines: so, whenever a UK firm was seeking to provide such a mine to a potential customer for trials purposes to support their efforts to sell them such clearance equipment, they almost invariably encountered delays, even if the item in question was an inert, dummy.

However, as I stated, there have been few such problems along these lines of late.

We hope that the above comments may be of interest to the Committee.

Brinley Salzmann,
Secretary,

22 May 2009
