October 31, 1994

Summary report on the Programme for Promoting Nuclear Non-Proliferation (PPNN) International dialogue meeting chaired by Ben Sanders

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Summary:

Summarizes events of the international dialogue meeting and lists participants giving a breakdown of substantive issues discussed.

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PROGRAMME FOR PROMOTING NUCLEAR NON-PROLIFERATION (PPNN)

AN INTERNATIONAL DIALOGUE ON THE STATUS OF NUCLEAR NON-PROLIFERATION

Pocantico Hills Conference Centre, North Tarrytown, New York
31 October 1994

General and Substantive Report

General Introduction

1.On 31 October 1994, PPNN held an international dialogue, chaired by Ben Sanders, at the Pocantico Conference Center of the Rockefeller Brothers Fund, North Tarrytown, New York. This brought together members of the PPNN Core Group and 10 leading specialists from North America's non-proliferation community. Observers from the Prospect Hill Foundation and the Rockefeller Brothers Fund were also present. A complete list of participants is attached as Annex A.

2.The dialogue was intended as an exchange of views on critical non-proliferation issues between the PPNN Core Group and the participants from North America, in advance of the 1995 Conference to Review and Extend the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). It was divided into three sessions: Contemporary Proliferation Problems (Session I); Beyond the NPT (Session II); and The NPT Conference (Session III), plus a Keynote Address. The full programme is attached as Annex B. [Sessions II and III were originally scheduled to be held in the opposite order, but had to be reversed at short notice as several participants had to leave for Washington in the mid-afternoon].

3.The substantive report which follows is intended to give a general reflection of issues addressed during the dialogue, and does not claim to be a full summary of the discussion or of the opinions expressed during it. ***It should be noted that it has been produced as an aide memoire for participants, members of the PPNN Core Group and Funders, and is not a report of, or adopted by, the dialogue participants. It exclusively represents the views of the dialogue rapporteurs, Darryl Howlett and John Simpson, who bear full responsibility for its contents.***

Substantive Issues

4.Session I [Contemporary Proliferation Problems] was introduced by Leonard Spector, who presented a paper on "The Political and Material Conditions for Proliferation". In this he noted that the "Ten Year Rule" (i.e. that states need a decade to move from a political decision to acquire nuclear weapons to their first device/test) which traditionally has given policymakers "strategic warning" time to detect the existence of a nuclear weapon programme and implement diplomatic or other measures to try and stem it, may now no longer be valid. Five factors accounted for this potential change: nuclear-weapons material and/or nuclear-weapons expertise leaking from the former Soviet Union; the break-up of nuclear weapon states and nuclear arms (or weapons-grade material) being acquired by more than one successor entity; the possibility of active assistance from a declared or undeclared nuclear weapon state; a sudden shift by an advanced industrial state which already possesses a complete nuclear fuel cycle and stocks of weapons-usable materials from a non-nuclear orientation to one favouring

the acquisition of nuclear arms ; and the development of technologies which enable small-scale facilities to produce significant quantities of weapons-grade nuclear material.

5.Jiri Beranek suggested that the "Ten Year Rule" had never been a useful non-proliferation concept because technical circumstances varied so widely between states. While there was cause for concern about the erosion of some of the technical restraints on nuclear proliferation, important barriers remained. Four technical conditions were necessary before a state could consider acquiring a nuclear weapons capability: assured access to key items of technology or materials through international co-operation; a cadre of technical experts; substantial financial resources; and advanced nuclear facilities, such as reprocessing or enrichment plants. Many states, including the Democratic People's Republic of Korea (DPRK), had limitations in one or all of these four areas, which prevented them moving ahead with a weapon programme.

6. In the ensuing discussion, it was noted that:

* since 1945 the number of states which could manufacture nuclear weapons had been rising and now probably approached 50. This meant that the technical barriers to prevent nuclear proliferation were now of less importance than political ones;

* if the nuclear non-proliferation regime collapsed many of the current restraints, such as export controls and safeguards linked to the NPT, would disappear, but some technical ones would remain, especially in the area of weaponisation. This was exemplified by the case of Iraq, which had little capability in crucial aspects of weaponisation;

* laser isotopic enrichment processes could lower the technical barriers to nuclear proliferation as they made uranium enrichment easier to conceal and more difficult to safeguard. In this connection, there was concern over South Africa's plans to commercialize this technology;

* the likelihood of long-term diversion of nuclear materials under International Atomic Energy Agency (IAEA) safeguards is low. Abrupt diversion by states which have accumulated large stockpiles of fissile materials appeared to be a more likely, if still improbable, scenario. The nuclear programmes that were of greatest concern involved non-NPT states which had unsafeguarded nuclear fuel cycles outside of IAEA safeguards, or NPT parties which were perceived capable of embarking on a parallel, clandestine weapons programme;

* the nuclear material in the smuggling cases identified so far did not originate from the nuclear weapon stockpiles in Russia, which appeared to be well guarded, but there was concern about lax physical security at other locations where such material were stored, especially at research institutes and nuclear submarine reactor compounds. It was important, when dealing with smuggling, to distinguish between three nuclear-related categories: nuclear weapons; nuclear materials in the weapons programme; and weapons-usable materials outside the weapons programme;

* the belief that terrorist groups were not interested in nuclear weapons or

materials because their objective was not to kill people *en masse* may have changed. Analysis of the recent bombing of the International Trade Center in New York indicated that if the bomb had been placed on the other side of the pillar one or both towers might have collapsed, killing many thousands of people;

* little hard evidence existed for the assertion that nuclear proliferation might occur as a result of the further disintegration of the Russian Federation or the break-up of China. Those in China now spoke of Chinese national re-unification in the coming decade with the return of Hong Kong, Macau and possibly even Taiwan, Province of China, rather than its dissolution. Similarly, discussion of the break up of the Russian Federation was seen as indicating a dangerous lack of clarity in Western policies towards Russia, and uncertainty over whether the objective sought was a strong partner or a smaller, weakened and isolated Russia. There were clear dangers in exaggerating the risks of nuclear proliferation in certain contexts, such as states disintegrating, or of identifying specific states as potential proliferators, without due regard to the domestic political circumstances in those states. Such actions could influence nuclear decision-making in a manner which would lead to a self-fulfilling prophecy;

* there was just as much or as little justification to include India and Pakistan in the dissolution scenario, as both had significant nuclear capabilities and were subject to secessionist movements which could lead to state disintegration;

* concern over nuclear proliferation arising from states already possessing the requisite infrastructure to make weapons, including stocks of weapons-usable materials, making a sudden shift from a non-nuclear orientation to one favouring nuclear arms, ignored the context of each possible case. It was emphasised that Germany and Japan, two states which had been placed by Spector in this category, both operated under domestic influences/constraints which meant that neither state would contemplate acquiring nuclear weapons. The continued categorization of Germany and Japan in this way could have adverse political repercussions;

* significant problems might arise if the NPT were to expire soon after 1995, due to it only being extended for a short period. This could lead to a nuclear weapons breakout as states prepared for a non-NPT world.

7.Session II, [Beyond the NPT], was introduced by a presentation from Lewis Dunn on "The US Strategic Review and Counter-Proliferation Strategies", in which he identified three distinct elements in the recent US Review. The first was that the US should play a leading role in the reduction of nuclear weapons, including accepting greater transparency in the nuclear dismantlement process. The second was that while lauding the significant advances made in nuclear reductions in Russia, the US wished to hedge against future political uncertainties in that region given both the slow progress of dismantling the overhang of 7-10,000 tactical nuclear warheads in Russia and the uncertainties over the future nuclear path of Ukraine. The final element in the policy was a change in declaratory nuclear doctrine towards Russia from the Mutually Assured Destruction (MAD) of the Cold War to Mutually Assured Safety (MAS). The Review did not contain any assessment of the future role of nuclear weapons. This was particularly notable in the light of the question concerning what deterrent role nuclear

weapons might have against the threat or use of biological and chemical weapons.

8.The starting point for US thinking on counterproliferation, given the experience of the Persian Gulf War, was that the threat posed by the proliferation of weapons of mass destruction (WMD) and ballistic missiles had increased. This had led to the need for a concept combining both prevention of proliferation and protection against it, with prevention having the first priority and protection as a second order concern. Protection involved five distinct elements; a capability to deter use of WMD; a range of assured and effective responses to neutralise the use of WMD; active defence against WMD; passive defence against WMD; and orienting intelligence activities to deal with the new proliferation challenges and integrating them with defence policy.

9.One misconception was that the strategy involved the use of military force in a pre-emptive role against nuclear facilities in advance of hostilities: this was incorrect. The main emphasis is neutralisation,i.e. to protect forces in a WMD environment, especially where biological warfare is a potential threat. As a consequence counterproliferation is already being integrated into military planning, it will be a permanent feature of the US military posture, and the main issue for the future will be the precise blend of non-proliferation and counterproliferation activities.

10.Mitchell Reiss noted that much of the counterproliferation initiative had originated in the Department of Defense (DoD) and thinking here had been in advance of other Departments or the armed services. The Pentagon is particularly concerned about biological weapons proliferation, ways of detecting biological weapon programmes and protecting troops on the battlefield from a biological weapons attack. Counterproliferation has provided the non-proliferation community with a means for discussing the 1995 NPT Extension Conference with the DoD, and as a consequence, it may be feasible to persuade the DoD to issue a Negative Security Assurance (NSA) stating that counterproliferation will not be directed at NPT parties. US military contingency planning will also involve discussions with other states on possible initiatives for counterproliferation, such as passive defence.

11.David Fischer pointed out that counterproliferation reflected a uniquely US way of dealing with the outside world. In the Reagan period there was the "evil empire", now this had been replaced by a new threat, "the rogue state". But since the Persian Gulf War the non-proliferation environment had improved markedly, the main problem today stemming from the dissolution of the Soviet Union. Moreover, the new environment had enabled a concerted response to be made to the DPRK situation, something which would not have been possible during the Cold War. In practice, the US was unlikely to invest heavily in counterproliferation initiatives, or to intervene directly in situations where WMD were involved unless specific US interests were at stake, as they were in Kuwait. Finally, he pointed out that the articulation of the counterproliferation strategy in such a confused way had been unhelpful to the NPT extension process, because what the non-nuclear-weapon states wanted was more security assurances from the US while the strategy gave the appearance of being geared towards pre-emption.

12.In the ensuing discussion, it was noted that:

* counterproliferation would probably affect the debate at the Extension Conference through the issue of attacks on nuclear facilities and their radiological consequences;

* counterproliferation policy had a long history, starting with the attacks on the Norwegian Heavy Water plant during WWII and the 1981 attack by Israel on the Osiraq reactor in Iraq. In the US context, discussions had started within the DoD in the late 1970s as a consequence of a heightened concern about the spread of WMD, especially biological weapons;

* there still appeared to be confusion over the central elements of counterproliferation strategy, and therefore a need for a damage limitation exercise to address the negative responses to it, such as a Presidential speech before the opening of the NPT Conference clarifying what the term meant.

13. Session III [The NPT Conference] was based upon three separate presentations. Mohamed Shaker, addressing "Why the Non-Aligned States May Not Support an Indefinite Extension of the NPT", identified three main concerns that had been expressed in the Cairo Document arising from the Non-Aligned Summit of May-June 1994. The first concern was the unfulfilled obligations of the Nuclear Weapon States under Article VI. Until they were fulfilled, an indefinite extension of the NPT appeared illogical. Priorities for the NAM in this area were completion of a Comprehensive Test Ban Treaty (CTBT) and a Fissile Material Cut-Off. Enhanced security assurances had also been a major theme at the Summit, with the Conference on Disarmament being urged to negotiate, as a matter of priority, a legally binding convention prohibiting the use or threat of use of nuclear weapons under any circumstances. For most NAM states, merely negotiating an improved UN Security Council Resolution 255 would be insufficient. Dissatisfaction had also been expressed by NAM states over the functioning of *ad hoc* export control groups, as these were perceived to impede their economic and social development. They wanted urgent moves towards non-discriminatory terms of trade in nuclear material and equipment, as specified by Article IV. The failure of the Cairo meeting to discuss developments in Iraq and the DPRK, and the presence of both India and Pakistan, neither a party to the NPT, added further to the pressures making it difficult for the NAM to opt for an indefinite extension of the NPT.

14.Michael Krepon argued that the NPT was not just about discrimination, it was also about preventing specific nuclear dangers. Moreover, the issue of discrimination was irrelevant to issues such as the break-up of the Soviet Union or non-compliance with the NPT. It was in the interests of all parties to reaffirm the basic compact of the NPT and although two the five NWS were fulfilling their obligations under Article VI, three were not. The question was therefore how to bring China, the United Kingdom and France into the nuclear weapon reduction process underway between Russia and the United States.

15. Fan Guoxiang commented that the NAM cannot accept that the NPT is an inherently good treaty because of its discriminatory structure. China was the smallest nuclear weapon state but the biggest developing country, and therefore it supported many of the objectives of the NAM in respect of the NPT. However, China had not yet taken a definite position on the period of extension of the NPT: it was neither for nor against an indefinite extension.

16.In the ensuing discussion, it was noted that:

* US dual-use export controls only affected a small percentage of its trade as

licences were not required for 97.6% of all goods leaving the US. Moreover, the NWS have to operate export control systems otherwise they could not meet their obligations under Article I of the NPT;

* many NAM states appear unaware of the reasons for export controls, or their precise nature and coverage. A dialogue appeared necessary between exporters and recipients to rectify this situation;

* Mexico might express less criticism of the NWS at the 1995 Conference due to the recent North American Free Trade Agreement (NAFTA) with the US.

* opinion was divided over whether it would be considered an amendment to the NPT if the Conference adopted a Protocol on Security Assurances that would become part of its Final Document.

* any mention of a Protocol on Security Assurances in the text of the extension itself might be considered an amendment to the Treaty and thus not permissible.

* choosing an option other than indefinite extension should not be regarded as an anti-NPT move, given that such choices were specified in the Treaty itself.

17.Harald Müller, addressing "The Attitude of Advanced Industrial Non-Nuclear Weapon States to Article VI", pointed out that it was a mistake to view the proliferation issue as a simple North versus South disagreement. The major difference between the NAM states and the industrialized non-nuclear-weapon states is that the latter have close allies which are nuclear armed. For Germany especially, the number one foreign policy priority is its continued close alliance with France. Significant differences of opinion have always existed between the Western non-nuclear-weapon and nuclear-weapon states over issues such as the CTBT and the civilian uses of nuclear technology. Although European non-nuclear-weapon states accepted the first use nuclear doctrine of NATO during the Cold War, many regard it as unnecessary in the new security environment. While there may be a prospect of a resurgent Russia, which under a nationalist leader such as Zhirinovsky could mount a credible future nuclear threat, the security situation in Europe has changed radically for the better. In particular, it is now characterised by a dense network of security linkages, and only a highly improbable confluence of events would destroy this network. These aspects appeared to be ignored by US scholars, with some even postulating that states such as Germany posed a growing proliferation risk. The real risk of nuclear proliferation in Europe stemmed from uncertainties over physical security at plants housing weapons-usable fissile materials in the former Soviet Union.

18. George Questor noted that the division of NPT parties between the North and the South, the have's and the have-nots was not very helpful in understanding the interests of the majority of the parties in preventing proliferation. The demand for extended nuclear deterrence, rather than security assurances, had been the exception, rather than the rule, as it only applied to Europe and South Korea. He also noted that in ten years time US conventional forces on the scale used in the Persian Gulf War would probably no longer be in existence.

19.In the following discussion, it was noted that Japan felt that the NPT was discriminatory, that it had ratified it on this basis, and that this affected its stance on

extension issues. In particular, Japan could see no reason for the NWS to continue possessing nuclear weapons now the Cold War had ended. This suggested that efforts should be made to implement complete nuclear disarmament, but not within a specified timescale.

20.Olu Adeniji, addressing "Security Assurances", argued that the debate over this issue would play a major role in the Extension Conference. While no party wanted the Treaty to terminate abruptly, there was still a major debate about whether the NPT should be extended unconditionally and indefinitely. The Treaty was regarded by many parties as discriminatory and the inadequacy of existing security assurances was one aspect of this. The end of the Cold War had renewed interest in such assurances and NNWS party to the NPT now wanted existing assurances to be strengthened, and moves to be taken towards a no first use position. A new positive security assurance could be created through a UN Security Council resolution listing the exact steps which would be taken in the event of an attack or threat of attack on a NNWS. Similarly a new negative security assurance based on Nigeria's proposal for a free standing protocol or treaty should be negotiated.

21.Jon Wolfstal remarked that US nuclear obligations to its allies still remained in existence, and to fulfil them gravity bombs were stockpiled in Germany, thus complicating the enhancing of security assurances for NPT members. Much Cold War baggage still remained, including the NATO nuclear doctrine and the right to resort to first use of nuclear weapons. However, counterproliferation could offer some positive benefits, as the listing of possible responses could be linked to the demands for a clearer specification of the actions to be taken to fulfil positive security assurance commitments. There was a need for the NWS to view nuclear weapons as a double-edged sword. While they could be used for deterrence purposes, they might also be a spur to other states to acquire nuclear weapons. For example, the DPRK nuclear weapons programme was probably a response to US nuclear weapons in the Republic of Korea (ROK) and the ROK's own nuclear weapons programme. Nuclear weapons now appeared only to have a role to deter other nuclear weapons, and it appeared increasingly to be in the interests of the NWS, with their advanced conventional weaponry, to keep conflicts conventional.

22.Roland Timerbaev noted that nuclear weapons remained a means of political leverage over the non-nuclear weapon states. Both were involved in comparing their conceptual approaches to these weapons in the new era, and in attempting to develop strengthened positive security assurances. It remained unclear why the NWS alone should offer these assurances, as it was now assumed that the response would be a non-nuclear one. It might be possible to borrow the language from the Chemical Weapons Convention and create a positive security quasi-alliance which would commit each party to assist each other in the event of threat or use of nuclear weapons. Europe remained a stumbling block as far as negative security assurances were concerned, and a stop-gap answer might be to open negotiations on a no-first use Treaty.

23.In the discussion which followed, it was noted that:

* proposals had been made for commitments to the no-first-use of nuclear weapons without first consulting the UN. This seemed to preclude more radical disarmament options, and give a licence for genocide to the UN Security Council;

* any new Security Council Positive Assurance would have to include provision for consultations with the state which was the subject of aggression, as Resolution 255 of 1968 lacked this;

* it would be useful to list all current suggestions for new formulations of negative and positive security assurances at both the global and regional level.

24.The International Dialogue concluded with an after-dinner address by Adolfo R. Taylhardat on **"The 1995 NPT Review and Extension Conference. Expectations for the Conference - A View from the South"**. Points made in his presentation included:

* in the context of disarmament, the most appropriate way to describe the 'South' was that it was those countries with no nuclear weapons which advocate the complete elimination of nuclear weapons. By contrast, the 'North' was the nuclear weapon states, plus those countries that have no nuclear weapons and support nuclear disarmament to a certain degree, but which continue to accept the existence of nuclear arsenals;

* the complex interrelationship between substantive and procedural issues made the 1995 NPT Conference a very difficult one;

* five substantive issues were of most importance for the South at the 1995 NPT conference:

  i. nuclear disarmament, especially the need for the nuclear-weapon states to reaffirm their commitment to the complete elimination of nuclear weapons in the context of a time-bound framework with a target date for the total elimination of such weapons, and the need to de-emphasize the political and military roles of nuclear weapons;

  ii. a comprehensive nuclear test ban. This continues to be one of the highest priority objectives of the nonaligned states, and would decisively benefit the outcome of the 1995 Conference;

  iii. security assurances, especially the provision of a legally binding negative security assurance by the five nuclear weapon states and a Security Council Resolution covering offers of both positive and negative security assurances by the Permanent Members;

  iv. a fissile material cut-off. This could be accomplished through a treaty banning the production and stockpiling of fissile material for nuclear weapons and the elimination of existing stockpiles; and

  v. peaceful uses of nuclear energy, especially a reaffirmation of the right of all NPT parties to unrestricted access to nuclear energy for both power and non-power application.

* an unconditional and indefinite extension of the NPT will not be supported by the non-aligned countries because its effect would be to indefinitely preserve a status quo where the nuclear weapon states have not fully complied with their nuclear disarmament undertakings and their commitment to transfer peaceful

nuclear technology;

* there are good possibilities of arriving at a satisfactory extension decision provided that some Parties do not try to impose their pre-conceived views upon others; do not pursue excessively legalistic approaches; and are prepared to display a good dose of political will;

* Venezuela has proposed that to reconcile the various interests involved in the extension decision, the 1995 Conference should decide to extend the validity of the NPT for an additional period in the same terms as it was originally adopted, i.e. for an additional period of twenty five years, with review conferences every five years and a review and extension conference in the twenty fifth year. This formulation fits within the second option of Article X.2, as it is an extension for an additional fixed period, at the end of which a decision based on Article X.2 could again adopted by a majority of the parties.

ANNEX A

INTERNATIONAL DIALOGUE ON THE STATUS OF NUCLEAR NON-PROLIFERATION

INVITED PARTICIPANTS

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ANNEX A

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ANNEX B

AN INTERNATIONAL DIALOGUE ON THE STATUS OF NUCLEAR NON-PROLIFERATION

0900 - 0915 Introduction: "As Others See It"
- Ben Sanders

SESSION I: Contemporary Proliferation Problems

0915 - 1115 The Political and Material Conditions for Proliferation
Speaker - Leonard Spector
Discussants - Yoshio Okawa
Jiri Beranek

SESSION II: Beyond the NPT

1145 - 1245 The US Strategic Review and Counter-Proliferation Strategies
Speaker - Dr. Lewis Dunn
Discussants - Mitchell Reiss
David Fischer

1415 - 1515 The US Strategic Review and Counter-Proliferation Strategies (Continued)

SESSION III: The NPT Conference

1515 - 1615 Why the Non-Aligned States May Not Support an Indefinite Extension of the NPT
Speaker - Mohamed Shaker
Discussants - Michael Krepon
Fan Guoxiang

1645 - 1745 The Attitude of Advanced Industrial Non-Nuclear Weapons States to Article VI
Speaker - Harald Müller
Discussant - George Quester

1745 - 1845 Security Assurances
Speaker - Olu Adeniji
Discussant - Jon Wolfsthal
Roland Timerbaev

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1930 - Dinner and Keynote Address
Speaker - Adolfo Taylhardat