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FIRST PLENARY SESSION

**STRENGTHENING THE NPT**

FRIDAY, 3 FEBRUARY 2012

**Q&A Session**

## Questions and Answers

### **Harald Müller**

Thank you very much. I think we have a rich menu to discuss here.

### **Maurizio Martellini, Landau Network-Centro Volta**

George, I think that Article 10 will be the only chance to bring some justice to the nuclear arena. It will be the instrument of many countries in the world to oblige the nuclear players to have fewer double standards.

### **Riccardo Alcaro, Istituto Affari Internazionali, Rome**

There is one important actor in non-proliferation policy that has not been directly mentioned to now: the US Republican Party. The feeling that the non-proliferation agenda in the US, which historically has always been a bipartisan issue – and Republican administrations have mostly contributed to advancing it – has now become a Democrat agenda. It has become so politicised that the Republicans tend to depict any non-proliferation initiatives that are promoted or championed by the current US administration as a weakness, rather than common sense.

### **Mark Fitzpatrick, IISS**

I wanted to pose a question about the role of the EU. We have a session on this tomorrow, but two of the speakers, I think, will not be here tomorrow, so I wonder if I could ask Ambassador Winid and Lord Hannay about the role of the EU in non-proliferation. Ambassador Winid, you are here, in a way, in three guises: you are a very senior national representative of Poland; you represent the 10 states of the NPDI; and you are a representative of the most recent president of the EU. After the Lisbon Treaty, the role of the presidency in these matters has changed. What is the most effective way of member states of the Union to be promoting the issues on our agenda?

David, if I might ask you, you and I live in a country where there is a growing euro scepticism. You mentioned the problem of the Euro crisis. There is euro-scepticism in the UK. Will this also contribute to a weakening of the UK's ability to promote non-proliferation objectives in the EU?

### **Tariq Rauf, former member of Canadian Delegation to the NPT Review Conference**

I had a question for the panel with regard to the FCMT, which was mentioned a number of times, particularly in terms of the lack of any start in the negotiations at the CD. Initially, the primary role of the FCMT was to be both a non-proliferation and a disarmament treaty, but after the nuclear tests of 1998 and 2006, unfortunately the non-proliferation part of the treaty was overtaken by events. Now, the main purpose of the treaty is disarmament by the nine countries that reportedly possess nuclear weapons. Why is it not possible for the discussion in Geneva on the start of the FMCT negotiations to clearly state that the purpose of the treaty is a) to prevent the further production of fissile material for nuclear weapons and, importantly, b) to address the disposal of existing stocks and production facilities? The logic is quite simple: when we started the negotiation on the CTBT, we knew we wanted to ban nuclear tests. The same goes for the Chemical Weapons Convention (CWC): prohibit the production, use and stockpiling of chemical weapons.

### **Nobuyasu Abe, Center for the Promotion of Disarmament and Non-Proliferation, Japan**

I also feel a great sense of loss at the passing of Thérèse Delpech. You gave a very good description of her, with which I entirely agree, and I join you in expressing my condolences.

In a way, people and countries have been expecting too much from a simple treaty called the NPT. If you look back at the history of the NPT, it was not just a treaty that stopped Germany, Japan and other countries from obtaining nuclear weapons; it was Japan that made a decision not to obtain

nuclear weapons, after which the NPT was signed, which somehow confirmed Japan's policy. During that process, it was the superpower – the US – which went around banging on the doors of Japan, Korea and Taiwan to get them to stop trying to obtain nuclear weapons, and eventually they succeeded. It is not the treaty alone that stops proliferation; you need to have countries that take responsibility themselves.

This year, we have the immediate question of Iran. In that sense, I am afraid that the US may be very much haunted by its experience of Iraq. There was a lot of criticism about the way in which it went to war in Iraq, and the US forces had terrible experiences there. The US, in a way, is perhaps hesitating to take strong action over Iran. There is also some kind of realignment of international relations, as you mentioned, so there are elements of fatigue in Washington in terms of taking strong leadership action. I remember President Obama coming in and saying that he would do better than President Bush. I wonder if there are any excellent ideas in the White House around how to get over this problem in the Middle East.

### **Boguslaw Winid**

Let me start with the EU. We in Poland see a very permanent role of the EU in the process. The fact that this conference has been organised in Brussels and co-sponsored by the EU, with the presence of my good friend Ambassador Popowski, is a good sign. Secondly, we have to face the reality that, internally within the EU, different countries have different priorities concerning nuclear policy, disarmament and the use of deterrence policy etc. I would argue that an internal debate within the EU should take place around the role of national politics and policies and the role of the EU.

We have similar exercises in NATO, which most of us belong to. There is an extremely interesting process called the Defence and Deterrence Posture Review (DDPR). We had a fascinating debate before the Lisbon Summit and it is continuing in the run-up to the Chicago summit, where interesting views are being expressed by very close allies. In the end, we were able to reach a compromise, and I am quite optimistic that this round will also produce a compromise and we will find a joint policy, however difficult it appears. Let me stop there with the traditional Polish euro-enthusiasm.

### **David Hannay**

I think several speakers have raised this question of double standards, and one certainly cannot avoid addressing it. I sometimes become irritated about the double-standards argument; not only in the nuclear connection, but one hears it a lot in the question of the responsibility to protect, where people often advance this argument in such a way as saying that, if the international community cannot intervene worldwide to protect people who their own government will not protect, they should not intervene anywhere. I think that that is the *reductio ad absurdum* of the double-standards argument. In the nuclear area, the hard fact is that the only piece of international law that exists is called the NPT, and it enshrines double standards – that is a fact. Would we be better off if we had no treaty? That point was answered, I think, by George Perkovich in his statement, and I agree wholeheartedly that we would be much worse off, and even worse off if we were trying now to construct a treaty.

My own view about this is that, of course, we must try to move away from double standards, but if we are realistic, we have to recognise that, in the nuclear field, we are not going to achieve that until we reach a world free of nuclear weapons, which is not tomorrow. We are, then, going to have to live with double standards in international law. What we must be aiming to do is to reduce the gap between the haves and the have-nots in a steady, predictable and meaningful way, which, I think, is the aim of various initiatives that have been taken in recent years. I think we should be a little careful of the double-standards argument.

As an outsider looking at the US Republican Party, it is, of course, the case that, in the 2008 election,

this was not a difference between the two presidential candidates. Senator McCain subscribed to the initiative taken by Shultz, Kissinger, Perry and Nunn, as did Obama and Hillary Clinton, so it was not a major dispute about that. Now, I agree with the questioner, who suggested that the Republican debate has moved a long way away from that, perhaps best epitomised by Newt Gingrich saying that he would appoint John Bolton as his secretary of state, which certainly cannot be said to be a non-proliferation- or disarmament-friendly move. Let us, however, wait and see where things end up when the dust settles, but I do not think it would be wise to assume that the Republican Party is irremediably committed to an agenda completely different from that which President Obama put forward, at least not if there is a Republican in the White House, which, after all, remains in doubt.

The EU post Lisbon: Mark, you asked whether euro-scepticism in the UK would be damaging to the EU presenting a reasonably united approach to these nuclear matters. I do not think so. If you look at the EU debate and the national positions taken since our coalition government came into office in May 2010, you will see that Britain is not the most reticent of member states in the EU about taking a forward position on this. It has not, therefore, been deterred by euro-scepticism – a disease that I fight every day of my life but which has, unfortunately, rather taken over the political scene in Britain. It does not, however, seem to be affecting this. This British government, after all, produced a Nuclear Posture Review after it took office, in which it enshrined the negative security assurances similar to those that President Obama had taken in his. France has not done that.

The debate in the EU is a difficult one, because of the difference between the two nuclear-weapon states and the non-nuclear-weapon states, but I do not think we should despair of it producing really quite substantial EU positions at occasions like the WMD-free zone conference or the review of the NPT and so on. Those positions will always have within them this fault line, but that is what we have to build across. If the EU accepted fault lines between its members as a fact that they could do nothing about, the EU would soon cease to exist, so we have to build across them.

Finally, Tariq Rauf asked about the FMCT. Alas, I cannot believe that any amount of technical juggling with the objectives of an FMCT will shift Pakistan's position in the CD. So many attempts have been made to get round that position and to soften its edges etc, to no avail, and I think the assumption must be that Pakistan will not agree to that. That is why I think it is time we were thinking of ways around the CD, not trying to fix things in the CD.

### **George Perkovich**

To Maurizio's point that Article 10 is an instrument or a lever to prevent double standards, that is fine and I think it is true, but in the case that was mentioned, where it is a state that has been found by the IAEA or someone else to be in non-compliance with its obligations, it seems to me that it should be, on its face, utterly illegitimate to then apply Article 10 without any condition, and that even people who want to fight double standards should say that that is a mockery of international law and rules. As a general principle, you do not clarify Article 10, but in cases of non-compliance it seems to me that the reason for doing that is clear.

On the issue of the Republican Party, I wrote about this in *Foreign Affairs* in 2003, I think. There are important distinctions between those who believe in rule-based approaches to international affairs and those who believe that especially the US should not accept rules that might constrain its power in areas where its power could be advantageous and have an asymmetry. That tends to be a view that the current group express. There also tends to be a policy that the first Bush administration had and that a lot of neo-conservatives expressed, which is that the priority should be regime change: 'You do not need international rules – just get rid of the bad guys and everybody left will be good guys'. That tends to be the approach.

On Tariq's point on the FMCT, I agree with David Hannay, but also, having had a number of discussions in Pakistan, I do not get it. Under the proposal to make a cut-off also a disarmament treaty and to get at existing stocks, presumably all the states would then have to declare their inventories. In doing so, they would have to say how much is in weapons, which would then lead to verification. In other words, imagine India saying how much it has in weapons; would Pakistan just accept that statement or declaration as fact? No, they would want some verification.

Now, you are at a position of saying, 'Yes, we are going to declare how much is in weapons and we are going to allow somebody to verify how much is in weapons', which means you have to know how many weapons there are and where they are located. Pakistan and China's deterrents are based on opacity: no one knows what the total number is, so you cannot have confidence to get at them and to destroy them pre-emptively. The idea of letting anybody have access to those facilities is crazy; i.e. the idea of international inspectors coming to military installations in Pakistan to count weapons. You then have to ask how much fissile material is in the weapon, which is a state secret everywhere. I do not understand Pakistan's position. Whenever I have asked people there, they do not have an answer to any of those questions, if what they are proposing is that international inspectors come and verify declarations of how much is in their military programme. I do not get the position.

Ambassador Abe asked about whether there were any great ideas in the White House in terms of how to deal with Iran. The short answer is 'no'. You could look at the diplomacy with Iran over the last 10 years, which has been a contest to see whether the international community can be made more afraid of Iran than of the US. Under the Bush administration, the international community was more afraid of the US than of Iran. President Obama reversed that and he made Iran the thing that people focused on and feared. That was a big success, but in terms of going past that to try to negotiate a way out with Iran, it is not clear that the government of Iran is prepared or wants to do that. It has not provided an intermediary to meet with the US, despite President Obama's overtures. I do not know that anybody has an idea of how to get over that.

#### **Tariq Hyder, Ministry of Foreign Affairs, Pakistan**

Mr Chairman, it is good to see you again. I have not seen you since the IAEA multilateral group of experts. One of the issues that has come up in one question and a couple of comments is on Pakistan and the FMCT. George has said that, from emerging countries, people have very limited nuclear experience and, in Pakistan, nobody has been able to explain very much to him. Without replaying Pakistan's position, which is fairly well known, on the FMCT, I would just make two points. The US-India nuclear deal and the NSG exemptions between India provided a chance to put in some restraint in South Asia.

Now, however, in terms of the security threat that Pakistan perceives vis-à-vis its neighbour, let us postulate a situation that we start FMCT negotiations today and finish them in one year. The eight Indian nuclear reactors for civil power, which are excellent, dedicated natural-uranium reactors, will be able to produce 2,000 kg of plutonium, or 240 nuclear weapons, within the same period. That is the reality of the situation. According to the International Panel on Fissile Missiles (IPFM), there are 6.8 tonnes of unsafeguarded plutonium. One is not sure how much of that is weapons-grade and how much is reactor-grade, but even the IPFM calculates that, if all of it was reactor-grade, that would be enough for 850 nuclear weapons.

The point is that there are areas where many of the countries represented here, in terms of non-proliferation, perhaps could have done a lot more there. I think it is a bit late now to complain that, therefore, Pakistan's position is that or that. Of course, if the P5 want to take the FMCT outside, that is fine; apart from China, if it is producing, I am not sure who else is producing fissile material

right now. At the same time, however, other countries will be very keen to take the convention to totally ban nuclear weapons outside too, which very much trumps the FMCT, because it is one of the five constituent elements.

**Rebecca Johnson, Acronym Institute for Disarmament Diplomacy, UK**

I just want to say how glad I was that you paid that tribute to Thérèse. She was excoriating in her intellect but she was so kind and generous in her humanity. I just feel that a very bright light went out.

George started by posing a thought experiment: if we did not have the NPT now and we had to negotiate one, what would it look like? You suggested that it would be less robust, and I want to challenge that because I think that, if we did not have the NPT now, and if we had not had it from the early 1990s, when the Cold War ended, by now we would probably have some kind of comprehensive nuclear abolition regime being put in place, like the CWC. It would be and would have to be more robust in three particular elements that are not in the NPT: it would have to deal with use of nuclear weapons. It would have to prohibit and stigmatise the use, and make it clear in the international community that any use, for whatever reason, would be a crime against humanity and would be terroristic. That would get to the doctrines.

The second area is the incentive for such a treaty. Indeed, if we did not have the NPT, we would see the stronger nuclear-weapon states at least out front, pulling to get this nuclear abolition treaty, because they can already see, as some of you have said, that the incentive to obtain nuclear weapons shifted at the end of the Cold War. It is the weapon for deterrence equalising for weak regimes, by and large, so you would see the nuclear-weapon states, for the same argument that Kissinger used, pushing with the non-nuclear, so you would get a different kind of regime. The second element of it that would be different, therefore, is that the incentive would be security. You would not have this muddle around nuclear power. Nuclear power would have to stand on its own commercial feet, and what the treaty and the regime would need to do is to set up a very clear, strong, technical, safeguarding set of barriers so that nobody could go from nuclear energy into nuclear weapons.

The third element, of course, is that it could not have a withdrawal clause. It would have to be very clear from the beginning.

Of course, we do not have that treaty – we have the NPT – but we must not let the NPT get in the way of us building a stronger regime. I am not arguing in any way that we could undermine the existing NPT that we have any more than any of us argued to weaken the Partial Test-Ban Treaty (PTBT) of 1963, which was a kind of have/have-nots thing from that same era. I do, however, think it important to recognise that we need to build this other security house – these comprehensive negotiations – if we really want to deal with the proliferation concerns that you have raised; i.e. the attractiveness of nuclear weapons for weak regimes, which we would see grow.

As a final reminder on the PTBT, China and France stayed outside it, just as they stayed outside the NPT, but when we negotiated a CTBT, France and the UK were the first of the nuclear-weapon states to sign and ratify. I think we would see a very different situation here if we opened our eyes to the possibilities of negotiating a more robust regime.

**Rogelio Pfirter, former Director General, Organisation for the Prohibition of Chemical Weapons (OPCW)**

I used to be a negotiator in the nuclear agreement between Argentina and Brazil, as well as the agreement between Brazil, Argentina and the IAEA, when Hans was Director General and Mohamed ElBaradei his legal advisor and my counterpart. I am grateful to George Perkovich for bringing to the fore the role of countries like Brazil and Turkey. I also regret that nobody from Brazil is here at this

meeting, because I believe that anything that looks at the future in terms of disarmament and non-proliferation should necessarily include the views of emerging countries that have a crucial voice in this exercise for the future.

As we face the future of the NPT, we confront a series of areas where action is needed and tactics need to be revisited and refreshed. There is, of course, the issue of those who cheat; those who are not in the NPT and who weaken the case enormously. In the case of our adherence to the NPT – and I speak now as an Argentine for Brazil – the agreement with India significantly undermined the arguments, at least, on which adherence was proposed in the 1990s. We also face the issue of how we bring along countries that are in the middle and which are totally committed to the NPT but that need and want to be treated as partners; not as those who are informed of policies late, but rather countries that are consulted and that have a voice and a perspective to offer, which might be extremely healthy in terms of creating a true front internationally in favour of the NPT.

I consider this to be indispensable for issues such as the adherence to the Additional Protocol, which I – from the perspective of my experience as Director General of the OPCW – believe is absolutely ~~indefensible~~ ~~indispensable~~ as a universal means for ensuring that verification regimes are really capable of delivering the expectations of the international community. We will, however, never achieve adherence to the Additional Protocol by certain countries unless we engage them as partners rather than as latecomers to policies that are designed without their involvement.

#### **Liviu Muresan, Executive President, EURISC Foundation**

We have to take advantage of this plenary session, before splitting into working groups, to think about three points. First, in terms of our problem in the framework of the financial crisis, I was very pleased to hear you already starting to talk about the impact of the budget cuts on this problem and the fact that finance is seen as a WMD around the world these days. Secondly, in terms of stockpiles of US tactical nuclear weapons on European soil, whether the EU intends to think about nuclear power and its implications. We have to start thinking about that. Thirdly, in terms of thinking the unthinkable, there is a connection between nuclear and cyber. We have already opened Pandora's box and we have to concentrate our discussions to see the implications and regulations at the international level about cyber and nuclear.

Perhaps we have to think about having with us, as observers, NATO, which is based here in Brussels. In 2000, discussions were held at NATO's headquarters, and they have not accepted tackling the problem of terrorism. We went to NATO's cafeteria to discuss with the Secretary-General's advisors the possible problem of terrorism from NATO's perspective. One year later, it became a reality.

#### **Heinz Gärtner, Austrian Institute for International Affairs**

The 'bipolar' world is dissolving but we still have the legacy of the Cold War: the arms race, proliferation and distrust. These elements of the Cold War remain because we have the concept of deterrence, which is the legacy that we have to deal with right now. With new emerging powers, the bipolar world is dissolving, and we run the risk of moving into a multi-nuclear world. If we do so while keeping the concept of deterrence, that might be really dangerous. We cannot have disarmament or non-proliferation without addressing the hazardous consequences of deterrence. Deterrence has also tremendously increased the number of targets, and we can only achieve disarmament and non-proliferation if we reduce the number of targets. A debate around the number of targets is possible only if we address the concept of deterrence. All arms-control and proliferation initiatives will have their limits if we do not focus on this more fundamental question.

### **Boguslaw Winid**

I will say a brief word about NATO. I believe NATO is doing quite well in terms of these issues. The WMD Centre in the Alliance is working perfectly well, and this subject has been present in recent years in all the deliberation documents that exercise this.

In terms of tactical weapons in Europe, the problem from our perspective is not the two or three hundred American nukes, but the two or three thousand Russian nukes hypothetically in Europe. This is why we believe this should be discussed in the near future.

With regard to non-state actors, which was a very good point, when the NPT was negotiated non-state actors were a rather strange idea, if present at all. Now, the possibility of non-state actors acquiring and using nuclear weapons is much more probable than for even the worst states. With non-state actors, we have no deterrents – that is the missing link. What we are faced with at all the conferences and processes that lie ahead of us is how to address this problem. We sometimes have to think of new ways of protecting ourselves from this danger, because the classical mechanisms do not work in this respect. This is a big question for all of us and we have no good answers, so we certainly have to concentrate on this very soon – or even now.

### **David Hannay**

I listened to the explanation of Pakistan's position with a slightly sinking heart, because it sounded all too like the views that led the US and the Soviet Union to the doctrine of mutually assured destruction, which I do not think either of them believed, when they got there, was a good place to be. They have subsequently been, in my view, laudably been trying to move away from that. To base one's reaction on something as fatalistic as that, then, is not a good way to go, which is why I think that, given that I believe that Pakistan will not immediately change its view, probably the best thing to do is to try to find a way round the procedural roadblock and hope that that will shake up the kaleidoscope a little and bring wider counsels everywhere, not just in Pakistan, because I understand very well the focus that Pakistan has on India's nuclear programmes.

Rebecca, the issue of 'what ifs': I was looking yesterday in **the** House of Lords library at a book that has just been published with 10 historical what ifs. I agree it is fun to look at these in a book, but I am afraid that, in the world that I live in – and, I think, most of the people in this room live in – you have to live in the world where you base yourself on the facts. Particularly those of us who work day in and day out for the extension of a rules-based approach to international affairs, the rules in this area are the NPT. To move away from that or to speculate about what that might have looked like if there had not been an NPT in the 1960s and one had been negotiated in the 1990s is a wonderful academic conceit but it is not going to get us anywhere very useful, I am afraid.

It is rather like people who sometimes say that it is a pity that we could not start and negotiate the UN Charter afresh now. I think it would be a complete disaster. I do not think that anything like as progressive and important as the charter that was adopted in 1945 could ever be negotiated now. It was only possible to negotiate it because it was in the aftermath of two utterly disastrous global wars, and that is what drove people to do things and to sign up to things that they would never do now. I would hate to think that we have to have something like that in order to achieve progress in the nuclear field.

I do agree that the US-India agreement has been damaging – there is little doubt about that. Many of us argued against it but we were not in places where our arguments had any force.

There are two aspects to the financial crisis: one is resources and the other is attention deficit.

Attention deficit is far worse than the resources problem, frankly. I doubt if the various actions needed in the WMD field are so costly as to be really seriously prevented by the present financial situation, but what I do think is that people's attention has been diverted away from the nuclear, as I said in my opening remarks, and also that there is a tendency that was very prevalent in the 1930s, which was that countries under the pressure of the financial and economic crisis turn in on themselves and turn their backs to the rest of the world, and start doing things which, progressively and incrementally, undermine the rules.

There were, of course, practically no rules in those days except for the Charter of the League of Nations, which was a very weak document indeed, but one could see that situation occurring: an erosion of the existing rules. That would, in my view, be disastrous, and that is a much more present danger than that of lack of resources.

### **George Perkovich**

On the nuclear deal with India, it is very important that we call it the NSG-India deal. I am not trying to defend the US, because I think its position on this was indefensible, but I am trying to remind everyone that for that deal to become operational it required the assent of the members of the NSG, and any one of them could have blocked it. It is very important to remind ourselves of that fact, and that all of the members chose not to block it. We can talk about the reasons why – in fact, it is fascinating to talk about the reasons why – but as a reminder of the challenge that we face, it is helpful to talk about it as the NSG-India deal. Having said that, I know that, in my talk, I did call it the US-India deal.

Picking up on Ambassador Hyder's point that he raised, under the NSG-India deal and India's separation of its military and civilian programme, India nominally has power reactors that could produce weapons material. If India were converting that spent fuel into weapons, however, that would be an argument for Pakistan to move now to sign an FMCT, because each year that India converted that amount, the gap would grow. The reality is that India is not converting that material to weapons.

There is a different reality that is fundamental to Pakistan but would not be encompassed by the FMCT, which is part of why Pakistan resists, and that is conventional military disparity. India's nuclear capability is not growing much but its conventional military power is growing significantly as its budget grows and others are prepared to export state-of-the-art weapons to it. This is a security problem for Pakistan, which would not be addressed in an FMCT. Pakistan is looking for arguments that fit within the confines of the FMCT. In my opinion, those arguments do not make sense; there is an argument that makes sense but it is outside of the FMCT domain.

There is also a counter to that argument, which is India's conventional powers growing. Pakistan says that nuclear has to be related to conventional, which is all true, but India's concern is sub-conventional aggression from Pakistan; namely, the use of jihadis has been cultivated by intelligence services and so on. There is, then, a security challenge in the region that has to be addressed and, in the absence of it being addressed, I do not think we are going to achieve a treaty that only treats, in a sense, a symptom of that challenge. I do thank Ambassador Hyder, however, for advancing that discussion.

The last point was on the concept of deterrence. I have not had enough time, so my head started to explode, and I do not have the brain power to contain my confusion about it. There is always deterrence, in a sense, because sometimes the alternative is worse. As a thought experiment, however, if you did not have effective deterrence – not just nuclear deterrence – among major powers now, would we have so many non-state actors committing violence? It seems to me that one of the

reasons why a lot of non-state actors are committing violence, usually supported by states, is that it is a way to work around deterrence. You pursue a level of violence that is not large enough to invite the use of armies or, God forbid, nuclear weapons in response, so it is a way to work around deterrence. Without deterrence, you might not have as much non-state action, but you might have more state-to-state conflicts. I just do not think it is as neat as was being suggested, but I am not smart enough to figure that one out.

**Bill Potter, Monterey Institute of International Studies**

I wanted to thank you for your heartfelt and eloquent words regarding Thérèse, who was really beloved by so many of us.

I want to associate with myself with those who are sceptical that, today, were we to try to negotiate an NPT, we would be pleased with the results. The one factoid that I would contribute in that regard is a simulation class that I have taught now for over 30 years, where we try to negotiate many things. In those 30-plus years, the only occasion over a three-month period when my students were absolutely frustrated and came up empty-handed was when they tried to negotiate a new NPT. You may dismiss that as not terribly realistic; nevertheless, it is suggestive of the difficulties that we would face today.

I wanted to ask a question that deals with nuclear-weapon-free zones and is not unrelated to what you call the US-India deal or the NSG exemption. I see that as a very troubling trend but I do not see any national government speaking about this: nuclear-weapon-free zones that are in place, with legally binding commitments on member states who seem to be oblivious to the fact that, whether we are talking about the Rarotonga Treaty, the Pelindaba Treaty or the Central Asia Nuclear-Weapon-Free Zone, states appear to be prepared to either disavow or to act in ignorance of their legally binding commitments.

That has to do with trade with India in the nuclear sector. Countries such as Australia, Kazakhstan and South Africa, which regard themselves as the white knights of disarmament and non-proliferation, are acting in a fashion that, in my view, undermines one of the most successful approaches in recent years – namely, nuclear-weapon-free zones – and yet I do not see national governments speaking to this issue. I would, then, be interested in hearing from our very distinguished panellists about that problem.

**Mohammad Taghi Hosseini, Iran**

Since we are lucky enough to have a session tomorrow on the Iranian issue, I will avoid commenting on that other than to say that the issue is more of a political one. Iran announced its determination not to go for nuclear weapons and to use the technology for peaceful purposes. This is something that should be discussed later on, and will make just that comment in that regard.

The NPT has a lot of problems. It is a problematic architecture, in fact. My comment goes to Lord Hannay regarding his previous comment on the NPT and double standards. Double standards really do exist within the NPT, in both its structure and implementation. We should think about this seriously and not sweep it under the carpet. This is a reality. For example, the NPT has two categories: haves and have-nots. This is one problem. A lack of progress in nuclear disarmament is a problem in that regard.

In addition, the modernisation of nuclear weapons and the Nuclear Posture Reviews are a problem. In terms of the implementation, five nuclear states have signed the NPT, with a large number of states under the nuclear umbrella. These are the problems surrounding the implementation of the treaty.

The last point that I want to raise is the lack of universality of the treaty, which is also a problem. The

lack of universality in the Middle East causes problems in terms of the universality of other instruments too; for example, the Biological Weapons Convention and the CWC, which failed to achieve universality because Israel declined to join the NPT and put its nuclear facilities under the IAEA.

**James Acton, Carnegie Endowment for International Peace**

I have a request for Ambassador Winid: as you can probably tell from my accent, I am from the UK but have been living in the US for the last three years. Perhaps you could help me understand why the US appears to be quite confused about Poland. The reason I say that is because, as I am sure you are aware, a lot of Americans, both within and outside government, are very strongly in favour of tactical nuclear weapons remaining in Europe and would almost certainly vigorously oppose any kind of arms control on tactical nuclear weapons. In doing so, they would unquestionably point to Poland as a state whose confidence in US security guarantees would be shaken by the removal of these weapons.

Going further, the US, as you are probably aware, is talking about doing a life extension programme for the B61, which is the gravity bomb deployed in Europe. As part of that programme, the accuracy of the weapon would be increased, which would, therefore, increase its lethality. When you have discussions with people about why this is necessary and important, Poland is used as an example of a state that values credible deterrence in Europe, which relies on the life extension of the B61. There seems to be a difference between what you are saying and what Americans say you are saying. Can you help explain why the US seems to have become so confused about what the Polish position on this is?

**Yiorghos Leventis, International Security Forum, Cyprus**

Lord Hannay, I am not going to trouble you with another 'what if' question, but I have a wider question followed by a more specific one. I would be interested to hear about the UK government's position regarding a nuclear-weapon-free zone in the Middle East and whether it would take the initiative using its leverage as a former colonial power in the region in terms of the Crown colony in Cyprus and the British Mandate in Palestine.

In view of the recently concluded UK Defence Review, under which, as I understand, the UK is retaining its sovereign base areas in Cyprus, which cost the British taxpayer £1 million a day in terms of running costs, and in view of the fact that Iran is continuing with its nuclear programme and Turkey is very interested in enriching uranium, will the UK continue to keep tactical sub-strategic weapons in its bases in Cyprus and, as was the case in the 1970s and 1980s, when London is asked, will the answer be 'we neither confirm nor deny the existence of nuclear weapons in the Cyprus bases'?

**Frédéric Journès, French Ministry of Foreign Affairs**

I have three questions: one relating to procedure, the second to the formats in which we are going to work during the next cycle, and the third to the scope of what we are going to. We are heading for a new PrepCom. From my own experience, I lived with dismay through the collapse of the 2005 review conference. The conference itself was entirely hijacked by issues of procedure, which had not been dealt with during the PrepComs, and which allowed the entire exercise to be destroyed. We were still discussing special time and subsidiary bodies six hours before the closure.

We strongly believe that it is fundamental that the PrepCom first starts by addressing the procedural issues so that we get into an arms-control discussion step by step, in a clear-cut debate. The EU has been doing very useful work around advancing one of the procedural issues, which was the nuclear-weapon-free zone conference. Do you think there are other things that the EU can do before the

PrepCom itself to ensure that that first step address procedural aspects? These may hijack the entire thing, as they did during the cycle finishing in 2000.

The second concern that I want to share is about the formats in which we are going to work. One fundamental aspect that will make the next cycle successful is going to be the reporting by nuclear-weapon states – and I mean all nuclear-weapon states – on their commitment. That is a very important subject of discussion by various groups. The NPDI has been raised in that regard by Ambassador Winid. Are we going to work, and can the EU also push, towards reaching something whereby reporting by the five members will be assured? France has been putting emphasis on that. We reached agreement for a report in 2014, but we are very cautious about having all P5 members on board.

We have questions about some movements that might be more ambitious and that may induce some of the five not to report or to remove themselves from that commitment. I wanted to know whether it was your feeling that the EU can assist in doing that.

The third point, which was raised in particular by Mr Perkovich, is the scope of what we are going to discuss. For us, a big advance that stems from the 2010 action plan is that it raises the three pillars. That was not the case in the 2000 review conference, when we had 13 steps on disarmament only but nothing on the two other pillars. We have something; it is not as satisfactory as it might have been on the non-proliferation aspect, and I fully share what you raised about compliance and the Additional Protocol withdrawal.

My question alludes to what you said regarding the perception of some big emerging members: how can we further work to secure the commitment of other players to work comprehensively on the three pillars? We switched from earlier cycles where we had members who made commitments and then took time to implement them, into cycles where some members – and we know perfectly well which ones – diminished as much as possible the reference to non-proliferation. How can we work towards securing a broader consensus to advance on the whole thinking?

**Tom Sauer, University of Antwerp, Belgium**

I am from a non-nuclear weapons state with nuclear weapons – yes, it exists. My question is about Turkey, Brazil, and the emerging powers. What is the risk that Brazil, Turkey and the emerging powers abandon soft balancing and start doing the real balancing by building nuclear weapons partly to put more pressure on the nuclear-weapon states to disarm? There have been remarks by the Brazilian Minister of Defence in this regard. This week, Turkey was in the news, in terms of building medium-range missiles.

**Sameh Aboul-Enein, Ministry of Foreign Affairs and the American University of Cairo, Egypt**

Since the beginning of the Arab Spring a year ago, there has been much talk, discussion and reflection around the potential roles of several roles vis-à-vis the security situation and its development in the region. This has gone across the board globally vis-à-vis the US, Russia and the EU. The issue here is: what is envisaged by the EU? What proactive role can the EU play, for example as foreman? With such a distinguished consortium that we now have, what can it do in implementing what is anticipated to be a process of a Middle East zone free of nuclear weapons and other WMD? To give you an example, I made a simulation in a class that I teach at the School of Global Affairs at the American University in Cairo. There was a questionnaire about the Finnish facilitator, Ambassador Laajava. Most of the students, in their answer, thought that this was part of the EU role, just as an indication.

**Egle Murauskaite, Sciences Po, Paris**

I have a question regarding a more innovative approach towards nuclear non-proliferation. As Ambassador Winid has pointed out, there is now increasing discussion concerning proliferation among non-state actors. I am curious to hear opinions on whether the new NPT review will tackle the supply side. The point that has been validly raised is that those states that tend to proliferate from state to state – i.e. the proliferation that we have seen so far – tend to be motivated mostly by what they perceive as inequality in the current regime. They see this as an act of balancing. Economic incentives and security guarantees are not entirely invalid but they are not seen as central as the need to counterbalance the major powers. What can be done in the review to disincentivise states from proliferating sensitive technology without further damaging of the so-called Article 4 promise; i.e. the entitlement to the peaceful use of technology?

**Greg Thielmann, Arms Control Association, US**

I would like the panellists to provide their opinions on what circumstances a preventive military act can be used under in order to further non-proliferation.

**Cindy Vestergaard, Danish Institute for International Studies**

I would like to challenge Lord Hannay on the suggestion of going outside the CD to get anything done on an FMT, on two arguments. The first is that many forget that the CTBT itself did not have consensus in the CD before it went outside to the General Assembly, and the argument is that the last treaty that the CD negotiated is still in non-consensus. You could make an argument that perhaps we cannot move forward until that is taken care of.

The other thing is that, in regard to the NPT itself, we have a tiered system of governance when it comes to nuclear issues: we have the haves and their rules; the have-nots and their rules; and the non-haves that have – we have those outside of the NPT that have their own rules. Since 2008, we have another tier – India and the NSG – which, George thankfully pointed out, has a regime behind it that supports it. If you go outside the CD, do we then have the potential to have a fifth, sixth or seventh tier, and what does that mean for nuclear governance?

**Jacek Bylica, NATO WMD Center**

I felt compelled to take the floor because NATO was mentioned in the first session, both by the panel and the audience. Let me make two brief comments in a personal capacity – I will not be quoting any NATO documents here. The first point is about the essence of the problem that we are facing. The problem is that the policy of deterrence has worked. In the bilateral Cold War context, deterrence has worked. The problem is that others noticed it and wanted to have a piece of it for themselves.

The second point is whether NATO is relevant to the solution of this problem, and it is discussing this. NATO has a policy that supports arms control, disarmament and non-proliferation. A policy was adopted at the Strasbourg-Kehl summit, and it can be proven that NATO allies, as individual states, are at the forefront of membership in, and implementation of, different non-proliferation instruments and conventions.

The DDPR process already mentioned was mandated by the Lisbon summit and is supposed to be finished before the Chicago summit later this year. The summit has also established a new committee at NATO, which is the WMD Control and Disarmament Committee. While it has long debates, what will come out of it? Some expectations were raised on the floor here. I would be rather cautious about any expectations from the Chicago summit. This does not seem to be a good time in different states. Let me remind you that we are facing an electoral campaign in three out of five recognised nuclear-weapon states. Also, because of events such as the IAEA report on Iran and President

Medvedev's statement on 23 November about deploying missiles, the atmosphere for radical change will not be present in Chicago.

Finally, James Acton asked about Poland and said that the US is confused about Poland. As a Polish diplomat currently seconded to NATO international staff, I must say that I am flattered, because the rest of the world is mostly confused about the US. If being a source of confusion is a sign of one's importance, I am flattered.

### **George Perkovich**

It is Poland's fault that the US is confused.

### **Sheel Kant Sharma, former Indian Permanent Representative in Vienna**

Since India has been mentioned so many times, I would like to say that there was nothing Faustian in the Indo-US/Indo-NSG deal, and nothing happened after that which was not known to the world. India has not multiplied its nuclear weapons or crossed any other nuclear weapons stockpile. The civil nuclear facilities that India is trying to build are struggling because of domestic problems around democracy. Even when they are quite ready, the Indian Prime Minister has to appeal to the masses to try to understand, given the impact of Fukushima has been felt very deeply in India. It is an open country.

Everything is written in the newspapers and there is nothing Faustian, despite a consistent refrain among the panel and others that the deal was something detrimental.

The second thing I want to say is that the Indian government has had second thoughts about what it has done. Recently, the Rajiv Gandhi Action Plan has been taken up again, and there is a sizeable opinion within the government that perhaps they should pick up the threads of the plan and really make a move towards a nuclear-weapon-free world. India is committed to moving towards such a world as an official position, even after having declared itself as a nuclear weapons state.

There is, then, a peace offensive in India. The government in Delhi has never threatened anyone. Prime Minister Manmohan Singh is busy grappling with opposition within his own party, but is always trying to reach out to all neighbours, including our very important neighbour Pakistan. There is nothing from India that seems to confirm the apprehensions or fears of those who had any, and in no way does it do anything detrimental to the NPT or its problems. India has done nothing in that context. I wanted to mention this; otherwise, it would have gone unchallenged.

### **Boguslaw Winid**

In terms of Poland, the US and tactical nukes, this is quite simple, contrary to other issues that were discussed. We very much believe in defence and deterrence. The credibility of NATO and Article 5 is a key point for us. In terms of the current situation with tactical nukes, we have two or three hundred American B61s and, presumably, two or three thousand Russian weapons. We are in an almost identical situation to Norway, in that the Russian stuff is close to our backs. We do not know exactly where, but presumably very close.

For me, this is the disparity, and there are two answers to this disparity: build our own potential or work on disarmament. Building the NATO potential is impossible – it is not on the table. No one will build thousands of tactical nukes right now, and rightly so. The only answer, then, is to negotiate and to work on disarmament. We are advocating that all steps will be mutual and reciprocal, with no unilateral action. We believe that there are many other ways to guarantee the credibility in defence and deterrence and to eliminate this disparity. It looks quite simple, in fact.

In terms of the confusion, if we compare the Polish and Norwegian non-papers and Secretary of State

Hillary Clinton's five points from Tallinn, there is no confusion. We are going in the same direction. There may be confusion but for us it looks quite simple.

### **David Hannay**

I am sorry that I will not be here for the session on Iran, because our Iranian interlocutor raised some interesting questions but touched on the subject only very briefly. I would agree with him that the problem is more political than practical. Of course, the discriminatory nature of the NPT was well known to Iran when it signed it. There have been shifts since then that have been mildly helpful. The negative security assurances given by both the US and Britain in their recent Nuclear Posture Reviews are quite important in that respect, particularly if they could be taken forward in a dialogue with Iran, which would deal not just with Iran's nuclear programme but also with the security concerns that have led to Iran moving in the direction that it has. There is a lot there, and universality, of course, is the aim of attempts to bring the CTBT into force and to negotiate a FMCT, because neither of those treaties are confined to the signatories of the NPT.

With regard to Cyprus, I am afraid that, like Banquo's ghost, it appears in the background wherever I go, due to my involvement in that matter. For the purposes of clarity, Britain no longer has any tactical nuclear weapons. We have only the strategic nuclear deterrent in terms of Trident submarines – we have no alternative nuclear devices and there are no nuclear weapons in the sovereign base areas in Cyprus. Although it is a reasonable guess that there were some there at the height of the Cold War, they are no longer there now.

I do not think that Britain will undertake any independent initiative in the context of the WMD-free zone negotiations; it is much more likely to be working with the EU to try to make that conference a success and to lead to a situation in which the thread is not dropped at this year's conference but continues beyond that time.

In terms of Brazil, we may be extrapolating a little more than we should the initiatives taken at the time when President Lula was president of Brazil, and Celso Amorim was foreign minister. My hunch is that the present president and foreign minister are a little less assertive than their predecessors, but I am sure that they are important players in all of this. There is just a little question mark around how prominent.

'Proliferation occurs because of the inequalities in the nuclear non-proliferation regime' – I really doubt that. I think countries that proliferate or threaten to do so are doing so for a whole number of other reasons. They use the inequality in the regime as an excuse, but that is not the reason why they are developing nuclear programmes with the potential of military application.

It was suggested that the idea of breaking out of the CD deadlock on the FMCT is not a good one because we have the experience of the CTBT, which did exactly that but which has not come into force. I would say two things: first, I was not suggesting that a FMCT should be negotiated and come into force on a partial basis; I was merely suggesting that the negotiations should be started. That is what is being blocked by Pakistan and will continue to be blocked, I believe, by Pakistan, *ad calendas graecas*. It is an attempt to break out of that procedural device but it does not imply that the end product should not include all states – it should – and I doubt very much whether any of the five nuclear-weapon states will sign up if it does not. It is an attempt to get round a procedural device and, as far as the CTBT is concerned, it is lamentable that it is not yet in force, but the fact that there is a *de facto* moratorium on testing as a result of those negotiations and the signatures that were put on that treaty is, surely, better than if we had not had one at all.

I was a bit depressed by the expectation around reducing intervention on NATO's Chicago conference. I really do think that, if we start from the assumption that NATO has nothing useful to

say on this matter because it is jolly difficult and it is a very difficult year, we will damage our own interests. I am not asking – and when I spoke about it I was not asking – for anything that will be more than an opening towards a discussion with Russia that will have some serious ideas in it. That is all. It will take a lot longer than 2012 to bring it any further, but if we just retreat into mysterious verbal confabulation of the sort that diplomats are so good at, that would be an opportunity missed.

I very much welcome what was said about India's possible re-engagement with the Rajiv Gandhi approach. I think that would be a tremendously good thing. It will not, of course, change the world simply by doing that, but it will change the tone of the debate quite a lot.

Finally, on preventive military attacks, I would only say that, in the case of nuclear proliferation, international laws, as I understand it – and I am a non-lawyer – would not permit a preventive military attack in a circumstance where the threat was not imminent and urgent. Therefore, it is very unlikely that it would cover an attack on Iran in the sort of circumstances people talk about it. It is, however, worth remembering that wars do not usually start on the basis of international law. The people who start or get involved in wars invariably draw international law around them like a robe to cover their actions – convincingly or not, as the case may be – but they are not the basis on which the decisions are taken.

### **George Perkovich**

Picking up on the last point, which I am glad Lord Hannay made, because I did not want Greg's question to go unaddressed and I am not competent to address it well, I would agree with everything that was said. I would only add that states that may be embroiled in a long-term crisis in which the degree of threat rises to the point where military use could be envisioned also have an obligation not to ask for it. I am thinking of statements about other states, as happened again as recently as last week, whereby another state is 'a cancer that should be excised like a tumour from the world' and such like. While I would not in any way support the use of force by the US or anybody else against Iran, there are also obligations that are mutual not to appear to threaten other people to the point where you could make an argument about self defence and, even though I might not accept that argument, it gets out there. There are multiple responsibilities here.

In terms of double standards, it is a fact that no country has ever built nuclear weapons without referring to an adversary that either had nuclear weapons or was thought to be building them, and that includes the US in 1942. That, then, is an issue of a double standard, in a sense, because somebody is trying to correct a double standard, but it also often a security issue. We tend, in conferences and academia, to say, 'It is a security issue; no it is a double-standard issue', but it is both. There is this fact that it has always been justified by reference to someone else's possession of nuclear weapons, who was an adversary.

That leads to the question of how we can work on the other two pillars in the PrepCom and have other players work on them. I have nothing original to contribute. As we have been saying, if we want greater work on the non-proliferation piece, there has to be a sense of demonstrable progress on the disarmament piece. In the coming year, that is going to be hard to find, because, for various reasons, the US and Russia are not likely to make much further progress. There is also a more fundamental issue beyond the next year or two. If China is not brought into a process at least of strategic dialogue with the US and Russia, and if the strategic triangle between the US, Russia and China, which is affecting China's calculus of what it needs and is related to missile defence, is not addressed, there is not going to be more nuclear disarmament beyond perhaps one modest step between the US and Russia. This, then, is a longer-term challenge that has to be addressed, primarily among those three countries; otherwise, we are heading for trouble.

In terms of the pillars that relate to peaceful nuclear cooperation, one thing that would be useful would be less false advertising by the states that want to sell nuclear power. In other words, we have this paradox where there has always been, from the beginning of the IAEA, a desire to promote and sell nuclear power around the world, and part of that has then led to obscuring what it costs. No one will tell you what a power plant costs. France and Finland do not want to talk about the time overruns; the US does not want to talk about the fact that GE cannot get its reactors licensed. People do not want to talk about the truth in the nuclear-power sector, which ought to make it at least something that other countries look at more carefully than they do. They tend to say, 'This is more or less free and it is really great stuff', so our commercial interests run against the kind of candour that would perhaps allow for more adult conversations about some of these issues.

On the question about the risks that, for example, Brazil and Turkey might switch to hard balancing, they are separable. It is a fact that Turkey is a part of NATO. If NATO reassures its members, including Turkey in particular, that Article 5 applies to everybody and has meaning, and NATO has capability to back that up – and there are doubts about this and Turkey has had some bad experiences around this – the likelihood of Turkey feeling the need for an independent hard-balancing capability would diminish. I also think that the way the EU treats Turkey has an effect on the general sensibilities in Turkey, and the record there is not that great. One of the European nuclear-weapon states has not been very helpful in that regard.

In terms of Brazil, the issue is similarly more about general recognition and addressing its interests, whether in the WTO or other contexts. Do not make feel countries feel like the only way they are paid real attention is by having nuclear weapons – it is pretty straightforward.

#### **Harald Müller**

Thank you very much. I will not, of course, make an attempt to summarise this discussion, but I want to touch briefly on four points that I think deserve some further thought: first of all, the welcome development that the P5 are considering the format of their reports. I can understand the problem of the very different attitude towards transparency. It appears to me that perhaps the wisest path would be to agree on a phased system, whereby one starts with rather trivial data that are publicised, then one reviews and goes into greater depth as one goes along. I would strongly recommend that India and Pakistan be approached to share that sort of reporting, because one of the problems is one of opacity in terms of the present status and plans.

The second point is how we can persuade non-nuclear-weapon states in the NPT to accept stronger non-proliferation measures. My own experience of NPT review conferences in 1985 onwards tells me that you have to offer a *quid pro quo* – and I mean that in a literal sense. You have to sort out the leading members around what the price in terms of single disarmament steps would be to achieve certain concessions on non-proliferation measures. Phrases such as 'it is in all our interests' simply do not cut any ice.

Thirdly, on sub-strategic nuclear weapons, I am fully in agreement with neighbours right and left that this is a priority issue and that this must be the subject of talks with Russia. In entering such talks, one has, however, to recall that Russia has security concerns that have not been answered and which constitute one reason why they are so insistent on the oversize of their sub-strategic arsenal. NATO's conventional superiority, the uncertainty around the further expansion of NATO beyond its present borders, and the question of national missile defence (NMD) all have to be answered. It is a complex package that, on our side, certainly includes Russia's behaviour towards its smaller neighbours, which needs also to be addressed. In such a package, perhaps we can make progress on sub-strategic nuclear weapons.

Finally, in terms of what the EU can do to promote a Middle East zone free of WMD, I am, of course, not tasked to speak for the EU. Let me just point to the fact that the consortium organised a forum last year, which, in its final part, addressed operational issues on confidence-building. The consortium is, of course, ready and willing to function in that capacity again if called upon to do so.

We need to thank the speakers for their presentations and for their patience in answering questions. As Chair, I thank you all for your great discipline in terms of timing.