

'The Prospects for the Nuclear Non-Proliferation Regime'
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[Speaking at the Scottish consultation on Trident and the nuclear non-proliferation treaty: a one-day workshop organised by the Edinburgh branch of UNA, and held at the Scottish Parliament on 29 January 2007]

We have heard today a wide range of views both about Britain's own position and responsibilities within the world nuclear non-proliferation regime and about specific challenges to that regime, in most detail that from Iran. My task is to try to set all that in a broader framework and to look at the prospects for a regime which has now, for nearly 40 years, been a cornerstone of international law in this field and of the defence of international peace and security from the threat of nuclear proliferation. And we should be in no doubt about both these salient points. In 1992 the first ever summit meeting of the UN Security Council stated quite flatly and unanimously that nuclear proliferation was indeed a threat to international peace and security; and in 1995 the totality of the signatories of the Nuclear Non-Proliferation Treaty, very roughly all the then independent states in the world, bar three, agreed, again by consensus, that the Treaty should no longer need to be renewed every five years but should remain in force in perpetuity. So however many siren voices - and some of them are clearly self-serving - may be raised in criticism of the treaty and in asserting that it is out of date or discriminatory or irretrievably broken, that is the position in international law.

The second point I would like to make is that the Non-Proliferation Treaty has been an astonishing, and perhaps rather unexpected, success. At the time it was signed, back in the 1960s, it was confidently predicted that within 20 years there could, and probably would, be upwards of 25 nuclear-weapon states. And there is no doubt that scientifically and technologically that was perfectly possible.

And yet now, nearly 40 years later, there are in fact either eight or nine, depending on how you score North Korea, five who were already nuclear-weapon states at the time the treaty was signed and three others - India, Israel and Pakistan - which never signed it and which have therefore never been bound by its provisions. More impressively it has proved possible to roll back potential break-outs from the regime. South Africa, following the collapse of apartheid, renounced a programme which had almost certainly included a test explosion; Iraq was deprived of its growing nuclear-weapon potential following the 1991 Gulf War; Libya agreed to abandon its programme following the discovery of a shipment of material from the network of the rogue Pakistani scientist A.Q. Khan; Brazil and Argentina gave up research programmes with potential military implications and several newly independent countries in the former Soviet Union - Ukraine, Belarus and Kazakhstan - gave up existing stockpiles of weapons. Not only that, but a large number of countries have

been able to develop civil nuclear programmes for the generation of electricity without being impeded in any way, indeed having often been helped with technical and security advice by the International Atomic Energy Agency in Vienna. I know that the development of civil nuclear power is a contentious issue too, but the guarantee of the freedom for every state to make its own choice in this matter was an essential component of the original Non-Proliferation Treaty deal, and it has been respected.

Does that success mean that everything in the record is perfect? Far from it. For one thing the basis of the treaty, the distinction between the nuclear-weapon states, the five permanent members of the Security Council, and the non-nuclear-weapon states, which all signatories accepted when they signed and ratified the treaty, is inherently precarious and discriminatory. It has been made more so by the pretty patchy record of the nuclear-weapon states in fulfilling that side of the bargain, to move towards nuclear disarmament. For many years during the Cold War they actually moved in the opposite direction. And, ever since the end of the Cold War, when there has been a very welcome reduction of missiles and warheads by all except China, the commitment has been observed rather haphazardly. More recently the stalling of the arms control process, the failure to bring the Comprehensive Test Ban Treaty into force and talks in Washington of new forms of nuclear-weapons being developed has cast a heavy and damaging shadow over the treaty. And then the nuclear safeguards operated in civil nuclear installations by the International Atomic Energy Agency proved all too easy for unscrupulous signatories of the Nuclear Non-Proliferation Treaty to elude. That was the case in Iraq, in North Korea, in South Africa and in Libya. The first generation of safeguards agreements was clearly inadequate. And thirdly the omission of three countries – India, Israel and Pakistan – from the scope of the Nuclear Non-Proliferation Treaty, and the progress of all three towards the possession of nuclear-weapons and the means of their delivery has set up strains, both regionally and more widely. One more weakness needs to be mentioned. The treaty originally envisaged non-nuclear-weapon states being permitted to possess the whole civil nuclear fuel cycle, which includes the capacity to enrich uranium and to reprocess spent fuel. But both these two processes have turned out to be tempting short-cuts to acquiring fissile material that could be used for weapons.

So we have a regime which has been a remarkable success but which contains notable weaknesses. And we have a regime which is now under serious and growing stress. One country – North Korea – has broken out of the regime and defied the international community; another, Iran, is strongly suspected to have the intention of doing so, and is refusing to take the step – suspending its enrichment programme – needed to convince the international community that it is not. And these are not just any old countries. They are countries whose successful possession of a nuclear-weapon capability is only too likely to lead to their neighbours following suit. In the case of North Korea that could involve Japan, South Korea and even Taiwan. In the case of Iran it could involve Saudi Arabia, Egypt and Turkey. And these are also countries in highly unstable regions, where unresolved disputes are numerous. The assumption that a range of

nuclear-armed states in these regions could achieve the relative stability which the US and the Soviet Union eventually achieved or that India and Pakistan may conceivably be on the way to achieving, would seem to be extremely risky and dubious. And then there is now the threat that non-state actors, terrorists most alarmingly, might come by nuclear-weapons or at least nuclear material which could produce massive contamination.

Faced with all these risks and so much fragility one might have hoped that the international community would have pulled together and strengthened its defences against nuclear proliferation. On the contrary: in 2005 two major opportunities to do just that were comprehensively squandered. At the Nuclear Non-Proliferation Treaty Review Conference in May of that year and at the UN Reform Summit in September, not one single new measure against nuclear proliferation could be agreed; and that was not for any lack of proposals for strengthening the regime – the UN Secretary-General, endorsing the series of proposals put forward by the High-Level Panel on Threats, Challenges and Change, on which I had the honour to serve, provided plenty of raw material. Since then the Security Council has been struggling with the cases of North Korea and Iran without giving the impression that they are making much progress.

So what is to be done if the dire consequences of a collapse of the nuclear non-proliferation regime are to be avoided? Well, first, there is no way of ducking the challenges posed by North Korea and Iran. There is no easy exit or soft landing which involves accepting either country's possession of nuclear-weapons. But nor are economic sanctions, let alone the use of military force, in themselves an answer. In the case of sanctions they are, in my view, fully justified, but they are not on their own going to achieve the suspension or roll-back which we are seeking. To do that requires active, persistent and imaginative diplomacy of which there has been all too little so far. In each case the format for dialogue exists – in the case of North Korea the six-nation group, in the case of Iran the EU-3 offer backed by the US, Russia and China, which Iran has so far rejected. This diplomacy will have to address the security concerns of the two countries in question and will require in one form or another, the direct involvement of the United States. And it will have to involve bringing both countries into a framework for regional security – in North-East Asia and in the Gulf. It will have to ensure full access to civil nuclear power. A tall order, perhaps. But to assume now that it is unachievable would be a counsel of despair.

But we also need to be clear that no number of bilateral fixes will on their own be sufficient. To rely just on bilateral fixes is to emulate the little Dutch boy plugging leaks in the dyke. We do need a stronger dyke. In the next decades in all probability there are going to be a lot more civil nuclear power stations constructed all round the world. You may think that a good or a bad thing; but with the oil price where it is, and is prospectively likely to be, and with the pressure to meet the challenge of climate change, I doubt if that prediction will prove wrong. If that spread of civil nuclear power is not to bring with it unacceptable proliferation risks from a spread of uranium enrichment and

reprocessing capacity, there is an urgent need for a system of internationally guaranteed supplies of these services – not guarantees in the hands of one or more nuclear powers but of the International Atomic Energy Agency in whose impartiality all can have confidence. Discussion is under way now at the International Atomic Energy Agency on several ideas for such a system – the British government has contributed a proposal for what is called a uranium enrichment bank with drawing rights for those whose safeguards are in good standing. What is needed now is for rapid progress at the negotiating table and early decisions to set up such a scheme and thus to lift the pressure for individual countries to develop their own enrichment and reprocessing plants.

More than that needs to be done to strengthen the multilateral dyke. The new International Atomic Energy Agency safeguards system, known as the Additional Protocol, needs to become the gold standard for safeguards, replacing the earlier, flawed system. The Additional Protocol provides more intrusive inspections procedures with less scope for a country to dissemble or conceal forbidden activities. So far not much more than a one third of the countries which have safeguards agreements with the International Atomic Energy Agency have accepted and ratified the Additional Protocol. All signatories of the Non-Proliferation Treaty need to do so. And this may at some stage require the Security Council to make acceptance of the Additional Protocol mandatory. Then there is a need to strengthen the links and cooperation between the International Atomic Energy Agency and the Security Council, so that the Council can bring its influence to bear at an earlier stage of any doubtful case. If the Council were to invite the Director General of the International Atomic Energy Agency to submit to it periodic reports on the state of the world-wide safeguards regime, that should make it easier to prevent any departures from a country's commitment to stick to civil programmes rather than, as now, only bringing cases to the Security Council when the horse has bolted or is in the process of bolting. And it is high time that negotiations for a Fissile Material Cut-Off Treaty, on which all countries, including the nuclear-weapon states, are in principle agreed as to the need, are brought to a conclusion, thus capping the production of weapons grade material, whether it is for civil use - for example in research reactors - or not.

That then leaves the hard cases, the officially accepted nuclear-weapon states and the three countries outside the system. But those two groups cannot simply be left out of any equation, without seriously weakening the overall regime. The nuclear-weapon states need to make much more decisive progress than they have done hitherto to move down the road to nuclear disarmament. In the case of Russia and the US at least, they still retain excessive numbers of warheads and launchers to deal with any conceivable threat and the level of alert is still too high. The process of negotiated reduction in those arsenals needs to be resumed; and US ratification of the Comprehensive Test Ban Treaty remains a high priority. This category is of course where Britain comes in, as the one of the five nuclear-weapon states with the smallest armoury; and it is against the yardstick of the commitment to move towards nuclear disarmament that we need, if we are looking at the matter within the framework of the Nuclear Non-

Proliferation Treaty, to measure the government's proposals for Trident. The government has offered one step, the reduction in warheads from a ceiling of 200 to one of 160, and one possible step to be decided later, the reduction in the fleet from four to three submarines. The first certainly is one step in the right direction, the second less surely so. Some would argue that this is not enough; others believe the decision is being taken prematurely; and others that we should not replace Trident at all. That is the debate we are now having, at the end of which Parliament will take a decision.

Possibly the hardest cases of all, and the ones on which one has to take a long view if one is to avoid a total lack of realism, are those of the three non-signatories of the Non-Proliferation Treaty. In both instances – India/Pakistan and Israel – it is hard to see nuclear weapons being abandoned or even reduced without agreement having been reached on comprehensive settlements to the two disputes – over Kashmir and over Palestine – which were the main drivers of the acquisition of nuclear-weapons by these countries in the first place (I say the main drivers because one must not forget the Chinese dimension in the case of India). So attempts to negotiate nuclear-weapons free zones in South Asia or in the Middle East are likely to get nowhere so long as these disputes remain as open sores on the world's body politic. But that is no reason to abandon the objective of negotiating such zones in the longer term. Indeed abandoning such an objective would be far worse than simply failing, or taking a long time, to achieve it. Abandoning the objective would be an open invitation to further proliferation in those regions. That is one of the arguments against the recent US/India agreement in civil nuclear cooperation. So it is important that the ultimate achievement of nuclear-weapon-free zones is built into any peace settlements in South Asia and the Middle East.

There is much more that could be said about this complex and crucial subject of nuclear non-proliferation. But time does not permit that. I hope I have said enough to persuade listeners that this technically demanding subject, festooned with acronyms and scientific jargon, is in fact at the heart of much of the international diplomacy which will determine whether, in the years ahead, we live in a more or a less secure world, whether we move towards a more ordered or a more disordered world. The challenge we face is to integrate non-proliferation policy into our overall diplomacy, not to regard it as a kind of optional extra or bolt-on addition, best left to experts and technicians. I do not myself believe that any country in the world, nor any international organisation, has yet responded as effectively as it needs to do to that challenge. Let us do what we can to ensure they do so in the years ahead.