



European Security and Defence Assembly  
Assembly of Western European Union

DOCUMENT A/2052

2 December 2009

FIFTY-SEVENTH SESSION

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Current developments in nuclear  
non-proliferation and disarmament

**REPORT**

submitted on behalf of the Political Committee  
by Michael Hancock, Vice-Chairman and Rapporteur (United Kingdom, Liberal  
Group)



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Report transmitted to: the President of the Council of WEU; the Secretary-General of the WEU; the President of the Council of the European Union; the High Representative of the Union for Foreign Affairs and Security Policy; the President of the European Commission; the EU Commissioner for institutional relations and communication strategy; the Presidents/Speakers and the Chairmen of the Foreign Affairs, Defence and European Affairs Committees of the 39 national parliaments represented in the Assembly; the Presidents of the Parliamentary Assembly of the Council of Europe, the NATO Parliamentary Assembly, the OSCE Parliamentary Assembly, the Baltic Assembly, the Nordic Council, the Euro-Mediterranean Parliamentary Assembly, the Parliamentary Assembly of the Mediterranean, the Parliamentary Assembly of the Black Sea Economic Cooperation, the CIS Parliamentary Assembly, the Parliamentary Assembly of the Collective Security Treaty Organisation; the President of the European Parliament; the Secretaries General of the Parliamentary Assemblies of the Council of Europe, NATO and the OSCE.

*Current developments in nuclear non-proliferation and disarmament*

**REPORT<sup>1</sup>**

*submitted on behalf of the Political Committee*

*by Michael Hancock, Vice-Chairman and Rapporteur (United Kingdom, Liberal Group)*

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MEMBERS OF THE COMMITTEE

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<sup>1</sup> Adopted by the Committee on 4 November 2009.

**RECOMMENDATION 847<sup>2</sup>**

***on current developments in nuclear non-proliferation and disarmament***

The Assembly,

- (i) Reaffirming its commitment to promoting effective and lasting global nuclear non-proliferation and disarmament;
- (ii) Recalling its Recommendation 808 of 3 December 2007 on the future of nuclear non-proliferation;
- (iii) Supporting the most recent United Nations Security Council Resolution 1887 of 24 September 2009 on non-proliferation which calls for a halt to the spread of nuclear weapons and greater efforts to achieve disarmament and reduce the risk of nuclear terrorism;
- (iv) Aware that START I expires on 5 December 2009 and welcoming therefore the positive spirit of the current negotiations between the United States and Russia with a view to signing a new Strategic Arms Reduction Treaty;
- (v) Noting that a new START will contribute towards an improvement of relations between East and West and set an example that may have a positive outcome for other countries;
- (vi) Noting that Russia sends mixed signals regarding future use of and dependency on its nuclear weapons;
- (vii) Noting that after the new START is signed, the United States and Russia will still possess over 90% of the world's nuclear weapons and that the reductions proposed in the current nuclear arsenals are not significant;
- (viii) Supporting US President Obama's vision for a nuclear weapon-free world but recalling nevertheless that ridding the world of nuclear weapons will only be achieved, if at all, as the result of profound changes in the international security environment and must therefore be deemed a long-term objective;
- (ix) Welcoming President Obama's offer to host a global summit on nuclear security in April 2010, thus providing support to the NPT Review Conference to be held the following month;
- (x) Noting that the positive work on numerous issues of nuclear non-proliferation and disarmament carried forward by the three Preparatory Committees promises some optimism in strengthening the NPT Review Conference in May 2010;
- (xi) Aware of the link between nuclear proliferation and missile defence and that certain countries pursue nuclear and missile programmes in parallel;
- (xii) Aware that missile defence is a question that concerns not only certain EU NATO members but all EU member states and noting that the EU has to date shied away from a general discussion on missile defence;
- (xiii) Noting that the European Security Strategy does not consider, nor does it propose, that the nuclear weapons of EU member states should be used for the security of the EU;
- (xiv) Welcoming President Obama's decision not to pursue the previous administration's plans to build a third site for the US anti-ballistic missile defence shield in eastern Europe;
- (xv) Welcoming Russia's decision not to deploy short-range missiles in Kaliningrad in response to the US decision not to go ahead with a third site;
- (xvi) Concerned that Iran, an NPT signatory state, recently acknowledged the existence of a new nuclear plant at Qom but welcoming Iran's recent positive attitude during the E3+3 discussions and in particular its allowing IAEA inspectors access to the Qom site;

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<sup>2</sup> Adopted by the Assembly on 2 December 2009 at the 3<sup>rd</sup> sitting.

- (xvii) Noting that Iran has repeatedly stated that it is developing nuclear power for civilian purposes only but that there continue to be serious doubts about the character of its missile and nuclear programmes;
- (xviii) Concerned that North Korea has recently conducted a nuclear test and missile launches, proof of the country's growing missile and nuclear capabilities;
- (xix) Supporting United Nations Security Council Resolution 1874 of 12 June 2009 which calls for nations to impose armaments and financial sanctions on North Korea and noting that China is showing signs of greater cooperation regarding this issue;
- (xx) Concerned by North Korea's continuing absence from the six-party talks and conscious of the influential role that China can play in these negotiations, in particular in bringing North Korea back to the negotiations table;
- (xxi) Concerned about rising tension in Pakistan between the military and the Taliban and the risk the latter pose to the country's nuclear installations, including its nuclear weapons;
- (xxii) Conscious of the scale of destruction that a nuclear device would inflict should it fall into the hands of terrorists;
- (xxiii) Welcoming proposals for the creation of an international nuclear fuel bank to provide low enriched uranium (LEU) to countries which need it and aware of the rise in demand for LEU in view of a civilian nuclear renaissance;
- (xxiv) Aware that, due to its non-ratification by a number of states, the Comprehensive Test Ban Treaty (CTBT) has yet to enter into force and noting President Obama's efforts to secure Senate approval for its ratification by the United States;
- (xxv) Noting that ongoing negotiations on a Fissile Material Cut-Off Treaty (FMCT) have reached stalemate, while certain countries continue to produce fissile material,

RECOMMENDS THAT THE COUNCIL INVITE THE WESTERN EUROPEAN UNION MEMBER STATES AS MEMBERS OF THE EUROPEAN UNION, TO:

1. Lend support to the NPT Review Conference of 2010 in order to ensure its success and, in particular, seek to promote the provisions aimed at strengthening the treaty outlined by the three Preparatory Committees;
2. Encourage a deepening of the dialogue which has recently opened with Iran within the E3+3 framework and actively pursue contacts with the Iranian Government urging it to cooperate fully with the IAEA and to agree to its low-enriched uranium being processed by third countries for use solely for medical and civilian purposes;
3. Fully support United Nations Security Council Resolutions 1747 and 1803 and prepare for the imposition of more stringent sanctions against Iran should it not comply with its international obligations, and fail to prove the peaceful nature of its nuclear programme;
4. Offer support to the six nations in their negotiations with North Korea and urge China to support the armaments and financial sanctions called for under United Nations Security Council Resolution 1874 and to play a key role in persuading North Korea to return to the negotiations table and abandon its nuclear programme;
5. Lend support to the Government of Pakistan in its fight against the Taliban and in its efforts to secure its nuclear installations and encourage it to improve its socio-economic development policies;
6. Forge an EU-US non-proliferation strategy concept in the run-up to the NPT Review Conference;
7. Promote a pan-European and wide-ranging nuclear non-proliferation and disarmament dialogue at EU level to expand the EU's experience and its current supporting role in these fields;

8. Urge the EU Political and Security Committee to develop an EU missile defence concept in connection with both NATO and with Russia.

## EXPLANATORY MEMORANDUM

*submitted by Michael Hancock, Vice-Chairman and Rapporteur (United Kingdom, Liberal Group)*

### *I. Introduction*

1. Since the inception of nuclear weapons and their horrific use against civilians, mankind has been striving, through various nuclear non-proliferation and disarmament efforts, to halt their development and limit their numbers with a view to eliminating them altogether. Today those efforts can be described as a 40-year old success story: there has been no massive scale proliferation and, more importantly, no outbreak of nuclear war. Furthermore, they have led to significant reductions in the numbers of these weapons of mass destruction (WMD). Nonetheless, worldwide there are currently still more than 23 000 nuclear warheads, 95% of which are owned by the United States and Russia. More worryingly, certain countries that do not possess WMD are striving to acquire them in order to develop their own deterrent.
2. President Obama's urgent call to promote effective and successful non-proliferation was endorsed by the UN Security Council (UNSC) at its meeting of 24 September 2009 in New York. In Resolution 1887 it called for further efforts to stop the spread of nuclear weapons, to boost disarmament and to reduce the risk of "nuclear terrorism".
3. The European Security and Defence Assembly through its Political Committee has focused extensively on issues of nuclear non-proliferation and disarmament. In recent years it has produced a series of reports giving a detailed account of the various global non-proliferation efforts and making important recommendations as regards achieving their ultimate goals.
4. Your Rapporteur intends in this report to continue this constructive debate and more importantly to provide input for the various forums involved in formulating non-proliferation policy at a crucial time when the two big superpowers are heading towards a new Strategic Arms Reduction Treaty (START) and the United Nations is preparing for its Non-Proliferation Treaty (NPT) Review Conference in 2010.
5. The report pays particular attention to today's non-proliferation challenges such as the Iranian and North Korean nuclear weapons programmes and India and Pakistan's potentially explosive "nuclear relations". Furthermore it analyses the current positions of a number of established nuclear states in terms of their own future nuclear policies and their efforts and input in the field of global non-proliferation.

### *II. A new START*

6. The Strategic Arms Reduction Treaty (START I) between the United States and Russia, signed by Presidents George H. W. Bush and Mikhail Gorbachev in 1991, is due to expire on 5 December 2009. On the occasion of US President Barack Obama's first meeting with Russian President Dimitri Medvedev in Moscow on 6 July 2009, a framework document was signed in order to provide guidance for the negotiators of a follow-on agreement.
7. While START I required a reduction in the number of intercontinental ballistic missile delivery systems to 1 600 on each side, the new START will call for a further decrease to 500-1100. The non-binding Strategic Offensive Reductions Treaty (SORT), known as the Treaty of Moscow, signed by Bush and Putin in 2002, limited the number of deployed warheads to 1 700-2 200: the new START will call for a cutback to 1 500-1 675. Assistant Secretary of State for Verification, Compliance and Implementation Rose Gottemoeller stated in August 2009 that both sides would commit to negotiating narrower margins and the lower figures indicated. This would in fact be ideal, since cutbacks to the higher figures of 1 100 for delivery systems and 1 675 for deployed warheads would not represent any significant reduction in the current arsenals.
8. The reductions foreseen by the new START will have to be accomplished within seven years, while the treaty will remain in force for 10 years. Moreover, it will contain effective monitoring and verification measures. The START verification regime is particularly important, not only because it

enables the United States and Russia to monitor each other's strategic arms and hence to trust one another, but also because the same verification provisions are applied to the nuclear force reductions foreseen by SORT. The START verification measures include 12 types of on-site inspections, monitoring of activities, data exchange and notifications.<sup>3</sup> In this last respect the Presidents agreed to speed up the negotiations on the establishment of a Joint Data Exchange Center in order to provide the basis for a multilateral missile launch notification regime.

9. According to the Center for Arms Control and Non-Proliferation, Russia currently still has 620 launchers and 2 787 warheads, while the US has 859 and 2 202 respectively.<sup>4</sup> However, both sides' intercontinental ballistic missile delivery systems are not fully operational (they are being kept in reserve or awaiting dismantlement) and the precise number of warheads remains unknown and/or unverifiable. Finally, both countries retain tactical nuclear weapons, especially Russia, whose weapons stocks greatly exceed those of the United States. However Russia will be reluctant to decrease its tactical weapons, particularly given obvious US superiority in the field of conventional weapons for which no reductions are being envisaged.

10. The willingness shown by both Presidents at the July Moscow meeting to achieve further nuclear weapons reductions and to commit to an agreement presents many opportunities, in particular for rebuilding the damaged relations between the two countries and for generating within the international community the necessary momentum for nuclear disarmament and non-proliferation initiatives. A bilateral Presidential Commission was created to deal with a number of key issues viewed as highly important by both countries, including nuclear security, arms control and disarmament.

11. The intended renewal of START not only represents a significant reciprocal disarmament commitment but also a welcome attempt to improve bilateral relations, which ran aground on a number of foreign policy and security issues during the last years of the Bush and Putin presidencies. This new atmosphere of goodwill is not for the moment showing any signs of dissipating; last July, for instance, President Medvedev agreed to allow the transit through Russian airspace of US weapons, troops and defence equipment destined for Afghanistan.

12. A new START will also serve other major security interests, for example by favouring multilateral cooperation and negotiations among nuclear states on arsenal reductions, thereby furthering the aim of a "world without nuclear weapons" that was emphasised during President Obama's electoral campaign and reaffirmed in his Prague speech last spring. On this point British Prime Minister Gordon Brown was supportive but cautious, stating in his March 2009 speech on nuclear energy and proliferation that "unilateral action by the United Kingdom would not be seen as the best way. What we need is collective action by nuclear weapons powers to say that we are prepared to reduce our nuclear weapons, but we need reassurances also that other countries will not proliferate them".<sup>5</sup>

13. The optimistic view is that if the United States and Russia, which currently hold 95% of the world's nuclear weapons, agreed to reduce their arsenals, other nuclear nations would be encouraged to join the cooperative effort. Moreover, within a solid multilateral framework, China and Russia would be better able to take a firm stance against the Iranian and North Korean nuclear ventures. Conversely, a failure to reach agreement on US and Russian nuclear arms reductions would encourage both Iran and North Korea to continue pursuing their nuclear projects.

14. Nevertheless any agreement signed by the two biggest nuclear powers has the potential to not only reinvigorate the non-proliferation efforts within the international community but also demonstrate Russian and American leadership in strengthening the Nuclear Non-Proliferation Treaty (NPT), a highly desirable result in light of the forthcoming NPT Review Conference in May 2010.

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<sup>3</sup> SIPRI Yearbook 2009 – Russian-US strategic nuclear arms control, pp. 405-408.

<sup>4</sup>Current Nuclear Weapons Stockpile, Center for Arms Control and Non-proliferation. [www.armscontrolcenter.org](http://www.armscontrolcenter.org)

<sup>5</sup> Gordon Brown, Speech on Nuclear Energy and Proliferation, 17 March 2009, the official site of the Prime Minister's Office. [www.number10.gov.uk](http://www.number10.gov.uk)

15. It should also be taken into account however that the two countries have a limited timeframe in which to reach an agreement. Though negotiations started on a positive note, they have come up against barriers along the way, the most notable of which is Russia's request for restrictions on missile defence systems to be included in the new treaty, something the United States is refusing to consider.

16. There is a considerable amount of concern which is not without foundation. The biggest challenge remains the need to produce and approve a document within just a few months. Even if an agreement is reached by December the US Senate and the Russian Duma will not have enough time to debate and ratify the new treaty before the old one expires. Of course an expiry date for START does not mean that a vacuum will be created in which a nuclear threat could arise. The most likely solution will be to extend the treaty through a "provisional application", though this might give rise to lengthy negotiations which could also impede the work of the NPT Review Conference.

17. The positive spirit of Prague and the new US Administration's encouraging approach to non-proliferation and arms controls already gave impetus to the work of the May 2009 Preparatory Committee (PrepCom) – the third and last before the 2010 Review Conference – which was thus able to establish a constructive basis for the review process. The PrepCom focused on three main areas relating to the implementation and the strengthening of the Treaty provisions:

- prevention of the spread of nuclear weapons, disarmament and international peace and security;
- non-proliferation, nuclear weapon-free zones and safeguards; and
- the peaceful use of nuclear energy.<sup>6</sup>

18. The US PrepCom delegation headed by Assistant Secretary of State for Verification, Compliance and Implementation, Rose Gottemoeller, engaged in a constructive dialogue, signalling the new administration's determination to persuade the Senate to ratify the Comprehensive Test Ban Treaty (CTBT), drawing attention to the START negotiations with Russia reaffirming the US intention to engage in negotiations for a Fissile Material Cut-Off Treaty (FMCT) and reiterating its firm line on states' compliance with the NPT verification measures and on automatic penalties for transgression.

19. Although the Iranian and Egyptian delegations for their part resorted to the usual strong wording in their working papers and speeches, they did not obstruct the agenda-setting process and procedural decisions as they had done during the unsuccessful 2005 Review Conference. The Non-Aligned Movement (NAM), composed of 115 for the most part developing countries seen as being aligned neither with the United States nor Russia, was united on basic issues, while forming cross-group and cross-regional alliances to insist on a number of common goals.

20. Despite the positive atmosphere, France, Russia and China were less conciliatory than other states. France maintained its opposition to the implementation of the disarmament commitment signed up to in 2000 and, along with Russia, opposed any detailed and progressive recommendations on that issue. The Chinese delegation brought pressure to bear in order to avoid any reference to a cessation of fissile material production. The European Union, finally, proposed practical measures for safeguarding standards, such as making the Additional Protocol, under which a state is required to provide the IAEA with broader information regarding all aspects of its nuclear fuel cycle-related activities, a legal and universal requirement under the NPT. The proposal was strongly supported by other governments and blocs, including the United States, Canada, Kyrgyzstan, Turkey, and the Vienna Group of 10 (G10-Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden).

21. Compliance and enforcement are particularly important in case of countries like Iran invoking the NPT Article IV provision that "Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination (...)"<sup>7</sup> That right must be seen in the context of

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<sup>6</sup> Final Report of the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-proliferation of Nuclear Weapons. [www.un.org](http://www.un.org)

<sup>7</sup> Non-proliferation of Nuclear Weapons Treaty, Art. IV. [www.iaea.org](http://www.iaea.org)

the growing global energy demand and the evidence in favour of making wider use of civil nuclear power in order to address the problem of climate change: nuclear power is a low-carbon technology and nuclear plants produce almost no anthropogenic emissions of greenhouse gases during their functioning.<sup>8</sup>

22. In this regard the International Atomic Energy Agency (IAEA) offers member states and in particular developing countries technical assistance for the development of a sustainable nuclear power sector. The fundamental corollary to granting the right to use nuclear power for civil purposes is therefore to strengthen the NPT provisions on compliance, verification and sanctions so as to avoid further attempts at proliferation.

23. Over the last decade various proposals have been put forward by several countries (Germany, Japan, Russia) and organisations (the Nuclear Threat Initiative, NTI, and World Nuclear Association, WNA) for the multilateralisation of nuclear fuel cycle activities in order to guarantee both the non-proliferation of nuclear weapons and secure access to nuclear fuel. The most widely supported initiative involves the creation of a “nuclear fuel bank”: the IAEA would administer a reserve of low enriched uranium (LEU) which would provide member states which so requested a back-up fuel supply for their nuclear reactors on a non-discriminatory and non-political basis, provided that the states concerned met the non-proliferation requirements. This multilateral initiative has already received significant support and funding from the NTI, the EU, the United States, and the United Arab Emirates.

24. At the end of the last PrepCom the five nuclear states recognised by the NPT – the United States, Russia, China, the United Kingdom and France – issued a joint statement reiterating their support for the NPT and welcoming “the progress and substantive discussion at this Preparatory Committee meeting”.<sup>9</sup> While that PrepCom did not issue complete recommendations for submission to the Review Conference, it tried to find areas of agreement in order to help the different parties to prepare and to resolve their disagreements in advance of the review process.

25. Following the end of the cold war many experts as well as political and military leaders pointed to the fact that nuclear weapons could no longer guarantee security, since deterrence does not work for terrorists. On the contrary, nuclear arms and materials can actually be detrimental to global security since they increase the risk of nuclear terrorism, their very existence being highly attractive to non-state actors. Indeed, illicit trafficking of nuclear materials from the newly independent states of the former Soviet Union was frequent in the 1990s, while more recently North Korea was suspected of smuggling supplies and transferring technology to Syria, Iran and Libya. In the words of IAEA Director General Mohamed ElBaradei: “we continue to receive reports about incidents of unauthorised possession, movement and attempted sales of nuclear and other radioactive material which show nuclear trafficking continuing unabated”.<sup>10</sup> Between 1 July 2008 and 30 June 2009, the IAEA’s Illicit Trafficking Database (ITDB) received reports of 215 incidents. The reduction of arsenals and better protection of sites would go a long way towards countering the threat of nuclear terrorism and the risk of disasters and must therefore be made a top international priority.

26. However, experts like Camille Grand, Director of the Strategic Research Foundation in Paris, who spoke before the Assembly’s Political Committee on 15 September 2009, point out that it is unrealistic to believe that terrorists will be able to develop their own nuclear weapons given the sheer size and cost of such a programme. The world should be much more concerned about terrorist attacks using chemical or biological weapons even dirty bombs.

27. Nuclear weapons reductions have gained significant bipartisan support in the US domestic debate. Republican Senators John McCain and Dick Lugar, for instance, are in favour of the initiative. Senator McCain, in one of his Senate floor statements last June, said: “The cold war ended almost 20 years ago, and the time has come to take further measures to reduce *dramatically* the number of

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<sup>8</sup> Climate Change and Nuclear Power 2008, IAEA Report. [www.iaea.org](http://www.iaea.org)

<sup>9</sup> UN non-proliferation debate ends with no agreement of final document, Xinhuanet, 16 May 2009.

<sup>10</sup> Director General Reports to Board on Range of Nuclear Matters, 7 September 2009. [www.iaea.org](http://www.iaea.org)

<sup>11</sup> Senators McCain and Lugar are backed by some of the most famous hardliners from previous administrations, such as Henry Kissinger, President Reagan's Secretary of State George Shultz and Secretary of Defence Frank Carlucci, and the Secretary of State under George H.W. Bush, James Baker. MM Kissinger and Shultz, along with William J. Perry and Sam Nunn, made a noteworthy contribution to the national and international disarmament debate with their two famous articles published in January 2007 and, updated in January 2008. However, the term "reduction" is interpreted differently by the two wings of Congress. Those differences are clearly perceptible in the report issued prior to the Nuclear Posture Review by the bipartisan Congressional Commission on the Strategic Posture of the United States.

28. The final report of the bipartisan Congressional Commission on the Strategic Posture of the United States, headed by former Defence Secretaries William J. Perry and James R. Schlesinger, released in May 2009, leaves little margin for significant reductions of the US nuclear arsenal. Supporters of disarmament have noted that the report "is a conservative and cautious document, arguing largely for maintaining the status quo, perhaps with minor adjustments, into the indefinite future".<sup>12</sup> In actual fact the report proposes a contradictory dual strategy: maintaining "a safe, secure, and reliable [nuclear] deterrent force", while favouring, and indeed leading, arms control and non-proliferation efforts.<sup>13</sup>

29. Concerning the first component of the strategy – nuclear deterrence – the report rightly acknowledges that US security does not need to rely on nuclear weapons as it used to do during the cold war era, but it also maintains that the nuclear deterrent still plays a crucial role with respect to such major problems as increasing proliferation. Moreover, in the Commission's opinion, the nuclear arsenal reduction process must take place in a context of strategic stability and of a balance with Russia, which it still views as a rival. The underlying argument is that Russia is keen to move towards a significant reduction of strategic launchers under a new START because those in its possession are rapidly becoming obsolete, while its tactical nuclear weapons are still numerous and indeed actually outnumber those of the United States. As a result, the report states that the United States should negotiate significant reductions not of delivery systems, but of tactical nuclear weapons: "The imbalance in non-strategic nuclear weapons, which greatly favours Russia, is of rising concern and an illustration of the new challenges of strategic stability as reductions in strategic weapons proceed". Finally, the Commission suggests that the nuclear deterrent extending beyond the country's shores, is necessary on the one hand to reassure allies, especially those geographically close to Russia, and on the other hand, to reduce those allies' incentive to acquire nuclear weapons themselves.

30. Regarding the second component of the strategy – non-proliferation and disarmament – the report advocates strong US leadership at the next NPT Review Conference, underlining the fact that we are approaching the "tipping point" in the field of proliferation. However at the same time it recommends that the United States take only a "modest first step", with no "innovative approaches", towards a START follow-on agreement and that the ensuing arms reduction should also be "modest". As one of the panel's members commented in a recent editorial: "Strategic requirements should drive force numbers; arms control numbers should not dictate strategy".<sup>14</sup>

*(a) The US and the ratification of the Comprehensive Nuclear Test Ban Treaty (CTBT)*

31. On the ratification of the CTBT, the Commission candidly admits its failure to reach an internal agreement and sets out the cases made by both opponents and supporters. That of the opponents is based on several arguments, such as the absence of causality between US non-testing and general non-proliferation; the inconvenience of being bound to a treaty that will never enter into force, since countries such as Iran and North Korea will not sign or ratify it; the lack of a definition of what constitutes a nuclear test, which implies different and dangerous interpretations; the probability of

<sup>11</sup> Senator John McCain, Floor Statement, 3 June 2009.

<sup>12</sup> Kristensen H.M. and Oerlich I., Lots of Hedging, little leading: an analysis of the Congressional Strategic Posture Commission Report, Arms Control Association. [www.armscontrol.org](http://www.armscontrol.org)

<sup>13</sup> The Final Report of the Congressional Commission on the Strategic Posture of the United States – Executive Summary, United States Institute of Peace Press. [www.usip.org](http://www.usip.org)

<sup>14</sup> Arms Control Amnesia, The Wall Street Journal, 8 July 2009.

undetected testing; and the unreliability of on-site verification provisions. The bottom line is that the United States needs testing to maintain its capability to deter countries like North Korea, Iran, India, Pakistan, Israel, China and Egypt that are not parties to the CTBT.

32. The supporters' case is based on arguments pertaining for example to the safety, security and reliability of nuclear weapons stockpiles that have been achieved as a result of previous tests and thanks to the Stockpile Stewardship Program; the superiority of the threat posed by foreign nuclear programmes in the absence of a CTBT framework; the effectiveness of verification measures; the possibility of withdrawal provided for by the treaty; the cascade effect that ratification would generate at international level and the opportunity for the United States to assert its role as the leader of the non-proliferation efforts. In the words of treaty supporters: "the passage of the Treaty will enhance US security and increase the effectiveness of efforts to prevent nuclear weapons proliferation and use".<sup>15</sup> In order to be ratified by the Senate the CTBT would need a large share of the Republican vote; however for the time being no Republicans have expressed support and most remain sceptical. This is unfortunate for the Obama administration, because failure to pass the treaty could be detrimental to its credibility at national and international level, as well as to the 2010 NPT Review.

33. In conclusion, a closer look at the report reveals a discrepancy between the steps already taken and those envisaged by the Obama administration with a view to developing a sound disarmament and non-proliferation policy. It is to be hoped that this inconsistency will be clarified by the 2009 Nuclear Posture Review.

*(b) The missile defence shield in Eastern Europe*

34. Most US Republicans are firmly opposed to deep nuclear weapons cuts and nuclear test bans, which is what made it impossible to ratify the CTBT in 1999. The leading personality in this group is Senator Kyl, who has not changed his opinion over the years and who continues to oppose Senate approval of the treaty on the grounds that it would undermine US technological superiority. Another concern raised by Kyl in recent months had to do with certain signals coming from the administration indicating that it was having second thoughts about the US missile defence shield in eastern Europe; this was finally confirmed in mid-September when President Obama announced that the original plan was to be abandoned.

35. The missile defence plan that had been strongly supported, prepared and partially negotiated by the Bush administration envisaged the deployment of 10 missile interceptors in Poland, an X-band radar in the Czech Republic and a mobile radar system in an undetermined European location in order to protect the United States and western Europe from long-range ballistic missiles potentially armed with nuclear warheads and launched from Iran. However this system offered no protection to south-eastern Europe, Turkey or Israel from the threats posed by Iranian short-range and medium-range missiles.

36. The missile shield agreement – signed in 2008 in opposition to public opinion in the east European countries but never ratified by the United States, Poland, and the Czech Republic following the 2008 war in Georgia – immediately met with strong opposition from Russia and criticism from Germany. Indeed, Russia perceived the deployment of the system in its neighbourhood as a threat to its national security and as detrimental to the strategic balance in Europe and responded by threatening to station its own short-range (Iskander) missiles in Kaliningrad. Germany and NATO allies such as Norway and Slovakia for their part warned the United States about the tensions that the project would generate, including in the area of NATO-Russia cooperation. Nonetheless, the project made headway within the US Department of Defence and competent agencies.

37. The Obama administration has adopted a more discriminating approach to the missile defence issue. In April 2009, in London, Presidents Obama and Medvedev admitted that "significant differences remain over the purposes of deployment of missile defence assets in Europe". They also discussed "new possibilities for mutual international cooperation in the field of missile defence, taking

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<sup>15</sup> The Final Report of the Congressional Commission on the Strategic Posture of the United States – The case made by supporters of CTBT ratification.

into account joint assessments of missile challenges and threats, aimed at enhancing the security of our countries, and that of our allies and partners”.

38. In the same spirit the framework document on a follow-on agreement on nuclear arms reduction signed by Presidents Obama and Medvedev added that the new START would include a provision on the interrelationship between strategic offensive and strategic defensive arms. In addition, a report issued last August by the US Government Accountability Office at the request of a group of Democratic Senators gave a financial evaluation of the DoD’s missile defence project showing costs for the X-band radar and interceptors and related operations that considerably exceeded the original estimates. The report therefore concluded that Congress does not have accurate information on the full investment required for ballistic missile defences in Europe. Finally, Democrat scepticism about the technological and strategic reliability of the system when it came to preventing attacks was endorsed by senior military officials.

39. Even before Mr Obama’s decision to discard the plan, Republicans had criticised the costs of reducing arsenals which was part of the process of “resetting the diplomatic button” with Russia. This together with the latest policy shift on missile defence will undoubtedly create friction for the Obama administration which may have considerable difficulty with achieving some of its major foreign policy goals, including a substantive agreement with Russia on nuclear arsenal reductions and ratification of the CTBT.

40. The alternative missile defence system announced by President Obama on 17 September aims to “provide stronger, smarter and swifter defences of American forces and America’s allies”, generating operational and financial advantages. Iranian multiple short-range and medium-range missile attacks are currently more likely than long-range strikes. These kinds of launches could be intercepted in an earlier phase by mobile and sea-based launchers stationed closer to the Middle East. The Obama administration and the IAEA are now arguing that claims about an imminent Iranian nuclear threat and of long-range missile capabilities are premature. The new system would be more quickly deployable, more reliable and less costly, while under the old programme there would have been no verified missile defence until at least 2017. According to the US Secretary of Defense, Robert Gates, US sea-based interceptors of short-range and medium-range missiles (SM-3), which are technologically advanced and have been successfully tested since 2007, will be deployed by 2011, and in the three years after that upgraded SM-3 missiles will be based on the ground in southern and central Europe.<sup>16</sup>

41. The new approach has certain political implications for international relations. Russian hostility towards the original missile defence plan was preventing the United States and Russia from reaching agreement on reducing their nuclear arsenals and cooperating with a view to containing and sanctioning the nuclear ambitions of Iran and North Korea. Moreover, Russian involvement and goodwill are becoming increasingly fundamental for helping NATO out of the impasse in Afghanistan and Pakistan. Both President Medvedev and Prime Minister Putin welcomed Mr Obama’s announcement about abandoning the plan for the missile defence shield: “we value the US President’s responsible approach towards implementing our agreements (...). I am ready to continue dialogue”.<sup>17</sup> Russia also announced that no short-range missiles would be stationed in Kaliningrad – although a Presidential decision has yet to materialise – and has relaxed its stance on the Iranian issue, showing greater willingness to cooperate. NATO allies also welcomed the news, while NATO Secretary General Rasmussen called for improved cooperation between NATO and Russia on missile defence and on the assessment of new international security threats.

42. At the same time, Mr Obama’s decision had repercussions in eastern Europe, where the Czech Republic and particularly Poland viewed the American shift as underestimating their defence interests and as a concession to Russia. However, US Secretary of Defense, Mr Gates, immediately gave his assurance that components of the new system could still be based in the two countries if they so wished. To reaffirm America’s commitment towards its allies, Vice President Joseph R. Biden visited eastern Europe in October and officially proposed that the Czech Republic and Poland be involved in

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<sup>16</sup> Secretary of Defense Robert Gates, A better missile defense, International Herald Tribune, 21 September 2009.

<sup>17</sup> Obama scraps missile shield plan, The Guardian, 18 September 2009.

the new system. This renewed commitment was welcomed by the two countries, which accepted the new plan.

### *III. The case of Iran*

43. When President Ahmadinejad came to power in 2005 he lifted the suspension of uranium enrichment activities that had been in place since 2003.<sup>18</sup> Since then Iran's turbulent "nuclear relations" with the West and the wider international community have taken the form of stalled nuclear talks, at best tense diplomatic relations and a series of sanctions targeting Iran's financial and energy sectors.

44. The country's image at home, following the Iranian Presidential elections in June 2009, was further tainted when the state violently cracked down on protests, leading to several deaths, and arrested hundreds of leading critics and opposition supporters following Mr Ahmadinejad's turbulent re-election which was widely disputed by the country's opposition. Those events not only prompted an international outcry against the Iranian leadership but more importantly placed Iran under close international scrutiny at an already sensitive time. European leaders, including Nicolas Sarkozy and Angela Merkel, voiced strong objections with regard to the situation in the country and have since stepped up their efforts to make it as difficult as possible for the re-elected regime under President Ahmadinejad to resume its nuclear programme unimpeded.

45. On 2 September 2009 senior diplomats from the United States, the United Kingdom, France Germany, Russia and China (E3+3) met in order to discuss how to deal with Iran should it continue refusing to halt its nuclear programme (particularly uranium enrichment and the production of nuclear fuel) and to grant IAEA inspectors access to its reactors and facilities. In the days leading up to the E3+3 meeting Iran had announced that it would put forward for discussion a set of proposals on a "broad range of issues", without however mentioning the nuclear question. President Ahmadinejad said, "the nuclear issue is closed; we will not negotiate on Iran's obvious right". He has always maintained that Iran is developing a peaceful civilian nuclear programme for energy purposes. The proposals, which were made public in mid-September under the title "Cooperation for peace, justice and progress", as expected contained no mention of opening up discussions on nuclear-related issues. They focused mainly on three distinct areas in which Iran would like to develop its discussions and cooperation on a global level: political and security issues, international issues and economic issues.

46. The E3+3 met during the UN General Assembly in September to discuss how to deal with the deteriorating situation. A resolution calling for a halt to the spread of nuclear weapons was described as a "fresh start towards a new future" by UN Secretary General Ban Ki-Moon, while President Obama stressed the urgency of the current situation: "although we averted a nuclear nightmare during the cold war, we now face proliferation of a scope and complexity that demands new strategies and new approaches".

47. A few days after its announcement on 25 September that it was already in the process of building a second uranium enrichment plant, hitherto concealed, Iran conducted a number of short, medium and long-range missile tests. In an urgent statement issued during the G20 Summit in Pittsburgh the United States, Britain and France condemned the creation of a second nuclear facility and urged Iran to cooperate fully with the West and to comply with NPT standards.

48. During the 1 October 2009 Geneva talks with Iran, represented by the Secretary of the Iranian Supreme National Security Council, Saeed Jalili, the E3+3 found themselves faced with a much more cooperative Iran. It is too soon to say whether this was due to the threat of further sanctions, or whether Iran is planning to drag out negotiations as much as possible before pulling back, or whether it has decided to cooperate with the West. Nonetheless, the facts arising following the Geneva talks point towards a much more positive climate. The most important development has been Iran's agreement to open the doors of its previously undisclosed nuclear plant, located near the city of Qom, where IAEA inspectors began their work at the end of October.

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<sup>18</sup> In 2003 Tehran had agreed to a series of confidence-building measures with Britain, France and Germany (EU-3).

49. Another meeting was also agreed between all parties in order to focus on specific nuclear non-proliferation steps and proposals for the future. On 21 October, following an agreement that Iran's low-enriched uranium would be transported to third countries for further enrichment and transformation into fuel assemblies for the Tehran Research Reactor which produces isotopes for medical purposes, it was agreed that 1 200 kg of Iranian low-enriched uranium (LEU) would be transferred to Russia before the end of the year to be further enriched and subsequently sent to France for turning into fuel. The Iranian delegation cautiously welcomed the agreement. However, Teheran failed to meet the 23 October deadline for responding to the proposal which was then postponed to the following week and signalled its intention to acquire enriched uranium abroad. For the time being the tensions seem to have been allayed but Iran is walking a very fine line: the United States has stressed that at the first sign of the talks dragging on sanctions will be swiftly recommended.

50. This is also the "official line" taken by the EU as well. Annalisa Giannella, the EU High Representative's personal representative on non-proliferation issues, also underlined that the EU has always been in favour of a negotiated solution. However if no serious response is made to the E3+3 proposals it will be necessary to put sanctions back in place. It should also be stressed that the EU is seeking to take a more active role in nuclear non-proliferation matters. In a Communication<sup>19</sup> to the Council and the European Parliament in March 2009, the European Commission outlined three key areas for moving forward: strengthening support for the NPT, its safeguards and the Additional Protocol; extending cooperation with key nuclear countries through bilateral Euratom agreements; and contributing to the development of an international system of guaranteed supply of nuclear fuel.

51. Outgoing<sup>20</sup> IAEA Director General Mohamed ElBaradei reported at a special meeting of the IAEA's 35-nation board in July 2009 that Iran's uranium enrichment production had slowed down. Inspectors had also been given access to the Natanz nuclear complex and the Arak nuclear reactor. However, diplomats pointed out that the enrichment process had been slowed down due to a shortage of ore rather than any deliberate decision on the part of the Iranian leadership. Mr ElBaradei recently described international concerns about Iran acquiring a nuclear weapon in the immediate future as "hyped" and unsubstantiated. Nonetheless on several occasions he has stressed concerns about Iran's "future intentions" and the report also delivers a despairing account of Iran's nuclear compliance – particularly regarding enrichment activities.

52. Another IAEA report was published in September 2009 without the annexes containing information about Iran's nuclear enrichment activities, prompting allegations by France and Israel that the IAEA and its Director were misleading the international community about Iran and withholding important information pertaining to its nuclear programme. French Foreign Affairs Minister Bernard Kouchner said "there are elements in the annexes which would enable us to ask questions about the reality of an atomic bomb".

53. The IAEA's recent reports and the growing unwillingness of certain states to punish Iran swiftly raise doubts as to whether the arguments in favour of sanctions are really airtight. Imposing sanctions on any country has always been a challenging and often controversial business and the case of Iran is no exception. There is a significant risk that sanctions will in fact prove counterproductive and fail to achieve the desired results; they might induce Iran not only to redouble its nuclear efforts but also to step up cooperation with other states that share its nuclear aspirations. Furthermore, sanctions will almost certainly unite the Iranian people against the West and might even be perceived as an attack against Islam – in any case this is surely how President Ahmadinejad will portray it. Russia and China, both permanent members of the UN Security Council, more recently indicated that they would oppose harsher action against Iran. Brazil's President Luiz Inacio Lula characteristically stated in September 2009 that "there are a lot of sanctions and not enough conversations with Iran". A former French Ambassador to Tehran, Francois Nicoulaud, states that "anyone familiar with Iran and its regime will

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<sup>19</sup> Communication from the Commission to the Council and the European Parliament on nuclear non-proliferation, 26 March 2009, COM (2009) 143.

<sup>20</sup> Mr Yukiya Amano of Japan will succeed Mohamed ElBaradei as the IAEA's Director General on 1 December 2009.

know that [increasing the pressure] is the best way to provoke a defiant response”. Sanctions are not a simple open-and-shut case.

54. Sanctions<sup>21</sup>, and more specifically sanctions intended to harm Iran in a way that would persuade the regime to halt its nuclear programme, do not offer any guarantee of success. To begin with, to be effective, sanctions require unanimity in the UN Security Council. They must also target the areas where they are likely to do the most damage. In the case of Iran, 90% of its exports come from oil, which makes that sector an obvious target. But oil sanctions would also harm the rest of the world (particularly Japan and China) since Iran is currently the world’s fourth oil exporter.

55. On the other hand, imposing food sanctions is controversial: a policy of causing national starvation hardly corresponds to the image that the UN wishes to project. In the case of Iran they would in any case not be extremely effective, given that Iran imports only one fifth of its food.

56. The most effective sanctions would target the gasoline sector, as Iran currently imports 40% of its total supplies. But one could not rely on the UN Security Council reaching unanimity in view of the fact that companies like France’s Total and many other suppliers of gasoline to Iran would be severely affected. Even were sanctions to be agreed there would be no guarantee of their effectiveness, given that gasoline is very easy to transport by land and sea and that clandestine supply routes would be set up extremely fast. Indeed black markets would spring up in virtually every sector targeted by sanctions.

57. This leaves as a main target Iran’s financial and trade sectors. In the past both have been subject to UN sanctions that proved to be quite effective, prompting the desired response from the Iranian regimes. More specifically, UN Security Council Resolution 1737 of 23 December 2006<sup>22</sup> banned the delivery of all items, materials, equipment, goods and technology that could contribute to Tehran’s uranium enrichment programme and contained a list of persons and entities whose assets were frozen. Sanctions were further tightened in March 2007 and March 2008 (United Nations Security Council Resolutions 1747 and 1803) to include a ban on Iranian arms exports and the further freezing of financial assets.

58. The US also has a long history, dating back to the Carter Administration, of unilateral sanctions against Iran. Economic sanctions have targeted the financial and trade sectors by prohibiting transactions with banks and other entities, most of which are controlled by the Iranian Government. The US also targeted Iran’s oil industry through the Iran Sanctions Act (ISA, formerly the Iran-Libya Sanctions Act of 1996) designed to limit the country’s oil production to no more than 4.1 million barrels per day.

59. Sanctions are only one option for dealing with the problem of Iran and, as mentioned earlier, they are controversial. The other option of course is to engage in a deeper dialogue. President Obama realises that sanctions would drive Iran into deeper isolation: it would be difficult to resume diplomatic talks and the Iranian nuclear programme would most certainly continue, albeit at a slower pace. For this reason his “outstretched hand” policy of engaging in a constructive new relationship with this significant regional power (particularly since the removal of Iran’s arch rival Saddam Hussein) opens up new opportunities.

60. It is not surprising that President Obama has made Iran a top priority: after only three weeks in office he stressed that his administration would “be looking for openings that can be created where we can start sitting across the table, face-to-face, diplomatic overtures, that will allow us to move our policy in a new direction”. He furthermore addressed the “leaders and people of the Islamic Republic of Iran”, stating that military intervention was no longer a serious option for the United States.

61. Iran as a signatory to the NPT has been in violation of that treaty since it started ignoring the uranium enrichment ban. The ball is now in Iran’s court. If the current regime abandons its entrenched positions and shows flexibility it is quite likely that the new US approach will achieve successful results. President Ahmadinejad stated on the 30<sup>th</sup> anniversary of Iran’s Islamic revolution (10 February

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<sup>21</sup> Iran and the question of sanctions, 28 August 2009. [www.stratfor.com](http://www.stratfor.com)

<sup>22</sup> UNSCR 1737. [www.un.org](http://www.un.org)

2009) that “Iran welcomes real changes and is ready for dialogue in a climate of equality and mutual respect”. Camille Grand pointed out that when the United States and the United Kingdom finally reached agreement with Libya on stopping its nuclear activities and withdrawing its support for terrorism, world leaders converged on that relatively underdeveloped country and in the six months following the agreements offered lucrative deals in many sectors such as tourism, oil and even civil nuclear energy. If a similar deal could be struck with Iran, a regional power with an educated population and a much larger economy, the benefits for the country and its people would be tenfold. Iran, he said, was balancing between international isolation, pressure and sanctions on the one hand, and being recognised as a major regional power and a market with great potential, on the other.

62. If, on the other hand, Iran were to achieve a nuclear weapon capability, this would be a severe setback for the global non-proliferation efforts and have dire consequences for the Middle East, further destabilising the already tense situation and changing the regional balance of power.

63. A number of the Arab and the Gulf states have shown extreme concern at the possibility of Iran becoming a nuclear power. To begin with, any confrontation between Iran and the West will be severely felt in the Middle East where Iran is allied with groups such as Hezbollah and Hamas. Another factor to consider is that a nuclear Iran will drive its weaker neighbours to seek support from western powers and in particular seek to position nuclear weapons on their own territories as a deterrent; which would pose difficulties for efforts to prevent proliferation and for the stability of the region.

64. For this reason, a number of Gulf states have been in dialogue with Russia and China in order to persuade them to stop supporting Iran. The pan-Arab newspaper Al Quds Al-Arabi reported that Saudi Arabia had offered to buy millions of dollars’ worth of weapons from Russia if the latter agreed not to sell missiles to Iran, and that a number of Gulf states were considering offering China one million work visas for its citizens. The paper goes so far as to suggest that if Iran does pursue a nuclear weapons programme, the Arab regimes, of the Gulf states in particular, will find themselves part of a new alliance against Iran alongside Israel.

65. Israel is naturally another power in the Middle East that is eager to see, and prepared if necessary to move towards, the destruction of Iran’s nuclear programme. Israel, despite the United States’ repeated calls for patience, continues to demand swift and serious action against Iran. Israeli Defence Minister Ehud Barak explained his country’s position in a nutshell: “talks with Iran should be short in time, well defined in objectives, followed by sanctions [should there be no progress]”.

66. Israel views Iran’s actions as an existential threat and has repeatedly stated that military action against Iran remains a very real defence policy option. If Iran were to acquire a nuclear bomb armed conflict between two nations could not be ruled out. Although Israel is not likely to launch a unilateral attack against Iran, the recent rhetoric and increased tensions make it difficult to predict its precise intentions.

67. One can well imagine the disastrous consequences for the region if either Iran or Israel were to attack the other, especially considering that Israel is a nuclear state. Although it has never declared publicly its nuclear status and has repeatedly refused to join the NPT, it is indisputably regarded as a nuclear power. During the 1995 NPT Review and Extension Conference, Iran, Egypt, and other Arab states were extensively engaged in pressuring Israel to change its policy of nuclear ambiguity and to become part of the NPT. However, it clearly emerged that Israel’s policy on arms control and on a nuclear-free zone in the Middle East was and remains strictly linked to the achievement of a comprehensive and rigorous regional peace process. In light of the constant failure of such process and of the ongoing rise of the Iranian nuclear threat, Israel is not likely to change its nuclear posture any time soon, viewing its deterrent as the guarantee of its national survival.

#### ***IV. The case of North Korea***

68. In 2006, following several years of tense relations between Pyongyang and the West, North Korea test-launched a number of ballistic missiles and detonated a nuclear device. In 2009 it

conducted further unsuccessful missile launches and detonated a second nuclear device.<sup>23</sup> North Korea's relations with the West over the past three years can be characterised as bipolar and highly erratic, with frequent escalations and de-escalations of tensions. Kim Jong Il's regime has shown through its actions that it is not prepared to renounce its self-imposed political isolation: it has violated the denuclearisation agreement with South Korea, as well as IAEA safeguards, the 2005 accord to end its nuclear programme, the NPT and the 1994 Agreed Framework with the United States. Yet on other occasions Pyongyang has opened its doors to inspectors and agreed to cease nuclear activities and to disable its Yongbyon nuclear plant. This year North Korea extended olive branches to Japan, South Korea and to the United States over several issues, but on 4 September announced it was entering the final stage of uranium enrichment, thereby increasing its nuclear weapons capabilities.

69. North Korea does not go to any lengths to hide the fact that it possesses nuclear weapons: experts believe that it has produced about 50 kg of plutonium, enough for 6-8 bombs. However, it has not yet been able to miniaturise the weapons and place them on missiles; and does not yet possess the technology to guide those missiles to a target.

70. By detonating a second nuclear device North Korea not only attracted worldwide condemnation but also prompted a series of much tougher UN and unilateral sanctions. The United States has typically targeted North Korea's financial sector by freezing the assets of state-run companies and of companies involved in the country's arms and nuclear programmes.

71. Regarding UN sanctions, in 2006 following the first nuclear detonation, UN Security Council Resolution 1718 of 14 October 2006 imposed an embargo on all military and technological materials as well as on luxury goods. Financial assets were also frozen, and only funds for basic needs could be released.

72. The most recent tests triggered a new series of international sanctions (UN Security Council Resolution 1874 of 12 June 2009) specifically targeting North Korean arms exports and imports and calling for nations to deny North Korea financial services that could lead to the further development of prohibited programmes. What was interesting about the latest sanctions was China's strong condemnation of the North Korean tests and its immediate approval of sanctions. China has traditionally been, if not North Korea's ally in the Security Council, then at least not an outright opponent.

73. The reality of a nuclear North Korea poses a number of both political and security problems for the West and for the international community in their attempts to address the issues at hand. White House Arms Control and Non-Proliferation Coordinator Gary Samore acknowledged that despite sanctions Kim's regime was unlikely to give up its nuclear weapons at this stage.<sup>24</sup> This raises a number of questions. To begin with, the North Korean nuclear debate is no longer about what the West can do to prevent the country from developing a nuclear bomb, but must focus now on the challenges posed by the presence of such weapons and on the ways and means of getting them removed from the Korean Peninsula.

74. Assuming that the most drastic option of invading North Korea to remove the nuclear deterrent is currently an unrealistic option, the international community must now concentrate upon specific concerns, primary among them that of preventing the weapons technology and nuclear materials from being exported. While the nightmare scenario remains that of nuclear technology and know-how falling into the hands of terrorists, another grave concern is that they could find their way to third countries: there has been recent evidence of North Korean exports of nuclear technology and expertise to Burma. This would significantly weaken the global non-proliferation efforts: there are indications that Japan, for example, traditionally a fervent opponent of nuclear proliferation, confronted with the risk of both a North Korean and a Burmese nuclear capability has now begun to contemplate developing its own deterrent. Exports would also undoubtedly exacerbate the risk of the terrorist

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<sup>23</sup> North Korea conducted the only two nuclear tests of the 21<sup>st</sup> century. The last tests were conducted by India and Pakistan in 1998.

<sup>24</sup> Global Security Newswire, 4 May 2009. [www.globalsecuritynewswire.org](http://www.globalsecuritynewswire.org)

scenario. Another risk that has been envisaged<sup>25</sup> is that of North Korea launching a nuclear weapon as a panic reaction, due to faulty intelligence, a misperception or miscalculation or even command and control failures.

75. The six-party nuclear talks framework (North and South Korea, China, Russia; Japan and the United States) set up in 2003 to address North Korea's nuclear activities has to date proven ineffective. In the past North Korea was offered extensive aid and an end to its international isolation in exchange for giving up its efforts to build an atomic arsenal. However the negotiations stalled on two occasions (most recently in April 2009), with North Korea pulling out of the talks and demanding bilateral negotiations with the United States and recognition as a nuclear state. Washington has always opposed bilateral talks; however, in September 2009, there were indications that it would be prepared to sit at the table with North Korea in order to persuade Kim's regime to return to the multilateral framework. This was presented by Washington as a short-term measure to ensure the success of the six-party talks rather than a policy shift on its part. In June President Obama stressed that the United States and the wider international community would focus on breaking North Korea's erratic pattern of behaviour and on ridding the Korean peninsula of nuclear weapons.

76. In order to contain and eliminate the nuclear dangers in the region, the international community must see which efforts have worked best in the past for getting North Korea back to the negotiating table, and amplify them. Sanctions are a double-edged sword. In the past the most effective sanctions targeted the financial<sup>26</sup> and trade sectors and brought North Korea to the six-party negotiations, albeit only partially and for a limited period of time. However Kim can also use sanctions as a propaganda tool, portraying the "nuclear" West as the insecure oppressor of the North Korean nation, thereby boosting his regime.

77. China today can play a key role in persuading North Korea to abandon its nuclear programme. China accounts for three-quarters of North Korea's total trade, all its oil supplies and half of its food, giving China unparalleled leverage over its small neighbour. This does not mean, however, that China would swiftly move to punish its neighbour should it engage in further nuclear and missile tests. China has every reason to fear a collapse of Kim's regime as it would lead to a mass influx of refugees fleeing their impoverished state and to new concerns about the future of the Korean peninsula.

78. On the other hand, following the latest North Korean tests there were signs that China could be losing patience with its neighbour: further nuclear proliferation, particularly in South Korea and Japan, as a result of North Korean action would not be in its interests, particularly if it also led to a greater western and US focus on the area. If China wishes to support the international community's non-proliferation efforts it could start by implementing UN Security Council Resolution 1874, apply financial sanctions and inspect vessels suspected of transporting nuclear-related materials and arms. As described above there are many ways in which China could use its leverage to at least bring North Korea back to the six-party talks.

79. A controversial but nonetheless realistic argument that could bring North Korea back to the negotiating table would be to offer it what it wants, namely nuclear recognition by the West. Although at this point this is still considered an extreme measure and is unlikely to materialise – Japan and South Korea would block any moves in that direction – such an agenda if proposed by Washington under the Obama administration could open up new avenues for containing North Korea and placing its nuclear programme under control.

80. There are a whole range of measures similar to the Soviet-American confidence-building measures of the 1980s and 1990s that could be adopted for North Korea. The proposed creation of a crisis hotline<sup>27</sup> between North and South would be the most effective military-to-military and capital-

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<sup>25</sup> Bennett Ramberg, *Living with nuclear North Korea*, Survival, vol. 51, no. 4., pp 13-20.

<sup>26</sup> In 2005 as a result of sanctions, US\$ 25 million of North Korean assets at Macao's Banco Delta Asia were frozen, causing great consternation in Pyongyang.

<sup>27</sup> The North-South Korean crisis-hotline is a long-sought measure which failed to materialise during negotiations dating back to the 1972 joint communiqué, in the 1991 Basic Agreement and at the 2000 inter-Korean Summit.

to-capital communications tool to date for managing tensions between the two sides. Regarding the border zone: military data exchanges; limits on armaments and personnel, and high-ranking officer visits between the two sides are all measures that could be explored in this context.

81. Relations and cooperation in numerous spheres between North Korea and the West, and the United States in particular, would on the one hand give Pyongyang the incentive to come out of its self-imposed isolation and on the other hand make for greater transparency, giving the West more oversight and control over military developments within North Korea. Certain studies<sup>28</sup> even go as far as to suggest that the US provide North Korea with satellite intelligence concerning the borderland between the two Koreas.

82. Given North Korea's erratic behaviour, especially these past few years, it is impossible to predict whether it would be genuinely prepared to begin a new era of developing relations with the West. Pyongyang may perceive that as a risk, firstly because it would allow greater international access to the country's military, not necessarily only nuclear, secrets and secondly, because opening up North Korea to economic progress and prosperity would most certainly call seriously into question the long-term survival of the Kim regime.

### *V. India and Pakistan – a fragile “nuclear relationship”*

83. Over the last decade the South Asian nuclear context has been characterised mainly by the continued modernisation of the Indian and Pakistani nuclear arsenals and the development of the nuclear black market created in the 1980s by Pakistani scientist Abdul Qadeer Khan. Nuclear proliferation in the region is driven essentially by security dilemmas affecting India-China, India-Pakistan, India-US, Pakistan-China and US-China relations. In particular the historic rivalry between China and India led India to develop a nuclear weapons programme, which in turn prompted Pakistan's quest for a nuclear deterrent in response to the perceived threat from India.

84. The animosity and wars between India and Pakistan have arisen mainly as a consequence of their unresolved dispute over Kashmir and, in recent years, of reciprocal allegations of state-sponsored terrorist attacks. The two rivals use the situation to justify their ongoing efforts to develop more reliable nuclear delivery systems, produce fissile material and expand their conventional weaponry. At the same time the two countries are suspicious of each other's bilateral relations with other important actors: India fears military cooperation between China and Pakistan, while Pakistan is concerned about the interaction between India and the United States, especially on nuclear energy.

85. The 1999 conflict in the Kargil sector of Kashmir and the 2001-2002 crisis raised international fears of a nuclear confrontation between the two countries. Following the crisis, India and Pakistan engaged in several rounds of talks on Kashmir and on nuclear issues, but the territorial dispute is most definitely far from over. Nonetheless in 2004 they concurred that their nuclear capabilities “constitute a factor for stability”; in 2007 they agreed nuclear confidence-building measures, such as the establishment of a hotline between the two foreign affairs ministers in order to avoid a nuclear conflict and/or accidents and an extension of their unilateral moratorium on nuclear testing; in 2009 they consented to exchange lists of nuclear sites so as to avoid attacks against each other's facilities.<sup>29</sup> In spite of those constructive initiatives, the Kashmir dispute preserves the underlying conditions for proliferation dynamics and nuclear confrontation.

86. India is neither a member of the NPT nor a signatory to the CTBT. Following its “peaceful nuclear explosion” in 1974 and five nuclear tests in 1998, India has gradually developed a significant nuclear arsenal, composed of 100 nuclear weapons deliverable using aircraft and surface-based ballistic and cruise missiles. In addition, last July it launched its first nuclear-powered ballistic missile submarine, satisfying its quest for a nuclear “triad”. Such a capability used to be the exclusive preserve of the five nuclear states recognised by the NPT – the United States, Russia, China, the United Kingdom and France. India sought and received Russian assistance to develop it in the late 1980's.<sup>30</sup>

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<sup>28</sup> Bennett Ramberg, *Living with nuclear North Korea*, Survival, vol. 51, no. 4., pp 13-20.

<sup>29</sup> R. Roy-Chaudhury, *India versus Pakistan: from partition to present*, The Rusi Journal (2009)154:4, pp. 60-65.

<sup>30</sup> India launches first nuclear submarine, Arms Control Association, September 2009. [www.armscontrol.org](http://www.armscontrol.org)

87. India's draft nuclear doctrine of 1999, officially adopted in 2003, maintains that its efforts to upgrade its nuclear arsenal are aimed at displaying and keeping a "credible minimum deterrent", which in turn is shaped by the strategic environment and by national security imperatives. It would not initiate a nuclear strike and would not use nuclear weapons against states that do not possess such arms; however, it would retaliate against nuclear and, possibly also biological or chemical weapons attacks.<sup>31</sup> India continues to produce weapons-grade fissile material and refused to cease that build-up as part of the US-Indian nuclear cooperation agreement.

88. Pakistan, like India, is not a signatory to the NPT or CTBT. It has been conducting a secret nuclear weapons programme since the early seventies, which it stepped up in the wake of India's first nuclear explosion in 1974. By the mid-1980's it had achieved a nuclear capability and in 1998 it followed in the steps of its rival, inaugurating nuclear weapons testing and declaring itself to be a nuclear state. Pakistan has not officially adopted a nuclear doctrine; however, because of its conventional weapons inferiority compared to India and the lack of agreed mutual restrictions on nuclear activities, Pakistani officials and statesmen maintain that their country aspires to achieve a "credible minimum deterrent" while refusing a "no-first-use" policy. Pakistan is estimated to be capable of producing between 60 and 110 nuclear weapons. Moreover, it has a ballistic missile programme and has flight-tested and deployed nuclear-capable ballistic missiles, as well as cruise missiles. Like India, Pakistan produces fissile material for weapons purposes and is expanding its production capacity by building additional nuclear facilities.<sup>32</sup>

89. Dr Abdul Qadeer Khan is considered responsible not only for accelerating Pakistan's nuclear programme from the seventies onwards, but also for setting up a nuclear black market with far-reaching proliferation links (Iran, North Korea and Libya) that began in the mid-1980's and came to a halt in 2003. The Pakistan military and government are thought to have been involved in Khan's activities. However in a public confession in 2004 Khan claimed sole responsibility and was publicly pardoned by President Musharraf who refused to allow US or international officials to question the scientist. Khan was held under house arrest for five years and finally released in February 2009 with no charges, but subject to special conditions and controls. However, most of the people, methods and routes used by the network remain unknown; thus the danger exists of Pakistan placing additional prohibited equipment on the black market and of nuclear know-how and materials falling into the hands of other countries or even terrorist groups.

90. Those risks are further compounded by concerns about nuclear security and safety in Pakistan itself. During the seventies the government decided to install its nuclear weapons infrastructure in the north and the west of the country and in the region around Islamabad and Rawalpindi, in an attempt to protect it from possible attacks by India. Nuclear material is stored separately from the weapons themselves and warheads are stored apart from delivery systems.<sup>33</sup> The protection of facilities includes physical security measures, personnel reliability programmes, technical procedures and secrecy. In 2000, finally, Pakistan created the Nuclear Command Authority (NCA), which is empowered to advise Pakistani presidents on the employment and development of nuclear weapons.

91. Notwithstanding all those security measures the risks of terrorist attacks against nuclear facilities, of extremist insiders within the nuclear establishment or of a loss of control during an escalating conflict with other countries (such as India) remain plausible. Pakistani Professor Pervez Hoodbhoy, nuclear physicist at Quaid-e-Azam University in Islamabad, stressed in a lecture at the IFRI in Paris<sup>34</sup> that the degree of secrecy is so high that it is impossible for outsiders to the military establishment to assess the efficacy of safeguards on nuclear facilities. As a result, depending on secrecy could paradoxically be detrimental to the physical security of nuclear sites in the event that insiders engage in deception.

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<sup>31</sup> J. Cirincione, J. B. Wolfsthal, M. Rajkumar, *Deadly Arsenals. Nuclear, biological, and chemical threats*, Carnegie Endowment for International Peace, Washington DC, (2005), pp. 221-255.

<sup>32</sup> Arms Control and Proliferation Profile: Pakistan, Arms Control Association. [www.armscontrol.org](http://www.armscontrol.org)

<sup>33</sup> Nuclear Security in Pakistan: Reducing the Risks of Nuclear Terrorism, Arms Control Association. [www.armscontrol.org](http://www.armscontrol.org)

<sup>34</sup> The Nuclear Dimension of the Crisis in Pakistan, Paris, 14 September 2009.

92. In addition, Pakistan's nuclear sites are close to unstable tribal regions and in some cases even in areas dominated by Taliban militants. There is a risk of direct attacks or of collusion between certain members of the military and extremist or terrorist groups: indeed there has been a gradual radicalisation not only of Pakistani society but also its armed forces, as well as growing generalised instability in the country, as the various militant attacks in October showed. In this respect, the US Administration declared its total confidence in the Pakistan Government's and military's control over their nuclear facilities.<sup>35</sup> Lastly, in spite of the creation of the NCA, nuclear matters remain mainly under the direct command and control of the military, limiting the role of the government in nuclear decision-making. Such limited oversight together with other technical vulnerabilities throughout the chain of command and control, mean that a conflict escalation could be very dangerous in terms of nuclear consequences.

93. The nuclear cooperation agreement between the United States and India first envisaged in 2005 and sealed in 2008 put an end to three decades of US moratorium on civil nuclear trade with India. Under the agreement India pledged to allow IAEA inspectors to visit civilian nuclear facilities (14 out of 22 power reactors), to continue its unilateral moratorium on nuclear testing, to engage in the negotiations for a Fissile Material Cut-off Treaty (FMCT) and to adhere to an IAEA Additional Protocol (AP) on safeguards. In this last respect, India has respected its commitment, signing a protocol with the IAEA in May 2009.<sup>36</sup> The United States for its part undertook to build nuclear reactors in India and to provide nuclear fuel for India's civilian energy programme.

94. Critics of the agreement stress its negative impact on the non-proliferation efforts in the region as it will exacerbate the nuclear rivalry between India and Pakistan. It is also argued that India will use the imported fuel for its civilian energy programme while diverting its own fuel to its nuclear weapons programme and moreover that Pakistan will be prompted to seek similar deals with other countries (China) or with dangerous non-state entities.<sup>37</sup> Finally, there are also concerns about the nuclear rivalry between India and China.

95. Proponents of the agreement claim that it will encourage India to cooperate on non-proliferation efforts and to take a more responsible stance as a nuclear state, as it has already done by signing the AP and adopting nuclear export standards similar to those used within the Nuclear Suppliers Group (NSG). The IAEA also supported the deal on the grounds that it would serve India's interests in terms of energy supply, as well as those of the international community in terms of non-proliferation accomplishments.

96. As India and Pakistan gradually increase their arsenals more or less unfettered, nuclear stability in the region becomes more and more fragile. Any effective dialogue on a peaceful settlement of the Kashmir dispute is hampered by the problem of state-sponsored terrorism. Following a UN meeting in September, External Affairs Minister S.M. Krishna, reporting on talks with his Pakistani counterpart Shah Mahmood Qureshi, said he had "conveyed to foreign minister Qureshi that the dialogue process needs an environment free from the threat of these terrorist groups".<sup>38</sup>

97. Minister Krishna explained that although India is not a party to the NPT, it has an exemplary record on non-proliferation. Moreover, the IAEA Director General had recognised the importance of India as a leading advocate for complete nuclear disarmament, noting its first call for the elimination of nuclear arms back in the forties.

98. Indian Prime Minister Manomhan Singh recently stated that the NPT has inherited deficiencies that affect the world's nuclear security and that it should therefore be replaced by a universal and non-discriminatory convention in order to gradually eliminate nuclear weapons. Although India usually supports negotiations on the FMCT, it refuses to seriously envisage halting fissile material production, despite the fact that this would largely contribute to nuclear non-proliferation. In fact, a treaty would require China, India, and Pakistan to decide, just as France, the United Kingdom, the United States

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<sup>35</sup> Militants attack raises fears on nuclear arsenal, Financial Times, 12 October 2009.

<sup>36</sup> Strengthened Safeguards System: Status of Additional Protocols, IAEA. [www.iaea.org](http://www.iaea.org)

<sup>37</sup> Towards a Nuclear Freeze in South Asia, Arms Control Association. [www.armscontrol.org](http://www.armscontrol.org)

<sup>38</sup> No back channel talks with Pak, says India, The Times of India, 28 September 2009.

and Russia have done, that they have enough nuclear weapons materials. Agreement by the three countries to cap or cease such production would be a positive step towards nuclear stability in the region, reducing the danger of an arms race.

#### *VI. The United Kingdom and the international non-proliferation efforts*

99. The UK Government has repeatedly committed itself to the goal of a nuclear weapons-free world, and has assumed a leadership position in driving forward international action in the non-proliferation and nuclear disarmament spheres.

100. The government firmly believes that the goal of a world free of nuclear weapons must not only include the five recognised nuclear weapon states, but also those states that are outside the NPT. However, the government has also pointed out that the five nuclear weapon states bear a special responsibility to declare their commitment to their disarmament obligations under the NPT ahead of the upcoming 2010 Review Conference of the Nuclear Non-Proliferation Treaty (NPT).

101. In this context, Prime Minister Gordon Brown reiterated his government's willingness to include the UK nuclear force in multilateral nuclear disarmament negotiations, telling the United Nations in September 2009 that he was willing to reduce the UK existing nuclear stockpile by cutting the fleet of Trident submarines from four to three.

102. At the same time, the United Kingdom has welcomed the commitment of the United States and Russia to agree to a successor to START I by the end of 2009.

##### *(a) Road to 2010*

103. With a view to the 2010 Review Conference, Gordon Brown published on 16 July 2009 the "Road to 2010" plan, setting out specific policies and initiatives.

104. In the Road to 2010, the government emphasises the fact that effective strategies for tackling non-proliferation and disarmament must be linked with energy security, climate change, and the strengthening of international institutions, as well as the need to renew and strengthen international governance and multilateral action.

105. The United Kingdom considers a successful outcome to the 2010 NPT Review Conference to be imperative, though not an end in itself, and stresses the need to strengthen the NPT's enforcement mechanisms. The UK Government believes that "the primary objective of an effective nuclear non-proliferation regime must be to prevent non-compliance".<sup>39</sup>

106. The government also recognises the need to ensure access for non-nuclear weapons states to civil nuclear power under the NPT. The United Kingdom plays a leading role in "bringing forward proposals internationally for multilateral control of the fuel cycle and in research into more proliferation-resistant fuel-cycle technology through the new UK Nuclear Centre of Excellence".<sup>40</sup>

107. The government views the universalisation of the IAEA's Additional Protocol to all States Parties to the NPT as a key non-proliferation objective, since it would contribute significantly to the strengthening of NPT verification.

108. The United Kingdom is a provider to the IAEA of significant financial and other resources, such as inspectors and the training for them, and following an announcement by Gordon Brown this year, the country's voluntary contribution to the Agency's Fund is going to double. What is more, the government, as announced in the Road to 2010 will be hosting, in late 2009, a Conference of the Group of Major Donors to discuss the IAEA's funding and staffing requirements.

<sup>39</sup> Fourth Report from the Foreign Affairs Committee Session 2008-09, Global Security: Non-Proliferation, Response of the Secretary of State for Foreign and Commonwealth Affairs, Presented to Parliament by Secretary of State for Foreign and Commonwealth Affairs by Command of Her Majesty, August 2009, p. 7.

<sup>40</sup> *Idem*, p. 15.

109. Furthermore, the UK Government strongly supports completion of a Fissile Material Cut-Off Treaty (FMCT), and considers the agreement reached at the UN Conference on Disarmament in May 2009 on a programme of work as an important step in the right direction.

110. The UK is also a firm supporter of the speedy entry into force of the Comprehensive Nuclear Test-Ban Treaty (CTBT), along with the finalisation of its verification system.

111. Lastly, in a response to a report by the Foreign Affairs Committee, the Secretary of State for Foreign and Commonwealth Affairs confirmed that the UK Government “believes that a Nuclear Weapons Convention may at some stage in the future form the legal underpinning of a world free from nuclear weapons”, while also pointing out that “a new conference or body to discuss such a convention today would currently risk undermining the NPT”.<sup>41</sup>

*(b) The UK nuclear deterrent programme Trident*

112. “The Trident system consists of 3 components: the Trident missile itself, the warhead, and the Vanguard class submarines from which it is launched. Although the Trident missile will not reach the end of its operational life until around 2042, the hulls of the Vanguard class submarines on which it is mounted are seen as reaching the end of their operational lives by 2024. To allow for the option of keeping the current system operational beyond 2024, and because it takes around 17 years to design and build a new nuclear submarine and bring it into service, the decision was taken in May 2007 to approve design and concept work for a new fleet of replacement submarines”.<sup>42</sup>

113. British Prime Minister Gordon Brown told the United Nations in September that he was willing to cut the UK fleet of nuclear submarines from four to three. Earlier this year, on 17 March 2009, he had stated that as soon as it became useful for the UK nuclear arsenal to be included in broader multilateral negotiations, Britain was ready to participate and act. At the same time however, the UK Government made it clear that maintaining an independent nuclear deterrent capability was non-negotiable.

114. The main investment decision point for the Trident programme, when the government will issue the main construction contracts, will not be reached until around 2014.

115. In the meantime, “the Vanguard-class submarine is equipped with 16 missile tubes and, as was announced in the 1998 Strategic Defence Review, each submarine carries no more than 48 warheads”.<sup>43</sup> The precise number of Trident missiles carried cannot be disclosed for reasons of national security. The Prime Minister has announced, however, that it is possible to “meet the requirement for the minimum effective deterrence with only 12 missile tubes on the future submarines”.<sup>44</sup>

116. Additionally, the United Kingdom has taken steps to reduce the alert status of its nuclear arsenal. According to the Foreign and Commonwealth Office, none of the British missiles are targeted at any country and are normally at several days “notice to fire”. In addition, the FCO argues that “maintaining an invulnerable submarine-based deterrent enables the UK to hold its arsenal at lower states of alert than would be possible with other deterrent systems”.<sup>45</sup>

***VII. France’s current nuclear deterrence and non-proliferation efforts***

117. France is apparently the only recognised nuclear state that does not wholly welcome the idea of a complete elimination of nuclear weapons, although it does support disarmament initiatives. The French nuclear arsenal has decreased to less than 300 warheads, delivery systems have been reduced

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<sup>41</sup> *Idem*, p. 13.

<sup>42</sup> Shared Responsibilities: A National Security Strategy for the United Kingdom, The Final Report of the ippr Commission on National Security in the 21<sup>st</sup> Century, p. 53.

<sup>43</sup> Fourth Report from the Foreign Affairs Committee Session 2008-09, Global Security: Non-Proliferation, Response of the Secretary of State for Foreign and Commonwealth Affairs, Presented to Parliament by Secretary of State for Foreign and Commonwealth Affairs by Command of Her Majesty, August 2009, p. 12.

<sup>44</sup> *Idem*, p. 12.

<sup>45</sup> *Idem*, p. 10.

by two-thirds since 1985, and fissile material facilities and testing sites were dismantled in 1996. Moreover, France has always been in favour of the CTBT and the FMCT. In spite of these measures and goodwill, modernisation programmes (a new generation of nuclear-powered ballistic missile submarines which carry a new sea-launched ballistic missile) and restrictive interpretations of disarmament persist.<sup>46</sup>

118. France refuses to comply with the disarmament measures agreed at the 2000 NPT Review Conference, but agrees to review its position should other nuclear states make significant reductions in their arsenals. Expert on French nuclear policy Bruno Tertrais maintains that France has and will continue to have a fairly conservative and prudent nuclear policy for the near future, especially in light of new nuclear threats and of the continuous build-up of foreign nuclear stockpiles. For his part, President Nicolas Sarkozy declared in 2008 that the nuclear arsenal would be reduced to the smallest possible size but the aim of French nuclear deterrence would remain the protection of French “vital interests”.

119. France rejects a no-first-use policy and considers nuclear retaliation as consistent with the right to self-defence. It would not use nuclear arms against non-nuclear NPT parties, but might possibly do so against states that do not respect their non-proliferation commitments and in response to terrorist and/or WMD attacks.<sup>47</sup>

120. At the United Nations Security Council meeting of 24 September 2009, France roundly condemned Iran and North Korea, emphasising that dialogue had not brought any kind of progress in either of the two nuclear crises.<sup>48</sup> On the same occasion France signalled that disarmament and nuclear proliferation could not be addressed separately or by rhetoric.

### ***VIII. China’s current nuclear deterrence and non-proliferation efforts***

121. Among the five NPT-recognised nuclear states, China is the only one believed to be increasing its nuclear arsenal, both quantitatively and qualitatively. For instance, its ballistic missile programme is considered the most active in the world, reinforced by nuclear-capable forces that have greater mobility and survivability than in the past. Estimates indicate that China has between 100 and 200 warheads, along with developed and deployed short- to long-range ballistic and cruise missiles.<sup>49</sup>

122. China’s 2008 Defence White Paper maintains that the country has a policy of no-first-use of nuclear weapons, strictly aimed at self-defence. Its nuclear forces are meant to deter both conventional and nuclear attacks, and to reduce nuclear threats posed by rivals.

123. The general view, supported by Beijing’s behaviour rather than by its public statements, is that the country halted the production of fissile material in the early 1990s. However, China is not keen to commit itself to a Fissile Material Cut-off Treaty (FMCT), because it believes it would limit its options in the event of major changes in the strategic environment. In fact, as it has already been pointed out, the nuclear context in south Asia is shaped by several security dilemmas that involve China itself, India, Pakistan, and the United States.

124. In terms of non-proliferation China has not had an outstanding record in the past, having contributed to the development of Pakistan’s nuclear and missile programmes starting in the 1980s and having illegally sold or transferred nuclear materials to Iran, North Korea and Libya back in the 1990s. However, China’s non-proliferation posture has improved over the years: the country became part of the NPT in 1992, signed the CTBT in 1996, and was eventually accepted in the Nuclear Suppliers Group (NSG) in 2004.

<sup>46</sup> B. Tertrais, *The Last to Disarm? The Future of France’s Nuclear Weapons*, Non-proliferation Review, (2007) 14:2.

<sup>47</sup> *Idem*.

<sup>48</sup> Le Conseil de Sécurité prône l’instauration d’un monde dénucléarisé, 25 September 2009, France24. [www.france24.fr](http://www.france24.fr)

<sup>49</sup> US Defence Department, *Military Power of the People’s Republic of China 2009*, March 2009. [www.defense.gov](http://www.defense.gov)

125. At present, China also plays a constructive role in addressing, through pressure and negotiation, the North Korean and Iranian nuclear threats. In fact, because of its unique influence on the former, China has repeatedly been a mediator between the United States and North Korea, especially when the six-party talks were failing or stuck. Moreover, China joined the other permanent members of the UN Security Council in condemning Iran's nuclear programme and has on occasion backed sanctions. At the same time, it has significant commercial interests in Iran (oil), which often impede the Security Council from unanimously taking a firmer stance against Iran.

### *IX. The future of nuclear non-proliferation: current trends*

126. If the problem of emerging nuclear proliferators is not addressed effectively and decisively in the very near future, a new era of global nuclear proliferation will dawn, one where past agreements and treaties do not matter. If the rules of the game change it will become increasingly difficult for established norms to even preserve a status quo. This will have severe consequences on global security and will alter the current geopolitical and strategic reality.

127. Today's nuclear non-proliferation challenges have been outlined in the current report. There are a number of theories on how to tackle them and how to move forward in order to preserve the nuclear moratorium of the past 40 years, to ensure these weapons are never used and to move towards eliminating them completely.

128. One of the leading arguments today in the non-proliferation sphere is for the total elimination of nuclear weapons, or Global Zero. This initiative was first launched in December 2008 by 100 political and military world leaders and subsequently reinvigorated in the wake of President Obama's speech in Prague.

129. The Global Zero group proposes a plan for the gradual and monitored elimination of nuclear weapons, starting with significant reductions in the arsenals of the two former superpowers: the United States and Russia. A new START would in fact be the starting point of the plan; further reductions should be undertaken along with multilateral negotiations among all nuclear powers for an agreement to eliminate all nuclear weapons, that is, global zero. The plan entails four phases with a timeline of 20 years, starting from 2010. A commission composed of political and military leaders will meet in February 2010 to present a final and detailed plan.

130. On the one hand, supporters of the initiative maintain that beginning serious negotiations on global zero would bolster the political will of all nations to commit to nuclear disarmament and would strengthen the NPT while discouraging non-proliferation challengers such as Iran and North Korea.

131. On the other hand, there are substantial difficulties and scepticism regarding such a plan. In fact, for many the causality between the intention to achieve nuclear zero and preventing nuclear proliferation is inconsistent at best. Moreover, some analysts underline the incongruity between taking "concrete steps toward a world without nuclear weapons" while maintaining "a safe, secure and effective arsenal to deter any adversary", as President Obama suggested.<sup>50</sup>

132. The importance of deterrence for US national security as well as for the protection of America's European and Asian allies is another cause for doubts. The argument is that in the absence of a credible American nuclear deterrent, those countries would pursue their own nuclear options. At the same time, if the United States and other nuclear powers gave up their nuclear weapons, adversaries would be motivated to acquire them in an attempt to compensate for conventional inferiority vis-à-vis the United States. Indeed, such reasoning is at the basis of Russia's nuclear doctrine and its reluctance to negotiate on the reduction of tactical nuclear weapons.

133. Other strong concerns regard the difficulties of implementing a global verification and enforcement regime aimed at reducing nuclear weapons and preventing proliferation. Moreover, security dilemmas in international relations often prevail over mutual trust and agreed rules. The bottom line is that current global security conditions do not allow – yet – for a world without nuclear weapons. Some straightforward examples of this logic include Iran and North Korea's present

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<sup>50</sup> Remarks by President Barack Obama, Hradcany Square, Prague. 5 April 2009. [www.whitehouse.gov](http://www.whitehouse.gov)

conduct, India, Pakistan and China's continuous nuclear build-up, and the fact that Israel, India, and Pakistan possess nuclear arms outside the NPT framework.

134. Another leading paper<sup>51</sup> analyses the conditions that need to be created to permit the elimination of nuclear weapons and how such a regime could be enforced and verified in the future. One theory being increasingly promoted is that all talks should include both nuclear *and* non-nuclear states. That is to say there should be an all-inclusive debate with full transparency; after all there are non-nuclear states in the world today which choose not to possess these weapons not because they cannot but because they rely on the weapons of their allies. By including everyone in the "club" and creating higher levels of mutual trust, it is easier to ensure that the non-proliferation efforts and debate move forward.

135. Another argument on the opposite side of the spectrum advocates that by abandoning arms control talks and negotiations nuclear states can cut through the cumbersome bureaucratic and even diplomatic red tape and go straight to the heart of the matter – reducing their arsenals. This is the type of nuclear disarmament implemented by Presidents George Bush and Vladimir Putin at the beginning of the 21<sup>st</sup> century when they signed the Moscow Treaty or SORT in 2002. Though this might have been considered a successful venture at the time, in today's climate – where secrecy surrounds nuclear proliferators such as North Korea and Iran – and ahead of the crucial 2010 Review Conference, though greater transparency may lead to lengthier negotiations it does at the same time open the doors to the wider world and it is this kind of climate that needs to be generated before the NPT Review Conference in May 2010.

136. The EU gave priority to the threat from nuclear weapons and weapons of mass destruction in its 2003 European Security Strategy and in the 2008 Report on the Implementation of a European Security Strategy. In both cases, and particularly in the report, it identifies the Iranian nuclear programme as a general threat to the region and to non-proliferation efforts. Another issue to ponder is the revival of civilian nuclear power on a large scale and the likely consequences it would have on non-proliferation regimes. It is in the civilian sector that the main actors need to be actively seeking the creation and implementation of effective safeguards, before it becomes impossible to know which country possesses what kinds of nuclear power and whether or not nuclear arms proliferation is taking place.

137. What can be ascertained from recent global actions and renewed efforts in the field of nuclear non-proliferation and disarmament, not to mention the countless fresh ideas that have surfaced in the past year, is that a new non-proliferation era is dawning and its success depends on both deeper and more effective cooperation between nuclear states to achieve their goals and the inclusion of non-nuclear states around the table. The two pivotal aspects to focus on now are naturally the renewed START talks and the 2010 NPT Review Conference. Both the United States and Russia, the main nuclear powers, need to set an example and show their policies are in parallel. They need to build on the positive atmosphere which has been created by the improved relations between the two countries and the fresh impetus injected in the non-proliferation and disarmament field by the Obama Administration. Success in United States and Russia negotiations will also boost the chances of success for the 2010 NPT Review Conference.

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<sup>51</sup> George Perkovich, James M. Acton, *Abolishing Nuclear Weapons*, IISS. [www.iiss.org](http://www.iiss.org)

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